

---

**BILL REQUEST - CODE REVISER'S OFFICE**

---

BILL REQ. #: S-4952.4/16 4th draft

ATTY/TYPIST: ML:eab

BRIEF DESCRIPTION: Concerning wildfire management.

1 AN ACT Relating to wildfire management; amending RCW 70.94.6536,  
2 70.94.6538, 76.04.205, 76.04.315, 43.43.960, 43.43.961, 43.43.961,  
3 43.43.962, and 43.88.550; reenacting and amending RCW 76.04.005 and  
4 43.43.960; adding new sections to chapter 76.04 RCW; creating new  
5 sections; providing an effective date; providing expiration dates;  
6 and declaring an emergency.

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

8 **PART 1**  
9 **INTENT AND FINDINGS**

10 NEW SECTION. **Sec. 101.** LEGISLATIVE FINDINGS. The legislature  
11 finds that the record breaking 2014 and 2015 fire seasons have  
12 devastated our lands and local economies. Wildfires burned over one  
13 million acres in Washington. Nearly five hundred families and  
14 businesses saw their homes and structures destroyed by wildfire  
15 during the 2015 fire season alone. Communities dependent on seasonal  
16 tourism and the agriculture and timber industries struggled with  
17 nearly six months of unpredictable closures due to wildfire danger  
18 and smoke hazards.

19 The legislature recognizes that fire is a natural part of forest  
20 ecosystems. However, past fire suppression paradigms, along with

1 significant decreases in federal forest management activities and  
2 severe drought conditions have led to excessive fuel accumulation in  
3 overstocked stands that are susceptible to intense burns.

4 The legislature finds that approximately two million seven  
5 hundred thousand acres of the ten million acres of forest land in  
6 eastern Washington are at high risk of damage by disease, insects,  
7 and wildfire. It is the intent of the legislature to initiate  
8 aggressive action to reduce wildfire fuel and restore forest health  
9 conditions. The legislature intends to employ all available fire  
10 prevention techniques, including mechanical thinning and prescribed  
11 fire, to restore Washington forest land health, ensure public health  
12 and safety, and support local communities most affected by wildfire.  
13 The legislature also finds that buffer zones on lands adjacent to  
14 forested lands significantly reduce the risk of wildfire spread and  
15 benefit the maintenance of biodiversity in our lands.

16 The legislature finds that prescribed fire is a valuable tool for  
17 fuel management and ecosystem restoration. The legislature further  
18 finds that over ninety-nine percent of prescribed fires are  
19 successfully held within planned perimeters. Short-term risks must be  
20 balanced with long-term benefits to fire-dependent ecosystems,  
21 habitat, and public health and safety.

## 22 PART 2

### 23 STATEWIDE FIRE MANAGEMENT

24 NEW SECTION. **Sec. 201.** STATE WILDFIRE INSURANCE POLICY. (1)  
25 Subject to the availability of amounts appropriated for this specific  
26 purpose, by July 31, 2016, the department of enterprise services, in  
27 coordination with the department of natural resources, must use a  
28 request for information to a broad base of wildfire insurance  
29 carriers to gain an understanding of requirements to insure the state  
30 against wildfire suppression costs and data needed for an accurate  
31 quote.

32 (2) By September 30, 2016, the department of enterprise services,  
33 in coordination with the department of natural resources, must use a  
34 request for quote to a broad base of wildfire insurance carriers to  
35 discern how each carrier would meet the needs of Washington and the  
36 cost of annual premiums. Preference must be given to insurance  
37 policies with a deductible of fifty million dollars or less, but for

1 purposes of this section and for comparison, the departments may  
2 solicit quotes with varying deductibles.

3 (3) By November 30, 2016, the department of enterprise services,  
4 in coordination with the department of natural resources, must report  
5 to the legislature on: The criteria used in the request for  
6 information and request for quote; information gathered; premium and  
7 deductible data; and all other relevant information gathered during  
8 the solicitation process. If more than one insurance carrier offers a  
9 policy quote, the report must also include recommendations as to  
10 which insurer and insurance policy best fits the needs of the state.  
11 No formal request for proposal may be issued under this section  
12 absent express authorization from the legislature.

13 NEW SECTION. **Sec. 202.** A new section is added to chapter 76.04  
14 RCW to read as follows:

15 FOREST HEALTH AND WILDFIRE MANAGEMENT STRATEGIC PLAN. (1) Subject  
16 to the availability of amounts appropriated for this specific  
17 purpose, by December 31, 2018, the department must develop and  
18 implement a twenty-year strategic plan to treat areas of Washington  
19 forest land identified by the department as being in poor forest  
20 health condition and to manage resources for wildfire prevention and  
21 suppression in a more efficient and effective manner. The department  
22 must develop the forest health and wildfire management strategic plan  
23 in consultation with relevant local, state, and federal agencies,  
24 tribes, forest landowners, representatives from milling and log  
25 transportation industries, and other interested parties from the  
26 nonprofit and commercial sectors.

27 (2) The strategic plan must be updated at least every two years  
28 and must include timelines and, at a minimum, strategies to:

29 (a) Implement an actionable plan to restore and maintain  
30 statewide forest health and resilience within twenty years;

31 (b) Facilitate communication and coordination between local,  
32 regional, state, federal, and tribal fire personnel;

33 (c) Improve public education and local outreach regarding  
34 wildland fire prevention and suppression activities;

35 (d) Streamline contract procedures to perform forest health  
36 treatments on public and private lands;

37 (e) Expand technical assistance programs for local governmental  
38 entities and private landowners;

1 (f) Address barriers to wildfire prevention and suppression  
2 activities, particularly in rural areas where resources may be  
3 limited;

4 (g) Using best available science, manage riparian areas to create  
5 buffers against wildfire and protect water quality and aquatic  
6 species habitat from detrimental effects of wildfires;

7 (h) Deploy efficient and effective initial attack response to  
8 prevent wildland fire spread; and

9 (i) Integrate statewide usage of upgraded fire modeling  
10 technology and remote wildfire detection technology, such as ground-  
11 based smoke sensors or manned aircraft for reconnaissance, to ensure  
12 deployment of appropriate fire resources.

13 (3)(a) The department must report to the legislature on its  
14 progress in developing and implementing the forest health and  
15 wildfire management strategic plan by December 31, 2016, and December  
16 31, 2017. The report must include relevant fiscal information and  
17 recommendations for any legislative action needed to execute the  
18 strategic plan.

19 (b) The department must report to the legislature on the final  
20 forest health and wildfire management strategic plan by December 31,  
21 2018, and every two years thereafter in conjunction with its budget  
22 request process under chapter 43.88 RCW. Each report must include, at  
23 minimum, the following:

24 (i) Descriptions of specific forest health or resiliency and  
25 wildfire management projects planned or underway at the time of  
26 reporting, including partners, timelines, resources required, and  
27 fiscal information associated with each project;

28 (ii) A summary of projects identified in the previous version of  
29 the strategic plan that have since been completed;

30 (iii) A summary of updates made to the previous version of the  
31 strategic plan and reasons for those updates;

32 (iv) Other significant achievements related to forest health and  
33 wildfire management not already included in the strategic plan; and

34 (v) Significant barriers to attaining specific goals in the  
35 strategic plan, if any, and recommendations for any legislative  
36 action to address those barriers.

37 **Sec. 203.** RCW 70.94.6536 and 1995 c 143 s 1 are each amended to  
38 read as follows:

1 SMOKE MANAGEMENT PLAN UPDATE. (1)(a) The department of natural  
2 resources shall administer a program to reduce statewide emissions  
3 from silvicultural forest burning so as to achieve the following  
4 minimum objectives:

5 ~~((a))~~ (i) Twenty percent reduction by December 31, 1994  
6 providing a ceiling for emissions until December 31, 2000; and

7 ~~((b))~~ (ii) Fifty percent reduction by December 31, 2000  
8 providing a ceiling for emissions thereafter.

