# STATEWIDE ANNUAL OPERATING PLAN
# 2014

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| UTAH DNR FORESTRY | **Utah Department of Natural Resources**<br>**Division of Forestry, Fire and State Lands** |

**And the**

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| U.S. DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT | **United States Department of Interior**<br>**Bureau of Land Management**<br>**Utah** |

**And the**

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| U.S. DEPARTMENT OF THE INTERIOR 1824 BUREAU OF INDIAN AFFAIRS | **Bureau of Indian Affairs**<br>**Western, Southwest & Navajo Regions** |

**And the**

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| NATIONAL PARK SERVICE Department of the Interior | **National Park Service**<br>**Intermountain Region**<br>**F1249130001** |

**And the**

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| FOREST SERVICE U.S. DEPARTMENT OF AGRICULTURE | **United States Department of Agriculture**<br>**Forest Service**<br>**Intermountain Region**<br>**#13-FI-11046000-015** |

**And the**

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| U.S. FISH & WILDLIFE SERVICE DEPARTMENT OF THE INTERIOR | **U.S. Fish and Wildlife Service**<br>**Mountain and Prairie Region** |

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|---|---|
| Brian Z Cottam | 5-20-14 |
| Forestry, Fire and State Lands<br>State Forester/Director | Date |
| | |
| Bureau of Land Management - Utah<br>State Director | Date |
| | |
| Bureau of Indian Affairs<br>Western Regional Director | Date |
| | |
| Bureau of Indian Affairs<br>Southwest Regional Director | Date |
| | |
| Bureau of Indian Affairs<br>Navajo Regional Director | Date |
| | |
| National Park Service - Intermountain Region<br>Support Office | Date |
| | |
| USDA Forest Service - Intermountain Region<br>Regional Forester | Date |
| | |
| US Fish and Wildlife Service – Mountain and Prairie Region<br>Regional Director | Date |

**This agreement will be considered in effect for an agency once it is signed by that agency's representative and will remain in effect until superseded. This operating plan supersedes the 2013 Statewide Annual Operating Plan.**

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| Forestry, Fire and State Lands<br>State Forester/Director | Date |
| Juan Palma<br>Bureau of Land Management - Utah<br>State Director | 4/29/14<br>Date |
| Bureau of Indian Affairs<br>Western Regional Director | Date |
| Bureau of Indian Affairs<br>Southwest Regional Director | Date |
| Bureau of Indian Affairs<br>Navajo Regional Director | Date |
| National Park Service - Intermountain Region<br>Support Office | Date |
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| Bureau of Land Management - Utah<br>State Director | Date |
| Bureau of Indian Affairs<br>Western Regional Director | Date |
| Bureau of Indian Affairs<br>Southwest Regional Director | 2 May 2014<br>Date |
| Bureau of Indian Affairs<br>Navajo Regional Director | Date |
| National Park Service - Intermountain Region<br>Support Office | Date |
| USDA Forest Service - Intermountain Region<br>Regional Forester | Date |
| US Fish and Wildlife Service – Mountain and Prairie Region<br>Regional Director | Date |

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| Bureau of Indian Affairs<br>Southwest Regional Director | Date |
| Bureau of Indian Affairs<br>Navajo Regional Director | 4/29/2014<br>Date |
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| Bureau of Indian Affairs<br>Western Regional Director | Date |
| Bureau of Indian Affairs<br>Southwest Regional Director | Date |
| Bureau of Indian Affairs<br>Navajo Regional Director | Date |
| Michael J Ouzts<br>National Park Service - Intermountain Region<br>Support Office | 4/29/14<br>Date |
| USDA Forest Service - Intermountain Region<br>Regional Forester | Date |
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| Bureau of Indian Affairs<br>Navajo Regional Director | Date |
| National Park Service - Intermountain Region<br>Support Office | Date |
| Alan Christensen<br>USDA Forest Service - Intermountain Region<br>for Regional Forester | 5-8-14<br>Date |
| US Fish and Wildlife Service – Mountain and Prairie Region<br>Regional Director | Date |

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THE AUTHORITY AND FORMAT OF THIS INSTRUMENT HAS BEEN REVIEWED AND APPROVED FOR SIGNATURE

Michele M. MacDonald 5/15/2014

AGREEMENTS COORDINATOR DATE

# OPERATING PLAN

## 1 Authority

**1.1** This Statewide Operating Plan is prepared pursuant to the Master Cooperative Wildland Fire Management and Stafford Act Response Agreement (CFMA) between the State of Utah Division of Forestry, Fire and State Lands, here after referred to as the State, and USDI Agencies within the state of Utah and the Intermountain Region of the U.S. Forest Service, here after referred to as the Federal Agencies, as set forth in provision 12 therein signed and dated 2013. This agreement is administered by the Utah Oversight Committee. This group consists of the designated representatives of the Agency Administrators charged with the oversight of the terms and implementation of the CFMA and the general oversight of interagency wildland fire management activities within the state of Utah. The Utah Oversight Committee is identified in the Utah Master Cooperative Wildfire Management and Stafford Act Response Agreement.

The purpose of this agreement is to provide for interagency cooperation for fire management in sustaining wildland fire management activities, such as prevention, preparedness, communication and education, fuels treatment and hazard mitigation, fire planning, response strategies, tactics and alternatives, suppression and emergency stabilization and/or burned area rehabilitation by the state of Utah and all cooperating agencies party to this agreement. This agreement defines working relationships, preparedness activities, operating procedures and fire business practices for all aspects of incident management agreed to by all signature agencies. Local Annual Operating Plans will identify local issues, resources and exchange areas.

## 2 Working Relationships

### 2.1 State Resources

**2.1.1** General – The State maintains cooperative agreements and agency reference manuals for the use and reimbursement of state agency resources used for fire suppression. Agreements and manuals are listed in the Document Library, section 6.

**2.1.2** Resources are ordered through the State Office of Utah Division of Forestry, Fire & State Lands or the Resource Ordering Status System (ROSS).

**2.1.3** Crew size will adhere to agency standards for number of personnel except on assignments where resource orders restrict crew size.

### 2.2 Lone Peak Conservation Center

**2.2.1** General – Utah Division of Forestry, Fire and State Lands operates several organized suppression resources statused for national availability in the (ROSS),

**2.2.2** The Lone Peak IHC is a State managed national hotshot crew listed in the National Mobilization Guide Chapter 60. http:www.fs.fed.us/fire/people/hotshots/IHC_index.html

**2.2.3** A Utah Valley University internship program supports several crews under State management. The Alta Crew is in the process of certifying as a Type I IHC. Twin Peaks Type 2-IA internship crew will be available nationally. The internship program also supports the Dromedary Fuels Crew which may provide a local State initial attack resource.

