

**Forest Service Manual  
National Headquarters - Washington Office  
Washington, DC**

**Forest Service Manual 3100 – Cooperative Fire Protection  
Chapter 3170 - Cooperation**

**Amendment:** 3100-2021-2

**Effective date:** September 17, 2021

**Duration:** This amendment is effective until superseded or removed.

**Approved by:** Jaelith Hall-Rivera, Acting Deputy Chief, S&PF

**Date approved:** August 26, 2021

**Responsible Staff:**

**Last Change:** 3100-2021-1 to FSM 3170

**Superseded Document(s):** 3170, Amendment 3100-2021-1, May 12, 2021

**Posting Instructions:** Amendments are numbered consecutively by title and calendar year. Post by document; remove the entire document and replace it with this amendment. Retain this transmittal as the first page(s) of this document. The last amendment to this title was 3100-2021-1 to FSM 3170.

**Digest:** Following is an explanation of the changes throughout the directive by section.

**3170.01:** Adds policy cross-reference to FSH 1509.11 and FSH 6509.11 for segregation of duties for cost share agreements implemented supplemental to cooperative fire protection agreements.

**3171.11:** Revised to confirm the review and approval of State Cooperative Fire Protection Agreements (CFPAs) and State Operating Plans covers both new State CFPAs and State Operating Plans, as well as existing State CFPAs and State Operating Plans that are modified.

Revised the process and requirement for submission by the Region for a review by the Washington Office that includes Fire & Aviation Management; Grants & Agreements; the Chief Financial Officer; Deputy Chief of Business Operations; and approval by the Deputy Chief of State & Private Forestry (S&PF).

Revised to confirm Regions should proceed with obtaining signatures and execution of the State CFPA and State Operating Plan following approval by the Deputy Chief, S&PF.

**Digest:** May 12, 2021 (Jaelith Hall-Rivera, Acting Deputy Chief, S&PF)

**3170.01:** Adds Reciprocal Fire Protection Act as a specific authority. Adds policy cross-reference to FSH 1580 and FSH 1509.11 for developing and negotiating cooperative fire protection agreements. Adds policy cross-reference to FSH 1509.11 for segregation of duties for cost share agreements implemented supplemental to cooperative fire protection agreements. Adds policy cross-reference to FSH 5100 for authorities and responsibilities for cooperation in fire management.

**3171.02:** Adds reference to Tribal lands.

**3171.04:** Removes outdated reference to the Area Director.

**3171:** Adds reference to Tribes. Adds policy cross-reference to FSH 1509.11, chapter 30.

**3171.1:** Changes section title from “Cooperative Fire Agreements With States and Other Political Subdivisions” to “Cooperative Fire Protection Agreements” for consistency with other FSM and FSH entries. Provides clarity about requirements of the Reciprocal Fire Protection Act for development of cooperative fire protection agreements.

**3171.11:** Establishes code, caption, and sets forth direction on “Development and Approval of Cooperative Fire Protection Agreements.” Adds requirement and procedural information regarding reviews by the Chief Financial Officer and the Deputy Chief of Business Operations, and approval by the Deputy Chief of State & Private Forestry for state cooperative fire protection agreements.

**3171.2:** Removes outdated reference to the Area Director.

**3171.3:** Updates description to clarify eligible partners for fire agreements. Removes outdated reference to the Area Director.

**3171.42:** Removes outdated reference to the Area Director.

Forest Service Manual 3100 – Cooperative Fire Protection

Chapter 3170 - Cooperation

Amendment: 3100-2021-2

Effective date: September 17, 2021

Table of Contents

3170.01 - Authority .....	4
3170.02 - Objective .....	4
3170.04 - Responsibility .....	4
3171 - Agreements .....	4
3171.1 - Cooperative Fire Protection Agreements .....	4
3171.11 - Development and Approval of Cooperative Fire Protection Agreements .....	5
3171.2 - Agreements With States for Loan of Federal Excess Personal Property .....	6
3171.3 - Agreements and/or Contracts With Individual, Company, and Corporate Landowners and Associations .....	6
3171.4 - Interstate Forest Fire Protection Compacts .....	6
3171.42 - Objective .....	6
3171.44 - Responsibility .....	6
3171.45 - Definition.....	6
3171.46 - Application .....	6

### **3170.01 - Authority**

Reciprocal Fire Protection Act (May 27, 1955 - 42 U.S.C. 1856 through 42 U.S.C. 1856e), as amended. The Reciprocal Fire Protection Act (RFPA) is the main authority for developing Cooperative Fire Protection Agreements. The act authorizes mutual assistance agreements between Federal agencies and other domestic agencies, including State and local entities and instrumentalities, for mutual aid in fire protection on a reimbursable basis, or for procurement of services in the pre-suppression, detection, and suppression of fires.

Direction on developing and negotiating cooperative agreements for fire protection purposes is contained in FSM 1580 and FSH 1509.11. Guidance regarding the use of appropriated funds is contained in FSH 6509.11. Direction related to authorities and responsibilities for cooperation in fire management is contained in FSM 5100.

### **3170.02 - Objective**

The objective of cooperation in fire protection is to improve the efficiency and effectiveness of programs for fire management and protection on State, private, Federal, and Tribal lands.

