

HOUSE BILL REPORT

ESSB 5279

As Reported by House Committee On:
Rural Development, Agriculture, & Natural Resources

Title: An act relating to regulating outdoor burning for the protection of life or property and for public health, safety, and welfare.

Brief Description: Regulating outdoor burning for the protection of life or property and for public health, safety, and welfare.

Sponsors: Senate Committee on Agriculture, Water, Natural Resources & Parks (originally sponsored by Senators Van De Wege, Warnick and Short).

Brief History:

Committee Activity:

Rural Development, Agriculture, & Natural Resources: 3/26/19, 4/2/19 [DP].

Brief Summary of Engrossed Substitute 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.
- Modifies the scope of the DNR's Smoke Management Plan to include various topics related to enhancing resiliency to wildfire.

HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE, & NATURAL RESOURCES

Majority Report: Do pass. Signed by 14 members: Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Chapman, Dye, Fitzgibbon, Kretz, Lekanoff, Orcutt, Pettigrew, Ramos, Schmick, Springer and Walsh.

Staff: Robert Hatfield (786-7117).

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.

Background:

The Department of Natural Resources (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 Bill:

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 Department of Natural Resources (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.

Staff Summary of Public Testimony:

(In support) This bill is consistent with the Department of Natural Resources' (DNR's) wildland fire protection strategic plan.

Prescribed burns can be good for forest health and resiliency. The bill provides the DNR with authority to reduce hazardous fuels in urban growth areas while maintaining air quality.

(Opposed) None.

(Other) There are seven local air agencies that regulate a significant portion of land in Washington. It would be helpful to add the air agencies to the consultation language of the bill so that, when appropriate, the air agencies would be consulted. The consultation requirement applies only when the size of the burn within the urban growth area reaches 100 tons, which works out to a burn that is roughly 1.5 acres in size. It is important to be responsive to the concerns of the people who will be impacted by the smoke generated by the burns permitted in this bill. Hopefully, before a burn occurs, the proponent of the burn will consult with the appropriate air agency to ensure air quality standards were not exceeded on the day of the burn.

Persons Testifying: (In support) Stu Clark, Department of Ecology; and Loren Torgerson, Department of Natural Resources.

(Other) Fran McNair, Olympic Region Clean Air Agency.

Persons Signed In To Testify But Not Testifying: None.