



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
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May 21, 2019

EMS TRANSMISSION: 5/28/2019
Instruction Memorandum No. ID-2019-018
Expires: 09/30/2022

To: Idaho Leadership Team
Attn: Fire Management Officers and Fire Trespass Coordinators

From: State Director

Subject: Idaho Fire Trespass Operating Plan

Program Area: Fire and Aviation, Budget and Law Enforcement.

Purpose: Update of the Idaho Fire Trespass Operating Plan.

Administrative or Mission Related: Administrative and Mission Related.

Policy/Action: This Instruction Memorandum (IM) establishes the procedure that will be used to implement the Fire Trespass Program on all land administered by the Bureau of Land Management (BLM) in Idaho in order to apply consistent fire trespass policy and successful recovery. This plan will be updated annually.

Timeframe: This plan is effective immediately.

Background: The BLM policy requires the investigation of all wildland fires to determine cause. On human-caused fires where negligence is determined, trespass actions shall recover costs for suppression, rehabilitation, resource damage, and improvements.

According to BLM policy, the Idaho State Operating Plan – is based upon BLM’s fire trespass policy, our authorities, and consultations with the Department of Justice, United States Attorney, and Solicitor – provides standard operating procedures for trespass cases and includes a decision key for managers, a state contact list, and a field guide for fire and law enforcement staff. This plan is being combined with the BLM Fire Trespass Handbook, H-9238-1, to make ease of reference. Specific Idaho items have been highlighted in **yellow**.

Contact: Questions regarding this subject should be addressed to Dennis Strange, State Fire Management Officer at (208) 373-3851 or Jennifer Myslivy, Idaho BLM Fire Trespass Coordinator at (208) 373-3963.

Boise District with Union: Management is reminded to notify and satisfy any bargaining requirements prior to implementation.

Signed by:
John F. Ruhs

Authenticated by:
Susanna M. Henry
Fire Program Assistant

1 Attachment:

1 – [National Fire Trespass Plan, State Fire Trespass Plan](#) (63 pp)



This is a combined document inclusive of the 2015 BLM National Fire Trespass Handbook and [2019 Idaho State Trespass Operating Plan](#). BLM Districts in Idaho are responsible for developing a District Trespass Operating Plans, which may also be included as a third tier to this document.





Reviewed by:



Jennifer Myslivy, State Fire Mitigation and Trespass

5/10/2019
Date



Thomas Huegerich, Acting Special Agent in Charge

5/10/2019
Date

Approved by:



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5/13/19
Date



John F. Ruhs, State Director

21 May 2019
Date

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Introduction:

Fire trespass refers to the occurrence of unauthorized wildland fire on Bureau of Land Management (BLM) lands when the source of ignition is a result of human activity. Actions shall be taken to recover costs and damages incurred by the BLM when the responsible party(s) is identified and legal liability or intent exists.

A successful Fire Trespass Program must have all the necessary personnel in place and working together. This includes initial attack firefighters, fire investigators, Law Enforcement Officers (LEOs), unit and state level fire trespass coordinators Fire Management Officers (FMOs), solicitor's offices, US Attorney's Offices (USAO), field/district managers, State Directors, and cost and billing specialists. State Fire Trespass Operating Plans must be established that will outline the roles and responsibilities for these positions and procedures and protocols for effective case resolution.

Background:

There are three different avenues available to the government for cost recovery on wildland fires – administrative, civil, and criminal. This BLM Fire Trespass Handbook, H-9238-1, focuses mostly on the **administrative** fire trespass process where BLM has the lead role. Civil and criminal processes are conducted through the Department of Justice (DOJ), and the BLM provides a support role.

The BLM fire investigations are conducted by qualified Wildland Fire Investigators (INVs) in cooperation with law enforcement. Evidence of legal liability must be found to proceed with a fire trespass cost recovery effort. Legal liability includes, but is not limited to, negligence and strict liability¹ (including statutory and contractual liability), products liability and other theories of liability. Criminal proceedings (arson) are not covered in this handbook as they will be handled by law enforcement.

Fire Trespass action is both cost recovery and an effective deterrent to prevent future wildfires and the risk they pose to our firefighters, resources and the public. Fire investigations help identify specific causes and, with statistical analysis, can help develop effective prevention programs that reduce human-caused fires. Fire trespass collections will be deposited and managed by the state that collects the funds and expended within the direction contained in this handbook.

Purpose:

This handbook provides guidance to state fire investigation and trespass programs for cost recovery efforts on fires occurring on BLM lands. Cost recovery for fires that BLM suppresses on

¹ Current policy and case law limits strict liability to specific fire trespass scenarios. Examples include right-of-way agreements, permits, and contracts. In some states, railroads may be held strictly liable for fires. Look for language such as "shall be liable for all damages" or "shall be fully liable." Consult the Solicitor's Office if you think a party may be subject to strict liability.

(The highlighted areas are Idaho specific)

other lands as part of cooperative agreements should be outlined in, and pursued according to, those agreements. Specific questions about fire trespass policy and procedures may be directed to the National Fire Trespass Program Lead.

(The highlighted areas are Idaho specific)

Chapter 1 – Authorities, References and Policy

A. Authorities

1. The Federal Land Policy and Management Act of 1976, as amended (43 USC 1701, et seq).
2. United States Code (USC).
 - a) Title 18 U.S.C. 1855 – Timber set afire
 - b) Title 18 U.S.C. 1856 – Fires left unattended and unextinguished
 - c) Title 31 U.S.C. 3711 – Collections and Compromise
3. Departmental Manual – Part 620 DM (Wildland Fire Management), 1.7 (Fire Trespass): Bureaus will enforce rules and regulations concerning unauthorized ignition of wildland fires, and aggressively pursue violations.
4. Reciprocal Fire Protection Act of May 27, 1955, as Amended (69 Stat. 66; 42 U.S.C. 1856 et seq.).
5. United States Code of Federal Regulations (CFRs).
 - a) Title 43 - 2807.12 – If I hold a grant, for what am I liable?
 - b) Title 43 - 2808 – Trespass
 - c) Title 43 – 2886.13 – If I hold a grant or TUP, for what am I liable?
 - d) Title 43 - 2920.1-2 – Unauthorized Use
 - e) Title 43 - 9212. – Wildfire Prevention
 - f) Title 43 - 9212.4 – Penalties
 - g) Title 43 – 9239 – Trespass
 - h) Title 28 – 2415– Time for commencing Actions brought by the U.S.
 - i) Title 31, Chapters 900-904 – Aggressive Agency Collection Activity
6. The fiscal year (FY)1999 Interior Appropriation (Department of the Interior (DOI) and Related Agencies Appropriations Act, 1999, as included in Public Law 105-277, Section 101 [e]) provided permanent authority to keep sums received for fire protection rendered pursuant to the authorities in the 1955 Fire Reciprocal Protection Act (42 U.S.C. 1856 et seq.). This authority states, “...notwithstanding 42 U.S.C. 1856 d, sums received by a bureau or office of the DOI for fire protection rendered pursuant to 42 U.S.C. 1856 et seq., Protection of United States Property, may be credited to the appropriation from which funds were expended to provide that protection, and are available without FY limitation.”

B. References

1. **Interagency Standards for Fire and Aviation Operations:** This annual publication states, references or supplements policy for Bureau of Land Management, Forest Service, Fish and Wildlife Service and National Park Service fire and aviation program management. It contains a specific section on Fire Cause Determination and Trespass Investigation.
2. **The BLM Standards for Fire Business Management:** This annually updated publication includes guidance for depositing and managing fire trespass collections that are received as part of BLM fire trespass cost recovery efforts.

C. BLM Policy

1. 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), with the following exception: If a fire is not investigated due to safety, costs or other considerations, that decision must be recorded, signed by an Authorized Officer, and maintained at the local unit.
2. The BLM strongly recommends that all fires are investigated by a BLM National Wildfire Coordinating Group (NWCG)-certified Wildland Fire Investigator (INVF) or, if not a BLM employee, an agency-certified fire investigator who has received wildland fire investigation training. If a certified fire investigator is not available, a BLM trainee *may* be sent to the fire. However, this is not recommended as it could adversely affect the BLM's ability to pursue collection. *In Idaho, the work of a trainee will be reviewed by a certified INVF to ensure quality work is being performed.*
3. 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. Legal liability includes, but is not limited to, negligence and strict liability (including statutory and contractual liability), products liability, and other theories of liability. If cost recovery is not pursued on human-caused fires, due to lack of evidence or a responsible party(s), BLM must document the reasons why cost recovery was not initiated in the fire report and in the fire trespass case file.
4. During the initial investigation, if evidence exists that the fire may have been intentionally set (arson), the Special Agent-in-Charge (SAC) must be notified and law enforcement will assume the lead role in the investigation. Criminal proceedings (arson) are not covered in this handbook as they will be handled by law enforcement.

5. A Fire Trespass Recommendation Document (Illustration 1) will be completed at the unit level for every human-caused fire. The Fire Trespass Coordinator, Law Enforcement Officer, and Fire Management Officer at the unit shall all be given a chance to review the facts and evidence of the case and provide a recommendation to the Authorized Officer as to whether to proceed with cost recovery. (The form may be modified to suit State needs)
6. For all human-caused wildland fires where the responsible party(s) has been identified, the Authorized Officer (e.g. Field or District Manager) will consult with the Solicitor's Office as to whether potential legal liability (negligence, strict liability, products liability, etc.) exists before making the decision whether to proceed. If there is a disagreement between the Authorized Officer and the Solicitor's Office on whether to proceed, the State Director will make the final decision with concurrence from the Solicitor's Office.
7. The BLM may pursue cost recovery for other lands where BLM responds under a cooperative fire protection agreement where BLM is not reimbursed for suppression actions, as stipulated in the agreement. However, these cases must be pursued in a civil action through the United States Attorney's Office (USAO) as BLM regulations require the fire to have burned BLM lands to recover costs through the administrative trespass process. Any effort to pursue cost recovery on wildland fires that occur on non-BLM land should be done in close consultation with the Solicitor's Office and in coordination with the respective jurisdictional agency.
8. All relevant fire trespass decisions and supporting documentation will be kept in the official Fire Trespass case file which is maintained at the local unit. Ensure all file copies are identical, complete and accurate. Any information in the file that would fall under attorney-client privilege shall be clearly marked as such.
9. For human-caused fires, where cost recovery is pursued, the BLM will pursue cost recovery for suppression activities, emergency stabilization and rehabilitation planning and treatments, and damages to resources and improvements.
10. The *initial* recommendation and decision whether to proceed with a trespass action must be made on incident facts, not on the cost of the fire or the ability of the responsible party to pay. However, debts owed to the BLM may be compromised or written off later in the fire trespass process in accordance with applicable CFRs. Trespass collection is both cost recovery and a deterrent to prevent future fires and the damages and risk they pose to firefighters, resources and the public.

11. The Authorized Officer has the responsibility to bill for the total cost of the fire and authority to accept only full payment. The Authorized Officer may recommend the acceptance of a compromise offer to the State Director who may accept or reject these offers with concurrence from the appropriate legal counsel and in accordance with BLM Manual 1203 – Delegation of Authority (see Appendix II – Table of Monetary Settlement Authorities).
12. The BLM recommends that all Incident Commanders (ICs) have basic training in wildland fire cause determination, such as the Wildland Fire Origin and Cause Determination for First Responders class (FI-110) or an equivalent course. The ICs play a critical role in the fire investigation process by ensuring the point of origin is protected and observations are documented by fire crews on scene.
13. All Wildland Fire Investigators (INVs) that investigate human-caused fires will meet standards set forth in the Wildland and Prescribed Fire Qualification System Guide, PMS 310-1, or be certified by their respective agency. This includes state, county and local agencies that may have a Certified Fire Investigator (CFI) qualification. However, the BLM should ensure these cooperators have the training and expertise to conduct a wildland fire investigation.
14. Each state will develop a Fire Trespass Operating Plan. Units may also develop Fire Trespass Operating Plans, as appropriate.

