

ELEMENTS OF AN AGREEMENT
(INTERAGENCY STANDARDS FOR FIRE & FIRE AVIATION OPERATIONS)
"RED BOOK", 2014 VERSION PAGES 08-10 AND 08-11

The following elements should be addressed in each agreement:

- The authorities appropriate for each party to enter in an agreement.
- The roles and responsibilities of each agency signing the agreement.
- An element addressing the cooperative roles of each participant in prevention, pre-suppression, suppression, fuels, and prescribed fire management operations.
- Reimbursements/Compensation – All mutually approved operations that require reimbursement and/or compensation will be identified and agreed to by all participating parties through a cost-share agreement. The mechanism and timing of the funding exchanges will be identified and agreed upon.
- Appropriation Limitation – Parties to this agreement are not obligated to make expenditures of funds or reimbursements of expenditures under terms of this agreement unless the Congress of the United States of America appropriates such funds for that purpose by the Counties of _____, the Cities of _____, and/or the Governing Board of Fire Commissioners of _____.
- Liabilities/Waivers – Each party waives all claims against every other party for compensation for any loss, damage, personal injury, or death occurring as a consequence of the performance of this agreement unless gross negligence on any part of any party is determined.
- Termination Procedure – The agreement shall identify the duration of the agreement and cancellation procedures.
- A signature page identifying the names of the responsible officials shall be included in the agreement.

ELEMENTS OF ANNUAL OPERATING PLANS (AOPs)
(INTERAGENCY STANDARDS FOR FIRE & FIRE AVIATION OPERATIONS)
"RED BOOK", 2014 VERSION PAGES 08-10 THROUGH 08-14

Annual Operating Plans shall be reviewed, updated, and approved prior to the fire season. The plan may be amended after a major incident as part of a joint debriefing and review. The plan shall contain detailed, specific procedures which will provide for safe, efficient, and effective operations.

General Elements of an AOP

The following items should be addressed in the AOP.

- **Mutual Aid**
The AOP should address that there may be times when cooperators are involved in emergency operations and unable to provide mutual aid. In this case, other cooperators may be contacted for assistance.
- **Command Structure**
Unified command should be used, as appropriate, whenever multiple jurisdictions are involved, unless one or more parties request a single agency IC. If there is a question about jurisdiction, fire managers should mutually decide and agree on the command structure as soon as they arrive on the fire; Agency Administrators should confirm this decision as soon as possible. Once this decision has been made, the incident organization in use should be relayed to all units on the incident as well as dispatch centers. In all cases, the identity of the IC must be made known to all fireline and support personnel.
- **Communications**
In mutual aid situations, a common designated radio frequency identified in the AOP should be used for incident communications. All incident resources should utilize and monitor this frequency for incident information, tactical use, and changes in weather conditions or other emergency situations. In some cases, because of equipment availability/capabilities, departments/agencies may have to use their own frequencies for tactical operations, allowing the "common" frequency to be the link between departments. It is important that all department/agencies change to a single frequency or establish a common communications link as soon as practical. Clear text should be used. Avoid personal identifiers, such as names. This paragraph in the AOP shall meet Federal Communications Commission (FCC) requirements for documenting share use of radio frequencies.
- **Distance/Boundaries**
Responding and requesting parties should identify any mileage limitations from mutual boundaries where "mutual aid" is either pay or non-pay status. Also, for some fire departments, the mileage issue may not be one of initial attack "mutual aid", but of

mutual assistance. In this situation, you may have the option to make it part of this agreement or identify it as a situation where the request would be made to the agency having jurisdiction, which would then dispatch the fire department.

- **Time/Duration**

Responding and requesting parties should identify time limitations (usually 24 hours) for resources in a non-reimbursable status, and “reimbursable rates” when the resources are in a reimbursable status.

