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Forest Service
Fire and Aviation Management
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Implementation Guide for Aerial Application of Fire Retardant



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Acronyms

BA	Biological Assessment
BE	Biological Evaluation
BO	Biological Opinion
BMP	Best Management Practice
EDW	Enterprise Data Warehouse – Forest Service
EIS	Environmental Impact Statement
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FMO	Fire Management Officer
FS	United States Forest Service
FSH/FSM	Forest Service Handbook/Manual
FWS	Fish and Wildlife Service – Department of Interior
GDB	Geodatabase
GIS	Geographic Information System
GSTC	Geo-spatial Service and Technology Center - FS
FAM	Fire Aviation Management - FS
IC	Incident Commander
ITS	Incidental Take Statement
LRMP	Land Resources Management Plan
MTDC	Missoula Technology and Development Center
NEPA	National Environmental Policy Act
NFS	National Forest System
NHD	National Hydrography Dataset
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
READ	Resource Advisor
ROD	Record of Decision
RPM	Reasonable and Prudent Measures
SDE	Spatial Database Engine
SHPO	State Historic Preservation Officer
TEPCS	Threatened, Endangered, Proposed, Candidate, Forest Service Listed Sensitive
TES	Threatened, and Endangered Species
USGS	U.S. Geological Survey
WFDSS	Wildfire Decision Support System
WildCAD	Wildland Fire Computer Aided Dispatch
WFCS	Wildland Fire Chemical Systems (USFS, part of Missoula Technology and Development Center)

Chapter 1. Introduction

On December 13, 2011, U.S. Forest Service Chief Tom Tidwell signed a record of decision establishing new direction for the use of fire retardant applied from aircraft to manage wildfires on National Forest system (NFS) lands. This direction approves the use of aerially applied fire retardant and implements an adaptive management approach that protects resources and continues to improve the documentation of retardant effects through reporting, monitoring and application coordination. Aerial retardant drops are not allowed in mapped avoidance areas for certain threatened, endangered, proposed, candidate or sensitive (TEPCS) species or in waterways. This national direction is mandatory and would be implemented except in cases where human life or public safety is threatened and retardant use within avoidance areas could be reasonably expected to alleviate that threat. When an application occurs inside avoidance areas for any reason, it will be reported, assessed for impacts, monitored and remediated as necessary. The direction also provides greater protection for cultural resources including historic properties, traditional cultural resources, and sacred sites through closer coordination with states and Tribes. **This direction and guidelines do not require helicopter or air tanker pilots to fly in a manner that endangers their aircraft or other aircraft or structures or that compromises the safety of ground personnel or the public.**

This direction includes procedures developed by the Forest Service (FS), United States Geological Survey (USGS), Fish and Wildlife Service (FWS) and National Oceanic and Atmospheric Administration (NOAA) Fisheries for monitoring and reporting if aerially-applied fire retardant impacts certain species or habitat. National level programmatic consultation with FWS and NOAA Fisheries as directed by Section 7(a)(2) of the Endangered Species Act (ESA) [16 U.S.C. 1531 *et seq.*] was completed for species and designated critical habitats. The ROD accepted the terms and conditions of the Biological Opinions rendered by the services and outlined re-initiation triggers. For additional information about ESA or missions of these two regulatory agencies (FWS, NOAA Fisheries) please see Glossary.

This direction also includes Aircraft Operation Guidance, Avoidance Area Mapping Requirements, Annual Coordination/Training, Reporting and Monitoring Requirements, and modifications resulting from ESA Section 7 Consultation. **Nothing in this decision changes the way aerially applied fire retardant is used outside of the mapped avoidance areas.** All other fire suppression tactics are still available with avoidance areas, including ground activities and foams and water enhancers, please refer to the Interagency Policy for Aerial and Ground Delivery of Wildland Fire Chemicals Near Waterways and Other Avoidance Areas (Red Book, Chapter 12 <http://www.nifc.gov/>) for specifics related to other fire chemicals and reporting requirements. It's important to remember that firefighter and public safety continues to be Forest Service's number one priority. To review the final decision and all documents related to this direction see: <http://www.fs.fed.us/fire/retardant/>

Objective

The objective of this guide is to provide a 'one-stop resource' for forests and regions to obtain all the information necessary to implement the Aerial Fire Retardant Guidelines as directed in the Record of

Decision (ROD). This guide consists of direction for personnel such as pilots, Fire Management Officer's (FMO's, etc.), Incident Commander's (IC's), Resource Advisors (READs), and others involved in the use of aerial fire retardant. Reporting and monitoring requirements at the local and national level, avoidance area mapping requirements, data management, coordination and re-initiation of consultation with regulatory agencies, and funding are also included.

The format of this guide is presented as direction by the following categories:

- **Avoidance Areas Direction and National Mapping Process.** This section provides the process of development of avoidance areas, national direction associated with use of aerial fire retardant in these areas, where avoidance maps can be found and how maps are updated.
- **Pilot Direction.** This section provides specific direction to pilots when approaching mapped avoidance areas and describes methods to ensure compliance with the new direction.
- **Fire Operations.** This section includes an introduction to this direction in comparison to previous direction and provides direction for preseason planning, fire suppression activities, and tactics associated with the use of aerial fire retardant.
- **Resource Specialists.** This section provides information related to the role and function of resource specialists, including READs, direction associated with mapped avoidance areas, process of re-initiation of consultation with regulatory agencies if needed.
- **Misapplication Reporting and Monitoring Process.** This section provides direction and reporting requirements in the event of a misapplication into an avoidance area, information regarding funding sources for these activities is also provided.
- **5% Assessment and Reporting Process.** This section describes the purpose, direction and reporting requirements associated with this assessment. Methodologies and flow charts are provided to assist in completion.
- **Seasonal and Annual Training Requirements.** This section outlines specific seasonal requirements such as processes that need to be completed prior to fire season, during and post-fire season by resource. Additionally this section provides a list of annual training requirements and information regarding funding codes.
- **Data and Upward Reporting Requirements.** Documentation, data collection and reporting requirements and funding codes are provided within this section.
- **Questions and Answers.** This section consists of a compiled list of most commonly asked questions and associated answers encountered by the team developing this direction and implementation strategy during the development of the ROD.

Chapter 2. Avoidance Area Mapping Process and Direction

Process

The Forest Service used the following protocols to generate a standardized, national map template of avoidance areas:

- Use FWS and NOAA Fisheries-designated critical habitat layers when available.
- Use the National Hydrography Dataset for mapping water bodies to create hydrographic avoidance areas.
- Use FWS, NOAA Fisheries, and Forest Service species population and designated critical habitat information for occupied sites.

At this time all national forests and grasslands that have affected TEPCS species have completed this mapping. These protocols will be used for annual updates are specified in further detail below.

Aerial retardant avoidance areas have been identified and maps developed to protect resources. Beginning March 2013, all avoidance maps have been georeferenced. Avoidance area maps can be found at local FS offices or at the link provided at the following website: <http://www.fs.fed.us/fire/retardant/index.html> Users may access all maps on the public NIFC server at: ftp://ftp.nifc.gov/Base_Info/Retardant_Avoidance_Areas/Maps/ This site is updated annually by Geospatial Technology Center (GSTC). If changes to TEPCS avoidance areas are completed by individual forests and Geographic Information System (GIS) data uploaded to the T drive as described in *Updates of TEPCS Data*, below, national-level retardant avoidance data will be automatically updated as described in *Raw Data Availability*, below. New maps for these updates will need to be retained by the local forests and changes as associated with implementation of a new area will need to be coordinated at the local level.

Avoidance areas include the following:

Aquatic/Hydrographic Avoidance Areas

Waterways shall be avoided and are given a minimum of a 300-foot buffer, including perennial streams, intermittent streams, lakes, ponds, identified springs, reservoirs, and vernal pools, etc. Buffer areas may be increased based on local conditions in coordination with the FWS and NOAA Fisheries local offices.

Terrestrial Avoidance Areas

Terrestrial Avoidance Areas may be used to avoid impacts on a) one or more federally listed threatened, endangered, or proposed plant or animal species or critical habitat where aerial application of fire retardant may affect habitat and/or populations; or b) any Forest Service terrestrial sensitive or candidate species where aerial application of fire retardant may result in a trend toward federal listing under ESA or a loss of viability on the planning unit.

Cultural Resources, including Historic Properties, Traditional Cultural Resources, and Sacred Sites

Although not mapped for protection, cultural resources, including historic properties, traditional cultural resources, and sacred sites will be given case-by-case consideration when ordering the aerial application of fire retardant. As necessary, incident commanders will consider the effects of aerial applications on known or suspected historic properties, any identified traditional cultural resources, and sacred sites. The Forest Service intends to use cultural resources specialists, archaeologists, and tribal liaisons to assist in the Forest Service's consideration of effects and alternatives for protection.

Direction

The Forest Service will annually coordinate with local FWS and NOAA Fisheries offices to ensure that the mapped avoidance areas on National Forest System (NFS) lands incorporate the most up-to-date information. It is recommended that each unit keep a record of these meetings with date, participants (and agency), notes, etc. The Forest Service will coordinate with aviation managers and pilots on avoidance area mapping and aircraft operational direction and will provide reporting direction to all fire personnel with suppression responsibilities in the event they discover a misapplication in an avoidance area. Chapters 3-6 and 8 of this guide provide specific guidance for each resource area.

- Each Forest Supervisor will be responsible for maintaining and updating the avoidance area maps for the applicable National Forest System land area.
 - It is recommended a list be kept of all personnel/offices/cooperators receiving maps and date maps are received
 - It is recommended a list be kept of any changes made to maps and date of distribution of changes
- Avoidance maps can be updated or adjusted for TEPCS species or designated critical habitats which may also include waterways and their corresponding buffered areas by Forest Supervisors in consultation with local FWS or NOAA Fisheries offices as necessary. Mapping changes are allowed if they do not create additional adverse effects than what was analyzed in the Biological Assessments or change the analysis conducted or determinations made in the Biological Opinions. Refer to Chapter 4-Resource Specialists, Process for Addendums to the National Programmatic Consultation.
- Terrestrial and waterway avoidance areas are mapped using the best current information and can be updated as better data becomes available. As this information changes or is updated, the maps are adjusted by the process defined in this chapter of the implementation guide.
- For the purposes of mapping hydrographic avoidance areas, all waterways (using the USGS National Hydrography Dataset, NHD) were used as a base layer and were given 300' or more (species specific) buffer. For the analysis of effects for consultation with the FWS and NOAA Fisheries, hydrographic avoidance areas included perennial and intermittent/ephemeral streams, lakes, and ponds, whether or not they contain aquatic life. If specific intermittent/ephemeral stretches of streams are identified where aerial fire retardant could be applied if no water was present, re-initiation of consultation with the regulatory agencies at the local level shall be completed and avoidance maps updated (Refer to Chapter 5 on re-initiation of consultation).

- Avoidance maps can be updated by Forest Supervisors for candidate and listed sensitive species based on the best current information.

Updating Avoidance Maps and Data

There are four components for updating the retardant avoidance areas' GIS layers and associated hardcopy maps: 1) Updates of terrestrial TEPCS avoidance information, 2) Updates of hydrographic avoidance information, 3) Annual quad and large-area pdf avoidance map updates, and 4) Provision of data to facilitate forest unit and partner requirements. All components are intended to address both forest and national requirements and to satisfy formal aerial fire retardant avoidance ROD guidelines.

