

2SHB 1168 - S COMM AMD

By Committee on Agriculture, Water, Natural Resources & Parks

OUT OF ORDER 04/09/2021

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

3 "NEW SECTION. **Sec. 1.** FINDINGS AND DETERMINATIONS. (1) Over the
4 last decade, forestland and rangeland wildfires have grown larger and
5 increased in intensity and destructiveness throughout Washington
6 state. The annual acres burned in our state illustrates this alarming
7 trend. In the 1990s, an average of 86,000 acres burned annually. In
8 the 2000s, the average annual acres burned increased to 189,000. In
9 the last five years, the annual average grew to more than 488,000
10 acres burned. This trajectory of escalation continued last year, with
11 wildfires burning more than 812,000 acres.

12 (2) Recent wildfires have devastated state, federal, tribal, and
13 private lands, destroyed homes and property, and taken lives. These
14 fires have also released greenhouse gases, destroyed critical fish
15 and wildlife habitat, filled our skies with harmful smoke, polluted
16 our waters, damaged our economy, increased the risk of flooding and
17 landslides, created a critical need for reforestation, and threatened
18 the natural resources needed for essential industries and rural
19 economies.

20 (3) Catastrophic wildfires have significant negative impacts on
21 fish and wildlife habitat, including the loss and degradation of
22 places to shelter and feed, water quality and quantity, and soil
23 nutrients. Washington's fish and wildlife are part of a fire-adapted
24 landscape, but catastrophic wildfires threaten their health and
25 recovery.

26 (4) The increase in these uncharacteristic wildfires are the
27 result of a combination of climate change-driven drought, hotter
28 temperature, and windstorms; human development patterns and land use
29 planning and activities; and where uncharacteristic fires occur in
30 forests, by past fire suppression and departures from native
31 ecosystem structure and function. Uncharacteristic wildfire risk is

1 addressed through scientifically informed landscape-level treatments
2 designed to restore forest ecosystem and watershed resilience.

3 (5) Wildfires result in significant greenhouse gas emissions.
4 Wildfires have become one of the largest sources of black carbon in
5 the last five years. From 2014-2018, wildfires in Washington state
6 generated 39.2 million metric tons of carbon, the equivalent of more
7 than 8.5 million cars on the road a year. In 2015, when 1.13 million
8 acres burned in Washington, wildfires were the second largest source
9 of greenhouse gas emissions, second only to transportation.

10 (6) The legislature has recognized our forests, as well as the
11 manufacturing and utilization of wood products, as a natural carbon
12 solution and critical component of our state's carbon reduction
13 strategy pursuant to chapter 120, Laws of 2020. Uncharacteristic
14 wildfires threaten the ability of our forests to sequester carbon,
15 and they threaten the stability and long-term viability of our forest
16 products industry.

17 (7) The Washington state department of natural resources' 20-year
18 forest health strategic plan and climate risk assessment finds that
19 carbon emissions from wildfires are anticipated to increase if there
20 is no change in forest management practices. Unless the state
21 significantly increases active forest management across land
22 ownerships to reduce the risk and intensity of wildfires, wildfire
23 emissions will erode efforts to achieve our state's greenhouse gas
24 emissions reduction goals. In addition to reducing fuel loads, many
25 effective forest health treatments retain and restore older, large
26 fire-resilient trees across the landscape that play an important role
27 in carbon sequestration, enhancing climate resilience and ecosystem
28 services, and mitigating climate change.

29 (8) Wildfires inflict huge costs to the state budget, the budgets
30 of partner agencies, and our economy. From 2014-2019, agencies in
31 Washington annually spent nearly \$150 million fighting wildfires. In
32 2015, firefighting costs were more than \$342 million. In 2019,
33 firefighting costs were more than \$172 million. And suppression costs
34 are only a small portion of the full economic impact. According to a
35 2018 report by the nonprofit headwater's economics, suppression costs
36 account for only nine percent of the total cost of wildfires when
37 factoring in disaster recovery, lost business, lost infrastructure,
38 and timber damage, and public health impacts.

39 (9) Over one-half of Washington is forested, providing
40 significant environmental and economic value. Over \$4,900,000,000 in

1 wages and \$200,000,000 in taxes are paid by the forest products'
2 sector each year. Opportunities exist to boost our rural economies
3 through wildfire preparation and preparedness that maintain and
4 attract private sector investments and employment in rural
5 communities.

6 (10) Wildfires are significant threats to life and property. Over
7 the last five years, wildfires in Washington have taken five lives,
8 including four firefighters and the life of a one-year old boy. In
9 2020 alone, 298 homes were destroyed by wildfires in our state. More
10 than 1,100 homes have been destroyed this decade. Communities in
11 every corner of Washington have felt the impact and devastation of
12 flames and smoke. In 2020, the town of Malden, Washington was forever
13 scarred by rangeland wildfire. Approximately 80 percent of the town's
14 structures burned down in the Babb Road fire, including the city
15 hall, post office, and fire station.

