**6657-S AMS PARL S5171.6 - NOT FOR FLOOR USE**

**SSB 6657** - S AMD **764**

By Senator Parlette

Strike everything after the enacting clause and insert the following:

**"PART 1**

**INTENT AND FINDINGS**

NEW SECTION. **Sec.**  LEGISLATIVE FINDINGS. The legislature finds that protecting Washington's communities, economy, natural resources, and wildlife habitat from wildfires is of paramount importance. The record-breaking 2014 and 2015 fire seasons have devastated Washington's lands and local economies. Wildfires burned over one and one-half million acres in the last two years. Nearly five hundred families and businesses saw their homes and structures destroyed by wildfire during the 2015 fire season alone, and three courageous firefighters lost their lives. Communities dependent on seasonal tourism and the agriculture and timber industries struggled with nearly six months of wildfire danger and smoke hazards, leading to severely depressed revenues. The legislature further finds that mitigating the impacts of increasingly devastating wildfire seasons requires significant investments in the department of natural resources wildfire suppression, prevention, and mitigation programs to meet the scale of the threat.

The legislature recognizes that fire is a natural part of forest ecosystems. However, past fire suppression paradigms, along with significant decreases in federal forest management activities and severe drought conditions have led to excessive fuel accumulation in overstocked stands that are susceptible to intense burns.

The legislature finds that approximately two million seven hundred thousand acres of the ten million acres of forest land in eastern Washington are at high risk of damage by disease, insects, and wildfire. It is the intent of the legislature to initiate aggressive action to reduce wildfire fuel and restore forest health conditions. The legislature intends to employ all available fire prevention techniques, including mechanical thinning and prescribed fire, to restore Washington forest land health, ensure public health and safety, and support local communities most affected by wildfire. The legislature also finds that buffer zones on lands adjacent to forested lands significantly reduce the risk of wildfire spread and benefit the maintenance of biodiversity in our lands.

The legislature finds that prescribed fire is a valuable tool for fuel management and ecosystem restoration. The legislature further finds that over ninety-nine percent of prescribed fires are successfully held within planned perimeters. Short-term risks must be balanced with long-term benefits to fire-dependent ecosystems, habitat, and public health and safety.

With respect to training, the legislature finds that critical shortages in command personnel have resulted in delays in deploying needed resources, such as fire crews and equipment, during periods of high fire severity. The legislature further finds that training firefighters from different agencies together to the same national standards prepares firefighters to work together seamlessly once a wildland fire starts. Joint training also results in effective integration and deployment of assets, such as the national guard, when fire severity levels are high.

The legislature finds that it is necessary to improve the initial attack capabilities of local fire districts to keep wildland fires small and to avoid the catastrophic large fire costs and impacts witnessed during the 2014 and 2015 fire seasons.

**PART 2**

**STATEWIDE FIRE MANAGEMENT**

NEW SECTION. **Sec.**  STATE WILDFIRE INSURANCE POLICY. (1) Subject to the availability of amounts appropriated for this specific purpose, by July 31, 2016, the department of enterprise services, in coordination with the department of natural resources, must use a request for information to a broad base of wildfire insurance carriers to gain an understanding of requirements to insure the state against wildfire suppression costs and data needed for an accurate quote.

(2) By September 30, 2016, the department of enterprise services, in coordination with the department of natural resources, must use a request for quote to a broad base of wildfire insurance carriers to discern how each carrier would meet the needs of Washington and the cost of annual premiums. Preference must be given to insurance policies with a deductible of fifty million dollars or less, but for purposes of this section and for comparison, the departments may solicit quotes with varying deductibles.

(3) By November 30, 2016, the department of enterprise services, in coordination with the department of natural resources, must report to the legislature on: The criteria used in the request for information and request for quote; information gathered; premium and deductible data; and all other relevant information gathered during the solicitation process. If more than one insurance carrier offers a policy quote, the report must also include recommendations as to which insurer and insurance policy best fits the needs of the state. No formal request for proposal may be issued under this section absent express authorization from the legislature.

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

FOREST HEALTH AND WILDFIRE MANAGEMENT STRATEGIC PLAN.

