

# HOUSE BILL REPORT

## 2SHB 1578

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### As Amended by the Senate

**Title:** An act relating to improving community preparedness, response, recovery, and resilience to wildland fire health and safety impacts in areas of increasing population density, including in the wildland urban interface.

**Brief Description:** Improving community preparedness, response, recovery, and resilience to wildland fire health and safety impacts in areas of increasing population density, including in the wildland urban interface.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Springer, Kretz, Reeves, Leavitt, Ramel, Lekanoff, Reed, Pollet and Kloba; by request of Department of Natural Resources).

### Brief History:

#### Committee Activity:

Agriculture and Natural Resources: 2/8/23, 2/15/23 [DPS];

Appropriations: 2/21/23, 2/23/23 [DP2S(w/o sub AGNR)].

#### Floor Activity:

Passed House: 3/6/23, 95-0.

Senate Amended.

Passed Senate: 4/11/23, 49-0.

### Brief Summary of Second Substitute Bill

- Requires the Department of Natural Resources (DNR) to complete decadal assessments of areas at significant risk of wildfire, beginning with the decade between July 1, 2025, and July 1, 2035.
- Requires the DNR to cooperate with and provide support to various local entities to develop public safety evacuation strategies for incorporation into local emergency response plans.
- Requires the DNR to take certain actions to expand its community resilience programming and associated supporting programs within the

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

wildland urban interface in areas of Western Washington where the DNR determines that risk of wildfires and smoke exposure exist.

- Requires the DNR to implement a Post-Wildfire Debris Flow Program by July 1, 2024, and establish a structure for a state-sponsored burned area emergency stabilization and response team by December 30, 2024.

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## HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba, Kretz, Lekanoff, Orcutt, Schmick and Springer.

**Staff:** Rebecca Lewis (786-7339).

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Agriculture and Natural Resources. Signed by 30 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; Berg, Chandler, Chopp, Connors, Couture, Davis, Dye, Fitzgibbon, Harris, Lekanoff, Pollet, Riccelli, Rude, Ryu, Sandlin, Schmick, Senn, Simmons, Slatter, Springer, Steele, Stonier and Tharinger.

**Staff:** Dan Jones (786-7118).

### **Background:**

#### Department of Natural Resources.

The Department of Natural Resources (DNR) has direct charge and responsibility over all matters pertaining to forest fire services in the state. The forest fire related duties of the DNR include enforcing all forest fire related laws, investigating the cause of forest fires, and directing fire suppression efforts. In 2007 the Legislature designated the DNR as the lead agency in developing a comprehensive forest health program for the state. As part of that designation, the DNR was directed to gather and disseminate forest health information, coordinate forest health monitoring activities, and coordinate with universities and other agencies to provide landowners with technical assistance regarding forest health. In 2019 the DNR developed the 10-year Wildland Fire Strategic Plan that establishes goals and identifies strategies for wildland fire preparedness, response, and recovery.

### Smoke Monitoring.

The DNR coordinates with the departments of Ecology and Health, the United States Forest Service, and the National Weather Service on smoke monitoring. The Department of Ecology manages Washington's Air Monitoring Network, and tracks air quality through the use of air quality monitors throughout the state.

### Emergency Management.

The Washington Military Department Emergency Management Division, under the direction of the Adjutant General, administers the state's comprehensive program of emergency management. In addition, each political subdivision of the state must establish or jointly create a local organization for carrying out emergency management functions in accordance with the State Comprehensive Emergency Management Plan.

### **Summary of Second Substitute Bill:**

#### Decadal Wildfire Risk Assessments.

By July 1, 2025, the DNR must submit a risk assessment of areas at significant risk for wildfire for the decade between July 1, 2025, and July 1, 2035, to the appropriate committees of the Legislature. The DNR must continue to provide decadal assessments to the Legislature every 10 years, with mid-decade interim reports due beginning July 1, 2030, and continuing every 10 years thereafter. The DNR must continue completing and submitting these reports for at least 30 years. Each assessment must include analysis of climate influence on wildfire risk in the state and provide enough detail for landowners, the public, local governments, and tribal nations to develop strategies to address wildfire risk.

