

SSB 6657 - S AMD 764

By Senator Parlette

1 Strike everything after the enacting clause and insert the
2 following:

3 "PART 1

4 INTENT AND FINDINGS

5 NEW SECTION. **Sec. 101.** LEGISLATIVE FINDINGS. The legislature
6 finds that protecting Washington's communities, economy, natural
7 resources, and wildlife habitat from wildfires is of paramount
8 importance. The record-breaking 2014 and 2015 fire seasons have
9 devastated Washington's lands and local economies. Wildfires burned
10 over one and one-half million acres in the last two years. Nearly
11 five hundred families and businesses saw their homes and structures
12 destroyed by wildfire during the 2015 fire season alone, and three
13 courageous firefighters lost their lives. Communities dependent on
14 seasonal tourism and the agriculture and timber industries struggled
15 with nearly six months of wildfire danger and smoke hazards, leading
16 to severely depressed revenues. The legislature further finds that
17 mitigating the impacts of increasingly devastating wildfire seasons
18 requires significant investments in the department of natural
19 resources wildfire suppression, prevention, and mitigation programs
20 to meet the scale of the threat.

21 The legislature recognizes that fire is a natural part of forest
22 ecosystems. However, past fire suppression paradigms, along with
23 significant decreases in federal forest management activities and
24 severe drought conditions have led to excessive fuel accumulation in
25 overstocked stands that are susceptible to intense burns.

26 The legislature finds that approximately two million seven
27 hundred thousand acres of the ten million acres of forest land in
28 eastern Washington are at high risk of damage by disease, insects,
29 and wildfire. It is the intent of the legislature to initiate
30 aggressive action to reduce wildfire fuel and restore forest health
31 conditions. The legislature intends to employ all available fire

1 prevention techniques, including mechanical thinning and prescribed
2 fire, to restore Washington forest land health, ensure public health
3 and safety, and support local communities most affected by wildfire.
4 The legislature also finds that buffer zones on lands adjacent to
5 forested lands significantly reduce the risk of wildfire spread and
6 benefit the maintenance of biodiversity in our lands.

7 The legislature finds that prescribed fire is a valuable tool for
8 fuel management and ecosystem restoration. The legislature further
9 finds that over ninety-nine percent of prescribed fires are
10 successfully held within planned perimeters. Short-term risks must be
11 balanced with long-term benefits to fire-dependent ecosystems,
12 habitat, and public health and safety.

13 With respect to training, the legislature finds that critical
14 shortages in command personnel have resulted in delays in deploying
15 needed resources, such as fire crews and equipment, during periods of
16 high fire severity. The legislature further finds that training
17 firefighters from different agencies together to the same national
18 standards prepares firefighters to work together seamlessly once a
19 wildland fire starts. Joint training also results in effective
20 integration and deployment of assets, such as the national guard,
21 when fire severity levels are high.

22 The legislature finds that it is necessary to improve the initial
23 attack capabilities of local fire districts to keep wildland fires
24 small and to avoid the catastrophic large fire costs and impacts
25 witnessed during the 2014 and 2015 fire seasons.

26 PART 2

27 STATEWIDE FIRE MANAGEMENT

28 NEW SECTION. **Sec. 201.** STATE WILDFIRE INSURANCE POLICY. (1)
29 Subject to the availability of amounts appropriated for this specific
30 purpose, by July 31, 2016, the department of enterprise services, in
31 coordination with the department of natural resources, must use a
32 request for information to a broad base of wildfire insurance
33 carriers to gain an understanding of requirements to insure the state
34 against wildfire suppression costs and data needed for an accurate
35 quote.

36 (2) By September 30, 2016, the department of enterprise services,
37 in coordination with the department of natural resources, must use a
38 request for quote to a broad base of wildfire insurance carriers to

1 discern how each carrier would meet the needs of Washington and the
2 cost of annual premiums. Preference must be given to insurance
3 policies with a deductible of fifty million dollars or less, but for
4 purposes of this section and for comparison, the departments may
5 solicit quotes with varying deductibles.

