

# SENATE BILL REPORT

## HB 2733

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As of February 23, 2018

**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:** Passed House: 2/12/18, 97-0.

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 2/20/18, 2/22/18 [DPA-WM].

Ways & Means: 2/24/18.

### Brief Summary of Amended Bill

- Establishes a prescribed burn manager certification program within the Department of Natural Resources (DNR).

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### SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Majority Report:** Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Van De Wege, Chair; McCoy, Vice Chair; Warnick, Ranking Member; Honeyford and Nelson.

**Staff:** Curt Gavigan (786-7437)

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### SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Jed Herman (786-7346)

**Background:** The Department of Natural Resources (DNR) has direct charge of and supervision over all matters pertaining to the forest fire service of the state, specifically including the work of suppressing forest fires. Additionally, in 2007 the Legislature

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designated the DNR as the state lead in developing a comprehensive forest health program for the state and created a tiered advisory and regulatory system to address forest health issues.

Maintained and implemented by DNR, the state's Smoke Management Plan provides regulatory direction, operating procedures, and advisory information regarding the management of smoke and fuels on the forestlands of Washington State. It applies to all persons, landowners, companies, state and federal land management agencies, and others who do outdoor burning in Washington State on lands where DNR provides fire protection.

In 2017, the Legislature directed DNR to develop a forest health assessment and treatment framework designed to address the forest health issues facing the state. For each biennium, the framework must include:

- a plan to identify and assess 200,000 acres of fire-prone lands and communities in need of treatment, such as through prescribed fire or mechanical treatment—the scope of the assessment includes state-protected lands as well as other lands that pose a high risk to lands protected by DNR;
- the prioritization of areas assessed in the previous biennium and treatment of as many of those acres as possible with the available funding; and
- a biennial progress review and reporting process that includes providing funding requests, planned treatments, and reporting completed treatments and barriers to framework implementation.

**Summary of Amended Bill:** DNR is directed to create a voluntary burn manager certification program (program) for those who practice prescribed burning in the state. Training must cover issues including legal requirements, safety, weather, fire behavior, smoke management, public relations, and planning.

A prescribed burn manager certified under the program is exempt from civil or criminal liability for impacts resulting from a prescribed fire, absent gross negligence or willful or wonton conduct.

#### **EFFECT OF AGRICULTURE, WATER, NATURAL RESOURCES & PARKS COMMITTEE AMENDMENT(S):**

- Authorizes DNR to modify burn permit requirements for certified prescribed burn managers, subject to smoke management and fire risk standards.
- Makes technical changes.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony on House Bill (Agriculture, Water, Natural Resources & Parks):** *The committee recommended a different version of the bill than what was heard.* PRO: Prescribed fire takes complex planning and calculations. This program will prove valuable in helping the state address forest health resources and the knowledge and experience of those who work on prescribed fire. This fits well within DNR's current forest health work, and follows a model used effectively in Florida.

**Persons Testifying (Agriculture, Water, Natural Resources & Parks):** PRO: Representative Ed Orcutt, Prime Sponsor; Loren Torgerson, DNR; Tom Bugert, The Nature Conservancy.

**Persons Signed In To Testify But Not Testifying (Agriculture, Water, Natural Resources & Parks):** No one.