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**Chapter 19**  
**Reviews & Investigations**

**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. Reviews are usually based on improving performance and increasing safety, while investigations are conducted when an accident or incident with potential for injury or fatality occurs.

Depending on the complexity and severity, reviews and investigations may be conducted at the local, state/regional, or national level.

**Policy**

Agency policy requires investigation or review of all fires where:

- Entrapments and/or fire shelter deployments have occurred.
- Multiple serious injuries or fatalities have occurred.
- Fires have escaped prescribed fire plans.
- Property or equipment damage is more than:
  - DOI \$2,000,000
  - FS \$1,500,000
- Fires with projected large expenditures of more than:
  - DOI \$5,000,000
  - FS \$1,500,000
- *BLM - Management reserves the right to review any fire deemed appropriate.*

Policy requires each field unit to have on-site a current copy of the *Interagency Standards for Fire and Fire Aviation Operations, Investigating Wildland Fire Entrapments* (Missoula Technology and Development Center), *Fireline Handbook*, an agency Safety and Health handbook, and a copy of applicable agency prescribed fire direction.

	<i>Safety</i>	<i>Prescribed Fire</i>
<i>BLM</i>	<i>Manual 1112-2, 1112-1</i>	<i>Prescribed Fire Handbook</i>
<i>FWS</i>	<i>Service Manual 095</i>	<i>Fire Management Handbook</i>
<i>NPS</i>	<i>DO/RM-50</i>	<i>RM-18, Chapter 10</i>
<i>FS</i>	<i>FSH-6709.11</i>	<i>FSM-5140</i>

**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, cost containment, planning, interagency cooperation, and coordination between fire and other agency programs. Review teams will develop findings and recommendations and establish priorities for action.

**Release Date: January 2006**

1 Reviews may be conducted in the form of Preparedness Reviews, Fire and  
 2 Aviation Safety Team (FAST) Reviews, Individual Fire Reviews, or program  
 3 specific reviews.

4  
 5 **Types of Reviews**

6  
 7 **Preparedness Reviews**

8 Wildland fire and aviation preparedness reviews are conducted annually prior to  
 9 the fire season to help the field unit prepare for the fire season, identify  
 10 operational, procedural, personnel, or equipment deficiencies, and recommend  
 11 corrective actions. Standards for preparedness reviews are based on the  
 12 *Interagency Standards for Fire and Fire Aviation Operations* and conducted  
 13 according to established agency procedures. *Interagency Preparedness Review*  
 14 *Checklists* can be found at: [http://www.nifc.gov/references/prep\\_review.htm](http://www.nifc.gov/references/prep_review.htm)

- 15 • **BLM/FS** - Preparedness reviews consist of several functional checklists  
 16 that can be found at:  
 17 [http://www.fire.blm.gov/Standards/FIRE\\_AVIATION\\_PREPAREDNESS](http://www.fire.blm.gov/Standards/FIRE_AVIATION_PREPAREDNESS_REVIEW_GUIDE.htm)  
 18 [\\_REVIEW\\_GUIDE.htm](http://www.fire.blm.gov/Standards/FIRE_AVIATION_PREPAREDNESS_REVIEW_GUIDE.htm)

19  
 20 Review teams should include line and fire managers, fire and aviation operations  
 21 specialists, dispatch and logistics specialists, fire business management  
 22 specialists, and other technical experts as needed (safety & occupational health  
 23 specialists, contracting officers). This expertise may be internal, interagency, or  
 24 contract, and include members from other states/regions, geographic areas.  
 25 Reviews will benefit greatly if interagency in composition. The Agency  
 26 Administrator determines local level review team membership; state/regional  
 27 level review team membership is identified by the State/Regional Director; and  
 28 national review teams are identified by the National Fire Directors.