Updates of TEPCS Data

This section describes the process for forests or regions to update their TEPCS retardant avoidance information at any time. Using their 2011 and onward TEPCS retardant avoidance data as a starting point, national forests or regions have the ability to reassess their information and provide updates as conditions warrant (ex. Changes in Federal listings; revised impact on TEPCS species from aerial retardant meeting requirements identified in this handbook; annual updates). GIS data format requirements are provided on the Aerial Fire Retardant Avoidance Mapping Sharepoint site: <https://ems-team.usda.gov/sites/fs-fam-frmapping/SitePages/Home.aspx>. Any national forest that may apply aerial fire retardant must submit a single ArcGIS v10.x File Geodatabase containing up to four separate Feature Classes to the specified T Drive location specified in step (2) below. The Geodatabase may contain one feature class for each Threatened, Endangered, and/or Sensitive (including Candidate and Proposed) species trending toward federal listing, representing terrestrial depiction of areas of fire retardant avoidance. Each Feature Class record must have an attribute indicating its forest code as shown in the FS Unit Name Standards linked [here](#). Further, after performing step (4e) below, a single merged and dissolved Feature Class, called FireRetardantEIS_Dissolved needs to be created. Once uploaded to the FS T drive location specified below, automated routines at the FS Enterprise Data Warehouse (EDW) check existing GIS layers on a daily basis for any data updates (based on forest code) and will update the national GIS TEPCS retardant avoidance layer sitting at the FS EDW Default SDE: S_USA.AerialFireRetardantAvoidance. Existing internal and external map services, as well as web maps pointing to this national layer will be automatically updated accordingly. In this manner, any TEPCS data revisions by any forest or region will be available to all FS and external partners within a brief time period (most likely within a day to a few days). Note that hydrographic updates are not currently automated in the Data Warehouse.

The specific interim update process follows. New or revised TEPCS information submitted in the process outlined below will be used to create annually-updated fire retardant avoidance pdf maps , associated component datasets, and map services.

1. Each national forest that uses aerial fire retardant must follow the process in this handbook to analyze areas of TEPCS species that would be negatively affected by application of aerial fire retardant.
 - a. The national forest shall create GIS layers resulting from (#1) above and Upload to the USFS T: Drive at T:\FS\NFS\WOEngineering\GMO-GSTC\Program\FireRetardantEIS

2. If there is existing data, overwrite the appropriate file. However; ensure that any existing features / feature classes that need to be maintained are integrated into the revised Geodatabase.
3. These TEPCS GIS layers must be in the following GIS file format, specified below and available in template form at <https://ems-team.usda.gov/sites/fs-fam-frmapping/SitePages/TEPCS%20GDB%20Template.aspx>
 - a. Data must be in a single ArcGIS v10 File Geodatabase named S_Rxx_FFF_FireRetardantEIS.gdb where 'xx' is the two-digit region identifier and 'FFF' is the character forest abbreviation. Follow the FS Unit Name Standards given [here](#).
 - b. Each File Geodatabase must contain up to three single Feature Classes (four for 2013-2015, explained below in (e)), each depicting geospatially valid polygons of land where aerial fire retardant is to be avoided, as named below:
 - i. Threatened Species: FireRetardantEIS_Threatened
 - ii. Endangered Species: FireRetardantEIS_Endangered
 - iii. Sensitive Species trending toward federal listing: FireRetardantEIS_Sensitive
 - iv. FireRetardantEIS_Dissolved (created in step (e))
 - c. If the forest does not have specific avoidance of a particular species type (T, E, or S), that feature class may be left out.
 - d. Each Feature Class shall follow these guidelines:
 - i. Can be in any projection
 - ii. Contain full FGDC metadata
 - iii. Contain polygons only
 - iv. Contain valid geometry (must undergo Repair Geometry)
 - v. Follow the file format template provided at: <https://ems-team.usda.gov/sites/fs-fam-frmapping/SitePages/Home.aspx>
 - vi. Each record must contain a valid Forest Code attribute called UnitID matching its national forest. These forest codes must be in 4-character text format RFFF where RR is the 2-digit region identifier and FF is the 2-digit forest identifier.
 - vii. Clip data to FS administrative boundaries, per EIS guidelines.
 - e. The final processing step, new for 2013, is to combine any revised T, E, or S data into a single FC. Note that this only applies for data updated beginning 2013.
 - i. The new feature class, called FireRetardantEIS_Dissolve, will fix many issues that have prevented smooth implementation of updated data within the EDW.
 - ii. Using the Arc Toolbox, simply perform a Merge on your input T, E, and/or S layers.
 - iii. Then using the Arc Toolbox, perform a Dissolve based on UnitID on the result in (ii). Name this new result FireRetardantEIS_Dissolve and perform a Repair Geometry.
 - iv. The end result is that in the Geodatabase you upload, there will be a single Feature Class for any T, E, or S layers, plus a single feature class with everything merged & dissolved together.
 - f. Ensure a local copy of all data is maintained.

4. The Forest Service staff member uploading each File Geodatabase shall send an email notifying the EDW/GSTC that a new file is available.
 - a. Notify Timothy Love tlove@fs.fed.us
5. Each time a national forest or region submits an updated or new File Geodatabase, EDW will process the new information (daily or within a few days, assuming all file requirements are met), recompile, and republish the national terrestrial aerial fire retardant avoidance layer at the EDW Default SDE: S_USA.AerialFireRetardantAvoidance.

Updates of Aquatic/Hydrographic Avoidance Data

This section describes the process for forests or regions to update their hydrographic/aquatic retardant avoidance information. The 2011 EIS Record of Decision confirmed the need for avoidance of aerial fire retardant within at least 300 feet of a water feature (stream, lake, etc). Therefore, to maintain the national standard, the original 2012 retardant avoidance quad pdf maps used the USGS National Hydrographic Dataset (NHD) as a starting point for display of water features and buffered these features by 300 feet and integrated them accordingly during quad map production. The maps displayed water bodies and perennial streams with a different symbology from intermittent/ephemeral streams.

Due to observed inaccuracies of NHD, a feature revision process specifically for aerial fire retardant avoidance data has been established. For latest information on this process, see the aerial fire retardant avoidance mapping Sharepoint site at: <https://ems-team.usda.gov/sites/fs-fam-frmapping/SitePages/Home.aspx>. For these hydrographic updates, the forest/region must provide revised geospatial data for their entire planning area and theme (water bodies and/or streams) if they need to modify any features. In other words, if the forest/region determines that a single water feature needs to be modified (spatially, attributes, deleted, etc), they must start with the entire dataset as guided below, modify that feature, and resubmit the entire new Geodatabase/feature class. This new data will then become the hydrographic avoidance layer used to update the formal avoidance pdf maps.

Revised hydrographic information submitted in the process outlined below will be used to create annually-updated fire retardant avoidance pdf maps, associated component datasets, and map services.

1. The process for creating revised hydrographic avoidance features is as follows:
 - a. Download high-resolution NHD geospatial data from EDW available in EDW's Default SDE as regional datasets:
 - i. S_Rxx_Hydrography where 'xx' is the region identifier
 1. NHDFlowline feature class: Streams/Rivers Polylines
 2. NHDWaterbody feature class: Water bodies Polygons
 - ii. Forests/Regions only need to resubmit data for feature classes they wish to be modified for display on avoidance quad maps. Eg. If water bodies' avoidance are unchanged from the full NHD Waterbody feature class, they need not be resubmitted here.
 - iii. Note if a region or forest has previously revised their hydrographic avoidance, they should begin the update process with data they submitted most recently.
 - b. Create a local copy of this base data for editing.

- c. For either/both feature class(es) where updating is required, modify the hydrographic features locally as necessary to better represent potential areas of water to be avoided. Ensure that re-initiation of consultation with the regulatory agencies at the local level is completed (Refer to Chapter 5 on re-initiation of consultation). Do not modify any hydrographic avoidance without contacting your TES staff member.
 - d. Maintain the FCODE attribute to ensure that these features are symbolized properly.
 - e. Buffer the resultant data by 300 feet. If this is to be modified, again ensure that re-initiation of consultation is achieved.
 - f. Clip the resultant data to FS administrative boundaries.
 - g. Repair Geometry sufficiently to ensure geometry of dataset is valid.
 - h. Upload final dataset as described in (2) below and ensure (2) through (5) are completed.
2. The national forest or region shall upload their new hydrographic layers to the USFS T: Drive at T:\FS\NFS\WOEngineering\GMO-GSTC\Program\FireRetardantEIS
 3. If there is existing data, overwrite the appropriate file. Any new feature classes submitted will completely replace any existing hydrographic avoidance data.
 4. These GIS layers shall be in the following GIS file format, specified below and latest format information available at <https://ems-team.usda.gov/sites/fs-fam-frmapping/SitePages/Home.aspx>
 - a. Data must be in a single ArcGIS v10 File Geodatabase named S_Rxx_FFF_FireRetardantEIS_Hydro.gdb where 'xx' is the two-digit region identifier and 'FFF' is the forest abbreviation following the FS Unit Name Standards given [here](#). If uploading as an entire region, name the file S_Rxx_FireRetardantEIS_Hydro.gdb.
 - b. Each File Geodatabase may contain up to two single Feature Classes, each depicting geospatially valid polygons of water where aerial fire retardant is to be avoided, as named below. If the forest/region does not have any hydrographic features to change from the original high-resolution NHD, that Feature Class may be omitted and hydrographic avoidance information will default to all NHD features buffered by 300 ft.
 - c.
 - i. Hydrographic stream/river features: FireRetardantEIS_Streams
 - ii. Hydrographic water bodies: FireRetardantEIS_Waterbodies
 - d. Each Feature Class shall follow these guidelines:
 - i. Specify attributes showing whether the feature is a water body, perennial stream, or intermittent/ephemeral stream, essentially maintaining the FCODE and FTYPE attributes of the river/stream NHD information. Any features without these attributes will be assumed to be perennial water bodies. The GSTC mapping team needs these attributes in order to properly display hydrographic features during production of annual pdf avoidance maps.
 - ii. Data may be in any projection
 - iii. Data shall contain full FGDC metadata
 - iv. Data shall consist of polygons only
 - v. Data shall have valid geometry (undergo Repair Geometry sufficiently to ensure it is valid)

5. The Forest Service staff member uploading each file shall send an email to tblove@fs.fed.us notifying the GSTC that a new file is available.

Annual Updates of Georeferenced Avoidance Quad and Forestwide Pdf Maps Annual avoidance map updates will be coordinated by the Forest Service GSTC using updated TEPCS and hydrographic GIS inputs from GIS staff working with their Resource Specialists within each national forest or region. Annually, each forest or region with TEPCS species that may be affected by the application of aerial fire retardant must provide updated GIS information as necessary to support map revisions. These layers must follow specified data format requirements identified previously in this chapter and the associated Sharepoint site given below. Upon meeting the deadline for updated avoidance information (specified in the most recent letter from the Deputy Chief), GSTC will compile all local or regional TEPCS and hydrographic data and integrate them to create digital retardant avoidance Pdf's for each national forest where retardant is used. These maps will be provided at the NIFC FTP server at: ftp://ftp.nifc.gov/Base_Info/Retardant_Avoidance_Areas/Maps/ in digital Georeferenced Pdf format and may be printed as hardcopy booklets or used otherwise. Further, GSTC will update the national aerial retardant avoidance GIS layers at the FS Enterprise Data Warehouse which will provide access of TEPCS and hydrographic retardant avoidance areas to personnel within the FS as well as to external partners. These geospatial layers can be used in web map applications such as Google Maps or ArcGIS Online, as well as other portable applications/platforms such as iPad, Avenza, etc. and desktop software such as ArcGIS, with details provided on the mapping Sharepoint site: <https://ems-team.usda.gov/sites/fs-fam-frmapping/SitePages/Home.aspx>.

