

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

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

Approved May 15, 2023 2:55 PM

JAY INSLEE

Governor of the State of Washington

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

FILED

May 16, 2023

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1498

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)

READ FIRST TIME 02/16/23.

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

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

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

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

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

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

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

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 76.04
28 RCW to read as follows:

29 (1) The department shall prepare and submit, consistent with RCW
30 43.01.036, an appendix on aviation usage by local fire departments
31 for initial attack as a part of its annual wildfire report to the
32 standing committees of the legislature with jurisdiction over
33 wildland firefighting. The department shall submit the report by
34 December 1st of each year. The report must address, at a minimum, the
35 following topics:

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

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

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

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

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

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 76.04
14 RCW to read as follows:

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

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

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

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

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

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

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

6 NEW SECTION. **Sec. 4.** (1) The department of natural resources
7 shall convene a work group composed of wildfire aviation subject
8 matter experts, fire service representatives from the Washington fire
9 chiefs association, the Washington state council of firefighters, the
10 Washington state firefighters' association, the Washington state fire
11 commissioners association, wildland fire management staff, and other
12 partners to evaluate the costs and benefits of a state certification
13 program for aircraft and pilots used in wildfire suppression.

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

18 NEW SECTION. **Sec. 5.** This act expires July 1, 2027.

Passed by the House April 14, 2023.
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Approved by the Governor May 15, 2023.
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