



California Fire Services User's Guide To:

- Disaster Declarations
- Agreements for Cooperation

KEY TERMS

- ✓ Mutual Aid
- ✓ Assistance by Hire
- ✓ Local Agreements
- ✓ Cooperative Fire Protection Agreement (CFPA)
- ✓ California Fire Assistance Agreement, (CFAA)
- ✓ Direct Protection Area, (DPA)

INTENT

This document is designed to familiarize the fire agencies statewide with various means of sending and receiving aid to wildland fire incidents and some examples of how reimbursement may or may not occur. This is not intended to define the only means by which this may occur or to set policy on these issues.

DISASTER DECLARATIONS

There are several levels of disaster declarations and each level presents different possibilities of response, fiscal responsibilities and reimbursements (if any).

Local Declaration: A local disaster can be declared by the local governing body, such as but not limited to the Mayor, City Council, and County Board of Supervisors. A local declaration will suspend the rules with respect to bidding of short-term contracts for services required to assist in mitigating the emergency and provide temporary relief from the California Environmental Quality Act (CEQA) and other items as specified in your local ordinances. Should this be the highest level of declaration, there is no reimbursement from the next level of government.

Gubernatorial Declaration: Prior to the Governor of the State declaring a disaster, the local government must show evidence that local resources are expended and that the capabilities of the resources will not provide timely relief. Declarations from the Governor may provide qualifying State funds to local governments and assisting agencies for overtime and mileage cost directly attributable to the responses. At this level of declaration, the State may reimburse 75% of the eligible costs and other expenses; the remaining 25% is the fiscal responsibility of the local government.

Presidential Declaration: Prior to a Presidential Declaration of Disaster being issued the same basic criteria must be met by the State. A Presidential Declaration may provide qualifying Federal funds to State and local governments. The funds may provide a wide variety of relief, depending on the extent and types of disaster. At this level of declaration, the Federal Government may reimburse 75% of costs associated with overtime, mileage, and other expenses directly attributable to responses. The State is responsible for reimbursing 75% of the remaining 25% (18.75%) and the local government is responsible for the remaining 6.25%.

Agreements of Cooperation

It's in the best interest of State, Federal, and local government agencies to cooperate to achieve objectives of common interest and concern. The concept of a functionally integrated fire protection system, involving Federal, State and local government resources, is the most effective method of delivering fire protection where life, property and natural resource values are at risk.

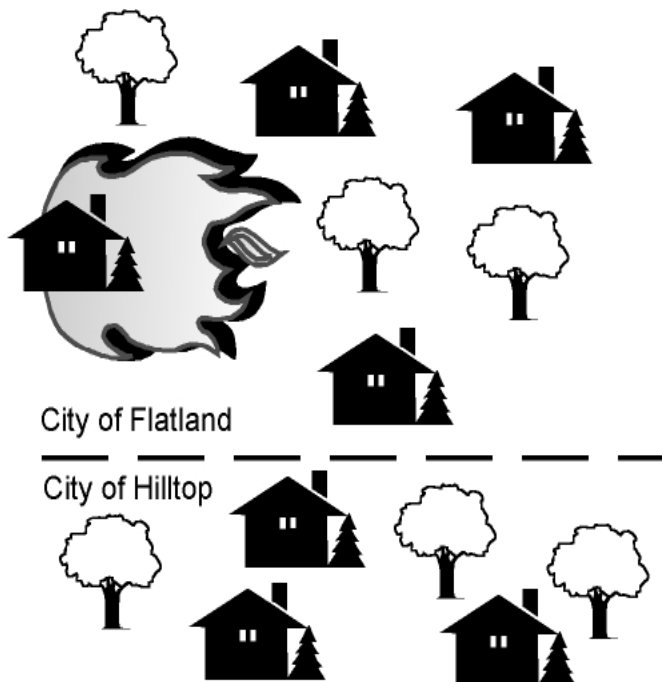
There is an array of agreements at various levels of governments and between agencies that allow for and provide assistance during times of emergencies. These agreements may provide assistance in the form of **MUTUAL AID**, where assistance is rendered free of charge (non-reimbursable, generally a short duration assignment) or **ASSISTANCE BY HIRE** where the assistance will be paid for (reimbursed) by the user.