Raw Data Availability

Data is currently available within the Forest Service intranet and internet to support the official record of decision from the 2011 EIS. Data components used in the creation of the official retardant avoidance PDF maps are:

- TEPCS retardant avoidance:
 - S_USA.AerialFireRetardantAvoidance -- standalone feature class in EDW SDE Default available to internal users
 - <http://data.fs.usda.gov/geodata/edw/fire-avoidance.php> -- Raw TEPCS and hydrographic GIS data available to internal/external users
 - http://apps.fs.fed.us/ArcX/rest/services/EDW/EDW_AerialFireRetardantAvoidanceAreas_01/MapServer -- map service available to internal/external users
 - Each national forest or region has archived data they submitted as well
- Hydrographic retardant avoidance:
 - S_RXX.AFRAA_Hydro – feature classes in EDW SDE Default available to FS staff, where XX is the 2-letter region identifier
 - <http://data.fs.usda.gov/geodata/edw/fire-avoidance.php> -- Raw TEPCS and hydrographic GIS data available to internal/external users
 - http://apps.fs.fed.us/ArcX/rest/services/EDW/EDW_AerialFireRetardantHydrographicAvoidanceAreas_01/MapServer -- map service available to internal/external users
 - Each national forest or region has archived revised hydrographic avoidance data they submitted as well
- USFS FS Topo Primary Base Series Maps:
 - Use data available to internal users located in the EDW Default SDE with the following naming convention:
 - S_USA.FSTopo_PBS_Cadastral
 - S_USA.FSTopo_PBS_Cultural
 - S_USA.FSTopo_PBS_Elevation
 - S_USA.FSTopo_PBS_Geodetic
 - S_USA.FSTopo_PBS_Hydrography
 - S_USA.FSTopo_PBS_Landform
 - S_USA.FSTopo_PBS_Text
 - S_USA.FSTopo_PBS_Transportation
 - <http://data.fs.usda.gov/geodata/edw/datasets.php> -- search for FSTOPO datasets in this catalog. Raw GIS data available to internal / external users
 - Symbolical definitions are available at T:\FS\NFS\WOEngineering\GMO-GSTC\Program\FireRetardantEIS\FSTopoTemplate.mxd
 - Use the FS_Topo Primary Base Series image server connection at 166.2.126.131/Maps/PBS_GeoTIFF for a raster background of topographic information.
- Hillshaded terrain raster dataset:

- Use the image server connection at:
166.2.126.235/Terrain/Hillshade/Lower_48_States_Hillshade_10_m for a raster hillshade.
- NHD National Hydrologic Dataset information (Base data, not formatted as retardant avoidance):
 - <http://nhd.usgs.gov/data.html> -- High resolution NHD from USGS, available to internal / external users
 - Available in EDW's Default SDE to internal users as regional datasets:
 - S_Rxx_Hydrography where 'xx' is the region identifier
 - NHDFlowline feature class: Streams/Rivers Polylines
 - NHDWaterbody feature class: Water bodies Polygons

Chapter 3. Pilot Direction

Direction

Incident Commanders and pilots are required to avoid aerial application of fire retardant in avoidance areas for terrestrial TEPCS species or within the 300-foot (or larger) buffers on either side of waterways. This national direction is mandatory and shall be implemented except in cases where human life or public safety is threatened and retardant use within avoidance areas could be reasonably expected to alleviate that threat.

When approaching an avoidance area mapped for terrestrial TEPCS species, waterway, or riparian vegetation visible to the pilot, the pilot will terminate the application of retardant approximately 300 feet (or larger if designated as such) before reaching the mapped avoidance area or waterway. For example, a waterway has a 300' buffer on either side of the edge of the waterway and the pilot would terminate the application of retardant prior to reaching the 300' edge. In some cases the avoidance area along waterways may be larger than this standard 300' distance. These are noted on the avoidance maps.

When crossing a mapped terrestrial avoidance area, waterway, or riparian vegetation, the pilot will wait one second before applying retardant. Pilots will make adjustments for airspeed and ambient conditions such as wind to avoid the application of retardant within the 300-foot or larger buffer or avoidance area.

These guidelines do not require helicopter or airtanker pilots to fly in a manner that endangers their aircraft or other aircraft or structures or that compromises the safety of ground personnel or the public.

The Forest Service will coordinate with aviation managers and pilots on avoidance area mapping and aircraft operational direction and will provide reporting direction to all firefighting fire personnel with suppression responsibilities in the event they discover a misapplication in an avoidance area. Chapters 4, 6 and 8 provide information and direction concerning fire operations, avoidance area mapping, reporting a misapplication, and training.

Medium/Heavy Airtankers, Single Engine Airtankers, and Helicopters:

- Prior to fire retardant application, all pilots shall be briefed on the locations of all TEP species avoidance areas on the unit. If actual briefing is not feasible, at a minimum the pilot will inquire as to avoidance areas and their locations if they do not have avoidance area maps or access to the locations electronically.
- Prior to aerial application of fire retardant, the pilot will make a “dry run” over the intended application area to identify avoidance areas and waterways in the vicinity of the wildland fire if possible.
- A pilot does not need to make additional “dry runs” when applying multiple loads of retardant in the same general area of the fire.
- When approaching mapped avoidance areas for TEP species or waterways or riparian vegetation visible to the pilot, the pilot will terminate the application of retardant approximately 300 feet before reaching the mapped avoidance area or waterway.

- When crossing a mapped avoidance area or waterway, pilots will wait 1 (one) second after crossing the far border of a mapped avoidance area or waterway before applying retardant.
- Pilots will make adjustments for airspeed and ambient conditions such as wind to avoid the application of retardant within the 300-foot or larger buffer zone, or mapped avoidance area in order to avoid drift into protected areas.
- Pilots shall be provided avoidance area maps at all briefings or in advance of fire chemical suppression missions, and attend required training to maintain necessary certifications to fly for the Forest Service fire program, which includes applying the operational guidelines herein.

Flight Condition Guidelines

Aerial supervision personnel must carefully evaluate flight hazards and conditions (visibility, wind, thunder cells, turbulence, and terrain) to ensure that operations can be conducted in a safe and effective manner. Aerial application of fire retardant should only occur if the conditions support the use. Avoiding waterways, waterway buffers, and all other mapped avoidance areas is critical.

Notification Process for Aerial Assets

Avoidance Area maps will be made available in a variety of formats, including hard copy maps, and electronic maps, to all Lead Plane, ASM, ATGS's, and IA qualified Air Tankers, Helicopters, FMOs, Line Officers, Incident Commanders, and all resource specialists, such as wildlife biologists, fisheries biologists, botanists, and cultural resources specialists. Fire Management Officers can distribute as necessary to appropriate fire personnel.

All retardant avoidance area mapping information is in a GIS layer that can be overlaid into moving map applications and Wildfire Decision Support System (WFDSS). These map products can be made to be downloadable to GPS units that aviation assets could utilize with any technology they use in the airplane.

Interagency Dispatch Centers will have avoidance area maps available in WildCAD for the forests/units in their dispatch area. When aircraft are utilized and/or requested, the requesting dispatch center will review their retardant avoidance area maps and advise as to whether or not the fire is within, or adjacent to, an avoidance area. This information will then be communicated to responding aircraft similar to how hazard information is currently communicated. Coordination should occur with the Incident Commander as well if there is one on scene. In turn, if needed, the Incident Commander should request a local resource advisor (READ) in the event there are several avoidance areas within the vicinity of the incident.

As it is unreasonable to expect Pilots to utilize a map book while simultaneously performing all of their other responsibilities, it is important that any avoidance areas that may be near or within the fire activity is passed along from the dispatch. This provides the impetus for aviators to consult retardant map information, confer with ground resources, and make an educated decision about whether or not retardant should be delivered.

Aerial supervision (ATGS or Lead Plane) personnel should communicate with pilots regarding the presence of avoidance areas and waterways that may be near the drop area. Communicating with

ground resources on the fire is also critical to assist in the proper placement of the aerially delivered retardant and out of avoidance areas.

Note: *When retardant is requested on a National Forest there needs to be a trigger to advise aviation assets whether or not the fire location is within or adjacent to an avoidance area. Theoretically, this initial trigger would come from dispatch to the air attack. This may be specific communication (e.g. fire is in an avoidance area) or it may be general (e.g. fire could be near an avoidance area). Regardless, this information should trigger the ATGS, Air Tanker, Lead Plane or ASM to consult with the IC or their Retardant Avoidance Area Map Book to determine whether or not the fire is located in an avoidance area.*

If dispatch is not able to communicate this information for whatever reason (e.g. overloaded with heavy initial attack) it is going to be incumbent on the IC and/or the ATGS to determine whether or not the fire is within an avoidance area. If the ATGS is overloaded and unable to consult his/her map book or digital map and there is no IC on the ground, then at the very least, a request to dispatch for clarification needs to occur. However, if there is a life or public safety threat, retardant should be considered if there is a "reasonable expectation that retardant will alleviate that threat."

Chapter 4. Fire Operations

Introduction and background information

Firefighter and public safety is always the first and highest priority in fighting fires (FSM 5100). The introduction of increased restrictions on where retardant can be applied has the potential to introduce an unintended consequence to safety. Firefighting training, direction, and requirements are generally standardized across all Federal wildland firefighting agencies and most States. Implementing a more complex mapping system for ground and aerial resources only on Forest Service fires may lead to confusion and inconsistencies with partners and cooperators.

The Forest Service will continue using aerially delivered fire retardant while reducing impacts to federally listed species sufficiently to ensure that no species will be jeopardized by such use. The EIS establishes national avoidance area mapping standards and annual coordination between the Forest Service with FWS and NOAA Fisheries to ensure that avoidance areas and mitigations are reducing impacts to TEPCS species. The ROD/EIS only increases the avoidance areas for excluding retardant use across approximately 0.8 percent of NFS lands in addition to the current direction for protection of all waterways with a 300 foot buffer.

The EIS institutes more protective measures than previously identified for aquatic and terrestrial environments and other special habitats, including Forest Service listed sensitive species, than past practices. It also established national requirements for protection of heritage, cultural, and tribal resources.

National Requirements set forth within the ROD/EIS include:

- Updating the interagency policy for use of aerially delivered long-term retardant on NFS lands and is found in the Red Book Chapter 12, and includes all fire chemicals and all types of application: ground delivery, aerial delivery and foams and gels.,
- Monitoring and reporting of five percent of all fires less than 300 acres in size where aerially delivered retardant was used and are proximate to avoidance areas to determine if any misapplications occurred that were not reported (see Chapter 7 Assessment of Fires Less than 300 Acres),
- Additional reporting and monitoring requirements associated with aerial fire retardant avoidance areas (aquatic, terrestrial and potentially cultural and historic, etc),
- National mapping requirements that ensure consistency across regions,
- Annual training to all fire staff of the direction set forth within the ROD/EIS,
- Implementation of the terms and conditions and reasonable and prudent measures provided within the National Biological Opinions from FWS and NOAA Fisheries, and
- Changes to the exception for use of aerial fire retardant on NFS lands:
 - The ROD removed three of the exceptions¹ originally provided to the FS which included:
 1. When alternative line construction tactics are not available due to terrain constraints, congested area, life and property concerns or lack of ground personnel, it is acceptable to anchor the wildland fire chemical application to the waterway. When anchoring a wildland

fire chemical line to a waterway, use the most accurate method of delivery in order to minimize placement of wildland fire chemical in the waterway (e.g., a helicopter rather than a heavy airtanker).

2. Deviations from the policy are acceptable when life or property is threatened and the use of wildland fire chemical can be reasonably expected to alleviate the threat.
3. When potential damage to natural resources outweighs possible loss of aquatic life, the unit administrator may approve a deviation from these guidelines

- To: The only exception to using aerial application of fire retardant on NFS lands into a waterway, 300' buffer on either side of a waterway (may be larger in certain areas, refer to maps) or a mapped avoidance area on Forest Service fires is: for protection of human life and public safety only.

