



## 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

May 16, 2008

Sapphire Room, Yogo Inn  
Lewistown, Montana

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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#### **COMMITTEE MEMBERS PRESENT**

SEN. JOHN COBB  
SEN. GERALD PEASE  
SEN. DAVE LEWIS  
SEN. CAROL WILLIAMS  
REP. STEVE BOLSTAD  
REP. JIM KEANE  
REP. KRAYTON KERNS  
REP. CHAS VINCENT  
REP. BILL WILSON, Acting Chair

#### **COMMITTEE MEMBERS EXCUSED**

SEN. KEN HANSEN  
SEN. RICK LAIBLE  
REP. RICK RIPLEY

#### **STAFF PRESENT**

TODD EVERTS, Staff Attorney  
LEANNE HEISEL, Lead Staff

DAWN FIELD, Secretary  
BARBARA SMITH, Fiscal Analyst

**AGENDA & VISITORS' LIST**

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

**CALL TO ORDER AND ROLL CALL**

00:00:01 REP. WILSON called the meeting to order at 10:10 a.m. Meeting attendees were asked to sign the visitors' list. The secretary noted the roll, SEN. HANSEN, SEN. LAIBLE, and REP. RIPLEY were excused (ATTACHMENT #3).

**REVIEW COMMITTEE MISSION, PROBLEMS IDENTIFIED, COMMENT RECEIVED**

00:02:15 **Leanne Heisel, Research Analyst, Legislative Services Division (LSD)**, reviewed the history of the Fire Suppression Committee (FSC), saying that it was created in response to costs associated with fires, issues of wildland urban interface issues, and the climate change issue. She said that HB 1, approved in the 2007 September special session, requires the committee to travel to communities affected by wildfires. The bill also requires study and investigate of various aspects of wildland fire; management and efficient use of resources; the effect on private land; and state and federal forest policies and their impact on fire suppression efforts. The FSC has been meeting monthly since October and has gathered a tremendous amount of information. Three subcommittees were formed to deal with issues of private contractors, infrastructure, and wildland urban interface. Ms. Heisel said that copies of the FSC's Outlook of Fire report is available online and in the handouts (EXHIBIT #1). She read some of the conclusions from the report.

00:08:08 Ms. Heisel briefly discussed each of the WUI subcommittee recommendations (EXHIBIT #2). She noted that the recommendations were not necessarily endorsements by the Subcommittee, but topics on which the Subcommittee wanted public input.

00:12:14 **Todd Everts, Legal Counsel, LSD**, said that the Contractor Subcommittee put forth nine recommendations (EXHIBIT #3). He discussed several of them.

00:15:34 **Barbara Smith, Fiscal Analyst, Legislative Fiscal Division (LFD)**, reviewed the recommendations of the Infrastructure Subcommittee, which included state and federal funding issues (EXHIBIT #4).

00:20:00 The attending public was reminded that the FSC is still in the information gathering phase of the study and that to date, no legislation has been approved.

**MISSOURI RIVER CONSERVATION DISTRICTS COUNCIL (MRCDC)**

00:21:00 **Vicki Marquis, Coordinator, MRCDC**, presented a PowerPoint presentation outlining the concerns of conservation districts, the impacts of wildland fire on Missouri River watershed, and the importance of preserving water quality. Ms.

Marquis also reviewed MRCDC projects and comments regarding fire suppression in the Missouri River Corridor (EXHIBIT #5).

