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Fire Suppression Interim Committee

60th Montana Legislature

SENATE MEMBERS

JOHN COBB
KEN HANSEN
RICK LAIBLE
DAVE LEWIS
GERALD PEASE
CAROL WILLIAMS

HOUSE MEMBERS

STEVE BOLSTAD
JIM KEANE
KRAYTON KERNS
RICK RIPLEY
CHAS VINCENT
BILL WILSON

COMMITTEE STAFF

LEANNE HEISEL, Lead Staff
TODD EVERTS, Staff Attorney
DAWN FIELD, Secretary
BARBARA SMITH, Fiscal Analyst

MINUTES

Little Theater,
June 20, 2008

Central Administrative Building,
724 Louisiana Ave.
Libby, MT

Please note: These are summary minutes. Testimony and discussion are paraphrased and condensed. Committee tapes are on file in the offices of the Legislative Services Division. **Exhibits for this meeting are available upon request. Legislative Council policy requires a charge of 15 cents a page for copies of the document.**

Please note: These minutes provide abbreviated information about committee discussion, public testimony, action taken, and other activities. The minutes are accompanied by an audio recording. For each action listed, the minutes indicate the approximate amount of time in hours, minutes, and seconds that has elapsed since the start of the meeting. This time may be used to locate the activity on the audio recording.

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To view the minutes, locate the meeting date and click on minutes. To hear the audio recording, click on the Real Player icon. Note: You must have Real Player to listen to the audio recording.

COMMITTEE MEMBERS PRESENT

SEN. JOHN COBB
SEN. DAVE LEWIS

REP. STEVE BOLSTAD
REP. JIM KEANE
REP. KRAYTON KERNS
REP. RICK RIPLEY
REP. CHAS VINCENT
REP. BILL WILSON

STAFF PRESENT

LEANNE HEISEL, Lead Staff
TODD EVERTS, Staff Attorney
Cj Johnson, Secretary
BARBARA SMITH, Fiscal Analyst

Visitors

Visitors' list, Attachment #1.
Agenda, Attachment #2

COMMITTEE ACTION

None.

CALL TO ORDER AND ROLL CALL

8:00 a.m. REP. VINCENT called the committee to order at 8:00 a.m. The secretary called the roll. Attachment #3. SEN. HANSEN, SEN. LAIBLE, SEN. PEASE, and SEN. WILLIAMS are absent.

8:05 a.m. REP. VINCENT introduced the panel members.

Panel members:

- Paul Bradford, Kootenai Forest Supervisor
- Steve Fry, Department of Natural Resources and Conservation (DNRC) representative
- Mike Herrin, Three Rivers District Ranger Station

REP. VINCENT thanked the agencies and the departments for their successes this last fire season on the 200 plus successful initial fire attacks. He said the Lincoln County residents and the tax payers of Montana appreciate the success of their efforts in maintaining those fires.

00:02:15 **Paul Bradford, Kootenai Forest Supervisor**, talked about the good snow pack, and feels this will be a good year to not fight fires. He said we have dealt with fire conditions that we have never dealt with before. He said in 1991 when he went to work at the National Forest Service Office in Washington, D.C., that George Leonard, Chief of the National Forest Service was concerned because his office had spent 20% of the agency's budget on fires. Mr. Bradford said now 18 years later, the agency is spending close to \$2 billion in fire related efforts. He said reasons for fire spending are: climate, regional, urban interface conditions, etc.

00:06:26 Mr. Bradford talked about the 2.2 million acres of natural forest in the Kootenai National Forest. He said the Forest Service had established revision plans in 1987. He said that the plan is being used as guidance for fire management. He talked about the first initial attack on a fire needs to be strong before it gets out

of hand. He distributed a handout on the Kootenai National Forest Fire stats from 2001-2007. (See EXHIBIT 1). He explained the handout that shows the number of fires and the years the fires took place. He said when there is a strong initial attack they are able to contain most of the fires to 3 or less acres.

