
HOUSE BILL 2653

State of Washington

53rd Legislature

1994 Regular Session

By Representatives Pruitt and Horn

Read first time 01/19/94. Referred to Committee on Environmental Affairs.

1 AN ACT Relating to calculating emissions for silvicultural burning;
2 and amending RCW 70.94.665.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70.94.665 and 1991 c 199 s 403 are each amended to
5 read as follows:

6 (1) The department of natural resources shall administer a program
7 to reduce state-wide emissions from silvicultural forest burning so as
8 to achieve the following minimum objectives:

9 (a) Twenty percent reduction by December 31, 1994 providing a
10 ceiling for emissions until December 31, 2000; and

11 (b) Fifty percent reduction by December 31, 2000 providing a
12 ceiling for emissions thereafter.

13 Reductions shall be calculated from the average annual emissions
14 level from calendar years 1985 to 1989, using the same methodology for
15 both reduction and base year calculations.

16 (2) Emissions from silvicultural burning that is conducted to
17 eliminate a biological infestation that threatens forest health are
18 exempt from the calculations under subsection (1) of this section if
19 the following conditions are met:

1 (a) The landowner submits a written request to the department
2 identifying the need to control an infestation. The statement shall
3 include alternatives to silvicultural burning and reasons why the
4 landowner believes the alternatives not to be appropriate; and

5 (b) The department, after consultation with the department of
6 ecology, determines that the proposed silvicultural burning operation
7 is in the public interest.

8 (3) The department of natural resources, within twelve months after
9 May 15, 1991, shall develop a plan, based upon the existing smoke
10 management agreement to carry out the programs as described in this
11 section in the most efficient, cost-effective manner possible. The
12 plan shall be developed in consultation with the department of ecology,
13 public and private landowners engaged in silvicultural forest burning,
14 and representatives of the public.

15 The plan shall recognize the variations in silvicultural forest
16 burning including, but not limited to, a landowner's responsibility to
17 abate an extreme fire hazard under chapter 76.04 RCW and other
18 objectives of burning, including abating and preventing a fire hazard,
19 geographic region, climate, elevation and slope, proximity to populated
20 areas, and diversity of land ownership. The plan shall establish
21 priorities that the department of natural resources shall use to
22 allocate allowable emissions, including but not limited to,
23 silvicultural burning used to improve or maintain fire dependent
24 ecosystems for rare plants or animals within state, federal, and
25 private natural area preserves, natural resource conservation areas,
26 parks, and other wildlife areas. The plan shall also recognize the
27 real costs of the emissions program and recommend equitable fees to
28 cover the costs of the program.

29 The emission reductions in this section are to apply to all forest
30 lands including those owned and managed by the United States. If the
31 United States does not participate in implementing the plan, the
32 departments of natural resources and ecology shall use all appropriate
33 and available methods or enforcement powers to ensure participation.

34 The plan shall include a tracking system designed to measure the
35 degree of progress toward the emission reductions goals set in this
36 section. The department of natural resources shall report annually to
37 the department of ecology and the legislature on the status of the
38 plan, emission reductions and progress toward meeting the objectives

1 specified in this section, and the goals of this chapter and chapter
2 76.04 RCW.

3 (~~(3)~~) (4) If the December 31, 1994, emission reductions targets
4 in this section are not met, the department of natural resources, in
5 consultation with the department of ecology, shall use its authority
6 granted in this chapter and chapter 76.04 RCW to immediately limit
7 emissions from such burning to the 1994 target levels and limit
8 silvicultural forest burning in subsequent years to achieve equal
9 annual incremental reductions so as to achieve the December 31, 2000,
10 target level. If, as a result of the program established in this
11 section, the emission reductions are met in 1994, but are not met by
12 December 31, 2000, the department of natural resources in consultation
13 with the department of ecology shall immediately limit silvicultural
14 forest burning to reduce emissions from such burning to the December
15 31, 2000, target level in all subsequent years.

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