

SHB 2928 - H AMD 722

By Representative Kretz

ADOPTED 02/17/2016

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** (1) The department of natural resources
4 shall conduct a forest resiliency burning pilot project. The goal of
5 the pilot project is to monitor and evaluate the benefits of forest
6 resiliency burning and the impacts on ambient air quality. The
7 department of natural resources is responsible for establishing the
8 processes and procedures necessary to administer the pilot project,
9 including the review and approval of qualifying forest resiliency
10 burning proposals.

11 (2)(a) The department of natural resources must, as the primary
12 focus of the pilot project, arrange with interested third parties to
13 perform forest resiliency burning on land prone to forest or wildland
14 fires in coordination with the following forest health collaboratives
15 as recognized by the United States forest service:

- 16 (i) North Central Washington forest health collaborative;
- 17 (ii) Northeast Washington forestry collaborative; and
- 18 (iii) Tapash sustainable forest collaborative.

19 (b) The department of natural resources must also coordinate with
20 at least one organized group of public agencies and interested
21 stakeholders whose purpose is to protect, conserve, and expand the
22 safe and responsible use of prescribed fire on the Washington
23 landscape.

24 (3)(a) The department of natural resources must, as part of the
25 pilot project, approve single day or multiple day forest resiliency
26 burns if the burning is unlikely to significantly contribute to an
27 exceedance of air quality standards established by chapter 70.94 RCW.
28 Once approved, forest resiliency burns spanning multiple days may
29 only be revoked or postponed midway through the duration of the
30 approved burn if necessary for the safety of adjacent property or
31 upon a determination by the department of natural resources or the
32 department of ecology that the burn has significantly contributed to
33 an exceedance of air quality standards under chapter 70.94 RCW.

1 (b) Approved forest resiliency burning must be initiated no later
2 than twenty-four hours after being approved by the department of
3 natural resources.

4 (4) Forest resiliency burning, when conducted under the pilot
5 project authorized by this section, is not subject to the outdoor
6 burning restrictions in RCW 70.94.6512 and 70.94.6514.

7 (5) The implementation of the pilot project authorized in this
8 section is not:

9 (a) Intended to require the department of natural resources to
10 update the smoke management plan defined in RCW 70.94.6536. However,
11 information obtained through the pilot project's implementation may
12 be used to inform any future updates to the smoke management plan;
13 and

14 (b) Subject to the provisions of chapter 43.21C RCW.

15 (6) Forest resiliency burning, and the implementation of the
16 pilot project authorized in this section, must not be conducted at a
17 scale that would require a revision to the state implementation plan
18 under the federal clean air act.

19 (7) The department of natural resources shall submit a report to
20 the legislature, consistent with RCW 43.01.036, by December 1, 2018.
21 The report must include information and analyses regarding the
22 following elements:

23 (a) The amount of forest resiliency burns proposed, approved, and
24 conducted;

25 (b) The quantity and severity of air quality exceedances by
26 pollutant type;

27 (c) A comparative analysis between the predicted smoke conditions
28 and the actual smoke conditions observed on location by qualified
29 meteorological personnel or trained prescribed burning professionals
30 during the forest resiliency burn; and

31 (d) Recommendations relating to continuing or expanding forest
32 resiliency burning and creating forest resiliency burning as a new
33 type of outdoor burning permitted by the department of natural
34 resources.

35 (8) The report to the legislature required by this section may
36 include recommendations for the updating of the smoke management plan
37 defined in RCW 70.94.6536.

38 (9) For the purposes of this section, "forest resiliency burning"
39 means silvicultural burning carried out under the supervision of
40 qualified silvicultural, ecological, or fire management professionals

1 and used to improve fire dependent ecosystems, mitigate wildfire
2 potential, decrease forest susceptibility to forest insect or disease
3 as defined in RCW 76.06.020, or otherwise enhance forest resiliency
4 to fire.

5 (10) This section expires July 1, 2019.

6 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
7 preservation of the public peace, health, or safety, or support of
8 the state government and its existing public institutions, and takes
9 effect immediately."

10 Correct the title.

EFFECT: Limits the scope of the bill to a forest resiliency burning pilot project to be directed by the department of natural resources (DNR) in coordination with the Northeast Washington forest collaborative, the North Central Washington forest health collaborative, the Tapash sustainable forest collaborative, and at least one organized group of public agencies and interested stakeholders whose purpose is to protect, conserve, and expand the safe and responsible use of prescribed fire on the Washington landscape.

Retains the definition of forest resiliency burning in the underlying substitute bill and the provisions that forest resiliency burning may be conducted during periods of impaired air quality.

Specifies that forest resiliency burning must be initiated no later than 24 hours after approved by the DNR and may be conducted under conditions where other outdoor burning is restricted.

Specifies that either single day or multiple day burns must be approved if the burning is unlikely to significantly contribute to an exceedance of air quality standards.

Requires the DNR to establish the processes and procedures necessary to review and approve forest resiliency burning, in place of the permitting requirement in the underlying substitute bill.

Specifies that the DNR is not required to update the smoke management plan in order to conduct the pilot project and that the pilot project is exempt from the state environmental policy act review.

Requires the DNR to provide a report to the legislature by December 1, 2018, detailing the effectiveness of forest resiliency burning for wildfire prevention, a record of air quality exceedances resulting from forest fire resiliency burning including severity and duration, recommendations regarding the continuation and expansion of forest resiliency burning, a comparative analysis between the predicted smoke conditions and what is actually observed on location by qualified meteorological personnel or trained prescribed burning professionals during the forest resiliency burn, and creation of a new outdoor burning activity permitted by the DNR.

Adds an emergency clause.

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