9 (b) Reductions shall be calculated from the average annual  
10 emissions level from calendar years 1985 to 1989, using the same  
11 methodology for both reduction and base year calculations.

12 (2)(a) The department of natural resources, within twelve months  
13 after May 15, 1991, shall develop a plan, based upon the existing  
14 smoke management agreement to carry out the programs as described in  
15 this section in the most efficient, cost-effective manner possible.  
16 The plan shall be developed in consultation with the department of  
17 ecology, public and private landowners engaged in silvicultural  
18 forest burning, and representatives of the public.

19 (b) The plan shall recognize the variations in silvicultural  
20 forest burning including, but not limited to, a landowner's  
21 responsibility to abate an extreme fire hazard under chapter 76.04  
22 RCW and other objectives of burning, including abating and preventing  
23 a fire hazard, geographic region, climate, elevation and slope,  
24 proximity to populated areas, and diversity of land ownership. The  
25 plan shall establish priorities that the department of natural  
26 resources shall use to allocate allowable emissions, including but  
27 not limited to, silvicultural burning used to improve or maintain  
28 fire dependent ecosystems for rare plants or animals within state,  
29 federal, and private natural area preserves, natural resource  
30 conservation areas, parks, and other wildlife areas. The plan shall  
31 also recognize the real costs of the emissions program and recommend  
32 equitable fees to cover the costs of the program.

33 (c) The emission reductions in this section are to apply to all  
34 forest lands including those owned and managed by the United States.  
35 If the United States does not participate in implementing the plan,  
36 the departments of natural resources and ecology shall use all  
37 appropriate and available methods or enforcement powers to ensure  
38 participation.

39 (d) The plan shall include a tracking system designed to measure  
40 the degree of progress toward the emission reductions goals set in

1 this section. The department of natural resources shall report  
2 annually to the department of ecology and the legislature on the  
3 status of the plan, emission reductions and progress toward meeting  
4 the objectives specified in this section, and the goals of this  
5 chapter and chapter 76.04 RCW.

6 (3)(a) Subject to the availability of amounts appropriated for  
7 this specific purpose, by December 31, 2018, the department of  
8 natural resources must, in consultation with the department of  
9 ecology, other relevant state and federal agencies, participating  
10 tribes, and public and private landowners engaged in silvicultural  
11 forest burning, update the smoke management plan developed under  
12 subsection (2) of this section. The purpose of the smoke management  
13 plan update is to encourage the continuation of silvicultural or  
14 forest land burning as an important resource management tool.

15 (b) The department of natural resources must update the smoke  
16 management plan through a science-based stakeholder process that  
17 balances forest health and public health interests. The department of  
18 natural resources must, at minimum, update or address provisions in  
19 the smoke management plan that:

20 (i) Identify communities most vulnerable to wildfire and  
21 prioritize prescribed burning and other appropriate resiliency  
22 treatments on lands surrounding those communities;

23 (ii) Raise the minimum threshold to be considered a large fire;

24 (iii) Provide longer range forecasts for permitted prescribed  
25 burns, including twenty-four hour and forty-eight hour forecasts;

26 (iv) Authorize individual prescribed burns twenty-four hours  
27 prior to ignition of the fire. Any burn decision made twenty-four  
28 hours in advance is subject to change if meteorological conditions or  
29 conditions affecting smoke dispersion are different from those  
30 anticipated and are forecast to contribute significantly to either an  
31 exceedance of an air quality standard or to a threat to public health  
32 or safety;

33 (v) Allow the department to authorize, by special burn permit,  
34 prescribed burning on days when the department would otherwise deny  
35 burning if the denial of such a permit would threaten imminent and  
36 substantial economic loss;

37 (vi) Clarify the criteria the department of natural resources  
38 considers when determining whether a burn "has the potential to  
39 affect communities" with respect to multiple day burns;

1 (vii) Increase utilization of multiple day burns and coordinate  
2 with prescribed burn managers with approved multiple day burn permits  
3 to ensure predictability and to maximize opportunities to burn on  
4 each day of the approved multiple day burn permit; and

5 (viii) The department of natural resources may not deny a  
6 prescribed burn solely on the potential for smoke intrusions into  
7 communities unless the smoke intrusion is forecast to contribute  
8 significantly to either an exceedance of an air quality standard or  
9 to a significant threat to public health or safety.

10 (c) The department of natural resources must adopt rules pursuant  
11 to chapter 34.05 RCW to implement the smoke management plan adopted  
12 under this section.

13 (d) The department of natural resources must report to the  
14 legislature on its progress in updating the smoke management plan,  
15 including summaries of meetings held, stakeholders included, public  
16 comments received, policies as they are updated, and relevant budget,  
17 expenditure, and fund source information by December 31, 2016, and  
18 December 31, 2017.

19 (4) If the December 31, 1994, emission reductions targets in this  
20 section are not met, the department of natural resources, in  
21 consultation with the department of ecology, shall use its authority  
22 granted in this chapter and chapter 76.04 RCW to immediately limit  
23 emissions from such burning to the 1994 target levels and limit  
24 silvicultural forest burning in subsequent years to achieve equal  
25 annual incremental reductions so as to achieve the December 31, 2000,  
26 target level. If, as a result of the program established in this  
27 section, the emission reductions are met in 1994, but are not met by  
28 December 31, 2000, the department of natural resources in  
29 consultation with the department of ecology shall immediately limit  
30 silvicultural forest burning to reduce emissions from such burning to  
31 the December 31, 2000, target level in all subsequent years.

32 ~~((4))~~ (5) Emissions from silvicultural burning in eastern  
33 Washington that is conducted for the purpose of restoring forest  
34 health or preventing the additional deterioration of forest health  
35 are exempt from the reduction targets and calculations in this  
36 section if the following conditions are met:

37 (a) The landowner submits a written request to the department  
38 identifying the location of the proposed burning and the nature of  
39 the forest health problem to be corrected. The request shall include  
40 a brief description of alternatives to silvicultural burning and



1 reasons why the landowner believes the alternatives not to be  
2 appropriate.

3 (b) The department determines that the proposed silvicultural  
4 burning operation is being conducted to restore forest health or  
5 prevent additional deterioration to forest health; meets the  
6 requirements of the state smoke management plan to protect public  
7 health, visibility, and the environment; and will not be conducted  
8 during an air pollution episode or during periods of impaired air  
9 quality in the vicinity of the proposed burn.

10 (c) Upon approval of the request by the department and before  
11 burning, the landowner is encouraged to notify the public in the  
12 vicinity of the burn of the general location and approximate time of  
13 ignition.

14 ~~((+5))~~ (6) The department of ecology may conduct a limited,  
15 seasonal ambient air quality monitoring program to measure the  
16 effects of forest health burning conducted under subsection ~~((+4))~~  
17 (5) of this section. The monitoring program may be developed in  
18 consultation with the department of natural resources, private and  
19 public forest landowners, academic experts in forest health issues,  
20 and the general public.

21 **Sec. 204.** RCW 70.94.6538 and 2009 c 118 s 502 are each amended  
22 to read as follows:

23 BURN PERMIT AUTHORITY. The department of natural resources in  
24 granting burning permits for fires for the purposes set forth in RCW  
25 70.94.6534 shall condition the issuance and use of such permits to  
26 comply with air quality standards established by the department of  
27 ecology after full consultation with the department of natural  
28 resources. ~~((Such burning shall not cause the state air quality  
29 standards to be exceeded in the ambient air up to two thousand feet  
30 above ground level over critical areas designated by the department  
31 of ecology, otherwise subject to air pollution from other sources.  
32 Air quality standards shall be established and published by))~~ The  
33 department of ecology ~~((which shall))~~ must also establish a procedure  
34 for advising the department of natural resources when and where air  
35 contaminant levels exceed or threaten to exceed the ambient air  
36 standards over such critical areas. The air quality shall be  
37 quantitatively measured by the department of ecology or the  
38 appropriate local air pollution control authority at established  
39 monitoring stations over such designated areas. Further, such

1 permitted burning shall not cause damage to public health or the  
2 environment. All permits issued under this section shall be subject  
3 to all applicable fees, permitting, penalty, and enforcement  
4 provisions of this chapter. The department of natural resources shall  
5 set forth smoke dispersal objectives designed consistent with this  
6 section to minimize any air pollution from such burning and the  
7 procedures necessary to meet those objectives.

