

SENATE BILL REPORT

ESHB 1498

As Reported by Senate Committee On:
Agriculture, Water, Natural Resources & Parks, March 27, 2023
Ways & Means, April 3, 2023

Title: An act relating to aviation assurance funding in response to wildland fires.

Brief Description: Concerning aviation assurance funding in response to wildland fires.

Sponsors: House Committee on Agriculture and Natural Resources (originally sponsored by Representatives Dye, Dent, Christian, Schmidt, Eslick, Graham and Volz).

Brief History: Passed House: 3/8/23, 97-0.

Committee Activity: Agriculture, Water, Natural Resources & Parks: 3/20/23, 3/27/23 [DPA-WM].

Ways & Means: 3/30/23, 4/03/23 [DPA (AWNP)].

Brief Summary of Amended Bill

- Directs the Department of Natural Resources (DNR) to prepare and submit an appendix on aviation usage by local fire departments for initial attack as a part of its annual wildfire report.
- Requires DNR to 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.
- Directs DNR to use wildfire suppression funding to assist local fire departments with aerial fire response capabilities during the initial attack phase of fighting a wildland fire, subject to certain specified requirements.
- Requires DNR to convene a work group composed of wildfire aviation subject matter experts, wildfire aviation contractors, fire service representatives, wildland fire management staff, and other partners to

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evaluate and provide findings regarding the costs and benefits of a state certification program for aircraft and pilots used in wildfire suppression.

SENATE COMMITTEE ON AGRICULTURE, WATER, NATURAL RESOURCES & PARKS

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.

Signed by Senators Van De Wege, Chair; Salomon, Vice Chair; Muzzall, Ranking Member; Rolfes, Shewmake, Short, Stanford, Wagoner and Warnick.

Staff: Jeff Olsen (786-7428)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Agriculture, Water, Natural Resources & Parks.

Signed by Senators Rolfes, Chair; Robinson, Vice Chair, Operating & Revenue; Mullet, Vice Chair, Capital; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Warnick, Assistant Ranking Member, Capital; Billig, Boehnke, Braun, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Nguyen, Pedersen, Saldaña, Torres, Van De Wege, Wagoner and Wellman.

Staff: Jed Herman (786-7346)

Background: The Department of Natural Resources. The Department of Natural Resources (DNR) has direct charge and responsibility over all matters pertaining to forest fire services in the state. The forest fire-related duties of DNR include enforcing all forest fire-related laws, investigating the cause of forest fires, and directing fire suppression effort

Local Wildland Fire Liaison. The commissioner of Public Lands (commissioner) must appoint a local wildland fire liaison to represent the interests and concerns of landowners and the general public during any DNR fire suppression activities. The role of the local wildland fire liaison is, among other things, to advise the commissioner on landowner concerns and the availability of local fire suppression assets.

State Fire Services Mobilization. During an emergency, when a local jurisdiction needs assistance beyond the capabilities of local resources and mutual aid agreements, a request may be made for a state fire service mobilization. Mobilization means that all risk resources regularly provided by fire departments, fire districts, and regional fire protection service authorities beyond those available through existing agreements will be requested, and when available, sent in response to an emergency or disaster situation that has exceeded

the capabilities of available local resources. During a large-scale emergency, mobilization includes the redistribution of regional or statewide risk resources to either direct emergency incident assignments or to assignments in communities where resources are needed.

The chief of the Washington State Patrol (WSP) has the authority to mobilize jurisdictions under the Washington State Fire Services Mobilization Plan (mobilization plan). The purpose of the mobilization plan is to provide a mechanism and process to quickly notify, assemble, and deploy fire service personnel and equipment to any local fire jurisdiction in Washington that has expended or will expend all available local and mutual aid resources in attempting to manage fires, disasters, or other events that jeopardize the ability of a jurisdiction to protect life and property. The State Fire Marshal in WSP serves as the state fire resources coordinator when a mobilization plan is initiated.

Summary of Amended Bill: DNR must prepare and submit 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. DNR must submit the report by December 1st of each year. The report must address, at a minimum, the following topics:

- the dollar value of funding used by local fire departments for initial attack aviation during the year;
- the specific local fire departments that used this funding during the year;
- the wildland fires on which suppression funding was used to provide local fire departments initial attack aviation resources during the year, including names, locations, and sizes of fires, and amount of funding used on each of the fires; and
- 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.

DNR must 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.

Subject to the availability of funding, DNR 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.

DNR must use suppression funding to assist local fire departments with initial attacks that meet the following requirements:

- the local fire department must have entered into a response agreement with DNR;
- the local fire department must provide documentation to DNR 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;
- the aviation assets used in initial attack must come from a list of private contractors approved by DNR on exclusive use or call-when-needed agreements based upon the

- annual review of aviation response and aviation needs;
- 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 DNR Coordination Center, to ensure the safe coordination of all aircraft; and
- upon receiving a request for aviation assets, the coordinating agency must notify the State Fire Marshall to ensure operational knowledge of a potential future request to invoke the fire service mobilization plan.

DNR must convene a work group composed of wildfire aviation subject matter experts, wildfire aviation contractors, fire service representatives, wildland fire management staff, and other partners to evaluate and provide findings regarding the costs and benefits of a state certification program for aircraft and pilots used in wildfire suppression. DNR must 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.

The act expires July 1, 2027.

EFFECT OF AGRICULTURE, WATER, NATURAL RESOURCES & PARKS COMMITTEE AMENDMENT(S):

- Removes references to tribal fire departments and directs DNR to implement provisions of the bill for local fire departments.
- Requires a local fire department to provide documentation to DNR that they have received training regarding the use of aviation assets in initial attack and criteria to use for determining when to call for aviation assets.
- Directs a coordinating agency to notify the State Fire Marshall or designee when requesting aviation assets.
- Modifies the membership on the work group of wildfire aviation experts and directs the work group to evaluate and provide findings regarding the costs and benefits of a state certification program for aircraft and pilots used in wildfire suppression.
- Provides an expiration date of July 1, 2027.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Engrossed Substitute House Bill (Agriculture, Water, Natural Resources & Parks): *The committee recommended a different version of*

the bill than what was heard. PRO: Local fire districts are the front line response for wildland fires, and there are times that smaller, rural districts lack the resources to deploy aircraft for an initial attack on a fire. If there are delays, such as waiting for state mobilization, rangeland and forest fires may spread quickly. If aircraft can be deployed quickly, larger fires can be prevented, saving money, land and resources. Initial attack is the most important factor to prevent the spread of wildfire and may avoid the need for State Mobilization. The state should develop its own certification program to certify pilots.

OTHER: While there is support for the intent of the bill, there should be a better tie in with the State Mobilization plan. There should be a requirement for the coordinating agency to notify the State Fire Marshal. There are concerns about the state certification of aircraft and pilots. The federal government has recently created a wildland fire commission and more information is coming this year regarding certification.

Persons Testifying (Agriculture, Water, Natural Resources & Parks): PRO: Representative Mary Dye, Prime Sponsor; Brian Considine, Washington Department of Natural Resources; George Geissler, Washington Department of Natural Resources.

OTHER: Bud Sizemore, WSCFF; Dylan Doty, Washington Fire Chiefs Association.

Persons Signed In To Testify But Not Testifying (Agriculture, Water, Natural Resources & Parks): PRO: Tom Dent.

Staff Summary of Public Testimony on Bill as Amended by Agriculture, Water, Natural Resources & Parks (Ways & Means): PRO: We support this bill as it gives local fire departments an effective tool for initial attack on wildfires.

Persons Testifying (Ways & Means): PRO: Brian Considine, Washington Department of Natural Resources.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.