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Part 620: Wildland Fire Management

Chapter 3: Burned Area Emergency Stabilization and Rehabilitation

Originating Office: Office of Wildland Fire Coordination

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3.1 **Introduction.** This chapter provides Departmental policy for the emergency stabilization and rehabilitation on bureau lands and Indian trust lands following wildland fire.

3.2 **Authority.** The statutes cited herein authorize and provide the means for managing emergency stabilization and rehabilitation following wildland fire on lands or threatening lands under the jurisdiction of the Department of the Interior, or lands adjacent thereto.

- A. Protection Act of September 20, 1922 (42 Stat. 857; 16 U.S.C. 594)
- B. McSweeney-McNary Act of 1928 (45 Stat. 221; 16 U.S.C. 487)
- C. Economy Act of June 30, 1932 (47 Stat. 417; 31 U.S.C. 1535)
- D. Taylor Grazing Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315)
- E. Oregon and California Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181e)
- F. National Park Service Act as amended (67 Stat. 495; 16 U.S.C. 1b)
- G. Federal Property and Administrative Service Act of 1949 (40 U.S.C. 471; et seq.)
- H. Reciprocal Fire Protection Act of May 27, 1955 (69 Stat. 66; 42 U.S.C. 1856a)
- I. National Wildlife Refuge System Administration Act of 1966 as amended (80 Stat. 927; 16 U.S.C. 668dd through 668ee)
- J. Alaska Native Claims Settlement Act of December 18, 1971 (85 Stat. 688; 43 U.S.C. 1601)
- K. Disaster Relief Act of May 22, 1974 (88 Stat. 143; 42 U.S.C. 5121)
- L. Federal Fire Prevention and Control Act of October 29, 1974 (88 Stat. 1535; 15

U.S.C. 2201)

- M. Federal Land Policy and Management Act of 1976 (90 Stat. 2743)
- N. Federal Grant and Cooperative Agreement Act of 1977 (P.L. 950224, as amended by P.L. 97-258, September 13, 1982 (96 Stat. 1003; 31 U.S.C. 6301 thru 6308)
- O. Alaska National Interest Lands Conservation Act of December 2, 1980 (94 Stat. 2371)
- P. Supplemental Appropriation Act of September 10, 1982 (96 Stat. 837)
- Q. Wildfire Suppression Assistance Act of 1989 (P.L. 100-428, as amended by P.L. 101-11, April 7, 1989)
- R. Indian Self-Determination and Education Assistance Act (PL 93-638) as amended
- S. National Indian Forest Resources Management Act (P. L. 101-630 November 28, 1990)
- T. Tribal Self-Governance Act of 1994 (P.L. 103-413)
- U. Department of the Interior and Related Agencies Appropriations Act, Fiscal Year 1995 (P.L. 103-332)
- V. Guidance for Presidential Memorandum on Environmentally and Economically Beneficial Landscape Practices on Federal Landscaped Grounds, Federal Register, Vol. 60, No. 154, August 10, 1995, p. 40837
- W. Executive Order 13112, Invasive Species, February 3, 1999
- X. National Wildlife Refuge System Improvement Act of 1997 (P.L. 105-57)
- Y. The Reclamation Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 391)
- Z. Soil and Moisture Conservation Act of 1935 (49 Stat 163)

3.3 **Definitions.** (For the purposes of this chapter)

A. Agency Administrator. The line manager having direct organizational responsibility for management of an administrative unit. May include Director, State Director, District Manager or Field Office Manager, Bureau of Land Management (BLM); Director, Regional Director, Complex Manager or Project Leader, U.S. Fish and Wildlife Service (FWS); Director, Regional Director, Park Superintendent, or Unit Manager, National Park Service (NPS); Director, Office of Trust Responsibility, Regional Director, or Superintendent, Bureau of Indian Affairs (BIA); Director - Operations, Regional Director, or Area Manager, Bureau of

Reclamation (BOR).

B. Burned Area Emergency Response Plan (BAER Plan). A document that specifies treatments required to implement post-wildland fire emergency stabilization policies on an individual incident. This plan may be programmatic (prepared in advance and applicable to clearly defined types of incidents and situations) or prepared by an interdisciplinary team of specialists during or immediately following the containment of a wildland fire.

