
**Agriculture & Natural Resources
Committee**

HB 2562

Brief Description: Concerning rangeland fire protection associations.

Sponsors: Representatives Dent, Blake, Dye, Doglio, Johnson and Peterson.

Brief Summary of Bill

- Authorizes the creation of rangeland fire protection associations.
- Establishes criteria for the formation, operation, and membership of rangeland fire protection associations.
- Requires the Department of Natural Resources (DNR) to assist rangeland fire protection associations, to the extent practicable, in procuring funding, equipment, and training.
- Establishes requirements for the DNR and other fire protection agencies related to cooperation with fire protection associations.

Hearing Date: 1/25/18

Staff: Robert Hatfield (786-7117).

Background:

Department of Natural Resources Firefighting Authority and Responsibility.

The Department of Natural Resources (DNR) has direct charge and responsibility over all matters relating to forest fire services in the state. The Department must enter into preemptive agreements with landowners who have equipment or capabilities that may be used in wildland fire suppression efforts, and conduct basic incident command system and wildfire training to landowners with firefighting capability.

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.

When in the state's best interest and for the purposes of forest firefighting and patrol, the Department may cooperate with any agency of another state, the United States or a federal agency, or any county, town, corporation, person, or Indian tribe. Furthermore, the DNR may contract and enter into agreements with private corporations, including wildland fire suppression contractors, for the protection and development of the forestlands within the state.

Board of Natural Resources.

The Board of Natural Resources (Board) sets policies to guide the DNR's management of the state's lands and resources. Created in 1957, the Board was formed with the DNR and has several responsibilities:

- (1) approve or disapprove trust land timber and mineral sales;
- (2) establish the sustainable harvest level for forested trust lands;
- (3) approve or disapprove sales or exchanges of trust lands; and
- (4) guide the DNR's stewardship of state Natural Area Preserves, Natural Resources Conservation Areas, and aquatic or submerged lands.

Local Wildland Fire Liaison.

A local wildland fire liaison appointed by the Commissioner of Public Lands (Commissioner) chairs the Wildland Fire Advisory Committee. The purpose of the Committee is to advise the Commissioner on all matters related to wildland firefighting in the state. The local wildland fire liaison reports directly to the Commissioner and generally represents the interests and concerns of landowners and the public during the DNR's fire suppression activities.

State Fire Service Mobilization.

When a local jurisdiction needs assistance beyond the capabilities of local resources and mutual agreements, a request is made for state mobilization. A "mobilization" is defined to mean that resources beyond those available through existing agreements will be requested and, when available, sent in response to an emergency or disaster situation that has exceeded the capabilities of available local resources. During a large scale emergency, mobilization includes the redistribution of regional or statewide firefighting resources to either direct emergency incident assignments or to an assignment in communities where firefighting resources are needed.

The Chief of the Washington State Patrol (WSP) has the authority to mobilize jurisdictions under the Washington State Fire Services Mobilization Plan. The State Fire Marshal in the WSP serves as the state fire resources coordinator when a state mobilization plan is mobilized.

When a mobilization is declared by the Chief of the WSP, all firefighting resources including those of the host fire protection authorities, are deemed mobilized. All non-host fire protection authorities providing firefighting resources in response to a mobilization declaration are eligible for expense reimbursement from the time of the mobilization declaration.

Firefighting Services for Unprotected Lands.

Fire protection agencies are not obligated to provide firefighting services to unprotected land, which is defined as improved property located outside the jurisdiction of a fire protection service agency. A fire protection service agency is defined as a public entity responsible for the provision of firefighting services, including, among others, fire protection districts, regional fire protection service authorities, and the DNR. If firefighting services are provided to unprotected land and the property owners have not formed or annexed into a fire protection jurisdiction or

contracted with a fire protection agency for firefighting services, the property owners must reimburse the agency initiating firefighting services on unprotected land for actual costs that are incurred which must be proportionate to the fire itself.

Summary of Bill:

Rangeland Fire Protection Association - Definition.

A rangeland fire protection association is defined as a nonprofit or unincorporated association formed for any lawful purpose that includes the detection, prevention, and suppression of wildfires outside the jurisdiction of a local or regional fire protection agency.

Rangeland Fire Protection Association - Formation.

Persons engaged in the detection, prevention, and suppression of wildfires outside the jurisdiction of a local or regional fire protection agency may join together as rangeland fire protection associations. Such an association must include in its name the term "rangeland fire protection association" and may be structured as a nonprofit association or as an unincorporated association.

A rangeland fire protection association must identify the physical boundaries within which it will operate, and it must carry liability insurance.

A person need not be a member of a rangeland fire protection association in order to suppress a fire occurring on or threatening the person's property.

Rangeland Fire Protection Association - Membership.

A member of a rangeland fire protection association must be 18 years of age or older, must use personal protective equipment that meets certain published standards, and must have achieved a basic level of wildland fire training.

Board of Natural Resources - Limitations on Authority.

The Board of Natural Resources may not adopt or enforce administrative rules regulating rangeland fire protection associations.

Department of Natural Resources - Duties.

The Department of Natural Resources (DNR) must cooperate with any rangeland fire protection association whenever the DNR is engaged in wildfire prevention or suppression activities within the boundaries of a rangeland fire protection association that has notified the DNR of its boundaries.

The DNR may enter into an agreement with a rangeland fire protection association for the detection, prevention, or suppression of fires. The DNR may verify, for any rangeland fire protection association with which the DNR enters into such an agreement, certain information, including: the governance and legal status of the rangeland fire protection association; the adequacy of the rangeland fire protection association's liability insurance; and the training status of the members of the rangeland fire protection association.

The DNR must assist, to the extent practicable, a rangeland fire protection association with which it has signed an agreement in procuring funding, equipment, and training for the rangeland fire protection association.

The DNR, when it considers it to be in the best interest of the state, may cooperate with a rangeland fire protection association in forest firefighting and patrol. The DNR may also enter into a contract with a rangeland fire protection association to provide fire detection, prevention, presuppression, or suppression services on certain property.

The DNR must provide timely advance notice of DNR wildfire fighting training to rangeland fire protection associations known to the DNR, and must provide such training in several locations that are reasonably convenient for rangeland fire protection association members.

State Fire Service Mobilization.

The definition of firefighting resources that may be mobilized in response to an emergency or disaster situation that has exceeded the capabilities of available local resources is expanded to include rangeland fire protection associations. Rangeland fire protection associations are limited to providing services and resources within each association's boundaries.

Firefighting Services on Unprotected Lands.

A fire protection service agency that fights a fire on unprotected land outside of its fire protection jurisdiction must cooperate with a rangeland fire protection association when the fire protection service agency is operating within the boundaries of that rangeland fire protection association. A fire protection service agency may execute a cooperative agreement with a rangeland fire protection association to facilitate the detection, prevention, and suppression of fire.

Appropriation: None.

Fiscal Note: Requested on January 22, 2018.

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