



Idaho Forest Owners Association
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Paula Wilson
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, ID 83706

RE: Comments on the proposed rule applicable to prescribed burning

Dear Ms. Wilson,

Idaho Forest Owners Association (IFOA), representing forest landowners with ownerships of only a few acres or up to thousands of acres in Idaho (an aggregate of millions of acres), has been informed that the Idaho Department of Environmental Quality (DEQ) is considering updating the rule pertaining to prescribed burning in Idaho. Several of our Directors and members have attended the public meetings and DEQ personnel have given presentations to our Board of Directors.

IFOA commends DEQ's recent outreach to landowners and its subsequent "Summary and Status of Prescribed Burning Rulemaking". However, IFOA Directors and members continue to have the following concerns regarding past and ongoing rule discussions:

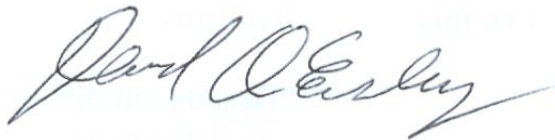
1. Fundamentally, there appears to be conflicting mandates on burning between two regulatory agencies. The Idaho Department of Lands (IDL) requires commercial and non-commercial landowners to reduce fuel loads from forest management activities (burning slash piles is the most common and feasible method), while DEQ is mandated to minimize human health impacts from burning. Both of these goals are justifiable, but appear to be at odds. We are concerned that this regulatory tension will lead to complex, cumbersome and confusing rules that could lead to the unintended consequences of reduced forest and fuels management; or "unreported" burns. As an example, if a contract logger is denied a burn permit and the contractor cannot treat the slash after a logging operation, who is liable for the untreated slash and potential fire hazard? Questions about conflicting agency policies and liability surface as IDL requires slash treatment for a "certificate of clearance", but DEQ procedures may prevent slash treatment in a timely manner.

2. As such, there should only be one permitting process where IDL and DEQ “share” permit data, thus the landowner should only need to visit one “web” page to comply with the requirements of each regulatory agency.
3. We understand the need to manage smoke emissions to minimize impacts to human health, but is there data that demonstrate a negative health impact due to prescribed burns? Data or a science-based decision is needed to regulate prescribed burning separate from wildfire impacts or anecdotal “complaints from neighbors”.
4. Burning is the most efficient method for eliminating slash (i.e., pile of branches, limbs, trunks). What kind of mitigating measures does DEQ propose in lieu of burning? And what is the public’s responsibility in this matter? The burden should not solely be placed upon forest landowners/operators.
5. Forest managers have concerns regarding onerous smoke management training requirements for small, low impact and low risk prescribed burns, typical of small forest ownerships. Perhaps this could be provided through LEAP training? There need be no training requirement for previously identified “Category 3” burns, due to low risk and low impact, but if training is developed and required will this reduce “burner” liability?
6. There is also a need for “Airshed” definition and delineation. Are airsheds defined by the limited number of monitoring stations, or is NOAA weather data, air-flow models, and Idaho geography to be part of the delineation process?
7. Following #5, clarification or understanding is needed about how the burns are approved geographically and how they are allocated to previously proposed Burner Categories (equity between Burners).
8. DEQ should endeavor to establish the long-awaited Smoke Management Plan *prior* to proposing rules for prescribed burning. This plan should function similarly to the *Idaho Forestry Best Management Practices Field Guide* which contains verbatim material about rules and “how to” information.
9. Previously proposed Burner Categories – Why are there separate categories for burners? Shouldn’t there be different categories for size of burns? Additionally, proposed Category 3 burns (< 2 tons) are inconsequential and we recommend increasing that category to 20 tons. We also propose that volume is a better estimate for burn categories, as it is easier to calculate volume (i.e. Volume-Hemisphere = $\frac{2}{3} \pi r^3$) versus mass.
10. Section 630 requires portable communication with the designated burner, but in many cases, cell phone coverage on or near the proposed burn is spotty or non-existent. How will this be addressed? What about the concern of private phone numbers becoming public information? Similarly, internet connectivity is “spotty” or non-existent in many areas of Idaho, which can be a problem for permit completion, submission and permit status review.

11. We are concerned about timely approval of burns. Requiring several months of advance registration for proposed burns would be cumbersome and not feasible for small landowners.

The Idaho Forest Owners Association greatly appreciates the outreach effort by the Department of Environmental Quality to gain background information from stakeholders such as forest landowners on this important topic. We look forward to continuing to provide insight, assistance and feedback in developing an effective and practical Smoke Management Rule for the State of Idaho.

Sincerely,

A handwritten signature in cursive script, appearing to read "David O'Leary". The signature is written in black ink and is positioned above the printed name "President".

President