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1.1 Purpose. The purpose of this chapter is to establish Indian Affairs (IA) policy and responsibilities related to wildfire prevention. Statistics show that human-caused wildfires are the greatest cause of wildfires in Indian Country. As a result, the Bureau of Indian Affairs (BIA) initiated a prevention program to address these types of fires. The BIA works with Tribes, states, other federal wildland agencies, other affected groups, and individuals to prevent wildfires in Indian Country by establishing cost effective wildfire prevention programs.

1.2 Scope. This policy applies to all Tribal and individually held trust and restricted Indian lands under BIA jurisdiction; all IA programs and staff charged with the management of these lands; and to Tribal entities acting on behalf of the United States through contracts issued under Public Law (P.L.) 93-638. Compacted Tribes may not be required to abide by the policies contained in this chapter (depending on individual compact language), but are encouraged to use IA policy as guidance. Other federal agencies and programs that are also involved in the administration of Indian forest resources are encouraged to ensure that the standards prescribed herein are met.

1.3 Policy. It is the policy of IA to reduce human-caused wildfires through education, engineering, enforcement, and administrative actions where possible, and to ensure that human-caused wildfires are properly investigated, reported, and referred for additional criminal or legal action when appropriate.

1.4 Authority.

A. Statutes and Regulations.

- 1) 16 U.S.C. § 594, Protection of timber owned by the United States from fire, disease, or insect ravage
- 2) 16 U.S.C. § 6501, Healthy Forests Restoration Act of 2003, as amended
- 3) P.L. 101-630, National Indian Forest Resources Management Act of 1990
- 4) P.L. 108-278, Tribal Forest Protection Act of 2004
- 5) 25 CFR 163.28, Fire management measures

B. Guidance.

- 1) 620 Departmental Manual (DM) 1 - 7: Wildland Fire Management

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- 2) National Wildfire Coordinating Group (NWCG) Wildfire Prevention Strategies, March 1998
- 3) The National Strategy: The Final Phase in the Development of the National Cohesive Wildland Fire Management Strategy, April 2014

C. Handbooks.

- 1) Interagency Standards for Fire and Fire Aviation Operations (Red Book), current version
- 2) Preparing a Community Wildland Fire Protection Plan: A Handbook for Wildland-Urban Interface (WUI) Communities, March 2004
- 3) United States Department of Agriculture (USDA) Forest Service Manual 3100, Chapter 3110, Cooperative Forest Fire Prevention (CFFP), current version
- 4) USDA Forest Service Manual 5100, Forest Service Handbook 5109.18, Chapter 20, Smokey Bear, current version
- 5) 53 IAM 7-H: Indian Forest Management Handbook – Forest Trespass, current version
- 6) 90 IAM 1.4 C (2)a-H: Fuels Management Program Planning and Implementation Guide, current version
- 7) 90 IAM 5-H: Wildfire Prevention Program Handbook
- 8) 90 IAM 6-H: Wildfire Origin and Cause Investigation Handbook, current version

1.5 Responsibilities.

A. Assistant Secretary - Indian Affairs (AS-IA) is responsible for discharging the duties of the Secretary with the authority and direct responsibility to protect and preserve Indian trust assets.

B. Director, BIA is responsible for:

- 1) adopting and establishing wildfire prevention policies to protect Indian lands and Indian natural resources from human-caused wildfires;
- 2) approving national level cooperative wildland fire management agreements with federal agencies and interagency wildfire coordinating groups; and

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- 3) ensuring compliance and capacity to comply with statutes, regulations, IA policy, and Department of the Interior (DOI) policy applicable to the prevention of human-caused wildfires on Indian lands.

C. Deputy Bureau Director (DBD), Field Operations, BIA is responsible for:

- 1) assigning priority to preventing human-caused wildfires;
- 2) supporting budget and staffing to complete wildfire prevention activities;
- 3) ensuring consistent implementation of national wildfire prevention policy; and
- 4) determining and establishing Line Authority for program implementation.

D. DBD, Office of Trust Services (OTS), BIA is responsible for:

- 1) reviewing and recommending national wildfire prevention policy for Indian Country;
- 2) coordinating wildfire prevention activities among and between OTS programs; and
- 3) coordinating with Division Directors to ensure consistent implementation of wildfire prevention policies.

E. Chief, Division of Forestry & Wildland Fire Management (DFWFM), OTS is responsible for providing overall direction to the Wildland Fire Management Program.

