CERTIFICATION OF ENROLLMENT

**ENGROSSED SUBSTITUTE HOUSE BILL 1498**

Chapter 457, Laws of 2023

68th Legislature

2023 Regular Session

WILDLAND FIRES—AVIATION USE—DEPARTMENT OF NATURAL RESOURCES

EFFECTIVE DATE: July 23, 2023

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| Passed by the House April 14, 2023  Yeas 96 Nays 0  LAURIE JINKINS  **Speaker of the House of Representatives**  Passed by the Senate April 10, 2023  Yeas 49 Nays 0  DENNY HECK  **President of the Senate** | CERTIFICATE  I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1498** as passed by the House of Representatives and the Senate on the dates hereon set forth.  BERNARD DEAN  Chief Clerk |
| Approved May 15, 2023 2:55 PM | May 16, 2023 |
| JAY INSLEE  **Governor of the State of Washington** | **Secretary of State**  **State of Washington** |

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**ENGROSSED SUBSTITUTE HOUSE BILL 1498**

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AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

**State of Washington 68th Legislature 2023 Regular Session**

**By** House Agriculture and Natural Resources (originally sponsored by Representatives Dye, Dent, Christian, Schmidt, Eslick, Graham, and Volz)

AN ACT Relating to aviation assurance funding in response to wildland fires; adding new sections to chapter 76.04 RCW; creating new sections; and providing an expiration date.

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

NEW SECTION. **Sec.**  (1) Local and tribal fire departments in the state of Washington serve as frontline responders to wildland fires. The fire chief of each local fire department with jurisdiction over wildland fires is tasked with making rapid decisions, especially during the summer months when weather conditions can cause fires to rapidly enlarge. Flashy fuels, especially during times of low humidity, can be ignited by a single spark and erupt into a rapidly moving incident that can quickly destroy rangelands, ripe dryland crops, and timberlands.

(2) Local fire departments need immediate access to local aviation resources that are certified to fly and drop fire retardants and water to suppress or extinguish wildland fires quickly. The use of aviation assets has proven to be a valuable tool to prevent many wildland fires from growing large and requiring the response of state mobilization and prevent the deployment of state and federal fire agencies and their mobilization partner agencies.

(3) Further, the strategic use of aviation assets in initial attack, or at times when conditions on the ground may warrant additional air support, can prevent fires from becoming uncontrollable. Local fire departments that use aviation assets on initial attack can prevent most fires from requiring a state mobilization. Providing financial assurances for local fire departments to deploy aviation assets will provide greater protection to our state's natural resources, air quality, and communities.

(4) The legislature intends to provide suppression funding to the department of natural resources to support local fire departments in the use of aviation resources certified and trained to operate in wildland fires and drop fire retardant or water to suppress or extinguish fires as an initial attack strategy. Deployment and air operations command will be conducted at the direction of trained air operations commanders.

(5) The legislature intends to authorize the department of natural resources to provide aviation resources to local fire departments statewide for use during the initial attack of wildland fires in order to provide assurance that local fire departments will have sufficient financial capacity to effectively control wildland fires throughout the length of the fire season. Having assurance that local fire departments can afford to use aircraft under conditions that would warrant their use and at the discretion of the local fire department chief will incentivize the use of aircraft more quickly in order to rapidly suppress the fire and minimize damage to lands, resources, and structures, while protecting regional air quality.

NEW SECTION. **Sec.**  A new section is added to chapter 76.04 RCW to read as follows:

(1) The department shall prepare and submit, consistent with RCW 43.01.036, an appendix on aviation usage by local fire departments for initial attack as a part of its annual wildfire report to the standing committees of the legislature with jurisdiction over wildland firefighting. The department shall submit the report by December 1st of each year. The report must address, at a minimum, the following topics:

(a) The dollar value of funding utilized by local fire departments for initial attack aviation during the year;

(b) The specific local fire departments that utilized this funding during the year;

(c) The wildland fires on which suppression funding was utilized to provide local fire departments initial attack aviation resources during the year, including names, locations, and sizes of fires, and amount of funding utilized on each of the fires; and

(d) A review of lessons learned related to aviation use by local fire departments for initial attack based on the preceding fire season, along with recommendations for future improvements to the wildland fire response process based on the lessons learned.

(2) The department shall consult with the state fire defense committee, fire service representatives, and the state fire marshal's office annually to review aviation program performance and determine aviation needs for the following fire year.

NEW SECTION. **Sec.**  A new section is added to chapter 76.04 RCW to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the department must use suppression funding to assist local fire departments with aerial fire response capabilities during the critical initial attack phase of fighting a wildland fire.

(2) The department must use suppression funding to assist local fire departments with initial attacks that meet the following requirements:

(a) The local fire department must have entered into a response agreement with the department;

(b) The local fire department must provide documentation to the department that personnel have received training regarding the use of aviation assets in initial attack and criteria to use for determining when to call for aviation assets;

(c) The aviation assets used in initial attack must come from a list of private contractors approved by the department on exclusive use or call-when-needed agreements based upon the annual review of aviation response and aviation needs required in section 2(2) of this act;

(d) Local fire departments must make direct requests to the appropriate coordination center, including the central Washington interagency coordination center, the northeast Washington interagency coordination center, the Blue Mountain interagency coordination center, or the department of natural resources coordination center, in order to ensure the safe coordination of all aircraft; and

(e) Upon receiving a request for aviation assets under this section, the coordinating agency must notify the director of fire protection or that individual's designee to ensure operational knowledge of a potential future request to invoke the fire service mobilization plan under RCW 43.43.960.

NEW SECTION. **Sec.**  (1) The department of natural resources shall convene a work group composed of wildfire aviation subject matter experts, fire service representatives from the Washington fire chiefs association, the Washington state council of firefighters, the Washington state firefighters' association, the Washington state fire commissioners association, wildland fire management staff, and other partners to evaluate the costs and benefits of a state certification program for aircraft and pilots used in wildfire suppression.

(2) The department of natural resources shall include the findings of the work group in a report to be submitted to the wildfire advisory committee and appropriate committees of the legislature by December 1, 2025.

NEW SECTION. **Sec.**  This act expires July 1, 2027.

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Passed by the House April 14, 2023.

Passed by the Senate April 10, 2023.

Approved by the Governor May 15, 2023.

Filed in Office of Secretary of State May 16, 2023.