
HOUSE BILL 2117

State of Washington

68th Legislature

2024 Regular Session

By Representatives Barnard, Donaghy, Graham, Dent, Bronoske, and Reeves

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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 new sections.

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. Communities that
13 have fought wildfires from sweeping through and destroying their
14 lives and homes want better government policies that consider and
15 address this threat. Therefore, the legislature is amending
16 procedures for the siting of utility-scale wind turbines to improve
17 the safety of the public in areas most at risk for wildfires.

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

1 A permit required under this chapter for a utility-scale wind
2 energy facility, as defined in RCW 70A.550.010, may address aerial
3 firefighting and wildfire suppression concerns in a similar manner to
4 the requirements authorized in section 4 of this act. This includes,
5 but is not limited to, location adjustments or reduction in the
6 height of the wind turbine or associated structures so that it does
7 not interfere or endanger aerial firefighting and wildfire
8 suppression efforts.

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

11 A permit required under this chapter for a utility-scale wind
12 energy facility, as defined in RCW 70A.550.010, may be processed in a
13 manner to address aerial firefighting and wildfire suppression
14 concerns in a similar manner to the requirements authorized in
15 section 4 of this act. This includes, but is not limited to, location
16 adjustments or reduction in the height of the wind turbine or
17 associated structures so that it does not interfere or endanger
18 aerial firefighting and wildfire suppression efforts.

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

21 (1) The county must consider, as part of the permitting process
22 for a utility-scale wind energy facility as defined in RCW
23 70A.550.010, whether installation of such a facility or facilities
24 will be an obstruction to aerial firefighting and wildfire
25 suppression efforts in a manner that jeopardizes property, human
26 lives, habitat, and cultural resources in areas that are designated
27 as high risk for wildfires by the department of natural resources,
28 are designated as high risk of wildfire in the most recent Washington
29 state wildland fire protection strategic plan, or have had wildfires
30 near the communities that have received aerial firefighting
31 suppression in the last decade.

32 (2) If the county determines that the location and height of any
33 structure associated with a utility-scale wind energy facility will
34 obstruct or substantially endanger the ability of aerial fire
35 suppression aircraft to be able to effectively suppress fires within
36 and surrounding a town, city, urban area, or populated county area,
37 the county may require location adjustments or reduction in the
38 height of the wind turbine or associated structures so that it does

1 not interfere or endanger aerial firefighting and wildfire
2 suppression efforts. The county must consider the location, terrain,
3 fire history, and proximity of people and developed properties to the
4 proposed project, and the cumulative effect posed by the structures
5 associated with the utility-scale wind energy facility in combination
6 with any existing structures in the area.

7 (3) The county may seek out and consider information provided by
8 wildfire suppression experts at the department of natural resources,
9 the state fire marshal, local fire agencies, and pilots, and
10 companies that provide aerial fire suppression services regarding how
11 a particular turbine configuration and location may impede or
12 endanger aerial fire suppression activities in an area.

13 (4) The county must add to its applications for permitting of a
14 utility-scale wind energy facility a requirement for the applicant to
15 demonstrate how the height, location, and configuration of the
16 turbines are not an unreasonable impediment and endangerment of
17 aerial fire suppression activities.

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

20 (1) The council must consider, as part of the permitting process
21 for a utility-scale wind energy facility as defined in RCW
22 70A.550.010, whether installation of such a facility or facilities
23 will be an obstruction to aerial firefighting and wildfire
24 suppression efforts in a manner that jeopardizes property, human
25 lives, habitat, and cultural resources in areas that are designated
26 as high risk for wildfires by the department of natural resources,
27 are designated as high risk of wildfire in the most recent Washington
28 state wildland fire protection strategic plan, or have had wildfires
29 near the communities that have received aerial firefighting
30 suppression in the last decade.

31 (2) If the council determines that the location and height of any
32 structure associated with a utility-scale wind energy facility will
33 obstruct or substantially endanger the ability of aerial fire
34 suppression aircraft to be able to effectively suppress fires in and
35 surrounding a town, city, urban area, or populated county area, the
36 council may require location adjustments or reduction in the height
37 of the wind turbine or associated structures so that it does not
38 interfere or endanger aerial firefighting and wildfire suppression
39 efforts. The council must consider the location, terrain, fire

1 history, and proximity of people and developed properties to the
2 proposed project, and the cumulative effect posed by the structures
3 associated with the utility-scale wind energy facility in combination
4 with any existing structures in the area.

5 (3) The council may seek out and consider information provided by
6 wildfire suppression experts at the department of natural resources,
7 the state fire marshal, local fire agencies, and pilots, and
8 companies that provide aerial fire suppression services regarding how
9 a particular turbine configuration and location may impede or
10 endanger aerial fire suppression activities in an area.

11 (4) The council must add to its applications for permitting of a
12 utility-scale wind energy facility a requirement for the applicant to
13 demonstrate how the height, location, and configuration of the
14 turbines are not an unreasonable impediment and endangerment of
15 aerial fire suppression activities.

16 NEW SECTION. **Sec. 6.** The state and county must ensure that
17 utility-scale wind energy facilities that have not been constructed
18 by the effective date of this section are in compliance with the
19 provisions of this act.

20 NEW SECTION. **Sec. 7.** If any provision of this act or its
21 application to any person or circumstance is held invalid, the
22 remainder of the act or the application of the provision to other
23 persons or circumstances is not affected.

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