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Chapter 18 Reviews, Investigations & Analyses

Introduction

Reviews and investigations are used by wildland fire and aviation managers to assess and improve the effectiveness and safety of organizational operations.

Reviews

Reviews are methodical examinations of system elements such as; program management, safety, leadership, operations, preparedness, training, staffing, business practices, budget, cost containment, planning, and interagency or intra-agency cooperation and coordination. Reviews do not have to be associated with a specific incident. The purpose of a review is to ensure the effectiveness of the system element being reviewed, and to identify deficiencies and recommend specific corrective actions. Established review types are described below and include:

- Preparedness review
- After action review
- Fire and aviation safety team review
- Aviation safety assistance team review
- National cost oversight team review
- Individual fire review
- Lessons learned review
- Escaped prescribed fire review

Preparedness Reviews

Fire preparedness reviews assess fire programs for compliance with established fire policies and procedures as outlined in the current *Interagency Standards for Fire and Fire Aviation Operations* and other pertinent policy documents.

Reviews identify; organizational, operational, procedural, personnel, or equipment deficiencies, and recommend specific corrective actions. Interagency Preparedness Review Checklists can be found at:

http://www.nifc.gov/policies/preparedness_reviews/preparedness_reviews.htm

- **BLM/FS - Preparedness review functional checklists that can be found at:**
http://www.blm.gov/nifc/st/en/prog/fire/fireops/preparedness/preparedness_review.html.

After Action Reviews (AAR)

An AAR is a learning tool intended for the evaluation of an incident or project in order to improve performance by sustaining strengths and correcting weaknesses. An AAR is performed as soon after the event as possible by the personnel involved. An AAR should encourage input from participants that is focused on:

- what was planned?
- what actually happened?

- 1 • why it happened?
- 2 • what can be done the next time?

3

4 It is a tool that leaders and units can use to get maximum benefit from the
5 experience gained on any incident or project. When possible, the leader of the
6 incident or project should facilitate the AAR process. However, the leader may
7 choose to have another person facilitate the AAR as needed and appropriate.
8 AARs may be conducted at any organizational level. However, all AARs follow
9 the same format, involve the exchange of ideas and observations, and focus on
10 improving proficiency. The AAR should not be utilized as an investigational
11 review. The format can be found in the *Interagency Response Pocket Guide*
12 (*IRPG*), *PMS #461*, *NFES #1007*

13

14 **Fire and Aviation Safety Team (FAST) Reviews**

15 Fire and Aviation Safety Teams assist agency administrators during periods of
16 high fire activity by assessing policy, rules, regulations, and management
17 oversight relating to operational issues. They can also do the following:

- 18 • Provide guidance to ensure fire and aviation programs are conducted safely.
- 19 • Assist with providing immediate corrective actions.
- 20 • Review compliance with OSHA abatement plan(s), reports, reviews and
21 evaluations.
- 22 • Review compliance with *Interagency Standards for Fire and Fire Aviation*
23 *Operations*.

24

25 FAST reviews can be requested through geographic area coordination centers to
26 conduct reviews at the state/regional and local level. If a more comprehensive
27 review is required, a national FAST can be ordered through the National
28 Interagency Coordination Center.

29

30 FASTs include a team leader, who is either an agency administrator or fire
31 program lead with previous experience as a FAST member, a safety and health
32 manager, and other individuals with a mix of skills from fire and aviation
33 management.

34

35 FASTs will be chartered by their respective Geographic Area Coordinating
36 Group (GACG) with a delegation of authority, and report back to the GACG.

37

38 FAST reports includes: an executive summary, purpose, objectives,
39 methods/procedures, findings, recommendations, follow-up actions (immediate,
40 long-term, national issues), and a letter delegating authority for the review. As
41 follow-up, the team will gather and review all reports prior to the end of the
42 calendar year to ensure identified corrective actions have been taken. FAST
43 reports should be submitted to the geographic area with a copy to the Federal
44 Fire and Aviation Safety Team (FFAST) within 30 days. See Appendix O for
45 sample FAST Delegation of Authority.