(1) Subject to the availability of amounts appropriated for this specific purpose, by December 31, 2018, the department must develop and implement a twenty-year strategic plan to treat areas of Washington forest land identified by the department as being in poor forest health condition and to manage resources for wildfire prevention and suppression in a more efficient and effective manner. The department must develop the forest health and wildfire management strategic plan in consultation with relevant local, state, and federal agencies, tribes, forest landowners, representatives from milling and log transportation industries, regional conservation organizations, and other interested parties from the nonprofit and commercial sectors.

(2) The strategic plan must include timelines and, at a minimum, strategies to:

(a) Implement an actionable plan to restore and maintain forest health and resilience within twenty years;

(b) Increase cooperation with federal land management agencies;

(c) Prioritize forest health or resiliency treatments on land surrounding communities that are particularly vulnerable during the wildfire season with forest health conditions that would benefit from forest health or resiliency treatment;

(d) Expand forest health technical assistance and public education and outreach, and wildfire prevention and suppression activities;

(e) Improve communication and coordination between local, regional, state, federal, and tribal fire personnel;

(f) Deploy efficient and effective initial attack response to prevent wildland fire spread; and

(g) Integrate statewide usage of upgraded fire modeling and geographic informational systems technologies and remote wildfire detection technology, such as ground-based smoke sensors or manned aircraft for reconnaissance, to ensure deployment of appropriate fire resources.

(3)(a) The department must report to the legislature on its progress in developing and implementing the forest health and wildfire management strategic plan by December 31, 2016, and December 31, 2017. The report must include relevant fiscal information and recommendations for any legislative action needed to execute the strategic plan.

(b) In the report due by December 31, 2016, the department must include:

(i) A list of vulnerable communities identified under subsection (2)(c) of this section; and

(ii) The method by which the department will prioritize forest health or resiliency treatments on land surrounding those communities.

(c) The department must report to the legislature on the final forest health and wildfire management strategic plan by December 31, 2018, and every two years thereafter in conjunction with its budget request process under chapter 43.88 RCW. Each report must include, at minimum, the following:

(i) Descriptions of specific forest health or resiliency and wildfire management projects planned or underway at the time of reporting, including partners, timelines, resources required, and fiscal information associated with each project;

(ii) A summary of projects identified in the previous report that have since been completed;

(iii) A summary of updates made to the strategic plan, if any; and

(iv) Significant barriers to attaining specific goals in the strategic plan, if any, and recommendations to address those barriers.

**Sec.**  RCW 70.94.6536 and 1995 c 143 s 1 are each amended to read as follows:

SMOKE MANAGEMENT PLAN UPDATE.

(1)(a) The department of natural resources shall administer a program to reduce statewide emissions from silvicultural forest burning so as to achieve the following minimum objectives:

((~~(a)~~)) (i) Twenty percent reduction by December 31, 1994 providing a ceiling for emissions until December 31, 2000; and

((~~(b)~~)) (ii) Fifty percent reduction by December 31, 2000 providing a ceiling for emissions thereafter.

(b) Reductions shall be calculated from the average annual emissions level from calendar years 1985 to 1989, using the same methodology for both reduction and base year calculations.

(2)(a) The department of natural resources, within twelve months after May 15, 1991, shall develop a plan, based upon the existing smoke management agreement to carry out the programs as described in this section in the most efficient, cost-effective manner possible. The plan shall be developed in consultation with the department of ecology, public and private landowners engaged in silvicultural forest burning, and representatives of the public.

(b) The plan shall recognize the variations in silvicultural forest burning including, but not limited to, a landowner's responsibility to abate an extreme fire hazard under chapter 76.04 RCW and other objectives of burning, including abating and preventing a fire hazard, geographic region, climate, elevation and slope, proximity to populated areas, and diversity of land ownership. The plan shall establish priorities that the department of natural resources shall use to allocate allowable emissions, including but not limited to, silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas. The plan shall also recognize the real costs of the emissions program and recommend equitable fees to cover the costs of the program.

(c) The emission reductions in this section are to apply to all forest lands including those owned and managed by the United States. If the United States does not participate in implementing the plan, the departments of natural resources and ecology shall use all appropriate and available methods or enforcement powers to ensure participation.

