PSSB 6632
Offered by Senator Braun
Color: Goldenrod

Effect statement:

- Directs DNR to provide water storage containers and hoses to fire-prone communities and landowners to douse hot embers that fall on their land.
    - DNR must provide public education on safe methods to put out the embers and douse surrounding property to prevent fire spread.
    - No civil liability may be imposed on DNR for these activities.
- DNR must enter into discussions with federal land management partners with the goal of entering into MOUs or updating existing agreements re: forest health and fire suppression. In particular, DNR must address the following:
    - Cost and labor sharing agreements for forest health treatments conducted on federally-owned lands;
    - Timelines and measurable forest health improvement goals reachable within ten years of the date of agreement;
    - Streamlining processes to share fire protection resources across jurisdictional lines; and
    - Improving interagency cooperation to facilitate rapid initial response to fire. For example, DNR may agree with a federal partner to share in attacking wildfires along common ownership boundaries and exchange assistance free of charge across agency jurisdictions during the first twenty-four hours of a fire.

AN ACT Relating to wildfire management; amending RCW 76.04.610, 76.04.630, 76.04.015, 76.04.016, and 70.94.6536; adding new sections to chapter 76.04 RCW; and creating new sections.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** (1) By July 31, 2016, the department of enterprise services, in coordination with the department of natural resources, must use a request for information to a broad base of wildfire insurance carriers to gain an understanding of insurance requirements and data needed for an accurate quote.

(2) By September 30, 2016, the department of enterprise services, in coordination with the department of natural resources, must use a request for quote to a broad base of wildfire insurance carriers to discern how each carrier would meet the needs of Washington and the cost of annual premiums. Preference must be given to insurance policies with a deductible of fifty million dollars or less, but for purposes of this section and for comparison, the departments may solicit quotes with varying deductibles.

(3) By November 30, 2016, the department of enterprise services, in coordination with the department of natural resources, must report to the legislature on: The criteria used in the request for information and request for quote; information gathered; premium and

deductible data; and all other relevant information gathered during the solicitation process. If more than one insurance carrier offers a policy quote, the report must also include recommendations as to which insurer and insurance policy best fits the needs of the state. No formal request for proposal may be issued under this section absent express authorization from the legislature.

NEW SECTION. **Sec. 2.** A new section is added to chapter 76.04 RCW to read as follows:

(1) Any county may, by action of its legislative authority, create a local forest fire protection division that is responsible for preventing and responding to forest fires in the county. If created, the local forest fire protection division assumes primary command over any fire response in the county and assumes independent decision-making authority over all local aspects of forest fire prevention and response.

(2) The department must be notified of the creation of a local forest fire protection division within thirty days of its creation.

(3) Two or more counties may organize into a single local forest fire protection division.

(4) The department must, upon the request of a county's local forest fire protection division, assist the county in any fire response necessary to protect public safety.

Sec. 3. RCW 76.04.610 and 2012 2nd sp.s. c 7 s 922 are each amended to read as follows:

(1)(a) If any owner of forest land within a forest protection zone neglects or fails to provide adequate fire protection as required by RCW 76.04.600, the department shall provide such protection and shall annually impose the following assessments on each parcel of such land: (i) A flat fee assessment of seventeen dollars and fifty cents; and (ii) twenty-seven cents on each acre exceeding fifty acres.

(b) Assessors may, at their option, collect the assessment on tax exempt lands. If the assessor elects not to collect the assessment, the department may bill the landowner directly.

(2) An owner who has paid assessments on two or more parcels, each containing fewer than fifty acres and each within the same county, may obtain the following refund:

(a) If all the parcels together contain less than fifty acres, then the refund is equal to the flat fee assessments paid, reduced by the total of (i) seventeen dollars and (ii) the total of the amounts retained by the county from such assessments under subsection ((~~(5)~~)) (7) of this section.

