Reviews and investigations are used by wildland fire and aviation managers to assess and improve the effectiveness and safety of organizational operations. Information (other than factual) derived from safety reviews and accident investigations should only be used by agencies for accident prevention and safety purposes.

Multiagency Cooperation

Many reviews and investigations involve cooperation between Federal, State, County, and Municipal Agencies. To comply with each agencies authorities, policies, and responsibilities, a multi-agency review or investigation may be necessary. A multiagency Delegation of Authority should be provided to outline roles, responsibilities, and expected deliverables.

The Team Leader or delegating official(s) should establish cooperative relationships with the other agencies involved in the review or investigation to ensure policies and responsibilities are met. This may involve negotiations, cooperative agreements, and coordination with the agency Designated Agency Safety and Health Official (DASHO) or the agency official who signs the Delegation of Authority.

Federal Interagency Investigations

Close calls or accidents that involve interagency (USFS or DOI) personnel and/or jurisdiction (e.g. USFS firefighter injured on FWS jurisdictional wildland fire & vice versa) shall be reviewed or investigated cooperatively and conducted at the appropriate level as outlined in this chapter.

Agency Administrators will ensure that affected agencies are involved throughout the review/investigation process.

When an incident does not meet the serious accident criteria, the affected Agency Administrators should jointly decide what type and level of investigation will be conducted based on agency processes outlined in this chapter. Questions should be addressed to your agency wildland fire safety program manager.

Reviews

Reviews are methodical examinations of system elements such as program management, safety, leadership, operations, preparedness, training, staffing, business practices, budget, cost containment, planning, and interagency or intra-
agency cooperation and coordination. Reviews do not have to be associated with a specific incident. The purpose of a review is to ensure the effectiveness of the system element being reviewed, and to identify deficiencies and recommend specific corrective actions. Established review types are described below and include:

- Preparedness Review
- After Action Review
- Fire and Aviation Safety Team Review
- Aviation Safety and Technical Assistance Team Review
- Large Fire Cost Reviews
- Individual Fire Review
- Lessons Learned Review
- Escaped Prescribed Fire Review

### Review Types and Requirements

<table>
<thead>
<tr>
<th>Type</th>
<th>When Conducted</th>
<th>Delegating or Authorizing Official</th>
</tr>
</thead>
<tbody>
<tr>
<td>Preparedness Review</td>
<td>Annually, or management discretion</td>
<td>Local/State/Region/National</td>
</tr>
<tr>
<td>After Action Review</td>
<td>Management discretion</td>
<td>N/A</td>
</tr>
<tr>
<td>Fire and Aviation Safety Team Review</td>
<td>As fire activity dictates</td>
<td>Geographic Area Coordinating Group</td>
</tr>
<tr>
<td>Aviation Safety and Technical Assistance Team Review</td>
<td>As aviation activity dictates</td>
<td>State/Regional Aviation Manager or MACG</td>
</tr>
<tr>
<td>Large Fire Cost Review</td>
<td>Refer to NWCG Memorandum #003-2009</td>
<td>Agency Director</td>
</tr>
<tr>
<td>Individual Fire Review</td>
<td>Management discretion</td>
<td>Local/State/Region/National</td>
</tr>
<tr>
<td>Lessons Learned Review</td>
<td>Management discretion</td>
<td>Local/State/Region/National</td>
</tr>
</tbody>
</table>

**Preparedness Reviews**

Preparedness Reviews assess fire programs for compliance with established fire policies and procedures outlined in the current *Interagency Standards for Fire and Fire Aviation Operations* and other pertinent policy documents.

Preparedness Reviews identify organizational, operational, procedural, personnel, or equipment deficiencies, and recommend specific corrective actions. Interagency Preparedness Review Checklists can be found at: [http://www.nifc.gov/policies/pol_ref_intgncy_prepcheck.html](http://www.nifc.gov/policies/pol_ref_intgncy_prepcheck.html)
After Action Reviews (AAR)

An AAR is a learning tool intended for the evaluation of an incident or project in order to improve performance by sustaining strengths and correcting weaknesses. An AAR is performed as soon after the event as possible by the personnel involved. An AAR should encourage input from participants that is focused on:

- What was planned?
- What actually happened?
- Why it happened?
- What can be done the next time?

