

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 1168

Chapter 298, Laws of 2021

67th Legislature
2021 Regular Session

FOREST HEALTH AND WILDFIRES—VARIOUS PROVISIONS

EFFECTIVE DATE: July 25, 2021

Passed by the House April 22, 2021
Yeas 97 Nays 0

LAURIE JINKINS

**Speaker of the House of
Representatives**

Passed by the Senate April 9, 2021
Yeas 49 Nays 0

DENNY HECK

President of the Senate

Approved May 13, 2021 11:45 AM

JAY INSLEE

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1168** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BERNARD DEAN

Chief Clerk

FILED

May 13, 2021

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1168

AS AMENDED BY THE SENATE

Passed Legislature - 2021 Regular Session

State of Washington 67th Legislature 2021 Regular Session

By House Appropriations (originally sponsored by Representatives Springer, Kretz, Fitzgibbon, Griffey, Riccelli, Lekanoff, Ramos, Callan, Harris-Talley, Dent, and Klicker)

READ FIRST TIME 02/19/21.

1 AN ACT Relating to long-term forest health and the reduction of
2 wildfire dangers; amending RCW 76.06.200, 76.06.150, and 72.64.160;
3 adding new sections to chapter 76.04 RCW; adding a new section to
4 chapter 76.13 RCW; and creating new sections.

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

6 NEW SECTION. **Sec. 1.** FINDINGS AND DETERMINATIONS. (1) Over the
7 last decade, forestland and rangeland wildfires have grown larger and
8 increased in intensity and destructiveness throughout Washington
9 state. The annual acres burned in our state illustrates this alarming
10 trend. In the 1990s, an average of 86,000 acres burned annually. In
11 the 2000s, the average annual acres burned increased to 189,000. In
12 the last five years, the annual average grew to more than 488,000
13 acres burned. This trajectory of escalation continued last year, with
14 wildfires burning more than 812,000 acres.

15 (2) Recent wildfires have devastated state, federal, tribal, and
16 private lands, destroyed homes and property, and taken lives. These
17 fires have also released greenhouse gases, destroyed critical fish
18 and wildlife habitat, filled our skies with harmful smoke, polluted
19 our waters, damaged our economy, increased the risk of flooding and
20 landslides, created a critical need for reforestation, and threatened

1 the natural resources needed for essential industries and rural
2 economies.

3 (3) Catastrophic wildfires have significant negative impacts on
4 fish and wildlife habitat, including the loss and degradation of
5 places to shelter and feed, water quality and quantity, and soil
6 nutrients. Washington's fish and wildlife are part of a fire-adapted
7 landscape, but catastrophic wildfires threaten their health and
8 recovery.

9 (4) The increase in these uncharacteristic wildfires are the
10 result of a combination of climate change-driven drought, hotter
11 temperature, and windstorms; human development patterns and land use
12 planning and activities; and where uncharacteristic fires occur in
13 forests, by past fire suppression and departures from native
14 ecosystem structure and function. Uncharacteristic wildfire risk is
15 addressed through scientifically informed landscape-level treatments
16 designed to restore forest ecosystem and watershed resilience.

17 (5) Wildfires result in significant greenhouse gas emissions.
18 Wildfires have become one of the largest sources of black carbon in
19 the last five years. From 2014-2018, wildfires in Washington state
20 generated 39.2 million metric tons of carbon, the equivalent of more
21 than 8.5 million cars on the road a year. In 2015, when 1.13 million
22 acres burned in Washington, wildfires were the second largest source
23 of greenhouse gas emissions, second only to transportation.

24 (6) The legislature has recognized our forests, as well as the
25 manufacturing and utilization of wood products, as a natural carbon
26 solution and critical component of our state's carbon reduction
27 strategy pursuant to chapter 120, Laws of 2020. Uncharacteristic
28 wildfires threaten the ability of our forests to sequester carbon,
29 and they threaten the stability and long-term viability of our forest
30 products industry.

31 (7) The Washington state department of natural resources' 20-year
32 forest health strategic plan and climate risk assessment finds that
33 carbon emissions from wildfires are anticipated to increase if there
34 is no change in forest management practices. Unless the state
35 significantly increases active forest management across land
36 ownerships to reduce the risk and intensity of wildfires, wildfire
37 emissions will erode efforts to achieve our state's greenhouse gas
38 emissions reduction goals. In addition to reducing fuel loads, many
39 effective forest health treatments retain and restore older, large
40 fire-resilient trees across the landscape that play an important role

1 in carbon sequestration, enhancing climate resilience and ecosystem
2 services, and mitigating climate change.

3 (8) Wildfires inflict huge costs to the state budget, the budgets
4 of partner agencies, and our economy. From 2014-2019, agencies in
5 Washington annually spent nearly \$150 million fighting wildfires. In
6 2015, firefighting costs were more than \$342 million. In 2019,
7 firefighting costs were more than \$172 million. And suppression costs
8 are only a small portion of the full economic impact. According to a
9 2018 report by the nonprofit headwater's economics, suppression costs
10 account for only nine percent of the total cost of wildfires when
11 factoring in disaster recovery, lost business, lost infrastructure,
12 and timber damage, and public health impacts.

