
SUBSTITUTE SENATE BILL 6510

State of Washington

64th Legislature

2016 Regular Session

By Senate Natural Resources & Parks (originally sponsored by Senators Parlette and Pearson)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to the smoke management plan; and amending RCW
2 70.94.6536.

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

4 **Sec. 1.** RCW 70.94.6536 and 1995 c 143 s 1 are each amended to
5 read as follows:

6 (1)(a) The department of natural resources shall administer a
7 program to reduce statewide emissions from silvicultural forest
8 burning so as to achieve the following minimum objectives:

9 ~~((a))~~ (i) Twenty percent reduction by December 31, 1994
10 providing a ceiling for emissions until December 31, 2000; and

11 ~~((b))~~ (ii) Fifty percent reduction by December 31, 2000
12 providing a ceiling for emissions thereafter.

13 (b) Reductions shall be calculated from the average annual
14 emissions level from calendar years 1985 to 1989, using the same
15 methodology for both reduction and base year calculations.

16 (2)(a) The department of natural resources, within twelve months
17 after May 15, 1991, shall develop a plan, based upon the existing
18 smoke management agreement to carry out the programs as described in
19 this section in the most efficient, cost-effective manner possible.
20 The plan shall be developed in consultation with the department of

1 ecology, public and private landowners engaged in silvicultural
2 forest burning, and representatives of the public.

3 (b) The plan shall recognize the variations in silvicultural
4 forest burning including, but not limited to, a landowner's
5 responsibility to abate an extreme fire hazard under chapter 76.04
6 RCW and other objectives of burning, including abating and preventing
7 a fire hazard, geographic region, climate, elevation and slope,
8 proximity to populated areas, and diversity of land ownership. The
9 plan shall establish priorities that the department of natural
10 resources shall use to allocate allowable emissions, including but
11 not limited to, silvicultural burning used to improve or maintain
12 fire dependent ecosystems for rare plants or animals within state,
13 federal, and private natural area preserves, natural resource
14 conservation areas, parks, and other wildlife areas. The plan shall
15 also recognize the real costs of the emissions program and recommend
16 equitable fees to cover the costs of the program.

17 (c) The emission reductions in this section are to apply to all
18 forest lands including those owned and managed by the United States.
19 If the United States does not participate in implementing the plan,
20 the departments of natural resources and ecology shall use all
21 appropriate and available methods or enforcement powers to ensure
22 participation.

23 (d) The plan shall include a tracking system designed to measure
24 the degree of progress toward the emission reductions goals set in
25 this section. The department of natural resources shall report
26 annually to the department of ecology and the legislature on the
27 status of the plan, emission reductions and progress toward meeting
28 the objectives specified in this section, and the goals of this
29 chapter and chapter 76.04 RCW.

30 (3)(a) By December 31, 2018, the department of natural resources
31 must, in consultation with the department of ecology, other relevant
32 state and federal agencies, participating tribes, and public and
33 private landowners engaged in silvicultural forest burning, update
34 the smoke management plan developed under subsection (2) of this
35 section. The purpose of the smoke management plan is to provide for
36 the continuation of silvicultural or forestland burning as a resource
37 management tool and to provide increased opportunities for prescribed
38 burning. The primary purpose of the smoke management plan update is
39 to increase transparency and predictability for prescribed burns.

1 (b) The department of natural resources must update the smoke
2 management plan through a science-based stakeholder process that
3 balances forest health and public health interests. The plan should
4 include the identification of communities most vulnerable to wildfire
5 and prioritize prescribed burning and other appropriate resiliency
6 treatments on lands surrounding those communities. In addition, the
7 department of natural resources must, at minimum, update or include
8 procedures in the smoke management plan according to the following
9 directives:

10 (i) The minimum threshold to be considered a large fire in areas
11 near communities or prone to inversions must be increased to one
12 thousand tons per burn and the threshold for pile burns in low-risk
13 areas must be increased to two thousand tons per burn;