(d) The plan shall include a tracking system designed to measure the degree of progress toward the emission reductions goals set in this section. The department of natural resources shall report annually to the department of ecology and the legislature on the status of the plan, emission reductions and progress toward meeting the objectives specified in this section, and the goals of this chapter and chapter 76.04 RCW.

(3)(a) Subject to the availability of amounts appropriated for this specific purpose, the department of natural resources must, in consultation with the department of ecology, other relevant state and federal agencies, tribes, the Washington prescribed fire council, and public and private landowners engaged in silvicultural forest burning, update the smoke management plan developed under subsection (2) of this section. The purpose of the smoke management plan update is to encourage the continuation of silvicultural or forest land burning as an important resource management tool.

(b) The department of natural resources must update the smoke management plan through a science-based stakeholder process that balances forest health and public health interests. The department of natural resources must, at minimum, update or address provisions in the smoke management plan that:

(i) Raise the minimum threshold to be considered a large fire;

(ii) Provide longer range forecasts for permitted prescribed burns, including twenty-four hour and forty-eight hour forecasts;

(iii) Authorize individual prescribed burns twenty-four hours prior to ignition of the fire. Any burn decision made twenty-four hours in advance is subject to change if meteorological conditions or conditions affecting smoke dispersion are different from those anticipated and are forecast to contribute significantly to either an exceedance of an air quality standard or to a threat to public health or safety;

(iv) Allow the department to authorize, by special burn permit, prescribed burning on days when the department would otherwise deny burning if the denial of such a permit would threaten imminent and substantial economic loss;

(v) Clarify the criteria the department considers when determining whether a burn "has the potential to affect communities" with respect to multiple day burns;

(vi) Increase utilization of multiple day burns and coordinate with prescribed burn managers with approved multiple day burn permits to ensure predictability and to maximize opportunities to burn on each day of the approved multiple day burn permit; and

(vii) The department may not deny a prescribed burn solely on the potential for smoke intrusions into communities unless the smoke intrusion is forecast to contribute significantly to either an exceedance of an air quality standard or to a significant threat to public health or safety.

(c) The department of natural resources must adopt rules pursuant to chapter 34.05 RCW to implement the smoke management plan adopted under this section.

(d) Beginning 2017, the department of natural resources must report to the legislature on its progress in updating the smoke management plan, including expected timelines and actions needed for completion, summaries of meetings held, stakeholders included, public comments received, policies as they are updated, and relevant budget, expenditure, and fund source information by December 31st of each calendar year until the update is completed and implemented by rule. The department of natural resources must also report on how data collected during the forest resiliency burning pilot project conducted under chapter . . ., Laws of 2016 (Engrossed Substitute House Bill No. 2928) has informed the smoke management plan update.

(4) If the December 31, 1994, emission reductions targets in this section are not met, the department of natural resources, in consultation with the department of ecology, shall use its authority granted in this chapter and chapter 76.04 RCW to immediately limit emissions from such burning to the 1994 target levels and limit silvicultural forest burning in subsequent years to achieve equal annual incremental reductions so as to achieve the December 31, 2000, target level. If, as a result of the program established in this section, the emission reductions are met in 1994, but are not met by December 31, 2000, the department of natural resources in consultation with the department of ecology shall immediately limit silvicultural forest burning to reduce emissions from such burning to the December 31, 2000, target level in all subsequent years.

((~~(4)~~)) (5) Emissions from silvicultural burning in eastern Washington that is conducted for the purpose of restoring forest health or preventing the additional deterioration of forest health are exempt from the reduction targets and calculations in this section if the following conditions are met:

(a) The landowner submits a written request to the department identifying the location of the proposed burning and the nature of the forest health problem to be corrected. The request shall include a brief description of alternatives to silvicultural burning and reasons why the landowner believes the alternatives not to be appropriate.

(b) The department determines that the proposed silvicultural burning operation is being conducted to restore forest health or prevent additional deterioration to forest health; meets the requirements of the state smoke management plan to protect public health, visibility, and the environment; and will not be conducted during an air pollution episode or during periods of impaired air quality in the vicinity of the proposed burn.

