



Montana Legislative Services Division
Office of Research and Policy Analysis

TO: EOC members
FROM: Leanne Kurtz, Research Analyst
DATE: August 31, 2010
RE: HJR 30 Fire Suppression Study

Included for your review is information regarding the 2010 wildland fire season (which of course is not yet over) as reported by the Department of Natural Resources and Conservation, an update on the Education and Local Government Interim Committee's discussion about wildland-urban interface rulemaking, and a completed chart summarizing the wildland fire-related portions of your agendas this interim.

CURRENT STATISTICS

I have enclosed the following documents from DNRC's weekly Fire Coordination Meeting materials issued on Monday, August 30:

- a Fire Burned Summary table, showing the number of fires and acres burned in 2003 and 2005-2010, along with the 5-year average; and
- a DNRC Calendar Year 2010 Fire Status Summary with statewide data and data organized by land office.

WUI

Policy aspects of the wildland-urban interface have regularly been scheduled on the Education and Local Government Interim Committee's (ELG) agendas this interim. Along with EQC, ELG has received regular updates on the WUI mapping project that SB 131 (2009) required DNRC to complete.

Ted Mead, DNRC's Fire and Aviation Bureau Chief, provided information on the agency's progress in acquiring the files to map the WUI statewide. As was contemplated in SB 131, counties have used varying methodologies to delineate the WUI in their jurisdictions. DNRC is continuing to work on reflecting that data in its mapping.

ELG has also been following the Department of Labor and Industry's rulemaking required by SB 51 (2007). DLI's rules provide a list of options that local governments may consider to be fire mitigation construction techniques for structures built in certain high wildfire hazard areas, as those areas are identified by local governments via local subdivision regulations (MAR Notice 24-320-245; No. 8; 04/29/2010).

The law requiring the adoption of the rules is clear that the rules are not to be considered building codes and are not enforceable as building codes.

At its June meeting, just prior to final adoption of the rules, ELG asked DLI to postpone final adoption so that members could have one final opportunity to discuss the rules with DLI staff

and clarify how they may be used by a local government. DLI was under no obligation to comply, but did so.

Dave Cook, DLI Building Standards Bureau Chief, appeared at ELG's August meeting to discuss the rules and their application. DLI agreed, at the suggestion of the committee, to amend the rules' General Statement of Reasonable Necessity to emphasize that the construction techniques should be considered to be "best practices" only, as a way to further emphasize to local governments that the construction techniques as listed in the rules are simply options provided by experts in the field; that they are not regulatory, they do not comprise building codes, and they are not enforceable by DLI. The amendment will delay final adoption of the rules until later this fall.

SUMMARY OF ACTIVITY

EOC has reviewed a number of wildland fire suppression issues during the 2009-2010 interim. In March, staff provided a table summarizing what you have learned and, since HJR 30 was intended to be a follow-up of the Fire Suppression Committee's work, included corresponding information from FSC's findings. That table, with the addition of information provided at your meetings this spring and summer, follows this memo.

EQC Meeting	Information Presented	Council request for follow-up or additional information	Associated FSC comments, predictions, recommendations
May 28-29, 2009	HJR 30 study details, Summary of FSC's work, presentation of work plan options	Council members to read FSC report, "The Price of Flame" and request specific follow-up information or pose questions to staff; no specific questions were received	The legislature must decide if it wants a committee to follow up on all the recommendations made by the FSC. Many do not need bills or laws implemented but there should be some entity to determine whether or not the recommendations are being followed up by other agencies and people.
Sept. 10-11, 2009	<ul style="list-style-type: none"> ▶ Update on SB 51 rulemaking (DNRC, DLI WUI development best practices and DLI fire mitigation construction techniques) ▶ Federal fire policy and state fire policy; similarities, differences ▶ DNRC Perspectives Regarding 2009 Federal Wildfire Policy Implementation ▶ 2009 Fire season update ▶ Review and discussion of "The Price of Flame" ▶ Discussion of methodology used in Headwaters Economics report, prepared for FSC, analyzing costs of fire suppression in the 	None received	<p><u>WUI Comments</u> Development in the wildland-urban interface will continue to increase without adequate controls on land development.</p> <p>Declining dedication of funds for fuels reduction projects and lack of landowner incentives to treat fuels on private land will ensure continued risk of complex wildland-urban interface fires.</p> <p>Without a concerted and coordinated effort from insurers to educate policyholders about their wildfire risks and offer incentives for properly mitigating their risks, many homeowners will continue to ignore the advisability of survivable space, placing themselves and firefighters at risk.</p> <p>According to a report provided for DNRC and FSC by Headwaters Economics (Appendix C and p. 47), the amount of money needed for fire suppression will continue to grow as additional homes are built in the wildland-urban interface.</p> <p>A large number of homeowners do little to protect their homes.</p> <p>The state and local governments cannot conduct evacuations on a scale that would be necessary in the event of a fire year similar to 1910.</p> <p>A significant amount of money should not be dedicated to hazardous fuels reduction unless</p>