16 (11) Wildfire smoke has significant negative impacts on public
17 health. For the second time in the last three years, Washington state
18 had the worst air quality in the world due to wildfires. Communities
19 in every corner of the state felt the impact. Exposure to particulate
20 matter in wildfire smoke has been associated with a wide range of
21 damaging health effects. The particulates in this smoke make those
22 breathing the air wheeze, cough, shorten their breath, and experience
23 sore eyes and throats, diminishing health and quality of life. Other
24 adverse health outcomes are more severe, including increases in
25 asthma-related hospitalizations, chronic and acute respiratory and
26 cardiovascular health problems, and premature death.

27 (12) Historical forest management, legacy wildfire suppression
28 responses, and a rapidly changing climate have increased the risk of
29 catastrophic wildfires throughout the state. It is the policy of the
30 state to encourage prudent and responsible forest resource management
31 to maintain the health of forests and ecosystems in Washington state.
32 Increasing the pace and scale of forest restoration through fuel
33 reduction, thinning, and the use of prescribed fire on federal,
34 state, tribal, and private lands pursuant to the 20-year forest
35 health strategic plan, the wildland fire protection 10-year strategic
36 plan, and RCW 79.10.520 will reduce the risk of catastrophic
37 wildfires.

38 (13) In 2020, more than 1,300,000 acres of national forest system
39 land in eastern Washington were considered in need of treatments to
40 restore forest health and reduce the risk of wildfire hazard

1 potential. Many of these lands are adjacent to populated communities,
2 private lands, and state trust lands.

3 (14) In 2020, 166,000 acres of department of natural resources'
4 land and 74,000 acres of other state-owned lands in eastern
5 Washington were in need of forest health treatment. These forestlands
6 provide critical fish and wildlife habitat, natural and cultural
7 resources, recreation, raw materials for the forest industry, and
8 funding for counties and schools. From 2011-2020, 102,700 forested
9 acres of department of natural resources' managed trust lands have
10 burned.

11 (15) Tribal lands and communities have been significantly
12 impacted by wildfires and unhealthy forests. Approximately 494,000
13 acres of tribal lands in eastern Washington need forest health
14 treatments. These forestlands provide critical fish and wildlife
15 habitat, natural and cultural resources, and economic opportunities.

16 (16) Washington state has nearly eight million acres of private
17 forestlands. Forested acres are declining statewide with a loss of
18 394,000 acres between 2007 and 2019. Small forestland owners account
19 for 15 percent of total forest acres. Small forestland owner forested
20 acres declined 3.7 percent from 2,990,000 acres in 2007 to 2,880,000
21 million acres in 2019. The number of small forestland owners
22 increased 8.5 percent from 201,000 in 2007 to 218,000 in 2019. The
23 number of small forestland owner parcels increased 2.1 percent from
24 256,500 to 261,800. This rapid land use change creates significant
25 challenges for implementing forest health and wildfire response
26 actions in the wildland urban interface. In eastern Washington alone,
27 approximately 288,000 acres owned by small forestland owners are in
28 need of immediate forest health treatment. These forestlands provide
29 critical raw materials for the forest industry, rural economic
30 opportunities, fish and wildlife habitat, cultural resources, and
31 recreation. A coordinated interagency response is needed to address
32 the multifaceted challenge posed by increasing parcelization, forest
33 fragmentation, loss of economic viability, and changes in landowner
34 assistance needs.

35 (17) The legislature finds that increasing the pace and scale of
36 science-based forest health activities to reduce hazardous fuels and
37 restore fire resilient forests, including through mechanical thinning
38 and prescribed burning, on federal, state, tribal, and private lands,
39 will reduce the risk and severity of wildfires, protect cultural and
40 archaeological resources, improve fish and wildlife habitat, expand

1 recreational opportunities, protect air and water quality, create
2 rural economic opportunities, provide critical wood products, and
3 increase long-term carbon sequestration on our natural resource
4 lands.

5 (18) Increased development in the wildland urban interface has
6 also increased the number of people living in areas that are at risk
7 of wildfire. In Washington, over 2,000,000 homes are currently at
8 risk of wildfire. Communities and homeowners can take actions that
9 reduce the risk of loss in the event of wildfire including, but not
10 limited to, home hardening, creating defensible space, and building
11 potential control lines or strategic fuel breaks.

12 (19) Long-term, sustainable investment in wildfire response,
13 forest restoration, and community resilience is of utmost importance
14 to the health and safety of our environment, our economy, our
15 communities, and the well-being of every resident.

16 (20) It is the intent of the legislature to take immediate action
17 to fully fund the wildland fire protection 10-year strategic plan.
18 Strategies to accomplish these goals include, but are not limited to:

19 (a) Upgrading our capability to attack wildfires with critical
20 air and ground resources;

21 (b) Providing needed wildfire resources to state wildfire
22 response and local fire service districts;

23 (c) Working with each state utility, local publicly owned
24 electric utility, and electrical cooperative to reduce wildfire risk
25 and develop consistent approaches and shared data related to fire
26 prevention, safety, vegetation management, and energy distribution
27 systems; and

28 (d) Improving wildfire detection in areas at risk of wildfire
29 through new technologies and equipment.

