

S-260: Interagency Incident Business Management

UNIT 9 – COOPERATIVE AGREEMENTS

Cooperative agreements are the behind-the-scenes ties between and among entities of various levels. They are the underlying framework of interagency relationships affecting personnel from the national level down through rural fire fighting agencies.

This topic sheds light on:

- Purpose of agreements
- Types of agreements
- Agreement contents
- Implementing documents
- Agreement administration examples

The purpose of cooperative agreements is to establish operational guidelines between all cooperative efforts at the national, geographical, and local levels.

The agreements outline policies covering mutual responsibilities and how those responsibilities are carried out, including:

- Personnel
- Supplies and equipment
- Public education and training
- Aviation services
- Other resources

Agreements specify in writing the responsibilities, authorities, financial arrangements, terms and conditions, etc., between the two parties.

Although there are several types of cooperative agreements, four are most common. They include:

- Interagency agreements
- Cooperative fire protection agreements
- Memorandums of understanding (MOUs)
- Mutual aid agreements

Interagency agreements specify the relationships and financial arrangements between federal agencies at various levels.

Most federal interagency agreements remain the same until something occurs within the national agencies to instigate amendment or cancellation.

The different levels of interagency agreements include:

- National level
- Bureau level
- Area level

- Local level
- Tribal agreements

National Level

The national-level agreements are between or among executive agencies or departments—for example, the U.S. Department of the Interior (DOI), the U.S. Department of Agriculture (USDA), or the U.S. Department of Defense (DoD).

Bureau Level

Bureau-level agreements are between or among the units within the national-level agencies. For example, units within the DOI include the:

- Bureau of Indian Affairs (BIA)
- Bureau of Land Management (BLM)
- Fish and Wildlife Service (FWS)
- National Park Service (NPS)

Units within the USDA include the:

- Forest Service
- Animal and Plant Health Inspection Service

Area Level

Area-level agreements are between or among geographic areas or regions.

Local Level

Local-level agreements are between or among:

- Forests
- Districts
- Parks
- Reservations
- Refuges

An example is an agreement between a national park or federal wildlife refuge and a Bureau of Land Management (BLM) district or national forest.

Tribal Agreements

Tribes, under the Indian Self-Determination and Education Act, are authorized to assume, through a contract or compact, the functions normally accomplished by the federal government.

Before tribal employees or equipment is used in support functions on other federal or state jurisdiction incidents, an agreement should be in place to reimburse the tribe. This may be in the contract or compact.

Cooperative fire protection agreements and their corresponding operating plans outline the terms

and conditions for sharing resources and processing reimbursement between firefighting entities.

The most common types of these agreements are between federal agencies and a state or local fire service organization (county, city, rural, fire district, or volunteer fire department).

Most states are party to wildfire protection *compacts*. For example, almost every state is part of a State Forest Fire Protection Compact.

Memorandums of understanding (MOUs) outline the relationship between the parties and have no financial or monetary component to the agreement.

Examples of entities using MOUs include:

- Most Type 2 crews
- Training contractor providers
- Landowner associations

For example, a Type 2 crew agreement outlines the training and dispatch requirements and procedures for hiring casuals as crew members.

Mutual aid agreements are agreements between entities at any level for the purpose of sharing resources.

These agreements normally provide mutual aid for a period of time without the exchange of funds and are typically between:

- Local counties
- Fire protection districts
- Municipal departments and their surrounding county departments

We have created a job aid for you, synthesizing the four main types of cooperative agreements.

Types of Cooperative Agreements

Interagency Agreements	Examples
Agency-level agreements specify the relationships and financial arrangements between federal agencies.	The national agreement between the U.S. Department of the Interior - and the U.S. Department of Agriculture (USDA) is an interagency agreement.
Bureau-level agreements are agreements between or among the units within departments.	Agreements between the Bureau of Land Management (BLM), the Bureau of Indian Affairs, the Fish and Wildlife Service, and the National Park Service (NPS) are bureau-level agreements because these bureaus are all within the Department of the Interior.
Area agreements are those between or among geographic areas or regions.	An example of an area agreement would be the agreement in region four between Eastern Great Basin and Western Great Basin to expedite getting resources to incidents.
Local agreements may exist between or among: <ul style="list-style-type: none"> • Forests • Districts • Parks • Reservations • Refuges 	An example of an agreement between a national park and the BLM is an example of a local agreement.
Agreements with tribes	Tribes are authorized under the Indian Self-Determination and Education Act to assume the functions normally accomplished by the federal government. Before tribal employees or resources are used to support federal, state, or local disaster response, an agreement must be in place to reimburse the tribe.
Cooperative Fire Protection Agreements	Cooperative fire protection agreements are agreements outlining the relationships between fire fighting entities and the terms and conditions for sharing resources. The most common types are those agreements between federal agencies and state and local fire service organizations.
Memorandums of Understanding (MOUs)	
MOUs outline the relationship between the parties and have no financial component to the agreement.	Type 2 crew agreements, training contractor provider, lumber companies, and landowner associations are examples of MOUs.
Mutual Aid Agreements	
Mutual aid agreements are agreements between entities at any level for the purpose of sharing resources. Normally, these agreements are without the exchange of funds if the sharing of resources occurs over one or two operational periods.	An example of a mutual aid agreement between the Bureau of Land Management and a rural fire department allows one organization to aid the other with resource sharing.

