

MEMORANDUM OF AGREEMENT

Between

[Montana Department of Natural Resources and Conservation](#)

And

[Montana Highway Patrol, Department of Justice](#)

This **MEMORANDUM OF AGREEMENT** (“Agreement”) is made and entered into by and between the Montana Department of Natural Resources and Conservation (“DNRC”), and the Montana Highway Patrol, Department of Justice (“MHP”).

WHEREAS, DNRC has the duty to ensure the protection of land under state and private ownership and to suppress wildfires on land under state and private ownership and carries out its wildland fire protection and/or suppression responsibilities in conjunction with local government, and state and federal agencies; and,

WHEREAS, Wildland fires occur on intermingled ownerships or adjacent to each ownership and may represent a threat to all land ownerships; and,

WHEREAS, MHP is responsible for ensuring a safe and secure environment in Montana for all persons by providing professional law enforcement through responsive, courteous, caring, and dedicated services.

NOW, THEREFORE, the parties agree as follows:

I. Purpose and Intent

Strong cooperation between federal, state, tribal, and local governments is key to successful wildland fire management in the State of Montana. The purpose and intent of this agreement is to:

- Provide guidance for the safe, rapid, and effective mobilization of MHP resources, as needed on wildland fire incidents, for the safety of the public and firefighters, traffic control and security along Montana’s roadways.
- Serve as an educational resource for MHP personnel to familiarize them with the wildland fire mobilization system.
- Set forth the procedures for reimbursement of MHP mobilized in support of wildland fire operations.

II. Authority

Authority for policies and procedures contained herein are granted by the [Montana Cooperative Wildland Fire Management and Stafford Act Response Agreement \(2017-2021\)](#) and [Statewide Operating Plan](#). As outlined in those agreements; DNRC is the designated lead agency for hiring, certification, mobilization and payment of Montana local government equipment and personnel for use by Northern Rockies cooperating agencies and the interagency wildland fire system.

Montana law provides for mutual aid and assistance between law enforcement agencies crossing County and jurisdictional lines. This Agreement does not replace mutual aid or the responsibility to carry out law enforcement duties or evacuations nor the fiscal obligations associated with those duties or mobilizations within their own jurisdiction.

Additionally, related Montana Code Annotated Sections:

- [Title 10, Chapter 3](#) Mutual Aid
- [Title 7, Chapter 32](#) Law Enforcement

- [Title 7, Chapter 33](#) Fire Protection
- [Title 44, Chapter 11](#) Law Enforcement Mutual Assistance
- [Title 76, Chapter 13](#) DNRC Fire Protection

III. Terminology and Command Systems

To establish a "common" understanding, words and phrases as used herein are defined in a glossary attached as [Appendix A](#). DNRC and MHP recognize and accept different on-site language and command structures and may define and/or configure resources differently. All parties will mutually work together within the Incident Command System (ICS) and National Incident Management System (NIMS).

IV. Law Enforcement and Wildland Fire

During a wildfire event, the close cooperation of firefighters and local law enforcement jurisdictions is key to the successful outcome of the incident. This agreement is primarily used for the prolonged commitment of MHP resources on wildland fire events for the safety of the public and firefighters, traffic control and security along Montana’s roadways. Under specific conditions contained herein, DNRC will reimburse MHP for costs incurred as a result of providing such assistance. Reimbursement requires Agency Administrator approval and documentation.

This MOA does not automatically obligate DNRC to facilitate payment for law enforcement duties which would ordinarily be the MHP’s responsibility on a wildland fire. Reimbursement will be based on a “you order, you pay” basis. Costs for resources mobilized through mutual aid (i.e. MHP providing mutual aid to a County Sheriff’s Office for roadblocks) or other independent action, without the concurrence of the Agency Administrator (AA) and IC/IMT will be the financial responsibility of those organizations to cover or negotiate.

Federal Wildland Fire Protection agencies may utilize this agreement, and any negotiation to place a resource order will be between that Wildland Fire Protection agency and MHP.

V. Project STAR Fire Training

Montana DNRC has developed basic a wildland training course specifically for law enforcement officers that may be called upon to function on a wildland fire incident. This training is made available to organizations across the state by contacting a local DNRC office. Montana POST credits are available for officers completing the course. It is highly encouraged that individuals who may be mobilized under the terms of this agreement, complete the Project STAR training or other wildland fire equivalent.

VI. General Procedures

A. Requesting Assistance

Requests for MHP assistance on wildland fire incidents will be made by the IC/IMT or AA and should be routed through the appropriate wildland fire dispatch center. The wildland dispatch center should then make contact with either the local MHP office or MHP’s Dispatch Center at 1-855-647-3777 with the resource request. Be prepared to provide the following information:

- Requesting Jurisdiction Name
- Requestor Name/Role
- Requestor Contact Information
- Situation (Conditions, Actions, Needs)
- Specific Resource Needs (Number, Configuration, Leadership)
- Reporting Location and Time/Date Needed
- Estimated Duration

- Responding Resource logistical/equipment needs
- Incident Contact Information's
- Radio Frequencies to be used.