C. Burned Area Emergency Response Team (BAER Team). A standing or ad hoc group of technical specialists (hydrologists, rangeland management specialists, biologists, soil scientists, etc.) that is assigned to prepare an Emergency Stabilization Plan.

D. Burned Area Rehabilitation Plan. A document that specifies treatments required to implement post-fire rehabilitation policies. This plan may be programmatic (prepared in advance) and applicable to clearly defined types of incidents and situations, or prepared by an interdisciplinary team of specialists during or immediately following the containment of a wildland fire.

E. Emergency Stabilization. Planned actions to stabilize and prevent unacceptable degradation to natural and cultural resources, to minimize threats to life or property resulting from the effects of a fire, or to repair/replace/construct physical improvements necessary to prevent degradation of land or resources. Emergency stabilization actions must be taken within one year following containment of a wildland fire.

F. Burned Area Emergency Stabilization Plan. A document that specifies treatments required to implement post-fire emergency stabilization policies. This plan may be programmatic (prepared in advance) and applicable to clearly defined types of incidents and situations, or prepared by an interdisciplinary team of specialists during or immediately following the containment of a wildland fire.

G. Fire Suppression Activity Damage. Damage to resources, lands, and facilities resulting from wildland fire suppression actions, in contrast to damages resulting from a wildland fire.

H. Mitigation. Actions to moderate the intensity or severity of detrimental post-fire effects on natural and cultural resources when preventive treatments are not cost-effective or practical. The scope and cost of mitigation should be the minimum necessary to alleviate meaningful threats.

I. National Burned Area Emergency Response Coordinators (NBAER). The NBAER consists of the Department of the Interior (DOI) National BAER Coordinators and the USDA Forest Service National BAER Coordinator.

J. Non-Native Invasive Species. Species that were not components of pre-European settlement vegetative communities: which have been introduced, either deliberately or inadvertently; which have the capacity to aggressively invade new habitats, displacing and out-

competing native species, and; whose introduction does or is likely to cause economic or environmental harm or harm to human health.

K. Prescribed Fire. Any fire ignited by management actions to meet specific objectives which are authorized by a prescribed fire plan.

L. Prevention. Emergency actions to prevent unacceptable post-fire degradation of natural and cultural resources by stabilizing soil, biotic communities, and critical or significant historic properties, and emergency actions to minimize risks to life and property.

M. Rehabilitation. Efforts undertaken within three years of containment of a wildland fire to repair or improve fire-damaged lands unlikely to recover naturally to management approved conditions, or to repair or replace minor facilities damaged by fire.

N. Restoration. The continuation of rehabilitation beyond the initial three years or the repair or replacement of major facilities damaged by the fire.

O. Suppression. A management action intended to protect identified values from a fire, extinguish a fire, or alter a fire's direction of spread.

P. Wildland Fire. Any non-structure fire that occurs on wildland.

3.4 Objectives.

A. Emergency Stabilization. To determine the need for and to prescribe and implement emergency treatments to minimize threats to life or property or to stabilize and prevent unacceptable degradation to natural and cultural resources resulting from the effects of a fire.

B. Rehabilitation.

(1) To evaluate actual and potential long-term post-fire impacts to critical cultural and natural resources and identify those areas unlikely to recover naturally from severe wildland fire damage.

(2) To develop and implement cost-effective plans to emulate historical or pre-fire ecosystem structure, function, diversity, and dynamics consistent with approved land management plans, or if that is infeasible, then to restore or establish a healthy, stable ecosystem in which native species are well represented.

(3) To repair or replace minor facilities damaged by wildland fire.

C. Fire Suppression Activity Damage Repair.

(1) To evaluate and plan fire suppression activity damage repair.

(2) To fund and implement projects that meet the requirements in section 3.10 of

this chapter as well as agency administrator criteria.

3.5 Responsibilities.

A. The Office of Wildland Fire Coordination develops, implements and coordinates DOI's wildland fire management policy and programs including the emergency stabilization and rehabilitation programs. The office accomplishes these activities by working in a safe, effective, efficient, and seamless manner to provide for coordinated efforts between the wildland fire management bureaus and other federal and non-federal groups.

