

Chapter 18

Reviews and Investigations

A. Introduction

Reviews and investigations are two methods used by wildland fire and aviation managers to ensure or improve safety and efficiency, determine if any policy or operational changes should be initiated, and identify any management system failures.

Information (other than factual) derived from safety reviews and accident investigations should only be used by the agency for accident prevention and safety purposes.

Reviews are a methodical examination of system elements based on improving performance and increasing safety.

Investigations are detailed and methodical efforts to collect and interpret facts related to an incident or accident, identify causes (organizational factors, workplace factors, and unsafe acts) and develop control measures to prevent recurrence.

Depending on the complexity and severity, reviews and investigations may be conducted at the Agency, Regional, or National level.

1. Multiagency Cooperation

Many reviews and investigations involve cooperation between Federal, State, County, and Municipal Agencies. To fulfill each agencies authorities, policies, and responsibilities a multi-agency review or investigation may be necessary.

The Team Leader or delegating official(s) should establish cooperative relationships with the other agencies involved in the review or investigation to ensure policies and responsibilities are met. This may involve negotiations, cooperative agreements, and coordination with the agency Designated Agency Safety and Health Official (DASHO) or the Agency official who signs the delegation of authority.

2. Federal Interagency Investigations

Close calls or accidents that involve interagency (USFS or DOI) personnel and/or jurisdiction (e.g., USFS firefighter injured on Tribal jurisdiction wildland fire & vice versa) shall be reviewed or investigated cooperatively and conducted at the appropriate level as outlined in this chapter. Agency Administrators will ensure that affected agencies are involved throughout the review/investigation process.

When an incident does not meet the serious accident criteria the affected Agency Administrators should jointly decide what type and level of investigation will be conducted based on agency processes outlined in this chapter. Clarifying questions should be addressed to your agency wildland fire safety program manager.

B. Policy

DOI policy requires investigation or reviews of all wildland fires with entrapments and/or fire shelter deployments, multiple injuries, fatalities, escaped prescribed fires, and property or equipment damage of more than \$250,000. The Designated Agency Safety and Health Official (DASHO) decision may warrant an investigation depending on severity or potential.

C. Reviews

Reviews address all or any aspects of wildland fire and aviation management. Reviews may focus on program oversight, safety, leadership, operations, specific incidents, preparedness, training, staffing, business practices, budget, planning, interagency cooperation, and linkage between Fire/Fuels Management and other BIA programs. 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 under evaluation, and identify deficiencies and recommend specific corrective actions. Established review types are described below and include:

1. Review Types and Requirements

Type	When Implemented	Delegating Official
Preparedness Review	Annually, or management discretion	Agency/Region/ National
After Action Review	Management discretion	
Fire and Aviation Safety Team Review	As fire activity dictates	Geographic Area Coordinating Group
Aviation Safety and Technical Assistance Team Review	As aviation activity dictates	Agency/Regional Aviation Manager or MACG
Large Fire Cost Review	Refer to NWCG Memorandum #003-2009	BIA Fire Director
Individual Fire Review	Management discretion	Agency/Region/ National
Lessons Learned Review	Management discretion	Agency/Region/ National
Escaped Prescribed Fire Review	See <i>Interagency Prescribed Fire Planning and Implementation Procedures Guide</i> (2008)	

2. Preparedness Reviews

Fire Preparedness reviews assess fire programs for compliance with established fire policies and procedures as outlined in the current *Wildland Fire and Aviation Program Management and Operations Guide* 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

3. After Action Review (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. When possible, the leader of the incident or project should facilitate the AAR process.

AARs may be conducted at any organizational level. All AARs follow the same format, involve the exchange the ideas and observations, and focus on improving proficiency. The AAR should not be utilized as an investigational review process. An AAR should encourage input from participants that is focused on:

- What was planned?
- What actually happened?
- Why it happened?
- What can be done the next time?

More information on the AAR process can be found in the *Incident Response Pocket Guide* (IRPG), PMS #461, NFES #1077.

4. Fire and Aviation Safety Team Reviews (FAST)

Fire and Aviation Safety Teams assist Agency Administrators during periods of high fire activity by assessing policy, rules, regulations, and management oversight relating to operational issues. FAST can also do the following:

- Provide guidance to ensure fire and aviation programs are conducted safely.
- Assist with providing immediate corrective actions.
- Review compliance with OSHA abatement plan(s), reports, reviews and evaluations.
- Review compliance with *Wildland Fire and Aviation Program Management and Operations Guide*

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

FASTs include a Team Leader, who is either an Agency Administrator or fire program lead with previous experience as a FAST member, a safety and health manager, and other individuals with a mix of skills from fire and aviation management.

