



**Electric Utility Wildland Fire Prevention Task Force  
WA Department of Natural Resources (DNR)  
Meeting Five Notes**

8:30 AM – 1:00 PM | August 13, 2020

Attendees: Loren Torgerson, Thomas Christian, George Geissler, Erika Stone, Kelli Messegee, Garry Rosman, David Gottula, Darren Larsen, Allen Lebovitz, Ronda Staunch, Mendy Droke, Ben Rushwald, Jim Smith, Michael Kearney, George Yates, Diane Meyers, Gary Margheim, Scott Olsen, Terry Pruitt (Asst ATG), Gary Wilburn (State Senate)

**Welcome, Meeting Purpose, and Updates**

**George Geissler, DNR Chair and Thomas Christian, Facilitator**

- Established quorum
- Updates from DNR
  - A number of larger fires over the last few weeks.
  - Staffing levels are remaining solid, not a lot of fires in other areas of the US.
  - Response to wildfire has changed due to COVID 19. We have utilized aircraft resources more this year than in the past.
  - There will be challenges with the state's budget. Although DNR is not part of the executive branch, it will see budget reductions, including those budgets related to wildfire suppression and prevention.

**Task Force Business**

- Review and accept past meeting minutes June 25, 2020.
  - Last meeting minutes accepted as final, with minor corrections. (Ronda)
- Review updated Work Plan and Task Tracking Table
  - Review status of each task:
    - Subcommittee working on task A & B, draft model agreement, and would request comments during a proposed September meeting if document is available.
    - Task C - good conversation at last meeting, protocols or tools and task force will review initial draft today.
    - Task D - DNR has developed an initial draft of the final report to review and provide comments before September 4<sup>th</sup> so DNR can update that document.
    - Task E - Criteria for 3<sup>rd</sup> party investigators. DNR has developed a draft outline, but wants to put some questions to the task force related to this.
    - Task F - Other issues brought forward by members.
  - Discussed the need for a September meeting:
    - Members support holding an additional September meeting.
    - Meeting for October 1<sup>st</sup> is scheduled, if we have draft items in September we could postpone meeting until November to finalize the work of the task force.

- Discussed Task Force offline review process of draft documents

### **Updates from Model Agreement Subcommittee (Tasks A & B)**

- Presentation by Michael Kearney on Model Agreement Subcommittee work

#### Task Force question and comments

- Member question - Is the hazard tree definition used in the Model Agreement the same used as investigations?
  - DNR response: The definition is unique to the Model Agreement because it is an agreement between DNR Uplands and a utility not DNR Regulatory. There would likely need to be a broader discussion for a universal hazard tree definition.
- Member statement: Consistency of terms related to hazard trees definitions are important. Need to make sure definitions are consistent.
  - DNR response - Subcommittee discussed quite a bit, and we saw that as something outside their scope since they don't deal with the investigator side and is more relative to the task force.
- Member follow up question: Given this is a high-level draft, if those two don't line up we will have issues when something comes up. The task force should make these definitions consistent if they feel it is important.
  - Chair - Have the right people have that discussion and include investigations and frame this the best we can. Get some assistance from the investigations side of this group to correlate the two so no disagreements moving forward.
- Member statement – Certain hazard trees may have value to the land owner, but doesn't seem relevant to this.
- Member question - Which DNR lands does this pertain to and which it doesn't. Agrees with the consistent definitions as well.
  - DNR staff response: Generally this will apply to DNR managed state uplands. We can have a broader discussion of what DNR lands this applies to. We can provide a map of the state lands that this would apply to at the next meeting.
- Member statement: Agree with resolving conflict in language.
- Member statement: Should it include mention of other vegetation besides trees such as vines. What are your thoughts on that?
  - DNR staff: Definitions of danger trees does include vines, nor does it include language regarding vegetation that grows outside the easement area and protocols on how to manage that.
- Chair: We can make sure terms are correct.
  - DNR staff: Aware of what member is talking about and willing to work with Michael on this and have that conversation.
- Member statement: Offer to help would be extremely valuable, we know there is limitations with the Model Agreement, but we all agree there is some guidance on how other lands have a base for other agreements and make these definitions consistent and DNR investigation program would be the only ones that matter when it comes down to liability.

- DNR staff: Two different sets of lenses we are looking through in terms of hazard tree and in a global perspective at a much different question and broader audience.
  - We are trying to apply a definition of hazard tree that was worked out from state uplands and utilities, and it does not appear that that is that something the legislature has asked us to do. It could be discussed in the recommendations.
- Member statement - Scope is clear, as a task force trying to limit fires I would think the definition on investigation is what matters and trying to line those up is what we should be doing.
- Next Steps including Task Force between meeting comment process:
  - DNR staff - Michael Kearny's timeline for written document for review in advance of September meeting:
    - Initial draft is together and is to subcommittee members and internally being vetted. Will get comments from others in our organization and level of buy off from management. Planning on two more weeks for review, weekly email check in, and once that is done incorporate those comments and another final draft around beginning of September. In task force hands a week prior to next meeting.
      - Do you want task force written comments before the meeting or at the meeting and follow up offline?
      - Comments prior to the meeting would be more productive than at the meeting, and if needed to go back to subcommittee with any specific items.