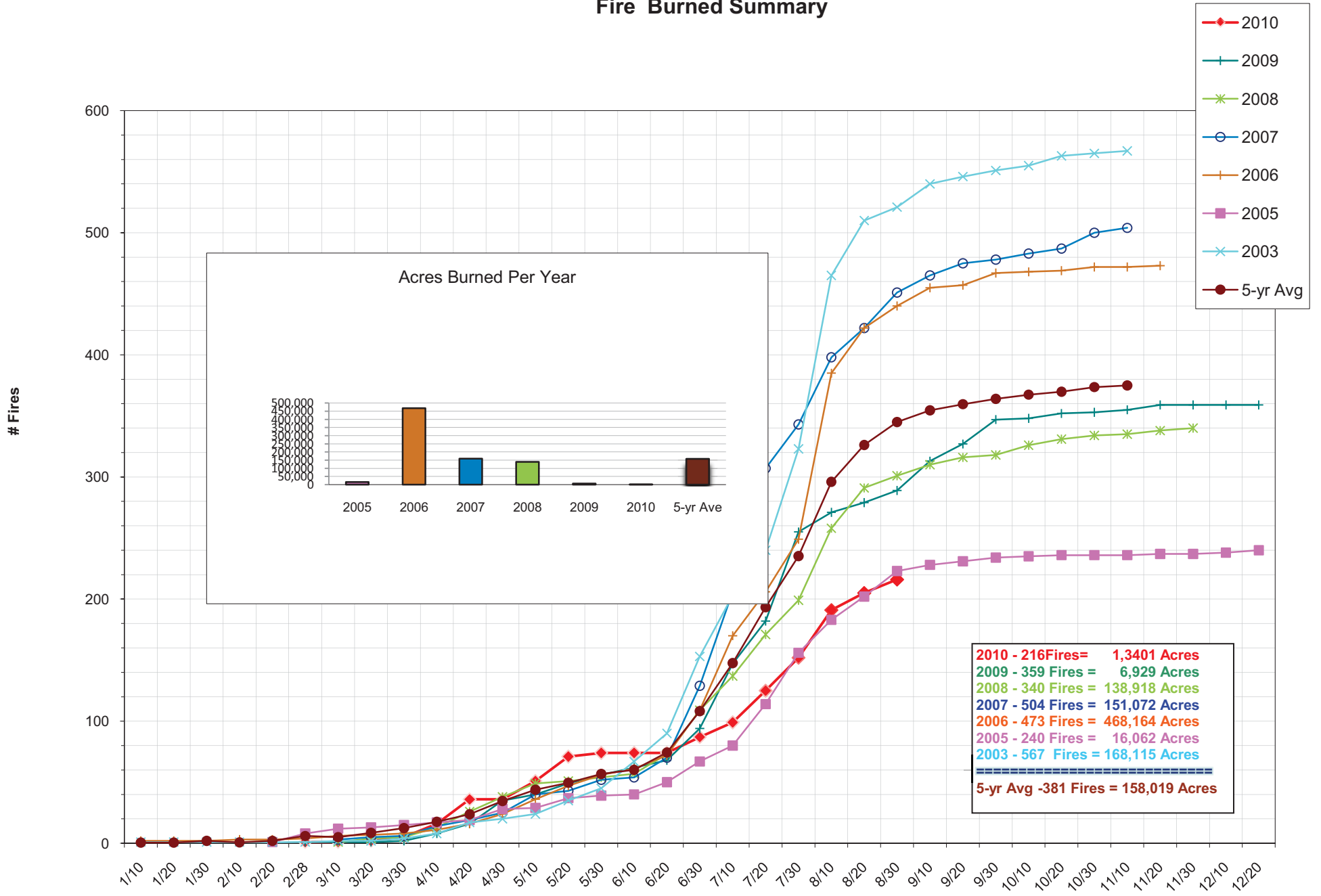
EQC Meeting	Information Presented	Council request for follow-up or additional information	Associated FSC comments, predictions, recommendations
	<p>wildland-urban interface</p> <ul style="list-style-type: none"> ▶ DNRC update on SB 131: Designation of parcels in the WUI 		<p>private property owners are compelled to manage their property to reduce wildfire risk either through enhanced incentives or required measures.</p> <p><u>WUI Recommendations (see attached)</u> FSC made a number of specific recommendations to dealing with their concerns related to development and wildland fire mitigation in the WUI . Those are attached.</p> <p><u>State and Federal Policies</u> While cooperation among local, state, and federal wildland fire agencies has by most accounts been excellent, greater divergence in fire management policies, strategies, and interpretation of values in need of protection may erode that cooperation and negatively impact suppression efforts in the state.</p> <p>Federal, state, and local officials must meet before and after every fire season to discuss fire suppression plans and policies and to review decisions that were made regarding policy, land management, cost sharing, and compensation to private entities and local fire and emergency response agencies.</p> <p>State and federal wildfire suppression agency officials must discuss their respective long-term wildfire policies and continue to identify any differences in policies so the state is prepared to deal with the differences during the wildfire season.</p>
Jan. 7-8, 2010	<ul style="list-style-type: none"> ▶ Update on 2009 fire season costs ▶ Use of unspent suppression appropriation ▶ National Fire Policy Conference report 	Overview of trees and water -- evapotranspiration and impact on wildfire susceptibility	<p><u>Costs</u> When the special session convened on September 5, 2007, costs for the 2007 season amounted to \$80 million and were climbing. Once cost negotiations among all involved agencies had concluded, the state faced a liability of over \$40 million, more than twice the average amount calculated over a 7-year period.</p> <p>HB 1 appropriated \$39 million from the state general fund to the Department of Natural Resources and Conservation (DNRC) "for wildfire suppression and for wildfire disaster response and recovery activities in Montana", and \$3 million from the general fund to the Department of</p>

