

## CHAPTER 4-19 FIRE MANAGEMENT

### GENERAL PROVISIONS

#### 4-19-1 Legislative Intent

The Colville Business Council acknowledges that forest wildfires are a threat to public health and safety and cause devastating damage to tribal and private resources, including but not limited to clean air, clean water, fish and wildlife habitat, timber resources, forest soils, economic and employment opportunities, range lands, structures, recreational areas and other improvements. That the natural role of fire in forest ecosystems is used under controlled burns and conditions to prevent wild fire by maintaining healthy forests and eliminating sources of fuel posing potential hazard.

The Business Council declares its intent by establishing and maintaining a complete, cooperative and coordinated forest fire protection and suppression program hereinafter known as Fire Management. That second to saving lives, the primary purpose of the Fire Management Department is to protect forest resources and suppress forest wild fires.

#### 4-19-2 Definitions

As used in this Chapter, the following terms have the meanings indicated unless the context clearly requires otherwise.

(a) "Additional Fire Hazard" means a condition existing on any land within the boundaries of the Colville Reservation covered wholly or in part by forest, range, or any other debris which is likely to further the spread of fire and thereby endanger life or property. The term additional fire hazard does not include green trees or snags left standing in upland or riparian areas under the Federal Forest Practices Act.

(b) "Closed season" means a specified amount of time determined by Fire Management to be of fire danger and may be cause to suspend fire permits and raise the industrial fire precaution level necessary for prevention of wildfires.

(c) "Department" means Fire Management or its authorized representatives, as defined in this Chapter.

(d) "Department protected lands" means all land(s) subject to protection by Fire Management either through cooperative agreements or contracts.

(e) "Emergency fire costs" means those costs incurred or approved by Fire Management for emergency fire suppression, including employment of personnel, rental of equipment, and the purchase of supplies to suppress any fire or action thereof.

(f) "Forest, range, slash or stubble debris" includes but is not limited to forest slash, chips, cut grass, standing or cut fields, and any other vegetative residue resulting from activities on forest land.

(g) "Forest fire service" includes all personnel employed to prevent or fight wildland fires including tribal and federal law enforcement officers.

(h) "Forest lands" means any improved or unimproved lands which have enough trees, standing or down, or flammable material as determined by Fire Management to be a fire hazard to life or property. Sagebrush and grass areas adjacent to or intermingled with areas supporting tree growth may also be considered forest lands.

(i) "Forest landowner" means the owner, or the person in possession of any public or private forest, rangelands, or allotments.

(j) "Forest" or "range material" means any forest slash, chips, timber, stubble or timber which is standing or down, or other vegetation.

(k) "Land owner operation" means every activity and supporting activities of a forest landowner, the landowner's agents, employees, independent contractors, or permittees in the management and use of forest and range land subject to protection by Fire Management for the primary benefit of the owner(s) including the growing, harvesting, and transport of forest and rangeland products, the development of transportation systems, the utilization of minerals or other natural resources, and the clearing of land. This also includes negligent recreational or residential activities, or both, not associated with these enumerated activities.

(l) "Participating landowner" means any owner whose land is subject to protection by Fire Management.

(m) "Slash" means organic forest debris such as treetops, limbs, brush, and other flammable material remaining on forest and rangeland as a result of a land owner operation.

(n) "Slash burning" means the planned and controlled burning of forest debris on forest lands by broadcast burning, underburning, pile burning, or other means for the purposes of silviculture, hazard abatement, or reduction and prevention or elimination of a fire hazard.

(o) "Suppression" means all activities involved in the containment and control of forest fires, including the patrolling thereof until such fires are extinguished or considered by Fire Management to pose no further threat to life or property.

(p) "Unimproved lands" means those lands that will support grass, brush, or tree growth, or other flammable material when such lands are not cleared or cultivated, and in the opinion of the department, are a fire menace to life and property.

