

HOUSE BILL REPORT

HB 2733

As Reported by House Committee On:
Agriculture & Natural Resources
Appropriations

Title: An act relating to establishing a prescribed burn certification program at the department of natural resources.

Brief Description: Establishing a prescribed burn certification program at the department of natural resources.

Sponsors: Representatives Orcutt, Chapman, Maycumber, Tharinger, Dent, Kretz, Blake, Fitzgibbon and Muri.

Brief History:

Committee Activity:

Agriculture & Natural Resources: 1/25/18, 2/1/18 [DPS];
Appropriations: 2/5/18, 2/6/18 [DPS(AGNR)].

Brief Summary of Substitute Bill

- Directs the Department of Natural Resources to create a prescribed fire program and enumerates elements the program must cover, including a non-mandatory prescribed burn manager certification program.

HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Fitzgibbon, Kretz, Lytton, Orcutt, Pettigrew, Robinson, Schmick, Springer, Stanford and Walsh.

Staff: Rebecca Lewis (786-7339).

Background:

The Department of Natural Resources (DNR) has direct charge and responsibility over all matters relating to forest fire services in the state. This responsibility includes issuing and

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regulating permits for certain burning activities on lands under the DNR's fire protection authority, including silvicultural or prescribed burning. The DNR maintains and implements the Smoke Management Plan to regulate burning on DNR-protected lands, and to meet requirements of the state Clean Air Act. In 2017 the DNR developed the 20-Year Forest Health Strategic Plan in cooperation with other state and federal agencies and organizations that provides a framework to address forest health issues.

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 fire line intensity and rate of spread required to attain planned management objectives. Prescribed burn project managers are often referred to as "burn bosses."

Summary of Substitute Bill:

Prescribed Fire Program.

The DNR must create a prescribed fire program which must: include a prescribed burn manager certification program; include opportunities for burn managers to participate in regulatory processes that affect prescribed fire; and provide prescribed fire training to interested parties. The prescribed fire program must also evaluate the potential of expanding prescribed fire to achieve goals set out in the 20-Year Forest Health Strategic Plan and address interagency coordination.

Prescribed Burn Manager Program.

As a part of the prescribed fire program, the DNR must create a non-mandatory prescribed burn manager certification program (program) for those who practice prescribed burning in the state. The program must include training on all relevant aspects of prescribed fire in Washington. The DNR may also develop an equivalency test for experienced prescribed burn managers. Burn permits may be issued to certified prescribed burn managers with modified requirements in recognition of their training and skills. Certified prescribed burn managers are granted additional liability protection for permitted burns.

The DNR may adopt rules to create the program, set periodic renewal criteria, and adopt a decertification process for certified prescribed burn managers who violate any forest protection laws or rules. Any rules adopted should be developed in consultation with similar programs in other states.

Substitute Bill Compared to Original Bill:

The proposed substitute bill directs the DNR to create a prescribed fire program and enumerates several elements the program must cover, including the prescribed burn manager certification program created in the underlying bill. Burn permits may be issued to certified prescribed burn managers with modified requirements in recognition of their training and skills.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 2, 2018.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There are many complexities related to prescribed burning and many scientific aspects to take into consideration before a burn can take place. These aspects include an assessment of fuel loads and types and weather conditions such as humidity, wind, and temperature. It is important to ensure individuals practicing prescribed burning are properly trained.

Many members of the Washington Farm Forestry Association from Eastern Washington support this bill. Prescribed burning is not just a convenience to deal with fuels; it can be a tool to mitigate or prevent insect and disease outbreaks. Additionally, some species of plants and animals are fire-dependent. As people retire, a certain amount of institutional memory and comfort with prescribed burning is being lost. The Washington Prescribed Fire Council works to increase expertise for current practitioners, but there is a need to keep people engaged in training. The bill does not go far enough. There is work currently being done in Florida regarding prescribed burn associations that would help small landowners. The work in Florida took their prescribed burning program from good to great. Fire services would benefit from this bill as prescribed burning provides a training opportunity for new firefighters. Currently, the only way to train is to work with the United States Forest Service. This bill would provide an exciting opportunity to provide firsthand experience and live fire training. The DNR interpreted the bill to create a more robust program, and will work with the sponsor to clarify the intent of the bill. The DNR assumes the training would include a week of classroom training.

(Opposed) None.

Persons Testifying: Representative Orcutt, prime sponsor; Elaine Oneil, Washington Farm Forestry Association; Russell Hobbs, Kittitas County Fire District 7; Dave Warren, Department of Natural Resources; Tom Bugert, The Nature Conservancy; Kara Karboski, Washington Prescribed Fire Council; and Mason McKinley, Center for Natural Lands Management.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by 32 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen,

Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist, Buys, Caldier, Cody, Condotta, Fitzgibbon, Graves, Haler, Hansen, Harris, Hudgins, Jinkins, Kagi, Lytton, Manweller, Pettigrew, Pollet, Sawyer, Schmick, Senn, Stanford, Sullivan, Taylor, Tharinger, Vick, Volz and Wilcox.

Staff: Dan Jones (786-7118).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Agriculture & Natural Resources:

No new changes were recommended.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) The original bill had a light prescribed fire program and there was an interest in a more robust program. The Department of Natural Resources (DNR) expects the program to cost \$546,000 in the remainder of this biennium and \$976,000 in the next two biennia. Prescribed fire is an important part of the DNR's Forest Health Program, and the DNR will incorporate the prescribed fire program created in the bill into the overall Forest Health Program.

(Opposed) None.

Persons Testifying: Dave Warren, Department of Natural Resources.

Persons Signed In To Testify But Not Testifying: None.