LOCAL AGREEMENTS are voluntary agreements between two or more local entities that describe the initial responses to incidents occurring within adjoining areas or in areas of close proximity. The agreements will determine whether the responses are mutual aid, or assistance by hire.

The **COOPERATIVE FIRE PROTECTION AGREEMENT** is an agreement between the California Department of Forestry and Fire Protection, U.S. Forest Service, Bureau of Land Management, National Park Service, US Fish and Wildlife Service and the Bureau of Indian Affairs (collectively known as Forest Agencies). The Forest Agencies acknowledge that differences exist between agency missions, but that each will represent the other agency's interests and must possess the recognition, knowledge and understanding of each other's mission objectives, authorities and policies. Wildland fires on intermingled or adjacent lands, managed by State and Federal Agencies, present a threat to the lands of the other. State and Federal Agencies have recognized a need to assist each other on suppression of wildland fires on lands adjacent to each other. These lands are commonly referred to as **DIRECT PROTECTION AREA (DPA)**. Basically, DPA is described as an area delineated by boundaries regardless of statutory responsibility and the protection is assumed by administrative units of either the Federal Agencies or the State. The agency with the direct protection responsibility, known as the Protecting Agency, has assumed both fire suppression and fiscal responsibilities as agreed.

However, at times of severe wildland fire conditions the Forest Agencies may have need of local government resources to provide structural protection or to supplement their respective agency-controlled resources to aid in the suppression effort. The, **AGREEMENT FOR LOCAL GOVERNMENT FIRE**

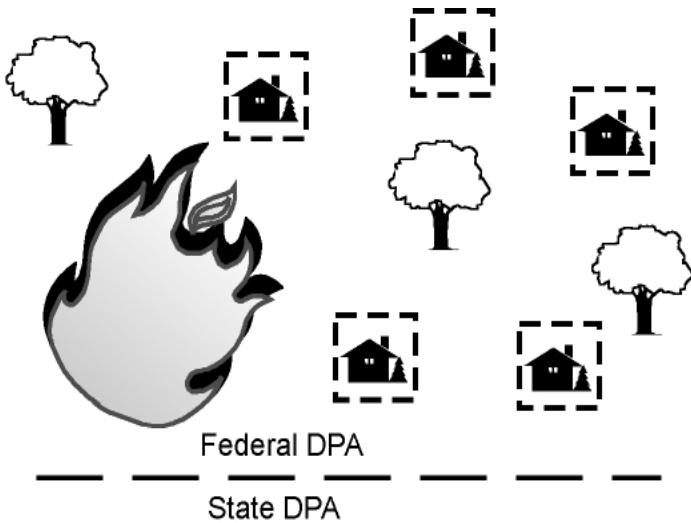
AND EMERGENCY ASSISTANCE TO THE STATE OF CALIFORNIA AND FEDERAL FIRE AGENCIES referred to as the **CALIFORNIA FIRE ASSISTANCE AGREEMENT (CFAA)** is the instrument that endorses this cooperation. The agreement makes California Emergency Management Agency (Cal EMA) and/or various local government jurisdictions emergency fire resources, in the spirit of cooperation, available for dispatch and use through the STATE FIRE & RESCUE MUTUAL AID SYSTEM to the Forest Agencies. Reimbursement begins 12 hours after the initial dispatch and is retroactive to the time of the initial dispatch. If the duration of the assignment is less than 12 hours, there is no reimbursement. CFAA allows the Forest Agencies to tap into the pool of available resources through the **STATE FIRE & RESCUE MUTUAL AID SYSTEM**. In the truest of terms Forest Agencies are not signature to the **STATE FIRE & RESCUE MUTUAL AID SYSTEM** and do not actively participate by providing resources but are frequent users of the systems.



THE FOLLOWING SIX SCENARIOS DO NOT SET PRECEDENT
Each real incident will have its own unique decisions.

