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**SUBSTITUTE SENATE BILL 6632**

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**State of Washington**

**64th Legislature**

**2016 Regular Session**

**By** Senate Natural Resources & Parks (originally sponsored by Senators Braun, Parlette, and Hargrove)

READ FIRST TIME 02/05/16.

1 AN ACT Relating to wildfire management; amending RCW 70.94.6536,  
2 43.43.960, 43.43.961, 43.43.961, 43.43.962, and 43.88.550; reenacting  
3 and amending RCW 43.43.960 and 76.04.005; adding new sections to  
4 chapter 76.04 RCW; creating new sections; providing an effective  
5 date; and providing expiration dates.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7 NEW SECTION. **Sec. 1.** (1) By July 31, 2016, the department of  
8 enterprise services, in coordination with the department of natural  
9 resources, must use a request for information to a broad base of  
10 wildfire insurance carriers to gain an understanding of insurance  
11 requirements and data needed for an accurate quote.

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

20 (3) By November 30, 2016, the department of enterprise services,  
21 in coordination with the department of natural resources, must report

1 to the legislature on: The criteria used in the request for  
2 information and request for quote; information gathered; premium and  
3 deductible data; and all other relevant information gathered during  
4 the solicitation process. If more than one insurance carrier offers a  
5 policy quote, the report must also include recommendations as to  
6 which insurer and insurance policy best fits the needs of the state.  
7 No formal request for proposal may be issued under this section  
8 absent express authorization from the legislature.

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

11 (1) The department must develop a twenty-year strategic plan to  
12 treat the two million seven hundred thousand acres of Washington  
13 forestland identified by the department as being in poor forest  
14 health condition. The department must develop the forest health and  
15 wildfire prevention strategic plan in consultation with relevant  
16 local, state, and federal agencies, tribes, forest landowners,  
17 representatives from milling and log transportation industries, and  
18 other interested parties from the nonprofit and commercial sectors.

19 (2) The strategic plan must be updated at least every two years  
20 and must include timelines and, at minimum, strategies to:

21 (a) Facilitate communication and coordination between local,  
22 state, federal, and tribal fire personnel;

23 (b) Improve public education and outreach regarding fire  
24 prevention and suppression activities;

25 (c) Streamline contract procedures to perform forest health  
26 treatments on public and private lands;

27 (d) Expand technical assistance programs for local governmental  
28 entities and private landowners; and

29 (e) Address barriers to wildfire prevention and suppression  
30 activities, particularly in rural areas where resources may be  
31 limited.

32 (3) The department must report on the forest health and wildfire  
33 prevention strategic plan and its assessment of progress to the  
34 appropriate committees of the legislature by December 31, 2017. The  
35 report must include relevant fiscal information and recommendations  
36 for any legislative action needed to execute the strategic plan.

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

1 (1) The department must create a prescribed burn manager  
2 certification program for those who practice prescribed burning in  
3 the state. The certification program must include training on all  
4 relevant aspects of prescribed fire in Washington including, but not  
5 limited to, the following: Legal requirements; safety; weather; fire  
6 behavior; smoke management; prescribed fire techniques; public  
7 relations; planning; and contingencies.

8 (2) The department may not require certification under the  
9 program created under subsection (1) of this section for burn permit  
10 approval under this chapter. Nothing in this section may be construed  
11 as creating a mandatory prescribed burn manager certification  
12 requirement to conduct prescribed burning in Washington.

13 (3) No civil or criminal liability may be imposed by any court on  
14 the state or its officers and employees, or a prescribed burn manager  
15 certified under the program created under subsection (1) of this  
16 section, for any direct or proximate adverse impacts resulting from a  
17 prescribed fire conducted under the provisions of this chapter except  
18 upon proof of gross negligence or willful or wanton misconduct.

19 (4) The department may adopt rules to create the prescribed burn  
20 manager certification program and to set periodic renewal criteria.  
21 The department may also adopt rules to establish a decertification  
22 process for certified prescribed burn managers who commit a violation  
23 under this chapter or rules adopted under this chapter. The  
24 department may, in its own discretion, develop an equivalency test  
25 for experienced prescribed burn managers.

