



# Recommendations of the Forest Fire Prevention and Protection Work Group

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September 2008



WASHINGTON STATE DEPARTMENT OF  
**Natural Resources**  
Doug Sutherland - Commissioner of Public Lands

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### **Cover Photo**

Lake Chelan and the Flick Creek Fire of 2006.

**September 4, 2008**

**Dear Reader:**

As Washingtonians, we enjoy our forests and the many benefits they provide. Fire is a natural part of these forests and it has a place in their management, however there is also a lot at risk. Our population continues to grow, and communities are spreading into areas where fire is a threat. Almost every summer, fires threaten lives, homes, habitat, natural resources, financial resources, and the health and safety of firefighters and the public.

The Washington State Department of Natural Resources is the forest fire department of Washington State and the agency is working hard on many fronts to protect communities while addressing the forest health problems that occur when fire is not allowed to play its role in nature. We recognize that the risks grow as forest health declines and the changes in our climate begin to manifest themselves. We also recognize that balancing these priorities requires a careful approach and collaborative partnerships.

This report is the product of that careful approach and collaborative partnership. These recommendations are the result of the hard work of the Forest Fire Prevention and Protection Work Group — a diverse set of stakeholders that the agency convened at the direction of the legislature to wrestle with these tough issues. These innovative proposals will help our state deal with the threat of fire while also addressing the necessary role it plays in our ecosystems.

The recommendations are built on the foundations of previous plans and reports such as the *Washington State Strategic Plan for Healthy Forests* completed in 2004, the Joint Legislative Audit and Review Committee (JLARC) *Department of Natural Resources Fire Suppression Study* completed in 2005, and the *2020 Strategic Plan for Wildland Fire Protection, Phase I*, completed in 2006. Like them, the recommendations of this group also recognize that fire requires the shared responsibility of the public, landowners, and various levels of government. It highlights the connection between forest health and fire and strongly suggests that collaboration and partnerships are essential.

The dangers of wildfire are real. This fact was tragically brought home to us this year with the death of Chief Dan Packer of East Pierce Fire and Rescue. Chief Packer lost his life while battling a wildfire in California. Chief Packer was also an alternate member of this work group and so this report is humbly dedicated to him and his years of dedication to public service. It is in that spirit of public service that over the coming months and years, and with the help of our partners, we will begin to examine how to implement these innovative ideas so that we can better serve the citizens of Washington State.

Sincerely,



Doug Sutherland  
Commissioner of Public Lands



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## **Dedication**

This report is dedicated to Chief Dan Packer, an Alternate Representative to the Forest Fire Prevention and Protection Work Group, who tragically lost his life working on a wildfire in California on July 26, 2008.

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# Executive Summary

At the Washington State Department of Natural Resources (DNR) we understand how the fire season can threaten all that we enjoy from our forestlands. The agency continues working hard year in and year out on many fronts, to protect Washington's natural resources and its citizens from wildfires.

We can't guarantee that there won't be forest fires but we can guarantee to do everything we can to protect Washington communities. This report of the Forest Fire Prevention and Protection Work Group (Work Group) is an important step in that effort. The Work Group's recommendations address wildland fire, particularly forest fire, in a way that reduces the risks to people while exploring ways for fire to play its role in the ecosystem. The report emphasizes the responsibility for fire preparedness that is shared by the public, landowners, and various levels of government. It also understands the conflict and tension between protecting the resources and protecting structures among those resources from encroaching fire. The mission of protecting life and resources continues to create tension when homes must be protected but it is not in DNR's agency mission or training to do that.

The 2007 Legislature directed the agency to examine these issues in the context of its mission to prevent, prepare for and suppress forest fires in Washington State. A budget proviso directed DNR to:

- Create a broad-based, multistakeholder group to examine previous studies of DNR Fire Programs (e.g., Tridata 1997, JLARC Suppression Study 2005, DNR Fire Strategic Plan for 2020 of 2006, Forest Health Plan of 2004, et al);
- Examine the current funding mechanisms of fire programs for appropriateness and adequacy; and
- Look at future challenges and opportunities and what makes sense for the future of the fire program.

Appendix A gives the list of stakeholder organizations, group members and alternates appointed by the Commissioner of Public Lands to the Forest Fire Prevention and Protection Work Group ('Work Group'). The meeting attendance record is included as Appendix B. The Work Group met six times between November 2007 and June 2008 and came to consensus on five recommendations:

**Recommendation 1: The Forest Fire Prevention and Protection Work Group recommends elimination of the Forest Fire Protection Assessment (FFPA) refund while simultaneously reducing the amount paid by the owners of unimproved parcels but adding a surcharge to those parcels that contain improvements like homes and other structures.**

The issue of Forest Fire Protection Assessment (FFPA) refunds was one of the major challenges to the Work Group. The fact that it cost the State approximately \$400,000 annually to refund \$600,000 did not make sense to any members of the Work Group. Recognizing this is a politically charged issue, the Work Group sought alternatives to the refund process that would provide the fairness of reducing the overall assessments for landowners with multiple parcels of less than 50 acres each in a county, while continuing to adequately fund the landowner share of prevention and preparedness costs at an equitable level. The group also sought to recognize and equitably assess for the complexity and cost caused by the increasing number of improvements (homes and structures) situated in and next to the state's natural areas<sup>1</sup> such as forests and grasslands. Recommendation No. 1 provides options (see page 9) for changing the FFPA assessments to eliminate the refunds while maintaining the current level of FFPA funding to the fire programs.

**Recommendation 2: The Forest Fire Prevention and Protection Work Group recommends that the State begin a formal process of evaluating the International Code Council Wildland Urban Interface Code (ICC WUI Code) for statewide adoption. This Code would establish a minimum standard for how homes and structures are built and maintained in natural areas rated as having a moderate or higher hazard for wildfire.**

Adoption of the ICC WUI Code was an issue that caused much discussion. At the core of the dialog was the recognition that long term meaningful solutions must be adopted to address issues resulting from increasing numbers of citizens building homes and living in fire-prone ecosystems. The Work Group reached consensus on a recommendation that the ICC WUI Code be proposed for adoption through the normal State Building Code Council process<sup>2</sup> rather than being mandated statewide by the Legislature and then being considered by the State Code Council.

**Recommendation 3: The Forest Fire Prevention and Protection Work Group recommends the State encourage owners of homes and**

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<sup>1</sup> The term wildland-urban interface is evolving into "homes in natural areas." Both terms may be used interchangeably;

<sup>2</sup> The normal State Building Code process begins with a recommendation to technical advisory committees for review. Their recommendations go to the State Building Code Council for public hearings and final decision. The code becomes law at the end of the legislative session if it is not pulled by a legislator.

**structures situated on forested land without the protection of a fire district to take action and provide incentives to do so.**

Many areas of Washington are not within municipal or fire protection boundaries. Many of these areas have structures, such as homes, surrounded by forests. The existing fire protection infrastructure protects only the forested resources around the structures. Some areas lack both structure and wildland resource fire protection. This recommendation is for a law to require property owners of lands with resource protection but no structural protection to take direct action to protect themselves from wildfire. The proposed legislation would provide an incentive in the form of relief from fire suppression cost liability when property owners can demonstrate, following a wildfire, that their property was maintained to ICC WUI Code requirements or that they were part of a fire suppression district.

**Recommendation 4: The Forest Fire Prevention and Protection Work Group recommends that the Legislature fund and direct DNR to assemble a work group consisting of the members of the Work Group and other interested stakeholders to study and recommend to the Legislature actions needed to increase the use of biomass and prescribed fire to reduce forest fire hazards.**

At the heart of this issue is the buildup of biomass in our forests that results when fire is excluded from the ecosystem. There are two approaches to address this issue. One is to harvest the biomass and utilize it for energy production or products (like wood pellets) and the other is to carefully burn it in what is known as prescribed or controlled burning. Recommending changes to the State's longstanding policies regarding prescribed fire<sup>3</sup> is a complex undertaking. Some of the issues include: air quality, risk and liability of landowners, carbon dioxide emissions, achieving desired fire effects, and equity with other fire uses such as agriculture. Not all interests that should be involved with a prescribed fire policy were part of the Work Group. They include the Department of Health, Department of Ecology, agricultural fire users, the Prescribed Fire Council, air quality activists, and federal land managers. Their inclusion is key to successful engagement on prescribed fire issues.

