

**ESHB 1498** - S COMM AMD

By Committee on Agriculture, Water, Natural Resources & Parks

**ADOPTED 04/10/2023**

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

3 "NEW SECTION. **Sec. 1.** (1) Local and tribal fire departments in  
4 the state of Washington serve as frontline responders to wildland  
5 fires. The fire chief of each local fire department with jurisdiction  
6 over wildland fires is tasked with making rapid decisions, especially  
7 during the summer months when weather conditions can cause fires to  
8 rapidly enlarge. Flashy fuels, especially during times of low  
9 humidity, can be ignited by a single spark and erupt into a rapidly  
10 moving incident that can quickly destroy rangelands, ripe dryland  
11 crops, and timberlands.

12 (2) Local fire departments need immediate access to local  
13 aviation resources that are certified to fly and drop fire retardants  
14 and water to suppress or extinguish wildland fires quickly. The use  
15 of aviation assets has proven to be a valuable tool to prevent many  
16 wildland fires from growing large and requiring the response of state  
17 mobilization and prevent the deployment of state and federal fire  
18 agencies and their mobilization partner agencies.

19 (3) Further, the strategic use of aviation assets in initial  
20 attack, or at times when conditions on the ground may warrant  
21 additional air support, can prevent fires from becoming  
22 uncontrollable. Local fire departments that use aviation assets on  
23 initial attack can prevent most fires from requiring a state  
24 mobilization. Providing financial assurances for local fire  
25 departments to deploy aviation assets will provide greater protection  
26 to our state's natural resources, air quality, and communities.

27 (4) The legislature intends to provide suppression funding to the  
28 department of natural resources to support local fire departments in  
29 the use of aviation resources certified and trained to operate in  
30 wildland fires and drop fire retardant or water to suppress or  
31 extinguish fires as an initial attack strategy. Deployment and air

1 operations command will be conducted at the direction of trained air  
2 operations commanders.

3 (5) The legislature intends to authorize the department of  
4 natural resources to provide aviation resources to local fire  
5 departments statewide for use during the initial attack of wildland  
6 fires in order to provide assurance that local fire departments will  
7 have sufficient financial capacity to effectively control wildland  
8 fires throughout the length of the fire season. Having assurance that  
9 local fire departments can afford to use aircraft under conditions  
10 that would warrant their use and at the discretion of the local fire  
11 department chief will incentivize the use of aircraft more quickly in  
12 order to rapidly suppress the fire and minimize damage to lands,  
13 resources, and structures, while protecting regional air quality.

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

16 (1) The department shall prepare and submit, consistent with RCW  
17 43.01.036, an appendix on aviation usage by local fire departments  
18 for initial attack as a part of its annual wildfire report to the  
19 standing committees of the legislature with jurisdiction over  
20 wildland firefighting. The department shall submit the report by  
21 December 1st of each year. The report must address, at a minimum, the  
22 following topics:

23 (a) The dollar value of funding utilized by local fire  
24 departments for initial attack aviation during the year;

25 (b) The specific local fire departments that utilized this  
26 funding during the year;

27 (c) The wildland fires on which suppression funding was utilized  
28 to provide local fire departments initial attack aviation resources  
29 during the year, including names, locations, and sizes of fires, and  
30 amount of funding utilized on each of the fires; and

31 (d) A review of lessons learned related to aviation use by local  
32 fire departments for initial attack based on the preceding fire  
33 season, along with recommendations for future improvements to the  
34 wildland fire response process based on the lessons learned.

35 (2) The department shall consult with the state fire defense  
36 committee, fire service representatives, and the state fire marshal's  
37 office annually to review aviation program performance and determine  
38 aviation needs for the following fire year.

1        NEW SECTION.    **Sec. 3.**    A new section is added to chapter 76.04  
2 RCW to read as follows:

3        (1) Subject to the availability of amounts appropriated for this  
4 specific purpose, the department must use suppression funding to  
5 assist local fire departments with aerial fire response capabilities  
6 during the critical initial attack phase of fighting a wildland fire.

7        (2) The department must use suppression funding to assist local  
8 fire departments with initial attacks that meet the following  
9 requirements:

10        (a) The local fire department must have entered into a response  
11 agreement with the department;

12        (b) The local fire department must provide documentation to the  
13 department that personnel have received training regarding the use of  
14 aviation assets in initial attack and criteria to use for determining  
15 when to call for aviation assets;

16        (c) The aviation assets used in initial attack must come from a  
17 list of private contractors approved by the department on exclusive  
18 use or call-when-needed agreements based upon the annual review of  
19 aviation response and aviation needs required in section 2(2) of this  
20 act;

21        (d) Local fire departments must make direct requests to the  
22 appropriate coordination center, including the central Washington  
23 interagency coordination center, the northeast Washington interagency  
24 coordination center, the Blue Mountain interagency coordination  
25 center, or the department of natural resources coordination center,  
26 in order to ensure the safe coordination of all aircraft; and

27        (e) Upon receiving a request for aviation assets under this  
28 section, the coordinating agency must notify the director of fire  
29 protection or that individual's designee to ensure operational  
30 knowledge of a potential future request to invoke the fire service  
31 mobilization plan under RCW 43.43.960.

32        NEW SECTION.    **Sec. 4.**    (1) The department of natural resources  
33 shall convene a work group composed of wildfire aviation subject  
34 matter experts, fire service representatives from the Washington fire  
35 chiefs association, the Washington state council of firefighters, the  
36 Washington state firefighters' association, the Washington state fire  
37 commissioners association, wildland fire management staff, and other  
38 partners to evaluate the costs and benefits of a state certification  
39 program for aircraft and pilots used in wildfire suppression.

1 (2) The department of natural resources shall include the  
2 findings of the work group in a report to be submitted to the  
3 wildfire advisory committee and appropriate committees of the  
4 legislature by December 1, 2025.

5 NEW SECTION. **Sec. 5.** This act expires July 1, 2027."

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6 On page 1, line 2 of the title, after "fires;" strike the  
7 remainder of the title and insert "adding new sections to chapter  
8 76.04 RCW; creating new sections; and providing an expiration date."

EFFECT: Removes references to tribal fire departments and directs the department of natural resources (DNR) to implement provisions of the bill for local fire departments. Requires a local fire department to provide documentation to DNR that they have received training regarding the use of aviation assets in initial attack and criteria to use for determining when to call for aviation assets. Directs a coordinating agency to notify the director of fire protection or designee when requesting aviation assets. Modifies the membership on the work group of wildfire aviation experts and directs the work group to evaluate and provide findings regarding the costs and benefits of a state certification program for aircraft and pilots used in wildfire suppression. Provides an expiration date of July 1, 2027.

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