

# HOUSE BILL REPORT

## 2SHB 1784

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### As Amended by the Senate

**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.

#### 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.
- Requires the DNR to include areas of forest health treatments, and other relevant geographic features, in a Geographic Information System for use by fire response personnel.

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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.

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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.*

**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 is directed, to the extent feasible given all applicable trust responsibilities and subject to the availability of appropriated funds, to: develop and implement a policy for prioritizing forest health treatments in order to protect state lands and state forestlands; reduce wildfire losses, insect infestation, and disease; and improve forest health at a landscape scale.

### **Summary of Second Substitute Bill:**

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.

**EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment makes the following changes to the bill:

- authorizes outdoor burning within urban growth areas for certain purposes, subject to certain conditions;
- provides the Department of Natural Resources (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; and
- modifies the scope of the DNR's Smoke Management Plan to include various topics related to enhancing resiliency to wildfire.

**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.