An AAR is a tool that leaders and units can use to get maximum benefit from the experience gained on any incident or project. When possible, the leader of the incident or project should facilitate the AAR process. However, the leader may choose to have another person facilitate the AAR as needed and appropriate. AARs may be conducted at any organizational level. However, all AARs follow the same format, involve the exchange of ideas and observations, and focus on improving proficiency. The AAR should not be utilized as an investigational review. The format can be found in the Interagency Response Pocket Guide (IRPG), PMS #461, NFES #1077.

Fire and Aviation Safety Team (FAST) Reviews

Fire and Aviation Safety Teams assist agency administrators during periods of high fire activity by assessing policy, rules, regulations, and management oversight relating to operational issues. They can also do the following:

- Provide guidance to ensure fire and aviation programs are conducted safely.
- Assist with providing immediate corrective actions.
- Review compliance with OSHA abatement plan(s), reports, reviews, and evaluations.
- Review compliance with Interagency Standards for Fire and Fire Aviation Operations.

FAST reviews can be requested through geographic area coordination centers to conduct reviews at the state/regional and local level. If a more comprehensive review is required, a national FAST can be ordered through the National Interagency Coordination Center.

FASTs include a team leader, who is either an agency administrator or fire program lead with previous experience as a FAST member, a safety and health manager, and other individuals with a mix of skills from fire and aviation management.

FASTs will be chartered by their respective Geographic Area Coordinating Group (GACG) with a delegation of authority, and report back to the GACG.
Chapter 18
Reviews & Investigations

FAST reports will include an executive summary, purpose, objectives, methods/procedures, findings, recommendations, follow-up actions (immediate, long-term, national issues), and a letter delegating authority for the review. FAST reports should be submitted to the Geographic Area Coordinating Group with a copy to the Federal Fire and Aviation Safety Team (FFAST) chair within 30 days. See Appendix L for sample FAST Delegation of Authority.

Aviation Safety and Technical Assistance Team (ASTAT) Reviews
Refer to Chapter 16 for ASTAT information.

Large Fire Cost Reviews
Information on large fire cost reviews can be found in Chapter 11 (Incident Management), and at http://www.nwcg.gov/general/memos/nwcg-003-2009.html

Individual Fire Reviews
Individual fire reviews examine all or part of the operations on an individual fire. The fire may be ongoing or controlled. These reviews may be local, state/regional, or national. These reviews evaluate decisions and strategies, correct deficiencies, identify new or improved procedures, techniques or tactics, determine cost-effectiveness, and compile and develop information to improve local, state/regional, or national fire management programs.

Lessons Learned Reviews (LLRs)
The purpose of a LLR is to focus on the near miss events or conditions in order to prevent potential serious incident in the future. In order to continue to learn from our near misses and our successes it is imperative to conduct a LLR in an open, non-punitive manner. LLRs are intended to provide educational opportunities that foster open and honest dialog and assist the wildland fire community in sharing lessons learned information. LLRs provide an outside perspective with appropriate technical experts assisting involved personnel in identifying conditions that led to the unexpected outcome and sharing findings and recommendations.

A LLR should be tailored to the event being reviewed and the extent of the review should be commensurate with the severity of the incident. A LLR should not be used in lieu of a Serious Accident Investigation (SAI) or Accident Investigation (AI) if the SAI/AI criteria have been met.

- FS: Facilitated Learning Analysis (FLA) may be used for incidents meeting the AI criteria.

A LLR will be led by a facilitator not involved in the event. A facilitator should be an appropriate fire management expert who possesses skills in interpersonal communications, organization, and be unbiased to the event. Personnel involved in the event will be participants in the review process. Depending...
upon the complexity of the event, the facilitator may request assistance from technical experts (e.g., fire behavior, fire operations, etc.).

The LLR facilitator will convene the participants and:

- Obtain a Delegation of Authority from appropriate agency level. See appendix J for a sample LLR Delegation of Authority.
- Identify facts of the event (sand tables maybe helpful in the process) and develop a chronological narrative of the event.
- Identify underlying reasons for success or unintended outcomes.
- Identify what individuals learned and what they would do differently in the future.
- Identify any recommendations that would prevent future similar occurrences.
- Provide a final written report including the above items to the pertinent agency administrator(s) within two weeks of event occurrence unless otherwise negotiated. Names of involved personnel should not be included in this report (reference them by position).

