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**ENGROSSED SUBSTITUTE HOUSE BILL 2928**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** House Agriculture & Natural Resources (originally sponsored by Representatives Kretz, Blake, Schmick, Dunshee, Short, Haler, Stanford, and Chandler)

AN ACT Relating to ensuring that restrictions on outdoor burning for air quality reasons do not impede measures necessary to ensure forest resiliency to catastrophic fires; creating a new section; providing an expiration date; and declaring an emergency.

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

NEW SECTION. **Sec.**  (1) The department of natural resources shall conduct a forest resiliency burning pilot project. The goal of the pilot project is to monitor and evaluate the benefits of forest resiliency burning and the impacts on ambient air quality. The department of natural resources is responsible for establishing the processes and procedures necessary to administer the pilot project, including the review and approval of qualifying forest resiliency burning proposals.

(2)(a) The department of natural resources must, as the primary focus of the pilot project, arrange with interested third parties to perform forest resiliency burning on land prone to forest or wildland fires in coordination with the following forest health collaboratives as recognized by the United States forest service:

(i) North Central Washington forest health collaborative;

(ii) Northeast Washington forestry collaborative; and

(iii) Tapash sustainable forest collaborative.

(b) The department of natural resources must also coordinate with at least one organized group of public agencies and interested stakeholders whose purpose is to protect, conserve, and expand the safe and responsible use of prescribed fire on the Washington landscape.

(3)(a) The department of natural resources must, as part of the pilot project, approve single day or multiple day forest resiliency burns if the burning is unlikely to significantly contribute to an exceedance of air quality standards established by chapter 70.94 RCW. Once approved, forest resiliency burns spanning multiple days may only be revoked or postponed midway through the duration of the approved burn if necessary for the safety of adjacent property or upon a determination by the department of natural resources or the department of ecology that the burn has significantly contributed to an exceedance of air quality standards under chapter 70.94 RCW.

(b) Approved forest resiliency burning must be initiated no later than twenty-four hours after being approved by the department of natural resources.

(4) Forest resiliency burning, when conducted under the pilot project authorized by this section, is not subject to the outdoor burning restrictions in RCW 70.94.6512 and 70.94.6514.

(5) The implementation of the pilot project authorized in this section is not:

(a) Intended to require the department of natural resources to update the smoke management plan defined in RCW 70.94.6536. However, information obtained through the pilot project's implementation may be used to inform any future updates to the smoke management plan; and

(b) Subject to the provisions of chapter 43.21C RCW.

(6) Forest resiliency burning, and the implementation of the pilot project authorized in this section, must not be conducted at a scale that would require a revision to the state implementation plan under the federal clean air act.

(7) The department of natural resources shall submit a report to the legislature, consistent with RCW 43.01.036, by December 1, 2018. The report must include information and analyses regarding the following elements:

(a) The amount of forest resiliency burns proposed, approved, and conducted;

(b) The quantity and severity of air quality exceedances by pollutant type;

(c) A comparative analysis between the predicted smoke conditions and the actual smoke conditions observed on location by qualified meteorological personnel or trained prescribed burning professionals during the forest resiliency burn; and

(d) Recommendations relating to continuing or expanding forest resiliency burning and creating forest resiliency burning as a new type of outdoor burning permitted by the department of natural resources.

(8) The report to the legislature required by this section may include recommendations for the updating of the smoke management plan defined in RCW 70.94.6536.

(9) For the purposes of this section, "forest resiliency burning" means silvicultural burning carried out under the supervision of qualified silvicultural, ecological, or fire management professionals and used to improve fire dependent ecosystems, mitigate wildfire potential, decrease forest susceptibility to forest insect or disease as defined in RCW 76.06.020, or otherwise enhance forest resiliency to fire.

(10) This section expires July 1, 2019.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

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