

9238 – FIRE TRESPASS

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Handbook

H-9238-1 – Fire Trespass

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- .01 Purpose. This Manual Section provides policy for unauthorized use of fire on or threatening lands administered by the Bureau of Land Management. The H-9238-1 Fire Trespass Handbook covers the process of completing a fire trespass.
- .02 Objectives. The objectives of the program are to:
- A. Recover costs incurred by the Bureau for suppression actions and administratively determined damage costs to the resource or improvements that may have been involved in the fire trespass.
 - B. Make the trespass program a part of the Bureau's fire prevention program by making the Public aware of trespass actions.
 - C. Recover costs through administrative channels if possible.
 - D. Initiate appropriate civil or criminal actions as required by the situation.
- .03 Authority. (See BLM Manual 9230.03.)
- A. Federal land Policy and Management Act of 1976.
 - B. Public Lands – Title 18 U.S.C. Sections 1855 and 1856.
 - C. Departmental Manual – 910 DM 1.1.
 - D. 43 CFR 9200.
- .04 Responsibility. (See BLM Manual 9230.04A.)
- A. Director and Deputy Director are responsible for overall guidance and compliance with laws and statutes governing the Bureau's field operations through the development of appropriate regulations and directives.
 - B. Assistant Director, Support Services through the Chief, Division of Fire and Aviation Management is responsible for providing policy, guidance, direction, coordination, and evaluation of the fire trespass program.
 - C. Service Center Director is responsible to the Director for providing fiscal support and automated data processing to the States for the fire trespass program.
 - D. State Directors are responsible to the Director for all fire trespasses within their respective States. Each State Director will ensure that an aggressive fire trespass program is instituted to accomplish the objectives set forth in Manual Section 9238.01.
 - E. District Managers are responsible for ensuring that all fires are investigated to determine fire cause. On all human-caused fires ensure that the proper actions are taken to determine the persons responsible for the ignition, the circumstances

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surrounding the incident, the degree of negligence or intent, and the amount of suppression cost and damage caused by the incident. They are also responsible for initiating, developing and processing the fire cases to conclusion. Criminal cases shall be processed through a Law Enforcement officer with notification to the State Director.

.05 References.

BLM Manual References

- A. Manual Section 1203 – Delegation of Authority
- B. Manual Section 1371 – Billings
- C. Manual Section 1372 – Collections
- D. Manual Section 1375 – Delinquent Accounts
- E. Manual Section 9212 – Fire Prevention
- F. Manual Section 9230 – Trespass
- G. Manual Section 9260 – Law Enforcement
- H. Manual Section 9261 – Law Enforcement Standards
- I. Manual Section 9262 – Law Enforcement Operations
- J. Manual Sections 9521 – Benefit – Cost Analysis

.06 Policy. The policy of the Bureau is:

- A. Reduce human caused fires through an aggressive trespass program in concert with a high visibility prevention program.
- B. All fires will be investigated as to cause, origin and responsibility.
- C. All human-caused fires where responsibility can be determined will receive trespass actions to:
 - 1. Recover the full cost of fire suppression related to fire suppression related to fire trespass.
 - 2. Recover the cost of damages to improvements and resources related to fire trespass.

.07 File and Records Maintenance. Establish and maintain case files in accordance with Manual Section 1274. Also, see BLM Records Schedule for disposition of files.