

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1287

Chapter 143, Laws of 1995

54th Legislature
1995 Regular Session

SILVICULTURAL BURNING AUTHORIZATION--AIR QUALITY MONITORING

EFFECTIVE DATE: 7/23/95

Passed by the House March 8, 1995
Yeas 98 Nays 0

CLYDE BALLARD

**Speaker of the
House of Representatives**

Passed by the Senate April 7, 1995
Yeas 41 Nays 0

JOEL PRITCHARD

President of the Senate

Approved April 27, 1995

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1287** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN

Chief Clerk

FILED

April 27, 1995 - 1:10 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1287

Passed Legislature - 1995 Regular Session

State of Washington

54th Legislature

1995 Regular Session

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

Read first time 02/07/95.

1 AN ACT Relating to forest health and calculating emissions for
2 silvicultural burning; and amending RCW 70.94.665.

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

4 **Sec. 1.** RCW 70.94.665 and 1991 c 199 s 403 are each amended to
5 read as follows:

6 (1) The department of natural resources shall administer a program
7 to reduce state-wide emissions from silvicultural forest burning so as
8 to achieve the following minimum objectives:

9 (a) Twenty percent reduction by December 31, 1994 providing a
10 ceiling for emissions until December 31, 2000; and

11 (b) Fifty percent reduction by December 31, 2000 providing a
12 ceiling for emissions thereafter.

13 Reductions shall be calculated from the average annual emissions
14 level from calendar years 1985 to 1989, using the same methodology for
15 both reduction and base year calculations.

16 (2) The department of natural resources, within twelve months after
17 May 15, 1991, shall develop a plan, based upon the existing smoke
18 management agreement to carry out the programs as described in this
19 section in the most efficient, cost-effective manner possible. The

1 plan shall be developed in consultation with the department of ecology,
2 public and private landowners engaged in silvicultural forest burning,
3 and representatives of the public.

4 The plan shall recognize the variations in silvicultural forest
5 burning including, but not limited to, a landowner's responsibility to
6 abate an extreme fire hazard under chapter 76.04 RCW and other
7 objectives of burning, including abating and preventing a fire hazard,
8 geographic region, climate, elevation and slope, proximity to populated
9 areas, and diversity of land ownership. The plan shall establish
10 priorities that the department of natural resources shall use to
11 allocate allowable emissions, including but not limited to,
12 silvicultural burning used to improve or maintain fire dependent
13 ecosystems for rare plants or animals within state, federal, and
14 private natural area preserves, natural resource conservation areas,
15 parks, and other wildlife areas. The plan shall also recognize the
16 real costs of the emissions program and recommend equitable fees to
17 cover the costs of the program.

18 The emission reductions in this section are to apply to all forest
19 lands including those owned and managed by the United States. If the
20 United States does not participate in implementing the plan, the
21 departments of natural resources and ecology shall use all appropriate
22 and available methods or enforcement powers to ensure participation.

23 The plan shall include a tracking system designed to measure the
24 degree of progress toward the emission reductions goals set in this
25 section. The department of natural resources shall report annually to
26 the department of ecology and the legislature on the status of the
27 plan, emission reductions and progress toward meeting the objectives
28 specified in this section, and the goals of this chapter and chapter
29 76.04 RCW.

30 (3) If the December 31, 1994, emission reductions targets in this
31 section are not met, the department of natural resources, in
32 consultation with the department of ecology, shall use its authority
33 granted in this chapter and chapter 76.04 RCW to immediately limit
34 emissions from such burning to the 1994 target levels and limit
35 silvicultural forest burning in subsequent years to achieve equal
36 annual incremental reductions so as to achieve the December 31, 2000,
37 target level. If, as a result of the program established in this
38 section, the emission reductions are met in 1994, but are not met by
39 December 31, 2000, the department of natural resources in consultation

1 with the department of ecology shall immediately limit silvicultural
2 forest burning to reduce emissions from such burning to the December
3 31, 2000, target level in all subsequent years.

4 (4) Emissions from silvicultural burning in eastern Washington that
5 is conducted for the purpose of restoring forest health or preventing
6 the additional deterioration of forest health are exempt from the
7 reduction targets and calculations in this section if the following
8 conditions are met:

9 (a) The landowner submits a written request to the department
10 identifying the location of the proposed burning and the nature of the
11 forest health problem to be corrected. The request shall include a
12 brief description of alternatives to silvicultural burning and reasons
13 why the landowner believes the alternatives not to be appropriate.

14 (b) The department determines that the proposed silvicultural
15 burning operation is being conducted to restore forest health or
16 prevent additional deterioration to forest health; meets the
17 requirements of the state smoke management plan to protect public
18 health, visibility, and the environment; and will not be conducted
19 during an air pollution episode or during periods of impaired air
20 quality in the vicinity of the proposed burn.

21 (c) Upon approval of the request by the department and before
22 burning, the landowner is encouraged to notify the public in the
23 vicinity of the burn of the general location and approximate time of
24 ignition.

25 (5) The department of ecology may conduct a limited, seasonal
26 ambient air quality monitoring program to measure the effects of forest
27 health burning conducted under subsection (4) of this section. The
28 monitoring program may be developed in consultation with the department
29 of natural resources, private and public forest landowners, academic
30 experts in forest health issues, and the general public.

Passed the House March 8, 1995.

Passed the Senate April 7, 1995.

Approved by the Governor April 27, 1995.

Filed in Office of Secretary of State April 27, 1995.