6 (3) By November 30, 2016, the department of enterprise services,
7 in coordination with the department of natural resources, must report
8 to the legislature on: The criteria used in the request for
9 information and request for quote; information gathered; premium and
10 deductible data; and all other relevant information gathered during
11 the solicitation process. If more than one insurance carrier offers a
12 policy quote, the report must also include recommendations as to
13 which insurer and insurance policy best fits the needs of the state.
14 No formal request for proposal may be issued under this section
15 absent express authorization from the legislature.

16 NEW SECTION. **Sec. 202.** A new section is added to chapter 76.04
17 RCW to read as follows:

18 FOREST HEALTH AND WILDFIRE MANAGEMENT STRATEGIC PLAN. (1) Subject
19 to the availability of amounts appropriated for this specific
20 purpose, by December 31, 2018, the department must develop and
21 implement a twenty-year strategic plan to treat areas of Washington
22 forest land identified by the department as being in poor forest
23 health condition and to manage resources for wildfire prevention and
24 suppression in a more efficient and effective manner. The department
25 must develop the forest health and wildfire management strategic plan
26 in consultation with relevant local, state, and federal agencies,
27 tribes, forest landowners, representatives from milling and log
28 transportation industries, regional conservation organizations, and
29 other interested parties from the nonprofit and commercial sectors.

30 (2) The strategic plan must include timelines and, at a minimum,
31 strategies to:

32 (a) Implement an actionable plan to restore and maintain forest
33 health and resilience within twenty years;

34 (b) Increase cooperation with federal land management agencies;

35 (c) Prioritize forest health or resiliency treatments on land
36 surrounding communities that are particularly vulnerable during the
37 wildfire season with forest health conditions that would benefit from
38 forest health or resiliency treatment;

1 (d) Expand forest health technical assistance and public
2 education and outreach, and wildfire prevention and suppression
3 activities;

4 (e) Improve communication and coordination between local,
5 regional, state, federal, and tribal fire personnel;

6 (f) Deploy efficient and effective initial attack response to
7 prevent wildland fire spread; and

8 (g) Integrate statewide usage of upgraded fire modeling and
9 geographic informational systems technologies and remote wildfire
10 detection technology, such as ground-based smoke sensors or manned
11 aircraft for reconnaissance, to ensure deployment of appropriate fire
12 resources.

13 (3)(a) The department must report to the legislature on its
14 progress in developing and implementing the forest health and
15 wildfire management strategic plan by December 31, 2016, and December
16 31, 2017. The report must include relevant fiscal information and
17 recommendations for any legislative action needed to execute the
18 strategic plan.

19 (b) In the report due by December 31, 2016, the department must
20 include:

21 (i) A list of vulnerable communities identified under subsection
22 (2)(c) of this section; and

23 (ii) The method by which the department will prioritize forest
24 health or resiliency treatments on land surrounding those
25 communities.

26 (c) The department must report to the legislature on the final
27 forest health and wildfire management strategic plan by December 31,
28 2018, and every two years thereafter in conjunction with its budget
29 request process under chapter 43.88 RCW. Each report must include, at
30 minimum, the following:

31 (i) Descriptions of specific forest health or resiliency and
32 wildfire management projects planned or underway at the time of
33 reporting, including partners, timelines, resources required, and
34 fiscal information associated with each project;

35 (ii) A summary of projects identified in the previous report that
36 have since been completed;

37 (iii) A summary of updates made to the strategic plan, if any;
38 and

1 (iv) Significant barriers to attaining specific goals in the
2 strategic plan, if any, and recommendations to address those
3 barriers.

4 **Sec. 203.** RCW 70.94.6536 and 1995 c 143 s 1 are each amended to
5 read as follows:

6 SMOKE MANAGEMENT PLAN UPDATE. (1)(a) The department of natural
7 resources shall administer a program to reduce statewide emissions
8 from silvicultural forest burning so as to achieve the following
9 minimum objectives:

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

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

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

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

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

38 (c) The emission reductions in this section are to apply to all
39 forest lands including those owned and managed by the United States.

1 If the United States does not participate in implementing the plan,
2 the departments of natural resources and ecology shall use all
3 appropriate and available methods or enforcement powers to ensure
4 participation.

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

12 (3)(a) Subject to the availability of amounts appropriated for
13 this specific purpose, the department of natural resources must, in
14 consultation with the department of ecology, other relevant state and
15 federal agencies, tribes, the Washington prescribed fire council, and
16 public and private landowners engaged in silvicultural forest
17 burning, update the smoke management plan developed under subsection
18 (2) of this section. The purpose of the smoke management plan update
19 is to encourage the continuation of silvicultural or forest land
20 burning as an important resource management tool.

