

**To:** Matthew J Betenson[mbetenso@blm.gov]; Gaye Mangum[gmangum@blm.gov]  
**From:** Staszak, Cynthia  
**Sent:** 2017-03-30T20:09:46-04:00  
**Importance:** Normal  
**Subject:** Fwd: CCD Fire Trespass SOP  
**Received:** 2017-03-30T20:10:30-04:00  
Color County Trespass SOP 2017 Final.doc

FYI on Fire Trespass

***Cindy Staszak  
Monument Manager  
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----- Forwarded message -----

**From:** Dalton, Naomi <[ndalton@blm.gov](mailto:ndalton@blm.gov)>  
**Date:** Thu, Mar 30, 2017 at 4:46 PM  
**Subject:** Fwd: CCD Fire Trespass SOP  
**To:** "Staszak, Cynthia" <[cstaszak@blm.gov](mailto:cstaszak@blm.gov)>

Sorry. On my first attempt I had the wrong manager for the monument.

----- Forwarded message -----

**From:** Dalton, Naomi <[ndalton@blm.gov](mailto:ndalton@blm.gov)>  
**Date:** Thu, Mar 30, 2017 at 3:56 PM  
**Subject:** CCD Fire Trespass SOP  
**To:** Celeste Hancock <[celestehancock@fs.fed.us](mailto:celestehancock@fs.fed.us)>, William Roach <[broach@blm.gov](mailto:broach@blm.gov)>, Aaron Kania <[akania@blm.gov](mailto:akania@blm.gov)>, "Dalton, Naomi" <[ndalton@blm.gov](mailto:ndalton@blm.gov)>, "Herrera, Edward" <[eherrera@blm.gov](mailto:eherrera@blm.gov)>, Jason Curley <[jcurley@blm.gov](mailto:jcurley@blm.gov)>, Jill Ivie <[jivie@blm.gov](mailto:jivie@blm.gov)>, Robert Bate <[rbate@blm.gov](mailto:rbate@blm.gov)>, Joelle McCarthy <[jmccarth@blm.gov](mailto:jmccarth@blm.gov)>, Harry Barber <[hbarber@blm.gov](mailto:hbarber@blm.gov)>, Brian Tritle <[btritle@blm.gov](mailto:btritle@blm.gov)>, rberkhoul@blm.gov, Keith Rigtrup <[krigtrup@blm.gov](mailto:krigtrup@blm.gov)>, Jeremiah Jones <[jeremiahjpjones@fs.fed.us](mailto:jeremiahjpjones@fs.fed.us)>, Tina Greenhalgh <[tgreenha@blm.gov](mailto:tgreenha@blm.gov)>, Nickolas Howell <[nhowell@blm.gov](mailto:nhowell@blm.gov)>, Clair Jolley <[cjolley@blm.gov](mailto:cjolley@blm.gov)>, "Walter Burdick Jr." <[w1burdic@blm.gov](mailto:w1burdic@blm.gov)>, Todd Murray <[tmurray@blm.gov](mailto:tmurray@blm.gov)>, Paula Troxell <[ptroxell@blm.gov](mailto:ptroxell@blm.gov)>, "Turrill, Randall" <[rturrill@blm.gov](mailto:rturrill@blm.gov)>, Colter Coates <[ccoates@blm.gov](mailto:ccoates@blm.gov)>, Jeff Bergfeld <[jbergfel@blm.gov](mailto:jbergfel@blm.gov)>, "Russell, David" <[drussell@blm.gov](mailto:drussell@blm.gov)>, Daniel Barnes

<[dbarnes@blm.gov](mailto:dbarnes@blm.gov)>, Curtis Racker <[cracker@blm.gov](mailto:cracker@blm.gov)>

Here is the 2017 Final version of the Trespass SOP for Color Country District.  
Some of you are receiving this as you are listed as a person in the Roles/Responsibilities section.  
Please look at your responsibilities and the other sections that would be pertinent to your position.

