

Heisel, Leanne

From: Rick Bass [bass@clink.com]
Sent: Friday, February 01, 2008 11:23 AM
To: Heisel, Leanne
Cc: claymtn@hotmail.com; linehan@libby.org; wanzy@frontiernet.net; joel.chandler@gmail.com; sarahyaak@yahoo.com; dwhirst@montanasky.net; toysrs1@hotmail.com
Subject: pilot projects on Three Rivers District

Rick Bass
3845 Vinal Lake Rd.
Troy, MT 59935

January 31, 2008 Leanne Heisel >

Legislative Research Analyst >Montana Legislative Services Division >Room 111-A, State Capitol
>406-444-3593
>

Dear Leanne,

We are pleased to hear of the state's interest in pursuing and exploring fuels reduction and community fire protection treatments, opportunities, and strategies, and would be very interested and happy to visit with you, should you be in the area, about a legislative proposal a small coalition of us is working on in the Three Rivers District of the Kootenai National Forest. We've been visiting with the delegation and Governor Schweitzer about this opportunity—the Three Rivers Challenge—which essentially assembles a map of the most common-ground agreements between various use groups—timber, motorized and non-motorized recreation, and wilderness—for a very small portion of that district. It's a pilot, but we have high hopes for it and think that it has high value for the rest of the state in that it is so extremely place-based and community-crafted.

Regarding the fuels reduction portion of our agreement, we are hoping to help expedite work in the wildland-urban interface, increase stewardship work, revitalize the last remaining independent mill in western Lincoln County (Chapel Cedar) while also adding market value through the mill's participation in this project, increase predictability of fiber flow from the WUI, and successfully treat numerous key fuels reduction projects around Troy. Some of the treatments we anticipate are the mechanical removal of green, dead, and dying timber of various diameters, while other treatments will involve prescribed burns. We're interested in experimenting with innovative new techniques in this special stewardship zone as well, and envision it as being a place where there is always something new and interesting happening, some kind of showcase forestry utilizing local workers and, where appropriate, new ideas. We think there can be real value in assembling a working group such as ours before appeals, for instance, and working through these projects, and then—once we have agreed upon a prescription offered by (and guided, always, by the authority of) the Forest Service, committing to support that prescription, even as court interveners, if necessary: to tell the story of our field trips, and how and why we came to support whatever proposals we end up supporting, in that special zone.

We also believe the small pilot will be valuable to the rest of the state in providing an evaluation as to whether there is increased efficiency of treatments when such disparate groups are unified in a bundled proposal. We believe that our pilot here in western Lincoln County will demonstrate that there is, and that this will provide a service to the landscape and its various resources, as well as to a historically polarized community.

An enormous and accruing amount of goodwill is attaching itself to this small project—from stewardship contractors to hunting and fishing guides, local environmental groups and local snowmobile clubs, local ATV groups and local business people, educators and local politicians, millowners and loggers. We all agree there is huge need and opportunity to

address each and all of these three issues, and even here on the Kootenai-Montana's only rainforest—we are witnessing increased mortality and overstock in the wildland-urban interface. We envision our pilot remaining true of course to the needs of wildlife, including threatened, endangered, and sensitive species, and the needs for winter range, prevention of spread of noxious weeds, and protection, always, of the soil that is the forest's future—but are excited about the disparate groups we have committed to this project, and eagerly look forward to implementing our first project. We would greatly appreciate any ideas and suggestions you might have, as well as an opportunity to discuss it further with you, at your convenience.

Sincerely,

The Three Rivers Challenge

Wayne Hirst, Hirst & Associates

Tim Linehan, Linehan Outfitting, RAC Member Robyn King, RAC Member, Yaak Valley Forest Council Donna O'Neill, Lincoln County Sno-Kats Rick Bass, Yaak Valley Forest Council Sarah Canepa, Yaak Valley Forest Council/Forest Watch Coordinator Joel Chandler, President, Lincoln County Ridge Riders ATV Club Jerry Wandler, Troy Snowmobile Club



BCC 2008-033
February 1, 2008

PHONE: (406) 258-4877
FAX: (406) 721-4043

Senator John Cobb, Chairman
Members of the Fire Suppression Committee
c/o lheisel@mt.gov

Dear Senator Cobb and Committee Members:

We wish to commend the committee for actively seeking comment on the matter of wildland fire issues. It would seem, both from comments we have heard and from legislation that has been promoted by members of the legislative and executive branches, there exists a common notion that local governments have been irresponsible in the approval of subdivisions in areas which are not appropriate, specifically in high hazard wildfire areas.

