

Interagency Burned Area Rehabilitation Guidebook

Interpretation of Department of the Interior 620 DM 3
For the Burned Area Rehabilitation of Federal and Tribal Trust
Lands
Version 1.3



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Interagency Burned Area Rehabilitation Guidebook Version 1.3

Approved by:

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2 Introduction

The purpose of the Interagency Burned Area Rehabilitation Guidebook (Guidebook) is to provide general operational guidance for the Department of the Interior Burned Area Rehabilitation (BAR) activities after a wildfire. In conjunction with Departmental and agency policy, it is designed to provide agency administrators and BAR specialists with sufficient information to:

- Understand BAR policy, standards, and procedures.
- Assess wildfire damage and develop a cost effective plan or report.
- Assess and report accomplishments.

It consolidates and provides an interagency interpretation of BAR policies, procedures, objectives, and standards where there is Departmental and agency agreement. Individual agency policy and procedure manual guidance can be more but not less restrictive than that presented in this Guidebook.

3 BAR Policy Implementation

3.1 Policy, Direction, and Program Coordination

BAR and emergency stabilization activities are an integral part of wildfire incidents, but are planned, programmed, and funded separately from each other. Guidance for emergency stabilization is found in a separate guidebook. Departmental BAR policies are found in the [Department of the Interior \(620DM3\)](#) policy documents and available on the [Department of the Interior Emergency Stabilization and Burned Area Rehabilitation](#) website. Individual agencies have supplemented this policy:

- Bureau of Indian Affairs (BIA)
- Bureau of Land Management (BLM)
- [National Park Service \(NPS\)](#)
- [U.S. Fish and Wildlife Service \(FWS\)](#)

3.2 Objective, Priority and Allowable Actions

3.2.1 Objectives

Based on actions identified in approved land and fire management plans:

- To evaluate actual and potential long-term post-fire impacts to critical cultural and natural resources and identify those areas unlikely to recover naturally from severe wildfire damage.
- To develop and implement cost-effective plans to emulate historical or pre-fire ecosystem structure, function, diversity, and dynamics consistent with approved land management plans, or if that is infeasible, then to restore or establish a healthy, stable ecosystem in which native species are well represented.
- To repair or replace minor facilities damaged by wildland fire.

3.2.2 Priority

- To repair or improve lands damaged directly by a wildland fire; and
- To rehabilitate or establish healthy, stable ecosystems in the burned area. If it becomes necessary to prioritize, this will be done by the Department of the Interior National Burned Area Rehabilitation (NBAR) coordinators based on relative values to be protected, commensurate with rehabilitation costs. All burned area rehabilitation plans and actions must reflect these priorities.

3.2.3 Allowable Actions

- Repair or improve lands unlikely to recover naturally from wildfire damage by emulating historical or pre-fire ecosystem structure, function, diversity, and dynamics consistent with existing land management plans.
- Chemical, manual, and mechanical removal of invasive species, and planting of native and non-native species, consistent with 620DM3.8F, restore or establish a healthy, stable ecosystem even if this ecosystem cannot fully emulate historical or pre-fire conditions.
- Tree planting to reestablish burned habitat, reestablish native tree species lost in fire, prevent establishment of invasive plants, and regenerating Indian trust commercial timberland as prescribed by a certified silviculturalist to not regenerate for ten years following the fire.
- Repair or replace wildfire damage to minor operating facilities (e.g., campgrounds, interpretive signs and exhibits, shade shelters, fences, wildlife guzzlers, etc.). Rehabilitation may not include the planning or replacement of major infrastructure, such as visitor centers, residential structures, administration offices, work centers and similar facilities. Rehabilitation does not include the construction of new facilities that did not exist before the fire, except for temporary and minor facilities necessary to implement burned area rehabilitation efforts.

3.3 Safety

Employee and Public Safety Is the First Priority in Every Management Activity. All planning and implementation activities must reflect this commitment. A [job hazard analysis](#) will be prepared for each incident activity.

3.4 Definitions (as in 620 DM 3)

Agency Administrator:

Line officer (or designee) of the agency or jurisdiction that has responsibility for the incident. For the following agencies, this unit may include:

- Bureau of Indian Affairs (BIA) - Director, Office of Trust Responsibility, Regional Director, or Superintendent.
- Bureau of Land Management (BLM) - Director, State Director, District Manager or Field Office Manager.
- Fish and Wildlife Service (FWS) - Director, Regional Director, Complex Manager or Project Leader.
- National Park Service (NPS) - Director, Regional Director, Park Superintendent, or Unit Manager.

Burned Area Rehabilitation Plan (BAR Plan):

A document that specifies treatments required to implement post-fire rehabilitation policies. This plan may be programmatic (prepared in advance) and applicable to clearly defined types of incidents and situations, or prepared by an interdisciplinary team of specialists during or immediately following the containment of a wildland fire.

Burned Area Rehabilitation Team (BAR Team):

A standing or ad hoc group of technical specialists (hydrologists, rangeland management specialists, biologists, soil scientists, etc.) that are assigned to prepare a BAR Plan.

Burned Area Emergency Response:

Planned actions to stabilize and prevent unacceptable degradation to natural and cultural resources, to minimize threats to life or property resulting from the effects of a fire, or to repair/replace/construct physical improvements necessary to prevent degradation of land or resources.

Emergency Stabilization.

Planned actions to stabilize and prevent unacceptable degradation to natural and cultural resources, to minimize threats to life or property resulting from the effects of a fire, or to repair/replace/construct physical improvements necessary to prevent degradation of land or resources. Emergency stabilization actions must be taken within one year following containment of a wildland fire.

Fire Suppression Activity Damage:

Damage to resources, lands, and facilities resulting from wildfire suppression actions, in contrast to damages resulting from a wildfire.

National Burned Area Rehabilitation Coordinators Group (NBAR):

The coordinators consist of a representative from the Department of the Interior (DOI) bureaus (BIA, BLM, FWS, NPS) and the Office Wildland Fire Coordination.

Non-Native Invasive Species:

Species that were not components of pre-European settlement vegetative communities:

- which have been introduced, either deliberately or inadvertently;
- which have the capacity to aggressively invade new habitats, displacing and out-competing native species, and;
- whose in which introduction does or is likely to cause economic or environmental harm or harm to human health.

Rehabilitation:

Efforts (non-emergency) undertaken within three years of a wildfire to repair or improve fire-damaged lands which are unlikely to recover to management approved conditions; or to repair or replace minor facilities damaged by fire.

Restoration:

The continuation of rehabilitation beyond the initial three years, or the repair or replacement of major facilities damaged by the fire.

Wildland Fire:

Any non-structure fire that occurs in the wildland. Three distinct types of wildland fire have been defined and include wildfire, wildland fire use, and prescribed fire.