29  
 30 **Review Frequency/Reviewing Level**

	<i>Local</i>	<i>State/Regional</i>	<i>National</i>
31 <b>BLM</b>	<i>Annual/Any Level</i>	<i>2 yrs/National</i>	<i>4 yrs</i>
32 <b>FWS</b>	<i>Annual/Any Level</i>	<i>3-5 yrs/National</i>	<i>N/A</i>
33 <b>NPS</b>	<i>Annual</i>	<i>3-5 yrs/Regional</i>	<i>N/A</i>
34 <b>FS</b>	<i>Annual</i>	<i>N/A</i>	<i>N/A</i>

- 35 • **BLM** - Copies of preparedness review reports will be distributed to the  
 36 Director, Office of Fire and Aviation, and to the reviewed field office  
 37 through the State Director. A copy of the written action plan addressing  
 38 the executive summary findings will be submitted to the Director, National  
 39 Office of Fire and Aviation, within (30) calendar days upon receipt of the  
 40 review.
- 41 • **BLM** - Field office preparedness reviews will be conducted annually.  
 42 Field Office will be reviewed every other year by the state office. National-  
 43 level reviews of each state are conducted every four years.
- 44 • **FS** - FS preparedness reviews are guided by FSM 5100 /5190 on  
 45 frequency of reviews and reporting requirements.

**1 Fire and Aviation Safety Reviews (FASTs)**

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

- 5 • Provide guidance to ensure fire and aviation programs are conducted  
6 safely.
- 7 • Review compliance with OSHA abatement plan(s), reports, reviews and  
8 evaluations.
- 9 • Review compliance with *Interagency Standards for Fire and Fire Aviation*  
10 *Operations*.

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

15  
16 FASTs include a team leader, who is either an agency administrator or fire  
17 program lead with previous experience as a FAST member, a safety and health  
18 manager, and other individuals with a mix of skills from fire and aviation  
19 management.

20  
21 FASTs will be chartered by their respective Geographic Area Coordinating  
22 Group (GACG) with a delegation of authority, and report back to the GACG.

23  
24 The team's report includes an executive summary, purpose, objectives,  
25 methods/procedures, findings, recommendations, follow-up actions (immediate,  
26 long-term, national issues), and a letter delegating authority for the review. As  
27 follow-up, the team will gather and review all reports prior to the end of the  
28 calendar year to ensure identified corrective actions have been taken. FAST  
29 reports should be submitted to the geographic area with a copy to the Federal  
30 Fire and Aviation Safety Team (FFAST) within 30 days. See Appendix BB for  
31 sample FAST Delegation of Authority.

**32 Individual Fire Reviews**

33  
34 Fire reviews examine all or part of the operations on an individual fire. The fire  
35 may be ongoing or controlled. These evaluations may be a local, state/regional,  
36 or national review, a "hotline" review, an incident management team closeout  
37 and review, a wildland fire review, or an escaped prescribed fire review.

**38 Local Level Review**

39  
40 Should be conducted by the local manager (or designated representative) to  
41 provide the Agency Administrator with recommendations or commendations  
42 pertaining to the fire program or operations.

**43 State/Regional Level Review**

44  
45 Convened by the state/regional Fire Management Officer (FMO) (or designated  
46 representative). This review is generally conducted for any fire that results in

1 controversy involving another agency, adverse media attention, or in large  
2 expenditures of funds (\$2,000,000 or more), or involves serious injury to less  
3 than 3 personnel, significant property damage, or is an incident with potential.

#### 4 5 **National Level Review**

6 Convened by National Fire Director (or designate). This review is generally  
7 conducted for any fire that involves agency wide or national issues, significant  
8 adverse media or political interest, multi-regional resource response, a  
9 substantial loss of equipment or property, large expenditure of funds (more than  
10 \$5,000,000).

- 11 • *FS - \$10,000,000 plus a fatality, or multiple, serious fire related injuries*  
12 *(three or more personnel), and other fires the National Fire Director*  
13 *identifies to be reviewed.*

#### 14 15 **Hotline Review**

16 Normally conducted by the FMO in conjunction with the incident commander,  
17 this review examines an ongoing fire to confirm decisions made daily in the  
18 WFSA, or to determine where the decision process has been faulty and what  
19 corrective actions are needed.

