

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

**Forest Service Handbook 6509.11h – Service-Wide Claims Management Handbook
Chapter 10 - Incident Investigations**

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

10: Throughout the chapter, changes “Regional Claims Specialist” to “Claims Specialist” at the ASC-B&F, and makes minor technical and editorial changes.

11.04a: Revises employee responsibility for incident reporting requirements and procedures.

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This chapter provides direction on the investigation, recording, and communication of incidents that are likely to result in claims for or against the Federal government (Government). This chapter supplements direction contained in the Law Enforcement Handbook (FSH 5309.11).

10.3 - Policy

For related direction, see Claims Policy (FSM 6570.3).

All incidents that result in administrative or civil claims for or against the Government shall be subject to a claims investigation to protect the interests of the Government. Incidents that are likely to result in a claim include those where personal injury, death, or property damage have occurred. The depth of the investigation should be commensurate with the potential liability associated with the incident.

11 - Incident Reporting Requirements and Procedures

11.04 - Responsibility

11.04a - All Employees

It is the responsibility of each employee who witnesses or learns of an incident that is likely to result in a claim for or against the Government to notify the Albuquerque Service Center (ASC), Budget and Finance (B&F) Claims Branch, within 5 business days of becoming aware of the incident.

Provide notification of potential claims incidents as follows:

1. Preferred Method. Complete form FS-6500-210, Notification of Incident-Claim for the Government, or form FS-6500-209, Notification of Incident-Claim Against the Government. These forms may be found on the ASC-B&F Claims Branch website. If these forms are completed on the web, they will be automatically e-mailed to the ASC-B&F Claims Branch.
2. Electronic Method. Send an e-mail to ascclaims@fs.fed.us that includes the following:
 - a. Location of the incident by region and administrative or other organizational unit.
 - b. Date of the incident.
 - c. Names of and contact information for the parties involved, if known.
 - d. Type of incident, such as civil fire trespass or personal injury.
 - e. Detailed description of the incident, including the type of damages or injury involved.

- f. Whether the incident is being investigated. If the incident is being investigated, provide the name, telephone number, and e-mail address of the investigator.
- g. Name, telephone number, and e-mail address of the person submitting the notification.

11.04b - Line Officers

Line Officers have the responsibility to ensure:

1. Incidents that are likely to result in claims for or against the Forest Service are reported to Law Enforcement and Investigations (LEI) personnel within 1 business day of receiving an incident report;
2. Incidents that are likely to result in claims for or against the Forest Service are investigated by appropriately trained investigators; and
3. Documents of any incident report or resulting investigation are safeguarded and maintained on file, according to applicable retention criteria, for subsequent agency or government action.

11.04b - Director Albuquerque Service Center (ASC-B&F)

The Director, Albuquerque Service Center (ASC-B&F) has the responsibility to:

1. Coordinate with LEI and request follow-up action to complete an administrative claim file, including the report of investigation and other related documentation; and
2. Ensure that the administrative claim file is complete and acceptable for review by the claims adjudicator.
3. Coordinate Agency staff with the appropriate Office of General Counsel, Department of Justice, or other legal representation in claims matters.

11.04c - Law Enforcement and Investigations (LEI)

For related direction, see Investigations Policy (FSM 5303.11).

Law Enforcement and Investigations (LEI) has overall programmatic and oversight responsibility for investigation of incidents that are likely to result in claims. For incidents reported to LEI that are likely to result in a claim for or against the Forest Service, LEI personnel have the responsibility to:

1. Conduct an investigation or provide direct investigative oversight of a properly trained investigator.
2. Ensure a timely report of investigation is prepared and provided to the ASC-B&F Claims Branch for inclusion in the administrative claim file.

3. Ensure any follow-up action is completed.

11.1 - Incident Reports

1. Motor Vehicle Accidents and Associated Property Damage. All motor vehicle accidents and associated property damage must be entered into the Safety and Health Information Portal System.
2. Law Enforcement Violations. See Law Enforcement (FSM 5300) and the Law Enforcement Handbook (FSH 5309.11) for direction on reporting law enforcement violations.
3. Fire Management Incidents. See the Interagency Incident Business Management Handbook (FSH 5109.34), chapters 60 and 70, for direction on reporting fire management incidents.
4. Other Incidents. Notify the ASC-B&F Claims Branch of other incidents. Refer to section 11.04a of this handbook for guidance on reporting those incidents.