21 (b) The department of natural resources must update the smoke
22 management plan through a science-based stakeholder process that
23 balances forest health and public health interests. The department of
24 natural resources must, at minimum, update or address provisions in
25 the smoke management plan that:

26 (i) Raise the minimum threshold to be considered a large fire;

27 (ii) Provide longer range forecasts for permitted prescribed
28 burns, including twenty-four hour and forty-eight hour forecasts;

29 (iii) Authorize individual prescribed burns twenty-four hours
30 prior to ignition of the fire. Any burn decision made twenty-four
31 hours in advance is subject to change if meteorological conditions or
32 conditions affecting smoke dispersion are different from those
33 anticipated and are forecast to contribute significantly to either an
34 exceedance of an air quality standard or to a threat to public health
35 or safety;

36 (iv) Allow the department to authorize, by special burn permit,
37 prescribed burning on days when the department would otherwise deny
38 burning if the denial of such a permit would threaten imminent and
39 substantial economic loss;

1 (v) Clarify the criteria the department considers when
2 determining whether a burn "has the potential to affect communities"
3 with respect to multiple day burns;

4 (vi) Increase utilization of multiple day burns and coordinate
5 with prescribed burn managers with approved multiple day burn permits
6 to ensure predictability and to maximize opportunities to burn on
7 each day of the approved multiple day burn permit; and

8 (vii) The department may not deny a prescribed burn solely on the
9 potential for smoke intrusions into communities unless the smoke
10 intrusion is forecast to contribute significantly to either an
11 exceedance of an air quality standard or to a significant threat to
12 public health or safety.

13 (c) The department of natural resources must adopt rules pursuant
14 to chapter 34.05 RCW to implement the smoke management plan adopted
15 under this section.

16 (d) Beginning 2017, the department of natural resources must
17 report to the legislature on its progress in updating the smoke
18 management plan, including expected timelines and actions needed for
19 completion, summaries of meetings held, stakeholders included, public
20 comments received, policies as they are updated, and relevant budget,
21 expenditure, and fund source information by December 31st of each
22 calendar year until the update is completed and implemented by rule.
23 The department of natural resources must also report on how data
24 collected during the forest resiliency burning pilot project
25 conducted under chapter . . . , Laws of 2016 (Engrossed Substitute
26 House Bill No. 2928) has informed the smoke management plan update.

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

1 ((+4)) (5) Emissions from silvicultural burning in eastern
2 Washington that is conducted for the purpose of restoring forest
3 health or preventing the additional deterioration of forest health
4 are exempt from the reduction targets and calculations in this
5 section if the following conditions are met:

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

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

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

23 ((+5)) (6) The department of ecology may conduct a limited,
24 seasonal ambient air quality monitoring program to measure the
25 effects of forest health burning conducted under subsection ((+4))
26 (5) of this section. The monitoring program may be developed in
27 consultation with the department of natural resources, private and
28 public forest landowners, academic experts in forest health issues,
29 and the general public.

30 **Sec. 204.** RCW 70.94.6538 and 2009 c 118 s 502 are each amended
31 to read as follows:

32 BURN PERMIT AUTHORITY. The department of natural resources in
33 granting burning permits for fires for the purposes set forth in RCW
34 70.94.6534 shall condition the issuance and use of such permits to
35 comply with air quality standards established by the department of
36 ecology after full consultation with the department of natural
37 resources. (~~Such burning shall not cause the state air quality~~
38 ~~standards to be exceeded in the ambient air up to two thousand feet~~
39 ~~above ground level over critical areas designated by the department~~

1 of ecology, otherwise subject to air pollution from other sources.
2 ~~Air quality standards shall be established and published by))~~ The
3 department of ecology (~~which shall~~) must also establish a procedure
4 for advising the department of natural resources when and where air
5 contaminant levels exceed or threaten to exceed the ambient air
6 standards over such critical areas. The air quality shall be
7 quantitatively measured by the department of ecology or the
8 appropriate local air pollution control authority at established
9 monitoring stations over such designated areas. Further, such
10 permitted burning shall not cause damage to public health or the
11 environment. All permits issued under this section shall be subject
12 to all applicable fees, permitting, penalty, and enforcement
13 provisions of this chapter. The department of natural resources shall
14 set forth smoke dispersal objectives designed consistent with this
15 section to minimize any air pollution from such burning and the
16 procedures necessary to meet those objectives.