13 (9) Over one-half of Washington is forested, providing
14 significant environmental and economic value. Over \$4,900,000,000 in
15 wages and \$200,000,000 in taxes are paid by the forest products'
16 sector each year. Opportunities exist to boost our rural economies
17 through wildfire preparation and preparedness that maintain and
18 attract private sector investments and employment in rural
19 communities.

20 (10) Wildfires are significant threats to life and property. Over
21 the last five years, wildfires in Washington have taken five lives,
22 including four firefighters and the life of a one-year old boy. In
23 2020 alone, 298 homes were destroyed by wildfires in our state. More
24 than 1,100 homes have been destroyed this decade. Communities in
25 every corner of Washington have felt the impact and devastation of
26 flames and smoke. In 2020, the town of Malden, Washington was forever
27 scarred by rangeland wildfire. Approximately 80 percent of the town's
28 structures burned down in the Babb Road fire, including the city
29 hall, post office, and fire station.

30 (11) Wildfire smoke has significant negative impacts on public
31 health. For the second time in the last three years, Washington state
32 had the worst air quality in the world due to wildfires. Communities
33 in every corner of the state felt the impact. Exposure to particulate
34 matter in wildfire smoke has been associated with a wide range of
35 damaging health effects. The particulates in this smoke make those
36 breathing the air wheeze, cough, shorten their breath, and experience
37 sore eyes and throats, diminishing health and quality of life. Other
38 adverse health outcomes are more severe, including increases in
39 asthma-related hospitalizations, chronic and acute respiratory and
40 cardiovascular health problems, and premature death.

1 (12) Historical forest management, legacy wildfire suppression
2 responses, and a rapidly changing climate have increased the risk of
3 catastrophic wildfires throughout the state. It is the policy of the
4 state to encourage prudent and responsible forest resource management
5 to maintain the health of forests and ecosystems in Washington state.
6 Increasing the pace and scale of forest restoration through fuel
7 reduction, thinning, and the use of prescribed fire on federal,
8 state, tribal, and private lands pursuant to the 20-year forest
9 health strategic plan, the wildland fire protection 10-year strategic
10 plan, and RCW 79.10.520 will reduce the risk of catastrophic
11 wildfires.

12 (13) In 2020, more than 1,300,000 acres of national forest system
13 land in eastern Washington were considered in need of treatments to
14 restore forest health and reduce the risk of wildfire hazard
15 potential. Many of these lands are adjacent to populated communities,
16 private lands, and state trust lands.

17 (14) In 2020, 166,000 acres of department of natural resources'
18 land and 74,000 acres of other state-owned lands in eastern
19 Washington were in need of forest health treatment. These forestlands
20 provide critical fish and wildlife habitat, natural and cultural
21 resources, recreation, raw materials for the forest industry, and
22 funding for counties and schools. From 2011-2020, 102,700 forested
23 acres of department of natural resources' managed trust lands have
24 burned.

25 (15) Tribal lands and communities have been significantly
26 impacted by wildfires and unhealthy forests. Approximately 494,000
27 acres of tribal lands in eastern Washington need forest health
28 treatments. These forestlands provide critical fish and wildlife
29 habitat, natural and cultural resources, and economic opportunities.

30 (16) Washington state has nearly eight million acres of private
31 forestlands. Forested acres are declining statewide with a loss of
32 394,000 acres between 2007 and 2019. Small forestland owners account
33 for 15 percent of total forest acres. Small forestland owner forested
34 acres declined 3.7 percent from 2,990,000 acres in 2007 to 2,880,000
35 million acres in 2019. The number of small forestland owners
36 increased 8.5 percent from 201,000 in 2007 to 218,000 in 2019. The
37 number of small forestland owner parcels increased 2.1 percent from
38 256,500 to 261,800. This rapid land use change creates significant
39 challenges for implementing forest health and wildfire response
40 actions in the wildland urban interface. In eastern Washington alone,

1 approximately 288,000 acres owned by small forestland owners are in
2 need of immediate forest health treatment. These forestlands provide
3 critical raw materials for the forest industry, rural economic
4 opportunities, fish and wildlife habitat, cultural resources, and
5 recreation. A coordinated interagency response is needed to address
6 the multifaceted challenge posed by increasing parcelization, forest
7 fragmentation, loss of economic viability, and changes in landowner
8 assistance needs.

9 (17) The legislature finds that increasing the pace and scale of
10 science-based forest health activities to reduce hazardous fuels and
11 restore fire resilient forests, including through mechanical thinning
12 and prescribed burning, on federal, state, tribal, and private lands,
13 will reduce the risk and severity of wildfires, protect cultural and
14 archaeological resources, improve fish and wildlife habitat, expand
15 recreational opportunities, protect air and water quality, create
16 rural economic opportunities, provide critical wood products, and
17 increase long-term carbon sequestration on our natural resource
18 lands.

