

SENATE BILL REPORT

SB 6511

As Reported by Senate Committee On:
Natural Resources & Parks, February 4, 2016

Title: An act relating to forest health through prudent wildfire prevention.

Brief Description: Concerning forest health through prudent wildfire prevention.

Sponsors: Senators Parlette, Hargrove, Pearson and Conway.

Brief History:

Committee Activity: Natural Resources & Parks: 2/03/16, 2/04/16 [DPS-WM].

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: That Substitute Senate Bill No. 6511 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Pearson, Chair; Dansel, Vice Chair; Jayapal, Ranking Member; Chase, Fraser, Hewitt and Warnick.

Staff: Bonnie Kim (786-7316)

Background: The Department of Natural Resources (DNR) manages a number of different categories of land, each for a specific purpose and under different management requirements. These include approximately 3 million acres of federally granted lands and state forest lands, which DNR manages to support common schools, counties, and other public institutions. DNR is also responsible for forest fire prevention and response on both state-owned and private forest land in Washington.

Mechanical Treatments. Mechanical treatments - those treatments which involve machines to accomplish objectives - are used to protect communities, resources, and fire dependent ecosystems. Mechanical treatments are often used in areas in or directly surrounding communities as well as in combination with other types of treatments.

There are two primary ways in which mechanical treatments are utilized in reducing the hazards posed by wildfire. In forested areas, trees may be thinned to reduce density. The resulting fuels from thinning are often piled and burned using prescribed fire. Thinning activities may also provide an opportunity for biomass utilization of the material.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

In forested and other areas, the lower tree limbs may be removed to reduce ladder fuel buildup. Ladder fuels, consisting of dense vegetation near the forest floor and extending up the tree, increases the likelihood of fire reaching the crowns of the trees. Crown fires are more intense and are harder for firefighters to suppress. In effort to reduce the potential of crown fires, ladder fuels may be mechanically treated. After mechanical treatments, the fuels may be treated with prescribed fire or undergo biomass utilization.

Prescribed Burning. Silvicultural or prescribed burning is governed by the state's smoke management plan. Prescribed burning is the controlled application of fire to wildland fuels under specific environmental conditions which allow the fire to be confined to a predetermined area, and at the same time to produce the fireline intensity and rate of spread required to attain planned management objectives. Prescribed burn project managers are often referred to as "burn bosses."

Summary of Bill (Recommended Substitute): Immediate Treatment. DNR must identify public and private lands that could threaten vulnerable communities in case of wildfire and:

- by June 30, 2016: treat all state lands that can be treated by prescribed fire or other simple method; and
- by November 30, 2016: treat other land protected by DNR that can be treated by prescribed fire or other simple method in cooperation with willing landowners under cost-sharing and maintenance agreements.

By December 31, 2016, DNR must report on its progress, barriers, plans to treat lands outside DNR fire protection, and recommendations for additional resources or legislative action to treat all lands identified.

20-Year Forest Health and Wildfire Prevention Strategic Plan. By December 31, 2017, DNR must develop and report to the Legislature a strategic plan to treat all 2.7 million acres in Eastern Washington in poor forest health. In developing the plan, DNR must consult with relevant local, state and federal agencies, Tribes, forest landowners, representatives from milling and log transportation industries, and other interested parties from the nonprofit and commercial sectors. DNR's report must include its progress and fiscal information.

Prescribed Burn Manager Certification Program. DNR must create a non-mandatory certification program for prescribed burn managers. Certified prescribed burn managers are granted additional liability protection for permitted burns. DNR may set renewal criteria, add a decertification process for rule violators, and create an equivalency test for experienced burn bosses.

Policy Amendments to Encourage Mechanical Thinning and Prescribed Burning. Amends a statute that states DNR shall encourage alternative silviculture practices "to reduce the need for burning" to state that DNR shall "encourage mechanical thinning and prescribed burning when appropriate for forest health improvement and fire prevention."

Discretion to Refuse, Revoke, or Postpone Burn Permit Use. A statute that allows DNR - or any warden or ranger - to refuse, revoke, or postpone the use of burn permits "when necessary in their judgment to prevent air pollution" is amended to allow this only "when

there is clear evidence that the particular burn is forecast to contribute to an exceedance of an air quality standard. . . or an imminent threat to public health and safety."

EFFECT OF CHANGES MADE BY NATURAL RESOURCES & PARKS COMMITTEE (Recommended Substitute): Clarifies that silvicultural burn decisions are not based on the likelihood of violations of air quality standards but whether a burn is forecast to exceed an air quality standard.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: PRO: Prescribed burning is a valuable tool. With the aggressive timelines in the bill and the fuel loads in many forests so heavy, prescribed burning may need to follow mechanical thinning. We need to thin our unhealthy forests, use the resources to generate revenue, and follow up with prescribed burns. We need to provide resources to our firefighters to conduct effective initial attack. WFDW is expanding our burn program to treat 100,000 acres of our lands. WDFW supports any endeavor to promote forest health and resiliency. We need to increase the rate and pace of prescribed fire and thinning throughout WA. We are uncertain that we can meet the ambitious timelines in the bill. WDFW thinks the strategic plan is a fantastic idea and looks forward to working with DNR in developing the plan.

OTHER: Ecology understands that prevention is best and that prescribed burning is a valuable tool. Prescribed burning for forest management might compete with an agricultural burn that needs to happen at the same time. This bill might have unintended consequences. Washington may be placed in conflict with national standards. We need to balance protecting vulnerable communities and the agricultural community which also needs to burn. DNR thinks the strategic plan is a great idea and is happy to do it with appropriate funding.

Persons Testifying on Original Bill: PRO: Senator Parlette, prime sponsor; Scott Richards, The Nature Conservancy; Clay Sprague, WDFW; Tim Boyd, Vaagen Brothers Lumber & Boise Cascade; Ray Campbell, Okanogan County Commissioner.

OTHER: Craig Kenworthy, Puget Sound Clean Air Agency; Mary Verner, Karen Arnold, Department of Natural Resources; Denise Clifford, WA State Dept of Ecology.

Persons Signed In To Testify But Not Testifying on Original Bill: No one.