With regard to this notion, we refer to the position paper prepared for your committee by Harold Blattie of the Montana Association of Counties. The position paper describes the limited options available to local governments as they might apply to development restrictions in the Wildland/Urban Interface (WUI). Mr. Blattie has done an excellent job of identifying the limitations of zoning, subdivision review and building codes, so we will not repeat that information here. Suffice to say, we are very limited in what we can and cannot do with regard to controlling development in the WUI. We want to underscore the point made by Mr. Blattie that if development restrictions imposed by local governments are an appropriate method of attempting to control the costs of wildland fires, then either the old tools made available to local governments by the state need revision, or new tools are needed.

We encourage the Fire Suppression Committee to examine new tools as well as strengthen old ones. However, we hope the Committee understands there are tens of thousands of parcels within the WUI that have been created and are ready for development. While some of these parcels were reviewed and approved by local governments under the Montana Subdivision and Platting Act, we suspect the vast majority were created through exemptions to the Act. We urge the committee to attempt to identify the total number of these parcels. It would be instructive in understanding the breadth of the problem facing all of us.

Thank you for this opportunity to comment. Missoula County stands ready to assist this committee in its important efforts to understand and stem the increasing costs of wildland fire suppression.

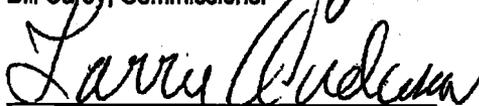
Sincerely,
BOARD OF COUNTY COMMISSIONERS



Jean Curtiss, Chair



Bill Carey, Commissioner



Larry Anderson, Commissioner

BCC/ppr

cc: Roger Millar, Office of Planning & Grants
Pat O'Herren, Rural Initiatives
Mike Sehestedt, Deputy County Attorney
Harold Baltie, Montana Association of Counties
Linda Stoll

CONCEPT PAPER
Wildland Urban Interface
Harold Blattle, Executive Director
Montana Association of Counties

Background:

The cost of fire suppression has dramatically increased in recent years for all jurisdictions bearing responsibility for fighting fires. Federal, state and local agencies alike have experienced these increased costs, much of which has been incurred in the area known as the Wildland Urban Interface; the line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetative fuels.

Currently, the U.S. Forest Service is spending nearly 50% of its total operating budget on fire-suppression efforts and has indicated a strong sentiment that local governments are not imposing "appropriate" land use controls to mitigate the increased residential development in the WUI and that those local governments should be responsible for a greater share of the costs of suppression. The state has also voiced this concern through the introduction of SB 167 and SB 51 during the 2007 Legislative Session. Much of the discussion and debate centered around common-sense ways to reduce exposure for residences in the WUI such as adequate ingress and egress, fire-resistant building materials and the creation of defensible space around structures.

Montana's counties have three tools to regulate land use; subdivision regulations, zoning regulations and building code enforcement. Each can be a tool to impose different controls on land use, however each has its own unique limitations.

Subdivision

When land is divided that will create a tract of less than 160 acres, that division is regulated under the Montana Subdivision and Platting Act. Local Governments adopt subdivision regulations. When a proposed division of land is submitted to the local government the application is reviewed and if found to be in compliance with those regulations the subdivision is approved. Local governments may impose conditions on the developer such as providing adequate ingress and egress or adequate water storage to assist in fire suppression efforts. When a subdivision is approved, the land may be then developed or built upon.

Zoning

Local governments are authorized to impose zoning regulations on all areas under their jurisdiction. Zoning can prescribe rules to which both current and

future development must adhere. Zoning can regulate things such as the density of development and the use of the land by restricting or authorizing certain uses in specific areas subject to the zoning regulations. Zoning could require fire-mitigation measures such as creating defensible space around structures.