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

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

5. Aviation Safety and Technical Assistance Team Review (ASTAT)

During high levels of aviation activity it is advisable to request an Aviation Safety and Technical Assistance Team. The team's purpose is to assist and review helicopter and/or fixed wing operations on ongoing wildland fires. An ASTAT team should be requested through the agency chain of command and operate under a delegation from the appropriate Agency/Regional/National aviation manager or multi-agency coordinating group. Formal written reports will be provided to the appropriate manager. An ASTAT should consist of:

- Aviation Safety Manager
- Operations Specialist (helicopter and/or fixed wing)
- Pilot Inspector
- Maintenance Inspector (optional)
- Avionics Inspector (optional)

6. Large Fire Cost Reviews

An interagency large Fire Cost Review will be conducted when an incident (single or complex) meets or exceeds Federal combined expenditure of \$10 million

A review may also be conducted when an incident (single or complex) meets or is expected to meet one or more of the following criteria:

- The predicted time to achieve the fire management objective exceeds 21 days.

- There are significant political, social natural resources, or policy concerns.
- There are complicated cost-share or multi-jurisdictional issues.
- The affected agency requests a review.

It is the responsibility of the Agency Administrator to monitor large fire costs and advise the appropriate individuals(s) within the BIA of the need for a Large Fire Cost Review. The Agency Administrator will provide a delegation of authority to the Cost Review Team authorizing the implementation of a review.

7. Individual Fire Review

Individual fire reviews examine all or part of the operations on an individual fire. The fire may be ongoing or controlled. These reviews may be Agency, Regional, or National. These reviews evaluate decisions and strategies; correct deficiencies; identify new or improved procedures, techniques or tactics; determine cost-effectiveness; and compile and develop information to improve agency, regional or national fire management programs.

8. Lessons Learned Review (LLR)

The purpose of a LLR is to focus on the near miss event or condition in order to prevent a potential serious incident in the future. In order to continue to learn from our near misses and our successes it is imperative to conduct a LLR in an open, non-punitive manner.

LLRs are intended to provide educational opportunities that foster open and honest dialog and assist the wildland fire community in sharing lessons learned information. LLRs provide an outside prospective with appropriate technical experts assisting involved personnel in identifying root causes and sharing findings and recommendations

A LLR should be tailored to the event being reviewed and the extent of the review should be commensurate with the severity of the incident being reviewed. A LLR should not be used in lieu of a Serious Accident Investigation (SAI) or Non-Serious Accident Investigation (NSAI) when criteria for the SAI/NSAI have been met.

The LLR will be led by a facilitator not involved in the event. A facilitator should be an appropriate fire management expert who possess skills in interpersonal communications, organization, and be unbiased to the event. Personnel involved in the event will be participants in the review process. Depending upon the complexity of the event, the facilitator may request assistance from technical experts, (e.g., fire behavior, safety, etc.).

The LLR facilitator will convene the participants and:

- Obtain a delegation of authority from the agency administrator.
- Identify facts of the event and develop a chronological narrative of the event.
- Identify underlying reasons for success or unintended outcomes.
- Identify what individuals learned and what they would do differently in the future.
- Identify any recommendations would prevent future similar occurrences.
- Provide a final written report including the above item to the pertinent Agency Administrator(s) within two weeks of event occurrence unless otherwise negotiated. Names of involved personnel should not be included in the report (reference them by position).

A copy of the final report will be submitted to the Wildland Fire Safety Specialist at the National Interagency Fire Center who will provide a copy to the Wildland Fire Lessons Learned Center (WFLLC)

9. Escaped Prescribed Fire Review

An escaped prescribed fire can be defined as having exceeded or is expected to exceed prescription. Escaped prescribed fire review direction can be found in the following documents:

- *Interagency Prescribed Fire Planning and Implementation Procedures Reference Guide (August 2008)*
- *Guidance for Implementation of Federal Wildland Fire Management Policy (February 2009)*
- *Bureau of Indian Affairs Fuels Management Program Guide (December 2008)*