30 (21) Furthermore, it is the intent of the legislature to take
31 immediate action to increase the pace and scale of forest management
32 across different land ownerships and fully fund the 20-year forest
33 health strategic plan and activities developed to facilitate
34 implementation of the Washington state forest action plan. Strategies
35 to accomplish these goals include, but are not limited to:

36 (a) Restoring to health a minimum of 1,250,000 acres of
37 forestland in need of immediate action to become more resilient and
38 improve watershed health;

1 (b) Increasing prescribed fire and other fuel reduction projects
2 through proven forestry practices and the operation of prescribed
3 fire crews;

4 (c) Establishing potential control lines and strategic fuel
5 breaks around communities with high wildfire risk;

6 (d) Increasing funding for the small forestland owner office for
7 technical assistance and support for small forestland owners and
8 funding an integrated small forestland owner forest health program in
9 support of extending management and control of wildfire from homes
10 through the wildland urban interface to small forestland owner
11 holdings; and

12 (e) Monitoring forest health conditions and effectiveness of
13 treatments throughout the state, including ecological function and
14 reducing catastrophic wildfires.

15 (22) Furthermore, it is the intent of the legislature to take
16 immediate action to help communities become more resilient to
17 wildfire. Strategies to accomplish these goals include, but are not
18 limited to:

19 (a) Increasing funding for cost share programs for home
20 hardening, fuels reduction, and community resilience programs in
21 communities at risk of wildfire;

22 (b) Reducing wildfire risk to wildland urban interfaces; and

23 (c) Ensuring our state's most vulnerable populations are not
24 disproportionately burdened by the impact and consequences of
25 wildfire.

26 (23) The legislature intends to provide \$125,000,000 per biennium
27 over the next four biennia for a total of \$500,000,000 and that these
28 investments will help protect the state's people, environment, and
29 economy.

30 NEW SECTION. **Sec. 2.** WILDFIRE RESPONSE, FOREST RESTORATION, AND
31 COMMUNITY RESILIENCE ACCOUNT. (1) The wildfire response, forest
32 restoration, and community resilience account is created in the state
33 treasury. All receipts from moneys directed to the account must be
34 deposited in the account. Moneys in the account may be spent only
35 after appropriation. Expenditures from the account may be used only
36 for carrying out the purposes of this act and for no other purposes.

37 (2) Expenditures from the account may be made to state agencies,
38 federally recognized tribes, local governments, fire and conservation
39 districts, nonprofit organizations, forest collaboratives, and small

1 forestland owners, consistent with the 20-year forest health
2 strategic plan, the wildland fire protection 10-year strategic plan,
3 and the Washington state forest action plan.

4 (3) The wildfire response, forest restoration, and community
5 resilience account may only be used to monitor, track, and implement
6 the following purposes:

7 (a) Fire preparedness activities consistent with the goals
8 contained in the state's wildland fire protection 10-year strategic
9 plan including, but not limited to, funding for firefighting capacity
10 and investments in ground and aerial firefighting resources,
11 equipment, and technology, and the development and implementation of
12 a wildland fire aviation support plan in order to expand and improve
13 the effectiveness and cost-efficiency of the department's wildland
14 fire aviation program;

15 (b) Fire prevention activities to restore and improve forest
16 health and reduce vulnerability to drought, insect infestation,
17 disease, and other threats to healthy forests including, but not
18 limited to, silvicultural treatments, seedling development, thinning
19 and prescribed fire, and postfire recovery activities to stabilize
20 and prevent unacceptable degradation to natural and cultural
21 resources and minimize threats to life and property resulting from
22 the effects of a wildfire. Funding priority under this subsection
23 must be given to programs, activities, or projects aligned with the
24 20-year forest health strategic plan, the wildland fire protection
25 10-year strategic plan, and the Washington state forest action plan
26 across any combination of local, state, federal, tribal, and private
27 ownerships;

28 (c) Fire protection activities for homes, properties,
29 communities, and values at risk including, but not limited to:
30 Potential control lines or strategic fuel breaks in forests and
31 rangelands near communities; improved warning and communications
32 systems to prepare for wildfires; increased engagement with non-
33 English speaking communities in their home language for community
34 preparedness; and the national fire protection association's fire
35 wise USA and the fire-adapted communities network programs to help
36 communities take action before wildfires.

37 (4) Appropriations for forest health activities funded by the
38 wildfire response, forest restoration, and community resilience
39 account shall not be less than 25 percent of the biennial
40 appropriated funding.

1 (5) Appropriations for community resilience activities funded by
2 the wildfire response, forest restoration, and community resilience
3 account shall not be less than 15 percent of the biennial
4 appropriated funding.

5 (6) Funding may not be used for emergency fire costs or
6 suppression costs as defined in RCW 76.04.005.