- **Wildfire** – An unplanned, unwanted wildland fire including unauthorized human-caused fires, escaped wildland fire use events, escaped prescribed fire projects, and all other wildland fires where the objective is to put the wildfire out.
- **Wildland Fire Use** – The application of the appropriate management response to naturally-ignited wildland fires to accomplish specific resource management objectives in pre-defined designated areas outlined in Fire Management Plans. Operational management is described in the Wildland Fire Implementation Plan (WFIP).
- **Prescribed Fire** – Any wildland fire ignited by management actions to meet specific objectives. A written, approved prescribed fire plan must exist, and NEPA requirements (where applicable) must be met, prior to ignition.

3.5 Program Coordination

The BIA, BLM, NPS, and FWS will coordinate BAR program activities locally and nationally. Coordination of BAR efforts with the incident management team, other federal land management agencies, other federal (e.g., NRCS, BOR, DOD, USGS, etc.), state and local agencies, tribes, and private landowners is encouraged to meet program objectives. BAR activities need to be closely coordinated with resource managers and other non-wildfire rehabilitation activities to avoid potential conflicts.

3.5.1 Preplanning

Internal/external coordination can be an important process in the successful implementation and completion of all phases of BAR.

The local unit staff should:

- Identify key external agency contacts prior to the wildfire season.
- Jointly review the rehabilitation and restoration section of the Fire Management Plan (FMP).
- Identify potential treatments for BAR within a unit's Fire Management Plan.
- Identify in advance suppliers, equipment, storage facilities and identifying seed mixes and implementation personnel.
- Meet with all BAR technical specialists, wildland fire management staff, and other appropriate staff to discuss roles and responsibilities and to clarify areas of disagreement and/or confusion.

3.6 Timeframes

- Burned Area Rehabilitation (BAR) finances post-fire efforts up to three years from the containment date of the fire. Treatments and activities are funded in one-year increments and are reviewed at the end of each fiscal year and funded with the next fiscal year funds, as appropriate.

- BAR is a non-emergency activity and the completion of the BAR Plan and plan approval is driven by any activity or treatment implementation needs (e.g., herbicide treatment effectiveness).
- Funding for this activity is competitive among bureaus and is based on proposed projects submitted through the National Fire Plan Operations and Reporting System (NFPORS).
- NFPORS data entry is accomplished following plan approval and upon activity or treatment accomplishment
- An annual accomplishments reports including monitoring results are required by the beginning of the fiscal year.
- A final treatment accomplishment report will be submitted within 60 days following the completion of planned burned area rehabilitation treatments, or at the latest, 3 years plus 60 days following wildfirecontainment which ever comes first.

3.7 Funding Rules

Funding for this activity is competitive among bureaus and is based on proposed projects submitted through the National Fire Plan Operations and Reporting System (NFPORS). The competitive funding awards are approved by the Interior National Burned Area Rehabilitation Coordinators on a priority basis using established common criteria. Rehabilitation treatments and activities are normally funded the fiscal year following the wildfire unless rehabilitation contingency funds are available that are distributed on a first come first serve basis. Treatments and activities are funded in one-year increments and are reviewed at the end of each fiscal year and funded with the next fiscal year funds, as appropriate. While there is no guarantee that subsequent year projects are funded, continuation of previous year funded projects is a priority in the [BAR Funding Criteria](#) (as found on the Department of the Interior Emergency Stabilization and Burned Area Rehabilitation web site). Should requests exceed available funding, plans are prioritized based on values at risk and priorities to meet resource objectives.

Selection of the funding awards on prior-year fires will occur shortly after the start of the fiscal year. Funding will be distributed upon passage of the Interior Appropriation bill. Projects may be funded in midyear if contingency funds are available. After the plan is approved, the National Burned Area Rehabilitation Coordinator will prepare a fund transfer request.

4 BAR Standards

BAR treatments/activities are intended to repair or improve lands damaged directly by the wildfire and unlikely to recover naturally from severe wildfire damage or repair or replace wildfire damage to minor operating facilities. These treatments/activities must be in accordance with approved management plans and applicable agency policy, standards, and all relevant federal, state, and local laws and regulations. BAR funds can only be used for burned area assessments, BAR Plan development and implementation, and monitoring on agency lands within the perimeter of the wildfire or potential impact area downstream from the burned area (see Departmental guidance on Wyden Amendment in [Appendix I](#)). The cost of BAR treatment(s) will be commensurate with the values to be protected.

Standard treatments are to be used that have been validated by monitoring data from previous projects, or when there is documented research establishing the effectiveness of such actions.

4.1 Treatment Considerations

4.1.1 Cadastral Survey

BAR funding for cadastral survey activities is only provided if the information is needed for BAR Plan development and implementation. Project areas have cadastral survey work done with BAR funds only where land ownership adjacent to proposed BAR treatments is in question—not to answer long-standing, large-scale ownership questions. Survey monuments must be located and flagged for avoidance prior to any surface disturbing activity that could result in damage to or destruction of the survey monument.

4.1.2 Experimental Technology

Experimental technology (equipment, plant materials, etc.) that has not previously been field tested and proven to be effective is not funded with BAR funding. Research projects are coordinated through the local agency administrator and may be funded through the Joint Fire Science Program or other funding sources.

4.1.3 Prescribed Fire and Wildland Fire Use

Prescribed Fire - BAR funding is not appropriate for prescribed fire actions. However, if a prescribed fire is converted to a wildfire, then BAR funding may be appropriate for only those acres that are delineated or partitioned following the conversion or declaration as a wildfire.

Wildland Fire Use - BAR funding is not appropriate for wildland fire use. However, if a wildland fire use wildland fire is converted to a wildfire, then BAR funding may be appropriate for only those acres that are delineated or partitioned following the conversion or declaration as a wildfire.

Any treatments determined to be necessary on prescribed or wildland fire use that have not been converted or declare wildfires, must be paid for by the prescribed fire, wildland fire use or benefiting activity project funds.

4.1.4 Fuels Management

Post-fire fuel management activities that are designed to address a fuels issue and not site rehabilitation are not appropriate for BAR funding.

4.1.5 Clean Water Act

The Corps of Engineers may require modifications to BAR treatments to ensure that the environmental impacts to stream channels or wetlands are minimal under General [Permit 37](#).

4.1.6 Wildfire Suppression Activity Damage Repair

Suppression activity damage repairs are the responsibility of the Incident Commander and are funded using the suppression account. This work should be completed by the incident management team prior to final demobilization of the suppression forces whenever practical. However, it may be more cost-effective and practical to delay some repairs to improve the chance of success. It is the responsibility of the agency administrator to ensure suppression activity damage repair.

4.1.7 Wildlife

Wildlife populations may continue to degrade unburned areas in and adjacent to the burned area, and may have a major effect on the success of BAR treatments. Agreements with the appropriate fish and wildlife management agencies (if needed) should be developed before the BAR treatments are implemented, prescribing how wildlife is managed. The BAR Plan should identify what measures are needed to prevent further burned area degradation from wildlife use, and treatment specifications should address timely implementation.