(b) If all the parcels together contain fifty or more acres, then the refund is equal to the flat fee assessments paid, reduced by the total of (i) seventeen dollars, (ii) twenty-seven cents for each acre exceeding fifty acres, and (iii) the total of the amounts retained by the county from such assessments under subsection ((~~(5)~~)) (7) of this section.

(3) Applications for refunds shall be submitted to the department on a form prescribed by the department and in the same year in which the assessments were paid. The department may not provide refunds to applicants who do not provide verification that all assessments and property taxes on the property have been paid. Applications may be made by mail.

(4)(a) In addition to the procedures under ((~~this subsection~~)) subsections (2) and (3) of this section, property owners with multiple parcels in a single county who qualify for a refund under this section may apply to the department on an application listing all the parcels owned in order to have the assessment computed on all parcels but billed to a single parcel. ((~~Property owners with the following number of parcels may apply to the department in the year indicated:~~

~~Year~~	~~Number of Parcels~~
~~2002~~	~~10 or more parcels~~
~~2003~~	~~8 or more parcels~~
~~2004 and thereafter~~	~~6 or more parcels~~))

(b) The department must compute the correct assessment and allocate one parcel in the county to use to collect the assessment. The county must then bill the forest fire protection assessment on that one allocated identified parcel. The landowner is responsible for notifying the department of any changes in parcel ownership.

((~~(3) Beginning January 1, 1991,~~)) (5) Under the administration and at the discretion of the department, up to two hundred thousand dollars per year of this assessment shall be used in support of those

rural fire districts assisting the department in fire protection services on forest lands.

((~~(4)~~)) (6) For the purpose of this chapter, the department may divide the forest lands of the state, or any part thereof, into districts, for fire protection and assessment purposes, may classify lands according to the character of timber prevailing, and the fire hazard existing, and place unprotected lands under the administration of the proper district. Amounts paid or contracted to be paid by the department for protection of forest lands from funds at its disposal shall be a lien upon the property protected, unless reimbursed by the owner within ten days after October 1st of the year in which they were incurred. The department shall be prepared to make statement thereof, upon request, to a forest owner whose own protection has not been previously approved as to its adequacy, the department shall report the same to the assessor of the county in which the property is situated. The assessor shall extend the amounts upon the tax rolls covering the property, and upon authorization from the department shall levy the forest protection assessment against the amounts of unimproved land as shown in each ownership on the county assessor's records. The assessor may then segregate on the records to provide that the improved land and improvements thereon carry the millage levy designed to support the rural fire protection districts as provided for in RCW 52.16.170.

((~~(5)~~)) (7)(a) The amounts assessed shall be collected at the time, in the same manner, by the same procedure, and with the same penalties attached that general state and county taxes on the same property are collected, except that errors in assessments may be corrected at any time by the department certifying them to the treasurer of the county in which the land involved is situated. Assessments shall be known and designated as assessments of the year in which the amounts became reimbursable.

(b) Except for counties that have created a local forest fire protection division under section 2 of this act, upon the collection of assessments, the county treasurer shall place fifty cents of the total assessments paid on a parcel for fire protection into the county current expense fund to defray the costs of listing, billing, and collecting these assessments. The treasurer shall then transmit the balance to the department.

(c) For counties that have created a local forest fire protection division under section 2 of this act, the county treasurer shall

place all collections in a local account designated by the county legislative authority to be used exclusively for local forest fire prevention and response.

(d) Collections shall be applied against expenses incurred in carrying out the provisions of this section, including necessary and reasonable administrative costs incurred by the department in the enforcement of these provisions. The department may also expend sums collected from owners of forest lands or received from any other source for necessary administrative costs in connection with the enforcement of RCW 76.04.660.

((~~(6)~~)) (8) When land against which forest protection assessments are outstanding is acquired for delinquent taxes and sold at public auction, the state or, if appropriate, the county shall have a prior lien on the proceeds of sale over and above the amount necessary to satisfy the county's delinquent tax judgment. The county treasurer, in case the proceeds of sale exceed the amount of the delinquent tax judgment, shall immediately remit to the department or the county the amount of the outstanding forest protection assessments.

