

HOUSE BILL REPORT

HB 1188

As Reported by House Committee On:
Rural Development, Agriculture, & Natural Resources

Title: An act relating to rangeland fire protection associations.

Brief Description: Concerning rangeland fire protection associations.

Sponsors: Representatives Dent, Blake and Schmick.

Brief History:

Committee Activity:

Rural Development, Agriculture, & Natural Resources: 1/23/19, 2/15/19 [DPS].

Brief Summary of Substitute Bill

- Authorizes the creation of Rangeland Fire Protection Associations (RFPAs).
- Establishes criteria for the formation, operation, and membership of RFPAs.
- Requires the Department of Natural Resources (DNR) to provide certain information to RFPAs concerning the DNR's wildfire detection, prevention, and suppression activities.
- Authorizes both the DNR and fire protection service agencies to enter into agreements with RFPAs for the detection, prevention, or suppression of wildfires.
- Directs the DNR to assist RFPAs, to the extent practicable, in procuring funding, equipment, and training.
- Authorizes the DNR to develop recommendations concerning the formation, management, operation, and training for RFPAs.
- Requires the Department of Labor and Industries to adopt an exterior firefighting training and certification standard that is appropriate for rangeland firefighting.

HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE, & NATURAL RESOURCES

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.

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Blake, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Chapman, Dye, Kretz, Lekanoff, Orcutt, Pettigrew, Ramos, Schmick, Springer and Walsh.

Staff: Robert Hatfield (786-7117).

Background:

Department of Natural Resources: Firefighting Authority and Responsibility.

The Department of Natural Resources (DNR) is responsible for forest fire prevention and response on both state-owned and private forestland in Washington.

"Forestland" is defined as unimproved land with enough trees or flammable material to create a fire menace to life or property. Sagebrush and grass areas east of the Cascade mountains may be considered forestland if such lands are adjacent to, or intermingled with, tree growth. For protection purposes, forestland does not include structures.

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 forestlands within the state.

Forest Fire Protection Assessment.

Every owner of forestland in the state is required to provide adequate protection against the spread of wildfire during the fire season. Owners of forestland who fail to provide adequate fire protection must pay an annual assessment to the DNR in order for the DNR to provide such protection.

Fire Protection Service Agencies.

A fire protection service agency is defined as a public entity responsible for the provision of firefighting services, to include, among others, fire protection districts, regional fire protection service authorities, and the DNR.

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. 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 that initiated the firefighting services for certain costs incurred.

Local Wildland Fire Liaison.

The Commissioner of Public Lands (Commissioner) must appoint a local wildland fire liaison to represent the interests and concerns of landowners and the general public during any DNR fire suppression activities. The role of the local wildland fire liaison is, among

other things, to advise the Commissioner on landowner concerns and the availability of local fire suppression assets.

Summary of Substitute Bill:

Rangeland Fire Protection Association–Definition.

A "Rangeland Fire Protection Association" ("RFPA") is defined as a nonprofit or unincorporated association that has entered into an agreement for the detection, prevention, or suppression of wildfires with the State of Washington or with any agency of the State of Washington.

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.

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. The exterior firefighting and training standard developed by the Department of Labor and Industries (L&I) may also satisfy the training requirement once it is adopted.

Role of Local Wildland Fire Liaison.

The Department of Natural Resources's (DNR's) local wildland fire liaison must provide information to RFPAs concerning the DNR's wildfire detection, prevention, and suppression activities taking place within the boundaries of the RFPA.

Role of the Department of Natural Resources.

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. Prior to entering into an agreement with an RFPA, and annually thereafter, the DNR must inspect the RFPA with respect to its governance and management structure, the adequacy of its liability insurance, and the training of all RFPA personnel.

The agreement must provide for some form of involvement for RFPA members and equipment when the DNR assumes command of any wildfire response occurring within the physical boundaries of an RFPA, but nothing in the agreement may be construed to reduce the authority of the properly designated incident commander for the wildfire response to organize and direct available resources for the safe, efficient, and effective suppression of the fire.

The agreement must require a DNR representative to conduct a debrief with a representative of the RFPA when the DNR assumes command of a fire that the RFPA had been fighting.

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 RFPA.

The DNR may develop and publish recommendations concerning RFPA formation, management, operation, and training of members.

Role of Fire Protection Service Agencies.

A fire protection service agency may enter into an agreement with an RFPA for the detection, prevention, or suppression of fires. A fire protection service agency 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 agreement must provide for some form of involvement for RFPA members and equipment when a fire protection service agency assumes command of any wildfire response occurring within the physical boundaries of an RFPA, but nothing in the agreement may be construed to reduce the authority of the properly designated incident commander for the wildfire response to organize and direct available resources for the safe, efficient, and effective suppression of the fire.

