

HOUSE BILL REPORT

HB 2562

As Reported by House Committee On:
Agriculture & Natural Resources

Title: An act relating to rangeland fire protection associations.

Brief Description: Concerning rangeland fire protection associations.

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

Brief History:

Committee Activity:

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

Brief Summary of Substitute 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.
- Rangeland fire protection associations may be mobilized as part of a state fire service mobilization, but only within the geographic boundaries of the rangeland fire protection association.

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: Robert Hatfield (786-7117).

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.

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 DNR must enter into preemptive agreements with landowners who have equipment or capabilities that may be used in wildland fire suppression efforts, and must conduct basic incident command system and wildfire training to landowners with firefighting capability.

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, 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 (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 activated.

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 service 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 Substitute Bill:

Rangeland Fire Protection Association – Definition.

A rangeland fire protection association (RFPA) 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 an RFPA. 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.

An RFPA must identify the physical boundaries within which it will operate, and it must carry liability insurance.

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

Rangeland Fire Protection Association – Membership.

A member of an RFPA must:

- be 18 years of age or older;
- use and maintain personal protective equipment that meets certain published standards while engaged in fire suppression activities; and
- have achieved a basic level of wildland fire training.

The recommended training for an RFPA member is training that achieves the level of Wildland Firefighter 2, as specified in the published standards of the National Wildfire Coordinating Group.

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 provide information to an RFPA concerning the DNR's wildfire detection, prevention, and suppression activities taking place within the boundaries of the RFPA.

The DNR may enter into an agreement with an RFPA for the detection, prevention, or suppression of fires. The DNR may negotiate the form and content of the written agreement with an RFPA and may determine the safety, administrative, and training requirements that must be met in order for the RFPA to enter into a written agreement.

The DNR must cooperate with any RFPA operating within the DNR's jurisdiction concerning the DNR's wildfire detection, prevention, and suppression activities, either consistent with any written agreement the DNR may have with the RFPA or in a manner that the DNR will use RFPA members and resources to facilitate efforts of wildfire suppression as practicable to the situation.

The DNR must assist, to the extent practicable, an RFPA 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 an RFPA in forest firefighting and patrol. The DNR may also enter into a contract with an RFPA 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 an RFPA 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 RFPAs. Rangeland fire protection associations are limited to providing services and resources within each association's boundaries.

Firefighting Services on Unprotected Lands.

Fire protection service agencies and fire protection jurisdictions are required to provide certain information to an RFPA concerning the fire protection service agency's or the fire protection jurisdiction's wildfire detection, prevention, and suppression activities taking place within the boundaries of an RFPA if the RFPA has notified the fire protection service agency or fire protection jurisdiction of its boundaries.

Fire protection service agencies and fire protection jurisdictions are authorized to negotiate the form and content of written agreements with an RFPA, and to determine the safety, administrative, and training requirements that must be met in order for the RFPA to enter into a written agreement.

Fire protection service agencies and fire protection jurisdictions must cooperate with any RFPA operating within the fire protection service agency's or fire protection jurisdiction's area of concern concerning the fire protection service agency's or fire protection jurisdiction's wildfire detection, prevention, and suppression activities, either consistent with any written agreement the fire protection service agency or fire protection jurisdiction may have with the RFPA or in a manner that the fire protection service agency or fire protection jurisdiction will use RFPA members and resources to facilitate efforts of wildfire suppression as practicable to the situation.

Substitute Bill Compared to Original Bill:

Requirements for members of rangeland fire protection associations (RFPAs) are modified to include specifying that the recommended level of training for an RFPA member is training that achieves the level of Wildland Firefighter 2, as specified in the published standards of the National Wildfire Coordinating Group.

The Department of Natural Resources's (DNR) duty to provide information to an RFPA concerning the DNR's wildfire detection, prevention, and suppression activities taking place within the boundaries of an RFPA applies only if the RFPA has notified the DNR of its boundaries.