(q) "Wildfire" means a uncontrolled fire that travels and spreads rapidly.

(r) "Wildlands fire" means a fire burning in natural vegetation that requires an individual or crew(s) to expand more than one hour of labor to confine, control and extinguish.

## **FIRE PROTECTION; INVESTIGATIONS; FIRE MANAGEMENT PERSONNEL**

### **4-19-10 Fire Protection Powers and Duties of Department; Enforcement**

At Fire Management's discretion, appointment of trained personnel possessing necessary qualifications to carry out duties and supporting functions of the Department may include hiring, appointing fire investigators, wardens, and other commissioned law enforcement to represent Fire Management in fire investigations and court proceedings.

(a) Fire Management shall have direct charge and supervision of all matters pertaining to wildland fire suppression within the boundaries of the Colville Indian Reservation.

(b) Fire Management shall:

(1) Enforce this Chapter;

(2) Be empowered to take charge of and direct the work in suppressing forest fires;

(3) Investigate the origin and cause of all forest fires to determine whether a criminal act or a negligent act by person, firm, or corporation caused the start of, or the spread of, or the existence of a fire.

(4) Furnish notice or information to the public calling attention to forest fire dangers and penalties for violation of this Chapter.

(5) Adopt rules for the prevention, control, and suppression of forest fires considered necessary including, but not limited to:

- (A) fire equipment and materials;
- (B) use of personnel; and
- (C) fire prevention standards and operating conditions including a provision for reducing these conditions where justified by local factors such as location and weather.

**4-19-11 Conducting Investigations**

(a) Fire Management shall work cooperatively in conducting investigations, to the extent possible, with utilities, property owners, and other interested parties to identify and preserve evidence. Fire Management is authorized, without court order, to take possession or control of relevant evidence found in plain view and belonging to any person, firm, or corporation. Fire Management shall notify, to the extent possible, the person, firm, or corporation of its intent to take possession or control of the evidence.

(b) Before Fire Management takes possession or control of evidence, the person, firm, or corporation shall be afforded reasonable opportunity to view the evidence and shall be afforded reasonable opportunity to examine, document, and photograph it. If the person, firm, or corporation objects in writing to Fire Management's taking possession or control of such evidence, Fire Management must either:

- (1) Return the evidence within seven days after the day on which Fire Management is provided with the written objections; or
- (2) Obtain a court order authorizing the continued possession or control thereof.

(c) Absent a court order authorizing otherwise:

(1) Fire Management may not take possession or control of evidence over the objection of the owner of such evidence if:

(A) The evidence is used by the owner in conducting a business or in providing an electric utility service; and

(B) Fire Management's taking possession or control of the evidence would substantially and materially interfere with the operation of the business or provision of electric utility service.

(2) Fire Management may not take possession or control of evidence over the objection of an electric utility when the evidence is not owned by the utility but has caused damage to property owned by the utility. However, this subsection does not apply if Fire Management has notified the utility of its intent to take possession or control of the evidence and provided the utility with reasonable time to examine, document, and photograph the evidence.

(d) Only personnel qualified to work on electrical equipment may take possession or control of evidence owned or controlled by an electric utility.

(e) Fire Management may remove at will or suspend the authority of any investigator, warden or other authorized law enforcement official to represent Fire Management in fire investigations who is incompetent or unwilling to properly discharge the duties of such office.

**4-19-12 Wardens—Appointment—Duties**

Fire Management may appoint any of its employees as wardens, at such times and in such localities it considers the public welfare demands, within any area of the reservation where there are forest lands requiring protection.

