



## 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

August 20, 2008

Choteau, Montana

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

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#### **COMMITTEE MEMBERS PRESENT**

SEN. JOHN COBB  
SEN. RICK LAIBLE  
SEN. DAVE LEWIS  
SEN. GERALD PEASE  
SEN. CAROL WILLIAMS  
REP. STEVE BOLSTAD  
REP. JIM KEANE  
REP. RICK RIPLEY  
REP. BILL WILSON

#### **COMMITTEE MEMBERS EXCUSED/ABSENT**

SEN. KEN HANSEN  
REP. KRAYTON KERNS  
REP. CHAS VINCENT

#### **STAFF PRESENT**

LEANNE HEISEL, Research Analyst  
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 Interim Committee approved Rep. Keane's motion for the immediate purchase of 25 new fire engine chassis for distribution throughout the state.

## CALL TO ORDER AND ROLL CALL

- 00:00:02 REP. RIPLEY called the meeting to order at 9:10 a.m. The secretary took roll, Rep. Krayton Kerns, Rep. Chas Vincent, and Sen. Ken Hansen were excused (Attachment #3).
- 00:02:34 Two students representing the Business Professionals of America club from Augusta High School presented a PowerPoint slide show of the Ahorn Fire and other area fires.

## PUBLIC COMMENT

- 00:08:10 **Gary Wiest, Brady**, volunteer firefighter and private contractor, discussed issues facing private contractors in the fire fighting business, particularly when dealing with the federal government. He also discussed a "big iron machinery show" that he and other private contractors had been invited to by the United States Forest Service (USFS). Mr. Wiest said the show had a large variety of heavy equipment used to fight fires and that a training manual had been made available at the show. He urged the FSC to study the manual because it provides valuable information and said that the state has a good source of quality, inspected equipment available.
- 00:13:48 **Curly Anderson, Choteau**, volunteer fire fighter, discussed his personal opinions about USFS policies and philosophies regarding management of forest fires. Mr. Anderson said that something needs to be changed and said it would be helpful to put pressure on the USFS to be less wasteful with how it uses its resources and personnel.
- 00:19:54 REP. RIPLEY said that the main goal of the FSC is to address the increasing costs of fighting fires in the state and that federal issues, while of concern, are not the main focus.
- 00:20:38 **Valerie Jaffery, Tea Gardens Technology, LLC, Helena**, said that she wrote the training manual previously referred to by Mr. Wiest. Ms. Jaffery said the manual contains the expertise and knowledge of many heavy equipment operators and that her goal is to establish a training academy in Montana in order to better utilize heavy equipment in fighting fire and to lower fire suppression costs. Ms. Jaffery said that REP. KEANE has a copy of her proposal and asked the FSC to review it, provide comment, and make recommendations to the 2009 Legislature to establish such a training facility.
- 00:22:48 **Paul Wick, Teton County Planner**, commented about issues facing counties in dealing with wildland urban interface (WUI) areas. Topics discussed by Mr. Wick

included the current subdivision review process, the difficulty in planning for wildfire/establishing boundaries due to the unpredictable nature of fire, and the possibility of creating insurance programs and incentives for landowners and residents living in WUI areas to help decrease the risk and costs of fire.

