
ENGROSSED SUBSTITUTE HOUSE BILL 2928

State of Washington

64th Legislature

2016 Regular Session

By House Agriculture & Natural Resources (originally sponsored by Representatives Kretz, Blake, Schmick, Dunshee, Short, Haler, Stanford, and Chandler)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to ensuring that restrictions on outdoor burning
2 for air quality reasons do not impede measures necessary to ensure
3 forest resiliency to catastrophic fires; creating a new section;
4 providing an expiration date; and declaring an emergency.

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

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

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.

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

6 (3)(a) The department of natural resources must, as part of the
7 pilot project, approve single day or multiple day forest resiliency
8 burns if the burning is unlikely to significantly contribute to an
9 exceedance of air quality standards established by chapter 70.94 RCW.
10 Once approved, forest resiliency burns spanning multiple days may
11 only be revoked or postponed midway through the duration of the
12 approved burn if necessary for the safety of adjacent property or
13 upon a determination by the department of natural resources or the
14 department of ecology that the burn has significantly contributed to
15 an exceedance of air quality standards under chapter 70.94 RCW.

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

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

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

24 (a) Intended to require the department of natural resources to
25 update the smoke management plan defined in RCW 70.94.6536. However,
26 information obtained through the pilot project's implementation may
27 be used to inform any future updates to the smoke management plan;
28 and

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

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

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

38 (a) The amount of forest resiliency burns proposed, approved, and
39 conducted;

1 (b) The quantity and severity of air quality exceedances by
2 pollutant type;

3 (c) A comparative analysis between the predicted smoke conditions
4 and the actual smoke conditions observed on location by qualified
5 meteorological personnel or trained prescribed burning professionals
6 during the forest resiliency burn; and

7 (d) Recommendations relating to continuing or expanding forest
8 resiliency burning and creating forest resiliency burning as a new
9 type of outdoor burning permitted by the department of natural
10 resources.

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

14 (9) For the purposes of this section, "forest resiliency burning"
15 means silvicultural burning carried out under the supervision of
16 qualified silvicultural, ecological, or fire management professionals
17 and used to improve fire dependent ecosystems, mitigate wildfire
18 potential, decrease forest susceptibility to forest insect or disease
19 as defined in RCW 76.06.020, or otherwise enhance forest resiliency
20 to fire.

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

22 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
23 preservation of the public peace, health, or safety, or support of
24 the state government and its existing public institutions, and takes
25 effect immediately.

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