14 (ii) The department of natural resources must issue forty-eight
15 hour forecasts for permitted prescribed burns;

16 (iii) The department of natural resources must authorize
17 individual prescribed burns twenty-four hours prior to ignition of
18 the fire. Any burn decision made twenty-four hours in advance is
19 subject to change if meteorological conditions or conditions
20 affecting smoke dispersion are different from those anticipated and
21 either pose an imminent and significant threat to public health or
22 are forecast to exceed an air quality standard;

23 (iv) The department of natural resources may, by special burn
24 permit, authorize prescribed burning on days when the department
25 would otherwise deny burning if the denial of such a permit would
26 threaten imminent and substantial economic loss. In authorizing such
27 burning, the department of natural resources must limit the amount of
28 material that can be burned in any one day and only authorize burning
29 that is not forecast to exceed an air quality standard;

30 (v) In addition to the priorities listed in subsection (2) of
31 this section, the department of natural resources must prioritize
32 burn projects according to the public benefits, including forest
33 health, wildfire prevention, safety, and public health;

34 (vi) The department of natural resources must clarify the
35 criteria it considers when determining whether a burn "has the
36 potential to affect communities" with respect to multiple day burns;

37 (vii) The department of natural resources must cooperate with
38 prescribed burn managers with approved multiple day burn permits to
39 ensure predictability and to maximize opportunities to burn on each
40 day of the approved multiple day burn permit; and

1 (viii) The department of natural resources may not deny a
2 prescribed burn solely on the potential for smoke intrusions into
3 communities unless there is clear evidence of an imminent and
4 significant threat to public health or clear evidence that the smoke
5 intrusion is forecast to contribute to an exceedance of an air
6 quality standard.

7 (4) If the December 31, 1994, emission reductions targets in this
8 section are not met, the department of natural resources, in
9 consultation with the department of ecology, shall use its authority
10 granted in this chapter and chapter 76.04 RCW to immediately limit
11 emissions from such burning to the 1994 target levels and limit
12 silvicultural forest burning in subsequent years to achieve equal
13 annual incremental reductions so as to achieve the December 31, 2000,
14 target level. If, as a result of the program established in this
15 section, the emission reductions are met in 1994, but are not met by
16 December 31, 2000, the department of natural resources in
17 consultation with the department of ecology shall immediately limit
18 silvicultural forest burning to reduce emissions from such burning to
19 the December 31, 2000, target level in all subsequent years.

20 (~~(4)~~) (5) Emissions from silvicultural burning in eastern
21 Washington that is conducted for the purpose of restoring forest
22 health or preventing the additional deterioration of forest health
23 are exempt from the reduction targets and calculations in this
24 section if the following conditions are met:

25 (a) The landowner submits a written request to the department
26 identifying the location of the proposed burning and the nature of
27 the forest health problem to be corrected. The request shall include
28 a brief description of alternatives to silvicultural burning and
29 reasons why the landowner believes the alternatives not to be
30 appropriate.

31 (b) The department determines that the proposed silvicultural
32 burning operation is being conducted to restore forest health or
33 prevent additional deterioration to forest health; meets the
34 requirements of the state smoke management plan to protect public
35 health, visibility, and the environment; and will not be conducted
36 during an air pollution episode or during periods of impaired air
37 quality in the vicinity of the proposed burn.

38 (c) Upon approval of the request by the department and before
39 burning, the landowner is encouraged to notify the public in the

1 vicinity of the burn of the general location and approximate time of
2 ignition.

3 ~~((+5))~~ (6) The department of ecology may conduct a limited,
4 seasonal ambient air quality monitoring program to measure the
5 effects of forest health burning conducted under subsection ~~((+4))~~
6 (5) of this section. The monitoring program may be developed in
7 consultation with the department of natural resources, private and
8 public forest landowners, academic experts in forest health issues,
9 and the general public.

--- END ---