#### 20 21 **Incident Management Team Closeout and Review**

22 The Agency Administrator conducts a closeout with the Incident Management  
23 Team (IMT) prior to a team's release from the incident. This ensures effective  
24 transfer of command of the incident to the local unit, or to another team,  
25 evaluates the status of fire business, and addresses issues or suggested  
26 improvements. See Appendix B.

#### 27 28 **Wildland Fire Review**

29 Examines an ongoing fire to evaluate decisions or correct deficiencies; identifies  
30 new or improved procedures, techniques or tactics; compiles consistent and  
31 complete information to improve local, state/regional or national fire  
32 management programs; examines fire related incidents to determine cause(s),  
33 contributing factors, and to recommend corrective actions; and determine cost-  
34 effectiveness of an operation.

#### 35 36 **Escaped Prescribed Fire Review**

37 Examines escaped prescribed fires to:

- 38 • prevent future escapes from occurring
- 39 • establish accountability
- 40 • determine if the prescribed fire plan was adequate
- 41 • determine if the prescription, actions and procedures set forth in the  
42 prescribed fire plan were followed
- 43 • determine if overall policy, guidance, and procedures relating to prescribed  
44 fire operations are adequate
- 45 • determine the level of awareness and understanding of procedures and  
46 guidance of the personnel involved

- 1 • determine the extent of prescribed fire training and experience of personnel
- 2 involved.
- 3
- 4 Escaped prescribed fire review direction is found in the following agency
- 5 manuals/direction.
- 6 • **BLM** - *BLM 9214 Prescribe Fire Handbook and the 9215 BLM Fire*
- 7 *Training Handbook.*
- 8 • **FWS** - *Fire Management Handbook*
- 9 • **NPS** - *RM-18, Chapter 10 & 13*
- 10 • **FS** - *5140-1*

#### 11

#### 12 **After Action Review (AAR)**

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

- 18 • what was planned
- 19 • what actually happened
- 20 • why it happened
- 21 • what can be done the next time

22

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

#### 32

#### 33 **Investigations**

#### 34

#### 35 **Guidance**

36 The following provides guidance and establishes procedures for national level  
37 incident/accident investigations (as defined below). Each state/region and local  
38 unit must have procedures in place to conduct investigations for incidents/  
39 accidents that do not require national involvement. The following information  
40 may be used as a guide for this procedure as well as referencing the following  
41 applicable agency guidance.

- 42 • **BLM** - *Handbook 1112-1, Safety and Health Management*
- 43 • **FWS** - *Fire Management Handbook*
- 44 • **NPS** - *RM-18, Chapter 13*

- 1 • *FS - FSM-5100 and FSH-6709.11 FSM 5720 (Aviation), FSM 5130*  
2 *(Ground Operations), FSM 6730 (Specific policy), FSH 6709.12, Chapter*  
3 *30 (General guidance), and most recent Accident Investigation Guide, for*  
4 *specific guidance."*

5  
6 Per the 1995 Memorandum of Understanding between the U.S. Department of  
7 the Interior and the U.S. Department of Agriculture "*Investigation of Serious*  
8 *Wildland Fire-Related Accidents,*" serious wildland fire-related accidents will  
9 be investigated through the use of interagency investigation teams.

## 10 11 **Investigation Categories**

### 12 13 **Entrapment**

14 Defined by Natural Wildfire Coordinating Group (NWCG) as situations where  
15 personnel are unexpectedly caught in a fire behavior-related, life-threatening  
16 position where planned escape routes and safety zones are absent, inadequate, or  
17 have been compromised. Entrapments may or may not include deployment of a  
18 fire shelter for its intended purpose, and they may or may not result in injury.  
19 They include "near misses." Notification to the National Fire and Aviation  
20 Safety Office of the jurisdictional agency is required. Level of investigation will  
21 be determined at the national level.

### 22 23 **Shelter Deployment**

24 Shelter deployment may occur in situations where individuals are not entrapped.  
25 Any time a shelter is deployed (other than for training purposes), regardless of  
26 circumstances, notification to the National Fire and Aviation Safety Office of  
27 the jurisdictional agency is required. Level of investigation will be determined  
28 at the national level.