(c) Upon approval of the request by the department and before burning, the landowner is encouraged to notify the public in the vicinity of the burn of the general location and approximate time of ignition.

((~~(5)~~)) (6) The department of ecology may conduct a limited, seasonal ambient air quality monitoring program to measure the effects of forest health burning conducted under subsection ((~~(4)~~)) (5) of this section. The monitoring program may be developed in consultation with the department of natural resources, private and public forest landowners, academic experts in forest health issues, and the general public.

**Sec.**  RCW 70.94.6538 and 2009 c 118 s 502 are each amended to read as follows:

BURN PERMIT AUTHORITY.

The department of natural resources in granting burning permits for fires for the purposes set forth in RCW 70.94.6534 shall condition the issuance and use of such permits to comply with air quality standards established by the department of ecology after full consultation with the department of natural resources.(( ~~Such burning shall not cause the state air quality standards to be exceeded in the ambient air up to two thousand feet above ground level over critical areas designated by the department of ecology, otherwise subject to air pollution from other sources. Air quality standards shall be established and published by~~)) The department of ecology ((~~which shall~~)) must also establish a procedure for advising the department of natural resources when and where air contaminant levels exceed or threaten to exceed the ambient air standards over such critical areas. The air quality shall be quantitatively measured by the department of ecology or the appropriate local air pollution control authority at established monitoring stations over such designated areas. Further, such permitted burning shall not cause damage to public health or the environment. All permits issued under this section shall be subject to all applicable fees, permitting, penalty, and enforcement provisions of this chapter. The department of natural resources shall set forth smoke dispersal objectives designed consistent with this section to minimize any air pollution from such burning and the procedures necessary to meet those objectives.

The department of natural resources shall encourage more intense utilization in logging and alternative silviculture practices ((~~to reduce the need for burning~~)) and encourage thinning to reduce fuel loads and prescribed burning when appropriate for forest health improvement and fire prevention. The department of natural resources shall, whenever practical, encourage landowners to ((~~develop and~~)) use ((~~alternative acceptable~~)) effective and efficient disposal methods ((~~subject to the following priorities~~)), including the following: ((~~(1)~~)) Slash production minimization((~~, (2)~~)); slash utilization((~~, (3)~~)); nonburning disposal((~~, (4)~~)); and silvicultural burning. Such alternative methods shall be evaluated as to the relative impact on air, water, and land pollution, public health, and their financial feasibility.

The department of natural resources shall not issue burning permits and shall revoke previously issued permits at any time in any area where the department of ecology or local board has declared a stage of impaired air quality as defined in RCW 70.94.473.

**Sec.**  RCW 76.04.205 and 1986 c 100 s 17 are each amended to read as follows:

BURN PERMIT REVOCATION OR POSTPONEMENT.

(1) Except in certain areas designated by the department or as permitted under rules adopted by the department, a person shall have a valid written burning permit obtained from the department to burn:

(a) Any flammable material on any lands under the protection of the department; or

(b) Refuse or waste forest material on forest lands protected by the department.

(2) To be valid a permit must be signed by both the department and the permittee. Conditions may be imposed in the permit for the protection of life, property, or air quality and ((~~[the department]~~)) the department may suspend or revoke the permits when conditions warrant. A permit shall be effective only under the conditions and for the period stated therein. Signing of the permit shall indicate the permittee's agreement to and acceptance of the conditions of the permit.

(3) The department may inspect or cause to be inspected the area involved and may issue a burning permit if:

(a) All requirements relating to firefighting equipment, the work to be done, and precautions to be taken before commencing the burning have been met;

(b) No unreasonable danger will result; and

(c) Burning will be done in compliance with air quality standards established by chapter 70.94 RCW.

(4) The department, authorized employees thereof, or any warden or ranger may refuse, revoke, or postpone the use of ((~~permits~~)) a permit to burn only when necessary for the safety of adjacent property or when ((~~necessary in their judgment to prevent air pollution~~)) the particular burn at issue is forecast to contribute significantly to either an exceedance of an air quality standard as provided in chapter 70.94 RCW or to create a threat to public health or safety.

**Sec.**  RCW 76.04.315 and 1986 c 100 s 22 are each amended to read as follows:

BURN BAN AUTHORITY.

