

INTERAGENCY INCIDENT BUSINESS MANAGEMENT HANDBOOK

CHAPTER 50 – INTERAGENCY COOPERATIVE RELATIONS

Contents

51	COOPERATIVE AGREEMENTS
51.04	Responsibilities
51.05	Definitions
51.1	Agreements between U.S. Government Agencies
51.1-1	Executive Agency or Departmental Level
51.1-2	Bureau Level
51.1-3	Area Level
51.1-4	Local Level
51.1-5	Agreements with Tribes
51.2	Agreements between Federal and State Fire Organizations
51.3	Agreements with Other Governmental Entities
51.4	Agreements with Forest Protective Associations
51.5	Agreements with Organized Crews
51.6	Agreements with the Private Sector
51.7	Miscellaneous Agreements Containing Incident Business Management Provisions
51.8	Cost Share Agreements for Multi-Jurisdiction Incidents
52	FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
52.01	Authority
52.1	Presidential Declared Disasters
52.1-1	Process
52.1-2	Pay Provisions
52.1-3	Travel
52.1-4	Expenditures Eligible for Reimbursement
52.2	FEMA Fire Assistance
53	MILITARY INVOLVEMENT
53.01	Authority
53.04	Responsibility
53.1	Modular Airborne Fire Fighting System(s) (MAFFS)
53.2	Military Costs and Billings
53.3	Exhibits (Reserved)

CHAPTER 50 – INTERAGENCY COOPERATIVE RELATIONS

This chapter provides information and guidelines relating to cooperative agreements, Presidential Declared Disasters, FEMA fire suppression assistance to states, and use of military.

51 – COOPERATIVE AGREEMENTS.

51.04 – Responsibilities.

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

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

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

51.1 – Agreements Between U.S. Government Agencies.

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

The interagency agreement between the United States Department of the Interior, Bureau of Land Management (BLM), Bureau of Indian Affairs (BIA), National Park Service (NPS), and Fish and Wildlife Service (FWS) and the United States Department of Agriculture, Forest Service (FS), provides the authority and basis for cooperation between the agencies on all aspects of wildfire management and facilitates the cooperative use of fire related resources during national or regional non-fire emergencies. A copy of this agreement can be found in Section 42 of the National Interagency Mobilization Guide, NFES 2092.

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

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

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

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

The annual work plan in the contract, compact, or cooperative agreement may not address interagency incident management; however, the tribe is to be treated on a government-to-government basis, and federal support should not be withheld nor billed. Before tribal employees and/or equipment are used in support functions on other federal or state jurisdiction, an agreement should be in place to reimburse the tribe. This may be in their contract or compact. A Contract Officer's Representative (COR) or a Federal Trust Officer should be available who can assist the IMT in coordination with the tribe.

51.2 – Agreements between Federal and State Fire Organizations. It is common for the federal wildland fire agencies to have a cooperative agreement with their respective state agency. These agreements and their corresponding operating plan outlines the terms and conditions for sharing resources.

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

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

51.3 – Agreements with Other Governmental Entities. These are agreements with local governments or foreign governments.

51.4 – Agreements with Forest Protective Associations.

51.5 – Agreements with Organized Crews.

51.6 – Agreements with the Private Sector.

51.7 – Miscellaneous Agreements Containing Incident Business Management Provisions.

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

52 – FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).

52.01 – Authority. The authority for Federal agencies to respond to Presidential Declared Disasters in support of FEMA is contained in the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288, as amended, through the Federal Response Plan (FRP), FEMA 229.

The President, in Executive Order 12148, delegated all functions, except those in Section 301, 401, and 409, to the Director, Federal Emergency Management Agency.

52.1 – Presidential Declared Disasters.

52.1-1 – Process. The FRP identifies the Primary Federal Agency responsible for each of the 12 Emergency Support Functions (ESF) outlined in the plan. It also identifies the support roles that the various federal agencies assume under the plan. The Forest Service is designated the primary agency responsible for ESF-4, Firefighting. (Except for the State of Alaska where by local agreement, the Department of Interior is designated the primary agency responsible for ESF-4.) In addition, the Forest Service is a designated support agency to each of the other 11 support functions. Interior agencies have a more limited support role. Refer to the FRP for the support roles for the various Department of Interior agencies.

FEMA accomplishes its missions through tasking assignments given to primary and supporting agencies. For example, the Forest Service could be tasked to accomplish a specific mission such as to operate a receiving and distribution center in support of a particular disaster.

The Forest Service would in turn use its available resources, including those available through federal and state agreements, to complete the assignment.

FEMA requests Forest Service assistance through a mission assignment letter, which identifies the mission and establishes expenditure limitations.

Activities will be accomplished utilizing established dispatch coordination concepts and processes. Procedures established in the National Interagency Mobilization Guide shall be followed in responding to disaster-related emergencies under the FRP.

52.1-2 – Pay Provisions. Federal employees responding to FEMA assignments will follow procedures outlined in Chapter 10 of this handbook and applicable agency regulations.

Individuals assigned to the incident are spot-changed to the first 8, 9, or 10 hours as outlined in Chapter 10, Section 12.1-1, Multiple-Day Assignments. Any hours worked in a calendar day outside the daily tour of duty will be paid as overtime.

The authority that eliminates the biweekly restriction on firefighting overtime earned ("max out") does not apply to other emergency responses (5 CFR 550.106). The Forest Service Human Resource Management initiates a request through the Secretary of Agriculture for submission to the Office of Personnel Management (OPM) for processing a waiver for all federal agencies involved in support of the incident. OPM notifies the Forest Service when the waiver is approved. The Forest Service Human Resource Management branch notifies the Department of Interior Human Resources branch, which will provide the information to the affected Bureaus.