### **3170.04 - Responsibility**

Regional Foresters and the Institute Director have the authority and responsibility to negotiate agreements and contracts for cooperative fire protection with States, other governmental jurisdictions, and landowners (including individuals, corporations, and associations).

### **3171 - Agreements**

Several types of agreements and other instruments are appropriate for establishing fire management cooperation between the Forest Service, States, territories, Tribes, and some private entities (see FSM 3171.1 thru 3171.4 and FSH 1509.11, ch. 30).

#### **3171.1 - Cooperative Fire Protection Agreements**

Regional Foresters and the Institute Director may, within their areas of responsibility, negotiate Cooperative Fire Protection Agreements (CFPA) or contracts with States and other governmental subdivisions or fire organizations, as defined with the Reciprocal Fire Protection Act (RFPA), 42.U.S.C. 1856. Such agreements must clearly define areas of fire protection responsibility that each agency will perform (FSH 1509.11, ch. 30). Any Wildland Urban Interface (WUI) protection area boundaries and direct protection areas should be periodically evaluated and renegotiated, so they remain equitable.

The Reciprocal Fire Protection Act (RFPA) authorizes development of reciprocal agreements for mutual aid in furnishing fire protection, which is broadly defined within the Act (see 42 U.S.C 1856 (b)). The RFPA defines fire organizations with whom an agreement may be developed (see

42 U.S.C. 1856 (c). The RFPA authorizes agreements with fire organizations that maintain fire protection facilities in the vicinity of property for which that organization normally provides fire protection (see 42 U.S.C. 1856a).

### **3171.11 - Development and Approval of Cooperative Fire Protection Agreements**

New State CFPAs and State Operating Plans must be reviewed and approved by the Deputy Chief, State and Private Forestry (S&PF). This includes any modifications to existing State CFPAs and operating plans. This requirement does not apply to Supplemental Project Agreements, local or sub-geographic cooperative fire agreements or local operating plans.

The Region will follow their normal process for developing and negotiating State CFPAs, State Operating Plans, and modifications. Prior to obtaining signatures of the Regional Forester and cooperators on the CFPA/operating plan, the Region will submit the new or modified CFPA/operating plan to the Washington Office, Fire and Aviation Management (FAM) for review and approval by the Deputy Chief, S&PF.

1. The Region will ensure that Grants and Agreements (G&A) specialist(s) and all appropriate legal staff (Federal and State) have reviewed the package, and any deviations have been approved, before submitting the new or modified CFPA/operating plan to Washington Office, FAM for final approval.
2. The CFPA/operating plan package should be formally submitted with a cover letter to the attention of the Washington Office, FAM Director. The package should include documentation which captures the steps taken in the development and negotiation phase, including the date(s) that appropriate G&A specialist(s) reviewed and approved the package.
3. The Chief Financial Officer (CFO) and the Deputy Chief of Business Operations (Bus Ops) shall review the agreement/operating plan prior to approval by the Deputy Chief of State & Private Forestry (S&PF).
4. The expected timeline for completing the Washington Office review and approval process is 30 business days.
5. Upon approval by the Deputy Chief, S&PF, the Region may proceed with obtaining signatures and executing the agreement.
6. During the Washington Office review, should any issues prevent approval by the Deputy Chief, S&PF, the agreement/modification will be returned to the Region to resolve those issues on behalf of the Regional Forester.

### **3171.2 - Agreements With States for Loan of Federal Excess Personal Property**

Regional Foresters and the Institute Director shall enter into cooperative agreements with each State Forester or other appropriate responsible fire protection agency to provide for the acquisition, management, and disposal of personal property through the Federal excess personal property program (FEPP).

### **3171.3 - Agreements and/or Contracts With Individual, Company, and Corporate Landowners and Associations**

Regional Foresters and the Institute Director may establish procedures to be followed by their units in negotiating cooperative fire management agreements or contracts with landowners, including individuals, companies, corporations, and associations. Associations may include, but are not limited to, eligible Forest Protection Associations and Rangeland Protection Associations that are able to provide reciprocal services, as described within the Reciprocal Fire Protection Act, 42 U.S.C 1856a. State Foresters should be consulted in negotiation and development of such agreements.

### **3171.4 - Interstate Forest Fire Protection Compacts**

#### **3171.42 - Objective**

To promote effective fire protection within a group of two or more States and/or contiguous Canadian Provinces.

#### **3171.44 - Responsibility**

Regional Foresters may advise and otherwise assist States with the development and maintenance of interstate compacts and with related multi-state fire coordination activities.

#### **3171.45 - Definition**

Interstate Forest Fire Protection Compact. A formal working agreement between or among two or more States and/or contiguous Canadian Provinces providing for mutual aid and cooperation in fire protection.

#### **3171.46 - Application**

Interstate forest fire protection compacts are particularly valuable and appropriate in parts of the country where Federal wildland management agencies have limited presence and responsibility, such as east of the Rocky Mountains (Regions 8 and 9). Examples of existing compacts are the Northeastern Forest Fire Protection Compact, which includes seven Northeastern States and three Canadian Provinces; the South Central Compact, which includes six States; and the Southeastern Compact, which includes ten States.