((~~(7)~~)) (9)(a) All nonfederal public bodies owning or administering forest land included in a forest protection zone shall pay the forest protection assessments provided in this section and the special forest fire suppression account assessments under RCW 76.04.630. The forest protection assessments and special forest fire suppression account assessments shall be payable by nonfederal public bodies from available funds within thirty days following receipt of the written notice from the department which is given after October 1st of the year in which the protection was provided.

(b) Unpaid assessments are not a lien against the nonfederal publicly owned land but shall constitute a debt by the nonfederal public body to the department or the appropriate county and are subject to interest charges at the legal rate. ((~~During the 2011-2013 fiscal biennium, the forest fire protection assessment account may be appropriated to The Evergreen State College for analysis and recommendations to improve the efficiency and effectiveness of the state's mechanisms for funding fire prevention and suppression activities.~~

~~(8)~~)) (10) A public body, having failed to previously pay the forest protection assessments required of it by this section, which fails to suppress a fire on or originating from forest lands owned or administered by it, is liable for the costs of suppression incurred

by the department or its agent and is not entitled to reimbursement of costs incurred by the public body in the suppression activities.

((~~(9)~~)) (11) The department may adopt rules to implement this section, including, but not limited to, rules on levying and collecting forest protection assessments.

Sec. 4. RCW 76.04.630 and 2010 1st sp.s. c 7 s 129 are each amended to read as follows:

(1) There is created a landowner contingency forest fire suppression account in the state treasury. Moneys in the account may be spent only as provided in this section. Disbursements from the account shall be on authorization of the commissioner of public lands or the commissioner's designee. The account is subject to the allotment procedure provided under chapter 43.88 RCW, but no appropriation is required for disbursements.

(2) The department may expend from this account the amounts as may be available and as it considers appropriate for the payment of emergency fire costs resulting from a participating landowner fire. The department may, when moneys are available from the landowner contingency forest fire suppression account, expend moneys for summarily abating, isolating, or reducing an extreme fire hazard under RCW 76.04.660. All moneys recovered as a result of the department's actions, from the owner or person responsible, under RCW 76.04.660 shall be deposited in the landowner contingency forest fire suppression account.

(3) When a determination is made that the fire was started by other than a landowner operation, moneys expended from this account in the suppression of such fire shall be recovered from the general fund appropriations as may be available for emergency fire suppression costs. The department shall deposit in the landowner contingency forest fire suppression account moneys paid out of the account which are later recovered, less reasonable costs of recovery.

(4)(a) This account shall be established and renewed by an annual special forest fire suppression account assessment paid by participating landowners at a rate to be established by the department. In establishing assessments, the department shall seek to establish and thereafter reestablish a balance in the account of three million dollars.

(b) The department may establish a flat fee assessment of no more than seven dollars and fifty cents for participating landowners

owning parcels of fifty acres or less. For participating landowners owning parcels larger than fifty acres, the department may charge the flat fee assessment plus a per acre assessment for every acre over fifty acres. The per acre assessment established by the department may not exceed fifteen cents per acre per year. The assessments established under this section may differ to equitably distribute the assessment based on emergency fire suppression cost experience necessitated by landowner operations.

(c) Amounts assessed for this account shall be a lien upon the forest lands with respect to which the assessment is made and may be collected as directed by the department in the same manner as forest protection assessments.

(d) Payment of emergency costs from this account shall in no way restrict the right of the department to recover costs pursuant to RCW 76.04.495 or other laws.

(e) Any assessments collected under this chapter in a county that has created a local forest fire protection division under section 2 of this act must be transferred to the county where the assessments were collected at least once per fiscal year.

(5) When the department determines that a forest fire was started in the course of or as a result of a landowner operation, the determination shall be final, unless, within ninety days of the notification, or an interested party serves a request for a hearing before the department. The hearing shall constitute an adjudicative proceeding under chapter 34.05 RCW, the administrative procedure act, and an appeal shall be in accordance with RCW 34.05.510 through 34.05.598.

