

HOUSE BILL REPORT

HB 1958

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

Title: An act relating to the establishment of a premobilization aviation assistance program to assist local fire suppression entities on the initial attack of a wildland fire.

Brief Description: Concerning the establishment of a premobilization aviation assistance program to assist local fire suppression entities on the initial attack of a wildland fire.

Sponsors: Representatives Dye, Dent, Ybarra, Corry, McCaslin, Springer and Graham.

Brief History:

Committee Activity:

Rural Development, Agriculture, & Natural Resources: 2/19/19, 2/22/19 [DP].

Brief Summary of Bill

- Directs the State Fire Marshal to establish a premobilization aviation assistance program to provide financial assistance to local fire suppression entities for the cost of flying or contracting for aircraft on the initial attack of wildland fires.
- Requires the State Fire Marshal to provide a report to the Legislature on the use of the premobilization aviation assistance program.

HOUSE COMMITTEE ON RURAL DEVELOPMENT, AGRICULTURE, & NATURAL RESOURCES

Majority Report: Do pass. Signed by 14 members: Representatives Blake, Chair; Shewmake, Vice Chair; Dent, Assistant Ranking Minority Member; Chapman, Dye, Fitzgibbon, Kretz, Lekanoff, Orcutt, Pettigrew, Ramos, Schmick, Springer and Walsh.

Staff: Robert Hatfield (786-7117).

Background:

Department of Natural Resources–Firefighting Authority and Responsibility.

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 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.

Department of Natural Resources' Master Contractor Lists.

In order to maximize the effective utilization of local fire suppression assets, the DNR is required to maintain master lists of qualified fire suppression contractors who have valid incident qualifications for the kind of contracted work to be performed. The DNR is required to make the lists available to county legislative authorities, emergency management departments, and local fire districts. The DNR is also required to enter into preemptive agreements with landowners in possession of firefighting capability that may be used in wildland fire suppression efforts.

When entering into those types of preemptive agreements with landowners, the DNR is required to ensure that all equipment and personnel satisfy the DNR's standards and that all contractors are under the supervision of recognized wildland fire personnel while engaged in fire suppression activities.

State Fire Services Mobilization.

During an emergency, when a local jurisdiction needs assistance beyond the capabilities of local resources and mutual aid agreements, a request may be made for a state fire services mobilization. "Mobilization" means that all risk resources regularly provided by fire departments, fire districts, and regional fire protection service authorities 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 risk resources to either direct emergency incident assignments or to assignment in communities where 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 (Mobilization Plan). The purpose of the Mobilization Plan is to provide a mechanism and process to quickly notify, assemble, and deploy fire service personnel and equipment to any local fire jurisdiction in Washington that has expended or will expend all available local and mutual aid resources in attempting to manage fires, disasters, or other events that jeopardize the ability of a jurisdiction to provide for the protection of life and property. The State Fire Marshal in the WSP serves as the state fire resources coordinator when a Mobilization Plan is initiated.

Summary of Bill:

State Fire Marshal–Premobilization Aviation Assistance Program.

The State Fire Marshal must establish and manage a premobilization aviation assistance program designed to reimburse local fire suppression entities for the cost of flying or contracting for aircraft on the initial attack of wildland fires, or with the goal of preventing wildland fire from escalating to a level that state fire services mobilization (mobilization) is warranted.

The State Fire Marshal must reimburse local fire suppression entities up to \$10,000 per wildland fire incident for the cost of deploying aircraft during initial attack on a wildland fire. If the wildfire is not sufficiently contained after the initial attack, and the local fire suppression entity initiates a request for mobilization, the State Fire Marshal must reimburse the local fire suppression entity for up to an additional \$10,000 for the cost of deploying aircraft until the mobilization assumes command.

The State Fire Marshal is not required to provide funding to the premobilization aviation assistance program beyond the amount specifically appropriated by the Legislature for that purpose. The State Fire Marshal must notify the local fire suppression entities when funding for the premobilization aviation assistance program is close to depletion.

Certain requirements apply to requests made by a local fire suppression entity for reimbursement under the premobilization aviation assistance program. These include:

- the local fire suppression entity must include invoices for costs incurred;
- the State Fire Marshal must distribute funds within 30 days of receipt of a complete request for reimbursement; and
- pilots and aircraft utilized in such a request must be properly certified.

Prior to the beginning of the fire season each year, a local fire suppression entity desiring to seek reimbursement under the premobilization aviation assistance program must submit to the State Fire Marshal copies of any contracts entered into for the deployment of aircraft during initial attack and the names and federal certifications of all pilots who will be utilized in initial attack.

The State Fire Marshal is required to provide a report to the Legislature on the use of the premobilization aviation assistance program. The report is due by December 1, 2025.

Local Fire Suppression Entity–Definition.

"Local fire suppression entity" is defined as a city or county fire department or district that is responsible for suppression of wildland fires within its jurisdiction, that has access to mobilization, and that has been issued a fire department identification number by the State Fire Marshal.

Appropriation: None.

Fiscal Note: Requested on February 14, 2019.

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) Investments in initial attack are the best investments the Legislature can make. Industrial forestland owners have noted a significant increase in initial attack, and much of the credit for that goes to the Department of Natural Resources (DNR). There are some legitimate safety concerns raised by the bill. Keeping fires small is a worthy investment.

Initial attack is one of the most important aspects of getting a fire out, saving money, and not tying up resources needlessly. The use of initial attack puts out many fires that nobody ever hears about, because it keeps them from getting big enough that people hear about them. Initial attack saves houses, rangeland, and property. Aerial attack can be done safely, efficiently, and effectively. Initial aerial attack in almost any fire setting is the cheapest, most effective form of fire response.

(Opposed) None.

(Other) The bill lines up nicely with the strategic plan of the DNR. It is important to get the interface right between DNR aircraft and other aircraft. Firefighters are required to have interagency qualifications in order to ensure safe operation and communication. When two aircraft are operating in the same airspace, it is important that they be operating safely with respect to each other. It would be good to ensure that pilots also had interagency qualifications to ensure safe operations communication.

Reducing the overall number of wildfires is good for the state. The 30-day repayment window called for in the bill is of concern because of high workloads during the summer.

Persons Testifying: (In support) Representative Dye, prime sponsor; Jason Callahan, Washington Forest Protection Association; and James Pope, Leading Edge Aviation.

(Other) Loren Torgerson, Department of Natural Resources; and Monica Alexander, Washington State Patrol.

Persons Signed In To Testify But Not Testifying: None.