

FINAL BILL REPORT

ESB 5158

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Synopsis as Enacted

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

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

Senate Committee on Agriculture, Water, Natural Resources & Parks

Senate Committee on Ways & Means

House Committee on Rural Development, Agriculture & Natural Resources

Background: Department of Natural Resources Fire and Forest Health Programs. In 2007, the Legislature designated the Department of Natural Resources (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. DNR has direct charge of and supervision over all matters pertaining to the forest fire service of the state. The forest fire-related duties of DNR include enforcing all forest fire-related laws, investigating the cause of forest fires, and directing fire suppression efforts as necessary.

Electric Utilities Wildland Fire Prevention Task Force. In 2019, the Legislature passed SSB 5305, directing the Commissioner of Public Lands (commissioner) to establish an Electric Utility Wildland Fire Prevention Task Force (task force). The task force was comprised of people with expertise in wildland fire risk reduction and prevention, a representative of both small and industrial forest landowners, and entities providing retail electric service, including:

- one person representing each investor-owned utility;
- two people representing municipal utilities;
- two people representing public utility districts; and
- two people representing rural electric cooperatives.

The task force advised DNR on the development of:

- a model agreement for managing danger trees and other vegetation that pose a risk of wildland fire and associated utility liability due to the proximity to electrical transmission wires and other utility equipment;

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- communication protocols and educational exchanges between DNR and electric utilities for identifying and addressing issues relating to utility infrastructure to reduce the risks of wildland fires;
- protocols and thresholds when DNR's investigation involves electric utility infrastructure or potential electric utility liability; and
- rosters of certified wildland fire investigation firms or persons and third-party qualified utility operators.

DNR submitted a final report to the Legislature in December 2020. The commissioner intends to maintain a utility advisory committee to advise DNR on all matters related to the prevention of electric utility caused wildfires, and other issues deemed necessary by the commissioner.

Summary: The commissioner must convene a Utility Wildland Fire Prevention Advisory Committee (advisory committee) by August 1, 2021. The duties of the advisory committee are to advise DNR on issues including:

- matters related to the implementation of recommendations of the task force;
- providing a forum for electric utilities, DNR, and other fire suppression organizations of the state to identify and develop solutions to issues of wildfire prevention and risk;
- mitigation specifically related to electric utilities transmission and distribution networks, identification of best management practices, 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 inform residents of potential critical fire weather events and the potential for power outages or disruptions; and
- all other related issues deemed necessary by the commissioner.

The advisory committee membership is comprised of the same representatives that served on the task force, with the addition of two members designated by the commissioner. The commissioner must appoint two additional members to the advisory committee who represent historically marginalized or underrepresented communities. The commissioner, or the commissioner's designee, must convene and chair the meetings of the advisory committee. Members of the advisory committee are immune from civil liability for official acts performed in the course of their duties specifically related to the advisory committee.

By August 1, 2021, DNR must post on its website and update it quarterly as necessary with the following information:

- communication protocols and educational exchanges between DNR and electric utilities;
- a voluntary model danger tree management agreement;
- protocols and thresholds that may be used when DNR's investigation involves electric utility infrastructure or potential electric utility liability; and
- a roster of third-party certified wildland fire investigators and qualified utility personnel.

Beginning July 1, 2022, and at the beginning of each biennium thereafter, DNR must submit a report to the Legislature describing the prior biennium proceedings of the advisory committee, including identification, if any, of recommended legislation necessary to prevent wildfires related to electric utilities.

Votes on Final Passage:

Senate	46	0	
House	98	0	(House amended)
Senate	48	0	(Senate concurred)

Effective: July 25, 2021