

State of New Mexico  
Energy, Minerals and Natural Resources Department

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**Susana Martinez**  
Governor

**David Martin**  
Cabinet Secretary-Designate

**Brett F. Woods, Ph.D.**  
Deputy Cabinet Secretary

**Tony Delfin, Division Director**  
State Forestry Division



**2013**  
**NEW MEXICO FORESTRY DIVISION**  
**INCIDENT BUSINESS OPERATING GUIDELINES**  
**FOR INCIDENT MANAGEMENT TEAMS**

The New Mexico Forestry Division is responsible for fire suppression on non-federal, non-municipal (state and private) lands. The following information is provided for Incident Management Teams working on incidents that involve New Mexico Forestry Division resources, including rural/municipal fire departments.

**COST SHARE AGREEMENTS**

There is a *“New Mexico Wildland Fire Management Joint Powers Master Agreement”* between the State of New Mexico and federal agencies involved in wildland fire suppression. A Cost Share Agreement should be developed if lands of multiple jurisdictions (State/Federal) are involved in the incident. Exhibit E of the Agreement provides a blank Cost Share Agreement. On most Type I and Type II Team Incidents, a New Mexico Forestry Division Incident Business Advisor or Agency Representative will be made available to negotiate the Cost Share Agreement with the other parties. If not, contact the Santa Fe State office for further instructions. Although Cost Share Agreements can be negotiated by a Forestry Division IBA or a line officer, they can only be signed by the State Forester or Deputy State Forester.

A copy of the Cost Share Agreement should be in the finance file provided to the state at close-out. The financial file should be provided to the State Forestry District office that supported the incident. If the negotiated Cost Share Agreement is developed on a pro-rated acreage basis it will be based on the final GIS or GPS Land Status Map developed by the Incident Management Team. In general, the state will bill the federal agencies for their share of the state costs and the federal agencies will bill the state for its share of the federal costs.

The Cost Share Agreement is applicable only for fire *suppression* costs. The Forestry Division does not have authority to fully rehabilitate burned private lands. The Division does rehabilitate dozer and hand lines or other ground disturbing activities associated with fire suppression.

## COMPLEX FIRES

For a number of cost tracking reasons, teams should keep federal billing codes separate for “Complex” fires, especially if one of the fires has been approved for FEMA funding. Apportioning indirect resource costs on “Complex” fires can become a serious challenge.

ISUITE data is very important to the Forestry Division. Cost Unit projections establish the amount of Governor’s Disaster Declarations needed to fund the fire suppression effort for that specific incident. The Division prefers the data be separated in the following “divisions” by the Cost Unit:

Aircraft	Overhead
Crews	Supplies
Equipment	Support

### *FORESTRY DIVISION REGULAR EMPLOYEES’ TIME KEEPING*

The Forestry Division recognizes federal Emergency Firefighter Time Reports (OF-288) for payment. Employees often carry the Division’s overtime reports. Either way, the employee will submit their original time documents back to their office for processing.

Commissary issues should not be entered on the bottom of the Emergency Fire Time Reports as is customary for Federal Employees. The state does not have a reliable process for deducting issues from pay. If commissary is needed, Division employees must pay the commissary directly.

Due to the payroll system used by the State of New Mexico, it is critical that state employees submit time reports to their office every Friday. The Finance Section needs to facilitate transmittal of Forestry Division time, including generating a current timesheet and faxing the employees time to their home unit.

### *FORESTRY DIVISION’S COOPERATING RESOURCES*

The Forestry Division has joint powers agreements addressing wildland fire suppression with all counties in New Mexico. There are also agreements with most municipalities in the state. Annually, the Division publishes the rates for firefighting services and fire suppression equipment. (The host District office may provide that information. The information is useful for the Cost Unit to use in their projections, but as indicated below, should not be used to develop Emergency Equipment Rental Agreements, etc.) The fire departments fight many fires on behalf of the state but they are not state employees. The fire departments are instructed to complete a Forestry Division “Fire Reimbursement” form upon return to their station. That form is sent to the respective District office. The

departments base their payment requests on Crew Time Reports, Daily Use Records and Shift Tickets provided by the Equipment Time Recorder. They may take a copy, while the original should be sent to the host District office.