17 The department of natural resources shall encourage more intense
18 utilization in logging and alternative silviculture practices (~~to~~
19 ~~reduce the need for burning~~) and encourage thinning to reduce fuel
20 loads and prescribed burning when appropriate for forest health
21 improvement and fire prevention. The department of natural resources
22 shall, whenever practical, encourage landowners to (~~develop and~~)
23 use (~~alternative acceptable~~) effective and efficient disposal
24 methods (~~subject to the following priorities~~), including the
25 following: ((~~1~~)) Slash production minimization((~~2~~)); slash
26 utilization((~~3~~)); nonburning disposal((~~4~~)); and silvicultural
27 burning. Such alternative methods shall be evaluated as to the
28 relative impact on air, water, and land pollution, public health, and
29 their financial feasibility.

30 The department of natural resources shall not issue burning
31 permits and shall revoke previously issued permits at any time in any
32 area where the department of ecology or local board has declared a
33 stage of impaired air quality as defined in RCW 70.94.473.

34 **Sec. 205.** RCW 76.04.205 and 1986 c 100 s 17 are each amended to
35 read as follows:

36 BURN PERMIT REVOCATION OR POSTPONEMENT. (1) Except in certain
37 areas designated by the department or as permitted under rules
38 adopted by the department, a person shall have a valid written
39 burning permit obtained from the department to burn:

1 (a) Any flammable material on any lands under the protection of
2 the department; or

3 (b) Refuse or waste forest material on forest lands protected by
4 the department.

5 (2) To be valid a permit must be signed by both the department
6 and the permittee. Conditions may be imposed in the permit for the
7 protection of life, property, or air quality and (~~{the department}~~)
8 the department may suspend or revoke the permits when conditions
9 warrant. A permit shall be effective only under the conditions and
10 for the period stated therein. Signing of the permit shall indicate
11 the permittee's agreement to and acceptance of the conditions of the
12 permit.

13 (3) The department may inspect or cause to be inspected the area
14 involved and may issue a burning permit if:

15 (a) All requirements relating to firefighting equipment, the work
16 to be done, and precautions to be taken before commencing the burning
17 have been met;

18 (b) No unreasonable danger will result; and

19 (c) Burning will be done in compliance with air quality standards
20 established by chapter 70.94 RCW.

21 (4) The department, authorized employees thereof, or any warden
22 or ranger may refuse, revoke, or postpone the use of (~~permits~~) a
23 permit to burn only when necessary for the safety of adjacent
24 property or when (~~necessary in their judgment to prevent air~~
25 ~~pollution~~) the particular burn at issue is forecast to contribute
26 significantly to either an exceedance of an air quality standard as
27 provided in chapter 70.94 RCW or to create a threat to public health
28 or safety.

29 **Sec. 206.** RCW 76.04.315 and 1986 c 100 s 22 are each amended to
30 read as follows:

31 BURN BAN AUTHORITY. (1) In times and localities of unusual fire
32 danger, the department may issue an order suspending any or all
33 burning permits or privileges authorized by RCW 76.04.205 and may
34 prohibit absolutely the use of fire in such locations.

35 (2) For the purposes of this section, "unusual fire danger" means
36 adverse weather and fire fuel conditions, in combination with the
37 prevalence of ignition sources, that indicate high potential over a
38 large area for a fire to ignite, spread, and require suppression
39 action.

1 NEW SECTION. **Sec. 207.** A new section is added to chapter 76.04
2 RCW to read as follows:

3 **JOINT TRAINING.** (1) Subject to the availability of amounts
4 appropriated for this specific purpose, the department must strive to
5 ensure adequate capacity of trained, effective firefighting forces
6 across all available local, state, and federal agencies, tribes, and
7 the private sector to meet state needs during each fire season.

8 (2) Subject to the availability of amounts appropriated for this
9 specific purpose, the national guard must coordinate with the
10 department to maintain trained firefighters to be deployed as needed
11 during the fire season. The legislature intends that no fewer than
12 six hundred national guard personnel be maintained with training and
13 fire suppression personal protective equipment to maintain this level
14 of readiness.