46

1 Aviation Safety Assistance Team (ASAT) Reviews

2 During high levels of aviation activity it is advisable to request an Aviation
3 Safety Assistance Team (ASAT). The team's purpose is to assist and review
4 helicopter and/or fixed wing operations on ongoing wildland fires. An ASAT
5 team should be requested through the agency chain of command and operate
6 under a delegation from the appropriate state/regional aviation manager or
7 multi-agency coordinating group. Formal written reports will be provided to the
8 appropriate manager. An ASAT should consist of:

- 9 • Aviation Safety Manager
- 10 • Operations Specialist (helicopter and/or fixed wing)
- 11 • Pilot Inspector
- 12 • Maintenance Inspector (optional)
- 13 • Avionics Inspector (optional)

15 National Cost Oversight Team Reviews

16 A National Cost Oversight Team will be assigned to a fire with suppression
17 costs of more than 5 million dollars. This team will include a Line Officer (team
18 lead), Incident Business Specialist, Incident Management Team Specialist, and a
19 Financial Specialist. The team lead and the receiving agency administrator can
20 agree to add team members as needed to address issues specific to the incident,
21 i.e., aviation, personnel, or contracting specialists.

23 Individual Fire Reviews

24 Individual fire reviews examine all or part of the operations on an individual
25 fire. The fire may be ongoing or controlled. These reviews may be a local,
26 state/regional, or national. These reviews evaluate decisions and strategies,
27 correct deficiencies, identify new or improved procedures, techniques or tactics,
28 determine cost-effectiveness, and compile and develop information to improve
29 local, state/regional or national fire management programs.

31 Lessons Learned Review (LLR)

32 The LLR provides the wildland fire community an immediate learning
33 opportunity in the form of a written report in an effort to identify underlying
34 factors that could lead to future accidents and/or provide reasons for successes
35 all in support of organizational learning and accident prevention. This process
36 bridges the gap between the after action review (performed on site immediately
37 after the operation and conducted by the participants themselves) and the
38 accident investigation (formally mandated effort to identify causes and develop
39 control measures). LLRs provide an outside perspective with appropriate
40 technical experts assisting involved personnel in identifying root causes and
41 sharing findings and recommendations.

43 Notification

44 Near misses or successful operations should be reported to first line supervisors.
45 Supervisors will notify unit fire management officer, who will then notify their
46 agency administrator. In cases of entrapment near misses, notification to the

1 respective agency's national fire office is required and determination for
2 review/investigation level will be made from the national level.

3

4 **LLR Process**

5 A LLR will be led by a facilitator who was not involved in the event. A
6 facilitator should be an appropriate fire management expert who possesses skills
7 in interpersonal communications, organization, and be unbiased to the event.
8 Personnel who were involved in the event will also be full participants in the
9 review process. Depending upon the complexity of the event, the facilitator may
10 request assistance from technical experts (e.g., fire behavior, fire operations,
11 etc.).

12

13 The LLR facilitator will convene the participants and:

- 14 • Identify facts of the event (sand tables maybe helpful in the process) and
15 develop a chronological narrative of the event.
- 16 • Identify underlying reasons for success or failure.
- 17 • Identify what individuals learned and what they would do differently in the
18 future.
- 19 • Provide a final written report including the above items to the pertinent
20 agency administrator(s) within two weeks of event occurrence. Names of
21 involved personnel should not be included in this report (reference them by
22 position).

23

24 A copy of the final report will be submitted to the respective agency's national
25 fire safety lead who will provide a copy to the Wildland Fire Lessons Learned
26 Center (WFLLC). Website: <http://wildfirelessons.net/Home.aspx>.

