Date: August 7, 2019

Notice of Final Determination
Smoke Management Plan Update
SEPA File No. 19-071601

The Department of Natural Resources issued a [X] Determination of Non-significance (DNS), [ ] Mitigated Determination of Non-significance (MDNS), [ ] Modified DNS/MDNS on July 16 for this proposal under the State Environmental Policy Act (SEPA) and WAC 197-11-340(2).

This threshold determination is hereby:

[X] Retained.

[ ] Modified. Modifications to this threshold determination include the following:

[ ] Withdrawn. This threshold determination has been withdrawn due to the following:

[ ] Delayed. A final threshold determination has been delayed due to the following:

Summary of Comments and Responses (if applicable): Please Refer to attachment

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Date: 8/15/19 Signature: [Signature]

There is no DNR administrative SEPA appeal.
2019 Silvicultural Smoke Management Plan Determination of Nonsignificance Response to Comments
File # 19-07161

DNR wishes to thank those who took the time to comment on the Determination of Nonsignificance (DNS). We have identified the following substantive issues. All other questions and comments can be answered by referring to the Non-Project Review form appended to the SEPA Center notice.

1. Adequacy of Statewide Air Quality Monitoring Network
   Commenters suggested that DNR’s smoke management program could benefit from an expanded monitoring network, and in one case questioned whether the likelihood of a smoke intrusion or NAAQS exceedance could be determined in the absence of a NAAQS-compliant (FRM or FEM) air quality monitor.

   While we recognize that the network of NAAQS compliant monitors is lacking in Washington, FRM or FEM status is necessary to make a retrospective determination of NAAQS exceedance, but is not necessary for making prospective smoke management decisions or assessing the potential for smoke from silvicultural burning to exceed Ecology’s WAQA value for protecting sensitive individuals from particulate matter (current 20.5 μg/m³ of PM 2.5). This is why DNR intends to use all available monitoring resources, including “… permanent and portable air quality monitors, distributed private monitoring networks, community cameras, and field observations by DNR staff…” (2019 Silvicultural Smoke Management Program, page 13). Additionally, we will take action when notified by Ecology pursuant to RCW 70.94.6538:

   
   *Air quality standards shall be established and published by the department of ecology which shall also establish a procedure for advising the department of natural resources when and where air contaminant levels exceed or threaten to exceed the ambient air standards over such critical areas. The air quality shall be quantitatively measured by the department of ecology or the appropriate local air pollution control authority at established monitoring stations over such designated areas.*

   Further, silvicultural burning takes place over a large geographical range, and at widely-varying elevations and aspects. The locations of silvicultural burns are dependent upon when sites come into prescription, so siting permanent monitors to collect air quality data may not in all cases be the best method for assessing air quality impacts. Portable air quality monitors, which DNR mentions in the SMP, may provide better and more flexible coverage.

2. Compliance with NAAQS
   DNR cannot exempt any burn from NAAQS, but state law allows emissions from silvicultural burning to “… improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation area, parks and other wildlife areas” to be removed from consideration under the annual emissions cap established in the State Clean Air Act (RCW 70.94.6536). The emissions cap sets the limit on total annual emissions, as opposed to the limit on 24-hour average particulate concentrations that NAAQS represents.
Finally, DNR is not proposing a standard of violating NAAQS. We are aligning our large burn approval criteria with RCW, since we can only enforce standards that are in RCW and WAC. Smoke intrusions are not defined in RCW and WAC.

Further, RCW 70.94.6538, which authorizes DNR to apply state air quality standards (effectively, NAAQS) also calls upon the department to “not cause damage to public health or the environment”. Thus, the SMP goes on to propose a threshold of 20.5 5 μg/m3 of PM 2.5 to trigger action against an intrusion of smoke, using a recency-weighted averaging algorithm, such as EPA’s NowCast tool. Although we tie our criteria to our enforcement authority, we set an action standard that is well below NAAQS in order to prevent exceedances of standards.

3. Smoke Management Decision Timing
Commenters specifically noted a discrepancy between the Non-Project Review form and the draft 2019 Silvicultural Smoke Management Plan (SMP). The form identified a mitigation approach that entailed reviewing the previous day’s burn decisions and potentially rescinding approval if conditions changed sufficiently that burning would violate one of the large burn approval criteria. DNR determined that we would not retain that mitigation procedure in the body of the SMP, and the preferred alternative identified in the Non-Project Review reflects this decision.

4. Need for Rulemaking
One commenter suggested that DNR initiate rulemaking as part of the update to the SMP. All enforceable actions in the SMP are explicit in existing RCW or WAC, cited in the SMP, and therefore no additional rulemaking is proposed.

Other Comments
Small errors in formatting, terminology and reference were noted by commenters:

- The Smoke Intrusions procedure is intended to apply to all burns, so the document formatting has been edited.
- “Open burning” has been changed to “outdoor burning”.
- Additional RCW references have been added, and RCW section captions corrected.