(1) In times and localities of unusual fire danger, the department may issue an order suspending any or all burning permits or privileges authorized by RCW 76.04.205 and may prohibit absolutely the use of fire in such locations.

(2) For the purposes of this section, "unusual fire danger" means adverse weather and fire fuel conditions, in combination with the prevalence of ignition sources, that indicate high potential over a large area for a fire to ignite, spread, and require suppression action.

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

JOINT TRAINING.

(1) Subject to the availability of amounts appropriated for this specific purpose, the department must strive to ensure adequate capacity of trained, effective firefighting forces across all available local, state, and federal agencies, tribes, and the private sector to meet state needs during each fire season.

(2) Subject to the availability of amounts appropriated for this specific purpose, the national guard must coordinate with the department to maintain trained firefighters to be deployed as needed during the fire season. The legislature intends that no fewer than six hundred national guard personnel be maintained with training and fire suppression personal protective equipment to maintain this level of readiness.

(3) Subject to the availability of amounts appropriated for this specific purpose, the department must conduct prescribed burn manager training, including training on all relevant aspects of prescribed burning, such as: Legal requirements; safety; weather; fire behavior; smoke management; prescribed fire techniques; public relations; planning; and contingencies. The department may not require a prescribed burn manager undergo the department's training course as a condition for burn permit approval under this chapter.

NEW SECTION. **Sec.**  COORDINATED COMMAND FOR LARGE FIRES. Subject to the availability of amounts appropriated for this specific purpose, the department of natural resources must strive to ensure that adequately trained fire commanders are available to dispatch resources where they are needed most. To foster efficient year-round workforce management, the department of natural resources must, whenever practical, train existing department or local fire district personnel to fill such additional fire commander positions during the fire season.

NEW SECTION. **Sec.**  AERIAL ATTACK. Subject to the availability of amounts appropriated for this specific purpose, the department of natural resources may enter into contracts for aerial resources qualified for wildland fire suppression and ensure sufficient fire aviation personnel is available to coordinate and deploy aviation assets where they are most needed.

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

MULTILINGUAL PRESCRIBED BURN NOTICES.

Prior to conducting a prescribed burn, the department is encouraged to notify the public in the vicinity of the burn of the general location, approximate time of ignition, and expected duration of the prescribed burn. The department may notify the public through written and verbal notices, press releases to local media, and social media. The department is further encouraged to give such notifications in a language that diverse residents can understand when a significant segment of the community speaks a language other than English and has limited proficiency in English.

NEW SECTION. **Sec.**  A new section is added to chapter 38.52 RCW to read as follows:

MULTILINGUAL PUBLIC HEALTH AND SAFETY RISK NOTICES.

(1) State agencies required by law or rule to provide public notices to a community or area to advise or inform the public about an imminent or emergent public health, safety, or welfare risk are encouraged to provide notices in the language that diverse residents can understand when a significant segment of the community speaks a language other than English and has limited proficiency in English. Under a state of emergency, state agencies are encouraged to provide such notices, information, and services in the languages represented by the specific affected area's demographic data.

(2) During emergencies, political subdivisions' emergency management departments are encouraged to provide accurate written and verbal notices including, but not limited to, evacuation notices and shelter information, in the languages represented by their communities who speak a language other than English. Emergency management departments of political subdivisions are also encouraged to air public service announcements by radio or television broadcast in the languages represented by their communities who speak a language other than English.

**Sec.**  RCW 38.52.070 and 1997 c 49 s 4 are each amended to read as follows:

MULTILINGUAL EMERGENCY DISASTER COMMUNICATION.

