
BILL REQUEST - CODE REVISER'S OFFICE

BILL REQ. #: S-4321.1/16

ATTY/TYPIST: ML:amh

BRIEF DESCRIPTION: Concerning wildfire management.

1 AN ACT Relating to wildfire management; amending RCW 76.04.610,
2 76.04.630, 76.04.015, 76.04.016, and 70.94.6536; adding new sections
3 to chapter 76.04 RCW; and creating new sections.

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

5 NEW SECTION. **Sec. 1.** (1) By July 31, 2016, the department of
6 enterprise services, in coordination with the department of natural
7 resources, must use a request for information to a broad base of
8 wildfire insurance carriers to gain an understanding of insurance
9 requirements and data needed for an accurate quote.

10 (2) By September 30, 2016, the department of enterprise services,
11 in coordination with the department of natural resources, must use a
12 request for quote to a broad base of wildfire insurance carriers to
13 discern how each carrier would meet the needs of Washington and the
14 cost of annual premiums. Preference must be given to insurance
15 policies with a deductible of fifty million dollars or less, but for
16 purposes of this section and for comparison, the departments may
17 solicit quotes with varying deductibles.

18 (3) By November 30, 2016, the department of enterprise services,
19 in coordination with the department of natural resources, must report
20 to the legislature on: The criteria used in the request for
21 information and request for quote; information gathered; premium and

1 deductible data; and all other relevant information gathered during
2 the solicitation process. If more than one insurance carrier offers a
3 policy quote, the report must also include recommendations as to
4 which insurer and insurance policy best fits the needs of the state.
5 No formal request for proposal may be issued under this section
6 absent express authorization from the legislature.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 76.04
8 RCW to read as follows:

9 (1) Any county may, by action of its legislative authority,
10 create a local forest fire protection division that is responsible
11 for preventing and responding to forest fires in the county. If
12 created, the local forest fire protection division assumes primary
13 command over any fire response in the county and assumes independent
14 decision-making authority over all local aspects of forest fire
15 prevention and response.

16 (2) The department must be notified of the creation of a local
17 forest fire protection division within thirty days of its creation.

18 (3) Two or more counties may organize into a single local forest
19 fire protection division.

20 (4) The department must, upon the request of a county's local
21 forest fire protection division, assist the county in any fire
22 response necessary to protect public safety.

23 **Sec. 3.** RCW 76.04.610 and 2012 2nd sp.s. c 7 s 922 are each
24 amended to read as follows:

25 (1)(a) If any owner of forest land within a forest protection
26 zone neglects or fails to provide adequate fire protection as
27 required by RCW 76.04.600, the department shall provide such
28 protection and shall annually impose the following assessments on
29 each parcel of such land: (i) A flat fee assessment of seventeen
30 dollars and fifty cents; and (ii) twenty-seven cents on each acre
31 exceeding fifty acres.

32 (b) Assessors may, at their option, collect the assessment on tax
33 exempt lands. If the assessor elects not to collect the assessment,
34 the department may bill the landowner directly.

35 (2) An owner who has paid assessments on two or more parcels,
36 each containing fewer than fifty acres and each within the same
37 county, may obtain the following refund:

1 (a) If all the parcels together contain less than fifty acres,
2 then the refund is equal to the flat fee assessments paid, reduced by
3 the total of (i) seventeen dollars and (ii) the total of the amounts
4 retained by the county from such assessments under subsection ~~((+5+))~~
5 (7) of this section.

6 (b) If all the parcels together contain fifty or more acres, then
7 the refund is equal to the flat fee assessments paid, reduced by the
8 total of (i) seventeen dollars, (ii) twenty-seven cents for each acre
9 exceeding fifty acres, and (iii) the total of the amounts retained by
10 the county from such assessments under subsection ~~((+5+))~~ (7) of this
11 section.

12 (3) Applications for refunds shall be submitted to the department
13 on a form prescribed by the department and in the same year in which
14 the assessments were paid. The department may not provide refunds to
15 applicants who do not provide verification that all assessments and
16 property taxes on the property have been paid. Applications may be
17 made by mail.

