S-4542.1

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**SUBSTITUTE SENATE BILL 6510**

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

**By** Senate Natural Resources & Parks (originally sponsored by Senators Parlette and Pearson)

AN ACT Relating to the smoke management plan; and amending RCW 70.94.6536.

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

**Sec.**  RCW 70.94.6536 and 1995 c 143 s 1 are each amended to read as follows:

(1)(a) The department of natural resources shall administer a program to reduce statewide emissions from silvicultural forest burning so as to achieve the following minimum objectives:

((~~(a)~~)) (i) Twenty percent reduction by December 31, 1994 providing a ceiling for emissions until December 31, 2000; and

((~~(b)~~)) (ii) Fifty percent reduction by December 31, 2000 providing a ceiling for emissions thereafter.

(b) Reductions shall be calculated from the average annual emissions level from calendar years 1985 to 1989, using the same methodology for both reduction and base year calculations.

(2)(a) The department of natural resources, within twelve months after May 15, 1991, shall develop a plan, based upon the existing smoke management agreement to carry out the programs as described in this section in the most efficient, cost-effective manner possible. The plan shall be developed in consultation with the department of ecology, public and private landowners engaged in silvicultural forest burning, and representatives of the public.

(b) The plan shall recognize the variations in silvicultural forest burning including, but not limited to, a landowner's responsibility to abate an extreme fire hazard under chapter 76.04 RCW and other objectives of burning, including abating and preventing a fire hazard, geographic region, climate, elevation and slope, proximity to populated areas, and diversity of land ownership. The plan shall establish priorities that the department of natural resources shall use to allocate allowable emissions, including but not limited to, silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas. The plan shall also recognize the real costs of the emissions program and recommend equitable fees to cover the costs of the program.

(c) The emission reductions in this section are to apply to all forest lands including those owned and managed by the United States. If the United States does not participate in implementing the plan, the departments of natural resources and ecology shall use all appropriate and available methods or enforcement powers to ensure participation.

(d) The plan shall include a tracking system designed to measure the degree of progress toward the emission reductions goals set in this section. The department of natural resources shall report annually to the department of ecology and the legislature on the status of the plan, emission reductions and progress toward meeting the objectives specified in this section, and the goals of this chapter and chapter 76.04 RCW.

(3)(a) By December 31, 2018, the department of natural resources must, in consultation with the department of ecology, other relevant state and federal agencies, participating tribes, and public and private landowners engaged in silvicultural forest burning, update the smoke management plan developed under subsection (2) of this section. The purpose of the smoke management plan is to provide for the continuation of silvicultural or forestland burning as a resource management tool and to provide increased opportunities for prescribed burning. The primary purpose of the smoke management plan update is to increase transparency and predictability for prescribed burns.

(b) The department of natural resources must update the smoke management plan through a science-based stakeholder process that balances forest health and public health interests. The plan should include the identification of communities most vulnerable to wildfire and prioritize prescribed burning and other appropriate resiliency treatments on lands surrounding those communities. In addition, the department of natural resources must, at minimum, update or include procedures in the smoke management plan according to the following directives:

(i) The minimum threshold to be considered a large fire in areas near communities or prone to inversions must be increased to one thousand tons per burn and the threshold for pile burns in low-risk areas must be increased to two thousand tons per burn;

(ii) The department of natural resources must issue forty-eight hour forecasts for permitted prescribed burns;

(iii) The department of natural resources must authorize individual prescribed burns twenty-four hours prior to ignition of the fire. Any burn decision made twenty-four hours in advance is subject to change if meteorological conditions or conditions affecting smoke dispersion are different from those anticipated and either pose an imminent and significant threat to public health or are forecast to exceed an air quality standard;

(iv) The department of natural resources may, by special burn permit, authorize prescribed burning on days when the department would otherwise deny burning if the denial of such a permit would threaten imminent and substantial economic loss. In authorizing such burning, the department of natural resources must limit the amount of material that can be burned in any one day and only authorize burning that is not forecast to exceed an air quality standard;

(v) In addition to the priorities listed in subsection (2) of this section, the department of natural resources must prioritize burn projects according to the public benefits, including forest health, wildfire prevention, safety, and public health;

(vi) The department of natural resources must clarify the criteria it considers when determining whether a burn "has the potential to affect communities" with respect to multiple day burns;

(vii) The department of natural resources must cooperate with prescribed burn managers with approved multiple day burn permits to ensure predictability and to maximize opportunities to burn on each day of the approved multiple day burn permit; and

(viii) The department of natural resources may not deny a prescribed burn solely on the potential for smoke intrusions into communities unless there is clear evidence of an imminent and significant threat to public health or clear evidence that the smoke intrusion is forecast to contribute to an exceedance of an air quality standard.

(4) If the December 31, 1994, emission reductions targets in this section are not met, the department of natural resources, in consultation with the department of ecology, shall use its authority granted in this chapter and chapter 76.04 RCW to immediately limit emissions from such burning to the 1994 target levels and limit silvicultural forest burning in subsequent years to achieve equal annual incremental reductions so as to achieve the December 31, 2000, target level. If, as a result of the program established in this section, the emission reductions are met in 1994, but are not met by December 31, 2000, the department of natural resources in consultation with the department of ecology shall immediately limit silvicultural forest burning to reduce emissions from such burning to the December 31, 2000, target level in all subsequent years.

((~~(4)~~)) (5) Emissions from silvicultural burning in eastern Washington that is conducted for the purpose of restoring forest health or preventing the additional deterioration of forest health are exempt from the reduction targets and calculations in this section if the following conditions are met:

(a) The landowner submits a written request to the department identifying the location of the proposed burning and the nature of the forest health problem to be corrected. The request shall include a brief description of alternatives to silvicultural burning and reasons why the landowner believes the alternatives not to be appropriate.

(b) The department determines that the proposed silvicultural burning operation is being conducted to restore forest health or prevent additional deterioration to forest health; meets the requirements of the state smoke management plan to protect public health, visibility, and the environment; and will not be conducted during an air pollution episode or during periods of impaired air quality in the vicinity of the proposed burn.

(c) Upon approval of the request by the department and before burning, the landowner is encouraged to notify the public in the vicinity of the burn of the general location and approximate time of ignition.

((~~(5)~~)) (6) The department of ecology may conduct a limited, seasonal ambient air quality monitoring program to measure the effects of forest health burning conducted under subsection ((~~(4)~~)) (5) of this section. The monitoring program may be developed in consultation with the department of natural resources, private and public forest landowners, academic experts in forest health issues, and the general public.

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