26 NEW SECTION. **Sec. 4.** By December 31, 2016, the department of  
27 natural resources must recommend to the appropriate committees of the  
28 legislature options to incentivize adoption of the International  
29 Wildland Urban Interface Code, published by the International Code  
30 Council, Inc., particularly by counties at high risk during wildfire  
31 season.

32 **Sec. 5.** RCW 70.94.6536 and 1995 c 143 s 1 are each amended to  
33 read as follows:

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

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

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

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

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

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

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

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

1       (3)(a) By December 31, 2018, the department of natural resources  
2 must update the smoke management plan through a science-based  
3 stakeholder process that balances forest health and public health  
4 interests. The plan should include the identification of communities  
5 most vulnerable to wildfire and prioritize prescribed burning and  
6 other appropriate resiliency treatments on lands surrounding those  
7 communities. In addition, the department of natural resources must,  
8 in consultation with the department, other relevant state and federal  
9 agencies, participating tribes, and public and private landowners  
10 engaged in silvicultural forest burning, update the smoke management  
11 plan developed under subsection (2) of this section. The purpose of  
12 the smoke management plan is to provide for the continuation of  
13 silvicultural or forestland burning as a resource management tool and  
14 to provide increased opportunities for prescribed burning. The  
15 primary purpose of the smoke management plan update is to increase  
16 transparency and predictability for prescribed burns.

17       (b) The department of natural resources must, at minimum, update  
18 or include procedures in the smoke management plan according to the  
19 following directives:

20       (i) The minimum threshold to be considered a large fire in areas  
21 near communities or prone to inversions must be increased to one  
22 thousand tons per burn and the threshold for pile burns in low-risk  
23 areas must be increased to two thousand tons per burn;

24       (ii) The department of natural resources must issue forty-eight  
25 hour forecasts for permitted prescribed burns;

26       (iii) The department of natural resources must authorize  
27 individual prescribed burns twenty-four hours prior to ignition of  
28 the fire. Any burn decision made twenty-four hours in advance is  
29 subject to change if meteorological conditions or conditions  
30 affecting smoke dispersion are different from those anticipated and  
31 either pose an imminent and significant threat to public health or  
32 are forecast to exceed an air quality standard;

33       (iv) The department of natural resources may, by special burn  
34 permit, authorize prescribed burning on days when the department  
35 would otherwise deny burning if the denial of such a permit would  
36 threaten imminent and substantial economic loss. In authorizing such  
37 burning, the department of natural resources must limit the amount of  
38 material that can be burned in any one day and may only authorize  
39 burning that is not forecast to exceed an air quality standard;

1 (v) In addition to the priorities listed in subsection (2) of  
2 this section, the department of natural resources must prioritize  
3 burn projects according to the public benefits, including forest  
4 health, wildfire prevention, safety, and public health;

5 (vi) The department of natural resources must clarify the  
6 criteria it considers when determining whether a burn "has the  
7 potential to affect communities" with respect to multiple day burns;

8 (vii) The department of natural resources must cooperate with  
9 prescribed burn managers with approved multiple day burn permits to  
10 ensure predictability and to maximize opportunities to burn on each  
11 day of the approved multiple day burn permit; and

12 (viii) The department of natural resources may not deny a  
13 prescribed burn solely on the potential for smoke intrusions into  
14 communities unless there is clear evidence of an imminent and  
15 significant threat to public health or clear evidence that the smoke  
16 intrusion is forecast to contribute to an exceedance of an air  
17 quality standard.

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

31 ~~((4))~~ (5) Emissions from silvicultural burning in eastern  
32 Washington that is conducted for the purpose of restoring forest  
33 health or preventing the additional deterioration of forest health  
34 are exempt from the reduction targets and calculations in this  
35 section if the following conditions are met:

36 (a) The landowner submits a written request to the department  
37 identifying the location of the proposed burning and the nature of  
38 the forest health problem to be corrected. The request shall include  
39 a brief description of alternatives to silvicultural burning and

1 reasons why the landowner believes the alternatives not to be  
2 appropriate.