Treatments to mitigate the loss of fish and wildlife habitat are appropriate for BAR funding. BAR treatments must be consistent with wildlife habitat management objectives in approved habitat management plans. As with other treatments, a combination of criteria including cost, adaptability, probability of successful establishment, etc., should be considered before finalizing a prescription in important wildlife habitats.

4.2 Treatment Standards

4.2.1 Cultural Resources

BAR funds cannot be used for restoration of any cultural resource or heritage site.

BAR funds are used to ensure burned area rehabilitation treatments conform to Section 106 of the National Historic Preservation Act (NHPA).

- Burned area rehabilitation treatments that disturb the soil surface are reviewed for potential effects on significant cultural resources. The appropriate agency cultural resource specialist should become involved in treatment planning as early as possible.
- Treatments evaluated as No Historic Property (no historic properties present), or as actions permitted under existing agency programmatic agreements (PA) or memorandum of agreement (MOA) can be undertaken without further State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO) consultation. Treatments with no adverse effect can be undertaken after appropriate consultation with SHPO or THPO. Treatments with adverse effect should be addressed by the agency cultural resource coordinator.

4.2.2 Non-native Invasive Control

Burned area rehabilitation funds can be used to control non-native invasive plants in burned areas only if an approved management plan and existing program is in place addressing non-native invasive species control.

The use of integrated pest management methods is preferred when addressing the management and control of existing or potential invasive non-native plant species. The rehabilitation program funds the use of chemical, biological, mechanical, cultural, and physical treatments necessary to minimize the establishment of invasive species in conjunction with vegetative treatments, or for site preparation proposed for other rehabilitation treatments. The pesticides proposed must be previously approved for use on public lands. All applicable label and environmental restrictions must be followed. Control of invasive species also complies with Executive Order 13112, Invasive Species which promotes the control of invasives to minimize their impact.

Allowable Actions

- Assessments to determine the need for treatment. Contingent:
 - Known infestations
 - Possibility of new infestation due to management actions
 - Suspected contaminated equipment use areas
- Treatments to prevent detrimental invasion (not present on the site) by non-native invasive species.
- Treatment of invasive plants introduced or aggravated by the wildfire. The treatment objective when the population is aggravated is to maintain the invasion at no more than pre-wildfire conditions.

Prohibited Actions

- Systematic inventories of burned areas.

The treatment specification must include a threshold level where the treatment is initiated (e.g. presence of Canada thistle, 10 percent cover of cheat grass, etc.) and a practical, cost-effective management action to be undertaken (mechanical removal, broadcast herbicide application, etc.).

4.2.3 Re-vegetation

Natural recovery by native plant species is preferable to planting or seeding, either of natives or non-natives. It is essential that the potential for recovery of native or seeded vegetation and invasion by weeds be evaluated prior to making a decision whether to seed a burned area. Re-vegetation of burned areas is not an appropriate use of BAR funds if natural regeneration will result in a vegetation type that meets BAR objectives.

Planting of seed or seedlings for BAR is an appropriate treatment if seeding or planting of vegetation is prescribed to be effective within Departmental policy and it repairs or improves land unlikely to recover naturally from wildfire damage by emulating historical or pre-fire ecosystem structure, function, diversity, and dynamics consistent with existing land management plans.

The use of pesticides must be identified in an existing approved management plan and have an existing integrated pest management program and implement the bureau pesticide use permit process. Site preparation using integrated pest management methods on burned land may be funded with BAR funds for re-vegetation treatments (see [non-native invasive species control](#) section). The potential for invasive non-native plant invasion is considered when developing the seed prescription.

Native versus Non-native Plants - Species planted on burned areas must provide the protection required by BAR Plan objectives, be consistent with the appropriate approved land management plan, and be in compliance with [Executive Order 13112](#), Invasive Species, February 3, 1999.

Non-native seed may be used when allowed in agency policy. Use of native species is preferred to the use of non-natives for BAR treatments. However, a mixture of native and non-native species is preferable to using only non-natives if the desired natives are not available, and if the use of non-natives is consistent with approved land management plans.

Competitive non-natives should be avoided in the seed mixture to facilitate the establishment and persistence of the native species.

Testing of Seed and Vegetative Material - All seed is tested to ensure compliance with the State noxious-seed requirements recognized in the Administration of the [Federal Seed Act](#). All purchased seed must meet all requirements of the Federal Seed Act (7 USC 1551-1610), the state seed laws where it will be delivered, and Federal specifications JJJ-S-181. All seed will be tested for purity and germination (Pure Live Seed or Tetrazolium) to meet contract specifications and should be tested for weed and noxious weed seed by an independent seed testing organization. Certified seed (e.g., source identified tag) ensures the genetic origins of the parent plant material or the collection origin.

Tetrazolium tests, performed by state seed laboratories, may be used on shrub seeds and for species where dormant or hard seeds are common. Tetrazolium tests may also be authorized by the agency when seed laboratories do not have enough lead time to use a full germination test.

The use of certified seed is required (if available) to ensure that desired genetic traits are present. The use of source-identified seed is recommended when native seed is collected from wildland sites to ensure that a local or otherwise adapted seed source is used to re-vegetate the burned area.

Straw and other vegetative mulch materials should be purchased as certified weed-free by a State agricultural agency or should be sampled and tested for noxious weeds prior to use.

4.2.4 Forest Management

Forest management may be considered if the ecosystem is unlikely to recover naturally from wildfire damage as prescribed by a certified silviculturalist to not regenerate for ten years following the fire. Tree planting is limited to the following; the use of BAR funds to plant trees must be addressed in an approved land management plan:

- Facilitating the succession and stabilization of forest ecosystems.
- Re-establishing habitat for federally listed threatened or endangered species, or other special status species.
- Reintroducing or re-establishing native tree species and seed sources lost in a stand replacement fire.
- Reforestation on Indian trust lands.

BAR funds **cannot** be used for timber salvage assessment and the costs associated with the actual salvage sale (i.e., timber inventory, contract preparation, etc.).

4.2.5 Livestock, Wild Horse and Burro Management

Exclusion of livestock, wild horses or burros may be critical for the recovery of burned vegetation or establishment and maintenance of new seedlings.

Recovery/Establishment Period – Re-vegetated and recovering areas may be closed to livestock grazing to promote recovery of burned perennial plants and/or facilitate the establishment of seeded species. An assessment is needed to determine the length of time livestock exclusion is required to meet BAR objectives. Livestock permittees must be informed of potential closures early during the plan preparation process.

Grazing Management - Wild horses and burros may need to be excluded from treatment areas. BAR funds may be used for fencing or relocation (both actions must be consistent with approved land management plans and agency wild horse and burro policy) until the area recovers. Exclusion or relocation must occur before the animals can damage the remaining vegetation. Both actions must be consistent with approved land management plans, Wild Horse and Burro management plans, and agency wild horse and burro policy.