7 (7) To the maximum extent possible, workforce development
8 investments from the wildfire response, forest restoration, and
9 community resilience account should prioritize historically
10 marginalized, underrepresented, rural, and low-income communities.

11 (8) Any expenditures from the wildfire response, forest
12 restoration, and community resilience account for forest health
13 treatments on federal lands must be additive to the baseline
14 accomplishments and outputs already funded through the federal
15 government and outlined in the annual work plans of the United States
16 forest service, bureau of land management, the national park service,
17 and/or the United States fish and wildlife service.

18 (9) The department may solicit the forest health advisory
19 committee established in RCW 76.06.200 and wildland fire advisory
20 committee established in RCW 76.04.179 to provide recommendations for
21 investments under this section. In assessing investments and
22 developing recommendations for communities that will be impacted
23 based on ecological, public infrastructure, and life safety needs as
24 set forth in the 20-year forest health strategic plan and the
25 wildland fire protection 10-year strategic plan, the forest health
26 advisory committee and wildland fire advisory committee must use
27 environmental justice or equity focused tools, such as the Washington
28 tracking network's environmental health disparities tool to identify
29 highly impacted communities. This identification must be used as a
30 factor in determining recommendations for investments under this
31 section. "Highly impacted communities" has the same meaning as
32 defined in RCW 19.405.020.

33 (10) To the maximum extent practicable and where consistent with
34 the 20-year forest health strategic plan, the wildland fire
35 protection 10-year strategic plan, or the Washington state forest
36 action plan and landowner objectives, forest health treatments funded
37 through the wildfire response, forest restoration, and community
38 resilience account shall seek to utilize the value of any
39 merchantable materials to help offset treatment costs.

1 NEW SECTION. **Sec. 3.** TRANSPARENCY AND ACCOUNTABILITY. (1) By

2 December 1st of each even-numbered year, and in compliance with RCW
3 43.01.036, the department must report to the governor and legislature
4 on the following:

5 (a) The type and amount of the expenditures made, by fiscal year,
6 and for what purpose, from the wildfire response, forest restoration,
7 and community resilience account created in section 2 of this act;

8 (b) The amount of unexpended and unobligated funds in the
9 wildfire response, forest restoration, and community resilience
10 account and recommendations for the disbursement to local districts;

11 (c) Progress on implementation of the wildland fire protection
12 10-year strategic plan including, but not limited to, how investments
13 are reducing human-caused wildfire starts, lowering the size and
14 scale and geography of catastrophic wildfires, reducing the
15 communities, landscapes, and population at risk, and creating
16 resilient landscapes and communities;

17 (d) Progress on implementation of the 20-year forest health
18 strategic plan as established through the forest health assessment
19 and treatment framework pursuant to RCW 76.06.200 including, but not
20 limited to: Assessment of fire prone lands and communities that are
21 in need of forest health treatments; forest health treatments
22 prioritized and conducted by landowner type, geography, and risk
23 level; estimated value of any merchantable materials from forest
24 health treatments; and number of acres treated by treatment type,
25 including the use of prescribed fire;

26 (e) Progress on developing markets for forest residuals and
27 biomass generated from forest health treatments.

28 (2) The department must include recommendations on any
29 adjustments that may be necessary or advisable to the mechanism of
30 funding dispensation as created under this act.

31 (3) The report required in this section should support existing
32 department assessments pursuant to RCW 79.10.530 and 76.06.200.

33 (4) Upon the determination of a sustainable harvest calculation
34 as required by RCW 79.10.300(5), the department shall provide the
35 necessary information for the joint legislative audit and review
36 committee established in chapter 44.28 RCW to oversee an independent
37 review of the methodologies and data utilized by the department in
38 development of the sustainable harvest calculation, including the
39 associated forest inventory, forest growth, harvest and yield data

1 and modeling, as well as the regulations or policy decisions that
2 impact harvest levels.

3 (a) The joint legislative audit and review committee shall
4 oversee an independent review of the methodologies and data utilized
5 by the department in determining a sustainable harvest calculation as
6 required by RCW 79.10.300(5), including the associated forest
7 inventory, forest growth, harvest and yield data and modeling, as
8 well as the regulations or policy decisions that impact harvest
9 levels. In carrying out the review, the joint legislative audit and
10 review committee shall:

11 (i) Retain one or more contractors with expertise in forest
12 growth and yield monitoring, timber harvest scheduling, and the
13 management of timberlands under the requirements of chapter 76.09
14 RCW;

15 (ii) Convene an independent advisory committee of experts on
16 forest growth and yield monitoring, timber harvest scheduling, forest
17 engineering, and the management of timberlands under the requirements
18 of chapter 76.09 RCW. The joint legislative audit and review
19 committee must solicit and consider recommendations from state trust
20 land beneficiaries, private timberland companies, and purchasers of
21 the department's timber sales when selecting members of the
22 independent advisory committee; and

23 (iii) Within six months of the determination by the department
24 under RCW 79.10.300(5), complete the independent review and submit a
25 report with findings and recommendations to the board of natural
26 resources and the legislature.