Building Construction Standards

Local governments are authorized to impose state-approved standards on the construction of buildings within the jurisdictional area of the local governments. Counties may establish building construction standards, however if they do so, it must be for the entire county outside and incorporated areas. The state has adopted fire standards for public buildings, however there is no fire standards for residential buildings. Building standards could regulate items such as building materials and could require the use of fire-resistant roofing, siding and deck materials.

In order to establish a regulatory framework that could mitigate the exposure of building in the WUI, a local government could adopt regulations under all three of the tools above. However, each has its own problems.

Subdivision; When a local government approves a subdivision, it effectively loses control of any development within that subdivision. Subdivision regulations cannot control what takes place following approval so cannot assure that adequate defensible space is created around a residence built upon the tract that was created. Subdivision regulations may be able to a small extent mitigate some of the exposure by requiring adequate ingress and egress and require an adequate water supply because these requirements may be imposed prior to final plat approval. Subdivision regulation cannot "go back" and impose new requirements on the thousands and thousands of tracts that already exist in the WUI.

Zoning; While zoning could impose requirements on all tracts within the WUI, politically zoning is a four-letter word in much of Montana. Even those counties that have the will to impose zoning regulations often find themselves challenged in court or through the protest provisions in statute, have the proposed zoning efforts blocked by the landowners within the area that is proposed to be zoned. There are less than a handful of counties that have county-wide zoning in place and of those that do, the zoning is limited in scope to residential density.

Building Standards; There are also fewer than a handful of counties that have adopted the uniform building code and even in those that have, there is no adopted building standards for residential fire protection.

If we are to in any meaningful way address fire suppression costs in the WUI, we cannot rely upon the tools currently in place because of the limitations of each. We must face the real-world reality that even a combination of subdivision regulation, zoning and building standards will not allow the imposition of good common sense regulations that can have a positive influence on reducing fire suppression costs within the WUI. **We must find a new tool.**

Potential Solution

A stand-alone tool to address development in the wildland urban interface could be such a tool. We already have an example of a tool that is authorized for a specific land use need; floodplain regulation. A county may adopt regulations to control development within the area known as the floodplain. It stands alone and, while being a tool that can be used in subdivision review, zoning regulation or building code enforcement, floodplain regulation is not dependent upon any of them to be implemented and enforced. We also have as another example, the Airport Affected Area Act, which can be adopted as a stand-alone measure to control activities in the areas surrounding airports.

We need to very seriously consider legislation that could be adopted by a local government that would be limited to the regulation of development and building in the wildland urban interface. This legislation could authorize a local government to regulate and enforce common sense fire-mitigation measures such as the creation of defensible space and require the use of fire-resistant building materials. The authorizing legislation would need to address several key points:

- Each jurisdiction could choose to adopt fire regulations or not.
- The area that would be subject to the regulation would have to be identified and designated.
- There could not be a protest provision, although an appeal process should be provided.
- The specific things that could be regulated would need to be identified, i.e. defensible space and fire-resistant building materials.

Many details will need to be considered and vetted through a public participation process to find those measures that can all be part of a solution.

Until such time as the Montana Legislature provides an adequate tool for local governments to require common sense fire mitigation controls, we will continue to see uncontrolled development in the WUI and will continue to expend significant public resources suppressing fires in the WUI. Blame cannot be placed upon local governments for not adequately regulating growth in the WUI if local governments are not provided with adequate tools to do so.

Heisel, Leanne

From: Jay Bodner [Jay@mtbeef.org]
Sent: Friday, February 01, 2008 12:47 PM
To: Heisel, Leanne
Subject: Fire Comments

Leanne,

On behalf of the Montana Stockgrowers Association MSGA, I would like to offer some suggestions to the Fire Suppression Committee.