10. Investigation Types and Requirements

	Investigation Type	Notification Requirement	Management level that determines review type and authorizes review
Serious Wildland Fire Accident	Serious Accident Investigation (SAI)	National	National
Non Serious Wildland Fire Accident	Non-Serious Accident Investigation (NSAI)	National	Agency Region National
Entrapment	SAI, NSAI, LLR, depending on severity	National	National
Fire Shelter Deployment	SAI, NSAI, LLR, depending on severity	National	National
Near-miss	LLR, AAR	Management Discretion	Agency Region National
Escaped Prescribed Fire	Escaped Prescribed Fire Review		Agency Region National
Fire Trespass	Fire Cause Determination & Trespass Investigation	Local	Local

11. Investigations

The following provides guidance and establishes procedures for incident/accident investigations, and should be used as a guide for this procedure. Investigations for the following categories are required, and must be conducted by a trained Team Leader and Chief Investigator. Initial notification to the National Office of Forestry and Fire Management is mandatory. All investigations will follow the policy outlined in the DOI Departmental Manual, Part 485, Chapter 7 (485 DM 7).

a. Serious Wildland Fire Accident (SAI)

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

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

b. Non-Serious Wildland Fire Accident (NSAI)

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

c. Entrapment

Defined by NWCG as situations where personnel are unexpectedly caught in a fire behavior-related, life-threatening position where planned escape routes and safety zones are absent, inadequate, or have been compromised. Entrapments may or may not include deployment of a fire shelter for its intended purpose, and they may or may not result in injury. Entrapment may result in a serious wildland fire accident, a non-serious wildland fire accident or a near-miss.

d. Fire Shelter Deployment

May occur in situations where individuals are not entrapped. However, any time a shelter is deployed (other than for training purposes), regardless of circumstances, notification to the BIA Wildland Fire Safety Specialist is required. The level of investigation will be determined at the national level.

e. Incidents with Potential (Near Miss) and/or Non-Serious Injury

Include wildland fire-related incidents/accidents that result in serious or non-serious injuries involving single/multiple personnel, near accidents (which would have resulted in a serious injury or fatality), substantial loss of property (less than \$250,000), or are so complex and fraught with operational discrepancies that it has the potential to produce an accident, serious injury or fatality given a similar environment or set of circumstances that existed at the time of the incident.

D. Processes Common to Serious and Non-Serious Wildland Fire Investigations

1. Site Protection

The site of the incident should be secured immediately and nothing moved or disturbed until the area is photographed and visually reviewed. Exact locations of injured personnel, entrapments, injuries, fatalities, and the condition and location of Personal Protective Equipment, property, and other equipment must be documented.

2. Management of Involved Personnel

Treatment, transport, and follow up care must be immediately arranged for injured and involved personnel. The Agency Administrator or delegate should develop a roster of involved personnel and supervisors and ensure they are available for interviews by the investigation team. The Agency Administrator should consider relieving involved supervisors from fireline duty until the preliminary investigation has been completed. Attempt to collect initial statements from the involved individuals prior to a Critical Incident Stress Management (CISM) session.

3. Critical Incident Stress Management (CISM)

CISM is the responsibility of local Agency Administrators, who should have individuals pre-identified for critical incident stress debriefings. Refer to the *Agency Administrator's Guide to Critical Incident Management* (PMS 926), available at: <http://www.nwccg.gov/pms/pubs/pms926.doc> Individuals or teams may be available through Employee Assistance Programs (EAPs).

A Critical Incident Stress Defusing should be provided no more than 8 hours after an incident, or if possible, it should be provided immediately (one to two hours) after the incident, and usually takes 30 minutes to 1 hour. A Critical Incident Stress Debriefing should occur between 24 to 72 hours after the incident, and usually takes 1-3 hours.

4. 24-Hour-Preliminary Report

This report contains only the most obvious and basic facts about the accident. It will be completed and forwarded by the Agency Administrator responsible for the jurisdiction where the accident occurred. Names of injured personnel are not to be included in this report (reference them by position).

5. 72-Hour Expanded Report

This report provides more detail about the accident and may contain the number of victims, severity of injuries, and information focused on accident prevention. It will be completed and forwarded by the SAIT to the Agency Administrator. Names of injured personnel are not to be included in this report (reference them by position).