18 (4)(a) In addition to the procedures under ~~((this subsection))~~
19 subsections (2) and (3) of this section, property owners with
20 multiple parcels in a single county who qualify for a refund under
21 this section may apply to the department on an application listing
22 all the parcels owned in order to have the assessment computed on all
23 parcels but billed to a single parcel. ~~((Property owners with the~~
24 ~~following number of parcels may apply to the department in the year~~
25 ~~indicated:~~

Year	Number of Parcels
2002	10 or more parcels
2003	8 or more parcels
2004 and thereafter	6 or more parcels))

30 (b) The department must compute the correct assessment and
31 allocate one parcel in the county to use to collect the assessment.
32 The county must then bill the forest fire protection assessment on
33 that one allocated identified parcel. The landowner is responsible
34 for notifying the department of any changes in parcel ownership.

35 ~~((+3) Beginning January 1, 1991,))~~ (5) Under the administration
36 and at the discretion of the department, up to two hundred thousand
37 dollars per year of this assessment shall be used in support of those

1 rural fire districts assisting the department in fire protection
2 services on forest lands.

3 ~~((+4))~~ (6) For the purpose of this chapter, the department may
4 divide the forest lands of the state, or any part thereof, into
5 districts, for fire protection and assessment purposes, may classify
6 lands according to the character of timber prevailing, and the fire
7 hazard existing, and place unprotected lands under the administration
8 of the proper district. Amounts paid or contracted to be paid by the
9 department for protection of forest lands from funds at its disposal
10 shall be a lien upon the property protected, unless reimbursed by the
11 owner within ten days after October 1st of the year in which they
12 were incurred. The department shall be prepared to make statement
13 thereof, upon request, to a forest owner whose own protection has not
14 been previously approved as to its adequacy, the department shall
15 report the same to the assessor of the county in which the property
16 is situated. The assessor shall extend the amounts upon the tax rolls
17 covering the property, and upon authorization from the department
18 shall levy the forest protection assessment against the amounts of
19 unimproved land as shown in each ownership on the county assessor's
20 records. The assessor may then segregate on the records to provide
21 that the improved land and improvements thereon carry the millage
22 levy designed to support the rural fire protection districts as
23 provided for in RCW 52.16.170.

24 ~~((+5))~~ (7)(a) The amounts assessed shall be collected at the
25 time, in the same manner, by the same procedure, and with the same
26 penalties attached that general state and county taxes on the same
27 property are collected, except that errors in assessments may be
28 corrected at any time by the department certifying them to the
29 treasurer of the county in which the land involved is situated.
30 Assessments shall be known and designated as assessments of the year
31 in which the amounts became reimbursable.

32 (b) Except for counties that have created a local forest fire
33 protection division under section 2 of this act, upon the collection
34 of assessments, the county treasurer shall place fifty cents of the
35 total assessments paid on a parcel for fire protection into the
36 county current expense fund to defray the costs of listing, billing,
37 and collecting these assessments. The treasurer shall then transmit
38 the balance to the department.

39 (c) For counties that have created a local forest fire protection
40 division under section 2 of this act, the county treasurer shall

1 place all collections in a local account designated by the county
2 legislative authority to be used exclusively for local forest fire
3 prevention and response.

4 (d) Collections shall be applied against expenses incurred in
5 carrying out the provisions of this section, including necessary and
6 reasonable administrative costs incurred by the department in the
7 enforcement of these provisions. The department may also expend sums
8 collected from owners of forest lands or received from any other
9 source for necessary administrative costs in connection with the
10 enforcement of RCW 76.04.660.

11 ((+6)) (8) When land against which forest protection assessments
12 are outstanding is acquired for delinquent taxes and sold at public
13 auction, the state or, if appropriate, the county shall have a prior
14 lien on the proceeds of sale over and above the amount necessary to
15 satisfy the county's delinquent tax judgment. The county treasurer,
16 in case the proceeds of sale exceed the amount of the delinquent tax
17 judgment, shall immediately remit to the department or the county the
18 amount of the outstanding forest protection assessments.

19 ((+7)) (9)(a) All nonfederal public bodies owning or
20 administering forest land included in a forest protection zone shall
21 pay the forest protection assessments provided in this section and
22 the special forest fire suppression account assessments under RCW
23 76.04.630. The forest protection assessments and special forest fire
24 suppression account assessments shall be payable by nonfederal public
25 bodies from available funds within thirty days following receipt of
26 the written notice from the department which is given after October
27 1st of the year in which the protection was provided.