**2.2.4** Lone Peak Engines; Type 3, and Type 6 engines are available nationally.

### 2.3 Utah National Guard

**2.3.1** The Governor of Utah must declare a state of emergency before these resources can become available. To insure all necessary steps are met to use these resources, they

must be ordered through the State Office of Utah Division of Forestry, Fire and State Lands. The following contacts will be used:

- **Tracy Dunford**
  Fire Management Officer
  Office: 801-538-5555
  Cell: 801-558-6508

- **Shane Freeman**
  Assistant Fire Management Officer
  Office: 801-538-5555
  Cell: 801-560-1072

## 2.4 Department of Natural Resource Law Enforcement

2.4.1 State agency (DNR) law enforcement may be made available for incident security needs. Availability of these resources is controlled by the DNR Law Enforcement Coordinator. Orders must be placed through the State Office of Utah Division of Forestry, Fire and State Lands.

## 2.5 Department of Transportation and Public Safety

2.5.1 The State maintains cooperative agreements with the Department of Transportation and Public Safety for these types of resources. Orders are placed through the local State Area representative and are considered state agency equipment.

## 2.6 County and Local Organizations

2.6.1 Local Fire Service Organizations

- Local fire departments / districts that respond to wildland fires outside their area of statutory authority or used in support of large fire incidents or under the Utah Fire Service Mutual Aid Plan will have an established memorandum of understanding MOU with the Division of Forestry, Fire & State Lands. These resources are considered State Resources under this agreement. The Cooperator Rate Agreement and agency reference manuals outline general provisions and clauses for use and reimbursement.. Personnel will be required to be certified wildland firefighters and equipment will be inspected to meet NWCG requirements.

- Recognizing the need for safety and training standards for all individuals engaged in wildland firefighting (including full-time and volunteer fire departments), all agencies involved in this AOP will undertake a cooperative effort to develop and promote such requirements.
- All agencies entering into and agreeing to this AOP must take every precaution to abide by and adhere to each agency's policies regarding "code" level response when responding to a wildfire, while also staying within their own training and certifications regarding "code" response. This is for the safety of all parties and the public.
- Federal agency Incident Commanders are required to demobilize non-qualified fire fighters from federal wildland fires.
- Local Fire Department personnel are certified (Red carded) through the Utah Fire Service Certification System or the Division of Forestry, Fire & State Lands.

2.6.2 The State maintains agreements for some local law enforcement resources for use on wildland fire incidents. A cooperator rate agreement will define pay rates for personnel and equipment use for participating departments.

2.6.3 The State has cooperative agreements with Counties for the use and procurement of county resources. Requests for these resources can be made through the interagency dispatch center or directly through the County Fire Warden.

2.6.4 The Utah Division of Forestry, Fire & State Lands does not sponsor Supplemental Fire Department Resources.

## 2.7 FEMA, State Department of Public Safety, Division of Emergency Management, and Tribal Governments

2.7.1 In the event a wildland fire threatens a community it is possible to receive financial assistance through a Fire Management Assistance Grant (FMAG) from the Federal Emergency Management Agency (FEMA) to offset the suppression costs to the state and local communities. For eligible state and private land fires the State will be responsible for initiating the process, notifying FEMA and collecting the required documentation. Required Federal documentation to mean consolidated spreadsheets identifying total actual costs based on source information. The Agencies agree to provide the cost data required by the Division of Forestry, Fire & State Lands within nine months after the end of the incident period as defined by FEMA. The Agencies agree to provide the cost data required by the Division of Forestry, Fire & State Lands within nine months after the end of the incident period as defined by FEMA.

2.7.2 Agency Administrators and/or the delegated IMT will cooperate with the State representatives working the declaration collecting cost data, time and invoice records, and planning documents to support the request for FEMA cost sharing funding.

2.7.3 The Stafford Act now includes a provision to allow federally recognized Tribal governments the option to seek a Federal emergency or major disaster declaration directly from the President of the United States. This amendment to the Stafford Act strengthens the government to government relationship between FEMA and Federally recognized tribes, and will enhance the way FEMA supports Tribal communities before, during, and after disasters.

# 3 PREPAREDNESS

## 3.1 Wildland Urban Interface Fire Protection Planning:

3.1.1 Land management agencies have a responsibility to prevent wildfire from spreading into areas where there are structures and to assist local fire agencies in protecting communities and structures from an advancing wildland fire. The first objective is to keep fire fighters and the public safe. Once this can be achieved all agencies involved will work together to keep the wildland fire away from structures and communities.

3.1.2 Local – Local fire service organizations (FSO's) are responsible for all fire suppression within incorporated cities and towns. Cooperating agencies may assist local FSO's when requested.

3.1.3 County – Counties are responsible for fire suppression on unincorporated private lands.

3.1.4 State - The State is responsible for wildland fire suppression on state lands. By statute, the state is also responsible to insure that adequate action is taken to suppress fires on non-federal forest, range, and watershed lands. When interface areas are involved or threatened, the State will be notified. The State will take the lead in planning and executing fire protection on these lands. Exceptions are federal agency administrative sites, those areas on Forest Service lands which are under long term lease to individuals

and areas on lands administered by the Bureau of Indian Affairs. The State will assist the federal agencies with urban interface fire protection on these lands. The State will act as liaison with local fire departments.

3.1.5 Federal Agencies – Federal land management agencies are responsible for wildland fire suppression on the lands they administer.

3.1.6 All jurisdictional agencies involved or threatened will work under a Unified Command structure while operating within an area of mutual threat.

## 3.2 Fire Dispatch Centers (Provision 13 CFMA)

3.2.1 The Agencies agree to maintain, support, and participate in the following interagency dispatch centers:

- Northern Utah Interagency Fire Center (NUIFC)
- Uintah Basin Interagency Fire Center (UBIFC)
- Richfield Interagency Fire Center (RIFC)
- Moab Interagency Fire Center (MIFC)
- Color Country Interagency Fire Center (CCIFC)

3.2.2 Specific plans for staffing, funding levels, and participation will be agreed to and documented in Dispatch Center AOP's.

## 3.3 Fire Prevention Policies (Provision 25 CFMA)

3.3.1 All parties will coordinate their prevention programs at every level to insure a consistent message is given to the public. Where practical, any joint prevention projects will be conducted by all parties. The Utah Interagency Fire Prevention, Education, and Mitigation Committee will coordinate the special statewide prevention activities.

## 3.4 Public Use Restrictions (Provision 26 CFMA)

3.4.1 Fire use restrictions and closures by agency and zone will be applied and information disseminated in a coordinated effort. The process is described in **Appendix A**.

3.4.2 Each Agency is responsible for issuing and administering burning permits on lands within its protection responsibility. The State is responsible for permits on private land during the closed fire season (June 1 – October 31, as defined in UCA 65A-8-211 1.(a)).