- 00:26:31 **Ed Gierke, Conrad**, Disaster Emergency Services (DES) state employee, commented as a private citizen. He relayed comments of Montana citizens that he has heard repeatedly over the years relating to wildland fire, saying that poor air quality and other health risks associated with wildland fires are of great concern to many people. Mr. Gierke said Montana citizens are also deeply concerned about the economic impacts of fire.
- 00:29:52 **Glenn Marx, Montana Association of Land Trust**. discussed a concept paper on creating fire management easements. Mr. Marx's discussion points included background information, participation requirements, goals, components of a fire management easement, benefits to landowners, benefits to the state, and potential costs. (EXHIBIT #1)
- 00:36:50 **Lane Yaeger, local rancher**, commented on his experience fighting fires that spread from USFS land to private land. He said his opinion is that local resources have not been called in soon enough and that those with local knowledge of the terrain would be a very valuable tool in fighting fires. Mr. Yaeger urged the FSC to rewrite current policy to include local resources sooner.
- 00:38:47 **Tom Futrel, owner, Wildfire Solutions**, discussed his experience as a professional firefighter offering private wildfire protection services. He agreed that the federal government does not rely enough on state and local resources in fighting wildland fires. Mr. Futrel said he thought that the FSC needs to take a tougher stance on fire protection of structures in WUI areas. He said that homeowners need firm direction and incentives to make their homes more fire safe and more cost effective to protect. (EXHIBIT #2)
- 00:44:37 **Richard Van Auken, Fire Chief & Warden, Teton County**, thanked the Committee for coming to Choteau. He discussed his job as county fire chief and several concerns and frustrations of local fire departments . He discussed group insurance for volunteer firefighters and emergency responder, recruiting and retaining volunteer firefighters and emergency responders, and the use of rapid response teams throughout the state to come in to assist local efforts to more quickly control fires. Chief Van Auken acknowledged that this measure would require additional funding but thought it would result in containing fires faster.
- 00:50:12 **Eric Summerfelt, Chief, Power Volunteer Fire Company**, discussed mitigation costs in WUI areas and said that fuels reduction efforts are the first place to start. Mr. Summerfelt also said that Department of Natural Resources and Conservation (DNRC) needs to be fully funded in order to allow state equipment, particularly helicopters, and other resources to be more quickly dispatched to fires. He said that between the initial attack efforts of volunteer fire fighters and full-blown suppression efforts is a critical gap of time in managing a fire and agreed that rapid response teams would be very effective in covering that gap.

## Committee Questions

- 00:54:56 SEN. LEWIS asked Mr. Marx to elaborate on the tax credit proposal as discussed in his fire management easement concept paper (EXHIBIT #1). SEN. LEWIS and Mr. Marx also discussed other components of the proposal, including if there would be a threshold for the property size that would be eligible for such an easement.
- 00:56:57 SEN. LAIBLE and Mr. Marx discussed the conceptual components of a fire management easement and how those components would work within trusts and easements. SEN. LAIBLE referred to previous FSC discussions regarding timber management plans and trust agreements. Mr. Marx clarified that a state-enforced program without incentives to land owners would not be effective. He said that his purpose of his proposal is to reduce costs and risks. He said that his proposal would be strictly voluntary, would provide incentives to land owners, and would accomplish the goal of reducing the cost and risk of fighting fires.
- 00:59:40 SEN. WILLIAMS asked if any other states have created similar programs. Mr. Marx was not aware of any. SEN. WILLIAMS suggested that perhaps the concept could be folded into the proposed pilot program discussed at previous meetings,, in order to expand help to local governments. She said that the biggest challenge will be to determine what recommendations would be of the biggest benefit to the entire state. She asked Mr. Marx if he had any data that would show what the positive impacts and potential for savings could be. Mr. Marx said he did not have that information because this is such a new idea. He said the idea is that a fire management easement would be a long-term investment that could save millions in firefighting costs.
- 01:01:54 REP. KEANE commented that the FSC has encouraged the DNRC to increase its work in WUI areas, including establishing a rapid response team that will be left in place all summer. He said that initial attack helicopter funding has already been increased for the current fire season and that more changes are yet to come.
- 01:04:07 SEN. COBB asked Mr. Wick to clarify his comments regarding building codes and subdivision laws. Mr. Wick said that county commissioners have discussed the value of building codes but that counties have no funding to enforce them. Regarding subdivision laws, Mr. Wicks said that counties struggle with the current laws and that expanding them to WUI areas would only increase the struggle.
- 01:06:56 SEN. LEWIS and Mr. Wick discussed community decay statutes and how or if they could be utilized to deal with pine beetle infestation areas.
- 01:09:33 SEN. COBB discussed his observation that poor communication between agencies appears to be a big part of the problem. He suggested that poor communication or lack of communication between agencies be included in the FSC draft final report as an issue of concern. **Jerry Meyer, U.S. Forest Service**, agreed that interagency communication is a challenge and said that the USFS is working on it. He said that employee turnover, such as with the frequent changes

in fire line officers, likely contributes to that. SEN. COBB said that he wasn't placing blame but would like to know why some of these issues were not being discussed and resolved earlier in the process before reaching the FSC. He said he would provide Mr. Meyer with a list of comments to review. Mr. Meyer asked if some of the problems were more localized and said he thought that are entities/agencies that are working well together.

01:13:22 Mr. Meyer, also commented on the video produced by the Augusta students. He discussed critical comments made about federal fire policy and how the Ahorn and other fires were handled in past fire seasons. He requested that if the FSC hears troubling things about the USFS, that the committee invite a response to it.

