

HOUSE BILL REPORT

HB 1971

As Reported by House Committee On:
Agriculture and 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, Chapman, Dye and Sandlin.

Brief History:

Committee Activity:

Agriculture and Natural Resources: 1/12/24, 1/31/24 [DPS].

Brief Summary of Substitute 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.
- Establishes criteria for the formation, operation, and membership of RFPAs.

HOUSE COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Chapman, Chair; Morgan, Vice Chair; Reeves, Vice Chair; Dent, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; Kloba, Kretz, Orcutt, Schmick and Springer.

Minority Report: Without recommendation. Signed by 1 member: Representative Lekanoff.

Staff: Robert Hatfield (786-7117).

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.

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 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.

Summary of Substitute 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 operational by the beginning of calendar year 2025 and must conclude at the end of calendar year 2028.

In implementing the pilot project, the DNR:

- must 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 as an appendix to the DNR's annual report to the appropriate committees of the Legislature by December 1 of each year. 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.

The pilot project, as well as the authorization to form and operate an RFPA, expires June 30, 2029.

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.

Substitute Bill Compared to Original Bill:

The substitute bill makes the following changes to the underlying bill:

- reduces the number of rangeland fire protection association (RFPAs) pilot projects called for in the bill from three to one;
- provides that the Department of Natural Resources (DNR) must, rather than may, develop recommendations for the operation of RFPAs, including the determination of the safety, administrative, and training requirements that must be met;
- removes safety, administrative, and training requirements from the scope of the agreements that an RFPAs may enter into with regional protection fire service agencies for the detection, prevention, or suppression of fires; and
- requires the DNR to provide its report on the RFPAs pilot project as an appendix to the DNR's annual report to the Legislature, rather than as a separate report to the Legislature.

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) Rangeland fire protection associations (RFPAs) can help provide initial attack in unprotected lands. The state needs to do everything it can to prevent and suppress wildfires. The idea is to start this as a pilot project to see if the concept works. Rangeland fire protection associations have been very effective in Oregon and elsewhere at bringing together different groups around wildfire response. Local people know the area very well, which makes them uniquely effective at initial attack: they know the terrain, where the roads and gates are, and what the micro-weather patterns are.

There are about 380 different fire districts throughout the state. Some of the concerns that existed about this bill several years ago have gone away since the bill has evolved considerably. There are now collaboration and training requirements. This bill is a really valuable contribution to stopping fires sooner.

(Opposed) A pilot project will just be a drain on the Department of Natural Resources' (DNR's) limited resources. There are concerns about introducing additional safety hazards. It takes time to properly set up a wildland firefighting unit. It's not within the DNR's area of expertise to report on the governance and operation of an RFPAs. Truly effective RFPAs

have strong leadership, robust administration, and heavy reliance on outside agencies. There have been successes with RFPAs in other states, but the land types in those other states are different than in Washington. Objections to RFPAs are certainly not about protecting the turf of other firefighting entities.

(Other) It would be good to have the RFPAs coordinate closely with electrical utilities.

It is important to have more qualified folks fighting wildfires. There are serious concerns about safety with the bill as currently drafted. Everyone needs to be trained to the same standard. The bill recommends Firefighter Level 2, but that should be changed to a minimum requirement, rather than a recommendation. Wildland firefighters should have either a blue card or a red card. A wildland firefighting bill from 2015 had helpful sideboards when it comes to citizens providing initial attack.

It is good that this is a pilot project.

Persons Testifying: (In support) Representative Tom Dent, prime sponsor; and Ryan Spiller, Washington Fire Commissioners Association.

(Opposed) Bud Sizemore, Washington State Council of Fire Fighters.

(Other) Seamus Petrie, Washington Public Employees Association; Brian Considine, Department of Natural Resources; and Dave Warren, Okanogan Public Utilities District.

Persons Signed In To Testify But Not Testifying: None.