19 (18) Increased development in the wildland urban interface has
20 also increased the number of people living in areas that are at risk
21 of wildfire. In Washington, over 2,000,000 homes are currently at
22 risk of wildfire. Communities and homeowners can take actions that
23 reduce the risk of loss in the event of wildfire including, but not
24 limited to, home hardening, creating defensible space, and building
25 potential control lines or strategic fuel breaks.

26 (19) Long-term, sustainable investment in wildfire response,
27 forest restoration, and community resilience is of utmost importance
28 to the health and safety of our environment, our economy, our
29 communities, and the well-being of every resident.

30 (20) It is the intent of the legislature to take immediate action
31 to fully fund the wildland fire protection 10-year strategic plan.
32 Strategies to accomplish these goals include, but are not limited to:

33 (a) Upgrading our capability to attack wildfires with critical
34 air and ground resources;

35 (b) Providing needed wildfire resources to state wildfire
36 response and local fire service districts;

37 (c) Working with each state utility, local publicly owned
38 electric utility, and electrical cooperative to reduce wildfire risk
39 and develop consistent approaches and shared data related to fire

1 prevention, safety, vegetation management, and energy distribution
2 systems; and

3 (d) Improving wildfire detection in areas at risk of wildfire
4 through new technologies and equipment.

5 (21) Furthermore, it is the intent of the legislature to take
6 immediate action to increase the pace and scale of forest management
7 across different land ownerships and fully fund the 20-year forest
8 health strategic plan and activities developed to facilitate
9 implementation of the Washington state forest action plan. Strategies
10 to accomplish these goals include, but are not limited to:

11 (a) Restoring to health a minimum of 1,250,000 acres of
12 forestland in need of immediate action to become more resilient and
13 improve watershed health;

14 (b) Increasing prescribed fire and other fuel reduction projects
15 through proven forestry practices and the operation of prescribed
16 fire crews;

17 (c) Establishing potential control lines and strategic fuel
18 breaks around communities with high wildfire risk;

19 (d) Increasing funding for the small forestland owner office for
20 technical assistance and support for small forestland owners and
21 funding an integrated small forestland owner forest health program in
22 support of extending management and control of wildfire from homes
23 through the wildland urban interface to small forestland owner
24 holdings; and

25 (e) Monitoring forest health conditions and effectiveness of
26 treatments throughout the state, including ecological function and
27 reducing catastrophic wildfires.

28 (22) Furthermore, it is the intent of the legislature to take
29 immediate action to help communities become more resilient to
30 wildfire. Strategies to accomplish these goals include, but are not
31 limited to:

32 (a) Increasing funding for cost share programs for home
33 hardening, fuels reduction, and community resilience programs in
34 communities at risk of wildfire;

35 (b) Reducing wildfire risk to wildland urban interfaces; and

36 (c) Ensuring our state's most vulnerable populations are not
37 disproportionately burdened by the impact and consequences of
38 wildfire.

39 (23) The legislature intends to provide \$125,000,000 per biennium
40 over the next four biennia for a total of \$500,000,000 and that these

1 investments will help protect the state's people, environment, and
2 economy.

3 NEW SECTION. **Sec. 2.** WILDFIRE RESPONSE, FOREST RESTORATION, AND
4 COMMUNITY RESILIENCE ACCOUNT. (1) The wildfire response, forest
5 restoration, and community resilience account is created in the state
6 treasury. All receipts from moneys directed to the account must be
7 deposited in the account. Moneys in the account may be spent only
8 after appropriation. Expenditures from the account may be used only
9 for carrying out the purposes of this act and for no other purposes.

10 (2) Expenditures from the account may be made to state agencies,
11 federally recognized tribes, local governments, fire and conservation
12 districts, nonprofit organizations, forest collaboratives, and small
13 forestland owners, consistent with the 20-year forest health
14 strategic plan, the wildland fire protection 10-year strategic plan,
15 and the Washington state forest action plan.

16 (3) The wildfire response, forest restoration, and community
17 resilience account may only be used to monitor, track, and implement
18 the following purposes:

19 (a) Fire preparedness activities consistent with the goals
20 contained in the state's wildland fire protection 10-year strategic
21 plan including, but not limited to, funding for firefighting capacity
22 and investments in ground and aerial firefighting resources,
23 equipment, and technology, and the development and implementation of
24 a wildland fire aviation support plan in order to expand and improve
25 the effectiveness and cost-efficiency of the department's wildland
26 fire aviation program;

27 (b) Fire prevention activities to restore and improve forest
28 health and reduce vulnerability to drought, insect infestation,
29 disease, and other threats to healthy forests including, but not
30 limited to, silvicultural treatments, seedling development, thinning
31 and prescribed fire, and postfire recovery activities to stabilize
32 and prevent unacceptable degradation to natural and cultural
33 resources and minimize threats to life and property resulting from
34 the effects of a wildfire. Funding priority under this subsection
35 must be given to programs, activities, or projects aligned with the
36 20-year forest health strategic plan, the wildland fire protection
37 10-year strategic plan, and the Washington state forest action plan
38 across any combination of local, state, federal, tribal, and private
39 ownerships;

1 (c) Fire protection activities for homes, properties,
2 communities, and values at risk including, but not limited to:
3 Potential control lines or strategic fuel breaks in forests and
4 rangelands near communities; improved warning and communications
5 systems to prepare for wildfires; increased engagement with non-
6 English speaking communities in their home language for community
7 preparedness; and the national fire protection association's fire
8 wise USA and the fire-adapted communities network programs to help
9 communities take action before wildfires.

