

Burn Permit Fee in relation to the changes in RCW 70A.15.5020

Options and Recommendations

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WASHINGTON STATE DEPARTMENT OF
NATURAL RESOURCES

Introduction

The Department of Natural Resources was directed in the FY21 operating budget, Section 310, page 341, to review its burn permit fee schedule and develop options and recommendations on changes to this schedule to meet the outdoor burning in Urban Growth Areas (UGA) requirements of RCW 70A.15.5020.

The Legislature authorized controlled silvicultural burning in UGAs in 2019 ([HB 1784](#)). Silvicultural burning is allowed in UGAs under two conditions: to reduce the risk from a wildfire; or for normal, necessary, and customary ongoing silvicultural activities.

The Department considered the following in its review:

- any increase in burning as a result of the additions to RCW 70A.15.5020;
- previous 2011 Department analysis for possible proposed fee increases; and
- the overall program and its use of the Air Pollution Control account in light of the restructuring within our Wildland Fire Management at the Department;

After conducting this review, the Department's recommendation is to perform a comprehensive review of the state's Silvicultural Smoke Management Program from now until December 1, 2022 to incorporate ongoing policy and operational changes to prescribed fire usage in Washington State. This will allow the Department to provide holistic recommendations to the Legislature on the Program and any changes to the burn permit fee schedule prior to the 2023 legislative session.

Burn Permit Statistics

The Department typically issues about 1,500 burn permits annually statewide. The majority of these burns are in western Washington, with most related to industrial logging operations outside of UGAs.

The impacts of COVID-19 limited the number of UGA permits issued in the last two years. Even with this limitation 2,120 burn permits have been issued statewide since silvicultural burning in UGAs was authorized in 2019. However, only nine permits were for burning within a UGA. Out of a statewide total of 224,400 acres, only 533 acres were inside a UGA.

The Department believes these permit numbers for within UGAs is currently low—9 permits for 533 acres—because the program is only two years old. However, the Department anticipates there will be an increase in treatments in these highly important landscapes, especially with the additional resources provided by [HB 1168](#) in 2021 "Concerning long-term forest health and the reduction of wildfire dangers."

In eastern Washington, the Department and partners are making a concerted effort to improve the health and resilience of eastern Washington's damaged forests through the implementation of the 20-Year Forest Health Strategic Plan: Eastern Washington. This plan has identified 39 priority landscapes in need of focus for forest health assessments, treatments, and investments, representing 4.43 million acres that need to be transformed into resilient forests. The Department has conducted landscape evaluations on 30 of the 39 priority landscapes to date. This assessment of current forest conditions and the need for active management and disturbance has identified a need to conduct forest health treatments on 807,720 to 1,162,620 acres across eastern Washington to transform these landscapes into resilient forests, using a combination of tools which includes use of prescribed fire.

There are UGAs in 19 of the 39 current priority landscapes, totaling 36,302 acres. Controlled burns and other forest health treatments are critical within UGAs even if the total acreage appears low as it is an important tool for both forest health and public safety. The Department projects that prescribed fires¹ will increasingly be an important tool where forest health and risk mitigation measures are implemented in UGAs.

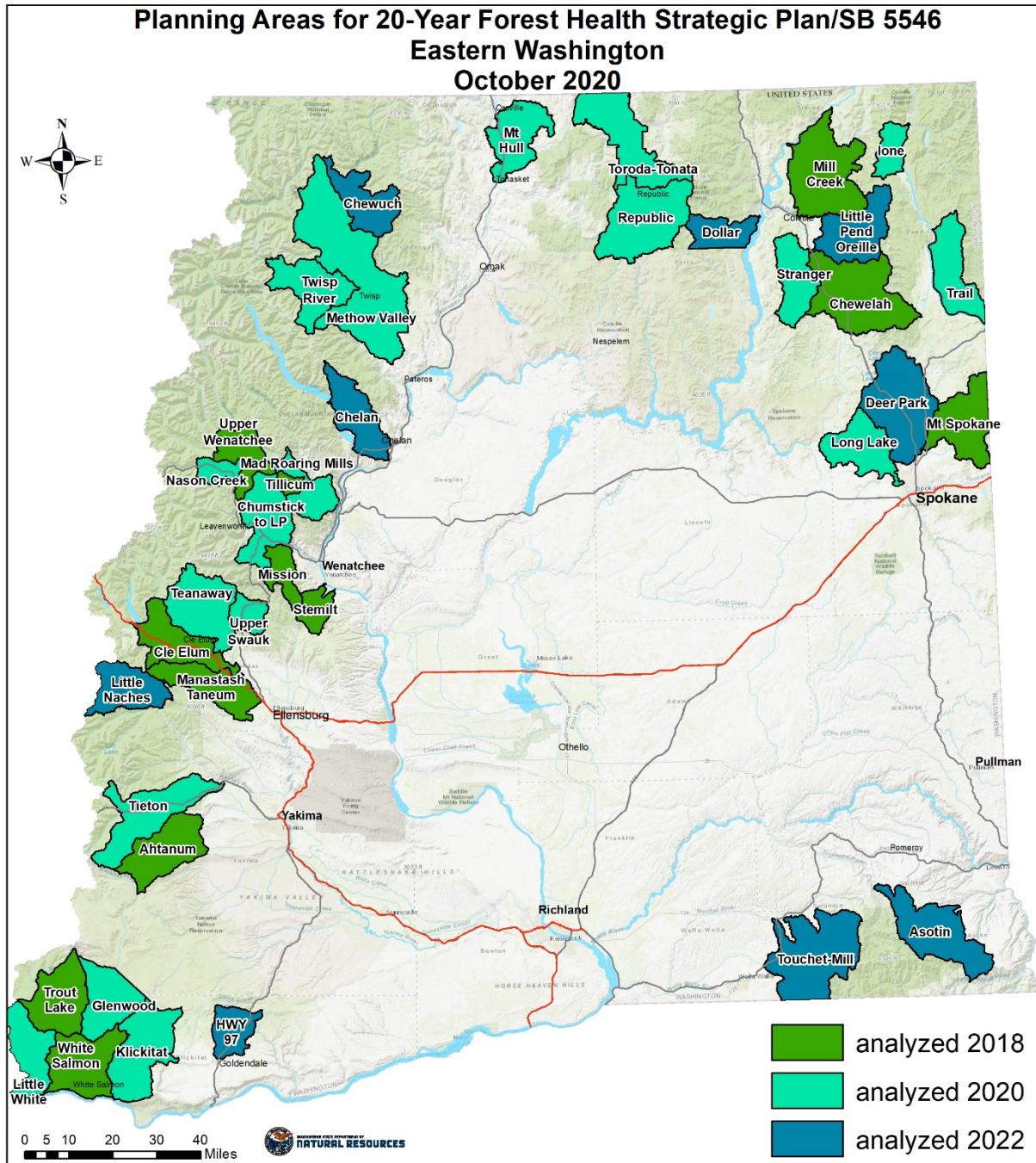
Treatment within UGAs has heightened priority where it can reduce and mitigate risk to infrastructure and communities from wildfire. Therefore, it is anticipated that action in these areas will increase in coming years and this should cause an increase in requests for burn permits. It is also important to note that investments in forest health and risk reduction treatments require maintenance causing issuance of permits for burns to occur more than once to be effective over time.