Movement of animals must be completed within one year of containment of the fire.

4.2.6 Federal Field Unit Infrastructure

Minor Facilities

The repair or replacement of minor improvements and facilities (e.g., kiosks, fences, interpretive or boundary signs, recreation facilities, corrals, guzzlers, trails, permanent long-term monitoring plots, etc.) burned or damaged by wildfire to pre-fire specifications is authorized with the use of BAR funds only if these improvements or facilities are necessary for implementing an approved land management plan . It does not include the construction of new or upgraded facilities that did not exist before the fire. BAR treatments and maintenance of BAR improvements beyond 3 years from containment of the wildfire is funded by other program funding. Minor facility repair or replacement must be addressed in the BAR plan.

Major Facilities

Replacement or repair of major facilities (e.g., visitor, centers, residential structures, administration offices, work centers or similar facilities and their contents) with BAR funds is prohibited.

4.2.7 Monitoring

BAR funds for monitoring are limited to:

Treatment Implementation: It is appropriate to determine if the treatment was implemented according to plan specifications.

Treatment Effectiveness: It is appropriate to monitor whether a treatment achieved its objective (e.g. whether herbicide eradicated the invasive species or whether willow and cottonwood trees successfully survived, grew, and rehabilitated the stream bank).

Prohibited Actions

- Monitoring to determine if the decision not to implement any treatment was appropriate (e.g., monitoring natural recovery). However, the use of an untreated area (control) in a paired comparison design to evaluate the effectiveness of a treatment is acceptable where values to be protected will not be affected by an untreated area.
- Monitoring the impacts or effects of the wildfire (e.g. water quality monitoring to evaluate the impacts of wildfire on the recovery of an endangered species; post-fire monitoring of threatened and endangered species presence or reproductive status and reproductive success, etc.).
- Long-term monitoring (more than 3 years following containment of the fire) related to treatment longevity and effectiveness.
- Research

- It is not appropriate to monitor to determine the indirect effects of a treatment (e.g., changes in wildlife habitat structure, condition, or use).

Monitoring intensity should be commensurate with the treatment investment, complexity of the BAR treatments, and level of concern or controversy associated with the BAR treatment.

4.2.8 Public Use Management

Agency administrators should consider area closures to protect public safety, natural recovery, and active BAR treatments. Burned or seeded areas may be temporarily closed to the public by excluding vehicle, bicycle, horse, and foot use if unacceptable resource damage would occur or if danger to the public is present due to wildfire damage or BAR activities. Land management plans should be reviewed prior to implementing BAR measures to identify other areas of special management concern (Areas of Critical Environmental Concern, outstanding natural areas, primitive areas, Wild and Scenic Rivers, National Trails, Research Natural Areas, National Conservation Areas, National Monuments, etc.) to ensure BAR treatments are consistent with management objectives for these special management areas.

Law Enforcement - Law enforcement activities should be accomplished within existing capability and funding authority, or by shifting priorities. Law enforcement is not typically funded using BAR funds except in unusual circumstances.

4.2.9 Threatened and Endangered Species

All BAR Plans should be reviewed to determine if threatened or endangered species or their habitat would be benefited or adversely affected by the implementation of BAR treatments. Agencies must consult with the U.S. Fish and Wildlife Service (Ecological Services Offices) or National Marine Fisheries Service, as appropriate, on all BAR actions that may affect a threatened and endangered listed species or its habitat to ensure compliance with Section 7 of the Endangered Species Act. Timeframes for review and consultation may last several months. Therefore, every effort should be made to initiate these actions early in the BAR planning process.

Post-fire monitoring of threatened and endangered species status or recovery is not funded with BAR funds unless the monitoring is for the purpose of assessing treatment effectiveness of threatened and endangered species habitat rehabilitation measures and is in an approved BAR Plan.

4.2.10 Removal of Treatments

Any treatments, or parts thereof, installed using BAR funds can be removed using BAR funds if removal is completed within three years of containment of the wildfire. If treatments remain after three years of wildfire containment other funds must be used for removal costs and other programs must become responsible for managing and maintaining the treatments.

5 Program Administration

5.1 Roles and Responsibilities

Agency Administrator directs and coordinates the development and implementation of all management operations of an administration unit. This includes developing and implementing the BAR Plan.

Agency/Bureau BAER Coordinator coordinates program issues within their own agency/bureau.

Regional/State BAER Coordinator coordinates program issues within their own regions/states.

Burned Area Rehabilitation (BAR) Team assesses the need for BAR treatments/activities and prepares a BAR Plan for the agency administrator. BAR teams are established to quickly address BAR issues.

5.2 BAR Program Funding

Funding for BAR treatments/activities is provided under Wildland Fire Management funding authorities. See [Chapter 4](#) for appropriate and inappropriate use of the BAR funds.

See [Chapter 3.7](#) Funding Rules for how projects receive consideration for funding.

5.2.1 Cost Accounting

Agency specific cost tracking processes are used to accurately track expenditures. Use Fire Codes to track funding. The complexity of the project dictates the complexity of the cost tracking system.

5.2.2 Personnel Funding

All participants may fund their base 8 hours from BAR. Though BAR is a non-emergency activity, it is an unpredictable amount of unplanned work; however, careful planning should eliminate any need for overtime. If overtime is needed, overtime hours can be charged to BAR. Performance awards can be funded with BAR funding, but only with the approval of the bureau's National Burned Area Emergency Response Coordinator. Administratively Determined (AD) personnel cannot be used on BAR projects.

For further information on overtime, hazard pay, and other personnel funding issues see [Interagency Incident Business Management Handbook](#).

5.3 Planning

Each BAR project requires the preparation, submittal, and approval of a BAR Plan. The BAR Plan is written separately from the Emergency Stabilization / Burned Area Emergency Response (BAER) Plan.

5.3.1 BAR Plan

The BAR Plan must be consistent with approved land and resource management plans. Development of the BAR Plan objectives are guided by resource management objectives and general management practices identified in approved land and resource management plans.

Though the non-emergency nature of BAR planning allows bureaus to use normal local unit resources and a normal planning approach, it is an unpredictable amount of unplanned work requiring careful planning.

An approved BAR Plan is required before any BAR funds can be obligated toward implementation. Written approval is required for all activities and treatments and will be documented in the final BAR Plan.

5.3.2 Transition to Resource Management Activities

Frequently, BAR treatments/activities initiates a management action that is significantly longer than the three year funding limitations (e.g., non-native invasive species control, appropriate livestock and animal management, etc.) The BAR Plan should identify the types of programs, funding and steps that are needed to tie BAR to long term management programs and their goals. The Plan may also identify other potential program areas and funding sources able to accommodate these added long-term management commitments and actions beyond the three year funding limits. Unless long-term activities are fully integrated into the other program areas, the ultimate success of the activity and the benefits to the resource may be jeopardized.