F. Chief, Branch of Wildland Fire Management (BWFM), DFWFM is responsible for:

- 1) overseeing prevention policy development and evaluating impacts on other wildland fire programs;
- 2) providing policy and procedural guidance to Regional Directors to achieve wildland fire prevention and education objectives;
- 3) establishing the annual national budget plan for the prevention program and setting priorities;
- 4) reviewing and providing recommendations for funding of wildfire prevention requests received from regions; and
- 5) developing policies and standards for firefighter safety, equipment, and training for the prevention, investigation, suppression, and use of wildland fires on Indian trust and restricted lands.

G. Deputy Director, Fuels Management Program, BWFM is responsible for:

- 1) reviewing and evaluating regional prevention programs to ensure that all regions meet national standards;

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- 2) establishing minimum standards for Wildfire Prevention Plans (WFPPs), as well as operational implementation, evaluation, and fiscal reporting;
- 3) providing national wildfire prevention program direction, oversight, and guidance;
- 4) supporting and coordinating national level wildfire prevention initiatives;
- 5) interpreting national wildland fire management policy as related to wildfire prevention;
- 6) developing and interpreting wildfire prevention program policy;
- 7) providing fiscal management for the wildfire prevention program; and
- 8) developing the annual national prevention program budget and funding request.

H. Regional Director (RD) is responsible for:

- 1) ensuring that activities and/or plans reflect a commitment to firefighter and public safety and the reduction of property loss;
- 2) ensuring that wildfire prevention needs are met;
- 3) approving and certifying that BIA Agency and Tribal WFPPs meet or exceed the IA policy requirements for wildfire prevention;
- 4) ensuring Tribal contracts, compacts, and/or agreements meet or exceed BIA policy, standards, requirements, and guidelines for wildfire prevention programs;
- 5) submitting wildfire prevention funding requests to the Director, BIA for approved Tribal and BIA Agency WFPPs;
- 6) overseeing wildland fire prevention management programs within the region;
- 7) developing regional directives for standards and additional procedural policy, as needed, for wildland fire prevention planning, operational implementation, evaluation, and fiscal accountability;
- 8) ensuring prevention needs are included in national long term severity requests;
- 9) integrating wildland fire prevention program evaluations into fire readiness reviews conducted at Tribal and BIA Agency locations; and
- 10) requesting assistance from the Office of Justice Services (OJS) Special Agent in Charge when criminal activity associated with wildfires occurs on Indian lands.

I. Regional Fire Management Officer is responsible for:

- 1) ensuring suppression operations do not negatively impact prevention activities;
- 2) ensuring Tribes and BIA Agencies with human-caused fires implement effective prevention measures;

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- 3) ensuring all requests for prevention support from other regions are made through their assigned Regional WUI/Prevention Specialists, including requests for non-regional wildfire investigation resources, prevention teams, and developing national long term severity requests for additional wildfire prevention support; and
- 4) coordinating with the assigned Regional WUI/Prevention Specialist to conduct wildfire prevention readiness and program reviews.

J. Regional WUI/Prevention Specialist is responsible for:

- 1) preparing, overseeing, and reviewing Tribal, regional, and BIA Agency program budgets;
- 2) providing prevention program oversight and technical assistance;
- 3) interpreting national prevention policy at the regional level;
- 4) evaluating fire occurrence and collaboratively determining regional prevention needs and priorities;
- 5) reviewing and providing guidance and technical assistance in the development of WFPPs and Community Wildfire Protection Plans (CWPPs);
- 6) conducting program reviews of Tribal and BIA Agency prevention programs;
- 7) collecting and reviewing unit level wildfire prevention accomplishment reports and submitting them to the Central Office for the assigned regions;
- 8) developing and/or reviewing short and long term severity requests to address wildfire prevention needs;
- 9) coordinating, conducting, and/or supporting wildfire investigations and associated activities in Indian Country with appropriate law enforcement;
- 10) providing oversight and guidance for fire trespass cases;
- 11) coordinating with the Regional Fuels program staff regarding WUI issues or concerns;
- 12) coordinating wildfire prevention and investigation training; and
- 13) periodically providing wildfire occurrence information to BIA OJS, District Special Agent in Charge.

K. Agency Superintendent is responsible for:

- 1) protecting Indian trust and restricted lands from wildfire by taking appropriate actions to prevent human-caused wildfires;
- 2) ensuring the BIA Agency's WFPP is current and updated;

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- 3) management and supervision of personnel to ensure that prevention goals and objectives are being achieved;
- 4) initiating investigation of wildfires to determine origin and cause, and if fire trespass has occurred;
- 5) ensuring established wildfire investigation procedures and guidance are followed;
- 6) using prevention funding to implement the wildfire prevention actions in the BIA Agency or Tribal WFPP;
- 7) managing prevention program funding to reduce carryover below one-half of one percent;
- 8) negotiating Tribal contracts and/or agreements to meet or exceed BIA policy, standards, requirements, and guidelines for wildfire prevention programs; and
- 9) coordinating with the appropriate law enforcement agency(s) when wildfire crimes are suspected and/or detected.