Match each type of agreement with the BEST definition.

- | | |
|--|---|
| • Interagency agreements
various | Are between federal agencies of
levels |
| • Cooperative fire protection agreements | Outline sharing resources between
fire fighting entities |
| • Memorandums of understanding (MOUs) | Most Type 2 crews use these |
| • Mutual aid agreements | Provide assistance only for a period
of time and do not exchange money |

Agreements' contents generally include:

- Legal authority
- Scope and reason
- Responsibilities

Legal Authority

Each agreement contains a list of authorities (or statutes) permitting that particular entity to enter into the agreement. A couple of examples include the Granger Thye Act of 1950 and the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Scope and Reason

The scope and reason statement is important since some agreements are restricted by items such as specific time frames or maximum cost allowed. The scope and reason statement typically contains "whereas" and "therefore" clauses, as in the following example:

“Whereas the Mayberry Rural Fire Department has fire protection responsibilities on unincorporated lands within Bly County; and whereas the Burley District has fire protection responsibility on BLM-administered lands within Bly County; therefore, it is of mutual benefit for the parties to cooperate in fire management activities.”

Responsibilities

Cooperative agreements' contents outline each party's specific responsibilities and provisions for implementing the agreement. Normally, these items do not change from year to year. The main types of agreements outline WHAT the involved parties do. Two other documents specify HOW the involved parties will do it.

These two other forms are called implementing documents, but they apply to only some of the agreements.

The implementing documents are the:

- Annual operating plan
- Cost share agreement

Annual Operating Plan

The annual operating plan specifies in detail how the agreement is implemented. It allows for the sharing and compensation of resources.

Annual operating plans are reviewed and updated as necessary each year to incorporate changes to operating procedures.

Cost Share Agreement

Cost share agreements provide for the method of sharing and transferring costs between cooperators on a specific incident. They are based on the cooperative agreement between agencies.

Let's try and put the information on cooperative agreements together with the implementing documents we just discussed on the previous screen to see which agreement has what:

- Interagency federal agreements—have annual operating plans but not cost share agreements because they do not exchange funds
- Cooperative fire protection agreements—have both an operating plan and a cost share agreement
- MOUs—may have an annual operating plan incorporated into the actual MOU document but do not have a cost share agreement
- Mutual aid agreements—do not have either of the implementing documents because they act as their own implementing document

The following are examples of how the agreements and implementing documents interact:

- Example concerning land
- Example of sharing resources
- Example of sharing cost

Example Concerning Land

A cooperative agreement between federal agencies and a state may provide the authority for exchange of protection areas.

The annual operating plan would identify the specific land parcels on which the agencies are exchanging protection.

Example of Sharing Resources

A cooperative agreement may allow sharing of resources with reimbursement.

The annual operating plan may then outline specific resources by type, dispatching procedures, and reimbursement rates.

Example of Sharing Cost

A cooperative agreement may outline methods for cost sharing on a multijurisdictional incident.

The cost share agreement is then prepared identifying cost share arrangements for the specific incident. The cost share agreement is considered to be a supplemental agreement to the cooperative agreement between the involved parties.

Let's implement a question to check your memory.

How often are annual operating plans reviewed and updated?

- As often as necessary each year to update changes to operating procedures
- They remain the same until something occurs necessitating change
- Because they are incident specific, they are updated with each incident
- Whenever the agencies meet to negotiate the terms

Which of the following implementing documents do cooperative fire protection agreements use?

- Both the operating plan and a cost share agreement
- Operating plan only
- Cost share agreement only
- Neither the operating plan nor a cost share agreement

This topic covered the four main agreements and two implementing documents used in the cooperative relations process. As you can see, cooperative agreements influence the business management of an incident by dictating what resources are used and how entities get reimbursed.

So, if you were unaware of how cooperative agreements affect you—you can now see their influence on incident planning and execution.