B. The Directors of the BLM, FWS, NPS and BIA are responsible for all burned area emergency stabilization and rehabilitation activities on their bureau lands and/or Indian Trust lands. The Commissioner, BOR, is responsible for burned area stabilization and rehabilitation activities on their lands but may obtain assistance through an approved and signed agreement or when contracted for, in whole or in part, with other agencies or tribes under the statutes cited in 620 DM 3.2. Each wildland fire management bureau is responsible for taking prompt and effective action in the burned area emergency stabilization and rehabilitation program and implementing Departmental policies.

C. The Agency Administrator is responsible for developing, implementing, and evaluating emergency stabilization and rehabilitation plans, treatments and activities.

D. Supervisors are responsible for assuring that employees engaged in emergency stabilization and rehabilitation actions follow Departmental and bureau policy, including National Wildfire Coordinating Group (NWCG) standards, when adopted, and that conditions of employment are consistent with provisions of the Occupational Safety and Health Act, as may be required by law.

E. The National Burned Area Emergency Response Coordinators (NBAER) designated by the Bureau of Land Management, Bureau of Indian Affairs, U.S. Fish and Wildlife Service, National Park Service, and the Office of Wildland Fire Coordination will function as an interagency group to coordinate program issues, establish funding priorities, plan development implementation and evaluation guidance, and provide training, oversight, and information. They are also responsible for supporting, managing, and conducting overall performance review and evaluation of emergency stabilization, rehabilitation and Burned Area Emergency Response (BAER) team activities. The coordinators must involve other program areas such as wildland fire management, budget, cultural and natural resources, etc., as necessary and appropriate, to ensure an integrated interagency program.

F. Employees involved in emergency stabilization and rehabilitation work are responsible for knowing, understanding and practicing safe operations.

3.6 **Policy.** The following policies apply to both the emergency stabilization and rehabilitation programs.

A. Plan. Any treatment or activity will have an approved plan developed prior to

implementation. Monitoring specifications will be included in the plan for each treatment or activity. Emergency stabilization and rehabilitation treatments and activities will be written in separate plans.

B. Allowable Actions. All treatments and activities will be specified in a plan. Standard treatments are to be used that have been validated by monitoring data from previous projects, or when there is documented research establishing the effectiveness of such actions.

C. Monitoring. Monitoring and evaluation of emergency stabilization and rehabilitation activities must be implemented to ensure that treatments and activities are properly implemented, effective, and maintained. Monitoring methods may be qualitative or quantitative, and should be commensurate with the level of treatment or activity complexity and extent of treatment. Monitoring will follow established standard protocols. Monitoring and evaluation information will provide adaptive management feedback to improve program performance. Priority should be given to developing a simple interagency electronic mechanism for archiving and broadly disseminating treatment and technique results.

D. Research. Formal research investigations of treatment effectiveness and fire ecology issues will be defined as individual projects (separate from routine emergency stabilization or rehabilitation effectiveness monitoring). These long-term investigations will be submitted to a bureau NBAER Coordinator for approval, and may be funded from Joint Fire Science or other non-emergency funds.

E. BAER Planning Team. Team activities are an integral part of wildland fire incidents. The BAER teams report to the agency administrator. The fire incident management team and the BAER team will work cooperatively. They are supported by the same wildland fire incident mobilization, resource availability, and incident business management procedures as other aspects of the incident. The NWCG training and qualifications for BAER team members will be as technical specialists. Agency administrators will support BAER teams with local personnel as needed by the team throughout the planning preparation.

F. Program Review. Periodic emergency stabilization, rehabilitation and BAER team program reviews will be conducted to evaluate consistency of program direction in relationship to other programs, and to identify needs for improved coordination and direction at the bureau, region/state and local levels.

G. Funding. All fire funded personnel (except hazard fuels) will fund their base 8 hours from their base funding when working on fire suppression activity damage or emergency stabilization activities. Fire funded personnel may charge their base 8 hours to the rehabilitation account when performing rehabilitation work.