Other major changes from the previous version of the Handbook:

- No services in lieu of payment to settle administrative trespasses
- No permit, grant or authorizations to trespassers
- Fire trespass cases and allocations must be tracked by each State including amount billed, collected, compromised, and written off.
- Solicitors are not bound by the 60 days for case reviews

(The highlighted areas are Idaho specific)

Chapter 2 – Roles and Responsibilities

A. Jurisdictional Responsibilities for Cost Recovery

Unless specified otherwise in a fire protection agreement, fire investigation and cost recovery involving federal agencies will proceed as follows:

1. The federal agency that has the land management jurisdiction/administration role is generally responsible for proceeding with a fire trespass action and takes the lead role in gathering and validating all federal firefighting costs and damages. The jurisdictional agency and the protection agency each have the right to pursue cost recovery regardless of whether the other agency decides to proceed.
2. The agency with the fire protection responsibility role provides the initial determination of fire cause and responsible party to the agency with the land management jurisdiction/administration role. The protecting agency(s) should also provide the jurisdictional agency a timely, accurate, and detailed report of activities and costs if requested.
3. Each agency's role in fire trespass billing and collection should be specifically defined in the Cooperative Fire Protection Agreement. **The common billing and collection process for federal agencies is:**
 - a. When BLM responds to a fire in another federal agency's jurisdiction, and it is determined to be a trespass fire, the BLM will provide an itemization of the BLM's cost of assistance to that federal agency for trespass billing. The jurisdictional agency bills and collects for trespass and BLM is reimbursed for its share of the collection.
 - b. Generally, in cases where BLM and one or more federal agencies are involved in joint suppression activities, the agency with jurisdiction where the fire started will be the lead agency in the cost recovery effort.
 - c. A "Letter of Authorization" (see Illustration 13) should be used between federal agencies when one agency is taking the lead on cost recovery. This letter authorizes the lead agency to include other agencies' costs as part of the Bill for Collection to the responsible party. Language in this letter should include the right for all agencies to review any settlement offers that come forward before they are accepted. The State Fire Trespass Coordinator is responsible for ensuring these authorization letters are completed and the procedures for this process should be covered in each State's Fire Trespass Operating Plan.

- d. When a compromise offer is accepted, each agency receives its pro-rata share of the collection. For example, if the agencies involved in a fire trespass accept a payment that equates to 70% of the total cost of the fire, each agency will receive 70% of their costs (unless other arrangements have been made prior to negotiations).
4. Where BLM administered land is protected by a **state** agency, the process for pursuing cost recovery will be included in the Cooperative Fire Protection Agreement.

B. Roles and Responsibilities

1. **State Director (SD)**. The SD is responsible for oversight of the Fire Management program including fire investigation and trespass collection. The responsibilities include:
 - a. Accepting or rejecting settlement offers in accordance with BLM policy (M-1203). See Appendix II – Table of Monetary Settlement Authorities for further responsibilities related to collections and compromise offers.
 - b. With concurrence from the Solicitor’s Office, making the final decision whether to proceed if there is disagreement between the Authorized Officer and the Solicitor’s Office on whether to proceed with a fire trespass action.
 - c. Ensuring the state has a fire trespass program that pursues cost recovery for any human caused fires for which there is legal liability and that result in the expenditure of suppression funds and/or damage or loss.
 - d. Approving the State Fire Trespass Operating Plan.
2. **State Fire Management Officer (SFMO)**. The SFMO has the overall operational responsibility for fire management activities, including wildland fire cause determination, investigation and trespass in each state. The responsibilities include:
 - a. Identifying a State Fire Trespass Coordinator.
 - b. Establishing a State Fire Trespass Operating Plan.
 - c. Ensuring the State Director is notified when trespass actions are initiated.
 - d. Developing and maintaining a qualified fire investigation cadre.
 - e. Managing and tracking fire trespass collections and expenditures to ensure BLM policy is followed.

3. **Special Agent-in-Charge (SAC)**. The SAC, or their designated representative such as the Assistant Special Agent in Charge (ASAC) (or the Special Agent assigned to fire trespass) for a given state or region, has the overall agency responsibility in the criminal investigation and prosecution of all criminal intent fires (arson). In addition, the responsibilities include:
 - a. Representing BLM in criminal proceedings with the US Attorney's Office.
 - b. Assisting the SFMO, the State Fire Trespass Coordinator, the District/Field Office Manager and the field level Law Enforcement Officers (LEOs) to implement an effective program as outlined in the State Fire Trespass Operating Plan.
 - c. Assigning an LEO (usually a Special Agent) in cases of suspected arson.
4. **Office of the Solicitor (Solicitor's Office)**. Each state has an assigned Solicitor's Office that may be at the Regional or Field level. The Solicitor's Office is responsible for legal counsel regarding fire trespass actions. The responsibilities include:
 - a. Providing legal counsel to BLM on whether to proceed with fire trespass cases and/or how to settle fire trespass cases according to protocols and timelines established between the BLM and Solicitor's Office in each state.
 - b. Working with BLM to refer appropriate trespass cases to the US Attorneys' Office (USAO).
 - c. Assisting and representing the BLM to the Interior Board of Land Appeals (IBLA) on all matters related to fire trespass.

In lieu of the previous 60 days rule, where the solicitor needed to respond on each case within the allotted timeframe, the Idaho BLM fire trespass employees work with the Solicitor's Office to ensure questions have been answered, needed information is in the case file, and the case is properly packaged. The Solicitor's Office will then provide a written review and concurrence on whether or not to proceed with trespass.

5. **State Fire Trespass Coordinator**. The State Fire Trespass Coordinator has the responsibility of establishing and maintaining an effective fire trespass program. This position is critical to the overall success of the program and should be a priority workload for the position covering these duties. The responsibilities include:
 - a. Acting as liaison with other agencies and departments including the Solicitor's office, USAO, State Director and SAC/ASAC.
 - b. Coordinating with other organizational units within BLM including law enforcement, Emergency Stabilization and Rehabilitation (ES&R), resources, fire, and budget/financial sections.

Assisting in the preparation and tracking of fire trespass cases and ensuring appropriate staff has up-to-date information, including the line managers, SFMO, and SD.

- c. Reviewing financial documents and working with Collections and Billings staff to pursue payment and track collections.
 - d. Providing guidance, policy information and training regarding fire investigation and trespass issues.
 - e. Developing and updating a State Fire Trespass Operating Plan.
6. **Authorized Officer.** This may be the District or Field Office Manager depending on how each state has delegated authority. The BLM Authorized Officer has the overall program responsibility for wildland fire investigation and trespass on their unit as outlined in the State and Unit Fire Trespass Operating Plans. The responsibilities include:
- a. Coordinating with the Unit Fire Trespass Coordinator and providing recommendations and the case file of the investigation through the State Fire Trespass Coordinator to the Solicitor's office for review.
 - b. Requesting a consultation with the Solicitor's Office to determine whether to precede with fire trespass actions.
 - c. Issuing "Notice of Suspected Trespass," Trespass Decisions, and Bills for Collection.
 - d. Ensuring local Law Enforcement Officers understand their role in the fire investigation process to provide assistance (follow-up investigation, interviews, etc.) when necessary.
 - e. Notifying the State Director regarding fire trespass issues and actions taken at the unit level.
 - f. Working with the DFMO to develop a cadre of qualified staff, including INVFs, to conduct fire investigations.
 - g. Developing a unit Fire Trespass Operating Plan (if desired) in coordination with the State Fire Trespass Coordinator, local Fire Management Officer and local Law Enforcement Officer.
 - h. Making recommendations to the State Director and Solicitor's Office for resolution of the trespass case (see Appendix II – Table of Monetary Settlement Authorities).

7. **Unit Fire Management Officer (FMO).** The unit FMO has the overall operational responsibility for wildland fire cause determination, investigation and trespass. The responsibilities include:
 - a. Ensuring all fires are investigated to determine cause, origin and, if possible, the responsible party(s).
 - b. Designating a Unit Fire Trespass Coordinator.
 - c. Providing adequate staffing and training for fire investigation and trespass program.
 - d. Ensuring that the initial information regarding the report of a fire is documented by dispatch to inform the fire investigation and trespass process.
 - e. Ensuring the completion of all appropriate documentation pertaining to the fire investigation and trespass collection process.
 - f. Ensuring the notification of law enforcement when appropriate.
 - g. Advising the Authorized Officer regarding the Fire Trespass Recommendation Document.
 - h. Ensuring involvement and coordination among resource specialists, collection/accounting personnel, law enforcement personnel and the Authorized Officer to complete trespass processes.
 - i. Developing a unit Fire Trespass Operating Plan (if desired) in coordination with the State Fire Trespass Coordinator and local Law Enforcement Officer that follows the State Fire Trespass Operating Plan.
8. **Unit Fire Trespass Coordinator.** Works with the State Fire Trespass Coordinator, SFMO, DFMO, and LEO to ensure an effective fire trespass program. The responsibilities include:
 - a. Maintaining all case files and documentation related to each fire investigation.
 - b. Tracking and reporting fire trespass information in case files and fire reports in the Wildland Fire Management Information (WFMI) reporting system.
 - c. Obtaining detailed financial reports, and reviews, edits, and finalizes costs for billing.

- d. Recording fire investigation and trespass case actions and providing this information, as appropriate, upon request.
 - e. Preparing fire trespass documents and correspondence for the Authorized Officer.
 - f. Ensuring completion of fire cause and determination reports and the Trespass portion of the DI-1202 (Fire Report) in the WFMI reporting system. Ensures FMO is aware of fire investigation status.
9. **Initial Attack Incident Commander (IAIC)**. The IAIC has the overall responsibility for operations on the fire. The responsibilities include:
- a. Documenting and reporting initial observations and protecting the general point of origin.
 - b. Ensuring origin and cause determination is initiated. Determining if fire is a result of a lightning strike (if possible). If fire cause is unknown or human caused, ensures that a Wildland Fire Investigator (INVF) is ordered.
 - c. Involving law enforcement when appropriate.
 - d. Providing written input to fire investigation reports when necessary.
10. **Wildland Fire Investigator (INVF)**. The INVF is responsible for origin and cause determination of the fire; the INVF should arrive on the fire as soon as possible and continue without any additional responsibilities on the fire until the investigation is completed. The responsibilities include:
- a. Upon arrival on the fire, reporting to the IAIC and obtaining briefing concerning fire status. Reports significant findings to pertinent management and law enforcement.
 - b. Identifying the point of origin, helping to ensure it is protected until the investigation is complete, determining the cause of the fire, and identifying responsible parties in cooperation with the Incident Commander and Law Enforcement (if present).
 - c. Conducting and documenting the fire origin and cause determination in accordance with NWCG (FI-210) and National Fire Protection Association (NFPA) standard 1033 and guide 921. (Deviations from these standards are allowed but should be explained in the official fire investigation case file.)
 - d. Determining land status of the general area of origin. If not public lands administered by BLM, works with the IC and Dispatch to notify the appropriate agency for the dispatch of their fire investigator.

- e. Identifying potential witnesses and conducting initial on-scene interviews and/or collecting witness statements.
- f. Coordinating with BLM law enforcement and other agency investigators.

11. **Law Enforcement Officer (LEO).** The LEO will usually be the unit Law Enforcement Ranger. The LEOs who are qualified INVFs, may assume the lead in origin and cause determination and be the fire investigator of record on a human-caused fire. Additional responsibilities include:

- a. Seizing and collecting evidence from the scene or from the INVf and maintaining custody of evidence for storage. (INVFs may also collect evidence as long as BLM Law Enforcement standards and local protocols are established and followed).
- b. Obtaining personal identity information from suspects/witnesses or from the INVf.
- c. Conducting initial or secondary on-scene witness/suspect interviews and/or conducting off-scene follow-up interviews.
- d. Reporting and documenting any violations/crimes in the Law Enforcement Reporting System.
- e. Determining if probable cause exists for criminal action and coordinating with the SAC to initiate criminal proceedings when appropriate.
- f. Taking witness and suspect statements (voluntary or under oath).
- a. Initiating criminal proceedings, if applicable, in coordination with the unit FMO, Authorized Officer, SAC, and USAO.

12. **Law Enforcement Arson Investigator.** The SAC will assign an investigator when arson is suspected. The arson investigator will usually be a Special Agent (SA) due to the time required in a long-term arson investigation; however, a trained/experienced LEO may serve in this role.

The responsibilities include:

- a. Leading field investigation including all off-scene follow-up investigative activities and coordinating the duties of the local LEO and INVf.
- b. Coordinating the prosecution of arson cases with the U.S. Attorney/County

District Attorney.

13. **Finance Personnel.** The role of finance personnel is to administer all financial activities relating to fire trespass actions. The responsibilities include:
 - a. Assisting the fire trespass coordinator in the retrieval and validation of all the detailed cost information related to the fire.
 - b. Preparing the Bill for Collection (Illustration 7), adhering to current guidance.
 - c. Depositing fire trespass collections in accordance with guidelines. Reports receipt(s) of collections to District FMO and state fire trespass coordinator. See Chapter 5.

14. **National Office Fire Trespass Lead.** It is the responsibility of the Office of Fire and Aviation to oversee the fire trespass program, provide policy and guidance, and to monitor and evaluate activities. The responsibilities include:
 - a. Provide management and administrative oversight of BLM's fire trespass program by establishing policy and guidance.
 - b. Ensure fire investigation and trespass cases are monitored and tracked in each state.
 - c. Conduct reviews of fire investigation and trespass programs.
 - d. Work with states to resolve fire investigation and trespass issues.

Chapter 3: Fire Investigation Procedures

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) with the following exception. If a fire is not investigated due to safety, costs or other considerations, that decision must be recorded, signed by an Authorized Officer, and maintained at the local unit.

These investigations should be completed by certified fire investigators (INVs or Agency-certified). If arson (or other criminal intent) is suspected, the investigation will be managed by law enforcement. If juveniles are suspected or involved, all interviews will be coordinated by law enforcement.