15 (3) Subject to the availability of amounts appropriated for this
16 specific purpose, the department must conduct prescribed burn manager
17 training, including training on all relevant aspects of prescribed
18 burning, such as: Legal requirements; safety; weather; fire behavior;
19 smoke management; prescribed fire techniques; public relations;
20 planning; and contingencies. The department may not require a
21 prescribed burn manager undergo the department's training course as a
22 condition for burn permit approval under this chapter.

23 NEW SECTION. **Sec. 208.** **COORDINATED COMMAND FOR LARGE FIRES.**
24 Subject to the availability of amounts appropriated for this specific
25 purpose, the department of natural resources must strive to ensure
26 that adequately trained fire commanders are available to dispatch
27 resources where they are needed most. To foster efficient year-round
28 workforce management, the department of natural resources must,
29 whenever practical, train existing department or local fire district
30 personnel to fill such additional fire commander positions during the
31 fire season.

32 NEW SECTION. **Sec. 209.** **AERIAL ATTACK.** Subject to the
33 availability of amounts appropriated for this specific purpose, the
34 department of natural resources may enter into contracts for aerial
35 resources qualified for wildland fire suppression and ensure
36 sufficient fire aviation personnel is available to coordinate and
37 deploy aviation assets where they are most needed.

1 NEW SECTION. **Sec. 210.** A new section is added to chapter 76.04
2 RCW to read as follows:

3 MULTILINGUAL PRESCRIBED BURN NOTICES. Prior to conducting a
4 prescribed burn, the department is encouraged to notify the public in
5 the vicinity of the burn of the general location, approximate time of
6 ignition, and expected duration of the prescribed burn. The
7 department may notify the public through written and verbal notices,
8 press releases to local media, and social media. The department is
9 further encouraged to give such notifications in a language that
10 diverse residents can understand when a significant segment of the
11 community speaks a language other than English and has limited
12 proficiency in English.

13 NEW SECTION. **Sec. 211.** A new section is added to chapter 38.52
14 RCW to read as follows:

15 MULTILINGUAL PUBLIC HEALTH AND SAFETY RISK NOTICES. (1) State
16 agencies required by law or rule to provide public notices to a
17 community or area to advise or inform the public about an imminent or
18 emergent public health, safety, or welfare risk are encouraged to
19 provide notices in the language that diverse residents can understand
20 when a significant segment of the community speaks a language other
21 than English and has limited proficiency in English. Under a state of
22 emergency, state agencies are encouraged to provide such notices,
23 information, and services in the languages represented by the
24 specific affected area's demographic data.

25 (2) During emergencies, political subdivisions' emergency
26 management departments are encouraged to provide accurate written and
27 verbal notices including, but not limited to, evacuation notices and
28 shelter information, in the languages represented by their
29 communities who speak a language other than English. Emergency
30 management departments of political subdivisions are also encouraged
31 to air public service announcements by radio or television broadcast
32 in the languages represented by their communities who speak a
33 language other than English.

34 **Sec. 212.** RCW 38.52.070 and 1997 c 49 s 4 are each amended to
35 read as follows:

36 MULTILINGUAL EMERGENCY DISASTER COMMUNICATION. (1) Each political
37 subdivision of this state is hereby authorized and directed to
38 establish a local organization or to be a member of a joint local