1. Include local volunteer fire chiefs or assistant chiefs on Type I and Type II management teams. In visiting with DNRC, it appears there is also an effort to include local liaison on these types of teams. This individual would be able to talk directly to the locals affected by the fires and explain the details of the fire suppression efforts. They are also able to provide details to the locals on the agency perspectives and constraints they are facing. This effort seems to be an improvement in communication and needs to be expanded.
2. To ensure involvement by the local rural fire departments, improve and increase training workshops for these individuals. On the DNRC website, there is a list of available training sessions, but there needs to be a bigger effort to communicate these workshops to the people that need them. MSGA has sent copies of the training sessions to our local MSGA affiliate groups across the state. DNRC is also working on a fifteen minute training video. It would benefit all state, federal and rural fire agencies to have consensus on this type of training video. In the 1990's federal, state and university range staff developed a program for range monitoring called "Monitoring for Success." The idea behind the project was any landowner that was trained through the program would have data that met the requirements of BLM, Forest Service or DNRC. It would be advantageous to have a similar training program that would meet the fire suppression needs of these agencies.
3. On Type I and Type II fires, rely more heavily on local fire departments. Currently the emphasis is on using contract crews. Some contract crews are less motivated to extinguish fires simply because of the economics. I have contacted the Forest Service and they do have some system of rating contractors. Those contractors that are competent and reliable are called first. This seems like a system that may be worth exploring as contractors are employed on these larger complex fires. MSGA's emphasis is still to have a level of inclusion by the local departments to help with the suppression efforts.

I appreciate you taking the time to review these comments. If you have any questions, please contact me at the office at 442-3420 or email.

Jay Bodner
Natural Resource Director
Montana Stockgrowers Association

100 1st Street North, Ste. B
P. O. Box 576
Cascade, MT 59421



Phone: (406) 468-0056
mrcdc@missouririvercouncil.info
www.missouririvercouncil.info

**MISSOURI RIVER
CONSERVATION DISTRICTS
COUNCIL**

February 1, 2008

Fire Suppression Committee
c/o Leanne Heisel
Legislative Service Division
P.O. Box 201706
Helena, MT 59620-1706

Sent via e-mail to lheisel@mt.gov

Dear Senator Cobb and members of the Fire Suppression Committee:

The Missouri River Conservation Districts Council, a collaboration of the 15 Conservation Districts along the Missouri River in Montana, submits the following comments regarding firefighting efforts:

1. The Council supports the resolution recently passed by the Montana Association of Conservation Districts urging "the Forest Service, Congress, and the President of the United States to consider a revised policy which includes immediate suppression of fires in a watershed drainage in drought years." A copy of the resolution is attached for your reference.
2. All Federal agencies with land management responsibilities in Montana should update their policies to expressly state that protection of private property and grazing lands, both publicly and privately owned, will be a top priority when responding to wildland fires.
3. Prior to the fire season, state and federal agencies should coordinate with local Conservation Districts to identify high priority areas that should be protected from fire damage, for example, headwaters areas, grazing lands, and highly erodable areas.
4. The Council also supports the suggestions outlined in Cascade County Conservation District's comments dated January 25, 2008, copy attached.

Thank you for your time and attention on this matter. We sincerely hope that your efforts will result in more efficient management of the state's firefighting resources and greater protection of our natural resources. If you have questions or concerns regarding our comments, please contact our coordinator, Vicki Marquis, at 468-0056.

Sincerely,

Jim Beck
Chairman

cc: Congressional Delegations
Montana Governor Brian Schweitzer
Montana DNRC

Gallatin Conservation District
Broadwater Conservation District
Lewis & Clark Conservation District
Cascade County Conservation District
Chouteau County Conservation District

Blaine County Conservation District
Big Sandy Conservation District
Fergus County Conservation District
Petroleum County Conservation District
Phillips Conservation District

Garfield County Conservation District
Valley County Conservation District
McCone Conservation District
Roosevelt County Conservation District
Richland County Conservation District

Montana Association of Conservation Districts (MACD)
Resolution 07-01
WILDFIRE MANAGEMENT

WHEREAS, some fires on federal, state and private lands are a valuable tool to prevent catastrophic fires; and

WHEREAS, the resources these fires consume are crucial to the long-term survivability of all who enjoy and use our natural resources; and

