

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

**Forest Service Handbook 5109.18 – Wildfire Prevention Handbook
Chapter 50 – Wildfire Prevention Enforcement and Fire Investigation**

Amendment: 5109.18-2019-1

Effective date: May 23, 2019

Duration: This amendment is effective until superseded or removed.

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

Date approved: May 15, 2019

Responsible Staff:

Last Change: 5109.18-99-1

Superseded Document(s): Entire Handbook; 5109.18_Contents, Amendment 5109.18-99-1, June 10, 1999; 1509.18,0 Code Contents, Amendment 5109.18-99-1, June 10, 1999; 1509.18_0 Code, Amendment 5109.18-99-1, June 10, 1999; 5109.18,10 Contents, Amendment 5109.18-99-1, June 10, 1999; 5109.18_10, Amendment 5109.18-99-1, June 10, 1999; 5109.18,20 Contents, Amendment 5109.18-99-1, June 10, 1999; 5109.18_20, Amendment 5109.18-99-1, June 10, 1999; 5109.18,30 Contents, Amendment 5109.18-99-1, June 10, 1999; 5109.18_30, Amendment 5109.18-99-1, June 10, 1999; 5109.18,40 Contents, Amendment 5109.18-99-1, June 10, 1999; 5109.18_40, Amendment 5109.18-99-1, June 10, 1999; 5109.18,50 Contents, Amendment 5109.18-99-1, June 10, 1999; 5109.18_50, Amendment 5109.18-99-1, June 10, 1999; 5109.18,60 Contents, Amendment 5109.18-99-1, June 10, 1999; 5109.18_60, Amendment 5109.18-99-1, June 10, 1999; 5109.18,70 Contents, Amendment 5109.18-99-1, June 10, 1999; 5109.18_70, Amendment 5109.18-99-1, June 10, 1999; 5109.18,80 Contents, Amendment 5109.18-99-1, June 10, 1999; 5109.18_80, Amendment 5109.18-99-1, June 10, 1999

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

5109.18: Revises entire handbooks to better align with the recently revised FSM 5100 Zero Code, and the Forest Service mission. Provides a description developing, two levels of wildfire prevention and mitigation activities. The first level is ongoing wildfire prevention and mitigation activities; the second level is special wildfire prevention and mitigation activities to target specific problems. Expands the direction on wildfire prevention responsibilities to include positions from the Director of Fire and Aviation Management to the District Rangers.

10: Changes the chapter title from “Wildland Fire Prevention Planning” to “Wildfire Prevention Planning” and revises direction throughout the chapter on planning with emphasis on use of the wildfire and mitigation assessment and planning process.

20: Revises direction in this chapter on the Smokey Bear Program to reflect current Cooperative Forest Fire Prevention (CFFP) Program direction, and changes in the licensing and Smokey Bear Awards programs. Removes all Area references because the Area has been incorporated into Region 9.

20.1: Revises Smokey Bear Act, Public Law amendment number.

22.1: Changes caption from “Television and Radio” to “Broadcast & Vendor Fulfillment”. Adds direction for broadcasting and vendors to this section. Recodes caption and direction for “Television and Radio” to section 22.2.

22.2: Changes caption from “Newspapers and Magazines” to “Television and Radio, and recodes direction on Television and radio to this section. Recodes direction for “Newspapers and Magazines” to section 22.3

22.3: Changes caption from “Newspapers and Magazines” to “Print Media” and recodes and updates direction for “Print Media” to this section. Recodes caption and direction for “Outdoor Advertising” to section 22.4.

22.4: Changes caption from “Field Production of Public Service Advertisements” to “Outdoor Advertising” and recodes and updates direction for “Outdoor Advertising” to this section. Recodes caption and direction for “Field Production of Public Service Advertisements” to section 22.5.

22.5: Changes caption from “Smokey Bear Internet/World Wide Website” to “Field Production of Public Service Advertisements” and recodes and updates direction for “Field Production of Public Service Advertisements” to this section. Recodes and updates direction for “Smokey Bear Internet/World Wide Website” to section 22.6.