### Committee Questions

- 00:38:12 REP. BOLSTAD referred to Ms. Marquis' comments that federal management policy needs revisions, and asked what the MRCDC's position is on what should be done in the CMR National Wildlife Refuge (CMR), and if it has specific revisions in mind. Ms. Marquis said the MRCDC feels that immediate suppression should be the predominant response but that preventive measure need to be taken also, such as fuels reduction.
- 00:40:13 SEN. COBB asked Ms. Marquis to provide the FSC with more information on the water shed draining issue and... **COULDN'T HEAR HIM - THIS MAN REFUSES TO SPEAK INTO THE MICROPHONE!!** . Ms. Marquis said that there has been no coordination with local conservation districts at this point and that the key may be working with the Northern Rockies Coordinating Group (NRCG). SEN. COBB asked her to provide a list of fuel reduction projects being done and estimated cost. as well as projects that have been completed and projects that need to be done in the future. He said this type of information will be very useful to the Committee when determining what action to take.
- 00:43:12 REP. KEANE asked for more information regarding how the conservation district is addressing structure and private property protection. Ms. Marquis said that resolution was approved by the Choteau County Conservation District that urges the federal government to consider revised policy which includes immediate suppression of fires in a watershed drainage in drought years. The resolution was passed by state and national conservation districts. REP. KEANE asked that a copy of the resolution be provided to the FSC. Regarding fuel reduction projects, REP. KEANE asked Ms. Marquis to also provide the amount of money spent by the BLM on the projects discussed by Ms. Marquis.
- 00:45:15 SEN. LEWIS asked if the MRCDC has reached conclusions regarding the Meriwether fire or if it has offered any advice or comments to the United States Forest Service (USFS) regarding the Meriwether fire. Ms. Marquis said yes, and that a local council member and land owner who was affected by the Meriwether fire had commented that he had to spend a lot of his own money and time protecting his private property. He thought that if the fire had been attacked earlier and more aggressively, much of the damage and loss to his property could have been avoided.
- 00:46:27 REP. BOLSTAD asked if the MRCDC plans to ask that the use of fire retardant and mechanical treatment be allowed in the CMR. Ms. Marquis said they need to be considered. She said that the impact of thousands of acres of noxious weeds that move in after a fire would probably be greater than dozer lines used to create fire lines.
- 00:47:39 REP. WILSON asked what kind of shape the Missouri River watershed is in, relative to last year. Ms. Marquis said that problems persist and that riparian forests are dying out and are not regenerating.

## LUNCH BREAK

### LEWISTOWN AREA/HI-LINE AREA FIRES; LOCAL ISSUES; VOLUNTEER FIREFIGHTER ISSUES; SUGGESTIONS FOR COMMITTEE ACTION

- 02:10:18 **Dan Carney, Valley County Fire Warden**, discussed issues of concern on behalf of volunteer firefighters, saying that:
- It is difficult to recruit volunteer fire fighters because they usually work elsewhere and employers have to be willing to support their service as a volunteer fire fighter and takes a considerable commitment from both the employer and the employee.
  - Grant funding to help with recruiting and additional training would be very valuable, and state training opportunities available now are essential.
  - Age is proving to be a factor because the average age of volunteers is increasing. The average age of Valley County volunteer fire fighters is about 42 years of age, which is considered young.
  - There is over 3 million acres in the Lewistown area, which includes BLM lands, reservation lands, CMR lands, and other state ground.
  - In Valley County, four different entities are involved in fighting fire in his county, including the volunteer fire fighters.
  - Valley County has six engines positioned in various parts of the county to maximize use, but several more would be useful. Aircraft would also be very useful for quick initial attack.
  - Severity resources are also available and have been of great help.
- Mr. Carney encourage the Committee to support severity resources and to also support adding one additional FTE to the Lewistown office to help cover eastern Montana. He displayed a map of Valley County Fire District, saying that without state help, local resources would not be adequate to cover the entire area.
- 02:21:43 **John Jensen, Fergus County Commissioner and volunteer firefighter**, agreed with Mr. Carney's comments and described the area of territory his department covers and said that volunteer fire departments are stretched and need more resources. He emphasized that volunteer fire departments often have very large areas of responsibility.
- 02:22:56 Regarding mutual aid agreements, Mr. Jensen said they have helped keep costs down and are a good value. He said that the cooperative agreement between the BLM and state lands has worked very well and that the trucks provided by the Department of Natural Resources and Conservation (DNRC) are much appreciated. He discussed several fires that he said would have become major events without assistance from the BLM and DNRC.
- 02:25:34 Mr. Jensen also commented on WUI issues. He said that Fergus County is rapidly changing and that many new subdivision are being built. He said fire protection districts are being considered because many of the new subdivisions are along way from services and that requiring reservoirs, for instance, is one way the issue is being addressed. He cautioned that too much regulation of WUI may overload a local government's ability to monitor and enforce violations. He agreed that safety is important and supported state building codes, rather than local regulations.

