



# United States Department of the Interior

BUREAU OF INDIAN AFFAIRS  
Washington, DC 20240

SEP 06 2013

IN REPLY REFER TO:

## Memorandum

To: All Regional Directors

From: Director, Bureau of Indian Affairs

Subject: Notification of Required Use of Cooperative Agreement Template in response to Office of Inspector General's Independent Report on the "Bureau of Indian Affairs Wildland Fire Suppression" (Report No. ER-IN-BIA-0016-2009)

### Purpose:

With this memorandum, completion of the attached standardized cooperative agreement template is required by the Bureau of Indian Affairs (BIA). Cooperative agreements will be used when fire management services are provided by P.L. 93-638 and Title IV self-governance tribes for non-recurring funds.

### Background:

OIG Report No. ER-IN-BIA-0016-2009 identified deficiencies in BIA control over its use of wildland fire funds specific to P.L. 93-638 and Title IV self-governance tribes. The OIG report identified the implementation of six recommendations to resolve these deficiencies. Currently, Recommendations 3, 4, and 5 have been closed. This memo addresses Recommendations 1, 2, and 6 which are:

#### Recommendation 1:

BIA, in coordination with the Office of the Solicitor, should determine when to use each of the following agreements with tribes: P.L. 93-638 self-determination contracts, P.L. 93-638 cooperative agreements, and non-P.L. 93-638 cooperative agreements, as well as when to use other funding mechanisms. BIA should then establish and implement appropriate policy.

#### Recommendation 2:

BIA should develop and require the use of a standardized template for each type of tribal agreement (funding mechanism). Each template should provide clear instructions to ensure consistency and must identify, at a minimum:

- a. Which responsibilities are to be performed by a tribe and which by BIA;
- b. How and when the responsibilities of each party are to be carried out;
- c. What costs can be charged to the agreement;

- d. What invoicing and billing procedures to follow, including timing of invoice submission; and
- e. What documentation/support is to be provided and maintained.

Recommendation 6:

BIA should develop and implement policy and procedures to ensure prompt recording of wildland fire suppression obligations/expenses and prompt payment of expenses. At a minimum, such policy and procedures should:

- a. Outline clear responsibilities and establish time frames for BIA review and approval of financial documents; and
- b. Ensure that tribal agreements reflect the established time frames (see recommendation no. 2).

Policy:

All tribal programs that receive recurring (base) hazardous fuels reduction, preparedness, and suppression funding from the BIA will continue to use P.L. 93-638 contracts or Title IV self-governance compacts to identify how these funds will be managed.

All tribal programs that receive non-recurring (non-base) hazardous fuels reduction, preparedness, and suppression funding are now required to use the attached cooperative agreement. This is authorized by the National Indian Forest Resources Management Act, 25 U.S.C. § 3115(a)(1)(C). In addition, 25 CFR Part 163 Subpart E, *General Forestry Regulations, Cooperative Agreements* regulate the management and disbursement of funds.

The cooperative agreement will outline the management and disbursement of non-recurring funds including invoice submission and payment timeframes. The BIA and the tribe will negotiate the non-required provisions in the cooperative agreement. However, the cooperative agreement includes many non-negotiable requirements. Among these is the requirement that invoices will be processed by the BIA no later than 90 days from receipt of an approved tribal invoice.

All P.L. 93-638 or Title IV self-governance tribes who manage a wildland fire program must have a cooperative agreement approved by September 30, 2014. Please direct any questions to Lyle Carlile, Division of Forestry and Wildland Fire Management, Branch of Wildland Fire Management, (208) 387-5697.

Attachment