- 27 • *FS - The Forest Service has developed two processes for conducting*
28 *Lessons Learned Reviews: the Facilitated Learning Analysis (FLA) and the*
29 *Accident Prevention Analysis (APA). Guides have been produced for these*
30 *processes and are available from Regional and National risk management*
31 *and safety personnel.*

32

33 **Escaped Prescribed Fire Reviews**

34 Escaped prescribed fire review direction is found in Chapter 18 of this document
35 and in these agency documents:

36 *Interagency Prescribed Fire Planning and Implementation Procedures*
37 *Reference Guide (September 2006)*

- 38 • *BLM - BLM 9214 Prescribed Fire Handbook and the 9215 BLM Fire*
39 *Training Handbook.*
- 40 • *FWS - Fire Management Handbook*
- 41 • *NPS - RM-18, Chapter 7 & 17*
- 42 • *FS - 5140-1*

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44

45

1 **Investigations**

2 Investigations are detailed and methodical efforts to collect and interpret facts
3 related to an incident or accident, identify causes (organizational factors, local
4 workplace factors, unsafe acts), and develop control measures to prevent
5 recurrence. Established investigation types include:

- 6 • Serious wildland fire accident investigation.
- 7 • Non-serious wildland fire accident investigation.
- 8 • Entrapment/ burnover investigation.
- 9 • Fire shelter deployment investigation.
- 10 • Fire trespass investigation.

12 **Wildland Fire Accident and Event Definitions**

14 **Serious Wildland Fire Accident**

15 An unplanned event or series of events that resulted in death; injury,
16 occupational illness, or damage to or loss of equipment or property. For
17 wildland fire operations, a serious accident involves any of the following:

- 18 • One or more fatalities.
- 19 • Three or more personnel who are inpatient hospitalized as a direct result of
20 or in support of wildland fire operations.
- 21 • Property or equipment damage of \$250,000 or more.
- 22 • Consequences that the Designated Agency Safety and Health Official
23 (DASHO) judges to warrant Serious Accident Investigation.

25 **Non-Serious Wildland Fire Accident**

26 An unplanned event or series of events that resulted in injury, occupational
27 illness, or damage to or loss of equipment or property to a lesser degree than
28 defined in “serious wildland fire accident.”

30 **Near-miss**

31 An unplanned event or series of events that could have resulted in death; injury;
32 occupational illness; or damage to or loss of equipment or property but did not.

34 **Entrapment**

35 A situation where personnel are unexpectedly caught in a fire behavior-related,
36 life-threatening position where planned escape routes or safety zones are absent,
37 inadequate, or compromised. Entrapment may or may not include deployment
38 of a fire shelter for its intended purpose (NWCG Glossary of Fire Terminology).
39 Entrapment may result in a serious wildland fire accident, a non-serious
40 wildland fire accident, or a near-miss.

42 **Fire Shelter Deployment**

43 The removing of a fire shelter from its case and using it as protection against fire
44 (NWCG Glossary of Fire Terminology). Fire shelter deployment may or may
45 not be associated with entrapment. Fire shelter deployment may result in a

1 serious wildland fire accident, a non-serious wildland fire accident, or a near-
 2 miss. Any time a fire shelter is deployed (other than for training purposes),
 3 regardless of circumstances, notification to the National Fire and Aviation
 4 Safety Office of the jurisdictional agency is required.

5
 6 **Escaped Prescribed Fire**

7 A prescribed fire which has exceeded or is expected to exceed its prescription.

8
 9 **Fire Trespass**

10 The occurrence of unauthorized fire on agency-protected lands where the source
 11 of ignition is tied to some type of human activity.

12
 13 **Review and Investigation Requirements**

Wildland Fire Event	Review/Investigation Type	Management level that determines review type and authorizes review*
Serious Wildland Fire Accident	Serious Accident Investigation (SAI)	National
Non -Serious Wildland Fire Accident	Non-Serious Accident Investigation (NSAI)	Region/State/Local
Near-miss	Lesson Learned Review (LLR)	Region/State/Local
Entrapment	SAI, NSAI, LLR, depending on severity	National
Fire Shelter Deployment	SAI, NSAI, LLR, depending on severity	National
Escaped Prescribed Fire	Escaped Prescribed Fire Review	National/Region/State
Fire Trespass	Fire Cause Determination & Trespass Investigation	Local

14 *Management may override lower level management and request a review or
 15 investigation regardless of the above criteria.