### 29 30 **Incidents with Potential and/or Non-Serious Injury**

31 Wildland fire-related mishaps or non-fire incidents involving agency fire  
32 personnel that result in serious or non-serious injuries involving personnel, near  
33 miss accident /close-call (which would have resulted in an injury or fatality),  
34 substantial loss of property (less than \$250,000), or an incident so complex and  
35 fraught with operational discrepancies that it has the potential to produce an  
36 accident, injury, or fatality given a similar environment or set of circumstances  
37 that existed at the time of the incident. Investigations are required and  
38 conducted at the state/region or local level (national assistance is available upon  
39 request). Notification to the National Fire and Aviation Safety Office is  
40 required.

### 41 42 **Wildland Fire Serious Accident**

43 Defined as accidents where one or more fatalities occur and/or three or more  
44 personnel are inpatient hospitalized as a direct result, or in support of, wildland  
45 fire operations, or substantial property or equipment damage of \$250,000 or  
46 more occurs. Notification to the National Fire and Aviation Safety Office is

1 required. National Office will conduct the investigation with the Delegation of  
2 Authority coming from the National Fire Director or agency director. Agency  
3 contacts are listed below:

- 4 • **BLM** - Michelle Ryerson
- 5 • **FWS** - Rod Bloms
- 6 • **NPS** - Al King
- 7 • **FS** - Ed Hollenshead
- 8 • **FS** - Forest Service protocol for multiple fatalities or 3 or more serious  
9 injuries requiring hospitalization investigation teams are assigned by the  
10 Safety and Health Branch in the WO and are Chief's Office Investigations.

11  
12 For more information on conducting investigations, refer to USDI, Interior 485  
13 Departmental Manual 7, Serious Accident Investigation; USDA Forest Service  
14 Manual 6730, Accident Reporting and Investigation; the Interdepartmental  
15 Memorandum of Understanding between the U.S. Department of the Interior  
16 and the U.S. Department of Agriculture dated October 26, 1995; *Executive*  
17 *Order 12196, Occupational Safety and Health Programs for Federal*  
18 *Employees; 29 CFR 1960.29, Accident Investigation; 29 CFR 1960.70,*  
19 *Reporting of Serious Accidents; Investigating Wildland Fire Entrapments;*  
20 *Interagency Standards for Fire and Fire Aviation Operations; and the Fireline*  
21 *Handbook.*

## 22 **Investigation Process**

### 23 **Notification**

24  
25 Interagency investigations will be co-led and/or have interagency team  
26 members. Agency reporting requirements shall be followed. As soon as a  
27 serious accident is verified, the following groups or individuals should be  
28 notified: Agency Administrator, public affairs, agency law enforcement, safety  
29 personnel, county sheriff or local law enforcement as appropriate to jurisdiction,  
30 National Interagency Coordination Center (NICC), agency headquarters, and  
31 OSHA (within 8 hours only if resulting in a fatality[ies] or three or more  
32 personnel are inpatient hospitalized).

- 33 • After initial notification, NICC will advise the national fire director(s) or  
34 designee(s).
- 35 • The fire director(s) or designee(s) will ensure notification to the agency  
36 safety manager and Designated Agency Safety and Health Official  
37 (DASHO).
- 38
- 39

### 40 **Personnel Involved**

41 Treatment, transport, and follow-up care should be immediately arranged for  
42 injured and involved personnel. Develop a roster of involved personnel and  
43 supervisors and ensure they are available for interviews by the investigation  
44 team. Consider relieving involved supervisors from fireline duty until the  
45 preliminary investigation has been completed. Attempt to collect initial  
46 statements from the involved individuals prior to a Critical Incident Stress

**Release Date: January 2006**

- 1 Management (CISM) session. Critical Incident Stress Teams are available  
2 through Employee Assistance Programs (EAP's), Geographic Area Coordination  
3 Centers (GACC's) or may be ordered through NICC.
- 4 • A Critical Incident Stress Defusing should be provided no more than 8  
5 hours after an incident, or if possible, it should be provided immediately  
6 (one to two hours) after the incident, and usually takes 30 minutes to 1  
7 hour.
  - 8 • A Critical Incident Stress Debriefing should occur between 24 to 72 hours  
9 after the incident, and usually takes 1-3 hours.