- 02:27:56 **Barron Crawford, United States Fish and Wildlife Service, CMR National Wildlife Refuge project manager**, said the CMR has over 1.1 million acres and is mostly made up of state school section lands. There are four FTE to provide fire suppression and there is a cooperative agreement with the DNRC in place. Additionally, there are typically 12-15 seasonal fire fighters hired to staff engines and 10 collateral duty staff. The Refuge has a fire budget of approximately \$500,000 and increases aren't anticipated. There are mutual aid agreements in place with the surrounding counties and off-refuge support is provided, when requested, for fire suppression. The current regional operating plan is being updated and the current plan is to suppress all fires in most cost efficient manner available, considering federal law and the impact of the effort on the environment. Safety is a large consideration also.
- 02:31:09 **Spike Thompson, Supervisor, Lewis & Clark National Forest (LCNF)**, said that the LCNF has approximately 1.8 million acres and stretches across most of central Montana, encompassing 13 counties. There are agreements in place with many volunteer fire departments and mutual aid agreements also. Mr. Thompson said he has seen extreme fire behavior become more of the norm in the last few years and that there were five large events in the LCNF last year, with the cost of each fire ranging from \$700,000 to \$18 million. He said that there are typically 20-40 fire starts every year in the LCNF, mostly due to natural causes.
- 02:33:26 Mr. Thompson said that fire fighter and public safety is the number one concern, followed by structure protection, and communication with the public and partners. He discussed the importance of initial attack, saying that it can drastically reduce costs. He discussed fires that have escaped initial attack, such as the Ahorn fire, saying that the area was very large with a great deal of fuel and had no escape zones for firefighters. Even with the aid of smoke jumpers and hot shot crews, the fire still escaped. Mr. Thompson said another priority is to manage the cost of long term events and that any action taken needs to be balanced relative to the values at risk. He also discussed fuel management options and the issue of private lands that adjoin forest. He said that towns, such as Neihart and Monarch, would be difficult to protect and that a long-term strategy on how to treat fuels is needed.
- 02:37:51 **Clive Rooney, DNRC area manager**, used a map to show the area he manages, which extends all the way to North Dakota. He said fire suppression is provided through a county cooperative agreement and that it is up to volunteer fire departments to do initial attack. He said that he has 1 FTE through DNRC to help, but that equipment is old and that safety concerns always there. County cooperative fires have changed in the past 10-15 years. initially was assistance to counties after... now is initial attack. because of effectiveness of initial attack, now bring in severity engines. in the past year, spent \$72,000 of tax money through severity and saved untold amount of money by doing this. challenges of managing program with one person is difficult and additional support is needed. Mr. Rooney discussed changes that could be made.

02:41:03 Mr. Rooney discussed the value of severity engines, saying that for the first time, in 2006 severity engines were stationed in Glasgow and the value of having them there. He discussed past support provided by the state and said that the level of support has improved over the last several years.

02:42:28 Regarding the interagency dispatch center in Lewistown, Mr. Rooney said it received about \$6,000 in the last session. He said that unfortunately, the money doesn't even cover the cost of dispatch services in the area. He said any action that would support volunteer fire departments is greatly appreciated and critical to continued fire suppression efforts. He said his top priority is getting equipment for volunteer fire fighters because they are the first line at fires. He thanked the legislators for providing the liability protection and said that assistance for recruitment would also be appreciated.

