

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2928

Chapter 110, Laws of 2016

64th Legislature
2016 Regular Session

FOREST RESILIENCY BURNING--PILOT PROJECT--AIR QUALITY

EFFECTIVE DATE: 3/31/2016

Passed by the House March 10, 2016
Yeas 96 Nays 1

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 9, 2016
Yeas 49 Nays 0

BRAD OWEN

President of the Senate

Approved March 31, 2016 11:22 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2928** as passed by House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

April 1, 2016

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2928

AS AMENDED BY THE SENATE

Passed Legislature - 2016 Regular Session

State of Washington **64th Legislature** **2016 Regular Session**

By House Agriculture & Natural Resources (originally sponsored by Representatives Kretz, Blake, Schmick, Dunshee, Short, Haler, Stanford, and Chandler)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to ensuring that restrictions on outdoor burning
2 for air quality reasons do not impede measures necessary to ensure
3 forest resiliency to catastrophic fires; creating a new section;
4 providing an expiration date; and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** (1) The department of natural resources
7 shall conduct a forest resiliency burning pilot project. The goal of
8 the pilot project is to monitor and evaluate the benefits of forest
9 resiliency burning and the impacts on ambient air quality. The
10 department of natural resources is responsible for establishing the
11 processes and procedures necessary to administer the pilot project,
12 including the review and approval of qualifying forest resiliency
13 burning proposals. The department of natural resources may consider
14 forest resiliency burning proposals that include treatments to reduce
15 fuel loads prior to burning, including the thinning of forest stands
16 and grazing to clear brush.

17 (2)(a) The department of natural resources must, as the primary
18 focus of the pilot project, arrange with interested third parties to
19 perform forest resiliency burning on land prone to forest or wildland
20 fires in coordination with the following forest health collaboratives
21 as recognized by the United States forest service:

- 1 (i) North Central Washington forest health collaborative;
- 2 (ii) Northeast Washington forestry collaborative; and
- 3 (iii) Tapash sustainable forest collaborative.

4 (b) The department of natural resources must also coordinate with
5 at least one organized group of public agencies and interested
6 stakeholders whose purpose is to protect, conserve, and expand the
7 safe and responsible use of prescribed fire on the Washington
8 landscape.

9 (3)(a) The department of natural resources must, as part of the
10 pilot project, approve single day or multiple day forest resiliency
11 burns if the burning is unlikely to significantly contribute to an
12 exceedance of air quality standards established by chapter 70.94 RCW.
13 Once approved, forest resiliency burns spanning multiple days may
14 only be revoked or postponed midway through the duration of the
15 approved burn if necessary for the safety of adjacent property or
16 upon a determination by the department of natural resources or the
17 department of ecology that the burn has significantly contributed to
18 an exceedance of air quality standards under chapter 70.94 RCW.

19 (b) The department of natural resources must approve burns at
20 least twenty-four hours prior to ignition of the fire.

21 (4) Forest resiliency burning, when conducted under the pilot
22 project authorized by this section, is not subject to the outdoor
23 burning restrictions in RCW 70.94.6512(2) and 70.94.6514.

24 (5) The implementation of the pilot project authorized in this
25 section is not:

26 (a) Intended to require the department of natural resources to
27 update the smoke management plan defined in RCW 70.94.6536. However,
28 information obtained through the pilot project's implementation may
29 be used to inform any future updates to the smoke management plan;
30 and

31 (b) Subject to the provisions of chapter 43.21C RCW.

32 (6) Forest resiliency burning, and the implementation of the
33 pilot project authorized in this section, must not be conducted at a
34 scale that would require a revision to the state implementation plan
35 under the federal clean air act.

36 (7) The department of natural resources shall submit a report to
37 the legislature, consistent with RCW 43.01.036, by December 1, 2018.
38 The report must include information and analyses regarding the
39 following elements:

1 (a) The amount of forest resiliency burns proposed, approved, and
2 conducted;

3 (b) The quantity and severity of air quality exceedances by
4 pollutant type;

5 (c) A comparative analysis between the predicted smoke conditions
6 and the actual smoke conditions observed on location by qualified
7 meteorological personnel or trained prescribed burning professionals
8 during the forest resiliency burn; and

9 (d) Recommendations relating to continuing or expanding forest
10 resiliency burning and creating forest resiliency burning as a new
11 type of outdoor burning permitted by the department of natural
12 resources.

13 (8) The report to the legislature required by this section may
14 include recommendations for the updating of the smoke management plan
15 defined in RCW 70.94.6536.

16 (9) For the purposes of this section, "forest resiliency burning"
17 means silvicultural burning carried out under the supervision of
18 qualified silvicultural, ecological, or fire management professionals
19 and used to improve fire dependent ecosystems, mitigate wildfire
20 potential, decrease forest susceptibility to forest insect or disease
21 as defined in RCW 76.06.020, or otherwise enhance forest resiliency
22 to fire.

23 (10) This section expires July 1, 2019.

24 NEW SECTION. **Sec. 2.** This act is necessary for the immediate
25 preservation of the public peace, health, or safety, or support of
26 the state government and its existing public institutions, and takes
27 effect immediately.

Passed by the House March 10, 2016.

Passed by the Senate March 9, 2016.

Approved by the Governor March 31, 2016.

Filed in Office of Secretary of State April 1, 2016.

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