12 - Investigations

Investigations are a critical element of claims administration. Evidence developed during investigations serve as the foundation for determining whether a claim has a legal basis, and for the defense or prosecution of a court case (FSH 5309.11, ch. 20).

12.02 - Objectives

1. Conduct timely and thorough investigations of all incidents that will likely give rise to a claim,
2. Discover the facts involved in incidents (who and what is involved, and where, when, and why it occurred) and analyze the sequence of events that led to the incident,
3. Provide sufficient information to allow the Claims Officer to analyze the claim,
4. Provide sufficient information to allow program managers to make policy changes, if and as appropriate, to prevent the same type of incident from occurring again, and
5. Provide the information necessary for processing claims for and against the Government, including any payment or collection action, as appropriate.

12.03 - Policy

1. Employees shall not investigate incidents in which they were involved.
2. Employees shall not investigate incidents that occur in program areas for which they are responsible, in order to prevent a conflict of interest or the appearance of a conflict of interest. Consult with the Office of the General Counsel (OGC), as appropriate, to

determine whether there is a potential conflict of interest or the potential for the appearance of a conflict of interest.

3. Except to the extent necessary to protect employees and the public, evidence at the scene of an incident shall be left untouched until investigators have examined it. To ensure integrity of the evidence at the scene, incidents must be reported immediately and investigated within 30 days.

4. While all incidents should be investigated, including those involving only property damage, the scope of each investigation should reflect the severity of the incident, the monetary value involved, and the probability of claims.

12.1 - Coordination of Incidents

12.11 - Law Enforcement and Investigations (LEI)

Law Enforcement and Investigations (LEI) shall investigate and report incidents in accordance with section 11 of this chapter, to protect the Government's interests and ensure consistency in investigation and reporting of incidents.

Investigating officers shall notify the ASC-B&F Claims Branch of any potential claims they are assigned to investigate. For any incident that may involve claims for the Forest Service, investigating officers shall send a copy of the case file, including the report of investigation, to the ASC-B&F Claims Branch and, if appropriate, OGC. It may be appropriate to pursue civil collection action after criminal action has concluded or been declined by the United States Attorney's Office. If so, LEI will refer the claim to the Claims Branch for administrative action.

12.12 - ASC-B&F Claims Branch

The ASC-B&F Claims Branch prepares and analyzes claims against the Forest Service and reviews and prepares claims for the Forest Service through various collection methods.

12.13 - Claims Specialists

Claims specialists in the ASC-B&F Claims Branch are responsible for coordinating claims for and against the Forest Service and must be kept informed of all matters relating to claims.

12.2 - Incidents Requiring Reports of Investigation

See FSM 5300 and FSH 5309.11, chapter 20, for direction on when and how the reports of investigation must be prepared.

12.21 - Report Content

Ensure that reports of claims investigations contain sufficient information to:

1. Enable the Claims Officer to assess the claim and gather enough facts to adjudicate the claim or refer it to OGC for a determination,

2. Assist in determining future legal or administrative action, and
3. Support civil or administrative actions that may be taken.

Include materials referenced in the report as exhibits.

During the claims investigation, the Investigating Officer may draw conclusions or make recommendations regarding the party responsible for property damage, additional safety measures or changes in procedures which could prevent similar incidents, and what disciplinary action should be taken against involved employees. Do not include these conclusions or recommendations in the report of investigation. These conclusions and recommendations should be provided to the appropriate Line Officer in a separate report or letter.

When an individual other than a Forest Service employee is injured or killed on National Forest System lands, complete form FS-6700-8, Report of Incident to Other Than Employees, in addition to the report of investigation. Provide the ASC-B&F Claims Branch with a copy of the completed form and the report of investigation. See FSM 6180 for direction on reporting injury to or death of a Forest Service employee.

12.22 - Requirements for All Investigations

Investigators should collect and preserve relevant evidence from the scene of the incident.

At a minimum, investigators must include the information described in sections 12.22a through 12.22t, as applicable, in all claims and litigation reports and all reports of investigation.

12.22a - Involved Parties

Provide the names, addresses, telephone numbers, and e-mail addresses of all parties involved in the incident, including owners and co-owners of involved property. Fully identify private parties, including individuals, corporations, and other entities. If a corporation is involved, identify the officers and whether the corporation is in good standing. Provide individuals' social security numbers and business entities' tax identification numbers.