L. Prevention Program Supervisor is responsible for daily supervision of the prevention program personnel, and:

- 1) ensuring the fire prevention program is effective and meets both short term and long term goals and objectives;
- 2) developing, revising, and reviewing the BIA Agency WFPP;
- 3) making work assignments to ensure that the WFPP is implemented as written and that annual targets are met;
- 4) reviewing budget requests;
- 5) ensuring program policy requirements are met; and
- 6) working with other agencies in the development and delivery of cooperative fire prevention programs and training.

M. Agency or Tribal Prevention Specialist, Officer, and Technician are located at the local level, and are responsible for:

- 1) developing or assisting in the development of the unit's WFPP;
- 2) implementing WFPPs;
- 3) tracking accomplishments;
- 4) monitoring fire danger, fire occurrence, and cause trends;
- 5) requesting assistance for large events or surges in human-caused wildfires;

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- 6) identifying “teachable moments” and delivering appropriate prevention messages; and
- 7) conducting wildfire origin and cause investigations, as qualified, and coordinating large scale investigations.

1.6 Definitions.

Refer to 90 IAM 5-H: Wildfire Prevention Program Handbook for a glossary of terms commonly used in wildfire prevention.

1.7 Standards, Requirements, and Procedures. This section identifies the standards, requirements, and procedures that have general and continuing applicability to wildland fire prevention activities under the jurisdiction of the AS-IA. Additional standards, requirements, and procedures are further detailed in 90 IAM 5-H: Wildfire Prevention Program Handbook.

A. Standards.

1. Locations that demonstrate the highest need, coupled with a demonstrated willingness and ability to implement a planned prevention program, will have the highest priority for funding.
2. Implementation of WFPPs is at the BIA Agency/Tribal level. Exceptions are programs covering multiple BIA Agencies; these may be implemented at the regional level.
3. Wildfire prevention planning will be conducted using a scientific approach, based on the most recent research findings.
4. The principles of “Adaptive Management” will be applied to wildfire prevention program planning.
5. Smokey Bear will be used respectfully and only in accordance with the most recent version of the USDA Forest Service’s Smokey Bear Guidelines.

B. Requirements.

1. WFPPs must meet or exceed the CWPP guidance.
2. WFPPs must be in place in order to secure wildfire prevention program funding.
3. WFPPs must be revised every 10 years.

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4. Funding will only be provided to occupied prevention positions. Vacant positions will not be funded until filled.
5. Funding provided to implement prevention programs must be expended solely to implement the approved WFPP. For a program to be eligible for, and maintain full funding from, the wildland fire prevention program funds, the following must be met:
 - a) Eighty percent (80%) or more of the staff time identified in the WFPP must be spent on duties associated with implementing the approved WFPP, including time on wildfire investigation and prevention activities assisting others; and
 - b) Prevention programs must have a five year average of at least 80% of the targeted prevention actions in their WFPPs being fully implemented, as reported in their annual accomplishment reports.

C. Procedures.

1. Prevention program oversight is conducted via program reviews of funded prevention programs at least every five years. More frequent reviews may be required when the review results were unfavorable.
2. Prevention programs must meet *all* of the following standard program elements to be funded:
 - a) There must be a WFPP that meets all of the requirements in the BIA's Wildfire Prevention Program Handbook (90 IAM 5-H), and is approved by the RD.
 - b) The WFPP must demonstrate that savings (benefits) outweigh the costs of implementation.
 - c) Budget requests must be based on the actions identified in the approved WFPP.
 - d) There must be documentation of Tribal support for the WFPP or prevention program.
 - e) There must be a documented local Fire Investigation Policy and Procedure.
 - f) There must be a documented Standard Operating Procedure (SOP) for wildfire investigation that outlines the roles and responsibilities of fire investigators and law enforcement.
 - g) There must be a documented burn permit system.

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1.8 Reports and Forms.

An annual accomplishment report is required from each funded program in order to continue to receive funding. The report must follow the format described in 90 IAM 5-H: Wildfire Prevention Program Handbook.

Additional forms and required reports are also described in [90 IAM 5-H: Wildfire Prevention Program Handbook](https://www.bia.gov/sites/bia.gov/files/assets/public/raca/handbook/pdf/90%20IAM%205-H%20Wildfire%20Prevention%20Handbook_FINAL_signed_footers_508.pdf), available on the internet at:
https://www.bia.gov/sites/bia.gov/files/assets/public/raca/handbook/pdf/90%20IAM%205-H%20Wildfire%20Prevention%20Handbook_FINAL_signed_footers_508.pdf.

Approval



5/15/2020

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Date