The Cities of Hilltop and Flatland are adjacent neighbors. A structure fire in Flatland, close to the boundary with Hilltop, has spread into the surrounding wildlands of the city's Local Responsibility Area (LRA). The location of the incident is covered by a local mutual aid or automatic aid agreement developed by both cities during joint emergency operations planning. Both cities respond with significant fire fighting resources to deal with the threat. There is no involvement from wildland (forest) agencies. Eventually the wildland fire is successfully controlled before actually burning into Hilltop's jurisdiction. The City of Hilltop incurred unbudgeted expenditures associated with their response to assist their neighbor. This expense happened in spite of the fact that Hilltop did not suffer any loss within their area. Mutual Aid at the local government level occurs daily throughout the State.

This process is designed to provide assistance from one neighboring jurisdiction to another, related to numerous fire service activities. The premise is that no community has the resources sufficient to cope with all emergencies for which potential exists. In the spirit of cooperation Hilltop assisted Flatland without reimbursement. Next time it may be the other way around. **The City of Hilltop was not reimbursed for these unplanned costs.**

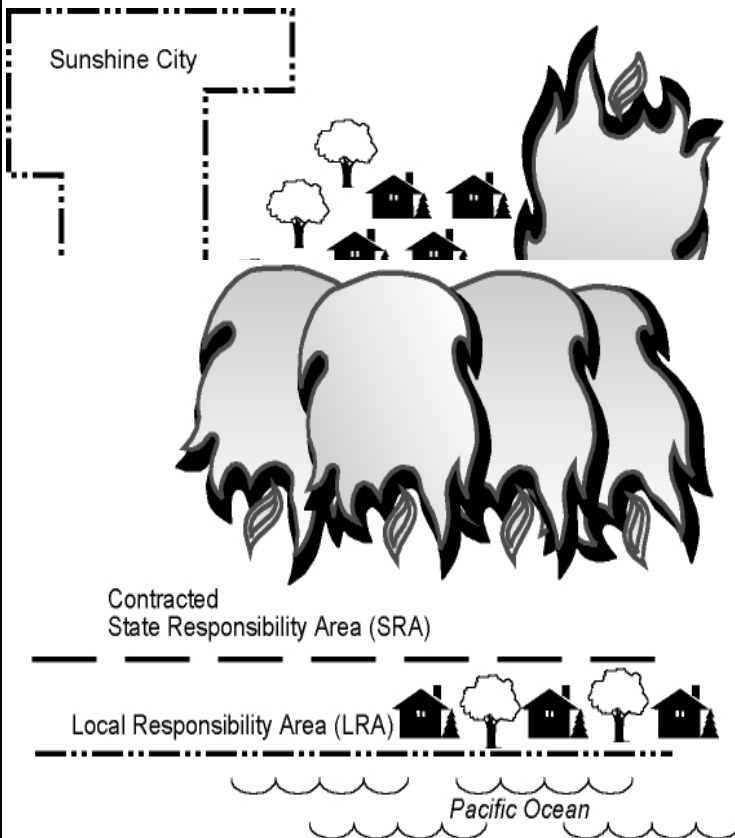


The scattered houses are on State Responsibility Area (SRA) land totally within the Federal DPA. The federal agency (FED) has wildland fire protection responsibility for all federal lands, private lands in this area are SRA. The county fire department (CTY) has structure protection responsibility in this area. Any county fire department resources responding for structure protection as part of their normal protection responsibilities are not reimbursed.

The fire is managed by a Unified Command with county fire department concerns being met by participating as a member of this Unified Command. The IC's jointly agreed to order five (5) strike teams of engines through the Unified Ordering Point (UOP) to assist in perimeter control. The strike teams come under the CFAA. The strike teams are reimbursed under this agreement by the federal agency who ordered them.

Example of the request for 5 strike teams would be Incident #FED-12345, Request FED-E-10 through FED-E-14 for 1 each S/T Engine Type 1 per request number.