27 (b) Upon receiving the report from the joint legislative audit
28 and review committee required under (a)(iii) of this subsection, the
29 board of natural resources shall determine whether modifications are
30 necessary to sustainable harvest calculation set under RCW
31 79.10.300(5).

32 **Sec. 4.** RCW 76.06.200 and 2019 c 305 s 1 are each amended to
33 read as follows:

34 (1) The department must establish a forest health assessment and
35 treatment framework designed to proactively and systematically
36 address the forest health issues facing the state. Specifically, the
37 framework must endeavor to achieve an initial goal of assessing and
38 treating one million acres of land by 2033.

1 (2) The department must utilize the framework to assess and treat
2 acreage in an incremental fashion each biennium. The framework
3 consists of three elements: Assessment; treatment; and progress
4 review and reporting.

5 (a) Assessment. Each biennium, the department must identify and
6 assess two hundred thousand acres of fire prone lands and communities
7 that are in need of forest health treatment, including the use of
8 prescribed fire or mechanical treatment (~~(, such as thinning)~~).

9 (i) The scope of the assessment must include lands protected by
10 the department as well as lands outside of the department's fire
11 protection responsibilities that could pose a high risk to department
12 protected lands during a fire.

13 (ii) The assessment must identify areas in need of treatment, the
14 type or types of treatment recommended, spatial optimization of
15 forest treatments across landscapes, data and planning needs to carry
16 out recommended treatment, and the estimated cost of recommended
17 treatment.

18 (iii) The department shall develop a mapping tool to identify
19 small forestland owners within wildfire risk areas and use this tool
20 to evaluate and optimize forest health work at a landscape scale to
21 move high risk wildfire areas to lower risk and to leverage funding
22 and the small forestland owner forest health program and landowner
23 assistance program in section 7 of this act with the greatest impact
24 for wildfire prevention, preparedness, and response.

25 (b) Treatment. Each biennium, the department must review
26 previously completed assessments and prioritize and conduct as many
27 identified treatments as possible using appropriations provided for
28 that specific purpose.

29 (c) Progress review and reporting. By December 1st of each even-
30 numbered year, the department must provide the appropriate committees
31 of the legislature and the office of financial management with:

32 (i) A request for appropriations designed to implement the
33 framework in the following biennium, including assessment work and
34 conducting treatments identified in previously completed assessments;

35 (ii) A prioritized list and brief summary of treatments planned
36 to be conducted under the framework with the requested
37 appropriations, including relevant information from the assessment;
38 and

39 (iii) A list and brief summary of treatments carried out under
40 the framework in the preceding biennium, including total funding

1 available, costs for completed treatment, and treatment outcomes. The
2 summary must include any barriers to framework implementation and
3 legislative or administrative recommendations to address those
4 barriers.

5 (3) In developing and implementing the framework, the department
6 must:

7 (a) Utilize and build on the forest health strategic planning
8 initiated under section 308(11), chapter 36, Laws of 2016 sp. sess.,
9 to the maximum extent practicable, to promote the efficient use of
10 resources;

11 (b) Prioritize, to the maximum extent practicable consistent with
12 this section, forest health treatments that are strategically planned
13 to serve the dual benefits of forest health maximization while
14 providing geographically planned tools for wildfire response; ~~((and))~~

15 (c) Where possible, partner with federally recognized tribes to
16 expand use of the tribal forest protection act on federal lands
17 managed by the United States forest service and the bureau of land
18 management;

19 (d) When entering into good neighbor agreements, as that term is
20 defined in RCW 79.02.010, prioritize, to the maximum extent
21 practicable consistent with this section, forest health treatments
22 adjacent to or nearby state lands so as to increase the speed,
23 efficiency, and impact on the landscape; and

24 (e) Establish a forest health advisory committee to assist in
25 developing and implementing the framework. The committee may: (i)
26 Include representation from large and small forestland owners,
27 wildland fire response organizations, milling and log transportation
28 industries, forest collaboratives that may exist in the affected
29 areas, highly affected communities and community preparedness
30 organizations, conservation groups, and other interested parties
31 deemed appropriate by the commissioner; and (ii) consult with
32 relevant local, state, and federal agencies, and tribes.

33 (4) In implementing subsection (3)(b) of this section, the
34 department shall attempt to locate and design forest health
35 treatments in such a way as to provide wildfire response personnel
36 with strategically located treated areas to assist with managing fire
37 response. These areas must attempt to maximize the firefighting
38 benefits of natural and artificial geographic features and be located
39 in areas that prioritize the protection of commercially managed lands
40 from fires originating on public land.

1 (5) The department must establish and implement the forest health
2 assessment and treatment framework within the appropriations
3 specifically provided for this purpose.