NOTE:

Agency administrators need to establish clear direction and expectations for managing fires near avoidance areas through the delegation-of-authority issued to incident commanders. Discussion of alternative tactics should take place on Forest Service units in advance of fire season as well as coordination with their cooperators to determine the best strategies for areas of potential high risk, such as the wildland–urban interface.

¹- these three exceptions are still in place for all other agencies and other fire chemicals and delivery methods not evaluated within the EIS and ROD.

Implementation of the National Requirements for Fire Operations

Pre-Season Planning

Preparedness: units with mapped avoidance areas shall include Interagency Policy for Aerial and Ground Delivery of Wildland Fire Chemicals Near Waterways and Other Avoidance Areas (Red Book Chapter 12) and additional reporting, tracking and monitoring requirements. These National requirements can be included in:

- check-lists,
- briefing materials,
- local training and refreshers,
- other unit - specific materials that are typically generated for sharing with any fire resources on the unit prior to their regular fire season.

Pre-season readiness reviews may also provide an opportunity to disseminate this direction and reporting requirements in during:

- preplanned dispatch initial attack response strategies,
- local fire refresher training,
- cooperative fire protection agreements where other agencies provide protection on National Forest lands,
- any meetings where response to fires is a topic. These venues will provide direct means of communicating the intent of these guidelines and provide a standard practice of reviewing the maps annually to ensure if changes are made personnel will be aware of the changes, as well as ensuring new employees on the units will be exposed to the material and requirements.

Initial attack response cooperative agreements should be reviewed and discussed with the cooperating agency(s) to ensure they have the information specific to changes with aerially applied fire retardant and additional reporting requirements. Chapter 6 provides the misapplication reporting requirements.

Training is a critical element for any resource supporting fires. Chapter 8 includes seasonal duties and annual training requirements.

Aerial fire retardant avoidance areas on unit maps may include not only just waterway but additional areas associated with threatened, endangered, proposed, sensitive species, designated critical habitats of those species, other resource areas of importance, cultural resource, traditional cultural property, or sacred sites. Units need to identify if aerially applied fire retardant is appropriate for protection of the resource or surrounding areas or if other suppression tactics should be used. This pre-work will assist any IC when a fire is threatening these areas.

Units should consider developing a pre-established briefing packet that includes general avoidance area map direction, cultural avoidance areas and information, misapplication reporting requirements, and contacts for local resource specialists in case of a misapplication. This packet should be provided to personnel responding to the incident.

Fire Suppression Activities

Agency Administrators will include direction and expectations in their delegation of authority to the Incident Commander if a fire has potential or already includes any avoidance area as identified through the EIS/ROD and Consultation. The initial briefing with the IC should cover areas that have been identified as potential for high risk for public (such as urban interface) and fire fighter safety that fall within or overlap with mapped avoidance areas. The exception to apply retardant may be invoked in these cases and awareness of this in advance is critical.

Incident Commanders and Agency Administrators need to ensure firefighting resources have general avoidance area maps and direction, cultural avoidance areas and information, misapplication reporting requirements, and contacts for local resource specialists in case of a misapplication.

For initial attack fires it is critical for the avoidance area maps to be available to any fire resources that provide initial attack response including dispatchers. The potential to order the use of fire retardant to assist in the containment of an IA is strong, so forests with mapped avoidance areas should develop strategies and tactics in advance of fire starts. This level of preplanning and IA priorities for the dispatch of appropriate resources will minimize the potential for misapplications. See Chapter 3 Pilot Direction, Notification Process for Aerial Assets for more details.

The ROD includes language specific to aircraft operational guidance. Specific to the IC, the following is identified:

Whenever practical, as determined by, the Forest Service will use water or other wildland fire chemical suppressants for direct attack or less toxic approved fire retardants in areas occupied by TEPCS species or their designated critical habitats. Some species and habitats require that only water be used to protect their habitat and populations. These areas are identified through the mapped avoidance areas.

Chapter 5. Resource Specialists

Resource Specialists and Advisor (READ) Role

Resource specialists or qualified red-carded Resource Advisors (READs) may consist of any FS specialist responsible for the protections of cultural resources, fish or aquatic resources, wildlife and plants or other terrestrial resources. READs are usually assigned at the National Forest level for support to fire incidents, but may also include regional specialists in the case of TEPCS species. A regional specialist may be involved with the annual reporting and coordination requirements with the FWS, NOAA Fisheries, State Historic Preservation Officer (SHPO), Tribal Historic Preservation Officers, State Fish and Wildlife agencies, or others as appropriate. Depending on the implementation task, whether it is misapplication reporting, updating avoidance maps, coordination with other agencies FWS/NOAA Fisheries, or monitoring requirements after a misapplication various resource specialists, qualified biologist or a READ on a fire may be involved.

Before fire season, it is recommended that hydrologists or Forest Hazardous Materials coordinator expected to work as a resource advisor, coordinate with their state water quality agency counterpart to discuss (and document) reporting required in the event of a retardant spill or retardant mis-application to water. In addition, become familiar with the latest state water quality requirements, any site specific areas with special water quality issues, and water intakes for municipal watersheds or domestic water supplies on the Forest or directly downstream..

The role resource specialists or READS, have within this new decision include:

Aerial Retardant Misapplication Reporting and Monitoring

Analysis of Impacts through Site Assessments

Follow-up monitoring as needed

Notifications with regulatory agencies and/or other regions and forests for wide ranging species and incidental take statement requirements

Re-initiation of consultation if needed

Implementation of restrictions if necessary

Implementation of appropriate mitigation measures, remediation, restoration and recovery actions

Annual Coordination and Training

With Regulatory Agencies: Update avoidance maps annually in cooperation with FWS and NOAA Fisheries to reflect changes during the year on additional species or changes made for designated critical habitat, either from new federal species, final or proposed listings or designated/proposed critical habitat, or changes to existing species occurrences

Include documentation of this annual coordination: date, participants, and agendas.

Ensure that most up to date maps reflecting avoidance areas are maintained.

Figure 1. Resource Specialists Role within the new Aerial Fire Retardant Delivery from Aircraft Direction

Implementation Guidance

The guidance below is general in nature, allowing for Regions and Forests to organize processes as it best suits their individual needs to meet the requirements in the ROD. For species evaluated within the BA's, it is suggested for wide ranging species or species that occur on multiple forests within a region that FS species leads or species coordinators be identified to ensure the Aerial Application of Fire Retardant Direction and Conservation Measures and Incidental Take Statements (ITS) are implemented.

The following is suggested as a method to determine species leads:

- 1) Use 2672.24a Exhibit 01-part for existing species listed up to around Jan 31, 1991.
- 2) For species not on this list, use the Region where the species predominately occurs.
- 3) For all other species, use the Region closest to FWS/NMFS office lead.

The guidance follows:

- The FS, at the local level will coordinate with local FWS and/or NOAA Fisheries offices annually or as needed to ensure that any updates for retardant avoidance areas on NFS lands are mapped using the most up-to-date information.
- The FS, at the local level, will report any misapplication into an avoidance area and contact FWS and NOAA Fisheries if required. The ***Assessment of Impacts in Avoidance Areas On-Line Reporting Tool*** (Appendix B) documents site specific impacts if any, and directs the resource specialist or READ for additional actions, e.g. reporting to FWS, NOAA Fisheries, or water quality monitoring requirements. This local level reporting, using this On-Line reporting tool captures all data for upward reporting to the National Offices of FWS and NOAA, available at: <http://www.fs.fed.us/fire/retardant/index.html>.
- The FS at the local level will implement the terms and conditions and Incidental Take Statements issued within the BO's. Different scales of analysis for incidental take and different re-initiation requirements were given for aquatic species under the jurisdiction of NOAA Fisheries, compared to FWS species (refer to the BO's at http://www.fs.fed.us/fire/retardant/eis_info.html). For species occurring within multiple Regions or Forests and where 'take' is tracked by forest, FS Species leads need to ensure 'take' is not exceeded and determine if re-initiation is necessary. For NOAA Fisheries species, FS species leads need to ensure that 'take' is tracked and re-initiation is completed as appropriate for species.
- The FS at the local level will implement any conservation measures or terms and conditions outlined within the BO's for species specific requirements. The on-line reporting tool mentioned above (in addition to any supplemental analysis or assessments completed by local level specialists) will determine necessary mitigation measures, remediation actions monitoring needs, and whether re-initiation of formal consultation is needed. Depending on the severity of

the adverse effect, a restriction on future aerial application of retardant may be necessary for the reported area.

- The FS will implement mitigation measures for misapplications in avoidance areas if soil or vegetation and surrounding habitat within the waterway buffers are impacted, and implement erosion control measures to reduce retardant delivery from entering habitat during rain events. These measures will follow revegetation and erosion control as outlined within the BAER guidance. These measures are determined at the local level depending on local conditions and are associated with aquatic and riparian threatened and endangered species habitats.
- Due to the nature of cultural resources and sacred sites, direction for mapping, misapplication and reporting, and monitoring is provided within a separate section in Chapter 6, “Process of Reporting of Misapplication of Aerial Application of Fire Retardant for Cultural Resource, Traditional Cultural Property, or Sacred Sites”.

Re-initiation of Consultation for the National Programmatic BA with FWS/NOAA

The National programmatic BA’s and BO’s are broad in scope. Within the take statements and the implementation direction provided above, notifications/discussions/emails/telephone conversations and consultations with FWS/NOAA related to a specific misapplication frequently occurs. All of these types of local level communications, are associated with, and take place as part of, the terms and conditions of the BO and the implementation of the ROD. These discussions and mini-consultations are not considered as national formal re-initiation of the BA’s/BO’s.

Re-Initiation for the National Programmatic BO is provided in 50 CFR 402.16, re-initiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if:

- the amount or extent of take is exceeded;
- new information reveals effects of the agency action on listed species or designated critical habitat in a manner or to an extent not considered;
- the agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered; or
- a new species is listed or critical habitat is designated that may be affected by the action.

Examples of Re-initiation for the National BO

Amount or Extent of Take is Exceeded

Action:

1. Species leads will be identified to track amount or extent of take at either the local or regional level.
2. If species is wide ranging and take occurs in one area, all other regions/forests where species occur will be notified (this process is captured within the reporting forms and associated databases).
3. If amount or extent of take is exceeded, FS species lead will re-initiate consultation with regulatory agency species lead, determine additional action items, complete the re-initiation consultation and send results to WO-FAM who will coordinate with the WO-TES Program Manager who will amend the National BA as necessary.

New Information reveals effects of the Agency Action on Listed Species or Designated Critical habitat in a manner or to an extent not considered

The following items are examples of what may constitute new information:

- aerial fire retardant use on forests not previously considered within the analysis,
- aerial fire retardant use or new FS direction that would apply aerial fire retardant in amounts beyond analysis parameters within the BA, or
- species baseline conditions change that may not have been considered within the BA.

Action:

1. If aerial fire retardant is planned or occurs on forests not analyzed in the BA due to “no previous historical”, local forests or regions must re-initiate consultation following similar analysis used within the BA, consult with local FWS offices, retain information locally and submit to WO-FAM who will coordinate with WO-TES Program Manager and amend the National BA as necessary.
2. Aerial fire retardant use by forest is tracked each year by Fire and Aviation Management (FAM), and annual reports of use are sent to the Director of FAM to forward to the Regulatory Agencies. Regional TES coordinators should determine if aerial fire retardant use is outside the bounds of analysis set forth in the BA (annual aerial fire retardant use by forest will be available via on-line database or annual report prepared by FAM). Because the BA considered average aerial fire retardant use from the past 10 years by forest, considering if aerial fire retardant use is outside the bounds of analysis will likely be a process evaluated during the 5-year programmatic review. However, if aerial fire retardant proves to be continually out of bounds of analysis earlier for specific forests, re-initiation may be appropriate.

