

# SENATE BILL REPORT

## SB 5279

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As Reported by Senate Committee On:  
Agriculture, Water, Natural Resources & Parks, February 21, 2019

**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:** Senators Van De Wege, Warnick and Short.

**Brief History:**

**Committee Activity:** Agriculture, Water, Natural Resources & Parks: 1/31/19, 2/21/19 [DPS-WM].

**Brief Summary of First Substitute Bill**

- Allows outdoor burning that is consistent with silvicultural burning within the urban growth area subject to approval by the Department of Natural Resources.

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### SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

**Majority Report:** That Substitute Senate Bill No. 5279 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Warnick, Ranking Member; Honeyford, McCoy, Rolfes and Short.

**Staff:** Jeff Olsen (786-7428)

**Background:** The Department of Natural Resources (DNR), the Department of Ecology (DOE), and certain political subdivisions such as counties, conservation districts, fire protection authorities, and local air authorities, may issue permits for a variety of outdoor burning activities in their respective jurisdictions allowed under the state Clean Air Act. Outdoor burning includes agricultural burning, the burning of organic yard or gardening

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waste, and silvicultural burning. Outdoor burn permits may not be issued during a period of impaired air quality declared by DOE or a local air authority.

DNR is responsible for issuing and regulating permits for certain burning activities on lands under the DNR's fire protection authority (1) to abate and prevent fire hazards, (2) facilitate forest firefighting instruction; and 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.

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 allow 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 (First Substitute):** DNR must consider forest health and resiliency, decreasing forest insect or disease susceptibility, maintaining or restoring native vegetation, or otherwise enhancing resiliency to fire when issuing burning permits for silvicultural operations. DNR may allow outdoor burning that is consistent with silvicultural burning within the urban growth area . If the silvicultural burn exceeds 100 tons of material, the DNR must consult with the DOE and condition the issuance of the permit to comply with air quality standards established by the DOE.

**EFFECT OF CHANGES MADE BY AGRICULTURE, WATER, NATURAL RESOURCES & PARKS COMMITTEE (First Substitute):** The substitute allows outdoor burning that is consistent with silvicultural burning within the urban growth area. The substitute requires DNR to consult with the DOE if the burning within the urban growth area exceeds 100 tons of material. Adds County Fire Marshalls in consultation with fire districts may establish limited burning permit programs.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: Wildfires are a top concern, and we need every tool in the toolbox to address the risk. There will be some smoke in the offseason to reduce smoke during fire season. The intent of the bill is consistent with the DNR wildfire strategic plan to address fires. We need to protect and prepare communities for fire season. The DNR, Ecology, and other partners need to develop a coordinated approach to reduce hazardous fuels. Prescribed fire can be a safe and effective tool and is essential for forest health. There needs to be more flexibility, especially in the urban growth areas, to use controlled burning to reduce fuel loads and improve forest health.

OTHER: The use of controlled burning can be an effective tool, but it must be carefully managed. There needs to be coordination and effective communication with the public. The northwest is experiencing smoke from a variety of areas, and it could be almost anytime of the year.

**Persons Testifying:** PRO: Senator Kevin Van De Wege, Prime Sponsor; Wes McCart, Stevens County Commissioner; Loren Torgerson, Strategic Advisor, DNR; Chris Martin, City of Roslyn Fire Department; Joanna Grist, Methow Valley Citizens Council.

OTHER: Craig Kenworthy, Director, Puget Sound Clean Air Agency; Denise Clifford, DOE; Kara Karboski, Washington Prescribed Fire Council.

**Persons Signed In To Testify But Not Testifying:** No one.