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<sup>3</sup> 'Prescribed fire' is evolving into using the term 'controlled burn,' which is more acceptable to the public. In situations where public contact is anticipated 'controlled burn' will be used in the future. Within the fire community 'prescribed fire' is still the accepted term.

**Recommendation 5: The Forest Fire Prevention and Protection Work Group recommends that the Legislature direct and provide funding for DNR to form a blue ribbon advisory panel that would examine the costs and benefits that could result from more effective fire prevention activities, including forest management, specifically as they relate to forest health issues.**

Information about the nonmarket costs that can be avoided with fire prevention and how best to incorporate that information in state budget decisions would best be acquired by establishing a knowledgeable blue ribbon advisory panel, facilitating their consideration and reporting on these issues, and adopting their recommendations in either the 2010 or 2011 legislative sessions.

## **Background**

Washington forest conditions have been changing over the last decade. Climate change, fire suppression, and unusual outbreaks of insects and forest diseases have led to major declines in forest health in the Pacific Northwest. These changes have led to increased fuels in the forest, which can lead to larger fires and greater danger to the people, resources, and structures in their path. The Work Group focused on long term solutions to address the root causes of these problems.

The increasing number of people living in homes built in and adjacent to our forests is another major factor of change. This increase of human population in and next to natural areas (areas often referred to as the wildland urban interface, or WUI) greatly increases the cost and complexity of preventing, preparing for, and suppressing forest fires.

The presence of large numbers of structures mixed with the natural resources also creates considerable tension for the Department of Natural Resources. The Agency's first priority is to protect life then natural resources, then property. DNR is neither funded, trained, nor equipped to provide protection to these structures but finds itself in the position of being the only source of protection that these homes and structures have. Lastly, when structures are in close proximity to a forest fire, extra measures must be taken to protect them. These extra measures increase fire suppression costs significantly, but the agency has no mechanism to recover these costs.

Many people building homes in natural areas are unfamiliar with how to protect themselves from wildfire. Many assume they will have fire protection services equivalent to what is in a more urban environment. In actuality, their home might not even be within a fire protection district. This unpreparedness from the real dangers of wildfire leads to the loss of homes during wildfires.

Homeowners are responsible for protecting themselves and their property from the destruction caused by wildfires. This includes how the

homes and structures are sited, built and how the vegetation around them is maintained. These and other actions are addressed through the Work Group's recommendation to examine the International Code Council's Wildland Urban Interface Codes (ICC WUI Codes) for statewide adoption and through the recommendation that funding and responsibility for the protection of homes surrounded by natural resources shift to the property owner.

## **Forest Fire Prevention and Protection Work Group Overall Evaluation**

Overall, the Work Group gave a positive endorsement of the DNR Fire Protection Program. Increases in funding provided by the 2001 Legislature went a long way toward making the changes recommended by the 1997 TriData Fire Study. An adequate funding process was put in place when the Legislature established an equitable split between forest landowners and the State.

However, funding cuts for initiatives such as Efficiency and Smart Buy,<sup>4</sup> and dramatically increasing fuel costs have eroded the funding available for fire prevention and preparedness since 2001. Increased costs of additional required training and physical fitness evaluation were largely compensated for by the 2007 Legislature through increased appropriations and assessment rates for FFPA.

Management efficiencies and effective deployment of ground and aviation suppression resources have enabled DNR to meet its performance measure of keeping 93 percent or more fires below 10 acres.

The current resources deployed by DNR and its partners have proven adequate for the firefighting needs of the State. However, increasing strain is being placed on firefighting resources by the increases in fuels, insect and disease damage, and the number of homes and structures being built in the wildland urban interface

The fact remains that no matter how many firefighting resources are deployed, there is a clear and present danger that widespread dry lightning or summer windstorms can and probably will overwhelm those resources at critical times. The relationships fostered by DNR and the other forest firefighting agencies throughout the nation will remain critical to protecting the safety of the public, firefighters and natural resources of the State of Washington. DNR cannot always count on partner agencies to fully respond to its calls for assistance as evidenced

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<sup>4</sup> Legislative state budget mandated efficiency cuts included 'smart buy' which assumed if state agencies used general administration contracts only there would be a 10 percent savings on contracted goods and services.

by the resource demand from the huge numbers of wildfires in northern California during early summer 2008.

## Process

As a starting point, each member was asked to provide their top three priorities for the Work Group to consider. To achieve the broadest range of issues, few parameters were given initially. The full text of the suggestions is included in Appendix C. These suggestions fell into five broad categories:

- Preventing expansion of residential housing into natural areas or the preservation of forest lands (2 suggestions).
- Increasing the regulation of homes and structures in natural areas to increase their defensibility during wildfires (10 suggestions).
- Addressing wild fires through forest health initiatives and actions including fuels treatments (3 comments).
- Improving fire prevention and operations (2 comments).
- Miscellaneous suggestions: enhancing forests for recreation, protecting affordable housing in natural areas, expanding DNR's jurisdiction for fighting wildfires to all wild lands in Washington including federal lands, examining DNR's role in fire suppression, and emphasis of the Small Forest Landowners Office within DNR.

The Work Group then went through a voting process to reduce the list to a more manageable number and consolidate similar items. To do this it developed and used nine evaluative criteria:

1. Provide the Legislature the information it needs to provide guidance.
2. Eliminate the politically impossible.
3. Address the most difficult issues appropriately, recognizing long term solutions.
4. Provide for ongoing dialog on additional big issues — maybe recommend ongoing work.
5. Favor or focus on options that provide best cost benefit ratio over the long term — biggest bang for the buck.
6. Nothing should compromise firefighter and public safety as the number one priority.
7. Recommendations should address/consider fuels, operations, education/acceptance of the public and funding, but, recommendations that don't address all won't necessarily be excluded.
8. Final recommendations will be examined for perceived or real conflict.
9. Proposed changes in building codes should balance property owners' rights and responsibilities.

Compilation of this list and a categorization of these many issues were accomplished at the second meeting. Much of the next two meetings were devoted to a process of refining and prioritizing the issues. As the group learned more about the many aspects of wildfires, the number of issues expanded before contracting (see Appendix C for a complete list). The Work Group settled on the five main areas that it addressed with policy recommendations.







# Recommendation 1: Fire Prevention and Protection Funding

**The Forest Fire Prevention and Protection Work Group (‘Work Group’) recommends that the State eliminate the Forest Fire Protection Assessment (FFPA) refund while simultaneously reducing the amount paid by the owners of unimproved parcels but adding a surcharge to those parcels that contain improvements such as homes and other structures.**

**The Work Group further recommends that the savings from eliminating the FFPA refunds be used to improve the forest fire prevention and forest health outreach programs to assist in landowner education and assistance.**

**The Work Group also recommends that the rate structure for FFPA be revised to include an assessment for improvements on forested lands because these improvements increase the complexity of protecting the unimproved land and result in higher cost of fighting wildland fires (see Recommendation 3, “The Responsibilities and Liability of Property Owners in Unprotected Areas for Fire Suppression Expenses, on page 21).**

## **Description**

There are several funding scenarios for FFPA to include an “improvement” assessment while maintaining the current annual FFPA revenue of about \$10.45 million (see Table 1).