52.1-3 – Travel. Travel is compensable under a FEMA declared emergency since it results from an event that could not be scheduled or controlled administratively. Provisions outlined in Chapter 10, Section 12.3, Travel and Related Waiting Time, applies to FEMA declared emergencies.

52.1-4 – Expenditures Eligible for Reimbursement. The Forest Service compiles all costs from agencies who provide support under the task or mission assignment and bills FEMA. Following reimbursement from FEMA, the Forest Service reimburses the other agencies. FEMA has agreed to reimburse the primary and supporting agencies for the following expenditures incurred in support of response activities:

1. Overtime, travel, and per diem of permanent federal agency personnel and cooperators. All regular government employee base time, regardless of agency affiliation, is charged to their own agency's funds.
2. Wages (regular time and overtime), travel, and per diem, as appropriate, of temporary personnel, casuals, or non-federal cooperators assigned solely to perform services required to execute the FRP or services directed by the FEMA Associate

Director or Regional Director in the major disaster or emergency area designated by the FEMA Regional Director.

3. Cost of work, services, and materials procured under contract to support providing assistance.
4. Cost of materials, equipment, and supplies (including transportation, repair, and maintenance) from regular federal stocks used in providing assistance.
5. All costs incurred which are paid from trust, revolving, or other funds whose reimbursement is required by law.
6. The costs of “backfilling” regular government employees into local home unit positions for personnel that have been mobilized to FEMA disaster assignments.
7. Other costs submitted by an agency with written justification or otherwise agreed to in writing by the FEMA Associate Director or Regional Director.

Agency procedures for establishing reimbursable charge codes should be followed.

Mission tasking may include funding direction that is different than the list provided above. This direction will usually state what is reimbursable under the tasking, (e.g., GSA support is usually reimbursed 100 percent). Close review of the tasking should occur prior to mobilization of resources.

52.2 – FEMA Fire Assistance. Section 420 of the Stafford Act authorizes the President to provide assistance to any state for the suppression of fire on publicly or privately-owned forest or grassland, which threatens such destruction as would constitute a major disaster. FEMA is delegated the authority to administer this program. Assistance for qualifying incidents usually is provided in the form of a grant in accordance with a FEMA-State Agreement for Fire Suppression Assistance.

For administering the program, the FEMA Regional Director obtains technical advice and assistance from designated individuals from either the Forest Service or the Bureau of Land Management. These individuals, referred to as Principal Advisors, are in most cases provided by the Forest Service. In Alaska the BLM provides the Principal Advisor.

In cases where a state has requested FEMA assistance, incident management personnel may be asked to help state personnel or the Principal Advisor obtain information to support the state's request. FEMA uses a comprehensive set of criteria for establishing whether an incident fits the intent of the Stafford Act.

Should an incident be declared eligible for FEMA assistance, the state, the Principal Advisor, and the IMT work together to assure existing agreements are understood, strong cost share agreements are in place, and cost accounting procedures are adequate to

provide a clear, supportable record of the state's share of incident costs. In most cases, these costs need to be identified by operational period.

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

Detailed fiscal records are essential for the agencies to determine what state costs are reimbursable under the intent of the FEMA-State Agreement.

IMTs should take the following steps in regards to a FEMA fire:

1. If a state agency is the protecting or responsible agency for lands involved or threatened by the fire, ask the state officials whether a request for FEMA assistance has been made or is contemplated.
2. If the answer is “yes”, the Incident Commander and the FSC should meet with the state officials and the Principal Advisor to establish documentation required to meet the state's needs under their agreement with FEMA. The IMT is in an excellent position to assist the state and the Principal Advisor to meet the conditions of the agreement.
3. Request a Cost Unit Leader with capability to track incident costs by operational period using automated methods.
4. Request copies of all cooperative fire agreements between the state and their local and federal cooperators, as well as any cost share agreements.
5. Make sure all pay documents include the specific incident order and request numbers(s). FEMA will look for this cross-reference when auditing the Incident records for reimbursements.

53 – MILITARY INVOLVEMENT.

53.01 – Authority. The Interagency Agreement between the United States Department of Defense (DoD) and the United States Departments of Agriculture and Interior is contained within the National Interagency Mobilization Guide, NFES 2092, Chapter 40 – Cooperation. The information contained in the Mob Guide provides the responsibilities, policy, and operational procedures. Refer to this section for detailed information.

53.04 - Responsibility. The protocols for activating the military in support of fire emergencies occurring within the continental United States are provided in the Military Use Handbook, NFES 2175. The direction contained in Chapter 10 and Chapter 20 provides the necessary information on the deployment and operational use of military

resources. Chapter 100 provides incident business management guidelines and procedures.

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

53.1 – Modular Airborne Fire Fighting System(s) (MAFFS). The protocols for activating the Modular Airborne Fire Fighting System (MAFFS) for airtanker support during an emergency are outlined in the National Interagency Mobilization Guide, NFES 2092, Administrative Procedures. MAFFS are to be used as a reinforcement measure when contract airtankers are committed or not readily available.

53.2 – Military Costs and Billings.

Obtain reimbursable military costs from the onsite military Officer-in-Charge and include in the remarks block on the Incident Status Summary, ICS-209. The DoD may be reimbursed for all their costs associated with incident support. Reference the agreement and the Military Use Handbook, NFES 2175 for reimbursement criteria.

53.3 – Exhibits. (Reserved)