28 (b) Unpaid assessments are not a lien against the nonfederal
29 publicly owned land but shall constitute a debt by the nonfederal
30 public body to the department or the appropriate county and are
31 subject to interest charges at the legal rate. ~~((During the 2011-2013~~
32 ~~fiscal biennium, the forest fire protection assessment account may be~~
33 ~~appropriated to The Evergreen State College for analysis and~~
34 ~~recommendations to improve the efficiency and effectiveness of the~~
35 ~~state's mechanisms for funding fire prevention and suppression~~
36 ~~activities.~~

37 (+8)) (10) A public body, having failed to previously pay the
38 forest protection assessments required of it by this section, which
39 fails to suppress a fire on or originating from forest lands owned or
40 administered by it, is liable for the costs of suppression incurred

1 by the department or its agent and is not entitled to reimbursement
2 of costs incurred by the public body in the suppression activities.

3 ~~((9))~~ (11) The department may adopt rules to implement this
4 section, including, but not limited to, rules on levying and
5 collecting forest protection assessments.

6 **Sec. 4.** RCW 76.04.630 and 2010 1st sp.s. c 7 s 129 are each
7 amended to read as follows:

8 (1) There is created a landowner contingency forest fire
9 suppression account in the state treasury. Moneys in the account may
10 be spent only as provided in this section. Disbursements from the
11 account shall be on authorization of the commissioner of public lands
12 or the commissioner's designee. The account is subject to the
13 allotment procedure provided under chapter 43.88 RCW, but no
14 appropriation is required for disbursements.

15 (2) The department may expend from this account the amounts as
16 may be available and as it considers appropriate for the payment of
17 emergency fire costs resulting from a participating landowner fire.
18 The department may, when moneys are available from the landowner
19 contingency forest fire suppression account, expend moneys for
20 summarily abating, isolating, or reducing an extreme fire hazard
21 under RCW 76.04.660. All moneys recovered as a result of the
22 department's actions, from the owner or person responsible, under RCW
23 76.04.660 shall be deposited in the landowner contingency forest fire
24 suppression account.

25 (3) When a determination is made that the fire was started by
26 other than a landowner operation, moneys expended from this account
27 in the suppression of such fire shall be recovered from the general
28 fund appropriations as may be available for emergency fire
29 suppression costs. The department shall deposit in the landowner
30 contingency forest fire suppression account moneys paid out of the
31 account which are later recovered, less reasonable costs of recovery.

32 (4)(a) This account shall be established and renewed by an annual
33 special forest fire suppression account assessment paid by
34 participating landowners at a rate to be established by the
35 department. In establishing assessments, the department shall seek to
36 establish and thereafter reestablish a balance in the account of
37 three million dollars.

38 (b) The department may establish a flat fee assessment of no more
39 than seven dollars and fifty cents for participating landowners

1 owning parcels of fifty acres or less. For participating landowners
2 owning parcels larger than fifty acres, the department may charge the
3 flat fee assessment plus a per acre assessment for every acre over
4 fifty acres. The per acre assessment established by the department
5 may not exceed fifteen cents per acre per year. The assessments
6 established under this section may differ to equitably distribute the
7 assessment based on emergency fire suppression cost experience
8 necessitated by landowner operations.

9 (c) Amounts assessed for this account shall be a lien upon the
10 forest lands with respect to which the assessment is made and may be
11 collected as directed by the department in the same manner as forest
12 protection assessments.

13 (d) Payment of emergency costs from this account shall in no way
14 restrict the right of the department to recover costs pursuant to RCW
15 76.04.495 or other laws.

16 (e) Any assessments collected under this chapter in a county that
17 has created a local forest fire protection division under section 2
18 of this act must be transferred to the county where the assessments
19 were collected at least once per fiscal year.

20 (5) When the department determines that a forest fire was started
21 in the course of or as a result of a landowner operation, the
22 determination shall be final, unless, within ninety days of the
23 notification, or an interested party serves a request for a hearing
24 before the department. The hearing shall constitute an adjudicative
25 proceeding under chapter 34.05 RCW, the administrative procedure act,
26 and an appeal shall be in accordance with RCW 34.05.510 through
27 34.05.598.