00:13:05 **Steve Fry, Northwest Land Area for DNRC**, provided a hard copy of his talking points. (See EXHIBIT 2) Mr. Fry informed the committee that he has been a Type I Incident Commander for 10 years with the Libby National Forest with DNRC. He said they would not be able to handle the fires alone without the help of excellent partners, such as the local fire departments, local government, and private contractors. He said they are fully integrated with those partners -from dispatch, to initial attack groups on the ground and in the air. He talked about the response to fires is seamless because of the response from their partners who know their responsibilities and priorities. He stressed emphasis on the partnerships to fight fires.

00:19:39 Mr. Fry thanked the committee for releasing funds for resources, for example equipment that expands their capability to fight fires. He said when the crews are not engaged in fire operation they will be doing forest management, such as building trails and fire wise activity by taking care of under brush, etc.

00:22:02 Mr. Fry talked about fire prevention. He said that nationally over 75% of wildland fires are human caused. He said fires in the northwest region for DNRC is between 40% to 78% human caused. Mr. Fry talked about:

- Contractors are key the element in the firefighting workforce.
- Contractors as operators of heavy equipment are a force multiplier.
- Experienced personnel needed in the use of heavy equipment.

Mr. Fry said the Montana Logging Association should be involved, and addressed several issues why:

- Firefighting resources on fuels.
- Provide access to get to fires.
- Offer continued support for the rural and volunteer fire department which is critical to the success in fighting fires.

00:26:05 **Mike Herrin, Three Rivers District Ranger**, thanked the committee for recognizing the successes that the firefighters have had on the fires. He has been a firefighter in the wildlands and knows what it is like to use a pulaski to put a fire out. He asked that the committee also recognize the success of the firefighters safety. He closed by thanking the committee members for their interest in fire suppression.

QUESTIONS FROM COMMITTEE MEMBERS:

00:27:34 REP. KEANE asked Paul Bradford how he would describe what an initial attack means to him. Mr. Bradford said there would be people in the air for observation, and this would be listed as some sort of an initial attack and in line with the Forest Service fire management plan. He said the management plan

doesn't have a wildland fire use component in it, and is different from some of the other forest events.

- 00:30:54 Dan Rose said there is semantic how fires are reported. He explained how he monitors a controlled, confined, or a contained fire. REP. KEANE commented that DNRC's response is that the Forest Service needs to define better what an initial attack is and what is a contained fire.
- 00:34:22 SEN. LEWIS talked about the committee traveling around the state and being more aware of locations of homes. He noted when traveling from Thompson Falls to Libby that the homes along the river are surrounded by brush, and wanted to know how these structures are protected. Paul Bradford responded that structure is a difficult position, and said they look at other local agencies to see what they do. SEN. LEWIS talked about how the Forest Service handles structure fires.
- 00:39:50 Mike Herrin said that Type I teams are not trained to handle structure fires. He talked about bringing structural teams in from Missoula to assist with fires when structures are threatened.
- 00:40:48 Paul Bradford said the best way to get ahead of the fires is to keep it away from the WUI. He talked about:
- firefighters having limited capabilities in structure, and
 - density of the brush around structures.
- 00:41:54 Dan Rose stated there is a priority process with each fire. When there is an initial attack the firefighters know who fights what. He said the firefighters can go in and thin the brush, and have an engine there to protect the structures when threatened by a fire.
- 00:43:12 Steve Fry talked about putting firefighters at risk. He said it is a combination of effort with fire departments and volunteer firefighters. The key is to bring all elements together in a coordinated effort for the protection of those homes. Northwest residents are becoming more responsible in protecting and taking charge at what they need to do to protect their property.
- 00:45:40 REP. BOLSTAD asked Paul Bradford to explain to the committee how much time he spends in timber sales and how long does it take to remove slash. Mr. Bradford replied that the Kootenai National Forest has a timber management plan that targets them to harvest approximately 13 million board feet a year. He informed the committee that the Panhandle of Northern Idaho, which is part of Region I, harvests about 65 million board feet a year. He said there are approximately 400 million board feet of timber growing at this time in the Northwest.
- 00:47:52 Mike Herrin talked about the Healthy Forest Act and the healthy beetle plan that was put into place two years ago. He addressed the National Environmental Protection Act (NEPA), and how they are used to attack the beetles. He said

that now with the environmental impact takes longer from the study to the treatment. He responded to the second question on slash. He said that the slash is taken care of by the loggers who bring in the tops, which are ground and sold to Murfit or Stone. Mr. Herrin said they are hoping that slash could become a by-product some day -used to make electricity.