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

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

14 ~~((+5+))~~ (6) The department of ecology may conduct a limited,  
15 seasonal ambient air quality monitoring program to measure the  
16 effects of forest health burning conducted under subsection ~~((+4+))~~  
17 (5) of this section. The monitoring program may be developed in  
18 consultation with the department of natural resources, private and  
19 public forest landowners, academic experts in forest health issues,  
20 and the general public.

21 NEW SECTION. **Sec. 6.** A new section is added to chapter 76.04  
22 RCW to read as follows:

23 (1) The legislature finds that embers or fire brands are produced  
24 as trees and other objects burn in wildfires. These hot embers may be  
25 carried by winds over long distances and ignite surfaces far removed  
26 from the fire, resulting in fire spread. This process is often known  
27 as spotting. The legislature finds it to be of public interest to aid  
28 fire-prone communities and homeowners in protecting their land and  
29 preventing the unnecessary spread of forest fires.

30 (2) The department must provide water storage containers and  
31 hoses to local fire-prone communities and, when reasonable, to  
32 landowners to use to put out embers or fire brands that fall on their  
33 property. The department must also provide public education regarding  
34 the safest methods in putting out embers or fire brands and dousing  
35 areas around property and structures to prevent fire spread. The  
36 department may partner with local governmental entities and other  
37 relevant organizations, including local fire protection districts, in  
38 carrying out the activities required in this section.

1 (3) No civil liability may be imposed by any court on the state  
2 or its officers and employees for any adverse impacts resulting from  
3 training or equipment provided by the department under the provisions  
4 of this section except upon proof of gross negligence or willful or  
5 wanton misconduct.

6 NEW SECTION. **Sec. 7.** A new section is added to chapter 76.04  
7 RCW to read as follows:

8 (1) The legislature finds that over twenty-seven percent of  
9 Washington state lands are owned by federal agencies. The legislature  
10 further finds that increased coordination and improved communication  
11 between state and federal government agencies is necessary for  
12 effective forest health treatments and wildfire prevention and  
13 suppression activities.

14 (2) The department must enter into discussions with the federal  
15 agencies managing land in the state with the objective of entering  
16 into or updating existing memoranda of understandings or contracts  
17 regarding forest health and wildfire management. The department must  
18 initiate these discussions with all relevant federal partners  
19 including, but not limited to, the bureau of land management, the  
20 national park service, the United States fish and wildlife service,  
21 and the army corps of engineers. The department may consult with  
22 federally recognized tribes, forest landowners, and other entities  
23 involved in forest health treatment or wildfire prevention and  
24 suppression for the negotiations required by this section.

25 (3) The department must discuss, with the objective on agreeing  
26 to terms regarding, the following issue areas:

27 (a) Cost and labor-sharing agreements for forest health  
28 treatments conducted on federally owned lands;

29 (b) Timelines and measurable forest health improvement goals  
30 reachable within ten years of the date of agreement;

31 (c) Streamlining processes to share fire protection resources  
32 across jurisdictional lines; and

33 (d) Improving interagency cooperation to facilitate rapid initial  
34 response to fire. For example, the department may enter into an  
35 agreement with a federal partner to share in attacking wildfires  
36 along common ownership boundaries and exchange assistance free of  
37 charge across agency jurisdictions during the first twenty-four hours  
38 of a fire.

1 (4) By December 31, 2016, the department must report to the  
2 legislature on all agreements with federal land management partners  
3 in place as of the effective date of this section; efforts undertaken  
4 to reach the agreements required by this section; agreements entered  
5 into or updated as a result of those efforts; significant barriers,  
6 if any, to reaching consensus; recommendations for any legislative  
7 action that will encourage intergovernmental cooperation; and fiscal  
8 information.

9 **Sec. 8.** RCW 43.43.960 and 2015 c 181 s 2 are each reenacted and  
10 amended to read as follows:

11 (~~Unless the context clearly requires otherwise,~~) The  
12 definitions in this section apply throughout this subchapter unless  
13 the context clearly requires otherwise.

