OBJECTIVE

This chapter provides information and guidelines relating to interagency agreements, cooperative agreements, Presidential emergency or disaster declarations through the Federal Emergency Management Agency (FEMA), declarations under the FEMA Fire Management Assistance Grant Program, and use of the military for domestic response duties.

RESPONSIBILITIES

Incident agency responsibilities:

- Provide a copy of applicable agreements along with annually reviewed operating plans to incident management personnel in order to ensure compliance and avoid misunderstandings.
- Negotiate additions or changes to applicable Operating Plan(s) when needed and distribute copies of the modified Operating Plan(s), as appropriate.

Incident Management Team (IMT) responsibilities:

- Ensure the terms and conditions of agreements and operating plans are adhered to, e.g., appropriately managing and utilizing equipment, personnel, supplies, and documenting costs.

Finance/Administration Section Chief (FSC) responsibilities:

- Know the provisions in the agreements have a bearing on incident business management and related record keeping.

DEFINITIONS

Definitions used throughout this handbook are located in Appendix C - Glossary.

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.

Agreements Between U.S. Government Agencies

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

Executive Agency or Departmental Level

These agreements require statutory authority and are 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), Fish and Wildlife Service (FWS), and the United
States Department of Agriculture, Forest Service (FS), provides the basis for
cooperation between and among the agencies on all aspects of wildland fire
management and in all-hazards emergency response function activities as
requested and authorized under the Robert T. Stafford Disaster Relief &
Emergency Assistance Act. The interagency agreement facilitates the exchange
of personnel, equipment (including aircraft), supplies, services, and funds
among the federal agencies. A copy of this agreement can be found in Chapter
40 of the National Interagency Mobilization Guide.

Bureau Level - These are agreements between or among principal sub-units of
executive agencies or departments, for example, BLM, FS, BIA, NPS, or FWS.

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

Local Level - These are agreements between or among forests, districts, parks,
reservations, refuges, etc.
Agreements with Tribes

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

The annual work plan, as applicable, in the contract, compact, or agreement may not address interagency incident management; however, the tribe is to be treated on a government-to-government basis, and federal support should not be withheld or 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 Officers Representative (COR) or a Federal Trust Officer should be available who can assist the IMT in coordination with the tribe.

Agreements between Federal and State Fire Organizations

It is common for the federal wildland fire agencies to have a cooperative agreement with their respective state agency. The federal agency must have statutory authority to enter into the agreement. These agreements and their corresponding operating plans outline the terms and conditions for sharing resources and processing reimbursement.

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

Agreements with Other Government Entities

These are agreements with local governments. Foreign government agreements are completed at the national level and require specific authority.

Cost Share Agreements for Multi-Jurisdiction Incidents

The authority, guidelines, and process for entering into a cost share agreement are outlined in the agreement between the affected parties. The FSC should
review the agreement and any related operating plan for direction applicable to
the specific cooperators (Chapter 80).

STATE FIRE MANAGEMENT ASSISTANCE

Authority

Section 420 of the Stafford Act authorizes the President to provide assistance
through the Fire Management Assistance Grant Program (FMAG) to any state
for the suppression of fire on publicly or privately-owned forest or grassland,
when the state determines the fire meets the criteria of the FMAG program and
submits for FEMA determination of reimbursement. FEMA is delegated the
authority to administer this program. Assistance for qualifying incidents is
provided in the form of reimbursements in accordance with the FEMA-State
Agreement.

Process

For administering the program, the FEMA Regional Director obtains technical
advice and assistance from a designated individual referred to as a Principal
Advisor. The Principal Advisor is a representative from either the FS or the
BLM.

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

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

FEMA Fire Management Assistance will be provided only for the eligible
incident period identified as meeting the criteria of a threat under the definitions
of the Act and the Fire Management Assistance Grant. Based upon information
provided during or after the incident, FEMA determines the eligible incident
period. The beginning of the incident period may vary but it generally ends
once the fire is controlled and the imminent threat of a major disaster no longer exists. Detailed fiscal records are essential to identify and substantiate the state expenditures that are eligible for reimbursement under the intent of the Fire Management Assistance Grant.

IMTs should consider the following:

- If a state agency is the protecting or responsible agency for lands involved or threatened by the fire, ask the state officials whether a request for FEMA fire management assistance has been made or is contemplated.

- If the answer is “yes”, the Incident Commander and the FSC should meet with the state officials and the Principal Advisor to establish the cost accounting requirements and documentation required to meet the needs of the state under their agreement with FEMA.

- Request copies of all cooperative fire agreements between the state and their local and federal cooperators, as well as any cost share agreements.

- Make sure all pay documents include the specific incident order and request number(s). FEMA will look for this cross reference when auditing the incident records for reimbursements.

MILITARY INVOLVEMENT

Authority

The Interagency Agreement between United States Department of Defense (DoD) and United States Departments of Agriculture and Interior is published in the National Interagency Mobilization Guide, Chapter 40, Cooperation. The information contained in the National Interagency Mobilization Guide and the Military Use Handbook provides the responsibilities, policies, and operational procedures regarding the military’s support to the wildland fire management agencies, which includes request and use of their qualified civilian employees.
Responsibility

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

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

Modular Airborne Fire Fighting System (MAFFS)

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

Military Costs and Billings

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