(1) All non-fire funded and hazard fuels personnel may charge their base 8 hours to fire suppression activity damage, emergency stabilization or rehabilitation accounts when performing those work activities.

(2) All emergency stabilization and rehabilitation funded personnel will charge

their base 8 hours to their base funding and will not charge their base 8 hours to a specific project.

(3) Funding for BOR projects will be from BOR funds only. Selection of projects to be funded will be determined by BOR management.

(4) In cases where BOR personnel assist in ESR projects of other Interior bureaus, BOR personnel may be funded from the wildland fire account if a reimbursable agreement is in effect.

H. Handbook. An interim Emergency Stabilization and Rehabilitation Handbook (Handbook) is available and provides operational guidance for applying emergency stabilization and rehabilitation policy. It includes a common cost-effectiveness analysis for evaluating proposed actions, a standard project accomplishment report format, and a mechanism for archiving and broadly disseminating the results of monitoring treatment effectiveness.

3.7 Emergency Stabilization. The following policies apply to all burned area emergency stabilization program activities. Emergency stabilization treatments and activities should be compatible with land management plans.

A. Priorities. Protection priorities are:

(1) human life and safety; and

(2) property and unique or critical biological/cultural resources. If it becomes necessary to prioritize between property and unique or critical biological/cultural resources, this is carried out based on relative values to be protected, commensurate with emergency stabilization costs. All burned area emergency stabilization plans and actions must reflect these priorities.

B. Program. Bureaus will ensure their capability to provide a safe and effective emergency stabilization program in support of land, natural, and cultural resource management plans through appropriate planning, staffing, training, and equipment use. These resource management plans and actions should be on a landscape scale, across bureau boundaries, and will be based upon best available science and techniques.

C. Plans.

(1) The emergency stabilization plan will specify only emergency treatments and activities to be carried out within one year following containment of a wildland fire. If emergency stabilization needs are unknown, the emergency stabilization plan may contain specifications for completing assessments that will be used to later define and implement emergency stabilization needs within one year following containment of a wildland fire. Generally, emergency stabilization activities are prescribed only within the perimeter of a burned area. Acceptable treatments or activities outside a burn perimeter could include such things as emergency stream channel work to protect structures, roads, and other improvements from flood

damage.

(2) Emergency stabilization actions will be based on a plan developed immediately post-fire, or through plan amendments, except where programmatic plans are already in place. The programmatic plans are generally written by a field office unit and include an environmental assessment, and are developed at the landscape level, with public input. The decision to develop the programmatic plan is based on the size and diversity of the ecosystems involved, fire history, resource values, and resource management objectives and decisions in land use plans. For multi-agency fires, joint planning is encouraged. The development and implementation of an emergency stabilization plan and its associated treatments and activities are the responsibility of the local Agency Administrator. In cases where the local Agency Administrator is from the BOR, the administrator may rely on BAER teams and qualified personnel from other bureaus or agencies to perform identified work as established in a signed agreement.

(3) The emergency stabilization plan must contain:

(a) A description of each treatment or activity.

(b) A discussion demonstrating how the specifications are consistent and compatible with approved land use plans, and how the proposed treatments and activities are related to damage or changes caused by the wildland fire.

(c) An explanation of how a treatment or activity is reasonable and cost effective relative to the severity of the burn.

(d) Provisions for monitoring and evaluation of treatments and activities (including criteria for measuring a successful treatment or activity) and techniques, and a procedure for collecting, archiving, and disseminating results.

(e) Clear delineation of funding and responsibilities for implementation, operation, maintenance, monitoring, and evaluation throughout the entire life of the project, and criteria for determining failure of a treatment or activity.

D. BAER Teams. Bureaus may establish national, regional, and local BAER teams as needed to ensure that qualified personnel are available to prepare burned area emergency stabilization plans. They may assign resource advisors to major wildland fire incidents to minimize suppression damage. Bureaus will coordinate to develop interagency training courses for resource advisors, BAER teams, and local project implementation personnel to help build an adequate pool of available, trained personnel.