3. If a species baseline condition changes resulting in actions not considered within the BA, (for instance a natural event that would eliminate a small endemic population) local staff will reinitiate consultation, determine additional action items, and complete re-initiation and retain information locally and submit to WO-FAM who will coordinate with the WO-TES Program Manager and amend the National BA as necessary.

The agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered

The development and approval of new fire retardant chemicals not previously evaluated within the BA may be classified as a potential effect to species or critical habitat not considered.

Action:

1. WO-FAM/MTDC has developed processes with both regulatory agencies when new retardant formulations are approved and placed on the qualified products list. For minor formulation changes where the effects of the action are not changed, re-initiation with FWS is not required. Supporting evidence of this finding will be provided to the FWS and they will evaluate these findings and informally concur. For NOAA, new formulations using the same salt bases analyzed within the BO, and are less toxic than those already considered, do NOT require re-initiation.
2. For more complex formulation changes that have not previously been evaluated or alter the effects of the action, re-initiation triggers apply.

A new species is listed or critical habitat is designated that may be affected by the action.

Action:

1. Re-initiation will occur at the local/regional level or with FS species leads for wide ranging species (refer to page 28).
2. Develop baseline information, tier to, or use similar screening protocols provided within the National BA.
3. Results of consultation will be retained locally and sent to WO-FAM who will coordinate with the WO-TES Program Manager and amend the National BA as necessary.

Example templates for completing National levels re-initiation of consultation in addition to completed documents can be found in Appendix E and on the O-drive, respectively:

http://cdb.fs.usda.gov/content/dav/fs/NFS/Collaboration/FireRetardantEIS/2010%20EIS%20Project%20Record/BA_Amendments_Reinitiations/.

WO-FAM contacts: Dave Haston, Branch Chief Equipment and Chemicals, WO-FAM;

dhaston@fs.fed.us;

Julie Laufmann, Resource Specialist, MTDC; jlaufman@fs.fed.us

WO-TES contacts: Joe Burns, National Threatened and Endangered Species Program Leader, WO-WFWARP; jburns@fs.fed.us

Local Level Changes That Do not Trigger National Level Re-initiation

If there are minor changes at the local level, such as new species occurrences already considered within the BA's and BO's, or critical habitat adjustments, an addendum process will be used. These minor changes, which do not trigger the re-initiation actions at the national level described above, or make any changes in the effects analysis within the existing BA's and BO's are described below and will be tracked by the Regional level TEPCS species coordinators, retained at the local level or in cases with wide ranging species with the species lead.

The addendum process will be used for the following when:

1. There are additional species locations or additions or changes to critical habitat.
2. Updated or corrected information for a local national forest /grassland is relevant; for instance, change in mapping of avoidance areas due to local conditions:
 - a. For water, NHD layer must be used as base layer but adjustments within this layer may be applied as pertinent (e.g. intermittent/dry washes, diversions, or irrigation ditches),
 - b. Changes in size or removal of current terrestrial avoidance areas to allow for protection of species or habitat with the use of aerial application of fire retardant due to change in conditions,
 - c. Adjustments to the avoidance area mapping e.g. reduction of standard 300' buffer on intermittent streams, dry washes, diversions or irrigation ditches may occur if:
 - i. There are no changes species determinations as reported in the BO, and
 - ii. Coordination with local FWS/NOAA Fisheries would need to occur to ensure concurrence of determination statements. A Letter of concurrence would need to be provided by FWS/NOAA.
3. There is a change in a determination for a species at the local level. For instance if a species was given a Likely to Adversely Affect (LAA) nationally and the forest identifies additional pertinent information that may indicate a lesser effect, the local level must provide defensible rationale and analysis to support change from the national programmatic Biological Assessment and Biological Opinion and should follow assumptions and factors used in national programmatic process.
4. Land and resource management plan (LRMP) requirements are needed.

Process for Addendums to the National Biological Evaluations for Sensitive Species

If there are necessary changes at the national forest/grassland level based on local conditions, the units will address those changes with the following process listed below. This action will result in addendums to National Programmatic BE's. All changes will be tracked at the local and regional level TEPCS species coordinators. Any changes to programmatic BE will be retained at the local or regional level.

The addendum process will be used for the following when:

1. There is a change in listing status from sensitive to candidate. If candidate species is elevated to proposed species refer to re-initiation of consultation above (proposed species were considered within the formal consultation).
 - a. If the species is limited to a single forest, then the local level should conduct a determination analysis using the national screening processes outlined in the resource specific BE's and FEIS as a coarse filter. For wildlife, use the screening process outlined in the FEIS, Appendix I - wildlife, on pages 328-338.
 - b. If the species is wide-ranging, the analysis should be done at the regional office level using the screening process from the BE's and FEIS
 - i. Coordinate with adjacent forests on appropriate level of analysis to conduct, and
 - ii. Coordinate on appropriate buffers for protection by avoidance areas mapping.
2. There is an addition of a new sensitive species or habitat in need of protection from aerial fire retardant application.

Refer to Chapter 2 for the process of updating avoidance area maps.

Chapter 6. Reporting and Monitoring

Process of Reporting of Aerially delivered Fire Retardant into mapped avoidance areas and waterways

The Forest Service acknowledges that misapplications have occurred and likely will in the future due to weather, visibility, pilot error, topography, or other conditions. The Forest Service continues to report application of retardant into waterways or mapped avoidance areas as a result of invoking the exception for use or accidental misapplication; these processes are outlined in Figures 2 and 3. Figure 2 provides an overall flow chart of the components and Figure 3 breaks the reporting and monitoring needs separately. A process tracking sheet found in Appendix C provides an outline of how and where data is collected and submitted.

The Forest Service has developed reporting, monitoring, and assessment tools to streamline data gathering and provides forests/regions/national office a final product that standardizes and captures the required reporting and monitoring associated with this decision. The reporting tools (***Site Assessment of Impacts in Terrestrial and Aquatic Avoidance Areas***) with instructions can be found in Appendix B as well as online at: [http: www.fs.fed.us/fire/retardant](http://www.fs.fed.us/fire/retardant) . Refer to the online reporting tools/forms for the most current updated forms in the event that this handbook is delayed in updates. Online reporting tools/forms will be updated annually to reflect adjustments to required reporting and monitoring that may occur for individual species. Refer to Chapter 7 for specific information related to assessment of 5% of fires less than 300 acres in size.

Due to the additional implementation activities required it is imperative the regions are diligent in meeting all reporting requirements within the timeframes established. The Agency Administrator at the local level where the fire activity occurs needs to be kept abreast of any misapplications of aerially applied fire retardant that may have the potential for adverse impacts of species identified in the BOs

Important Note: *There are a number of species specific Conservation Measures, Incidental Take Statements and Reasonable and Prudent Measures that are tied to the decision and are required as part of this action. For instance, 1) specific monitoring protocols and subsequent actions if adverse effects are identified must be implemented to comply with requirements of the decision, or 2) actions such as notification of other forests or regions if adverse effects are identified for wide ranging species.*

It is the responsibility of each region/ forest to be knowledgeable of these additional reporting and monitoring requirements and that they are implemented. These requirements must be implemented and all reports and applicable monitoring completed and documented. Conservation Measures, ITS, and RPM's can be found in the BO and the ROD.

Aerial Fire Retardant into Waterways or Mapped Avoidance Areas Flow Chart

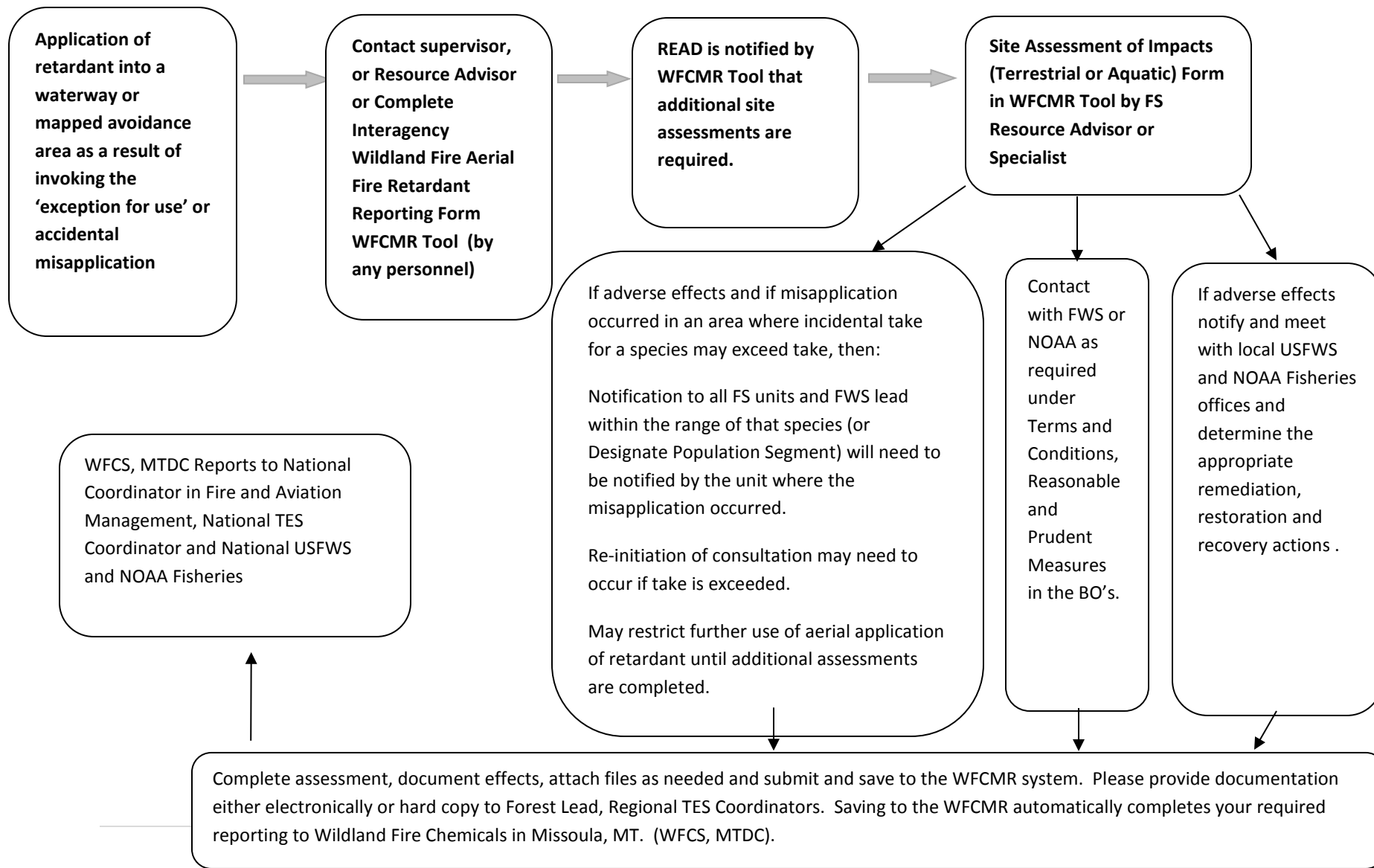


Figure 2. Process map of steps to take in the event of a misapplication into a waterway or mapped avoidance area.