**TABLE 1: Annual Landowner Cost Options**

Options	Annual cost to an owner of:			Estimated annual revenue
	A forested parcel <i>without</i> improvements	A forested parcel <i>with</i> improvements	More than 50 forested acres	
Option 1	\$3/parcel	\$30/parcel	\$0.25 / acre	\$10,660,000
Option 2	\$6/parcel	\$25/parcel	\$0.27 / acre	\$10,031,000
Option 3	\$7/parcel	\$25/parcel	\$0.25 / acre	\$10,263,000
Option 4	\$8/parcel	\$25/parcel	\$0.25 / acre	\$10,496,000
Current Practice	\$17.00* + \$0.50/parcel County Fee  *with refunds for owners of more than 1 parcel	\$0.00	The flat fee + \$0.27 / acre	\$10,500,000
* \$10.5 million is generated; however in CY 2007, \$400,000 was spent to refund \$600,000				

Under *Option 3* in Table 1 all landowners without improvements on their land see a significant reduction in the assessment they pay but the assessment on parcels with improvements increases. This option produces less revenue than what is currently generated. All options assume no refunds.

The only real concern about adding an “improvement” assessment is that there are many definitions of “improvements” used by counties. Before this recommendation is implemented the definition of “improvement” should be established and standardized for use by county assessors.

## Implementation and Timing

The main goals of Recommendation 1 include:

- Establishing statutory authority and administrative rules.
- Identifying affected tax parcels and establishing an appropriate annual assessment rate.
- Developing and implementing a multiyear implementation plan (see Table 2).

**TABLE 2: Multiyear Implementation Plan**

Item	Timing
Identify a standard definition for “improved property” by establishing a work group of appropriate stakeholders	2009
Forward group recommendations to the Legislature on definition of “improvements” and changes to the FFPA process.	2010 Legislative Session
Implement policy changes	June 30, 2010
Increase in funding for wildland fire protection, prevention and forest health program realized through the reduction of administrative costs.	July 1, 2012
Reduced fire suppression expenses due to enhanced protection provided through affected property owner actions	As implementation proceeds

## Related Laws, Rules and Policies

- [Chapter 76.04 RCW: Forest Protection](#) – DNR fire protection authorities
- [Chapter 76.06 RCW: Forest Insect and Disease Control](#)
- In its 2006 [fire program strategic plan](#), the 2020 Strategic Plan for Wildland Fire Protection, DNR adopted a financial goal and several budget and financial tasks that, when completed, will enhance the objectives of FFPA funding.

## Costs and Benefits

- Following implementation, the agency will realize an increase in funding through the reduction in administrative costs associated with the refunds. This translates to more funding available for prevention and presuppression activities.
- A fully funded wildland fire program will also assist with several other policy options including the Work Group policy recommendation to adopt the 2006 ICC WUI Code as an amendment to the State Building Code (Recommendation 2) and the Work Group's recommendations regarding property owner responsibility (Recommendation 3). These policies will move Washington State closer to the objective of having a complete, coordinated, and comprehensive fire protection program.
- The range of options provides decision makers a great deal of flexibility.
- Counties should not see an increase in costs to administer the change in the assessments. Currently they collect a small fee (\$0.50 per parcel) to process the assessments. This is anticipated to continue and cover the costs of the new process.

## Uncertainties

- The Work Group is not certain the Legislature will be willing to establish a new fiscal assessment on the identified set of citizens or support the establishment of additional programmatic infrastructure within DNR to administer the program.
- The Work Group is not certain that counties will be willing to take the responsibility to identify affected tax parcels and owners or collect a new assessment. The Work Group is certain that counties would not welcome an unfunded mandate to do so.

## **Feasibility**

The Work Group had a high degree of confidence that the approach suggested by Recommendation 1 could be successfully established and implemented. The Washington Forest Fire Protection Assessment process provides a template for funding the state wildland fire prevention, and protection.

## **Status of Work Group Approval and Barriers to Consensus**

The Work Group's discussions resulted in consensus on a high need to address issues related to the presence of unprotected improved properties situated in locations adjacent to or surrounded by lands protected by DNR or other agencies.

## **Background**

There are many factors that have an impact on funding level(s) for wildland fire protection and prevention programs. There are seven significant factors:

1. Equitable 'sharing' of program costs to the general taxpayer and those taxpayers who own unimproved property.
2. An understanding shared by landowners and policy makers on what is needed to implement a fire prevention program.
3. Limited State general funds available for reducing fuel buildups that have resulted from the exclusion of fire from the forests.
4. Declining federal grants.
5. Increased wildland fire suppression expenditures. This, in part, is due to the increased need to stop wildland fires from reaching homes and other improvements in forested areas, the buildup of hazardous fuels, and the general health of forested areas.
6. Forest Fire Protection Assessment refunds.
7. Static funding has resulted in the loss of more than \$3 million in buying power, compared to year 2000 equivalent dollars.

The current biennial (2007-08) allotment for DNR's Resource Protection Division is \$43,146,200. This is an increase of \$5 million from the fiscal year 2005-07 biennium. This is a result of an increase in the Forest Fire Protection Assessment (FFPA) rate and the state general fund equitable share. This increase allowed DNR to maintain initial attack resources and to implement needed fire qualification training during the fiscal year 2007-09 biennium.

The total current statewide revenue for FFPA is \$9.5 million per year (less refund reimbursements). Total current expenditure from the FFPA

fund is \$9.55 million per year. Under the current rate structure, 77 percent of the FFPA revenue is assessed to landowners whose parcels are less than 50 acres.

Per RCW 76.04.610 (2), landowners may qualify for a refund if, within a single county, they have paid an assessment on two or more parcels, each containing less than 50 acres. The landowner would receive a refund based on the total acreage owned within one county. If all parcels contain less than 50 acres, the refund would be equal to the total flat fee assessments paid, less one assessment. The flat fee assessment for the Forest Fire Protection Assessment is \$17.00. If the parcels contain 50 or more acres, then the refund is equal to the flat fee assessment paid, less one assessment and less the per acre charge on all acres over 50. The per acre charge is \$0.27. A small county fee to defray processing costs is also charged on each parcel; however, it is not refunded and is retained by the county. In order to receive a refund, a landowner must apply to the county, the county treasurer must confirm that the taxes have been paid, and then DNR calculates and processes the refund amount.

Approximately \$600,000 is returned through the legislatively required refund process. The refund process costs DNR an additional \$400,000 to process these refunds. This result is a total refund expenditure of over \$1 million annually.

Each year additional taxpayers are informed of the option to apply for a refund. In 1993 DNR processed 605 refunds and in 2007, 18,200 refunds were processed. There are 457,000 parcels of less than 50 acres that are currently assessed the FFPA. Currently, only 12 counties notify multiple parcel owners of the refund process. DNR does not know exactly how many of these parcels may qualify for a refund. Based on an analysis of counties that do not notify multiple parcel holders of the refund process, DNR estimates that as many as 20,000 additional landowners may qualify for a refund.





## Recommendation 2: Statewide Adoption of the International Code Council Wildland Urban Interface Code (ICC WUI Code)

**The Forest Fire Prevention and Protection Work Group recommends that the State begin a formal process of evaluating the International Code Council Wildland Urban Interface Code (ICC WUI Code) for statewide adoption. This Code would establish a minimum standard for home construction and maintenance in natural areas rated as a moderate or higher hazard for wildfire.**

### Description

Adopting the ICC WUI Code would be an important step toward promoting homeowner and community responsibility for fire protection in wildland-urban interface areas. When fully implemented, the ICC WUI Code should result in increased fire preparedness and reduced suppression expenditures by state and local fire agencies. Safer and less expensive fire fighting tactics can be used when a majority of wildland-urban interface homes are compliant with the ICC WUI Code.

### Implementation and Timing

**TABLE 3: Implementation Timeline**

<b>Item</b>	<b>Timing</b>
Begin process of considering the ICC WUI for statewide adoption.	June 30, 2009
RCW 19.27, state building codes, amended to include ICC WUI Code	June 30, 2011
Develop incentives and WACs for ICC WUI Code adoption	Begin June 30, 2011
Begin implementation of ICC WUI Code	2012

## Related Policies

Existing RCW's and WAC's (and statutes and rules from other states) dealing with this or similar issue.