22.6: Establishes code and caption “Social Media Sites” and sets forth direction on Social Media sites to this section. Recodes to this section direction for “Smokey Bear Internet/World Wide Website” previously located in section 22.5.

23.32: Establishes code, caption, and adds direction for “The National Symbols Program Cache”.

25.4: Establishes code, caption, and direction for “Security and Disposal of Smokey Bear Costume”.

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30: Changes the chapter title from “Wildland Fire Prevention and Wildland Fire Education” to “Wildfire Prevention and Wildfire Education” and expands direction in this chapter to describe how different communications programs are developed and conducted.

40: Changes the chapter title from “Wildland Fire Prevention Engineering” to “Wildfire Prevention Engineering” and revises direction to emphasize identification of prevention engineering needs and to list sources of assistance for technology development and applications.

50: Changes the chapter title from “Wildland Fire Prevention Enforcement and Fire Investigation” to “Wildfire Prevention Enforcement and Fire Investigation” and revises direction to include expanded descriptions of investigations, restrictions, and closure procedures.

60: Changes the chapter title from “Coordinated Wildland Fire Prevention” to “Coordinated Wildfire Prevention” and revises direction to expand upon the interagency relationship of the National Wildfire Coordinating Group (NWCG), partnerships, and wildland fire prevention cooperatives in delivering effective programs.

70: Changes the chapter title from “Wildland Fire Prevention and Fire Education Teams” to “Fire Prevention Education Teams” and revises chapter in its entirety to align with the recently revised FSM 5100 Zero Code and the Forest Service mission. Revises the chapter to introduce the concept of Fire Prevention Education Teams (FPETs). Adds new sections on team mobilization and organization. Describes the relationship between severity and the use of FPETs.

71.1: Changes caption from “Mobilization” to “Fire Prevention Education Team (FPET) Training” and adds direction for FPET training. Removes direction on “Mobilization” and revises and recodes direction to section 72.2.

72.2: Removes obsolete direction on mobilization and adds to this section direction previously set out in section 71.1.

80: Changes the chapter title from “Wildland Fire Prevention and Communications Training” to “Wildfire Prevention, Mitigation, and Communications Training” and updates direction to list essential prevention courses and related skills needed in the delivery of wildfire prevention programs and projects. Removes all Area references because the Area has been incorporated into Region 9.

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For related direction on law enforcement and investigations see FSM 5300 and FSH 5309.11.

50.1 - Authority

In addition to the Federal laws and regulations listed here and in FSM 5301, State and local law and ordinances for wildfire prevention enforcement may also apply to National Forest System lands.

1. Title 16, United States Code, section 551 (16 U.S.C. 551). This law provides that the Secretary of Agriculture shall make provisions for the protection against destruction by fire and depredations upon public forests and National Forests.
2. Title 16, United States Code, section 559 (16 U.S.C. 559). This law provides that persons employed in the Forest Service of the United States shall have the authority to make arrests for violation of the laws and regulations relating to the National Forests.
3. Title 36, Code of Federal Regulations, part 261 (36 CFR part 261). These regulations set out general prohibitions on acts or omissions that threaten or affect National Forest System lands, developments, Forest visitors, and persons engaged in the protection or improvement/administration of these lands.

50.2 - Objective

The objective of wildfire prevention enforcement is to ensure compliance with Federal, State, and local fire prevention laws, regulations, codes, and standards through an effective enforcement program designed to protect National Forest System lands, visitors to National Forest System lands, and private lands and improvements within and adjacent to National Forest System lands. Fire investigations provide a foundation for developing well informed wildfire prevention programs by identifying wildfire causes and responsible entities.