14 (1) "All risk resources" means those resources regularly provided  
15 by fire departments, fire districts, and regional fire protection  
16 service authorities required to respond to natural or man-made  
17 incidents, including but not limited to:

- 18 (a) Wild land fires;
- 19 (b) Landslides;
- 20 (c) Earthquakes;
- 21 (d) Floods; and
- 22 (e) Contagious diseases.

23 (2) "Chief" means the chief of the Washington state patrol.

24 (3) "Fire chief" includes the chief officer of a statutorily  
25 authorized fire agency, or the fire chief's authorized  
26 representative. Also included are the department of natural resources  
27 fire control chief, and the department of natural resources regional  
28 managers.

29 (4) "Jurisdiction" means state, county, city, fire district,  
30 regional fire protection service authority, or port district units,  
31 or other units covered by this chapter.

32 (5)(a) "Mobilization" means that all risk resources regularly  
33 provided by fire departments, fire districts, and regional fire  
34 protection service authorities beyond those available through  
35 existing agreements will be requested and, when available, sent in  
36 response to an emergency or disaster situation that has exceeded the  
37 capabilities of available local resources. During a large scale  
38 emergency, mobilization includes the redistribution of regional or  
39 statewide risk resources to either direct emergency incident

1 assignments or to assignment in communities where resources are  
2 needed. Fire department resources may not be mobilized to assist law  
3 enforcement with police activities during a civil protest or  
4 demonstration, however, fire departments, fire districts, and  
5 regional fire protection service authorities are not restricted from  
6 providing medical care or aid and firefighting when mobilized for any  
7 purpose.

8 (b) When mobilization is declared and authorized as provided in  
9 this chapter, all risk resources regularly provided by fire  
10 departments, fire districts, and regional fire protection service  
11 authorities including those of the host fire protection authorities,  
12 i.e. incident jurisdiction, shall be deemed as mobilized under this  
13 chapter, including those that responded earlier under existing mutual  
14 aid or other agreement. All nonhost fire protection authorities  
15 providing resources in response to a mobilization declaration shall  
16 be eligible for expense reimbursement as provided by this chapter  
17 from the time of the mobilization declaration.

18 (c) This chapter shall not reduce or suspend the authority or  
19 responsibility of the department of natural resources under chapter  
20 76.04 RCW.

21 (6) "Mutual aid" means emergency interagency assistance provided  
22 without compensation under an agreement between jurisdictions under  
23 chapter 39.34 RCW.

24 (7) "Severity conditions" means that the conditions in a region  
25 of the state indicate a high level of wildfire risk as indicated by  
26 official actions, such as the declaration of a red flag warning, of a  
27 fire chief or the state fire marshal.

28 (8) "State fire marshal" means the director of fire protection in  
29 the Washington state patrol.

30 **Sec. 9.** RCW 43.43.960 and 2003 c 405 s 1 are each amended to  
31 read as follows:

32 (~~Unless the context clearly requires otherwise,~~) The  
33 definitions in this section apply throughout this subchapter unless  
34 the context clearly requires otherwise.

35 (1) "Chief" means the chief of the Washington state patrol.

36 (2) "State fire marshal" means the director of fire protection in  
37 the Washington state patrol.

38 (3) "Fire chief" includes the chief officer of a statutorily  
39 authorized fire agency, or the fire chief's authorized

1 representative. Also included are the department of natural resources  
2 fire control chief, and the department of natural resources regional  
3 managers.

4 (4) "Jurisdiction" means state, county, city, fire district, or  
5 port district firefighting units, or other units covered by this  
6 chapter.

7 (5)(a) "Mobilization" means that firefighting resources beyond  
8 those available through existing agreements will be requested and,  
9 when available, sent in response to an emergency or disaster  
10 situation that has exceeded the capabilities of available local  
11 resources. During a large scale emergency, mobilization includes the  
12 redistribution of regional or statewide firefighting resources to  
13 either direct emergency incident assignments or to assignment in  
14 communities where firefighting resources are needed.