- Washington State Building Code – RCW 19.27
- Chelan County Code – 15.40.050
- Clark County Code – 15.13
- Yakima County Code – 13.12
- California Building Standards and Materials for Building Code Chapter 7A, 2007 California Building Code.  
<http://osfm.fire.ca.gov/pdf/fireengineering/bml/wuiproducts.pdf>
- Blue Ribbon Panel on Wildland Urban Interface. The ICC convened a blue ribbon panel in 2007 to consider all issues relevant to the wildland urban interface fire issue, and to identify improvements in national, state and local management of the wildland-urban interface fire problem (<http://www.iccsafe.org/government/blueribbon/index.html>). The panel identified five key categories for focus: education, incentives, mitigation, regulation, and suppression. Key findings regarding wildland-urban interface regulations were:
  - Promote better integration of land-use planning, community development, community wildfire protection plans (CWPPs) and ICC WUI codes and standards.
  - Endorse public policy through codes and ordinances to support local wildland-urban interface fire prevention programs.
  - Encourage the development of a mechanism to collect and disseminate data.
  - Encourage and distribute research associated with the effectiveness of local wildland-urban interface ordinances.
- 1994 Fire Mitigation Plan developed in response to the 1991 Spokane Firestorm contained a series of recommendations regarding wildland-urban interface fire issues. The recommendations on local ordinances included:
  - Develop a set of comprehensive and cost effective recommendations for local ordinances using the input from fire fighting agencies, homeowners, local planners and property developers. Measures would take into consideration local conditions, i.e., hazard risk ratings.
  - Within extreme and high hazard fire risk areas, promote implementation of safety recommendations as identified by the *Home Protection Guide* published by the Washington State Department of Natural Resources.
  - Develop recommendations for local ordinances to control human caused fires, such as debris burning, fireworks, camp fires, etc.
  - Adopt mitigation plan (or adopt state plan) by county commissioners for extreme and high fire risk areas.
- The Washington State Department of Natural Resources Fire Strategic Plan



[http://www.dnr.wa.gov/RecreationEducation/Topics/FireInformation/Pages/rp\\_fire\\_2020strategicplan.aspx](http://www.dnr.wa.gov/RecreationEducation/Topics/FireInformation/Pages/rp_fire_2020strategicplan.aspx) identified the following objectives and strategies to address wildland-urban interface homes:

- Responsibilities Objective 1. Clarify jurisdictional responsibilities to address gaps and eliminate redundancy (including all-risk responses).
- Responsibilities Strategy 1.2. Develop an approach to address the tension associated with protecting structures versus protecting resources.
- Responsibilities Objective 3. Affect local land use decisions so that the result is healthy forests and firesafe communities.
- Responsibilities Strategy 3.1. Develop model wildfire protection ordinances.

## **Costs and Benefits of Adopting ICC WUC Code Statewide**

Costs and benefits are difficult to determine at this juncture and estimates would not be accurate enough to be useful. There would be a cost to the state for processing the building code change, and to each of the jurisdictions for the adoption process.

## **Uncertainties**

The capabilities and willingness of counties to take on a new regulatory responsibility is uncertain. Counties are reluctant to take on unfunded mandates. Since they do not bear the direct costs of fire suppression and do not receive direct benefits from the reduction in wildfire losses, their willingness to bear the responsibility for implementing and enforcing the ICC WUI code is unknown. They are represented on the State Building Code Council and have the opportunity to voice concerns in that forum.

The willingness and capacity of homeowners to take actions to reduce risk has not been fully assessed. Absent a stringent enforcement mechanism, the success of the program will depend on voluntary action by homeowners. The Firewise Communities and Community Wildfire Protection Planning programs have shown that homeowners are willing to take responsibility for reducing the risk to their homes and communities under some conditions. It is unknown whether these voluntary efforts can be applied on a large enough scale (and sustained over an extended period) to equate to a reduction in fire suppression expenditures.

The desire of the Legislature to fund implementation costs for the program is unknown. The expected benefit to the State of Washington in fire reduction expenditures is not likely to be realized for many years.

That fire agencies will modify fire suppression tactics to reduce costs based on homeowner compliance with ICC WUI Code is assumed. The tendency of government organizations to increase in size and cost is well known. Examples of planned and measured reductions in the size of a government program based on the assumption of future cost savings are limited.

That future savings in suppression costs will exceed the costs to develop and implement the program is assumed.

The role of DNR in wildland-urban interface areas is uncertain. Currently in areas of shared fire protection there is confusion related to responsibilities for fire regulation and prevention. Adoption of the ICC WUI Code will provide more clarity by further defining the roles of local jurisdictions in the arena of wildfire.

## **Feasibility**

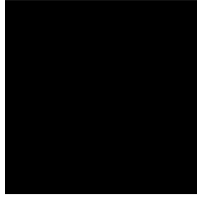
The policy option is technically feasible. Agencies know how to develop rules, and implement a regulatory program through the Building Code.

## **Status of Work Group Approval and Barriers to Consensus**

The State benefits from this recommendation through decreased fire suppression costs, homeowners benefit through reduced property losses, and insurance companies benefit through decreased claims. Counties will bear the cost of implementing and enforcing the ICC WUI Code if this policy is to be successful. The Work Group, which included county representation, recognized this fact.

There was significant concern by the county and the building industry representatives regarding this recommendation. The primary concern of the county representatives was enforcement. The building industry was primarily concerned with the potential for additional codes to increase the cost of home construction. The concern of these two stakeholders is the reason the recommendation from the Work Group is to have the State Building Code Council begin their formal process of *evaluating* the code and not *adopting* the code. During the process of evaluation all affected stakeholders will have ample opportunity to offer input.





## Recommendation 3: The Responsibilities and Liability of Improved Property Owners in Unprotected Forested Areas for Fire Suppression Expenses

**The Forest Fire Prevention and Protection Work Group recommends that the State provide incentives to owners of homes and structures situated on forested land outside the protection of a fire district to take action to join a fire district or form a new one.**

### **Recommended Policy Approach**

Regarding the protection of homes in natural areas, the Forest Fire Prevention and Protection Work Group (‘Work Group’) felt the best case scenario could be achieved if all homes in the state were included in a fire district. The Work Group considered previous studies that recommended encouraging homeowners outside of municipal fire department or fire protection district boundaries to gain fire protection by requesting annexation or seeking to form a new district.<sup>5</sup> Although, the Work Group supports the concept, it recognized that there are situations where property owners are not interested or where this is challenging for other reasons. This policy recommendation is intended to provide fiscal motivation to owners of improved property situated on forested land outside a municipal fire department or fire protection district boundary to take the initiative to explore joining an existing district or form a new one.

This policy recommendation also requires such property owners to take direct action to protect themselves from wildfire and provides a fiscal incentive for doing so.

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<sup>5</sup> Citations are provided in **Related Laws, Rules and Policies** section page 16.

This recommendation is intended to work in concert with other Work Group recommendations. Its success depends on the adoption of the International Code Council Wildland Urban Interface Code<sup>6</sup> (ICC WUI Code) standards through amendment of the State Building Code (See Recommendation 2). That policy recommendation is directed primarily at addressing challenges with **new** development in wildfire prone areas. The intent of the policy outlined in this paper is to clarify the responsibility of owners of **existing** improvements located on forestland outside established municipal fire department or fire protection district boundaries.

The Work Group suggests that funding is available through elimination of the FFPA refund (see Recommendation 1) to establish within DNR increased capacity to provide education and technical assistance to help property owners understand and act on their responsibilities and liabilities.