8 The department of natural resources shall encourage more intense  
9 utilization in logging and alternative silviculture practices (~~to~~  
10 ~~reduce the need for burning~~) and encourage thinning to reduce fuel  
11 loads and prescribed burning when appropriate for forest health  
12 improvement and fire prevention. The department of natural resources  
13 shall, whenever practical, encourage landowners to (~~develop and~~)  
14 use (~~alternative acceptable~~) effective and efficient disposal  
15 methods (~~subject to the following priorities~~), including the  
16 following: ((+1)) Slash production minimization(~~(, (2))~~); slash  
17 utilization(~~(, (3))~~); nonburning disposal(~~(, (4))~~); and silvicultural  
18 burning. Such alternative methods shall be evaluated as to the  
19 relative impact on air, water, and land pollution, public health, and  
20 their financial feasibility.

21 The department of natural resources shall not issue burning  
22 permits and shall revoke previously issued permits at any time in any  
23 area where the department of ecology or local board has declared a  
24 stage of impaired air quality as defined in RCW 70.94.473.

25 **Sec. 205.** RCW 76.04.205 and 1986 c 100 s 17 are each amended to  
26 read as follows:

27 BURN PERMIT REVOCATION OR POSTPONEMENT. (1) Except in certain  
28 areas designated by the department or as permitted under rules  
29 adopted by the department, a person shall have a valid written  
30 burning permit obtained from the department to burn:

31 (a) Any flammable material on any lands under the protection of  
32 the department; or

33 (b) Refuse or waste forest material on forest lands protected by  
34 the department.

35 (2) To be valid a permit must be signed by both the department  
36 and the permittee. Conditions may be imposed in the permit for the  
37 protection of life, property, or air quality and (~~{the department}~~)  
38 the department may suspend or revoke the permits when conditions  
39 warrant. A permit shall be effective only under the conditions and

1 for the period stated therein. Signing of the permit shall indicate  
2 the permittee's agreement to and acceptance of the conditions of the  
3 permit.

4 (3) The department may inspect or cause to be inspected the area  
5 involved and may issue a burning permit if:

6 (a) All requirements relating to firefighting equipment, the work  
7 to be done, and precautions to be taken before commencing the burning  
8 have been met;

9 (b) No unreasonable danger will result; and

10 (c) Burning will be done in compliance with air quality standards  
11 established by chapter 70.94 RCW.

12 (4) The department, authorized employees thereof, or any warden  
13 or ranger may refuse, revoke, or postpone the use of ~~((permits))~~ a  
14 permit to burn only when necessary for the safety of adjacent  
15 property or when ~~((necessary in their judgment to prevent air~~  
16 ~~pollution))~~ the particular burn at issue is forecast to contribute  
17 significantly to either an exceedance of an air quality standard as  
18 provided in chapter 70.94 RCW or to create a threat to public health  
19 or safety.

20 **Sec. 206.** RCW 76.04.315 and 1986 c 100 s 22 are each amended to  
21 read as follows:

22 BURN BAN AUTHORITY. (1) In times and localities of unusual fire  
23 danger, the department may issue an order suspending any or all  
24 burning permits or privileges authorized by RCW 76.04.205 and may  
25 prohibit absolutely the use of fire in such locations.

26 (2) For the purposes of this section, "unusual fire danger" means  
27 adverse weather and fire fuel conditions, in combination with the  
28 prevalence of ignition sources, that indicate high potential over a  
29 large area for a fire to ignite, spread, and require suppression  
30 action.

31 NEW SECTION. **Sec. 207.** A new section is added to chapter 76.04  
32 RCW to read as follows:

33 FEDERAL LAND MANAGEMENT COOPERATION. (1) The legislature finds  
34 that over twenty-seven percent of Washington state lands are owned by  
35 federal agencies. The legislature further finds that increased  
36 coordination and improved communication between state and federal  
37 government agencies is necessary for effective forest health  
38 treatments and wildfire prevention and suppression activities.

1 (2) Subject to the availability of amounts appropriated for this  
2 specific purpose, the department must enter into discussions with the  
3 federal agencies managing land in the state with the objective of  
4 entering into or updating existing memoranda of understandings or  
5 contracts regarding forest health and wildfire management. The  
6 department must initiate these discussions with all relevant federal  
7 partners including, but not limited to, the United States forest  
8 service, the bureau of land management, the national park service,  
9 the United States fish and wildlife service, and the army corps of  
10 engineers. The department may consult with federally recognized  
11 tribes, forest landowners, and other entities involved in forest  
12 health treatment or wildfire prevention and suppression for the  
13 negotiations required by this section.

14 (3) The department must discuss, with the objective on agreeing  
15 to terms regarding, the following issue areas:

16 (a) Cost and labor-sharing agreements for forest health  
17 treatments conducted on federally owned lands;

18 (b) Timelines and measurable forest health improvement goals  
19 reachable within ten years of the date of agreement;

20 (c) Streamlining processes to share fire protection resources  
21 across jurisdictional lines; and

22 (d) Improving interagency cooperation to facilitate rapid initial  
23 response to fire. For example, the department may enter into an  
24 agreement with a federal partner to share in attacking wildfires  
25 along common ownership boundaries and exchange assistance free of  
26 charge across agency jurisdictions during the first twenty-four hours  
27 of a fire.

28 (4) By December 31, 2016, the department must report to the  
29 legislature on the following:

30 (a) All agreements with federal land management partners in place  
31 as of the effective date of this section;

32 (b) A log of efforts undertaken to enter into either new  
33 agreements or to update existing agreements as required by this  
34 section;

35 (c) Agreements entered into or updated as a result of those  
36 efforts listed under (b) of this subsection;

37 (d) Significant barriers, if any, to reaching consensus;

38 (e) Recommendations for any legislative action that will  
39 encourage intergovernmental cooperation; and

40 (f) Relevant fiscal information.

1 (5) For efficiency, the department may include the report  
2 required in this subsection as part of the report on the forest  
3 health and wildfire management strategic plan, also due on December  
4 31, 2016, as required under section 202(3) of this act.

5 NEW SECTION. **Sec. 208.** JOINT FIREFIGHTER TRAINING. The  
6 legislature finds that training firefighters from different agencies  
7 together to the same national standards prepares firefighters to work  
8 together seamlessly once a wildland fire starts. Joint training also  
9 results in effective integration and deployment of assets, such as  
10 the national guard, when fire severity levels are high. The  
11 department of natural resources must strive to ensure adequate  
12 capacity of trained, effective firefighting forces across all  
13 available local, state, and federal agencies, tribes, and the private  
14 sector to meet state needs during each fire season. In addition,  
15 subject to the availability of amounts appropriated for this specific  
16 purpose, the national guard must coordinate with the department of  
17 natural resources to maintain trained firefighters to be deployed as  
18 needed during the fire season.

19 NEW SECTION. **Sec. 209.** COORDINATED COMMAND FOR LARGE FIRES.  
20 The legislature finds that critical shortages in command personnel  
21 have resulted in delays in deploying needed resources, such as fire  
22 crews and equipment, during periods of high fire severity. Subject to  
23 the availability of amounts appropriated for this specific purpose,  
24 the department of natural resources must strive to ensure that  
25 adequately trained fire commanders are available to dispatch  
26 resources where they are needed most. To foster efficient year-round  
27 workforce management, the department of natural resources must,  
28 whenever practical, train existing department or local fire district  
29 personnel to fill such additional fire commander positions during the  
30 fire season.

