



Bay Area Air District

APPENDIX E

California Environmental Quality Act (CEQA) Notice of Exemption

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Notice of Exemption

To: Office of Planning and Research
P.O. Box 3044, Room 113
Sacramento, CA 95812-3044

From: (Public Agency):
Bay Area Air Quality Management District

Project Title: Amendments to Woodsmoke Rules Regulation 6, Rule 3: Wood-Burning Devices and Regulation 5: Open Burning

Project Applicant: Bay Area Air Quality Management District

Project Location - Specific: San Francisco Bay Area Air Basin

Project Location: Multi-jurisdictional (Counties of: Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, Sonoma)

Description of Nature, Purpose and Beneficiaries of Project:

The Air District amended one Air District rule: Regulation 6, Rule 3: Wood-Burning Devices ("Rule 6-3") and one regulation: Regulation 5: Open Burning ("Regulation 5"). These amendments aimed to reduce public exposure to harmful woodsmoke emissions by decreasing wood-burning air pollution and reducing wildfire risk in the San Francisco Bay Area.

Rule 6-3 Amendments: The Air District amended Rule 6-3 to lower the 24-hour average forecast mandatory curtailment threshold for issuing wood-burning bans ("Mandatory Burn Bans") from 35 to 25 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$); replaced references to specific emissions ratings with the most current emissions standards in Title 40, Code of Federal Regulations, Part 60, Subpart AAA for wood heater manufacturers and retailers selling, supplying, or installing wood-burning devices; and updated the performance emission standards in the rule for United States Environmental Protection Agency (EPA)-Certified wood heaters to meet EPA's standards in effect at the time of registration when claiming a sole source heat exemption. Other minor amendments were made to improve the rule's clarity.

Regulation 5 Amendments: The Air District amended Regulation 5 to extend the prescribed burn fee exemption previously for public agencies to include all prescribed burns, regardless of who is conducting the burn. In addition, minor clarifications were made to Regulation 5 to improve the implementation and authorization process for prescribed burns and burns for fire training.

Name of Public Agency Approving Project: Bay Area Air Quality Management District

Name of Person or Agency Carrying Out Project: Bay Area Air Quality Management District

Exempt Status: (check one):

- ☐ Ministerial (Sections 21080(b)(1); 15268);
- ☐ Declared Emergency (Sections 21080(b)(3); 15269(a));
- ☒ Emergency Project (Cal. Code Regs., Tit. § 15269 (c));
For Regulation 5 Amendments
- ☒ Categorical Exemption. State type and section number:
For Rule 6-3 and Regulation 5 Amendments:
 - Cal. Code Regs., Tit. § 15307 (Class 7 Exemption)
 - Cal. Code Regs., Tit. § 15308 (Class 8 Exemption)
- ☒ Cal. Code Regs., Tit. § 15061(b)(3) (Common Sense Exemption)
For Rule 6-3 Amendments
- ☒ Statutory Exemptions. State Code Number: Public Resources Code, § 21080(b)(4)
For Regulation 5 Amendments

Reasons why project is exempt:

Rule 6-3 Amendments: The amendments to Rule 6-3 are exempt pursuant to CEQA Guidelines sections 15307 (protection of natural resources), 15308 (protection of the environment), and 15061(b)(3) (common sense exemption). These amendments lowered the 24-hour average forecast threshold for issuing bans on wood-burning from 35 to 25 $\mu\text{g}/\text{m}^3$, which will increase the number of Mandatory Burns Bans issued thereby reducing ambient woodsmoke pollution from residential wood burning. It can be seen with certainty that these amendments will not have a significant adverse effect on the environment.

Regulation 5 Amendments: The amendments to Regulation 5 are exempt under CEQA Guidelines sections 15307 (protection of natural resources) and 15308 (protection of the environment) because it removed administrative and cost barriers to allow nonprofit organizations and private landowners who may be positioned to carry out prescribed burns in areas where public agency capacity is limited. Prescribed burns are carefully planned and managed activities that strategically remove excess vegetation thereby lowering the risk of large uncontrolled wildfires and making such wildfires easier to contain and less destructive to the environment and human health.

These amendments are also exempt under Public Resources Code section 21080(b)(4) (specific actions necessary to prevent or mitigate an emergency) and CEQA Guidelines section 15269(c) (prevention or mitigation of an emergency). The March 1, 2025 State of Emergency Proclamation (Executive Order N-25-25) suspends CEQA environmental review for all actions taken to mitigate or respond to wildfire risks, including fuels reduction projects that remove vegetation using prescribed fire treatments. Implementation of the amendments to Regulation 5 is consistent with state policy to expand the use of beneficial fire.

Further, there is no substantial evidence indicating that any of the exceptions under CEQA Guidelines section 15300.2 to the categorical exemptions apply to the amendments made to Rule 6-3 and Regulation 5.

Lead Agency Contact Person: Julia Luongo **Area Code/Telephone/Extension:** (415) 749-7695

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project? ☐ Yes ☐ No

Signature: _____ **Date:** _____ **Title:** _____

☒ Signed by Lead Agency ☐ Signed by Applicant

Authority cited: Sections 21083 and 21110, Public Resources Code.
Reference: Sections 21108, 21152, and 21152.1, Public Resources Code.

Date Received for filing at OPR: _____