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**SUBSTITUTE HOUSE BILL 1498**

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**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)

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

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 and tribal fire department with  
8 jurisdiction over wildland fires is tasked with making rapid  
9 decisions, especially during the summer months when weather  
10 conditions can cause fires to rapidly enlarge. Flashy fuels,  
11 especially during times of low humidity, can be ignited by a single  
12 spark and erupt into a rapidly moving incident that can quickly  
13 destroy rangelands, ripe dryland crops, and timberlands.

14 (2) Local and tribal fire departments need immediate access to  
15 local aviation resources that are certified to fly and drop fire  
16 retardants and water to suppress or extinguish wildland fires  
17 quickly. The use of aviation assets has proven to be a valuable tool  
18 to prevent many wildland fires from growing large and requiring the  
19 response of state mobilization and prevent the deployment of state  
20 and federal fire 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 and tribal fire departments that use aviation  
5 assets on initial attack can prevent most fires from requiring a  
6 state mobilization. Providing financial assurances for local and  
7 tribal fire departments to deploy aviation assets will provide  
8 greater protection to our state's natural resources, air quality, and  
9 communities.

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

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

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

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

38 (a) The dollar value of funding utilized by local and tribal fire  
39 departments for initial attack aviation during the year;

1 (b) The specific local and tribal fire departments that utilized  
2 this funding during the year;

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

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

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

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

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

22 (2) The department may use suppression funding to assist local or  
23 tribal fire departments with initial attacks that meet the following  
24 requirements:

25 (a) The local or tribal fire department must have entered into a  
26 response agreement with the department;

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

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

1        NEW SECTION.    **Sec. 4.**    (1) The department of natural resources  
2 shall convene a work group composed of wildfire aviation subject  
3 matter experts, wildfire aviation contractors, fire service  
4 representatives, wildland fire management staff, and other partners  
5 to develop a state certification program for aircraft and pilots used  
6 in wildfire suppression.

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

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