10

**11 Site Protection**

12 The site of the incident should be secured immediately and nothing moved or  
13 disturbed until the area is photographed and visually reviewed. Exact locations  
14 of entrapment(s), injury(ies), and fatality(ies), and the condition and location of  
15 personal protective equipment, and any damaged property or equipment must be  
16 documented.

17

**18 Investigation**

19 The 24-Hour Preliminary Brief that contains only the most obvious and basic  
20 facts about the accident will be completed and forwarded by the Agency  
21 Administrator responsible for the jurisdiction where the accident occurred. In  
22 the case of an entrapment and/or fire fatality, use NWCG "Wildland Fire  
23 Entrapment/Fatality Initial Report," NFES 0869.

24

**25 Investigation Team Ordered**

26 Following initial notification of a serious accident, the National Fire Director(s)  
27 will immediately dispatch an investigation team.

28

**29 Roles and Responsibilities**

30

**31 Director**

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

- 34 • Immediately appoint, authorize, and dispatch an accident investigation  
35 team.
- 36 • Ensure that resources and procedures are adequate to meet the team's  
37 needs.
- 38 • Receive the factual and management evaluation reports and take action to  
39 accept or reject recommendations.
- 40 • Forward investigation findings, recommendations, and corrective action  
41 plan to the DASHO (the agency safety office is the "office of record" for  
42 reports).
- 43 • Convene a board of review (if deemed necessary) to evaluate the adequacy  
44 of the factual and management reports and suggest corrective actions.



- 1 • Ensure that a corrective action plan is developed, incorporating  
2 management initiatives established to address accident causal factors.  
3

#### 4 **Agency Administrator**

- 5 • Identify agencies with statutory/accident jurisdictional responsibilities for  
6 the incident; develop local preparedness plans to guide emergency  
7 response.  
8 • Provide for and emphasize treatment and care of survivors.  
9 • Ensure the Incident Commander secures the accident site to protect  
10 physical evidence.  
11 • Conduct an in-briefing to the investigation team.  
12 • Facilitate and support the investigation as requested.  
13 • Implement CISM.  
14 • Notify home tribe leadership in the case of a Native American fatality.  
15 • Receive an in-briefing from the local Agency Administrator to include the  
16 24-hour Preliminary Brief (if not already completed by local unit), as well  
17 as other general information about the accident.  
18 • Produce a 72-hour Expanded Report - see reports section below.  
19

#### 20 **Team Composition**

21

##### 22 **Team Leader**

23 A senior agency management official, at the equivalent associate/assistant  
24 regional/state/area/division director level. The team leader will direct the  
25 investigation and serve as the point of contact with the agency DASHO.  
26

##### 27 **Chief Investigator**

28 A qualified accident investigation specialist is responsible for the direct  
29 management of all investigation activities. The chief investigator reports to the  
30 team leader.  
31

##### 32 **Accident Investigation Advisor**

33 An experienced safety and occupational health specialist or manager who acts as  
34 an advisor to the team leader to ensure that the investigation focus remains on  
35 safety and health issues. The accident investigation advisor also works to ensure  
36 that strategic management issues are examined.  
37

##### 38 **Interagency Representative**

39 An interagency representative will be assigned to every fire-related Serious  
40 Accident Investigation Team. They will assist as designated by the team leader  
41 and will provide outside agency perspective.  
42  
43  
44  
45

### 1 **Technical Specialists**

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

- 5 • **BLM** - *BLM has established Serious Accident Investigation Teams (SAIT)*  
6 *that are managed on a rotational basis. Dispatching is done from the*  
7 *National Office of Fire and Aviation Safety Manager and teams are*  
8 *ordered through NICC.*

### 10 **Reports**

#### 12 **The 24-Hour-Preliminary Report**

13 This report contains only the most obvious and basic facts about the accident. It  
14 will be completed and forwarded by the Agency Administrator responsible for  
15 the jurisdiction where the accident occurred. In the case of an entrapment and/or  
16 fire fatality, use NWCG *Wildland Fire Entrapment/Fatality Initial Report,*  
17 *NFES 0869.*

#### 19 **The 72-Hour Expanded Report**

20 This report provides more detail about the accident and may contain the number  
21 of victims, severity of injuries, and information focused on accident prevention.