Sec. 5. RCW 76.04.015 and 2015 c 182 s 5 are each amended to read as follows:

(1) The department may, at its discretion, appoint trained personnel possessing the necessary qualifications to carry out the duties and supporting functions of the department and may determine their respective salaries.

(2) The department shall have direct charge of and supervision of all matters pertaining to the forest fire service of the state.

(3) The department shall:

(a) Enforce all laws within this chapter;

(b) Be empowered to take charge of and direct the work of suppressing forest fires <u>in counties that have not created a local forest fire protection division under section 2 of this act</u>;

(c)(i) Investigate the origin and cause of all forest fires to determine whether either a criminal act or negligence by any person, firm, or corporation caused the starting, spreading, or existence of the fire. In conducting investigations, the department shall work cooperatively, to the extent possible, with utilities, property owners, and other interested parties to identify and preserve evidence. Except as provided otherwise in this subsection, the department in conducting investigations 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. To the extent possible, the department shall notify the person, firm, or corporation of its intent to take possession or control of the evidence. The person, firm, or corporation shall be afforded reasonable opportunity to view the evidence and, before the department takes possession or control of the evidence, also shall be afforded reasonable opportunity to examine, document, and photograph it. If the person, firm, or corporation objects in writing to the department's taking possession or control of the evidence, the department must either return the evidence within seven days after the day on which the department is provided with the written objections or obtain a court order authorizing the continued possession or control.

(ii) Absent a court order authorizing otherwise, the department may not take possession or control of evidence over the objection of the owner of the evidence if the evidence is used by the owner in conducting a business or in providing an electric utility service and the department'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.

(iii) Absent a court order authorizing otherwise, the department 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 (3)(c)(iii) does not apply if the department 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.

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

(d) Furnish notices or information to the public calling attention to forest fire dangers and the penalties for violation of this chapter;

(e) Be familiar with all timbered and cut-over areas of the state;

(f) Maximize the effective utilization of local fire suppression assets consistent with RCW 76.04.181; and

(g) Regulate and control the official actions of its employees, the wardens, and the rangers.

(4) The department may:

(a) Authorize all needful and proper expenditures for forest protection;

(b) Adopt rules consistent with this section for the prevention, control, and suppression of forest fires as it considers necessary including but not limited to: Fire equipment and materials; use of personnel; and fire prevention standards and operating conditions including a provision for reducing these conditions where justified by local factors such as location and weather;

(c) Remove at will the commission of any ranger or suspend the authority of any warden;

(d) Inquire into:

(i) The extent, kind, value, and condition of all timberlands within the state;

(ii) The extent to which timberlands are being destroyed by fire and the damage thereon;

(e)(i) Provide fire detection, prevention, presuppression, or suppression services on nonforested public lands managed by the department or another state agency, but only to the extent that providing these services does not interfere with or detract from the obligations set forth in subsection (3) of this section.

(ii) If the department provides fire detection, prevention, presuppression, or suppression services on nonforested public lands managed by another state agency, the department must be fully reimbursed for the work through a cooperative agreement as provided for in RCW 76.04.135(1).

(5) Any rules adopted under this section for the suppression of forest fires must include a mechanism by which a local fire

mobilization radio frequency, consistent with RCW 43.43.963, is identified and made available during the initial response to any forest fire that crosses jurisdictional lines so that all responders have access to communications during the response. Different initial response frequencies may be identified and used as appropriate in different geographic response areas. If the fire radio communication needs escalate beyond the capability of the identified local radio frequency, the use of other available designated interoperability radio frequencies may be used.

(6) When the department considers it to be in the best interest of the state, it may cooperate with any agency of another state, the United States or any agency thereof, the Dominion of Canada or any agency or province thereof, and any county, town, corporation, individual, or Indian tribe within the state of Washington in forest firefighting and patrol.