31 NEW SECTION. **Sec. 210.** AERIAL ATTACK. The legislature finds  
32 that cost-efficient aerial resources are necessary to attack and  
33 suppress wildland fires before the fires spread and cause devastation  
34 to our land, ecosystem, and communities. Subject to the availability  
35 of amounts appropriated for this specific purpose, the department of  
36 natural resources must enter into ninety-day contracts for fixed-wing  
37 single engine air tankers for wildland fire suppression and strive to

1 ensure sufficient fire aviation personnel, including operations  
2 managers and dispatchers, are available to coordinate and deploy  
3 aviation assets where they are most needed.

4 NEW SECTION. **Sec. 211.** A new section is added to chapter 76.04  
5 RCW to read as follows:

6 MULTILINGUAL PRESCRIBED BURN NOTICES. Prior to conducting a  
7 prescribed burn, the department is encouraged to notify the public in  
8 the vicinity of the burn of the general location, approximate time of  
9 ignition, and expected duration of the prescribed burn. The  
10 department may notify the public through written and verbal notices,  
11 press releases to local media, and social media. The department is  
12 further encouraged to give such notifications in a language that  
13 diverse residents can understand when a significant segment of the  
14 community speaks a language other than English and has limited  
15 proficiency in English.

16 NEW SECTION. **Sec. 212.** ACCOUNTING FOR FOREST HEALTH AND FIRE  
17 MANAGEMENT-RELATED APPROPRIATIONS. (1) By December 31, 2016, the  
18 department of natural resources must report to the legislature on how  
19 funds appropriated in the 2016 supplemental operating budget for use  
20 related to forest health and wildfire management were expended or are  
21 expected to be expended in 2017. In particular, the report must  
22 include an accounting of funds appropriated for the following  
23 purposes:

24 (a) An inventory of fire engines and other equipment provided to  
25 local fire districts under sections 301 and 302 of this act;

26 (b) A roster of firefighters and fire commanders trained under  
27 sections 208 and 209 of this act;

28 (c) A list of coordinated command staff and a demonstrable  
29 correlation between those staff and the commensurate expansion of  
30 wildland fire response capability. The list must include information  
31 showing the relevant certification or certifications each individual  
32 holds, each individual's primary geographic location, and, if trained  
33 under section 209 of this act, whether each individual was already  
34 employed by the department or a local fire district as of the  
35 effective date of this section;

36 (d) A list of department-owned or controlled aviation resources,  
37 including staff, available to the department during the 2015 fire  
38 season, a list of additional aviation resources, including staff, as

1 of the time of reporting, and a demonstrable correlation between the  
2 additional equipment and staff and the commensurate expansion of  
3 aerial firefighting capability;

4 (e) An inventory of additional radios and radio-related equipment  
5 purchased and information on how and where the equipment was put into  
6 service;

7 (f) A log of fire prevention coordinators' interactions with  
8 landowners and communities about becoming firewise and reducing  
9 wildfire hazards;

10 (g) A log of fire technicians' interactions with local fire  
11 districts, other local entities, landowners, and individuals about  
12 coordinated wildland fire preparedness, response, and wildfire  
13 prevention actions; and

14 (h) Lists and maps of state, federal, tribal, and private lands  
15 treated to improve forest health and reduce wildfire hazards,  
16 including descriptions of the types of treatments applied, whether  
17 mechanical or prescribed burning, and a description of a program for  
18 ongoing monitoring and assessment of treatment effectiveness.

19 (2) For efficiency, the department of natural resources may  
20 include the report required in this section as part of the report on  
21 the forest health and wildfire management strategic plan, also due on  
22 December 31, 2016, as required under section 202(3) of this act.

### 23 PART 3

#### 24 LOCAL FIRE MANAGEMENT

25 NEW SECTION. **Sec. 301.** LOCAL FIRE EQUIPMENT. (1) The  
26 legislature finds that it is necessary to improve the initial attack  
27 capabilities of local fire districts to keep wildland fires small and  
28 to avoid the catastrophic large fire costs and impacts witnessed  
29 during the 2014 and 2015 fire seasons.

30 (2)(a) Subject to the availability of amounts appropriated for  
31 this specific purpose, the department of natural resources must  
32 determine where additional fire resources are needed and which local  
33 fire districts would most benefit from those additional resources.  
34 Fire resources may include, but are not limited to, fire engines,  
35 safety equipment, chainsaws, and radios.

36 (b) In making fire resource determinations under this section,  
37 the department of natural resources must, at minimum, consider the  
38 following factors:

1 (i) Geographic location, including whether the local fire  
2 district is located in a fire-prone area; and

3 (ii) Particular resource needs identified either by the  
4 department of natural resources or by the local fire district, based  
5 on a ten-year history of wildland fire activity in or near the local  
6 fire district's jurisdiction.

7 NEW SECTION. **Sec. 302.** A new section is added to chapter 76.04  
8 RCW to read as follows:

9 PERSONAL PROTECTION GEAR FOR VOLUNTEERS. (1) Subject to the  
10 availability of amounts appropriated for this specific purpose, the  
11 department must provide all necessary personal protection gear at no  
12 cost to each fire suppression volunteer for use while the volunteer  
13 is dispatched to wildland fire suppression duty. If the department  
14 cannot provide the personal protection gear, it must offer to  
15 reimburse any volunteer who purchases new equipment suitable for the  
16 kind of volunteer work to be performed. If the volunteer accepts  
17 reimbursement, the volunteer must surrender the equipment for which  
18 he or she was reimbursed when the volunteer period comes to an end.

19 (2) The department must ensure the inventory of personal  
20 protection gear for volunteers is kept in good condition through  
21 periodic safety inspections. The personal protection gear must be  
22 stored in a geographic area and manner for quick distribution to  
23 volunteers when needed for wildland fire suppression.

24 (3) For purposes of this section, "volunteers" means qualified  
25 individuals who are not affiliated with a fire department or district  
26 and who perform fire suppression activities for the department  
27 without any expectation of compensation. The department must require  
28 proof of adequate training and possession of valid incident  
29 qualifications, such as those commonly known as "red cards" or "blue  
30 cards" before allowing any volunteer to assist the department in fire  
31 suppression activities.

32 (4) Qualified volunteers identified in subsection (3) of this  
33 section may be dispatched to support wildland fire suppression  
34 efforts through the coordinated resource ordering systems of local or  
35 state firefighting organizations. Volunteers are prohibited from  
36 independently assigning themselves to wildfires without an official  
37 resource order.



1 (5) Nothing in this section prohibits the department from  
2 conducting condensed safety training on the site of a wildland fire  
3 in order to utilize available volunteers.

4 (6) No civil liability may be imposed by any court on the state  
5 or its officers and employees for any adverse impacts resulting from  
6 the training, equipping, or dispatching of volunteers under the  
7 provisions of this section except upon proof of gross negligence or  
8 willful or wanton misconduct.

9 NEW SECTION. **Sec. 303.** A new section is added to chapter 76.04  
10 RCW to read as follows:

11 LOCAL WILDLAND FIRE SEVERITY ACCOUNT CREATED. (1) The local  
12 wildland fire severity account is created in the state treasury. All  
13 moneys appropriated to the account by law must be deposited in the  
14 account. Moneys in the account may be spent only after appropriation.  
15 Expenditures from the account may only be used by the department  
16 consistent with this section and to provide funding for the  
17 implementation of section 304 of this act.

18 (2) All appropriations to the local wildland fire severity  
19 account are separate and in addition to all base wildfire suppression  
20 appropriations provided directly to the department.

21 (3) Every two years as part of its budget request process under  
22 chapter 43.88 RCW, the department must prepare a budget request for  
23 the local wildland fire severity account based on the demand on the  
24 account in recent biennia and the anticipated fire conditions for the  
25 requested biennium.