5.4 BAR Program Accountability

Accountability for the BAR program lies with each agency's administrator. Individual agencies establish accountability responsibilities for:

- Plan review and approval/disapproval (resource and funding appropriateness)
- Financial accountability
- Plan implementation
- Plan implementation review and evaluation
- Program review and evaluation

Significant deviations from treatment specifications or costs as prescribed in the approved plan require a plan amendment. All treatments/activities, including plan amendments, must be completed within three years of wildfire containment.

Accomplishments are tracked and reported in the corporate database (e.g., [NFPORS](#)). Fiscal obligations and accomplishments are tracked and documented by an annual accomplishment report each fiscal year. A final accomplishment report is required after completion of the BAR project. Any BAR funds not expended following completion of the plan cannot be used for other purposes.

To sustain accountability for provided funding, annual and final accomplishment reports (See [section 7.10](#)) are to be submitted to the approval authority. The corporate database must be kept current. The annual accomplishment report should include treatments applied, dollars spent, treatment effectiveness, monitoring results, and an assessment in narrative form of each aspect of the project. The annual and final accomplishment reports are a mandatory requirement for continued treatment effectiveness monitoring funding and account closure.

5.5 Information Management

Approved BAR Plans, treatment effectiveness reports, and accomplishment reports should be shared with other federal and non-federal agencies/bureaus.

5.6 Agreements

Agreements can be made between agencies for the implementation of BAR activities and treatments. Funding for Bureau of Reclamation projects will be from that Agency's funds only.

There must be an agreement before any service is performed. Without an agreement, there is no authority to obligate funds for services. Specifications for funding responsibilities should include billing procedures and schedules for payment. Any agreement that extends beyond one fiscal year must be made subject to the availability of funds. Any transfer of federal property must be in accordance with federal property management regulations. All agreements must undergo periodic joint review and, as appropriate, revision.

Because funding for burned area rehabilitation treatments is provided in one-year increments for no more than three years following containment of a wildland fire, agreement to obligate funds in one fiscal year for use in another is only done when there is not sufficient time to initiate and complete the contracting necessary to begin treatment work identified in an approved plan.

The chart below is a synopsis of the three basic agreement types, contract, interagency agreement, and memorandum of understanding.

TYPES OF AGREEMENTS

TYPE OF AGREEMENT	DEFINITION	SIGNATORY AUTHORITY	REFERENCES	CONTACT FOR INFORMATION
Contract	A mutually binding legal document obligating the seller to furnish supplies or services (including construction) and the buyer to pay for them.	Only warranted Contracting Officers may award contracts.	Federal Acquisition Regulations, 48 CFR; and Department Acquisition Regulation System.	Respective Headquarters or regional office Contracting Officer
Interagency Agreement	An agreement between Federal Agency(ies)/Bureaus used to reimburse an Agency for goods or services provided to the agency.	Warranted Contracting Officers are the only officials who may award Interagency/ Intra-Agency Agreements in combination with the respective agency administrator.	Federal Acquisition Regulations, 48 CFR 17.5; and Department Acquisition Regulation.	Same as above.
Memorandum of Understanding (MOU)	A written agreement between the agency and another entity(ies) that confirms the use of cooperative policies or procedures to promote mutual endeavors.	MOUs are signed by the Director/Deputy Commissioner or agency administrator.	Internal Guidance	Same as above.

5.7 Cooperation on Adjacent Lands

5.7.1 Wyden Amendment (16U.S.C.1011(a)) as modified by Section 136 of P.L. 105-277 as amended by P. L. 109-54 (expires 2011).

Appropriations made for the Bureau of Indian Affairs, Bureau of Land Management, National Park Service, and US Fish and Wildlife Service may be used for the purpose of entering into cooperative agreements for the protection, restoration, and enhancement of resources on public or private land and the reduction of risk from natural disaster where public safety is threatened on public lands.

Burned area rehabilitation funds may be used to enter into cooperative agreements with Federal, state, tribal, local governments, private nonprofit entities, and landowners. When emergency stabilization funds are used under the Wyden Authority, treatments must meet the same criteria for rehabilitation appropriateness and timelines as rehabilitation treatments accomplished DOI lands. Follow appropriate agency direction on entering an agreement. Appropriate cost-sharing protection and liability agreements should be included in the cooperative agreement with the land owner. A cooperative agreement must be signed and in place prior to commencement of any work on those private or non-federal lands.

[See Appendix I.](#) Department of the Interior Wyden Guidance

6 Plan Development

Burned area assessments are conducted to validated anticipated BAR needs either defined in fire and resource management plans or identified in initial fact finding activities. The assessment determines what realistic and cost effective BAR treatments are needed; not to document the effects of the wildfire (i.e., natural or cultural resource damage, fire effects, etc.) or to validate whether an appropriate management response (e.g., limited or modified suppression) was appropriate. BAR planning is funded through burned area rehabilitation if funds are available.

6.1 Assembling the Planning Team

The agency administrator is responsible for BAR Plan development which may include assembling an interdisciplinary planning team to conduct burned area assessments and begin plan development. If BAR actions are anticipated, the BAR team should be assembled and ready to work within sufficient time to complete the BAR Plan to meet agency timelines. BAR Teams can be a standing or ad hoc group of technical or scientific specialists that may be local, regional, or national. BAR Plans can be multi/interagency when agency administrators agree that a multi/interagency plan is appropriate.

Team size and make-up will vary dependent on the wildfire size, values to be protected, time frames, and jurisdictions involved. Generally the team should include resource specialists (geomorphology, soils, hydrology, revegetation, wildlife, ecology, range, watershed, invasive species, historic properties, etc.), members knowledgeable about post-fire impacts and effective rehabilitation techniques and local unit resource advisors. Adding trainees to a BAR project is encouraged.

A team member may represent several skills. Inclusion in the team of expertise from cooperating agencies or offices is encouraged, especially when the needed skills are not available within the agency. Access to needed expertise can be obtained through the Interagency Qualifications and Certification System or through contracts.

6.2 Review of Current Available Resources and Wildfire Data

Prior to field inspection of the burned area, the planning team should:

- Receive a start up briefing with agency administrator.
- Review Emergency Stabilization or Burned Area Emergency Response Plan if available.
- Review the field unit fire, land, and resource management plans.
- Review all wildfire suppression operational plans, resource advisor reports, and the Wildland Fire Situation Analyses. Suppression plans/actions provide valuable information concerning the relative values the field unit places on individual resources. Compile incident GIS data.