All investigations will follow the methodology outlined in the Wildland Fire Investigation course (FI-210). Deviations from this methodology are allowed but should be explained and documented so they are defensible in any subsequent legal proceedings.

Protection of the origin area and cause determination must begin as soon as possible after the fire start because evidence can be quickly destroyed and witnesses and suspects may leave the scene. The information in this chapter will assist personnel in completing this important job.

A. Investigation Procedures and Information Gathering

A fire investigation includes the on-scene cause determination and the off-scene follow-up. Since it is not known at the time a fire is reported whether it is natural or human-caused, observations and information from the first report of the fire must be documented.

From the start, each fire should be treated as a potential human-caused fire and each investigation as a potential criminal case. Missed opportunities to obtain information in the earliest phase can have a severe impact on cost recovery efforts.

The dispatcher or person receiving the report of a fire should record the personal information of the person(s) reporting the fire as well as all pertinent information provided by the caller. Initial responders must record observations made in route to the fire and upon arrival on scene. The size-up of the fire by the IC should also include cause determination factors.

1. **Initial Determination:** The initial determination of whether a fire is a natural start or human caused can be made by the initial attack IC or fire investigation personnel (if dispatched concurrently with suppression forces). This determination does not have to be made by a qualified INV; however, completion of FI-110 is strongly recommended for personnel responsible for initial determinations.
2. **Origin and Cause Determination:** Upon arrival on scene, and in keeping with personnel safety and the suppression tactic to be used, the fire's general area of origin shall be

identified and protected from further disturbance (including acts of suppression or emergency rehabilitation) until an initial determination can be made and, if appropriate, an origin and cause determination initiated. This investigation will usually be conducted by a qualified INVf. If there are no qualified INVfs immediately available, the scene may be secured by a trainee or other designated employee with training in origin scene protection until a qualified INVf arrives.

If another agency is investigating a fire on BLM land as part of a cooperative agreement or other arrangement, the BLM may accept the qualification standards of that agency and not require that their investigators are INVf qualified. (This can occur when working with state, county and local agencies who may have a Certified Fire Investigator (CFI) qualification.) However, the BLM should ensure these cooperators have the training and expertise to conduct a wildland fire investigation on public lands. Additionally, many Solicitors Offices do not advise this as non-BLM wildland fire investigators may not be available to defend BLM's case in subsequent legal proceedings (depositions, hearings, trials, etc.).

If the fire's origin is not on BLM land and access to the origin is denied by the land owner, consult with law enforcement to determine how to proceed. This process could also be addressed in each State's Fire Trespass Operating Plan.

3. **Identify Witnesses and obtain written statements:** Persons at the scene will often give written statements voluntarily but may be reluctant to do so at a later date. Request witnesses to write detailed facts and sign and date a written statement (see Illustration 4). The BLM employee obtaining and witnessing the voluntary statement should sign, date, and record the time on the statement. On scene interviews and witness statements may be done by non-Law Enforcement personnel.

Possible suspects should be interviewed by an INVf or an LEO. When a non-LEO INVf needs to interview a potential suspect who has left the scene, they must first coordinate with law enforcement. Law enforcement will coordinate all interviews of juveniles (17 years of age or younger) interviews.

4. **Evidence:** The Special Agent assigned to Fire Trespass will work with District Fire Trespass personnel to establish proper evidence collection and safeguarding in accordance with General Order 28-Evidence. More detailed information concerning evidence collection and safeguarding can be found in Appendix VIII.
5. **Follow-up Investigation:** The off-scene follow-up investigation may require professional law enforcement expertise to collect/preserve evidence, conduct witness and suspect interviews, and for surveillance of suspects; and in all instances where intentional, criminal, repeated, or negligent acts are suspected, or when juveniles are suspected or involved. The INVfs will not conduct off-scene interviews with witnesses and suspects without first coordinating with a LEO.

Land Ownership: It is important to accurately establish land ownership both at the point of origin and for all acres burned in the fire. A cadastral surveyor should be brought in if there is doubt as to whether the fire burned BLM land. This information is critical for determining how to proceed with a potential fire trespass action. For fires that threaten BLM land but do not spread on to it, cost recovery (at this time) can only be pursued through a civil action. For fires that trespass and burn BLM land, collection can be pursued through either the administrative or civil collection process (federal court) depending on protocols and thresholds established in each State's Fire Trespass Operating Plan and in consultation with each state's Solicitor's Office.

6. **Working with Juveniles:** When the suspect is a juvenile (17 or under) Law Enforcement will coordinate all interviews. The LEOs or INVFs should advise legal guardians of state or local Youth Fire Intervention Programs if available.
7. **Negligence:** Negligence means the failure to use such care as a reasonably prudent and careful person would use under similar circumstances.

B. Rewards

Any district office or state office desiring to offer a reward leading to the arrest and conviction of someone suspected of igniting a fire through negligence or intent should contact their ASAC. The ASAC will coordinate with the SAC to offer the reward in accordance with law enforcement policy.

The benefiting activity must provide the funding for any rewards. For arson fires, the most common benefiting activity would be the fire trespass program. If a state does not have any fire trespass funds, a Fire Preparedness code may be used.

C. Release of Information

Any BLM employee with information concerning a fire under investigation will not share that information with anyone except law enforcement, INVFs, Solicitor's Office attorneys, fire managers or agency managers *directly* involved in the investigation.

Freedom of Information Act (FOIA) Requests for Fire Investigation Case File: Fire investigation information and documentation shall not be shared with individuals or agencies who are not directly involved with the fire investigation until it is complete, unless authorized by the Solicitor's office and Law Enforcement. The fire investigation case file is not considered complete until it has gone through the review process outlined in each State's Fire Trespass Operating Plan. The BLM recommends marking the case file as "Draft" until the review process, including any follow-up investigation, has been completed. Once complete, all requests for copies of the fire investigation case file should be referred to the State FOIA coordinator. *(Fire cost codes associated with cases being reviewed by Idaho BLM FOIA will be available for use while working on fire FOIA cases.)*

Idaho FOIA and “Need to Know” Implementation Procedure:

With regard to Instruction Memorandum No. ID-2019-014 Dated March 19th, 2019, which provides direction for the release of fire related records under the Freedom of Information Act (FOIA) and also allows for the release of records under what is called “Need to Know”, the following procedures have been agreed upon between the Fire Management Staff, FOIA Staff and the Idaho Field Solicitor. (Please see Appendix VII for IM and specific guidance)

D. Electronic Case Files

States may find it more efficient to store fire investigation case files and related information on a shared files directory. This will allow the review process to proceed more quickly and saves time and money associated with copying and updating case information. However, states should ensure that these files are secure and that access to this site is limited to appropriate personnel (law enforcement, Solicitor’s Office, investigation and trespass personnel, etc.).

Idaho BLM is utilizing the Fire Trespass Q: Drive for our electronic filing system and access has been provided to all appropriate personnel. (Q:\loc\fire\Fire and Aviation\Trespass)

E. Written communications on Fire Trespass Cases and Attorney/Client Privilege

Written communications regarding open fire trespass cases in the form of emails, texts, and comments residing in trespass case tracking spreadsheets, etc., may be discoverable by opposing counsel during the litigation discovery process. The BLM personnel should ensure that all correspondence regarding an open fire trespass case is clearly marked as “attorney-client privileged” and should be addressed to the Solicitor’s Office attorney or include the Solicitor’s Office attorney on the cc/distribution list. In general, any written communications regarding an on-going fire trespass case should be limited and BLM personnel should avoid opining in writing about things such as negligence or perceived problems with the case.

Potential solutions include marking all correspondence and contents of fire trespass case files as “draft” during the Solicitor Office review and recommendation phase. Also, engaging in oral conversations rather than emails is encouraged. Do not be careless about what is written in emails and other documents as this could cause problems for the United States at trial. Do not assume all of your communications will be protected by attorney-client or deliberative process privilege.

Chapter 4: Making the Decision to Trespass

The BLM will pursue cost recovery for human-caused fires on public lands administered by the BLM when evidence of legal liability or intent has been established in consultation with the Solicitor's Office. Administrative, civil or criminal actions may be pursued to recover the cost of suppression activities, emergency stabilization and rehabilitation planning and treatments, and damages to resources and improvements.

The decision whether to proceed with either a civil or administrative action will be made in consultation with the Solicitor's Office and outlined in State Fire Trespass Operating Plans.

If marketable timber has been damaged or injured by a trespass fire, consult with a forestry specialist before proceeding as it may be appropriate to use the timber trespass regulations which allow for collection above the fair market value of the timber depending on whether the act was willful. See 43 CFR, 9239.1-3. (b).

A. Lightning Caused Fires

If the cause of a fire is determined to be lightning, at a minimum, a short explanation will be provided to the official fire report file and the investigation closed. The appropriate information would be entered into the BLM fire reporting system. No further documentation or action is required.

B. Human Caused Fires with no known Responsible Party and/or Cause is "Undetermined"

If a fire cause is undetermined or it is determined to be human-caused but no responsible party has been identified, the original case file shall be documented as such and the case file can be retained at the local unit pending any further information that becomes available. The Authorized Officer's Fire Trespass Recommendation Document (Illustration 1) is the appropriate form to utilize. The required information should also be entered into the BLM fire reporting system and updated if the responsible party(s) or new evidence becomes available, making the case active again.

The local unit may decide to close these cases and complete the fire trespass sub-form in the BLM fire reporting system. Procedures and requirements for officially closing fire trespass cases should be outlined in each State's Fire Trespass Operating Plan. No further action or documentation is required unless additional evidence is found.

C. Human Caused Fires with a Known Responsible Party

For all human-caused wildland fires where the responsible party(s) has been identified, the Authorized Officer will consult with the Solicitor's Office in regards to whether potential legal liability (negligence, strict liability, products liability, etc.) exists before making the final decision whether to proceed (except for arson fires). If there is a disagreement between the Authorized Officer and the Solicitor's office on whether to proceed, the State Director will make the final decision with concurrence of the Solicitor's Office.

(Prior to Solicitor review and approval, the District can communicate with the trespasser and work towards a negotiation for either full or partial payment. This shall take place in cooperation and constant communication with AOs, State Fire Trespass Coordinator, Solicitor's Office and the State Director.)

D. Threat Fires

According to past IBLA decisions which are based upon BLM fire trespass regulations that don't address threat fires at this time, the BLM lacks the *administrative* authority to recover suppression and other costs on fires that threaten but do not burn (trespass) BLM lands. States should consult with their Solicitor's Office regarding these types of fires if cost recovery is desired. These costs may be recoverable in a civil action using the authority in the Federal Land Policy and Management Act of 1976 that allows the Secretary of Interior to "take any action necessary to prevent the undue degradation of the lands" and/or common law tort claims.

E. Initial Recommendation Whether to Proceed

The initial recommendation whether to proceed for a human-caused fire with a known responsible party will be made by the Authorized Officer and documented on the Fire Trespass Recommendation Document (see Illustration 1). States should consider marking this document "draft" at this phase since the official decision whether to proceed has not been made. This will also ensure that the document is not releasable under FOIA and falls under attorney/client privilege. This recommendation is made in consultation with the local Fire Management Officer, Unit Fire Trespass Coordinator, and law enforcement. This recommendation, along with the case file, is then forwarded to the State Fire Trespass Coordinator for review and then to the Solicitor's Office for review and a determination as to whether legal liability exists.

F. Final Decision Whether to Proceed

Once Solicitor's Office and state office reviews are completed, a final decision whether to proceed is made by the Authorized Officer with Solicitor's Office concurrence. This is an administrative step that either closes the fire trespass case or initiates the cost recovery process.

1. **Decision Not To Proceed:** The decision "Not To Proceed" is based upon the facts of the investigation when legal liability or intent cannot be established and/or responsible parties cannot be identified. This determination is recorded on the DI-1202's Trespass Investigation sub-form and the case is closed. Trespass investigation information is filed in the official case file and in the unit's Official Fire Report Folder along with the fire report.
2. **Decision To Proceed:** The determination to proceed is based upon the facts of the investigation when a responsible party can be identified and there is evidence of legal liability. This determination is recorded on the WFMI Trespass Investigation sub-form, the case is established, and a trespass number assigned. The trespass investigation information is filed in the trespass case folder along with a copy of the DI-1202.
3. **Idaho BLM Fire Trespass case file review process:** Once the Districts have created a trespass case file with the appropriate documentation (See Appendix X for the **Idaho BLM Fire Trespass Case File Folder**); District management has reviewed the case file and made the decision to either proceed or not to proceed; the case file is to be sent to the Idaho State Office for review by the State Fire Trespass Coordinator and the Special Agent assigned to fire trespass.

Once reviewed by the State Office they will then provide comment and/or suggestions for additional follow-up or needed documents. The "final" review will come from the Solicitors Office; where the State Office personnel will assist the Solicitor with this review. District personnel will be available to field questions during the review of the cases to help expedite the process. A formal email to the appropriate District personnel (District/Field Managers, Fire Management Officer, District and State Trespass Coordinators, and the Special Agent Liaison to Fire Trespass) regarding the basis of negligence and whether to proceed or not will come from the Solicitor's Office.