## 3.5 Hazardous Fuel Management and Prescribed Fire (Provision 28 CFMA)

3.5.1 Jurisdictional agencies based on their own governing authorities can use each other's resources for non-incident activities to include, prescribed fire, hazard fuel reduction and other fuels management work. The USDA Forest Service may contract with the State for services using a Participating Agreement and Supplemental Project Agreement (SPA). Use of state resources by BLM is by Federal Acquisition Regulations (FAR) contracting methods only which require a separate procurement document. Obligation of funds and financial procedures are identified in Chapter 5 of this document.

## 3.6 Joint Projects (Provision 15 CFMA)

3.6.1 For all non-incident fire management related activities, also called Joint Projects, the participating agencies must complete a Project Task Order and Financial Plan to transfer funds. If the Joint Project does not result in fund transfer, completion of a Project and Financial Plan is optional.

## 3.7 Smoke Management (Provision 24 CFMA)

3.7.1 A plan to manage/coordinate smoke emitted by prescribed fires has been developed. This plan has been approved by the Environmental Protection Agency under the current interim guidelines for smoke management plans to address national air quality standards. The plan is located at: http://gacc.nifc.gov/egbc/predictive/docs/SMP011606_Final.pdf

3.7.2 The Smoke Management Coordinator oversees this plan. The Coordinator is currently a BLM position co–funded by the agencies and stationed with the Utah Division of Air Quality. This position represents the interagency community in coordinating, scheduling and forecasting the effects of smoke from prescribed fires and wildland fires. This position is a coordination position only and has no approval authority.

3.7.3 The agencies have entered into a Memorandum of Understanding that defines the duties and responsibilities of the Smoke management Coordinator and the financial commitment of each agency.

# 4 OPERATIONS

## 4.1 Fire Notifications (Provision 32 CFMA)

4.1.1 Responding resources or their dispatch center must immediately notify the jurisdictional agency's dispatch center that they are responding and of suppression actions taken, due to special management and financial considerations. If any responding resource is dispatched through their respective dispatch centers where jurisdiction is suspected to lay within the boundaries of another jurisdiction, is unclear, not known, or is suspected to be a "boundary line fire", then every effort for immediate notification to the appropriate Interagency Dispatch Center must be made. An agency responding onto another agency's land without properly notifying the agency will be responsible for their own costs, and will not be eligible for reimbursement through billing or other agreements.

## 4.2 Boundary Line Fires: (Provision 33 CFMA)

4.2.1 An appropriately qualified individual of the protecting agency arriving first on site will act as the Incident Commander. When all protecting agencies have arrived the parties will mutually agree to the designation of an Incident Command organization. The Cooperating Agencies involved will communicate with each other and participate jointly in strategy sessions with the Incident Commander to reach mutual agreement on strategy and tactics consistent with the policy guidelines of the Cooperating Agencies and the commitment and funding of agency suppression resources. A cost share agreement will be prepared and approved for all actions when the incident occurs on multi-jurisdictional lands.

## 4.3 Independent Action on Lands Protected by another Agency (Provision 34 CFMA)

4.3.1 Land Management Considerations: There are no conditions at this point that are identified which would prohibit an agency from taking independent action on a fire. Due to safety considerations the party taking action will immediately notify the protecting agency through the dispatch channels. Fire reports will be sent to the Jurisdictional Agency no later than 15 days after the fire is declared out. Agencies taking independent action on another agencies land without properly notifying the agency will be responsible for their own costs and all damages, injuries, or loss that results from their actions.

## 4.4 Delegation of Authority: (Provision 38 CFMA)

4.4.1 A Delegation of Authority (DOA) is required for all Type I, Type II, and Type III fires involving multiple jurisdictions. The Jurisdictional Agency Administrator will ensure participation from the State when non-federal lands have burned or are threatened to burn, and will ensure participation from the appropriate federal agencies when federal

lands burn or are threatened to burn. Any agencies whose lands have burned or are threatened to burn will participate in preparation of and sign the DOA.

## 4.5 Wildland Fire Decision Support System (WFDSS) (Provision 39 CFMA)

4.5.1 A decision will be published in WFDSS for any fire involving lands under federal jurisdiction that has escaped initial attack or exceeds initial response. The appropriate Agency Administrator(s) or designee(s) from the Jurisdictional Agency will lead the decision process. If the fire has burned or threatens to burn non-federal land, the Agency Administrator will ensure that the State of Utah is involved in preparing the document. The Agency Administrator will also ensure involvement from any other involved agencies, including the Protecting Agency. If the fire has burned or threatens to burn non-federal lands, the State of Utah will approve the incident decision in WFDSS and will also assist in completing the validation unless identified otherwise.

## 4.6 Special Management Considerations

4.6.1 All fire suppression action will be consistent with the Jurisdictional agency's pre-planned objectives for the area in which the fire occurs. Local AOP's will identify areas and document procedures for areas requiring special land management considerations.

4.6.2 The Jurisdictional Agency may provide a Resource Advisor to advise the Protecting Agency of any special conditions which may influence suppression action. The Incident Commander will incorporate special conditions in the incident planning process, subject to delegation of authority.

## 4.7 Management of Prescribed Fire (Provision 35 CFMA)

4.7.1 Wildland fires resulting from escaped prescribed fires ignited by Agency personnel shall be the responsibility of the jurisdictional agency. Unless otherwise agreed, all suppression costs shall be the responsibility of the jurisdictional agency.

**Example 1:** A prescribed fire burning on private forest lands, (the State is the protecting agency) escapes and spreads onto Federal Lands. The Federal agency suppressed the fire on Federal lands, and incurs costs. The suppression costs will be billed to the State.

## 4.8 *Management of Wildfire*

4.8.1 The jurisdictional agency responsible for the fire will involve all neighboring jurisdictions in decisions to manage a wildfire that could cross property where ecological restoration is the desired outcome; the jurisdictional agency will assume responsibility for suppression costs unless agreed to otherwise in a cost share agreement. In cases where there are multiple management objectives, a cost share agreement will be negotiated on a case by case basis.

4.8.2 All adjacent agencies will work together to identify the cost sharing methodologies that will be utilized should the fire spread to a neighboring jurisdictions.

4.8.3 The underlying intent of management of fires is to prevent their spread on to a jurisdiction that does not want it. All agencies need to be involved in developing strategies and tactics to be used to prevent fires from burning where they are not wanted. Where agreement cannot be reached regarding plans to keep the fire from crossing property boundaries, the discussion will be elevated to the next level agency administrators representing each party.

4.8.4 The following examples demonstrate how costs <u>might</u> be apportioned in different situations

**Example 1:** A wildland fire managed for a long duration event starts on a Federal jurisdiction, and burns onto private lands under the protection of the State. The State has the responsibility to respond to the fire on private lands. If the adjoining agencies have not been involved in suppression tactics and mitigation discussions the costs will be the responsibility of the federal agencies. The same would hold true for the State.

