

# HOUSE BILL REPORT

## 2SHB 1784

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### As Passed Legislature

**Title:** An act relating to wildfire prevention.

**Brief Description:** Concerning wildfire prevention.

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

**Brief History:**

**Committee Activity:**

Rural Development, Agriculture, & Natural Resources: 2/13/19, 2/20/19 [DPS];  
Appropriations: 2/25/19, 2/28/19 [DP2S(w/o sub RDAN)].

**Floor Activity:**

Passed House: 3/13/19, 96-0.

Senate Amended.

Passed Senate: 4/16/19, 48-0.

House Concurred.

Passed House: 4/18/19, 94-0.

Passed Legislature.

### Brief Summary of Second Substitute Bill

- Directs the Department of Natural Resources (DNR) to prioritize, to the maximum extent practicable, forest health treatments that serve the dual benefits of forest health maximization and strategic wildfire response.
- Requires the DNR to track areas of forest health treatments, and other relevant geographic features in planning a fire response.
- Authorizes outdoor burning within urban growth areas for certain purposes, subject to certain conditions.
- Provides the DNR with the authority to issue burning permits for wildfire-reduction purposes on lands where the DNR does not have fire protection responsibility.
- Modifies the scope of purposes for which the DNR may issue a burning permit.

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*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.*

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## HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE, & NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman, Dye, Fitzgibbon, Kretz, Lekanoff, Orcutt, Pettigrew, Ramos, Schmick, Springer and Walsh.

**Staff:** Robert Hatfield (786-7117).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Rural Development, Agriculture, & Natural Resources. Signed by 32 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member; Caldier, Chandler, Cody, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Jinkins, Kraft, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Schmick, Senn, Springer, Stanford, Steele, Sullivan, Sutherland, Tarleton, Tharinger and Ybarra.

**Staff:** Dan Jones (786-7118).

### **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.

The DNR maintains and implements the Smoke Management Plan to regulate 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 of Second Substitute Bill:**

#### 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 address improving forest health and resiliency, decreasing forest insect or disease susceptibility, maintaining or restoring native vegetation, or otherwise enhancing resiliency to fire.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

**Staff Summary of Public Testimony** (Rural Development, Agriculture, & Natural Resources):

(In support) The idea for this bill came during the 2015 wildfires. An area that had been treated by a landowner provided a good defensible space. It had not been cleared; it was just an example of good forestry practices. The fire incident commander said the treated forest was the only place from which they could fight the fire. If there is going to be a forest treatment, should it be in a single contiguous block, or rather, should it be in a long defensible line? If the state can do its forest health treatments in a strategic manner, that would be a big help. The bill fits in well with the strategic plan of the Department of Natural Resources (DNR).

Places where lands have been treated have a positive impact on wildfire behavior.

During the 2015 wildfires, when fire teams arrived from out of the area, they had to figure out where to put a fuel break. A fuel break can be a variety of things, depending on the environment; it can be a cleared area, or a reduced-fuel area. The DNR should have the flexibility to be able to figure that out in advance.

Fuel breaks will not completely address the risk of wildfire, but they can be useful. They provide anchor points from which to attack fires. Fuel breaks have been implemented in Eastern Washington. The DNR has already implemented fuel breaks in some areas in order to address wildland-urban interface issues. The United States Forest Service is interested in creating shaded fuel breaks in order to address the spread of wildfires. The bill would put the weight of the Legislature behind fuel breaks.

Forest health over the past five years or so has received an elevated level of attention in Olympia. Wildfire risk has been the rationale for doing work for forest health. It is a positive result to link the two things. It makes sense to do it strategically, such as along a property border or a geographic break. It is good to map the fuel breaks so that fire responders can better manage fire.

(Opposed) None.

(Other) The DNR's forest health strategy supports landowners who take steps to implement fuel breaks. There is concern regarding the cost and impact to state uplands. There are concerns with potential ecological impacts to sensitive areas.

**Staff Summary of Public Testimony (Appropriations):**

(In support) Wildfire reduction is often cited as a reason for making forest health investments, but this bill draws a more direct line between forest health and wildfires. Forest health investments have been ramping up recently, and this bill would require that wildfires are considered as part of a package when those investments are made.

(Opposed) None.

**Persons Testifying** (Rural Development, Agriculture, & Natural Resources): (In support) Representative Kretz, prime sponsor; Wes McCart, Stevens County Commissioner's Office; Matthew Comisky, American Forest Resource Council; and Jason Callahan, Washington Forest Protection Association.

(Other) Duane Emmons and Loren Torgerson, Washington State Department of Natural Resources.

**Persons Testifying** (Appropriations): Jason Callahan, Washington Forest Protection Association.

**Persons Signed In To Testify But Not Testifying** (Rural Development, Agriculture, & Natural Resources): None.

**Persons Signed In To Testify But Not Testifying** (Appropriations): None.