12.22b - Description of the Incident

Provide a detailed description of the incident, including:

1. How the incident occurred, if known.
2. The month, day, year, and time the incident occurred, if known.
3. Where the incident occurred by name, landmark, highway mile marker, legal description, or other means sufficient to enable location of the exact site of the incident.
4. Whether the incident occurred in a recreation fee area. State whether the visitor paid the required fee and provide a statement or evidence to that effect.

5. When weather-related damage is involved, weather conditions at the time of the incident, including official weather reports issued by the National Oceanic and Atmospheric Administration (NOAA) and the Forest Service (FS).

12.22c - Photographs

Provide photographs of the site of the incident and surrounding area, vehicles involved in the incident, skid marks, warning signs in the area, fallen trees or limbs, damaged property, and personal injury or death. If possible, include only original photographs, rather than photocopies, with descriptive labels that include the date and time the photographs were taken, the name of the photographer, and important parts of the photographs, using a legend if necessary. Retain and safeguard all original images. Digital images are preferred whenever possible.

12.22d - Witnesses

Obtain information on the witnesses of the incident, if any, including their names, addresses, telephone numbers, e-mail addresses, and signed statements describing the incident. If a witness's handwriting is not legible, attach a typed copy of the original statement.

12.22e - Government Employee Actions

Include a statement from any government employees involved in the incident with regard to how the incident occurred. Also, include a statement from the supervisor of government employees involved in the incident, with regard to whether the employee was acting within the scope of their employment at the time of the incident.

12.22f - Local Law Enforcement Reports

Include a complete copy of all investigation reports of the incident prepared by local law enforcement authorities and all reports prepared by emergency medical services or rescue personnel, including photographs.

12.22g - Cause of the Incident

Describe evidence as to the proximate cause of the incident.

12.22h - Financial Information

Determine the financial responsibility of all private parties involved in the incident, and their assets and liabilities. Obtain the name, address, telephone number, e-mail address of the insurance company and the policy number for the insurance policy of any parties involved in the incident. Insurance information should be obtained even when the incident did not occur on the insured's property, since coverage may extend beyond the insured property. Automobile or homeowner insurers may be liable for damages resulting from automobile accidents or fires.

12.22i - Maintenance Reports and Safety Inspections

Document maintenance responsibility for the area involved in the incident. Provide a copy of any special use authorization issued for the use and occupancy of the area. State whether periodic safety or other inspections of the area or equipment involved in the incident are required by law or Agency policy, and provide a copy of the most recent inspection report.

12.22j - Defective Products and Materials

Describe any defective products and materials involved in the incident. Identify the party responsible for the design, manufacture, and maintenance of any defective products and materials. Collect and preserve relevant evidence such as metal shards and vehicle parts.

12.22k - Fees

Specify whether recreation fees are charged for use of the area involved in the incident, and whether the fees were paid by those involved. Include copies of collection receipts, as applicable.

12.22l - High-Risk Conditions

State whether high-risk conditions existed at the site involved in the incident before it occurred and whether the Forest Service had notice of the high-risk conditions. If the Forest Service received notice of the high-risk conditions, specify the name and title of the employee who received the notice, when the notice was received, and what, if any, action was taken to eliminate or mitigate the high-risk conditions.

12.22m - Public Information Concerning the Site or Activity

Include copies of maps, brochures, literature, and other information available to the public, whether published by the Forest Service or other entities, promoting the site or activity involved in the incident or providing safety, regulatory, or other information relevant to the incident.

12.22n - History

Provide a history of similar accidents in the area or at the site involved in the incident.

12.22o - Land Plats and Proof of Ownership

Include copies of land plats and other proof of Forest Service jurisdiction when appropriate, as in trespass cases.

12.22p - Alcohol and Drug Use

State whether any of the parties involved in the incident were intoxicated or under the influence of drugs, and whether physical evidence of drinking or drug abuse, such as empty or open liquor

containers, syringes, and capsules, were present. As appropriate and available, use photographs, statements, other agency or hospital reports to document the situation.

12.22q - Willful and Negligent Conduct

LEI should assess the facts and circumstances to determine whether the incident appears to involve willful or negligent conduct.

12.22r - Criminal Acts

LEI should work with OGC and the Department of Justice (DOJ) to determine whether a criminal act occurred before or during the incident and should include information on the disposition of any criminal action, including restitution if ordered by the court.

12.22s - Media Accounts

Provide copies of any media accounts of the incident.

12.22t - Injury to or Death of Government Employees and Damage to or Loss of Government Property

Provide information and documentation regarding any injury to, or the death of, a Forest Service employee or any damage to or loss of government property, as available.