#### Evacuation Plan Development.

In areas identified as facing significant risk of wildfire pursuant to the DNR's decadal assessments, the DNR must consult with the State Emergency Management Division and the Washington State Patrol and cooperate with law enforcement, Indian tribes, city and county emergency managers, and local fire protection districts to develop public safety evacuation strategies. The DNR must provide support to help incorporate evacuation strategies within existing regional and local emergency response plans. However, implementation of evacuation strategies remains under the authority of local law enforcement.

The DNR must lead a project to provide relevant emergency disaster evacuation plan messaging and information to the public at DNR managed recreation and outdoor access sites, placing particular emphasis on accessibility and accommodating the needs of public visitors.

#### Smoke Monitoring and Air Quality.

The DNR must expand its community resilience programming and associated supporting programs within the wildland urban interface in areas of Western Washington where the

DNR determines that risk of wildfires and smoke exposure exist.

The DNR must incorporate smoke readiness into community resilience programming; coordinate with state, county, and federal agencies, and Indian tribes to share information with communities affected by wildfire smoke; and participate in cross-agency emergency management planning and response efforts related to wildfire smoke plans. This includes:

- coordinating cross-agency to assess wildfire smoke risks and impacts;
- working cross-agency to address smoke risk to transportation safety, and firefighter exposure to smoke; and
- conducting community engagement and outreach related to wildfire smoke risks and impacts, particularly in regions of the state that experience disproportionately high levels of air contaminants and pollutants.

The DNR must also coordinate with state, county, and federal agencies, and Indian tribes to help identify smoke respite areas in high-risk communities and promote additional use of community buildings to serve as clean air and cooling centers. Information dissemination strategies must target vulnerable communities and those who may not receive electronic communication.

The DNR must leverage community resilience programming to ensure residents and community organizations are provided information about services and programs to improve air quality in the home, including connecting residents with local contracted weatherization agencies.

#### Post-Wildfire Debris Flow Program.

The DNR must implement a Post-Wildfire Debris Flow Program (Program) by July 1, 2024. As a part of the Program, the DNR must:

- identify areas prone to hazards from post-wildfire debris flows;
- assess burned areas to determine potential for increases in post-wildfire debris flow hazards;
- improve modeling to determine triggers for post-wildfire debris flow early warning for at-risk communities and infrastructure; and
- communicate to emergency managers, local governments, stakeholder, and the public for preparedness and response.

By December 30, 2024, the DNR must have established a structure for a state-sponsored burned area emergency stabilization and response team, in consultation with county emergency managers, the Military Department, and the Washington Conservation Commission. Burned area emergency stabilization and response teams determine the need for emergency postfire treatments for public safety and resource protection. The DNR must provide capacity-building to local communities to establish local teams. In establishing the structure, the DNR must also make recommendations regarding:

- the appropriate number of teams needed;
- the funding necessary to support team deployments; and

- the implementation of hazard mitigation.

### **EFFECT OF SENATE AMENDMENT(S):**

The Senate amendment makes the following changes to the Second Substitute House Bill:

- extends the due date of the first decadal risk assessment from July 2025 to July 2027;
- specifies that the Department of Natural Resources (DNR) must coordinate with counties to update wildland urban interface maps;
- provides that additional air monitoring and other wildfire smoke research may not impact or prevent the implementation of prescribed burns to improve forest health and resiliency and reduce wildfire risks;
- removes provisions directing the DNR to work with stakeholders to identify smoke respite areas and cooling centers;
- delays implementation of the Post-Wildfire Debris Flow Program from July 2024 to July 2028;
- delays implementation of the burned area emergency stabilization and response teams from December 2024 to December 2027;
- provides that until July 1, 2025, the wildfire risk assessments are intended to assist with improving community preparedness and response to wildland fires and are not intended for use in the development of any state or local government regulations;
- specifies that the DNR must coordinate with federally recognized tribes on various aspects of the bill; and
- removes the null and void clause.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on April 6, 2023.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed. However, the bill is null and void unless funded in the budget.