02:44:07 **Gary Kirpach, BLM fire management officer**, said his area covers 16 counties, amounting to one-sixth of the state. He said that he has one FTE and 25 part-time and 25 seasonal fire fighters. He listed the resources stationed in several areas within BLM jurisdiction, including a remote station in Zortman. Mr. Kirpach said he has MOUs in place with Valley, Phillips, and Blaine counties and he explained how current agreements have been successful. He also discussed fire behavior in the area, saying that because the fuel load is often "flashy" and burns very rapidly, aircraft support is critical. Mr. Kirpach discussed an example of a recent fire that went from 200 to 20,000 acres within hours. He said that while the BLM catches many fires, county response is often quicker; and he encourages greater support of county fire departments to allow them to maintain or expand resources. He discussed the Moccasin fire from 2007, saying that it was a model of success because all agencies came together and worked very cooperatively. He also discussed a public education event about fire awareness and said that it was a big success.

### **Committee Questions**

02:49:13 REP. BOLSTAD asked for an explanation of grassland fuels and fire behavior in eastern Montana. Mr. Rooney said grass fires are extremely fast burning, are usually driven by wind, are very dangerous because the fire can move faster than a vehicle, and are a completely different event than a timber fire.

02:51:31 SEN. WILLIAMS asked Mr. Jensen, regarding his statement that zoning in WUI areas may not be wise because of the impact to local governments, if he would object to creating optional zoning authority. Mr. Jensen said he would not oppose any legislation that would give a local government or jurisdiction complete control. SEN. WILLIAMS asked staff to check to see what it would cost for the state to provide assistance to counties for the planning and administration of zoning ordinances. Ms. Heisel said she would consult with the Department of Commerce and get a cost estimate.

02:54:13 In response to a question from SEN. LEWIS about the availability of air resources and the successful initial attack in past fires, Mr. Carney said that the DNRC and the BLM both have provided aircraft for initial attack and that while they have not been needed often, they are very valuable to have. He said that in

Valley County, he works with various entities, and that while they don't always agree, everyone usually agrees on a fair and equitable agreement. He said his fire district is complicated because federal, state, tribal, and private lands are all involved. Mr. Carney said money is the biggest factor in most decisions.

02:59:17 SEN. COBB asked the panelists to examine the appropriate management response (AMR) document and to provide feedback to the FSC. He asked local entities to study it also and to provide comment. He asked them to also provide comment on what their biggest concerns are and what changes could be made to address the concerns.

03:01:51 Mr. Jensen said that the state efforts have been beneficial and that while the costs may initially increase, long-term savings would eventually be realized. He said he would not support regulations of any sort that would affect local control.

03:03:02 Mr. Crawford said land ownership changes are occurring and that family ranches being subdivided or sold to recreational property buyers, which adds to the level of fire suppression support for communities, as well as impacting fuel loads. He said the CMR management plan includes more evaluation of fuel load and more fuel treatment to prevent big fires. He said the challenge is public perception of fire use fires, funding, and that the refuge contains state school sections, which cannot be included in his projects.

03:06:09 Mr. Thompson said he would review SEN. COBB's concerns and that he appreciated the suggestion on the importance of communication. He said he has asked rangers to begin meeting with county commissioners and agreed that it takes a great deal of communication to keep everyone on the same level.

03:07:00 REP. BOLSTAD asked Mr. Crawford about the CMR refuge and if he has direct contact with local entities or if he works through the DNRC. Mr. Granger said that the local agencies are usually the first on a fire and that the current system works well.

03:08:10 REP. BOLSTAD asked if local agencies are allowed to begin suppression immediately. Mr. Granger said have agreement with counties, yes, under our standards.

03:09:50 REP. KEANE asked Mr. Rooney if the DNRC has fuel reduction projects planned. Mr. Rooney said the DNRC has a fuel reduction program for the western part of the state but that he does not have the staff or funding to administer a similar program.

**BREAK**

### **FSC MEMBER REPORTS**

03:24:19 SEN. WILLIAMS reported that she and REP. RIPLEY met with David Ewer, Budget Director, Office of Budget and Program Planning, Governor's Office, several weeks ago. She said the Budget Director said that the Governor would prefer that more money be put into the Governor's emergency fund, rather than a specific statutory appropriation. She said that the Budget Director asked for \$32

million for fire suppression and that she and REP. RIPLEY agreed to bring it forward as an option. She said that she asked the Budget Director to speak with Scott Seacat, Legislative Auditor, Legislative Audit Division (LAD), about budget authority but that he has not done so at this time. She said that communications will continue and that the FSC would be updated. She said that if anyone has concerns about what is being done, please address them to herself or REP. RIPLEY.

