

SENATE BILL REPORT

2SHB 1578

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

Title: An act relating to improving community preparedness, response, recovery, and resilience to wildland fire health and safety impacts in areas of increasing population density, including in the wildland urban interface.

Brief Description: Improving community preparedness, response, recovery, and resilience to wildland fire health and safety impacts in areas of increasing population density, including in the wildland urban interface.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Springer, Kretz, Reeves, Leavitt, Ramel, Lekanoff, Reed, Pollet and Kloba; by request of Department of Natural Resources).

Brief History: Passed House: 3/6/23, 95-0.

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

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

Brief Summary of Amended Bill

- Requires the Department of Natural Resources (DNR) to complete decadal assessments of areas at significant risk of wildfire, beginning with the decade between July 1, 2027, and July 1, 2037.
- Requires DNR to cooperate with and provide support to various local entities to develop public safety evacuation strategies for incorporation into local emergency response plans.
- Requires DNR to take certain actions to expand its community resilience programming within the wildland urban interface in areas of Western Washington where DNR determines that risk of wildfires and smoke

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exposure exist.

- Requires DNR to implement a Post-Wildfire Debris Flow Program by July 1, 2028, and establish a structure for a state-sponsored burned area emergency stabilization and response team by December 30, 2027.

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.

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: 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 efforts. In 2007, the Legislature designated DNR as the lead agency to develop a comprehensive forest health program for the state. As part of that designation, DNR was directed to gather and disseminate forest health information, coordinate forest health monitoring activities, and coordinate with universities and other agencies to provide landowners with technical assistance regarding forest health. In 2019, DNR developed the ten-year Wildland Fire Strategic Plan that establishes goals and identifies strategies for wildland fire preparedness, response, and recovery.

Smoke Monitoring. DNR coordinates with the departments of Ecology and Health, the United States Forest Service, and the National Weather Service on smoke monitoring. The Department of Ecology manages Washington's Air Monitoring Network, and tracks air

quality through the use of air quality monitors throughout the state.

Emergency Management. The Washington Military Department Emergency Management Division, under the direction of the adjutant general, administers the state's comprehensive program of emergency management. Each political subdivision of the state must establish or jointly create a local organization for carrying out emergency management functions in accordance with the State Comprehensive Emergency Management Plan.

Summary of Amended Bill: Decadal Wildfire Risk Assessments. By July 1, 2027, DNR must submit a risk assessment of areas at significant risk for wildfire for the decade between July 1, 2027, and July 1, 2037, to the appropriate committees of the Legislature. DNR must continue to provide decadal assessments to the Legislature every ten years, with mid-decade interim reports due beginning July 1, 2032, and continuing every ten years thereafter. DNR must continue completing and submitting these reports for at least 30 years. Each assessment must include analysis of climate influence on wildfire risk in the state and provide enough detail for landowners, the public, local governments, and tribal nations to develop strategies to address wildfire risk.

DNR must coordinate with counties on an update to the wildland urban interface maps. The wildfire risk assessments are intended to assist with improving community preparedness and response to wildland fires and are not intended for use in the development of any state or local government regulations.

Evacuation Plan Development. In areas identified as facing significant risk of wildfire pursuant to the decadal assessments, DNR must consult with the State Emergency Management Division and the Washington State Patrol and cooperate with law enforcement, Indian tribes, city and county emergency managers, and local fire protection districts to develop public safety evacuation strategies. DNR must provide support to help incorporate evacuation strategies within existing regional and local emergency response plans. Implementation of evacuation strategies remains under the authority of local law enforcement.

DNR must lead a project to provide relevant emergency disaster evacuation plan messaging and information to the public at DNR managed recreation and outdoor access sites, placing particular emphasis on accessibility and accommodating the needs of public visitors.

Smoke Monitoring and Air Quality. DNR must expand its community resilience programming and associated supporting programs within the wildland urban interface in areas of Western Washington where DNR determines that risk of wildfires and smoke exposure exist.

DNR must incorporate smoke readiness into community resilience programming; coordinate with state, county, and federal agencies, and Indian tribes to share information with communities affected by wildfire smoke; and participate in cross-agency emergency

management planning and response efforts related to wildfire smoke plans. This includes:

- coordinating cross-agency to assess wildfire smoke risks and impacts;
- working cross-agency to address smoke risk to transportation safety, and firefighter exposure to smoke; and
- conducting community engagement and outreach related to wildfire smoke risks and impacts, particularly in regions of the state that experience disproportionately high levels of air contaminants and pollutants.

