



# PREPROPOSAL STATEMENT OF INQUIRY

## CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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FILED

DATE: November 05, 2025

TIME: 9:39 AM

WSR 25-22-101

**Agency:** WA Department of Natural Resources

**Subject of possible rule making:** Revising WAC 332-24-005 and adding a new section to 332-24 between 332-24-600 and 332-24-650, which will contain rules governing the Prescribed Fire Claims Fund Pilot created by the legislature in E2SHB 1563 (2025). This legislation establishes a claims fund, to be administered by the Department of Enterprise Services (DES) to which harmed party can submit a claim in the event their property or livelihood is damaged by an escaped prescribed fire which was conducted under a burn plan approved by a Certified Burn Manager on Department protected lands, or from a cultural burn conducted on tribal lands by a cultural fire practitioner in accordance with all applicable burn plans and permits. Given the existing rules in the WAC related to prescribed fire govern burning on lands under the protection of WA State Department of Natural Resources (DNR), DNR is providing the notice of intent to develop the new rule in consultation with DES.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 76.04.196(5)(b), RCW 34.05.328

**Reasons why rules on this subject may be needed and what they might accomplish:** The legislature does not require rulemaking in the enacting statute; however, the legislation does state, "the office of risk management and the department may adopt rules to implement this section." Expanding the use of prescribed fire is a high priority for DNR and many of our partners who are engaged in forest management and reducing wildfire risk. Because the use of prescribed fire exposes DNR and partners to significant liability, which the claims fund may ameliorate, it is in the best interest of the public and DNR to adopt clear and rational rules and guidelines reached by a transparent process to ensure that we can be fair and objective in our evaluation of claims and disbursement of funds.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** DNR and DES are working collaboratively on this rulemaking, as we are both named parties in the enacting legislation. Moreover, we are closely engaged with the Washington Prescribed Fire Council and affected non-profits and prescribed fire practitioners in the development of these rules. DNR is actively pursuing and welcomes engagement with Tribal governments, and plans to continue to facilitate robust discussion with interested parties to build support and determine the scope and contours of the new rule.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Significant Legislative Rule

**Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:**

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Additional comments:

<b>Date:</b> 11/3/2025	<b>Signature:</b>  Place signature here
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