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1 **Agency Specific Policy Documents**

2 These documents provide specific direction related to incident and accident
 3 investigations.

	Safety	Prescribed Fire
DOI	485 DM Chapter 7	
BLM	Manual 1112-2, 1112-1	
FWS	Service Manual 095	
NPS	DO/RM-50B, RM-18 Chapter 3	RM-18, Chapter 7
FS	FSH-6709.11	FSM-5140
	FSM-5100 and FSH-6709.11 FSM 5720 (Aviation), FSM 5130 (Ground Operations), FSM 6730 (Specific policy), FSH 6709.12, Chapter 30 (General guidance), and most recent <i>Accident Investigation Guide</i> , for specific guidance.	
Interagency	Information on accident investigations may be found at: http://www.nifc.gov/safety/accident_resources.htm . For reporting use <i>PMS 405-1, Wildland Fire Fatality and Entrapment Initial Report</i> ,: http://www.nwcg.gov/pms/forms_otr/pms405-1.pdf .	

4
 5 **Serious Wildland Fire Accident Investigation Process**

6
 7 **Fire Director Responsibilities**

8 The Fire Director(s) or designee(s) of the lead agency, or agency responsible for
 9 the land upon which the accident occurred, will:

- 10 • Notify the agency safety manager and Designated Agency Safety and
 11 Health Official (DASHO).
- 12 • Immediately appoint, authorize, and deploy an accident investigation team.
- 13 • Provide resources and procedures adequate to meet the team’s needs.
- 14 • Receive the factual and management evaluation reports and take action to
 15 accept or reject recommendations.
- 16 • Forward investigation findings, recommendations, and corrective action
 17 plan to the DASHO (the agency safety office is the “office of record” for
 18 reports).
- 19 • Convene an accident review board/ board of review (if deemed necessary)
 20 to evaluate the adequacy of the factual and management reports and suggest
 21 corrective actions.
- 22 • Ensure a corrective action plan is developed, incorporating management
 23 initiatives established to address accident causal factors.

24
 25

1 Agency Administrator Responsibilities

- 2 • Develop local preparedness plans to guide emergency response.
- 3 • Identify agencies with jurisdictional responsibilities for the accident.
- 4 • Provide for and emphasize treatment and care of survivors.
- 5 • Ensure the Incident Commander secures the accident site.
- 6 • Conduct an in-briefing to the investigation team.
- 7 • Facilitate and support the investigation as requested.
- 8 • Determine need and implement Critical Incident Stress Management
- 9 (CISM).
- 10 • Notify home tribe leadership in the case of a Native American fatality.
- 11 • Prepare and issue required 24 Hour Preliminary Report.

13 Notification

14 Agency reporting requirements will be followed. As soon as a serious accident
15 is verified, the following groups or individuals should be notified:

- 16 • Agency administrator
- 17 • Public affairs
- 18 • Agency Law Enforcement
- 19 • Safety personnel
- 20 • County sheriff or local law enforcement as appropriate to jurisdiction
- 21 • National Interagency Coordination Center (NICC)
- 22 • Agency headquarters
- 23 • OSHA (within 8 hours if the accident resulted in one or more fatalities or if
- 24 three or more personnel are inpatient hospitalized)

25
26 Notification to the respective agency's fire safety/risk management lead is
27 required. Agency fire safety/risk management contacts are listed below:

- 28 • *FS - Forest Service protocol for fatalities or 3 or more serious injuries*
29 *requiring hospitalization investigation teams are assigned by the Office of*
30 *Safety and Occupational Health in the WO.*

32 Designating the Investigation Team Lead

33 The 1995 Memorandum of Understanding between the U.S. Department of the
34 Interior and the U.S. Department of Agriculture states that serious wildland fire-
35 related accidents will be investigated by interagency investigation teams.
36 Following initial notification of a serious accident, the National Fire Director(s)
37 or their designee(s) will designate a Serious Accident Investigation Team
38 Lead(s) and provide that person(s) with a written delegation of authority to
39 conduct the investigation and the means to form and deploy an investigation
40 team.

41
42 Accidents involving more than one agency will require a collaboratively
43 developed delegation of authority that is signed by each of the respective
44 agencies.

45

1 **Serious Accident Investigation Team Composition**

2 • **Team Leader**

3 A senior agency management official, at the equivalent associate/assistant
4 regional/state/area/division director level. The team leader will direct the
5 investigation and serve as the point of contact to the Designated Agency
6 Safety and Health Official (DASHO).