**Discussed Updated Investigation Protocol Recommendations Outline (Task D)**

- Reviewed draft report and individual tasks outlines document related to this task.
  - DNR staff – This document is the first attempt to get all the tasks under one document, and to start to put recommendations in place.
  - DNR staff - Provided a summary of the initial draft of the context and recommendations related to the task.
- Task Force members discussion:
  - RCW are very specific in order to identify the evidence before it is preserved. Does there need to be some cooperation with that?
  - There should be some threshold or limit. Only issue is with the specific protocols about particular evidence.
  - What are the protocols for handling of evidence now? Would like clarification.
  - If there are not written protocols currently, tough to come up with these without knowing what is in place or past practices.
  - Should include in protocols that the utility have the opportunity to photograph and document the evidence before it is removed.
- Discussion of Implementation, including publishing, of investigation protocols
  - DNR staff asked how we should publish and to what extent?
  - How should we maintain the protocols?
- Next Steps/ Action Item
  - Provide DNR input on questions #2, #3, and #4 in the outline. Written comments by September 4<sup>th</sup> would be helpful.

- The task by legislature is to publish those protocols and thresholds and we will need to develop something. DNR can work to see if we can put something together and provide that to the task force.

#### **Discuss Criteria for Third-Party Investigators Recommendations Outline (Task E)**

- DNR reviews draft report/task outline
- Discussion of OCEC draft recommendations
  - Member question: Are those consultants listed more for fire mitigation or as fire investigators?
    - OCEC response: There is a mix of them, just did a quick look on their website.
- Task Force discussion of questions identified by DNR in order to advance the development of recommendations (20 min)
  - Member question: Who is going to pay the bill for the investigator and who ever pays them holds the information to that investigation. We never raised these questions. Previous question are we creating the formula and criteria for hiring the 3<sup>rd</sup> party investigator or just the list? Task force should create the criteria but not the list.
  - Member statement: Thinks this is correct.
  - Member question: Can we make recommendation to the legislature on creating a roster but no advice or guidance to develop the criteria? Both parties should have input but not sure how we can come up with a reasonable approach with that strict charter. Who pays and owns the information, all this is public and all information is available to DNR and the utilities. Assume AG office would have concerns and trying to keep this solely and investigation process.
  - DNR statement: Sounds like members are excepting the interpretation of the statute. Use those third parties to assist the utilities and DNR.  
Member statement: The purpose is to reduce risk, more of a guidance to the investigator but lay out a work plan on how the roster is created.
  - **There is an agreement on the interpretation with the group no objections.**
  - Member statement: These lists exists within other agencies and DNR can create the qualified firms roster and publish a list and update and post on a website.
  - Member statement: Commitment to the task force to continue being involved after these are published. If it takes more time he would support that.
  - Keep moving on even after that Dec 1<sup>st</sup> date, that way there is nothing to investigate.

#### **Discuss Communication and Information Exchanges Recommendations (Task C)**

- DNR reviews draft report/task outline and specific draft recommendations
- Task Force discussion on adding any additional draft recommendations
  - Member statement: Like the idea of the forums for educational sessions, advise DNR to host and set these up like annual one day forum, focus on case studies from the past year, investigations that occur and hazard tree dedication.
  - Member statement: Support ongoing communication, agree that within the state there are there is different vegetation and utility infrastructure that influences danger tree identification and best practices.
  - Member statement: There are already a number of forums out in respect to wildfire, there is work here that falls to DNR, this might be the most important and ongoing interaction with all the work we are doing.

- Member statement: Agree, and if DNR hosts and invite public and IOUs to this as has been done with gas utilities and get the agenda out early and talk about best practices and current issues.
- Several members had no comments but were supportive of a forum.
- Action Item: Please send comments to DNR staff (Loren) by September 4<sup>th</sup>.

**Public Comment and Next Steps**

- Public comment: Public provides comments in chat box
  - No comment In chat box, or via phone
- Revisit Work Plan and discuss agenda items for next meeting
  - Chair - dig in deeper for more input on these items.
  - Two more meetings 6 & 7, DNR will confirm after this meeting if September 16 is a go head. Meeting 7 for October 1<sup>st</sup>.
  - DNR logistically on work plan going forward: provide us feedback on October meeting if that is beneficial we won't have a good sense of that until we meet on the 16<sup>th</sup>. This document final report don't get too webbed in terms of format, looking for big ideas and focus on larger issues.
- Review action items
  - July meeting minutes updated and finalized and sent out.
  - Receive a document from model agreement subcommittee in one week in advance prior to the September 16<sup>th</sup> meeting.
  - DNR distribute information to share that describes state uplands and different DNR managed lands.
  - Task force requested that there is consistency in definitions in model agreement and investigation process
  - DNR to work on evidence protocol
  - DNR will work on protocol on development of roster of 3<sup>rd</sup> party investigators
  - Task force members asked to provide comment and feedback on framework worksheet by September 4<sup>th</sup>.
- Closing remarks from Chair
  - George G- Thank you, all of you are very busy and committed and dedicated to participating in this effort is very important to DNR.