- **Qualifications/Minimum Requirements**

As per the NWCG memorandum *Qualification Standards During Initial Action, March 22, 2004* and the PMS 310-1 *Wildland Fire Qualification System Guide*:

- The 310-1 qualification/certification standards are mandatory only for national mobilization of wildland fire fighting resources.
- During initial action all agencies (federal, state, local and tribal) accept each other’s standards. Once jurisdiction is clearly established, then the standards of the agency(s) with jurisdiction prevail.
 - **BLM** – During initial attack, all agencies accept each other’s standards. When an incident exceeds initial attack and jurisdiction has been established, the standards of the jurisdictional agency(s) prevail.
- Prior to the fire season, federal agencies should meet with their state, local, and tribal agency partners and jointly determine the qualification/certification standards that will apply to the use of local, non-federal firefighters during initial action on fires on lands under the jurisdiction of a federal agency.
- The Geographic Area Coordinating Group should determine the application of 310-1 qualification/certification standards for mobilization within the geographic area.
- On a fire where a non-federal agency is also an agency with legal jurisdiction, the standards of that agency apply.
- The AOP should address qualification and certification standards applicable to the involved parties.

- **Reimbursement/Compensation**

Compensation shall be as close to actual expenditures as possible. This should be clearly identified in the AOP. Vehicles and equipment operated under the federal excess property system will only be reimbursed for maintenance and operating costs.

- **Cooperation**

The annual operating plan will be used to identify how the cooperators will share expertise, training, and information on items such as prevention, investigation, safety, and training.

- **Agency Reviews and Investigations**

Annual operating plans should describe processes for conducting agency specific reviews and investigations.

- **Dispatch Centers**

Dispatch centers will ensure all resources know the name of the assigned IC and announce all changes in incident command. Geographic Area Mobilization Guides, Zone Mobilization Guides, and Local Mobilization Guides should include this procedure as they are revised for each fire season.

Fiscal Responsibility Elements on an AOP

Annual Operating Plans should address the following:

- The level of communication required with neighboring jurisdictions regarding the management of all wildland fires, especially those with multiple objectives.
- The level of communication required with neighboring jurisdictions regarding suppression resource availability and allocation, especially for wildland fires with objectives that include benefit.
- Identify how to involve all parties in developing the strategy and tactics to be used in preventing wildland fire from crossing the jurisdictional boundary, and how all parties will be involved in developing mitigations which would be used if a wildland fire does cross jurisdictional boundaries.
- Jurisdictions, which may include state and private lands, should identify the conditions under which wildland fire may be managed to achieve benefit, and the information or criteria that will be used to make that determination (e.g. critical habitat, hazardous fuels, and land management planning documents).
- Jurisdictions will identify conditions under which cost efficiency may dictate where suppression strategies and tactical actions are taken (i.e. it may be more cost effective to put the containment line along an open grassland than along a mid-slope in timber). Points to consider include loss and benefit to land, resource, social and political values, and existing legal statutes.
- The cost-sharing methodologies that will be utilized should wildfire spread to a neighboring jurisdiction in a location where fire is not wanted.
- The cost-share methodologies that will be used should a jurisdiction accept or receive a wildland fire and manage it to create benefit.
- Any distinctions in what cost-share methodology will be used if the reason the fire spreads to another jurisdiction is attributed to a strategic decision, versus environmental conditions (weather, fuels, and fire behavior), or tactical considerations (firefighter safety, resource availability) that preclude stopping the fire at jurisdictional boundaries. Examples of cost-sharing methodologies may include, but are not limited to, the following:
 - When a wildland fire that is being managed for benefit spreads to a neighboring jurisdiction because of strategic decisions, and in a location where fire is not wanted, the managing jurisdiction shall be responsible for wildfire suppression costs.

- In those situations where weather, fuels, or fire behavior of the wildland fire precludes stopping at jurisdiction boundaries cost-share methodologies may include, but are not limited to:
 - a) Each jurisdiction pays for its own resources – fire suppression efforts are primarily on jurisdictional responsibility lands.
 - b) Each jurisdiction pays for its own resources – services rendered approximate the percentage of jurisdictional responsibility, but not necessarily performed on those lands.
 - c) Cost share by percentage of ownership.
 - d) Cost is apportioned by geographic division. Examples of geographic divisions are: Divisions A and B (using a map as an attachment); privately owned property with structures; or specific locations such as campgrounds.
 - e) Reconciliation of daily estimates (for larger, multi-day incidents). This method relies upon daily agreed to cost estimates, using Incident Action Plans or other means to determine multi-Agency contributions. Reimbursements can be made upon estimates instead of actual bill receipts.

For further information, refer to *NWCG Memorandum #009-2009 Revisions to the Annual Operating Plans for Master Cooperative Fire and Stafford Act Agreements due to Implementation of Revised Guidance for the Implementation of Federal Wildland Fire Management Policy, April 13, 2009*