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**SUBSTITUTE HOUSE BILL 2117**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House Environment & Energy (originally sponsored by Representatives Barnard, Donaghy, Graham, Dent, Bronoske, and Reeves)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to authorizing authorities to address aerial  
2 firefighting aspects as part of permitting processes for communities  
3 at risk of wildfires; adding a new section to chapter 35.63 RCW;  
4 adding a new section to chapter 35A.63 RCW; adding a new section to  
5 chapter 36.70 RCW; adding a new section to chapter 80.50 RCW; and  
6 creating a new section.

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

8 NEW SECTION. **Sec. 1.** The legislature finds that areas of  
9 Washington are at increasing risk in the frequency and severity of  
10 wildfires due to climate change. The legislature further finds that  
11 fighting wildfires with aerial firefighting can save lives, property,  
12 wildlife, habitat, and important cultural resources. In developing  
13 the new clean energy resources that Washington needs, the state must  
14 also ensure that communities are protected from the risk of  
15 wildfires. Therefore, the legislature is establishing an additional  
16 notice requirement to provide abundant opportunity for the department  
17 of natural resources to identify potential conflicts between the  
18 placement of energy facilities and aerial firefighting capabilities.

19 NEW SECTION. **Sec. 2.** A new section is added to chapter 35.63  
20 RCW to read as follows:

1 (1) Upon receipt of an application to construct an alternative  
2 energy resource that is connected to electrical transmission  
3 facilities of a nominal voltage of at least 115,000 volts, the city  
4 or town shall provide written notification to the department of  
5 natural resources. The notification must include, but not be limited  
6 to, the following:

7 (a) A description of the proposed alternative energy resource;

8 (b) The location of the site;

9 (c) The placement of the alternative energy resource on the site;

10 (d) The date and time by which comments must be received by the  
11 city or town; and

12 (e) Contact information of the city or town and the applicant.

13 (2) The purpose of the written notification is to provide an  
14 opportunity for the department of natural resources to comment upon  
15 the application, and to identify potential conflicts with its aerial  
16 wildfire response capabilities relating to the placement and  
17 operations of the alternative energy resource, before a construction  
18 permit is approved. The time period set forth by the city or town for  
19 receipt of such comments may not extend the time period for the  
20 city's or town's processing of the application.

21 NEW SECTION. **Sec. 3.** A new section is added to chapter 35A.63  
22 RCW to read as follows:

23 (1) Upon receipt of an application to construct an alternative  
24 energy resource that is connected to electrical transmission  
25 facilities of a nominal voltage of at least 115,000 volts, the city  
26 shall provide written notification to the department of natural  
27 resources. The notification must include, but not be limited to, the  
28 following:

29 (a) A description of the proposed alternative energy resource;

30 (b) The location of the site;

31 (c) The placement of the alternative energy resource on the site;

32 (d) The date and time by which comments must be received by the  
33 city; and

34 (e) Contact information of the city and the applicant.

35 (2) The purpose of the written notification is to provide an  
36 opportunity for the department of natural resources to comment upon  
37 the application, and to identify potential conflicts with its aerial  
38 wildfire response capabilities relating to the placement and  
39 operations of the alternative energy resource, before a construction

1 permit is approved. The time period set forth by the city for receipt  
2 of such comments may not extend the time period for the city's  
3 processing of the application.

4 NEW SECTION. **Sec. 4.** A new section is added to chapter 36.70  
5 RCW to read as follows:

6 (1) Upon receipt of an application to construct an alternative  
7 energy resource that is connected to electrical transmission  
8 facilities of a nominal voltage of at least 115,000 volts, the county  
9 shall provide written notification to the department of natural  
10 resources. The notification must include, but not be limited to, the  
11 following:

- 12 (a) A description of the proposed alternative energy resource;
- 13 (b) The location of the site;
- 14 (c) The placement of the alternative energy resource on the site;
- 15 (d) The date and time by which comments must be received by the  
16 county; and
- 17 (e) Contact information of the county and the applicant.

18 (2) The purpose of the written notification is to provide an  
19 opportunity for the department of natural resources to comment upon  
20 the application, and to identify potential conflicts with its aerial  
21 wildfire response capabilities relating to the placement and  
22 operations of the alternative energy resource, before a construction  
23 permit is approved. The time period set forth by the county for  
24 receipt of such comments may not extend the time period for the  
25 county's processing of the application.

26 NEW SECTION. **Sec. 5.** A new section is added to chapter 80.50  
27 RCW to read as follows:

28 (1) Upon receipt of an application pursuant to RCW 80.50.071 for  
29 an energy facility site certification proposing an energy plant or  
30 alternative energy resource that is connected to electrical  
31 transmission facilities of a nominal voltage of at least 115,000  
32 volts, the council shall provide written notification to the  
33 department of natural resources. The notification must include, but  
34 not be limited to, the following:

- 35 (a) A description of the proposed energy plant or alternative  
36 energy resource;
- 37 (b) The location of the site;

1 (c) The placement of the energy plant or alternative energy  
2 resource on the site;

3 (d) The date and time by which comments must be received by the  
4 council; and

5 (e) Contact information of the council and the applicant.

6 (2) The purpose of the written notification is to provide an  
7 opportunity for the department of natural resources to comment upon  
8 the application, and to identify potential conflicts with its aerial  
9 wildfire response capabilities relating to the placement and  
10 operations of the energy plant or alternative energy resource, before  
11 a site certification application is approved. The time period set  
12 forth by the council for receipt of such comments may not extend the  
13 time period for the council's processing of the application.

14 NEW SECTION. **Sec. 6.** If any provision of this act or its  
15 application to any person or circumstance is held invalid, the  
16 remainder of the act or the application of the provision to other  
17 persons or circumstances is not affected.

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