00:52:49 SEN. COBB talked about fuels. Mr. Bradford responded that his crew is actively working on the fuels, thinning, etc. SEN. COBB asked what can the state do to make this better to help prepare for the fires between state and private land. Mr. Bradford said there is an educational effort between communities, local and state government to inform people that are moving out into the WUI. SEN. COBB asked Mr. Bradford to get a copy of the contract agreement on how the costs are divided between the local communities, counties, and state. Mr. Bradford said he would.

00:58:18 REP. KEANE talked about the heavy equipment used on the Jocko Lakes fire, and wanted to know what went wrong with the fire. Mr. Fry said there will always be a learning curve for any team that comes from out side the state. He talked about the team from Arizona who was faced with the most difficult fire management challenges in this region. He said the Arizona team did have heavy equipment, fire teams and air tankers within 30 minutes of the fire, but they couldn't catch it they learned quickly about fire behavior. Mr. Fry talked about the cross incident management teams and the personnel issues that had taken place. He said that Bob Harrington and DNRC approached the Arizona management team regarding their response to the fire because they, Mr. Harrington and DNRC, felt it was beyond Arizona's capabilities, in the end they had the team replaced. REP. KEANE asked if the state had more oversight of the teams, could we have done away with the teams sooner than we did. Mr. Fry said they released that team as soon as they could and replaced them with a more capable and experienced team.

Break:

01:10:52 REP. VINCENT gave a brief explanation of the discussion that was taking place before the break.

PUBLIC COMMENT:

9:00 a.m. **Jeff Gruber, Teacher/Historian on Lincoln County Logging history**, gave an overview of his power point program and stated it was started per request of the Montana Historical Society. His presentation is called "Log-Gone it, Libby!"
EXHIBIT 3

PANEL DISCUSSION:

9:30 a.m. **Panel Members:**

- Jim Hurst, Owens & Hurst Lumber
- Duane Vaagen, Vaagen Brothers Lumber
- Ed Levert, Chairman of Lincoln County Steering

- Committee/Kootenaiorest Stakeholder, Secretary/Treasurer
- Bruce Vincent, Communities for a Great Northwest
- Ron Hvidsak, Fire Specialist

01:52:34

Jim Hurst, Owner of Owens & Hurst Lumber, provided information on his background and how he started Owens and Hurst Lumber in 1980. He summarized the operation and how they have tried to survive. He discussed those in power, such as the Federal Forest Service who are in control. He talked about:

- if the Forest Service can't be abolished then the state should take over management,
- looking to neighbors in the North -Canada, and how they operate their forests,
- not wasting time on collaborative efforts - it takes too much time,
- if we choose a no-action alternative, gas prices will take care of it. He predicted \$5 to \$7 gas.
- the USDA made a "conscious decision" not to drill, not to mine, and not to log -now those decisions are coming home to roost.

Mr. Hurst applauded the committee for visiting these issues. He closed stating that Montana is suffering and its people are hurting.

02:07:26

Duane Vaagen, Vaagen Brothers Lumber, welcomed the committee and explained the information he had on some fire stats. **EXHIBIT 4** He provided background information on Vaagen Lumber and what they are doing today. His company makes trusses that are still in demand and the reason they are able to stay open. He discussed the problem with Libby and the surrounding forest, and stated there needs to be infrastructure in place to treat the forest to a healthy state which will increase community health. He addressed the Montana healthy forest issue, and asked:

- 1) Is Montana treating more acres per year?
- 2) Are more acres burning in Montana per year from wild fires or is there less acreage burning?
- 3) Is Montana adding or losing infrastructure such as milling capacity?
- 4) Is the forest in agreement of size and types of management?
- 5) Is the forest being managed for wilde fire, and is that where the money is?
- 6) Is the Forest Service budget and personnel adequate to get the job done, if so - why are the mills leaving Montana?
- 7) What affects will be suffered when the local pulp mill goes away?