Re-initiation of Consultation for the National Programmatic BA with FWS/NOAA

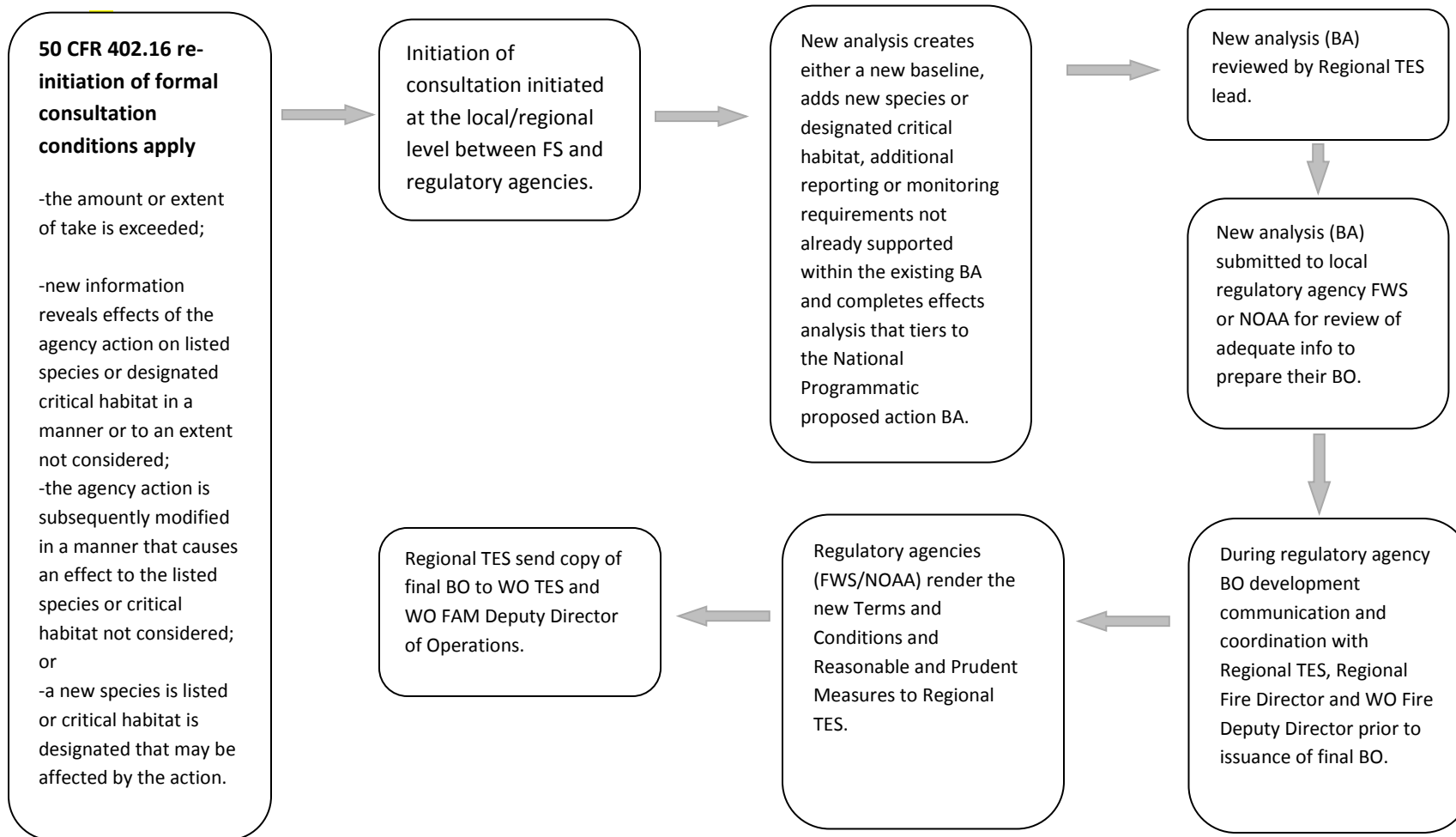


Figure 3. Process map for re-initiation of National programmatic Biological Opinions

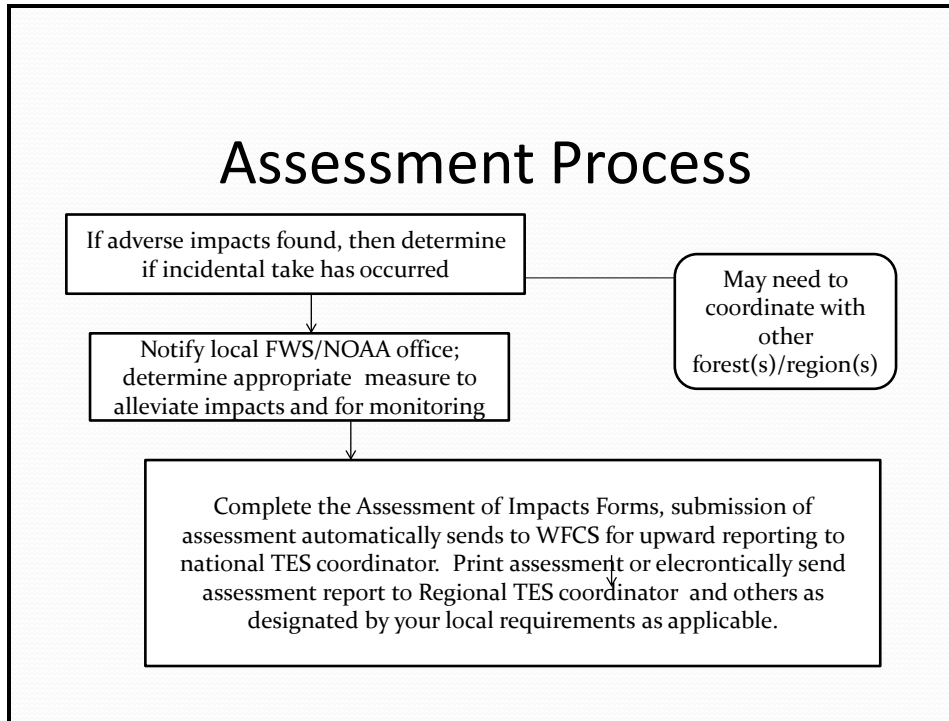


Figure 4. Reporting and Assessment Processes for Fire Retardant applied into Waterways or Mapped Avoidance Areas.

The implementation of monitoring establishes another level of training and the potential for additional resources, both personnel and funding, in order to mitigate the impacts of using retardant. Due to this, additional emphasis has been placed on the appropriate use of retardant in initial attack (IA) responses as well as large fires. It is important to remember that the tactics identified that will best meet the desired outcome drive which firefighting resources will be utilized, which can include the use of fire retardant.

Reporting and Monitoring Direction

The following processes describe how reporting and monitoring will occur.

1. Reporting of Misapplication of Aerial Application of Fire Retardant

- a. Report occurrences at time of event during suppression activities to the Incident Commander, and FMO who will:
 - i. Ensure the Interagency Wildland Fire Aerial Fire Retardant Misapplication Reporting Form is Completed (example of on-line form in Appendix B and On-line reporting tool – Wildland Fire Chemical Misapplication Reporting (WFCMR) database).
- b. Notify the READ or local resource specialist, such as Forest Biologist or District level specialist to complete assessment of impacts. Site Assessment of Impacts Forms and

Follow-up Monitoring Forms (example of on-line form in Appendix B and On-line reporting tool – WFCMR document impacts and ensure that species specific requirements are met). This assessment of impacts to species or habitats; (completed by qualified biological resources personnel) documents if adverse impacts have occurred and is completed and submitted for annual reporting requirements. MTDC compiles all misapplication reports and forwards to WO-FAM to complete annual reporting requirements to the regulatory agencies.

- c. If adverse impacts are found, the local resource specialists, Ranger District biologist or Forest Biologist should:
 - i. Determine if misapplication has occurred in area where the incidental take for a species may be at or exceed take, then:
 - 1. Notification to all FS units and FWS lead within the range of that species (or Designate Population Segment). This may also be accomplished by the FS species leads/coordinators for wide-ranging species,
 - 2. re-initiation of consultation may need to occur if take is exceeded,
 - 3. unit may need to restrict further use of aerial application of retardant at that time until a biological assessment is completed.
 - ii. Notify and meet with local USFWS and NOAA Fisheries offices and determine the appropriate remediation, restoration and recovery actions.

2. Scenarios: Aerial Application of Fire Retardant

- a. If a misapplication occurs on National Forest System (NFS) land, regardless of who is authorizing, funding, or carrying out the action, the Forest Service will evaluate effects of the fire retardant intrusion on listed species occurring on NFS lands and determine the need to reinitiate consultation with the regulatory services.

Responsibility: Forest Service action and responsibility.

If it is determined there are downstream effects within a specified distance as determined within the BO's (e.g. the 6.2 mile buffer for NOAA Fisheries, or species specific areas as determined by FWS) the FS will work cooperatively work with the agency administrator or landowner to evaluate effects of fire retardants and determine if further consultation is required due to federal regulations or state statutes.

- b. If a misapplication occurs off NFS land (and is applied by any agency) but has the potential to affect NFS lands as a result of drift or water transport (as outlined within the action area as described by NOAA Fisheries and FWS (e.g. the 6.2 mile buffer for NOAA Fisheries, or species specific areas as determined by FWS) then the Forest Service will cooperatively work with land owners (other federal agency, state or private) to evaluate effects of the fire retardant intrusion on listed species occurring on NFS lands and determine the need to reinitiate consultation with the Services.

Responsibility: The Forest Service monitors the potential for aerial fire retardant intrusions on fires that occur near FS lands and cooperatively coordinates with firefighting activities and agencies to determine if a misapplication has occurred. FS (Resource Specialist) participates with landowners to determine potential impact. If adverse effect triggers a re-initiation as described in the biological opinion (BO), FS takes the lead on re-initiation of consultation for specific species evaluated within the BO.

If during the evaluation of effects on these non-NFS lands, effects to listed species not affecting NFS lands and not considered within the BO are identified, immediate notification to the agency administrator for the fire and landowner will ensure for compliance with ESA or other states endangered species protection measures as provided in applicable state statutes.

Responsibility: Agency Administrator initiates emergency consultation procedures or other applicable state endangered species protection measures outlined in their statutes.

- c. If a misapplication occurs off NFS land (and applied by any agency through the delegation of authority) and does not have the potential to affect NFS lands as a result of drift or water transport, and is outside the action area as defined by NMFS, then the federal or state agency land owner will be responsible for determining whether there were adverse effects and initiate emergency consultation.

Responsibility: Compliance with ESA and consultation is completed by the federal or state agency applying retardant through the delegation of authority and applicable agreement(s).

- d. If a misapplication occurs on private land not within the 6.2 mile buffered area as described by NOAA Fisheries and there is no Federal involvement, then there will be no requirement for ESA Section 7 consultation.

Responsibility: FS takes no action related to ESA section 7 consultations

3. Follow-up Monitoring Process will:

- a. Determine the amount of follow-up monitoring necessary as dictated by the extent of the impacts to species or habitat identified during assessment of the misapplication.
- b. Be conducted in coordination with local unit(s) of the Forest Service/USFWS/NOAA Fisheries/USGS offices and appropriate state agencies.
- c. Determine the type of recovery or restoration of species or habitats:
 - i. may include salvage of species during BAER activities,
 - ii. may supplement established captive breeding programs until specie can be re-introduced back into impacted area.

- d. Additional assessment of cumulative effects for some species may need to be coordinated with certain agencies.
- e. Determine the appropriate contingency measures for protection of TEPCS species from aerially applied fire retardant.
 - i. If soil or vegetation and surrounding habitat within the waterway buffers are impacted, implement erosion control measures to reduce retardant delivery during rain events from entering habitat. Follow re-vegetation and erosion control guidance as outlined within BAER guidance.
- f. Reported annually through forest and national TES species staff for coordination with other agencies.