G. Proceeding with Cost Recovery

Fire Trespass cases may proceed through either an administrative or civil action. (Criminal proceedings are not covered in this handbook as they will be handled by Law Enforcement.) The decision on *how* to proceed may be driven by the circumstances of the case, the dollar amount involved, or other factors as outlined in each State's Fire Trespass Operating Plan. The federal **statute of limitations** for civil fire trespass actions is six years (28 USC, 2415 (b)). For purposes of the fire trespass program, this same statute will apply to administrative fire trespass actions.

However, it is important to note that states may have shorter statutes for certain types of actions such as a statutory strict liability claim against a railroad or tort claim against a state or local government. These statutes should be researched and included in each State's Fire Trespass Operating Plan.

1. **Administrative Actions:** Those that follow BLM's statutory authorities as outlined in the Code of Federal Regulations (43 CFR, Parts 9230 and 2808). In these cases, BLM takes the lead role and is represented by the Solicitor's Office. The ruling body is the Interior Board of Land Appeals (see chapter 5).
2. **Civil Actions:** Those referred to the USAO at the Department of Justice (DOJ) and are adjudicated in federal court. When civil proceedings occur, the BLM's role is to provide support to the USAO, which has the lead role and responsibility for all proceedings. Many USAO offices will handle these cases through their Affirmative Civil Enforcement (ACE) Attorney. A referral letter from the Solicitor's Office to DOJ is usually necessary before proceeding with a case through the USAO. *(Prior to approval from the USAO, the letter will be routed through the Associate State Director/State Director for comment and/or concurrence.)*
3. **Criminal and Civil/Administrative Action:** Criminal proceedings and administrative or civil actions can occur on the same trespass case either consecutively or concurrently. This is known as parallel proceedings. However, civil actions should be in lieu of an administrative trespass action and vice versa. It may strengthen the administrative or civil trespass case if any kind of criminal judgment is passed against the responsible party. This is one of the principal reasons that criminal proceedings are often allowed to proceed first.

4. Idaho BLM Criminal Prosecution Cost Recovery Process:

The incident facts must show intent for a criminal process to proceed. The criminal process can take one of two forms; a criminal citation or a criminal prosecution through an indictment/complaint. If the criminal process does not result in any cost recovery through a restitution order, a subsequent cost recovery collection action can be initiated through the administrative process outlined in this handbook or through the civil process.

A Special Agent will take the lead on all criminal fire cases and work closely with the prosecution, State Fire Trespass Coordinator, and District Fire Trespass personnel. If the fire either started or burned onto BLM lands, the districts will follow the fire trespass case file process. The districts will provide the necessary information to the Special Agent who is working with the prosecution.

The Special Agent will work with the State Fire Trespass Coordinator, State Fire Incident Business, and District Fire Trespass personnel to create a timeline to have an initial cost package created and to identify other state or federal partners that have costs associated with the incident. The State Fire Trespass Coordinator will coordinate with other federal

agencies to obtain a “Letter of Authorization” to proceed on their behalf for their costs associated with the fire. The cost package will be updated periodically, and a detailed cost package will be created if the case goes to trial. All cost documentation associated with the criminal case will be uploaded to the Fire Trespass Q: Drive and notifications sent to the Special Agent.

The Special Agent will work with the prosecution on the fire case resolution and provide periodical updates to the State Fire Trespass Coordinator and District Fire Trespass personnel. Pertinent court documents will be sent to the appropriate personnel for filing (District Fire Trespass personnel, law enforcement, collections, etc.). District Fire Trespass personnel will close the fire trespass case in the 1202 system.

5. **Criminal Restitution:** Costs incurred by the federal government in response to a wildfire can be awarded as part of the criminal sentencing process. This can occur at any level of criminal court (federal, municipal, etc.). The BLM offices should work closely with Law Enforcement staff and the U.S. Attorney’s Office to coordinate with any criminal court that is prosecuting an individual that has caused a fire which burned BLM land. These courts can sentence individuals for a criminal action and also award BLM (and other cooperating agencies) their costs and damages that resulted from the fire.

The incident facts must show intent for a criminal process to proceed. The criminal process can take one of two forms; a criminal citation or a criminal prosecution through an indictment/complaint. If the criminal process does not result in any cost recovery through a restitution order, a subsequent cost recovery collection action can be initiated through the administrative process outlined in this handbook or through the civil process.

6. **State and local court settlements:** Fire cases involving settlement(s) with local or state courts may involve community service and/or probation as part of a criminal case judgement. Judgements will be neither coordinated or supervised by BLM employees and will not be acceptable to satisfy the administrative trespasses. The Special Agent assigned to criminal cases will work closely with local and state prosecution and BLM management to strive for the most acceptable outcome.

Chapter 5: The BLM Administrative Fire Trespass Process

This process may vary by state and should be addressed in each State’s Fire Trespass Operating Plan. See Illustration 18 (Fire Trespass Flowcharts) for additional information.

A. The Fire Investigation Case File

An official Fire Investigation Case File should be established and maintained at the local unit for every fire that is investigated. It should be organized in a logical manner, preferably in

chronological order. States are encouraged to meet with their Solicitor's Office and Law Enforcement staff to come up with a standard fire investigation case file format that fits their needs (see Illustration 24 for a sample checklist).

1. **Fire Trespass Case Numbering System:** A case number should be assigned when the final decision is made to proceed with a fire trespass case. The trespass case number is assigned from the trespass register and maintained at either the state or Unit office. Procedures for numbering fire trespass cases should be included in each State's Fire Trespass Operating Plan.

BLM *recommends* that each state follow the fire trespass case numbering sequence below. However, the only requirement is that each case receives a unique identifier for tracking purposes. Therefore, deviations from the recommendation below are allowed as some states may choose to use the actual Fire Number for the last four digits or may have other tracking protocols.

Each case file number consists of three groups of alpha/numeric numbers. For example: **ID010-10-1401**. The first two alpha letters, **ID**, identify the state in which the trespass occurred – Idaho . The next three numeric numbers, **010**, identify the office – Boise District . The number 10 identifies the unauthorized use as a fire trespass. The next two numbers, **14**, indicate the fiscal year the fire started in and the last two numbers, **01**, are assigned from the trespass register maintained at each district/field office location (units should go all the way to 99 before starting over again at 01). The trespass case number should be recorded on all documents relating to the trespass and filed in the official fire investigation case file.

The Authorized Officer's Fire Trespass Recommendation Document and a copy of the fire report (DI-1202) are filed in the trespass case folder. The original DI-1202 is filed in the official fire report folder in the unit's central files. *Note:* Refer to the current BLM fire reporting (WFMI) user guide for instructions on how to enter fire trespass data.

2. **Fire Trespass Case File - Records Retention Requirements:** The original Fire Trespass Case File should be maintained at the local unit for a minimum of six years. This duration can be extended by states or due to a litigation hold that may be placed on all records by legal counsel. Consult with your State Records Manager to ensure compliance with federal records regulations.

B. Recoverable Costs and Damages

The gathering and validation of costs should be completed prior to sending the Notice of Suspected Trespass. These costs should be noted in the Notice of Suspected Trespass and include all costs and damages incurred by the BLM as a result of the fire. Offices should collect and retain all documents related to the cost summaries including timesheets, receipts, contracts and invoices.

Idaho BLM has implemented a detail cost package summary document that will be utilized for all fire cost packages. The District Fire Trespass Coordinators and Fire Business Specialists will initiate the cost package document by first pulling all fire costs within Idaho. Once that has been completed, it will be posted to the Fire Trespass Q: Drive and a notice will be sent to the State Officer Fire Business Specialist and Fire Trespass Coordinator that the final level of review needs to be completed. The State Office will finalize the cost document to ensure there are no other costs i.e. national aviation, US Forest Service being charged to the fire. Also, this level of review will ensure that other States have not inadvertently charged to the fire code and those costs need to be removed.

Every attempt should be made to validate all costs in the initial estimate. However, if costs have not been validated, be sure to inform the suspected trespasser that you are providing an *estimate* that is subject to change. Costs incurred after the initial estimate or billing should be documented and added to the bill during negotiation, settlement, or court trial. **All costs must be validated before inclusion in the final Bill for Collection.** *Note: Consult with your State's Solicitor's Office as some attorneys may want all costs validated and verified before any contact with the responsible party occurs.*

The following is a general list of costs that could be included in the Bill for Collection. See Illustration 3 for an example of a fire cost summary.

1. **Fire Suppression Costs:** Costs incurred by the United States, including, but not limited to, salary costs, travel, fleet, contracts, aviation, repairs, supplies, and costs of providing rescue or emergency services. Salary costs include base time, overtime, hazard pay, and employer's contributions to retirement, social security, life insurance, and health benefits.

Make sure to include all states when pulling these costs from the BLM financial system as out-of-state resources may have been ordered in to fight the fire, assist in the rehabilitation effort, etc. It is also important to check whether other federal agencies incurred costs so all federal costs can be brought in one billing.

2. **Resource Damages:** Generally, damages will be the cost of re-establishing the resource, less any salvage value. Other damages may include habitat loss, loss of scenic or aesthetic values, damage to rare natural features, replacement of recently planted vegetation, archaeological damage, paleontological damage (cost to rehabilitate damaged fossils, bones, etc.) etc. Habitat Equivalency Analysis and Resource Equivalency Analysis are two examples of ways to value resource damages. Consult with Burned Area Emergency Rehabilitation teams and resource specialists to value these costs and ensure they are included as part of the cost recovery effort. Some of these costs may be included in ES&R plans.

If a burned area was recently rehabilitated or had a fuels treatment that included the planting of vegetation, the costs of the plants lost in the fire are also recoverable.

These replacement costs may also be doubled as stated in 43 CFR, 9239.1-3 which covers damages to “timber and other vegetative resources”.

3. **Emergency Stabilization and Rehabilitation (ES&R) Costs:** Costs of approved emergency stabilization and rehabilitation activities or actual ES&R costs charged to the ES&R sub-activities and project codes. Consult with ES&R specialists to include and validate these costs and to ensure that an approved ES&R plan is in place. Some ES&R efforts may not occur prior to cost recovery efforts but are still appropriate to include in the Bill for Collection as long as they are included in an approved ES&R plan.
4. **Cost of Repairing or Replacing Physical Improvements:** The damage or destruction of physical improvements caused by the fire, e.g., water guzzlers, fences, roads, bridges, etc. Some of these costs may be included in ES&R Plans.
5. **Cost of Repairing, Replacing, or Rehabilitating Offsite Values:** These values are usually related to water structures which have dried up or in some other way been damaged as a result of fire. Damage should be assessed using replacement costs.
6. **Lost Visitor Use and Lost AUMs (grazing fees):** Lost permit fees for public land use may be recoverable as well as lost AUMs as a result of having to rest the area while vegetation re-establishes.
7. **Expert Witnesses Contracted to Provide Analysis and Expertise:** These costs may be charged to the fire and are recoverable. For example, a structural engineer may be hired to analyze a broken power pole to determine if it was structurally sound.
8. **Direct Administrative Costs:** All appropriate labor, equipment, materials and other costs incurred to suppress, rehabilitate, investigate, or otherwise directly support suppression, rehabilitation and investigation of the fire should be charged to the fire number and included in the Bill for Collection. Labor includes but is not limited to fire investigators, fire trespass coordinators, dispatchers, cost and billings personnel, law enforcement and others who directly support and charge to the fire.
9. **Indirect Administrative Costs - BLM Indirect Cost Rate:** The BLM annually determines a standard percentage for an Indirect Cost Rate for administrative support costs. This rate should be added to the total fire trespass bill. Requests to waive or reduce this rate may be considered and should be done in accordance with current BLM policy.

C. Joint Cost Recovery on Multi-Jurisdictional Fires

Per 31 C.F.R. § 901.1 (c), “(federal) agencies shall cooperate with one another in their debt collection activities.” Therefore, all costs incurred by federal agencies in support of the fire should be consolidated into one billing. A lead agency is established (usually the agency on whose land the fire originated) and is responsible for requesting costs from participating agencies. An authorization

letter from each participating agency shall also be completed that authorizes the lead agency to collect costs on their behalf (see Illustration 13). All participating agencies should provide supporting cost documentation on request and be prepared to defend those costs if requested. The State Fire Trespass Coordinator is responsible for coordinating these activities in conjunction with the State's Fire Business Specialist.

It is critical that all agencies (federal, state and local) are informed of any collection action. If insurance policy limits are involved or the responsible party is unable to pay the full amount, there may not be funding available to satisfy additional claims. For federal agencies, this is further complicated if a Release of Liability is signed as part of a settlement agreement as that may prohibit other agencies of the United States government to pursue cost recovery. Generally, if BLM is executing a release it should only apply to BLM, not the United States unless all federal agencies have been included.

Note: If the case is referred to the USAO, they will work with all affected federal agencies to gather costs and distribute any funds that are collected (minus a 3% administrative charge).

