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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)

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

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

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

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

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

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

(b) The location of the site;

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

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

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

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

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

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

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

(b) The location of the site;

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

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

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

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

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

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

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

(b) The location of the site;

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

(d) The date and time by which comments must be received by the county; and

(e) Contact information of the county and the applicant.

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

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

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

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

(b) The location of the site;

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

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

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

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

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

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