- Have all existing relevant resource management data including monitoring studies, inventories (vegetation, cultural, and Threatened and Endangered, including sensitive species), state comprehensive wildlife conservation strategies, and previously implemented BAR plans.
- Review monitoring studies and vegetation inventories which provide valuable information on pre-burn invasive species populations and plant composition that may be useful in deciding what actions may be necessary, or whether natural recovery may preclude the need for intensive treatments.
- Climate and hydrological data.
- Review information on fire history, fire ecology and effects, fire management planning, historic properties
- Review treatment effectiveness monitoring data on the success or failure of past wildfire stabilization and rehabilitation treatments. This is essential in developing proposed treatments.
- Review soil surveys which contain important information on characteristics of soils relative to erosion potential, the success of seeding, ecological site information, seeding success potential, and other important information.
- The planning team should review and become familiar with the information contained in the [Fire Effects Information System](#) (FEIS) computerized database, the *Fire Effects Guide*, and other relevant literature, documentation, and expertise. The FEIS is described in *Fire Effects Information System: User's Guide, USDA Forest Service General Technical Report INT-GTR-327*. It contains information on 900 plant species, 90 animal species, and 25 plant communities. Summaries are updated periodically as new wildland fire ecology information becomes available. The *Fire Effects Guide*, sponsored by the NWCG, is available from the Publications Management System manager at the National Interagency Fire Center (NIFC) warehouse as NFES 2394. Numerous other technical references should also be consulted and are available on the Internet (including the NRCS websites) and other locations to ensure that the appropriate techniques and plant species are utilized in planned projects.
- Another source of information about potential species to be used in re-vegetation is the NRCS-USGS Biological Resources Division [VegSpec](http://plants.usda.gov) website (<http://plants.usda.gov>). The VegSpec is a web-based, expert system that aids technical people or managers in making sound decisions on what plants to plant on specific sites. It integrates the Natural Resources Conservation Service (NRCS) soils, plants, and climate databases for plant selection which addresses conservation problems. Other sources of information on vegetation (including the potential for invasion by undesirable species), soils, and site potential (ecological site) should also be reviewed to help determine if seeding is necessary is for the success of the BAR project.
- Review other relevant available information.

Areas of concern (e.g. wilderness and wilderness study areas, areas of critical environmental concern, erosion hazards, threatened and endangered species habitats, historic properties etc.) should also be identified from field unit records prior to field inspection.

Aerial photographs, geospatial data, and maps are essential tools for the planning team to include on initial wildfire inspections. Habitat improvements and other agency facilities within the

wildfire perimeter are plotted on maps/photos to assist the team in identifying burned structures for reconstruction or replacement consideration.

The planning team may develop a burned area map delineating burn severity using accepted protocols and definitions for the purpose of focusing their assessment activities.

6.3 Burned Area Assessment

After the preliminary information has been reviewed and assembled, the planning team conducts one or more field inspections of the burned area to assess values at risk as a result of the wildfire. Aerial and ground assessments must be coordinated with the Incident Management Team Commander.

Values to be protected may include natural and cultural resources, threatened and endangered species, potential for exotic invasives, and soil productivity and minor Federal facilities. Once identified, values to be protected should be evaluated for appropriate BAR action. These evaluations may require coordination with local specialists and appropriate models should be used and referenced.

Burn severity mapping may be useful for prioritizing assessment issues and areas for field evaluation.

6.4 Planning Team Recommendations

Upon completion of the burned area field inspections, the planning team reports its initial findings and recommendations and provides an agency administrator briefing. Identification of values to be protected and BAR needs are discussed with the agency administrator. Options for BAR, potential costs, consultation and cooperation needs, and potential controversies associated with the proposed treatments are presented at this time. The agency administrator accepts, modifies, or rejects the team's recommendations and gives direction to the team how to proceed with BAR Plan development.

6.5 Preparing the BAR Plan

In most cases, it is a local BAR team that will prepare the BAR Plan. However, if an outside team is called in, it is expected that local resources will provide support and assistance in the preparation of the BAR Plan. In preparing the BAR Plan, the team should work with the field unit staff to take the following actions:

- Determine the availability and cost of the treatment or activity supplies (e.g. seed proposed for planting).
- Begin making arrangements for the cultural and threatened and endangered species consultations, including coordinating with agency contracting specialists.
- Determine the availability and make preliminary arrangements for necessary equipment.

- Coordinate with the agency administrator and with affected or interested parties regarding proposed BAR practices.
- Coordinate with the Regional/State/National Office on complex or controversial BAR funding issues or technical questions.

Information needed to complete the plan may include:

- Agency review and approvals.
- Summary wildfire narrative and activities and treatments needed.
- Fire location and background information.
- Type of plan (e.g., initial submission, or amendment).
- Values at risk.
- Values to be protected and their location.
- BAR objectives.
- Planning team organization and membership.
- Activity and treatment specifications.
- BAR funding needs.
- Consultations made by the planning team.
- Burn area assessments.
- Environmental compliance documentation
- Explanation of treatments with respect to values at risk.
- Maps, photo documentation, supporting documents, etc.
- Monitoring objectives and procedures/protocols.
- Anticipated restoration activities

BAR Plan templates and examples are available at agency and the [DOI](#) website.

6.6 BAR Plan Approval

All BAR plans are approved by the appropriate line officer and funded at the national office. The planning team completes the plan and obtains an initial review from policy, technical, or other interested parties prior to the submission of the plan to the national office for funding approval. If problems are defined, they should be worked out before the plan is submitted for approval. The agency administrator is responsible for submitting the BAR Plan through the regional/state office to the national office for funding approval.

The agency administrator, planning team, or approving official is encouraged to request input from the State, Regional and/or National Office staffs on any BAR Plan before submitting it for approval. The use of electronic means of transmitting plans is encouraged.

6.7 Transition to Plan Implementation

Ideally, BAR Plan development personnel are the same people assigned to implementation. When the plan is implemented by a different team, the implementation team leader should be involved in the planning effort.

With regional/national teams, planning and implementation personnel may be different (e.g., standing BAR team completes the planning and the local unit personnel complete the implementation of approved treatments). In this case, it is important to prepare a transition memo (from the planning team to the affected agency administrator(s)) with implementation recommendations, and all BAR Plan file(s). These measures should help to ensure a clean, organized transition from planning to implementation. It is also important that the departing planning team conduct a close-out and transition meeting with the affected agencies to discuss the findings of the burned area assessments, treatment proposals and other mitigation measures, and approval and funding procedures. This transition meeting should include the following key transition individuals: agency administrator, resource advisor, fire management officer, planning team leader, implementation team leader, and administrative/procurement officer. The planning team may be contacted by implementation personnel to explain specific aspects of the plan.

Treatment specifications in the Plan should be sufficiently detailed that the implementers do not have to reanalyze the treatment need, extent, character and costs or to question the practicality of the treatment.

6.8 Plan Amendment

The Plan may be amended at any time. Maintenance, repair or replacement of BAR treatments can occur for up to three years following wildfire containment dependent on contingency or competitive funding being available.