15 (b) When mobilization is declared and authorized as provided in  
16 this chapter, all firefighting resources including those of the host  
17 fire protection authorities, i.e. incident jurisdiction, shall be  
18 deemed as mobilized under this chapter, including those that  
19 responded earlier under existing mutual aid or other agreement. All  
20 nonhost fire protection authorities providing firefighting resources  
21 in response to a mobilization declaration shall be eligible for  
22 expense reimbursement as provided by this chapter from the time of  
23 the mobilization declaration.

24 (c) This chapter shall not reduce or suspend the authority or  
25 responsibility of the department of natural resources under chapter  
26 76.04 RCW.

27 (6) "Mutual aid" means emergency interagency assistance provided  
28 without compensation under an agreement between jurisdictions under  
29 chapter 39.34 RCW.

30 (7) "Severity conditions" means that the conditions in a region  
31 of the state indicate a high level of wildfire risk as indicated by  
32 official actions, such as the declaration of a red flag warning, of a  
33 fire chief or the state fire marshal.

34 **Sec. 10.** RCW 43.43.961 and 2015 c 181 s 3 are each amended to  
35 read as follows:

36 (1)(a) Because of the possibility of the occurrence of disastrous  
37 fires or other disasters of unprecedented size and destructiveness,  
38 the need to ((insure)) ensure that the state is adequately prepared  
39 to respond to such a fire or disaster, the need to establish a

1 mechanism and a procedure to provide for reimbursement to state  
2 agencies and local agencies that respond to help others in time of  
3 need or to a host fire district that experiences expenses beyond the  
4 resources of the fire district, the need to allow the repositioning  
5 of wildland fire suppression assets during severity conditions, and  
6 generally to protect the public peace, health, safety, lives, and  
7 property of the people of Washington, it is hereby declared necessary  
8 to:

9 ((+1)) (i) Provide the policy and organizational structure for  
10 large scale mobilization of all risk resources in the state through  
11 creation of the Washington state fire services mobilization plan;

12 ((+2)) (ii) Confer upon the chief the powers provided herein;

13 ((+3)) (iii) Provide a means for reimbursement to state agencies  
14 and local fire jurisdictions that incur expenses when mobilized by  
15 the chief under the Washington state fire services mobilization plan  
16 and when repositioning assets during severity conditions; and

17 ((+4)) (iv) Provide for reimbursement of the host fire  
18 department or fire protection district when it has:

19 (A) Exhausted all of its resources; and

20 (B) Invoked its local mutual aid network and exhausted those  
21 resources.

22 (b) Upon implementation of state fire mobilization, the host  
23 district resources shall become state fire mobilization resources  
24 consistent with the fire mobilization plan.

25 (2) It is the intent of the legislature that mutual aid and other  
26 interlocal agreements providing for enhanced emergency response be  
27 encouraged as essential to the public peace, safety, health, and  
28 welfare, and for the protection of the lives and property of the  
29 people of the state of Washington. If possible, mutual aid agreements  
30 should be without stated limitations as to resources available, time,  
31 or area. Nothing in this chapter shall be construed or interpreted to  
32 limit the eligibility of any nonhost fire protection authority for  
33 reimbursement of expenses incurred in providing all risk resources  
34 for mobilization provided that the mobilization must meet the  
35 requirements identified in the Washington state fire service  
36 mobilization plan.

37 **Sec. 11.** RCW 43.43.961 and 2003 c 405 s 2 are each amended to  
38 read as follows:

1        (1)(a) Because of the possibility of the occurrence of disastrous  
2 fires or other disasters of unprecedented size and destructiveness,  
3 the need to (~~(insure)~~) ensure that the state is adequately prepared  
4 to respond to such a fire or disaster, the need to establish a  
5 mechanism and a procedure to provide for reimbursement to state  
6 agencies and local firefighting agencies that respond to help others  
7 in time of need or to a host fire district that experiences expenses  
8 beyond the resources of the fire district, the need to allow the  
9 repositioning of wildland fire suppression assets during severity  
10 conditions, and generally to protect the public peace, health,  
11 safety, lives, and property of the people of Washington, it is hereby  
12 declared necessary to:

13        (~~(1)~~) (i) Provide the policy and organizational structure for  
14 large scale mobilization of firefighting resources in the state  
15 through creation of the Washington state fire services mobilization  
16 plan;

17        (~~(2)~~) (ii) Confer upon the chief the powers provided herein;

18        (~~(3)~~) (iii) Provide a means for reimbursement to state agencies  
19 and local fire jurisdictions that incur expenses when mobilized by  
20 the chief under the Washington state fire services mobilization plan  
21 and when repositioning assets during severity conditions; and

22        (~~(4)~~) (iv) Provide for reimbursement of the host fire  
23 department or fire protection district when it has:

24        (A) Exhausted all of its resources; and

25        (B) Invoked its local mutual aid network and exhausted those  
26 resources.