A copy of the final report will be submitted to the respective agency’s national fire safety lead who will provide a copy to the Wildland Fire Lessons Learned Center (LLC). E-mail: llcdocsubmit@gmail.com

- FS - The Forest Service has combined the Accident Prevention Analysis (APA) with the Facilitated Learning Analysis (FLA). A guide for the FLA process is available at http://wildfirelessons.net/documents/APA_FLA_Guides_2011.pdf

Escaped Prescribed Fire Reviews

An escaped prescribed fire is a prescribed fire which has exceeded, or is expected to exceed, its prescription. Escaped prescribed fire review direction is found in these agency documents:

- BLM - IM No. OF&A 2012-005
- FWS - Fire Management Handbook, Chapter 17
- NPS - RM-18, Chapter 7 & 17
- FS - FSM 5140

Investigations

Investigations are detailed and methodical efforts to collect and interpret facts related to an incident or accident, identify causes (organizational factors, local workplace factors, unsafe acts), and develop control measures to prevent recurrence.

Distinct types of wildland fire incidents and accidents have specific investigation requirements.
Wildland Fire Incident and Accident Types and Definitions

- **Serious Wildland Fire Accident**
  An unplanned event or series of events that resulted in death; injury; occupational illness, or damage to or loss of equipment or property. For wildland fire operations, a serious accident involves any of the following:
  - One or more fatalities.
  - Three or more personnel who are inpatient hospitalized as a direct result of or in support of wildland fire operations.
  - Property or equipment damage of $250,000 or more.
  - Consequences that the Designated Agency Safety and Health Official (DASHO) judges to warrant Serious Accident Investigation.

- **Wildland Fire Accident**
  An unplanned event or series of events that resulted in injury, occupational illness, or damage to or loss of equipment or property to a lesser degree than defined in “Serious Wildland Fire Accident”.

- **Near-miss**
  An unplanned event or series of events that could have resulted in death; injury; occupational illness; or damage to or loss of equipment or property but did not.

- **Entrapment**
  A situation where personnel are unexpectedly caught in a fire behavior-related, life-threatening position where planned escape routes or safety zones are absent, inadequate, or compromised. Entrapment may or may not include deployment of a fire shelter for its intended purpose. Entrapment may result in a serious wildland fire accident, a wildland fire accident, or a near-miss.

- **Fire Shelter Deployment**
  The removing of a fire shelter from its case and using it as protection against fire. Fire shelter deployment may or may not be associated with entrapment. Fire shelter deployment may result in a serious wildland fire accident, a wildland fire accident, or a near-miss.

- **Fire Trespass**
  The occurrence of unauthorized fire on agency-protected lands where the source of ignition is tied to some type of human activity.
### Investigation Types and Requirements

<table>
<thead>
<tr>
<th>Wildland Fire Event</th>
<th>Investigation Type</th>
<th>Notification Requirement</th>
<th>Management level that determines review type and authorizes review*</th>
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<tr>
<td>Serious Wildland Fire Accident</td>
<td>Serious Accident Investigation (SAI)</td>
<td>National</td>
<td>National</td>
</tr>
<tr>
<td>Wildland Fire Accident</td>
<td>Accident Investigation (AI)</td>
<td>BLM/NPS-National</td>
<td>Region/State/Local</td>
</tr>
<tr>
<td></td>
<td><em>FS only- FLA may be used</em></td>
<td>FS/FWS-Management Discretion</td>
<td></td>
</tr>
<tr>
<td>Entrapment</td>
<td>SAI, AI, LLR, depending on severity</td>
<td>National</td>
<td>National</td>
</tr>
<tr>
<td>Fire Shelter Deployment</td>
<td>SAI, AI, LLR, depending on severity</td>
<td>National</td>
<td>National</td>
</tr>
<tr>
<td>Near-miss</td>
<td>LLR, AAR</td>
<td>Management Discretion</td>
<td>Region/State/Local</td>
</tr>
<tr>
<td>Fire Trespass</td>
<td>Fire Cause Determination &amp; Trespass Investigation</td>
<td>Local</td>
<td>Local</td>
</tr>
</tbody>
</table>

* Higher level management may exercise their authority to determine the type of review or investigation.

