WASHINGTON STATE DEPARTMENT OF
NATURAL RESOURCES
HILARY S. FRANZ | COMMISSIONER OF PUBLIC LANDS

Electric Utility Wildland Fire Prevention (EUWFP) Task Force
Facilitated by Washington Department of Natural Resources (DNR)

Meeting Notes

9:00 AM – 12:30 PM | June 25, 2020
Attendees: Loren Torgerson, Erika Stone, George Geissler, Thomas Christian, Garry Rossman, Jim Smith, Gary Margheim, Michael Kearney, Darren Larsen, David Gottula, David Lucas, David James, George Yates, Colin Willenbrock, Ben Rushwald, Rhonda Strauch, Diane Meyers, Joe Pace,

Welcome, Meeting Purpose, and Updates
George Geissler, DNR Chair and Thomas Christian, Facilitator

- Updates from DNR.
    - Status of DNR during pandemic, DNR updates on meetings, most DNR employees teleworking.

Task Force Business

- Review and accept past meeting minutes March 5th.
    - Task Force accepted March 5th meeting minutes as final.

- Review updated Work Plan and Duty Tracking Table.
    - Chair - May need to consider adding meeting due to one being cancelled.
    - Reviewed Work Plan including status of assigned duties and intended outcomes.
    - Regarding Duty E, one Task Force member indicated they would like to see the Task Force recommend a roster, with names, of third-party investigators in addition to criteria for a roster.

- Chair, George Geissler – Want to make sure we are all on the same page with respect to what the Task force is charged to do. That is to make recommendations to the DNR on the duties identified in legislation.

Model Agreement Update
Michael Kearny, Loren Torgerson, and Gary Margheim DNR

- Subcommittee has convened and agreed to its scope and laid out a plan for when and how it will meet, and what deliverables it will provide to the Task Force.

- The sub-committee will meet three more times with several items to address:
    - Affirm understanding of expected products.
    - Finalize definitions and categories in next meeting.
    - Review processes, notifications, dispute resolution, removal of trees.
    - Anticipating drafts work product should be done by end of July.

- Not able to address wildfire liability portion of this issue. Wildfire investigation and regulatory side that is outside the scope. Liability may be an item of discussion for the Task Force.

Member Questions:

- How much time is being asked of the committee?
    - Response - Discussions are lively, meeting once every two weeks, not burdening the committee too much.

- Can a roster of the subcommittee be sent out to us?
    - DNR Response - DNR (Loren) will work with Michael to get this sent out.

- A live tree has a value to the State, but if that tree causes a fire there are significant costs to the State and potentially to the utility. This should be a consideration.
    - DNR response – On a case-by-case basis DNR works with a utilities to review state-owned trees or vegetation that may pose a risk to electric utility infrastructure, evaluates the need for removal, and determines the market value of any valuable products.

Discussed Utility Related Fire Data - Update

- DNR – Data may be incomplete because data entry may not have been a priority in early years, this information should not be relied on.

- Gary Margheim provided an overview of the contents of the data.

Member questions and comments:

- When one bush burned, is it counted in this data as a fire?
    - Answer - Any fire the investigator deemed as a power line fire is included.

- Are fires started by power lines or electrical?
    - Answer - the data does break out by type. The data is all-inclusive.

- Does the data include just DNR protected lands, and include only nonfederal wildland fires?
    - Answer - Yes, all fires are on DNR protection. This does not include federal lands fires, we may assist federal agencies with investigations but those fires are not counted towards our stats.

- Can DNR confirm between 2010-2019, 27% or 16 fires were power line related so 4% were power line related is that correct?
    - Answer - Yes, Loren thinks number are slightly under reported. In the past this data has been problematic for us because it may have been entered in on an inconsistent basis.

- Member Comment - The number of fires is important, but the cost of suppression of the fires is the real issue. These fires can be really expensive. This might be more important information.

Discussed Investigation Protocol Outline (Task D)

- Affirm understanding of Task D and expected product

    - Two expected products.
- Review of DNR Protocol Framework document.
    - Framework for coming up with recommendations to DNR and commissioner.
    - This document is intended as a starting point for developing recommendations and if it captures the essence of the Task Force's previous discussions.

Member questions and comments:

- The recommendations should include some discussion around cause and origin. Normal wildfire response versus the extreme weather event that causes a tree to fall and causes a fire. Very separate types of incidents.
    - DNR Response (Loren) - Often this can be characterized as a difference between what might be considered an act by a person versus an act of god. This is what the fire investigation attempts to determine. The responsible party or landowner can provide the information during the investigation.

- "Work cooperatively to the extent possible" in document. Commitment from DNR and uilites to reach out. Does the legislation consider going wider?
    - DNR response (Loren) - Not a lot of definition regarding that from the RCW.