27        (b) Upon implementation of state fire mobilization, the host  
28 district resources shall become state fire mobilization resources  
29 consistent with the fire mobilization plan.

30        (2) It is the intent of the legislature that mutual aid and other  
31 interlocal agreements providing for enhanced emergency response be  
32 encouraged as essential to the public peace, safety, health, and  
33 welfare, and for the protection of the lives and property of the  
34 people of the state of Washington. If possible, mutual aid agreements  
35 should be without stated limitations as to resources available, time,  
36 or area. Nothing in this chapter shall be construed or interpreted to  
37 limit the eligibility of any nonhost fire protection authority for  
38 reimbursement of expenses incurred in providing firefighting  
39 resources for mobilization.

1       **Sec. 12.** RCW 43.43.962 and 2010 1st sp.s. c 7 s 47 are each  
2 amended to read as follows:

3       (1)(a) The director of fire protection shall review and make  
4 recommendations to the chief on the refinement and maintenance of the  
5 Washington state fire services mobilization plan, which shall include  
6 the procedures to be used during fire and other emergencies for  
7 coordinating local, regional, and state fire jurisdiction resources  
8 and the procedures for arranging prepositioning of resources during  
9 severity conditions. In carrying out this duty, the director of fire  
10 protection shall consult with and solicit recommendations from  
11 representatives of state and local fire and emergency management  
12 organizations, regional fire defense boards, and the department of  
13 natural resources.

14       (b) The Washington state fire services mobilization plan shall be  
15 consistent with, and made part of, the Washington state comprehensive  
16 emergency management plan. The chief shall review the fire services  
17 mobilization plan as submitted by the director of fire protection,  
18 recommend changes that may be necessary, and approve the fire  
19 services mobilization plan for inclusion within the state  
20 comprehensive emergency management plan.

21       (2) It is the responsibility of the chief to mobilize  
22 jurisdictions under the Washington state fire services mobilization  
23 plan. The state fire marshal shall serve as the state fire resources  
24 coordinator when the Washington state fire services mobilization plan  
25 is mobilized.

26       NEW SECTION. **Sec. 13.** A new section is added to chapter 76.04  
27 RCW to read as follows:

28       (1) The local wildland fire severity account is created in the  
29 state treasury. All moneys appropriated to the account by law must be  
30 deposited in the account. Moneys in the account may be spent only  
31 after appropriation. Expenditures from the account may only be used  
32 by the department consistent with this section and to provide funding  
33 for the implementation of section 14 of this act.

34       (2) All appropriations to the local wildland fire severity  
35 account are separate and in addition to all base wildfire suppression  
36 appropriations provided directly to the department.

37       (3) Every two years as part of its budget request process under  
38 chapter 43.88 RCW, the department shall prepare a budget request for  
39 the local wildland fire severity account based on the demand on the

1 account in recent biennia and the anticipated fire conditions for the  
2 requested biennium.

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

5 (1) A local suppression entity that has satisfied the  
6 prerequisites established in this section may contact the department  
7 or the state fire marshal and request prepositioned fire suppression  
8 resources be provided in the jurisdiction of the requesting local  
9 suppression entity if a severity condition is declared for the area  
10 of request.

11 (2) The department may release assets requested under this  
12 section by a local suppression entity based on availability of assets  
13 and any applicable regionally coordinated priority for the placement  
14 of assets. Any requested aerial or specialized suppression assets may  
15 only be released within the context of an interagency regional  
16 coordination agreement.