4 (6) The department must explore opportunities and developing
5 markets for the utilization of woody biomass residuals from forest
6 treatments, including biochar. When exploring opportunities and
7 developing markets, the department must consult with the department
8 of commerce, relevant federal agencies, representatives of the forest
9 products sector, environmental organizations, and other stakeholders
10 with a working knowledge of woody biomass technology.

11 NEW SECTION. Sec. 5. WORKFORCE DEVELOPMENT. (1) The legislature
12 finds that satisfying the goals identified in section 1 of this act
13 to increase the pace and scale of forest health treatments and
14 improve wildfire prevention and response requires increasing the
15 workforce that is needed to perform this critical work. This need
16 creates an opportunity to develop employment and career pathways
17 across the state, including in rural communities throughout
18 Washington. Investments to support and further develop the forest
19 sector workforce are recommended in both the department's 2019 "plan
20 for climate resilience" and the department of commerce's 2020 report
21 "Washington's green economy."

22 (2) The department and the department of commerce shall jointly
23 develop and implement, as appropriate and in consultation with
24 centers of excellence, higher education, secondary education, and
25 workforce development centers, initiatives to develop a forest health
26 workforce necessary to implement the goals of this section.
27 Initiatives may include, but are not limited to:

28 (a) Creating a new or making an existing grant program available
29 to nonprofits, labor organizations, state agencies, community and
30 technical colleges, institutions of higher education, private sector
31 employers, skills centers, or other training and education
32 institutions that have qualifications and experience in the
33 development of training programs, such as secondary and postsecondary
34 courses, relevant to the workforce needs of the forest sector. Grants
35 must be awarded on a competitive basis with priority funding for
36 programs that meet urgent forest health and wildfire suppression
37 skills gaps and demonstrate a lack of available workforce in
38 underserved communities. Grants awarded may be used for activities
39 such as internships, Washington state registered apprenticeship

1 programs, recognized preapprenticeships, career launch, and other
2 relevant career connect Washington activities, and postsecondary
3 bridge programs for forest sector or skill relevant trades that
4 provide:

5 (i) On the job training;

6 (ii) Hard and soft skills development;

7 (iii) Test preparation for trade apprenticeship;

8 (iv) Advanced training in the forest sector relating to jobs such
9 as: Hand crews; wildland firefighters; fire safety; equipment
10 operators; timber operators; mill workers; mill or forestry
11 technicians; mechanics; loggers; timber fallers; commercial truck
12 drivers; foresters; ecologists; biologists; or other workforce needs
13 in support of forest restoration and wildfire response;

14 (b) Developing education programs for elementary, secondary, and
15 higher education students that: (i) Inform people about the role of
16 forestry, fire, vegetation management, and ecological restoration;
17 (ii) increase the awareness of opportunities for careers in the
18 forest sector and exposure of students to those careers through
19 various work-based learning opportunities inside and outside the
20 classroom; (iii) connect students in pathways to careers in the
21 forest sector; and (iv) incorporate opportunities for secondary
22 students to earn industry recognized credentials and dual credit in
23 career and technical education courses;

24 (c) Developing regional education, industry, and workforce
25 development collaborations, including recruiting and building
26 industry awareness and coordinating candidate development
27 particularly in areas that are traditionally underrepresented in
28 natural resource industries and specifically in forestry;

29 (d) Building additional statewide response. The department shall
30 develop a recruiting and outreach program across the state to
31 encourage people to volunteer with their local fire departments. The
32 department shall expand existing training programs to meet increased
33 interest and need in wildfire response and forest health work; and

34 (e) Developing a program to train local building and construction
35 trade members and contractors to be deployed during periods requiring
36 surge capacity for wildland fire suppression including:

37 (i) As wildland firefighters who meet the requirements of being
38 utilized by the department; and

39 (ii) As heavy equipment operators who meet the requirements to be
40 utilized by the department as required by RCW 76.04.181.

1 (3) The commissioner and the director of the department of
2 commerce must direct their staff to develop a plan for tracking,
3 maintaining, and publicly reporting on the following:

4 (a) A working definition of the forest sector workforce,
5 including the job skills, certifications, and experience required;

6 (b) Recommendations for the training, recruitment, and retention
7 of the current and anticipated forest sector workforce necessary to
8 implement the goals of this act;

9 (c) The identification of gaps and barriers to a full forest
10 sector workforce pool, including:

11 (i) Estimates of forest sector workforce jobs created and
12 retained as well as any reductions in the forest sector workforce;

13 (ii) An estimate of the number of needed private contractors to
14 implement the goals of this act, an inventory of local and regional
15 private contractors trained to carry out wildfire response and forest
16 health work, and a list of local private contractors utilized
17 annually for wildfire response and forest health work; and

18 (iii) An inventory of existing training facilities and programs
19 that support ongoing and anticipated forest sector, or related
20 sectors, as identified in subsection (2) (a) (iv) of this section;

21 (d) Recommendations for addressing identified barriers or other
22 needs to otherwise continue the development of a forest workforce
23 necessary to implement the goals of this act.

