

# HOUSE BILL REPORT

## SHB 1287

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### As Passed Legislature

**Title:** An act relating to forest health and calculating emissions for silvicultural burning.

**Brief Description:** Authorizing silvicultural burning to correct a forest health problem under certain circumstances.

**Sponsors:** By House Committee on Agriculture & Ecology (originally sponsored by Representatives McMorris, Horn, Chandler, Regala, Mastin, Clements, Koster, Robertson, Johnson, Boldt, Chappell, Schoesler and Rust).

#### **Brief History:**

##### **Committee Activity:**

Agriculture & Ecology: 1/30/95, 2/6/95 [DPS];

Appropriations: 3/1/95, 3/2/95 [DPS(AG)].

##### **Floor Activity:**

Passed House: 3/8/95, 98-0.

Passed Legislature.

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### HOUSE COMMITTEE ON AGRICULTURE & ECOLOGY

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Chandler, Chairman; Koster, Vice Chairman; McMorris, Vice Chairman; Mastin, Ranking Minority Member; Chappell, Assistant Ranking Minority Member; Boldt; Clements; Delvin; R. Fisher; Honeyford; Johnson; Kremen; Poulsen; Regala; Robertson; Rust and Schoesler.

**Staff:** Kenneth Hirst (786-7105).

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### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill by Committee on Agriculture & Ecology be substituted therefor and the substitute bill do pass. Signed by 30 members: Representatives Silver, Chairman; Clements, Vice Chairman; Huff, Vice Chairman; Pelesky, Vice Chairman; Sommers, Ranking Minority Member; Valle, Assistant Ranking Minority Member; Basich; Beeksma; Brumsickle; Carlson; Chappell; Cooke; Crouse; Dellwo; Foreman; Grant; Hargrove; Hickel; Jacobsen; Lambert; Lisk; McMorris; Poulsen; Reams; Rust; Sehlin; Sheahan; Talcott; Thibaudeau and Wolfe.

**Staff:** Susan Nakagawa (786-7145).

**Background:** The Department of Natural Resources (DNR) administers the state's silvicultural burning permit program. The issuance and use of such permits must comply with air quality standards established by the Department of Ecology. State law directs the DNR to set smoke dispersal objectives for the silvicultural burning program that are consistent with the air quality standards. The permits are to be revoked for an area during a stage of impaired air quality as declared by the Department of Ecology or a local air pollution control authority.

The DNR also administers a program for reducing state-wide emissions from silvicultural forest burning. The program was given emission reduction targets by statute. Using the average annual emissions level from 1985 to 1989 as the baseline, emissions were to be reduced by 20 percent by December 31, 1994, at which time this target became the emission ceiling until December 31, 2000. The target for December 31, 2000, is 50 percent of the baseline and this target becomes the emission ceiling thereafter.

The DNR indicates that particulate emissions in 1993 were below the December 2000 level when calculated on a statewide basis and emissions in eastern Washington in 1993 were well under the 1995 ceiling.

**Summary of Bill:** Under certain conditions, emissions from silvicultural burning in eastern Washington conducted to restore forest health or to prevent additional deterioration of forest health are exempted from the targets and calculations made under the DNR's emission reduction program for silvicultural forest burning. The emissions are exempt if:

- (1) The landowner submits a written request to the department including a brief description of alternatives to silvicultural burning and reasons why the landowner believes the alternatives are not appropriate.
- (2) The department determines that the proposed burning operation: is being conducted to restore forest health or to prevent additional deterioration to forest health; meets the requirements of the state smoke management plan to protect public health, visibility, and the environment; and will not be conducted during an air pollution episode or during periods of impaired air quality in the vicinity of the proposed burn.
- (3) The landowner is encouraged to notify the public in the vicinity of the burn the general location and approximate time of ignition.

The Department of Ecology is authorized to conduct a limited, seasonal ambient air quality monitoring program to measure the effects of such burnings.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** (Agriculture & Ecology) (1) Forest fires at the turn of the century prompted the state and private timber owners to establish a program to reduce the fires. It is now understood that limited fires help control disease and excessive concentrations of certain tree types in inappropriate locations in the forest. Unless these conditions are corrected, they result in explosive amounts of tinder and uncontrolled wild fires. (2) A forest health crisis exists in eastern Washington; this bill will encourage the use of planned, low intensity fires to improve forest health and will reduce the opportunities for wild fires. (3) State-wide reductions of smoke from forest operations are ahead of statutory deadlines. Exempting these limited burns from the calculations used for those deadlines will, in the long term, reduce air pollution from the forests by reducing the incidence of wild fires. (4) The U.S. Forest Service intends to increase its use of controlled fires three to five fold to combat the ecological imbalance of the forest. (5) Controlled fires will be conducted within the state's smoke management plan.

(Appropriations) This bill should generate additional revenue and be self-supporting. The fiscal note does not appropriately reflect the costs of the legislation, which should be minimal. The bill is a consensus bill that is important to promote forest health and reduce the threat of forest fires in eastern Washington.

**Testimony Against:** (Agriculture & Ecology) (1) The targets set in 1990 for reducing air pollution from forestry operations encourage the use of a variety of alternatives for managing forest health. They encourage a balanced approach. (2) The state's smoke management plan encourages controlled burning when weather conditions will blow the smoke away from population centers. Increasing the amount of forest burning operations will increase smoke levels in rural areas, with serious health affects for the elderly and children in those areas. (3) Even the current targets will accommodate a 76 percent increase in the use of controlled burning; exempting controlled burning from the targets is not necessary.

(Appropriations) None.

**Testified:** (Agriculture & Ecology) Tim Boyd, Washington Forest Protection Association (pro); Bob Gustavson, Washington Forest Protection Association (pro); Stu Clark, Department of Ecology (pro); Karl Denison, U.S. Forest Service (pro); and Bruce Wishart, Sierra Club (con).

(Appropriations) Representative Cathy McMorris, prime sponsor; Tim Boyd, Washington Forest Protection Association (pro); Craig Voegel, Boise Cascade (pro); Randy Acker, Department of Natural Resources (pro); and Curt Copenhagen, Longview Fibre Company (pro).