- Framework of this document also includes forest landowner operations. It should better define cause and origin those are terms used by other parties for liability. Under application the document states it "will apply to all DNR staff that are conducting wildfire investigation and cost recovery." This implies investigation and cost recovery are directly combined, and suggest the document be drafted in a way to show DNR's investigation and cost recovery responsibilities independent of one another.

- Under current investigation guidance there is no input from utilities in the process. No place for information about 3rd party investigators and when they are deployed. Agree with comments on an act of god as such events relate to determining cause and origin. There are extreme events but actions utilities can take steps to help mitigate the effects of such events. Utilities need to be more involved in the process, and a 3rd party investigator provides a lot of technical expertise on how power lines work.

- Should include in the document the goal of reducing ignition sources. After a fire starts, and we are in an extreme weather event, utilities do not have firefighting capabilities. we are in an advisory role and should be attempting to reduce potential ignition sources.

- Ultimate intent of the document: How will these issues be operationalized? Will steps for operationalizing the document be included in these protocol or is that another document?
    - DNR Response (Loren) - These would be recommendations to the department on development of investigation protocols that relate to the existing statute. The framework would be the start for the Task Force to provide recommendations to the agency.

- Liability threshold and standards need to change and that is likely to take legislation. Important that protocols are in place to increase communications. Suggest this limiting clauses found in the statute be removed from the document. Suggest the Task Force set time or window after an

investigation starts (suggestion of 5 days), for DNR to contact a utility. This will provide an opportunity to meet and/or discuss the investigation and provide an opportunity to participate.

- DNR response (Loren) – At the March 5th meeting, there was discussion about recommending a threshold for when DNR might need to alert a utility an investigation in underway. Is it anytime an investigation is initiated? Not necessarily a $50K threshold? You want to be notified every time there is an incident like that?

- Question - Protocol is geared towards landowner and utilities. Should we be including landowners in the framework? Task Force is for reducing risks from starting wildfires from utilities and this should be in this document.
  - DNR response (Loren) - Wording around forest landowner operations is in statue, and does not include a person starting a fire by fireworks for example, but are specific to landowner operations such as logging operations. It would be narrower than fires shown in the graph. This is sort of designed for DNR staff to operationalize this. Both investigation and cost recovery are a linear process for DNR, but DNR understands the desire to separate the two tasks.

- Wondering about a way for these recommendations to accomplish the same function but have a different external appearance.
  - Where are points of agreement/disagreement?
    - ✓ Act of god vs. wildfire cause.
    - ✓ Recommendation to change language to "determine the cause of the fire and ensure the accurate determination of the cause of the fire."
    - ✓ Under guidance - Communicate with utilities (and landowners) before the liability words are used. Draft investigation report and we talk about it, and if utilities at fault then finalize report. (Several members will provide follow up comments to Thomas and Loren to clarify).
    - ✓ Remove limiting clause language, and add that DNR should contact utilities within 5 days of the start of aninvestigation if utility could be involved. Communications with utilities should started earlier so utilities are not alerted to an investigation with an invoice.
- Affirm next steps
  - Committee provide comments on draft outline document and send back to Loren for next draft.

Discuss Communication and Information Exchanges (Task C)

- Affirm understanding of Task C and expected product
  - Notification of utility companies of investigations is open for recommendations.

Task Force questions and comments:

- It would be nice to hear from DNR about concerns or patterns encountered during investigations and be able to share that with utilities on a consistent basis. Suggest end of fire season meeting or webinar for a comprehensive After Action Review (AAR).

- Two types of communication needs: One, what DNR is seeing and risk mitigation planning; and two, real time operational communications. Could include communication for information sharing and adaptive management during the fire season.

- Share DNR lessons learned to mitigate risk of future starts. Provide feedback on what California is doing do reduce the risk of future starts.

- A communication vehicle might be some forum hosted by the Northwest Public Power Association (NWPPA). NWPA hosted a wildfire conference and collaborated with utilities to discuss management of trees, vegetation, and power lines.

- Address global warming and how will that impact utility safety issues, and how it affects danger trees. How to deal with that danger tree without conflict.

- Agrees with for the need for an annual DNR recap with utilities to discuss lesson learned and needed management changes.
    - DNR Response (George/ Loren) - Good ideas to start more of a discussion. Heard suggestion to have a pre fire season briefing with partners. Find ways of convening those partners, or structure an existing meeting, to be an effective form of an AAR.

