

Public Workshop

Draft Amendments to Rule 3160 (Prescribed Burning Fee)

January 22, 2020
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Current Rule 3160

- Provides the District with a means to recover costs associated with implementing its obligatory smoke management duties as mandated by state law
- Applies to any agency or person that conducts prescribed burning subject to a Smoke Management Plan within the District's jurisdiction
- On an annual basis, agencies/persons must report acreage burned
- Fees are assessed annually for the previous calendar year based on:
 - Number of blackened acres for broadcast burning
 - Number of acres treated for pile burning
- First 40 acres are not subject to the fee

Reason for Proposed Rule Amendments

- CARB's 2018-19 Budget contains \$2 Million to implement the new Prescribed Burn Reporting and Monitoring Support Program
- In June 2019, the District entered into a MOU to participate in the new program
 - District may be reimbursed for prescribed burn program implementation costs up to \$122,500 over the next two years
- Reimbursement under the MOU may fund in whole, or in part, the District's prescribed burn program
- Rule 3160 does not currently provide a mechanism by which the District can suspend or prorate the established fees when alternative funding is available

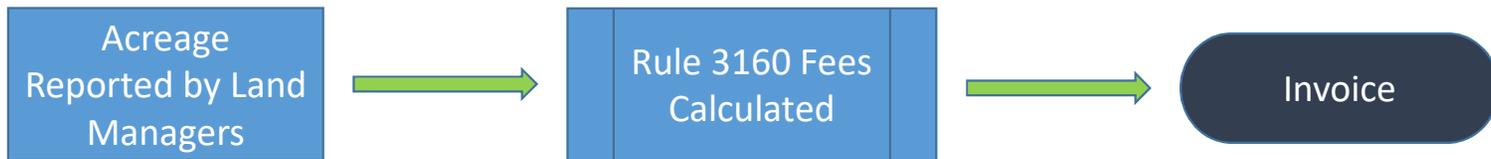
Input From Stakeholders

- A public scoping meeting was held on December 4, 2019 to discuss potential amendments to Rule 3160
- A two-week public comment period followed where the District accepted feedback from stakeholders
- Feedback received from stakeholders was supportive of the District's proposal
- Stakeholder comments were incorporated into the draft proposed amendments to the rule where appropriate