- **BLM**- The Facilitated Learning Analysis (FLA) process may be used as a supplemental element to required BLM accident investigation processes.
- **FS**- Forest Service Line Officers are the deciding officials regarding what type of accident investigation or analysis method is to be used for accidents or near misses occurring under Forest Service jurisdiction. FLAs are a type of Lessons Learned Review.

### Investigation Processes

#### Processes Common to All Wildland Fire Accident Investigations

- **Site Protection** - The site of the incident should be secured immediately and nothing moved or disturbed until the area is photographed and visually reviewed. Exact locations of injured personnel, entrapments, injuries, fatalities, and the condition and location of personal protective equipment, property, and other equipment must be documented.
**Management of Involved Personnel** - Treatment, transport, and follow-up care must be immediately arranged for injured and involved personnel. The agency administrator or delegate should develop a roster of involved personnel and supervisors and ensure they are available for interviews by the investigation team. The agency administrator should consider relieving involved supervisors from fireline duty until the preliminary investigation has been completed. Attempt to collect initial statements from the involved individuals prior to a Critical Incident Stress Management (CISM) session.

**Delegation of Authority** - A delegation of authority shall be issued to the investigation team leader. The delegation of authority will outline roles, responsibilities, and expected deliverables.

**Critical Incident Stress Management (CISM)** - CISM is the responsibility of local agency administrators, who should have individuals pre-identified for critical incident stress debriefings. Also refer to The Agency Administrator’s Guide to Critical Incident Management (PMS 926), available at: [http://www.nwcg.gov/pms/pubs/pms926.doc](http://www.nwcg.gov/pms/pubs/pms926.doc). Individuals or teams may be available through Employee Assistance Programs (EAPs) or Geographic Area Coordination Centers (GACCs).

**24-Hour Preliminary Report** - This report contains known basic facts about the accident. It will be completed and forwarded by the agency administrator or designee responsible for the jurisdiction where the accident occurred. Names of injured personnel are not to be included in this report (reference them by position).

**72-Hour Expanded Report** - This report provides more detail about the accident and may contain the number of victims, severity of injuries, and information focused on accident prevention. It will be completed and forwarded by the AI/SAI Team. Names of injured personnel are not to be included in this report (reference them by position).

**24 and 72 Hour Reports** shall be sent to the respective agency’s fire safety/risk management lead for national distribution and potential posting through NWCG Safety Alert System.

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**Wildland Fire Serious Accident Investigation Process**

**Fire Director Responsibilities**

The Fire Director(s) or designee(s) of the lead agency, or agency responsible for the land upon which the accident occurred, will:

- Notify the agency safety manager and Designated Agency Safety and Health Official (DASHO).
- Immediately appoint, authorize (through Delegation of Authority), and deploy an accident investigation team.
- Provide resources and procedures adequate to meet the team’s needs.
- Receive the factual and management evaluation reports and take action to accept or reject recommendations.
• Forward investigation findings, recommendations, and corrective action plan to the DASHO (the agency safety office is the “office or record” for reports).
• Convene an accident review board/ board of review (if deemed necessary) to evaluate the adequacy of the factual and management reports and suggest corrective actions.
• Ensure a corrective action plan is developed, incorporating management initiatives established to address accident causal factors.
• Ensure Serious Accident Investigations remain independent of other investigations.

Agency Administrator Responsibilities
• Develop local preparedness plans to guide emergency response.
• Identify agencies with jurisdictional responsibilities for the accident.
• Provide for and emphasize treatment and care of survivors.
• Ensure the Incident Commander secures the accident site.
• Conduct an in-briefing to the investigation team.
• Facilitate and support the investigation as requested.
• Determine need and implement Critical Incident Stress Management (CISM).
• Notify home tribe leadership in the case of a Native American fatality.
• Prepare and issue the required 24 Hour Preliminary Report unless formally delegated to another individual.

Notification
Agency reporting requirements will be followed. As soon as a serious accident is verified, the following groups or individuals should be notified:
• Agency administrator
• Public affairs
• Agency Law Enforcement
• Safety personnel
• County sheriff or local law enforcement as appropriate to jurisdiction
• National Interagency Coordination Center (NICC)
• Agency headquarters
• OSHA (within 8 hours if the accident resulted in one or more fatalities or if three or more personnel are inpatient hospitalized)

Notification to the respective agency’s fire national safety/risk management lead is required.