**Dispatch** (CCIFC and RIFC)

**INVF/LEO** - Nick: Please forward to those in your area that I might have missed.

**Authorized Officers** (Field Office and Monument Managers)

**Field Office Billing Personnel:** Field Office Managers, please forward to your local billing person

The rest of you are getting a copy so you have the information on the procedure for the spending of district trespass funds. See the section on Allocation and Expenditure of funds.

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**Noni Dalton**

**Training Officer: Color Country District BLM, & Fishlake National Forest**

**Trespass Coordinator: Color Country District**

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150 East 900 North

Richfield, UT 84701

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150 East 900 North

Richfield, UT 84701

# Fire Investigation and Trespass Standard Operating Procedures

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**Bureau of Land Management**  
Color Country District  
Grand Staircase-Escalante National Monument

**2017**

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## **Introduction**

The purpose of this document is to clarify and apply state office and national policy at the district office level. These procedures will help ensure the protection of the point of origin and evidence crucial to the determination of fire cause, the appropriate use of law enforcement, and the thorough investigation of a fire that is crucial to successful administrative, civil and criminal actions.

These standard operating procedures are considered to be direction for land administered by the Bureau of Land Management (BLM) and cooperating agencies. For multi-jurisdictional fires, coordination will occur between the agencies for pursuing trespass actions and cost recovery (defined below).

## **Policy**

Agency policy states that the BLM shall pursue cost recovery for all costs and damages incurred from human-caused fires on BLM lands when the responsible party(s) has been identified and evidence of legal liability or intent exists. To accomplish this, all fires of human or unknown origin that burn BLM land shall be investigated to determine origin, cause and, if possible, the responsible party(s). This policy extends to all human caused fires on public and/or other lands if stipulated in a protection agreement (*Interagency Standards for Fire and Aviation Operations*). Cause determination and investigation will be completed on all BLM lands where the cause is human or unknown. If a fire is determined to be human caused, the fire origin area must be examined by a qualified Wildfire Investigator (INVF). The BLM strongly recommends that all fires are investigated by a BLM NWCG-certified Wildland Fire Investigator (INVF).

For additional guidance refer to the Fire Trespass Handbook (H-9238-1) and the Utah BLM Fire Trespass Operating Plan.

## **Training and Qualifications**

All fire personnel assigned to the Color Country District should receive FI-110, Wildland Fire Observations and Origin Scene Protection for First Responders. All INVF and law enforcement officers (LEO) who respond to wildfires for the purpose of determining the cause will meet standards set forth in the Wildland and Prescribed Fire Qualification System Guide, PMS 310-1, or be certified by their respective agency. For an advanced skillset, FI-310, Wildland Fire Investigation Case Development should be completed by all qualified INVFs.

### **INVF 310-1 certification requirements**

#### **REQUIRED TRAINING**

Wildland Fire Origin and Cause Determination (FI-210)

Introduction to ICS (ICS-100)

NIMS: An Introduction (IS-700)

#### **REQUIRED EXPERIENCE**

Completion and Certification of PTB as a Wildland Fire Investigator (INVF)

#### **PHYSICAL FITNESS LEVEL**

Light

## **Responsibility**

Authority for processing Trespass Actions in the Color Country District Office resides with the Color Country District FMO, Tooter Burdick, Color Country District Field Office Managers, and Grand Staircase-Escalante Monument Manager.

**In addition to the duties outlined** in the BLM Fire Trespass Handbook and the Utah BLM Trespass Operating Plan (specific to management, fire dispatch, incident commander, fire investigator, law enforcement, and the trespass coordinator), the following responsibilities are assigned:

## **Dispatch**

Color Country and Richfield Interagency Fire Centers will keep an updated list of interagency fire investigators including trained fire/resource personnel and LEOs. Whenever possible, dispatch a wildfire oriented INVf with an LEO. If the case is complex or high dollar in nature, a INVf taskforce should be mobilized upon request of the lead INVf.