EQC Meeting	Information Presented	Council request for follow-up or additional information	Associated FSC comments, predictions, recommendations
			<p>Military Affairs for the same purpose.</p> <p>When all factors are combined, fire suppression and the business aftermath are becoming increasingly difficult to manage and increasingly difficult for the state to fund. The traditional funding mechanism to pay state costs through a supplemental appropriation to DNRC was not viable for the costs associated with the 2007 fire season, resulting in the need for a special legislative session to appropriate the money. This prompted the question of who should pay the state's share into the future. The options are:</p> <ul style="list-style-type: none"> a. landowners in a designated wildland-urban interface; b. landowners who benefit from direct protection services and county cooperative assistance; c. all taxpayers through the state general fund; d. insurance companies and other beneficiaries of fire suppression; or e. some combination of the above. <p>Wildland fires are a part of life in Montana. Given the identified pressures and financial considerations, and pending any changes in federal fire policy, the outcome of future fire seasons is uncertain. The state must examine proposals to make changes to the status quo to positively impact fire suppression activities in the years to come.</p> <p>Increasing spending on fire suppression at the federal, state, and local levels will continue to divert funds away from potential fuels reduction projects.</p> <p>Declining federal assistance will contribute to the need for additional state funding to actively engage in fire suppression.</p> <p>Firefighters use all available resources to suppress fires and the only thing that keeps the state budget from going broke is the lack of resource availability.</p> <p>FSC anticipates a \$200 million fire year liability for the state budget sooner or later. Costs</p>

EQC Meeting	Information Presented	Council request for follow-up or additional information	Associated FSC comments, predictions, recommendations
			<p>incurred by the state may be reduced if there are fast-moving, large fires that simply burn through thousands of acres before resources are available. Other than that limitation, costs will continue to grow.</p> <p>The legislature should consider short-term and long-term state and local funding of state and local fire agencies.</p> <p>The committee strongly believes that simply providing funding will not solve the long term problems of fire costs as well as what has been described above in the conclusions. If the legislature only provides funding and does not deal with the other issues, time, money, and effort will have been wasted on this project.</p> <p><u>Specific Funding Recommendations (see attached)</u> FSC made a number of specific funding recommendations, based on projected state revenue, DNRC's budget, and the committee's recognition of the challenges.</p>
March 4-5, 2010	<ul style="list-style-type: none"> ▶ HJR 30 study activity to date ▶ Evapotranspiration ▶ Seasonal climate outlook ▶ Discussion of study direction 		<p><u>Outlook</u> There will be another fire year similar to 1910 and the state is not prepared for fires of that scale.</p> <p>The Fire Suppression Committee is convinced of the potential for catastrophic wildfires to occur in Montana in the near future.</p> <p>The forests in Montana are growing more fuel, more trees are dying, and the state is headed toward larger fires. Either we do more logging, more prescribed burns, or other fuel reduction or we have more dangerous fires.</p> <p>Stress associated with longer wildland fire seasons will continue to rise, affecting landowners, firefighters, business owners, and local, state, and federal agency staff, as well as other members of the public.</p>