17 (3) As a prerequisite to receiving resources under this section,  
18 a local suppression entity must establish agreements, prior to its  
19 funding request, with the department and, as applicable, with other  
20 local suppression entities and private contractors in the general  
21 vicinity of the requesting local suppression entity's jurisdiction.  
22 The purpose of these agreements is to ensure that the prepositioning  
23 of assets during severity conditions is well planned prior to the  
24 onset of the severity conditions and the release of assets.

25 (4)(a) The costs of fulfilling the requests of local suppression  
26 entities under this section must be incurred initially by the  
27 department out of its base wildfire suppression appropriation. The  
28 department may reimburse itself from the local wildland fire severity  
29 account created in section 13 of this act for the costs incurred  
30 fulfilling requests under this section within the same fiscal  
31 biennium of incurring the costs.

32 (b) If the costs incurred by the department under this section  
33 exceed the balance in the local wildland fire severity account, the  
34 department may continue to implement this section and may receive  
35 reimbursements for the costs incurred by subsequent supplemental  
36 legislative appropriations to the local wildland fire severity  
37 account.

38 (5) Nothing in this section creates or infers additional  
39 liability on the department, a local response entity, or a contractor

1 of the department or a local response entity in any suppression  
2 efforts funded through the local wildland fire severity account or  
3 for the failure to fund suppression efforts.

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

6 (1) The department must present a report to the legislature,  
7 consistent with RCW 43.01.036, by October 31, 2018, that summarizes  
8 the demand placed on the local wildland fire severity account and an  
9 estimate of a funding level for the local wildland fire severity  
10 account that would more accurately match the demand on the account.

11 (2) This section expires June 30, 2019.

12 **Sec. 16.** RCW 76.04.005 and 2015 c 182 s 7 are each reenacted and  
13 amended to read as follows:

14 As used in this chapter, the following terms have the meanings  
15 indicated unless the context clearly requires otherwise.

16 (1) "Additional fire hazard" means a condition existing on any  
17 land in the state:

18 (a) Covered wholly or in part by forest debris which is likely to  
19 further the spread of fire and thereby endanger life or property; or

20 (b) When, due to the effects of disturbance agents, broken, down,  
21 dead, or dying trees exist on forest land in sufficient quantity to  
22 be likely to further the spread of fire within areas covered by a  
23 forest health hazard warning or order issued by the commissioner of  
24 public lands under RCW 76.06.180. The term "additional fire hazard"  
25 does not include green trees or snags left standing in upland or  
26 riparian areas under the provisions of RCW 76.04.465 or chapter 76.09  
27 RCW.

28 (2) "Closed season" means the period between April 15th and  
29 October 15th, unless the department designates different dates  
30 because of prevailing fire weather conditions.

31 (3) "Commissioner" means the commissioner of public lands.

32 (4) "Department" means the department of natural resources, or  
33 its authorized representatives, as defined in chapter 43.30 RCW.

34 (5) "Department protected lands" means all lands subject to the  
35 forest protection assessment under RCW 76.04.610 or covered under  
36 contract or agreement pursuant to RCW 76.04.135 by the department.

1 (6) "Disturbance agent" means those forces that damage or kill  
2 significant numbers of forest trees, such as insects, diseases, wind  
3 storms, ice storms, and fires.

4 (7) "Emergency fire costs" means those costs incurred or approved  
5 by the department for emergency forest fire suppression, including  
6 the employment of personnel, rental of equipment, and purchase of  
7 supplies over and above costs regularly budgeted and provided for  
8 nonemergency fire expenses for the biennium in which the costs occur.

9 (8) "Exploding target" means a device that is designed or  
10 marketed to ignite or explode when struck by firearm ammunition or  
11 other projectiles.

12 (9) "Forest debris" includes forest slash, chips, and any other  
13 vegetative residue resulting from activities on forest land.

14 (10) "Forest fire service" includes all wardens, rangers, and  
15 other persons employed especially for preventing or fighting forest  
16 fires.