WHEREAS, recent fires due to extreme drought have become more dangerous to private lands that adjoin where most fires occur; and

WHEREAS, the fires in the headwaters of most drainages are crucial to supplying water year-round to irrigators, stock waters and communities; and

WHEREAS, allowing these fires during drought years go uncontrolled have detrimental effects to the water supplies for many years to come; now

THEREFORE, BE IT RESOLVED, that the Montana Association of Conservation Districts at its 2007 annual meeting urges the Forest Service, Congress and the President of the United States to consider a revised policy which includes immediate suppression of fires in a watershed drainage in drought years.

*Submitted by Chouteau County Conservation District
Passed MACD General Business Session November 15, 2007*

Heisel, Leanne

From: Carol Phillips [greg087@centurytel.net]
Sent: Thursday, February 07, 2008 9:09 AM
To: Heisel, Leanne

Dear Ms. Leanne Heisel

I would like reply to the article by John Cobb on fire suppression printed in the Great Falls Tribune, Friday, Jan 4, 2008.

The fire seasons in the Rocky Mountains have become a nightmare. The Forest Service lets fires burn until they are too hot to fight and continually "watch" small fires until they are huge. Living in Kalispell the past several years really drives home the point. We can't recreate in August and September because the smoke is so bad. People with asthma have to stay indoors. Last summer, my mother, who lives in Great Falls, was restricted to the house because the smoke from the Bob Marshall fires was so bad.

I try to pack into the Bob every summer for a camping trip. My first trip was in 1974 and I backpacked over Headquarters Pass from the Teton drainage. What I remember most (besides sore feet) was the beauty of the drainage. Trees lined the trail all the way down. I talked to a packer three years ago about Headquarters Pass and he described a very different trail.

It was burned in 1988 and still hasn't recovered. It is ugly with black stumps all over. Three years ago I went to Gates Park and was horrified at the burn site. The trail I had used in my visualizations of the "trail of life" is bare of trees. Riding up the Gibson Trail to Cabin Creek and on to Gates Park, we went through burned area after burned area. Noxious weeds are growing abundantly in these areas, but the only trees surviving the heat are lodge pole pine growing so close together it creates a perfect fire environment for the future.

My four granddaughters want to see the Bob with me in the future years. I would like them to see it as a beautiful, special place, not as an example of this generations fire management experiment.

I think enough of Montana has been burned. I would like to see all fires starting in July or early August to be completely put out. The DNRC and private landowners don't seem to have a problem doing this. The Forest Service needs to be held to the same standard. The burned timber should also be harvested.

We as a country can't afford to waste resources.

Thank you,

Carol Phillips
265 El Rancho Road
Kalispell, MT 59901
406-756-6301

Heisel, Leanne

From: Dennis Kleinjan [cowboydk@mtintouch.net]
Sent: Tuesday, February 05, 2008 8:57 AM
To: Heisel, Leanne
Subject: wild fire supression

Leanne I am a volunteer fire fighter up in Blaine county, also a member of the MSGA. Our main attack on all fires is hit them hard with every thing we have as fast as we can. We have a great mutual aid response state wide. We have a reservation on the east, the monument on the south and Canada on the north. When we come to a fire, the initial attack does not worry about boundaries. We all work well together for suppression of the fire. When it comes time for mop up we figure out who's land is who's and we honor their rules as much as possible.

Before moving back and taking over the ranch I spent several years in western Montana. I took a forest steward ship class and learned a lot about thinning and cleaning up the trees. There is much that can be done to thin the forests to not only make them healthier but also less of a fire threat.

Dennis Kleinjan

2/5/2008



PROFESSIONAL WILDERNESS OUTFITTERS ASS'N.

Dear Fire Suppression Interim Committee,

The PWOA would like to thank you for the opportunity to voice our thoughts on what can be done to curb the costs of fighting forest fires in the state. We feel that another important item that is not taken into consideration is "what is best for the land, the environment and the economy" in the areas that these fires affect.