(a) Wardens shall:

- (1) Provide forest fire prevention and protection information to the public;
- (2) Investigate discovered or reported fires on forest lands and take appropriate action;
- (3) Patrol assigned areas, visit camp grounds of frequent use and warn campers, visitors and other users of fire hazards;
- (4) Inspect all vehicles, locomotives and all steam internal combustion, devices and other spark-emitting equipment including chainsaws for spark arresters and adequate devices which prevent the escape of sparks or fire;
- (5) Inspect forest land operations and activities for required fire prevention and suppression equipment or devices and ensure that protection of forests are enforced. In addition, wardens who hold federal, state, or tribal law enforcement commissions verified and approved by the Colville Tribal Police Department shall have the authority to:
  - (A) Investigate, arrest, and initiate prosecution of all Tribal Law and Order Code violators; and
  - (B) Investigate all forest land fires as assigned by Fire Management, complete investigation reports, and appear in court as needed on said investigations and prosecutions.

(b) Wardens shall submit reports which summarize activities for that period, how assigned areas are visited, expenses incurred, and other information which may be required by Fire Management, in a format and at a time specified.

(c) Fire Management may remove at will or revoke the authority of any warden who is incompetent or unwilling to properly discharge the duties of the office.

(d) Fire Management shall determine the placement and assignment of the wardens and at the request of the individual districts, may assign additional wardens during times of special need, or high fire danger.

(e) The authority of the wardens regarding the prevention, suppression, and control of forest fires, summoning, impressing, employing help, or making arrests for violations of this Chapter may extend to any part of the reservation.

**4-19-13 Wardens—Ex officio Appointments—Compensation**

(a) Colville Tribal Police Department commissioned officers, whether a Colville tribal police officer, a natural resources enforcement officer, a ranger, a cross-commissioned state or county officer, or other commissioned officer while in their respective jurisdictions may be deemed ex officio wardens during any emergency regarding the suppression and extinguishing of any forest land fire.

(b) Employees of the United States Bureau of Indian Affairs, when recommended by the forest manager and at the discretion of Fire Management, may be commissioned as wardens and vested with the powers specified in this Chapter.

(c) A warden shall not create any indebtedness or incur any liability on behalf of the Tribes and will not receive additional compensation for services, except when employed in cooperation with the Colville Tribes under the provisions of this Chapter. Warden's engaged in the prevention, suppression and

extinguishing of the spread of fire or for the investigation of wildfire may receive additional compensation at a rate to be fixed by Fire Management. Other jurisdictions supplying ex officio wardens may also be compensated for additional costs for supplying officers and equipment.

(d) Fire Management may revoke the authority granted to any ex officio warden under this Chapter who is incompetent or unwilling to properly discharge the duties of the office.

**4-19-14 Service of Notices**

Any notice required by law to be served by Fire Management, a warden, an ex officio warden, or a ranger shall be sufficient if a written or printed copy thereof is delivered, mailed, telegraphed, or electronically transmitted by Fire Management, warden, ex officio warden, or ranger to the person to receive the notice, or to his or her responsible agent. If the name or address of the person or agent is unknown and cannot be obtained by reasonable diligence, the notice may be served by posting the copy in a conspicuous place upon the premises affected by the notice.

**4-19-15 Arrests Without Warrants**

Fire Management employees appointed or commissioned as wardens, and all law enforcement officers may arrest persons violating this Chapter without a warrant pursuant to CTC § § 2-1-32 and 2-1-33.

**4-19-16 Violations—Penalty**

Any person who willfully violates any of the orders or rules adopted under this Chapter for the protection of forests from fires is guilty of Reckless Burning, Chapter 3-1-201 and subject to the penalties for committing this crime pursuant to Colville Tribal Law and Order Criminal Code.

**BURNING PERMITS**

**4-19-30 Burning Permits**

(a) Except in certain areas designated by Fire Management or permitted by rules adopted by Fire Management, a person shall have a valid written burning permit to burn:

- (1) Any flammable material on any lands under the protection of Fire Management; or
- (2) Forest, range waste, slash, or stubble debris on lands protected by the Fire Management.