Prior to placement of a resource order that would mobilize MHP personnel; the AA or the IC/IMT, should inform the Sheriff or other local law enforcement jurisdiction that MHP is a resource being ordered for the incident.

B. Mobilization

The IC/IMT shall facilitate the resource order for MHP resources being created at the hosting wildland fire dispatch center. Once responding resources are known, this information can be sent to the wildland fire dispatch center to "fill" the order (see [Appendix B](#), Interagency Dispatch Center Instructions). The AA and the IC/IMT should help bridge the gap between the two very different disciplines (fire and law enforcement) and provide a connection to the wildland fire dispatch center. It is understood that under emerging or fast escalating events that mobilization of MHP personnel may be initiated with verbal agreement of the AA/IC/IMT, without going through the formal ordering process and that will be sufficient to start the process.

When appropriate, the sending agency or the ordering agency may provide or request liaison assistance. The costs of the liaison assistance will be reimbursed by the ordering agency. If a qualified leader is unavailable, the IC/IMT shall designate a liaison or member of the operations section to ensure communication and actions are conducted in coordination with fire suppression operations. DNRC can provide LGFF technical specialists to assist the IMT with navigating administrative requirements for law enforcement mobilizations.

C. Incident Procedures

The following items are the standard roles and responsibilities of MHP personnel mobilized to a wildland fire:

- Respond to the incident per instructions and check in upon arrival. Remain in communication with the IC/IMT for the duration of the deployment, including daily check-ins.
- The IC/IMT will brief MHP personnel on the situation, assignment, and coordinate actions through the Incident Action Plan within the identified chain of command. The IC/IMT shall provide MHP's personnel with debriefings and evaluations at the conclusion of the assignment.
- Complete all required timekeeping documentation, vehicle use, and fuel logs while assigned to the incident.
- Upon demobilization and release from the incident, compile all documentation into a financial package.

D. Personnel Requirements

Mobilized personnel shall be Police Officer & Standards for Training (POST) certified law enforcement personnel with appropriate identification and must arrive in clearly marked law enforcement patrol units. Troopers should be familiar with the NIMS and ICS. It is strongly recommended that all officers mobilized for wildland fire operations have completed the DNRC Project STAR training or other wildland fire safety equivalent. Each agency that assigns personnel to a resource order certifies that the personnel assigned meets the requirements of the position ordered.

Mobilized resources should plan to be self-sufficient as possible for 48 hours, including personal items, sleeping bag, tents, and food/water just in case incident support has not yet been established.

IC/IMT shall ensure that all MHP personnel have the appropriate PPE prior to deployment for an assignment. Upon arrival, MHP personnel should be equipped with necessary Personal Protective Equipment (PPE) for wildland fire operations. This includes; flame retardant personal protective clothing, helmet, gloves, and fire shelter. Resources are authorized to check out necessary equipment from the IMT Supply Unit if that function has been established.

Resources must arrive at an incident with the ability to employ common communication frequencies and must be able to communicate directly with the local Sheriff and fire forces present at the incident. Use of mutual aid color-coded

radio frequencies may be used to accomplish this requirement. Resources are authorized to check out necessary radio equipment from the IMT Communication Unit if that function has been established.

Each agency that assigns personnel to a resource order certifies that the personnel assigned meets the requirements of the position ordered.

Length of assignment and rest and rotation for personnel shall be identified by the MHP at the time of mobilization. Any extension of assignment will be by mutual agreement of the IC/IMT and MHP. DNRC and wildland fire work and rest policies will be followed by law enforcement resources. The IC/IMT should plan for, and ensure all personnel are provided a minimum 2:1 work/rest ratio (for every 2 hours of work or travel, provide 1 hour of sleep and/or rest). Work shifts that exceed 16 hours and/or consecutive days that do not meet the 2:1 work/rest ratio should be the exception, and no work shift should exceed 24 hours. In situations where this does occur incident management personnel will resume 2:1 work/rest ratio as quickly as possible. For the safety of MHP returning to their duty station, the IC/IMT shall ensure that personnel have received an adequate rest period and are not driving in an unsafe condition.

MHP personnel will be covered by their own workers compensations insurance while engaged under this agreement. In the event of an accident or emergency, the IC/IMT will ensure that immediate medical services be afforded any member of the personnel on assignment regardless of the nature of the requirement or the type of medical aid required. Any accident or serious incident involving MHP personnel on assignment will be immediately reported to MHP's authorized official.