01:16:44 **Mary Sexton, Director, DNRC**, introduced **Mike Munoz, USFS District Ranger, and Spike Thompson, USFS Forest Manager**. Director Sexton discussed her personal observations regarding how past fires have been handled. She agreed that communication is key and stated her opinion that cooperation and communication between agencies is increasing and will continue to get better.

01:19:15 **Jim Salmon, local rancher**, said that he owns ranches in Teton and Rosebud Counties. He discussed Rosebud County's assessed fire fee and how that county handles fires locally and does not turn them over to other agencies.

#### **BREAK**

01:41:35 **Barbara Smith, Fiscal Analyst, Legislative Fiscal Division (LFD)**, provided a fire cost update through July 26. ( EXHIBIT #3)

01:43:21 REP. RIPLEY asked when the Federal Emergency Management Administration (FEMA) payment will be received for 2007. Ms. Smith anticipated that the FEMA money would be collected in the next 90 days..

#### **MONTANA LEGACY PROJECT**

01:44:36 **Patrick Heffernan, The Trust for Public Lands**, said that he and Maria Mantis would present a proposal for a forest legacy project.

01:46:14 **Maria Mantis, The Nature Conservancy**, gave an overview of the Montana Legacy Project, which she described as an opportunity to purchase important forested land in northwestern Montana currently owned by Plum Creek Timber Company. The land will be owned by The Nature Conservancy (TNC) and The Trust for Public Land (TTPL) with the goal of being eventually conveyed to a combination of public and private conservation ownership. Ms. Mantis described the three phases in which the lands will be acquired. She explained that the funding will be a combination of federal (\$250 million), private (The Nature Conservancy) and, if approved, state funding (up to \$100 million). She said that land not conveyed to public ownership could eventually be sold to private conservation buyers. Ms. Mantis said that the main purpose of the proposal is to protect the important water, wildlands, and habitats of Montana and that a key component is to retain public access and to keep the lands as working, sustainable forests.

01:49:56 Ms. Mantis discussed a map illustrating the area targeted for land acquisitions and the time line for acquisition. She also discussed funding needs and potential funding sources. She said she is hopeful that the state will become a partner in the venture.

01:55:15 Mr. Heffernan discussed how the state could participate in the project and said that the acquisition of working forested lands is an enormous opportunity for the state and other entities involved. He said his job will be to coordinate between the agencies and the legislature. He noted that funding will be a challenge but thought there were opportunities there as well.

### **Committee Questions**

01:58:05 REP. KEANE said that historically, the DNRC has proven to be good land managers. He discussed his concern about the change in land management from DNRC management to USFS management. He asked Mr. Heffernan to respond to his concerns. Mr. Heffernan said that he is aware that there is concern about federal acquisition and timber outputs, and noted that public meetings are being held in affected areas to address those concerns. He said that there are positives to be considered also, such as eliminating some of the "checkerboard" pattern of ownership that makes management of public lands so difficult.

01:59:55 REP. KEANE asked if it would be more beneficial for The Public Land Trust and The Nature Conservancy to acquire the lands, maintain ownership, and continue to provide public access; but lease the land back to the state for management purposes. Mr. Heffernan said that was an interesting idea and that he would add it to the list of possibilities of what could work.

02:00:35 SEN. WILLIAMS congratulated Mr. Heffernan on the proposed project. She asked him to discuss how continued public access will be ensured and how concerns about grizzly bear and other significant wildlife concerns will be dealt with. She also noted that she is aware of Plum Creek stockholder concerns who were not pleased about this proposal. Mr. Heffernan said the goal is to keep all current reciprocal access agreements and current wildlife and habitat agreements in place. SEN. WILLIAMS asked Mr. Heffernan, in regard to wildlife management of any acquired lands, if he felt he would be bound by the DNRC's upcoming Multi-Species Habitat Conservation Plan . Mr. Heffernan said it would depend on what happens in the final disposition stage. He discussed several factors that would have to be considered said that there would be an opportunity for public input when making that determination.

02:05:07 SEN. LAIBLE asked for a more clear definition of "public access" as discussed in the proposal. Mr. Heffernan said that the goal is to provide public access to the greatest extent possible but that there may be complications in certain areas, such as with court-ordered restrictions in grizzly bear habitat, for example.

