

SENATE BILL REPORT

ESHB 2925

As Reported by Senate Committee On:
Natural Resources & Parks, February 24, 2016

Title: An act relating to accessing land during a fire suppression response for the purpose of protecting livestock from a wildland fire.

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).

Brief History: Passed House: 2/17/16, 97-1.

Committee Activity: Natural Resources & Parks: 2/24/16, 2/24/16 [DP].

SENATE COMMITTEE ON NATURAL RESOURCES & PARKS

Majority Report: Do pass.

Signed by Senators Pearson, Chair; Dansel, Vice Chair; Jayapal, Ranking Member; Chase, Fraser, Hewitt and Warnick.

Staff: Bonnie Kim (786-7316)

Background: Wildland Firefighting. The Department of Natural Resources (DNR) is the agency with the direct charge and responsibility over all matters pertaining to forest fire services in the state.

When in the state's best interest and for the purposes of forest firefighting and patrol, 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.

Grazing Leases. 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 DNR, the United States Forest Service, the Bureau of Land Management, and the Washington State Department of Fish and Wildlife. DNR may enter into grazing leases on

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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 of Bill: 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 with qualified animal handling experience, 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 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 DNR or any other subdivision of the state for any direct or indirect impacts, including injury or death, resulting from the retrieval of livestock.

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. DNR must also incorporate livestock retrieval into any training or coordination it conducts in communities that have active grazing areas.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: This bill has big ramifications to the livestock industry. Everybody is accessing these lands during wildfire anyway and we would like to avoid arrests and other prohibitive consequences in the future. As part of good husbandry, I have to take care of my animals. We run about 700 Angus cows on national forest and DNR lands and were blocked from access. We ended up taking back roads and got to our animals but would have lost over 500 head if we had not.

Persons Testifying: PRO: Representative Dent, Prime Sponsor; Scott Vejraska, Rancher.

Persons Signed In To Testify But Not Testifying: No one.