(b) To be valid, a permit must be signed by both Fire Management and the permittee. Requests by phone will be honored and will state “requested by phone” in place of the permittee’s signature. Conditions may be imposed in the permit for the protection of life, property, or air quality and any permit may be suspended or revoked when conditions warrant. A permit shall be effective only under the conditions and for the period stated therein. Signing of the permit or the notation "request by phone" shall indicate the permittee's agreement to and acceptance of the conditions of the permit.

(c) Fire Management may inspect (or cause to be inspected) the area involved and may issue a burning permit if:

- (1) All requirements relating to fire fighting equipment, the work to be done, and precautions to be taken before commencing the burning have been met;
- (2) No unreasonable danger will result; and

(d) Fire Management authorized employees, or any warden, or ranger may refuse, revoke, or postpone the use of permits to burn when necessary for the safety of adjacent property or when necessary in their judgment, to prevent air pollution as provided in the rules set forth by Fire Management.

(e) Sweat lodges used for religious purposes must be permitted, provided that reasonable conditions may be imposed to prevent the risk of fire, including designating a safe location, requiring a cleared area around the fire, a designated fire watch person and the requirement of the fire to be extinguished as soon as the sweat is completed.

(f) Violation of this section will result in civil infractions and possible loss of burning privileges.

#### **FIRE DANGER/HAZARDS**

##### **4-19-31 Closed to Entry—Designation**

(a) When any forest land is exposed to fire danger or a condition exists pursuant to section 4-18-33, Fire Management may designate such land as a “region of extra fire hazard” subject to closure. Fire Management shall adopt rules for the protection of such land.

(b) All such rules shall be published in newspapers of general circulation in the counties where such region is situated and effective for a length of time as Fire Management may determine.

(c) When necessary to close a region to entry, posters carrying the following words:

#### **Extreme Fire Danger—CLOSED TO ENTRY—Except as Provided by Law**

shall be posted indicating the beginning and ending dates of the closure and shall be posted on the public highways entering the region.

(d) The rules shall be in force while the forest land continues to be exposed to fire danger or ceases to be so exposed. Fire Management may extend, suspend, or terminate the closure by proclamation.

(e) A violation of this section will be treated as trespass onto Colville Tribal property and will be a civil infraction pursuant to CTC § 3-7-30. A violation of this section where human life is endangered, shall be considered Reckless Endangerment pursuant to CTC § 3-1-11 and is a Class A Offense.

##### **4-19-32 Suspension of Burning Permits/Privilege**

(a) In locations of unusual fire danger, Fire Management may issue an order suspending any or all burning permits or privileges authorized in section 4-18-30 of this Chapter.

(b) The burning privileges of a place of residence, business or an area where a person has repeatedly violated section 4-18-30 of this Chapter may have burning privileges suspended.

(c) A violation of this section shall be an infraction, and where a fire generates from the violation, the costs for fire suppression and the investigation will be in added to the civil fine.

##### **4-19-33 Closure of Forest Operations or Forest Lands**

(a) When weather conditions arise which present an extreme fire hazard whereby life and property may be endangered, Fire Management may issue an order shutting down all logging, land clearing, or other industrial operations which may cause a fire. The shutdown shall be for the time periods and in the region designated in the order. During shutdowns, all persons are excluded from logging operation areas, and areas of logging slash, except those present in the interest of fire protection.

(b) When fire conditions exists whereby lands on the reservation may be endangered, Fire Management with the approval of the Business Council may issue an order restricting access to and activities on forest lands. The order shall describe the region and the extent of restrictions necessary to protect forest lands. During the period in which the order is in effect, all persons are excluded from the region described, except those persons present in the interest of fire protection.

(c) When extreme fire condition exist, or are in danger of existing on an actively burning wildfire, and with coordination of law enforcement, certain areas shall be closed to public access in order to protect the safety of human life. If a landowner or person having property within the fire area can show a valid reason for needing to be in that area, he or she may be escorted by a warden, law enforcement, or a trained department firefighter; PROVIDED That, the area has been first declared safe by the incident commander or the safety officer of Fire Management.