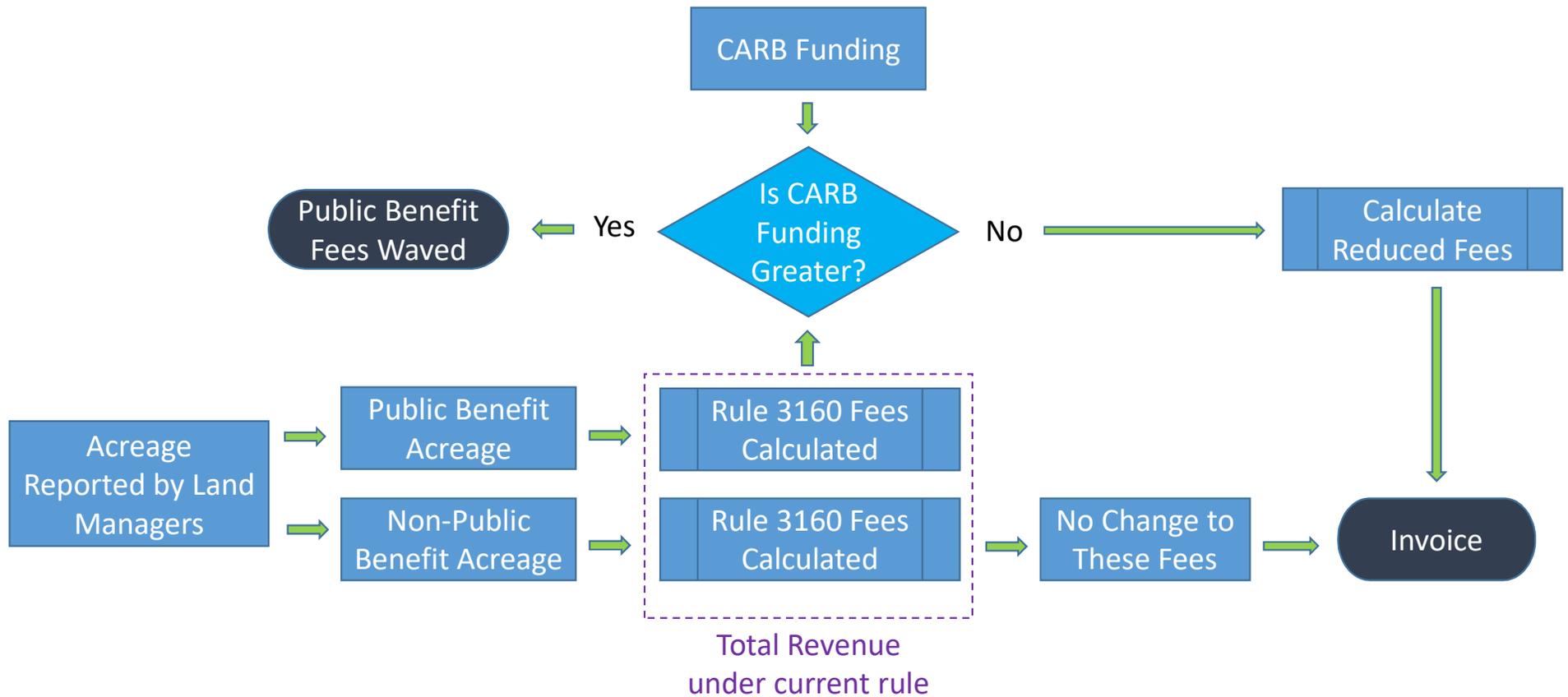
Overview of Proposed Amendments

- Allow agencies or individuals to request a fee reduction on public benefit prescribed burn projects when alternative funding is available
 - Each agency or person would report along with their annual completed acres which projects provided a public benefit
- Establishes a mechanism to determine the reduction of fees for each agency or person that reported public benefit prescribed burns
 - Fees will be reduced proportionately for all qualified projects based on the amount of state funding received relative to the total fee revenue otherwise due for qualified projects

How it Works Now



How it Would Work



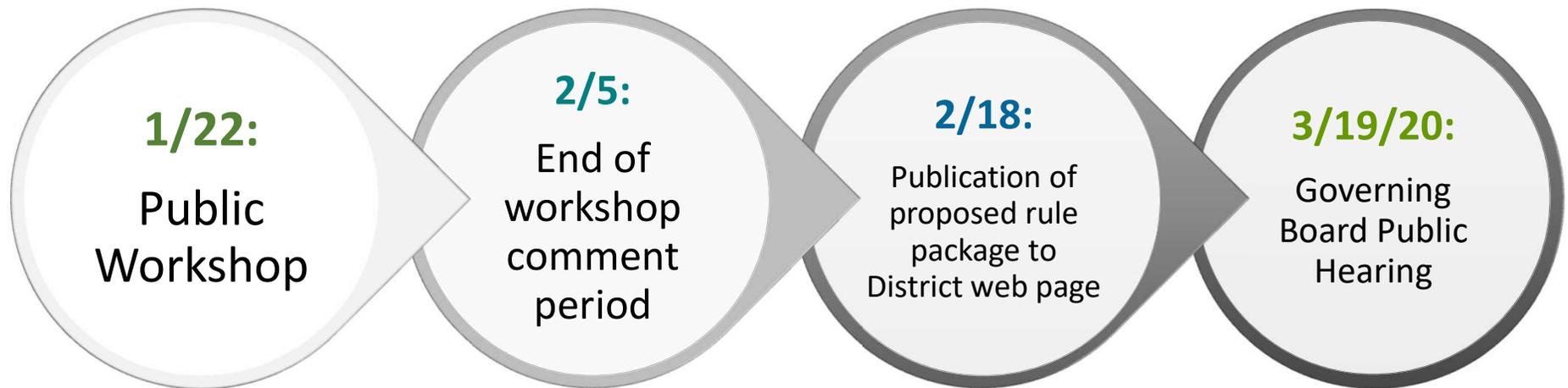
Public Comments

- Limit proration/suspension of fees to projects that benefit the public interest by providing an enhanced level of public safety or a long-term air quality benefit
 - The District proposes to incorporate this suggestion into Rule 3160 by limiting the proration/suspension of prescribed burn fees to “public benefit” projects as defined in the California Public Resources Code Section 4475(a)
- Exclude pile burning from fee proration/suspension
 - Pile burning falls within the definition of “prescribed burning” in state law and is a means of fuel reduction. The District does not think it is appropriate to exclude pile burning from fee proration/suspension provided that such projects benefit the public

Public Comments (cont'd)

- Do not regulate managed wildfires
 - Regulation of such fires is required by state law and falls outside the scope of this rulemaking effort
- Fund prescribed burn program via ag burn permit fees and other revenues
 - Fees must have a nexus to the services rendered to the payer
 - Rule 3160 provides revenue to implement the District's Smoke Management Program as it pertains to providing the required services to land management agencies and individuals conducting prescribed burn projects
 - The District already lawfully utilizes supplemental sources of revenue, such as penalties, to fund the difference between the District's actual costs and revenue collected through fees. This rulemaking will not change this practice.

Next Steps...



Comment Period

Please submit comments in writing by February 5, 2020, at 5:00 PM

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Comments?

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