

**2SHB 1168** - S COMM AMD  
By Committee on Ways & Means

ADOPTED AND ENGROSSED 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 (ii) For purposes of this subsection, "forest inventory" means  
2 the collection of sample data to estimate a range of forest  
3 attributes including, but not limited to, standing volume, stored  
4 carbon, habitat attributes, age classes, tree species, and other  
5 inventory attributes, including information needed to estimate rates  
6 of tree growth and associated carbon sequestration on department  
7 lands.

8 (iii) The department's sustainable harvest calculation technical  
9 advisory committee must bring forward recommendations for regular  
10 maintenance and updates to the forest inventory on a ten-year basis.

11 (b) Prior to the determination of the 2025-2034 sustainable  
12 harvest calculation as required by RCW 79.10.320, the department must  
13 hire a third-party contractor to review, analyze, and advise the  
14 department's forest growth and yield modeling, specific to all types  
15 of forested acres managed by the department. The department's  
16 sustainable harvest calculation technical advisory committee must be  
17 involved in the design, review, and analysis of the department's  
18 forest growth and yield modeling.

19 (c) Prior to the determination of the 2025-2034 sustainable  
20 harvest calculation as required by RCW 79.10.320 and in the absence  
21 of any litigation, pending or in progress, against the department's  
22 sustainable harvest calculation, the joint legislative audit and  
23 review committee established in chapter 44.28 RCW must oversee and  
24 conduct an independent review of the methodologies and data being  
25 utilized by the department in the development of the sustainable  
26 harvest calculation, including the associated forest inventory,  
27 forest growth, harvest and yield data, and modeling techniques that  
28 impact harvest levels. In carrying out the review, the joint  
29 legislative audit and review committee shall:

30 (i) Retain one or more contractors with expertise in forest  
31 inventories, forest growth and yield modeling, and operational  
32 research modeling in forest harvest scheduling to conduct the  
33 technical review;

34 (ii) Be a member of department's sustainable harvest calculation  
35 technical advisory committee, along with one of its contractors  
36 selected in (c) (i) of this subsection; and

37 (iii) Prior to the department's determination of the sustainable  
38 harvest under RCW 79.10.320, ensure that a completed independent  
39 review and report with findings and recommendations is submitted to  
40 the board of natural resources and the legislature.

1 (d) Upon receiving the report from the joint legislative audit  
2 and review committee required under (c)(iii) of this subsection, the  
3 board of natural resources shall determine whether modifications are  
4 necessary to the sustainable harvest calculation prior to approving  
5 harvest level under RCW 79.10.320.

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

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

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

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

21 (i) The scope of the assessment must include lands protected by  
22 the department as well as lands outside of the department's fire  
23 protection responsibilities that could pose a high risk to department  
24 protected lands during a fire.

25 (ii) The assessment must identify areas in need of treatment, the  
26 type or types of treatment recommended, spatial optimization of  
27 forest treatments across landscapes, data and planning needs to carry  
28 out recommended treatment, and the estimated cost of recommended  
29 treatment.

30 (iii) The department shall develop a mapping tool to identify  
31 small forestland owners within wildfire risk areas and use this tool  
32 to evaluate and optimize forest health work at a landscape scale to  
33 move high risk wildfire areas to lower risk and to leverage funding  
34 and the small forestland owner forest health program and landowner  
35 assistance program in section 7 of this act with the greatest impact  
36 for wildfire prevention, preparedness, and response.

37 (b) Treatment. Each biennium, the department must review  
38 previously completed assessments and prioritize and conduct as many

1 identified treatments as possible using appropriations provided for  
2 that specific purpose.

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

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

9 (ii) A prioritized list and brief summary of treatments planned  
10 to be conducted under the framework with the requested  
11 appropriations, including relevant information from the assessment;  
12 and

13 (iii) A list and brief summary of treatments carried out under  
14 the framework in the preceding biennium, including total funding  
15 available, costs for completed treatment, and treatment outcomes. The  
16 summary must include any barriers to framework implementation and  
17 legislative or administrative recommendations to address those  
18 barriers.

19 (3) In developing and implementing the framework, the department  
20 must:

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

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

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

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

38 (e) Establish a forest health advisory committee to assist in  
39 developing and implementing the framework. The committee may: (i)  
40 Include representation from large and small forestland owners,

1 wildland fire response organizations, milling and log transportation  
2 industries, forest collaboratives that may exist in the affected  
3 areas, highly affected communities and community preparedness  
4 organizations, conservation groups, and other interested parties  
5 deemed appropriate by the commissioner; and (ii) consult with  
6 relevant local, state, and federal agencies, and tribes.

