

DECISION DOCUMENTATION

**Between the
Bureau of Indian Affairs (BIA), the Confederated Salish Kootenai Tribe (CSKT)
And the
Montana Department of Natural Resources and Conservation (DNRC)**

The purpose of this agreement is to provide for a coordinated cooperative fire suppression operation on this fire and to describe the cost division. Following is the cost share agreement between the agencies identified above as negotiated for the Black Cat Fire incident in accordance with the **Statewide Cooperative Fire Protection Agreement #05-FI-11015600-014** executed between the parties on 03/10/05.

Incident Name: Black Cat Fire

Origin: Township 15N Range 20W Sections: NW SE 29

Estimated Size: 11,743 acres

Incident Start Date and Time: August 14, 2007 at approximately 1400.

Jurisdictions: Frenchtown Rural Fire District, Department of Natural Resources and Conservation for State and Private lands, and Tribal Lands of the Confederated Salish and Kootenai Tribe. All acreage was in Missoula County.

Incident Cause: presumed lightning caused.

Incident Numbers by Agency:

Agency	Fire #	Accounting Code
CSKT	MT-FHA-126	DWM2
Forest Service Job Code		PNDWM2
DNRC	MT-SWS-00706	86002 / 56085

Cost Share Period: This agreement becomes effective on the date indicated below and will remain in effect until amended or terminated.

Start date/time: August 14, 2007 at 1400

End date/time: August 20, 2007 at 1800 *th*
th 30 PM 2400 PM

Command Structure: Overall direction of this incident was by **Single Command** structure managed with incident command teams. Lead agency was the DNRC, working with Frenchtown Rural Fire District, Missoula County Sheriff's Department the CSKT.

Principal Contacts: The following personnel are the principal contacts:

Position	Name	Agency
Incident Commander	Kim Martin	USFS
Agency Administrator	Tony Liane	MT DNRC
Agency Administrator	Debbie DuMontier	BIA Flathead Agency

Agency representatives participating in the development of this cost share agreement:

Flathead Agency BIA Name: Debbie DuMontier Title: Acting Superintendent, FHA	MT DNRC: Name: Steve Holden Title: SWLO Fire Program Manager
CSKT: Name: Tony Harwood Title: Fire Program Manager	LNF: Name: Sherry Slater Title: LNF – Finance Officer

Structural Protection:

1. The fire area involves ownership of and protection by the following entities:

- State of Montana (DNRC)
- Private Lands (specific to individual ownership)
- National Forest (USFS-Lolo NF) system lands
- Industrial Timberlands – Plum Creek Timber Company
- Confederated Salish Kootenai Tribe (CSKT)
- Frenchtown Rural Fire District (FRFD)

2. PROTECTING ENTITIES & RESPONSIBILITIES

Entity & Location of Protection	Wildland Fire Responsibility (Yes or No)	Structure Protection Responsibility (Yes or No)	Structure Suppression Responsibility (Yes or No)
LNF—all NF lands	N/A	N/A	N/A
Frenchtown RFD — all private lands and structures within the District boundaries	Yes	Yes	Yes
Missoula County	Yes	No	No
Montana DNRC	Yes	Yes	No
CSKT	Yes	Yes	No

Basis or Rationale for Decision:

This fire originated directly adjacent to and burned State of Montana and private lands and private structures, including the rural area north and east of Frenchtown, MT. For this reason, the Frenchtown and Montana DNRC IA Incident Commanders made decisions to utilize all available air and ground resources to keep the fire from moving rapidly to the north and east. Even though extreme fire behavior and spread were evidenced, and some structure loss occurred, a much more traumatic event was avoided. Air resources consisted of heavy air-tankers and helicopters with buckets. Extensive ground resources of all wildland fire agencies and cooperators were employed. A full force effort, utilizing a national Type I team was employed to minimize burned acreage and loss of values at risk. During the course of the fire, both CSKT and DNRC sponsored resources worked the entire perimeter of the fire. As needed, State, contract, and RFD resources worked back and forth across jurisdictional boundaries to effectively and efficiently contain the fire. As of the closing date of this cost share, each wildland fire agency focused work within their protective areas. Based on where the fire started and this description of activities occurring during the incidents, the following cost share was determined:

1. A County assist was granted to Missoula County for private lands under their protection in accordance with the Montana DNRC State-County Fire Protection Program. Montana DNRC is responsible for those designated costs at the time of the agreement to assist.
2. No costs will be shared by either Montana DNRC or the CSKT for work performed by the Rural Fire Departments working for Frenchtown Rural Fire District under the Montana Mutual Aid Assistance called for by Frenchtown Rural Fire District.
3. No costs will be shared by the Lolo National Forest. National forest system lands were involved in the incident, however, all Lolo National Forest lands within the Black Cat fire were under Montana DNRC protection.

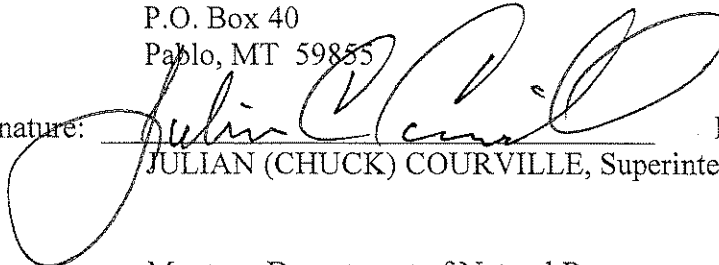
4. All costs will be shared at the rate of 86% to the Montana DNRC and 14% to the Confederated Salish Kootenai Tribe, BIA Flathead Agency.

Other Conditions:

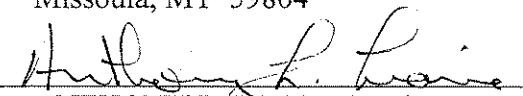
1. Agency specific costs will not be shared.
2. Costs incurred by cooperators not engaged in the unified fire suppression activities will not be included as a part of this cost share agreement.
3. Responsibility for tort claim costs or compensation for injury costs will not be a part of this agreement. Responsibility for these costs will be determined outside this agreement.
4. All costs originating from orders placed by and for the incident that can be reasonably obtained and estimated for the cost share period will be included in this agreement.
5. Costs for accountable, sensitive, and durable property purchased by each agency will be charged directly to that agency and will not be shared.
6. Non-suppression rehabilitation costs are the responsibility of the protection agency and will not be shared.
7. Sharing of final actual costs between the agencies will be based on a combination of suppression effort, burned area (acreage) and by agreement of fire officials of CSKT and DNRC.
8. Per the **05-FI-11015600-014** Cooperative Fire Agreement billing procedures, the parties to this agreement will determine the total costs of each agency. Each agency will bill for their costs.

This Agreement and the apportionment described are our best judgments of fair and equitable Agency cost responsibilities.

Agency: Bureau of Indian Affairs, Flathead Agency
P.O. Box 40
Pablo, MT 59855

Signature:  Date: 1-9-08
JULIAN (CHUCK) COURVILLE, Superintendent, Flathead Agency

Agency: Montana Department of Natural Resources and Conservation
Southwestern Land Office
Missoula, MT 59804

Signature:  Date: 1/14/08
ANTHONY L. LIANE, Southwestern Area Manager