1 organization for emergency management in accordance with the state
2 comprehensive emergency management plan and program: PROVIDED, That a
3 political subdivision proposing such establishment shall submit its
4 plan and program for emergency management to the state director and
5 secure his or her recommendations thereon, and verification of
6 consistency with the state comprehensive emergency management plan,
7 in order that the plan of the local organization for emergency
8 management may be coordinated with the plan and program of the state.
9 Local comprehensive emergency management plans must specify the use
10 of the incident command system for multiagency/multijurisdiction
11 operations. No political subdivision may be required to include in
12 its plan provisions for the emergency evacuation or relocation of
13 residents in anticipation of nuclear attack. If the director's
14 recommendations are adverse to the plan as submitted, and, if the
15 local organization does not agree to the director's recommendations
16 for modification to the proposal, the matter shall be referred to the
17 council for final action. The director may authorize two or more
18 political subdivisions to join in the establishment and operation of
19 a joint local organization for emergency management as circumstances
20 may warrant, in which case each political subdivision shall
21 contribute to the cost of emergency management upon such fair and
22 equitable basis as may be determined upon by the executive heads of
23 the constituent subdivisions. If in any case the executive heads
24 cannot agree upon the proper division of cost the matter shall be
25 referred to the council for arbitration and its decision shall be
26 final. When two or more political subdivisions join in the
27 establishment and operation of a joint local organization for
28 emergency management each shall pay its share of the cost into a
29 special pooled fund to be administered by the treasurer of the most
30 populous subdivision, which fund shall be known as the
31 emergency management fund. Each local organization or joint local
32 organization for emergency management shall have a director who shall
33 be appointed by the executive head of the political subdivision, and
34 who shall have direct responsibility for the organization,
35 administration, and operation of such local organization for
36 emergency management, subject to the direction and control of such
37 executive officer or officers. In the case of a joint local
38 organization for emergency management, the director shall be
39 appointed by the joint action of the executive heads of the
40 constituent political subdivisions. Each local organization or joint

1 local organization for emergency management shall perform emergency
2 management functions within the territorial limits of the political
3 subdivision within which it is organized, and, in addition, shall
4 conduct such functions outside of such territorial limits as may be
5 required pursuant to the provisions of this chapter.

6 (2) In carrying out the provisions of this chapter each political
7 subdivision, in which any disaster as described in RCW 38.52.020
8 occurs, shall have the power to enter into contracts and incur
9 obligations necessary to combat such disaster, protecting the health
10 and safety of persons and property, and providing emergency
11 assistance and communication to the victims of such disaster. Each
12 political subdivision is authorized to exercise the powers vested
13 under this section in the light of the exigencies of an extreme
14 emergency situation without regard to time-consuming procedures and
15 formalities prescribed by law (excepting mandatory constitutional
16 requirements), including, but not limited to, budget law limitations,
17 requirements of competitive bidding and publication of notices,
18 provisions pertaining to the performance of public work, entering
19 into contracts, the incurring of obligations, the employment of
20 temporary workers, the rental of equipment, the purchase of supplies
21 and materials, the levying of taxes, and the appropriation and
22 expenditures of public funds.

23 NEW SECTION. **Sec. 213.** ACCOUNTING FOR FOREST HEALTH AND FIRE
24 MANAGEMENT-RELATED APPROPRIATIONS. (1) By December 31, 2016, the
25 department of natural resources must report to the legislature on how
26 funds appropriated in the 2016 supplemental operating budget for use
27 related to forest health and wildfire management were expended or are
28 expected to be expended in 2017. In particular, the report must
29 address the following:

- 30 (a) Local fire resources and a summary of agreements the
31 department of natural resources has entered into with local fire
32 districts;
- 33 (b) Wildland fire suppression personnel and training, including
34 fire engine personnel, local training, joint training, and fire
35 commander personnel and training;
- 36 (c) Aviation resources, including personnel;
- 37 (d) Wildfire prevention education, community outreach programs,
38 and technical assistance to landowners; and

1 (e) Any other forest health and wildfire management-related
2 expenditures of funds appropriated in the 2016 supplemental omnibus
3 operating appropriations act.

4 (2) For efficiency, the department of natural resources may
5 include the report required in this section as part of the report on
6 the forest health and wildfire management strategic plan, also due on
7 December 31, 2016, as required under section 202(3) of this act.

8 **PART 3**

9 **LOCAL FIRE MANAGEMENT**

10 NEW SECTION. **Sec. 301.** A new section is added to chapter 76.04
11 RCW to read as follows:

12 LOCAL FIRE RESOURCES. (1)(a) Subject to the availability of
13 amounts appropriated for this specific purpose, the department must
14 determine where additional fire suppression resources are needed and
15 which local fire districts would most benefit from those additional
16 resources. Fire suppression resources may include, but are not
17 limited to, aerial attack, wildland fire training, fire engines,
18 safety equipment, chainsaws, and radios.