Designating the Investigation Team Lead
The 1995 Memorandum of Understanding between the U.S. Department of the Interior and the U.S. Department of Agriculture states that serious wildland fire-related accidents will be investigated by interagency investigation teams. Following initial notification of a serious accident, the National Fire Director(s)
or their designee(s) will designate a Serious Accident Investigation Team
Lead(s) and provide that person(s) with a written Delegation of Authority to
conduct the investigation and the means to form and deploy an investigation
team.
• **BLM- The Fire and Aviation Directorate Safety Program Manager**
mobilizes SAI teams in coordination with the SAI Team Leader.

Accidents involving more than one agency will require a collaboratively
developed delegation of authority that is signed by each of the respective
agencies.

**Serious Accident Investigation Team (SAIT) Composition**
SAI Team members should not be affiliated with the unit that sustained the
accident.
• **Team Leader (Core Team Member)**
  A senior agency management official, at the equivalent associate/assistant
  regional/state/area/division director level. The team leader will direct the
  investigation and serve as the point of contact to the Designated Agency
  Safety and Health Official (DASHO).
• **Chief Investigator (Core Team Member)**
  A qualified accident investigation specialist is responsible for the direct
  management of all investigation activities. The chief investigator reports to
  the team leader.
• **Accident Investigation Advisor/Safety Manager (Core Team Member)**
  An experienced safety and occupational health specialist or manager who
  acts as an advisor to the team leader to ensure that the investigation focus
  remains on safety and health issues. The accident investigation
  advisor/safety manager also works to ensure strategic management issues
  are examined. Delegating Officials or their designee may, at their
  discretion, fill this position with a trained and qualified NWCG Safety
  Officer, Line (SOFR), Safety Officer, Type 2 (SOF2), or Safety Officer,
  Type 1 (SOF1).
• **Interagency Representative**
  An interagency representative will be assigned to every fire-related Serious
  Accident Investigation Team. They will assist as designated by the team
  leader and will provide outside agency perspective. They will assist as
  assigned by the Team Leader and will provide a perspective from outside
  the agency.
• **Technical Specialists**
  Personnel who are qualified and experienced in specialized occupations,
  activities, skills, and equipment, addressing specific technical issues such as
  specialized fire equipment, weather, and fire behavior.
• **Public Affairs Officer**
  For investigations with high public visibility and significant news media
  interest, a public affairs officer (PAO) should be considered a part of the
  team. The PAO should develop a communications plan for the team, be a
designated point of contact for news media, and oversee all aspects of
internal and external communications. Ideally, the PAO should be qualified
as a Type 1 or Type 2 public information officer and be familiar with SAI
team organization and function.

- **BLM** - All media related documents (news releases, talking points,
  etc.) should be cleared through NIFC Public Affairs prior to external
  release.

Core SAI Team members are required to take the Interagency Serious Accident
Investigation Course 1112-05 prior to serious accident investigation assignment.
This training is also required every 5 years for recurrency.

- **FS/BLM/FWS** - This training is required every 5 years to retain currency.

**SAIT Final Report**
Within 45 days of the incident, a final report consisting of a Factual Report (FR)
and a Management Evaluation Report (MER) will be produced by the
investigation team to document facts, findings, and recommendations and
forwarded to the Designated Agency Safety and Health Official (DASHO)
through the agency Fire Director(s).

Factual and Management Evaluation Report formatting can be found on the
NIFC website at: [http://www.nifc.gov/safety/accident_resources.htm](http://www.nifc.gov/safety/accident_resources.htm)

**Factual Report**
This report contains a brief summary or background of the event, and facts
based only on examination of technical and procedural issues related to
equipment and tactical fire operations. It does not contain opinions,
conclusions, or recommendations. Names of injured personnel are not to be
included in this report (reference them by position). Post-accident actions
should be included in this report (emergency response attribute to survival of a
victim, etc).

Factual Reports will be submitted to Wildland Fire Lessons Learned Center
(LLC) by the respective agency’s fire safety/risk management leads. E-mail:
llcdocsubmit@gmail.com

**Management Evaluation Report (MER)**
The MER is intended for internal use only and explores management policies,
practices, procedures, and personal performance related to the accident. The
MER categorizes findings identified in the factual report and provides
recommendations to prevent or reduce the risk of similar accidents.

