



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 30, 2008

Miles Community College
Miles City, 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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MEMBERS PRESENT

SEN. GERALD PEASE, Presiding Officer
SEN. KEN HANSEN
SEN. RICK LAIBLE
SEN. DAVE LEWIS
REP. STEVE BOLSTAD
REP. JIM KEANE
REP. KRAYTON KERNS
REP. RICK RIPLEY

MEMBERS EXCUSED/ABSENT

SEN. JOHN COBB
SEN. CAROL WILLIAMS
REP. CHAS VINCENT
REP. BILL WILSON

STAFF PRESENT

LEANNE HEISEL, Lead Staff

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

AGENDA & VISITORS' LIST

Agenda ATTACHMENT #1.
Visitors' List ATTACHMENT #2.

COMMITTEE ACTION

The Fire Suppression Committee approved meeting minutes for the:

- February 22, 2008, conference call;
- March 4, 2008, Contractor Subcommittee meeting;
- March 27, 2008, Wildland Urban Interface Subcommittee meeting;
- March 27, 2008, Infrastructure Subcommittee meeting; and the
- March 28, 2008, Fire Suppression Committee meeting.

CALL TO ORDER

00:00:02 SEN. PEASE called the meeting to order at 10:34 a.m.

APPROVAL OF MINUTES

SEN. LAIBLE moved to approve the meeting minutes, as written, for the February 22, 2008, conference call; the March 4, 2008, Contractor Subcommittee meeting; the March 27 2008, Contractor Subcommittee meeting; the March 27, 2008, Wildland Urban Interface Subcommittee meeting; the March 27, 2008, Infrastructure Subcommittee meeting; and the March 28, 2008, full Fire Suppression Committee meeting. The **motion passed** on a unanimous voice vote.

HEADWATERS ECONOMIC WUI STUDY UPDATE

00:02:38 **Leanne Heisel, Research Analyst, Legislative Services Division (LSD)**, updated the FSC regarding the Headwaters Economic contracted study of wildland urban interface (WUI) suppression costs. She said that due to several unanticipated problems, the data would not be available until a later meeting date. She said she would keep the Committee updated on the study's status.

SOUTHEASTERN MONTANA OVERVIEW

00:05:12 **Rick Strohmyer, Area Manager, Eastern Land Office, Department of Natural Resources and Conservation (DNRC)**, discussed an overview of the DNRC's fire suppression program in eastern Montana. He said that various groups from 11 eastern Montana counties meet regularly to discuss fire suppression issues>

He said meetings are also held with state fire agencies from North and South Dakota and Wyoming on an as needed basis. Mr. Strohmeyer said federal agencies involved include the Custer National Forest (CNF), the Bureau of Land Management (BLM), the United States Fish and Wildlife Service (FWS), and the Bureau of Indian Affairs (BIA). Mr. Strohmeyer referred to a large map to show the FSC the specific regions involved. He said he also works with the Northern Rockies Coordinating Group (NRCG) and other groups that provide fire suppression. He explained how the areas are divided into different dispatch areas and who covers each area.

00:10:32 Mr. Strohmeyer said that no single agency can provide fire protection and that a collective effort is needed to provide effective fire suppression. He discussed the fast-moving nature of grass land fires and how wind, changes in weather patterns and conditions, and geographical features of eastern Montana exacerbate conditions. He said that even though fire suppression services have been provided year round for several years, budgets are still being based on seasonal suppression efforts. He discussed a map of lands that fall to volunteer fire departments and said that they have been burdened by the increased level of burning around the state and that many of them depend on severity dollars on a regular basis now, in order to keep responding to the increased demand for services. Mr. Strohmeyer discussed how severity resources are ordered and used. He noted that there are regional fire caches and apparatus in Billings and Missoula but that they can be difficult to access, particularly Missoula.

00:22:09 Mr. Strohmeyer discussed the difficulty of recruiting younger people as volunteer fire fighters and offered several potential solutions, one of which was to increase the number of full time employees (FTEs) for the DNRC and increased opportunities for training.

00:24:44 Mr. Strohmeyer discussed the differences between fighting fire in the western portion of the state versus the eastern area, saying that much of the west falls under the United States Forest Service (USFS) protection exchange programs,

and that much of eastern Montana depends on volunteer fire departments for protection.