**Example 2:** A wildland fire burns onto multiple jurisdictions. A cost share will be negotiated by unit administrators to determine costs that may be shared among agencies. For example: If Divisions A–C, have protection only objectives costs would be shared among jurisdictional agencies. If Divisions D and E are managed for restoration objectives on Federal lands and burns onto private land, costs would be billed to the Federal Agency. If Divisions X and Z are managed for restoration objectives on State lands and burns onto Federal land, costs would be billed to the State.

# 5 USE AND REIMBURSEMENT OF INTERAGENCY FIRE RESOURCES

## 5.1 Training: (Provision 49 CFMA)

5.1.1 The agencies agree to work cooperatively to provide interagency fire training. Agencies will contribute to mutually beneficial projects such as the Utah Fire and Rescue Academy, and Applied Technology Campuses whenever practical.

5.1.2 The agencies will provide a representative to the Utah Zone Training Committee. This group will be the central body to identify training needs, prioritize applications, and develop new projects.

## 5.2 Communication Systems: (Provision 50 CFMA)

5.2.1 The agencies to this agreement agree to share voice and data communication transmission systems for fire management purposes.

## 5.3 Agreed-to Billing For In State Fires (Provision 53 CFMA)

5.3.1 The Forest Service, Bureau of Land Management, Bureau of Indian Affairs, National Park Service, and Fish and Wildlife Service will not bill each other for suppression costs. However, pre-suppression costs, fair sharing for interagency dispatch centers costs, prevention costs, and other fire management costs will be billed in accordance with existing agreements.

5.3.2 State and Federal agencies agree to consolidate billing and minimum billing thresholds.

5.3.3 Fires occurring in Utah regardless of jurisdictional boundary will be compiled based on each agencies cost. A balance sheet will be developed and billed as one consolidated amount. This cost tracking method will reduce actual payments and insure that a fair division of suppression costs can be made between the federal agencies and the state in a timely fashion. All agency or cooperator responses will be documented through the FireCode system by the interagency dispatch centers. The generation of a FireCode will allow costs to be captured for the consolidated billing process regardless of jurisdiction or responding agency. A final division of cost responsibilities based on jurisdiction, minimum thresholds and cost share agreements will be negotiated by April 15th of each year. (See Appendix B)

5.3.4 Minimum Billing Threshold is $5,000 and applies to all fires in Utah. It does not apply to out of state responses. The minimum threshold does not apply to costs for cooperating fire departments under an MOU with the state when working outside their jurisdictional boundary (excluding independent action as defined in 4.1.1 and 4.3.1) or when requested by a resource order for extended attack.

5.3.5 Cost incurred on severity assignments within the state of Utah will be billed individually to the Jurisdictional Agency. Severity assignments are reimbursable under the Cooperative

Fire Management Agreement Authority. Billing will occur prior to the end of the federal fiscal year it occurred.

## 5.4 Agreed to Billing Out of State Fires (Provision 53 CFMA)

5.4.1 State fire costs incurred outside of Utah will be billed directly to the jurisdictional agency. Billings for fires under the jurisdiction of the US Forest Service or another state will be sent to the Albuquerque Service Center and certified by the USDA Forest Service R-4 or designee. Billings for fires under the jurisdiction of Department of the Interior Agencies will be sent to the BLM National Operation Center (NOC) and certified by the BLM state office. The billing process will be followed as outlined in **Appendix C**.

National direction may supersede this Appendix; in the event this occurs the representative incident business leads will revise Appendix C

5.4.2 When assigned to an out of state fire being managed by an IMT, The initial ROSS resource order and dispatch will provide adequate verification for use and reimbursement on any fire within the IMT's delegated authority or jurisdictional agency boundary, without a re-assignment requiring a new resource order.

5.4.3 IMT's manage complex fires with additional initial attack zones. Resources may be loaned to other incidents within a complex or on an individual initial attack. Limitations of ISUITE and/or ROSS make it expedient to loan these resources to local IA fires or other fires within a Complex without generating a re-assignment and new order in ROSS. It may be necessary for the Agency Administrator and IMT to track costs for each separate incident number. Therefore state and cooperator resources may have a resource order for one incident but tracked financially to another incident. When these circumstances exist a notation by the IMT or Agency Administrator will be made on the OF 288, CTR or other incident documentation and allow payment for each affected incident.

## 5.5 Agreed to Billing Non-incident

5.5.1 Non-incident related ordering of state agency resources on Forest Service hazard mitigation projects will require a federal procurement document or the use of another appropriate agreement through the appropriate USDA Forest Service agency and entered into the appropriate FS payment system. Use appropriate instrument forms.

5.5.2 Costs will be agreed to in the procurement document or an agreement financial plan. Administrative costs can apply to the project costs. An invoice will be submitted and paid from the local forest(s) appropriated funds.

## 5.6 Funding Authority

5.6.1 The State and its cooperators will be reimbursed according to the rules governing the funding source outlined in the **State of Utah Uniform Accounting Manual.** No agency will be obligated for payments of money in excess of appropriations authorized by law and administratively allocated for the work contemplated in this plan.

## 5.7 Audit Procedures

5.7.1 The agencies agree to conduct a coordinated audit of up to five percent of the incidents managed under this agreement. Effort will be made to include a representative sample of incidents from all agencies and all dispatch zones. Findings that are inconsistent with the normal or accepted way of doing business will be reconciled on case by case basis. Any decision to further examine records will be agreed to and pursued by all agencies involved.

## 5.8 Reimbursable Assistance Expense

5.8.1 The Master Cooperative Wildland Fire Management agreement Provision 59 Wavier is subject to; first meeting provision CFMA 23. B. and Reimbursable Assistance clauses in this document.

5.8.2 Costs incurred as the result of an incident and documented are reimbursable and include but not limited to:

**5.8.2.1** Costs incurred for authorized move-up and cover resources.

**5.8.2.2** Agency costs for salary and benefits including premium pay if and when it is earned according to the policies, laws and rules governing the employees of the supporting agency.

**5.8.2.3** Agency costs for transportation including but not limited to airline fees, vehicle rental fees, fuel and oil, and agency established mileage fees.

**5.8.2.4** Agency costs for per diem and lodging of resources assigned to the incident when such services are not supplied by the incident.

**5.8.2.5** Additional support dispatching services requested through a resource order.

**5.8.2.6** Operating supplies for equipment assigned to the incident, such as fuel, oil, and equipment repairs.

**5.8.2.7** Costs of agency equipment in support of the incident and contract equipment costs.

**5.8.2.8** Aircraft, airport fees, and retardant costs.

**5.8.2.9** Agency-owned equipment lost, or damaged, by the Supporting Agency accompanied by the appropriate agency source documentation to include insurance deductible paid.