24 (4) The department and the department of corrections shall
25 jointly develop opportunities to expand existing programs to provide
26 the additional wildfire, forest health, and silvicultural capacity
27 necessary to implement the goals of this act, including a postrelease
28 program that helps formerly incarcerated individuals who served on
29 state fire response crews obtain employment in wildfire suppression
30 and forest management.

31 (5) The department shall utilize existing programs such as the
32 Washington conservation corps, Washington veterans corps, Washington
33 service corps, customized and on-the-job training, or similar
34 programs to expand opportunities and promote family wage careers in
35 the forest sector workforce.

36 (6) To the maximum extent possible, workforce development
37 programs and policies should prioritize historically marginalized,
38 underrepresented, rural, and low-income communities.

39 (7) The department and the department of commerce, working with
40 the forest health advisory committee, must assist forestland owners

1 and forest products companies grow existing and develop new market
2 opportunities for the utilization of material produced as a result of
3 forest health treatments funded through the wildfire response, forest
4 restoration, and community resilience account to improve the economic
5 benefit of the treatments while increasing the speed, efficiency, and
6 impact of forest restoration on the landscape.

7 **Sec. 6.** RCW 76.06.150 and 2009 c 163 s 5 are each amended to
8 read as follows:

9 (1) The commissioner (~~(of public lands)~~) is designated as the
10 state of Washington's lead for all forest health issues.

11 (2) The commissioner (~~(of public lands)~~) shall strive to promote
12 communications between the state, tribes, and the federal government
13 regarding forestland management decisions that potentially affect the
14 health of forests in Washington and will allow the state to have an
15 influence on the management of federally owned land in Washington.
16 Such government-to-government cooperation is vital if the condition
17 of the state's public and private forestlands are to be protected.
18 These activities may include, when deemed by the commissioner to be
19 in the best interest of the state:

20 (a) Representing the state's interest before all appropriate
21 local, state, and federal agencies and tribes;

22 (b) Assuming the lead state role for developing formal comments
23 on federal forest management plans that may have an impact on the
24 health of forests in Washington;

25 (c) Pursuing in an expedited manner any available and appropriate
26 cooperative agreements, including cooperating agency status
27 designation, with the United States forest service and the United
28 States bureau of land management that allow for meaningful
29 participation in any federal land management plans that could affect
30 the department's strategic plan for healthy forests and effective
31 fire prevention and suppression, including the pursuit of any options
32 available for giving effect to the cooperative philosophy contained
33 within the national environmental policy act of 1969 (42 U.S.C. Sec.
34 4331) (~~(; and~~

35 ~~(d) Pursuing~~)).

36 (3) The commissioner shall regularly meet and coordinate with the
37 regional leadership of the United States forest service, in order to:

1 (a) Identify strategies to improve the delivery and increase the
2 pace and scale of forest health and resiliency, and fuels mitigation
3 treatments, on federal lands;

4 (b) Document the resources needed to increase the capacity
5 available to the United States forest service, on national forests in
6 Washington;

7 (c) Identify supplemental planning and implementation support to
8 the United States forest service, through the use of cooperative
9 agreements and good neighbor agreements, as that term is defined in
10 RCW 79.02.010;

11 (d) Maximize the utilization of available efficiencies for
12 compliance with the national environmental policy act, as it applies
13 to actions of the United States forest service in Washington, such as
14 tools to increase the pace and scale of forest health treatments
15 including, but not limited to, categorical exclusions, shared
16 stewardship, and tribal forest protection act for forest health,
17 fuels mitigation, and restoration activities;

18 (e) Accelerate national environmental policy act completion for
19 forest health and resiliency projects, including through increased
20 staffing and the use of partners, contractors, and department
21 expertise to complete national environmental policy act requirements
22 analysis; and

23 (f) Pursue agreements with federal agencies in the service of
24 forest biomass energy partnerships and cooperatives authorized under
25 RCW 43.30.835 through 43.30.840.

26 ~~((3) The))~~ (4) Every two years, the commissioner ~~((of public~~
27 ~~lands))~~ shall report to the ~~((chairs of the appropriate standing~~
28 ~~committees of the))~~ legislature ~~((every year))~~ on progress under this
29 section, including ~~((the))~~:

30 (a) The identification, if deemed appropriate by the
31 commissioner, of any needed state or federal statutory changes,
32 policy issues, or funding needs; and

33 (b) An estimate of the acres of at-risk forests on each national
34 forest and the number of acres treated.

35 NEW SECTION. Sec. 7. A new section is added to chapter 76.13
36 RCW to read as follows:

37 SMALL FORESTLAND OWNER FOREST HEALTH PROGRAM. (1) There is
38 established an integrated small forestland owner forest health
39 program that promotes the coordination and delivery of services with

1 federal, state, and local agencies, including local fire districts,
2 conservation districts, and community wildfire resilience coalitions,
3 forest landowner associations, colleges and universities, landowner
4 assistance organizations, consultants, forest resource-related
5 industries, and environmental organizations to nonindustrial forests
6 and woodland owners, hereafter referred to as small forestland
7 owners.