02:07:29 SEN. LAIBLE asked for assurance that these lands would not be sold, for example, to an out-of-state landowner who would then lock it up and cut off public access. Ms. Mantis explained how Phase 1 (pilot project) has been

managed, She said that the majority of the lands acquired would remain accessible to the public but that there could be situations where a small parcel of land within the acquired area may be suitable to be sold to a private entity for a beneficial use. She cited an example in the pilot project, in which it was determined that a small parcel located next to Lincoln would be suitable to expand housing opportunities in that community. She said that it was actually the community's request to use the land in that way and said that the public was actively involved in the process. SEN. LAIBLE asked if there would be limitations on what could be done and if it would be known ahead of time what would be retained for public use and what would be sold off to private for private use or conservation easements. Ms. Mantis said they are working with communities on that issue. SEN. LAIBLE said he had concerns about how forest management practices would be continued as the land transitions from state to federal management. He said it would be very helpful to the FSC if an executive summary could be provided on how this proposal will play out. He said he was still not clear on a time frame, the players involved and how it will actually play out. Ms. Mantis reviewed the different phases of the proposal but agreed that not all details have been worked out.

02:11:39 SEN. LAIBLE asked about the financial impact to the state. Mr. Heffernan said that there currently is a proposal for the state to purchase approximately 100,000 acres, which, if acquired, would be divided between the DNRC and FWP.

02:14:37 REP. RIPLEY asked what communities have been involved in these types of projects and who is representing them in the process. Ms. Mantis listed several communities and said that both county commissioners and community members have been active participants. REP. RIPLEY asked Mr. Heffernan what the price tag could be for 100,000 acres. Mr. Heffernan said it could be as low as \$1,000 per acre, for a total purchase price of \$100 million total, but the cost would depend on several factors. REP. RIPLEY said the cost would be a huge challenge and asked where the funding will come from. Mr. Heffernan said that funding has been discussed and that it is yet to be determined if any funding will be available from state agencies.

02:18:03 REP. KEANE asked what the division of acreage would be between the DNRC and the FWP, should the 100,000 acres be acquired. Mr. Heffernan said that has not been determined at this time and that careful study and consideration would be given to see where ownership would fit best.

02:18:44 SEN. WILLIAMS asked Mr. Heffernan to discuss the Plum Creek stockholders' concerns. Mr. Heffernan said he could not comment on that issue.

02:19:46 SEN. COBB and Mr. Heffernan discussed how acquired lands would be managed, including wildlife management. Ms. Mantis said acquired lands will not be conveyed with any additional encumbrances. SEN. COBB asked about timber harvesting plans. Ms. Mantis said that a timber inventory would be done and that criteria would be used to establish sustainable harvest levels. SEN. COBB discussed the importance of responding to communities' concerns as part of this process.

SEN. COBB asked Director Sexton where \$100 million for a land acquisition would come from. She said that the DNRC is looking at land banking money. She explained how the land banking program works and said it is a great source of revenue for purchasing lands. She said that the DNRC is also working with FWP to explore possible funding options.

- 02:26:50 REP. KEANE said it is his hope that the DNRC will manage the lands for timber harvest, even if they are FWP lands. He encouraged DNRC to work with FWP to ensure that the land will be managed properly.
- 02:27:35 Ms. Smith provided information on funding sources available through the FWP. She discussed the Habitat Montana Trust and the Access Montana Trust and how they could be used as funding sources for acquisitions and management costs. She cautioned the FSC that property acquisitions will impact agency budgets and that adjustments will likely have to be made.
- 02:28:55 SEN. LAIBLE asked if the lands acquired by the state will automatically become trust lands and what fiduciary management responsibilities come with a land acquisition. Director Sexton said acquired lands assigned to the DNRC would be managed as school trust land and that land assigned to the FWP would be managed according the FWP requirements and rules. SEN. LAIBLE asked if there could be a lease agreement between DNRC and FWP that would allow for timber harvesting. Director Sexton said that has been done in the past. She said that there is also the option of DNRC retaining ownership of the land but granting FWP an easement.
- 02:31:58 SEN. LEWIS asked Ms. Mantis to clearly explain TNC policy regarding land acquired under this project. He asked what TNC would do with the land if the state does not approve \$100 million for the purchase of the 100,000 acres. Ms. Mantis said that TNC, as owner of the land, would need to sell it off if the state did not purchase it.
- 02:34:12 REP. RIPLEY asked Ms. Smith approximately how much money would be available in the land banking account for a land purchase. Ms. Smith said it is difficult to say exactly because of how the process is set up.
- 02:35:19 REP. RIPLEY said the big question is where the \$100 million could come from. He estimated that the state probably come up with about \$17 million through existing funding sources. Mr. Heffernan said that intense discussions are going on between the administration, which will reveal what the legislative challenges will be. He said that there is no firm plan at the moment and that he will be looking to legislators for their expertise. Mr. Heffernan said a potential source of funding could be the Pennsylvania Power and Light riverbed settlement.
- 02:36:46 REP. RIPLEY asked Director Sexton if the funding picture would become clearer after the Governor's budget comes out. She said that there are opportunities and options through land banking, grants, and other administrative avenues that could be utilized but that she had no concrete funding identified at this time.