Sec. 6. RCW 76.04.016 and 1993 c 196 s 1 are each amended to read as follows:

The department<u>, and any county that has created a local forest fire protection division under section 2 of this act,</u> when acting, in good faith, in its statutory capacity as a fire prevention and suppression agency, is carrying out duties owed to the public in general and not to any individual person or class of persons separate and apart from the public. Nothing contained in this title, including but not limited to any provision dealing with payment or collection of forest protection or fire suppression assessments, may be construed to evidence a legislative intent that the duty to prevent and suppress forest fires is owed to any individual person or class of persons separate and apart from the public in general. This section does not alter the department's duties and responsibilities as a landowner.

<u>NEW SECTION.</u> **Sec. 7.** A new section is added to chapter 76.04 RCW to read as follows:

(1) The department must develop a twenty-year strategic plan to treat the two million seven hundred thousand acres of Washington forestland identified by the department as being in poor forest health condition. The department must develop the forest health and wildfire prevention strategic plan in consultation with relevant local, state, and federal agencies, tribes, forest landowners,

representatives from milling and log transportation industries, and other interested parties from the nonprofit and commercial sectors.

(2) The strategic plan must be updated at least every two years and must include timelines and, at minimum, strategies to:

(a) Facilitate communication and coordination between local, state, federal, and tribal fire personnel;

(b) Improve public education and outreach regarding fire prevention and suppression activities;

(c) Streamline contract procedures to perform forest health treatments on public and private lands;

(d) Expand technical assistance programs for local governmental entities and private landowners; and

(e) Address barriers to wildfire prevention and suppression activities, particularly in rural areas where resources may be limited.

(3) The department must report on the forest health and wildfire prevention strategic plan and its assessment of progress to the appropriate committees of the legislature by December 31, 2017. The report must include relevant fiscal information and recommendations for any legislative action needed to execute the strategic plan.

NEW SECTION. **Sec. 8.** A new section is added to chapter 76.04 RCW to read as follows:

(1) The department must create a prescribed burn manager certification program for those who practice prescribed burning in the state. The certification program must include training on all relevant aspects of prescribed fire in Washington including, but not limited to, the following: Legal requirements; safety; weather; fire behavior; smoke management; prescribed fire techniques; public relations; planning; and contingencies.

(2) The department may not require certification under the program created under subsection (1) of this section for burn permit approval under this chapter. Nothing in this section may be construed as creating a mandatory prescribed burn manager certification requirement to conduct prescribed burning in Washington.

(3) No civil or criminal liability may be imposed by any court on the state or its officers and employees, or a prescribed burn manager certified under the program created under subsection (1) of this section, for any direct or proximate adverse impacts resulting from a

prescribed fire conducted under the provisions of this chapter except upon proof of gross negligence or willful or wanton misconduct.

(4) The department may adopt rules to create the prescribed burn manager certification program and to set periodic renewal criteria. The department may also adopt rules to establish a decertification process for certified prescribed burn managers who commit a violation under this chapter or rules adopted under this chapter. The department may, in its own discretion, develop an equivalency test for experienced prescribed burn managers.

NEW SECTION. **Sec. 9.** By December 31, 2016, the department of natural resources must recommend to the appropriate committees of the legislature options to incentivize adoption of the International Wildland Urban Interface Code, published by the International Code Council, Inc., particularly by counties at high risk during wildfire season.

Sec. 10. RCW 70.94.6536 and 1995 c 143 s 1 are each amended to read as follows:

(1)(a) The department of natural resources shall administer a program to reduce statewide emissions from silvicultural forest burning so as to achieve the following minimum objectives:

((~~(a)~~)) (i) Twenty percent reduction by December 31, 1994 providing a ceiling for emissions until December 31, 2000; and

((~~(b)~~)) (ii) Fifty percent reduction by December 31, 2000 providing a ceiling for emissions thereafter.

(b) Reductions shall be calculated from the average annual emissions level from calendar years 1985 to 1989, using the same methodology for both reduction and base year calculations.

(2)(a) The department of natural resources, within twelve months after May 15, 1991, shall develop a plan, based upon the existing smoke management agreement to carry out the programs as described in this section in the most efficient, cost-effective manner possible. The plan shall be developed in consultation with the department of ecology, public and private landowners engaged in silvicultural forest burning, and representatives of the public.

