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**HOUSE BILL 2117**

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**State of Washington 68th Legislature 2024 Regular Session**

**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 new sections.

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

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

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

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

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

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

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

(2) If the county determines that the location and height of any structure associated with a utility-scale wind energy facility will obstruct or substantially endanger the ability of aerial fire suppression aircraft to be able to effectively suppress fires within and surrounding a town, city, urban area, or populated county area, the county may require location adjustments or reduction in the height of the wind turbine or associated structures so that it does not interfere or endanger aerial firefighting and wildfire suppression efforts. The county must consider the location, terrain, fire history, and proximity of people and developed properties to the proposed project, and the cumulative effect posed by the structures associated with the utility-scale wind energy facility in combination with any existing structures in the area.

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

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

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

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

(2) If the council determines that the location and height of any structure associated with a utility-scale wind energy facility will obstruct or substantially endanger the ability of aerial fire suppression aircraft to be able to effectively suppress fires in and surrounding a town, city, urban area, or populated county area, the council may require location adjustments or reduction in the height of the wind turbine or associated structures so that it does not interfere or endanger aerial firefighting and wildfire suppression efforts. The council must consider the location, terrain, fire history, and proximity of people and developed properties to the proposed project, and the cumulative effect posed by the structures associated with the utility-scale wind energy facility in combination with any existing structures in the area.

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

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

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

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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