The following information should be recorded from the reporting party (RP) by dispatch and provided to the INVf if the fire is determined to be human caused:

- 1) Time of report.
- 2) Reporting Party (RP) identification with call back number.
- 3) Location and size of fire as seen by the RP at time of report (in detail).
- 4) Color and direction of the smoke.
- 5) Any additional information the RP can provide about the suspected cause of the fire or any other people/vehicles seen in the area of the fire. The dispatcher needs to specifically ask the RP for this additional information.

Notifications of human caused fires **either on or threatening** BLM lands will be made to the BLM Assistant Fire Management Officers (AFMOs) or Duty Officer, Trespass Coordinators, and specified Law Enforcement Officers from the District Office.

RIFC will make notifications via the Wildcad Texting Program and will include what county the fire is in, what investigator is responding, or if an investigator is still pending.

## **Wildland Fire Investigator (INVf) or Law Enforcement Officer (LEO)**

- Within **two weeks** (on standard cases) of completing a fire investigation, the INVf/LEO will provide the Fire Trespass Coordinator (FTC) with the following at a minimum:
  - Case Report
  - Copies of all photographs and the photograph log.
  - Copies of witness statements and interviews, if available.
  - Evidence report, if available.
  - GPS map and sketch/diagram.
- On multi-jurisdictional fires, provide a copy of your fire investigation report to all agencies whose land was effected as follows:

- BLM Color Country District: **Noni Dalton**
- BLM West Desert District: **Dee Dee Orr**
- BLM Arizona Strip: **Thomas Lund**
- USFS: Dixie and Fishlake NF **Matt Buhler;**
- Bureau of Indian Affairs: **Jeremie Ybright**
- Zion/Bryce Canyon National Park: **Taiga Rohrer**
- UFFSL Southwest Area: **Mike Melton**
- UFFSL Central Area: **Fred Johnson**
- If a follow-up investigation is necessary by law enforcement, the INVf will provide the information to the LEO who will then conduct the investigation and make a recommendation to the FTC on whether evidence exists to pursue the case.
- A LEO may obtain costs from Utah State Office (UTSO) Fire Trespass Coordinator, in coordination with FTC.
- Provides a copy of case disposition from criminal proceedings to FTC.
- The LEO refers criminal cases through normal processes with notification to the local FMO and FTC. **Notification of suspected Arson fires must be made to the Assistant Special Agent in Charge (Mike Johnson).**

#### **Fire Trespass Coordinator (FTC)**

- Tracks all human-caused fires that burn BLM-administered lands within the District.
- Ensures each fire trespass incident is processed under the direction of the Authorized Officer per the Utah BLM and National Policy.
- Completes the Initial Report for Unauthorized Use (9230-10) for each potentially pursuable case. The trespass case number will come from the FTCs Trespass Log.
- Obtains total fire costs from UFTC Fire Trespass Coordinator.
- Enters and maintains data in the Wildland Fire Management Information System (WFMI Fire Trespass Subform).
- Shares information on all pursuable cases with State and Forest Service cooperators to facilitate cost recovery.
- Maintains trespass case files in a locked cabinet with limited access to ensure compliance with Privacy Act and other federal regulations regarding private information and the sensitivity of legal proceedings involved.
- Prepares fire trespass documents and correspondence for the Authorized Officer.
- Maintains spreadsheet of costs in District L5320 account.
- Annually updates and distributes the Fire Investigation Organizer for Central Utah.
- Annually reviews and updates the Fire Investigation Standard Operating Procedures.

#### **Authorized Officer (Field Office Managers/Monument Manager)**

- Receives, reviews, and signs the Fire Trespass Decision Document.
- Receives, signs, puts on letterhead, and mails (certified receipt) trespass correspondence prepared by the FTC.
- Provides FTC copies of signed documents and certified receipt information.
- Informs FTC of any contact that resulted from correspondence.

### **Field Office Billings and Collections Personnel**

Each Field Office Billings and Collections agent will generate bills and process collections in communication and coordination with the FTC and LEO.