E. Planting and Seeding. Natural recovery by native plant species is preferable to planting or seeding, either of natives or non-natives. However, planting or seeding should be used only if necessary to prevent unacceptable erosion or resist competition from non-native invasive species. If planting or seeding is necessary, the use of native species is preferable. Use only planted materials that will be effective within three years. To the extent permitted by law and Executive Order 13112, Invasive Species, dated February 3, 1999, introduction of exotic

species into natural ecosystems will be restricted unless the Secretary of the Interior finds that such introduction will not have an adverse effect on natural ecosystems.

F. Compliance. Implementation activities will be conducted in a manner that is compatible with long-term goals and approved land use plans (e.g., goals under the Government Performance and Results Act, forest plans, general management plans, resource management plans, conservation strategies, species recovery plans), in compliance with applicable law, and policy, including the National Environmental Policy Act (see 516 DM 2); Endangered Species Act; Clean Water Act; Comprehensive Environmental Response, Compensation, and Liability Act; the National Historic Preservation Act, etc.

G. Analysis. All decisions will be based on sound analysis of the possible biological, hydrological, geological, cultural, and social consequences of not undertaking treatments or activities. All analysis will comply with bureau policy. Treatments and activities will establish an ecological context, considering watershed condition, limiting factors, and range of natural variability. Treatments and activities will be undertaken only when an analysis shows that treatments or activities are likely to reduce risks. Treatments and activities will be cost-effective. The costs and magnitude of emergency stabilization actions should be commensurate with threats to life, property, or resources as documented by a cost-risk analysis.

H. Monitoring. Monitoring and evaluation to determine the effectiveness of emergency stabilization treatments is funded for up to three years following containment of a wildland fire. Funding beyond the first year of monitoring requires submission of annual accomplishment report(s) on success/failure of treatments during the first or second year. (See also: Monitoring 3.6C)

I. Plan Submittal. The submittal timing of emergency stabilization plans often depends on the environment/landscape of the fire and the complexity; however, initial submission of the emergency stabilization plan must be shortly after the containment of a wildland fire in order to ensure credibility and to document the urgency of the situation. The initial emergency stabilization plan must be submitted within seven calendar days after total containment of the fire. If additional time is needed, extensions may be negotiated with those having approval authority. Approval/disapproval of plans at regional/state offices shall be limited to a maximum of \$500,000, and shall be made within six business days of receipt by the approving office. Any plan request larger than the regional/state limit shall be approved by each bureau's national office. Supplemental requests within the first year, or in subsequent years for repair or replacement of structures or treatments, or for monitoring, that would increase the total plan cost beyond \$500,000 must receive national approval. The national office shall review the plan concurrently with the regional/state office for approval/disapproval within the same six-day period. Amendments to plans as a result of new information should be prepared and submitted as needed, and the same approval levels and timeframes for initial plans apply.

J. Funding. Funding for emergency stabilization plan development and implementation will be provided by the Wildland Fire Operations Activity, Emergency Stabilization subactivity. Funding for emergency stabilization treatments and activities is provided for no more than one year following containment of a wildland fire, except that emergency stabilization funding may

be used to repair or replace emergency stabilization structures or treatments for up to three years following containment of a wildland fire where failure to do so would imperil watershed functionality or result in serious loss of downstream values and for monitoring (see section 3.7H). However, emergency stabilization funding cannot be used to continue seeding, plantings, and invasive plant treatments beyond one year. In accordance with standard procedures, bureaus may shift personnel costs or backfill for emergency stabilization activities. Wildland fires for resource use are not eligible for emergency stabilization funds.

(1) There will be no billing or reimbursement between bureaus of the Department of the Interior and the Department of Agriculture for personnel and other resources involved in burned area emergency stabilization planning services. Agencies may choose to bill one another by mutual agreement for burned area emergency stabilization implementation of treatments or activities. Funding for BOR projects will be from BOR funds only. Selection of projects to be funded will be determined by BOR management.

(2) Funding for a second or third year of monitoring requires submission of annual accomplishment report(s) on success/failure of treatments during the first two years. All monitoring obligations incurred beyond the third year must be funded by other than emergency stabilization funding.

