

## USDA Forest Service comments and recommendations addressing:

DEQ's Negotiated Rule Draft No. 2, Docket No. 58-0101-1901, Dated November 14, 2019

January 8, 2020

Thank you for the opportunity to comment on Draft No. 2 of the air quality rules and prescribed burning in Idaho. We believe this version makes progress on our comments submitted on Draft N. 1, comments we submitted in August 2019. If you have any questions please contact Andy Brunelle at 208-334-1770 or [andy.brunelle@usda.gov](mailto:andy.brunelle@usda.gov).

### COMMENTS

#### **113. Smoke Management Program**

*We recommend clarifying who is responsible for designating the "identified smoke sensitive areas and populations" and clarifying how often this dataset will be updated. For example, the Department could drop the word "identified" and provide a definition of what constitutes a smoke sensitive area and/or population. This would put the responsibility on the burner and reduce the workload of the agency because identifying all smoke sensitive areas across the state would be a daunting task from year to year. We suggest defining smoke sensitive area as population centers such as towns and villages, hospitals, nursing homes, schools, interstate and state highways, airports, Class I areas, and nonattainment areas.*

#### **632. REQUEST TO BURN**

##### Section: 630.02 a. – c.

*These requirements limit flexibility and could prevent burners from attempting/completing units that unexpectedly come into Rx, or those that were not identified prior to the 30 day submittal requirement. An unintended consequence could be that excessively comprehensive lists are submitted in order to cover all potential possibilities. Furthermore, limiting the time period in which units can be updated (e.g. fuel characteristics) could potentially limit the accuracy of provided data, i.e., if more accurate fuel loading data is calculated less than five days prior to ignition, it could not be entered. These registration requirements could be included in the ID DEQ "operations guide" that has been mentioned, rather than a state rule.*

##### Section 632.03.02.b

*We request the Department elaborate on "any information necessary for the Department to make a burn decisions" and explain what action the Department take if it does not receive the requested information. Additionally, requesting why the Department is requiring the burn manager's name and training information be provided when requesting to burn.*

### **633. BURN DECISION**

#### **Section 633.01.d**

*We request the Department elaborate on “additional smoke management factors”*

### **634. SMOKE MANAGEMENT PRACTICES**

#### **Section 634.03 a. to c.**

*The requirement to obtain and retain records of a site specific smoke dispersion forecast, on-site weather conditions, and smoke observations for two years for every unit is onerous and places a record retention burden on burners (there were approx. 1300 USFS Rx units in CY 19). Request the Department explain why such an onerous retention record is needed and why a timely information request from the Department regarding an individual unit, if regulatory limits are exceeded, would not fulfill the Department’s need to acquire additional information to demonstrate an exceptional event. These registration requirements could be included in the ID DEQ “operations guide” that has been mentioned, rather than a state rule.*

### **635. UNPLANNED FIRE EVENT**

*This requirement seems out of context of the other prescribed fire rules and the described coordination is already covered in ID DEQ’s “Wildfire Smoke Event Response Protocol.” Requesting the Department explain need for including this requirement in rule.*

### **636. GENERAL PROVISIONS**

#### **Section 636.01**

*We request a clarification to this section as it appears that all burners in Idaho would be within a designated burn day or not approved all together. This may be the case, but is it not true that decisions would also be made per individual burns (i.e., some burns may be approved while others are not)?*

#### **Section 636.02**

*We recommend clarifying the purpose of the communication plan. The current language is too vague for the reader to understand what this entails. The Department should define “communication plan and explain why the Department requires “direct communication” with burners. For instance, is this plan establishing communication lines between the burner and DEQ or between the burner and the public, or both? Or, is this merely a contact list? Please help us understand and we will do what we can to help you succeed.*