

INTERAGENCY INCIDENT BUSINESS MANAGEMENT HANDBOOK

CHAPTER 50 – INTERAGENCY COOPERATIVE RELATIONS

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CHAPTER 50 – INTERAGENCY COOPERATIVE RELATIONS

This chapter provides information and guidelines relating to interagency agreements, cooperative agreements, Presidential Declared Disasters through the Federal Emergency Management Agency (FEMA), FEMA fire management assistance to states, and use of the military.

51 – COOPERATIVE AGREEMENTS.

51.04 – Responsibilities.

1. Incident agency is responsible for:
 - A. Providing a copy of applicable agreements along with annual operating plans to incident management personnel in order to ensure compliance and avoid misunderstandings.
 - B. Negotiating additions or changes to Annual Operating Plans (AOP) when needed and distributing copies of the modified AOP, as appropriate.
2. Incident management team is responsible for knowing the terms and conditions of agreements and operating plans so that those terms and conditions are adhered to, e.g., appropriately managing and utilizing equipment and personnel and documenting costs.
3. Finance/Administration Section Chief is responsible for knowing the provisions in the agreements that have a bearing on incident business management and related recordkeeping.

51.05 – Definitions. Definitions used throughout this handbook are located in the Zero Code.

Formal Agreements. Formal agreements include any written document between the responsible agency and any other federal bureau or agency; state government agency; tribes; governing official or governing board of a unit of local government or agency of local government; or any organization, public or private, with authority to commit itself, setting forth a policy covering respective or mutual responsibilities with respect to mutual goals and the manner in which such responsibilities shall be carried out.

51.1 – Agreements Between U.S. Government Agencies.

The requesting or lead agency is responsible to distribute copies, as necessary, or provide copies of nationwide agreements, e.g., Air Traffic Services Support and Meteorological Services, to the National Interagency Coordination Center (NICC) for inclusion in the National Interagency Mobilization Guide, or other appropriate distribution method.

51.1-1 – Executive Agency or Departmental Level. These are agreements between or among executive agencies or departments; for example, United States Department of Agriculture, United States Department of the Interior, or the United States Department of Defense and require statutory authority.

The interagency agreement between the United States Department of the Interior, Bureau of Land Management (BLM), Bureau of Indian Affairs (BIA), National Park Service (NPS), and Fish and Wildlife Service (FWS) and the United States Department of Agriculture, Forest Service (FS), provides the basis for cooperation between and among the agencies on all aspects of wildland fire management. The interagency agreement facilitates the cooperative use of fire related resources during national or regional all hazard incidents. A copy of this agreement can be found in Section 42 of the National Interagency Mobilization Guide.

51.1-2 – Bureau Level. These are agreements between or among principal sub-units of executive agencies or departments; for example, Bureau of Land Management, Forest Service, Bureau of Indian Affairs, National Park Service, or Fish and Wildlife Service.

51.1-3 – Area Level. These are agreements between or among regions, areas, or other major geographical subdivisions of federal bureaus.

51.1-4 – Local Level. These are agreements between or among forests, districts, parks, reservations, refuges, etc.

51.1-5 – Agreements with Tribes. Under P.L. 93-638, Indian Self-Determination and Education Act as amended, tribes are authorized to assume (through a contract, compact, commercial agreement or cooperative agreement) functions normally accomplished by the federal government.

The annual work plan, as applicable, in the contract, compact, or agreement may not address interagency incident management; however, the tribe is to be treated on a government-to-government basis, and federal support should not be

withheld nor billed. Before tribal employees and/or equipment are used in support functions on other federal or state jurisdiction, an agreement should be in place to reimburse the tribe. This may be in their contract or compact. A Contract Officer's Representative (COR) or a Federal Trust Officer should be available who can assist the IMT in coordination with the tribe.

51.2 – Agreements between Federal and State Fire Organizations. It is common for the federal wildland fire agencies to have a cooperative agreement with their respective State agency. The federal agency must have statutory authority to enter into the agreement. These agreements and their corresponding operating plan outline the terms and conditions for sharing resources and processing reimbursement.

In some states, city, county, and rural fire service organizations are considered state resources and are subject to the conditions in the state/federal agreement. The payment to those resources will be completed through the terms of the agreement with the state. In other instances, local fire service organizations may have an agreement with their local federal agency and the terms of that agreement will be followed for payment.

The following Sections are included for supplemental, local, or geographic area agreements:

51.3 – Agreements with Other Governmental Entities. These are agreements with local governments. Foreign government agreements are completed at the National level and require specific authority.