02:38:02 SEN. COBB explained how it might be easier to use general fund money instead of school trust land funding.

02:38:34 SEN. COBB said that in May, Plum Creek sent a letter to the FSC about its ideas on fire prevention and protection. He said the FSC wrote back to invite Plum Creek to present its ideas but to date, Plum Creek has not responded. He said he would provide a copy of the FSC letter (provided later in the meeting - EXHIBIT #10) and asked Ms. Mantis to pass along to Plum Creek that the committee is still waiting to hear from them. He said it would be helpful information and could tie into what TNC is doing.

02:40:01 LUNCH BREAK until 1 p.m.

### **WILDLAND-URBAN INTERFACE COST STUDY RESULTS**

03:56:59 **Patty Gude, Headwaters Economics (HE)**, presented "*A Summary of the Montana Wildfire Cost Study Technical Report*", (EXHIBIT #4). The objective of the analysis was to determine how much protecting homes from wildfire currently costs Montana and how future home construction could impact fire suppression costs. Ms. Gude gave an in depth explanation of how the study was conducted and discussed the key findings:

- Firefighting costs are highly correlated with the number of homes threatened by a fire.
- The pattern of development (dense vs. spread out) is an important contributing factor.
- When large forest fires burn near homes, costs related to housing usually exceed \$1 million per fire.
- As few as 150 additional homes threatened by fire can result in a \$13 million increase in suppression costs in a single year.
- For all agencies involved in fire suppression in Montana, the estimated annual costs related to home protection for 2006 and 2007 were approximately \$55 mill and \$36 million, respectively.
- If current development trends continue, fire seasons similar to 2006 and 2007 could cost \$15 to \$23 million more by 2015, bringing total fire suppression costs associated with home to between \$51 and \$79 million dollars. Adjusted for inflation, future costs could be as high as \$124 million in 2015.
- A conservative estimate is that 25% of all costs of protection homes from wildfires within Montana are paid for by the state. Therefore, Montana's costs for home protection in 2006 and 2007 are estimated to have been \$13.9 million and \$9.2 million, respectively. By 2025, Montana's future costs, adjusted for inflation, could be as high as \$31 million.

### **Committee Questions**

04:34:58 SEN. LAIBLE asked for what years the fire suppression costs per residential acre were determined to be \$664 per acre. Ms. Gude said that was the total figured based on a sample of 18 fires in 2006 and 2007. SEN. LAIBLE said staff normally reviews costs by 5-year increments, including highest, lowest, and average costs. He asked how the HE data would compute into that formula. Ms. Gude said that was a good question. She explained several factors that were

excluded from the HE model, such as remote areas that did not include homes. She agreed that the analysis could have been more robust if the time period could have gone further back but that the HE analysis did use many different fire types so overall, she felt the information is accurate.

04:39:25 SEN. LAIBLE asked if the HE study considered mitigation projects, such as FireWise programs, USFS fuels reduction efforts, etc. Ms. Gude said that the HE study did not consider the effects of mitigation and defensible space work.

04:41:25 SEN. LEWIS commented that the costs were smaller than he expected and that he had recently read that the current fire season in California could cost as much as \$1 billion. Ms. Gude said the difference is due to Montana's smaller population and more rural underdeveloped areas. As population grows, fire suppression costs increase accordingly.

04:44:19 SEN. COBB and Ms. Gude discussed how cost sharing figured into the total costs of fire suppression in the HE analysis.