E. Equipment and Supplies

Responding and hosting agencies are responsible for providing their own fuel and operating supplies under normal conditions where access to those items is reasonably accessible. Fuel/oil operating costs will be reimbursed with proper documentation (e.g. detailed receipt) for time assigned to the incident. Law enforcement vehicles may also be reimbursed normal maintenance expenses (e.g., oil changes, tires etc.) at the discretion of the DNRC Area Office if deemed appropriate, such as if equipment was used excessively on the incident above normal wear and tear. This must be approved by the DNRC office and will be reimbursed on actual costs expended and documented on a detailed receipt.

Resources are authorized to secure necessary equipment from the IMT Supply Unit if that function has been established. All non-consumable items checked out from the supply unit must be returned at the conclusion of the assignment and prior to demobilization.

Replacement or damage of equipment and supplies:

- Standard wildland fire cache equipment/items from a that are damaged, destroyed, or left on the line can be replaced at the incident.
- Non-standard and/or consumable items may be replaced at the incident if the incident has a method of procurement. If no buying team or other method of procurement is available, MHP personnel may obtain an S number (supply resource order) to purchase the item when they return to their home jurisdiction. The cost of the replacement item can then be billed back to the incident. All items for replacement are subject to host agency approval and appropriate documentation must accompany any claim for lost, damaged, or destroyed equipment.

F. Recall

The MHP will, wherever possible, provide to the wildland fire incident a 24-hour recall notice for the return of personnel, and the wildland fire incident will make every effort to meet the 24-hour notice. Equipment, personnel, and supplies will be returned to the sending agency as expeditiously as possible or as separately negotiated and agreed to.

VII. Billing and Payment Protocols

This MOA does not automatically obligate DNRC to facilitate payment for law enforcement duties which would ordinarily be the MHP's responsibility on a wildland fire. Reimbursement will be based on the "you order, you pay" basis. Costs for resources ordered through mutual aid (i.e. MHP mutual aiding a County Sheriff's Office) or independent action, without the concurrence of the Agency Administrator and IC/IMT will be the responsibility of those organizations to cover or negotiate. Reimbursement requires Agency Administrator approval and documentation.

For approved mobilizations, personnel remain employees of MHP and the agency is responsible for all initial payroll, tax withholding and workers compensation costs. Expenses are then submitted to DNRC for reimbursement with a detailed invoice upon completion of the incident. All costs submitted for payment will be reimbursed in accordance with the salary schedules and/or Collective Bargaining Agreements in place unless other resource rates are established prior to mobilization. DNRC does not pay portal-to-portal salary expense or rates.

Initial travel and per diem expenses must be paid through the employing agency and can be submitted to DNRC for reimbursement along with the agency invoice. Per diem will be reimbursed at established State of Montana employee travel policy rates and processes.

Vehicles will be billed and reimbursed at rates found in NR Supplement Chapter 20 or 50 SIIBM. Fuel/oil operating costs will be reimbursed with proper documentation (e.g. detailed receipt) for time assigned to the incident. Law enforcement vehicles may also be reimbursed normal maintenance expenses (e.g., oil changes, tires etc.) at the discretion of the DNRC Area Office if deemed appropriate, such as if equipment was used excessively on the incident above normal wear and tear.

A. Reimbursement Process and Requirements

Quality supporting documentation is key to a smooth and prompt reimbursement process. MHP shall coordinate their billing efforts through DNRC. MHP will aggregate the following information into a complete financial package and submit to DNRC for payment:

- A copy of the Resource Order from the wildland dispatch center.
- An invoice on MHP letterhead that lists the invoice number, invoice date, total amount due, incident name being billed, MHP address, contact name, number and email address;
- A summary report that details daily overtime hours worked, Trooper's regular and overtime rates including benefits, calculated daily earnings by Trooper and miles driven;
- [Cooperative Agreement Personnel Billing Rate Form](#) detailing the current year's salary schedules and/or Collective Bargaining Agreements rates by Trooper;
- Backup documentation should include: Crew Time Reports, or similar supporting documentation to include:
 - Incident Name
 - Daily Hours worked and description of daily assignment
 - Vehicle Use Information ([Shift tickets](#), mileage logs, fuel receipts, or other expenses documentations)
 - Meals and/or other Per Diem expenses
- Approved replacement equipment costs (S# or other agency approval documentation).

All invoices must include the ordering agency's resource order number and request number if applicable and must be itemized by incident and by reference to the provisions of this Agreement. Invoices must be submitted to the billing addresses listed in [Appendix F](#)

VIII. Appendices

A. Glossary

1. Agency Administrator (AA)

Agency officials who have wildland fire jurisdictional responsibilities for lands in Montana. Typically, this role is filled by a: Montana Department of Natural Resources and Conservation, Area Manager; Bureau of Land Management, Field Manager; USDA Forest Service, Forest Supervisor; Bureau of Indian Affairs, Superintendent; National Park Service, Park Superintendent; US Fish and Wildlife Service, Refuge Manager.