10 (4) Appropriations for forest health activities funded by the
11 wildfire response, forest restoration, and community resilience
12 account shall not be less than 25 percent of the biennial
13 appropriated funding.

14 (5) Appropriations for community resilience activities funded by
15 the wildfire response, forest restoration, and community resilience
16 account shall not be less than 15 percent of the biennial
17 appropriated funding.

18 (6) Funding may not be used for emergency fire costs or
19 suppression costs as defined in RCW 76.04.005.

20 (7) To the maximum extent possible, workforce development
21 investments from the wildfire response, forest restoration, and
22 community resilience account should prioritize historically
23 marginalized, underrepresented, rural, and low-income communities.

24 (8) Any expenditures from the wildfire response, forest
25 restoration, and community resilience account for forest health
26 treatments on federal lands must be additive to the baseline
27 accomplishments and outputs already funded through the federal
28 government and outlined in the annual work plans of the United States
29 forest service, bureau of land management, the national park service,
30 and/or the United States fish and wildlife service.

31 (9) The department may solicit the forest health advisory
32 committee established in RCW 76.06.200 and wildland fire advisory
33 committee established in RCW 76.04.179 to provide recommendations for
34 investments under this section. In assessing investments and
35 developing recommendations for communities that will be impacted
36 based on ecological, public infrastructure, and life safety needs as
37 set forth in the 20-year forest health strategic plan and the
38 wildland fire protection 10-year strategic plan, the forest health
39 advisory committee and wildland fire advisory committee must use
40 environmental justice or equity focused tools, such as the Washington

1 tracking network's environmental health disparities tool to identify
2 highly impacted communities. This identification must be used as a
3 factor in determining recommendations for investments under this
4 section. "Highly impacted communities" has the same meaning as
5 defined in RCW 19.405.020.

6 (10) To the maximum extent practicable and where consistent with
7 the 20-year forest health strategic plan, the wildland fire
8 protection 10-year strategic plan, or the Washington state forest
9 action plan and landowner objectives, forest health treatments funded
10 through the wildfire response, forest restoration, and community
11 resilience account shall seek to utilize the value of any
12 merchantable materials to help offset treatment costs.

13 NEW SECTION. **Sec. 3.** TRANSPARENCY AND ACCOUNTABILITY. (1) By
14 December 1st of each even-numbered year, and in compliance with RCW
15 43.01.036, the department must report to the governor and legislature
16 on the following:

17 (a) The type and amount of the expenditures made, by fiscal year,
18 and for what purpose, from the wildfire response, forest restoration,
19 and community resilience account created in section 2 of this act;

20 (b) The amount of unexpended and unobligated funds in the
21 wildfire response, forest restoration, and community resilience
22 account and recommendations for the disbursement to local districts;

23 (c) Progress on implementation of the wildland fire protection
24 10-year strategic plan including, but not limited to, how investments
25 are reducing human-caused wildfire starts, lowering the size and
26 scale and geography of catastrophic wildfires, reducing the
27 communities, landscapes, and population at risk, and creating
28 resilient landscapes and communities;

29 (d) Progress on implementation of the 20-year forest health
30 strategic plan as established through the forest health assessment
31 and treatment framework pursuant to RCW 76.06.200 including, but not
32 limited to: Assessment of fire prone lands and communities that are
33 in need of forest health treatments; forest health treatments
34 prioritized and conducted by landowner type, geography, and risk
35 level; estimated value of any merchantable materials from forest
36 health treatments; and number of acres treated by treatment type,
37 including the use of prescribed fire;

38 (e) Progress on developing markets for forest residuals and
39 biomass generated from forest health treatments.

1 (2) The department must include recommendations on any
2 adjustments that may be necessary or advisable to the mechanism of
3 funding dispensation as created under this act.

4 (3) The report required in this section should support existing
5 department assessments pursuant to RCW 79.10.530 and 76.06.200.

6 (4) (a) (i) Prior to the determination of the 2025-2034 sustainable
7 harvest calculation as required by RCW 79.10.320, the department must
8 hire an independent third-party contractor to assist it in updating
9 its forest inventory by increasing the intensity of forest sample
10 plots on all forestlands over the next two biennium. The department's
11 sustainable harvest calculation technical advisory committee must be
12 involved in the design, development, and implementation of this
13 forest inventory update.

14 (ii) For purposes of this subsection, "forest inventory" means
15 the collection of sample data to estimate a range of forest
16 attributes including, but not limited to, standing volume, stored
17 carbon, habitat attributes, age classes, tree species, and other
18 inventory attributes, including information needed to estimate rates
19 of tree growth and associated carbon sequestration on department
20 lands.