**5.8.2.10** Charges from the State for State-controlled resources such, National Guard resources, and county and local resources.

**5.8.2.11** Cost or replacement of reasonable and prudent supplies expended in support of the incident. What is reasonable and prudent is determined by the protecting and /or jurisdictional agency or the fire team within the limits of their delegated authority or identified in the IIBMH Rev. 2012.

## 5.9 Medical Treatment

5.9.1 Utah State Employees and cooperators are eligible to receive Agency Provided Medical Care (APMC) as described in the Interagency Incident Business Management Handbook Rev. 2012. The State cannot set up or pay for APMC when the Division of Forestry, Fire and State Lands is the jurisdictional agency.

5.9.2 Worker Compensation fund of Utah (WCF) is the insurance provider for state employees. The employee and supervisor will submit all state required forms for the injury or illness to be electronically filed with WCF..

5.9.3 State cooperators are required to carry workers compensation insurance on all employees and volunteers. Utah has several Government Associations or Trusts including WCF that provide insurance to the local fire department organizations.

Refer to the Great Basin Chapter 50 Supplement IIBMH and tool kit for more information. http://gacc.nifc.gov/egbc/business.php

## 5.10 Procurement

5.10.1 The Agencies agrees to honor each other's procured Incident Blanket Purchase Agreements (I-BPA;s) and may use said documents on single or multi-jurisdictional fires.

The agency with the jurisdictional responsibility for the incident will be the payment agency regardless of who established the I-BPA except as stated in 5.10.2.

5.10.2 The State is subject to its own procurement statutes, rules, policies and procedures. State Agency Cooperative Contracts and contracts established by a special purchasing delegation to the Division of Forestry, Fire and State Lands are a means to procure services and supplies and negotiate land and facility use agreements. The invoices will be submitted to the State for payment when State procurement was used on federal jurisdictional fires and costs reconciled through the consolidated billing process. The special purchase delegation from the State Division of Purchasing allows the use and payment for federal I-BPA's and other federal solicited services and supplies.

## 5.11 Incident Replacement of Property

5.11.1 Replacement of government and state cooperator property will be accomplished through the supply ordering system as described in the National Mobilization Guide chapter 20, Interagency Standards for Fire & Fire Aviation Operations chapter 11, Interagency Incident Business Management Handbook chapter 20 and 35 and the Great Basin Mobilization Guide chapter 20. Guidance referenced herein related to charging purchases to an incident is listed at http://gacc.nifc.gov/egbc/business.php. The protecting agency and those with the delegated authority for the management of the incident may have more restrictive procedures. Items approved by the incident IMT or incident agency for re-supply by the supporting home unit will be a reimbursable expense as defined in this document and may be verified by source documents. The following order of supply will be; a) through the incident; b) agency caches and warehouse; c) from commercial sources of supply.

- **Consumable goods** used on the incident will be replaced for agencies and their cooperators through the supply unit on the incident. If unable to fill, the home unit may fill through agency caches and warehouses accompanied by the appropriate incident replacement documentation. Petroleum products may be filled by commercial suppliers (i.e. two cycle oil mix, burn fuel, saw bar lubricant).

- **Chainsaw supplies and maintenance** items specific to the saw manufacturer INCLUDING cutting attachments are necessary to keep the saw operating for the benefit of the incident. Reasonable quantity of items specific to the maintenance and performance of chainsaws will be considered expendable items used to support the incident. Additionally items used during felling and bucking operations (plastic wedges etc.) for the safety of operator are also expendable and may be replaced. If the supply unit is unable to fill chainsaw related items at the incident in a timely manner, approved items listed on an OF-315 will be filled at the supporting agency home unit through commercial sources and will be a reimbursable expense.

- Damage/Loss Property: Lost or damaged government property may be replaced when reported on an OF-289 that was reviewed and signed by the incident commander or logistics section chief or supply unit leader or agency administrator (or designee) of the hosting unit. Replacement can occur at the incident supply or through the agency cache and warehouse system with an incident replacement form (OF-315).

- **Specialty and non-cache items** may be replaced and reimbursed with the incident jurisdictional agencies written documentation to the home unit for the replacement of government property items that have been destroyed or rendered otherwise unserviceable while being used on the incident. Property items may be, but are not limited to digital cameras, chainsaws, GPS units, communication radios, laptop computers and printers. Replacement will be handled by the home unit.

- **State Vehicles and licensed/registered equipment** is self-insured through the State of Utah and subject to deductible charges. When properly documented and not attributed to normal wear and tear, any deductible charges will be a reimbursable expense by the protecting agency.

## 5.12 Personal Property Damage and Loss

5.12.1 Employee loss or damage of personal items on an incident will be subject to the laws, regulations and rules of the employing agency and may be a reimbursable expense by the protecting agency if employees claim has been filed with the incident and reimbursed by the home unit.

## 5.13 Move Up and Cover (Backfill)

5.13.1 Agencies often require personnel or resources to fill in behind those committed to fire assignments in order to maintain operations or a required level of protection. This is referred to as move up and cover.

5.13.2 Costs for move up and cover will be reimbursed when ordered by the incident at costs identified in agency agreements.

## 5.14 Third Party Cost Recovery

5.14.1 Agencies are committed to recovering suppression costs, and where applicable emergency stabilization and rehabilitation costs as well as pursuing criminal action where appropriate. It is critical that a thorough investigation be completed for all fires where it is determined to be human caused or cause is unknown, and where the responsible party was willful, reckless or negligent.

- Each agency shall be responsible for the fire related law enforcement activities involving their respective lands. Agencies shall render mutual assistance in investigation and law enforcement activities to the fullest extent possible.

- Local interagency dispatch centers will maintain a list of qualified wildland fire investigators.

- The responding resources will notify the jurisdictional agency if the fire is human caused or cause is unknown. A Wildland Fire Investigator will be ordered to investigate as soon as possible. First responders and Initial Attack Incident Commander are responsible for protection of the scene and area of general origin.

- A Statewide Interagency Wildland Investigation Taskforce (SIWIT) is recommended when the complexity of a wildland investigation case exceeds the capacity of the investigator(s) initially assigned or jurisdictional agency fire managers. This taskforce is focused exclusively on fire origin and cause. Factors to evaluate for investigation complexity are:

  - Criminal acts or suspicious circumstances

  - Probability of criminal or civil action

  - Large multi-jurisdictional fires

  - Critical incidents

  - Monetary value losses

  - Fire suppression **costs**

- Cost recovery efforts at the affirmative civil enforcement level for fire trespass on multi-jurisdictional involving the State of Utah or a political subdivision will be coordinated between the Department of Justice and the State Attorney General's office and the Attorney's office for that political subdivision. The lead agency will be decided at that level depending on the level of financial commitment by jurisdiction and the case facts.