26 NEW SECTION. **Sec. 304.** A new section is added to chapter 76.04  
27 RCW to read as follows:

28 LOCAL WILDLAND FIRE SEVERITY PROGRAM. (1) A local suppression  
29 entity that has satisfied the prerequisites established in this  
30 section may contact the department and request prepositioned fire  
31 suppression resources be provided in the jurisdiction of the  
32 requesting local suppression entity if a severity condition is  
33 declared for the area of request.

34 (2) The department may release assets requested under this  
35 section by a local suppression entity based on availability of assets  
36 and any applicable regionally coordinated priority for the placement  
37 of assets. Any requested aerial or specialized suppression assets may

1 only be released within the context of an interagency regional  
2 coordination agreement.

3 (3) As a prerequisite to receiving resources under this section,  
4 a local suppression entity must establish agreements, prior to its  
5 funding request, with the department and, as applicable, with other  
6 local suppression entities and local fire suppression assets in the  
7 general vicinity of the requesting local suppression entity's  
8 jurisdiction. The purpose of these agreements is to ensure that the  
9 prepositioning of assets during severity conditions is well planned  
10 prior to the onset of the severity conditions and the release of  
11 assets.

12 (4)(a) The costs of fulfilling the requests of local suppression  
13 entities under this section must be incurred initially by the  
14 department out of its base wildfire suppression appropriation. The  
15 department may reimburse itself from the local wildland fire severity  
16 account created in section 303 of this act for the costs incurred  
17 fulfilling requests under this section within the same fiscal  
18 biennium of incurring the costs.

19 (b) If the costs incurred by the department under this section  
20 exceed the balance in the local wildland fire severity account, the  
21 department may continue to implement this section and may receive  
22 reimbursements for the costs incurred by subsequent supplemental  
23 legislative appropriations to the local wildland fire severity  
24 account.

25 (5) Nothing in this section creates or infers additional  
26 liability on the department, the state fire marshal, a local response  
27 entity, or a contractor of the department or a local response entity  
28 in any suppression efforts funded through the local wildland fire  
29 severity account or for the failure to fund suppression efforts.

30 (6) This section is subject to the availability of amounts  
31 appropriated for the specific purpose of this section.

32 NEW SECTION. **Sec. 305.** LOCAL WILDLAND FIRE SEVERITY REPORT. (1)  
33 Subject to the availability of amounts appropriated for this specific  
34 purpose, by October 31, 2018, the department of natural resources  
35 must present a report to the legislature, consistent with RCW  
36 43.01.036, that summarizes the demand placed on the local wildland  
37 fire severity account and an estimate of a funding level for the  
38 local wildland fire severity account that would more accurately match  
39 the demand on the account.

1 (2) This section expires June 30, 2019.

2 **Sec. 306.** RCW 76.04.005 and 2015 c 182 s 7 are each reenacted  
3 and amended to read as follows:

4 DEFINITIONS. As used in this chapter, the following terms have  
5 the meanings indicated unless the context clearly requires otherwise.

6 (1) "Additional fire hazard" means a condition existing on any  
7 land in the state:

8 (a) Covered wholly or in part by forest debris which is likely to  
9 further the spread of fire and thereby endanger life or property; or

10 (b) When, due to the effects of disturbance agents, broken, down,  
11 dead, or dying trees exist on forest land in sufficient quantity to  
12 be likely to further the spread of fire within areas covered by a  
13 forest health hazard warning or order issued by the commissioner of  
14 public lands under RCW 76.06.180. The term "additional fire hazard"  
15 does not include green trees or snags left standing in upland or  
16 riparian areas under the provisions of RCW 76.04.465 or chapter 76.09  
17 RCW.

18 (2) "Closed season" means the period between April 15th and  
19 October 15th, unless the department designates different dates  
20 because of prevailing fire weather conditions.

21 (3) "Commissioner" means the commissioner of public lands.

22 (4) "Department" means the department of natural resources, or  
23 its authorized representatives, as defined in chapter 43.30 RCW.

24 (5) "Department protected lands" means all lands subject to the  
25 forest protection assessment under RCW 76.04.610 or covered under  
26 contract or agreement pursuant to RCW 76.04.135 by the department.

27 (6) "Disturbance agent" means those forces that damage or kill  
28 significant numbers of forest trees, such as insects, diseases, wind  
29 storms, ice storms, and fires.

30 (7) "Emergency fire costs" means those costs incurred or approved  
31 by the department for emergency forest fire suppression, including  
32 the employment of personnel, rental of equipment, and purchase of  
33 supplies over and above costs regularly budgeted and provided for  
34 nonemergency fire expenses for the biennium in which the costs occur.

35 (8) "Exploding target" means a device that is designed or  
36 marketed to ignite or explode when struck by firearm ammunition or  
37 other projectiles.

38 (9) "Forest debris" includes forest slash, chips, and any other  
39 vegetative residue resulting from activities on forest land.

1 (10) "Forest fire service" includes all wardens, rangers, and  
2 other persons employed especially for preventing or fighting forest  
3 fires.

4 (11) "Forest land" means any unimproved lands which have enough  
5 trees, standing or down, or flammable material, to constitute in the  
6 judgment of the department, a fire menace to life or property.  
7 Sagebrush and grass areas east of the summit of the Cascade mountains  
8 may be considered forest lands when such areas are adjacent to or  
9 intermingled with areas supporting tree growth. Forest land, for  
10 protection purposes, does not include structures.

11 (12) "Forest landowner," "owner of forest land," "landowner," or  
12 "owner" means the owner or the person in possession of any public or  
13 private forest land.

14 (13) "Forest material" means forest slash, chips, timber,  
15 standing or down, or other vegetation.

16 (14) "Incendiary ammunition" means ammunition that is designed to  
17 ignite or explode upon impact with or penetration of a target or  
18 designed to trace its course in the air with a trail of smoke,  
19 chemical incandescence, or fire.

20 (15) "Landowner operation" means every activity, and supporting  
21 activities, of a forest landowner and the landowner's agents,  
22 employees, or independent contractors or permittees in the management  
23 and use of forest land subject to the forest protection assessment  
24 under RCW 76.04.610 for the primary benefit of the owner. The term  
25 includes, but is not limited to, the growing and harvesting of forest  
26 products, the development of transportation systems, the utilization  
27 of minerals or other natural resources, and the clearing of land. The  
28 term does not include recreational and/or residential activities not  
29 associated with these enumerated activities.

30 (16) "Local fire suppression assets" means firefighting equipment  
31 that is located in close proximity to the wildland fire and that  
32 meets department standards and requirements.

33 (17) "Local wildland fire liaison" means the person appointed by  
34 the commissioner to serve as the local wildland fire liaison as  
35 provided in RCW 43.30.111.

36 (18) "Participating landowner" means an owner of forest land  
37 whose land is subject to the forest protection assessment under RCW  
38 76.04.610.

1 (19) "Sky lantern" means an unmanned self-contained luminary  
2 device that uses heated air produced by an open flame or produced by  
3 another source to become or remain airborne.

4 (20) "Slash" means organic forest debris such as tree tops,  
5 limbs, brush, and other dead flammable material remaining on forest  
6 land as a result of a landowner operation.

7 (21) "Slash burning" means the planned and controlled burning of  
8 forest debris on forest lands by broadcast burning, underburning,  
9 pile burning, or other means, for the purposes of silviculture,  
10 hazard abatement, or reduction and prevention or elimination of a  
11 fire hazard.

12 (22) "Suppression" means all activities involved in the  
13 containment and control of forest fires, including the patrolling  
14 thereof until such fires are extinguished or considered by the  
15 department to pose no further threat to life or property.

16 (23) "Unimproved lands" means those lands that will support  
17 grass, brush and tree growth, or other flammable material when such  
18 lands are not cleared or cultivated and, in the opinion of the  
19 department, are a fire menace to life and property.

20 (24) "Local suppression entity" means a city, county, fire  
21 department, fire district, or other nonstate, nonfederal public  
22 entity responsible for suppressing wildland fires within its  
23 jurisdiction.

24 (25) "Local wildland fire severity account" means the account  
25 created in section 303 of this act to assist in funding immediate,  
26 local suppression efforts.

