

Eligibility of Firefighting Costs for the Oregon Forest Land Protection Fund

POLICY STATEMENT

It is the policy of the Emergency Fire Cost Committee (EFCC) to define requirements for suppression costs that are eligible for reimbursement from the Oregon Forest Land Protection Fund (OFLPF).

AUTHORITY

ORS 477.770

Oregon Administrative Rule (OAR) Chapter 629, Division 165 Oregon Forest Land Protection Fund

- OAR 629-165-0000 Definitions
 - OAR 629-165-0010 Additional Amount Not Considered Emergency Fire Suppression Costs
 - OAR 629-165-0100 Deductibles – Amount per Acre
 - OAR 629-165-0300 Claims Processes – Evidence of Necessity
 - OAR 629-165-0305 Qualifications for Payment
 - OAR 629-165-0310 Payments for Fire Suppression Costs
 - OAR 629-165-0315 Collection – Approval
 - OAR 629-165-0320 Reimbursement to Account
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RESPONSIBILITY

Management: Ensure compliance to this policy within their units. Produce fire reports, perform investigations and pursue cost recovery action in all cases when a person or entity responsible for fire costs is identified.

All Employees: Must have a resource order and supporting documentation, such as a shift ticket signed by a line supervisor, if working on any statistical fire or approved threat fire.

Emergency Fire Cost Committee Administrator: Administrator will conduct audits with the assistance of the EFCC Finance Coordinator and ODF to ensure department-wide compliance. The Administrator will report audit results to the EFCC.

DEFINITIONS

Unless otherwise defined below, terms will have the meanings given in ORS 477.001.

Administratively Determined Worker (AD) – An individual hired by the Forester and paid using administratively determined (AD) or industrial wage rates. An emergency worker may also be referred to as casual labor, AD employee, or an industrial worker.

Area Command An organization that oversees the management of multiple incidents or oversees the management of a very large or evolving situation with multiple ICS organizations.

Call When Needed (CWN) – Aircraft that are hired for a limited period using a pre-determined list of available vendors, and that are not under a longer-term contract.

Classified Forestlands – Lands classified as forestland in accordance with ORS 526.310 or ORS 526.340.

Consumable – Items that “get used up;” something that is capable of being consumed or spent. [A list of consumable items can be viewed here.](#)

Contracted Personnel/Equipment – Typically resources on a fire that are hired through an agreement (i.e. IRA, VIPR, CWN, SPA, Land or Services Use, etc.) or based on services rendered through an invoice from a vendor (i.e. copier machines, camp support items, etc.).

Deductibles – Per Acre and Per Day/Fire amount to be paid by a district as part of the OFLPF district fiscal year claim. Deductible rates are set by the EFCC.

District Personnel – All state and association employees assigned to a forest protection district.

District Warden – An individual appointed under ORS 477.355.

Emergency Fire – A statistical or threat fire (see statistical fire definition).

Emergency Fire Suppression Costs – Expenses incurred on incident including, but not limited to labor, services, transportation, supplies, rental of equipment, and expenses incurred for the recovery of fire suppression costs. (see eligible and ineligible costs below and OAR 629-165-0305 (3)).

Expanded Dispatch – An organization needed to support a fire, after initial attack, which expands along with the Incident Command System taking action to provide resources as needed for the control efforts of the fire. This organization may support single or multiple fires and is in addition to a protection district’s regular dispatch function.

Fire Suppression Repair – Planned actions taken to repair the damages to resources, lands, and facilities resulting from wildfire suppression actions and documented in the Incident Action or Repair Plan. These actions are usually implemented prior to, or immediately after containment of the wildfire by the incident management organization. Repairs under this activity may be completed to return the value to pre-wildfire management activity condition as practical but may not improve the condition beyond what was existing prior to the incident.

Fiscal Year – The period beginning July 01 of any year and ending on June 30 of the following year.

Forest Protection District – A forest protection district organized under ORS 477.225.

Incident Management Team (IMT) – Those personnel assembled to manage the suppression actions during an emergency response to a fire.

Lend/Lease – The use of a resource originally ordered to an incident that is temporarily used for another incident under the original resource order. Documentation supporting the use of a lend/lease resource must be provided to be eligible.

Multi-Agency Coordination (MAC) Group – MAC Groups are policy setting entities typically comprised of agency administrators/executives, or their designees. Under the National Incident System (NIMS), neither and EOC nor a MAC Group has any direct incident command involvement, and they will often be located some distance from the incident scene.

Non-Consumable – Items that can normally be used more than once. [A list of non-consumable \(durable\) items can be viewed here.](#)

Non-Fire Crew Action (NFCA) – Dispatched incidents that result in no suppression action. NFCA are not reimbursable by the OFLPF.

Non-Classified Forestlands – Lands not classified as forestland in accordance with ORS 526.310 or ORS 526.340.

Non-Statistical Fire – Fire that originates on non-paying forestlands, in which action is taken by a forest protection district.