The DNR is required to cooperate with any RFPA operating within the DNR's jurisdiction concerning the DNR's wildfire detection, prevention, and suppression activities, either consistent with any written agreement the DNR may have with the RFPA or in a manner that the DNR will use RFPA members and resources to facilitate efforts of wildfire suppression as practicable to the situation.

The DNR is authorized to negotiate the form and content of the written agreement with an RFPA, and to determine the safety, administrative, and training requirements that must be met in order for the RFPA to enter into a written agreement.

Fire protection service agencies and fire protection jurisdictions are required to provide certain information to an RFPA concerning the fire protection service agency's or the fire protection jurisdiction's wildfire detection, prevention, and suppression activities taking place within the boundaries of an RFPA if the RFPA has notified the fire protection service agency or fire protection jurisdiction of its boundaries.

Fire protection service agencies and fire protection jurisdictions are authorized to enter into agreements for the detection, prevention, or suppression of fires with an RFPA.

Fire protection service agencies and fire protection jurisdictions are authorized to negotiate the form and content of the written agreement with an RFPA and to determine the safety,

administrative, and training requirements that must be met in order for the RFPA to enter into a written agreement.

Fire protection service agencies and fire protection jurisdictions are required to cooperate with any RFPA operating within the fire protection service agency's or the fire protection jurisdiction's area of responsibility concerning the fire protection service agency's or the fire protection jurisdiction's wildfire detection, prevention, and suppression activities, either consistent with any written agreement the fire protection service agency or fire protection jurisdiction may have with the RFPA or in a manner that the fire protection service agency or fire protection jurisdiction will use RFPA members and resources to facilitate efforts of wildfire suppression as practicable to the situation.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: This bill takes effect 90 days after adjournment of the session in which the bill is passed, except for section 9, relating to state fire service mobilization, which takes effect July 1, 2019.

Staff Summary of Public Testimony:

(In support) Rangeland fire protection associations (RFPAs) have been very successful in Idaho and Oregon. Initial attack is critical, and this bill would support the people who are out on the ground already in assisting in providing that initial attack. The RFPA model is also helpful in facilitating and strengthening relationships between landowners and agencies. It is important to address training standards in the bill.

It is also important to specify how and when RFPA members would come under the incident command structure for a wildfire. There is strong support for this bill.

The recent Palisades fire burned 5,500 of a 6,000 acre ranch. The fire started as a small grass fire and could have been stopped at that level because firefighters were there. Ultimately the ranch lost 16 miles of fence and, ultimately, the fire burned 36,000 acres. The state has no plan for what to do on the no-man's land that is not within a fire protection district. The Bureau of Land Management is willing to assist in setting up an RFPA. If people had training and equipment, they could be part of the initial attack. Critical endangered species habitat has been burned as a result of fires.

Invasive species often come in after wildfires. Protection of rangelands is sometimes a low priority, even though it is ecologically very valuable habitat, both for wildlife and for livestock. The RFPA model empowers landowners to assist in an active, meaningful way. Over 20 million acres of land have been protected in other states through RFPAs.

(Opposed) There are concerns regarding the level of training for RFPAs. It makes sense to have a system of fire protection in place. There is already a structure in place to provide that

kind of fire protection through fire districts. Fire protection districts are the best place for this kind of fire protection to happen. A structured fire protection jurisdiction can provide proper training. There are over 400 individual fire departments in Washington. A fire district provides a level of accountability through its elected board.

(Other) There is agreement that if a fire starts, it should be put out. The first principle in firefighting is safety. It is important to make sure that everyone doing the type of work for which the red card level of training is required is actually trained to the red card standard. After initial attack occurs, it is important that everybody fighting a fire have the proper levels of training.

Persons Testifying: (In support) Representative Dent, prime sponsor; Paula Swedeen, Conservation Northwest; Trina Bayard, Audubon Washington; Tom Bugert, The Nature Conservatory; and Dave Warren, Department of Natural Resources.

(Opposed) Michael White, Washington State Council of Fire Fighters.

(Other) Seamus Petrie, Washington Public Employees Association.

Persons Signed In To Testify But Not Testifying: None.