This topic ran down:

- Purpose of agreements
- Types of agreements
- Agreement contents
- Implementing documents
- Agreement administration examples

The goal of this topic is to illustrate how applicable agreement provisions influence incident management.

This topic connects the dots between incident management and agreements by showing:

- Relevance and impact of cooperative agreements
- Possible effects of agreement provisions
- Military involvement

Government employees and casuals may not be directly involved in the preparation and implementation of cooperative agreements, but these agreements greatly affect the very structure under which everyone works.

Cooperative agreements may affect the:

- Management of an incident
- Financial record-keeping procedures
- Available resources and how those resources are managed and compensated

Every jurisdiction has some type of agreement, but different jurisdictions have different rules and expectations for incident management.

Even though rules and expectations may differ, one constant between jurisdictions is a concern for cost containment. Agreements have specific cost containment guidelines that must be followed.

The content of a cooperative agreement and the operating plan affect incident management in several ways, including in these areas:

- Local service and supply
- Cost sharing
- Wilderness
- Operating guidelines
- Reimbursement procedures
- Cost containment
- Health care
- Operational periods

Local Service and Supply

A service and supply plan is a listing of contacts, existing agreements, and established contracts with local vendors providing needed services, supplies, lodging, etc., on an incident.

The cooperative agreement may direct cooperating agencies to follow the local service and supply plan, requiring local procurement of materials and supplies. By using local resources, some of the revenue is returned to the local community.

Cost Sharing

The development of a cost share agreement is determined by the cooperative agreement. The cooperative agreement may also specify what the cost sharing will be based upon, such as resources, supplies, and services. Compliance with the cooperative agreement is what drives the cost share agreement.

Operating Guidelines

Provisions for recycling, using local labor, and renting equipment from local communities are all examples of items that may be specified in the delegation of authority or the local unit operating guidelines within the agreement.

Resource acquisitions (how incidents purchase items) and cooperator equipment rates are established in the agreement.

Reimbursement Procedures

The agreement may discuss reimbursement procedures regarding how states will bill federal agencies for the use of their resources and cooperators.

Cost Containment

The agreement often identifies steps for cost containment such as describing how to record cooperator work time and detailing the coverage under federal or state workers' compensation programs.

Health Care

Another cost containment consideration is whether Agency Provided Medical Care (APMC) can be used. Some states do not have established authority within the cooperative agreement to offer APMC on incidents.

Operational Periods

Another facet of cost containment is the identification of certain operational periods instead of simply allowing for the maximum 16 hours. Within the agreement, agencies—such as the Federal Emergency Management Agency (FEMA)—identify certain lengths of operational periods.

Select TWO incident management areas a cooperative agreement might affect on an incident.

- Dictates whether Agency Provided Medical Care (APMC) can be offered
- Affects financial record-keeping procedures
- Determines the need to fill out the Emergency Firefighter Time Report, OF-288
- Establishes jurisdictional boundaries
- Affects an agency's transition from a contract to a compact

Identify TWO ways agreements could possibly affect resource usage.

- Agreement budgets may restrict resource decisions.
- Agreement may stipulate use of local resources.
- Agreements do not affect resource usage.
- Using resources is at the sole discrepancy of the incident management team at the agency.
- Agreements affect only cooperator equipment resources, not personnel.

Up to this point, we've discussed the impact of cooperative agreements on the usual suspects—federal, state, and casual employees—at an incident. When the military gets involved in aiding an incident, there's one final piece of information regarding federal interagency agreements you'll need to be aware of.

Reimbursable military costs can be obtained from the on-site military officer-in-charge. The Department of Defense (DoD) is reimbursed for all its costs associated with incident support.

Authority

The interagency agreement between the DoD and Department of Agriculture (USDA) and Department of the Interior (DOI) provides the authority for military involvement on wildland incidents; the MOU (which is found in the National Interagency Mobilization Guide) identifies how the DoD will participate in terms of its responsibilities, policies, and operational procedures.

Protocols

Protocols for activating, billing, and reimbursing the military can be found in the Military Use Handbook, NFES 2175. This handbook discusses how agencies will interact with the military and what type of documentation agencies need to provide.

Protocols for activating and using Mobile Airborne Fire Fighting System (MAFFS) units when additional air support resources are necessary are found in the National Interagency Mobilization Guide.

Where would agencies find protocols for activating, billing, and reimbursing the military?

- In the Military Use Handbook
- In the Incident Response Pocket Guide (IRPG)
- At the NWCG Web site
- In the SIIBM

Even though few personnel are actually involved in the development and implementation of cooperative agreements, these agreements affect all incident employees.

To impart the relevance of cooperative agreements, we described:

- The impact of cooperative agreements
- Possible effects of agreement provisions
- Military involvement