12.23 - Requirements for Specific Types of Investigations

12.24 - Motor Vehicle Accidents

In addition to the items identified in section 12.22, the report of investigation and administrative file for motor vehicle accidents should include the items listed in sections 12.24a through 12.24f, at a minimum. If any of this information is unavailable, explain why.

12.24a - Forms

1. Form SF-91, Motor Vehicle Accident Report.
2. Form SF-94, Statement of Witness.

12.24b - Local Law Enforcement Reports

Obtain local law enforcement investigation reports and photographs taken at the time of the incident. Obtain the name, address, telephone numbers, and e-mail address of the local investigating law enforcement officers' units and where their records are maintained. Do not delay in obtaining these documents, as their retention period may be less than the 2-year statute of limitations for filing an administrative tort claim against the Government.

12.24c - Traffic Violations

State whether any person involved was cited for violating any Federal or State statute, local ordinance, traffic code, or departmental regulation, and, if so, in what respect. Provide the complete citation for the applicable statute, ordinance, or regulation. Document the outcome of all legal action taken, including the disposition of any traffic citations, results of hearings, and fines paid.

12.24d - Photographs and Diagrams

1. Damaged Vehicles. Provide photographs of all sides of damaged vehicles, noting damage caused by the accident and pre-existing damage. If possible, include only original photographs, rather than photocopies, with descriptive labels that identify the date and time the photographs were taken, the name of the photographer, and important parts on the photographs, such as the point of impact, using a legend if necessary. Retain and safeguard all original images. Digital images are preferred whenever possible.
2. Accident Scene. Provide photographs and diagrams of the accident scene, including:
 - a. The general area and the roadway leading to the scene of the accident from both directions.
 - b. The point of impact.
 - c. Measurements of the distance between the point of impact and the point where each vehicle was visible to the other driver.
 - d. The distance between the points of braking and impact.
 - e. The widths of roads, shoulders, and the condition of each.
 - f. The position of each vehicle when braking began, and at the point of impact. Indicate the relationship of each vehicle to the centerline, and the right and left edges of the road.
 - g. Any warning signs prior to the accident location, such as those identifying intersections, curves, and steep grades.

12.24e - Method for Determining Vehicle Speed

When excessive speed is a factor, explain the method used to determine the speed of each vehicle (such as a visual average speed computer and recorder, or radar) before braking began.

12.24f - Road Maintenance

Provide documentation with regard to the responsible party for road maintenance of the road involved in the accident, such as copies of any right-of-way maintenance agreements. If a

National Forest System road is involved, identify the maintenance level of the road. Provide copies of the most recent maintenance or inspection report, if applicable.

12.25 - Accidents Involving Hazardous Substances

The report of investigation and the administrative file for accidents which involve hazardous substances should include the items described in sections 12.25a through 12.25f, at a minimum.

12.25a - Labels

Include the labels from containers involved in the incident if they have not been contaminated.

12.25b - Photographs

Include photographs of the labels if it is not possible to obtain the labels from the containers involved in the incident. In addition, include photographs of spills of hazardous substances. If possible, include only original photographs, rather than photocopies, with descriptive labels that identify the date and time the photographs were taken, the name of the photographer, and important parts on the photographs, using a legend if necessary. Retain and safeguard all original images. Digital images are preferred whenever possible.

12.25c - Studies

Include copies of any reports available on the effects of the hazardous substance on humans, animals, or other resources. State whether a preliminary assessment or remedial investigation, and feasibility study have been prepared for the site.

12.25d - General Information Regarding the Hazardous Substance

Specify the type of hazardous substance involved in the incident, its properties, how it was mixed or diluted (for example, the ratio of chemical to water or other additives), how it was applied (for example, by spray or injection), and warnings regarding its use.

12.25e - Experts

Provide the names, titles, addresses, telephone numbers, and e-mail addresses of any experts on the hazardous substance involved in the incident, if possible.

12.25f - Bill of Lading and Special Use Authorizations

1. Include the bill of lading documenting that the hazardous substance was transported across National Forest System lands, if possible.
2. Include copies of applicable special use authorizations.

12.26 - Fire Investigations

A report of investigation for fires should include, at a minimum, the items described in sections 12.26a through 12.26n, as applicable.

12.26a - Cause of the Fire

Identify the cause of the fire based upon the factual or circumstantial evidence to support the determination of the cause of the fire. Describe the qualifications of the investigator or other person who determined the cause of the fire.