7 (4) In implementing subsection (3)(b) of this section, the  
8 department shall attempt to locate and design forest health  
9 treatments in such a way as to provide wildfire response personnel  
10 with strategically located treated areas to assist with managing fire  
11 response. These areas must attempt to maximize the firefighting  
12 benefits of natural and artificial geographic features and be located  
13 in areas that prioritize the protection of commercially managed lands  
14 from fires originating on public land.

15 (5) The department must establish and implement the forest health  
16 assessment and treatment framework within the appropriations  
17 specifically provided for this purpose.

18 (6) The department must explore opportunities and developing  
19 markets for the utilization of woody biomass residuals from forest  
20 treatments, including biochar. When exploring opportunities and  
21 developing markets, the department must consult with the department  
22 of commerce, relevant federal agencies, representatives of the forest  
23 products sector, environmental organizations, and other stakeholders  
24 with a working knowledge of woody biomass technology.

25 NEW SECTION. Sec. 5. WORKFORCE DEVELOPMENT. (1) The legislature  
26 finds that satisfying the goals identified in section 1 of this act  
27 to increase the pace and scale of forest health treatments and  
28 improve wildfire prevention and response requires increasing the  
29 workforce that is needed to perform this critical work. This need  
30 creates an opportunity to develop employment and career pathways  
31 across the state, including in rural communities throughout  
32 Washington. Investments to support and further develop the forest  
33 sector workforce are recommended in both the department's 2019 "plan  
34 for climate resilience" and the department of commerce's 2020 report  
35 "Washington's green economy."

36 (2) The department and the department of commerce shall jointly  
37 develop and implement, as appropriate and in consultation with  
38 centers of excellence, higher education, secondary education, and  
39 workforce development centers, initiatives to develop a forest health

1 workforce necessary to implement the goals of this section.  
2 Initiatives may include, but are not limited to:

3 (a) Creating a new or making an existing grant program available  
4 to nonprofits, labor organizations, state agencies, community and  
5 technical colleges, institutions of higher education, private sector  
6 employers, skills centers, or other training and education  
7 institutions that have qualifications and experience in the  
8 development of training programs, such as secondary and postsecondary  
9 courses, relevant to the workforce needs of the forest sector. Grants  
10 must be awarded on a competitive basis with priority funding for  
11 programs that meet urgent forest health and wildfire suppression  
12 skills gaps and demonstrate a lack of available workforce in  
13 underserved communities. Grants awarded may be used for activities  
14 such as internships, Washington state registered apprenticeship  
15 programs, recognized preapprenticeships, career launch, and other  
16 relevant career connect Washington activities, and postsecondary  
17 bridge programs for forest sector or skill relevant trades that  
18 provide:

19 (i) On the job training;  
20 (ii) Hard and soft skills development;  
21 (iii) Test preparation for trade apprenticeship;  
22 (iv) Advanced training in the forest sector relating to jobs such  
23 as: Hand crews; wildland firefighters; fire safety; equipment  
24 operators; timber operators; mill workers; mill or forestry  
25 technicians; mechanics; loggers; timber fallers; commercial truck  
26 drivers; foresters; ecologists; biologists; or other workforce needs  
27 in support of forest restoration and wildfire response;

28 (b) Developing education programs for elementary, secondary, and  
29 higher education students that: (i) Inform people about the role of  
30 forestry, fire, vegetation management, and ecological restoration;  
31 (ii) increase the awareness of opportunities for careers in the  
32 forest sector and exposure of students to those careers through  
33 various work-based learning opportunities inside and outside the  
34 classroom; (iii) connect students in pathways to careers in the  
35 forest sector; and (iv) incorporate opportunities for secondary  
36 students to earn industry recognized credentials and dual credit in  
37 career and technical education courses;

38 (c) Developing regional education, industry, and workforce  
39 development collaborations, including recruiting and building  
40 industry awareness and coordinating candidate development

1 particularly in areas that are traditionally underrepresented in  
2 natural resource industries and specifically in forestry;

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

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

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

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

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

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

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

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

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

27 (ii) An estimate of the number of needed private contractors to  
28 implement the goals of this act, an inventory of local and regional  
29 private contractors trained to carry out wildfire response and forest  
30 health work, and a list of local private contractors utilized  
31 annually for wildfire response and forest health work; and

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

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

38 (4) The department and the department of corrections shall  
39 jointly develop opportunities to expand existing programs to provide  
40 the additional wildfire, forest health, and silvicultural capacity

1 necessary to implement the goals of this act, including a postrelease  
2 program that helps formerly incarcerated individuals who served on  
3 state fire response crews obtain employment in wildfire suppression  
4 and forest management.