This policy would be enacted through passage of a new law and associated administrative code. The law would:

- Encourage development of a complete, coordinated fire protection system by declaring it to be in the public interest for the Commissioner of Public Lands to assume a lead role in wildland fire protection and as it relates to that role, the statewide coordination of wildland-urban interface protection with other state and local agencies, local governments and private sector interests that are concerned with fire protection in the wildland-urban interface.
- Require that owners of improved property situated within forestland and outside of a municipal fire department or fire protection district boundary comply with ICC WUI Code specifications, particularly those pertaining to reduction of excess vegetation that could fuel a fire around structures. Property owners would bear costs needed to meet specified ICC WUI Code standards
- Assign to DNR lead responsibility (in collaboration with the State Fire Marshal) for providing education and technical assistance to affected property owners to help them meet ICC WUI Code requirements. Assistance to property owners could include, for example, web-based publications; on-ground consultations about vegetation reduction requirements; group or community training; and other outreach. DNR would need rule-

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<sup>6</sup> International Code Council. 2006. International Wildland-Urban Interface Code 2006. International Code Council, Inc. 48p.

making authority necessary to implement the provisions of the new law.

- Establish fiscal liability of owners of improvements (homes and structures) for up to \$100,000 of fire suppression costs borne by DNR, or cooperating agencies if:
  - The property does not meet ICC WUI Code standards<sup>7</sup>  
**and**
  - Costs are incurred to fight wildfire on adjacent forestland to prevent fire from damaging or destroying unprotected improved property.
  - Owners of these improvements would be relieved from liability for suppression costs if they are included within a fire protection district or formed a new one.
- Provide DNR the authority to seek cost recovery from property owners for applicable fire suppression costs.
- Relieve landowners from suppression cost liability when they can demonstrate to DNR's satisfaction following a wildfire that their property was maintained to ICC WUI Code standards. DNR would be required to develop rules to implement this provision.

***The main incentive to property owners would come in the form of relief from suppression cost liability when they can demonstrate, following a wildfire, that their property was maintained to ICC WUI Code requirements or that they were part of a fire protection district.***

Accomplishing this would require adding infrastructure within DNR, including a number of 'wildland-urban interface wildfire preparedness specialists' to provide landowner educational and technical assistance and to bolster the capacity of DNR's existing program to recover costs for fires caused by negligence. The Work Group intended that funding for this would be made available through the recommended FFPA refund elimination (described under Recommendation 1).

## **Implementation and Timing**

The main goals of Recommendation 3 include:

- Establish statutory authority and administrative rules.
- Add agency infrastructure to effectively implement and support the program.
- Develop and implement a multiyear implementation plan.

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<sup>7</sup> Nothing in this provision would relieve a landowner from other liabilities, such as those established in [RCW 76.04.495](#) pertaining to property owner negligence for fire spread or allowance of extreme fire hazard, or in [RCW 76.06.180](#) pertaining to required action under a forest health order.

**TABLE 4**

Item	Timing
Establish statutory liability and cost recovery authority	June 30, 2010
Amend State Building Code to incorporate ICC WUI Code (projected completion date)	June 30, 2011
Establish rules to implement the ICC WUI Code	2012
Establish rules to implement the cost recovery process	2013
Hire DNR staff to provide property owner education and technical assistance	2013

## Related Laws, Rules and Policies

- Title 52 RCW: Fire Protection Districts. Retrieved from the world wide web on August 20, 2008, at: <http://apps.leg.wa.gov/rcw/default.aspx?Cite=52>
- Chapter 52.26 RCW: Regional Fire Protection Service Authorities. Retrieved from the world wide web on August 20, 2008, at: <http://apps.leg.wa.gov/RCW/default.aspx?cite=52.26>
- Chapter 39.34 RCW: Interlocal Cooperation Act. Retrieved from the world wide web on August 20, 2008, at: <http://apps.leg.wa.gov/RCW/default.aspx?cite=39.34>
- Chapter 76.04 RCW: Forest Protection. DNR Fire Protection. Retrieved from the world wide web on August 20, 2008, at: <http://apps.leg.wa.gov/RCW/default.aspx?cite=76.04>
- Chapter 76.06 RCW: Forest Insect and Disease Control. Retrieved from the world wide web on August 20, 2008, at: <http://apps.leg.wa.gov/RCW/default.aspx?cite=76.06>
- Oregon Forestland-Urban Interface Fire Protection Act of 1997. Retrieved from the world wide web on August 20, 2008, at: <http://www.oregon.gov/ODF/FIRE/SB360/sb360.shtml>
- Oregon Revised Statutes, Chapter 477. Fire Protection of Forests and Vegetation. Retrieved from the world wide web on August 20, 2008, at: <http://www.leg.state.or.us/ors/477.html>
- Oregon Administrative Rules, Division 44 – Department of Forestry (629-044-1000 through 629-044-1110). Retrieved from the world wide web on August 20, 2008, at: [http://arcweb.sos.state.or.us/rules/OARS\\_600/OAR\\_629/629\\_044.html](http://arcweb.sos.state.or.us/rules/OARS_600/OAR_629/629_044.html)
- DNR Fire Control Program Review. 1986. Keatley, J. et al. Report on file with DNR Resource Protection Division. 64p.+
- Washington Wildfire Mitigation Plan. 1994. Washington Wildfire Mitigation Committee. Report on file with DNR Resource Protection Division. 24p.
- DNR Fire Program Review. 1997. TriData Corporation. Arlington, Virginia. Report on file with DNR Resource Protection Division. 24p.
- DNR 2020 Strategic Plan for Wildfire Protection. 2006. DNR. Report on file with DNR Resource Protection Division. 24p.

Retrieved from the world wide web on August 20, 2008, at:  
[http://www.dnr.wa.gov/RecreationEducation/Topics/FireInformation/Pages/rp\\_fire\\_2020strategicplan.aspx](http://www.dnr.wa.gov/RecreationEducation/Topics/FireInformation/Pages/rp_fire_2020strategicplan.aspx))

- In its 2006 fire program strategic plan,<sup>8</sup> DNR adopted “Responsibilities Objective 1: *Clarify jurisdictional responsibilities, to address gaps and eliminate redundancy.*” The first strategy under this Objective is to “*develop an approach that will provide wildfire protection to all land in Washington*” (page 61). Retrieved from the world wide web on August 20, 2008, at:  
[http://www.dnr.wa.gov/RecreationEducation/Topics/FireInformation/Pages/rp\\_fire\\_2020strategicplan.aspx](http://www.dnr.wa.gov/RecreationEducation/Topics/FireInformation/Pages/rp_fire_2020strategicplan.aspx)

## Costs and Benefits

The main benefits of Recommendation 3 will be improved public/firefighter safety, reduced losses of natural resources and improved property from wildfire, and reduced direct fire suppression expenses borne by DNR and other fire protection agencies. The latter will come in two ways:

1. Where property owners take appropriate action, agency fire suppression tactics will not need to be altered to ensure that approaching forest wildfires do not destroy unprotected improvements.
2. If property owners fail to take appropriate action, DNR will have authority to recover from them suppression costs expended to ensure that approaching forest wildfires do not destroy unprotected improvements.

This policy approach compliments the other Work Group policy recommendations calling for statewide adoption of the ICC WUI Code as an amendment to the State Building Code and for utilizing funding that is available from elimination of the FFPA refund to provide education and technical assistance to help property owners understand and act on their responsibilities and liabilities. This and related recommendations in this report do not fully address the issue of unprotected structures. There are still significant portions of Washington without any protection at all. However, taken together, these policies will move Washington State closer to the objective of having a more complete, coordinated, and comprehensive fire protection program.

## Uncertainties

- It is assumed but not possible to verify that the benefits to Washington citizens and taxpayers that would accrue as a result

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<sup>8</sup> DNR 2006. A Wildland Fire Protection Program for Washington Phase II Pathway to 2020.



of this process would exceed the costs needed to initiate and sustain the program.

- The Work Group is not certain if the Legislature will be willing to support the establishment of additional programmatic infrastructure within DNR to administer the program.

## Feasibility

Provided that the State Building Code is amended to incorporate the ICC WUI Code and funding is available to support implementation, there is a high degree of confidence that the recommended approach could be successfully established and implemented.

## Status of Work Group Approval and Barriers to Consensus

Work Group discussions resulted in consensus on a prioritized need to address issues related to the presence of unprotected improved properties situated in locations adjacent to or surrounded by lands protected by DNR.