7 • **Chief Investigator**

8 A qualified accident investigation specialist is responsible for the direct
9 management of all investigation activities. The chief investigator reports to
10 the team leader.

11 • **Accident Investigation Advisor/Safety Manager**

12 An experienced safety and occupational health specialist or manager who
13 acts as an advisor to the team leader to ensure that the investigation focus
14 remains on safety and health issues. The accident investigation
15 advisor/safety manager also works to ensure strategic management issues
16 are examined.

17 • **Interagency Representative**

18 An interagency representative will be assigned to every fire-related Serious
19 Accident Investigation Team. They will assist as designated by the team
20 leader and will provide outside agency perspective.

21 • **Technical Specialists**

22 Personnel who are qualified and experienced in specialized occupations,
23 activities, skills, and equipment, addressing specific technical issues such as
24 arson, third-party liability, weather, and terrain.

25 • *BLM - Coordination and mobilization is done by Fire and Aviation
26 Directorate's Safety and Health Manager.*

27 **The Final Report**

28 Within 45 days of the incident, a Factual Report (FR) and a Management
29 Evaluation Report (MER) will be produced by the investigation team to
30 document facts, findings, and recommendations and forwarded to the
31 Designated Agency Safety and Health Official (DASHO) through the agency
32 Fire Director(s).
33

34 **Factual Report**

35 This report contains a brief summary or background of the event, and facts
36 based only on examination of technical and procedural issues related to
37 equipment and tactical fire operations. It does not contain opinions,
38 conclusions, or recommendations. Names of injured personnel are not to be
39 included in this report (reference them by position). Post-accident actions
40 should be included in this report (emergency response attribute to survival of a
41 victim, etc).
42

43
44 Factual Reports will be submitted to Wildland Fire Lessons Learned Center
45 (WFLLC) by the respective agency's fire safety/risk management leads.
46 <http://iirdb.wildfirelessons.net/main/Reviews.aspx>.

Release Date: January 2009

1 **Management Evaluation Report (MER)**

2 The MER is intended for internal use only and explores management policies,
3 practices, procedures, and personal performance related to the accident. The
4 MER categorizes findings identified in the factual report and provides
5 recommendations to prevent or reduce the risk of similar accidents. Factual and
6 Management Evaluation Report formatting can be found on the NIFC website
7 at: http://www.nifc.gov/safety/accident_resources.htm.

8
9 **Accident Review Board/Board of Review**

10 An Accident Review Board/Board of Review is used by some agencies to
11 evaluate recommendations, and develop a corrective action plan. Refer to
12 respective agency's Safety and Health policy.

13
14 **Non-Serious Wildland Fire Accident Investigation Process**

15
16 **Notification**

17 Agency specific reporting requirements shall be followed. In most instances,
18 supervisors will notify unit fire management officer, who will then make
19 notification through chain of command.

20
21 **Investigation Team Membership**

22 Investigation team membership will depend upon the severity of the accident.
23 At a minimum, the team should consist of a chief investigator, a safety
24 advisor/manager, and one technical specialist. Team members may have dual
25 roles (e.g., chief investigator/safety advisor). More complex accidents may
26 require the need for a Team Leader and multiple technical specialists.

27
28 **Final Report**

29 Within 45 days of the accident, a final report detailing the accident to include
30 facts, findings, and recommendations shall be submitted to the senior manager
31 dependent upon the level of investigation (e.g., Local agency administrator,
32 State/Regional Director, and Agency Fire Director or their designee). If a lower
33 level investigation is conducted, a courtesy copy of the final report shall be sent
34 to the respective agency's fire safety/risk management lead.

35
36 The Final Report (minus recommendations, conclusions and observations) will
37 be submitted to Wildland Fire Lessons Learned Center (WFLLC) by the
38 respective agency's National Fire Safety Leads. Website:
39 <http://iirdb.wildfirelessons.net/main/Reviews.aspx>.

