
**Rural Development, Agriculture &
Natural Resources Committee**

ESB 5158

Brief Description: Concerning the utility wildland fire prevention advisory committee.

Sponsors: Senators Hawkins, Rolfes, Saldaña, Van De Wege and Wagoner.

Brief Summary of Engrossed Bill

- Creates the Utility Wildland Fire Prevention Advisory Committee to advise the Department of Natural Resources on matters related to recommendations of the Utility Wildland Fire Prevention Task Force.

Hearing Date: 3/12/21

Staff: Rebecca Lewis (786-7339).

Background:

Department of Natural Resources.

The Department of Natural Resources (DNR) has direct charge of and supervision over all matters pertaining to forest fire service of the state. The forest fire-related duties of the DNR include enforcing all forest fire-related laws, investigating the cause of forest fires, and directing fire suppression efforts as necessary. In 2007 the Legislature designated the DNR as the state lead in developing a comprehensive forest health program for the state and created a tiered advisory and regulatory system to address forest health issues.

Utility Wildland Fire Prevention.

Utility Wildland Fire Prevention Task Force Creation and Membership.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

In 2019 the Legislature directed the Commissioner of Public Lands (Commissioner) to convene the Utility Wildland Fire Prevention Task Force (Task Force). The Commissioner or the Commissioner's designee chaired the Task Force and was responsible for appointing Task Force members. The Task Force membership included:

- one person representing each investor-owned utility;
- two persons representing municipal utilities;
- two persons representing public utility districts;
- two persons representing rural electric cooperatives;
- one person representing small forest landowners;
- one person representing industrial forest landowners; and
- other people with expertise in wildland fire risk reductions and prevention.

Duties of the Utility Wildland Fire Prevention Task Force.

The stated duties of the Task Force were to advise the DNR on various matters related to the relationship between utility infrastructure and wildland fires, including:

- development of a model agreement for managing danger trees and other vegetation that pose a risk of wildland fire for the consideration of the DNR and individual electric utilities;
- development of communication protocols and educational exchanges between the DNR and electric utilities for identifying and addressing issues relating to utility infrastructure in order to reduce the risks of wildland fires; and
- creation of rosters of certified wildland fire investigation firms or persons and third-party qualified utility operations personnel.

Duties of the Department of Natural Resources.

In consultation with the task force, the DNR was required to undertake certain tasks, including:

- making available the communication protocols and educational exchanges between the DNR and the electric utilities;
- distributing to utilities a voluntary model danger tree management agreement; and
- issuing a roster of third-party certified wildland fire investigators and qualified utility personnel that may assist the DNR or utilities in understanding and reducing risks and liabilities from wildfire.

The DNR submitted a final report to the Legislature in December of 2020.

Summary of Engrossed Bill:

Utility Wildland Fire Prevention Advisory Committee.

Subject to appropriations made for this specific purpose, the Utility Wildland Fire Prevention Advisory Task Force (Task Force) is deleted, and the Utility Wildland Fire Prevention Advisory

Committee (Advisory Committee) is created. The Commissioner of Public Lands (Commissioner) must convene the Advisory Committee by August 1, 2021. In addition to the original membership of the Task Force, up to four other individuals may be designated by the Commissioner as members of the Advisory Committee. Members of the Advisory Committee, or individuals acting on their behalf, are immune from civil liability for official actions taken in the course of their Advisory Committee-related duties.

Duties of the Advisory Committee.

Generally.

The duties of the Advisory Committee include advising the Department of Natural Resources (DNR) on:

- matters related to the ongoing implementation of recommendations of the Task Force;
- providing a forum for electric utilities, the DNR, and other fire suppression organizations to identify and develop solutions to wildfire prevention and risk mitigation related to electric utilities transmission and distribution networks, electric utility infrastructure protection, and wildland fire suppression and response;
- establishing joint public communications protocols among members of the advisory committee, and other entities, to provide information of potential critical fire weather events and the potential for power outages or disruptions;
- presenting annually to the Wildland Fire Advisory Committee on policies and priorities of the Advisory Committee; and
- all other related issues deemed necessary by the Commissioner.

Matters related to Implementation of Task Force Recommendations.

By August 1, 2021, the Advisory Committee must finalize a model agreement developed by the Task Force for managing danger trees and other vegetation adjacent to utility rights of way on DNR-managed state uplands, and implement the recommendations of the Task Force related to: (1) communications and information exchanges between utilities and the DNR; (2) protocols and thresholds when carrying out the DNR's wildfire prevention powers and duties; and (3) creating rosters of certified wildland fire investigator firms or persons, and qualified utility operations personnel who may be called upon.

Duties of the Department of Natural Resources.

The DNR must post the following on its website by August 1, 2021, and update quarterly as necessary:

- communication protocols and educational exchanges between the DNR and electric utilities;
- a voluntary model danger tree management agreement for the consideration of utilities;
- investigation protocols and thresholds; and
- a roster of third-party certified wildland fire investigators and qualified utility personnel

that may help the DNR or a utility understand and reduce risks and liabilities from wildland fire.

Beginning July 1, 2022, and at the beginning of each subsequent biennium, the DNR must submit a report describing the proceedings of the Advisory Committee in the prior biennium. The report must include identification of recommended legislation, if any, necessary to prevent wildfires related to electric utilities.

Appropriation: None.

Fiscal Note: Available.

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