(b) The plan shall recognize the variations in silvicultural forest burning including, but not limited to, a landowner's responsibility to abate an extreme fire hazard under chapter 76.04 RCW and other objectives of burning, including abating and preventing

a fire hazard, geographic region, climate, elevation and slope, proximity to populated areas, and diversity of land ownership. The plan shall establish priorities that the department of natural resources shall use to allocate allowable emissions, including but not limited to, silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas. The plan shall also recognize the real costs of the emissions program and recommend equitable fees to cover the costs of the program.

(c) The emission reductions in this section are to apply to all forest lands including those owned and managed by the United States. If the United States does not participate in implementing the plan, the departments of natural resources and ecology shall use all appropriate and available methods or enforcement powers to ensure participation.

(d) The plan shall include a tracking system designed to measure the degree of progress toward the emission reductions goals set in this section. The department of natural resources shall report annually to the department of ecology and the legislature on the status of the plan, emission reductions and progress toward meeting the objectives specified in this section, and the goals of this chapter and chapter 76.04 RCW.

(3)(a) By December 31, 2017, the department of natural resources must, in consultation with the department, other relevant state and federal agencies, and public and private landowners engaged in silvicultural forest burning, update the smoke management plan developed under subsection (2) of this section. The purpose of the smoke management plan is to provide for the continuation of silvicultural or forestland burning as a resource management tool and to provide increased opportunities for prescribed burning. The primary purpose of the smoke management plan update is to increase transparency and predictability for prescribed burns.

(b) The department of natural resources must, at minimum, update or include procedures in the smoke management plan according to the following directives:

(i) The minimum threshold to be considered a large fire in areas near communities or prone to inversions must be increased to one thousand tons per burn and the threshold for pile burns in low-risk areas must be increased to two thousand tons per burn;

(ii) The department of natural resources must issue forty-eight hour forecasts for permitted prescribed burns;

(iii) The department of natural resources must authorize individual prescribed burns twenty-four hours prior to ignition of the fire. Any burn decision made twenty-four hours in advance is subject to change if meteorological conditions or conditions affecting smoke dispersion are different from those anticipated and either pose an imminent and significant threat to public health or would cause a violation of air quality standards;

(iv) The department of natural resources may, by special burn permit, authorize prescribed burning on days when the department would otherwise deny burning if the denial of such a permit would threaten imminent and substantial economic loss. In authorizing such burning, the department of natural resources must limit the amount of material that can be burned in any one day and may only authorize burning that is not likely to cause exceedances of air quality standards;

(v) In addition to the priorities listed in subsection (2) of this section, the department of natural resources must prioritize burn projects according to the public benefits, including forest health, wildfire prevention, safety, and public health;

(vi) The department of natural resources must clarify the criteria it considers when determining whether a burn "has the potential to affect communities" with respect to multiple day burns;

(vii) The department of natural resources must cooperate with prescribed burn managers with approved multiple day burn permits to ensure predictability and to maximize opportunities to burn on each day of the approved multiple day burn permit; and

(viii) The department of natural resources may not deny a prescribed burn solely on the potential for smoke intrusions into communities unless there is clear evidence of an imminent and significant threat to public health or clear evidence that the smoke intrusion would cause a violation of air quality standards.

(4) If the December 31, 1994, emission reductions targets in this section are not met, the department of natural resources, in consultation with the department of ecology, shall use its authority granted in this chapter and chapter 76.04 RCW to immediately limit emissions from such burning to the 1994 target levels and limit silvicultural forest burning in subsequent years to achieve equal annual incremental reductions so as to achieve the December 31, 2000,

target level. If, as a result of the program established in this section, the emission reductions are met in 1994, but are not met by December 31, 2000, the department of natural resources in consultation with the department of ecology shall immediately limit silvicultural forest burning to reduce emissions from such burning to the December 31, 2000, target level in all subsequent years.