19 (b) In making determinations under this section, the department
20 of natural resources may coordinate with the wildland fire advisory
21 committee, and must, at minimum, consider the following factors:

22 (i) Whether the local fire district is located in a fire prone
23 area; and

24 (ii) Particular resource needs based on existing fire suppression
25 capability and a ten-year history of wildland fire activity in or
26 near the local fire district's jurisdiction.

27 (c) Based on the determination made in (a) of this subsection,
28 the department must enter into agreements with local fire districts
29 to provide the fire suppression resources the department has
30 identified as necessary. These agreements must include terms and
31 conditions allowing local fire districts to order deployment of fire
32 suppression resources to assist in response to wildfire reports or to
33 be prepositioned for initial attack during high wildfire severity
34 conditions.

35 (2) For purposes of this section:

36 (a) "Prepositioned fire suppression resources" means fire
37 suppression resources either geographically positioned or contracted

1 for prior to and in anticipation of wildland fire suppression
2 activity during a fire season; and

3 (b) "Severity conditions" means that the conditions in a region
4 of the state indicate a high level of wildfire risk as indicated by
5 official actions, such as the declaration of a red flag warning, or
6 the issuance of a high wildfire probability by a state or federal
7 wildland fire organization.

8 NEW SECTION. **Sec. 302.** WILDLAND FIRE PUBLIC EDUCATION AND
9 OUTREACH. (1)(a) Subject to the availability of amounts appropriated
10 for this specific purpose, the department of natural resources, in
11 cooperation with the conservation commission, must expand its
12 programs to provide wildfire prevention education, community outreach
13 programs, and technical assistance to landowners.

14 (b) As part of its community outreach and education programs, the
15 department of natural resources must include educational material
16 regarding foams, gels, and other products designed to protect
17 structures from encroaching wildfires, particularly for homeowners in
18 communities located in fire prone areas of the state.

19 (c) Nothing in this section creates or infers additional
20 liability on the department of natural resources or the conservation
21 commission. No educational material made available by the department
22 of natural resources may be construed as an endorsement of any
23 product type or specific commercial product.

24 (2) The department of natural resources must also strive to
25 ensure landowner compliance with grant and contract requirements with
26 respect to forest health, resiliency, or fuels reduction treatments,
27 burn permit conditions, and industrial fire precaution levels.

28 NEW SECTION. **Sec. 303.** A new section is added to chapter 76.04
29 RCW to read as follows:

30 PERSONAL PROTECTION EQUIPMENT FOR VOLUNTEERS. (1) Subject to the
31 availability of amounts appropriated for this specific purpose, the
32 department must provide all necessary personal protection equipment
33 at no cost to up to one hundred fire suppression volunteers for use
34 while dispatched to wildland fire suppression duty. If the department
35 cannot provide the personal protection equipment, it must offer to
36 reimburse a volunteer who purchases new equipment suitable for the
37 kind of volunteer work to be performed. If the volunteer accepts

1 reimbursement, the volunteer must surrender the equipment for which
2 he or she was reimbursed when the volunteer period comes to an end.

3 (2) The department must ensure the inventory of personal
4 protection equipment for volunteers is kept in good condition through
5 periodic safety inspections. The personal protection equipment must
6 be stored in a geographic area and manner for quick distribution to
7 volunteers when needed for wildland fire suppression.

8 (3) For purposes of this section, "volunteers" means qualified
9 individuals who are not affiliated with a fire department or district
10 and who perform fire suppression activities for the department
11 without any expectation of compensation. The department must require
12 proof of adequate training and possession of valid incident
13 qualifications, such as those commonly known as "red cards" or "blue
14 cards" before allowing any volunteer to assist the department in fire
15 suppression activities.

16 (4) Qualified volunteers identified in subsection (3) of this
17 section may be dispatched to support wildland fire suppression
18 efforts through the coordinated resource ordering systems of local or
19 state firefighting organizations. Volunteers are prohibited from
20 independently assigning themselves to wildfires without an official
21 resource order.

22 (5) By December 31, 2016, and December 31, 2017, the department
23 must report to the legislature on the resources required to implement
24 and maintain the requirements of this section, the number of
25 volunteers provided equipment under this section, and any
26 recommendations for improvement. For efficiency, the department may
27 include the report required in this section as part of the report on
28 the forest health and wildfire management strategic plan, as required
29 under section 202(3) of this act.