D. Notice of Suspected Trespass

Following concurrence from the State Fire Trespass Coordinator and the Solicitor's Office regarding the Authorized Officer's Recommendation Document to proceed, the Authorized Officer may initiate the administrative fire trespass process. Contact with the responsible party is initiated by sending the Notice of Suspected Trespass (see Appendix XII) and a meeting with the responsible party is offered. *In Idaho, if the responsible party is an individual it is advisable for the AO to contact the individual prior to mailing the trespass. Also, if the fire costs are large (specifically \$50,000 or more), the AO must contact the individual prior to mailing the notice of trespass and walk the individual through our trespass process. This additional step, in addition to being courteous, could minimize the "shock" to the individual.*

This Notice requests that the responsible party provide evidence or information showing they are not responsible for the fire trespass within 21 days of receipt of the Notice and also an opportunity to pay and settle the claim at that time (if all fire costs have been received and reconciled prior to sending the Notice). This Notice, as well as all correspondence with the responsible party, will be sent and tracked via certified mail. *Idaho will document all case specific dialog via a conversation log to be kept in the case file.*

Prior to sending the Notice of Suspected Trespass, an initial costs associated with the fire, as well as determining other affected agencies, are gathered, reviewed (by the State Fire Business Specialist), and placed in the fire trespass case file. It is not necessary to delay the meeting until the final cost figures are available. However, if costs are included in the Notice of Suspected Trespass or presented to the responsible party at the initial meeting, it is important to inform them that the costs presented to them are merely an estimate and may change once the cost validation process is complete. The BLM recommends that cases are not settled at this stage if all BLM costs are not yet known and validated.

It is recommended that the Authorized Officer, unit FMO, and INVf attend any meetings with the suspected trespasser resulting from the Notice. If the suspected trespasser's attorney will attend, a Solicitor's Office attorney should be present. At the meeting with the suspected trespasser, the trespass information, including estimated costs, is discussed and clarified. This purpose of this meeting is to examine the information currently available to the government and any information the suspected trespasser may have that further clarifies the circumstances that lead to the fire. BLM should obtain any insurance information and settlement can be *discussed* if costs have been validated. Information from this meeting should be added to the case file and communicated to the Solicitor's Office.

Communication between the BLM and suspected trespasser is allowed and expected during this Notice of Suspected Trespass phase. However, if BLM is contacted by the suspected trespasser's attorney, fire investigator, insurance company or other representative, the Solicitor's Office should be notified before proceeding further.

E. Trespass Decision and Bill for Collection

If the case is not settled after the Notice of Suspected Trespass has been sent or the time for response by the responsible party has passed with no contact, BLM may proceed to issue a Trespass Decision and Bill for Collection. It is recommended that the Solicitor's Office review the draft Trespass Decision before transmittal to the responsible party by the Authorized Officer (in coordination with the State Fire Trespass Coordinator) because the Decision, once issued, is immediately appealable to the IBLA by the responsible party.

The letter must include a detailed rationale for the Decision including a thorough description of the evidence of legal liability with reference to documents contained in the administrative record (such as the fire origin and cause investigation report). This is important because the Decision sets forth the legal case that BLM will have to defend before the IBLA. The BLM must ensure that the administrative record (case file) is complete before issuing the Decision Letter. If an appeal is received, BLM must transmit the administrative record to the IBLA within ten days. The administrative record must contain all relevant documents regarding the fire that the BLM's Authorized Officer relied upon to make the Trespass Decision. This is very important because if the administrative record does not include all of the documents that support the Fire Trespass Decision, the IBLA may rule against BLM, even though BLM may have made a legally correct determination.

The fire trespass may be settled at any time during the process. However, it is important to remember that the Authorized Officer may only *recommend* settlement offers. Additional review is required before accepting a settlement of less than the full amount (see Section F below).

The Trespass Decision Letter is sent to the suspected trespasser by certified mail, return receipt requested, and will contain:

1. Trespass Decision Letter and Bill for Collection;
2. Notice of Actions in Event of Delinquency; and
3. Notice of Right to Appeal and instructions on the appeal process (including mailing address for Solicitor's Office and Authorized Officer's Office).

The suspected trespasser has thirty (30) days from receipt of the Trespass Decision letter to either make full payment or appeal the decision. If the suspected trespasser appeals the decision, they must send the original appeal notification to the Interior Board of Land Appeals (IBLA) *and* copies to the Authorized Officer's field/district office and the appropriate Solicitor's Office. Upon notification of appeal, further collection action is suspended until IBLA makes a determination. States should consult with their State Costs and Billings personnel for rules and regulations regarding the assessment of penalties and interest to outstanding bills and the process for turning delinquent bills over to the Department of Treasury.

The **Bill for Collection** along with a billing document to report the debt as an accounts receivable, is prepared in cooperation with BLM Collections and Billings staff. The backup documentation for the Bill for Collection should be summarized by major categories, such as personnel, emergency stabilization and rehabilitation, resource damages, etc. (see Appendix IX) and be part of the Administrative Record (case file).

If no appeal has been filed or no payment arrangements made within 30 days from the date of receipt of the Trespass Decision and Bill for Collection, the Demand Letter process is then executed by a designated collection official. This is also the process used when the IBLA affirms the Trespass Decision and no payment has been made within 30 days of that Decision. The Demand Letter process may be administered at any office level or support center.

Demand Letter Process: The Bill for Collection states that interest will be assessed if payment is not made within 30 days of receipt of the date of the original bill. Further, an administrative charge of \$5 will be added to each follow-up billing (Demand Letter) necessitated by failure to pay on time. Upon receipt, the trespasser has 30 days to either pay in full, negotiate a settlement of less than full payment, or appeal. If payment in full is not received, or settlement not achieved within the time allowed, and no appeal has been filed, the Demand Letter Process is started.

If the trespasser does not respond to the third and final Demand Letter, the case file is referred to the State Director (SD). At this time, the SD must decide whether to refer the case to the Solicitor's Office for civil action or to the National Business Center for referral to the Department of Treasury for collection action. An administrative penalty of six percent per year will be assessed for failure to pay any portion of the debt that is more than 90 days past due. Consult with State Office Collections and Billings staff for further information or any

questions about the Demand Letter process. *Note: In addition to the Demand Letter process, states can (through the Solicitor's Office) contact their local USAO who may be able to assist in the collection.*

Promissory Note: If the suspected trespasser has accepted responsibility for the trespass and is willing to pay the damages but cannot pay in full within the time allowed, a Promissory Note can be completed. Further collection action is suspended until the note is paid in full – at which time the case file will be closed. If the note is not paid as promised, the debt collection process is re-instituted and collection proceedings begin. Consult with State Cost and Billings personnel for guidance on Promissory Notes and options for verifying a party's ability to pay through credit reports or other financial information.

F. Basis for Compromise or Write Off

The Code of Federal Regulations provides the following statutory authority for compromising a debt of the US Government.

31 CFR Part 902.2 - Basis for compromise

- (a) Agencies may compromise a debt if the Government cannot collect the full amount because:
- (1) The debtor is unable to pay the full amount in a reasonable time, as verified through credit reports or other financial information;
 - (2) The Government is unable to collect the debt in full within a reasonable time by enforced collection proceedings;
 - (3) The cost of collecting the debt does not justify the enforced collection of the full amount; or
 - (4) There is significant doubt concerning the Government's ability to prove its case in court.

G. Services in Lieu of Payment

The BLM does **NOT** have authority to accept services in lieu of payment for fire trespass bills. The Federal Claims Collection Standards define a "claim" or "debt" to be synonymous and refer to "an amount of money, funds, or property that has been determined by an agency official to be due to the United States from any person, organization, or entity, except another federal Agency" – see 31 CFR, 900.2 (a). These standards also dictate the form of payment, stating that "claims may be paid in the form of money or, *when a contractual basis exists*; the Government may demand the return of specific property or the performance of specific services (31 CFR 900.5).

Therefore, payment of money is required unless a contract exists. In other words, the provision allows the agency to choose to enforce a contract and obtain whatever services

or property it originally contracted to obtain, rather than just obtaining the monetary value of those items. The provision does not authorize the agency to accept services in lieu of payment under any other circumstance, including as a compromise for a fire trespass bill.

H. No Permits, Authorizations or Grants to Trespassers

If BLM has a pending Fire Trespass (or any kind of trespass) case(s) against an individual, and/or entity no permit, authorization, or grant of any kind may be issued to that person or entity until the trespass case is resolved. Applicable CFRs are listed below.

43 CFR, Part 2808.12 states: “Until you satisfy your liability for a trespass, BLM will not process any applications you have pending for any activity on BLM-administered lands.”

43 CFR , Part 9239.7-1 states “No new permit, license, authorization or grant of any kind shall be issued to a trespasser until:

- (a) The trespass claim is fully satisfied; or
- (b) The trespasser files a bond condition upon payment of the amount of damages determined to be due the United States; or
- (c) The authorized officer determines in writing that there is a legitimate dispute as to the fact of the trespasser’s liability or as to the extent of his liability, and the trespasser files a bond in an amount determined by the authorized officer to be sufficient to cover payment of a future court judgment in favor of the United States.”

(The highlighted areas are Idaho specific)

Chapter 6: Managing Fire Trespass Collections

A. Deposits of Fire Trespass Collections

Fire trespass actions and collections will be identified, administered, and tracked according to established procedures within this BLM Fire Trespass Handbook (H-9238-1).

Fire Trespass collections will be deposited into the State Fire Trespass account in which the fire occurred. For example, a fire in Wyoming may have BLM resources from several other states charging to that fire. Those costs will be added to the Wyoming BLM costs and Wyoming BLM will deposit them into its Fire Trespass account as described below.

All fire trespass collections will be deposited into either sub-activity 5310 (Repair of Damaged Lands, Oregon and California Railroad Lands) or sub-activity 5320 (Repair of Damaged lands, Public Lands). This includes collections resulting from criminal or civil court-ordered restitution. Use program element “RD” and project code “FIRE” when depositing these collections. **The project code must be attached to the collection or the funds risk being lost into a general collections category.** Each state office has designated a specific office organization code in which collections will be summarized (see Fire Trespass Collections Quick Reference Guide – Illustration 16).

If fire occurs on Western Oregon (O&C) lands, deposit the collections into Functional area L53100000. If fire occurs on other public lands deposit the collections into Functional area L53200000. **Example:** BLM Utah recovers \$400,000 from a trespass fire action on public land. The entire \$400,000 would be deposited in LUT930-000L53200000-RD0000-LVDP-FIREUT00. However, if the fire occurred on O&C lands, Functional area L53100000 would be used, and the amount would be deposited in LLOR930000-L53100000.RD0000-LVDP-FIREOR00.

Programs L53100000 and L53200000 include other BLM activities; therefore, it is critical that fire trespass collections and resultant spending transactions cite the **LVDP-FIRE**00** WBS, or the funds will be deposited to the general Repair of Damaged Lands account for each state.

If other federal agency's costs were part of the trespass bill, BLM will transfer their percentage of the collection via IPAC (a Treasury subsystem for interagency electronic transfer of funds). State agencies do not usually fall into this situation because a net reimbursement between the two agencies usually occurs at the end of the fire season covering the entire year's suppression actions.

IPAC clarification--Funds collected for another federal agency are billed as a separate line item on the CBS bill. The money is directed to the XXXL3885CL (Other Agency) Suspense Account. IPAC (Intergovernmental Payment and Collection) is an electronic fund transfer from the sending agency through Treasury to the receiving agency. IPACs are approved by the appropriate manager and processed by the Payment Center staff.

B. Use of Fire Trespass Collections

Once fire trespass funds are deposited, they will be managed by the state where the collection was made within the directives contained in this Handbook. These funds are available as soon as collected and may be maintained in the state office for statewide activities or targeted to district offices. Trespass Funds are not base funds; they are considered one-time funds. These funds do not have to be applied to the same lands that generated the collections and can be used without fiscal year limitation.

Funds collected from fire trespass actions can only be used for fire program activities that support the protection of life, resources and property. Examples include fire prevention, mitigation, education, investigation, cost recovery, and preparedness activities. These funds can also be used for restoration activities that are needed as a result of a fire where, due to limitations on the use of Emergency Stabilization and Rehabilitation (ES&R) funds, restoration of developments damaged by a fire could not be accomplished.

Trespass funds may 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. Funds can be used for labor, training, travel and support and administration of fire program activities. However, while labor charges are allowed, these funds should not be used as the basis for hiring permanent positions.

Fire Suppression Costs – A portion of the funds will be made available to the districts through a yearly Program of Work (POW). District POWs will be submitted to the Idaho BLM Fire Trespass Coordinator by the first of October each year. The POWs will be reviewed and approved at the Fall FMO Budget meeting. The timing for District use will depend upon when the 5320 monies have been “rolled over” to the new fiscal year. Once this happens, the approved POWs will be coordinated with the District Budget Analyst to complete budget planning.

Funds can be used for fire trespass activities identified in the wildland fire prevention planning process; examples include fire awareness, educational activities, law enforcement activities, prevention and trespass training, and administrative support for trespass collection activities. If

additional funding is required, outside of the submitted POW, a written request (via e-mail) must be sent to the Idaho BLM Fire Trespass Coordinator with the dollar amount and description of what is being purchased for approval before expenditure.