2. Assisting/Responding Agency

A law enforcement agency providing support and resource assistance to a hosting jurisdiction requesting assistance.

3. DNRC County Assistance Request

A [formal process](#) in which a County Commissioners request fire suppression assistance, per an [existing agreement](#), from Montana DNRC for a wildland fire incident that has exceeded the county's capabilities.

4. Hosting Jurisdiction

A jurisdiction where a wildland fire incident is occurring.

5. Incident Commander (IC)

The individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The IC has overall authority and responsibility for managing and conducting incident operations.

6. Incident Management Team (IMT)

An Incident Management Team (IMT) provides on-scene incident management support during incidents or events that exceed a jurisdiction's or agency's capability or capacity

7. National Incident Management System (NIMS)

The National Incident Management System (NIMS) provides a systematic, proactive approach to guide departments and agencies at all levels of government, nongovernmental organizations, and the private sector to work seamlessly to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity, in order to reduce the loss of life and property and harm to the environment.

8. Resources

Personnel, equipment, aircraft, services and supplies available for assignment to incidents. Personnel and equipment are described by kind and type, (e.g., ground, water, air, etc.), and may be used in tactical, support or overhead capacities for an incident.

9. Resource Order

A form documenting the official request and fill of a responding resource. Resource Orders (occasionally referred to as a resource order number) are typically managed by the Wildland Fire Dispatch Centers. The order number includes the incident number, reporting instructions, financial codes and an alpha character (S = Supplies, E = Equipment, O = Overhead, A = Aircraft, C = Crews) followed by a sequential number. Resource orders are required for any entity that will be seeking reimbursement from DNRC.

10. Reimbursable Costs

Costs resulting from fire management activities, which will be paid for by the requesting Agency, per the conditions of this Agreement and the approved Operating Plans.

11. Shift Ticket

A form used to document the equipment and personnel work during a given shift (i.e. timecard). See [Montana DNRC Combined Shift Ticket and Crew Time Report](#)

12. Wildland Urban Interface (WUI)

The line, area, or zone where structures and other human development meet or intermingle with undeveloped wildland or vegetation fuels.

B. Interagency Wildland Dispatch Center Mobilization Instructions for MHP

MHP Resources should be ordered and filled using "Overhead" and LEO1 and then add a Support Request for their vehicle (Fill with Equipment – Transportation – XXX i.e. SUV, Pickup...) in IROC

C. Montana Mobilization of Local Government Fire Forces

<http://dnrc.mt.gov/divisions/forestry/docs/fire-and-aviation/business/agreements/2021-mt-mobilization-of-igff-040121.pdf>

D. Billing Addresses

Montana DNRC-Forestry Division
Attn: Joanne Marceau
2705 Spurgin Road
Missoula, MT 59804

E. General Clauses

1. Right to Know

Any information furnished under this instrument is subject to Montana's right to know provision found at Article 2, Section 9 of the 1972 Montana Constitution, and its implementing legislation found in Title 2, Chapter 6 of the Montana Code Annotated.

2. Modification

Modifications within the scope of the instrument shall be made by mutual consent of the parties, by the issuance of a written modification, signed and dated by all parties, prior to any changes being performed.

3. Participation in Similar Activities

This instrument in no way restricts DNRC, MHP or the Cooperator(s) from participating in similar activities with other public or private agencies, organizations, and individuals.

4. Commencement/Expiration

The instrument is executed as of the date of the last signature and is effective for five (5) years from the date signed at which time it will expire unless extended in writing.

5. Termination

Any of the parties, in writing, may terminate the instrument in whole, or in part, at any time before the date of expiration.

6. Freedom of Information Act

Any information furnished under this instrument is subject to the Freedom of Information Act (5 U.S.C. 552).

7. Principal Contacts

Agency/Affiliation & Titles	Name	Phone	Email
MHP Administrative Officer	Beth Thompson	406-444-0153	bethompson@mt.gov
DNRC Fire Protection, Deputy Chief	John Monzie	406-542-4220	jmonzie@mt.gov
DNRC County Coop Manager	Cory Calnan	406-788-7718	ccalnan@mt.gov
DNRC Fire Finance & Incident Business Supervisor	Joanne Marceau	406-542-4252	jmarceau@mt.gov

IX. Approval

THE PARTIES HERE TO have executed this instrument



Colonel, Montana Highway Patrol, Department of Justice



06/02/21

Chief, Montana DNRC Fire Protection Bureau