Offset – Lands swapped for fire protection with another agency. Fires occurring on Federal lands identified in a protection offset agreement to be protected by ODF are reimbursable by the OFLPF. Fires occurring on lands identified in a protection offset agreement to be protected by the USFS or BLM are **not** reimbursable by the OFLPF.

Oregon Forest Land Protection Fund (OFLPF) – Account established in the State Treasury as a trust fund for the purpose of equalizing emergency fire suppression costs pursuant to ORS 477.750.

Rehabilitation and Restoration – Post-fire activities prescribed and implemented to rehabilitate and restore fire damaged lands. These costs are not eligible for reimbursement.

Special Purpose Appropriation Funded Resources (SPA) – Statewide severity resources funded in part by the Oregon Legislature that are used for immediate readiness to provide aggressive initial attack and to complement a protection district's regularly budgeted resources.

Statistical Fire – A fire requiring suppression action by the Forester or cooperating agencies if it meets one of the following three conditions:

1. The fire originates on paying forestlands within the forest protection district, including but not limited to:

- a. Fires occurring on Bureau of Land Management (BLM) lands identified in the ODF/BLM Western Oregon Operating Plan.
 - b. Fires occurring on federal lands identified in a protection offset agreement for which the Forester has the suppression responsibility.
2. The fire originates on land protected by another agency or in another protection district, and spreads into the reporting protection district.
 3. The fire originates on land outside of the protection district but the fire spreads to within 1/8 of a mile of forestland or is determined by the Forester to be a threat to paying forestland, and:
 - a. The fire is not within the boundaries of another protection agency, or;
 - b. The fire is within another protection agency boundary; however, suppression is clearly needed to prevent the spread of fire to paying forestland. (This does not include suppression action provided by agreement or pre-planned dispatch.)

Support Costs – Services or supplies used by resources on incident. Examples include travel claims, meals and lodging (as needed), consumable supplies, vehicle transportation costs, etc. Resource order required if support is provided by a vendor or contractor. Cell phone costs are **not** eligible costs.

Threat Fire – A fire originating on land outside of a protection district but spreads to within 1/8 of a mile of forestland or is determined by the Forester to be a threat to paying forestland. Threat fires require a district written request to the OFLPF administrator explaining the circumstances requiring fire suppression action and an explanation of costs and why the incident should be considered eligible for Emergency Fire Cost reimbursement.

Trainee – An individual who has not met full qualifications for their assigned position on a fire. Typically, this individual will shadow a fully qualified person within that position.

Western Oregon Operating Plan (WOOP) – Agreement with the BLM for ODF/Association to protect BLM lands on the west side of Oregon. Fires occurring on BLM lands identified in the ODF/BLM Western Oregon Operating Plan (WOOP) are **not** reimbursable by the OFLPF, unless part of a cost share with ODF jurisdictional lands involved.

OFLPF STANDARDS OF ELIGIBILITY

ELIGIBLE COSTS

A. Incident & Land Type

1. All statistical fires and approved threat fires inside or outside of a protection district.

2. Fires occurring on Federal lands identified in a protection offset agreement to be protected by ODF.

B. Personnel, Equipment & Support

1. All (unless excluded under ineligible) ODF, Association, Administratively Determined (AD), out-of-state/country, and contracted personnel, equipment, and support costs with a resource order to any statistical fire or approved threat fire.
2. Expanded Dispatch, Payment Teams, Investigators, Area Command, and sub geographical Multi-Agency Coordination (MAC) groups with a resource order.
3. All trainees and support costs when resource ordered to a Type 1 or 2 incident.

C. Aircraft, Retardant & Support

1. All aircraft (Fixed wing, Severity or CWN helicopters, Unmanned Aerial Systems), retardant and support costs, with a resource order for suppression or air attack, to any statistical fire or approved threat fire, when consistent with their contract language.
2. Extended standby when aircraft is still assigned to a fire.

D. Lend/Lease

1. Resources being lent/leased to another incident. These resources typically will not have a resource order to that incident.
 - i. A general message or note on the origin fire resource order stating that this is a lend/lease is required in addition to shift tickets.

E. Water Sources

1. Any water source utilized under a fully executed land use agreement.
 - i. Examples include: Metered water when used from a city water supply, privately owned pumps, electrical costs associated with the use of pumps, or for personnel needed to provide pumping services when using water from creeks, rivers, ponds, lakes, etc. during suppression action.
2. Reimbursement for the refill of significantly depleted private water source levels used for suppression efforts.
3. A resource order and usage log identifying date of fill, equipment identification and gallons used is required.

F. Fire Suppression Repair & Replacement / Property Damage

1. Planned actions taken to repair the damages to resources, lands, and facilities resulting from wildfire suppression actions and documented in the Incident Action or Repair Plan.
 - i. Such as: Water barring of fire trails or control lines to control soil erosion, repair of roads utilized for fire suppression activities, fence lines or other

property damaged by firefighting suppression on primary or contingency lines.