27 (26) "Severity conditions" has the same meaning as defined in RCW  
28 43.43.960.

29 **Sec. 307.** RCW 43.43.960 and 2015 c 181 s 2 are each reenacted  
30 and amended to read as follows:

31 DEFINITIONS. (~~Unless the context clearly requires otherwise,~~)  
32 The definitions in this section apply throughout this subchapter  
33 unless the context clearly requires otherwise.

34 (1) "All risk resources" means those resources regularly provided  
35 by fire departments, fire districts, and regional fire protection  
36 service authorities required to respond to natural or man-made  
37 incidents, including but not limited to:

- 38 (a) Wild land fires;
- 39 (b) Landslides;

- 1 (c) Earthquakes;
- 2 (d) Floods; and
- 3 (e) Contagious diseases.

4 (2) "Chief" means the chief of the Washington state patrol.

5 (3) "Fire chief" includes the chief officer of a statutorily  
6 authorized fire agency, or the fire chief's authorized  
7 representative. Also included are the department of natural resources  
8 fire control chief, and the department of natural resources regional  
9 managers.

10 (4) "Jurisdiction" means state, county, city, fire district,  
11 regional fire protection service authority, or port district units,  
12 or other units covered by this chapter.

13 (5)(a) "Mobilization" means that all risk resources regularly  
14 provided by fire departments, fire districts, and regional fire  
15 protection service authorities beyond those available through  
16 existing agreements will be requested and, when available, sent in  
17 response to an emergency or disaster situation that has exceeded the  
18 capabilities of available local resources. During a large scale  
19 emergency, mobilization includes the redistribution of regional or  
20 statewide risk resources to either direct emergency incident  
21 assignments or to assignment in communities where resources are  
22 needed. Fire department resources may not be mobilized to assist law  
23 enforcement with police activities during a civil protest or  
24 demonstration, however, fire departments, fire districts, and  
25 regional fire protection service authorities are not restricted from  
26 providing medical care or aid and firefighting when mobilized for any  
27 purpose.

28 (b) When mobilization is declared and authorized as provided in  
29 this chapter, all risk resources regularly provided by fire  
30 departments, fire districts, and regional fire protection service  
31 authorities including those of the host fire protection authorities,  
32 i.e. incident jurisdiction, shall be deemed as mobilized under this  
33 chapter, including those that responded earlier under existing mutual  
34 aid or other agreement. All nonhost fire protection authorities  
35 providing resources in response to a mobilization declaration shall  
36 be eligible for expense reimbursement as provided by this chapter  
37 from the time of the mobilization declaration.

38 (c) This chapter shall not reduce or suspend the authority or  
39 responsibility of the department of natural resources under chapter  
40 76.04 RCW.

1 (6) "Mutual aid" means emergency interagency assistance provided  
2 without compensation under an agreement between jurisdictions under  
3 chapter 39.34 RCW.

4 (7) "Severity conditions" means that the conditions in a region  
5 of the state indicate a high level of wildfire risk as indicated by  
6 official actions, such as the declaration of a red flag warning, of  
7 the issuance of a high wildfire probability by a state or federal  
8 wildland fire organization.

9 (8) "State fire marshal" means the director of fire protection in  
10 the Washington state patrol.

11 **Sec. 308.** RCW 43.43.960 and 2003 c 405 s 1 are each amended to  
12 read as follows:

13 (~~Unless the context clearly requires otherwise,~~) The  
14 definitions in this section apply throughout this subchapter unless  
15 the context clearly requires otherwise.

16 (1) "Chief" means the chief of the Washington state patrol.

17 (2) "State fire marshal" means the director of fire protection in  
18 the Washington state patrol.

19 (3) "Fire chief" includes the chief officer of a statutorily  
20 authorized fire agency, or the fire chief's authorized  
21 representative. Also included are the department of natural resources  
22 fire control chief, and the department of natural resources regional  
23 managers.

24 (4) "Jurisdiction" means state, county, city, fire district, or  
25 port district firefighting units, or other units covered by this  
26 chapter.

27 (5)(a) "Mobilization" means that firefighting resources beyond  
28 those available through existing agreements will be requested and,  
29 when available, sent in response to an emergency or disaster  
30 situation that has exceeded the capabilities of available local  
31 resources. During a large scale emergency, mobilization includes the  
32 redistribution of regional or statewide firefighting resources to  
33 either direct emergency incident assignments or to assignment in  
34 communities where firefighting resources are needed.

35 (b) When mobilization is declared and authorized as provided in  
36 this chapter, all firefighting resources including those of the host  
37 fire protection authorities, i.e. incident jurisdiction, shall be  
38 deemed as mobilized under this chapter, including those that  
39 responded earlier under existing mutual aid or other agreement. All

1 nonhost fire protection authorities providing firefighting resources  
2 in response to a mobilization declaration shall be eligible for  
3 expense reimbursement as provided by this chapter from the time of  
4 the mobilization declaration.

5 (c) This chapter shall not reduce or suspend the authority or  
6 responsibility of the department of natural resources under chapter  
7 76.04 RCW.

8 (6) "Mutual aid" means emergency interagency assistance provided  
9 without compensation under an agreement between jurisdictions under  
10 chapter 39.34 RCW.

11 (7) "Severity conditions" means that the conditions in a region  
12 of the state indicate a high level of wildfire risk as indicated by  
13 official actions, such as the declaration of a red flag warning, of  
14 the issuance of a high wildfire probability by a state or federal  
15 wildland fire organization.

16 **Sec. 309.** RCW 43.43.961 and 2015 c 181 s 3 are each amended to  
17 read as follows:

18 PREPOSITIONING ASSETS DURING SEVERITY CONDITIONS. (1)(a) Because  
19 of the possibility of the occurrence of disastrous fires or other  
20 disasters of unprecedented size and destructiveness, the need to  
21 (~~insure~~) ensure that the state is adequately prepared to respond to  
22 such a fire or disaster, the need to establish a mechanism and a  
23 procedure to provide for reimbursement to state agencies and local  
24 agencies that respond to help others in time of need or to a host  
25 fire district that experiences expenses beyond the resources of the  
26 fire district, the need to allow the prepositioning of wildland fire  
27 suppression assets during severity conditions, and generally to  
28 protect the public peace, health, safety, lives, and property of the  
29 people of Washington, it is hereby declared necessary to:

30 (~~(1)~~) (i) Provide the policy and organizational structure for  
31 large scale mobilization of all risk resources in the state through  
32 creation of the Washington state fire services mobilization plan;

33 (~~(2)~~) (ii) Confer upon the chief the powers provided herein;

34 (~~(3)~~) (iii) Provide a means for reimbursement to state agencies  
35 and local fire jurisdictions that incur expenses when mobilized by  
36 the chief under the Washington state fire services mobilization plan  
37 and when prepositioning assets during severity conditions; and

38 (~~(4)~~) (iv) Provide for reimbursement of the host fire  
39 department or fire protection district when it has: (~~(a)~~)



1       (A) Exhausted all of its resources; and (~~(b)~~)

2       (B) Invoked its local mutual aid network and exhausted those  
3 resources.

4       (b) Upon implementation of state fire mobilization, the host  
5 district resources shall become state fire mobilization resources  
6 consistent with the fire mobilization plan.

7       (2) It is the intent of the legislature that mutual aid and other  
8 interlocal agreements providing for enhanced emergency response be  
9 encouraged as essential to the public peace, safety, health, and  
10 welfare, and for the protection of the lives and property of the  
11 people of the state of Washington. If possible, mutual aid agreements  
12 should be without stated limitations as to resources available, time,  
13 or area. Nothing in this chapter shall be construed or interpreted to  
14 limit the eligibility of any nonhost fire protection authority for  
15 reimbursement of expenses incurred in providing all risk resources  
16 for mobilization provided that the mobilization must meet the  
17 requirements identified in the Washington state fire service  
18 mobilization plan.