1. There is a lack of communication between federal, state and private land owners when a fire occurs. A blanket policy on fire suppression should exist to create a working relationship among the different agencies. This would bypass the necessity to call and get permission to fight a fire on another's ground and waste valuable time and money.
2. After a fire starts, we hear about "lack of resources" to properly attack the fire until it gets too big to contain. Then the spending costs spiral out of control. It appears that the fire fighters want to keep the fires burning as they can make a lot of money off them. More money should be spent proactively on fires instead of reactive.
3. When the US Forest Service drafts management action points (MAP's) on a suppression fire there needs to be public involvement as to where these MAP's are and the values at risk. We believe values at risk should include long term lost recreational opportunities, loss of summer and fall range for elk, deer, sheep and goats, lost watersheds, increased weed distribution and increased erosion in addition to structure protection. In the Bob Marshall Wilderness Complex there are complete drainages that are burned out where camping is not safe and has effects on the wildlife, fish and vegetation. The trail systems in burned areas in the wilderness are difficult to travel through and there is no money to keep those trails open for the users of the wilderness. Keeping the trails open falls upon the users and most generally the outfitters.
4. The initial attack of the fire should be aggressive, keeping in mind safety, but fought with the idea of putting it out. By its very nature firefighting is dangerous and that is a risk that the firefighters take by signing on.
5. There should be more education on how to protect owner's property from fire *before a fire breaks out*.
6. There should be more training for property owners on how to fight fire on their own land.
7. The Forest Service should revisit their "Let Burn Policy". The current drought situation which is in its 9th year with high temperatures and low humidity's has led to an explosive situation.

Thank you for taking the time to be on this committee and finding a way to be proactive on fire suppression.

Sincerely,

A handwritten signature in black ink, which appears to read "Kirk Gentry". The signature is written in a cursive, flowing style.

Kirk Gentry, President PWOA



Box 460
East Helena, Mt
59635

Dear Ms. Heisel,

I am very happy to respond to your request for comments on wildfire management.

I retired from the DNRC Central Land Office at the end of last year's fire season, with 47 years experience with wildfires. I flew with the Forest Service for 17 summers, and with the State the past 30 years. I have been red-carded as an aerial observer, air tactical group supervisor and communications unit leader for most of those years. I have a Master's Degree in the Earth Sciences, and retired from teaching Earth Science at Helena High School in 1983.

I strongly make the following recommendations:

1. Man the lookouts during the wildland fire season. For the past two years, the CLO, and possibly other State Land Offices have not manned the existing lookouts. Rogers Mountain Lookout, on the Central Land Office, if manned, very probably could have saved the State a very large amount this past summer, in that, two very expensive fires, the Little Wolf Creek Fire, and the Novak Fire, were in direct view of the lookout. The Little Wolf Creek Fire was on Butcher Mountain, approximately three miles north-north-east of the lookout, and would have seen the smoke very soon after ignition. The Novak Fire was farther to the north-north-east, east of Hardy and line-of-sight from the lookout, with possibly the same results. Instead, the two fires, due to late detection, burned out of control, and cost vast amounts of money.

The Forest Service also did not man Hogback Mountain Lookout, and although I can not name particularly any fires that it may have detected early, there were several fires in the Gates of the Mountains that it may have detected.

2. Dispatch and air patrol fixed wing aircraft immediately following storms. For the past several years, dispatch has not done so, and have waited outside reports of smoke to dispatch the helicopters. Helicopters cost ten times more per hour than fixed wings, and their mission is to man and suppress the fires. Many times, they report additional fires enroute to the first fire, and are detoured, with firefighters and buckets on board, to report on what other fires they can see. As a result, they do not arrive at the first fire when delayed by these requests.
3. Do something about the Forest Service actions on their Natural Prescribed F, (let burn). Every year, these fires cost the State much money in burning private and State resources. The latest example was the Meriwether Fire which burned much private and State land, including the Beartooth Game Range. Can't the state sue

for damages? By the way, that fire should never have escaped suppression. Take the word of the author of this letter.

I will be most happy to discuss these and other matters with you at your convenience.

Sincerely,

Jim Haslip
W7ck@aol.com
227-6329