

# FINAL BILL REPORT

## ESHB 2925

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Synopsis as Enacted

**Brief Description:** Concerning accessing land during a fire suppression response for the purpose of protecting livestock from a wildland fire.

**Sponsors:** House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Dent, Blake, McCabe, Schmick, Chandler, Short, Griffey, Johnson, Dye, Haler and Springer).

**House Committee on Agriculture & Natural Resources**  
**Senate Committee on Natural Resources & Parks**

#### **Background:**

The Department of Natural Resources (DNR) is the state agency with the direct charge and responsibility over all matters pertaining to forest fire services in the state. The DNR appoints trained personnel in order to carry out the DNR's duties and is obligated to employ sufficient numbers of personnel to extinguish or prevent the spreading of any fire that may be in danger of damaging or destroying any timber or other property of the DNR.

Also, when in the state's best interest and for the purposes of forest firefighting and patrol, the DNR may cooperate with any agency of another state, the United States or a federal agency, and any county, town, corporation, person, or native American tribe. Further, the DNR may contract and enter agreements with private corporations for the protection and development of the forest lands within the state.

Certain public land managers in the state are authorized to lease land for the purpose of grazing livestock. Agencies with active grazing leases in Washington include the United States Forest Service, the Bureau of Land Management, the Washington State Department of Fish and Wildlife, and the DNR. The DNR may enter into grazing leases on state lands in time increments up to 10 years and charge fees based on a formula that considers the animal units-per-month grazing under the lease. According to the DNR, approximately 1.1 million acres of state land is leased for either grazing or agriculture.

#### **Summary:**

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

The DNR must make every reasonable effort to accommodate a livestock owner's request to retrieve or care for animals in his or her charge that are at risk due to a wildfire. A livestock owner, or an owner's employee or agent, may only be prohibited from accessing public lands for the purpose of retrieving or caring for livestock during a fire suppression response if the access denial is reasonably necessary to prevent interference with a direct, active fire response.

Any person accessing public lands to retrieve or care for livestock during a fire assumes full liability for himself or herself and any employees or agents in his or her charge. No civil liability may be imposed on the DNR or any other subdivision of the state for any direct or indirect impacts resulting from the retrieval of livestock or the DNR's accommodation of access. This civil liability immunity extends to injury and death.

The DNR must include an explanation of the right to access public lands during a fire response and the corresponding assumption of liability in all grazing leases. The DNR must also incorporate livestock retrieval into any training or coordination it conducts in communities that have active grazing areas.

**Votes on Final Passage:**

House	97	1
Senate	47	0

**Effective:** June 9, 2016