**Accident Review Board/Board of Review**
An Accident Review Board/Board of Review is used by some agencies to
evaluate recommendations, and develop a corrective action plan. Refer to the
respective agency’s Safety and Health policy.
Wildland Fire Accident Investigation Process

Notification
When an accident occurs, Agency specific notification requirements shall be followed. In most instances, supervisors will notify the unit fire management officer, who will then make notification through chain of command.

Investigation Team Membership
Investigation team membership should be commensurate with the complexity and/or severity of the accident. For complex investigations, the team should consist of a chief investigator, a safety advisor/manager, and one technical specialist. Team members may have dual roles (e.g., chief investigator/safety advisor). More complex accidents may require the need for a Team Leader and multiple technical specialists.

Investigation Methodology
Accident Investigations (AI) are detailed and methodical efforts to collect and interpret facts related to an accident and to provide specific recommendations to prevent recurrence. The AI should include the following actions:

- Visual inspection of involved site, equipment, or material.
- Detailed analysis of equipment or material, as necessary.
- Interviews with involved personnel, witnesses, managers, and other pertinent persons.
- Collection and review of written statements.
- Review of records, archives, plans, policies, procedures, and other pertinent documents.
- Consideration of environmental, equipment, material, procedural, and human factors as they related to the incident.
- Development of specific findings and related recommendations for the AI report.

Final Report
Within 45 days of the accident, a final report including facts, findings, and recommendations shall be submitted to the senior manager dependent upon the level of investigation (e.g., Local agency administrator, State/Regional Director, and Agency Fire Director or their designee). If a lower level investigation is conducted, a courtesy copy of the final report shall be sent to the respective agency’s national fire safety/risk management lead.
The Final Report (minus names of employees— they should be referenced by position) will be submitted to Wildland Fire Lessons Learned Center (LLC) by the respective agency’s National Fire Safety Leads. E-mail: lledocsubmit@gmail.com

18-12 Release Date: January 2012
Accident Investigation Report Standard Contents

- **Executive Summary** - A brief narrative of the facts involving the accident including dates, locations, times, name of incident, jurisdiction(s), number of individuals involved, etc. Names of injured personnel or personnel involved in the accident are not to be included in this report (reference them by position).

- **Narrative** - A detailed chronological narrative of events leading up to and including the accident, as well as rescue and medical actions taken after the accident. This section will contain who, what, and where.

- **Investigation Process** - A brief narrative of actions taken by the investigation team. This narrative should include investigation team membership, Delegation of Authority information (from who and contents), investigative actions and timeline (when the team conducted interviews, inspections, site visits, etc.), and if other sources were consulted (i.e. professional accident reconstruction experts, equipment manufacturers, etc.). This section should also address if environmental, equipment, material, procedural, and human factors were present, and state how findings/recommendations were developed.

- **Findings/Recommendations**
  - **Findings** are developed from the factual information. Each finding is a single event or condition. Each finding is an essential step in the accident sequence, but each finding is not necessarily causal or contributing. Do not include any more information in each finding than is necessary to explain the event occurrence. Findings must be substantiated by the factual data and listed in chronological order within the report. Do not include opinion or speculation.
  - **Discussion** - Provide a brief explanation of factual and other pertinent information that lead to the finding(s).
  - **Recommendations** - Recommendations are the prevention measures that should be taken to prevent similar accidents. Provide recommendations that are consistent with the findings, do not contain opinion or speculation, and identify who is responsible for completing the recommended action. If no action is required, state as such.

- **Conclusions and Observations** - Investigation team’s opinions and inferences, and “lessons learned” may be captured in the section.

- **Maps/Photographs/Illustrations** - Graphic information used to document and visually portray facts.

- **Appendices** - Reference materials (e.g., fire behavior analysis, equipment maintenance reports, agreements).

- **Records** - Factual data and documents used to substantiate facts involving the accident.