Sunshine City is an incorporated city with its own fire department (SSC). The structures located outside the city are protected by the county (CTY), but are on SRA lands within the federal DPA. The fire is managed as a Unified Command between the federal agency, county fire, and the city. The joint decision was for the federal agency to order one strike team of engines to protect the structures in close proximity to the wildland fire and assist with perimeter control and the city to order 10 strike teams of engines to protect the city. The federal order is through the CFAA. The city order is under the State Master Mutual Aid Agreement. The one strike team is reimbursed by the federal agency and the 10 strike teams are furnished at no cost to the city. The county resources that assist in the effort will not be compensated by the Federal agency.



Example of the federal request for 1 strike team would be Incident #FED-12345, Request FED-E-10 for 1 each S/T Engine Type 1 per request number.

An example of the city's request for 10 strike teams would be Incident #FED-12345, Request SSC-E-11 through SSC-E-20 for 1 each S/T Engine Type1.

Note: In this scenario it is important to recognize that it is a unified command and it was a joint decision for the city to order the engines to protect the city through the STATE FIRE & RESCUE MUTUAL AID SYSTEM

CAL FIRE has six (6) contract counties (LAC, KRN, ORC, VNC, SBC, & MRN) to provide wildland fire protection for State responsibility lands in their counties.

A fire is burning SRA land in Los Angeles County (LAC) and an area of LRA needs protection. The CAL FIRE Agency Representative and the Incident Commander have negotiated that 5 strike teams of engines will be ordered under the STATE FIRE & RESCUE MUTUAL AID SYSTEM, Master Mutual Aid for structure protection in the LRA and 5 strike teams of engines ordered under the CFAA for perimeter control in the SRA.

Example of the request for 5 strike teams of engines, Master Mutual Aid, is Incident #LAC-1234, Request LRA-E-1 through LRA-E-5 for 1 each S/T Engine Type 1 or Type 2 per request number.

Example of the request for 5 strike teams of engines, CFAA, is Incident #LAC-1234, Request SRA-E-6 through SRA-E-10 for 1 each S/T Engine

Type 1 per request number.

Note: Local government resources ordered by Forest agencies for assistance may not always be under the provisions of the CFAA. Resources may be provided to the Forest Agencies through local Assistance by Hire or Mutual Aid agreements.

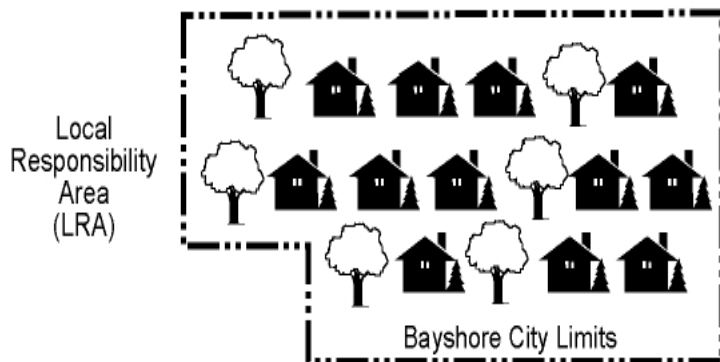


National Forest Boundary
Federal DPA

The City of Bay shore is an incorporated city and contracts with the County for fire protection. The Bayshore city limits stop at the forest agency Direct Protection Area (DPA) boundary. A wildland fire starts on forest agency land protected by the US Forest Service (FED). The fire spreads rapidly and is threatening the City of Bayshore. A unified command is established between the US Forest Service and the County Fire Department (CTY). A joint decision by the Incident Commanders is made to order 10 strike teams of engines through the CFAA for perimeter control which now includes the structures. Due to the threat and risk to the Bayshore City LRA there is joint IC's agreement to share the cost of the 10 strike teams equally, 50% / 50%.