The rates the Division pays fire departments are based on their providing fuel and oil. However, it is expected that fire departments will occasionally be required to re-fuel while on the fire. Please provide the District office with a copy of fuel issue records and a note that shows what amount to deduct from their payment.

Except as indicated below with RMPs, Incident Management teams should not develop Emergency Equipment Rental Agreements, Invoices or Emergency Firefighter Time Reports for fire departments. This is to prevent accidental double payments by both the state and federal agencies.

Counties and Municipalities carry medical insurance for their personnel, however the Division routinely pays transport and hospital/doctor visits for minor injuries similar to Agency Provided Medical Care (APMC).

The Division requests pre-use inspections from ground support, if possible, to help validate damage claims after the fire. Normal wear and tear is not considered reimbursable. These fire departments must be linked to the team as quickly as possible. They should check in at plans, should be listed on Incident Action Plans, should be provided logistical support and should have communications. They should follow standard check-in and demobilization procedures, if possible.

#### **RESOURCE MOBILIZATION PLAN (RMP) RESOURCES**

The Forestry Division has developed special contractual agreements with certain Fire Departments to provide long-term structural and wildland protection on large incidents. They are called Resource Mobilization Plan (RMP) resources. They have specific resource orders and are red carded. They should be checked-in and inspected by Ground Support. The Procurement Unit may use the existing JPA to determine rates. These rates differ from other Rural Fire Departments. The RMP crew leaders or the host district office should be able to provide the correct cost information. Crew Time Reports and Emergency Firefighter Time Reports are to be completed. W-9 and I-9s should already be on-file at District offices. Shift Tickets and Invoices should be developed. The RMP crew leader should be given all financial documents to take back to the Forestry Division District for payment.

#### **NEW MEXICO STATE PRE-POSITIONED RESOURCES**

Increasingly, the Forestry Division is pre-positioning contract engines and overhead from places including Washington, Idaho and Oregon. They have Emergency Equipment Rental Agreements with the sending units in those areas. The team should complete all use and time records and invoices. If the fire is pure state jurisdiction, generally the envelopes would go back to the pre-positioning district. If the fire is federal or cost share, or if there is a payment team, then the invoices could be paid directly through the federal system.

#### **STATE POLICE AND EMERGENCY MANAGEMENT CENTERS**

The State Police and local Emergency Management Centers are responsible for traffic control, evacuation and recovery efforts. Fire Teams should not develop pay documents for the State Police, its officers or the New Mexico Mounted Patrol unless specifically instructed to. In the event that an incident has been awarded a

**FEMA Grant, the State Police and Emergency Management Centers may be eligible to apply for financial reimbursement from FEMA.**

#### **WFDSS/WFSA AND DELEGATION OF AUTHORITY**

If an incident is on multiple jurisdictions and involves the New Mexico Forestry Division, it is critical that a Forestry Division representative be present and participatory in the Wildland Fire Decision Support System (WFDSS) or Wildland Fire Situation Analysis (WFSA) process and strategy decisions, as required in the Joint Powers Agreement. If the incident is only on Federal land, all parties should use discretion in deciding the State's participation. Basically, the State should not delegate authority to the team if the incident is not eminently threatening to burn private land.

#### **FEDERAL EMERGENCY MANAGEMENT AGENCY**

When fires threaten or burn a certain number of homes, the state requests a Fire Management Assistance grant from FEMA. The incident period generally begins when the grant is issued but may be rolled back to the beginning of the incident. FEMA establishes the closing of the grant based on the point that the fire is no longer a threat. Generally, this is computed to be when the fire is called controlled. Too early of a control date will create non-reimbursable costs to the state. Declaring a fire controlled should be coordinated with the Forestry Division. FEMA issues the grant for a specific fire incident. Fires that are handled as a complex must break out costs separately for FEMA unless the Complex itself is designated as an incident.

