

910 GENERAL

911 ROLES AND RESPONSIBILITIES

To promote efficient operations through interagency cooperation and standardized procedures, all agencies and personnel have the responsibility to mobilize and utilize the most cost-effective resources that will result in the least costly operation. Below you will note tables outlining the various parties' roles and responsibilities in the management and coordination of wildland fire suppression.

GOVERNMENT OFFICIALS

| Party | Preparedness Levels 1 - 3 | Preparedness Levels 4 - 5 |
|--|--|---|
| Governor | Works within legislative processes to fund essential state and local programs. | <ul style="list-style-type: none"> • Declares state emergencies/disasters. • Approves FEMA Declaration requests through State Forestry. • Requests Presidential disasters through Disaster and Emergency Services (DES). • Approves statewide closures. • Approves use of National Guard, declaration required. Implements Fire Mobilization Plan (moves structural resources) through State Forestry. |
| County Commissioners/ Mayors | Establish liaison with key partners. | <ul style="list-style-type: none"> • Mobilize county/local resources to support closure/evacuation needs. • Assign Agency Administrators working with fire departments, sheriff's departments, etc. • Declare a county/city emergency and/or requests Governor to declare State emergency. |
| Geographic Area Agency Administrator (Regional Forester, State Forester, State Directors and MACO level) | Support Zone and unit activities for preparedness initial attack. | <ul style="list-style-type: none"> • Reconciles political issues at state/federal levels. • Approves prioritization criteria for collection of responses to NRCG MAC. • Approves geographic area protection objectives. • Delegates decision making to NRCG MAC (for above). • Coordinates closures and restrictions. • References Resource Allocation Table. |

| | | |
|---|--|---|
| Zone Level Agency Administrator (Forest Supervisor, Area Manager, Tribal and County Commissioner level) | Works with interagency partners for preparedness/initial attack pre-season agreements and processes. | <ul style="list-style-type: none"> • Reconciles political issues at local levels (county, forest, area, etc.). • Delegates authorities and oversees activities of ACs and IMTs (where two or more jurisdictions involved, unified command). • Maintains open files of communications of NRCG MAC, Zone MAC. • References Resource Allocation Table. • Incident complexity analysis and WFSA. |
| Unit Level Agency Administrator (District Ranger, Unit Manager, Fire District Trustee level) | Assures fire preparedness/initial attack activities and fire management plans are completed. | <ul style="list-style-type: none"> • Reconciles political issues at local community level • Incident complexity analysis and WFSA. |

COMMAND AND CONTROL

| Party | Preparedness Levels 1 - 3 | Preparedness Levels 4 - 5 |
|-------------------------|-------------------------------|--|
| Area Command | | <ul style="list-style-type: none"> • Prioritize based on GA MAC objectives for 2 or more IMTs. • Coordinate with all government entities. • Allocates resources between incidents. • Reconciles issues between two or more agency administrators. • Respond to GA needs for redistribution of resources. • If appropriate, ensures that all IMT's operate with common strategy |
| IMT (I, II, III) | II or III more likely than I. | <ul style="list-style-type: none"> • Implement specific strategy and tactics to meet agency administrator objectives for appropriate management response for incident(s) and other delegated responsibilities. • Establish and prioritize criteria for redistribution of resources within GA. |

COORDINATION

| Party | Preparedness Levels 1 - 3 | Preparedness Levels 4 - 5 |
|---|--|--|
| <p>Geographic Area MAC</p> <p>Geographic Area Coordinating Board of Directors (e.g., Fire Director, State Fire Manager, President Firewardens Association)</p> | <p>Not usually active, but should assure processes are established and understood.</p> | <ul style="list-style-type: none"> • Establish and prioritize criteria for allocation of resources. • Establish protection objectives. • Establish the need for additional training. • Establish reallocation controls when two or more area commands are assigned and multiple zones are affected. • Maintains open lines of communication with Zone MACs, AAs. • Assess need for Geographic Area Prevention Team. • Assess need for Geographic Area Public Information Team. • Reference resource allocation table |
| <p>Zone MACs</p> <p>Zone Board of Directors (e.g., Forest FMO, Area Fire Manager, County Firewardens)</p> | <ul style="list-style-type: none"> • Not usually active, but should assure processes are established and understood. • Assure Zone members (private, local, state, federal) are coordinating with Zone Dispatch. | <ul style="list-style-type: none"> • Same as above, different in scope. • Serve Agency Administrator needs for coordination for fire management coordination issues within the Zone. • Ensure that GA MAC criteria and objectives are carried out at Zone level. • Monitor and ensure initial attack capability. • Assess need for Zone level Prevention Team. • Assess need for Zone level Public Information Unit. • Reference resource allocation table |

**RESOURCE ALLOCATION TABLE WITH AREA COMMAND
AND INCIDENT COMMAND TEAMS**

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|--|---|---|--|---|
| | One Zone experiencing multiple incidents requiring resource allocation between units (no Area Command) (1) | One Zone experiencing multiple incidents requiring resource allocation between incidents (Area Command in place) (2) | Two or more zones experience multiple incidents requiring resource allocation from outside the zone (3) | Two or more Geographic Areas (GA) experiencing multiple large incidents requiring national resource allocation |
| Zone Agency Administrators | Primary Oversight | Primary Oversight | Support as Needed | Support as Needed |
| Zone MAC | Primary Oversight | Support as Needed | Support as Needed | Support as Needed |
| Geographic Area Agency Administrators | Support as Needed | Support as Needed | Primary Oversight | Primary Oversight within GA |
| Geographic Area MAC | Support as Needed | Support as Needed | Primary Oversight | Primary oversight within GA |
| National MAC | Support as Needed | Support as Needed | Support as Needed | Primary Oversight |

- (1) Zone Agency Administrator activates Zone MAC and delegates authorities to Incident Management Teams. Zone Agency Administrator approves Incident Situation Analysis (ISA)/ Wildland Fire Decision Support System (WFDSS).
- (2) Zone Agency Administrator changes delegation of authority to Area Command, who in turn provides direction to Incident Command Teams under their authority. Zone Agency Administrator approves ISA/WFDSS.
- (3) Geographic Area Administrators activate Geographic Area MAC and delegates decision-making authorities to Geographic Area MAC. Geographic Area (GA) MAC provides geographic area objectives and priorities to Area Commands and Incident Management Teams. GA MAC allocates or reallocates scarce resources between Area Commands and Incident Management Teams. Zone Administrators approve ISA/WFDSS. Geographic Area Administrators set priorities and allocate scarce and critical resources through Geographic Area MAC.

