

**Suppression Effects on Private Lands Briefing Paper
Northern Rockies Incident Commanders Breakout
Spring IMT Meeting**

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Issue:

- **Significant fires in 2017 resulted in large scale burnout operations on private lands.**
- **Private landowners suffered losses in timber growing stock (both commercial and noncommercial) due to the burnout operations, and some followed up with Montana State University Extension Forestry for guidance.**
- **Montana Forest Owners Association (MFOA) is supporting discussing this issue – with the overall question of private property rights in the face of wildland fire suppression.**
- **Montana Tree Farm is interested since many of our members also belong to the MFOA. (Tree Farm is a 501(c)3 organization that provides certification of sustainability to its members who meet sustainability standards. MFOA is a 501(c)6 organization that can and does lobby the Legislature on issues and legislation affecting private forest owners).**
- **MFOA had planned to put on a Seminar examining this issue in 2018. This was deferred due to health issues with the MSU Extension Forester who had collected the Case Studies from affected landowners.**

Considerations:

- **Montana (and Idaho) Code provides wide latitude for Wildland Fire Agencies to enter and take action on private lands to suppress wildfire.**
- **This latitude is necessary and appropriate for the Agencies to manage catastrophic events.**
- **Actions by some IMTs in the past have been inconsistent with prudent operations to suppress wildfires with consideration to values to be protected on private lands.**
- **Landowners have a host of values in their forests:**
 - **Commercial Value:** log decks and saw log stands included in burnout operations
 - **Investments – Financial and Labor:** Plantations, precommercial thinning, costs incurred decades before achieving a merchantable product. Thousands of hours of precommercial thinning, planting, stand tending activities.
 - **Emotional:** Landowners have an emotional connection to their forests – and generally resist change. This emotional connection defies logic and cannot be valued or compensated.
 - **Aesthetics:** Landowners often own their property for the views including the vegetation. A blackened landscape creates an emotional response that again defies logic and cannot be valued or compensated.

- **Private forest lands**, especially those owned by Montana Tree Farmers and MFOA members, often are managed and provide excellent opportunities for firing operations with shaded fuel breaks compared to stands on adjacent public lands.
- **Private forest owners often do not fully understand the natural role of fire in the forest ecosystem** – and therefore focus on the loss of the current stand without understanding its place in natural processes.
- **Host Agencies have provided direction in some cases to protect values on private lands:**
 - Relocate perimeter control line to protect winter pasture for livestock. (Hidden Lake 2003)
 - Suppress hotspots inside external control line to protect winter pasture (Bundy Railroad 2006)

Complications:

- **IMTs cannot volunteer information on Claims Processes for losses due to suppression actions.**
- **Landowners can file claims for damage to infrastructure – fences, waterlines, etc**
- **If no commercial value (plantations, precommercially thinned stands) – no method to process for a claim.**
- **If no commercial value – no basis for a casualty loss for tax purposes.**
- **But – landowner will have lost 10 to 40 years of growth, plus the cost of the planting or thinning.**
- **And it will take 30 to 40 years to get back to the point of the loss. Not feasible in a lifetime.**

Where Do We Go From Here:

- **I don't know the status of Claims or Legal Actions from the fires of 2017.**
- **I know some parties have a lot of energy on this topic – and private property rights in general. I don't think the issue will go away, and might gain more traction.**
- **Fire Suppression Agencies need to retain broad latitude to take action on private lands.**
- **Landowners deserve consideration of the value of their resources regardless of whether they are deemed to be commercial or not.**
- **I think Incident Management Teams (and Agencies) need to continue to think outside the box to minimize suppression impacts on private lands – and be sensitive to the effects of burnout operations on private resources.**
- **Landowners need access to information about Claims processes for legitimate losses, whether it comes from the IMT's and the Agencies, Extension Forestry, or a Landowner's Association.**
- **Outside the scope of this discussion, the Casualty Loss rules need to be revised to value the loss of noncommercial products in terms of the lost time and invested cost of the resource.**