When the Forestry Division is awarded a grant under Fire Management Assistance within FEMA, the grant provides for reimbursement of 75% of qualifying suppression costs to the Division or other qualifying state or local governmental agencies, but not to private individuals. The first recourse that homeowners should take is to contact their insurance agent. Secondly, they could contact the New Mexico Department of Homeland Security and Emergency Management at (505) 476-9600, to see if FEMA would have low interest loans available to assist them. In most cases FEMA assistance is not available to homeowners.

#### **Cost Efficiency and Documentation**

Cost efficiency continues to be a primary objective for incident management teams. Efforts should focus on high cost resources (aircraft, retardant, crews, etc.), under-utilized equipment, extravagant purchases, sensitive items, and property accountability issues.

Incident Management Teams will document and summarize key strategic decisions that affect incident costs. The documentation should include key decisions made by the Incident Management Team that increased or decreased the overall cost of the incident. The documentation will be presented to the Agency Administrator at the Incident Management Team close out. Incident Agencies and support functions (Buying Teams, Expanded Dispatch) shall document and summarize key strategic decisions that affect incident costs. Incident Business Advisors (IBAs) should raise unresolved cost

concerns to the agency incident business specialist who will take the lead to involve other agency staff as needed to ensure a timely resolution of the issue. The Agency Administrator and AR/IBA will take into account local considerations regarding costs and availability in applying these guidelines.

## **PERSONNEL**

### **Safety**

All firefighter personnel must have the appropriate training (e.g. Standards for Survival and shelter deployment) in compliance with the FSH 5109.17 or NWCG 310-1.

### **Drivers License Requirements**

All drivers, including casual hires, of government owned, rented, or leased vehicles, must adhere to employing agency specific certification/licensing requirements. All agencies require a valid State driver's license. Ground Support Unit Leaders must be aware of how drivers assigned to the unit were hired. Only those drivers hired through a government hiring authority such as the AD Pay Plan or with a permanent or temporary appointment may drive government owned, rented, or leased vehicles.

### **Work/Rest Guidelines and Length of Assignment**

Managers, supervisors and IMT personnel will be in compliance with work/rest and length of assignment guidelines, as described in IIBMH, Chapter 10.

## **ACQUISITION DIRECTION**

Consideration must be given to cost efficiencies, specific needs and past performance when obtaining requested services and supplies.

### **Virtual Incident Procurement (VIPR)**

Virtual Incident Procurement (VIPR) is a web-based Forest Service application designed to administer preseason Incident Blanket Purchase Agreements. VIPR is used on **federal fires**, but **is not required on incidents where all or a majority of the acres burning are under the jurisdiction of the New Mexico Forestry Division**. The NM Forestry Division **district offices** do have knowledge of suppression resources in their area and are a good contact for identifying equipment, services or supplies in their area that can be acquired on an incident only basis.

### **Service and Supply Plan**

The Southwest Geographic Area utilizes all of the National Contracts (crews, engines, tenders, etc.), any local Emergency Equipment Rental Agreements (EERA), and Incident Blanket Purchase Agreements (IBPA). The New Mexico Forestry Division does not have contracting authority, so we do not have a Service and Supply Plan.

### **Land Use and Facility Agreements**

All facilities and land used for the incident will be under agreement, including no-cost arrangements. Any exceptions will be approved by AA/IBA. The procurement official will use the Emergency Facilities and Land Use Agreement Form.

### **Supplemental Foods and Restricted Supplies/Items**

The Incident Management Team will follow the Supplemental Food Policy as stated in the IIBMH, Chapter 20, Section 25. Exceptions to this policy shall have prior written approval by the AR/IBA before obtaining supplemental items. Per national direction, supplemental foods are normally not provided for settings such as Expanded Dispatch, Mobilization Centers, Area Command, Fire Caches, Tanker Bases, Staging Areas or other non-fire camp locations. There may be some exceptions for these locations where sufficient potable water is not available to accommodate the number of personnel on site.