Monitoring Methodology

Numerous procedures and protocols exist for collection of data used to determine or predict the effects of aerial fire retardant on resources. For instance a 'spill calculator' developed by the USGS in cooperation with the Forest Service estimates the unintentional release of fire-suppressant chemicals into surface waters, which may result in adverse effects to aquatic biota, such as fish kills. The spreadsheet calculating tool provides a means of estimating the extent of impacted water, as well as the clearance rate as the product becomes diluted and is carried downstream. The calculations are based on the estimated amount of product released, the flow characteristics of the stream, and the toxicity of the fire-suppressant chemical.

The spill calculator can be found here: O:\NFS\Collaboration\FireRetardantEIS\2010 EIS Project Record\Informational Materials. For more information on this application and program contact MTDC Fire Chemicals Program Leader <http://www.fs.fed.us/rm/fire/wfcs/index.htm>.

Water Quality Monitoring: Water quality monitoring is required for certain species as part of the Biological Opinion and development of these species standards are done at the local level in cooperation with the applicable regulatory agencies. Thus, water quality components listed on this form are not required unless they are tied to a specific Term and Condition or Reasonable and Prudent Measure associated with a species (ROD Appendix A and B and the Final FWS BO and NOAA BO). However, information collected at time of incident will further the knowledge base and future determination of potential impacts. Site specific conditions will drive the type or method of monitoring needed. Local resource staff should be consulted for specific method or need. The following sources may provide additional information useful for protocols:

- *Informational Folder with Regional or Forest Specific guidance or monitoring protocols*
[O:\NFS\Collaboration\FireRetardantEIS\2010 EIS Project Record\Informational Materials\Implementation Plans by Forest\](O:\NFS\Collaboration\FireRetardantEIS\2010 EIS Project Record\Informational Materials\Implementation Plans by Forest)
- *Rapid Bioassessment Protocols for Use in Streams and Wadeable Rivers: Periphyton, Benthic Macroinvertebrates, and Fish - Second Edition*
<http://water.epa.gov/scitech/monitoring/rsi/bioassessment/index.cfm>
- *DRAFT - Sampling Protocol for Westslope Cutthroat Trout *Oncorhynchus clarki lewisi* in the Upper Missouri River Basin* <http://fwp.mt.gov/fwpDoc.html?id=18693>

- *State, Provincial, and Forest Service Standard Sampling Protocols - Water/Fish*
http://www.cals.arizona.edu/research/azfwru/scott/scott_overviewProtocols.htm
- *USFS Fish and Aquatic Ecology Unit*
<http://www.fs.fed.us/biology/fishecology/new.html>

Collection of data associated with invasive species such as species name, density and infestation size, may provide a predictive tool in certain instances, for potential impact and recommended mitigation measures to prevent impacts to natural communities. Refer to local biologists and botanists for required or recommended data collection parameters and needs.

Process of Reporting of Misapplication of Aerial Application of Fire Retardant for Cultural Resource, Traditional Cultural Property, or Sacred Sites

Misapplication definition for Cultural Resource, Traditional Cultural Property, or Sacred Site:

Misapplication on a historic property, traditional cultural property, or sacred site is an aerial fire retardant application on a previously identified resource. The effects and any resolution of adverse effects in these cases are reportable as the result of a misapplication.

If the cultural resource was not identified prior to the application, then it is not a “misapplication.” These effects should be considered as suppression damages.

If a retardant drop occurs on a cultural resource, traditional cultural property, or sacred site, the site condition will be assessed by a qualified archaeologist and reported to the appropriate consulting parties. The consultations may include the State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officers or both, depending on the nature of the resources affected. Tribal notification and consultation is required if the affected resource is a sacred site or a location that is of cultural or religious importance to tribes.

The purpose of consultation with these external parties is first, to determine if the application has had an adverse effect, and second, to determine what actions, if any, should be taken to mitigate or resolve the adverse effect. Depending on tribal perspectives, application may have no effect or no adverse effect; whereas SHPO perspectives may be very different. If, in consultation with appropriate tribal representatives, the effect is found to be adverse, the agency will consult with the tribe to determine an appropriate course of action to mitigate or resolve the adverse effect. If, in consultation with SHPO, the effect is found to be adverse, then the agency will follow standard procedures under 36CFR800 or National Historic Preservation Act (NHPA) programmatic agreements. If disagreements arise between tribes and other consulting parties, then consultation shall engage the Advisory Council on Historic Preservation and seek Council guidance before taking any remedial action.

Existing monitoring and reporting tools/forms specific to the local unit will be updated, as needed, for use in the reporting and monitoring process and retained at the local level.

Reporting and Monitoring Process and Reporting Tools for Retardant Drops on Cultural Resource, Traditional Cultural Property, or Sacred Sites

Agency personnel will complete the appropriate forms for misapplications and submit as directed. Due to the nature of cultural resources and sacred sites, no site-specific information about the location of the sites will be included in upward reporting. The WFCMR on-line reporting tool can be used to store and document information related to impacts. The reporting tool will hide all locational information (i.e. lat/longs) so that only the person who completes the form can view the actual location. It is the forest's decision whether to use this tool. It is however, the forests' responsibility to ensure all local reporting is completed.

Records of the misapplication, the effects to the resource, the consultation process, and the resolution of adverse effects will be maintained by the local unit. Refer to Appendix B for additional information on reporting.

Funding for Reporting and Monitoring and Mitigation Actions

During a fire if a misapplication is discovered and reported the incident job code (P-code) should be used for individuals' time in reporting and assessing the misapplication. If a monitoring plan is developed the fire unit will request a new job code (P-code) from their dispatch office or appropriate personnel. The naming convention for the job code will be the name of the fire with "FR Monitoring" as part of the name for the fire. For example, the fire's name was Willow Creek so the new P-Code's name will be Willow Creek FR Monitoring.

All monitoring and any mitigation costs will be charged to this code. If the monitoring and/or mitigation continues into the next fiscal year, the fire unit will need to request the specific P-code to be rolled over. The job code can be rolled over each fiscal year as needed in order to capture the total cost of the misapplication.

BAER plans will not include any monitoring or mitigation for specific misapplication needs.

Chapter 7. Assessment of Fires Less than 300 Acres in Size -5% Assessment Process and Documentation Requirements

Direction

In response to concerns that an application of aerially delivered fire retardant may occur in an identified avoidance area on smaller initial attack fires and on unstaffed fires, and thus be underreported, the Forest Service will annually assess 5 percent of all fires that are:

1. less than 300 acres in size (with a minimum of 1 fire per forest), and
 2. where aerial fire retardant was used, and
 3. avoidance areas are present nearby (nearby is interpreted as having the potential for aerial fire retardant to be applied into the avoidance area either accidentally, from drift or exception to use).
- ✓ *If your forest uses Aerial Fire Retardant, you must complete annual reporting (See Figure 5)*
 - ✓ *Forests that do not use aerially delivered fire retardant do not need to complete this assessment.*

If misapplication into an avoidance area as described above occurs, the process described in the [Reporting and Monitoring](#) section applies. Forest Supervisors are responsible to ensure the 5% assessment is completed and documented and that all forms are submitted.

Calculating or Estimating 5% Assessment

Prior to the onset of annual fire season and based on historical records of fire, aerial fire retardant use and presence of avoidance areas, estimate approximately how many initial attack fires (fires less than 300 acres) that may call for aerial retardant.

Appendix C of the FEIS (pages 219-237) <http://www.fs.fed.us/fire/retardant/index.html> contains Fire and Retardant Use Information that may be used as a guide for coarse estimating the amount of fires and retardant use by forest and region. For determining 5%, this is a minimum of 1 out of every 20 fires per forest where aerial fire retardant is used. These coarse estimates will give you an idea of when to initiate evaluations.

For example, a forest with low use (less than 10 drops per year) of aerial retardant should start with the first initial attack fire (less than 300 acres) where aerial fire retardant is used and avoidance area exists nearby. Higher use forests, will need to ensure they are tracking the number of fires where aerial fire retardant is applied. Again, it may be easier to conduct the assessment on one of the first fires with aerial fire retardant use, track the number of times aerial fire retardant is applied up to 20 then assess the next fire with aerial fire retardant use, rather than waiting until later into the season, in order to meet these requirements. For fires managed under a long-term strategy but are still less than 300 acres, determine if retardant was used near an avoidance area. Visit the site as soon as it is safe to do so.

Each unit should establish a process which includes identification of staff or personnel who will do the assessment, the timeframe they are to be conducted, the completion of forms and any follow-up needed based on the findings.

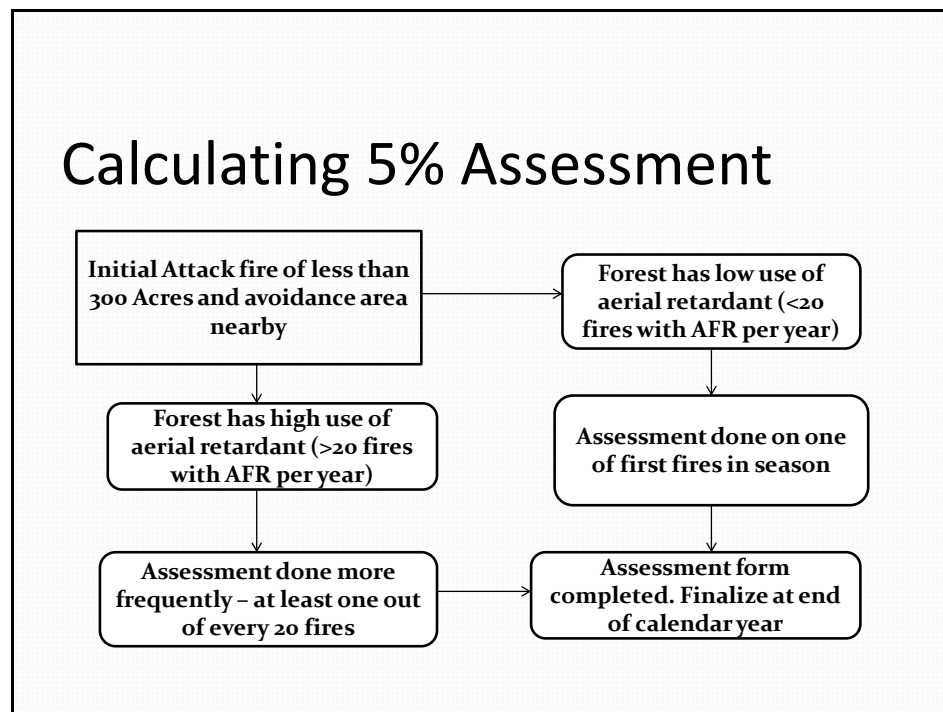


Figure 5. Process for determining 5% and reporting.

Reporting Process and Reporting Tools/Forms for the 5% Assessment Aerial Fire Retardant

The Forest Service has developed on-line reporting forms to streamline data gathering and provide end-users a final product that captures all the required reporting and monitoring associated with this decision. The forms with instructions are located at: [http: www.fs.fed.us/fire/retardant](http://www.fs.fed.us/fire/retardant) . Additionally, the Assessment of Fires Less than 300 Acres in Size Form can also be found in Appendix B.

Important Note: It is imperative that the FS comply with this assessment and reporting component for these smaller fires. By completing this action, results may eliminate this need in the future or provide additional important information to ensure species protection in the future.