51.4 – Cost Share Agreements for Multi-Jurisdiction Incidents. The authority, guidelines, and process for entering into a cost share agreement are outlined in the agreement between the affected parties. The FSC must review the agreement and annual operating plan for direction applicable to the specific cooperators. (See Chapter 80, Section 86.)

52 – STATE FIRE MANAGEMENT ASSISTANCE.

52.01 – Authority. Section 420 of the Stafford Act authorizes the President to provide assistance to any state for the suppression of fire on publicly or privately-owned forest or grassland, which threatens such destruction as would constitute a major disaster. The Federal Emergency Management Agency (FEMA) is delegated the authority to administer this program. Assistance for qualifying incidents is provided in the form of reimbursements in accordance with a Fire Suppression Assistance Agreement between FEMA and the state.

52.1 – Process. For administering the program, the FEMA Regional Director obtains technical advice and assistance from a designated individual referred to as a Principal Advisor. The Principal Advisor is a representative from either the Forest Service or the Bureau of Land Management.

In cases where a state has requested reimbursement of eligible fire management assistance costs from FEMA, incident management personnel may be asked to help state personnel or the Principal Advisor obtain information to support the state's reimbursement claim request. FEMA uses a comprehensive set of criteria to determine whether wildland fire costs meet the eligibility requirements and the intent of the Stafford Act, and are eligible for reimbursement.

Should an incident be declared eligible for FEMA assistance, the state, the Principal Advisor, and the IMT work together to assure existing agreements are understood and cost accounting procedures are adequate to provide a clear, supportable record of the state's share of incident costs. In most cases, the costs need to be identified by operational period.

FEMA Fire Management Assistance will be provided only for the eligible incident period identified as meeting the criteria of a threat under the definitions of the Act and the Fire Management Assistance Agreement. Based upon information provided during or after the incident, FEMA determines the eligible incident period. The beginning of the incident period may vary but it generally ends once the fire is controlled and the threat of a major disaster no longer exists.

Detailed fiscal records are essential to identify and substantiate the state expenditures that are eligible for reimbursement under the intent of the Fire Management Assistance Agreement.

IMTs should consider the following:

1. If a state agency is the protecting or responsible agency for lands involved or threatened by the fire, ask the state officials whether a request for FEMA fire management assistance has been made or is contemplated.
2. If the answer is “yes”, the Incident Commander and the FSC should meet with the state officials and the Principal Advisor to establish the cost accounting requirements and documentation required to meet the state's needs under their agreement with FEMA.

3. Request a Cost Unit Leader with capability to track incident costs by operational period using automated methods.
4. Request copies of all cooperative fire agreements between the state and their local and federal cooperators, as well as any cost share agreements.
5. Make sure all pay documents include the specific incident order and request numbers(s). FEMA will look for this cross reference when auditing the incident records for reimbursements.

53 – MILITARY INVOLVEMENT.

53.01 – Authority. The Interagency Agreement among the United States Department of Defense (DoD) and the United States Departments of Agriculture and the Interior is published in the National Interagency Mobilization Guide, Chapter 40, Cooperation. The information contained in the National Interagency Mobilization Guide and the Military Use Handbook provides the responsibilities, policy, and operational procedures regarding the military's support to the wildland fire management agencies, which includes request and use of their qualified civilian employees. Refer to this section for detailed information regarding support requests, and funding obligations, billing and payment procedures.

53.04 - Responsibility. The protocols for activating the military in support of fire emergencies occurring within the continental United States are provided in the Military Use Handbook. The direction contained in Chapter 10 and Chapter 20 provides the necessary information on the deployment and operational use of military resources. Chapter 100 provides incident business management guidelines and procedures.

The Military Use Handbook provides detailed information regarding agency personnel support staff interface with the military organization.

53.1 – Modular Airborne Fire Fighting System(s) (MAFFS). The protocols for activating and utilizing the Modular Airborne Fire Fighting System (MAFFS) for airtanker support during an emergency are outlined in the National Interagency Mobilization Guide, Administrative Procedures.

53.2 – Military Costs and Billings.

Obtain reimbursable military costs from the onsite military Officer-in-Charge and include in the remarks block on the Incident Status Summary, ICS-209. The DoD will be reimbursed for all their costs associated with incident support. Reference the agreement and the Military Use Handbook for reimbursement criteria.

53.3 – Exhibits. (Reserved)