(3) Formal research investigations of treatment effectiveness and fire ecology issues are defined as individual projects (see section 3.6D) and may not be funded by this account.

(4) Emergency stabilization treatments and associated monitoring activities may be funded using the Secretary's emergency transfer authority for wildland fire if annual appropriations plus carryover funds are insufficient to implement emergency treatments.

K. Reporting. Funding accountability, treatment and activity results, and accomplishments will be reported on a project accomplishment report that provides a breakdown of costs for individual treatments (e.g., seeding for slope stabilization). This report may require more detailed information for local management and less detailed information for national office or Departmental use. Summarized accomplishment information will be collected and archived at field and national office level for use in program planning, review, and oversight as necessary. Subsequent funding for projects and activities will not be made available until an annual accomplishment report is received for each plan and recorded in a national interagency database. Guidelines for accomplishment reporting are contained in the interim Handbook.

L. Electronic Dissemination of Information. Plan and report information should be available in an interagency electronic mechanism for archiving and retrieving. The common format as specified in the interim Handbook is recommended, including sections addressing planning, budgeting, implementation, monitoring, and maintenance.

M. Allowable Actions. An emergency stabilization project is a planned event following an unplanned wildland fire. The unpredictability of wildland fires and subsequent emergency stabilization projects require funding on short notice. Allowable actions are limited to the

following items:

- (1) Replacing or repairing minor facilities essential to public health and safety when no other protection options are available.
- (2) Placing structures to slow soil and water movement.
- (3) Stabilize soil to prevent loss or degradation of productivity.
- (4) Increasing road drainage frequency and/or capacity to handle additional post-fire runoff.
- (5) Installing protective fences or barriers to protect treated or recovering areas.
- (6) Conducting assessments of critical habitat and significant heritage sites in those areas affected by emergency stabilization treatments.
- (7) Seeding or planting to prevent permanent impairment of designated Critical Habitat for Federal and State listed, proposed or candidate threatened and endangered species.
- (8) Stabilizing critical heritage resources.
- (9) Patrolling, camouflaging, burying significant heritage sites to prevent looting.
- (10) Seeding to prevent establishment of invasive plants, and direct treatment of invasive plants. Such actions will be specified in the emergency stabilization plan only when immediate action is required and when standard treatments are used that have been validated by monitoring data from previous projects, or when there is documented research establishing the effectiveness of such actions.
- (11) Using integrated pest management techniques to minimize the establishment of non-native invasive species within the burned area. When there is an existing approved management plan that addresses non-native invasive species, emergency stabilization treatments may be used to stabilize the invasive species.
- (12) Monitoring of treatments and activities for up to three years.

3.8 Rehabilitation. The following policies apply to all burned area rehabilitation program activities. Post-fire rehabilitation projects implement the types of long-term actions that have already been identified in approved land management plans.

A. Priorities. Protection priorities are:

- (1) To repair or improve lands damaged directly by a wildland fire; and
- (2) To rehabilitate or establish healthy, stable ecosystems in the burned area. If it

becomes necessary to prioritize, this will be done by the NBAER coordinators based on relative values to be protected, commensurate with rehabilitation costs. All burned area rehabilitation plans and actions must reflect these priorities.

B. Program. Bureaus will ensure their capability to provide a safe and effective rehabilitation program in support of land, natural, and cultural resource management plans through appropriate planning, staffing, training, and equipment use. These resource management plans and actions should be on a landscape scale, across bureau boundaries, and will be based upon best science and techniques.

C. Plans. A rehabilitation plan will be written as a separate plan, independently of an emergency stabilization plan. The rehabilitation plan will specify non-emergency treatments and activities which meet approved land management plans to be carried out within three years following containment of a wildland fire. Rehabilitation plans should be developed with full public involvement and cannot be completed until all assessments are concluded. The rehabilitation plans may use approved programmatic plans when amended for site specific conditions. Generally, rehabilitation activities are prescribed only within the perimeter of a burned area. The rehabilitation plan must contain:

(1) A discussion demonstrating how the specifications are consistent and compatible with approved land use plans, and how the proposed actions are related to damage or changes caused by the wildland fire.