**5.14.2** Agencies will make their best effort to include all agencies costs in cost recovery efforts. Fire suppression efforts are typically multi-agency and other agencies will incur costs despite the fire not being their jurisdiction. Per 31 U.S.C. § 901.1 (c) Agencies shall cooperate with one another in their debt collection activities.

# 6 Document Library

**6.1** Agency reference manuals are the Fire Department Manual and the Fire Warden's Manual located at www.lonepeak.utah.gov, business management link

http://www.lonepeak.utah.gov/business_mgmt.html

1. Master Cooperative Wildland Fire Management Agreement
2. Utah State Annual Operating Plan
3. Utah Fire Wardens Manual -2014
4. Fire Department Manual and Rate Book 2014 (cooperator)
5. Fire Department MOU (example)
6. County MOU with Utah State Forester (Template)
7. Utah National Guard Agreement
8. Utah Department of Transportation Agreement
9. Utah Incident Business Operating Guidelines
10. Utah State Cost Share Template
11. Great Basin Standard Cost Spreadsheet (CH. 80)
12. Utah Land and Facility Use Agreement
13. Utah Cost Share Template
14. Dept. Natural Resource Work Related Injury/Illness Report Form (HR-6)

http://gacc.nifc.gov/egbc/business.php

http://gacc.nifc.gov/egbc/predictive/smoke.html

# 7 Appendices

## 7.1 Appendix A – Fire Restriction Closure Process

## 7.2 Appendix B – Consolidated Billing Process in State

## 7.3 Appendix C – Fire Billing Process Out of State

### 7.3.1 Exhibit 01 – Sample Itemized Incident Invoice and Summary Costs.

## 7.4 Appendix D – Project Task Order and Financial Plan

## 7.5 Appendix E – Retardant Application on National Forest System Lands

# APPENDIX A

## *Public Use Restrictions - Fire Closures*

A **Purpose:** Provide guidelines for interagency coordination in declaring, administering and terminating fire restrictions/closures by the various federal, state and local jurisdictions in Utah to:

1. Minimize confusion by coordinating information released to the news media and general public.
2. Provide criteria to be used in the decision making process to implement restrictions/closures/terminations action.

B **Scope:** This operation plan is established as a guideline for the cooperating agencies in Utah as members of the signatories of the Utah Cooperative Fire Management Agreement.

C **Coordination:** Whenever fire restrictions/closures are implemented or terminated, all agencies agree to coordinate their efforts at the local, regional and state level. This includes the area involved, restrictions/closures action, news media and public notification process. The Restrictions/Closures Utah Coordinator (Utah Bureau of Land Management – Heather O'Hanlon (801) 367-2897 will be notified when a fire restriction/closure implementation or termination is under consideration to assist in overall coordination. **This plan shall not limit any agency from implementing restrictions/closures required to accomplish their management objectives.**

3. **Criteria for Fire Restriction Actions: The following are examples of criteria used to implement or terminate fire restrictions or closures:**
   a. National Fire Danger Rating System.
   b. National Weather Service data and long-range forecast.
   c. Live fuel moisture.
   d. 1000 hour time lag fuel moisture.
   e. Predicted fire behavior.
   f. Recent fire history.
   g. Fuel loading, condition and other local conditions.
   h. Fire protection service capabilities including water resources.
   i. Preparedness levels, local or national.
4. **Boundaries:** Fire Restrictions will be authorized on an area-by-area basis with all interagency partners agreeing when to go into restrictions. "Areas" are defined as the five interagency dispatch zones. Every effort will be made to select boundaries that coincide with the interagency dispatch zones. When this cannot be agreed to boundaries will be on county lines or major roadways. Designating restriction areas by agency boundaries should be avoided. All interagency partners in a given Area must agree to discuss when to go into restrictions for a restriction to be implemented. Local interagency news releases and statewide interagency news releases will be used to announce restrictions.
5. **Restrictions:** When fire restrictions are imposed they will include all of the following acts as prohibited on public, private, and county-owned lands when a "restriction" is ordered:
   a. Setting, building, maintaining, attending, or using open fire of any kind, including charcoal and briquettes, except campfires within approved fire pits and grills provided for in improved campgrounds, picnic areas, and permanently improved places of habitation, or except as otherwise authorized. Devices fueled by petroleum or LPG products are allowed in all locations.
   b. Smoking, except within an enclosed vehicle, camp trailer, or building, a developed recreation site, or while stopped in an area at least three feet in diameter that is barren or cleared to mineral soil.
   c. Discharging, or using any kind of fireworks, tracer ammunition, or other incendiary devices

in any location on federal, state, and unincorporated private lands. Note: These acts are always prohibited on all National Forest System and National Park Service administered lands.

6. **Exceptions to Restrictions:** All other necessary exemptions to the restrictions will be handled through local "permits" issued by the responsible agency(ies) for that purpose.

7. **Advanced Fire Restrictions:** It may be necessary to impose an "Advanced Fire Restriction." Advanced Restrictions will be coordinated at the state level and may restrict additional activities or include the complete ban of fires with the exception of devises fueled by petroleum or other LPG products.

8. **Procedures:** The following general procedures will be used in the implementation, modification, and rescission of fire restrictions.

   a. Local agency prevention officers or FMO's are responsible to contact their Agency Restriction Coordinator when considering implementing fire restrictions. Agency Restriction Coordinators will contact adjacent agency offices and other interested parties to ascertain interest in enlarging the affected area.
   b. Agency Restriction Coordinators are responsible to contact the Zone Restrictions Coordinator to pass on information regarding their intention to implement restrictions.
   c. The Utah Restrictions Coordinator (Heather O'Hanlon 801-367-2897-) will contact the State Fire Restriction Coordinator (Tracy Dunford, 801-538-5555) and the Region 4 Fire Restriction Coordinator (Loren Walker 801-625-5245) to advise them of the pending action and affected area.
   d. Once the restriction is approved, the Utah Restrictions Coordinator and the State Public Information Officer (PIO) will coordinate with local PAO/PIO's to determine the most appropriate method for a press release. It is critical that a consistent message is delivered to the public, particularly if multiple (statewide and local) press releases are being issued.
   e. The Utah Restrictions Coordinator will coordinate the development of a GIS product to display areas within the state where fire restrictions have been implemented. The product will be made available on the utahfireinfo.gov web site.
   f. The individual agencies will develop the appropriate legal papers to implement the restrictions action on lands they administer
   g. Local FMO's will notify agencies (city, county, state and federal) of the impending action and the area affected.
   h. Public notification will be coordinated by the Utah Coordinator, the State Fire Restriction Coordinator, and the Region 4 Restriction Coordinator. The Utah Coordinator, the State Fire Restriction Coordinator and the Region 4 Fire Restriction Coordinator, in conjunction with Public Affairs Officials from the affected agencies, will publish the action in the state wide media (newspapers, television stations, etc).
   i. As additional areas are added or deleted from the restrictions, the agency FMO's will notify their agency restriction coordinator who will notify the Utah Coordinator/State Fire Restriction Coordinator/Region 4 Fire Restriction Coordinator as to the timing and areas to be affected. Restriction areas will follow guidelines in C. 4.
   j. One to two week time considerations will be given to allow the information to be communicated to adjacent units, the news media and the public.