(d) Each day's violation of an order under this section shall constitute a separate infraction. Violation of this section, where human life is endangered (including public safety officers) shall be considered Reckless Endangerment, as provided for under CTC § 3-1-11 and is a Class A Offense.

**4-19-34 Spark-Emitting Equipment or Device**

It is unlawful during the closed season, for any person to operate any steam, internal combustion, electric engine, or any other spark-emitting equipment or device on any forest land or in any place where fire could spread to forest land. It shall be the operator's responsibility to contact Fire Management to become familiar with requirements that may have been established pursuant to this Chapter.

Each day and each piece of equipment in operation in violation of the order shall be considered a separate violation.

**4-19-35 Work Stoppage Notice—Penalty for Violations**

(a) Every person or operator who receives a written order pursuant to this Chapter, or any rule adopted by Fire Management, concerning fire prevention and suppression preparedness, shall cease operations until such person or operator has come into compliance as specified in the order.

(b) Fire Management may specify in the order special conditions and precautions that the operation must comply with in order to continue until the end of that working day.

(c) Each day and each piece of equipment in operation in violation of the order shall be considered a separate violation.

**4-19-36 Deposit of Fire or Live Coals**

(a) No person shall deposit fire or live coals within the bounds of the Colville Indian Reservation on lands protected by Fire Management during closed season for any reason, unless a permit has been obtained from Fire Management. This includes, but is not limited to, used charcoal briquettes, cigarettes, fireworks, welding rod or other hot metal.

(b) No person or employee operating a railroad shall deposit fire or live coals upon the right-of-way on any lands protected by Fire Management during closed season, unless the fire or live coals are immediately extinguished.

(c) Violation of this section shall be considered an infraction.

**4-19-37 Reports of Fire**

(a) Any person engaged in activity on forest lands shall immediately report to Fire Management in person, or by radio, or by telephone, or by telegraph, any fires on lands protected by Fire Management.

(b) Railroad companies, other public carriers, and private industry operating on or through lands protected by Fire Management shall immediately report to Fire Management, in person, or by radio, or by telephone, or by telegraph, any fires on or adjacent to their right-of-way, route, or property.

(c) Knowing failure to report a fire shall be an infraction under this Chapter.

**4-19-38 Lighted Material—Vehicles, Public Transportation or Equipment in Operation**

(a) It is an infraction during a closed season, or in a closed area for any person to throw away any lighted

tobacco, cigars, cigarettes, matches, fireworks, charcoal, or other lighted material, or to discharge any tracer or incendiary ammunition on any lands within the boundaries of the Colville Indian Reservation.

(b) It is an infraction during the closed season for any individual to smoke any flammable material on areas within the boundaries of the Colville Indian Reservation other than on roads, cleared landings, gravel pits, or any similar area free of flammable material.

(c) Every vehicle operated through or above forest, range, brush, or grain areas shall be equipped (in each compartment) with a suitable receptacle for the disposition of lighted tobacco, cigars, cigarettes, matches, or other flammable material.

(d) Every person operating public transportation through or above forest, range, brush, or grain areas shall post a copy of this section in a conspicuous place within the smoking compartment of the public transportation; and every person operating a saw mill or a logging camp in any such areas shall post a copy of this section in a conspicuous place upon the ground or buildings of the milling or logging operation.

(e) A violation of this section shall be an infraction, and where a fire generates from the violation, the costs for fire suppression and the investigation will be in added to the civil fine.

**4-19-39 Escaped Slash, Grass and Debris Burns—Obligations**

(a) Should a fire escape from a permitted slash, grass or debris burn, any personnel and equipment necessary to suppress that fire will be retained until the fire is declared out by Fire Management, and shall be at the expense of the permittee. In addition, if a slash or debris burn becomes an uncontrolled fire, Fire Management may recover from the landowner the actual costs incurred to suppress the fire.

