

ESHB 2928 - S COMM AMD

By Committee on Natural Resources & Parks

ADOPTED 03/02/2016

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. The department of natural resources may consider
11 forest resiliency burning proposals that include treatments to reduce
12 fuel loads prior to burning, including the thinning of forest stands
13 and grazing to clear brush.

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

- 19 (a) North Central Washington forest health collaborative;
20 (b) Northeast Washington forestry collaborative; and
21 (c) Tapash sustainable forest collaborative.

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

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10 On page 1, line 3 of the title, after "fires;" strike the
11 remainder of the title and insert "creating a new section; providing
12 an expiration date; and declaring an emergency."

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