12.26b - Additional Information

Include the following additional information concerning the fire, at a minimum:

1. A copy of the Line Officer briefing.
2. An escaped fire situation analysis. See Structure Fires (FSM 5132.1).
3. Information on weather conditions, weather and lightning detection reports, fire danger throughout the 5 days prior to the start of the fire, and during the fire.
4. Copies of letters delegating authority to the Incident Commander for fire suppression.
5. The name, address, telephone number, and e-mail address for all incident command personnel.
6. An estimate of property damages and fire suppression costs. For loss of timber, include:
 - a. Evidence of the value of the trees destroyed and their ownership by the Federal government.
 - b. Evidence of any other resource damages and the estimated restoration costs.
 - c. Evidence of any mitigation of the Federal government's damages.

A resource specialist or other expert may be needed to provide and assess the evidence in section 12.26b, 6a through 6c.

12.26c - Land Ownership

Identify the landowners at the fire's point of origin, and state whether the fire burned privately owned lands, National Forest System lands, other Federal lands, State-owned lands, or any combination of these lands.

12.26d - Insurance Coverage

Include the name, address, telephone number, and e-mail address for insurers of the landowners at the fire's point of origin and for insurers of those who caused the fire.

12.26e - Agreements

Identify and include copies of area protection agreements, such as mutual aid, cooperative fire, or cost share agreements.

12.26f - Fire Records

All fire records, including shift plans, time reports, equipment records, dispatch logs, radio logs, State and local agreements, and receipts for the transaction registers, should be retained at the Forest or Grassland Supervisor's Office. Make the records available to ASC-B&F, Incident Business and Claims Specialists, to support the Federal government's position during the defense or collection of claims. The records are subject to discovery by the other party and submission to the court if a claim evolves into a lawsuit.

12.26g - Railroad Fires

Include the following in a report of investigation for railroad fires, at a minimum:

1. Evidence the railroad company caused or allowed the fire to start upon or near the railroad roadbed and right-of-way, such as evidence of brake shoe fragments or exhaust particles near the fire's point of origin.
2. Evidence the railroad company allowed flammable or combustible material to accumulate and remain along the railroad roadbed and right-of-way, and failed to take proper precautions to fireproof the roadbed and right-of-way, such as failure to comply with agreements governing maintenance and protection of the area involved in the fire.
3. Evidence the railroad company failed to make reasonable efforts to extinguish the fire started upon or near the railroad roadbed or right-of-way, which allowed the fire to escape onto National Forest System lands.
4. Evidence the railroad company operated a train with defective or inefficient safety or other equipment.
5. Evidence the railroad company failed to report the fire promptly.
6. Current agreements between the railroad company and the Forest Service.

Collect and preserve relevant physical evidence such as metal shards and vehicle parts.

12.26h - Escaped Campfires

Include the following in a report of investigation for escaped campfires, at a minimum:

1. A copy of any Federal, State, and local laws, regulations, and ordinances applicable to campfires and wildfires.
2. A copy of any State laws governing the liability of minors and their parents, or guardians, for damages resulting from fires started by minors.
3. Evidence that the campfire was negligently maintained, such as evidence of a burning or smoldering object being lifted by the wind and deposited beyond the campfire.
4. Evidence that the campfire was not properly extinguished, such as evidence of a creeping or rekindled fire.
5. Copies of fire restrictions in place at the time of the incident.

12.26i - Fires Caused by Vehicles

Include the following in a report of investigation for fires caused by vehicles, at a minimum:

1. A copy of any Federal, State, and local laws, regulations, and ordinances applicable to fires caused by vehicles, such as automobiles, motorcycles, and airplanes.
2. Evidence of operator error.
3. Service record documentation for the vehicle that started the fire.
4. Evidence of the defective design or manufacture of the vehicle.
5. Evidence an airplane did not contain a signal locator if an airplane was involved in the incident.

12.26j - Fires Caused by Equipment Used for Timber Sale Operations

Include the following in a report of investigation for fires caused by equipment used for timber sale operations, at a minimum:

1. A copy of applicable Federal, State, and local laws, regulations, and ordinances applicable to logging operations, wildfires, and fire trespass.
2. A copy of the timber sale contract, and the contractor's and any subcontractor's insurance policy, if a timber sale contractor is associated with the incident.
3. Evidence of contractor liability for the fire which includes:
 - a. Employees smoking and failing to extinguish cigarettes or other tobacco products.