8 (2) Under the state forester's direction, the program must:

9 (a) Integrate existing landowner assistance forest health
10 programs consistent with the recommendations of "Washington's Small
11 Forest Landowners in 2020, Status, Trends and Recommendations after
12 20 years of Forests & Fish, January 2021" (the report required by
13 chapter 457, Laws of 2019), to more efficiently and effectively reach
14 the diversity of small forestland owner audiences to take forest
15 health action;

16 (b) Identify and remove barriers to technical assistance,
17 funding, and forest health management planning;

18 (c) Increase education and outreach to small forestland owners;
19 and

20 (d) Distribute funding effectively to move high wildfire risk
21 areas to lower risk.

22 (3) Priority areas for forest health treatment under the
23 Washington state forest action plan, the 10-year forest health
24 strategic plan, and the wildland fire protection 10-year strategic
25 plan may not prohibit technical support or stewardship plan support
26 for small forestland owner lands outside the designated emphasis
27 areas.

28 NEW SECTION. **Sec. 8.** WILDFIRE AVIATION RESPONSE. The department
29 must develop and implement a wildland fire aviation support plan, as
30 recommended by the wildland fire protection 10-year strategic plan,
31 in order to expand and improve the effectiveness and cost-efficiency
32 of the department's wildland fire aviation program. The wildland fire
33 aviation support plan must include:

34 (1) Recommendations for the addition of air assets in order for
35 the department to increase its initial attack capability and maintain
36 and improve on the department's ability to manage fires to meet 10-
37 year wildland fire protection and 20-year forest health strategic
38 plan goals;

1 (2) Development of a next-generation rotor wing platform strategy
2 to ensure the availability and use of the latest firefighting
3 aviation technology and provide a path for either the upgrade or
4 replacement, or both, of the department's legacy aircraft;

5 (3) Evaluation of opportunities to increase the use of contract
6 air assets;

7 (4) Evaluation of costs and benefits to increase dedicated air
8 resources during peak fire season when there may be limited available
9 supply due to wildfire activity in other states; and

10 (5) Strategies to upgrade retardant loading and processing
11 infrastructure to improve tanker turnaround time, including support
12 for development of infrastructure to accommodate very large air
13 tankers, at a port with an international airport within a county east
14 of the crest of the Cascade mountains that does not share a border
15 with another state.

16 **Sec. 9.** RCW 72.64.160 and 1991 c 131 s 2 are each amended to
17 read as follows:

18 (1) For the purposes of RCW 72.64.150, inmate forest fire
19 suppression crews may be considered a class I free venture industry,
20 as defined in RCW 72.09.100, when fighting fires on federal lands.

21 (2) For the purposes of RCW 72.64.050, inmate forest fire
22 suppression and support crews when fighting fires must receive a
23 gratuity no less than the minimum wage per hour paid in the locality
24 in which the industry is located.

25 NEW SECTION. **Sec. 10.** If specific funding for the purposes of
26 this act, referencing this act by bill or chapter number, is not
27 provided by June 30, 2021, in the omnibus appropriations act, this
28 act is null and void.

29 NEW SECTION. **Sec. 11.** SHORT TITLE. This act may be known and
30 cited as the wildfire response, forest restoration, and community
31 resilience act.

32 NEW SECTION. **Sec. 12.** Sections 1 through 3, 5, and 8 of this
33 act are each added to chapter 76.04 RCW and codified with the
34 subchapter heading of "wildfire response, forest restoration, and
35 community resilience.""

2SHB 1168 - S COMM AMD

By Committee on Agriculture, Water, Natural Resources & Parks

OUT OF ORDER 04/09/2021

1 On page 1, line 2 of the title, after "dangers;" strike the
2 remainder of the title and insert "amending RCW 76.06.200, 76.06.150,
3 and 72.64.160; adding new sections to chapter 76.04 RCW; adding a new
4 section to chapter 76.13 RCW; and creating new sections."

EFFECT: Adds legislative intent to increase funding for the Small Forestland Owners Office and to provide a total of \$500 million over 8 years for forest health and reduction of wildlife dangers. Requires that inmate forest fire suppression and support crews must receive a gratuity no less than the minimum wage. Provides that forest health treatments funded through the newly created account shall seek to utilize the value of any merchantable materials to help offset treatment costs. Directs the Joint Legislative Audit and Review Committee to oversee an independent review of the sustainable harvest calculation and submit a report with findings and recommendations to the Board of Natural Resources and the Legislature. Directs the Department of Natural Resources and the Department of Commerce to work with forestland owners and companies to grow existing or develop new market opportunities for the use of material produced as a result of forest health treatments. Directs the Department of Natural Resources to report on progress in developing markets for forest residuals and biomass generated from forest health treatments when reporting on expenditures from the Wildfire Response, Forest Restoration, and Community Resilience Account. Requires the Department of Natural Resources to explore opportunities and developing markets for the use of woody biomass, including biochar, from forest treatments.

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