- *When working on a trespass case, employees should charge their time to the original incident fire code.*
- *Each District Fire Management Officer/Fire Trespass Coordinator will be responsible for tracking funds and expenditures. An annual report will be submitted to the Idaho BLM Fire Trespass Coordinator by October 31 each year that shows expenditures and current year balance.*

***ES&R Costs** – The collected funds that were attributed to the ES&R costs incurred due to fire trespass will be retained at the ISO and recommended for use by the Idaho ES&R Coordinator in coordination with the Idaho BLM Fire Trespass Coordinator and District ES&R leads. These funds can be used for vegetation and weed control/awareness efforts, due to LF220 and LF320 funding limitations. When funding deficiencies are identified and recovered fire trespass funds are available they may be allocated to new projects. Other projects that address ecological restoration and/or fire damage restoration objectives will be considered to the extent fire trespass funds are available. A POW for the FY's proposed projects will be submitted by the Idaho ES&R Coordinator by January 15 each year for consideration by the Idaho BLM Fire Trespass Coordinator who will make the final decision on allocation of these funds.*

(The highlighted areas are Idaho specific)

Chapter 7: Fire Trespass Reporting

To effectively manage the fire program and to meet external mandates, fire information needs to be collected and recorded in a timely manner. This information includes data about the fire trespass program.

A. Fire Trespass Recommendation Document

As described in Chapter 4, the Authorized Officer's Fire Trespass Recommendation Document records the official recommendation whether to proceed with a trespass. A 1998 Office of the Inspector General (OIG) audit stated the BLM must, "ensure that all fires are adequately investigated as to cause and responsibility and that investigations are properly documented..." Therefore this document is the pivotal point of the fire trespass process and must be retained in the official fire report folder or the fire trespass case file at the local unit.

B. Entering Trespass Information into BLM Fire Reporting System

The DI-1202 is the BLM's official reporting document for all wildland fire activities and is contained in the Wildland Fire Management Information (WFMI) system. When a fire is identified as human caused, the electronic fire reporting system will prompt the user to complete the necessary fire trespass data elements. Refer to H-9218-1 for instructions on how to enter data into WFMI which records items such as cause, suspect classification, case status, and amount billed and collected, and other pertinent data.

States should annually request to the national office that fire numbers associated with potential fire trespass cases remain open for charges into the next fiscal year. This will allow for accurate coding of all costs associated with fire investigation and cost recovery efforts. Consult the State Fire Business Lead regarding the process and timing for this request.

C. Tracking Fire Trespass Cases and Collections

The Office of Inspector General (OIG) audit report entitled *Reimbursement of Firefighting Costs, Bureau of Land Management* (Report No. 98-I-551, July 1998) requires BLM state offices to track, and prepare for management review and oversight, the following items:

1. Number of human caused fires each year
2. Number of human caused fires where BLM has pursued collection each year
3. Cost of fires where BLM has pursued collection
4. Amounts billed
5. Amounts collected
6. Amounts written off (compromise offer or write-off of entire amount)

7. Reasons for amounts “not billed” or “written off”

- a. Amounts not billed: For human-caused fires where BLM has made a decision not to pursue collection, the basis for this decision should be documented on the Authorized Officer’s Fire Trespass Recommendation Document (Illustration 1) and, following Solicitor’s Office concurrence, included in the official fire investigation case file at the local level.
- b. Amounts Written off: For human-caused fires where BLM has made a decision to pursue collection and a compromise offer has been accepted or the entire amount has been written off, the reason for that decision should be documented and tracked at the unit level in the official fire investigation case file and by state and unit level Fire Trespass Coordinators.

It is understood that, for most fires, cost recovery efforts may take several years which makes it difficult to produce an annual summary of billings and collections. Therefore, state offices should consider keeping a running spreadsheet that tracks, at a minimum, the items listed above for all fire trespass cases where their state has pursued collection. For all other human caused fires where BLM has chosen not to pursue collection, that documentation should reside within the individual fire investigation case files as explained above under the “Amounts not Billed” section. This documentation would include reasons such as “no responsible party identified”, “negligence or intent could not be established”, or some other appropriate reason.

Appendices

Appendix I - Idaho Fire Trespass Contact List

State Fire Management Officer		Dennis Strange 208-373-3851
State Fire Trespass Coordinator		Jennifer Myslivy 208-373-3963
Special Agent-in-Charge		Thomas Huegerich - acting 208-373-4027
Special Agent assigned to Fire Trespass		Jeff Knisley 208-373-4023
DOI Solicitor's Office		Mel Meier 208-334-1906
Idaho State Office Collections and Billings		Janice Taylor 208-373-3970
Idaho State Office Fire Business		Billie Hopkins 208-373-3852
Idaho State Office FOIA Coordinator		Kris King 208-373-3947
District Fire Management Officers	Boise District	Russ Babiak 208-384-3401
	Twin Falls District	Tommy Hayes 208-732-7224
	Idaho Falls District	Joel Gosswiller 208-524-7601
	Coeur d'Alene District	Mike Behrens 208-765-7499
District Fire Trespass Coordinators	Boise District	Bob Stroud - acting 208-384-3409
	Twin Falls District	Ryan Berlin 208-312-1697
	Idaho Falls District	Kevin Conran 208-524-7602
	Coeur d'Alene District	Mike Behrens 208-765-7499

(The highlighted areas are Idaho specific)

Appendix II - Monetary Settlement Authorities

Settlement Is:	Actual Charges/ Damages Are:	Recommending Official:	Concurring Official:	Accepting Officer:	Reference:
Full Payment	No Limit	None	None	Field Manager (FM) or District Manager (DM) or State Director (SD)	None
Compromise Offer or Write-Off of entire debt	\$1-\$49,999*	FM/DM	Solicitor	SD	31 USC 3711
Compromise Offer or Write-Off of entire debt	\$50,000 - \$99,999*	FM/DM	Solicitor and NOC Director**	SD	31 USC 3711
Compromise Offer or Write-Off of entire debt	> \$100,000*	FM/DM	SD/Solicitor and NOC Director**	Dept. of Justice	31 USC 3711
Real Property in lieu of or in addition to monies	< or = \$100,000*	FM/DM	Solicitor	SD	31 USC 3711

*Amount of original debt exclusive of interest, penalties and administrative penalties – Not Compromise Offer

**The National Operations Center (NOC) considers this to be a reporting requirement. When a settlement/compromise is reached, a write-off request must be submitted to the NOC with a standardized form (contact the State Office Collections and Billings Staff for the form) and copies of the agreement or approval signed by the State Director and Solicitor if required. This is how the bill is closed. All write-off requests are forwarded to the NOC Director for concurrence. The NOC Director will not typically question or deny a write-off approved by a State Director. This is part of the process BLM goes through to keep the NOC Director aware of financial activity.

(The highlighted areas are Idaho specific)

Appendix III - Idaho BLM Right-of-Way Fire Stipulations

The Idaho BLM Land, Realty, and Resources Division have issued an Instruction Memorandum (IM), **No. ID-2016-005 and ID-2016-005a1**, that provides guidelines for applying stipulations consistently to land use authorizations. While these stipulations are considered "standard", they do address such things as Fire, Vegetation, Migratory Birds, and a few other specific resources. Below are the stipulations that concern fire:

- a. When performing construction and maintenance (including emergency repairs) activities during the "closed" fire season (May 10 – October 20), as set by Idaho State Law, Title 38-115, or during any other closed fire season prescribed by the BLM Idaho State Director, the Holder, including those working on their behalf, shall equip at least one on-site vehicle with firefighting equipment, including, but not limited to, fire suppression hand tools (i.e. shovels, rakes, Pulaski's, etc.), a 16-20 pound fire extinguisher, and a supply of water, sufficient for initial attack, with a mechanism to effectively spray the water (i.e. backpack pumps, watersprayer, etc.).
- b. During conditions of extreme fire danger or when the State of Idaho and/or the Idaho State Director issues a fire restriction order, operations shall be limited or suspended in specific areas, or additional measures may be required by the authorized officer.
- c. In accordance with 43 CFR 2805.12(d) (or subsequent revisions), the Holder shall do everything reasonable to prevent wildfires on or in the immediate vicinity of the ROW. The Holder will immediately report fires to the BLM authorized officer or Fire Dispatch 800-974-2373 and take all necessary fire suppression actions, when safe to do so, with their personnel and equipment on any fires they cause to ignite.
- d. The Holder shall report to Fire Investigator or BLM Incident Commander and enter into origin area on BLM fires only when given permission to do so.
- e. The Holder will collaborate and cooperate with the BLM in its efforts to investigate, suppress and respond to all future wildland fires. The duty to "collaborate" and "cooperate" includes, but is not limited to, the following duties regardless of whether BLM is on the scene:
 - i. The duty to provide the BLM (authorized officer or Fire Dispatch 800-974-2373) with reasonable and timely notice concerning all wildland fires discovered during routine operations.
 - ii. The duty to share factual information with the BLM concerning the wildland fires, including but not limited to the names employees with knowledge of the incident; and to allow employees to be interviewed by BLM's investigators regarding factual information relating to a wildland fire.
 - iii. The duty to reasonably account for the Holder's actions taken at the scene of a wildland fire.
 - iv. The duty to minimize disturbance of potential evidence located on the scene; to properly handle and preserve all evidence collected, examined or tested by the Holder; to not engage in any destructive testing without BLM's consent; and to make all evidence available to the BLM in a rapid and timely manner.

- v. The duty to not hamper the BLM investigation of origin and cause of the wildland fire; and to reasonably assist BLM's investigation at the scene.
- vi. The duty to provide information concerning the construction, maintenance and/or repairs of any facilities located at or adjacent to a wildland fire.
- vii. The duty, during BLM fire suppression efforts: to defer to/follow the instructions of the BLM's incident commander regarding activities within the boundaries of the wildland fire and checking in and out of the wildland fire; and, to recognize BLM's primary authority over the scene.

Appendix IV – Idaho BLM - North wind Resource Consulting Agency

Investigation and Analysis for Power Line Caused Fires; *ID/UT IDIQ Contract Number L14PC00105*

North Wind will provide engineering personnel that will be available as needed to provide investigation, analysis, and reporting of requested power line and/or equipment failures. The engineers will serve as the Government representatives for providing the review and associated technical conclusions and recommendations as related to the causes of the power line caused fires.

District Fire Investigators will work directly with North Wind's identified engineers and provide the proper documentation for their review. Identified engineers will be provided PPE and basic fire awareness training so that when they are dispatched to an incident they will be in compliance with BLM fire safety policies.

General Tasks:

The A/E Contractor shall provide investigation and analysis, and prepare a report of the findings on the cause of the power line fire. Conference calls and/or site visits may be required depending on the individual request.

Government Provided Materials:

- Appropriate safety training and personal protection equipment (PPE).
- Reports and pertinent information related to the specific incidents.

Deliverables:

Report (15 calendar days after investigation): Provide one electronic copy (email) and one hard copy of report for Government review. Allow Government 5 calendar days for review and comment. Upon approval, A/E Contractor shall provide two final hard copies and one electronic copy of report.

*****IDIQ paperwork will be provided to all appropriate field going personnel.***

Appendix V - Annual Idaho BLM Fire Prevention Order

Fire Prevention Order

**Idaho State Office
Bureau of Land Management
Department of the Interior**

Under the authority of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et. seq.) and pursuant to 43 CFR 9212.2, the following fire prevention orders are issued. These orders are in addition to prohibited acts found in 43 CFR 9212.1.

State and Local Laws

In the interest of Wildfire Prevention, Public Safety, and in compliance with 43 CFR 9212.2 requiring Bureau of Land Management actions to complement and support state and local Wildfire Prevention, all state and local Wildfire Prevention Laws and Regulations shall apply to all Bureau of Land Management lands within the State of Idaho.