40
41 **Processes Common to Serious and Non-Serious Wildland Fire**
42 **Investigations**

- 43 • **Site Protection** - The site of the incident should be secured immediately
44 and nothing moved or disturbed until the area is photographed and visually
45 reviewed. Exact locations of injured personnel, entrapments, injuries,

- 1 fatalities, and the condition and location of personal protective equipment,
2 property, and other equipment must be documented.
- 3 • **Management of Involved Personnel** - Treatment, transport, and follow-up
4 care must be immediately arranged for injured and involved personnel. The
5 agency administrator or delegate should develop a roster of involved
6 personnel and supervisors and ensure they are available for interviews by
7 the investigation team. The agency administrator should consider relieving
8 involved supervisors from fireline duty until the preliminary investigation
9 has been completed. Attempt to collect initial statements from the involved
10 individuals prior to a Critical Incident Stress Management (CISM) session.
 - 11 • **Critical Incident Stress Management (CISM)** - CISM is the
12 responsibility of local agency administrators, who should have individuals
13 pre-identified for critical incident stress debriefings. Also refer to *The*
14 *Agency Administrator's Guide to Critical Incident Management (PMS 926)*,
15 available at: <http://www.nwcg.gov/pms/pubs/pms926.doc>. Individuals or
16 teams may be available through Employee Assistance Programs (EAP's) or
17 Geographic Area Coordination Centers (GACC's).
 - 18 • **24-Hour-Preliminary Report** - This report contains only the most obvious
19 and basic facts about the accident. It will be completed and forwarded by
20 the agency administrator responsible for the jurisdiction where the accident
21 occurred. Names of injured personnel are not to be included in this report
22 (reference them by position).
 - 23 • **72-Hour Expanded Report** - This report provides more detail about the
24 accident and may contain the number of victims, severity of injuries, and
25 information focused on accident prevention. It will be completed and
26 forwarded by the SAI Team. Names of injured personnel are not to be
27 included in this report (reference them by position).
 - 28 • **24 and 72 Hour Reports** shall be sent to the respective agency's fire
29 safety/risk management lead for national distribution and potential posting
30 through NWCG Safety Alert System.

31

32 **Non-Serious Accident Investigation Report Standard Format**

- 33 • **Executive Summary** - A brief narrative of the facts involving the accident
34 including dates, locations, times, name of incident, jurisdiction(s), number
35 of individuals involved, etc. Names of injured personnel or personnel
36 involved in the accident are not to be included in this report (reference them
37 by position).
- 38 • **Narrative** - A detailed chronological narrative of events leading up to and
39 including the accident, as well as rescue and medical actions taken after the
40 accident. This section should spell out in detail who, what, and where.
- 41 • **Investigation Process** - A brief narrative stating the team was assigned to
42 investigate the accident. It should include a standard statement that human,
43 material, and environmental factors were considered. If one of these factors
44 is determined to be noncontributing to the accident, it should be addressed
45 first and discounted. For example, if the investigation revealed that there

- 1 were no environmental findings that contributed to the accident, simply note
2 the fact and move on to the next factor. Human factors or material factors
3 paragraphs should not be formulated so as to draw conclusions, nor should
4 they contain adjectives or adverbs that describe and thus render an opinion
5 into pertinent facts.
- 6 • **Findings** - Findings are developed from the factual information. Each
7 finding is a single event or condition. Each finding is an essential step in
8 the accident sequence, but each finding is not necessarily causal. Do not
9 include any more information in each finding than is necessary to explain
10 the event occurrence. Findings must be substantiated by the factual data
11 and listed in chronological order within the report.
 - 12 • **Discussion** - Provide a brief explanation of factual and other pertinent
13 information that lead to the finding(s).
 - 14 • **Recommendations** - Recommendations are the prevention measures that
15 should be taken to prevent similar accidents. Provide recommendations that
16 are consistent with the findings and identify at which level the action needs
17 to occur.
 - 18 • **Conclusions and Observations** - Investigation team's opinions and
19 inferences may be captured in the section.
 - 20 • **Maps/Photographs/Illustrations** - Graphic information used to document
21 and visually portray facts.
 - 22 • **Appendices** - Reference materials (e.g., fire behavior analysis, equipment
23 maintenance reports, agreements).
 - 24 • **Records** - Factual data and documents used to substantiate facts involving
25 the accident.