- 03:27:20 REP. KEANE reported that he has not heard back from the State Fund regarding workers' compensation. He said that the State Fund has agreed to do a presentation for fire contractors. He said that the Department of Labor and Industry is involved and that he has been assured that the DOLI will work with the DNRC to enforce regulations.
- 03:28:25 REP. KEANE said another issue of contractors working on state lands, he said that the Budget Director was not too opposed. He said that he will continue to pursue the idea and that there may be a meeting with both parties.
- 03:29:05 REP. KEANE said that he and SEN. LEWIS have discussed with the DNRC the possibility of a mechanical treatment demonstration project and how it could benefit WUI areas. He said that one piece of the new equipment can do the work of 30 people and will change how people think about mechanical treatment.
- 03:30:53 Ms. Heisel said SEN. HANSEN contacted Joe Murray, LAD, to ask him to do more work on a cost comparison between private and DNRC helicopters. She said the work is in progress and that the information would be available in the next couple of weeks.
- 03:31:50 SEN. COBB reported on his April 29, 2008, meeting with ?? of the **USFS in Missoula**. SEN. COBB said that he sent out an email containing the main meeting points (EXHIBIT #7). **LEANNE - I printed a copy of his comments - do you want them listed as an exhibit?**
- 03:36:54 REP. VINCENT said that thanks to SB 293, the state can now intervene in lawsuits involving timber projects, but that the bill did not have an appropriation to fund participation. He asked that this be considered in the 2009 session. He said it would dovetail nicely with the Montana Association of Counties (MACo) resolution and said he would like the Committee to consider supporting the resolution. He discussed several proposed agenda items for the meetings scheduled for Libby and Thompson Falls.

#### **PUBLIC COMMENT**

- 03:44:06 **Floyd Fischer, Sheriff, County Fire Chief/Fire Warden, and Coroner, Golden Valley County**, said that in smaller counties, officials have to wear many hats, which makes it difficult to keep everyone running smoothly. He said he was at the meeting to request continued support of the DNRC because it provides so much valuable support to small counties. Sheriff Fischer said that the BLM is also key to small counties' abilities to provide fire protection to its citizens and provide both vehicles and maintenance. Severity resources are available for



initial attack and the county participates in mutual aid agreements. Golden Valley County has only 25 volunteer fire fighters, being one of the smallest counties, and approximately 90% of them work in Yellowstone County, which is 75 miles away. That leaves only two or three people available for initial attack. The DNRC helps with training and certification, which is needed; and grants for equipment are badly needed. Sheriff Fischer concluded his testimony by agreeing that good communications are essential to successful fire fighting effort.

03:48:33 **Don Swenson, Blaine County Commissioner**, said that many of the concerns he heard at the day's meeting he also heard in 1991, when over 191,000 acres burned in less than 24 hours. The 1991 fire was a very intense, strong fire, spread out over miles of ground. He said that many acres of CRP ground burned and burned very quickly, due to winds. He said that one issue in eastern Montana is that there is no way to control access and that often the public shows up with gunny sacks and shovels and joins in. He said this presents a huge public safety risk and suggested that a program or training be provided on how to prevent this from happening. He thanked the DNRC for the new truck delivered to his county before the start of the meeting, saying it was very badly needed and would be greatly appreciated. He said that he would like to see more training programs and grants for local fire departments.

03:53:29 **Steve Hedstrom, Firewarden, Judith Basin County**, said his is a completely volunteer organization, that a third of the engines are DNRC engines, and that the department would really be hurting without them. Mr. Hedstrom said that volunteer fire fighters do initial attack well but are not equipped, trained, or funded, to provide extended attack. He said he will not risk his people's safety in the event a fire moves into a WUI area that is particularly difficult to defend.

Mr. Hedstrom said he would like to address the FSC as President of the Montana Association of Conservation Districts (MACD). He said that conservation districts are dedicated to protection of natural resources and stressed that the districts are for conservation and not preservation. He said that the districts are interested in mitigation programs that will contribute to the conservation of soils and water. He said that every county is in a district and that each district has a supervisor.