19       **Sec. 310.** RCW 43.43.961 and 2003 c 405 s 2 are each amended to  
20 read as follows:

21       PREPOSITIONING ASSETS DURING SEVERITY CONDITIONS. (1)(a) Because  
22 of the possibility of the occurrence of disastrous fires or other  
23 disasters of unprecedented size and destructiveness, the need to  
24 (~~(insure)~~) ensure that the state is adequately prepared to respond to  
25 such a fire or disaster, the need to establish a mechanism and a  
26 procedure to provide for reimbursement to state agencies and local  
27 firefighting agencies that respond to help others in time of need or  
28 to a host fire district that experiences expenses beyond the  
29 resources of the fire district, the need to allow the prepositioning  
30 of wildland fire suppression assets during severity conditions, and  
31 generally to protect the public peace, health, safety, lives, and  
32 property of the people of Washington, it is hereby declared necessary  
33 to:

34       (~~(1)~~) (i) Provide the policy and organizational structure for  
35 large scale mobilization of firefighting resources in the state  
36 through creation of the Washington state fire services mobilization  
37 plan;

38       (~~(2)~~) (ii) Confer upon the chief the powers provided herein;

1       (~~(3)~~) (iii) Provide a means for reimbursement to state agencies  
2 and local fire jurisdictions that incur expenses when mobilized by  
3 the chief under the Washington state fire services mobilization plan  
4 and when prepositioning assets during severity conditions; and

5       (~~(4)~~) (iv) Provide for reimbursement of the host fire  
6 department or fire protection district when it has: (~~(a)~~)

7       (A) Exhausted all of its resources; and (~~(b)~~)

8       (B) Invoked its local mutual aid network and exhausted those  
9 resources. Upon implementation of state fire mobilization, the host  
10 district resources shall become state fire mobilization resources  
11 consistent with the fire mobilization plan.

12       (2) It is the intent of the legislature that mutual aid and other  
13 interlocal agreements providing for enhanced emergency response be  
14 encouraged as essential to the public peace, safety, health, and  
15 welfare, and for the protection of the lives and property of the  
16 people of the state of Washington. If possible, mutual aid agreements  
17 should be without stated limitations as to resources available, time,  
18 or area. Nothing in this chapter shall be construed or interpreted to  
19 limit the eligibility of any nonhost fire protection authority for  
20 reimbursement of expenses incurred in providing firefighting  
21 resources for mobilization.

22       **Sec. 311.** RCW 43.43.962 and 2010 1st sp.s. c 7 s 47 are each  
23 amended to read as follows:

24       FIRE SERVICES MOBILIZATION PLAN. (1)(a) The director of fire  
25 protection shall review and make recommendations to the chief on the  
26 refinement and maintenance of the Washington state fire services  
27 mobilization plan, which shall include the procedures to be used  
28 during fire and other emergencies for coordinating local, regional,  
29 and state fire jurisdiction resources and the procedures for  
30 arranging prepositioning of resources during severity conditions. In  
31 carrying out this duty, the director of fire protection shall consult  
32 with and solicit recommendations from representatives of state and  
33 local fire and emergency management organizations, regional fire  
34 defense boards, and the department of natural resources.

35       (b) The Washington state fire services mobilization plan shall be  
36 consistent with, and made part of, the Washington state comprehensive  
37 emergency management plan. The chief shall review the fire services  
38 mobilization plan as submitted by the director of fire protection,  
39 recommend changes that may be necessary, and approve the fire

1 services mobilization plan for inclusion within the state  
2 comprehensive emergency management plan.

3 (2) It is the responsibility of the chief to mobilize  
4 jurisdictions under the Washington state fire services mobilization  
5 plan. The state fire marshal shall serve as the state fire resources  
6 coordinator when the Washington state fire services mobilization plan  
7 is mobilized.

8 **Sec. 312.** RCW 43.88.550 and 1989 c 362 s 3 are each amended to  
9 read as follows:

10 FIRE SUPPRESSION EXPENSES. (1) Based on schedules submitted by  
11 the director of financial management, the state treasurer shall  
12 transfer from the general fund—state, or such other funds as the  
13 state treasurer deems appropriate, to the Clarke-McNary fund such  
14 amounts as are necessary to meet unbudgeted forest firefighting  
15 expenses, including expenses incurred from the implementation of  
16 section 304 of this act.

17 (2) All amounts borrowed under the authority of this section  
18 shall be repaid to the appropriate fund, together with interest at a  
19 rate determined by the state treasurer to be equivalent to the return  
20 on investments of the state treasury during the period the amounts  
21 are borrowed.

22 NEW SECTION. **Sec. 313.** SURVEY TO IDENTIFY RESILIENCY TREATMENTS  
23 NEAR VULNERABLE COMMUNITIES. (1) Subject to the availability of  
24 amounts appropriated for this specific purpose, the department of  
25 natural resources must identify:

26 (a) Communities that are particularly vulnerable during the  
27 wildfire season; and

28 (b) Lands surrounding the communities identified in (a) of this  
29 subsection with forest health conditions that would benefit from  
30 forest health or resiliency treatment.

31 (2) By December 31, 2016, the department of natural resources  
32 must report to the legislature on its findings, including a list of  
33 the communities identified under subsection (1)(a) of this section,  
34 and a list of the lands identified under subsection (1)(b) of this  
35 section, organized according to the following elements:

36 (a) Whether the land is state land, under the department's fire  
37 protection, or all other land; and

1 (b) Within each category listed in (a) of this subsection, by the  
2 ease or level of investment needed to apply necessary forest health  
3 or resiliency treatment, including a description of which treatment  
4 or treatments are necessary and particular geographic or other  
5 challenges to treating a specific area, if any.

6 (3) The report required in subsection (2) of this section must  
7 include an actionable plan to treat all land identified under  
8 subsection (1)(b) of this section, including timelines, and identify  
9 additional actions that may be required prior to treatment, such as  
10 entering cost-sharing and landowner maintenance agreements with  
11 private landowners. The report must also include recommendations for  
12 additional resources or legislative action needed to complete forest  
13 health or resiliency treatments identified under subsection (2)(b) of  
14 this section. For efficiency, the department may include the report  
15 required in this section as part of the report on the forest health  
16 and wildfire management strategic plan, also due on December 31,  
17 2016, as required under section 202(3) of this act.

18 NEW SECTION. **Sec. 314.** WILDLAND URBAN INTERFACE CODE ADOPTION  
19 INCENTIVES. Subject to the availability of amounts appropriated for  
20 this specific purpose, by December 31, 2016, the department of  
21 natural resources must recommend to the appropriate committees of the  
22 legislature options to incentivize adoption of the International  
23 Wildland Urban Interface Code, published by the international code  
24 council, inc., particularly by counties at high risk during wildfire  
25 season. For efficiency, the department of natural resources may  
26 include the report required in this section as part of the report on  
27 the forest health and wildfire management strategic plan, also due on  
28 December 31, 2016, as required under section 202(3) of this act.

29 NEW SECTION. **Sec. 315.** EXPIRATION DATE. Sections 307 and 309 of  
30 this act expire July 1, 2019.

31 NEW SECTION. **Sec. 316.** EFFECTIVE DATE. Sections 308 and 310 of  
32 this act take effect July 1, 2019.

33 **PART 4**

34 **DEPARTMENT OF NATURAL RESOURCES PROGRAMS**

1        NEW SECTION.    **Sec. 401.**    A new section is added to chapter 76.04  
2    RCW to read as follows:

3        **PRESCRIBED BURN MANAGER CERTIFICATION PROGRAM CREATED.**    (1)  
4    Subject to the availability of amounts appropriated for this specific  
5    purpose, the department must create a prescribed burn manager  
6    certification program for those who practice prescribed burning in  
7    the state. The certification program must include training on all  
8    relevant aspects of prescribed fire in Washington including, but not  
9    limited to, the following: Legal requirements; safety; weather; fire  
10   behavior; smoke management; prescribed fire techniques; public  
11   relations; planning; and contingencies.

