
Environment & Energy Committee

HB 2117

Brief Description: Authorizing authorities to address aerial firefighting aspects as part of permitting processes for communities at risk of wildfires.

Sponsors: Representatives Barnard, Donaghy, Graham, Dent, Bronoske and Reeves.

Brief Summary of Bill

- Requires permitting authorities to consider whether installation of utility-scale wind energy facilities will be an obstruction to aerial firefighting and wildfire suppression efforts.
- Authorizes permitting authorities to require modifications in the location or height of a utility-scale wind facility if the permitting authority determines that the facility will obstruct or substantially endanger aerial fire suppression efforts in certain areas.
- Requires permitting authorities to add certain information requirements regarding aerial fire suppression to applications for permitting of utility-scale wind energy facilities.

Hearing Date: 1/15/24

Staff: Robert Hatfield (786-7117).

Background:

Energy Facility Siting.

The Energy Facility Site Evaluation Council (EFSEC) coordinates all evaluation and licensing steps for siting certain energy facilities, as well as specifies the conditions of construction and operation. After evaluating an application, the EFSEC submits a recommendation either

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approving or rejecting an application to the Governor, who makes the final decision on site certification. If approved by the Governor, a site certification agreement is issued in lieu of any other individual state or local agency permits.

Energy facilities of any size that exclusively use alternative energy resources, such as wind or solar energy, may opt into the EFSEC review and certification process. Energy facilities that exclusively use alternative energy resources that choose not to opt in to the EFSEC review and certification process must instead receive applicable state and local agency development and environmental permits for their projects directly from each applicable agency and local government authority.

Utility-scale Wind Energy Facility.

A "utility-scale wind energy facility" means a facility used in the generation of electricity by means of turbines or other devices that capture and employ the kinetic energy of the wind and:

- is required under Federal Aviation Administration regulations, guidelines, circulars, or standards, as they existed as of January 1, 2023, to have obstruction lights; or
- has at least one obstruction light and at least one wind turbine with a hub height of at least 75 feet above ground level.

Summary of Bill:

Permitting Process for Utility-Scale Wind Energy Facilities.

As part of the permitting process for a utility-scale wind energy facility, the permitting authority— whether a city, county, or the Energy Facility Site Evaluation Council (EFSEC)— must consider 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 (DNR), 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.

Permitting Process for Utility-Scale Wind Energy Facilities—Project Modification.

If the permitting authority 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 permitting authority 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 permitting authority 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.

Permitting Process for Utility-Scale Wind Energy Facilities—Consideration of Additional Information.

The permitting authority may seek out and consider information provided by wildfire suppression experts at the DNR, 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.

Permitting Process for Utility-Scale Wind Energy Facilities—Modification of Permit Applications.

Permitting authorities must add to their applications for permitting of utility-scale wind energy facilities a requirement for applicants to demonstrate how the height, location, and configuration of the turbines are not an unreasonable impediment and endangerment of aerial fire suppression activities.

Compliance with Provisions of the Act.

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

Appropriation: None.

Fiscal Note: Requested on January 11, 2024.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.