Acts Restricted by Fire Prevention Order

On all public lands administered by the Bureau of Land Management within the State of Idaho, unless otherwise authorized in writing, the following actions are prohibited:

- **Discharging, using, or possessing fireworks.**
- **Discharging a firearm using incendiary or tracer ammunition.**
- **Burning, igniting or causing to burn explosive material including exploding targets.**
- **Additional restrictions may be enacted based upon future fuel and weather conditions.**

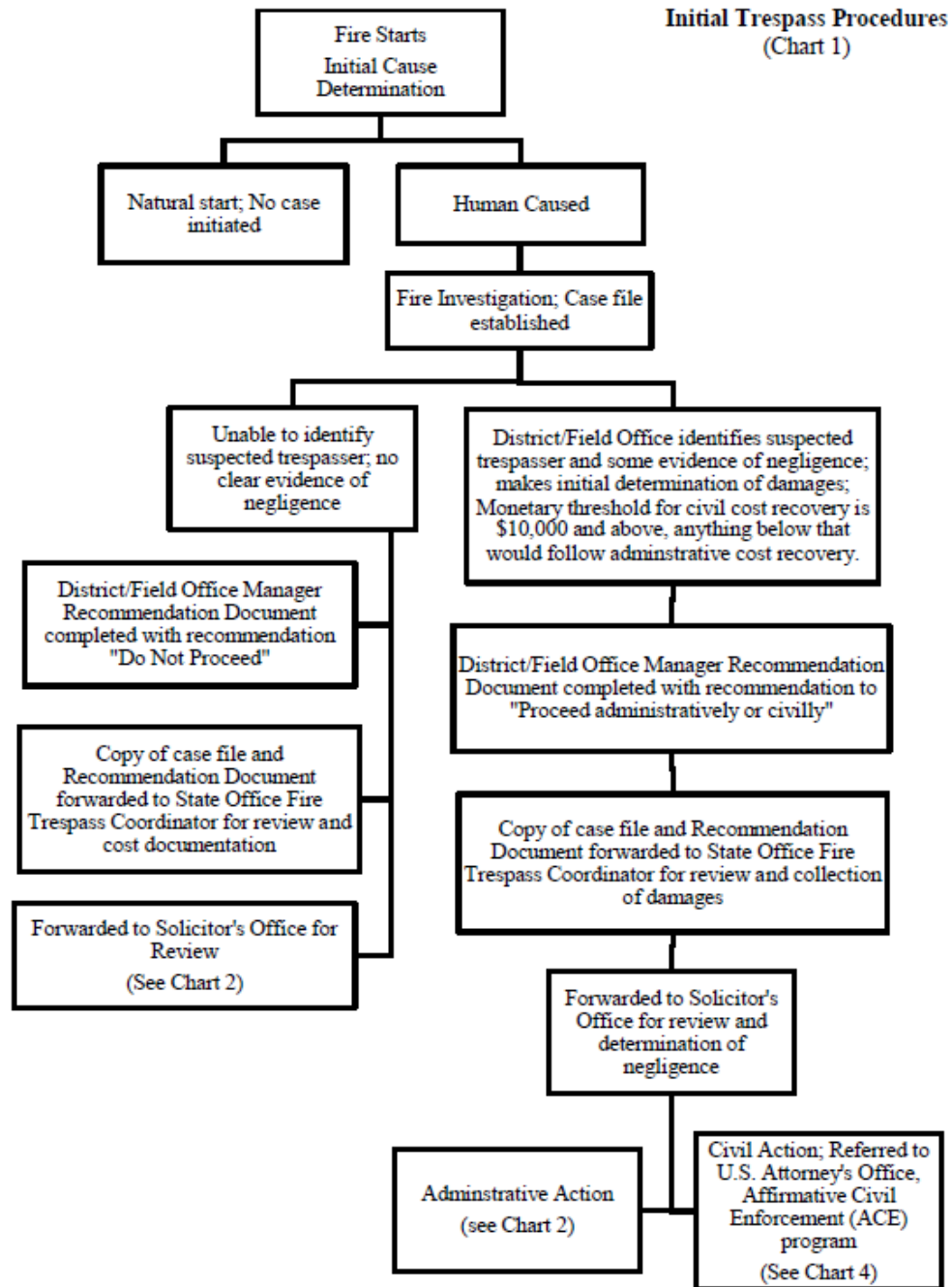
Title 43 CFR 9212.0-5, 9212.1 and 9212.4 wildfire prevention provides that any person who knowingly and willfully performs any act restricted by a Fire Prevention Order, upon conviction, be subject to a fine of not more than \$1,000 or to imprisonment of not more than 12 months or both. Restitution for total suppression and damage costs incurred will be borne by the trespasser.

These Fire Prevention Orders will remain in effect from May 10 to October 20, 20XX.

John F. Ruhs, State Director

Date of Issue

Appendix VI - Initial Trespass Procedures



(The highlighted areas are Idaho specific)

Appendix VII: Idaho BLM's Freedom of Information Act (FOIA) Requests for Records Relating to Fire Incidents

Regarding, Instruction Memorandum No. ID-2019-014 dated March 19, 2019 which provides direction for the release of fire related records under the Freedom of Information Act (FOIA) and also allows for the release of records under what is called "Need to Know" (NTK). The following procedures have been agreed upon between Idaho BLM Fire and Aviation, Idaho State Office FOIA staff and the Idaho Field Solicitor.

This guidance is generally related to the Fire Trespass program but may apply, on a case-by-case basis to other types of record requests to the fire program.

The "Need to Know" category is designed to allow for settlement of fire trespass cases by providing information including but not limited to, weather data, photos, cost documentation to individuals who are involved in the settlement.

When deciding whether a request is a FOIA or a NTK the process will usually begin with the District Fire Trespass Coordinator in conjunction with the District FOIA Coordinator (see attachment for a list of District FOIA Coordinators).

The District Fire Trespass Coordinator will assess the request using the following criteria:
Is the investigation complete? A wildfire investigation is NOT complete until it has been closed or a Final Trespass Decision has been issued. Thus, information related to an open or pending investigation is generally exempt. All FOIA requests for information related to a pending investigation will generally receive a blanket response invoking Exemption 7A. However, in special circumstances the BLM may provide a discretionary release of information under a NTK request before an investigation is complete. Parties with an interest in the incident should request information under a NTK request if the investigation is still open.

Who is requesting the information and what is their interest? In general, people who are eligible under the NTK request process should be directly involved in the settlement of the case. The individuals, or in some cases businesses or companies, would typically be, but are not limited to, the suspected trespasser or responsible party for the fire or their Insurance Agent or hired legal counsel. Local law enforcement and fire departments, as well as state agencies may also have an interest in the incident.

Other people not in this category would be assessed on a case-by-case basis and a decision will be made as to whether they may receive information under the NTK or if they would be required to file a more formal request under the FOIA. A "third party" request from any individual that is NOT suspected of starting the wildfire will receive a letter stating the fire is "under investigation" until the District Fire Investigator completes their portion of the investigation, and to contact State Fire Trespass Coordinator Jennifer Myslivy for updates on the investigation.

The District Fire Trespass Coordinator should also be able to verify the requesting parties and obtain their contact information (name, address, email, and phone number of the individuals they are talking to and either their insurance company or attorney contact information and the fire name and number). This information must be passed on to the District FOIA Coordinator, who will then pass it on to the State FOIA office.

What information is being requested? Requests processed under the NTK should generally be limited to factual information. This includes, but is not limited to, the WildCAD Incident Card, maps, weather data and basic cost summary information. More detailed or complex information requests would typically be processed under a FOIA request. The following information should NOT be released under a NTK:

- *Origin and Cause Reports*
- *Lightning data*
- *Initial Report of Unauthorized Use*
- *Fire Report*
- *Witness statements*
- *Conversation logs*
- *Internal correspondence*

If the District Fire Trespass Coordinator determines that the criteria is met to proceed under a NTK request, they will make the request on behalf of the requesting party and forward it to the State Fire Trespass Coordinator for concurrence. This can normally be done by email.

If the State Fire Trespass Coordinator concurs that the request should be processed under a NTK, the request is then forwarded to the Field Solicitor for additional review and concurrence also via email.

At any step in the process, District or State Fire Trespass Coordinators or the Field Solicitor may determine that the request does not meet the criteria for a NTK request, and the person requesting the information will be notified that they will be required to file a request under FOIA.

If the State Fire Trespass Coordinator and the Field Solicitor concur that the records request meets the criteria of a NTK, they will share the entire email chain showing concurrence among all of the reviewers to the FOIA staff.

The FOIA staff will email the District Fire Trespass Coordinators a link to where the documents are uploaded (Q:\pub\admin\FOIA). In these types of cases, the request will be expedited. If it

is determined that the request is a FOIA opposed to a NTK, the timeline for a FOIA request does not begin until the request is perfected by the FOIA staff. A FOIA is perfected once the FOIA staff:

1. Inputs the request into their electronic FOIA tracking system, which initiates a FOIA request number, and
2. Clarified any questions they have for the requester regarding the request, and
3. Addressed any fee issues.

From the perfected date, the state FOIA staff has 20 workdays to provide a record or a response that includes the date when records will be released, taking into consideration the requirement to review all documents for redactions of Personal Identifiable Information (PII) or other exempt information required by FOIA regulations. The state FOIA staff will share all responsive records and response letter with the Field Solicitor prior to releasing the information to the requesting party. The Idaho State Office will populate the appropriate District FOIA folder when documents provided as NTK or FOIA are processed.

Information that should AND should not be provided to the FOIA group for release under the Need to Know process, is the following:

Should be provided	Should not be provided
Dispatch items – fire map(s), and dispatch logs (Wild Cad logs)	Initial “Unauthorized” Report
Weather Info –Weather data	Fire Trespass Case Summary
Photos – if there is no PII in the photo (work with FOIA staff to determine)	Origin and Cause Report
Cost Summary Documents – include that they are subject to change with additional cost information	Conversation Records, questions or Interviews – draft or final
Official response document from the responsible party on submitted questions from the BLM. (i.e. questions to ABC Company concerning a trespass case)	Incident Organizers or Incident Commander Initial Attack Size Up or Aircraft Reports/Data, WFMI Fire Report
Fire Trespass Case Summary (ONLY if the case has had a legal determination by the Solicitor and a Letter of Suspected Trespass has been sent)	Scene Sketches
Fire Trespass Handbook (National or State), NFPA 921 or 1033, Incident Business Orange Book, or Guide to Wildland Fire Cause and Origin Determination.	Developed or written questions for the party that are NOT part of a response document
	Lightning data and maps

Once a Fire Investigation is complete (closed or trespass decision issued), requests for incident information will be processed as a FOIA. Local offices will provide the State FOIA Office all relevant and responsive documents. Typical responsive documents include those listed

(The highlighted areas are Idaho specific)

on the Need to Know Table in the "Should be Provided" column as well as the following records. Please note there may be additional responsive records and this list should be used a guide rather than an inclusive list.

Should be provided
Initial "Unauthorized" Report
Fire Trespass Case Summary
Origin and Cause Report
Conversation Records, questions or Interviews – draft or final
Incident Organizers or Incident Commander Initial Attack Size Up or Aircraft Reports/Data
Scene Sketches
Official response documents from previous correspondence (i.e. ABC Company letters)

(The highlighted areas are Idaho specific)

Appendix VIII: Idaho BLM Fire Investigation Evidence Collection and Safeguarding

1. PURPOSE

To establish procedures for proper safeguarding and handling of evidence within the Idaho Fire Trespass program in accordance with General Order 28- Evidence.

2. OBJECTIVE

To ensure evidence collected by Idaho (non-law enforcement) Wildland Fire Investigators (INVF) is properly collected, documented and safeguarded.

3. DEFINITIONS

A. Chain of Custody

A documentary process recording individual possession of evidence from collection or receipt to final disposition.

B. Evidence

Something (including testimony, documents, electronic or digital media and tangible objects) that tends to prove or disprove the existence of an alleged fact.

C. Evidence Custodian

Designated person with responsibility to account for, preserve and safeguard evidence items and ensure all evidence is received into the evidence storage facility in a timely manner. Maintains all evidence records and files as required in General Order 28-Evidence.

D. Evidence Item

An object used to prove or disprove the existence of an alleged fact.

E. Evidence Label

An identification label applied to the outside of an evidence container or directly to an evidence item.

F. Evidence Packaging

The manner in which items with potential evidentiary value are wrapped, bagged or boxed to be preserved, documented, labeled and stored.

G. Evidence Tag

An identification item physically attached to evidence items of irregular shape.

H. Fire Temporary Evidence Storage

Temporary secure storage, as defined in this Standard Operating Procedure, for evidence items collected by non-law enforcement INVFs.

I. Fire Evidence Storage

Secure, long-term storage, as defined in this Standard Operating Procedure, for fire evidence items collected by non-law enforcement INVFs.

J. Law Enforcement (LE) Evidence Storage

Temporary and long-term secure storage for law enforcement evidence, as defined in General Order 28-Evidence.

4. ROLES/RESPONSIBILITIES

a. Wildland Fire Investigator

Evidence should be collected by an INVf, or as needed, a BLM law enforcement officer (LEO). The following responsibilities apply:

1. Photographs evidence items in place, prior to collection.
 - a. A GPS point should be taken at the evidence collection location and/or use a GPS/time/date-stamped photo app.
 - b. A digital copy of evidence photographs will be downloaded to a suitable digital storage device in the original format. All photographs taken, regardless of mistakes, must be downloaded. The digital storage device will be packaged and labeled as evidence.
2. Properly packages and seals evidence items.
3. Labels evidence with required source information (Attachment 1).
4. Ensures completed chain of custody (Attachment 2).
5. Secures evidence into fire temporary evidence storage or transfers evidence to law enforcement custody prior to end of tour of duty, if feasible.
6. Notifies District Fire Trespass Coordinator and designated LE evidence custodian when evidence is placed into fire temporary evidence storage.
7. In offices with no LE or Fire Trespass Coordinator presence, evidence must be transferred to fire temporary evidence storage or to LE custody as soon as practical or possible.

b. District Fire Trespass Coordinator

1. Notifies designated LE evidence custodian of evidence placed into fire temporary evidence storage within 14 business days unless mitigating circumstances exist.
2. Ensures evidence collected and packaged by non-law enforcement INVfs is properly documented.
3. In coordination with law enforcement, ensures secure temporary fire evidence storage is available and accessible to non-law enforcement INVfs, while providing unauthorized entry denial to evidence once placed into temporary storage.
4. In coordination with law enforcement, ensures evidence packaging supplies and basic evidence collection kits are available to non-law enforcement INVfs.
5. Seeks guidance from law enforcement when unusual circumstances arise concerning evidence collection, processing, handling or storage not addressed within this standard operating procedure.

c. Law Enforcement

1. The designated LEO is responsible for transferring fire evidence from the fire temporary evidence storage into the fire evidence storage. Or, taking custody of and entering evidence into secure law enforcement evidence storage as soon as feasible after collection by non-law enforcement INVfs.