## Background

It is the public policy of the State of Washington “to establish and maintain a complete, cooperative, and coordinated forest fire protection and suppression program for the state” ([RCW 76.04.167\(2\)](#)). Yet universal fire protection is not required such that all land and all improvements have protection services provided by some agency. DNR is charged with protecting nonfederal forest lands from wildfire but does not protect developed property or structures.<sup>9</sup> Local fire protection districts and municipal fire departments are responsible for protection of improved lands and developed property within their boundaries.<sup>10</sup> Five

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<sup>9</sup> RCW 76.04.005 (9) "Forest land" means any unimproved lands which have enough trees, standing or down, or flammable material, to constitute in the judgment of the department, a fire menace to life or property. Sagebrush and grass areas east of the summit of the Cascade Mountains may be considered forest lands when such areas are adjacent to or intermingled with areas supporting tree growth. Forest land, for protection purposes, does not include structures.

<sup>10</sup> RCW 76.04.167 (2) The legislature hereby finds and declares that it is in the public interest to establish and maintain a complete, cooperative, and coordinated forest fire protection and suppression program for the state; that, second only to saving lives, the primary mission of the department is protecting forest resources and suppressing forest wild fires; that a primary mission of rural fire districts and municipal fire departments is

federal land management agencies are responsible for protecting lands managed by their respective agency. Some lands and developed properties are not protected by any agency.

The Work Group considered a number of potential approaches to help accomplish the Legislature's intent, particularly regarding improved property in the wildland-urban interface. This policy recommendation follows discussions at several Work Group meetings and specific direction provided at the Work Group's June 11, 2008, meeting.

The Work Group determined that top priority should be placed on ensuring that **owners of improved property** (e.g., structures including residences, cabins, barns, outbuildings and so forth) on forestland<sup>11</sup> **outside of a municipal fire department or fire protection district boundary**<sup>12</sup> (and therefore unprotected from fire by a public agency) understand their personal responsibility for ensuring that their property will either withstand a wildfire without reliance upon response by fire agency or risk being lost.

The Work Group supports development of a policy by which such property owners may be held fiscally accountable for fire suppression expenses borne to prevent an approaching wildfire on adjacent, protected lands from damaging or destroying their unprotected improvements.

The recommended approach responds to three escalating problems associated with the presence of homes and other improvements adjacent to and within Washington forests:

- Safety risks to property owners, the public and firefighters;
- Wildland fires burning homes and other improvements; and
- Rising suppression costs because of the presence of homes/improvements adjacent to or within forest lands protected by DNR and other agencies.

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protecting improved property and suppressing structural fires; and that the most effective way to protect structures is for the department to focus its efforts and resources on aggressively suppressing forest wild fires.

<sup>11</sup> Forest land as defined in RCW 76.04.005(9) – meaning that DNR is responsible for protecting adjacent forestland from fire.

<sup>12</sup> Regional fire protection service authorities (see [Chapter 52.26 RCW](#)) are included whenever reference is made in this document to municipal fire departments or fire protection districts.



## Recommendation 4: Prescribed Fire

**The Forest Fire Prevention and Protection Work Group recommends that the Legislature fund and direct DNR to assemble a work team consisting of the members of the Work Group and other interested stakeholders to study and recommend to the Legislature actions needed to increase the use of biomass and prescribed fire to reduce forest fire hazards.**

The recommendations of the 2004 Forest Health Strategy Work Group Report included a request that:

“the legislature consider directing coordinated changes to the statewide smoke management plan that would encourage maximum use of silvicultural burning where appropriate for forest health improvement. The direction should address areas where the state smoke management plan is more stringent than the National Clean Air Act and allow brief exceedence of standards to alleviate future wildfire events that are uncontrolled and have a greater, more prolonged impact on the public.”

Recommending changes to the State’s longstanding policies regarding prescribed fire will be a complex undertaking. Some of the issues include air quality, risk and liability of landowners, carbon dioxide emissions, achieving desired fire effects, and equity with other fire uses, such as agriculture. The stakeholders that did not participate in the Work Group process include the departments of Health and Ecology, agricultural fire users, the prescribed fire council, air quality activists, and federal land managers. Involvement of these additional stakeholders will be key to successful engagement on prescribed fire issues.

The work group’s primary function would be to address the most pressing issue of removing policy barriers to the broader application of controlled burning. However, it is also expected to address the issue of the better utilization of excess forest biomass. The Governor’s Climate Action Team has identified biomass, as it relates to forest health, to be a critical component of their strategies through the utilization of forest biomass for the production of energy or products. Both have the potential

to offset more carbon intensive alternatives which results in a net reduction of carbon dioxide emissions.

## Implementation and Timing

The Work Group should recommend the establishment of a state prescribed fire policy work group to recommend the actions needed to increase the utilization of biomass and to facilitate the appropriate use of prescribed fire to reduce forest fire hazards. This new fire policy work group should report its recommendations by December 1, 2009, for consideration in the 2010 Legislative Session.

## Related Policies

Burner Certification (Florida)<sup>13 14</sup>

Hazard Reduction (Idaho)<sup>15</sup>

Washington's Extreme Hazard Law (RCW 76.04.660 and WAC 332-24-650)

Air Quality Policy on Wildland and Prescribed Fires.<sup>16</sup>

## Costs and Benefits

Costs will be to assemble and support a work group to develop the policy recommendations. The benefit will be that a group oriented specifically toward prescribed fire will have the time and focus to develop a detailed set of consensus based recommendations on the issue.

## Uncertainties

There is uncertainty as to whether a diverse stakeholder group can reach consensus on the issue.

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<sup>13</sup> Brenner, J., and D. Wade. 2003. Florida's Revised Prescribed Fire Law: Protection for Responsible Burners. Pages 132-136 Pages 132-136 in K.E.M. Galley, R.C. Klinger, and N.G. Sugihara (eds.). Proceedings of Fire Conference 2000: The First National Congress on Fire Ecology, Prevention, and Management. Miscellaneous Publication No. 13, Tall Timbers Research Station, Tallahassee, Florida. Retrieved from the world wide web on February 25, 2008 from: [www.forestdisturbance.net/publications/Florida%20Fire%20Law-Wade.pdf](http://www.forestdisturbance.net/publications/Florida%20Fire%20Law-Wade.pdf)

<sup>14</sup> Brenner and Wade. 2003

<sup>15</sup> Idaho Department of Lands. 2005. Idaho's Fire Hazard Management Law. *Fire Management No. 1*, July 2005. Retrieved from the world wide web on February 22, 2008, from <http://www.idl.idaho.gov/bureau/ForestAssist/foresterforum/firemngmt1.pdf>

<sup>16</sup> US EPA. 1998. Interim Air Quality Policy on Wildland and Prescribed Fires. April 23, 1998. Retrieved from the world wide web on February 25, 2008, at <http://www.epa.gov/ttncaaa1/t1/memoranda/firefnl.pdf>


## **Feasibility**

The policy option is technically feasible. The work group process, including the Work Group and the Forest Health Strategy Work Group has been used successfully to address complex policy issues.

## **Status of Work Group Approval and Barriers to Consensus**

The Work Group reached consensus that prescribed fire is and will remain a critical tool in addressing wildfire issues in Washington State. They agreed that this tool's use should be improved and enhanced.





## Recommendation 5: Develop a Blue Ribbon Panel to Evaluate the Non-Market Costs and Benefits of Increasing Forest Health and Wildfire Prevention

**The Forest Fire Prevention and Protection Work Group recommends that the Legislature should direct and provide funding for DNR to form a blue ribbon advisory panel that would examine the savings and benefits that could result from more effective fire prevention activities, including forest management, specifically as they relate to forest health issues.**

The greatest cost reductions for fire suppression activities and forest health gains will potentially come from more effective prevention activities, including forest management. Information about the nonmarket costs that can be avoided and how best to incorporate that information in state budget decisions would best be acquired by establishing a knowledgeable blue ribbon advisory panel, facilitating their consideration and reporting on these issues, and adopting their recommendations in either the 2010 or 2011 legislative sessions.

