
**Agriculture & Natural Resources
Committee**

HB 2925

Brief Description: Concerning accessing land during a fire suppression response for the purpose of protecting livestock from a wildland fire.

Sponsors: Representatives Dent, Blake, McCabe, Schmick, Chandler, Short, Griffey, Johnson, Dye, Haler and Springer.

Brief Summary of Bill

- Prohibits the Department of Natural Resources from preventing livestock owners or their employees from accessing public lands for the purpose of retrieving or caring for livestock during a fire suppression response.
- Creates civil liability immunity for the state if a livestock owner accesses public lands to retrieve livestock during a fire response.

Hearing Date: 2/3/16

Staff: Jason Callahan (786-7117).

Background:

Wildland firefighting.

The Department of Natural Resources (DNR) is the agency of the state with the direct charge and responsibility over all matters pertaining to forest fire services in the state. The DNR appoints trained personnel in order to carry out the DNR's duties and is obligated to employ sufficient numbers of personnel to extinguish or prevent the spreading of any fire that may be in danger of damaging or destroying any timber or other property of the DNR.

Also, when in the state's best interest and 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, and

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any county, town, corporation, person, or native American tribe. Further, the DNR may contract and enter agreements with private corporations for the protection and development of the forest lands within the state.

Grazing leases.

Certain public land managers in the state are authorized to lease land for the purpose of grazing livestock. Agencies with active grazing leases in Washington include the United States Forest Service, the Bureau of Land Management, the Washington State Department of Fish and Wildlife, and the DNR. The DNR may enter into grazing leases on state lands in time increments up to 10 years and charge fees based on a formula that considers the animal units per month grazing under the lease. According to the DNR, approximately 1.1 million acres of state land is leased for either grazing or agriculture.

Summary of Bill:

The DNR may not prohibit livestock owners or their employees or agents from accessing public lands, or roads or easements that provide access to public lands, for the purpose of retrieving or caring for livestock during a fire suppression response.

Any person accessing public lands to retrieve or care for livestock during a fire assumes full liability for himself or herself and any employees or agents in his or her charge. No civil liability may be imposed on the DNR or any other subdivision of the state for any direct or proximate impacts resulting from the retrieval of livestock. This civil liability immunity extends to injury and death.

The DNR must include an explanation of the right to access public lands during a fire response and the corresponding assumption of liability in all grazing leases.

Appropriation: None.

Fiscal Note: Not requested.

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