(1) Each political subdivision of this state is hereby authorized and directed to establish a local organization or to be a member of a joint local organization for emergency management in accordance with the state comprehensive emergency management plan and program: PROVIDED, That a political subdivision proposing such establishment shall submit its plan and program for emergency management to the state director and secure his or her recommendations thereon, and verification of consistency with the state comprehensive emergency management plan, in order that the plan of the local organization for emergency management may be coordinated with the plan and program of the state. Local comprehensive emergency management plans must specify the use of the incident command system for multiagency/multijurisdiction operations. No political subdivision may be required to include in its plan provisions for the emergency evacuation or relocation of residents in anticipation of nuclear attack. If the director's recommendations are adverse to the plan as submitted, and, if the local organization does not agree to the director's recommendations for modification to the proposal, the matter shall be referred to the council for final action. The director may authorize two or more political subdivisions to join in the establishment and operation of a joint local organization for emergency management as circumstances may warrant, in which case each political subdivision shall contribute to the cost of emergency management upon such fair and equitable basis as may be determined upon by the executive heads of the constituent subdivisions. If in any case the executive heads cannot agree upon the proper division of cost the matter shall be referred to the council for arbitration and its decision shall be final. When two or more political subdivisions join in the establishment and operation of a joint local organization for emergency management each shall pay its share of the cost into a special pooled fund to be administered by the treasurer of the most populous subdivision, which fund shall be known as the . . . . . . emergency management fund. Each local organization or joint local organization for emergency management shall have a director who shall be appointed by the executive head of the political subdivision, and who shall have direct responsibility for the organization, administration, and operation of such local organization for emergency management, subject to the direction and control of such executive officer or officers. In the case of a joint local organization for emergency management, the director shall be appointed by the joint action of the executive heads of the constituent political subdivisions. Each local organization or joint local organization for emergency management shall perform emergency management functions within the territorial limits of the political subdivision within which it is organized, and, in addition, shall conduct such functions outside of such territorial limits as may be required pursuant to the provisions of this chapter.

(2) In carrying out the provisions of this chapter each political subdivision, in which any disaster as described in RCW 38.52.020 occurs, shall have the power to enter into contracts and incur obligations necessary to combat such disaster, protecting the health and safety of persons and property, and providing emergency assistance and communication to the victims of such disaster. Each political subdivision is authorized to exercise the powers vested under this section in the light of the exigencies of an extreme emergency situation without regard to time-consuming procedures and formalities prescribed by law (excepting mandatory constitutional requirements), including, but not limited to, budget law limitations, requirements of competitive bidding and publication of notices, provisions pertaining to the performance of public work, entering into contracts, the incurring of obligations, the employment of temporary workers, the rental of equipment, the purchase of supplies and materials, the levying of taxes, and the appropriation and expenditures of public funds.

NEW SECTION. **Sec.**  ACCOUNTING FOR FOREST HEALTH AND FIRE MANAGEMENT-RELATED APPROPRIATIONS. (1) By December 31, 2016, the department of natural resources must report to the legislature on how funds appropriated in the 2016 supplemental operating budget for use related to forest health and wildfire management were expended or are expected to be expended in 2017. In particular, the report must address the following:

(a) Local fire resources and a summary of agreements the department of natural resources has entered into with local fire districts;

(b) Wildland fire suppression personnel and training, including fire engine personnel, local training, joint training, and fire commander personnel and training;

(c) Aviation resources, including personnel;

(d) Wildfire prevention education, community outreach programs, and technical assistance to landowners; and

(e) Any other forest health and wildfire management-related expenditures of funds appropriated in the 2016 supplemental omnibus operating appropriations act.

(2) For efficiency, the department of natural resources may include the report required in this section as part of the report on the forest health and wildfire management strategic plan, also due on December 31, 2016, as required under section 202(3) of this act.

**PART 3**

**LOCAL FIRE MANAGEMENT**

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

LOCAL FIRE RESOURCES.

(1)(a) Subject to the availability of amounts appropriated for this specific purpose, the department must determine where additional fire suppression resources are needed and which local fire districts would most benefit from those additional resources. Fire suppression resources may include, but are not limited to, aerial attack, wildland fire training, fire engines, safety equipment, chainsaws, and radios.

(b) In making determinations under this section, the department of natural resources may coordinate with the wildland fire advisory committee, and must, at minimum, consider the following factors:

(i) Whether the local fire district is located in a fire prone area; and

(ii) Particular resource needs based on existing fire suppression capability and a ten-year history of wildland fire activity in or near the local fire district's jurisdiction.

(c) Based on the determination made in (a) of this subsection, the department must enter into agreements with local fire districts to provide the fire suppression resources the department has identified as necessary. These agreements must include terms and conditions allowing local fire districts to order deployment of fire suppression resources to assist in response to wildfire reports or to be prepositioned for initial attack during high wildfire severity conditions.