21 (iii) The department's sustainable harvest calculation technical
22 advisory committee must bring forward recommendations for regular
23 maintenance and updates to the forest inventory on a ten-year basis.

24 (b) Prior to the determination of the 2025-2034 sustainable
25 harvest calculation as required by RCW 79.10.320, the department must
26 hire a third-party contractor to review, analyze, and advise the
27 department's forest growth and yield modeling, specific to all types
28 of forested acres managed by the department. The department's
29 sustainable harvest calculation technical advisory committee must be
30 involved in the design, review, and analysis of the department's
31 forest growth and yield modeling.

32 (c) Prior to the determination of the 2025-2034 sustainable
33 harvest calculation as required by RCW 79.10.320 and in the absence
34 of any litigation, pending or in progress, against the department's
35 sustainable harvest calculation, the joint legislative audit and
36 review committee established in chapter 44.28 RCW must oversee and
37 conduct an independent review of the methodologies and data being
38 utilized by the department in the development of the sustainable
39 harvest calculation, including the associated forest inventory,
40 forest growth, harvest and yield data, and modeling techniques that

1 impact harvest levels. In carrying out the review, the joint
2 legislative audit and review committee shall:

3 (i) Retain one or more contractors with expertise in forest
4 inventories, forest growth and yield modeling, and operational
5 research modeling in forest harvest scheduling to conduct the
6 technical review;

7 (ii) Be a member of department's sustainable harvest calculation
8 technical advisory committee, along with one of its contractors
9 selected in (c)(i) of this subsection; and

10 (iii) Prior to the department's determination of the sustainable
11 harvest under RCW 79.10.320, ensure that a completed independent
12 review and report with findings and recommendations is submitted to
13 the board of natural resources and the legislature.

14 (d) Upon receiving the report from the joint legislative audit
15 and review committee required under (c)(iii) of this subsection, the
16 board of natural resources shall determine whether modifications are
17 necessary to the sustainable harvest calculation prior to approving
18 harvest level under RCW 79.10.320.

19 **Sec. 4.** RCW 76.06.200 and 2019 c 305 s 1 are each amended to
20 read as follows:

21 (1) The department must establish a forest health assessment and
22 treatment framework designed to proactively and systematically
23 address the forest health issues facing the state. Specifically, the
24 framework must endeavor to achieve an initial goal of assessing and
25 treating one million acres of land by 2033.

26 (2) The department must utilize the framework to assess and treat
27 acreage in an incremental fashion each biennium. The framework
28 consists of three elements: Assessment; treatment; and progress
29 review and reporting.

30 (a) Assessment. Each biennium, the department must identify and
31 assess two hundred thousand acres of fire prone lands and communities
32 that are in need of forest health treatment, including the use of
33 prescribed fire or mechanical treatment(~~(, such as thinning)~~).

34 (i) The scope of the assessment must include lands protected by
35 the department as well as lands outside of the department's fire
36 protection responsibilities that could pose a high risk to department
37 protected lands during a fire.

38 (ii) The assessment must identify areas in need of treatment, the
39 type or types of treatment recommended, spatial optimization of

1 forest treatments across landscapes, data and planning needs to carry
2 out recommended treatment, and the estimated cost of recommended
3 treatment.

4 (iii) The department shall develop a mapping tool to identify
5 small forestland owners within wildfire risk areas and use this tool
6 to evaluate and optimize forest health work at a landscape scale to
7 move high risk wildfire areas to lower risk and to leverage funding
8 and the small forestland owner forest health program and landowner
9 assistance program in section 7 of this act with the greatest impact
10 for wildfire prevention, preparedness, and response.

11 (b) Treatment. Each biennium, the department must review
12 previously completed assessments and prioritize and conduct as many
13 identified treatments as possible using appropriations provided for
14 that specific purpose.

15 (c) Progress review and reporting. By December 1st of each even-
16 numbered year, the department must provide the appropriate committees
17 of the legislature and the office of financial management with:

18 (i) A request for appropriations designed to implement the
19 framework in the following biennium, including assessment work and
20 conducting treatments identified in previously completed assessments;

21 (ii) A prioritized list and brief summary of treatments planned
22 to be conducted under the framework with the requested
23 appropriations, including relevant information from the assessment;
24 and

25 (iii) A list and brief summary of treatments carried out under
26 the framework in the preceding biennium, including total funding
27 available, costs for completed treatment, and treatment outcomes. The
28 summary must include any barriers to framework implementation and
29 legislative or administrative recommendations to address those
30 barriers.

