

ESHB 2928 - S AMD 740

By Senators Warnick, Pearson, Ranker

ADOPTED 03/09/2016

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)(a) 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 (i) North Central Washington forest health collaborative;
20 (ii) Northeast Washington forestry collaborative; and
21 (iii) Tapash sustainable forest collaborative.

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

27 (3)(a) The department of natural resources must, as part of the
28 pilot project, approve single day or multiple day forest resiliency
29 burns if the burning is unlikely to significantly contribute to an
30 exceedance of air quality standards established by chapter 70.94 RCW.
31 Once approved, forest resiliency burns spanning multiple days may
32 only be revoked or postponed midway through the duration of the

1 approved burn if necessary for the safety of adjacent property or
2 upon a determination by the department of natural resources or the
3 department of ecology that the burn has significantly contributed to
4 an exceedance of air quality standards under chapter 70.94 RCW.

5 (b) The department of natural resources must approve burns at
6 least twenty-four hours prior to ignition of the fire.

7 (4) Forest resiliency burning, when conducted under the pilot
8 project authorized by this section, is not subject to the outdoor
9 burning restrictions in RCW 70.94.6512(2) and 70.94.6514.

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

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

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

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

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

26 (a) The amount of forest resiliency burns proposed, approved, and
27 conducted;

28 (b) The quantity and severity of air quality exceedances by
29 pollutant type;

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

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

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

1 (9) For the purposes of this section, "forest resiliency burning"
2 means silvicultural burning carried out under the supervision of
3 qualified silvicultural, ecological, or fire management professionals
4 and used to improve fire dependent ecosystems, mitigate wildfire
5 potential, decrease forest susceptibility to forest insect or disease
6 as defined in RCW 76.06.020, or otherwise enhance forest resiliency
7 to fire.

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

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

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

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