2. Fire evidence will be handled and stored per General Order 28.
3. Fire evidence will be entered into the IMARS system as per General Order 28. The IMARS number will be provided to the District Fire Trespass Coordinator for tracking/report purposes.
4. All fire trespass investigations for which evidence has been collected should be assigned a LEO by the appropriate LE supervisor. The assigned LEO will be responsible for creating an IMARS incident and entering the evidence into IMARS. The assigned LEO will ensure proper evidence packaging, labeling, and chain of custody before entering the evidence into IMARS. The IMARS should include at a minimum the fire name, fire number, and name of the non-law enforcement INVF.
5. A designated LEO (typically, a LE evidence custodian) in each District will maintain a key/passcode/combination for fire evidence storage to ensure and control access.

5. PROCEDURES

a. General Guidance

When possible, evidence will be collected and preserved in the condition found.

b. Packaging and Labeling

1. Appropriate evidence packaging/handling will be used to protect items from cross contamination or loss of evidentiary value.
2. Evidence bags/packaging will be new and not compromised (e.g. holes, cross contamination, mold). Items too large to be contained in evidence packaging will have an evidence tag attached. (Attachment 3)
3. Evidence collected will be properly sealed.
4. Evidence labels/tags will include the following information (Attachment 1):
 - a. Subject- if applicable
 - b. Fire Name and Fire Number
 - c. Collected by (INVF)
 - d. Date of collection
 - e. Time of collection
 - f. Collection location
 - g. Description of evidence
5. Chain of custody must be documented for each evidence item until LE takes custody of the evidence and evidence is entered into IMARS.

c. Evidence Storage Facilities

1. Fire temporary evidence storage facility will be of suitable size to securely store evidence respective to fire investigation needs.
2. Fire temporary evidence storage facility will deny unauthorized entry and provide a safe work environment.
3. Access to evidence items placed into fire temporary evidence storage will be limited to the designated LEO and District Fire Trespass Coordinator.

4. All access will be documented using BLM Form 9260.37 Evidence Storage Facility Access Log (Attachment 4).
5. Unauthorized entry will be documented via memorandum and referred to Assistant Special Agent-in-Charge.

d. **Sensitive Items**

1. Controlled substances, firearms and currency should not be collected by non-law enforcement INVFs. If a BLM LEO is not available for response, local, county or state law enforcement should be contacted for assistance with these evidentiary items.
2. Evidence items that present a blood-borne pathogen hazard should only be collected while wearing appropriate Personal Protective Equipment (PPE).
3. Explosives or suspected explosive materials will only be collected by appropriately trained personnel.
 - a. An explosive ordinance disposal specialist (EODS) will handle/manage/dispose of any explosive devices found on public lands.
 - b. If explosive material requires collection as evidence, INVFs will defer to EODS to collect and store items.
4. Hazardous materials will not be stored in BLM evidence storage facilities.
5. Fireworks will not be stored in BLM evidence storage facilities. Consult with LE and/or the responsible prosecutor to determine whether fireworks can be immediately disposed of subsequent to seizure. Seized fireworks will be placed in a safe and secure location (e.g. an approved storage container, magazine, or bunker). It is recommended to store fireworks in an ATF approved low explosive Type-1, -2, or -4, permanent or mobile indoor/outdoor magazines.

e. **Forensics**

Forensics testing of evidence will be facilitated by the designated LEO.


f. **Disposal**

Disposal of evidence will be completed by law enforcement personnel in accordance with General Order 28.

ATTACHMENT 1

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT

EVIDENCE LABEL

BLM Form 9280-7 (June, 2015)			
UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT			
			
EVIDENCE LABEL			
Subject			
IMARS Incident No.			
Barcode No.	Item No.		1
Citation No.			
Collected by (LEO)		INVF Name	
Date of Collection		Date	
Time of Collection		Time	
Collection Location		Location	
Description of Evidence		Description	
Notes:		Fire Name and Number	

(The highlighted areas are Idaho specific)

ATTACHMENT 2

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT

CHAIN OF CUSTODY FORM

U.S. Department of the Interior
Bureau of Land Management
CHAIN OF CUSTODY

Incident No. Fire Name/Number

Item No 1

From INVF Name

To Fire Temporary Evidence Storage

Date 4/03/2018 Time 1015 hours

From Fire Temporary Evidence Storage

To Fire Trespass Coordinator Name

Date 4/06/2018 Time 0900 hours

From Fire Trespass Coordinator Name

To LEO Name

Date 4/06/2018 Time 0915 hours

Form 9260-7 a (September 1996)

(The highlighted areas are Idaho specific)

ATTACHMENT 3

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT

EVIDENCE TAG



BLM Form 9260-7b
(Rev. 2015)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT



BLM EVIDENCE TAG

Subject		
EMARS Incident No.		
Barcode No.	Item No.	I
Citation No.		
Collected by (LEO)	INVF Name	
Date of Collection	Date	
Time of Collection	Time	
Collection Location	Location	
Description of Evidence	Description	
Notes:	Fire Name and Number	

(The highlighted areas are Idaho specific)

ATTACHMENT 4

UNITED STATES DEPARTMENT OF THE INTERIOR BUREAU OF LAND MANAGEMENT

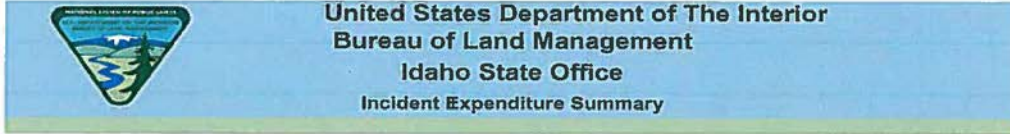
ACCESS LOG - EVIDENCE STORAGE FACILITY

Date In	Time In	Evidence Custodian (Print Name)	Evidence Custodian (Signature)	Reason for Entry / Case Number	Accompanied By (Print Name)	Time Out

Form 9260-37
(October 2008)

(The highlighted areas are Idaho specific)

Appendix IX: Idaho BLM Fire Cost Package



Page 1 of 12

Incident Number: ID-XXX-302 DISCOVERY DATE: 06/12/20XX
LFSP.CY2B

Incident Name: Red Sox Fire

Resource Type	Expenditures
PAYROLL	\$48,441.62
CASUAL LABOR	\$106.80
ADMIN PAYROLL	\$1,980.76
CONTRACTS	\$11,617.65
AIRCRAFT	\$61,856.15
FLEET	\$16,400.11
SUPPLIES AND SERVICES	\$3,391.69
TRAVEL	\$572.50
CACHE	\$1,417.04
REHAB	\$0.00
BLM Total 55%	\$145,784.32
USFS Total 45%	\$140,998.95
Report Total	\$286,783.27

BLM Field Unit Review Date:

Name: _____ NAME
Title: _____ MGMT & PROGRAM ANALYST
Contact Number: _____ Reviewer Phone Number

Signature: / s/ _____

IdahoState Office Review Date:

Name: _____ 09/18/2017
Title: _____ BILLIE HOPKINS
Contact Number: _____ IDAHO STATE INCIDENT BUSINESS SPECIALIST
208-373-3852

Signature: / s/ Billie Hopkins_____

Additional Review Date:

Name: _____ 02/07/2019

BILLIE HOPKINS_____

Signature: _____

(The highlighted areas are Idaho specific)

Appendix X: Idaho BLM Fire Trespass Case File Contents

Case File Contents – BLM Idaho

	Fire Name:	Fire Number:	INVF orLE	DFTC	SFTC
	Form/Report	Label Name			
Sec					
1	Authorized Officer Trespass Recommendation	Approval			
2	Fire Trespass Case Summary with tracking number	Trespass			
2	CD of File Contents				
2	News Clippings				
3	Photographs, include Air Attack/Operations	Photos			
4	Origin and Cause Report and Maps	Investigation			
4	Law Enforcement Report				
4	Incident Organizer				
4	Witness Statements/Interviews				
4	Local Dispatch Log (County or Region)				
4	Other Law Enforcement Reports, ISP, Sheriff, City				
5	Lightning Map/Weather Data	Weather/Fire Report/Maps			
5	WildCAD Incident Card				
5	Fire Report from WFMI				
5	Fire Danger Rating Indices (www.wfas.net)				
5	Regulations (Prevention Orders, Burn Permits, Fire Restrictions, Easements)				
6	Cost Reports (Summaries and Detailed)	Budget			
6	Resource Orders				
<p><small>Note 1: A section refers to the page of 6 way folders</small></p> <p><small>Note 2: Not all information or documents may pertain to the trespass case or additional information may not be included on this list that gets add.</small></p>					
ID Case File Tracking #:					
District Fire Trespass Coordinator:				Date:	
		Printed Name	Signature		

(The highlighted areas are Idaho specific)

Appendix XI: Idaho BLM's Authorized Officer's Fire Trespass Recommendation Document

AUTHORIZED OFFICER'S FIRE TRESPASS RECOMMENDATION DOCUMENT			
Fire Name: XXXX	Fire #: XXXX	State: Idaho	Field Office: XXXX
Evaluation Criteria			
	Yes	No	
1. Has a fire cause been determined?			
2. Has a suspect(s) been identified?			
3. Can suspect(s) be located?			
4. Criminal misdemeanor citation issued?			
5. Criminal felony investigation initiated?			
6. Are there facts, circumstances, and/or other evidence present to sustain a trespass action?			
Investigation Summary of Fact:			
Recommendations		Initials	
	INV	FMO	LEO
The BLM should proceed.			
The BLM should not proceed, case file closed.			
The BLM should not proceed, at this time, in lieu of civil action, case file remains open.			
The BLM should not proceed, at this time, in lieu of criminal felony action, case file remains open.			
The BLM should proceed, due to unsuccessful cost recovery in civil/criminal action.			
The BLM should not proceed, due to successful cost recovery in civil/criminal action, case file closed.			
Recommendation Rationale:			
Fire Management Officer (FMO) Signature:		Printed Name:	Date:
<p>Authorized Officer's Recommendation for review by the Solicitor (circle one): Forward Suggest Closing Case (If you feel that the case should not be pursued please write a brief explanation as to why)</p>			
Solicitor's Recommendation will be provided by a written "Legal Review" in the fire trespass case file review process.			
Authorized Officer (DM/FM) Signature:		Printed Name:	Date:

(The highlighted areas are Idaho specific)

Appendix XII: Idaho BLM's Notice of Suspected Trespass Letter



United States Department of the Interior



BUREAU OF LAND MANAGEMENT
Idaho Falls District Office
1405 Hollipark Drive
Idaho Falls, Idaho 83401

This is NOT a Bill

In Reply Refer To:
9238 ID-XX-000XXX-XXX

CERTIFIED-
RETURN RECEIPT REQUESTED

Date: April 29, 2019

Mr. Smokey Bear
1700 S. Smokey Bear Dr
Capitan, NM 89751

Subject: Notice of Suspected Trespass: Wildfire 201X ID-XX-000214-XXX

Dear Mr. Bear

On August 1, 2015 the WildFire occurred in Smoke County Idaho, and burned 588 acres of public land managed by the Idaho Falls District BLM. An investigation indicates that the fire resulted from your vehicle, which was being operated off road and ignited the vehicle and surrounding vegetation. The total fire suppression costs for this fire were \$195,205.

Although the ignition of this fire was not an intentional act, fire suppression costs were incurred and legal responsibility for these costs may be applicable to you or your insurance.

If you have evidence or information which tends to show that you are not responsible for starting the fire, you are allowed 21 days from receipt of this notice to present such evidence or information at the Bureau of Land Management, Upper Snake Field Office, 1405 Hollipark Drive, Idaho Falls, Idaho. Information related to the fire investigation may be requested through the Freedom of Information Act. This is also an opportunity to enter into negotiated settlement discussions.

Please contact Kevin Conran at 208-524-7602 to schedule a meeting time or with any questions that you may have. If no contact is made within the time allowed, a Trespass Decision and Bill for Collection may be issued.

Your immediate attention to this matter is appreciated.

Sincerely,

Woodys Owl
Field Manager
BLM - Upper Snake Field Office