

HB-355 Fire Prevention and Crimes on Forested Land

The Division of Forestry continues to seek opportunity to reduce the number of uncontrolled human cause wildfires. HB-355 “Fire Prevention and Crimes on Forested Land” has been introduced into the 30th Alaska State Legislature to modernize the Division’s Wildland Fire Prevention Program and open burning enforcement.

1. There is a need to comprehensively update the wildland fire prevention and enforcement statutes, most of which were enacted in 1961, at statehood.
2. Current burning offenses are unclassified misdemeanors that require a mandatory court appearance and are punishable by a fine of between \$100-\$1,000 or 10 days to 6 months imprisonment, or both.
3. The Division of Forestry would replace this with a 3-tiered prevention and enforcement structure, similar to fish and game violations.
4. The three tiers are:
 - a. Violations of regulations adopted under the proposal that would be “bail schedule” offenses. The proposal would authorize the Alaska Supreme Court to identify which regulatory violations would be “strict liability” offenses that would be satisfied by paying a fine of up to \$5,000. DOF prevention officers could issue citations, or tickets, for violations of these offenses, and the person issued the citation could either pay the fine set by the Supreme Court or contest the violation by appearing in court.
 - i. The proposal authorizes DOF prevention officers to issue citations for these minor offenses.
 - b. “Knowing” violations of the provisions in the proposal would be a class A misdemeanor, and resolution would require a mandatory court appearance. Under AS 12.55.035 & .135, misdemeanors are punishable by a fine of up to \$25,000 and one-year imprisonment.
 - c. The proposal also replaces the outdated unclassified felony at AS 41.15.150 with a class C “criminal burning of forested land” felony. This crime may be prosecuted as a class B felony if the person violated one of the AS 41.15 misdemeanors or regulations adopted thereunder in setting the fire. Under AS 12.55.125, Class C felonies are punishable by up to 5 years imprisonment. Class B felonies are punishable by up to 10 years.
5. The proposal fixes a technical issue with the existing statute so that AS 41.15.130 cannot be read to subject state and federal fire fighters to liability for backfires, burnouts, and other land-clearing fire suppression techniques.

Passage of this legislation will provide the Division of Forestry with a consistent and effective set of options for wildland fire prevention and enforcement that will reduce risk to the public from preventable wildland fires.

Impacts of Wildland Fires

Previous wildland fire seasons help illustrate the impacts of wildland fire on property values and public safety. In 2015 5.145 million acres was affected by wildland fire. There were 55 residences lost and 44 damaged in the Sockeye Fire (Willow), 6 residences lost in the Rex Fire (Clear), and 3 residences and 8 outbuildings lost in the Card Street Fire (Soldotna). In addition, transportation corridors such as the Parks Highway, Al-Can Highway, and Sterling Highway were compromised. Air quality is another issue and 69 air quality alerts were issued across the state. The Alaska wildland fire season now starts earlier and is trending longer due to changes in weather and climate patterns. The consequences of a human caused start, often in populated areas with high values at risk, are substantial. Cost recovery from individuals having a carelessly lit fire can be life changing. Overall, suppression costs are growing in an era of decreasing revenues. We need updated tools to reduce the number of human caused fires.

Needed Changes

A broad new educational program coupled with amendments to statutes and regulations is needed to reduce human-caused wildland fires in Alaska. Presently the single criminal misdemeanor penalty is inadequate to address all violations of safe outdoor burning requirements and protect our forested lands.

There is a need for improved penalties for lesser offenses because seemingly minor violations, such as fireworks or campfires during a burn closure, can result in major catastrophes. A full spectrum of penalties from very minor to severe is needed, along with effective policies and education to foster needed compliance and bring a significant reduction in wildland fires.

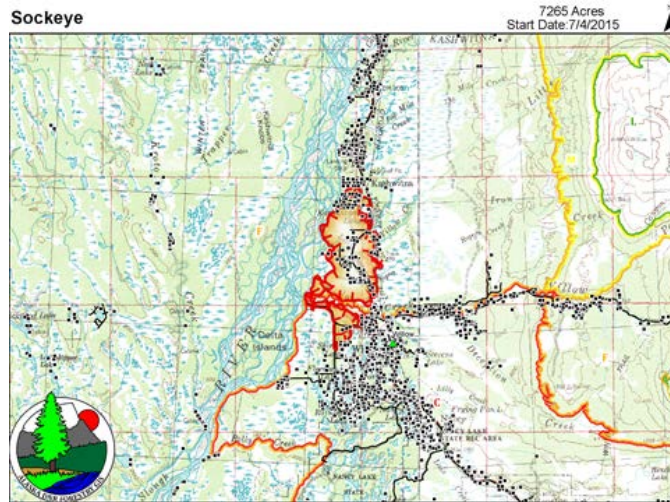
New Compliance Tools

- A statewide education program supporting safe outdoor burning practices will remind the public of fire safety and explain the new law changes.
- Formation of new DOF policies for education and fair methods to correct very minor violations without enforcement action.
- Establishment of a “bail schedule” will eliminate the need for court appearances and provide set fines for minor violations.
- Formation of “strict liability” accountability will allow lesser but potentially dangerous violations to be dealt with fairly.
- Upgrades of current misdemeanor and felony penalties will be utilized in cases where fire damage occurs due to criminal conduct.

