

FINAL BILL REPORT

ESHB 1489

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Synopsis as Enacted

Brief Description: Concerning private wildland fire suppression contractors.

Sponsors: House Committee on Agriculture & Natural Resources (originally sponsored by Representatives Kretz, Blake and Short).

House Committee on Agriculture & Natural Resources
Senate Committee on Natural Resources & Parks

Background:

Department of Natural Resources Firefighting Authority and Responsibility.

The Department of Natural Resources (Department) has responsibility over all matters relating to forest fire services in the state. Landowners and people engaged in activity on land who have knowledge of a wildland fire have a duty to make every reasonable effort to suppress any fire that occurs on their land. That duty applies regardless of the origin or spread of the fire. If a person does not suppress a wildland fire the Department must suppress it. 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 for landowners with firefighting capability.

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 Native American tribe. Further, the Department may contract with and enter into agreements with private corporations, including wildland fire suppression contractors (contractors), for the protection and development of the forestlands within the state. The Department must annually compile and update master lists of qualified contractors with valid incident qualifications for the kind of work to be performed.

Wildland Fire Advisory Committee.

The Wildland Fire Advisory Committee (Committee) advises the Commissioner of Public Lands (Commissioner) on all matters related to wildland firefighting in the state. This includes developing strategies to enhance the safe and effective use of private and public wildland firefighting 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.

The Commissioner may appoint members to the Committee as the Commissioner determines is most helpful. However, the Commissioner is required to invite at least the following people:

- the local wildland fire liaison;
- two county commissioners: one from east of the crest of the Cascade mountains, and one from west of the crest of the Cascade mountains;
- two owners of industrial land: one owner of timberland and one owner of rangeland;
- the State Fire Marshal or a representative of the State Fire Marshal's Office;
- two individuals with the title of fire chief: one from a community located east of the crest of the Cascade mountains and one from a community located west of the crest of the Cascade mountains;
- one individual with the title of fire commissioner;
- one small forest landowner; and
- one representative from each of the following: (1) a federal wildland firefighting agency; (2) a tribal nation; (3) a statewide environmental organization; and (4) a state land trust beneficiary.

Local Wildland Fire Liaison.

A Commissioner-appointed local wildland fire liaison (liaison) chairs the Committee. The liaison reports directly to the Commissioner and generally represents the interests and concerns of landowners and the public during the Department's fire suppression activities.

The liaison was required to report recommendations to the Commissioner by December 31, 2015, on several aspects of local wildfire response, including the following:

- opportunities for the Department to increase training with local fire protection districts;
- the ability to quickly evaluate the availability of local fire district resources to allow the local resources to be more efficiently and effectively dispatched to wildland fires; and
- ways to increase and maintain the viability of local fire suppression assets.

The Department was required to report the liaison's recommendations to the Legislature by October 31, 2016, summarizing the recommendations, explaining the steps the Department took to implement the recommendations, and offering analyses of the results.

The appointment of the liaison and the preparation of the report are subject to appropriation.

Summary:

The Department must enter into preemptive agreements for wildland fire suppression with other contractors, as well as with landowners. When entering into preemptive agreements, the Department must ensure that all equipment and personnel satisfy all applicable safety training certifications required by both the Department and the Department of Labor and Industries and must inspect, or verify inspection of, any equipment included in agreement to ensure safety and dependability standards are met.

When compiling and updating the master list of qualified wildland fire suppression contractors, the Department must conduct preseason outreach and recruitment of contractors with valid incident qualifications. The local wildland fire liaison may help the Department with the preseason outreach and recruitment of contractors. The Department must also reach out to equipment owners with valid incident qualifications.

The master list must identify the counties where contractors and equipment owners are located. The Department must provide the list, and the availability status of the contractors on the list to local emergency dispatchers, county legislative authorities, emergency management departments, and local fire districts.

Contractors must be under the supervision of recognized wildland fire personnel while engaged in fire suppression activities. The Department must also verify that agreements have been finalized with an agreed-upon standard operating rate identified before being included on the master list of qualified contractors. The Department must cooperate with federal wildland firefighting agencies to prioritize the efficient use of local resources, including local private contractors, based on predicted need. Also, the Department may engage with local private contractors as needed who are either not included on the master list or subject to a preemptive agreement.

The Department may authorize operational field personnel to carry additional personal protection equipment to loan to private fire contractors as needed. No civil liability may be imposed for any adverse impacts resulting from personal protection equipment provided by the Department except upon proof of gross negligence or willful or wanton misconduct.

In consultation with the Wildland Fire Advisory Committee, the Department must report to the Legislature by November 30, 2018, on the successes and limitations of establishing preemptive agreements with private contractors. The report must include recommendations to improve the effectiveness of the preemptive agreement process.

Votes on Final Passage:

House	96	0
Senate	49	0

Effective: June 30, 2017