



# Status and Next Steps for Prescribed Burning Rulemaking

Docket No. 58-0101-1901

October 15, 2020

## Comments on Negotiated Rule Draft No. 3

The Department of Environmental Quality (DEQ) held the most recent negotiated rulemaking meetings over Zoom on September 29, October 1, and October 6, 2020. During the meetings, several topics were discussed including revisions to definitions; how best to determine the amount of slash to be burned; administrative burden for the burners; the need to “stress test” the draft rules; and a desire for DEQ to continue their outreach to IDL, contractors, and forest owners.

DEQ extended the written comment deadline on all parts of Negotiated Rule Draft No. 3 (Rule Draft No. 3) until October 20, 2020. DEQ will use these comments, as well as discussions during the rulemaking meetings, to develop Rule Draft No. 4. Specific comments and suggested wording changes are most helpful.

## Prescribed Fire Field Guide

Version 1 of the Prescribed Fire Field Guide will continue to be updated as DEQ receives comments and gains additional understanding and insight from stakeholders. Stakeholders are encouraged to provide DEQ with comments and propose additions and edits at any time.

## Continued Outreach and Coordination

DEQ staff is committed to be available for question and answer (Q&A) sessions. These sessions can be used to share the needs and purposes for rulemaking and for DEQ to hear the concerns and insight from interested stakeholders. These sessions will be instrumental in providing an opportunity for DEQ to hear from a broader base of all stakeholder groups. Please note, DEQ will not negotiate language in these meetings. That is done with the full group in negotiated rulemaking meetings.

DEQ is currently scheduling Q&A sessions with the Idaho Farm Bureau, Association of Logging Contractors Inc. - Idaho, and Riley/Stegner and Associates. Other organizations or groups representing logging contractors and others that are affected by prescribed fire smoke management rules are encouraged to contact DEQ to schedule a Q&A session if interested.

DEQ has conducted field visits with several landowners to learn about their process and how they use prescribed fire. DEQ will continue to make field visits to engage with and learn from logging contractors and landowners. Organizations or groups representing logging contractors and landowners are encouraged to coordinate with DEQ if they wish to schedule a field visit.

DEQ will be coordinating with Idaho Department of Lands to further discuss the hazard treatment rule requirements, how different compliance options play into those requirements, and how the use of prescribed fire is addressed in the Idaho Forest Practices Act. Discussions about how the Notice of Forest Practice process could support smoke management registration needs will also be pursued.

DEQ plans to re-open the online survey tool to provide an opportunity for additional contractor and landowner participation. The Association of Logging Contractors Inc. - Idaho will partner with DEQ to advertise the survey again to help ensure we reach as many contractors as possible. A link to the survey will also be posted on the Docket No. 58-0101-1901 rulemaking webpage.

### **Next Rulemaking Meeting**

The previously identified December 1, 3, and 8, 2020, rulemaking meetings will be rescheduled and new dates are to be determined. DEQ will update the web page and will notify the rulemaking group once dates are identified.