2. A resource order does not typically apply to these situations unless it is tied to a piece of equipment, facility/land use agreement, which have a resource order.

G. Fire Investigation

1. Legal, court, fire investigation and support costs for incidents that have any eligible costs.
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NOT ELIGIBLE COSTS

A. Incident & Land Type

1. NFCA incidents.
2. Non-statistical incidents, unless deemed a threat fire and approved for eligibility with written justification.
3. WOOP agreement incidents (unless part of a cost share with ODF).
4. Offset ODF paying forestlands protected by a federal entity incident.

B. Personnel, Equipment & Support

1. Personnel, contract resources, support costs with no resource order.
2. Any resource or support cost on a fire that are required to have a shift ticket, and the shift ticket is missing or is not signed by a line supervisor.
3. The following ODF or Association personnel and support costs on in-district fires and payment teams: District Forester/Manager, Assistant District Forester/Deputy District Manager, Association Operations Manager, Association Staff Manager, Safety/Risk/Training Managers, Unit Forester, District/Association Fleet Manager, Wildland Fire Protection Supervisors/Assistant Unit Foresters, Dispatch Manager, Other Dispatch Staff, District/Association Business Manager, Other District/Association Administrative Staff, District/Association Public Information Officers, District/Association Prevention Forester.
 - i. These positions can still be “relieved of duties” and become overtime eligible in accordance with DAS Policy 20.005.11, at the district cost.
 - ii. Personnel listed above for districts within the Northwest Oregon FPA when assisting each other within the FPA.
 - iii. Exceptions for eligibility apply if personnel listed above are assigned to an in-district Type 1 or 2 Incident Management Team or Expanded Dispatch.
4. Agency Administrators and Deputy Agency Administrators personnel and support costs for any fire inside or outside of district.
5. Trainees and their support costs on Type 3 or smaller in or out of district fires.

6. District severity move-up/contingency forces and their support costs when not assigned to a statistical fire or threat fire.

C. Aircraft, Retardant & Support

1. Aircraft not used for suppression or air attack (i.e. detection, reconnaissance, administration).
2. Aircraft and support costs on extended standby when no longer assigned to a fire.

D. Water Sources

1. Any water source utilized that is NOT acquired under a fully executed land use agreement.
2. Water used from creeks, rivers, ponds, lakes, etc., when used for suppression actions. These water sources are considered “waters of the state.” Use of water for emergency firefighting does not require a water right application, permit, or certificate (reference ORS 537.141.).

E. Fire Suppression Repair & Replacement / Property Damage

1. Planned actions taken to repair the damages to resources, lands, and facilities resulting from wildfire suppression actions NOT documented in the Incident Action or Repair Plan.
 - i. Such as: Mitigation efforts to reduce fuel loads created by the suppression effort. Planned long-term fuel breaks. Current or planned fuels mitigation projects.
2. Landowner property damage that was caused by the natural action of the incident (i.e. not caused by firefighting efforts).
3. Private landowner tort claims for damages to property or equipment from suppression actions.
4. ODF, Association or contractor vehicle and equipment repairs.
5. Non-Consumable supplies, including tools and other equipment ([see full list of non-consumable items](#)) replacement or repair costs.
 - i. These can potentially be reimbursed through a Department of Administrative Services risk claim.
6. Insurance premium and deductible costs for risk management, employer liability, general liability, and additional travel/accident hazard.
7. Rehabilitation and restoration of land, caused by wildfire damage.

F. Fire Investigations

1. Legal, court, fire investigation and support costs for incidents that do not have any eligible costs.
2. Costs of arson investigation teams and other personnel working on protection district arson situations.

OFLPF DEDUCTIBLES

- Acre Deductible
 - The EFCC sets the deductible amount for each district on or before January 15 each year (OAR 629-165-0100).
 - This per acre amount may not exceed 10 percent of the total budgeted amount of all districts (ORS 477.770).
- Per Day/Per Fire Deductible
 - Districts pay \$25,000 if emergency fire costs exceed \$25,000.
 - If multiple fires occur on the same day within a district, only one additional amount of \$25,000 may be applied to the sum of the costs of all fires that began on that day.
 - The same incident cannot be assessed a deductible twice.
 - If the calculated daily deductible amount result in an increase in the district's annual budget greater than fifteen cents per acre on timberland or six cents on grazing land, the committee may waive the part in excess of that amount (OAR 629-165-0005 (3)).

OFLPF INCENTIVES

- Per Day/Per Fire Deductible
 - No per day/per fire deductible owed for those incidents with emergency fire costs under \$25,000.
- Helicopter credit applies if District or Association have a contract of 60 days or more for a Type 2 or Type 3 helicopter.
 - Helicopter contract equals \$50,000 credit. If more than one district is sharing the contract, the credit will be applied equally across all Districts and Associations.
 - Limit one credit per District or Association.
 - Credit cannot be more than the final fiscal year claim.

SUPPORTING DOCUMENTATION

- OFLPF Claims
- OFLPF Audit & Fiscal Year Reconciliation Process