12        (2) The department may not require certification under the  
13   program created under subsection (1) of this section for burn permit  
14   approval under this chapter. Nothing in this section may be construed  
15   as creating a mandatory prescribed burn manager certification  
16   requirement to conduct prescribed burning in Washington.

17        (3) No civil or criminal liability may be imposed by any court on  
18   the state or its officers and employees, or a prescribed burn manager  
19   certified under the program created under subsection (1) of this  
20   section, for any direct or proximate adverse impacts resulting from a  
21   prescribed fire conducted under the provisions of this chapter except  
22   upon proof of gross negligence or willful or wanton misconduct.

23        (4) The department may adopt rules to create the prescribed burn  
24   manager certification program and to set periodic renewal criteria.  
25   The department may also adopt rules to establish a decertification  
26   process for certified prescribed burn managers who commit a violation  
27   under this chapter or rules adopted under this chapter. The  
28   department may, in its own discretion, develop an equivalency test  
29   for experienced prescribed burn managers.

30        NEW SECTION.    **Sec. 402.**    PUBLIC EDUCATION RELATED TO PROTECTING  
31   STRUCTURES FROM FIRE. (1) The legislature finds that the record 2015  
32   fire season saw over one million acres burned across the state. The  
33   legislature further finds that in addition to the devastating effect  
34   on our land and economy, wildfires destroyed four hundred ninety-nine  
35   structures, including three hundred seven primary residences, twenty-  
36   one commercial structures, and one hundred seventy-seven  
37   outbuildings. The legislature finds that the state must employ the  
38   best firefighting techniques, products, and technologies to prevent  
39   the unnecessary destruction of structures during future wildfire

1 incidents. Last, the legislature finds that educating home and  
2 business owners on how they may safely protect their structures from  
3 encroaching wildfire is in the best interest of the state and fire-  
4 prone communities.

5 (2)(a) Subject to the availability of amounts appropriated for  
6 this specific purpose, by July 1, 2016, the department of natural  
7 resources must create and distribute educational material regarding  
8 foams, gels, and other products designed to protect structures from  
9 encroaching wildfires by direct mailer to homeowners in communities  
10 located in fire-prone areas of the state. The department must also  
11 create and maintain a web page on its web site regarding the  
12 availability, benefits, and other information about foams, gels, and  
13 other products designed to protect structures from encroaching  
14 wildfires. The department may coordinate with other entities involved  
15 in fire suppression activities, including local fire districts, to  
16 carry out the activities required in this section.

17 (b) Nothing in this subsection creates or infers additional  
18 liability on the department or any other entity coordinating with the  
19 department to carry out this section. Nothing in this section  
20 prevents the department from omitting products the department  
21 determines are likely impractical for homeowners in the Washington  
22 fire landscape from educational materials or the web site required by  
23 this section. No educational material distributed or made available  
24 by the department may be construed as an endorsement of any product  
25 type or specific commercial product.

26 (3) Subject to the availability of amounts appropriated for this  
27 specific purpose, the department of natural resources must expand its  
28 programs to provide wildfire prevention education, community outreach  
29 programs, and technical assistance to landowners. The department of  
30 natural resources must also strive to ensure landowner compliance  
31 with grant and contract requirements with respect to forest health,  
32 resiliency, or fuels reduction treatments, burn permit conditions,  
33 and industrial fire precaution levels.

34 NEW SECTION. **Sec. 403.** FOREST RESILIENCY BURNING PILOT PROJECT  
35 CREATED. (1) Subject to the availability of amounts appropriated for  
36 this specific purpose, the department of natural resources must  
37 conduct a forest resiliency burning pilot project. The goal of the  
38 pilot project is to monitor and evaluate the benefits of forest  
39 resiliency burning and the impacts on ambient air quality. The

1 department of natural resources is responsible for establishing the  
2 processes and procedures necessary to administer the pilot project,  
3 including the review and approval of qualifying forest resiliency  
4 burning proposals. The department of natural resources may consider  
5 forest resiliency burning proposals that include treatments to reduce  
6 fuel loads prior to burning, including the thinning of forest stands  
7 and grazing to clear brush.

8 (2)(a) The department of natural resources must, as the primary  
9 focus of the pilot project, arrange with interested third parties to  
10 perform forest resiliency burning on land prone to forest or wildland  
11 fires in coordination with the following forest health collaboratives  
12 as recognized by the United States forest service:

- 13 (i) North Central Washington forest health collaborative;
- 14 (ii) Northeast Washington forestry collaborative; and
- 15 (iii) Tapash sustainable forest collaborative.

16 (b) The department of natural resources must also coordinate with  
17 at least one organized group of public agencies and interested  
18 stakeholders whose purpose is to protect, conserve, and expand the  
19 safe and responsible use of prescribed fire on the Washington  
20 landscape.

21 (3)(a) The department of natural resources must, as part of the  
22 pilot project, approve single day or multiple day forest resiliency  
23 burns if the burning is unlikely to significantly contribute to an  
24 exceedance of air quality standards established by chapter 70.94 RCW.  
25 Once approved, forest resiliency burns spanning multiple days may  
26 only be revoked or postponed midway through the duration of the  
27 approved burn if necessary for the safety of adjacent property or  
28 upon a determination by the department of natural resources or the  
29 department of ecology that the burn has significantly contributed to  
30 an exceedance of air quality standards under chapter 70.94 RCW.

31 (b) The department of natural resources must approve burns at  
32 least twenty-four hours prior to ignition of the fire.

33 (4) Forest resiliency burning, when conducted under the pilot  
34 project authorized by this section, is not subject to the outdoor  
35 burning restrictions in RCW 70.94.6512(2) and 70.94.6514.

36 (5) The implementation of the pilot project authorized in this  
37 section is not:

38 (a) Intended to require the department of natural resources to  
39 update the smoke management plan defined in RCW 70.94.6536. However,  
40 information obtained through the pilot project's implementation may

1 be used to inform any future updates to the smoke management plan;  
2 and

3 (b) Subject to the provisions of chapter 43.21C RCW.

4 (6) Forest resiliency burning, and the implementation of the  
5 pilot project authorized in this section, must not be conducted at a  
6 scale that would require a revision to the state implementation plan  
7 under the federal clean air act.

8 (7) By December 31, 2017, the department of natural resources  
9 must submit a report to the legislature, consistent with RCW  
10 43.01.036. The report must include information and analyses regarding  
11 the following elements:

12 (a) The amount of forest resiliency burns proposed, approved, and  
13 conducted;

14 (b) Air pollution levels in areas where forest resiliency burns  
15 have been approved, both before and after the burn;

16 (c) The quantity and severity of air quality exceedances by  
17 pollutant type;

18 (d) A comparative analysis between the predicted smoke conditions  
19 and the actual smoke conditions observed on location by qualified  
20 meteorological personnel or trained prescribed burning professionals  
21 during the forest resiliency burn; and

22 (e) Recommendations relating to continuing or expanding forest  
23 resiliency burning and creating forest resiliency burning as a new  
24 type of outdoor burning permitted by the department of natural  
25 resources.

26 (8) The report to the legislature required by this section may  
27 include recommendations for the updating of the smoke management plan  
28 defined in RCW 70.94.6536. For efficiency, the department of natural  
29 resources may include the report required in this section as part of  
30 the report on the smoke management plan update, also due on December  
31 31, 2017, as required under RCW 70.94.6536(3).

32 (9) For the purposes of this section, "forest resiliency burning"  
33 means silvicultural burning carried out under the supervision of  
34 qualified silvicultural, ecological, or fire management professionals  
35 and used to improve fire dependent ecosystems, mitigate wildfire  
36 potential, decrease forest susceptibility to forest insect or disease  
37 as defined in RCW 76.06.020, or otherwise enhance forest resiliency  
38 to fire.

39 (10) This section expires July 1, 2018.