28 **Sec. 5.** RCW 76.04.015 and 2015 c 182 s 5 are each amended to
29 read as follows:

30 (1) The department may, at its discretion, appoint trained
31 personnel possessing the necessary qualifications to carry out the
32 duties and supporting functions of the department and may determine
33 their respective salaries.

34 (2) The department shall have direct charge of and supervision of
35 all matters pertaining to the forest fire service of the state.

36 (3) The department shall:

37 (a) Enforce all laws within this chapter;

1 (b) Be empowered to take charge of and direct the work of
2 suppressing forest fires in counties that have not created a local
3 forest fire protection division under section 2 of this act;

4 (c)(i) Investigate the origin and cause of all forest fires to
5 determine whether either a criminal act or negligence by any person,
6 firm, or corporation caused the starting, spreading, or existence of
7 the fire. In conducting investigations, the department shall work
8 cooperatively, to the extent possible, with utilities, property
9 owners, and other interested parties to identify and preserve
10 evidence. Except as provided otherwise in this subsection, the
11 department in conducting investigations is authorized, without court
12 order, to take possession or control of relevant evidence found in
13 plain view and belonging to any person, firm, or corporation. To the
14 extent possible, the department shall notify the person, firm, or
15 corporation of its intent to take possession or control of the
16 evidence. The person, firm, or corporation shall be afforded
17 reasonable opportunity to view the evidence and, before the
18 department takes possession or control of the evidence, also shall be
19 afforded reasonable opportunity to examine, document, and photograph
20 it. If the person, firm, or corporation objects in writing to the
21 department's taking possession or control of the evidence, the
22 department must either return the evidence within seven days after
23 the day on which the department is provided with the written
24 objections or obtain a court order authorizing the continued
25 possession or control.

26 (ii) Absent a court order authorizing otherwise, the department
27 may not take possession or control of evidence over the objection of
28 the owner of the evidence if the evidence is used by the owner in
29 conducting a business or in providing an electric utility service and
30 the department's taking possession or control of the evidence would
31 substantially and materially interfere with the operation of the
32 business or provision of electric utility service.

33 (iii) Absent a court order authorizing otherwise, the department
34 may not take possession or control of evidence over the objection of
35 an electric utility when the evidence is not owned by the utility but
36 has caused damage to property owned by the utility. However, this
37 subsection (3)(c)(iii) does not apply if the department has notified
38 the utility of its intent to take possession or control of the
39 evidence and provided the utility with reasonable time to examine,
40 document, and photograph the evidence.

1 (iv) Only personnel qualified to work on electrical equipment may
2 take possession or control of evidence owned or controlled by an
3 electric utility;

4 (d) Furnish notices or information to the public calling
5 attention to forest fire dangers and the penalties for violation of
6 this chapter;

7 (e) Be familiar with all timbered and cut-over areas of the
8 state;

9 (f) Maximize the effective utilization of local fire suppression
10 assets consistent with RCW 76.04.181; and

11 (g) Regulate and control the official actions of its employees,
12 the wardens, and the rangers.

13 (4) The department may:

14 (a) Authorize all needful and proper expenditures for forest
15 protection;

16 (b) Adopt rules consistent with this section for the prevention,
17 control, and suppression of forest fires as it considers necessary
18 including but not limited to: Fire equipment and materials; use of
19 personnel; and fire prevention standards and operating conditions
20 including a provision for reducing these conditions where justified
21 by local factors such as location and weather;

22 (c) Remove at will the commission of any ranger or suspend the
23 authority of any warden;

24 (d) Inquire into:

25 (i) The extent, kind, value, and condition of all timberlands
26 within the state;

27 (ii) The extent to which timberlands are being destroyed by fire
28 and the damage thereon;

29 (e)(i) Provide fire detection, prevention, presuppression, or
30 suppression services on nonforested public lands managed by the
31 department or another state agency, but only to the extent that
32 providing these services does not interfere with or detract from the
33 obligations set forth in subsection (3) of this section.

34 (ii) If the department provides fire detection, prevention,
35 presuppression, or suppression services on nonforested public lands
36 managed by another state agency, the department must be fully
37 reimbursed for the work through a cooperative agreement as provided
38 for in RCW 76.04.135(1).

