

SENATE BILL REPORT

ESHB 1498

As of March 20, 2023

Title: An act relating to aviation assurance funding in response to wildland fires.

Brief Description: Concerning aviation assurance funding in response to wildland fires.

Sponsors: House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Dye, Dent, Christian, Schmidt, Eslick, Graham and Volz).

Brief History: Passed House: 3/8/23, 97-0.

Committee Activity: Agriculture, Water, Natural Resources & Parks: 3/20/23.

Brief Summary of Bill

- Directs the Department of Natural Resources (DNR) to prepare and submit an appendix on aviation usage by local and tribal fire departments for initial attack as a part of its annual wildfire report.
- Requires DNR to consult with the State Fire Defense Committee, tribal fire service representatives, and the State Fire Marshal's Office annually to review aviation program performance and determine aviation needs for the following fire year.
- Directs DNR to use wildfire suppression funding to assist local and tribal fire departments with aerial fire response capabilities during the initial attack phase of fighting a wildland fire, subject to certain specified requirements.
- Requires DNR to convene a work group composed of wildfire aviation subject matter experts, wildfire aviation contractors, fire service representatives, wildland fire management staff, and other partners to develop a state certification program for aircraft and pilots used in wildfire suppression.

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.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Staff: Jeff Olsen (786-7428)

Background: The 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 DNR include enforcing all forest fire-related laws, investigating the cause of forest fires, and directing fire suppression effort

Local Wildland Fire Liaison. The commissioner of Public Lands (commissioner) must appoint a local wildland fire liaison to represent the interests and concerns of landowners and the general public during any DNR fire suppression activities. The role of the local wildland fire liaison is, among other things, to advise the commissioner on landowner concerns and the availability of local fire suppression assets.

State Fire Services Mobilization. During an emergency, when a local jurisdiction needs assistance beyond the capabilities of local resources and mutual aid agreements, a request may be made for a state fire service mobilization. Mobilization means that all risk resources regularly provided by fire departments, fire districts, and regional fire protection service authorities beyond those available through existing agreements will be requested, and when available, sent in response to an emergency or disaster situation that has exceeded the capabilities of available local resources. During a large-scale emergency, mobilization includes the redistribution of regional or statewide risk resources to either direct emergency incident assignments or to assignments in communities where resources are needed.

The chief of the Washington State Patrol (WSP) has the authority to mobilize jurisdictions under the Washington State Fire Services Mobilization Plan (mobilization plan). The purpose of the mobilization plan is to provide a mechanism and process to quickly notify, assemble, and deploy fire service personnel and equipment to any local fire jurisdiction in Washington that has expended or will expend all available local and mutual aid resources in attempting to manage fires, disasters, or other events that jeopardize the ability of a jurisdiction to protect life and property. The State Fire Marshal in WSP serves as the state fire resources coordinator when a mobilization plan is initiated.

Summary of Bill: DNR must prepare and submit an appendix on aviation usage by local and tribal fire departments for initial attack as a part of its annual wildfire report to the standing committees of the Legislature with jurisdiction over wildland firefighting. DNR must submit the report by December 1st of each year. The report must address, at a minimum, the following topics:

- the dollar value of funding used by local and tribal fire departments for initial attack aviation during the year;
- the specific local and tribal fire departments that used this funding during the year;
- the wildland fires on which suppression funding was used to provide local and tribal

- fire departments initial attack aviation resources during the year, including names, locations, and sizes of fires, and amount of funding used on each of the fires; and
- a review of lessons learned related to aviation use by local and tribal fire departments for initial attack based on the preceding fire season, along with recommendations for future improvements to the wildland fire response process based on the lessons learned.

DNR must consult with the State Fire Defense Committee, tribal fire service representatives, and the State Fire Marshal's Office annually to review aviation program performance and determine aviation needs for the following fire year.

Subject to the availability of funding, DNR must use suppression funding to assist local and tribal fire departments with aerial fire response capabilities during the critical initial attack phase of fighting a wildland fire.

DNR must use suppression funding to assist local or tribal fire departments with initial attacks that meet the following requirements:

- the local or tribal fire department must have entered into a response agreement with DNR.
- the aviation assets used in initial attack must come from a list of private contractors approved by DNR on exclusive use or call-when-needed agreements based upon the annual review of aviation response and aviation needs.
- local and tribal fire departments must make direct requests to the appropriate coordination center, including the Central Washington Interagency Coordination Center, the Northeast Washington Interagency Coordination Center, the Blue Mountain Interagency Coordination Center, or the DNR Coordination Center, to ensure the safe coordination of all aircraft.

DNR must convene a work group composed of wildfire aviation subject matter experts, wildfire aviation contractors, fire service representatives, wildland fire management staff, and other partners to develop a state certification program for aircraft and pilots used in wildfire suppression. DNR must include the findings of the work group in a report to be submitted to the Wildfire Advisory Committee and appropriate committees of the Legislature by December 1, 2025.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: Local fire districts are the front line response

for wildland fires, and there are times that smaller, rural districts lack the resources to deploy aircraft for an initial attack on a fire. If there are delays, such as waiting for state mobilization, rangeland and forest fires may spread quickly. If aircraft can be deployed quickly, larger fires can be prevented, saving money, land and resources. Initial attack is the most important factor to prevent the spread of wildfire and may avoid the need for State Mobilization. The state should develop its own certification program to certify pilots.

OTHER: While there is support for the intent of the bill, there should be a better tie in with the State Mobilization plan. There should be a requirement for the coordinating agency to notify the State Fire Marshal. There are concerns about the state certification of aircraft and pilots. The federal government has recently created a wildland fire commission and more information is coming this year regarding certification.

Persons Testifying: PRO: Representative Mary Dye, Prime Sponsor; Brian Considine, Washington Department of Natural Resources; George Geissler, Washington Department of Natural Resources.

OTHER: Bud Sizemore, WSCFF; Dylan Doty, Washington Fire Chiefs Association.

Persons Signed In To Testify But Not Testifying: PRO: Tom Dent.