¹ Prescribed fire, also sometimes called prescribed burn fire or controlled fire, is when fire is intentionally applied by trained practitioners to vegetation to improve forest ecosystem health and resiliency. This includes two primary types of prescribed fire: broadcast burning and pile burning.

Table 1. Acreage of Urban Growth Area (UGA) within 20-Year Forest Health Strategic Plan priority landscapes

| 20-Year Forest Health Strategic Plan Priority Landscape | Acreage of priority landscape in UGA |
|--|---|
| Chelan | 6105 |
| Chewelah | 2316 |
| Chumstick to LP | 2101 |
| Cle Elum | 4965 |
| Deer Park | 8107 |
| HWY 97 | 51 |
| Ione | 986 |
| Long Lake | 5632 |
| Mad Roaring Mills | 432 |
| Methow Valley | 1159 |
| Mill Creek | 362 |
| Mission | 612 |
| Mt Hull | 357 |
| Republic | 962 |
| Stemilt | 179 |
| Stranger | 426 |
| Touchet-Mill | 289 |
| Twisp River | 183 |
| White Salmon | 1078 |

Graphic 1. 20-Year Forest Health Strategic Plan Priority Landscapes



Air Pollution Control Account

The Air Pollution Control account is established in RCW 70A.15.1010, and states that all burn permit fees shall be deposited into the account. The statute provides that “the legislature shall appropriate to the department of natural resources funds from the Air Pollution Control Account to enforce and administer the program under this section and RCW 70A.15.5030, 70A.15.5040, and 70A.15.5050. Fees shall be set by rule by the department of natural resources at the level necessary to cover the costs of the program after receiving recommendations on such fees from the public.”

Prior to 2011, the burn permit fees only covered about 18 percent of the program. In 2011, the Legislature authorized the Department to increase permit fees ([2ESHB 1087](#), page Sec. 308(8), page 109). The Legislature authorized an increase of \$80, plus \$0.50 per ton, for each ton of material burned in excess of 100 tons.

Unfortunately, this increase fell short of covering the costs of the program, and the program continues to be underfunded, hampering the usage of prescribed fire as a forest health and public safety tool. For example, from July 2019 – June 2020, \$514K was spent in issuing and complying silvicultural burn permits, however the revenue received into the Air Pollution Control Account was just over \$310K.

Options

The following options were considered in evaluating the efficacy of the current burn permit fee structure:

1. Maintain Status Quo: Continue to leave the fee structure as is with the knowledge it continues to fall short of the cost of the program, and cover the difference with state general fund monies.
2. Adjust Burn Permit Rates in 2022: Utilize and update the 2011 analysis (Attachment 1) to reflect the current cost of the program and provide the Legislature with a proposed fee increase by December 31st 2021, or
3. Comprehensive Review to Incorporate Additional Prescribed Fire Policies: Analyze all aspects of Washington’s Silvicultural Smoke Management Program statutes and rules, including changes resulting from the ongoing update of

Washington's Smoke Management Plan and State Implementation Plan, and the restructuring of program organization and processes during FY2022. This comprehensive analysis would update program costs to 2022, anticipated program costs through 2032, revenue and revenue forecasts, and program implementation changes from the Smoke Management Plan update. The Department could provide this comprehensive approach to the 2023 Legislature.

Recommendations

The Department recommends the comprehensive review, Option 3 above. This will provide for a more holistic analysis to the legislature that will account for additional policy and operational improvements to prescribed burning that are currently in process at the time of this report's publication.

There are numerous changes within the program throughout 2022 that will further affect the cost of the program including; the ongoing update to Smoke Management Plan which is currently in review by the Environmental Protection Agency at the time of this report's publication, the electronic burn permit system nearing completion, and the restructuring of the program within the Department to accommodate the legislative changes for wildfire and forest health in [HB 1168](#).

Considering the amount of fluidity of the program through 2022, rulemaking to change the fee schedule by the end of 2021 (Option 2 above), would likely result in the fees not continuing to fall short of covering the program. In the meantime the current schedule will apply to any permits approved under RCW 70A.15.5020.

Attachments

ATTACHMENT 1: *2011 Fee Schedule Program Proposal*