

FINAL BILL REPORT

2SHB 1784

C 305 L 19
Synopsis as Enacted

Brief Description: Concerning wildfire prevention.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Kretz, Blake and Shea).

House Committee on Rural Development, Agriculture, & Natural Resources
House Committee on Appropriations
Senate Committee on Agriculture, Water, Natural Resources & Parks
Senate Committee on Ways & Means

Background:

The Department of Natural Resources (DNR) manages a number of different categories of land, each for a specific purpose and under different management requirements. This includes approximately 3 million acres of federally granted lands and state forestlands, which the DNR manages to support common schools, counties, and other public institutions.

The DNR has the direct charge and responsibility over all matters pertaining to forest fire services in the state. The forest fire-related duties of the DNR include enforcing all forest fire-related laws, investigating the cause of forest fires, and directing all fire suppression efforts on DNR-protected lands.

The DNR, the Department of Ecology (Ecology), and certain political subdivisions such as counties, conservation districts, fire protection authorities, and local air authorities, may issue permits under the state Clean Air Act for a variety of outdoor burning activities in their respective jurisdictions. Outdoor burning includes agricultural burning, the burning of organic yard or gardening waste, and silvicultural burning. Outdoor burn permits may not be issued during a period of impaired air quality declared by Ecology or a local air authority.

The DNR is responsible for issuing and regulating permits for certain burning activities on lands under the DNR's fire protection authority to: (1) abate and prevent fire hazards; (2) facilitate forest firefighting instruction; and (3) enable burning operations to improve fire-dependent ecosystems and otherwise improve the forestlands of the state. In addition, outdoor burning may be allowed for managing storm or flood-related debris.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The DNR maintains and implements the Smoke Management Plan to regulate prescribed burning on DNR-protected lands, and to meet requirements of the state Clean Air Act. Prescribed burning is the controlled application of fire to wildland fuels under specific environmental conditions, which allows 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.

Summary:

Forest Health Treatments.

The Department of Natural Resources (DNR) is directed to prioritize, to the maximum extent practicable, forest health treatments that are strategically planned to serve the dual benefits of forest health maximization while providing geographically planned tools for wildfire response.

The DNR is required to attempt to locate and design forest health treatments in such a way as to provide wildfire personnel with strategically located treated areas to assist with managing fire response.

The DNR is required, in the context of its wildfire response obligations, to be familiar with areas where forest health treatments were undertaken on state, private, and federal land; public general transportation roads and public and private logging roads; bodies of water; and other features on the landscape relevant in planning a fire response.

The DNR is required to include the geographic features described above on a Geographic Information System for use by fire response personnel.

Outdoor Burning.

Outdoor burning that reduces the risk of wildfire, or that is normal, necessary, and customary to ongoing silvicultural activities consistent with authorized silvicultural burning, is allowed within urban growth areas, subject to certain conditions. Before the DNR may issue a burn permit within the urban growth area for any burn that exceeds 100 tons of material, the DNR must consult with the Department of Ecology (Ecology) and condition the issuance and use of such a permit to comply with air quality standards established by Ecology.

The purposes for which the DNR may issue a burning permit include the reduction or prevention of a forest fire hazard, and performing any silvicultural operations related to improving forest health and resiliency, decreasing forest insect or disease susceptibility, maintaining or restoring native vegetation, or otherwise enhancing resiliency to fire.

The DNR is authorized to issue burning permits for lands not protected by the DNR where the burning permit is issued for the purpose of reducing the risk of wildfire. On such lands, the DNR may enter into cooperative agreements with local fire protection agencies to issue burning permits for reducing wildfire risk within the urban growth area.

The Smoke Management Plan issued by the DNR must recognize variations in silvicultural burning including improving forest health and resiliency, decreasing forest insect or disease

susceptibility, maintaining or restoring native vegetation, or otherwise enhancing resiliency to fire.

Votes on Final Passage:

House	96	0	
Senate	48	0	(Senate amended)
House	94	0	(House concurred)

Effective: July 28, 2019