31 (3) In developing and implementing the framework, the department
32 must:

33 (a) Utilize and build on the forest health strategic planning
34 initiated under section 308(11), chapter 36, Laws of 2016 sp. sess.,
35 to the maximum extent practicable, to promote the efficient use of
36 resources;

37 (b) Prioritize, to the maximum extent practicable consistent with
38 this section, forest health treatments that are strategically planned
39 to serve the dual benefits of forest health maximization while
40 providing geographically planned tools for wildfire response; (~~and~~)

1 (c) Where possible, partner with federally recognized tribes to
2 expand use of the tribal forest protection act on federal lands
3 managed by the United States forest service and the bureau of land
4 management;

5 (d) When entering into good neighbor agreements, as that term is
6 defined in RCW 79.02.010, prioritize, to the maximum extent
7 practicable consistent with this section, forest health treatments
8 adjacent to or nearby state lands so as to increase the speed,
9 efficiency, and impact on the landscape; and

10 (e) Establish a forest health advisory committee to assist in
11 developing and implementing the framework. The committee may: (i)
12 Include representation from large and small forestland owners,
13 wildland fire response organizations, milling and log transportation
14 industries, forest collaboratives that may exist in the affected
15 areas, highly affected communities and community preparedness
16 organizations, conservation groups, and other interested parties
17 deemed appropriate by the commissioner; and (ii) consult with
18 relevant local, state, and federal agencies, and tribes.

19 (4) In implementing subsection (3)(b) of this section, the
20 department shall attempt to locate and design forest health
21 treatments in such a way as to provide wildfire response personnel
22 with strategically located treated areas to assist with managing fire
23 response. These areas must attempt to maximize the firefighting
24 benefits of natural and artificial geographic features and be located
25 in areas that prioritize the protection of commercially managed lands
26 from fires originating on public land.

27 (5) The department must establish and implement the forest health
28 assessment and treatment framework within the appropriations
29 specifically provided for this purpose.

30 (6) The department must explore opportunities and developing
31 markets for the utilization of woody biomass residuals from forest
32 treatments, including biochar. When exploring opportunities and
33 developing markets, the department must consult with the department
34 of commerce, relevant federal agencies, representatives of the forest
35 products sector, environmental organizations, and other stakeholders
36 with a working knowledge of woody biomass technology.

37 NEW SECTION. Sec. 5. WORKFORCE DEVELOPMENT. (1) The legislature
38 finds that satisfying the goals identified in section 1 of this act
39 to increase the pace and scale of forest health treatments and

1 improve wildfire prevention and response requires increasing the
2 workforce that is needed to perform this critical work. This need
3 creates an opportunity to develop employment and career pathways
4 across the state, including in rural communities throughout
5 Washington. Investments to support and further develop the forest
6 sector workforce are recommended in both the department's 2019 "plan
7 for climate resilience" and the department of commerce's 2020 report
8 "Washington's green economy."

9 (2) The department and the department of commerce shall jointly
10 develop and implement, as appropriate and in consultation with
11 centers of excellence, higher education, secondary education, and
12 workforce development centers, initiatives to develop a forest health
13 workforce necessary to implement the goals of this section.
14 Initiatives may include, but are not limited to:

15 (a) Creating a new or making an existing grant program available
16 to nonprofits, labor organizations, state agencies, community and
17 technical colleges, institutions of higher education, private sector
18 employers, skills centers, or other training and education
19 institutions that have qualifications and experience in the
20 development of training programs, such as secondary and postsecondary
21 courses, relevant to the workforce needs of the forest sector. Grants
22 must be awarded on a competitive basis with priority funding for
23 programs that meet urgent forest health and wildfire suppression
24 skills gaps and demonstrate a lack of available workforce in
25 underserved communities. Grants awarded may be used for activities
26 such as internships, Washington state registered apprenticeship
27 programs, recognized preapprenticeships, career launch, and other
28 relevant career connect Washington activities, and postsecondary
29 bridge programs for forest sector or skill relevant trades that
30 provide:

- 31 (i) On the job training;
- 32 (ii) Hard and soft skills development;
- 33 (iii) Test preparation for trade apprenticeship;
- 34 (iv) Advanced training in the forest sector relating to jobs such
35 as: Hand crews; wildland firefighters; fire safety; equipment
36 operators; timber operators; mill workers; mill or forestry
37 technicians; mechanics; loggers; timber fallers; commercial truck
38 drivers; foresters; ecologists; biologists; or other workforce needs
39 in support of forest restoration and wildfire response;

1 (b) Developing education programs for elementary, secondary, and
2 higher education students that: (i) Inform people about the role of
3 forestry, fire, vegetation management, and ecological restoration;
4 (ii) increase the awareness of opportunities for careers in the
5 forest sector and exposure of students to those careers through
6 various work-based learning opportunities inside and outside the
7 classroom; (iii) connect students in pathways to careers in the
8 forest sector; and (iv) incorporate opportunities for secondary
9 students to earn industry recognized credentials and dual credit in
10 career and technical education courses;

11 (c) Developing regional education, industry, and workforce
12 development collaborations, including recruiting and building
13 industry awareness and coordinating candidate development
14 particularly in areas that are traditionally underrepresented in
15 natural resource industries and specifically in forestry;

16 (d) Building additional statewide response. The department shall
17 develop a recruiting and outreach program across the state to
18 encourage people to volunteer with their local fire departments. The
19 department shall expand existing training programs to meet increased
20 interest and need in wildfire response and forest health work; and

21 (e) Developing a program to train local building and construction
22 trade members and contractors to be deployed during periods requiring
23 surge capacity for wildland fire suppression including:

24 (i) As wildland firefighters who meet the requirements of being
25 utilized by the department; and

26 (ii) As heavy equipment operators who meet the requirements to be
27 utilized by the department as required by RCW 76.04.181.

