

---

SENATE BILL 6510

---

State of Washington

64th Legislature

2016 Regular Session

By Senators Parlette and Pearson

Read first time 01/22/16. Referred to Committee on Natural Resources & Parks.

1 AN ACT Relating to the smoke management plan; and amending RCW  
2 70.94.6536.

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

4 **Sec. 1.** RCW 70.94.6536 and 1995 c 143 s 1 are each amended to  
5 read as follows:

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

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

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

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

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

1 ecology, public and private landowners engaged in silvicultural  
2 forest burning, and representatives of the public.

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

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

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

30 (3)(a) By December 31, 2017, the department of natural resources  
31 must, in consultation with the department of ecology, other relevant  
32 state and federal agencies, and public and private landowners engaged  
33 in silvicultural forest burning, update the smoke management plan  
34 developed under subsection (2) of this section. The purpose of the  
35 smoke management plan is to provide for the continuation of  
36 silvicultural or forestland burning as a resource management tool and  
37 to provide increased opportunities for prescribed burning. The  
38 primary purpose of the smoke management plan update is to increase  
39 transparency and predictability for prescribed burns.

1       (b) The department of natural resources must, at minimum, update  
2 or include procedures in the smoke management plan according to the  
3 following directives:

4       (i) The minimum threshold to be considered a large fire in areas  
5 near communities or prone to inversions must be increased to one  
6 thousand tons per burn and the threshold for pile burns in low-risk  
7 areas must be increased to two thousand tons per burn;

8       (ii) The department of natural resources must issue forty-eight  
9 hour forecasts for permitted prescribed burns;

10       (iii) The department of natural resources must authorize  
11 individual prescribed burns twenty-four hours prior to ignition of  
12 the fire. Any burn decision made twenty-four hours in advance is  
13 subject to change if meteorological conditions or conditions  
14 affecting smoke dispersion are different from those anticipated and  
15 either pose an imminent and significant threat to public health or  
16 would cause a violation of air quality standards;

17       (iv) The department of natural resources may, by special burn  
18 permit, authorize prescribed burning on days when the department  
19 would otherwise deny burning if the denial of such a permit would  
20 threaten imminent and substantial economic loss. In authorizing such  
21 burning, the department of natural resources must limit the amount of  
22 material that can be burned in any one day and only authorize burning  
23 that is not likely to cause exceedances of air quality standards;

24       (v) In addition to the priorities listed in subsection (2) of  
25 this section, the department of natural resources must prioritize  
26 burn projects according to the public benefits, including forest  
27 health, wildfire prevention, safety, and public health;

28       (vi) The department of natural resources must clarify the  
29 criteria it considers when determining whether a burn "has the  
30 potential to affect communities" with respect to multiple day burns;

31       (vii) The department of natural resources must cooperate with  
32 prescribed burn managers with approved multiple day burn permits to  
33 ensure predictability and to maximize opportunities to burn on each  
34 day of the approved multiple day burn permit; and

35       (viii) The department of natural resources may not deny a  
36 prescribed burn solely on the potential for smoke intrusions into  
37 communities unless there is clear evidence of an imminent and  
38 significant threat to public health or clear evidence that the smoke  
39 intrusion would cause a violation of air quality standards.

1        (4) If the December 31, 1994, emission reductions targets in this  
2 section are not met, the department of natural resources, in  
3 consultation with the department of ecology, shall use its authority  
4 granted in this chapter and chapter 76.04 RCW to immediately limit  
5 emissions from such burning to the 1994 target levels and limit  
6 silvicultural forest burning in subsequent years to achieve equal  
7 annual incremental reductions so as to achieve the December 31, 2000,  
8 target level. If, as a result of the program established in this  
9 section, the emission reductions are met in 1994, but are not met by  
10 December 31, 2000, the department of natural resources in  
11 consultation with the department of ecology shall immediately limit  
12 silvicultural forest burning to reduce emissions from such burning to  
13 the December 31, 2000, target level in all subsequent years.

14        ~~((+4))~~ (5) Emissions from silvicultural burning in eastern  
15 Washington that is conducted for the purpose of restoring forest  
16 health or preventing the additional deterioration of forest health  
17 are exempt from the reduction targets and calculations in this  
18 section if the following conditions are met:

19        (a) The landowner submits a written request to the department  
20 identifying the location of the proposed burning and the nature of  
21 the forest health problem to be corrected. The request shall include  
22 a brief description of alternatives to silvicultural burning and  
23 reasons why the landowner believes the alternatives not to be  
24 appropriate.

25        (b) The department determines that the proposed silvicultural  
26 burning operation is being conducted to restore forest health or  
27 prevent additional deterioration to forest health; meets the  
28 requirements of the state smoke management plan to protect public  
29 health, visibility, and the environment; and will not be conducted  
30 during an air pollution episode or during periods of impaired air  
31 quality in the vicinity of the proposed burn.

32        (c) Upon approval of the request by the department and before  
33 burning, the landowner is encouraged to notify the public in the  
34 vicinity of the burn of the general location and approximate time of  
35 ignition.

36        ~~((+5))~~ (6) The department of ecology may conduct a limited,  
37 seasonal ambient air quality monitoring program to measure the  
38 effects of forest health burning conducted under subsection ~~((+4))~~  
39 (5) of this section. The monitoring program may be developed in  
40 consultation with the department of natural resources, private and

1 public forest landowners, academic experts in forest health issues,  
2 and the general public.

--- END ---