An AI report template and examples of AI reports can be found at the NIFC Safety website: http://www.nifc.gov/safety/safety_reptsdInvest.html
Chapter 18 Reviews & Investigations

Fire Cause Determination and Trespass Investigation

Introduction

Agency policy requires any wildfire to be investigated to determine cause, origin, and responsibility. Accurate fire cause determination is a necessary first step in a successful fire investigation. Proper investigative procedures, which occur concurrent with initial attack, more accurately pinpoint fire causes and can preserve valuable evidence that would otherwise be destroyed by suppression activities. Fire trespass refers to the occurrence of unauthorized fire on agency-protected lands where the source of ignition is tied to some type of human activity.

Policy

The agency must pursue cost recovery, or document why cost recovery is not required, for all human-caused fires on public lands. The agency will also pursue cost recovery for other lands under fire protection agreement where the agency is not reimbursed for suppression actions, if so stipulated in the agreement.

For all human-caused fires where negligence can be determined, trespass actions are to be taken to recover cost of suppression activities, land rehabilitation, and damages to the resource and improvements. Only fires started by natural causes will not be considered for trespass and related cost recovery.

The determination whether to proceed with trespass action must be made on “incident facts,” not on “cost or ability to pay.” Trespass collection is both a cost recovery and a deterrent to prevent future damage to public land. It is prudent to pursue collection of costs, no matter how small. This determination must be documented and filed in the unit office’s official fire report file.

The Agency Administrator has the responsibility to bill for the total cost of the fire and authority to accept only full payment. On the recommendation of the State/Regional Director, the Solicitor/Office of General Counsel may compromise claims of the United States, up to the monetary limits ($100,000) established by law 31 U.S.C. 3711[a], 4 CFR 103-104, and 205 DM 7.1 and 7.2. The Solicitor/Office of General Counsel will refer suspension or termination of the amount, in excess of $100,000, exclusive of interest, penalties, or administrative charges, to the Department of Justice.

Unless specified otherwise in an approved protection agreement, the agency that has the land management jurisdiction/administration role is accountable for determining the cause of ignition, responsible party, and for obtaining all billable costs, performing the billing, collection, and distribution of the collected funds. The agency with the fire protection responsibility role must provide the initial determination of cause to the agency with the land management jurisdiction/administration role. The agency providing fire protection shall...
provide a detailed report of suppression costs that will allow the jurisdictional agency to proceed with trespass procedures in a timely manner.

Each agency’s role in fire trespass billing and collection must be specifically defined in the relevant Cooperative Fire Protection Agreement. The billing and collection process for federal agencies is:

- For example, a federal agency fire occurs on another federal agency’s land and is determined to be a trespass fire. BLM provides assistance, and supplies costs of that assistance to the federal agency with jurisdictional responsibility for trespass billing. The responsible federal agency bills and collects trespass, and BLM then bills the federal agency and is reimbursed for its share of the collection.

- For example, where BLM administered land is protected by a state agency, the billing and collection process is:
  - The state bills BLM for their suppression costs. The BLM will pursue trespass action for all costs, suppression, rehabilitation, and damages, and deposits the collection per BLM’s trespass guidance.

All fires must be thoroughly investigated to determine cause. Initiation of cause determination must be started with notification of an incident. The initial attack Incident Commander and the initial attack forces are responsible for initiating fire cause determination and documenting observations starting with their travel to the fire. If probable cause indicates human involvement, an individual trained in fire cause determination should be dispatched to the fire.

Agency references:

- **BLM** - 9238-1
- **FWS** - Fire Management Handbook
- **NPS** - RM-18, Chapter 8 and RM-9
- **FS** - FSM 5130 and FSM 5300

**Related Policy Documents**
These documents provide specific direction related to incident and accident investigations.

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<tr>
<th>Safety</th>
<th>Prescribed Fire</th>
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<tbody>
<tr>
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<tr>
<td>BLM</td>
<td>Manual 1112-2, 1112-1</td>
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<td>FS</td>
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</tbody>
</table>

FS - FSH-6709.11, FSH-76709.11, FSM 5720 (Aviation), FSM 5130 (Ground Operations), FSM 6730 (Specific policy), FSH 6709.12 Chapter 30 (General guidance), and most recent Accident Investigation Guide, for specific guidance.

Interagency Information on accident investigations may be found at: http://www.nifc.gov/safety/accident_resources.htm. For reporting use PMS 405-1, Wildland Fire Fatality and Entrapment Initial Report, on the NWCG website.