28 (3) The commissioner and the director of the department of
29 commerce must direct their staff to develop a plan for tracking,
30 maintaining, and publicly reporting on the following:

31 (a) A working definition of the forest sector workforce,
32 including the job skills, certifications, and experience required;

33 (b) Recommendations for the training, recruitment, and retention
34 of the current and anticipated forest sector workforce necessary to
35 implement the goals of this act;

36 (c) The identification of gaps and barriers to a full forest
37 sector workforce pool, including:

38 (i) Estimates of forest sector workforce jobs created and
39 retained as well as any reductions in the forest sector workforce;

1 (ii) An estimate of the number of needed private contractors to
2 implement the goals of this act, an inventory of local and regional
3 private contractors trained to carry out wildfire response and forest
4 health work, and a list of local private contractors utilized
5 annually for wildfire response and forest health work; and

6 (iii) An inventory of existing training facilities and programs
7 that support ongoing and anticipated forest sector, or related
8 sectors, as identified in subsection (2)(a)(iv) of this section;

9 (d) Recommendations for addressing identified barriers or other
10 needs to otherwise continue the development of a forest workforce
11 necessary to implement the goals of this act.

12 (4) The department and the department of corrections shall
13 jointly develop opportunities to expand existing programs to provide
14 the additional wildfire, forest health, and silvicultural capacity
15 necessary to implement the goals of this act, including a postrelease
16 program that helps formerly incarcerated individuals who served on
17 state fire response crews obtain employment in wildfire suppression
18 and forest management.

19 (5) The department shall utilize existing programs such as the
20 Washington conservation corps, Washington veterans corps, Washington
21 service corps, customized and on-the-job training, or similar
22 programs to expand opportunities and promote family wage careers in
23 the forest sector workforce.

24 (6) To the maximum extent possible, workforce development
25 programs and policies should prioritize historically marginalized,
26 underrepresented, rural, and low-income communities.

27 (7) The department and the department of commerce, working with
28 the forest health advisory committee, must assist forestland owners
29 and forest products companies grow existing and develop new market
30 opportunities for the utilization of material produced as a result of
31 forest health treatments funded through the wildfire response, forest
32 restoration, and community resilience account to improve the economic
33 benefit of the treatments while increasing the speed, efficiency, and
34 impact of forest restoration on the landscape.

35 **Sec. 6.** RCW 76.06.150 and 2009 c 163 s 5 are each amended to
36 read as follows:

37 (1) The commissioner (~~(of public lands)~~) is designated as the
38 state of Washington's lead for all forest health issues.

1 (2) The commissioner (~~(of public lands)~~) shall strive to promote
2 communications between the state, tribes, and the federal government
3 regarding forestland management decisions that potentially affect the
4 health of forests in Washington and will allow the state to have an
5 influence on the management of federally owned land in Washington.
6 Such government-to-government cooperation is vital if the condition
7 of the state's public and private forestlands are to be protected.
8 These activities may include, when deemed by the commissioner to be
9 in the best interest of the state:

10 (a) Representing the state's interest before all appropriate
11 local, state, and federal agencies and tribes;

12 (b) Assuming the lead state role for developing formal comments
13 on federal forest management plans that may have an impact on the
14 health of forests in Washington;

15 (c) Pursuing in an expedited manner any available and appropriate
16 cooperative agreements, including cooperating agency status
17 designation, with the United States forest service and the United
18 States bureau of land management that allow for meaningful
19 participation in any federal land management plans that could affect
20 the department's strategic plan for healthy forests and effective
21 fire prevention and suppression, including the pursuit of any options
22 available for giving effect to the cooperative philosophy contained
23 within the national environmental policy act of 1969 (42 U.S.C. Sec.
24 4331) (~~;~~ and

25 ~~(d) Pursuing~~).

26 (3) The commissioner shall regularly meet and coordinate with the
27 regional leadership of the United States forest service, in order to:

28 (a) Identify strategies to improve the delivery and increase the
29 pace and scale of forest health and resiliency, and fuels mitigation
30 treatments, on federal lands;

31 (b) Document the resources needed to increase the capacity
32 available to the United States forest service, on national forests in
33 Washington;

34 (c) Identify supplemental planning and implementation support to
35 the United States forest service, through the use of cooperative
36 agreements and good neighbor agreements, as that term is defined in
37 RCW 79.02.010;

38 (d) Maximize the utilization of available efficiencies for
39 compliance with the national environmental policy act, as it applies
40 to actions of the United States forest service in Washington, such as

1 tools to increase the pace and scale of forest health treatments
2 including, but not limited to, categorical exclusions, shared
3 stewardship, and tribal forest protection act for forest health,
4 fuels mitigation, and restoration activities;

5 (e) Accelerate national environmental policy act completion for
6 forest health and resiliency projects, including through increased
7 staffing and the use of partners, contractors, and department
8 expertise to complete national environmental policy act requirements
9 analysis; and

10 (f) Pursue agreements with federal agencies in the service of
11 forest biomass energy partnerships and cooperatives authorized under
12 RCW 43.30.835 through 43.30.840.