- Creates bills for collection for all administrative cases.
- Processes all payments for fire trespass collections received by this office. Deposits will be made to (b) (6)
- Provides copies of receipts and communicates when collections are complete to FTC.
- When payments are ordered by the U.S. Magistrate, generates a bill in FBMS to track collections. (This bill does not need to be sent to the debtor because it has been ordered by the court and will also be tracked by the court).
- Includes Fire Name and Fire Number on all bills and receipts for tracking purposes.

### **Fire Management Officer**

- Receives, reviews and approves requests for spending District L5320 funds

### **Cost Accountability**

All suppression resources should ensure that costs charged to a potential trespass fire are accurate and prudent, including time, travel, resupply orders, and credit card charges.

All costs will be reviewed prior to pursuing financial settlement.

Costs for initial fire investigations will be charged to the fire number, using Program Element HU0000. Costs for additional time spent working on fire trespass cases will be charged to the fire number, using Program element NJ0000.



## **Fire Trespass Administration**

An Authorized Officer's Fire Trespass Recommendation Document will be completed for all human caused fires where BLM land was burned (Fire Type/Protection Types 11, 12, 13 and 1D) and a copy provided to the UFTC. When no responsible party is identified a full case file is not required. When a responsible party is identified, the following information will be submitted to the State Director/ Regional Solicitor via the UFTC:

- Authorized Officer's Fire Trespass Recommendation Document
- Copy of the Case File (includes investigation report)
- Initial Report of Unauthorized Use (9230-10)
- Trespass Case Tracking Log
- Cost Documentation (including ESR and damages to property or infrastructure)

The FTC will assign a Fire Trespass Case Number from the Fire Trespass Log once the Recommendation Document has been signed "To Proceed" by the Authorized Officer.

### **Cost Thresholds and Selecting the Cost Recovery Process**

It is critical to coordinate with the Utah BLM Fire Trespass Coordinator (UFTC) to determine not just BLM's costs but also the total federal expenditures due to the involvement of the US Attorney's Office Affirmative Civil Enforcement (ACE) program. The ACE program can recover costs for all federal agencies.

Costs may include suppression, Emergency Stabilization and Rehabilitation, Burned Area Emergency Rehabilitation, replacement of burned infrastructure, use of other program funds to cover ESR costs (i.e., Fuels Program), and loss of habitat or other resource damage. These costs should be carefully gathered, reviewed, and provided in order to establish the full cost of the fire. Administrative costs may also be included.

***Greater than \$10,000:*** When costs exceed \$10,000 in total federal\* funds, the case is referred to the UFTC for **civil cost recovery** through the ACE program – or – when felony charges are involved, to the Utah BLM Special Agent in Charge.

The FTC will complete and submit documentation listed under the Administrative procedures below and coordinate with the UFTC and the assigned Special Agent to provide any additional documentation needed. Cost recovery will occur through the U.S. Attorney's ACE program.

***Less than \$10,000:*** When cases are below \$10,000 in total federal\* cost, the case will be processed **administratively** at the District level. Administrative cases are processed by the Fire Trespass Coordinator (FTC). Criminal cases are processed by Law Enforcement, in coordination with the FTC, wherein victim restitution is requested from the courts. If no or partial restitution is awarded, the case may be processed administratively or civilly to recover the full amount unless a settlement has been negotiated with the State Director and Regional Solicitor.

***Administrative***

Following review of the case by the Solicitor's office and upon written notification from the UFTC that the case is to be pursued, the FTC will follow procedures outlined in state and national guidance for trespass case processing. If the decision provided in writing is "Not to Proceed," document this in the Case File, Fire Trespass Log and in the Wildland Fire Management Information System - Trespass Subform.