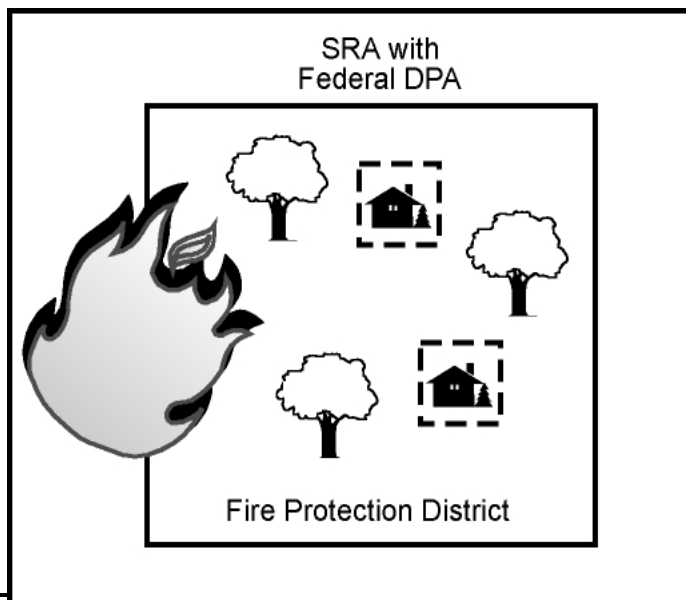
Example of the federal request for 5 strike teams of engines would be Incident #FED-12345, Request FED-E-10 through FED-E-14 for 1 each S/T Engine Type 1 or Type 2 per request number.

Example of the county request for 5 strike teams of engines would be Incident #FED-12345, Request CTY-E-15 through CTY-E-19 for 1 each S/T Engine Type 1 or Type 2 per request number.



A wildland fire is burning on SRA lands within Federal DPA. The fire is also within a Fire Protection District. Forest Agencies normally will not enter into a Unified Command with a Fire Protection District unless there is an agreement to share costs; or if there are other reasons for the Fire Protection District to enter into a unified command.

Incident Command has made a decision to order resources through the CFAA consistent with Forest Agency's agreements of structure protection on SRA lands. Local agency resources ordered under the CFAA will be reimbursed within the terms of the agreement. If the Fire Protection District chooses not to be a part of the Incident Command and they order local government resources via independent dispatch channels the costs of those resources will not be the responsibility of any agency involved in the management of the incident.



Fire Management Assistance Grant

The Fire Management Assistance Grant (FMAG) is federal financial assistance available to States, local and tribal governments, for the mitigation, management, and control of fires on publicly or privately owned forests or grasslands. FMAG is requested by a Local or State fire agency through the California Emergency Management Agency (Cal EMA). Cal EMA will submit a request by telephone to FEMA while the fire is burning uncontrolled, and threatens such destruction as would constitute a major disaster. The entire process is accomplished on an expedited basis and a FEMA decision is rendered in a matter of hours.

CAL EMA FIRE AND RESCUE / CALIFORNIA STATE WARNING CENTER
24 HOURS
(916) 845-8911

Declaration Process

The Governor's authorized representative requests an FMAG declaration from the FEMA Regional Director while the fire is burning uncontrolled. The Regional Director gathers the information, calls for an assessment, and develops a summary and recommendation that will be forwarded to the FEMA Under Secretary. FEMA either approves or denies the request based on the conditions that exist at the time of the request and whether or not the fire or fire complex threatens such destruction that it would constitute a major disaster.

There are four criteria that FEMA uses to evaluate the threat posed by a fire or fire complex:

- Threat to lives and improved property, including threats to critical facilities/infrastructure, and critical watershed areas;
- Availability of State and local firefighting resources;
- High fire danger conditions, as indicated by nationally accepted indices such as the National Fire Danger Ratings System;
- Potential major economic impact.

After making a determination, FEMA notifies Cal EMA. Cal EMA has one opportunity to appeal any FEMA declaration denial. The FEMA Recovery Division Director will render the determination on the appeal, which will be the final administrative decision for FEMA.

Before an initial grant award to the State under an FMAG declaration can be approved, the State must demonstrate that total eligible costs for the declared fire meet or exceed either the individual fire cost threshold, which is applied to a single fire, or the cumulative fire cost threshold, which recognizes numerous smaller fires burning throughout a State. Under the cumulative fire cost threshold, assistance will only be provided for the declared fire responsible for meeting or exceeding the cumulative fire cost threshold and any future declared fires for that calendar year.