13 ~~((3) The))~~ (4) Every two years, the commissioner ~~((of public~~
14 ~~lands))~~ shall report to the ~~((chairs of the appropriate standing~~
15 ~~committees of the))~~ legislature ~~((every year))~~ on progress under this
16 section, including ~~((the))~~:

17 (a) The identification, if deemed appropriate by the
18 commissioner, of any needed state or federal statutory changes,
19 policy issues, or funding needs; and

20 (b) An estimate of the acres of at-risk forests on each national
21 forest and the number of acres treated.

22 NEW SECTION. Sec. 7. A new section is added to chapter 76.13
23 RCW to read as follows:

24 SMALL FORESTLAND OWNER FOREST HEALTH PROGRAM. (1) There is
25 established an integrated small forestland owner forest health
26 program that promotes the coordination and delivery of services with
27 federal, state, and local agencies, including local fire districts,
28 conservation districts, and community wildfire resilience coalitions,
29 forest landowner associations, colleges and universities, landowner
30 assistance organizations, consultants, forest resource-related
31 industries, and environmental organizations to nonindustrial forests
32 and woodland owners, hereafter referred to as small forestland
33 owners.

34 (2) Under the state forester's direction, the program must:

35 (a) Integrate existing landowner assistance forest health
36 programs consistent with the recommendations of "Washington's Small
37 Forest Landowners in 2020, Status, Trends and Recommendations after
38 20 years of Forests & Fish, January 2021" (the report required by
39 chapter 457, Laws of 2019), to more efficiently and effectively reach

1 the diversity of small forestland owner audiences to take forest
2 health action;

3 (b) Identify and remove barriers to technical assistance,
4 funding, and forest health management planning;

5 (c) Increase education and outreach to small forestland owners;
6 and

7 (d) Distribute funding effectively to move high wildfire risk
8 areas to lower risk.

9 (3) Priority areas for forest health treatment under the
10 Washington state forest action plan, the 10-year forest health
11 strategic plan, and the wildland fire protection 10-year strategic
12 plan may not prohibit technical support or stewardship plan support
13 for small forestland owner lands outside the designated emphasis
14 areas.

15 NEW SECTION. **Sec. 8.** WILDFIRE AVIATION RESPONSE. The department
16 must develop and implement a wildland fire aviation support plan, as
17 recommended by the wildland fire protection 10-year strategic plan,
18 in order to expand and improve the effectiveness and cost-efficiency
19 of the department's wildland fire aviation program. The wildland fire
20 aviation support plan must include:

21 (1) Recommendations for the addition of air assets in order for
22 the department to increase its initial attack capability and maintain
23 and improve on the department's ability to manage fires to meet 10-
24 year wildland fire protection and 20-year forest health strategic
25 plan goals;

26 (2) Development of a next-generation rotor wing platform strategy
27 to ensure the availability and use of the latest firefighting
28 aviation technology and provide a path for either the upgrade or
29 replacement, or both, of the department's legacy aircraft;

30 (3) Evaluation of opportunities to increase the use of contract
31 air assets;

32 (4) Evaluation of costs and benefits to increase dedicated air
33 resources during peak fire season when there may be limited available
34 supply due to wildfire activity in other states; and

35 (5) Strategies to upgrade retardant loading and processing
36 infrastructure to improve tanker turnaround time, including support
37 for development of infrastructure to accommodate very large air
38 tankers, at a port with an international airport within a county east

1 of the crest of the Cascade mountains that does not share a border
2 with another state.

3 **Sec. 9.** RCW 72.64.160 and 1991 c 131 s 2 are each amended to
4 read as follows:

5 (1) For the purposes of RCW 72.64.150, inmate forest fire
6 suppression crews may be considered a class I free venture industry,
7 as defined in RCW 72.09.100, when fighting fires on federal lands.

8 (2) For the purposes of RCW 72.64.050, inmate forest fire
9 suppression and support crews when fighting fires must receive a
10 gratuity no less than the minimum wage per hour paid in the locality
11 in which the industry is located.

12 NEW SECTION. **Sec. 10.** If specific funding for the purposes of
13 this act, referencing this act by bill or chapter number, is not
14 provided by June 30, 2021, in the omnibus appropriations act, this
15 act is null and void.

16 NEW SECTION. **Sec. 11.** SHORT TITLE. This act may be known and
17 cited as the wildfire response, forest restoration, and community
18 resilience act.

19 NEW SECTION. **Sec. 12.** Sections 1 through 3, 5, and 8 of this
20 act are each added to chapter 76.04 RCW and codified with the
21 subchapter heading of "wildfire response, forest restoration, and
22 community resilience."

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