00:26:11 Mr. Strohmyer said that he has fought fire with many different people and agencies and that those in eastern Montana are particularly dedicated to doing their jobs. He asked that the 2009 Legislature provide more support and assistance to fire suppression efforts, especially for volunteer fire fighters.

Committee Questions

00:27:23 REP. BOLSTAD asked for more information regarding the cache resources in Missoula and Billings. Mr. Strohmyer said that the program is administered through the Northern Rockies Coordinating Group (NRCG) but that he is of the understanding that the NRCG may eliminate the Billings cache.

00:30:15 Regarding Mr. Strohmyer's suggestion for additional FTE for the DNRC, SEN. HANSEN asked if it would be feasible to transfer DNRC employees from the western part of the state when additional fire fighters are needed in eastern Montana. Mr. Strohmyer said yes, but that rapid response is a critical part of fire suppression in eastern Montana.

00:32:35 SEN. HANSEN asked if the state mutual aid agreements are being utilized to the maximum. Mr. Strohmyer said yes, and that counties use them whenever possible.

00:33:23 REP. RIPLEY asked for details regarding the group meetings being held, specifically when they are held, who attends, and if minutes are available. Mr. Strohmyer said meetings are usually held pre-season and post-season and that entities and agencies are invited. He said that minutes are taken at the operations meetings but not others.

00:36:03 SEN. LAIBLE asked if a protocol is set in place in advance of the fire season to determine how fires will be managed and how certification for subcontractors is handled. Mr. Strohmyer said all private equipment is signed up in the pre-season,

and are dispatched as needed. He explained how initial attack and extended attack resources are dispatched, and how mutual aid agreements are used.

00:42:11 REP. KEANE asked if there is cooperative effort between entities to provide training opportunities. Mr. Strohmyer said to a certain degree there is, but that it is still limited. He said it mainly occurs between counties in the winter months.

00:44:02 REP. KEANE asked if have been private contractors have participated in training programs. Mr. Strohmyer said it is important to the DNRC to not encroach on private companies and it is avoided if possible.

FIRE SUPPRESSION IN SOUTHEASTERN MONTANA

A panel of county, state, and federal officials each discussed their perspective of fire suppression in eastern Montana. Main topics discussed by the panelists included mutual aid agreements; the value of severity resources; the importance of interagency cooperation; the lack of funding, equipment, and training; the need for air resources; recruitment and retention of volunteer firefighters; landownership and stewardship issues; the influence of climate change on fire behavior; interaction between federal, tribal, state, and local fire suppression agencies; Montana fire season statistics for recent years; and risk value and fire behavior differences between eastern and western Montana. Participating panelists were:

- 00:45:52 Doug Martens, Rosebud County Firewarden and Montana Fire Warden's Association, and Eastern Montana Fire Alliance (EXHIBIT #1)
- 00:54:04 George Luther, County Assistance Program, (EXHIBIT #2);
- 01:07:36 Todd Devlin, Prairie County Commissioner,
- 01:11:59 David Overcast, acting Associate Field Manager, Permanent Fire Program Manager, BLM Miles City Field Office;
- 01:19:35 Chris Worth, Deputy Forest Supervisor, Custer National Forest, USFS;
- 01:34:06 Tom Corbin, Regional Fire Management Officer, BIA; and
- 01:45:48 Randy Sanders, Fire Program Manager, DNRC Eastern Land Office (EXHIBIT #).

Committee Questions

01:59:28 SEN. HANSEN said that federal budget cuts have made it very difficult for state and local governments to deal with fires. He asked Chris Worth, CFS, to give his

opinion of what the future holds, given the continuing cutbacks. Mr. Worth agreed that budget cuts have created difficulty and that the situation is complicated by the increase in the number of fires occurring nationally. He said did not have information specific to Montana's national forests, but could get more information if needed. Mr. Worth asked Mr. Overcast to respond to SEN. HANSON's question.