(b) A violation of this section shall be an infraction, and all expense incurred to suppress a fire which resulted from a slash, grass or debris burn, in which the land owner's negligence was involved, shall be the obligation of the landowner.

**4-19-40 Negligent Starting of Fires—Allowance of Extreme Fire Hazards or Debris—Liability—Recovery of Reasonable Expenses—Lien**

(a) Any person, firm, or corporation:

(1) Whose negligence is responsible for the starting or existence of a fire which spreads onto Fire Management protected land(s); or

(2) Who creates or allows an extreme fire hazard to exist and which hazard contributes to the spread of a fire; or

(3) Who allows forest debris to exist and which debris contributes to the spread of fire;

(4) Shall be liable to Fire Management for any reasonable expenses made necessary by (1), (2), or (3) of this section.

Fire Management or any fire protection agency of the United States or the State of Washington may recover in the Colville Tribal Court such reasonable expenses in fighting the fire together with costs of investigation and litigation; including reasonable attorneys' fees and taxable court costs, if the fire fighting activity was authorized or subsequently approved by Fire Management. The authority granted under this section, allowing the recovery of reasonable expenses incurred by fire protection agencies, shall apply only to expenses incurred after the effective date of this Chapter.

(b) Fire Management or the agency incurring such expense shall have a lien for the same against any property of the person, firm, or corporation liable under subsection 4-18-40(a)(1) of this section, by filing a



claim of lien naming the person, firm, or corporation, describing the property against which the lien is claimed, specifying the amount expended on the lands on which the fire fighting took place, and the period during which the expenses were incurred, and signing the claim with post office address. No claim of lien is valid unless filed with the county clerk and recorder of the county in which the property sought to be charged is located, and with the Colville Tribal Court within a period of ninety days after the expenses of the claimant are incurred. The lien may be foreclosed in the same manner as a mechanic's lien is foreclosed under the statutes of the State of Washington.

#### **EXTREME FIRE HAZARDS; PROHIBITED ACTS**

##### **4-19-60 Disposal of Forest Debris—Trees Falling onto Another's Land**

Any person clearing land or a right-of-way for a railroad, a public highway or road, a ditch, a pike or a wire line, or for any other transmission, or transportation utility right-of-way, shall pile and burn or dispose of, by other satisfactory means, all forest, range waste, slash or stubble debris cut upon said land as rapidly as the clearing or cutting progresses, or at such other times as Fire Management may specify, and if during the closed season, in compliance with section 4-18-30.

No person clearing any land or right-of-way, or in cutting or logging timber for any purpose may fall, or permit to fall any trees so that they may fall onto land owned by another without first obtaining permission from the owner in addition to complying with the terms of this section for the disposal of refuse. All terms of this section and other forest laws within the Colville Tribal Law and Order Code shall be observed in all clearings of right-of-way or other land on behalf of the tribes itself or any county thereof, either directly or by contract and unless unavoidable emergency prevents, provision shall be made by all officials directing the work for withholding a sufficient portion of the payment therefore until the disposal is completed, to insure the completion of the disposal in compliance with this section.

##### **4-19-61 Fire Hazard Areas—Abatement—Summary action—Recovery of Costs**

(a) A landowner or a person responsible for land where a fire hazard exists shall take reasonable measures to abate the danger. The fire hazard area may warrant the cleaning-up of, the removal of hazardous material, the controlled burning of, or any other satisfactory means which would isolate, reduce or eliminate the fire hazard.

(b) Fire Management shall adopt rules to define areas of extreme fire hazard that the owner and person responsible shall abate. The areas shall include, but are not limited to, high-risk areas where life or buildings may be endangered or areas adjacent to public highways or areas of frequent public use.

(c) Fire Management may adopt rules after consultation with the Business Council and the forest manager defining other conditions of extreme fire hazard with a high potential for fire spreading to lands in other ownerships.