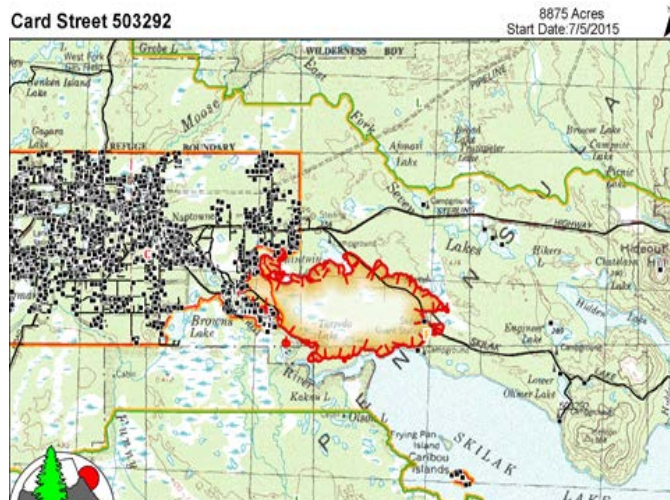
These needed compliance tools, beginning with education, will increase the effectiveness of the DOF Fire Prevention Program in reducing the number of human-caused wildland fires. Working together we can certainly make a difference in protecting our homes and valuable forested lands in Alaska.

Examples of Significant Wildland/Urban Interface Fires from Previous Fire Seasons

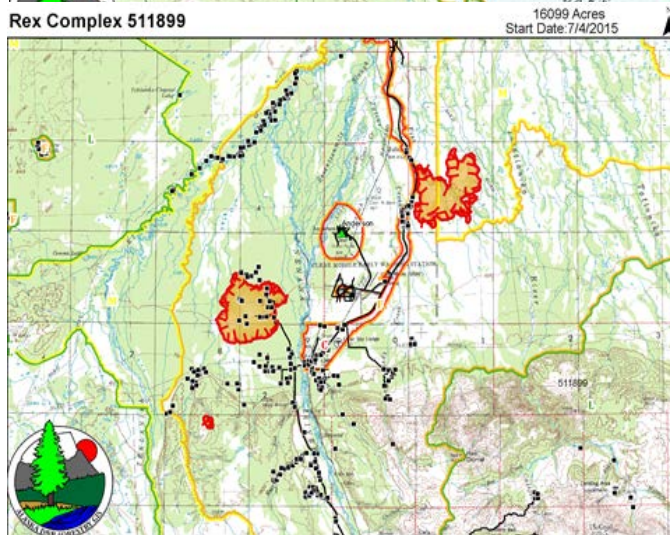
The **Sockeye Fire** near the community of Willow and started with human caused careless open burning. The result was a loss of 55 residences, 44 damaged, and numerous outbuildings lost. The Anchorage-Mat



Su Valley has the largest amount of human caused wildland fires averaging nearly 87 fires per year. The need for improved education and enforcement can be illustrated by a fire such as Millers Reach where 300 structures were lost. Nearly 80% of all wildland fires in state protection are human caused.



The **Card Street Fire** occurred in close proximity to the Funny River Fire from the previous year. Both fires were human caused in areas of dense population and in high values at risk. The Kenai area has had a gradual change in fuel type as beetle-killed spruce has given way to a more grass dominate fuel that is particularly vulnerable in the spring when burning conditions promote rapid fire growth. Suspending burning when conditions warrant is a tool the Division utilizes to reduce escaped fires, however, enforcement remains problematic.



The **Rex Bridge Fire** occurred in the Fairbanks Area near Clear. While this fire was lightning caused, the overall area is particularly vulnerable to wildfire, extreme fire behavior, and long duration fires. It is also reflective of the interior as it has vulnerable fuels/weather, delayed detection, and increasing population. Careless burning has led to numerous and costly escaped fires. The Interior of Alaska has fire prone forests, an extensive wildland urban interface, and an average of 75% human caused fires in state protected areas. All averages are 10 year based and trending upward.



The **McHugh Fire** from 2017 was started by a campfire left behind by a hiker in Chugach State Park. The fire was in steep terrain and pushed by strong winds off Cook Inlet. The fire was stopped short of moving into densely populated area of south Anchorage with high values at risk only by a significant change in the weather. The “Anchorage Hillside” area has long been an area of concern for wildland fire with potential for substantial property loss. As the most densely populated area in Alaska, it also has a high occurrence of human caused fires.