03:56:13 **Dave Grantier, Petroleum County Fire Warden**, read his statement into the record (EXHIBIT #9). He urged the FSC to pressure Congress to fund BLM aircraft.

04:03:24 **Sherry Kilbey, Fergus County, Emergency and Disaster Services Coordinator**, said she was speaking on behalf of the Fergus County Sheriff as well as herself, saying that initial attack is the first priority and that air support is also a priority. She asked that funding and support be maintained or increased for volunteer fire departments. She said that she has seen safety emerge as a much bigger priority than in past years and that she is supportive of that. Ms. Kilbey asked the FSC to look at the Musselshell County BLM pilot project because it shows what can be done to keep a fire small. She also discussed the need for logging, particularly after a fire, in order to reduce future fire risk. She

discussed how a private land owner logged an area after a fire and said it is a healthy area showing regrowth, as opposed to an adjacent area that was not logged. Ms. Kilbey asked for additional training for volunteer fire departments and for grant money to purchase needed equipment for volunteer fire departments.

04:07:05 **Ken Mesch, Disaster and Emergency Services (DES), Stillwater County,** invited the FSC to meet in Stillwater County. He discussed the recent severe fire season in 2006 and the 2007 season, saying that initial attack made all the difference in 2007. He said that air support proved to be critical and asked that additional air support resources be made available to counties. He thanked the DNRC for its past support.

04:12:07 **Richard Van Auken, Teton County Fire Wardern,** said he agrees with the value of the DNRC. He said he is before the FSC to discuss a potential funding option. He said that many out-of-state individuals and companies who come to Montana to fight fires don't pay income tax on money earned while in Montana. He suggested that this be looked into and said it could possible provide a source of revenue for fire suppression expenses. He said that the investigation could also include if they are properly licensing vehicles or paying property tax while doing business in Montana.

04:14:27 Mr. Van Auken said that a contractor's gross receipts tax is another option. He said that while state statute is somewhat limited, changes could be made. He also discussed the fire suppression funding proposals, specifically the possibility of shifting of costs from the general fund to the landowner, a definition of "land at risk" and equity. He said he is also concerned about the use of pre-suppression funding dollars.

#### **Committee Questions**

04:16:59 SEN. COBB asked Mr. Van Auken to discuss his concerns with committee staff. He asked Mr. Grantier to discuss the air resources issue with staff, saying that it is an annual battle to hang onto aircraft.

04:18:13 REP. KEANE asked what it would take to increase the number of DNRC vehicles available to counties. **Ted Mead, DNRC,** said he would compile a cost estimate.

04:19:33 REP. BOLSTAD asked if the DNRC could engage in additional fuel reduction projects in eastern Montana if funding was available. Mr. Rooney said it was not simply a matter of funding, but also lack of staff. Mr. Mead said the problem includes the vast area to be treated and the lack of FTE. He said that the DNRC has a request in to add staff because it sees the need but is faced with many needs. He said currently, DNRC fuel reduction programs focus primarily on private and state lands, but has requested \$1 million to augment and replace existing programs. **LEANNE - DON'T THINK I HAVE THIS RIGHT....**

04:23:15 REP. VINCENT asked about a bill passed in the 2007 session that dealt with sustained yield increase on state school lands. He asked how or if the \$500,000 allocation has been spent. Mr. Mead said he didn't know but would find out.

**INSTRUCTIONS TO STAFF**

04:24:42 Ms. Heisel said that the next meeting will be in Miles City on May 30, and that agenda will be available soon. SEN. PEASE and SEN. HANSEN will co-chair.

04:26:15 Ms. Heisel noted, for the record, that a letter from the Phillips County Firewarden has been received and would be forwarded onto Committee members Clark Kelly? (EXHIBIT #9).

**ADJOURN**

With no further business before the Committee, the meeting was adjourned. The Fire Suppression Committee is scheduled to meet on May 30, 2008, in Miles City and Miles Community College.

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