(d) The duty to abate, isolate, or reduce fire hazards, and liability under this Chapter arise upon creation of the extreme fire hazard. Damages for breach of the duty include, but are not limited to, all fire suppression expenses incurred by Fire Management.

(e) If the owner or person responsible for the existence of the extreme fire hazard or forest debris subject to section 4-18-60 refuses, neglects, or unsuccessfully attempts to abate, isolate, or reduce the same, Fire Management may summarily abate, isolate, or reduce the hazard as required by this section and recover twice the actual cost thereof from the owner or person responsible.

(f) Such costs shall include the salaries, expenses, equipment incurred in abating the hazard and any addition expenses incurred by Fire Management. All such costs shall be recoverable through a lien being placed upon the land. Such lien shall be enforceable in the same manner as are mechanic's liens under Washington State law.

(g) Summary action may be taken only after ten days' from the date of which written notice was served on the owner or reputed owner of the land on which the extreme fire hazard or forest debris subject to section 4-18-60 exists. The notice shall include a suggested method of abatement and an estimated cost thereof. The notice shall be delivered by personal service or by registered certified mail to the last known address of the owner or reputed owner.

**4-19-62 Failure to Extinguish Campfire**

It is an infraction for a person to start a fire in a campground and leave the campground before extinguishing the fire. Failure to extinguish a campfire is an infraction.

**4-19-63 Willful Setting of Fire**

It is an infraction for a person to willfully start a fire on private property, or any land protected by Fire Management, or on any land within the boundaries of the Colville Reservation. Willful setting of fire is an infraction.

**4-19-64 Removal of Notices**

It is an infraction for a person to willfully and without authorization deface or remove any warning notice posted under the requirements of this Chapter. Violations shall be considered trespass pursuant to Chapter 3-7-30 and vandalism pursuant to Chapter 3-7-31 of Colville Tribal Property and is an infraction.

**4-19-65 Negligent Fire—Spread**

It is an infraction for a person to negligently allow fire originating on the person's own property to spread to the property of another or onto lands protected by Fire Management. Violation of this section may be the basis for a civil trespass action.

**4-19-66 Uncontrolled Fire—Public Nuisance—Suppression—Summary Action—Recovery of Costs**

(a) A person engaged in an activity on lands of a landowner, or on forest lands and having knowledge of a fire, notwithstanding the origin or subsequent spread of fire, shall make every reasonable effort to suppress the fire.

(b) Any fire on or threatening forest land, that is burning uncontrolled and without proper action being taken to prevent its spread, is a public nuisance by reason of its menace to life and property.

(c) If a person has not suppressed the fire and the fire is on or threatening forest land within a forest protection zone, Fire Management shall suppress the fire.

(1) If the owner, lessee, other possessor of such land, or an agent or contractor of the owner, lessee, or possessor, having knowledge of a fire, has not made a reasonable effort to suppress the fire, the cost of suppression may be recovered from the owner, lessee, or other possessor of the land and the cost of the work shall also constitute a lien upon the real property or chattels under the person's ownership.

(A) The lien may be filed by Fire Management in the office of the county clerk and recorder or with the Colville Tribal Court and foreclosed upon in the same manner, provided by Washington State law, for the foreclosure of a mechanics' liens.

(B) The Office of Reservation Attorney shall bring action to recover the costs of suppression or to foreclose the lien upon the request of Fire Management.

(2) In the absence of negligence, no costs other than those provided in this Chapter shall be recovered from any landowner for lands subject to the forest protection assessment with respect to the land on which the fire burns.

(d) When a fire occurs in a land clearing, right-of-way clearing, or landowner operation, contingent upon available resources and funding, it shall be fought to the full limit of the available employees and

equipment, and the fire fighting shall be continued with the necessary crews and equipment in such numbers as are, in the opinion of the Fire Management, sufficient to suppress the fire. The fire shall not be left without a fire fighting crew or fire patrol until authority has been granted by the Fire Management

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