

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.

RESPONSIBILITIESIncident 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

1 local government; or any organization, public or private; with authority to
2 commit itself, setting forth a policy covering respective or mutual
3 responsibilities with respect to mutual goals and the manner in which such
4 responsibilities shall be carried out.

6 **Agreements Between U.S. Government Agencies**

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

14 **Executive Agency or Departmental Level**

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16 These agreements require statutory authority and are between or among
17 executive agencies or departments; for example, United States Department of
18 Agriculture, United States Department of the Interior, or the United States
19 Department of Defense.

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21 The interagency agreement between the United States Department of the
22 Interior, Bureau of Land Management (BLM), Bureau of Indian Affairs (BIA),
23 National Park Service (NPS), Fish and Wildlife Service (FWS), and the United
24 States Department of Agriculture, Forest Service (FS), provides the basis for
25 cooperation between and among the agencies on all aspects of wildland fire
26 management and in all-hazards emergency response function activities as
27 requested and authorized under the Robert T. Stafford Disaster Relief &
28 Emergency Assistance Act. The interagency agreement facilitates the exchange
29 of personnel, equipment (including aircraft), supplies, services, and funds
30 among the federal agencies. A copy of this agreement can be found in Chapter
31 40 of the National Interagency Mobilization Guide.

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

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

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39 **Local Level** - These are agreements between or among forests, districts, parks,
40 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

1 review the agreement and any related operating plan for direction applicable to
2 the specific cooperators (Chapter 80).

4 **STATE FIRE MANAGEMENT ASSISTANCE**

6 **Authority**

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

17 **Process**

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

23
24 In cases where a state has requested reimbursement of eligible fire management
25 assistance costs from FEMA, incident management personnel may be asked to
26 help state personnel or the Principal Advisor obtain information to support the
27 states reimbursement claim request. FEMA uses a comprehensive set of criteria
28 to determine whether wildland fire costs meet the eligibility requirements and
29 the intent of the Stafford Act, and are eligible for reimbursement.

30
31 Should an incident be declared eligible for FEMA assistance, the state, the
32 Principal Advisor, and the IMT work together to ensure existing agreements and
33 cost accounting procedures are adequate to provide a clear, supportable record
34 of the state's share of incident costs. In most cases, the costs need to be
35 identified by operational period.

36
37 FEMA Fire Management Assistance will be provided only for the eligible
38 incident period identified as meeting the criteria of a threat under the definitions
39 of the Act and the Fire Management Assistance Grant. Based upon information
40 provided during or after the incident, FEMA determines the eligible incident
41 period. The beginning of the incident period may vary but it generally ends

1 once the fire is controlled and the imminent threat of a major disaster no longer
2 exists.

3 Detailed fiscal records are essential to identify and substantiate the state
4 expenditures that are eligible for reimbursement under the intent of the Fire
5 Management Assistance Grant.

6
7 IMTs should consider the following:

- 8
9 • If a state agency is the protecting or responsible agency for lands
10 involved or threatened by the fire, ask the state officials whether a
11 request for FEMA fire management assistance has been made or is
12 contemplated.
- 13
14 • If the answer is “yes”, the Incident Commander and the FSC should
15 meet with the state officials and the Principal Advisor to establish the
16 cost accounting requirements and documentation required to meet the
17 needs of the state under their agreement with FEMA.
- 18
19 • Request copies of all cooperative fire agreements between the state and
20 their local and federal cooperators, as well as any cost share
21 agreements.
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23 • Make sure all pay documents include the specific incident order and
24 request number(s). FEMA will look for this cross reference when
25 auditing the incident records for reimbursements.

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27 **MILITARY INVOLVEMENT**

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29 **Authority**

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

1 **Responsibility**

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3 The protocols for activating the military in support of fire emergencies occurring
4 within the continental United States are provided in the Military Use Handbook.
5 The direction contained in Chapter 10 and Chapter 20 provides the necessary
6 information on the deployment and operational use of military resources.
7 Chapter 100 provides incident business management guidelines and procedures.
8

9 The Military Use Handbook provides detailed information regarding agency
10 personnel support staff interface with the military organization.
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12 **Modular Airborne Fire Fighting System (MAFFS)**

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14 The protocols for activating and utilizing the Modular Airborne Fire Fighting
15 System (MAFFS) for airtanker support during an emergency are outlined in the
16 National Interagency Mobilization Guide, Administrative Procedures.
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18 **Military Costs and Billings**

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