- b. Defective spark arresters or absence of spark arresters on machinery.
- c. Absence of firefighting tools required under the contract.
- d. Trees being felled across power lines.

12.26k - Fires Caused by Power Lines

Include the following in a report of investigation for fires caused by power lines, at a minimum:

- 1. A copy of the special use authorization for the power lines involved in the fire, including all appendices.
- 2. A copy of any Federal, State, and local laws, regulations, and ordinances applicable to power lines, such as required power line pole clearance ordinances.
- 3. Evidence or documentation from experts that show power lines caused the fire.

12.26l - Fires Caused by Trash Burning or Dump Operations

Include the following in a report of investigation for a fire caused by trash burning or dump operations, at a minimum:

- 1. A copy of any special use authorization for trash burning or dump operations, including all appendices.
- 2. A copy of Federal, State, or local laws, regulations, and ordinances requiring a permit for trash burning or dump operations, and a statement as to whether the operator had the requisite permit.
- 3. Evidence as to whether the trash burning or dump operations and maintenance complied with the permit.
- 4. Evidence of negligence in conducting the trash burning or dump operations and maintenance, such as insufficient clearance for burning, inadequate surveillance, and/or failure to extinguish the fire.
- 4. The name, address, telephone number, and e-mail address for the insurer of the individual, or entity, conducting the trash burning or dump operations.
- 5. Evidence or documentation from experts that the trash burning or dump operations caused the fire.

12.26m - Fires Caused By Tracer and Other Types of Ammunition

Include the following in a report of investigation for fires caused by tracer and other types of ammunition, at a minimum:

1. A copy of Federal, State, and local laws, regulations, and ordinances applicable to the use of tracer or other types of ammunition.
2. A description of the target, including whether it was made out of inflammable materials, or placed on an inflammable object, such as an old mattress or a pile of dead leaves.
3. Evidence or documentation from experts that the tracer or other type of ammunition caused the fire.

12.26n - Intentionally Set Wildfires

Include the following in a report of investigation for intentionally set wildfires, at a minimum:

1. The name, address, telephone number, and e-mail address for the insurers of the responsible party for the fire.
2. A copy of Federal, State, and local laws, regulations, and ordinances applicable to the liability of minors, and their parents or guardians, if the fire was started by a minor.
3. Evidence or documentation from experts, including LEI or local law enforcement investigation reports, pertaining to intentionally set wildfires.

12.27 - Timber Trespass Investigations

12.27a - Appraisals

1. Appraise all measurable damages as soon as practicable after a timber trespass. A Forest Service officer qualified as a timber appraisal expert must supervise the appraisals.
2. Use appraisal methods and cost factors that conform to those in Forest Service directives or industry standards.
3. Provide a copy of the appraisal, appraisal methodology, and source data to support the appraised value.
4. Provide a copy of the Forest Service handbook, related to the appraisal process, in effect at the time of the incident.
5. Provide a copy of the mill receipts for the timber when timber is located and identified at a mill, in cases of suspected timber theft.

12.27b - Tree Value and Other Damages

Include the following in a report of investigation for timber trespass, at a minimum:

1. Evidence of the value of destroyed trees and their ownership by the Federal government.

2. Evidence of the value received for the trespass logs (for example, as commercial timber).
3. Evidence of other resource damages, such as unauthorized roads, and the estimated restoration costs.
4. Evidence of any mitigation of the Federal government's damages.

A Resource Specialist or other expert may need to provide and assess the evidence in section 12.27b, 1 through 4.

12.3 - Coordination With OGC Regarding Claims

It is the responsibility of the ASC-B&F Claims Specialist to coordinate claims with OGC. Generally, field personnel should contact the Claims Specialist, who will in turn communicate with OGC and then respond to field personnel. An exception to this procedure occurs when the urgency of the matter dictates that immediate and direct legal advice is essential.

Do not take any measures towards resolution of the claim once a claim has been referred to OGC. Any contact from a claimant or debtor regarding settlement shall be immediately reported to the Claims Specialist.

12.4 - Release of Reports

All Federal records, including incident investigation records, are subject to release in accordance with the Freedom of Information Act (FOIA) and Privacy Act (PA). See Availability of Records (FSM 6270), and Freedom of Information Act/Privacy Act Handbook (FSH 6209.13), for additional direction on FOIA and the PA. Incident investigation records must be maintained in accordance with the PA and the direction in the Records Management Handbook (FSH 6209.11). Consult the unit FOIA and PA officer for direction on responding to requests for incident investigation records.