(2) Provisions for monitoring and evaluation of treatments (including criteria for measuring a successful treatment) and techniques, and a procedure for collecting, archiving, and disseminating results.

(3) Clear delineation of funding and responsibilities for implementation, operation, maintenance, monitoring, and evaluation throughout the entire life of the project, including rehabilitation actions and follow-up actions beyond three years that may be necessary to ensure the effectiveness of initial investments, although funding for such activities beyond three years may not be funded from the Wildland fire management account.

D. Rehabilitation Teams. Rehabilitation teams may be established as needed to ensure that qualified personnel are available to prepare burned area rehabilitation plans. Bureaus should coordinate in the development of training courses as needed to qualify individuals.

E. Planting and Seeding. Natural recovery by native plant species is preferable to planting or seeding, either of natives or non-natives. If planting or seeding is necessary, the use of native species is preferable. To the extent permitted by law and Executive Order 13112, Invasive Species, dated February 3, 1999, introduction of exotic species into natural ecosystems will be restricted unless the Secretary of the Interior finds that such introduction will not have an adverse effect on natural ecosystems.

F. Compliance. Implementation activities will be conducted in a manner that is compatible with long-term goals and approved land use plans (e.g., goals under the Government

Performance and Results Act, forest plans, general management plans, resource management plans, conservation strategies, species recovery plans), in compliance with applicable law, and policy, including the National Environmental Policy Act (see 516 DM 2); Endangered Species Act; Clean Water Act; Comprehensive Environmental Response, Compensation, and Liability Act; the National Historic Preservation Act, etc.

G. Analysis. All decisions will be based on sound analysis of the possible biological, hydrological, geological, cultural, and social consequences of not undertaking treatments. All analysis will comply with bureau policy. The analysis will include a summary of current knowledge of the long-term fire effects on species and ecosystems to be treated, and will clearly evaluate the probability of long-term success in restoring or establishing a healthy, stable ecosystem through the proposed actions. This analysis will cite relevant studies and monitoring results from previous or similar treatments. Treatments will be undertaken only when an analysis shows that treatments are likely to succeed in the long-term, and be cost-effective.

H. Monitoring. Monitoring and evaluation to determine the effectiveness of rehabilitation treatments are funded for up to three years following containment of a wildland fire. Funding of monitoring requires submission of annual accomplishment report(s) on success/failure of treatments. (See 3.6C)

I. Plan Submittal. The timing of submittal of rehabilitation plans often depends on the environment/landscape of the fire and the complexity; however when practical, initial submission of the rehabilitation plan should be by the end of the first fiscal year in order to be funded in the next fiscal year. Bureaus will establish plan submittal timeframes, approval authorities, and guidelines. Amendments to plans as a result of new information should be prepared and submitted as needed, and the same approval levels and timeframes for initial plans apply. Peer review of complex and expensive plans is encouraged.

J. Funding. All rehabilitation projects or treatments will be funded on a priority basis as established by the NBAER Coordinators in consultation with the Office of Wildland Fire Coordination. Priority selection for treatments on prior-year fires will occur shortly after the start of the fiscal year. Funding will be distributed upon passage of the Interior Appropriation bill. Funding for rehabilitation plan development and implementation will be provided by the burned area rehabilitation subactivity. Funding for rehabilitation treatments is provided in one-year increments for no more than three years following containment of a wildland fire. Funding for a subsequent year requires submission of accomplishment report(s), monitoring report(s) and must meet established funding selection priority. Funding for BOR projects will be from BOR funds only. Selection of projects to be funded will be determined by BOR management.

(1) Rehabilitation cannot be funded for prescribed fire projects in which fire behavior was within prescription. Rehabilitation actions may be planned and funded only for projects that were declared wildfires or where fire behavior exceeded prescription. Wildland fires for resource use are not eligible for rehabilitation funds.

(2) There may be billing or reimbursement between the DOI bureaus and between DOI and USDA Forest Service for personnel and other resources involved in burned area

rehabilitation planning services and implementation of treatments and activities. On lands administrated by the BOR, rehabilitation activities, as with emergency stabilization activities, must be funded by BOR.