***Criminal***

Law Enforcement (LEO) will notify the FTC of the criminal charges/citation as soon as known. The FTC will process the Authorized Officer's Fire Trespass Recommendation Document (noting that the case is being processed criminally) and assign a fire trespass case number. The FTC will verify incident costs from the UFTC and provide them to the LEO. If a settlement is requested for less than the full debt owed, coordination with State Director and Regional Solicitor is required via the UFTC. Following adjudication, LEO will notify the FTC of the disposition of the case for trespass case tracking and provide the FTC a copy of the disposition. The court will typically collect payments as part of the judgment and then forward them to the BLM unless ordered directly paid to BLM. The LEO will provide the court with the Field Office address and name of the Field Office employee to whom the payment(s) should be submitted for billing to ensure it is sent to the correct location

**Administrative Fire Trespass - Negotiation Procedures/Requirements**  
**Collection Amounts:**

- When fire related expenses, for example suppression, investigation, stabilization, rehabilitation, administrative, etc., exceed \$100,000, the United States Attorney's Office/Department of Justice (DOJ) **must approve** the terms and amount of financial settlement.
- When fire related expenses are between \$10,000 and \$100,000, the BLM State Director **must approve** the terms and amount of financial settlement.
- When fire related expenses are below \$10,000 the BLM District Manager **must approve** the terms and amount of financial settlement. I understand that this authority cannot be delegated below the District Manager.
- **All negotiations must have the concurrence of the Solicitor.**

\*\*\* Please note that attorneys from the Regional Solicitor's Office will be involved in **all** administrative fire trespass cases being pursued for settlement, advising both the BLM as well as DOJ.

Field Managers, or their Actings (specifically those who have the authority to function as the Agency Administrator for fire management activities) can and often will serve as a principal negotiator for the federal government. Seldom, if ever, will the Field Manager or their Acting,

meet one on one with the Responsible Party from which settlement is sought. At a minimum, the Field Manager should be accompanied by the Fire Trespass Investigator, who will be able to present/provide the material facts of the case and answer questions specific to the fire and investigation. Normally the Field Manager will have additional support, which could include the Fire Management Officer, BLM Utah Fire Trespass Coordinator, Solicitor Attorney, DOJ Attorney and/or District Manager. Attendance by one or more of these individuals will be influenced by the complexity of the case.

**Principle Point:**

Absent litigation, the final authority for determining an acceptable settlement amount for the federal government will be dictated by the total cost of the fire trespass effort as noted in the three bullets above. As such, whether a Field Manager, District Manager or an Acting represents the federal government, it is critical that the BLM Representative have in advance of the negotiation a solid understanding of the parameters within which they can negotiate (i.e., the bottom line). These parameters can only be determined in consultation with the appropriate decision maker (DOJ, State Director, District Manager) once they have been fully briefed on the circumstances of the case by the Field Manager, Fire Management Officer, Fire Trespass Investigator, BLM Utah Fire Trespass Coordinator, assigned Solicitor Attorney and/or DOJ Attorney. This doesn't mean to imply that each of these individuals will be directly involved in the briefing; instead hoping to convey that the complexity or simplicity of the situation will be the driving factor.

**In short, the federal representative should not initiate settlement negotiations with the Responsible Party without first knowing the bottom line of the appropriate decision maker. To do otherwise could risk that the agreement on settlement between the Responsible Party and the federal representative will not be acceptable to the decision maker.**

**Allocation and Expenditure of Funds**

Costs recovered via the Administrative process will be deposited in their entirety into the District L5320 FIRE account. The code for both deposits and expenditures for Color Country District is

(b) (6)

For costs recovered via the Civil process, the District will receive \$10,000 or 25% per case whichever is greater. This includes fire trespass cases where another agency was the lead. Costs recovered via the Criminal process will be deposited follow the administrative process if total costs were less than \$10,000 and the civil process if over \$10,000.

The total balance in the District L5320 account will not exceed 5% of the District LF1000 at the end of the Fiscal Year. Funds above this amount will be pulled back to the State Office. Each District will have \$5,000 per year transferred to their account at the beginning of each FY from the UTSO account.