6. Serious Accident Investigation (SAI) Process

Immediately following an incident or accident identified in any of the preceding categories, the following groups and individuals should be notified:

- Agency Superintendent/Regional Director
- BIA Director, Branch of Fire Management.
- BIA National Wildland Fire and Aviation Safety Specialist (will follow Emergency Notification Protocol calling tree)
- Tribal/Local law enforcement
- Regional FMO
- National Interagency Coordination Center (NICC) ,
- OSHA within 8 hours if the accident resulted in one or more fatalities or if three or more personnel are inpatient hospitalized.

a. Director, Branch of Wildland Fire Management

The Fire Director or designee(s) will:

- Notify the agency safety manager and Designated Agency
- Safety and Health Official (DASHO).
- Immediately appoint, authorize, and deploy an accident
- Investigation team.
- Provide resources and procedures adequate to meet the team's needs.
- Receive the Factual and Management Evaluation Reports and take action to accept or reject recommendations.
- Forward investigation findings, recommendations, and
- Corrective action plan to the DASHO (the agency safety
- Office is the "office of record" for reports).
- Convene a board of review (if deemed necessary) to evaluate the adequacy of the Factual and Management Evaluation Reports and suggests corrective actions.
- Ensure a corrective action plan is developed, incorporating management initiatives established to address accident causal factors.

b. Agency Administrator:

- Develop local preparedness plans to guide emergency response.
- Identify agencies with jurisdictional responsibilities for the accident.
- Provide for and emphasize treatment and care of survivors.
- Ensure the Incident Commander secures the accident site.
- Conduct an in-briefing to the investigation team.

- Facilitate and support the investigation as requested.
- Implement Critical Incident Stress Management (CISM).
- Notify home tribal leadership or affected agency.
- Prepare and issue required 24 hour report.

Following initial notifications, the Director, Branch of Fire Management will form the investigation team and coordinate their dispatch through the National Interagency Coordination Center (NICC). Investigation team composition, as outlined in 485 DM 7, is as follows:

E. Serious Accident Investigation Team Composition

1. Team Leader (Core Team Member)

A senior BIA management official, at the equivalent Agency Superintendent level. The team leader receives a Delegation of Authority (DOA) from the Regional Director, and then acts to direct the investigation and serve as the point of contact with the BIA safety office and Bureau Designated Agency Safety and Health Official (DASHO).

2. Chief Investigator (Core Team Member)

A qualified accident investigation specialist responsible for the direct management of all investigation activities. The Chief Investigator reports to the Team Leader.

3. Accident Investigation Advisor/Safety Manager (Core Team Member)

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

4. Interagency Representative

An interagency representative will be assigned to every fire-related SAI Team to assist the Team Leader with outside agency perspectives.

5. Technical Specialists

Personnel who are qualified and experienced in specialized occupations, activities, skills, and equipment, addressing specific technical issues such as fire operations, fire behavior, weather and terrain.

6. Public Affairs Officer

For investigations with high public visibility and significant media interest, a Public Affairs Officer (PAO) should be considered to part of the team. The PAO generally should not be affiliated with the home unit. Duties for the PAO would include a communications plan for the team, point of contact for news media, and other external communications. All media related documents will coordinate through the BIA Fire Communications Specialist in the NIFC Public Affairs Office prior to external release.

Qualifications for PAO should be at the Type 1 or 2 Public Information Officer level as determined by the Incident Qualifications and Certification System (IQCS), and be familiar with SAI team organization and functions.

7. Documentation Specialist/Writer Editor

Works directly for the Chief Investigator to provide document management support and assists the team in preparation of the Factual and Management Evaluation Reports (MER). Training should include successful completion of the Serious Accident Investigation Course (BLM Course 1112-5).

8. The Final Report

Within 45 days of the incident, a final report consisting of a Factual Report (FR) and a Management Evaluation Report will be produced by the investigation team to document facts, findings, and recommendations and forward to the Designated Agency Safety and Health Official (DASHO) through the BIA Fire Director.

9. Factual Report

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

Factual Reports will be submitted to Wildland Fire Lessons Learned Center (WFLLC) by the BIA National Wildland Fire and Aviation Safety Specialist, and posted at: <http://www.wildfirelessons.net/Reviews.aspx>

10. Management Evaluation Report (MER)

The MER is intended for internal use only and explores management policies, practices, procedures, and personnel performance related to the accident. The MER categorizes findings identified in the factual report and provides recommendations to prevent or reduce the risk of similar accidents.

The MER includes the following sections

- Executive Summary

A brief narrative of the facts involving the accident. Keep this section short. Readers can refer to the factual report if they want more detail.

- Findings

From the factual report.

- Recommendations

Recommendations are prevention measures management may take to prevent similar accidents. The recommendations must be reasonable, feasible, relate to the cause(s) of the accident, and allow for definitive closure. Depending upon the scope of impact, recommendations can be implemented by an Agency, Regional Office or at the National level. The team should specify who should implement the recommendations.