26 **Fire Cause Determination & Trespass Investigation**

27 **Introduction**

28 Agency policy requires any wildfire to be investigated to determine cause,
29 origin, and responsibility. Accurate fire cause determination is a necessary first
30 step in a successful fire investigation. Proper investigative procedures, which
31 occur concurrent with initial attack, more accurately pinpoint fire causes and can
32 preserve valuable evidence that would otherwise be destroyed by suppression
33 activities.
34
35

36
37 The agency or its employees must pursue cost recovery or document why cost
38 recovery is not initiated for all human caused fires on public and/or other lands
39 under protection agreement.
40

41 Fire trespass refers to the occurrence of unauthorized fire on agency-protected
42 lands where the source of ignition is tied to some type of human activity.
43

44 **Policy**

45 The agency must pursue cost recovery, or document why cost recovery is not
46 required, for all human-caused fires on public lands. The agency will also

- 1 pursue cost recovery for other lands under fire protection agreement where the
2 agency is not reimbursed for suppression actions, if so stipulated in the
3 agreement.
4
- 5 For all human-caused fires where negligence can be determined, trespass actions
6 are to be taken to recover cost of suppression activities, land rehabilitation, and
7 damages to the resource and improvements. Only fires started by natural causes
8 will not be considered for trespass and related cost recovery.
9
- 10 The determination whether to proceed with trespass action must be made on
11 “incident facts,” not on “cost or ability to pay.” Trespass collection is both a
12 cost recovery and a deterrent to prevent future damage to public land. It is
13 prudent to pursue collection of costs, no matter how small. This determination
14 must be documented and filed in the unit office’s official fire report file.
15 The agency administrator has the responsibility to bill for the total cost of the
16 fire and authority to accept only full payment. On the recommendation of the
17 State/Regional Director, the Solicitor/Office of General Counsel may
18 compromise claims of the United States, up to the monetary limits (\$100,000)
19 established by law 31 U.S.C. 3711[a], 4 CFR 103-104, and 205 DM 7.1 and 7.2.
20 The Solicitor/Office of General Counsel will refer suspension or termination of
21 the amount, in excess of \$100,000, exclusive of interest, penalties, or
22 administrative charges, to the Department of Justice.
23
- 24 Unless specified otherwise in an approved protection agreement, the agency that
25 has the land management jurisdiction/administration role is accountable for
26 determining the cause of ignition, responsible party, and for obtaining all
27 billable costs, performing the billing, collection, and distribution of the collected
28 funds. The agency with the fire protection responsibility role must provide the
29 initial determination of cause to the agency with the land management
30 jurisdiction/administration role. The agency providing fire protection shall
31 provide a detailed report of suppression costs that will allow the jurisdictional
32 agency to proceed with trespass procedures in a timely manner.
33
- 34 Each agency’s role in fire trespass billing and collection must be specifically
35 defined in the relevant Cooperative Fire Protection Agreement. The billing and
36 collection process for federal agencies is:
- 37 • For example, a federal agency fire occurs on another federal agency’s land
38 and is determined to be a trespass fire. BLM provides assistance, and
39 supplies costs of that assistance to the federal agency with jurisdictional
40 responsibility for trespass billing. The responsible federal agency bills and
41 collects trespass, and BLM then bills the federal agency and is reimbursed
42 for its share of the collection.
 - 43 • For example, where BLM administered land is protected by a state agency,
44 the billing and collection process is:

- 1 • The state bills BLM for their suppression costs. The BLM will pursue
2 trespass action for all costs, suppression, rehabilitation, and damages,
3 and deposits the collection per BLM's trespass guidance.
4
- 5 All fires must be thoroughly investigated to determine cause. Initiation of cause
6 determination must be started with notification of an incident. The initial attack
7 incident commander and the initial attack forces are responsible for initiating
8 fire cause determination and documenting observations starting with their travel
9 to the fire. If probable cause indicates human involvement, an individual trained
10 in fire cause determination should be dispatched to the fire. Agency References:
- 11 • *BLM - 9238-1*
12 • *FWS - Fire Management Handbook*
13 • *NPS - RM-18, Chapter 8 and RM-9*
14 • *FS - FSM-5130 and FSM-5300*