6.9 Planning of Treatment Effectiveness Monitoring and Evaluation

BAR Plans must include provisions for monitoring and evaluation of treatments.

Monitoring and evaluation of post-fire treatments are critical for understanding and improving such treatments. The objective of treatment effectiveness is to determine if plan objectives were met. Effectiveness monitoring is used to evaluate whether the installed treatment had the desired effect. This information is used to adapt management treatments and activities for the current and future projects to increase effectiveness.

Monitoring intensity should be commensurate with the complexity of the BAR treatments and the level of concern or controversy associated with the BAR treatment. The effectiveness monitoring specification should document the specific monitoring objective for that project, the monitoring protocol, personnel/equipment needed, and the funding needs. Those treatments that have been identified for effectiveness monitoring, must have monitoring provisions and procedures specified. Procedures for collecting, archiving and disseminating results are also necessary, and results should be entered into the existing corporate database.

Provisions for monitoring beyond the three year limitation must be considered from other program funding.

7 BAR Plan Implementation

7.1 Implementation

Actions to implement BAR treatments should begin immediately upon plan funding approval. Implementation should begin as soon as necessary to complete the treatment prior to the rainy season, onset of winter, weather, or other shutdowns. Potential delays or issues should be addressed early in the implementation process to facilitate completion of treatments at the proper time to ensure maximum probability of success. Implementation complexity increases dramatically in situations where a wildfire has burned across property boundaries.

7.2 Responsibility and Coordination

Unlike the planning effort, which is often done by a single interagency team, each affected agency identified in the BAR Plan must assume the overall responsibility for the implementation of treatments on the lands it manages. Private, state, county, and city lands are typically coordinated by the Natural Resources Conservation Service (NRCS) through the Emergency Watershed Program (EWP). Whenever possible, treatment implementation should be coordinated across agency lines by "piggy-backing" on existing contracts, sharing contracting officer's representative (COR) responsibilities, etc. Cooperation between agencies charged with the implementation of similar or identical treatments within the same wildfire perimeter is not only possible, but is highly encouraged as opportunity for real cost savings and management efficiency.

7.3 Project Management

The agency administrator should assign an implementation leader to ensure all plan treatments/activities are completed on time and according to the specification. Depending on the complexity of the plan, this may be a collateral or full time duty. The project implementation leader's duties may include:

- Safety of implementation activities.
- Supervising plan and individual treatment specification preparation and implementation.
- Equipment and supply procurement.
- Ensuring contract administration by certified CORs.
- Coordination with region/state/national coordinator.
- Implementation monitoring.
- Accomplishment reports (annual, final).
- Corporate database documentation.

Treatments must conform to federal procurement laws, rules and regulations and agency and Departmental manuals. Rehabilitation treatments and activities are normally funded the fiscal year following the wildfire unless rehabilitation contingency funds are available. Treatments and activities are funded in one-year increments and are reviewed at the end of each fiscal year and

competitively funded with the next fiscal year funds, as appropriate unless this years contingency funds are available on a first come first served basis. The initial approved BAR spending authority is issued for the period up to one year following containment of the wildfire (monitoring and failed treatment maintenance may continue for up to three years). After submission of the final accomplishment report or the BAR funding time limit lapses (whichever comes first), appropriate BAR obligations cease and unspent funding authority is withdrawn. Accurate actual cost accounting records of expenditures must be kept by fiscal year in the annual accomplishment report.

Complex, long-term projects on large fires may require a formal Implementation Plan. This plan may include: organizational chart, communications plan, safety plan, priority treatment implementation, responsibilities, etc.

7.4 Project Records

Accurate and up-to-date records of estimated and actual expenditures must be kept. Projects should be structured in order to reduce the local administrative unit record keeping. Project records are kept at the local administrative unit and available for review and audit.

7.5 Organization

The implementation team leader is responsible for identifying procurement needs to the administrative officer and agency administrator early in the implementation phase. The Agency Administrator is responsible for providing procurement services. The implementation team leader and local administrative staff are responsible for establishing and maintaining effective working relationships. It is recommended that in complex situations, the implementation team should be organized using Incident Command System (ICS) principles.

7.6 Contract Inspection

For every treatment/activity installed through a contract, it is necessary to inspect and accept the work completed as specified in the contract. The inspection should verify that the work was completed according to the contract specifications. Contractors cannot be issued final payment until the inspection is completed and the work is acceptable and in compliance with contract specifications.

7.7 Preparation

Administrative units should anticipate (programmatic planning) and arrange for supplies, equipment, and services normally required for BAR work before the wildfire season. These arrangements may include blanket purchase agreements, open-end contracts, and so forth. Such arrangements may be done in conjunction with wildland fire management activities. (See [NWCG Interagency Incident Business Management Handbook](#)).

7.8 Project Maintenance

Some treatments/activities may require periodic maintenance to ensure continuous and effective functioning and to protect the financial investment in the treatment. Adequate maintenance must be provided until the conditions specified in the plan are met and the treatment measures are no longer needed. Structures used in BAR may be removed rather than maintained or replaced after they have outlived their design life and after the objectives in the plan are met.

Maintenance and removal of BAR structures are funded through the BAR program for up to three years after containment of the fire. If this removal occurs after the three year funding period, removal costs must be programmed and charged to the appropriate agency funding account.

7.9 Implementation of Monitoring

The annual accomplishment report contains information on monitoring progress/results and is required in order to continue to receive funding to monitor for an additional year.

Cooperative efforts in monitoring the results of BAR projects are encouraged; these efforts could be with research organizations, neighboring offices, other office programs, agencies, or universities.

Monitoring information and results should be entered and retained in an easily accessible corporate database. Information gained in monitoring is strongly encouraged to be shared through websites, professional papers, technical bulletins, symposia, workshops, training, etc.

7.10 Accomplishment Reporting

To provide for accountability for funding approved, a standardized, final accomplishment report must be filed with the approving official. The submission of the final accomplishment report effectively closes out the BAR portion of the project.

The agency administrator reports accomplishments on projects and tracks expenditures of funds under the Wildland Fire Management authority. The agency administrator is also responsible for entering data into the corporate database (NFPORS).

The final accomplishment report is a statement of what activities and treatments were completed. The information in the final report should include:

- The original specification and subsequent submissions.
- Descriptions of the implementation of the treatments, including final treatment maps and specifications.
- Expenditures.
- Completion date of the treatment(s).
- Projected follow-up activities and treatments.

- Treatment effectiveness monitoring results.
- Assessments for each of the resources affected, e.g., cultural, forestry, vegetation, fish and wildlife, soil and watershed, etc.

Failure to submit final accomplishment reports will curtail future BAR funding for the management unit.

7.11 After Action Review

An after action review (aka lessons learned) of every BAR Plan is necessary to identify information and knowledge gaps, training needs and research opportunities. It can identify what worked and what didn't from a process perspective. The appropriate timing is conditional on Plan implementation since actual implementation will identify the strengths and weaknesses in the Plan. These After Action Review reports should be shared.