9. **Termination/Modification of Restriction Action:**

   a. When conditions no longer meet the criteria for fire restrictions (Section C.3) the restriction should be terminated or modified. The individual agencies will develop the appropriated legal paper to end or modify the restriction on the lands they administer.
   b. Local prevention officers or FMO's will contact their Agency Restriction Coordinator, who will notify the Utah Restriction Coordinator about the change of conditions and the possible termination/modification of restrictions. Local FMO's and Line Officers will notify all local fire agencies (city, county, state and federal) of the impending action and are affected.
   c. Local PAO's will coordinate notifying the public through appropriate media outlets concerning

the affected areas. Prevention Officers will ensure posted signs are removed.

10. **Enforcement:** Agencies agree to assist each other in enforcing fire restriction to the extent possible and coordinate enforcement activities where appropriate

11. **Definitions Applicable to The Utah Restriction Procedure:**

- **Restriction** - A limitation on an activity or use.
- **Closure** - The closing of an area to entry or use.
- **Campfire** - A controlled fire, occurring out of doors, used for cooking, personal warmth, lighting, ceremonial, or aesthetic purposes.
- **Developed Recreational Site** – Is an area which has been permanently improved or developed for recreation. A developed recreation site may be a publicly-owned campground or picnic area signed and identified for that purpose. It may also be a privately owned permanently developed site used for camping or picnicking for groups or an individual.
- **Designated Area** - A geographic area defined by an agency in which specific land use activities is occurring.
- **Permit** - A written document issued by an authorized agency representative to specifically authorize an otherwise prohibited act.
- **Designated Roads and Trails**- Those roads and trails which are identified on maps regularly provided to the public by the State Department of Transportation or Land Management Agencies.
- **Fireworks**- Includes all classes of explosives. Specifically any device that produces noises, smoke, showers of sparks or movement by combustion or explosive materials. These are Class C explosives as defined by the U.S. Department of Transportation in Part 173, Title 49, Code of Federal Regulations.

# APPENDIX B

## In-state Fire Cost Balance Sheet

All in-state fire billing are consolidated into one spreadsheet for all agencies. Fires are tracked individually per agency and tracked by using fire report, fire codes and fire names.

The state will be responsible for managing the balance sheet which includes all agencies and cost share information. Actual costs are tracked by each agency for each incident. Agency actual costs are subject to audit procedures identified in section 5.7 Audit Procedures. The balance sheet (consolidated spreadsheet) is verified but may be disputed based on the cost share allocation, severability of costs and actual costs submitted for each fire. The balance sheet will result in a final settlement between all parties and one transfer of funds is required to reconcile the fire season.

Fire cost adjudication meeting: The entities that are party to the billing process will gather their suppression costs and meet to discuss these costs. Contested items will be resolved by the signature parties or if consensus cannot be reached, these costs will be elevated to the next higher level of management for resolution. After costs for fire suppression has been agreed upon then a bill will be issued to the owing party.

# APPENDIX C

## Fire Billing Process *for State Resources*

### Out of State

A. **Reimbursable Billings and Payments:** Invoices from the State should be submitted as soon as possible, but no later than 180 days after resources return from assignment. Instances where more than 180 days are needed, a written extension of time may be granted in which a final invoice must be submitted within 270 days of the initial action.

A separate bill will be submitted for each fire. A "Batch" memorandum and unique Batch number (Appendix E) will be used to submit and reference the invoice (s) and include:

- Remit To: agency name, address, phone number, and agency financial contact
- Invoice number
- Agreement number and/or Task Order number
- Incident name and incident number
- Location and jurisdictional unit
- Dates of the incident covered by the billing,
- Appropriate incident fire code (i.e. Forest Service P-code)
- Initial Resource Order with unit name and number
- Itemized summary cost data for the amount being billed.
- DUNS number when appropriate

1. The above bulleted list is considered adequate documentation for the billing and reimbursement and will be submitted as shown in Exhibit 01. If questions arise from this document, further documentation may be provided as available by the agencies.

2. The State will maintain records of summary cost data to include, but not be limited to, personnel costs and consolidated travel statement, equipment use, vehicle mileage reimbursement, rental reimbursement, and a listing by vendor name and amount spent for supplies and services procured.

3. Cost source documents are incident generated cost, time reports and general information and/or state required reports generated by the Agency, that support the summary billing and reimbursement. Time recording procedures and documentation requirements are located in agency reference manuals. See document library.

4. Qualifying reimbursable expenses for an incident are listed in Provision 5.8 Reimbursable Assistance Expense of the State Wide AOP

5. Cost source documents will not be required unless summary cost data is disputed or another agency requires source documents (i.e. FEMA, trespass or cost share). The Agencies agree to allow agency auditors access to all cost source documents for audit and inspection. Agencies shall maintain all records necessary to properly account for the expenses made

and authorized by this agreement. These records shall be retained for at least four years or until all audits initiated within four years have been completed.

6. Requests for source documentation to verify disputed billings will be made in writing, clearly identify and articulate the area of the billing being disputed, and request only the documentation required to resolve the discrepancy.

7. State resources on detail to federal agencies will use initial resource order for the detail assignment during U.S. Forest Service ABCD Misc. incidents.

8. New incident numbers and fire codes may be assigned by the IMT or jurisdictional agency for cost tracking purposes (e.g. cost share, trespass, and initial attack fires). The state will document for each number and code assigned by the protecting agency based on incident generated documents. This sharing and movement resources will not necessitate a new resource order for reimbursement.

9. Initial resource order authorizes per diem and lodging to and from the incident.

10. Geographic Area Coordination Centers may choose to order resources for prepositioning or wildfire support. These orders are area support WFSU code or a preposition order or preparedness order with a fire code. After reporting, the GACC will reassign the resource under a fire job code on a new order in ROSS. The initial order for Wildfire Support, Prepositioning and Preparedness is reimbursable for State resources and state cooperators.

11. Presidential declared FEMA "Surge Orders" may be the only ROSS generated resource order. Crews will receive a Mission Assignment (MA) to bill to after they arrive to the assignment area. The new MA order may not be re-assigned through ROSS. The initial "Surge Order" will approve the MA for reimbursement.

