

# HOUSE BILL REPORT

## HB 1891

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**As Reported by House Committee On:**

Rural Development, Agriculture & Natural Resources

**Title:** An act relating to a rangeland fire protection association pilot project.

**Brief Description:** Concerning a rangeland fire protection association pilot project.

**Sponsors:** Representatives Dent, Griffey, Graham, Corry, Hoff, Callan and Dufault.

**Brief History:**

**Committee Activity:**

Rural Development, Agriculture & Natural Resources: 1/25/22, 1/28/22 [DP].

**Brief Summary of Bill**

- Directs the Department of Natural Resources (DNR) to conduct a Rangeland Fire Protection Association (RFPA) pilot project in order to better assess the measures needed to ensure the safe and effective operation of RFPAs.
- Requires the DNR to operate the RFPA pilot project in three separate areas located east of the crest of the Cascade mountains.
- Establishes criteria for the formation, operation, and membership of RFPAs.
- Requires the DNR to submit a report on the pilot project to the Legislature by November 15, 2026.

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**HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE & NATURAL RESOURCES**

**Majority Report:** Do pass. Signed by 12 members: Representatives Chapman, Chair; Shewmake, Vice Chair; Chandler, Ranking Minority Member; Dent, Assistant Ranking Minority Member; Klicker, Kretz, Lekanoff, McEntire, Orcutt, Ramos, Schmick and

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**Minority Report:** Without recommendation. Signed by 3 members: Representatives Fitzgibbon, Kloba and Morgan.

**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 private and state-owned forestland in Washington.

For the purposes of forest firefighting and patrol, the DNR may cooperate with any agency of another state, 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.

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.

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**Summary of Bill:**

Rangeland Fire Protection Association—Pilot Project.

The Department of Natural Resources (DNR) must conduct a Rangeland Fire Protection Association (RFPA) pilot project in order to better assess the measures needed to ensure the safe and effective operation of RFPAs. An RFPA is defined as a nonprofit or unincorporated association that has entered into an agreement for the detection, prevention, or suppression of wildfires with any agency of the State of Washington or any fire protection service agency.

The pilot project must be conducted in three separate areas east of the crest of the Cascade mountains. The pilot project must be operational by the beginning of the calendar year 2023 fire season and must conclude at the end of the calendar year 2026 fire season.

In implementing the pilot project, the DNR:

- may develop and publish recommendations concerning the formation, management,

- operation, and training of members of an RFPA;
- must, prior to entering into an agreement with an RFPA, and annually thereafter, review and inspect the RFPA for certain specified operational elements; and
- may enter into agreements with fire protection districts and regional fire protection service authorities within the pilot project areas in order to implement a rangeland fire protection firefighting program utilizing volunteer firefighters.

The operational elements of an RFPA that the DNR must inspect are the governance and management structure of the RFPA, the adequacy of the RFPA's liability insurance, and the training of all RFPA personnel.

The DNR must submit a report on the pilot project to the appropriate committees of the Legislature at the conclusion of the pilot project. The report is due by November 15, 2026. The report must address, at a minimum, the following elements:

- safety;
- training;
- funding;
- governance;
- operations and effectiveness; and
- communication and coordination with other fire protection service agencies.

#### Rangeland Fire Protection Association—Formation and Operation.

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 provide detection, prevention, and suppression of wildfire services and resources. The service boundaries of an RFPA may be adjacent to DNR-protected lands. The operations of an RFPA may, on an occasional and temporary basis, extend beyond its boundaries and onto DNR-protected lands for the purpose of attempting to extinguish or control a wildland fire.

An RFPA operating as part of the pilot project may enter into agreements with fire protection service agencies for the detection, prevention, or suppression of fires.

An RFPA must have liability insurance.

No person may form or participate in an RFPA except pursuant to the pilot project operated by the DNR.

A person is not required to be a member of an RFPA in order to suppress a fire that occurs

on the person's property or that poses a threat to 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.

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**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:**

(In support) Initial attack is the number one thing the state can do to keep wildfires from becoming catastrophic. The Bureau of Land Management works with farmers and ranchers in other states to work with Rangeland Fire Protection Associations (RFPAs) to be on scene for the initial attack phase of fighting a wildfire, since farmers and ranchers are there already on the ground. An RFPA is not a fire district, so it would not have taxing authority. This bill would put RFPAs in a position to receive some training, and to work on communications with agencies. More than anything, the RFPA model develops a public-private partnership to allow citizens to work together with fire departments to provide initial attack. These local residents know the ground, know the topography, and know where the resources are. The bill is not about fighting structure fires, but about fighting wildfires. There have been past versions of RFPA bills, but this time the bill is scaled back to a pilot project. The RFPA model has worked really well in Eastern Oregon and Southern Idaho.

This bill and the RFPA model represent one more tool in the toolbox. Neighbors already come together to fight fires and help each other. This bill augments that effort. It is a pilot program, and so it is a chance to try something out that has been successful in other states. It is worth giving it a shot.

(Opposed) There is opposition to the bill based on safety. In 2014 there was a fire in which individuals were conducting their own firefighting operations outside of the fire operation

mission plan. The individuals saved the structure they were trying to save, but other structures were burned. The bill raises many safety concerns for firefighters.

(Other) It is good to have a focus on ways the state can better fight wildfires. A recent committee on wildland fire suppression approaches was unable to reach a recommendation on the role of RFPAs in wildfire response.

**Persons Testifying:** (In support) Representative Tom Dent, prime sponsor; and Mark Streuli, Washington Cattlemen's Association.

(Opposed) Norby Johnson, Washington State Council of Fire Fighters.

(Other) Brian Considine, Department of Natural Resources.

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