## **LEASING VS. PURCHASING OF EQUIPMENT**

**Rental:** As a general rule, rent or lease equipment rather than purchase equipment. Use the following strategies to manage costs:

- Rates should be established following standard commercial practices. Daily, Weekly, Monthly rates should be utilized depending on the duration, type of equipment, etc. Payment will be at the rate (daily, weekly, monthly) that is most beneficial to the State.
- It may be appropriate to include a provision for conversion to State ownership after a specified period of rental/lease. Considering the purchase factors below.
- It is recommended that items identified for lease be termed a “service” contract. For items not deemed a service contract, the lease must be supported by a written determination, and a Capital/Operating Lease Spreadsheet in accordance with FSAR 4G07.401. This requirement is more applicable to items normally procured by a Buying Team. The use of this by an Incident Management Team would be the exception.

**Purchase:** When advantageous to the State, purchase rather than lease equipment. Consider and document all of the following factors:

- Total cost of purchase versus rental/lease
- Cost of handling, storage, and disposal
- Potential for use on future incidents
- Capability and availability of fire cache storage
- Maintenance and other service costs
- Technical approvals, if needed

Coordinate the rental/lease versus acquisition with the Agency Administrator and/or through the IBA.

## **Rental Vehicles**

Rental vehicles continue to be a high cost item. Incident Management Teams are expected to keep the number of rental vehicles to a minimum. Individuals renting vehicles through the government travel process should be the exception, not the rule and will remain the responsibility of the individual. In order to ensure travel reimbursement for rental vehicles, the individual traveler is required to have approval to use a rental car noted on their resource order. Individuals who rent a vehicle without

having been pre-approved on their resource order run the risk of not being reimbursed and being personally liable for this cost. Damage to a vehicle rented through the agency travel process will be handled through the process established by travel regulations.

### **Agency Contract Payment Procedures**

The host agency will work with the IMT finance section to ensure that the appropriate payment processes are followed. Contract payment packages will be forwarded as soon as completed to the agreed location to ensure timely payment. Incomplete or payment packages requiring follow up will be hand delivered to the designated agency representative at closeout of the incident. Specific issues and necessary follow up will be identified and discussed. All payments generated by the Incident will be supported with shift tickets documenting use or a commercial invoice with indication as to use and receipt of services/supplies. (e.g. portable toilets, laptops, copy machines, land use or water usage agreements, etc.).

### **Buying Team Procedures**

The Buying Team procurements will be in accordance with local direction. Only Buying Team members are authorized to use their purchase cards/checks on the incident. The Buying Team will coordinate with the AR/IBA on all unusual or expensive items. The AR/IBA will promptly inform IMT of all disapproved items. Accountable and sensitive property purchased by the buying team for the IMT will be documented. When no Buying Team is assigned, the host agency will provide direction regarding procurement procedures.

### **Cell Phones**

Any reimbursement for use of a non-government cellular phone for incident management purposes must be approved by the incident agency prior to use and documented on a resource order. Reimbursement for non-government cell phone will be a rare occurrence. Non-incident government provided cell phones use will not be charged against the incident.

### **PROPERTY MANAGEMENT**

Incident Management Teams will emphasize good property management. The IMT Logistics / Finance section will review property checkout and return procedures to ensure proper accountability. Special consideration should be given to those items of a personal nature (accountable and durable). This includes items such as flight helmets, flight suits, brush coats, GPS units, satellite phones, etc. Property and/or supply items assigned for use by contractors/vendors shall be returned to the incident, unless otherwise specified in the contract. Incident camps shall utilize a property transfer form (including the value of item) for each item to ensure they are returned. When not accounted for, the transfer forms will be documented and an appropriate amount deducted from the contractor's invoice. Contractors can be provided some consumable items (see current copy of contract) without charge. Contractor equipment will not be replaced through the incident supply cache. Contractors must go through the contract claim process for replacement of lost or damaged items.