50.3 - Policy

1. Each wildfire that occurs on or affects National Forest System lands must be investigated to determine its cause (FSH 5309.11, ch. 20, secs. 23.4 and 23.41).
2. Enforcement of wildfire prevention laws and regulations must be applied in a manner that is consistent and emphasizes effective communications, education, and enforcement.
3. Origin and cause determination should be conducted by a person who has been properly trained and certified as a wildland fire investigator (INVF) (FSH 5109.17, ch. 20).

51 - Wildfire Investigation

See section 50.3.

51.1 - Origin and Cause Determination

To assist with the origin and cause determination, the unit's personnel first on the scene should attempt to locate and protect what they believe to be the fire's general area of origin.

The initial origin and cause determination is the responsibility of personnel trained for this purpose (FSH 5309.11, sec. 23.41). Fire origin and cause determination is essential to:

1. Assist in assessing the unit's wildfire occurrences, both in terms of current activity and long term trends.
2. Develop a realistic and well-designed wildfire prevention program.
3. Establish a solid foundation for subsequent case development, including possible criminal or civil action.

Fire origin and cause determination is essential for an accurate assessment of a unit's wildfire occurrences. When a trend of human-caused wildfires is determined, identify the best wildfire prevention actions through administration, education, engineering, or enforcement of laws and regulations to address the immediate need, (see further direction in ch. 30 and ch. 40 of this handbook).

51.2 - Unwanted Human-Caused Fires

Law enforcement personnel, as defined in FSM 5305, will be notified when a fire is reported on, or which threatens, National Forest System lands. When wildland arson is suspected, Law Enforcement and Investigations (LEI) personnel must be immediately dispatched to the fire (FSH 5309.11, sec. 23.4). Data on all unwanted human-caused wildfires must be entered into the law enforcement LEMARS reporting system (FSM 5342).

All follow-up investigation (beyond the origin and cause phase) of unwanted human-caused wildfires must be assigned to a law enforcement officer or special agent.

Lightning-caused wildfires that result in significant property damage, serious injury or death, or come under increased or unusual scrutiny should be investigated in the same manner as unwanted human-caused wildfires.

52 - Fire Restrictions and Closures

Ensure that plans are developed based on current conditions, trends, and fire cause statistics for implementation at appropriate times by order on local units. Restrictions may be placed on the use of open fires and other activities previously determined to cause unwanted ignitions. Area closures of National Forest System lands may be implemented due to fire danger or risks to

public safety. See Title 36, Code of Federal Regulations, part 261, subpart B for specific prohibitions.

Coordinate with Law Enforcement and Investigations, the Office of Communications, and Recreation, Heritage and Volunteer Resources in the preparation and public notification for an order and implementation plan. All special orders must be reviewed by LEI personnel prior to approval (FSM 5304.31a and 5304.33a).

52.1 - Fire Restriction Orders

Line Officers above the District Ranger level issue orders for restricting activities on National Forest System lands. When a unit determines the need to order and implement the fire restriction plan, ensure close coordination with cooperators and other functional areas within the Forest Service, especially law enforcement personnel. Basis for the implementation of fire restrictions and closures may include:

1. Live fuel moistures.
2. Fire danger indices.
3. Drought indices.
4. Draw down levels.

52.2 - Emergency Forest Area Closures

An emergency closure of National Forest System lands for any reason can be extremely sensitive. Prior to the actual need for an emergency closure, develop a plan for emergency Forest area closures. The final decision to implement an emergency closure is implemented by order from a Line Officer above the District Ranger level, in most cases the Forest Supervisor. Orders for area closures could be based on extreme fire danger. Area closures must be coordinated with law enforcement and cooperating fire and law enforcement agencies.

1. Implement closures only under the most severe conditions.
2. Plan for closures to remain in effect for the shortest possible time.
3. Implement closures after consulting cooperators and local political jurisdictions.

52.3 - Posting

Display each prohibition contained in a restriction and/or closure order in a manner to reasonably bring the prohibitions to the attention of the public (36 CFR 261.51). Implementation should include feedback from public affairs, recreation, and law enforcement personnel.