(2) For purposes of this section:

(a) "Prepositioned fire suppression resources" means fire suppression resources either geographically positioned or contracted for prior to and in anticipation of wildland fire suppression activity during a fire season; and

(b) "Severity conditions" means that the conditions in a region of the state indicate a high level of wildfire risk as indicated by official actions, such as the declaration of a red flag warning, or the issuance of a high wildfire probability by a state or federal wildland fire organization.

NEW SECTION. **Sec.**  WILDLAND FIRE PUBLIC EDUCATION AND OUTREACH. (1)(a) Subject to the availability of amounts appropriated for this specific purpose, the department of natural resources, in cooperation with the conservation commission, must expand its programs to provide wildfire prevention education, community outreach programs, and technical assistance to landowners.

(b) As part of its community outreach and education programs, the department of natural resources must include educational material regarding foams, gels, and other products designed to protect structures from encroaching wildfires, particularly for homeowners in communities located in fire prone areas of the state.

(c) Nothing in this section creates or infers additional liability on the department of natural resources or the conservation commission. No educational material made available by the department of natural resources may be construed as an endorsement of any product type or specific commercial product.

(2) The department of natural resources must also strive to ensure landowner compliance with grant and contract requirements with respect to forest health, resiliency, or fuels reduction treatments, burn permit conditions, and industrial fire precaution levels.

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

PERSONAL PROTECTION EQUIPMENT FOR VOLUNTEERS.

(1) Subject to the availability of amounts appropriated for this specific purpose, the department must provide all necessary personal protection equipment at no cost to up to one hundred fire suppression volunteers for use while dispatched to wildland fire suppression duty. If the department cannot provide the personal protection equipment, it must offer to reimburse a volunteer who purchases new equipment suitable for the kind of volunteer work to be performed. If the volunteer accepts reimbursement, the volunteer must surrender the equipment for which he or she was reimbursed when the volunteer period comes to an end.

(2) The department must ensure the inventory of personal protection equipment for volunteers is kept in good condition through periodic safety inspections. The personal protection equipment must be stored in a geographic area and manner for quick distribution to volunteers when needed for wildland fire suppression.

(3) For purposes of this section, "volunteers" means qualified individuals who are not affiliated with a fire department or district and who perform fire suppression activities for the department without any expectation of compensation. The department must require proof of adequate training and possession of valid incident qualifications, such as those commonly known as "red cards" or "blue cards" before allowing any volunteer to assist the department in fire suppression activities.

(4) Qualified volunteers identified in subsection (3) of this section may be dispatched to support wildland fire suppression efforts through the coordinated resource ordering systems of local or state firefighting organizations. Volunteers are prohibited from independently assigning themselves to wildfires without an official resource order.

(5) By December 31, 2016, and December 31, 2017, the department must report to the legislature on the resources required to implement and maintain the requirements of this section, the number of volunteers provided equipment under this section, and any recommendations for improvement. For efficiency, the department may include the report required in this section as part of the report on the forest health and wildfire management strategic plan, as required under section 202(3) of this act.

(6) Nothing in this section prohibits the department from conducting condensed safety training on the site of a wildland fire in order to utilize available volunteers.

(7) No civil liability may be imposed by any court on the state or its officers and employees for any adverse impacts resulting from the training, equipping, or dispatching of volunteers under the provisions of this section except upon proof of gross negligence or willful or wanton misconduct.

NEW SECTION. **Sec.**  WILDLAND-URBAN INTERFACE CODE. (1) By December 31, 2017, county commissioners are encouraged, with the assistance of the Wildland Fire Advisory Committee, to review the International Wildland-Urban Interface Code, published by the International Code Council, Inc., to determine which provisions, if any, are appropriate for the protection of structures and communities in wildland-urban interface areas in their respective jurisdictions. In particular, county commissioners are encouraged to consider provisions related to adequate water supply for purposes of initial attack and flame front control and window requirements.

(2) For the purposes of this section, "wildland-urban interface areas" means areas where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.