### **Staff Summary of Public Testimony (Agriculture and Natural Resources):**

(In support) This bill builds on work from House Bill 1168 from two years ago that provided resources for wildfire recovery. The Bolt Creek Fire in 2022 showed that wildfire is not exclusively an Eastern Washington issue, and that wildfire risk across the state is growing. Western Washington experienced the worst air quality on the planet for a few weeks during the Bolt Creek Fire, and there are concerns of landslides in the burned area along Highway 2. The bill asks for \$12.8 million to prepare and build community resilience, and focuses on areas at particular risk. After the Malden Fire in 2020, it was clear that the few homes that survived the fire did so because of preparation. However, wildfires and smoke happen no matter how much preparation takes place. The funding from the bill will help mitigate smoke and landslide risks, and build resilience to the cascading impacts of wildfire. Tribes are working on efforts to help their members prepare

and mitigate wildfire and smoke risks. A tribal family lost their lives in a recent fire during the pandemic. This bill brings all parties together, including tribes, to coordinate on wildfire preparedness. Any investment must be considered in terms of what could be saved. The Wildfire Ready Program works and should be expanded, as this bill will allow. Organizations have ensured that residents have received important information and resources, including wildfire and evacuation information in their native languages and masks to protect against health risks associated with smoke. Smoke impacts workers in a wide range of industries, and both indoor and outdoor workers. The provision providing for consultation with a diverse array of affected parties is appreciated. This bill represents sound science. Forest treatments are not always effective to prevent embers from traveling long distances and igniting fires.

(Opposed) None.

(Other) The steps that the Department of Natural Resources is taking to manage wildfire impacts and severity are to be applauded. There is more stakeholder work to do to clarify the bill and prevent unintended consequences. It is difficult to tell from the bill how risk assessments will be done. If private forest roads are to be used for evacuation strategies, there should be language in statute providing immunity from liability. The bill language should also be more precise with regard to how the Post-Wildfire Debris Flow Program information will be used.

**Staff Summary of Public Testimony (Appropriations):**

(In support) This is a follow-up to a bill the Legislature passed a couple of years ago addressing wildfire preparedness, primarily in Eastern Washington. The Bolt Creek fire provided a wake-up call with some of the worst air quality in the world. It is clear that wildfire resilience is as important in Western Washington as it is in Eastern Washington. Wildfire risk is increasing with climate change, and there have been more frequent wildfires near population centers. The funding from this bill will support the 10-year wildfire strategy, and will allow expansion of the Wildfire Ready Neighbors program to Western Washington. The Department of Natural Resources will also be able to work with partners to address post-wildfire landslide readiness.

(Opposed) None.

(Other) This is a great bill, however, some caution should be taken with regard to the risk assessments established in Section 2 of the bill. California and Oregon have faced some challenges when implementing similar risk assessments. The bill should provide more clarity so Washington can avoid the same challenges.

**Persons Testifying (Agriculture and Natural Resources):** (In support) Representative Larry Springer, prime sponsor; Jessa Lewis, Alliance for a Healthy Washington; Giovanni Severino, Latino Community Fund; Hilary Franz and George Geissler, Department of

Natural Resources; Sybill Hyppolite, Washington State Labor Council; Ed Chadd; and Vicki Lowe, American Indian Health Commission for Washington State.

(Other) Tom Davis, Washington Forest Protection Association.

**Persons Testifying (Appropriations):** (In support) Representative Larry Springer, prime sponsor; and George Geissler and Brian Considine, Department of Natural Resources.

(Other) Tom Davis, Washington Forest Protection Association.

**Persons Signed In To Testify But Not Testifying (Agriculture and Natural Resources):**  
None.

**Persons Signed In To Testify But Not Testifying (Appropriations):** None.