EQC Meeting	Information Presented	Council request for follow-up or additional information	Associated FSC comments, predictions, recommendations
			The Fire Suppression Committee recognizes that because of climactic conditions, rugged terrain, dense vegetation, concern for firefighter safety, and the nature of fire-dependent ecosystems, some fires cannot be extinguished, no matter what suppression strategy may be employed.
May 6-7, 2010	<ul style="list-style-type: none"> ▶ Wildland-urban interface: discussion of SB 51 (2007) and SB 131 (2009) requiring DNRC and DLI WUI-related rulemaking and DNRC mapping 	None received; continue to track fire season.	FSC WUI recommendations attached; FSC requested SB 131.
July 22-23, 2010	<ul style="list-style-type: none"> ▶ Update on 2010 wildland fire season, which has been below average ▶ Comments received on WUI mapping and local government authority 	None received; continue to track fire season.	FSC WUI recommendations attached; FSC requested SB 131.
Sept. 16-17, 2010	<ul style="list-style-type: none"> ▶ Report on Education and Local Government Interim Committee action on DLI rules and DNRC rules and WUI mapping ▶ Fire cost update 		

Fire Burned Summary



DNRC CY 2010 FIRE STATUS SUMMARY

(Includes Direct and County Assists - but does not include False Alarms and Mutual Aid Responses)

Total Number All Human/Lightning/Unknown Fires To D 216

Total Acres All Human/Lightning/Unknown Burned To D 1340.76

Direct/County Assist Statewide

	Assist Human		Assist Lightning		Assist Unknown		Direct Human		Direct Lightning		Direct Unknown	
	Number	Acres	Number	Acres	Number	Acres	Number	Acres	Number	Acres	Number	Acres
Previous To Date	1	20	0	0	1	350	158	438.82	41	378.11	2	0.4
08/21/2010-08/30/2010	0	0	1	0	1	150	5	0.62	4	0.71	2	2.1
Current Statewide Total	1	20	1	0	2	500	163	439.44	45	378.82	4	2.5

Central Land Office

	Assist Human		Assist Lightning		Assist Unknown		Direct Human		Direct Lightning		Direct Unknown	
	Number	Acres	Number	Acres	Number	Acres	Number	Acres	Number	Acres	Number	Acres
Previous To Date	0	0	0	0	0	0	23	124.34	6	310.51	0	0
08/21/2010-08/30/2010	0	0	0	0	0	0	0	0	1	0.1	0	0
Current CES Total	0	0	0	0	0	0	23	124.34	7	310.61	0	0

Northwestern Land Office

	Assist Human		Assist Lightning		Assist Unknown		Direct Human		Direct Lightning		Direct Unknown	
	Number	Acres	Number	Acres	Number	Acres	Number	Acres	Number	Acres	Number	Acres
Previous To Date	0	0	0	0	0	0	64	125.42	13	33.19	1	0.3
08/21/2010-08/30/2010	0	0	0	0	0	0	2	0.41	2	0.11	2	2.1
Current NWS Total	0	0	0	0	0	0	66	125.83	15	33.3	3	2.4

Southwestern Land Office

	Assist Human		Assist Lightning		Assist Unknown		Direct Human		Direct Lightning		Direct Unknown	
	Number	Acres	Number	Acres	Number	Acres	Number	Acres	Number	Acres	Number	Acres
Previous To Date	0	0	0	0	0	0	71	189.06	22	34.41	1	0.1
08/21/2010-08/30/2010	0	0	0	0	0	0	3	0.21	1	0.5	0	0
Current SWS Total	0	0	0	0	0	0	74	189.27	23	34.91	1	0.1

Eastern Land Office

	Assist Human		Assist Lightning		Assist Unknown	
	Number	Acres	Number	Acres	Number	Acres
Previous To Date	0	0	0	0	0	0
08/21/2010-08/30/2010	0	0	0	0	0	0
Current EAS Total	0	0	0	0	0	0

Northeastern Land Office

	Assist Human		Assist Lightning		Assist Unknown	
	Number	Acres	Number	Acres	Number	Acres
Previous To Date	0	0	0	0	0	0
08/21/2010-08/30/2010	0	0	0	0	0	0
Current NES Total	0	0	0	0	0	0

Southern Land Office

	Assist Human		Assist Lightning		Assist Unknown	
	Number	Acres	Number	Acres	Number	Acres
Previous To Date	1	20	0	0	1	350
08/21/2010-08/30/2010	0	0	1	0	1	150
Current SOS Total	1	20	1	0	2	500

Land Office	False Alarms	Mutual Aids
Central Land Office	11	15
Northwestern Land Office	18	3
Southwestern Land Office	49	13
Eastern Land Office	0	0
Northeastern Land Office	0	2
Southern Land Office	0	4
Total	78	37

Through 08/30/2010
216 Fires (direct & county assist)
1340.76 Acres
37 mutual aid incidents (MA)
78 false alarms
331 incidents (total fires, MA, false alarms)
76% Human, 21% Lightning, 3% Unknown
5-yr average: (on this day)
326.80 Fires
265790.93 Acres