

SENATE BILL REPORT

SB 5215

As of February 16, 2005

Title: An act relating to waters of the state to fight forest and range fires.

Brief Description: Allowing the use of waters of the state to fight forest and range fires.

Sponsors: Senators Morton, Brandland, Hewitt, Benson, Carrell, Stevens, Mulliken, Fraser, Regala, Sheldon, Roach and Rockefeller.

Brief History:

Committee Activity: Water, Energy & Environment: 2/3/05.

SENATE COMMITTEE ON WATER, ENERGY & ENVIRONMENT

Staff: Margaret King (786-7416)

Background: Washington's Water Code requires "all waters within the state" and "any right thereto, or to the use thereof, shall be acquired only by appropriation for a beneficial use" pursuant to a permit-based system "and not otherwise." There is no statutory exemption that allows the use of public waters to fight forest fires, range fires, or fires of a similar nature without receiving approval or going through the water permit process.

Summary of Proposed Substitute Bill: New provisions are added to the water code and the forest protection code that allows all lakes, rivers, ponds, streams, inland waters, underground waters, salt waters and all other surface waters and watercourses in the state to be available for the fighting of forest fires, range fires or fires of a similar nature. State agencies and local governments cannot require prior approval or condition such use and must inform those involved with fire suppression of the ability to utilize such public waters.

Proposed Substitute Bill Compared to Original Bill: The original bill was not considered.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: Provides more certainty of water sources for fighting forest fires.

Testimony Against: None

Concerns: This bill should not be used for preemptive fire suppression only for emergency fire fighting.

Who Testified: PRO: Senator Morton, prime sponsor; Mark Kahley, DNR; Carl Samuelson, WDFW; Jack Field, WA Cattlemen's Assn. CONCERNS: Josh Baldi, WA Environmental Council; Comment: Kathleen Collins, Washington Water Policy Alliance.