Mr. Vaagen offered a solution to their problems by bringing a facility to Libby or the area to treat at-risk forests. Mr. Vaagen closed and commended the committee on their work and for being here today.

02:18:28

Ed Levert, Chairman of Lincoln County Steering Committee, Kootenai National Forest, said he is retired from the Forest Service. He distributed his testimony that provided information about his background when he worked for the Forest Service. **EXHIBIT 5**

02:22:07 Mr. Levert said he started the Lincoln County Steering Committee. The Steering Committee is an informal group, and the members come from various agencies, such as county, disaster and emergency services, DNRC, and the Forest Service. He talked about the Steering committee's accomplishments:

- fire assessments,
- firewise assessments for the communities ,
- Libby municipal watershed,
- he has written grants, and the committee has received over \$360,000 in grants for fuel assessments. He said that the Resource Conservation & Development Program (RC&D) is administrating the grants. He talked about Lincoln County taking ownership on solving their own problems in fuel assessments,
- the Committee is getting the Fish, Wildlife and Parks to take charge of management, and
- the forest industry and the stakeholders coalition and how they have a process to address litigated problems. He explained the coalition by-laws, and the teams for each district.

02:31:55 Mr. Levert discussed a stewardship contract and an agreement made with the towns and recommendations that the towns adopt subdivision assessments prior to approval of building in the WUI. He talked about tax exemptions for people who have fire protected their home and property. He said these people should be rewarded for their firewise efforts and shouldn't be linked to those who don't do anything.

02:34:16 **Bruce Vincent, Communities for a Great Northwest**, gave an overview of Montana's past history from the ice age with no trees to the trees coming back. He talked about fires in 1889 that burned from Spokane, Washington, the Idaho Panhandle, and parts of Montana. He said the 1910 fire was the largest in North American history, and burned over 3 million acres in under 3 days. He stressed that NEPA is the way to go. It is a process the federal government follows that includes input from local citizens. Mr. Vincent said that NEPA is a way that we as citizens can assist the federal agency in doing the right thing to our forests. The citizens can petition the federal government to lead and educate people in the WUI interface. He thanked the committee for doing a good job.

02:56:52 **Ron Hvidsak, Fire Specialist**, gave a power point presentation on Managing Fire Behavior. Mr. Hvidsak said he worked for the Forest Service for over 30 years. The power point is his views and information he has gathered while working for the Forest Service. There is no hard copy for an exhibit.

QUESTIONS FROM COMMITTEE:

03:19:41 REP. BOLSTAD asked Bruce Vincent about an elected body as stated in NEPA and what can they (the legislature) do. Mr. Vincent talked about programs that have been put together by local communities and other groups. He doesn't know what the Forest Service has done.

03:22:39 SEN. LEWIS asked about fuel buildup on federal lands being a danger to private lands and state lands. He said that the state of Colorado is doing a study of the beetle blight forest. Bruce Vincent responded stating they are working with the federal Forest Service management.

03:24:40 **Duane Vaagen** commented that Scandinavia countries don't have forest fires.

03:26:16 **Bruce Vincent** thanked the committee for paying attention and giving hope to the communities and the fire responders. He talked to the committee members stating that they are the first people that have dived in and paid attention to this issue.

Break

PUBLIC COMMENT

The Audio isn't very good to start with for Mr. Hodge.

03:37:20 **Fred Hodge, retired forester**, directed the committee to a satellite map he had on the wall. The map shows existing situations, wind, etc. He had an overlay that shows where fires have taken place in the last 6 years. **EXHIBIT 6** He had another map that shows all the road closures around the Flathead Lake. He said these road closures also closed off access for firefighters to fight fires. He suggested that with the DNRC having direct suppression costs, that they should be given fiduciary on all state trust lands, and to find a way to protect trust lands, such as thinning out the forests and underbrush. He wanted to know why the state of Montana can't develop and coordinate with the Forest Service to make sure these fires don't come down into the WUI, he said it is a federal threat.