39 (5) Any rules adopted under this section for the suppression of
40 forest fires must include a mechanism by which a local fire

1 mobilization radio frequency, consistent with RCW 43.43.963, is
2 identified and made available during the initial response to any
3 forest fire that crosses jurisdictional lines so that all responders
4 have access to communications during the response. Different initial
5 response frequencies may be identified and used as appropriate in
6 different geographic response areas. If the fire radio communication
7 needs escalate beyond the capability of the identified local radio
8 frequency, the use of other available designated interoperability
9 radio frequencies may be used.

10 (6) When the department considers it to be in the best interest
11 of the state, it may cooperate with any agency of another state, the
12 United States or any agency thereof, the Dominion of Canada or any
13 agency or province thereof, and any county, town, corporation,
14 individual, or Indian tribe within the state of Washington in forest
15 firefighting and patrol.

16 **Sec. 6.** RCW 76.04.016 and 1993 c 196 s 1 are each amended to
17 read as follows:

18 The department, and any county that has created a local forest
19 fire protection division under section 2 of this act, when acting, in
20 good faith, in its statutory capacity as a fire prevention and
21 suppression agency, is carrying out duties owed to the public in
22 general and not to any individual person or class of persons separate
23 and apart from the public. Nothing contained in this title, including
24 but not limited to any provision dealing with payment or collection
25 of forest protection or fire suppression assessments, may be
26 construed to evidence a legislative intent that the duty to prevent
27 and suppress forest fires is owed to any individual person or class
28 of persons separate and apart from the public in general. This
29 section does not alter the department's duties and responsibilities
30 as a landowner.

31 NEW SECTION. **Sec. 7.** A new section is added to chapter 76.04
32 RCW to read as follows:

33 (1) The department must develop a twenty-year strategic plan to
34 treat the two million seven hundred thousand acres of Washington
35 forestland identified by the department as being in poor forest
36 health condition. The department must develop the forest health and
37 wildfire prevention strategic plan in consultation with relevant
38 local, state, and federal agencies, tribes, forest landowners,

1 representatives from milling and log transportation industries, and
2 other interested parties from the nonprofit and commercial sectors.

3 (2) The strategic plan must be updated at least every two years
4 and must include timelines and, at minimum, strategies to:

5 (a) Facilitate communication and coordination between local,
6 state, federal, and tribal fire personnel;

7 (b) Improve public education and outreach regarding fire
8 prevention and suppression activities;

9 (c) Streamline contract procedures to perform forest health
10 treatments on public and private lands;

11 (d) Expand technical assistance programs for local governmental
12 entities and private landowners; and

13 (e) Address barriers to wildfire prevention and suppression
14 activities, particularly in rural areas where resources may be
15 limited.

16 (3) The department must report on the forest health and wildfire
17 prevention strategic plan and its assessment of progress to the
18 appropriate committees of the legislature by December 31, 2017. The
19 report must include relevant fiscal information and recommendations
20 for any legislative action needed to execute the strategic plan.

21 NEW SECTION. **Sec. 8.** A new section is added to chapter 76.04
22 RCW to read as follows:

23 (1) The department must create a prescribed burn manager
24 certification program for those who practice prescribed burning in
25 the state. The certification program must include training on all
26 relevant aspects of prescribed fire in Washington including, but not
27 limited to, the following: Legal requirements; safety; weather; fire
28 behavior; smoke management; prescribed fire techniques; public
29 relations; planning; and contingencies.

30 (2) The department may not require certification under the
31 program created under subsection (1) of this section for burn permit
32 approval under this chapter. Nothing in this section may be construed
33 as creating a mandatory prescribed burn manager certification
34 requirement to conduct prescribed burning in Washington.

35 (3) No civil or criminal liability may be imposed by any court on
36 the state or its officers and employees, or a prescribed burn manager
37 certified under the program created under subsection (1) of this
38 section, for any direct or proximate adverse impacts resulting from a

1 prescribed fire conducted under the provisions of this chapter except
2 upon proof of gross negligence or willful or wanton misconduct.

3 (4) The department may adopt rules to create the prescribed burn
4 manager certification program and to set periodic renewal criteria.
5 The department may also adopt rules to establish a decertification
6 process for certified prescribed burn managers who commit a violation
7 under this chapter or rules adopted under this chapter. The
8 department may, in its own discretion, develop an equivalency test
9 for experienced prescribed burn managers.