The FEMA Regional Director, in consultation with a Cal EMA authorized representative and the USFS will establish the incident period.

FMAG Application Deadline

Eligible applicants must submit a Request for Fire Management Assistance Subgrant (RFMAS) to Cal EMA within 30 days of the close of the incident period. Applicants must include a completed Fire Management Assistance Questionnaire.

Cal EMA will forward the RFMAS and Questionnaire to FEMA with an eligibility recommendation. FEMA will advise Cal EMA of the applicant's eligibility.

Project Worksheets

Cal EMA may meet with the eligible applicant to complete Project Worksheets (PW). The information necessary to prepare PWs are due to Cal EMA within 6 months from the close of incident period. PWs are prepared for 100% of eligible actual costs.

Eligible applicants for FMAG are:

- State Agencies
- Local Governments (county, city and special districts)

Ineligible applicants for FMAG are:

- Private Non-Profit Organizations
- Indian tribal governments apply direct to FEMA as the Grantee
- Federal Agencies

Eligible Costs

The activities performed must be:

- The legal responsibility of the applying entity
- Required as the result of the fire and
- Located within the designated fire area
- Generally, costs must be incurred during the incident period to be considered eligible
- All temporary repair work must be completed within 30-days of the close of the incident period for the declared fire.
- Eligible firefighting costs may include expenses for field camps; equipment use, repair and replacement; tools, materials and supplies; and mobilization and demobilization activities.

Contingent upon a finding that the Incident Commander, or comparable State official, requested the applying entity's resources, privately owned entities and volunteer firefighting organizations may be reimbursed through a contract or compact with an eligible applicant, if:

- The costs are a direct result of the declared fire, and
- The Incident Commander requested the resources

Eligible costs may include:

- Repair of damaged equipment, less insurance recovery
- Replacement of expended supplies and lost equipment, less insurance recovery
- Personal comfort and safety items
- Overtime/contract labor costs
- Travel and per diem (field camps and meals in lieu of per diem)
- Costs on co-mingled Federal, State, and Local land if costs are not reimbursable by another federal agency
- Essential Assistance

Eligible Essential Assistance (Section 403 of the Stafford Act)

- Sheltering and evacuations
- Animal evacuations if safety issue
- Police barricading and traffic control
- Public information dissemination
- Search and rescue
- Arson investigation teams
- Extraordinary EOC costs
- Limited removal of precarious trees

Eligible Costs Incurred Outside the Incident Period

- Mobilization and demobilization
- Temporary repair of damage caused by eligible firefighting activities (work must be completed within 30 days of the close of the incident period)
- Eligible for reimbursement under FMAG when conditions warrant invoking the California Fire Assistance Agreement (CFAA)
- Reimbursed in accordance with CFAA policies and procedures

Ineligible Costs

- Costs incurred in the mitigation, management, and control of undeclared fires
- Costs related to planning, pre-suppression, and recovery activities
- Costs for the straight or regular time wages of a subgrantee's permanently employed or backfill personnel
- Costs for a declared fire burning on co-mingled Federal land when such costs are reimbursable to the State by another Federal agency.

Cost Share

There is no state cost share for FMAG. The FMAG program will reimburse applicants **75% of eligible costs** per the FEMA-State Agreement.

Links

<http://www.fema.gov/government/grant/fmagp/index.shtm>

[http://rimsinland.oes.ca.gov/WebPage/oeswebsite.nsf/ClientOESFileLibrary/Fire Documents/\\$file/OES-F-158 E-FMAGrevised05.doc](http://rimsinland.oes.ca.gov/WebPage/oeswebsite.nsf/ClientOESFileLibrary/Fire Documents/$file/OES-F-158 E-FMAGrevised05.doc)

Note: This document is not policy. It is each fire agencies responsibility to understand the many procedures of providing and receiving assistance. The financial obligations when involved with emergency/disaster responses are variable. If you have other questions you should contact your specific agency administrator.