7.12 Transition to Restoration

In order to support the initial burned area rehabilitation investment, provisions may be made to continue management and maintenance activities. Restoration funding comes from other funding sources.

8 References

Napper, C. 2005. draft [Burned Area Rehabilitation Treatments Catalog](#). San Dimas Technology and Development Center, San Dimas, CA. 180p.
<http://fire.r9.fws.gov/ifcc/esr/baercat/baercat.htm>

[Department of the Interior Policy Manual 620DM3](#).
http://elips.doi.gov/app_DM/act_getfiles.cfm?relnum=3610

[Department of the Interior Emergency Stabilization and Burned Area Rehabilitation](#) web site.
<http://fire.r9.fws.gov/ifcc/esr/home.htm>

[Fire Effects Information System](#) <http://www.fs.fed.us/database/feis/>

NRCS-USGS Biological Resources Division [VegSpec](#) website. <http://plants.usda.gov>

Appendix 1. Department of the Interior Wyden Guidance

Department of the Interior Wyden Amendment Guidelines for use of Emergency Stabilization and Burned Area Rehabilitation Funding

Purpose: The purpose of this document is to provide Department of the Interior (DOI) bureaus with consistent guidance for entering into cooperative watershed agreements using emergency stabilization and burned area rehabilitation funds on lands managed by other Federal agencies, Tribes, States, local governments, private landowners, or nonprofit entities. These guidelines identify the types of treatments that may be covered using emergency stabilization or burned area rehabilitation funding, and how projects proposed under the authority of the Wyden Amendment will be managed.

Background. The expenditure of emergency stabilization and burned area rehabilitation funds are allowable under United States Code Title 16, Section 1011 (also known as the Wyden Amendment) on lands managed by other Federal agencies, Tribes, States, local governments, private landowners, or nonprofit entities.

The Wyden Amendment states: *For fiscal year 1997 and each fiscal year thereafter, appropriations made for the Bureau of Land Management including appropriations for the Wildland Fire Management account allocated to the National Park Service, Fish and Wildlife Service, and Bureau of Indian Affairs may be used by the Secretary of the Interior for the purpose of entering into cooperative agreements with the heads of other Federal agencies, tribal, State, and local governments, private and nonprofit entities, and landowners for the protection, restoration, and enhancement of fish and wildlife habitat and other resources on public or private land and the reduction of risk from natural disaster where public safety is threatened that benefit these resources on public lands within the watershed.*

DOI agencies may utilize the Wyden Amendment authority for the purpose of carrying out emergency stabilization (ES) or burned area rehabilitation (BAR) treatments utilizing ES or BAR funds. When the Wyden Amendment authority is used, a Watershed Restoration and Enhancement Agreement must be developed.

Emergency Stabilization Actions Allowed under Wyden

Emergency stabilization actions are limited under Wyden to minimizing threats to human life or property.

- Installing structures to slow soil and water movement endangering human life and property.
- Stabilizing soil to prevent mud and debris flows across public roads and into communities.
- Increasing road drainage frequency and/or capacity to handle additional post-fire runoff threatening public roads and communities.

- Installing protective fences or barriers to protect treated or recovering areas.
- Monitoring of treatments and activities for up to three years.

Burned Area Rehabilitation Actions Allowed under Wyden

Burned area rehabilitation actions are limited under the Wyden Amendment to repairing lands adjoining DOI bureau lands that protect investments on bureau lands and provide tangible benefits to bureau lands or resource responsibilities.

Before entering into a Watershed Restoration and Enhancement Agreement, the following conditions must be met:

The proposed action:

- is included in a Burned Area Emergency Response (Emergency Stabilization) and/or Burn Area Rehabilitation Plan.
- is adjoining DOI bureau (BLM, BIA, NPS, USFWS) lands.
- is part of the response to the same wildfire impacting DOI bureau lands.
- must be in combination or compatible with/support treatments proposed on DOI bureau lands.
- is subject to the planning, implementing, and funding policy and standards in the DOI policy manual 620 DM 3, Interagency Burned Area Emergency Response and Rehabilitation Guidebooks, and other relevant bureau guidance documents.
- must comply with all applicable Federal, State, and local laws and regulations, policies, and permit requirements (for example: National Environmental Policy Act, Clean Water Act, National Historic Preservation Act, and Endangered Species Act). Compliance and associated documentation for these acts must be negotiated, agreed to, and completed in advance.
- will be reviewed (Burned Area Rehabilitation plans only) by the national BIA, BLM, NPS, and USFWS burned area emergency response coordinators for the first three years of policy implementation for compliance with listed criteria and prioritization in the case of limited available funds.
- shall not supersede other emergency response statutory authorities provided for by the Homeland Security Act, National Response Plan, and the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act) to provide a comprehensive, all-hazards approach to domestic incident management.
- must explore and document the potential use of other federal, state and local emergency programs such as the Natural Resources Conservation Service's Emergency Watershed Protection program.

Watershed Agreements. As stated in the Wyden Amendment, agreements may be either: (a) directly with a willing landowner or (b) indirectly through an agreement with a State, local, or Tribal government or other public entity, educational institution, or private nonprofit organization. A Watershed Restoration and Enhancement Agreement shall:

- A. include such terms and conditions mutually agreed to by the Agency Administrator and the landowner;
- B. improve the viability of and otherwise benefit the fish, wildlife, and other biotic resources on public land in the watershed;
- C. authorize the provision of technical assistance by the Agency Administrator in the planning of management activities that will further the purposes of the agreement;
- D. provide for the sharing of costs of implementing the agreement among the Federal government, the landowner, and other entities, as mutually agreed on by the affected interests;
- E. ensure that any expenditure by the Agency Administrator pursuant to the agreement is determined by the Agency Administrator to be in the public interest.

Other Terms and Conditions:

The Wyden Amendment also states that the Agency Administrator may require such other terms and conditions as are necessary to protect the public investment on private lands, provided such terms and conditions are mutually agreed to by the Agency Administrator and the landowner.

For the purpose of conducting emergency stabilization and burned area rehabilitation treatments, the agreement:

- will not have an impact on states rights and responsibilities and will comply with the considerations, principles, and requirements of Executive Order 13132, Federalism.
- will identify which party to the agreement has responsibility for implementing each Burned Area Emergency Response and/or Burned Area Rehabilitation Plan treatment and activity.
- will stipulate neither emergency stabilization nor burned area rehabilitation funds are responsible for operation and maintenance of treatments beyond three years from containment of the wildfire.
- must state that the federal government will assume no liabilities.
- will include treatment effectiveness monitoring and reporting.

Tracking

All projects will be tracked via the National Fire Plan Operations and Reporting System (NFPORS). Projects will be tracked by the bureau administering the Watershed Agreement.