03:48:11 **Mary Ann Roe, County Commissioner**, thanked the panel and the committee for being here today.

03:49:21 **Lincoln Chute, OES, and a volunteer fireman**, said the biggest change that took place last year when working with DNRC is they paid the volunteers to be on stand-by at the hall. By doing this they were able to keep most of the fires small. He addressed firewise, stating it is something that needs to be addressed by the owner of the subdivision before a house is built. He talked about the problem that Flathead valley has, which is a "let burn" area. He talked about a working relationship with DNRC, and trying to have a relationship with the Forest Service. He informed the committee that he is working on a BFA grant to purchase firefighting equipment.

03:55:10 **Russell Hudson, worked for J. Neils Hudson**, said that he would like to see some kind of incentive for the people that do fire protection on their land. He offered several proposals.

03:58:30 **Commissioner Windham** talked about facing a crisis on road systems because they don't have the maintenance dollars to keep them upgraded. She asked the legislators to go back and get the federal government to give the state the \$14

million that Montana had been promised.

04:01:24 **Mark Schiltz, Western Manager for Montana Land Reliance (MLR)**, informed the committee that he works on conservation easements and manages land trusts. He talked about being a geologists and working placer mines. **EXHIBIT 7** He said that MLR is the largest state based land trust in the United States and that MLR holds more land under easements than any other land trust in Montana, including both federal and state agencies. He talked about the greatest risks to fighting fire is residential development in the WUI, which places both professional and volunteer firefighters at risk when they are attempting to protect residences in harms way. He told how conservation easements work. Mr. Schiltz assured the committee that MLR is committed to reducing subdivision and development in the wild land urban interface, and how they work with private landowners who have the same goal. He closed by giving an example of the benefits of conservation easement and how it worked on his families property at Big Fork - the land will never be subdivided nor have more than one residence on it.

04:06:55 **Dave Skinner, Kalispell**, said he is a plain old citizen. He is a member of Montanans for Multiple Use. He distributed written testimony. **EXHIBIT 8** He talked about Headwaters Economics who had stated in a previous presentation that "where housing borders undeveloped public lands it is becoming increasingly expensive to fight the inevitable wildfires that are a part of life in the west". Mr. Skinner said he differs with that comment and said the real problem is unmanaged public lands, especially federal lands. He talked about the federal government using the argument that development in the woods causes fires, when there is no management of federal lands where fires start and will never see development.

04:11:05 **Larry Kelly, a logger and a wildland firefighter contractor**, talked about mechanized equipment and how it has amazingly changed in the last 8 years. He discussed the need for experienced people to operate this equipment during fires.

04:22:13 REP. VINCENT thanked the public for the information they provided, their views, ideas, and comments.

04:23:01 SEN. COBB said he would like to hear from the other side, such as view points, recommendations, etc. from the Forest Service.

04:23:53 REP. VINCENT informed the committee that the bus will be leaving at 1:15 p.m. for any of the members that want to stay and tour a couple of the lumber mills. Rep. Vincent said the committee will be considered adjourned at the end of the lumber mill tour.

BREAK FOR LUNCH:

12:30 Lunch was provided for the committee members and staff.

1:15 The committee members boarded a bus to tour the lumber mills.

3:30 Adjourned.

Attachments:

EXHIBIT 9 - Handout on the Northwest Regional Resource and Conservation Development.

EXHIBIT 10 - Letter sent from Rick Liabe regarding assistance to Volunteer Fire Fighters.

EXHIBIT 11 - Contracting Subcommittee recommendations.

EXHIBIT 12 - Letter from John & Margaret Smith on the dangers and restrictions to fire fighting near electric transmission lines.

EXHIBIT 13 - Letter to Matt Hedrick from Mark Haggerty and Patty Gude, Headwaters Economics.