#### 23 **The Final Report**

24 Within 45 days of the incident, a Factual Report (FR) and a Management  
25 Evaluation Report (MER) will be produced by the investigation team to  
26 document facts, findings, and recommendations and forwarded to the DASHO  
27 through the agency Fire Director(s).

#### 29 **Factual Report**

30 This report contains a brief summary or background of the event, and facts  
31 based only on examination of technical and procedural issues related to  
32 equipment and tactical fire operations. It does not contain opinions,  
33 conclusions, or recommendations. Post-accident actions should be included in  
34 this report (emergency response attribute to survival of a victim, etc). This  
35 report contains the following sections.

- 36 • **Executive Summary:** A brief narrative of the facts involving the accident  
37 including dates, locations, times, name of incident, jurisdiction(s), number  
38 of individuals involved, etc.
- 39 • **Narrative:** A detailed chronological narrative of events leading up to and  
40 including the accident, as well as rescue and medical actions taken after the  
41 accident. This section should spell out in detail who, what, and where.
- 42 • **Investigative Process:** A brief narrative stating that the team was assigned  
43 to investigate the accident. It should include a standard statement that  
44 human, material, and environmental factors were considered. If one of  
45 these factors is determined to be noncontributing to the accident, it should  
46 be addressed first and discounted. For example, if the investigation

- 1 revealed that there were no environmental findings that contributed to the  
2 accident. Then simply state that fact and move on to the next factor.  
3 Human factors or material factors paragraphs should not be formulated so  
4 as to draw conclusions, nor should they contain adjectives or adverbs to  
5 describe and thus render an opinion into pertinent facts.
- 6 • **Findings:** Findings are developed from the factual information and are  
7 listed in the following order:
    - 8 ➤ Direct cause of the accident.
    - 9 ➤ Indirect causes which contributed to the accident.
    - 10 ➤ Other findings which, if left uncorrected, could lead to future  
11 accidents.
    - 12 ➤ Opinions or recommendations are not findings.
    - 13 ➤ Findings must be substantiated by the factual data within the report.
    - 14 ➤ Maps, Illustrations, and Photographs: graphic information used to  
15 document and visually portray facts.
    - 16 ➤ Records: factual data and documents used to substantiate facts  
17 involving the accident.
    - 18 ➤ Appendices: excerpts, tests results, and similar items used as  
19 reference information for documented facts involving the accident.

### 21 **Management Evaluation Report (MER)**

22 The MER is intended for internal use only and explores management policies,  
23 practices, procedures, and personal performance related to the accident. It takes  
24 the abnormalities/and findings identified in the factual report and categorizes  
25 them for management. This report may contain:

- 26 • Opinions by the investigators as to the cause of the accident.
- 27 • Conclusions and observations.
- 28 • Confidential information.
- 29 • Recommendations for corrective measures.

30  
31 This report includes the following sections:

- 32 • **Executive Summary:** A brief narrative of the facts involving the accident.  
33 Keep this section short. Readers can refer to the factual report if they want  
34 more detail.
- 35 • **Other Findings:** Other findings that did not contribute to the accident but,  
36 if left uncorrected, could lead to other accidents.
- 37 • **Other Information:** This paragraph can contain opinions by the  
38 investigators, conclusions and observations, and confidential information  
39 which the team feels is relevant for management consideration. (This  
40 paragraph is not required).
- 41 • **Recommendations:** Recommendations are prevention measures that  
42 management may take to prevent similar accidents. Although this is not an  
43 absolute requirement, there should be a recommendation for each cause.  
44 The recommendations must be reasonable, feasible, relate to the cause(s)  
45 of the accident, and allow for definitive closure. Depending upon the

1 scope of impact the recommendations can be implemented by a local unit,  
2 the state office or the national office. The team should specify who should  
3 implement the recommendations.