10 NEW SECTION. **Sec. 9.** By December 31, 2016, the department of
11 natural resources must recommend to the appropriate committees of the
12 legislature options to incentivize adoption of the International
13 Wildland Urban Interface Code, published by the International Code
14 Council, Inc., particularly by counties at high risk during wildfire
15 season.

16 **Sec. 10.** RCW 70.94.6536 and 1995 c 143 s 1 are each amended to
17 read as follows:

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

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

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

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

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

35 (b) The plan shall recognize the variations in silvicultural
36 forest burning including, but not limited to, a landowner's
37 responsibility to abate an extreme fire hazard under chapter 76.04
38 RCW and other objectives of burning, including abating and preventing

1 a fire hazard, geographic region, climate, elevation and slope,
2 proximity to populated areas, and diversity of land ownership. The
3 plan shall establish priorities that the department of natural
4 resources shall use to allocate allowable emissions, including but
5 not limited to, silvicultural burning used to improve or maintain
6 fire dependent ecosystems for rare plants or animals within state,
7 federal, and private natural area preserves, natural resource
8 conservation areas, parks, and other wildlife areas. The plan shall
9 also recognize the real costs of the emissions program and recommend
10 equitable fees to cover the costs of the program.

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

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

24 (3)(a) By December 31, 2017, the department of natural resources
25 must, in consultation with the department, other relevant state and
26 federal agencies, and public and private landowners engaged in
27 silvicultural forest burning, update the smoke management plan
28 developed under subsection (2) of this section. The purpose of the
29 smoke management plan is to provide for the continuation of
30 silvicultural or forestland burning as a resource management tool and
31 to provide increased opportunities for prescribed burning. The
32 primary purpose of the smoke management plan update is to increase
33 transparency and predictability for prescribed burns.

34 (b) The department of natural resources must, at minimum, update
35 or include procedures in the smoke management plan according to the
36 following directives:

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

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

3 (iii) The department of natural resources must authorize
4 individual prescribed burns twenty-four hours prior to ignition of
5 the fire. Any burn decision made twenty-four hours in advance is
6 subject to change if meteorological conditions or conditions
7 affecting smoke dispersion are different from those anticipated and
8 either pose an imminent and significant threat to public health or
9 would cause a violation of air quality standards;

10 (iv) The department of natural resources may, by special burn
11 permit, authorize prescribed burning on days when the department
12 would otherwise deny burning if the denial of such a permit would
13 threaten imminent and substantial economic loss. In authorizing such
14 burning, the department of natural resources must limit the amount of
15 material that can be burned in any one day and may only authorize
16 burning that is not likely to cause exceedances of air quality
17 standards;

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

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

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

29 (viii) The department of natural resources may not deny a
30 prescribed burn solely on the potential for smoke intrusions into
31 communities unless there is clear evidence of an imminent and
32 significant threat to public health or clear evidence that the smoke
33 intrusion would cause a violation of air quality standards.

34 (4) If the December 31, 1994, emission reductions targets in this
35 section are not met, the department of natural resources, in
36 consultation with the department of ecology, shall use its authority
37 granted in this chapter and chapter 76.04 RCW to immediately limit
38 emissions from such burning to the 1994 target levels and limit
39 silvicultural forest burning in subsequent years to achieve equal
40 annual incremental reductions so as to achieve the December 31, 2000,

1 target level. If, as a result of the program established in this
2 section, the emission reductions are met in 1994, but are not met by
3 December 31, 2000, the department of natural resources in
4 consultation with the department of ecology shall immediately limit
5 silvicultural forest burning to reduce emissions from such burning to
6 the December 31, 2000, target level in all subsequent years.

7 ~~((4))~~ (5) Emissions from silvicultural burning in eastern
8 Washington that is conducted for the purpose of restoring forest
9 health or preventing the additional deterioration of forest health
10 are exempt from the reduction targets and calculations in this
11 section if the following conditions are met:

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

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

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

29 ~~((5))~~ (6) The department of ecology may conduct a limited,
30 seasonal ambient air quality monitoring program to measure the
31 effects of forest health burning conducted under subsection ~~((4))~~
32 (5) of this section. The monitoring program may be developed in
33 consultation with the department of natural resources, private and
34 public forest landowners, academic experts in forest health issues,
35 and the general public.

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