- 02:03:10 David Overcast, BLM, agreed that a budget solution is not in sight and that providing needed services within the current budget constraints will continue to be challenging.
- 02:04:26 SEN. LAIBLE asked Doug Martens, Rosebud County fire official, if he had specific suggestions for legislation that would address firefighter liability. Mr. Martens said yes, and he explained that legislation passed in the 2007 session protected DNRC firefighters but not county firefighters. He asked that the law be clarified so that both would be covered.
- 02:09:26 SEN. LAIBLE asked Rosebud County Commissioner Todd Devlin to discuss his perspective on forest management issues. Commissioner Devlin said there must be a resource management plan that makes sense. He said the current plan results in lethal burns that kill everything and creates a messy aftermath of noxious weeds and erosion that impact county budgets. SEN. LAIBLE asked if grazing is allowed on the local federal lands. Commissioner Devlin said yes.
- 02:11:32 SEN. LAIBLE asked Mr. Worth to comment on the high rate of fire occurring on the Ashland National Forest. Mr. Worth said it is largely due to weather patterns and fuel conditions. SEN. LAIBLE asked about the fuel reduction done on several thousand acres of federal lands. Mr. Worth said fuel reduction has been done on several thousand acres per year in the CNF. He explained that not all forested lands are available for timber management due to restrictions, such as wilderness or roadless area designation. SEN. LAIBLE asked if beetle kill is occurring in eastern Montana. Mr. Worth said yes.

- 02:15:15 In response to a question from SEN. LAIBLE, Mr. Corbin, BIA, said he is working to keep the equipment cache currently located in Billings in place. He said that even though significant cuts have been made, he will do every thing he can to keep the cache intact.
- 02:17:14 REP. RIPLEY asked Mr. Worth to explain broadcast fire burning. Mr. Worth said broadcast burning is a type of prescribed burn over a defined area. REP. RIPLEY asked Mr. Worth how much his budget has been cut over last year's budget. Mr. Worth said that while he did not receive the full budget amount he requested, his budget was larger than the previous year's budget.
- 02:23:16 REP. BOLSTAD asked the continued expansion of eastern Montana oil fields could translate into more revenues for fire suppression budgets. Commissioner Devlin and Mr. Overcast said the potential for new drilling exists but that how or if it would affect the county budgets is unknown.
- 02:25:32 REP. BOLSTAD asked if contract helicopters or planes are currently being used in eastern Montana. Mr. Sanders, DNRC, said that are helicopters are available so long as they are not being used by their owner agency, but that he would like to see Huey helicopters permanently available in the area.
- 02:28:45 Mr. Luther agreed that permanent helicopter resources would greatly increase the likelihood of rapid response and early control of fires. REP. BOLSTAD asked if contract flyers are utilized. Mr. Sanders and Mr. Luther said contract flyers are utilized.
- 02:30:06 REP. KEANE said that hazardous fuel mitigation efforts must be expanded to include mechanical treatment. He asked the panelists if they considered mechanical treatment a viable method for slowing fires. Mr. Corbin said that it makes a difference anytime a fire can be reduced, but that the cost must be weighed against the benefits. Mr. Overcast said that fuels reduction absolutely makes a difference but that there isn't enough money to treat all of the acres that need it. He said because of that, it is very important to choose the right projects.

Mr. Worth said that timber harvest and other treatments are being actively used to reduce hazardous fuels and described several of the projects underway in local ranger districts.

02:35:45 REP. KEANE commented that federal grazing permittees should be allowed to make improvements on federal forest land and should be compensated for their work.

02:36:32 SEN. PEASE thanked the panelist for the information and perspectives shared with the FSC..

LUNCH BREAK - 1:15

DNRC REPORTS

03:20:01 **Bob Harrington, Forestry Administrator DNRC**, expressed his appreciation to all those who contribute to successful fire suppression in eastern Montana and acknowledged Dick Moore, Southern Land Office, DNRC, for his assistance.

03:21:41 As a followup to requests made by SEN. COBB at the Hamilton and Lewistown meetings, Mr. Harrington discussed the feasibility of changing from the current 30-year county co-op equipment replacement cycle to a 20-year cycle (EXHIBIT #4). The bottom line, Mr. Harrington said, is that there would be a one-time only cost of \$375,000 for facility improvements and an annual cost of approximately \$700,000 for equipment replacement.