(3) Monitoring and evaluation to determine the effectiveness of rehabilitation treatments is funded for up to three years following containment of a wildland fire. Monitoring will be funded from the burned area rehabilitation subactivity. All monitoring obligations incurred beyond the third year must be funded by other than burned area rehabilitation subactivity funding.

(4) Formal research investigations of treatment effectiveness and fire ecology issues are defined as individual projects (see section 3.6D) and may not be funded by this account.

(5) Rehabilitation treatments and monitoring will not be funded using the Secretary's emergency transfer authority.

K. Reporting. Funding accountability, plan results, and accomplishments will be reported on a project accomplishment report that provides a breakdown of costs for individual treatments. This report may require more detailed information for local management and less detailed information for national office or Departmental use. Summarized accomplishment information will be collected and archived at the field and national office level for use in program planning, review, and oversight as necessary. Subsequent funding for projects and activities will not be made available until an annual accomplishment report is received for each plan and recorded in a national interagency database. Guidelines for accomplishment reporting are contained in the interim Handbook.

L. Electronic Dissemination of Information. Information should be available in an interagency electronic mechanism for archiving and retrieving. The common format as specified in the interim Handbook is recommended, including sections addressing planning, budgeting, implementation, monitoring, and maintenance.

M. Allowable Actions. Rehabilitation treatments include only the following:

(1) Repair or improve lands unlikely to recover naturally from wildland fire damage by emulating historical or pre-fire ecosystem structure, function, diversity, and dynamics consistent with existing land management plans.

(2) Chemical, manual, and mechanical removal of invasive species, and planting of native and non-native species, consistent with 3.8F, restore or establish a healthy, stable ecosystem even if this ecosystem cannot fully emulate historical or pre-fire conditions.

(3) Tree planting to reestablish burned habitat, reestablish native tree species lost in fire, prevent establishment of invasive plants, and regenerating Indian trust commercial timberland as prescribed by a certified silviculturalist to not regenerate for ten years following the fire.

(4) Repair or replace fire damage to minor operating facilities (e.g., campgrounds, interpretive signs and exhibits, shade shelters, fences, wildlife guzzlers, etc.). Rehabilitation may not include the planning or replacement of major infrastructure, such as visitor centers, residential structures, administration offices, work centers and similar facilities. Rehabilitation does not include the construction of new facilities that did not exist before the fire, except for temporary and minor facilities necessary to implement burned area rehabilitation efforts.

3.9 Burned Area Emergency Stabilization and Rehabilitation Assistance. Bureaus will cooperate with other international, federal, tribal, State, or local organizations to provide burned area emergency stabilization and rehabilitation assistance as authorized by a formal signed agreement. Formal agreements shall be made under authorities cited in paragraph 3.2 of this chapter. These agreements may take the form of Interagency Agreements, Memoranda of Understanding, Cooperative Agreements, mutual aid agreements, compacts, or contracts. Bureaus may provide assistance, when authorized by the President, to any State and local government for management of a wildland fire officially declared as a disaster. For funding between fire management bureaus and the Department of Agriculture see sections 3.7J Funding and 3.8J Funding respectively.

3.10 Fire Suppression Activity Damage Repair.

A. Fire suppression activity damage repair actions are planned and performed primarily by the suppression incident organization as soon as possible prior to demobilization. Some actions may need to be conducted by the local unit following containment of wildland fire and incident management team demobilization, when conditions are appropriate. For fires where the local Agency Administrator delegates fire suppression repair to an incident management team, the incident management team must, during transition back to the local unit, document the fire suppression activity repair actions accomplished and those still needed to ensure that all planned actions are completed.

B. Funding for fire suppression activity damage repair actions will come from the Wildland Fire Operations, Emergency Suppression subactivity and will be charged to the project code for the wildland fire suppression effort that resulted in the damage. Fire suppression activity damage repair will not be charged to the Emergency Stabilization or Rehabilitation subactivity accounts. Funding for BOR projects will be from BOR funds. Selection of projects to be funded will be determined by BOR management.

C. Fire suppression activity damage repair will be documented by the fire suppression incident management team.

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Replaces 1/19/01 #3358