- Enclosures

Information not contained in the Factual Report, but which the team feels necessary to support their recommendations. Since this report can be obtained by the public under certain circumstances, do not include anything that is not needed to substantiate recommendations.

F. Investigation Report Standard Format

1. Executive Summary

A brief narrative of the facts involving the accident including dates, locations, times, name of incident, jurisdiction(s), number of individuals involved, etc.

2. Narrative

A detailed chronological narrative of events leading up to and including the accident, as well as rescue and medical actions taken after the accident. This section should spell out in detail who, what, and where.

3. Investigation Process

A brief narrative stating the team was assigned to investigate the accident. It should include a standard statement that human, material, and environmental factors were considered. If one of these factors is determined to be non-contributing to the accident, it should be addressed first and discounted. For example, if the investigation revealed that there were no environmental findings that contributed to the accident, simply note the fact and move on to the next factor. Human factors or material factors paragraphs should not be formulated so as to draw conclusions, nor should they contain adjectives or adverbs that describe and thus render an opinion into pertinent facts.

4. Findings

Findings are developed from the factual information and are based on the weight of evidence, professional knowledge, good judgment and are listed in chronological order. Findings must be substantiated by the factual data within the report.

5. Discussion

Provide a brief explanation of factual and other pertinent information that lead to the finding(s).

6. Recommendations

Recommendations are prevention measures that should be taken to prevent similar accidents. Provide recommendations that are consistent with the findings and identify at which level the action needs to occur.

7. Conclusions and Observations

Investigation team's opinions and inferences may be captured in the section.

8. Maps/Photographs/Illustrations

Graphic information used to document and visually portray facts.

9. Appendices

Reference materials (e.g., fire behavior analysis, equipment maintenance reports, and agreements).

10. Records

Factual data and documents used to substantiate facts involving the accident.

11. Board of Review

The Agency Administrator with jurisdiction (usually the Regional Director) will receive the Factual and Management Evaluation Reports once they have been completed by the Investigation Team. The Agency Administrator in conjunction with the BIA National office of Forestry and Fire Management, will convene a Board of Review (if necessary) to evaluate the adequacy of the factual and management reports and suggest corrective actions.

G. Wildland Fire Non-Serious Accident Investigation Process

1. Notification

Supervisors will notify the unit Fire Management Officer, who will then make notification through chain of command to the Regional and National Office.

2. Investigation Team Membership

Investigation team membership should be commensurate with the complexity and/or severity of the accident. For complex investigations, the team should consist of a Chief Investigator, a safety advisor/manager, and one technical specialist. Team members may have dual roles (e.g., Chief Investigator/safety advisor). More complex accidents may require the need for a Team Leader and multiple technical specialists.

3. Final Report

Within 45 days of the accident, a final report detailing the accident to include facts, findings, and recommendations shall be submitted to the senior manager dependent upon the level of investigation (e.g., Local Agency Superintendent, Regional Director, and Agency Fire Director or their designee). If a lower level investigation is conducted, a courtesy copy of the final report shall be sent to the BIA Wildland Fire Safety Specialist.

The Final Report (minus recommendations, conclusions and observations) will be submitted to Wildland Fire Lessons Learned Center (WFLLC) by the BIA Wildland Fire Safety Specialist, <http://iirdb.wildfirelessons.net/main/Reviews.aspx>

H. Non-Serious Accident Investigation Report Standard Format

1. Executive Summary

A brief narrative of the facts involving the accident including dates, locations, times, name of incident, jurisdiction(s), number of individuals involved, etc. Names of injured personnel or personnel involved in the accident are not to be included in this report (reference them by position).

2. Narrative:

A detailed chronological narrative of events leading up to and including the accident, as well as rescue and medical actions taken after the accident. This section will contain who, what, and where.

3. Investigation Process

A brief narrative stating the team was assigned to investigate the accident. It should include a standard statement that human, material, and environmental factors were considered. If one of these factors is determined to be non-contributing to the accident it should be addressed first and discounted. For example, if the investigation revealed that there were no environmental findings that contributed to the accident, simply note the fact and move on to the next factor. Human factors or material factors paragraphs should not be formulated so as to draw conclusions, nor should they contain adjectives or adverbs that describe and thus render an opinion into pertinent facts.

4. Findings

Findings are developed from the factual information. Each finding is a single event or condition. Each finding is an essential step in the accident sequence, but each finding is not necessarily causal. Do not include any more information in each finding than is necessary to explain the event occurrence. Findings must be substantiated by the factual data and listed in chronological order within the report.