### **Goals and Timing**

An informative report delivered to the Legislature by December 1, 2009, that includes suggested draft legislation and budget advice to be considered and incorporated by the 2010 Legislature. Members of the panel will be available to elaborate on their conclusions and advocate adoption of their recommendations in 2010.

## **Implementation**

Action by the 2009 Legislature would create a blue ribbon panel to evaluate the non-market costs that can be avoided and benefits that can be gained by changing the motivation for wildfire prevention activities including forest management. This legislative action should include funding for administrative support of and a facilitator for the panel. Probably the most ideal place for funds to come from is DNR's general fund appropriation for Fire Suppression. This source receives the most funding and would not impact other preparedness, prevention or forest health program budget areas. There is precedent for using this appropriation: the 2007 Forest Health Legislation authorized paying for Technical Advisory Committees from these funds.

The panel would be charged with making recommendations, advocating for required legislation or funding changes, and providing consulting support on how to best use this information in decisions to achieve these gains.

The panel members should be chosen for their expertise regarding the costs and benefits of forest management in relation to public benefits such as wildfire reduction, habitat enhancement, and public safety. Members should include but not be limited to: the Commissioner of Public Lands or his/her representative who shall serve as chair, the Governor or his or her representative, the Director of the Office of Financial Management, the Director of the Department of Ecology, the University of Washington's College of Forest Resources' Rural Technology Initiative, an industrial forest landowner, a nonindustrial forest landowner, a county commissioner, and a representative of the environmental conservation community.

The panel should be charged with delivering a report to the relevant legislative committees by December 1, 2009. Strategic recommendations would be adopted and financial recommendations incorporated into the 2010 or 2011 budget.

## **Related Policies**

These issues were described in Appendices 5 and 6 of the 2004 Forest Health Strategy Work Group Report, "A Desirable Forest Health Program for Washington's Forests." Retrieved from the world wide web on August 20, 2008, at:

[http://www.dnr.wa.gov/ResearchScience/Topics/ForestHealthEcology/Pages/rp\\_fh\\_strategyworkgroup.aspx](http://www.dnr.wa.gov/ResearchScience/Topics/ForestHealthEcology/Pages/rp_fh_strategyworkgroup.aspx).

## **Costs and Benefits**



As a consequence of large intense forest fires in the inland west over recent years, considerable public attention is being directed at the question of how to reduce hazardous fuel loads from the overly dense forests that characterize the region.

Removal of the many small trees that make up these fuel loads is known to be costly. While large trees can be removed for lumber and other product values as reflected in the market, the market value for the smaller logs may be less than the harvest and hauling charges, resulting in a net cost for thinning operations that are needed to lower fire risk. However, failure to remove these small logs results in the retention of ladder fuels that support the transfer of ground fire to a crown fire with destructive impacts to the forest landscape.

Many non-market benefits or avoided costs are not being considered in the market computation that only considers the market value for the log relative to the cost of delivering the logs to market. A first attempt at estimating these costs and benefits appears to show that the benefits will likely exceed the costs as justification for more aggressive treatments to reduce fire risk. There are however many different beneficiaries complicating the issue of who should pay. (Extracted from the report, Investigation of Alternative Strategies for Design, Layout, and Administration of Fuel Removal Projects. "Market and Non-Market Values." College of Forest Resources, Rural Technology Initiative, University of Washington, July 2003, at [www.ruraltech.org](http://www.ruraltech.org))

It is hoped that this group may also be able to expand the dialogue on the utilization of forest biomass for the reduction of carbon dioxide emissions. The Governor's Climate Action Team has identified forest biomass as one of the most promising untapped pools that may be utilized for energy production.

Establishing a panel can build on previous work, defining the potential opportunities and barriers to considering non-market costs of forest management treatments for forest health and fire risk reduction and crafting solutions oriented to successful implementation in Washington State.

## **Feasibility**

Establishment of this panel and receiving its report is highly feasible and likely to be achieved, especially if financial support is provided for panel members and administrative support.

Receiving a report in December 1, 2009, is somewhat late for extensive revision of state budget elements in the 2010 Legislative Session. To be successfully received and incorporated by the 2010 Legislature, the recommendations of this panel will require a legislative advocate. They may not be well coordinated with the key legislative agenda of a single agency or constituent. The 2010 Legislative Session may be a communication year, with major incorporation occurring in the 2011 biennial budgeting process.

## **Status of Work Group Approval and Barriers to Consensus**

The Work Group reached consensus on this recommendation without significant concern from any member.

# Appendix A: Membership of the Forest Fire Prevention and Protection Work Group

<b>Organization</b>	<b>Member</b>
Building Industry Association of Washington	Eric Lohnes
Contract Loggers Association, Inc.	Bill Pickell
Futurewise	Henry McGee, Ph.D.
Nature Conservancy	Betsy Bloomfield
Office of Financial Management	David Giglio
Office of the Governor	Scott Heinz
Office of the Insurance Commissioner	Chris Carlson
Office of the State Fire Marshall	Mike Matlick
Small Forest Land Owners	Maurice Williamson Bill Berrigan (Alternate)
State Building Code Council	Chief Jon Napier
Washington Association of Fire Chiefs	Chief Dave LaFave Chief Dan Packer (Alternate) Chief John Sinclair (Alternate)
Washington Cattlemen's Association	Jim Hinton
Washington Farm Bureau	Dean Farrens John Stuhlmiller (Alternate)
Washington Fire Commissioner Association	Commissioner Monte Nesbitt
Washington Forest Protection Association	Joan Hodgins Pete Heide (Alternate) Ben Rost (Alternate) Don Wallace (Alternate)
Washington State Association of Counties	Commissioner Bud Hover – Okanogan County Commissioner Dan Cothren – Wahkiakum County Tom Robinson (Alternate)
Washington State Department of Natural Resources	Mark Kahley
Washington Realtors Association	Greg Wright Allyson Zacharko (Alternate)



# Appendix B: Meeting Attendance Record, 2007–2008

Washington State Department of Natural Resources Forest Fire Prevention and Protection Work Group Meeting Attendance							
Organization	Member	11/20	1/31	2/29	3/26	4/30	6/11
Building Industry Association of Washington	Eric Lohnes	X	X	X		X	X
Contract Loggers Association, Inc.	Bill Pickell	X	X	X			X
Futurewise	Henry McGee	X					
The Nature Conservancy	Betsy Bloomfield	X	X	X	X		X
Office Of Financial Management	David Giglio	X	X	X	X	X	X
Office of the Governor	Scott Heinz	X					
Office of the Insurance Commissioner	Chris Carlson	X	X		X	X	X
Office of the State Fire Marshall	Mike Matlick	X	X	X	X	X	X
Small Forest Land Owners	Maurice Williamson	X	X	X	X	X	
State Building Code Council	Chief Jon Napier	X			X	X	X
Washington Association of Fire Chiefs	Chief Dave LaFave Chief Dan Packer – Alternate	X		X	X		X
Washington Cattlemen's Association	Jim Hinton	X	X				
Washington Farm Bureau	Dean Farrens John Stuhlmiller – Alternate		X		X	X X	X
Washington Fire Commissioners Association	Commissioner Monet Nesbitt	X	X	X	X	X	
Washington Forest Protection Association	Joan Hodgins Pete Heide – Alternate Ben Rost – Alternate Don Wallace – Alternate	X X	X X X X	X X	X X	X X	X
Washington State Association of Counties	Commissioner Bud Hover – Okanogan County Commissioner Dan Cothren – Wahkiakum County Tom Robinson – Alternate		X X X			X X	
Washington State Department of Natural Resources	Mark Kahley	X	X	X	X	X	X
Washington Realtors Association	Greg Wright	X	X	X		X	X



