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**SUBSTITUTE HOUSE BILL 2733**

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**State of Washington**

**65th Legislature**

**2018 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives Orcutt, Chapman, Maycumber, Tharinger, Dent, Kretz, Blake, Fitzgibbon, and Muri)

READ FIRST TIME 02/02/18.

1 AN ACT Relating to establishing a prescribed burn certification  
2 program at the department of natural resources; and adding new  
3 sections to chapter 76.04 RCW.

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

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 76.04  
6 RCW to read as follows:

7 In support of the goals and strategies identified in the "20-Year  
8 Forest Health Strategic Plan" and pursuant to the forest health  
9 treatment framework in RCW 76.06.200, the department shall create a  
10 prescribed fire program. The prescribed fire program shall consist of  
11 the following elements and activities:

12 (1) Provide prescribed fire training to prescribed fire  
13 practitioners, landowners, and other interested parties. Training  
14 must include a prescribed burn manager certification program for  
15 those who practice prescribed burning in the state. The certification  
16 program must include training on all relevant aspects of prescribed  
17 fire in Washington including, but not limited to, the following:  
18 Legal requirements; safety; weather; fire behavior; smoke management;  
19 prescribed fire techniques; public relations; planning; and  
20 contingencies;

1 (2) An opportunity for burn managers to participate in the  
2 prescribed fire council and other appropriate prescribed fire work  
3 groups and committees;

4 (3) An opportunity for burn managers to participate in the smoke  
5 management plan update and other relevant regulatory processes that  
6 affect prescribed fire;

7 (4) Evaluate the potential of expanding the application of  
8 prescribed fire in Washington on private, state, federal, and tribal  
9 lands in achieving "20-Year Forest Health Strategic Plan" goals;

10 (5) Engage in monitoring and research to evaluate the benefits  
11 and effectiveness of prescribed fire partnering with other agencies  
12 and research institutions on relevant monitoring and research  
13 activities;

14 (6) Participate in interagency burn teams and prescribed fires as  
15 appropriate for training and meeting "20-Year Forest Health Strategic  
16 Plan" goals, to conduct burns which may treat lands across multiple  
17 ownerships;

18 (7) Facilitate or support interagency cooperative burning and  
19 training exchanges for purposes of live fire training experience and  
20 meeting land management goals;

21 (8) Develop burn plans where appropriate.

22 NEW SECTION. **Sec. 2.** A new section is added to chapter 76.04  
23 RCW to read as follows:

24 (1) The department must create a prescribed burn manager  
25 certification program for those who practice prescribed burning in  
26 the state. The certification program must include training on all  
27 relevant aspects of prescribed fire in Washington including, but not  
28 limited to, the following: Legal requirements; safety; weather; fire  
29 behavior; smoke management; prescribed fire techniques; public  
30 relations; planning; and contingencies.

31 (2) The department may not require certification under the  
32 program created under subsection (1) of this section for burn permit  
33 approval under this chapter. Nothing in this section may be construed  
34 as creating a mandatory prescribed burn manager certification  
35 requirement to conduct prescribed burning in Washington.

36 (3) No civil or criminal liability may be imposed by any court,  
37 the state, or its officers and employees, on a prescribed burn  
38 manager certified under the program created under subsection (1) of  
39 this section, for any direct or proximate adverse impacts resulting

1 from a prescribed fire conducted under the provisions of this chapter  
2 except upon proof of gross negligence or willful or wanton  
3 misconduct.

4 (4) The department may adopt rules to create the prescribed burn  
5 manager certification program and to set periodic renewal criteria.  
6 The rules should be developed in consultation with prescribed burn  
7 programs in other states. The department may also adopt rules to  
8 establish a decertification process for certified prescribed burn  
9 managers who commit a violation under this chapter or rules adopted  
10 under this chapter. The department may, in its own discretion,  
11 develop an equivalency test for experienced prescribed burn managers.

12 (5) Certified prescribed burn managers may be issued burn permits  
13 with modified requirements in recognition of their training and  
14 skills. In such cases, normal smoke management and fire risk  
15 parameters apply.

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