5. Discussion

Provide a brief explanation of factual and other pertinent information that lead to the finding(s).

6. Recommendations

Recommendations are the prevention measures that should be taken to prevent similar accidents. Provide recommendations that are consistent with the findings and identify at which level the action needs to occur.

7. Conclusions and Observations

Investigation team's opinions and inferences may be captured in the section.

8. Maps/Photographs/Illustrations

Graphic information used to document and visually portray facts.

9. Appendices

Reference materials (e.g., fire behavior analysis, equipment maintenance reports, agreements).

10. Records

Factual data and documents used to substantiate facts involving the accident.

I. Wildland Fire Trespass

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

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

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

1. Policy

The agency shall pursue cost recovery, or document why cost recovery is not required, for all human-caused fires on public and federal lands. The agency will also pursue cost recovery for other lands under fire protection agreement where the agency is not reimbursed for suppression actions, if so stipulated in the agreement.

For all human-caused fires where negligence can be determined, trespass actions are to be taken to recover cost of suppression activities, land rehabilitation, and damages to the resource and improvements. Only fires started by natural causes will not be considered for trespass and related cost recovery.

The determination whether to proceed with trespass action must be made on "incident facts," not on "cost or ability to pay." Trespass collection is both a cost recovery and a deterrent to prevent future damage to public, federal, and Tribal land. It is prudent to pursue collection of costs, no matter how small. This determination must be documented and filed in the unit office's official fire report file.

The Agency Administrator has the responsibility to bill for the total cost of the fire and authority to accept only full payment. On the recommendation of the Agency Administrator/Regional Director, the Solicitor/Office of General Counsel may compromise claims of the United States, up to the monetary limits (\$100,000) established by law 31 U.S.C. 3711[a], 4 CFR 103-104, and 205 DM 7.1 and 7.2. The Solicitor/Office of General Counsel will refer suspension or termination of the amount, in excess of \$100,000, exclusive of interest, penalties, or administrative charges, to the Department of Justice.

Unless specified otherwise in an approved protection agreement, the agency that has the land management jurisdiction/administration role is accountable for determining the cause of ignition, responsible party, and for obtaining all billable costs, performing the billing, collection, and distribution of the collected funds. The agency with the fire protection responsibility role must provide the initial determination of cause to the agency with the land management jurisdiction/administration role. The agency providing fire protection shall provide a detailed report of suppression costs that will allow the jurisdictional agency to proceed with trespass procedures in a timely manner.

Each agency's role in fire trespass billing and collection must be specifically defined in the relevant Cooperative Fire Protection Agreement. The billing and collection process for federal agencies is: For example, a federal agency fire occurs on another federal agency's land and is determined to be a trespass fire. BIA provides assistance, and supplies costs of that assistance to the federal agency with jurisdictional responsibility for trespass billing. The responsible federal agency bills and collects trespass, and BIA then bills the federal agency and is reimbursed for its share of the collection. For example, where BIA administered land is protected by a state agency, the billing and collection process is:

The state bills BIA for their suppression costs. The BIA will pursue trespass action for all costs, suppression, rehabilitation, and damages, and deposits the collection per BLM's trespass guidance.

All fires must be thoroughly investigated to determine cause. Initiation of cause determination must be started with notification of an incident. The initial attack Incident Commander and the initial attack forces are responsible for initiating fire cause determination and documenting observations starting with their travel to the fire. If probable cause indicates human involvement, an individual trained in fire cause determination should be dispatched to the fire. Agency references:

- **BLM** – 9238-1
- **FWS** – *Fire Management Handbook*
- **NPS** – *RM-18, Chapter 8 and RM-9*
- **FS** – *FSM 5130 and FSM 5300*
- **BIA** – *53 IAM 7-H*

Agency Specific Policy Documents: These documents provide specific direction related to incident and accident 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.	
Inter-agency	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	

2. Professional Liability Insurance

Public Law 110-161 provides for reimbursement for up to one half of the cost incurred for professional liability insurance (including any administrative processing cost charged by the insurance company) for temporary fireline managers, management officials and law enforcement officers.

To qualify for reimbursement, "temporary fireline managers" must meet one the following three criteria:

- Provide temporary supervision or management of personnel engaged in wildland fire activities;
- Provide analysis or information that affects a supervisor's or manager's decision about a wildland fire;
- Direct the deployment of equipment for a wildland fire, such as a base camp manager, equipment manager, helicopter coordinator, or initial attack dispatcher.

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