03:23:20 Mr. Harrington also discussed a one-page summary of the estimated cost of thinning and reducing fuels in all wildland urban interface areas in Montana. **NEED THIS DON'T HAVE IT (EXHIBIT #5)**. He discussed the methodology used to make the estimate and said the estimated cost would total about \$8 billion dollars. He said that clearly, that kind of money will never be available, and the more realistic approach is to provide incentives to insurance companies and landowners, in conjunction a limited amount of state and federal assistance.

- 03:27:03 Regarding hazardous fuels treatment, Mr. Harrington reported that the DNRC is considering a pilot program on private and state trust lands to determine the effectiveness of such measures..
- 03:28:09 Mr. Harrington provided copies of the recently finalized NRCG draft guidelines for community and structure fire protection (EXHIBIT #6). He also discussed DNRC 2008 fire structure protection guidelines (EXHIBIT #7).
- 03:31:52 Mr. Harrington reported on a May 23, 2008, meeting with national and regional USFS staff held to discuss the impact of long duration fires. He said the meeting was very interesting and that encouraging discussions regarding compensation for private landowners and other solutions were held. He said that no decisions were made but that he would keep the FSC updated as information becomes available.
- 03:34:53 Mr. Harrington said he is closely following a biofuels tax credit being considered in Oregon and would continue to monitor the issue. He completed his comments by discussing the importance of local government efforts in fighting fires and that the DNRC is working to find ways to better fund local fire departments.
- 03:38:44 SEN. LEWIS asked how DNRC structure protection guidelines (EXHIBIT #7) will play out if it responds to a fire at which a structure is already on fire. Mr. Harrington said the DNRC will focus on the wildland fire but would still have resources available for external structure fires. **He said that DNRC would fight a fire and would pay costs if the county resources were not available? confused here and not sure what answer was...**
- 03:40:35 REP. RIPLEY read from the draft NRCG community and structure fire protection guidelines (EXHIBIT #6) and said he interpreted them to mean that very little structure protection will be provided. He asked how or if local governments will be included. Mr. Harrington agreed that it still needs clarification but that his interpretation is that helping local governments will not be precluded.

- 03:43:11 REP. RIPLEY said he is concerned that communication won't take place between local, state, and federal entities and that it needs to be clarified, whichever way its going to be. He said he does not want the end result to be homes burning that could have been saved.
- 03:45:01 REP. KEANE and SEN. LEWIS both expressed concern about the wording of the document. SEN. LEWIS said he would like the document to provide a clear policy statement.
- 03:51:51 REP. RIPLEY said it is not clear at all to him and that he sees conflicting messages in the guidelines. Mr. Harrington said there is a difference between structure protection and structure suppression from a fire suppression point of view, which is probably where the confusion lies. He said that it was a difficult process to get the document to the point at which it is at but that revisions are possible.
- 03:55:53 SEN. LAIBLE asked about the potential pilot program for fuels reduction and if there would be a way to include Smurfit Stone or mills to process material from the pilot project. Mr. Harrington said there has been discussion but that the high cost of diesel fuel for transport of materials is an issue.
- 03:59:45 SEN. LAIBLE reported that SEN. COBB asked him to contact Evan Barrett, Governor's Office of Economic Development (GOED), regarding Dr. Vogt's presentation in Hamilton. Mr. Harrington suggested that the FSC also consider ?? from Wisconsin speak to the Committee. **Chris someone - couldn't understand him - fuzzy acoustics....**
- 04:02:17 REP. BOLSTAD asked if a feasibility study has been done regarding a dedicated helicopter for eastern Montana. Mr. Harrington said it has been discussed and that the Legislative Audit Division recently analyzed the issue. He said that three options are available: 1) provide services through private contractors, 2) fund the purchase of a Huey helicopter to be permanently located in eastern Montana, or

3) continue with the past practice of stationing five Huey helicopters throughout the state for deployment to whatever region needs air support.

04:05:10 SEN. LEWIS said that he represents six counties consisting mostly of WUI lands. He asked what he can tell his constituents regarding structure protection. He asked if there is a "yes or no" answer. Mr. Harrington said he didn't think there was a "yes or no" answer but that residents would continue to see what has been done in the past: helicopters will drop water, volunteer fire fighters will work to put the fire out, and bulldozers, and fire crews, and incident management teams will all be sent out, but that local fire chiefs and local fire districts still have responsibility for defending structures.