30 (6) Nothing in this section prohibits the department from
31 conducting condensed safety training on the site of a wildland fire
32 in order to utilize available volunteers.

33 (7) No civil liability may be imposed by any court on the state
34 or its officers and employees for any adverse impacts resulting from
35 the training, equipping, or dispatching of volunteers under the
36 provisions of this section except upon proof of gross negligence or
37 willful or wanton misconduct.

38 NEW SECTION. **Sec. 304.** WILDLAND-URBAN INTERFACE CODE. (1) By
39 December 31, 2017, county commissioners are encouraged, with the
Code Rev/ML:amh 17 S-5171.6/16 6th draft

1 assistance of the Wildland Fire Advisory Committee, to review the
2 International Wildland-Urban Interface Code, published by the
3 International Code Council, Inc., to determine which provisions, if
4 any, are appropriate for the protection of structures and communities
5 in wildland-urban interface areas in their respective jurisdictions.
6 In particular, county commissioners are encouraged to consider
7 provisions related to adequate water supply for purposes of initial
8 attack and flame front control and window requirements.

9 (2) For the purposes of this section, "wildland-urban interface
10 areas" means areas where structures and other human development meet
11 or intermingle with undeveloped wildland or vegetative fuels.

12 NEW SECTION. **Sec. 305.** SEVERITY PROGRAM STUDY. (1)(a) The
13 wildland fire advisory committee must investigate options to assist
14 local fire suppression entities, particularly with respect to
15 bolstering effective initial attack. The wildland fire advisory
16 committee may consider severity resource program models, wildland
17 fire resource prepositioning concepts, and any other options that may
18 strengthen the initial attack capabilities of local fire suppression
19 entities.

20 (b) For purposes of this section, "local fire suppression
21 entities" means a city, county, fire department, fire district, or
22 other nonstate, nonfederal public entity responsible for suppressing
23 wildland fires within its jurisdiction.

24 (2) By December 31, 2016, the department of natural resources,
25 having considered wildland fire advisory committee recommendations,
26 must report to the legislature and commissioner of public lands, on
27 the following:

28 (a) A description of outreach efforts to involve local fire
29 suppression entities;

30 (b) Programs and concepts considered;

31 (c) Factors identified as important to both local fire
32 suppression entities and statewide wildfire coordination efforts;

33 (d) Recommendations regarding which programs or concepts best
34 satisfy the initial attack needs of local fire suppression entities;
35 and

36 (e) Recommendations regarding implementation, resource
37 allocation, and funding.

(2) For the smoke management plan update: Removed the December 31, 2018, deadline, added the Washington Prescribed Fire Council as a stakeholder, required annual progress reports until completed;

(3) For the Prescribed Burn Manager Certification Course, removes the course and instead requires the department of natural resources (DNR) to offer prescribed burn manager training;

(4) For aerial assets: Made permissive DNR may contract for aerial resources and removed language specific to single engine air tankers and helicopters;

(5) Simplified accounting requirements for 2016 supplemental operating budget appropriations related to forest health and wildfire management;

(6) For local fire resources: Added aerial attack and wildland fire training as types of local fire resources, and a provision requiring DNR to enter into agreements with local fire districts to offer the fire resources;

(7) For community outreach and education programs: Added conservation commission as a cooperating entity, added a provision requiring education regarding commercial products designed to protect structures from encroaching wildfire;

(8) Replaces a section requiring DNR to report on lands not covered in any fire protection jurisdiction with a section expanding an existing joint legislative audit and review committee audit on the forest fire protection assessment and extends that section of the audit to 2017;

(9) Replaces several sections creating a local wildland fire severity program with a study by the Wildland Fire Advisory Committee on how best to implement a program to support local initial attack;

(10) Added to and merged legislative intent language into the legislative findings section;

(11) For the Wildland-Urban Interface (WUI) Code: Added an encouragement for county commissioners to review WUI Code for provisions appropriate for interface areas in their jurisdiction;

(12) Codified the requirements that DNR and the National Guard maintain certain numbers of fire personnel available subject to appropriation;

(13) Struck four sections that created a pension option for volunteer firefighters;

(14) Limited a requirement that DNR provide free personal protection equipment to qualified volunteers to 100 volunteers; and

(15) Removed a section creating a forest resiliency burning pilot project (passed separately in ESHB 2928).

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