# Appendix C: Full text of initial suggestions of issues provided by group members

- How do you reconcile introducing fire back into the system when you are required to put them out?
- Reinvestment in prevention.
- Separate presuppression from prevention.
- Let burn may not work in heavy fuel forests.
- Role of fire tied back into condition of forest.
- If fire as a management tool is important we need to figure out how to reintroduce it properly into forest management.
- Need to be talking about the same thing. Need definitions of forest health, prevention, suppression, etc.
- Operational issues – policy ramifications.
- FFPA billing and refunds.
- Dichotomy – benefits of allowing fire versus the responsibility and directive for 100 percent suppression.
- Revisit doctrine of fire as a “public nuisance.
- Protection of state and private natural resources.
- Critical role of forest health
- Focus on what we can influence – forest health and wildland urban interface.
- Concern that a ‘let burn’ approach will threaten private residences.
- ‘No mans’ land (areas unprotected from wildfire) – getting protection and funding it.
- Appropriate role of fire in the environment.
- What would it take to have DNR manage all wildfire in Washington?
- Biofuel from wood? Means to address fuels.
- Incentives to managed lands – address fuels issue.
- Incentives and education for people living in the wildland urban interface (especially unprotected lands).
- What kind of investments that will avoid the large budget requests for suppression? (10, 20, 30 million)
- Present situation unacceptable. (fuels)
- Some level of prescription for where to build and how. (building code)

## Unsorted and unprioritized list of issues

- Budget.
- Metrics – cost per acre
- Universal fire protection.

- Defensible space versus survivable space – specifications.
- Low assessment of wildland-urban interface homes.
- Insurance coverage in areas without fire districts.
- FFPA refund issue; names associated with parcels, sales and divisions — a moving target.
- Map current fire protection districts and uncovered areas.
- Codes for the wildland-urban interface.
- Training and education for wildland-urban interface homeowners.
- Prescribed Fire:
  - Insurance
  - Cost versus benefit compared to initial attack.
  - Mission conflict.
  - Model policies, such as those in Florida, Idaho
  - A long term measure for prevention and protection.
  - Need to educate public.
  - Smoke as huge carbon source.
  - Air quality; national studies, declining threshold.
  - Flexibility?
  - Controlled fire during the spring helps prevent uncontrolled fire during the summer (uncontrolled fire during the summer also would have a greater impact on recreation and tourism).
  
- Prescribed burning versus mechanical treatment of fuels.
- Fuel reduction policy.
- Should there be a single wildland fire agency?
- Addressing barriers and conflicts to using prescribed fire in silvicultural regimes.
- Address accountability and responsibility of homeowners in the wildland-urban interface (who does what; financial obligations).
- The Work Group report should affirm policy items that work now.
- Adopt the ICC WUI Code: adopt and enforce for structure construction and maintenance.
- Address suppression on unprotected lands (resources and structures).
  - Evaluate
  - Devise policy
- Fire cost reduction.
- Nourish forests for recreation use.
- Incentivize firefighting through increased pay and benefits.
- Consider inconsistencies/impact with current codes.
- Address wildfire through forest health.
- Address inequity of fire protection funding and suppression between small forestland owners and wildland-urban interface residences.
- Adopt the ICC WUI Code.
- Make new housing developments subject to fire protection district review.
- No new construction in the wildland-urban interface.



- Prevention works.
- Standard application of the fire suppression agreement.
- Coordination of resources in all hazard approach, state and local (integrated Type 3 Incident Management Teams).
- Clarify policies related to ‘no man’s land’ (acreage in Washington State where there is no wildfire protection).
- Clarification at local level of definition of improved vs. unimproved related to responsibility, jurisdiction and taxes.
- DNR as the single fire fighting agency in Washington for wildfire — seek federal authorization and funding.
- Address firefighting costs.
- Increase fire fighting resources through financial incentives (fair pay).
- Policy mandating annual coordination meeting.
- Recharacterize the role of wildfire in stature from “public nuisance” to something that provides more flexibility in response and management.
- Policy for statewide wildland-urban interface guidelines inclusive of county jurisdiction, ICC WUI Codes, property rights and state expenditures.
- More of a merger of DNR programs for an integrated approach to fire and forest health, i.e.: fire and fire prevention, forest stewardship and forest health, private and trust lands, fuel cost accounting.
- Funding for re-establishment of vegetation on private land after a wildfire (pasture, tress, etc.)

## List of Issues: Categorized and Summarized

### **PREVENTION/FUEL REDUCTION POLICY/PREScribed FIRE**

Key issues the Work Group would like DNR staff to focus on:

- Fuel reduction:
  - State of the issue (wildfire)
  - Related policies
  - Legal barriers – air quality
- Different alternatives/solutions:
  - Burning
  - Removal of biomass
  - Slashing and rearrangement
  - Biomass markets
- Educate public about prescribed fire

Other issues staff should take into consideration:

- Insurance/risk management
- Cost versus benefit of fuels reduction compared to fire response
- Mission conflict

- Model policies – Florida and Idaho
- A long term measure for prevention and protection
- Need to educate public
- Air quality, national standards, declining threshold
- Flexibility
- Preseason smoke better than three months during summer
- Prescribed burn vs. mechanical treatment of fuels
- Address barriers and conflicts to using prescribed fire in silvicultural regimes
- Increased ability to do fuel treatments
- New markets for biomass

## **OPERATIONS**

Key issues the Work Group would like DNR staff to focus on:

- Fire cost reduction:
  - How fire suppression and prevention are related or can be shown to be related
  - Examine funding formulas and options
- Universal Fire Protection:
  - State of the state
  - Mapping uncovered areas
  - Cost/benefit
  - Should DNR fight all wildland fires, not just forest fires?

## **Other Operational Issues**

DNR staff should take into consideration:

- Addressing inequity of fire protection funding and suppression between Small Forest Land Owners and wildland-urban interface residences.
- Policy mandating annual coordination meetings between the various entities that work together to fight wildfire during the summer.
- More of a merger of DNR programs for integrated approach to fires and forest health.
- Address suppression on unprotected land resources and structures by devising a policy.
- Recharacterize the role of wildfire in statute from ‘public nuisance to something that provides more flexibility in resource management.
- Clarification of policies related to no-man’s land and response activity coordination.
- Coordination of resources in an all hazard approach at the regional and state level. (Integrated type 3 IMT’s).
- Standard application of the Fire Suppression Agreement as well as joint development of the agreement.

## **FUNDING**

- Budget
- FFPA refund issue.
- Examine equipment rates. Current rates don’t currently cover the costs.

- Incentives firefighting through increased pay and benefits.
- Funding for re-establishment of vegetation on private land after a wildfire.
- Low assessment of wildland-urban interface homes. Surcharge for having a structure on forested property (Tiered for ICC WUI Code compliance) as a Benefit Service Charge.
- Using open space tax incentives to incentives ICC WUI Code compliance.
- Fuels reduction and prevention funding.
- Additional funding for forest health.

### **EDUCATION/OUTREACH**

- Training and education for wildland-urban interface homeowners.
- Educate public about prescribed fire.
- Notification on property seller disclosure forms that the property is in the wildland-urban interface.
- Insurance coverage in areas without fire districts.

### **WILDLAND-URBAN INTERFACE**

- Defensible space versus survivable space — specifications.
- Low assessment of wildland-urban interface homes.
- Building codes for the wildland-urban interface.
- Insurance coverage in areas without fire districts
- Address accountability and responsibility of homeowners in the wildland-urban interface.
- Training and education for wildland-urban interface homeowners.
- Adopt code for construction and maintenance in wildland-urban interface.
- Adopt the international wildland interface code.
- Policy for statewide wildland-urban interface guidelines inclusive of county jurisdiction, ICC WUI Codes, property rights and state expenditures.
- Include ICC WUI building standards in the wildland-urban interface.

Note: Originally, the Work Group decided that the majority of the wildland-urban interface issues were covered in the other four areas and decided to drop it as a fifth topic area.