### **Government owned property:**

All lost, damaged, or destroyed property items shall be documented on a form signed by the employee's incident supervisor and processed in accordance with Incident

Management Team and agency procedures. All specialized equipment must be documented on a resource order and be appropriate to the incident position performed in order to be considered for replacement if lost, damaged, or destroyed. All cache items will be returned to the cache in accordance with agency procedures. All procured non-cache property left with the agency at the close of the Incident will be properly Transferred. The IMT will work with the identified host unit Property Management contact for disposition for all non-cache items, especially any high risk items e.g. chainsaws, GPS units, and other items with residual value to the Government. All non-standard cache items such as sleeping bags and Kevlar pants will be replaced with cache items. In cases where specialized government owned equipment and non-cache items were clearly damaged or destroyed on the incident, approval for replacement may be delegated to the FSC or the IBA by the host agency administrator.

### **INCIDENT BUSINESS ADVISOR**

- Is supervised by the Agency Administrator (AA).
- Serves as a liaison and advisor to the Agency Administrator, Incident Management Team, and other incident support functions.
- Provides advice and recommends alternatives with an emphasis on reviewing large cost items
- Provides recommendations on incident business issues

Specific responsibilities are further defined in the Delegation of Authority. In the absence of an IBA, the AA is responsible for coordinating incident business responsibilities on their unit. One or more fully qualified IBAs will normally be brought in to assist the Administrative Representative (AR) on Type I or II incidents.

### **COOPERATIVE AGREEMENTS**

The hosting unit will provide the incoming IMT with a copy of the **NEW MEXICO WILDLAND MANAGEMENT JOINT POWERS MASTER AGREEMENT**. This agreement documents cooperative suppression procedures agreed to by the wildland fire agencies in New Mexico. Sheriff's Office personnel used on the incident should be covered under the Cooperative Law Enforcement Agreements that are in place with each County and coordinated with Agency Law Enforcement personnel. Incident security activities such as traffic control, camp security etc. may be handled by the law enforcement personnel assigned to the incident. Use unarmed security personnel when cost effective and appropriate to the security activities needed.

### **CLAIMS**

**Contract Claims:** The Procurement Unit Leader with delegated authority is responsible for settling contract claims at the incident. If there is not a Procurement Unit Leader available the Buying Team Leader may settle claims within their delegated authority. At the end of the incident, all actual and potential claims will be fully documented, submitted and reviewed with the responsible incident agency procurement official.

**Tort/Employee Claims:** Upon arrival to the incident, the Comp/Claims Unit Leader will verify and implement the host agency expectations for claims processing. Before leaving the incident, the Comp/Claims Unit Leader will audit the documentation and

prepare a log of all claims, defining what's included and what is left to collect on each claim.

The case files should be enclosed in an Incident Claims Case File Envelope (OF-314).

The log and envelopes will be given to the incident agency representative at the end of the incident.

<b><i>ADDRESSES FOR FORESTRY DIVISION OFFICES</i></b>	
<b>State Office: EMNRD-Forestry Division</b> 1220 South St. Francis Santa Fe, NM 87504 (505) 476-3325	<b>Chama District: Forestry Division</b> HC75, Box 100 Chama, NM 87520 (575) 588-7831
<b>Cimarron District: Forestry Division</b> P.O. Box 5 Ute Park, NM 87749 (575) 376-2204	<b>Socorro District: Forestry Division</b> 1701 Enterprise Street Socorro, NM 87801 (575) 835-9359
<b>Las Vegas District: Forestry Division</b> HC 33, Box 109 #4 Las Vegas, NM 87701 (505) 425-7472	<b>Capitan District: Forestry Division</b> P.O. Box 277 Capitan, NM 88316 (575) 354-2231
<b>Bernalillo District: Forestry Division</b> 5105 Santa Fe Hills Blvd. NE Rio Rancho, NM 87144 (505) 867-2334	<b>Inmate Work Camp: Forestry Division</b> Central Minimum Unit 3201 Highway 314 SW Los Lunas, NM 87031 (505) 865-2775