Funds collected from Fire Trespass can only be used for fire program activities that support the protection of life, resources, and property. This includes fire prevention, mitigation, education, investigation, cost recovery, and preparedness activities. These funds can also be used for restoration activities if Emergency Stabilizations funds are not adequate.

Trespass funds are considered one time funds that can be used for non-recurring contracts and one time purchases that do not require continued monetary commitment beyond what is available in the trespass account. The funds can be used for labor, training, travel, and support and administration of fire program activities.

All field Fire Trespass account funds will be audited annually by the UTSO Trespass Coordinator for appropriate usage.

Requests to spend funds in the District L5320 account will be submitted to the District FMO and must include the following:

- Field Office
- Contact Person and number
- Funding amount requested
- Description of what funding will be spent on

After requests have been approved, the District Trespass Coordinator will be notified of the amount spent for tracking purposes. Include purchaser, date of purchase, vendor, and general description.

### **Procedure for Fire Cause Determination Reporting**

The first priority is to protect the area of origin and identify potential witnesses and suspects.

#### **If the ignition is determined to be of natural causes (lightning):**

The Fire Cause Determination Report is not required.

#### **If the ignition is suspected to be human caused or it is difficult to determine:**

The Incident Commander (IC) will:

- A. Regardless of land status, promptly protect the point of origin and conduct a cause determination by filling out the Fire Cause Determination Report in the Incident Organizer.

**OR**

- B. Delegate this responsibility to a firefighter.

**AND**

- B. Request an INVF through the appropriate Interagency Fire Center

#### ***Order an LEO to the scene of the fire to conduct an investigation anytime arson is suspected!***

The absence of evidence, suspects, vehicles, or witnesses may point to arson.

#### **It is advised that the IC will also order an LEO to the scene of the fire to conduct an investigation when:**

- A. Witnesses are present on scene needing to be interviewed and have information as to who was responsible for causing the fire.

**OR**

- B. Possible suspects have been identified or have been seen in the fire area, leaving the fire area, or have been associated with being responsible for causing the fire.

**OR**

- C. Vehicles have been identified (license plate number) or have been seen in or leaving the fire area.

**AND**

- D. Evidence is present that would lead to identifying those person(s) responsible for causing the fire.

### **Procedure for Dispatching an LEO or INVF**

In the event the LEO is dispatched, the following information will be communicated by the IC or INVF to Dispatch for relay to the LEO:

1. Name of the IC or INVF.
2. Cell phone number and radio channel of IC or INVF.
3. Is there cell coverage?
4. Geographic location and a description of the route to fire investigation site.
5. Fire name and number.
6. What situation is present that requires the presence of an LEO.

The LEO or INVF will notify the IC and Dispatch of arrival and departure.

### **Procedures for Camp Fires**

- 1) **Initial Attack Response:** Report an illegal camp fire as you would a normal wildfire (Size up, etc). An illegal camp fire is a fire that takes place when restrictions are in place or it has escaped the fire ring. Otherwise, classify the response as a false alarm.
  - a) If on BLM land, order a BLM Ranger through Fire Dispatch.
  - b) If a Ranger is not available or it is on non-BLM land, request law enforcement personnel from the appropriate jurisdiction. The law enforcement officer will be responsible for determining whether a citation is warranted.
  - c) Monitor the fire from a distance and only take suppression action if it appears the fire has potential to spread to adjacent wildland fuels. Once the Ranger/Sheriff arrives, they will assume command of the incident and determine the level of suppression action to be taken by the initial attack forces.
  - d) Acquire a BLM fire number from fire Dispatch for 1202 reporting purposes.
- 2) **Documentation:** An illegal camp fire will be treated as action fires and will require 1202 documentation. Otherwise, report the fire as a false alarm in the 1202 system.

## Procedures for Overnight Evidence Protection

(b) (7)(E)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

### **Review and Revision**

The standard operating procedures will be reviewed annually to ensure compliance with national and state standards and District/Field office procedures. If conflicts or issues arise during the fire season, the policy will be immediately reviewed and changes made as necessary.