STATEWIDE UNIFIED COORDINATION



Figure 1

912 PROTECTION OF STATE-OWNED SCHOOL TRUST LANDS

A. STATE LAND BOARD LANDS CLASSIFIED FOREST FOR FIRE PROTECTION PURPOSES, OR LISTED IN STATE LAND LISTING.

These are the responsibility of DNRC for direct protection. Those lands inside USFS, BLM, or Flathead Reservation boundaries are protected by the state through contract with these agencies. Those lands inside state direct protection areas receive protection by state forces. Those lands classified as forest in cooperative counties receive protection by these counties.

B. STATE SCHOOL TRUST LANDS CLASSIFIED NON-FOREST FOR FIRE PROTECTION PURPOSES.

These lands are normally under lease to adjacent landowners. The lease specifies that the lessee must provide fire protection services. The Administrative Rules of Montana, 36.25.132 - WEEDS, PESTS, AND FIRE PROTECTION (1) A lessee or licensee of state land shall keep the land free of noxious weeds and pests and assume responsibility for fire prevention and suppression necessary to protect the forage, trees, and improvements. The lessee or licensee shall perform these duties at his own cost and in the same manner as if he owned the land. The lessee or licensee is not responsible for the suppression of or damages resulting from a fire caused by a general recreational user, except that he or she shall make reasonable efforts to suppress the fire or report it to the proper firefighting authority or both, as circumstances dictate. In the event that any state land shall be included in a weed control or weed seed extermination district, the lessee or licensee shall be required to comply with [7-22-2149](#), MCA, which requires that the lessee or licensee be responsible for all assessments and taxes levied by the board or county commissioners for the district. The lessee or licensee of state land must comply with Montana County Noxious Weed Management Act under Title 7, chapter 22, part 21, MCA. Failure to comply with this rule may result in cancellation of the lease or license, subject to the appeal procedures provided in ARM [36.25.121](#).

In direct protection units (both forest fire districts and affidavit units), these lands are the responsibility of DNRC or its subcontractor. In state/county cooperative fire counties, **outside of direct protection units, the county provides protection to these lands.** In non-cooperative counties, outside of direct protection units, fires on these trust lands are the responsibility of the lessee. Land offices should keep the State Duty Officer informed of fires on these lands, and the land office will assist the lessee upon approval of a request to the DNRC director.

The State is offsetting protection with the BLM and FWS for assistance on State lands in and around the C.M. Russell Game Range.

State and private lands are also being protected by the BLM in areas of the Custer and Lewis & Clark National Forests as a result of a protection offset exchange between the BLM and the USFS.

The State is protecting BLM land in the “Phillipsburg island” to offset the protection of State trust lands in a portion of the “ML” Lewistown Affidavit Unit north of the CM Russell National Wildlife Refuge.

The State is protecting USFWS land in western Montana to offset the protection of State trust lands on the CM Russell National Wildlife Refuge. (Specific National Wildlife Refuge and Waterfowl Production Areas are listed in the Statewide Annual Operating Plan)

C. RESPONSIBILITIES OF A LESSEE ON STATE SCHOOL TRUST LAND.

The lessee shall exercise diligence in preventing damage to the land and property of state school trust lands. The lessee shall abide by all restrictions on fires which may be in effect at any time and take all reasonable precautions to prevent and suppress fires. The lessee shall make reasonable efforts to suppress any fire that exists and report it to the proper firefighting authority. The lessee assumes all risk of loss to the improvements resulting from acts of God, wildland fire, or catastrophic events, including but not limited to avalanches, rising waters, high winds, falling limbs or trees and other hazardous natural events.

D. AUTHORITY TO ENTER PRIVATE PROPERTY FOR PURPOSES OF CARRYING OUT FIRE-SUPPRESSION ACTIONS

1. Where an impending disaster is present, the private property rights of individual members of the public must yield to the public's right to halt the impending disaster. This includes DNRC's mandate to suppress wildland fires.

a. The Montana Supreme Court stated in the case *Stocking v. Johnson Flying Service* decision "in such circumstances . . . of public convenience, necessity and safety. No claim for relief should exist against such party so long as it reasonably appears that the action is to prevent or mitigate the effects of an impending disaster such as a forest fire . . . The phrase *Salus populi est suprema lex*, interpreted as meaning, there exists an implied agreement of every member of society that his own individual welfare shall, in cases of necessity, yield to that of the community, and that his property, liberty and life shall, under certain circumstances, be placed in jeopardy or even sacrificed for the public good, might well be applicable to the instant action."

b. Temporary Emergency Appropriations of Water: 85-2-113 (3) MCA Administrative Rules of Montana - 36.12.105: TEMPORARY EMERGENCY APPROPRIATIONS

A temporary emergency appropriation may be made without prior approval from the department, but the use must cease immediately when the water is no longer required to meet the emergency.

temporary emergency appropriation does not include any use of water for the ordinary operation and maintenance of any trade or business.