NEW SECTION. **Sec.**  SEVERITY PROGRAM STUDY. (1)(a) The wildland fire advisory committee must investigate options to assist local fire suppression entities, particularly with respect to bolstering effective initial attack. The wildland fire advisory committee may consider severity resource program models, wildland fire resource prepositioning concepts, and any other options that may strengthen the initial attack capabilities of local fire suppression entities.

(b) For purposes of this section, "local fire suppression entities" means a city, county, fire department, fire district, or other nonstate, nonfederal public entity responsible for suppressing wildland fires within its jurisdiction.

(2) By December 31, 2016, the department of natural resources, having considered wildland fire advisory committee recommendations, must report to the legislature and commissioner of public lands, on the following:

(a) A description of outreach efforts to involve local fire suppression entities;

(b) Programs and concepts considered;

(c) Factors identified as important to both local fire suppression entities and statewide wildfire coordination efforts;

(d) Recommendations regarding which programs or concepts best satisfy the initial attack needs of local fire suppression entities; and

(e) Recommendations regarding implementation, resource allocation, and funding.

NEW SECTION. **Sec.**  JOINT LEGISLATIVE AUDIT AND REVIEW COMMITTEE FOREST FIRE PROTECTION ASSESSMENT AUDIT. In conjunction with section 103, chapter 4, Laws of 2015 3rd sp. sess., the joint legislative audit and review committee must identify parcels within the state that are not subject to the forest fire protection assessment and are not included in a local fire district. A report on the results of the analysis with any findings and recommendations must be submitted to the appropriate committees of the legislature by July 31, 2017.

**PART 4**

**IMPLEMENTATION**

NEW SECTION. **Sec.**  This act may be known and cited as the wildfire management act.

NEW SECTION. **Sec.**  This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.

NEW SECTION. **Sec.**  If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2016, in the supplemental omnibus appropriations act, this act is null and void."

**SSB 6657** - S AMD **764**

By Senator Parlette

On page 1, line 1 of the title, after "management;" strike the remainder of the title and insert "amending RCW 70.94.6536, 70.94.6538, 76.04.205, 76.04.315, and 38.52.070; adding new sections to chapter 76.04 RCW; adding a new section to chapter 38.52 RCW; creating new sections; and declaring an emergency."

EFFECT: (1) For the strategic plan: Added federal land management agencies geographic informational systems technology, prioritized vulnerable communities;

(2) For the smoke management plan update: Removed the December 31, 2018, deadline, added the Washington Prescribed Fire Council as a stakeholder, required annual progress reports until completed;

(3) For the Prescribed Burn Manager Certification Course, removes the course and instead requires the department of natural resources (DNR) to offer prescribed burn manager training;

(4) For aerial assets: Made permissive DNR may contract for aerial resources and removed language specific to single engine air tankers and helicopters;

(5) Simplified accounting requirements for 2016 supplemental operating budget appropriations related to forest health and wildfire management;

(6) For local fire resources: Added aerial attack and wildland fire training as types of local fire resources, and a provision requiring DNR to enter into agreements with local fire districts to offer the fire resources;

(7) For community outreach and education programs: Added conservation commission as a cooperating entity, added a provision requiring education regarding commercial products designed to protect structures from encroaching wildfire;

(8) Replaces a section requiring DNR to report on lands not covered in any fire protection jurisdiction with a section expanding an existing joint legislative audit and review committee audit on the forest fire protection assessment and extends that section of the audit to 2017;

(9) Replaces several sections creating a local wildland fire severity program with a study by the Wildland Fire Advisory Committee on how best to implement a program to support local initial attack;

(10) Added to and merged legislative intent language into the legislative findings section;

(11) For the Wildland-Urban Interface (WUI) Code: Added an encouragement for county commissioners to review WUI Code for provisions appropriate for interface areas in their jurisdiction;

(12) Codified the requirements that DNR and the National Guard maintain certain numbers of fire personnel available subject to appropriation;

(13) Struck four sections that created a pension option for volunteer firefighters;

(14) Limited a requirement that DNR provide free personal protection equipment to qualified volunteers to 100 volunteers; and

(15) Removed a section creating a forest resiliency burning pilot project (passed separately in ESHB 2928).