DNR must leverage community resilience programming to ensure residents and community organizations are provided information about services and programs to improve air quality in the home, including connecting residents with local contracted weatherization agencies.

Post-Wildfire Debris Flow Program. DNR must implement a Post-Wildfire Debris Flow Program (Program) by July 1, 2028. As a part of the Program, DNR must:

- identify areas prone to hazards from post-wildfire debris flows;
- assess burned areas to determine potential for increases in post-wildfire debris flow hazards;
- improve modeling to determine triggers for post-wildfire debris flow early warning for at-risk communities and infrastructure; and
- communicate to emergency managers, local governments, stakeholder, and the public for preparedness and response.

By December 30, 2027, DNR must have established a structure for a state-sponsored burned area emergency stabilization and response team, in consultation with county emergency managers, the Military Department, and the Washington Conservation Commission. Burned area emergency stabilization and response teams determine the need for emergency postfire treatments for public safety and resource protection. DNR must provide capacity-building to local communities to establish local teams. When establishing the structure, DNR must also make recommendations regarding:

- the appropriate number of teams needed;
- the funding necessary to support team deployments; and
- the implementation of hazard mitigation.

EFFECT OF WAYS & MEANS COMMITTEE AMENDMENT(S):

- Removes language regarding completing tasks within existing resources.
- Provides that until July 1, 2025, the wildfire risk assessments are intended to assist with improving community preparedness and response to wildland fires and are not intended for use in the development of any state or local government regulations.

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

- Delays implementation of decadal wildfire risk assessments from July 2025 to July

2027.

- Directs DNR to update wildland urban interface maps in coordination with counties within existing resources.
- Adds that additional air monitoring and other wildfire smoke research is not intended to impact or prevent the implementation of prescribed burns to improve forest health and resiliency and reduce wildfire risks.
- Removes provisions directing DNR to work with stakeholders to identify smoke respite areas and cooling centers.
- Delays implementation of the postwildfire debris program from July 2024 to July 2028 and directs DNR to implement the program within existing resources.
- Delays implementation of the burned area emergency stabilization and response teams from December 2024 to December 2027.
- Removes a null and void clause.

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 Second Substitute House Bill (Agriculture, Water, Natural Resources & Parks): *The committee recommended a different version of the bill than what was heard.* PRO: Washington faces a wildland fire and smoke crisis that impacts everyone, especially vulnerable populations. Wildfire readiness programs, including the use of defensible space, can help communities to become more resilient. There are risks with smoke, and post-fire risks with landslides. The bill requires DNR to work with stakeholders to address smoke, evacuation, debris, and outreach to reduce the threat of wildfire and build resilience. Burned area response teams may be mobilized to conduct postfire treatments. The activities in the bill are additive to the work already being done including expanding efforts to use tools in Western Washington. It takes a workforce to address the wildfire crisis. Prevention can go a long way to protect communities from wildfires.

OTHER: Wildfire risk assessment maps may be used for development regulations. The bill should be modified to clarify that the wildfire assessment maps are not intended for use to develop land use regulations or building codes. Language should be added to clarify what the scope and scale of risk assessments includes. If private forest roads are to be used for evacuation strategies, there should be language in statute providing immunity from liability. The bill language should also be more precise with regard to how the Post-Wildfire Debris Flow Program information will be used.

Persons Testifying (Agriculture, Water, Natural Resources & Parks): PRO: Darcy

Batura, The Nature Conservancy; George Geissler, Washington Department of Natural Resources; Brian Considine, Washington Department of Natural Resources.

OTHER: Jan Himebaugh, Building Industry Association of Washington; Tom Davis, Washington Forest Protection Association.

Persons Signed In To Testify But Not Testifying (Agriculture, Water, Natural Resources & Parks): No one.

Staff Summary of Public Testimony on Bill as Amended by Agriculture, Water, Natural Resources & Parks (Ways & Means): *The committee recommended a different version of the bill than what was heard.* PRO: No one is immune from the impacts of wildfires. The lower number of acres burned this year shows that our investments are working. This bill helps keep peoples' homes safe. Helps us assess and plan with local support.

Persons Testifying (Ways & Means): PRO: Hilary Franz, Washington Department of Natural Resources; George Geissler, Washington Department of Natural Resources.

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