- DNR (Loren) - What would success look like in this particular task?
    - Members Response:
    - Lowering the number of starts.
        - Forum to engage DNR arborists and utility arborists in a discussion
        - Jointly creating education materials for training investigators.
        - Monitoring data on fire starts over time to better understand if things are shifting.
        - Communication driving from top down and bottom up.
        - Previous DNR sponsored forum was good. Relationship building needs to be driven by utilities as well.

Next steps towards recommendations to DNR.

- DNR to collect feedback from this meeting and develop a draft for the Task Force to mark up.

Discuss Criteria for Third-Party Investigators (Task E)

- Affirm understanding of Task E and expected product

- DNR provided current DNR investigator training standards as a starting point - Gary Margheim, DNR
    - DNR investigators receive 32 hours of wildland fire origin and cause training, known by its National Incident Qualification System (NIQS) designation of FI210.
    - After the initial training, a prospective investigator receives a task book that documents additional “on the job” field training. The trainee is mentored by a qualified investigator through this process, and it takes several fire investigations to complete a task book. There is a multi-level review of the prospective investigator’s task book before it is

approved. Once approved, the investigator is issued a "Red Card" designating them as wildland fire investigator.
    - Wildland Fire Investigators receive bi-annual training that includes investigation refresher class, including both classroom and fieldwork.
    - Senior-level investigators attend NIQS FI310 training. This training includes advanced case development and arson caused fire investigation training.
- DNR (Loren) - From the utilities perspective, what is needed to develop recommendations to DNR?

Member question and comments:

- Develop criteria then develop a roster. Perhaps a minimum standard for 3rd party investigator is to be a registered professional engineer in WA. Investigators need to be an expert in power line operations and systems.

- What level of electrical operational training and component equipment training do investigators have?
    - DNR Response (Gary) – As part of their training, investigators review power line caused fires. Investigators are not required to be trained in electric utility operations. If needed, DNR would retain a person that had electric utility expertise to assist with its investigation.

- No question regarding DNR investigating fires, but it's also about an understanding of electrical systems and vegetation management. Suggestion that Task Force identify criteria recommendations for a 3rd party investigator and then develop a recommended roster to provide to DNR. One Task Force member will put some thought into how the Task Force might accomplish the work of developing a roster recommendation with names.

- Criteria for 3rd party is to understand utility operations and standards, and utility related fires. An electrical engineer or someone with utility system operations expertise is needed..

- If the Task Force does develop a roster, one member indicated they would like to talk to staff and fire chiefs about the criteria.

Action Items/ next steps:

- Review documents and send Loren comments.

- DNR (Loren) will put together a draft recommendation outline for review at the next meeting.

    Task Force members should consider what triggers the need for a 3rd party investigator? Is the threshold, the possible liability/cost?

Public Member Comment and Next Steps

- Public comment: Public provides comments in chatbox
    - No public comments made.

- Review action items

- Request for DNR (Michael and Loren) to send to the Task Force the roster of the Model Agreement Subcommittee.
- Send questions to DNR (Gary) about the presented wildfire start data.
- Provide comments to DNR (Loren) on Investigation protocol documents and input on information exchanges and 3rd party investigator criteria.
- DNR will update the Investigation protocols recommendation document for review at the next meeting.
- DNR will draft recommendations documents for education/communication exchanges and 3rd party investigator criteria.

- Revisit Work Plan and discuss agenda items for August 13th meeting
  - DNR Comments:
    - Plan to have August 13th as a virtual meeting. There is still no public access to the Natural Resources Building.
    - DNR postponed two meetings. DNR asked the Task Force what it thinks about getting assigned duties accomplished by the end of the year. May request the legislature extend the time to complete the Task Force work to make up the two missed meetings.

  - Member Comments:
    - Virtual meetings are more challenging, but use it to keep moving it forward. Next time suggestion to go over use of web meeting platform at the start of the meeting.
    - Send out documents earlier for review, and put a link to material on the SharePoint website with the agenda to find it easier.
    - At the August meeting, decide if a September meeting should be scheduled or when to make up those two meetings.
    - One of the better virtual meetings. Send documents sooner.
    - No issues with virtual meeting in August. Open to meeting in September if we need one.
    - Important to have recommendation operational by fire season 2021 so completing Task Force work this year is a goal.
    - Technical/web meeting support for future meetings.
    - See if Task Force can get the work wrapped up by the end of the year.
    - Move off skype. Use Go to Meeting, Microsoft Teams. They are better tools than Skype.
    - DNR (George) - We can look at other web meeting platforms to find a better fit for this group. A number of Task Force members want this done before next fire season and we appreciate that desire.
    - DNR (Loren) - Please send comments. Will get meeting documents out sooner going forward.

- Closing remarks from Chair
  - George Geissler, DNR- Thank you for your input and comments today.

Meeting Adjourned at 12:30 PM