

Comprehensive Statewide Wildland Fire Prevention, Preparedness & Suppression Policy



Utah League of Towns and Cities

April 9, 2015

SCR 7

Concurrent Resolution on Comprehensive Statewide Wildland Fire Prevention, Preparedness and Suppression Policy

Senate Bill 56

65A-8-103.5

– The director shall:

1(a) coordinate the development of a comprehensive, state-wide wildland fire prevention, preparedness, and suppression policy;

Report to NR Interim Committee by November 30, 2015,

Why a Policy Change?



Recent History

- Aid rendered by state and feds regularly to towns and cities
- 2005 Catastrophic Fire Season
- GAO and IG Audits federal programs
- Incorporated Towns and Cities received bills

Statutory changes are needed to clarify the wildland fire management roles and responsibilities of counties and municipalities.

Utah Code § 11-7-1(1)

"The governing body of every incorporated municipality and the board of commissioners of every county shall provide adequate fire protection within their own territorial limits and shall cooperate with all contiguous counties, municipal corporations, private corporations, fire districts, or federal governmental agencies to maintain adequate fire protection within their territorial limits." (*counties & state maintain incorporated municipalities are responsible to provide for fire protection, including wildland fire suppression costs*)

Utah Code § 65A-8-202(4)

"The actual costs of suppression action taken by the division on privately owned lands shall be a charge against the county in which the lands lie, unless otherwise provided by cooperative agreement. " (*municipalities can argue they are not responsible for paying for wildland fire suppression costs*)

The current dilemma is that statute does not specifically discuss *wildland fire* responsibility and costs within *incorporated areas*.

Reality of the Situation

- Municipalities have annexed land subject to wildland fire
- Financial liability wildfires not recognized
- Municipalities not eligible for financial assistance
- Fires don't recognize lines on maps
- Municipalities are financially vulnerable

Two Other Attempts

- In 2006 and again in 2009 task forces were formed to address the problem
- Both failed due to lack of consensus on the numbers
- We were trying to offer same financial protection the counties have to the cities

UAC & the League

**Find a solution they both
can agree to and**

Reduce the TOTAL COST

Foundations for a Successful Policy Change

- Mutually agreeable solution for both UAC & ULCT
- Emphasize prevention, mitigation & preparedness, not just suppression
- Everyone shares in the TOTAL costs of wildfires; therefore, everyone should play a role in the reduction of wildfire risk & costs
- **MUST LEAD TO LOWER *TOTAL* COSTS!**



New Approach is Based Upon

Fire Prevention and Hazard Mitigation

Enhancing Suppression Capability

Creating Fire Adapted Communities



Policy Recommendation!

***THE STATE ASSUMES
LARGE FIRE
SUPPRESSION
COSTS
on all lands other
than federal;***

**in exchange, local
government maintains
initial attack, prevention
and preparedness
activities that are proven
to reduce overall fire
suppression costs, such
as:**

Local Government Roles

- **Trained and Certified Wildland Firefighters** within local fire departments
 - FFSL already provides local firefighter training and certification, and can continue to do so.
- **Equipment Standards** to meet National Wildfire Coordinating Group (NWCG) “Operating Principles and Guidelines”
 - FFSL already provides equipment and/or grants to obtain equipment as well as assists local fire departments meet and maintain NWCG standards, and can continue to do so.
- **Regional Compact Agreements** with FFSL, which must include a “built-in” incentive for local government and fire departments to continue to provide **initial attack** on wildland fire within their jurisdiction
 - This would be similar to the existing “County Agreements” and initial attack commitments.
- **Community Wildfire Protection Plan** (CWPP), adopted and regularly updated
 - FFSL already assists communities with CWPP planning, and can continue to do so.
- **Wildland Urban Interface (WUI) Ordinance**, including both land use and building code, enacted *and* enforced
 - Utah Uniform Code Council is considering WUI code for adoption into the Uniform Code Package.
- **Tax Incentive for Property Owners** for hazardous fuels mitigation

Policy Results

- Elimination of current County Insurance Fund
- Regional Compact Agreements
- Create a new State Suppression Fund
- Provide State prevention, mitigation and preparedness funding—CatFire Strategy
- Local prevention, mitigation & preparedness actions (local “match”) tied to CWPPs
- State Pays large fire costs
- Goal of Fire Adapted Communities

Fire Policy Work Groups:

- Internal FFSL
- Utah Association of Counties
- Utah League of Cities & Towns

MANY other stakeholders, including:

Fire Chiefs' Association, State Fire Marshal, Fire Prevention Board, Unified Fire, Sheriffs' Association, Governor's Office, Attorney General's Office, Legislature & LRGC, on & on...

Work Group Discussions Include:

- **Define wildland**—what constitutes “wildland” or “wildfire” in any jurisdiction
- **Initial Attack**—how can effective initial attack by local fire departments be ensured/incentivized
- **Delegation of Authority**—when does a wildfire become the state’s responsibility (transition from initial attack by local resources to state responsibility & unified command)
- **Local “match”**—for prevention, mitigation & preparedness activities at the local level
- **Fire Warden** relationship

Next Steps

- Refine Financial Agreement Formulas
3 Parts: Risk-Services Needed-Mitigation
Reinvestment
- Refine Risk Assessment Process
- Refine In-Kind Match Process
- Refine Regional Compact Agreement
- Continue to gather input from stakeholders

QUESTIONS??



WORKING GROUP

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