PUBLIC COMMENT

04:07:15 **Gary Matthews, Custer County Commissioner**, thanked the FSIC for coming to Miles City. Commissioner Matthews said he would like private fire companies to have more access to training under the DNRC. He said he would like to see incentives be developed for volunteer firefighters and discussed related issues. He also discussed the importance of county cooperatives and mutual aid agreements and said he fully supports those programs.

04:15:49 **Shawn Filster, Alzada Volunteer Fire Department**, commented on the importance of the county cooperative program. He said the program has been critical to the sustainability of his rural volunteer department and that the training and equipment provided has increased citizen interest and participation. He commended the DNRC, BLM, BIA, and CNF, and rural fire departments for working together so effectively and said that the cooperation level is exceptional.

04:20:45 **Michael Preller, Custer County**, said his main job is as a safety inspector and trainer for the Department of Labor. He said he will provide training at no cost but has experienced difficulty in being able to provide training for wildland firefighters. He said he would like changes to be made that would ease and improve the availability of training opportunities for fire fighters because of the benefit of

improved public safety. He commended the local DNRC and BLM for their cooperative efforts in working with the local fire departments.

04:29:07 Mr. Preller said he is a volunteer with his local fire department and discussed issues of concern which included the need for additional funding, staff turnover issues, the high cost of fuel, and equipment replacement for rural fire departments.

Connie Eissinger, McCone County Commissioner, thanked the FSC for coming to Miles City. She said she was very proud of the McCone County volunteer fire department and is very appreciative of the private sector employers who allow their employees to fight fires without using vacation time. She asked that the State allow their employees to do the same.

04:38:22 **Jess Berry, McCone County Fire Warden**, thanked all who help in McCone County. He said that McCone County depends on grant money but that it was drastically reduced from about \$20,000 to \$7,000 in 2007. He said it was a big hit to his department and that there are many acres to cover with little equipment. He asked that the FSC push for additional grant funding. He thanked the DNRC for its efforts but said more is needed.

04:40:49 **Senator Jeff Essmann, Senate District 28, Billings**, discussed his ideas on long term policy and his experience in dealing with family property within a WUI area that has seen a steady increase in wildfire activity over the last 34 years. He said that it is difficult to balance public policy with private property rights

Regarding SEN. COBB's recommendations, Sen. Essmann agreed that the continued viability and health of volunteer fire departments is an important issue and that measures are needed to recruit and retain new volunteers. He said that workforce issues will only become a bigger problem as time goes on.

04:52:09 Sen. Essman also commented on the issue of state initial attack on fires on federal lands. He said he believes that there is a principled constitutional reason

that the State of Montana could engage in that activity because it is a landowner and has police power to protect itself.

04:54:22 Sen. Essmann said that past funding practices will not continue to work and said he thought the use of an ongoing general fund appropriation would be appropriate as one component of a funding solution. He also explained a self-contained foaming system that can be used by home owners to protect their structures.

MEMBER ISSUES

05:02:42 REP. BOLSTAD asked about the hearing scheduled to be held in Choteau. REP. RIPLEY said that a date had not been scheduled.

05:03:06 SEN. LEWIS said that he was invited by the Helena National Forest to look at a fuels reduction project, which was projected to cost about \$400 per acre. He said he also looked at a fuels reduction project on the Sieben ranch and would give Ms. Heisel information for distribution.

05:05:41 Ms. Heisel discussed the upcoming FSIC meeting scheduled for June 19 and 20 in Seeley Lake, Thompson Lake, and Libby. She noted that the final FSIC meeting is scheduled for September 15, 2008. She said it was her hope to have a rough draft of the FSIC final report available for review at the June meeting and that proposed legislation could also be reviewed. SEN. LAIBLE suggested having one additional meeting between June and September. Ms. Heisel said she would look into scheduling an August meeting date.

ADJOURNMENT

05:09:28 With no further business before the Fire Suppression Committee, SEN. PEASE adjourned the meeting at 4:43 p.m.

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