

# HOUSE BILL REPORT

## SHB 2561

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### As Passed Legislature

**Title:** An act relating to temporary duties for the wildland fire advisory committee.

**Brief Description:** Concerning temporary duties for the wildland fire advisory committee.

**Sponsors:** House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Dent, Blake, Dye, Doglio, Johnson, Peterson and Eslick).

### Brief History:

#### Committee Activity:

Agriculture & Natural Resources: 1/25/18, 2/1/18 [DPS];

Appropriations: 2/5/18, 2/6/18 [DPS(AGNR)].

#### Floor Activity:

Passed House: 2/13/18, 98-0.

Senate Amended.

Passed Senate: 3/2/18, 48-0.

House Concurred.

Passed House: 3/5/18, 98-0.

Passed Legislature.

### Brief Summary of Substitute Bill

- Requires the Wildland Fire Advisory Committee (Advisory Committee) to review and make recommendations on aspects related to wildfire preparedness and prevention by November 15, 2019.
- Requires the Department of Natural Resources to provide a status report of the Advisory Committee review by December 31, 2018.

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### HOUSE COMMITTEE ON AGRICULTURE & NATURAL RESOURCES

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Blake, Chair; Chapman, Vice Chair; Buys, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chandler, Fitzgibbon, Kretz, Lytton, Orcutt, Pettigrew, Robinson, Schmick, Springer, Stanford and Walsh.

**Staff:** Rebecca Lewis (786-7339).

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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.*

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## HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** The substitute bill by Committee on Agriculture & Natural Resources be substituted therefor and the substitute bill do pass. Signed by 33 members: Representatives Ormsby, Chair; Robinson, Vice Chair; Chandler, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Stokesbary, Assistant Ranking Minority Member; Bergquist, Buys, Caldier, Cody, Condotta, Fitzgibbon, Graves, Haler, Hansen, Harris, Hudgins, Jinkins, Kagi, Lytton, Manweller, Pettigrew, Pollet, Sawyer, Schmick, Senn, Springer, Stanford, Sullivan, Taylor, Tharinger, Vick, Volz and Wilcox.

**Staff:** Dan Jones (786-7118).

### **Background:**

#### Wildland Fire Advisory Committee.

The Wildland Fire Advisory Committee (Advisory Committee) was created in 2015. The Advisory Committee advises the Commissioner of Public Lands (Commissioner) on all matters related to wildland firefighting in the state. This includes developing strategies to enhance the safe and effective use of private and public wildland firefighting resources.

The Commissioner may appoint members as the Commissioner determines is most helpful. However, the Commissioner is required to invite at least the following people:

- the local wildland fire liaison appointed by the Commissioner;
- two county commissioners: one from east of the crest of the Cascade Mountains and one from west of the crest of the Cascade Mountains;
- two owners of industrial land: one owner of timberland, and one owner of rangeland;
- the State Fire Marshal or a representative of the State Fire Marshal's Office;
- two individuals with the title of Fire Chief: one from a community located east of the crest of the Cascade Mountains and one from a community located west of the crest of the Cascade Mountains;
- one individual with the title of fire commissioner;
- one small forest landowner; and
- one representative from each of the following: (1) a federal wildland firefighting agency; (2) a tribal nation; (3) a statewide environmental organization; and (4) a state land trust beneficiary.

#### Fire Protection Authority.

State law authorizes the creation of several types of fire protection and emergency service providers to address the varying needs of cities, towns, and counties as determined by demographic factors, geography, and other regional differences. Fire protection providers are not obligated to provide firefighting services to land outside their jurisdiction. The primary types of fire protection service providers include: city or town fire departments; fire protection districts; regional fire protection service authorities; and the Department of Natural Resources (Department). The Department has direct charge and responsibility over all matters relating to forest fire services in the state. Landowners and people engaged in activity on land who have knowledge of a wildland fire must make every reasonable effort to suppress any on their land. That duty applies regardless of the origin or spread of the fire. If a person does not suppress a wildland fire, the Department must suppress it. In 2017 the

Joint Legislative Audit and Review Committee (JLARC) issued a report analyzing fees assessed for forest protection. As a part of the analysis, JLARC compiled county-level parcel data including taxable value, fire district, and whether or not the parcel is subject to the state Forest Fire Protection Assessment.