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

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

13 (7) The department and the department of commerce, working with  
14 the forest health advisory committee, must assist forestland owners  
15 and forest products companies grow existing and develop new market  
16 opportunities for the utilization of material produced as a result of  
17 forest health treatments funded through the wildfire response, forest  
18 restoration, and community resilience account to improve the economic  
19 benefit of the treatments while increasing the speed, efficiency, and  
20 impact of forest restoration on the landscape.

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

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

25 (2) The commissioner (~~(of public lands)~~) shall strive to promote  
26 communications between the state, tribes, and the federal government  
27 regarding forestland management decisions that potentially affect the  
28 health of forests in Washington and will allow the state to have an  
29 influence on the management of federally owned land in Washington.  
30 Such government-to-government cooperation is vital if the condition  
31 of the state's public and private forestlands are to be protected.  
32 These activities may include, when deemed by the commissioner to be  
33 in the best interest of the state:

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

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



1 (c) Pursuing in an expedited manner any available and appropriate  
2 cooperative agreements, including cooperating agency status  
3 designation, with the United States forest service and the United  
4 States bureau of land management that allow for meaningful  
5 participation in any federal land management plans that could affect  
6 the department's strategic plan for healthy forests and effective  
7 fire prevention and suppression, including the pursuit of any options  
8 available for giving effect to the cooperative philosophy contained  
9 within the national environmental policy act of 1969 (42 U.S.C. Sec.  
10 4331) (~~and~~

11 ~~(d) Pursuing~~).

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

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

17 (b) Document the resources needed to increase the capacity  
18 available to the United States forest service, on national forests in  
19 Washington;

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

24 (d) Maximize the utilization of available efficiencies for  
25 compliance with the national environmental policy act, as it applies  
26 to actions of the United States forest service in Washington, such as  
27 tools to increase the pace and scale of forest health treatments  
28 including, but not limited to, categorical exclusions, shared  
29 stewardship, and tribal forest protection act for forest health,  
30 fuels mitigation, and restoration activities;

31 (e) Accelerate national environmental policy act completion for  
32 forest health and resiliency projects, including through increased  
33 staffing and the use of partners, contractors, and department  
34 expertise to complete national environmental policy act requirements  
35 analysis; and

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

39 ~~((3) The))~~ (4) Every two years, the commissioner ~~((of public~~  
40 ~~lands))~~ shall report to the ~~((chairs of the appropriate standing~~

1 ~~committees of the~~) legislature (~~every year~~) on progress under this  
2 section, including (~~the~~):

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

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

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

10 SMALL FORESTLAND OWNER FOREST HEALTH PROGRAM. (1) There is  
11 established an integrated small forestland owner forest health  
12 program that promotes the coordination and delivery of services with  
13 federal, state, and local agencies, including local fire districts,  
14 conservation districts, and community wildfire resilience coalitions,  
15 forest landowner associations, colleges and universities, landowner  
16 assistance organizations, consultants, forest resource-related  
17 industries, and environmental organizations to nonindustrial forests  
18 and woodland owners, hereafter referred to as small forestland  
19 owners.

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

21 (a) Integrate existing landowner assistance forest health  
22 programs consistent with the recommendations of "Washington's Small  
23 Forest Landowners in 2020, Status, Trends and Recommendations after  
24 20 years of Forests & Fish, January 2021" (the report required by  
25 chapter 457, Laws of 2019), to more efficiently and effectively reach  
26 the diversity of small forestland owner audiences to take forest  
27 health action;

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

30 (c) Increase education and outreach to small forestland owners;  
31 and

32 (d) Distribute funding effectively to move high wildfire risk  
33 areas to lower risk.

34 (3) Priority areas for forest health treatment under the  
35 Washington state forest action plan, the 10-year forest health  
36 strategic plan, and the wildland fire protection 10-year strategic  
37 plan may not prohibit technical support or stewardship plan support  
38 for small forestland owner lands outside the designated emphasis  
39 areas.

1        NEW SECTION.    **Sec. 8.**    WILDFIRE AVIATION RESPONSE. The department  
2 must develop and implement a wildland fire aviation support plan, as  
3 recommended by the wildland fire protection 10-year strategic plan,  
4 in order to expand and improve the effectiveness and cost-efficiency  
5 of the department's wildland fire aviation program. The wildland fire  
6 aviation support plan must include:

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

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

16        (3) Evaluation of opportunities to increase the use of contract  
17 air assets;

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

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

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

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

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

36        NEW SECTION.    **Sec. 10.**    If specific funding for the purposes of  
37 this act, referencing this act by bill or chapter number, is not

1 provided by June 30, 2021, in the omnibus appropriations act, this  
2 act is null and void.

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

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

**2SHB 1168** - S COMM AMD  
By Committee on Ways & Means

**ADOPTED 04/09/2021**

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

--- END ---