04:45:45 SEN. LAIBLE asked what the definition of "home protection" is. Ms. Gude said that home protection costs include not only the direct costs of protecting the actual structure but also costs related to stopping the fire before it gets to the home.

#### **WOOD PRODUCTS INFRASTRUCTURE**

04:50:47 **Ellen Simpson, Montana Wood Products Association**, gave an overview of the wood products infrastructure in Montana, saying that the industry is still integrated at this point. She referred to a handout and discussed products produced by Smuffitt Stone (EXHIBIT #5). Ms. Simpson also distributed copies of a map showing lumber mills still in operation (EXHIBIT #6). Ms. Simpson noted that mills in Montana employ approximately 9,700 people, have a \$400 million annual income, and that wages paid to workers are typically 22% higher than average. Ms. Simpson also provided a list of mills that have closed since 1990 (EXHIBIT #7). She discussed her concerns about the impact of losing mills will have and said that the timber industry is valuable economic component of the state.

05:01:39 SEN. LAIBLE asked if Ms. Simpson had researched other states that had also lost timber industry infrastructure and what had been done in those areas. Ms. Simpson said that she could not speak to what has been done on state lands but did know that very little management is occurring on federal lands and that it is difficult to get anything done on federal lands. She cautioned that the massive pine bark beetle kill that has plagued Colorado is moving toward Montana forests.

05:04:27 REP. RIPLEY said that Pyramid Lumber Company had presented to the FSC asking what help could be given to the timber industry at its meeting in Seeley Lake. He asked what had been done to respond to Pyramid's concerns, as discussed in a letter sent to DNRC. Director Sexton said that the DNRC has been meeting with mill owners to discuss their concerns and that the DNRC is

working with Dick King, of Missoula Economic Development. She said that a list of possibilities for financial and legislative help is being prepared and thought that the state could be of assistance.

05:08:49 REP. KEANE asked Ms. Simpson to comment on the Plum Creek land transfer issue. Ms. Simpson said Plum Creek is a private company and can do what it will do. She said that if the land is transferred to the state, it could benefit all timber companies because it would provide the opportunity to bid on timber sales.

05:10:27 REP. KEANE asked if the timber industry would prefer federal or state acquisition of the Plum Creek land. Ms. Simpson said the industry would prefer state management. SEN. COBB asked Director Sexton if the DNRC has options for logging in the areas proposed for transfer. He said he would like to have an idea of what is possible. Director Sexton said the proposal is in the very early stages of planning and that she would be hesitant to provide any information at this point. SEN. COBB asked her to provide the FSC with whatever information she could as soon as possible.

### **FSC FINAL REPORT**

05:13:43 Ms. Heisel said that the public hearing portion of the FSC's work has been completed. She said that the committee would have a two-day meeting in September to complete its work. She said the final report would be published after the final meeting.

05:16:17 **Todd Everts, Legal Staff, Fire Suppression Interim Committee**, discussed a legal memo analyzing the legal implication of cooperating agency status under the National Environmental Policy Act (NEPA) (EXHIBIT #8). He discussed two recommendations regarding cooperating agency status in Montana. Mr. Everts emphasized that even as a cooperating agency, a federal agency still has full authority in the final decision making. Mr. Everts discussed examples of state and local government initiatives.

05:24:28 Ms. Heisel presented draft copies of the FSC's final report (EXHIBIT #9) and asked committee members to discuss and make changes, as it wished. Numerous changes were made at the request of the members. Ms. Heisel said the revised draft report would be reviewed again at the September meeting..

06:01:18 SEN. COBB and Ms. Heisel discussed other additions to the final report, including the work of the subcommittees, which included Mr. Everts' memo and certain communications from the USFS and DNRC.

06:05:48 SEN. COBB discussed agenda items for the final meeting.

06:09:28 REP. KEANE explained a plan that would allow for twenty-five new fire truck chassis to be built in Anaconda, for distribution across the state and how they could be paid for. **REP. KEANE moved to approve the purchase of 25 fire truck chassis for distribution around the state, to be funded through the current year's fire suppression fund.** He estimated the cost to be about \$11.5

million and said that he would like to make the purchase as soon as possible.  
**The motion passed on a unanimous voice vote.**

**ADJOURNMENT**

06:18:32 SEN. COBB adjourned at the meeting at 3:27 p.m. The next meeting of the Fire Suppression Interim Committee will be held on September 11 and 12, 2009, in Helena, Montana.

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