The agreement must require a fire protection service agency representative to conduct a debrief with a representative of the RFPA when the fire protection service agency assumes command of a fire that the RFPA had been fighting.

Fire protection service agencies are authorized to implement a rangeland fire protection firefighting program utilizing volunteer firefighters who have received wildland firefighting training and certified exterior firefighters as defined by the L&I.

Fire protection service agencies are authorized to utilize members who do not reside within the geographic jurisdiction of the fire protection service agency but are proximate to the fire protection service agency as part of the agency's rangeland fire protection firefighting program.

Fire protection service agencies that have entered into a mutual aid agreement with the DNR are authorized to receive wildland firefighting resources when available and offered by the DNR. These resources may be strategically located within or proximate to a fire protection service agency in order to support the agency's rangeland fire protection firefighting program.

Exterior Firefighting Training and Certification Standard.

The L&I must adopt by rule, with concurrence from the State Fire Marshal, an exterior firefighting training and certification standard appropriate for rangeland firefighting that excludes the following firefighting activities: interior structural firefighting; confined space rescue; hazardous materials operations; technical rescue; water rescue operations; and operating at 10 feet or more above grade. The certification standard may not require self-contained breathing apparatus certification or use, structural firefighting gear, or other requirements associated with interior structural firefighting requirements. Upon adoption, the training standard may be used by an RFPA to satisfy the training requirement for RFPAs. Where appropriate, fire protection districts and regional fire protection service authorities may also use the exterior firefighting training and certification standard.

Model Rangeland Fire Protection Volunteer Firefighting Program Work Group.

A statewide association representing chiefs of fire districts and regional fire protection service authorities, together with the DNR, must facilitate a work group with the participation of other stakeholders for the purpose of developing a model rangeland fire protection volunteer firefighting program that incorporates the exterior firefighting training and certification standard as developed by the L&I.

Substitute Bill Compared to Original Bill:

Additional requirements are provided concerning elements to be included in the agreements between Rangeland Fire Protection Associations (RFPAs) and both the Department of Natural Resources and fire protection service agencies.

The establishment of an RFPA working group, for the purpose of developing a model RFPA volunteer firefighting program, is added.

Authority is granted to fire protection districts and regional fire protection service authorities to implement rangeland fire protection firefighting programs.

A requirement that the Department of Labor and Industries adopt an exterior firefighting training and certification standard, appropriate for rangeland firefighting, is added.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill comes from an area where there was no fire protection district, and landowners lost a lot of land as a result. Idaho has used Rangeland Fire Protection

Associations (RFPAs) to build public-private partnerships to provide the initial attack. Initial attack is the number one thing to do for fire suppression. Landowners are going to fight the fires, regardless, and the bill would give them some training and communication abilities. Local people know where the roads and gates are, and what the local weather is like, and they can provide assistance to fire protection districts. This bill would help everybody work together and have better outcomes.

This is a tool that allows farmers and ranchers to provide quick initial attack. If you can fight a fire early, it does not become a crisis. Farmers and ranchers are already doing this type of fire response. There has been a lot of sage grouse habitat lost to wildfires, so this would also be a win for wildlife habitat.

Landowners have a strong stewardship ethic, and this bill helps them protect their property and the habitat on their property. It is an efficient use of government resources.

Rangeland Fire Protection Associations have been around since 1963 in Oregon and have really grown in the past few years as the threat of rangeland fire has increased. They have been operating well for many years.

Rangeland Fire Protection Associations are a key element of the Department of Natural Resources' 10-year strategic fire plan.

(Opposed) None.

(Other) The biggest concern with RFPAs is firefighter and citizen safety, and the distribution of very scarce funds. Rangeland fire protection associations will have expenses, and pulling those resources away from existing resources would be problematic.

This bill is the best version so far of bills dealing with RFPAs. Firefighter safety is critical, and it is important to make sure that everyone doing wildland firefighting work is properly trained. It would be good to specify a higher level of training in the bill.

Persons Testifying: (In support) Representative Dent, prime sponsor; Mark Streuli, Washington Cattlemen's Association; Tom Davis, Washington Farm Bureau; Neil Beaver, Washington Audubon; Loren Torgerson, Department of Natural Resources; Paula Swedeen, Northwest Conservation; and Gail Gatton, Audubon Washington.

(Other) Bud Sizemore, Washington State Council of Fire Fighters; and Seamus Petrie, Washington Public Employees Association.

Persons Signed In To Testify But Not Testifying: None.