((~~(4)~~)) (5) Emissions from silvicultural burning in eastern Washington that is conducted for the purpose of restoring forest health or preventing the additional deterioration of forest health are exempt from the reduction targets and calculations in this section if the following conditions are met:

(a) The landowner submits a written request to the department identifying the location of the proposed burning and the nature of the forest health problem to be corrected. The request shall include a brief description of alternatives to silvicultural burning and reasons why the landowner believes the alternatives not to be appropriate.

(b) The department determines that the proposed silvicultural burning operation is being conducted to restore forest health or prevent additional deterioration to forest health; meets the requirements of the state smoke management plan to protect public health, visibility, and the environment; and will not be conducted during an air pollution episode or during periods of impaired air quality in the vicinity of the proposed burn.

(c) Upon approval of the request by the department and before burning, the landowner is encouraged to notify the public in the vicinity of the burn of the general location and approximate time of ignition.

((~~(5)~~)) (6) The department of ecology may conduct a limited, seasonal ambient air quality monitoring program to measure the effects of forest health burning conducted under subsection ((~~(4)~~)) (5) of this section. The monitoring program may be developed in consultation with the department of natural resources, private and public forest landowners, academic experts in forest health issues, and the general public.

NEW SECTION. **Sec. 11.** A new section is added to chapter 76.04 RCW to read as follows:

(1) The legislature finds that embers or fire brands are produced as trees and other objects burn in wildfires. These hot embers may be

carried by winds over long distances and ignite surfaces far removed from the fire, resulting in fire spread. This process is often known as spotting. The legislature finds it to be of public interest to aid fire-prone communities and homeowners in protecting their land and preventing the unnecessary spread of forest fires.

(2) The department must provide water storage containers and hoses to local fire-prone communities and, when reasonable, to landowners to use to put out embers or fire brands that fall on their property. The department must also provide public education regarding the safest methods in putting out embers or fire brands and dousing areas around property and structures to prevent fire spread. The department may partner with local governmental entities and other relevant organizations, including local fire protection districts, in carrying out the activities required in this section.

(3) No civil liability may be imposed by any court on the state or its officers and employees for any adverse impacts resulting from training or equipment provided by the department under the provisions of this section except upon proof of gross negligence or willful or wanton misconduct.

NEW SECTION. **Sec. 12.** A new section is added to chapter 76.04 RCW to read as follows:

(1) The legislature finds that over twenty-seven percent of Washington state lands are owned by federal agencies. The legislature further finds that increased coordination and improved communication between state and federal government agencies is necessary for effective forest health treatments and wildfire prevention and suppression activities.

(2) The department must enter into discussions with the federal agencies managing land in the state with the objective of entering into or updating existing memoranda of understandings or contracts regarding forest health and wildfire management. The department must initiate these discussions with all relevant federal partners including, but not limited to, the bureau of land management, the national park service, the United States fish and wildlife service, and the army corps of engineers. The department may consult with federally recognized tribes, forest landowners, and other entities involved in forest health treatment or wildfire prevention and suppression for the negotiations required by this section.

(3) The department must discuss, with the objective on agreeing to terms regarding, the following issue areas:

(a) Cost and labor-sharing agreements for forest health treatments conducted on federally owned lands;

(b) Timelines and measurable forest health improvement goals reachable within ten years of the date of agreement;

(c) Streamlining processes to share fire protection resources across jurisdictional lines; and

(d) Improving interagency cooperation to facilitate rapid initial response to fire. For example, the department may enter into an agreement with a federal partner to share in attacking wildfires along common ownership boundaries and exchange assistance free of charge across agency jurisdictions during the first twenty-four hours of a fire.

(4) By December 31, 2016, the department must report to the legislature on all agreements with federal land management partners in place as of the effective date of this section; efforts undertaken to reach the agreements required by this section; agreements entered into or updated as a result of those efforts; significant barriers, if any, to reaching consensus; recommendations for any legislative action that will encourage intergovernmental cooperation; and fiscal information.

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