17 (11) "Forest land" means any unimproved lands which have enough  
18 trees, standing or down, or flammable material, to constitute in the  
19 judgment of the department, a fire menace to life or property.  
20 Sagebrush and grass areas east of the summit of the Cascade mountains  
21 may be considered forest lands when such areas are adjacent to or  
22 intermingled with areas supporting tree growth. Forest land, for  
23 protection purposes, does not include structures.

24 (12) "Forest landowner," "owner of forest land," "landowner," or  
25 "owner" means the owner or the person in possession of any public or  
26 private forest land.

27 (13) "Forest material" means forest slash, chips, timber,  
28 standing or down, or other vegetation.

29 (14) "Incendiary ammunition" means ammunition that is designed to  
30 ignite or explode upon impact with or penetration of a target or  
31 designed to trace its course in the air with a trail of smoke,  
32 chemical incandescence, or fire.

33 (15) "Landowner operation" means every activity, and supporting  
34 activities, of a forest landowner and the landowner's agents,  
35 employees, or independent contractors or permittees in the management  
36 and use of forest land subject to the forest protection assessment  
37 under RCW 76.04.610 for the primary benefit of the owner. The term  
38 includes, but is not limited to, the growing and harvesting of forest  
39 products, the development of transportation systems, the utilization  
40 of minerals or other natural resources, and the clearing of land. The

1 term does not include recreational and/or residential activities not  
2 associated with these enumerated activities.

3 (16) "Local fire suppression assets" means firefighting equipment  
4 that is located in close proximity to the wildland fire and that  
5 meets department standards and requirements.

6 (17) "Local wildland fire liaison" means the person appointed by  
7 the commissioner to serve as the local wildland fire liaison as  
8 provided in RCW 43.30.111.

9 (18) "Participating landowner" means an owner of forest land  
10 whose land is subject to the forest protection assessment under RCW  
11 76.04.610.

12 (19) "Sky lantern" means an unmanned self-contained luminary  
13 device that uses heated air produced by an open flame or produced by  
14 another source to become or remain airborne.

15 (20) "Slash" means organic forest debris such as tree tops,  
16 limbs, brush, and other dead flammable material remaining on forest  
17 land as a result of a landowner operation.

18 (21) "Slash burning" means the planned and controlled burning of  
19 forest debris on forest lands by broadcast burning, underburning,  
20 pile burning, or other means, for the purposes of silviculture,  
21 hazard abatement, or reduction and prevention or elimination of a  
22 fire hazard.

23 (22) "Suppression" means all activities involved in the  
24 containment and control of forest fires, including the patrolling  
25 thereof until such fires are extinguished or considered by the  
26 department to pose no further threat to life or property.

27 (23) "Unimproved lands" means those lands that will support  
28 grass, brush and tree growth, or other flammable material when such  
29 lands are not cleared or cultivated and, in the opinion of the  
30 department, are a fire menace to life and property.

31 (24) "Local suppression entity" means a city, county, fire  
32 department, fire district, or other nonstate, nonfederal public  
33 entity responsible for suppressing wildland fires within its  
34 jurisdiction.

35 (25) "Local wildland fire severity account" means the account  
36 created in section 13 of this act to assist in funding immediate,  
37 local suppression efforts.

38 (26) "Severity conditions" has the same meaning as defined in RCW  
39 43.43.960.

1       **Sec. 17.** RCW 43.88.550 and 1989 c 362 s 3 are each amended to  
2 read as follows:

3       (1) Based on schedules submitted by the director of financial  
4 management, the state treasurer shall transfer from the general fund—  
5 state, or such other funds as the state treasurer deems appropriate,  
6 to the Clarke-McNary fund such amounts as are necessary to meet  
7 unbudgeted forest firefighting expenses, including expenses incurred  
8 from the implementation of section 13 of this act.

9       (2) All amounts borrowed under the authority of this section  
10 shall be repaid to the appropriate fund, together with interest at a  
11 rate determined by the state treasurer to be equivalent to the return  
12 on investments of the state treasury during the period the amounts  
13 are borrowed.

14       NEW SECTION. **Sec. 18.** Sections 8 and 10 of this act expire July  
15 1, 2019.

16       NEW SECTION. **Sec. 19.** Sections 9 and 11 of this act take effect  
17 July 1, 2019.

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