

Charter

Utility Wildland Fire Prevention Advisory Committee

Purpose and Legislative Charge

The Utility Fire Prevention Advisory Committee (Advisory Committee) was established by the Washington Legislature under Engrossed Senate Bill 5158. The Legislature directed the Commissioner of Public Lands to convene a committee with electric power distribution utilities with the intent to advise the Department of Natural Resources on issues including, but not limited to:

- A. Matters related to the ongoing implementation of the relevant recommendations of the electric utility wildland fire prevention task force established in chapter 3177, Laws of 2019, and:
 - I. Finalizing a model agreement for managing danger trees and other vegetation adjacent to utility rights-of-way on state uplands managed by the department;
 - II. Implementing recommendations of the task force related to communications and information exchanges between the department and utilities;
 - III. Implementing recommendations of the task force related to protocols and thresholds when implementing provisions of RCW 276.04.015; and
- B. Implementing recommendations of the task force related to creating rosters of certified wildland fire investigator firms or persons and qualified utility operations personnel who may be called upon as appropriate;
- C. Providing a forum for electric utilities, the department, and other fire suppression organizations of the state to identify and develop solutions to issues of wildfire prevention and risk mitigation specifically related to electric utilities transmission and distribution networks, identification of best management practices, electric utility infrastructure protection, and wildland fire suppression and response;
- D. Establishing joint public communications protocols among members of the advisory committee, and other entities, to inform residents of the state of potential critical fire weather events and the potential for power outages or disruptions;
- E. Providing comment to the wildland fire advisory committee established in RCW 76.04.179 through an annual presentation addressing policies and priorities of the utility wildland fire prevention advisory committee; and
- F. All other related issues deemed necessary by the commissioner.

Compliance with the HEAL Act

The Healthy Environment for All Act (HEAL Act) creates a coordinated approach to reducing environmental and health disparities across Washington State. The Department of Natural Resources is

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Utility Wildland Fire Prevention Advisory Committee Charter
September 7, 2022
Version 1.1

one of seven agencies directed by the legislature to comply with the provisions of the HEAL Act¹. This will be done by integrating environmental justice (EJ) principles, practices, and assessments into the department's activities, including: strategic plans, community engagement plans, and decision processes for budget development, expenditures, and granting or withholding benefits.

Membership

The legislative charge identified specific Advisory Committee membership criteria. See Appendix 1 for the full text of the advisory members and affiliations. It is expected that members serve a minimum of two consecutive years from the date of appointment. All Advisory Committee members will serve at the pleasure of the Commissioner of Public Lands.

Participation on the advisory committee is strictly voluntary and without compensation.

Meeting Schedule

The Advisory Committee will meet in perpetuity and quarterly throughout the calendar year. Meetings will be held in the months of February, May, August and November of each year. Meetings will be held on the third Wednesday of the meeting month. The length of meetings will depend on the content covered in the agenda.

Official Meeting

A quorum of members, excluding the chair, will be required to officially conduct an Advisory Committee meeting. A simple majority of members in attendance will constitute a quorum. In the event a quorum of the Advisory Committee will not be attending a quarterly meeting, the quarterly meeting will be canceled. Advisory Committee members are encouraged to notify the chair or DNR staff as soon as possible if they are not able to attend a meeting.

Advisory Committee Operations

- Participation during meetings, including breakout groups, will be limited to Advisory Committee members, experts/guests invited to present to the Advisory Committee, and Advisory Committee member alternates.
- This charter assumes that Advisory Committee members are representing the perspective of their respective organizations during meetings; however, members are encouraged to take into consideration the interests of all the stakeholder groups represented by the Advisory Committee which the member represents as whole.
- Meeting summaries in general will not attribute comments unless there is explicit request to do so from the Advisory Committee member who made the comment.

¹ ENVIRONMENTAL JUSTICE OBLIGATIONS OF THE DEPARTMENT OF NATURAL RESOURCES. The department must apply and comply with the substantive and procedural requirements of chapter 70A.--- RCW (the new chapter created in section 25 of this act).

DRAFT DOCUMENT SUBJECT to CHANGE

Utility Wildland Fire Prevention Advisory Committee Charter

September 7, 2022

Version 1.1

- Advisory Committee members should come prepared to participate in meetings. Meeting materials will be available no later than one week prior to meetings.
- Individual Advisory Committee members may be asked to work on one or more subcommittees of the Advisory Committee between meetings.
- The Advisory Committee will not have a quorum or consensus requirement since the Advisory Committee will not be voting on or making formal decisions, so a quorum requirement is not needed.
- Advisory Committee members must avoid conducting the business of the Advisory Committee outside of normally scheduled meetings or subcommittee meetings to avoid conflicts with the open public meetings act.
- Department of Natural Resources staff will facilitate the Advisory Committee meetings. Staff will be a neutral party responsible for running productive and constructive meetings consistent with the ground rules and charter, and for documenting the work of the Advisory Committee and outcomes through meeting summaries and the final report.

Role of the Advisory Committee Chair

- The Advisory Committee Chair is the process owner and is responsible for establishing the meeting agendas and convening meetings and establishing subcommittees.
- The chair will determine the format (in-person vs. virtual) of the Advisory Committee meetings.
- The chair will make final decisions regarding content of all reports coming from the Advisory Committee.

Attendance and Alternates

- Advisory Committee meetings will be virtual until gatherings are deemed safe and prudent per Washington state health authorities.
- If attendance in person is not practical, other methods of participation (video or teleconference) will be made available if practical.
- Advisory Committee members are free to select an alternate for the duration of the process to participate in meetings on an as needed basis in the event a primary member is unable to attend. Members are requested to inform the chair via email at least one week prior to a meeting at which their alternate will attend.
- An alternate will assume the full responsibility of the member they are representing. The Advisory Committee member should prepare the alternate to fully participate during the meeting. Alternates will receive all meeting invites, meeting materials, and communications that primary members receive.
- If a primary member and alternate are both unable to attend, the primary member can provide written comments on the material covered during the missed meeting to the Advisory Committee chair prior to the next meeting.

Transparency and Documentation

- Advisory Committee meetings will be documented in the form of meeting summary. The meeting summary, meeting materials (e.g., presentations, handouts), and other relevant outputs of meeting deliberations will be posted to the Advisory Committee public website on the Department of Natural Resources' external website.
- Advisory Committee meetings are open public meetings; the public is welcome to attend and there will a 15-minute opportunity for public testimony at end of each meeting.
- Public comments in between meetings can emailed to: loren.torgerson@dnr.wa.gov
- Reports will be posted to the Department of Natural Resources' external website upon completion and submission to the legislature.

Appendix 1: Membership (full text sections 4 and 5 enabling legislation)

(4) The commissioner or the commissioner's designee must chair the advisory committee created in subsection (1) of this section and must appoint advisory committee members.

Advisory committee membership should include:

(a) Entities providing retail electric service, including:

(i) One person representing each investor-owned utility;

(ii) Two persons representing municipal utilities;

(iii) Two persons representing public utility districts;

(iv) Two persons representing rural electric cooperatives;

(v) One person representing small forestland owners;

(vi) One person representing industrial forestland owners;

(b) Other persons with expertise in wildland fire risk reduction and prevention; and

(c) No more than two other persons designated by the commissioner;

(5) In addition to the advisory committee membership established subsection (4) of this section, the commissioner shall designate two additional advisory committee members representing historically marginalized or underrepresented communities.