**Summary of Substitute Bill:**

Subject to appropriation, the Commissioner must direct the Advisory Committee to study and provide recommendations on several aspects of wildfire prevention and preparedness. The Department must provide a status report of this review to the appropriate committees of the Legislature by December 31, 2018 and the final report is due November 15, 2019. In the report, the Advisory Committee must: (1) quantify, with the assistance of Department personnel, the areas in the state that are not contained within an established fire district or are not subject to a planned fire response. In quantifying areas of the state not contained within an established fire district or subject to a planned fire response, the Advisory Committee must review recommendations contained in the 2017 JLARC report on fees assessed for forest fire protection, and consult with other relevant stakeholders that are not represented on the Advisory Committee; (2) examine the value of community programs that educate homeowners and engage in preventative projects in areas where there is a wildfire risk; and (3) establish plans to help protect non-English speaking residents during wildfire emergencies.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony (Agriculture & Natural Resources):**

(In support) Time was spent over the interim meeting with a variety of constituents involved in fire response, including fire chiefs. In that process, four areas were identified with the potential to improve wildfire response, including initial attack, which is a priority among fire chiefs. Those areas are reflected in the bill. The prime sponsor is working with the Department to find an approach that will be effective but more efficient.

The community programs element of the bill is very important. Kittitas County is one of the fastest growing counties in the nation. Only about 25 percent of land in the county is available for development. As a result, there is a great deal of pressure put on rural lands, including wildland-urban interface areas. The county has been aggressive in regulating development in those areas to reduce wildfire risk. Five major fires in the last six years have occurred in Kittitas County. The county has many fire adapted communities and Firewise communities. Having more fire adapted communities results in lower costs to fight fires and can avoid putting firefighters in harm's way, potentially saving lives. More resources would help Firewise communities who struggle to keep equipment up to date and defensible space clear. The Nature Conservancy has been working on this issue for over 10 years and considers successful wildfire prevention and management to be a three-legged stool that

includes initial attack, forest health, community preparedness. The Nature Conservancy has been on the Advisory Committee since its inception. The Washington Forest Protection Association is supportive of anything that supports the Advisory Committee. The work of the Advisory Committee can supplement the DNR's activities. The original scope of work of the Advisory Committee is wrapping up, but it is good to keep giving them more direction. Any new directives should be within the scope of Advisory Committee.

(Opposed) None.

(Other) There is a need to update wildfire response. There is a Senate bill that creates a legislative task force to study improved wildfire response. The Department plans to review the wildfire response strategic plan. Some of the areas the bill addresses will be reviewed in that process. There is discussion about whether or not the Advisory Committee is the most appropriate entity to do this work.

**Staff Summary of Public Testimony (Appropriations):**

(In support) By adding additional duties to the Advisory Committee, this bill could lead to improvements in fighting or preventing fires in a couple of areas. First, the bill could lead to improvements or additional funding ideas for Firewise and similar fire prevention programs. Second, the bill will have the Advisory Committee look at "no man's land" outside of fire districts. If a way could be found to get first responders to "no man's land" fires before they spread, a lot of money could be saved.

(Opposed) None.

**Persons Testifying (Agriculture & Natural Resources):** (In support) Representative Dent, prime sponsor; Paul Jewell, Kittitas County; Tom Bugert, The Nature Conservancy; and Jason Callahan, Washington Forest Protection Association

(Other) Michael White, Washington State Council of Fire Fighters; and Dave Warren, Department of Natural Resources

**Persons Testifying (Appropriations):** Representative Dent, prime sponsor.

**Persons Signed In To Testify But Not Testifying (Agriculture & Natural Resources):** None.

**Persons Signed In To Testify But Not Testifying (Appropriations):** None.