B. Billing Contacts

1. Assignments of State resources outside of Utah on fires under the jurisdiction of the US Forest Service or another State will be directly billed by the State of Utah to USDA Region Four (R- 4) Forest Service:

   US Forest Service
   Albuquerque Service Center
   Incident Finance
   101 B Sun Ave. NE
   Albuquerque, NM 87109
   Phone: 877-372-7248
   Fax: 877-687-4894
   E-mail: asc.g&a@fs.fed.us

2. Any assignments of State resources outside of Utah on fires under the jurisdiction of a Department of the Interior agency will be billed by the State of Utah to the BLM Utah State Office

   Bureau of Land Management
   Attn State Fire Management Officer
   440 West 200 South Suite 500
   Salt Lake City UT 84101

   Phone: 801-539-4091

C. Electronic Funds Transfer (EFT): Utah shall designate a financial institution or an authorized payment agent through which a federal payment may be made in accordance with U.S. Treasury Regulations, Money, and Finance at 31 CFR 208, which requires that federal payments are to be made by EFT to the maximum extent possible.

D. In order to receive EFT payments, Utah shall register and stay current on registration in the SAM.gov contractor registry, formerly known as Central Contractor Registry (CCR), at www.SAM.gov and follow the instructions on line. For assistance, contact the SAM.gov Assistance Center at 866-606-8220 or through the Federal Service Desk at www.fsd.gov. .

E. Payment Due: Whenever this Agreement provides for billing, the agency receiving the bill has an obligation to pay in accordance with the terms of this Agreement. All bills will be paid in accordance with the paying Agency's prompt payment procedures. Final agreed upon bills will be due 30 days after date of issuance.

F. Contested Billings: Written notice that a bill is contested will be mailed to the billing Agency within 30 days of issuance of the final bill and will fully explain the contested items. Contested items will be resolved not later than 30 days following receipt of the written notice. Depending on the extent of the contested items within the original billing, a new billing will be issued

# EXHIBIT 01

STATE OF UTAH
NATURAL RESOURCES
Division of Forestry, Fire & State Lands

natural resources invoice

**Remit to:**

Division of Forestry, Fire and State Lands
Box 145703
Salt Lake City, UT 84114-5703
(801) 538-5555
Financial Contact: Roger Lewis

Invoice No.
LP XXXX
Net 30 days

**Bill to:**

Name USDA FOREST SERVICE ALBUQUERQUE SERVICE CENTER
Address 101 B SUN AVE NE Purchase order no.
City ALBUQUERQUE State NM Zip 87109 Contract no. 08-F1-1104XXXX-XXX

| Description | Unit Price | Amount |
|---|---|---|
| BLACK PINE 2 FIRE<br>ID-STF E-22<br>ENGINE TYPE 6 UNIT# 621<br>07/XX/08 - 07/XX/08 | | |
| **ITEMIZED SUMMARY COSTS** | | |
| XXX hrs firefighters (crew of 3) | | $XXXXXX.XX |
| XXX hrs hazard pay firefighters | | $ XXXX.XX |
| XXX hrs engine use | $ XX.XX | $ XXXXX.XX |
| Trans In & Out | | |
| - Meal reimbursements | | $ XXX.XX |
| - Lodging reimbursements | | $ XXX.XX |
| - XXX miles transportation - V-8055, V-8056 | $ .XX | $ XX.XX |
| S#123 - Fuel, burn operations (Visa) | | $ XX.XX |
| S#124 - Chainsaw O&M supplies - filter, air<br>Diamond Rental State Contract | | $ XX.XX |

Date 07/XX/08 Total due $ XXXXXX.XX

| Fund | Org. | Account | Approp. | Activity | Grant | Project |
|---|---|---|---|---|---|---|
| 1000 | 1661 | 2851 | RDG | | | $XXXXXX.XX |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| | | | | | | |

Approved by Prepared by MSTEADMAN

DNR-3 White-Customer Canary-Return with payment Pink-Accounts receivable Goldenrod-Field

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# Appendix D

## RECORD OF DECISION FOR THE NATIONWIDE AERIAL APPLICATION OF FIRE RETARDANT ON NATIONAL FOREST SYSTEM LANDS

**Changes in the aerial delivery of fire retardant:**

1. Prior to ROD:
    - Federal wildland and some State (including California) fire agencies followed the *2000 Guidelines for Aerial Delivery of Retardant or Foam Near Waterways* (Guidelines) in order to prevent application of retardant into waterways.
    - The Guidelines required retardant not be dropped within 300 feet of any body of water or into the waterway
    - The Guidelines permitted **three** exceptions:
        - when it is impossible to construct fire line due to terrain, area congestions, life property concerns, or lack of ground personnel
        - when life or property is threatened
        - when potential damage to natural resources outweighs possible loss of aquatic life
    - In 2008, the Forest Service adopted additional measures (Reasonable and Prudent Alternatives or *RPA's*), recommended by the USFWS and NOAA Fisheries to avoid jeopardizing listed species and critical habitat.
2. **New Direction in the ROD:**
    - The ROD replaces the 2000 Guidelines with 2011 Direction that permits one exemption for aerial delivery of fire retardant into waterways: when human life or public safety is threatened, and the use of aerially delivered fire retardant can be reasonably expected to alleviate that threat.
    - The ROD provides additional operational guidance's to ensure retardant drops are not made within the 300-foot buffers on either side of waterways, in waterways, or within avoidance areas mapped for threatened, endangered, proposed, candidate, and Forest Service-sensitive species.
    - The ROD provides new national standardized protocols for mapping avoidance areas. Avoidance areas have been mapped for threatened, endangered, proposed, candidate, and Forest Service-sensitive species on each national forest where retardant is likely to be used and may have unacceptable effects on a species or its habitat. Aerial application of fire retardant will be used and may have unacceptable effects on a species or its habitat. Aerial application of fire retardant will be avoided in these areas.
    - The ROD provides greater protection for cultural resources including historic properties, traditional cultural resources, and sacred sites through national direction for closer coordination with states and tribes.
    - The 2011 Direction requires the Forest Services to annually assess 5% of fires smaller than 300 acres where aerially-delivered retardant is used and the fires has an avoidance area, waterway, or is near an avoidance area—including at least one small fire on every Forest that uses retardant—to better determine if the use of retardant on smaller fires is entering an avoidance area but not being discovered and reported.
    - The ROD includes additional procedures for reinitiating consultation and monitoring, if determined to be required, should a misapplication occur.
3. The Forest Service will monitor **ALL** misapplications utilizing national standard reporting forms.
4. To determine if misapplication had occurred, the Forest Service will continue to monitor *all large fires* where aerial delivered retardant is used and avoidance areas exist.

http://www.fs.fed.us/fire/retardant/index.html