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

#### 9 **Board of Review**

10 • A Board of Review is used to evaluate recommendations, determine  
11 responsibility, and follow up on serious accident investigations. After  
12 determining responsibility for an incident, the Board of Review can make  
13 recommendations ranging from no action taken to termination of  
14 employment.

15 • Only the Agency Director or Deputy Director may appoint a Board of  
16 Review.

#### 18 **Fire Investigation & Trespass**

##### 20 **Introduction**

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

27  
28 The agency or its employees must pursue cost recovery or document why cost  
29 recovery is not initiated for all human caused fires on public and/or other lands  
30 under protection agreement.

31  
32 Fire trespass refers to the occurrence of unauthorized fire on agency-protected  
33 lands where the source of ignition is tied to some type of human activity.

##### 35 **Policy**

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

41  
42 For all human-caused fires where negligence can be determined, trespass actions  
43 are to be taken to recover cost of suppression activities, land rehabilitation, and  
44 damages to the resource and improvements. Only fires started by natural causes  
45 will not be considered for trespass and related cost recovery.

1 The determination whether to proceed with trespass action must be made on  
2 “incident facts,” not on “cost or ability to pay.” Trespass collection is both a  
3 cost recovery and a deterrent to prevent future damage to public land. It is  
4 prudent to pursue collection of costs, no matter how small. This determination  
5 must be documented and filed in the unit office’s official fire report file.  
6 The Agency Administrator has the responsibility to bill for the total cost of the  
7 fire and authority to accept only full payment. On the recommendation of the  
8 State/Regional Director, the Solicitor/Office of General Council may  
9 compromise claims of the United States, up to the monetary limits (\$100,000)  
10 established by law 31 U.S.C. 3711[a], 4 CFR 103-104, and 205 DM 7.1 and 7.2.  
11 The Solicitor/Office of General Council will refer suspension or termination of  
12 the amount, in excess of \$100,000, exclusive of interest, penalties, or  
13 administrative charges, to the Department of Justice.

14  
15 Unless specified otherwise in an approved protection agreement, the agency that  
16 has the land management jurisdiction/administration role is accountable for  
17 determining the cause of ignition, responsible party, and for obtaining all  
18 billable costs, performing the billing, collection, and distribution of the collected  
19 funds. The agency with the fire protection responsibility role must provide the  
20 initial determination of cause to the agency with the land management  
21 jurisdiction/administration role. The agency providing fire protection shall  
22 provide a detailed report of suppression costs that will allow the jurisdictional  
23 agency to proceed with trespass procedures in a timely manner.

24  
25 Each agency’s role in fire trespass billing and collection must be specifically  
26 defined in the relevant Cooperative Fire Protection Agreement. The billing and  
27 collection process for federal agencies is:

- 28 • For example, a federal agency fire occurs on another federal agency’s land  
29 and is determined to be a trespass fire. BLM provides assistance, and  
30 supplies costs of that assistance to the federal agency with jurisdictional  
31 responsibility for trespass billing. The responsible federal agency bills and  
32 collects trespass, and BLM then bills the federal agency and is reimbursed  
33 for its share of the collection.
- 34 • For example, where BLM administered land is protected by a state agency,  
35 the billing and collection process is:
  - 36 ➤ The state bills BLM for their suppression costs. The BLM will  
37 pursue trespass action for all costs, suppression, rehabilitation, and  
38 damages, and deposits the collection per BLM’s trespass guidance.

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- 1 All fires must be thoroughly investigated to determine cause. Initiation of cause  
2 determination must be started with notification of an incident. The initial attack  
3 incident commander and the initial attack forces are responsible for initiating  
4 fire cause determination and documenting observations starting with their travel  
5 to the fire. If probable cause indicates human involvement, an individual trained  
6 in fire cause determination should be dispatched to the fire. Agency References:
- 7 • ***BLM - 9238-1***
  - 8 • ***FWS - Fire Management Handbook***
  - 9 • ***NPS - RM-18, Chapter 8 and RM-9***
  - 10 • ***FS - FSM-5130 and FSM-5300***