ASSESSMENT OF FIRES LESS THAN 300 ACRES IN SIZE FORM
Reporting and Monitoring Requirement for Aerially-Applied Fire Retardant Only

Objective

This reporting form is to document that 5% of fires less than 300 acres where aerial fire retardant and identified avoidance areas exist (terrestrial/aquatic/waterways) are evaluated to determine if retardant entered an avoidance area. **If your forest uses aerial fire retardant and has avoidance areas, this form is required.** **If your forest has no fires less than 300 acres, where aerial retardant was used and avoidance areas are nearby, a negative reporting (zero) is required.** This reporting is per forest/with a minimum of 1. To add additional assessments if more than 1 is required, select your forest name in the existing list **and** add to your current list of assessments. Your info will be updated to reflect additional assessments. Forests that do not use aerially delivered fire retardant do not need to complete this assessment.

[Click here](#) for help (instructions) with this form

1. Agency: FS	2. Area: R1	4. Number of Fires <u>per forest</u> LESS than 300 acres in size where avoidance areas present and aerial fire retardant was used	0
3. Unit:		5. Number of assessments (5% per forest/minimum of 1)	0
Fire assessment year: 2013			
SAVE			

If at the end of the calendar year, and after your forest has completed the tracking of these smaller fires, and

1. Your forest used aerial fire retardant, and
2. Your forest had no fires less than 300 acres in size where aerial fire retardant was used and mapped avoidance areas were nearby THEN you must submit this type of negative reporting for the year. Zero for number of fires, and Zero for the number of assessments. Nearby = any potential that aerial fire retardant could possibly enter an avoidance area either thru drift, or other.

Figure 6. Reporting Tool Process for negative reporting.

WFCMR
Wildland Fire Chemical Misapplication Reporting

HOME REPORTS DOCUMENTS ARCHIVE LOGOUT

ASSESSMENT OF FIRES LESS THAN 300 ACRES IN SIZE FORM

Reporting and Monitoring Requirement for Aerially-Applied Fire Retardant Only

Objective
This reporting form is to document that 5% of fires less than 300 acres where aerial fire retardant and identified avoidance areas exist (terrestrial/aquatic/waterways) are evaluated to determine if retardant entered an avoidance area. *If your forest uses aerial fire retardant and has avoidance areas, this form is required. If your forest has no fires less than 300 acres, where aerial retardant was used and avoidance areas are nearby, a negative reporting (zero) is required. This reporting is per forest/with a minimum of 1.* To add additional assessments if more than 1 is required, select your forest name in the existing list **and** add to your current list of assessments. Your info will be updated to reflect additional assessments. Forests that do not use aerially delivered fire retardant do not need to complete this assessment.

[Click here](#) for help (instructions) with this form

1. Agency: FS	2. Area: R1	4. Number of Fires per forest LESS than 300 acres in size where avoidance areas present and aerial fire retardant was used	1
3. Unit:		5. Number of assessments (5% per forest/minimum of 1)	1

Fire assessment 1

1. Subunit: 2. Incident num: 3. Incident name: 4. Fire date: 01/18/2013 5. Assessment date: 01/18/2013

6. Size of fire: 0-10

7. Did retardant enter avoidance area? Yes No

8. If yes, where (check all that apply): Waterway buffer zone Waterway Aquatic TESP Terrestrial TESP
You must also follow all reporting and monitoring requirements for misapplication of aerially applied fire retardant.

9. Comments:

SAVE

This form can be used at any time during the year to document monitoring of these smaller fires. As these types of fires are tracked you can update box #4 to reflect tracking. At the end of the calendar year, you must ensure that box #4 reflects the number of fires that fit into the category:

- <300 acres in size,
- aerial retardant application, and
- an avoidance area nearby

Only 5% of these fires are required to be assessed- this means if there are 20 or less fires that fit into the category as stated above, you must complete at least 1 assessment,

Figure 7. Reporting Tool Process for assessments and tracking throughout the season.

Funding for 5% Assessment and Reporting

Forests with avoidance areas and waterways with TEPCS as identified in the FEIS and the Record of Decision will track the costs associated with the 5% assessment. When the Forest has their initial fire activity and the likelihood of using aerially applied fire retardant exists, establish a unique P-code through Firecode. The fire name should be called Fire Retardant 5 Percent and this code would be used throughout the fiscal year for this activity.

It is not necessary to have this code rolled over each fiscal year as a new code should be created each year, if applicable, for this work.

Chapter 8. Seasonal Duties, Annual Training and Data Reporting Requirements

To assist in streamlining requirements within the implementation of the direction, the following list outlines pre-fire season, during fire season and post-fire season requirements, for training, coordination, and data reporting.

Pre- Fire Season Requirements:

Coordination

1. Annual Coordination meetings between:
 - a. FS and cooperators
 - b. FS and regulatory agencies, and
 - c. FS Fire Management, Line, and Resources
2. Pilot Briefings
3. Resource Advisor review (in conjunction with avoidance mapping update completion)
 - a. Updates to avoidance area mapping using most up-to-date information
 - b. Changes in species lists, or critical habitat designations
 - c. Before fire season, it is recommended that hydrologists or hazardous materials coordinators providing expertise or as a resource advisor, coordinate with their counterpart at their state water quality agency to discuss (and document) reporting required in the event of a retardant spill or retardant application to water. In addition, become familiar with the state's latest water quality requirements, any local areas with special water quality issues, and water intakes for municipal watersheds or domestic water supplies on Forest or directly downstream.

Training for:

1. Forest Service Fire Management Personnel, Line Officers and Resource Specialists
 - a. Reviewing the Aerial Application of Fire Retardant Direction will be conducted with Forest Service biologists/botanists, fire management personnel, anyone planning to act as a resource advisor and line officers. Fire management personnel should include Type 1-5 incident commanders (ICs), fire management officers (FMO), aviation managers, module leaders, or other personnel responsible for ordering the aerial delivery of fire retardant during a wildland fire incident.
 - b. This annual review will include:
 - i. Review of avoidance area maps,
 - ii. Review of aircraft operational direction,
 - iii. Review of reporting process for misapplications,
 - iv. Review of the tracking and reporting requirement of fires less than 300 acres in size, and
 - v. Review of the BA/BO and monitoring process for resource specialists.

2. Pilots
 - a. annual review by aviation managers or appropriate personnel will brief pilots on:
 - i. Aircraft operation direction
 - ii. Avoidance area maps - sets of avoidance area maps for each national forest will be available through the forest's aviation officer, at tanker bases, at helibases, at fire dispatch offices and with all appropriate cooperators.

Data and reporting

- Avoidance Area mapping updates completed
- Documentation of Annual Coordination Meetings as described above, Pilot briefings, and training

During Fire Season Requirements:

Coordination

1. Pilot Briefings
 - a. Aircraft operational direction as needed
 - b. If changes to Avoidance Area maps occur
 - c. If a new pilot is used on an incident
 - d. If changing area/locations to different region which may have different requirements
2. In the event of a misapplication into an avoidance area, IC's ensure READs or resource specialists are contacted for assessment of effects (Site Assessment of Impacts Forms). If 'take' of a species occurs (as specified within the BO), and is wide ranging, other FS Regions and Forests must be notified immediately of the amount of 'take' and reported to Regulatory agencies to ensure tracking of 'take' is implemented and if re-initiation of consultation is necessary
3. Avoidance Area Mapping updated as necessary. Coordination with Regulatory agencies and other FS personnel including other Regions as necessary (wide ranging species) for avoidance area mapping updates as needed, for instance:
 - a. New listed species
 - b. Changes in critical habitat designation
 - c. Additional avoidance areas identified (closures from triggers or monitoring results)
4. Avoidance Area monitoring as needed
5. Coordination and completion of all local level consultations with Regulatory agencies and submission of actions/determinations/addendums to the National BA and ROD.

6. Assessment of Fires Less than 300 Acres in Size during fire activity

Data and reporting

1. Interagency Aerial Retardant Misapplication Form
2. Site Assessment of Impacts Form(s)
3. Tracking and assessment of Fires Less than 300 Acres in Size during fire activity
4. Documentation of all communication and coordination meetings with Regulatory agencies

Post- Fire Season Requirements:

Coordination

Forests/Regions

1. Ensure completion of the Assessment of Fires less than 300 acres where aerial retardant was used and avoidance areas are nearby, complete this annual assessment requirement no later than the end of the calendar year. Refer to Chapter 7 for instructions.
2. Ensure that all assessments documenting misapplication effects into avoidance areas are submitted.
3. Completion of monitoring. If longer term monitoring is required, ensure plans for upcoming years/needs are documented as such in comments section of assessment forms (it is the responsibility of the Forest to ensure local level monitoring requirements are completed).

WO-FAM

1. Data call to forests for reporting of all aerial retardant use on NFS Lands.

MTDC-WFCS

1. Completion and submittal of Summary Report of Misapplications into Avoidance Areas to National Office (WO-FAM, WO-TES).

Chapter 9. Questions and Answers

Q: I am a pilot and I drop a load of retardant either in waterway, buffer, or other avoidance area. Will I be held accountable or liable because of the misapplication?

A: The Forest Service recognizes that misapplications will occur and discussed this with the Regulatory agencies. You will not be held accountable or liable for a misapplication in an avoidance area or waterway (including buffer). Report any misapplication.

Q: How do I know if I can apply aerial fire retardant within an intermittent stream?

A: If a stream is classified as 'intermittent' on the NHD layer and:

- has visible WATER, the 300' waterway avoidance area is in place regardless if it is mapped or not - **no application of aerial fire retardant**. Guidance for pilots delivering retardant near a waterway are instructed to terminate retardant application if riparian vegetation is visible when approaching a mapped avoidance area (may vary based on locale).
- has no water, yet remains as a resource protection avoidance area (TEPCS or other) **no application of aerial fire retardant**
- some regions have previously gone through the process of updating their avoidance area maps and removing intermittent streams, meaning that these are not avoidance areas and can have retardant applied to these areas without the need for reporting. However, if water is present, the area is then considered a waterway and must be avoided.
- **For forests that have intermittent streams remaining on their maps as avoidance areas, and aerial fire retardant is applied to these intermittent stream even if dry at the time, this would still be considered a misapplication and reporting is required. Refer to Chapter 6 on how to update maps for areas such as these on your forest.**

Q: What if the forest wants to add, remove or change the size and shape of an avoidance area?

A: Avoidance area maps can be updated or adjusted for TEPCS species or designated critical habitats by Forest Supervisors in consultation with FWS or NOAA Fisheries as necessary. Mapping changes are allowed if they do not create additional adverse effects than what was analyzed in the Biological Assessments or change the analysis conducted or determinations made in the Biological Opinions. Refer to Chapter 4-Resource Specialists, Process for Addendums to the National Programmatic Consultation. Refer to Chapter 2 and Appendix A for detailed instructions for developing and uploading GIS layers to the national database.

Q. Will I be held liable if I invoke the exception and species mortality occurs due to the aerial application of fire retardant?

A: No, the incident commander has the authority to invoke the exception when human life or public safety is threatened and the use of fire retardant is reasonably expected to alleviate the situation. The exceptions need to be reported as well.

Q: *What do I do if there is a misapplication in an avoidance area?*

A: Here's the simple process for documenting a misapplication:

1. First, determine if it is safe to enter the area where the aerial application of fire retardant has occurred, the goal is to visit the site as soon as it is safe to do so.
2. Calculate the area (size of coverage in the avoidance area or waterway) with retardant and if possible, estimate the amount of coverage of retardant
3. Determine if the exception to protect public and/or fire fighter safety was used
4. If possible, document GPS location, time of event, and date of event
5. Complete the Reporting form found at <http://www.fs.fed.us/fire/retardant/>.
6. Contact the IC to inform them a report was complete, contact:
 - a. the Resource Advisor assigned to the fire or local unit's Resource Advisor if they are not the one completing the report, or
 - b. any agency administrator for the unit where the misapplication occurred

Q: *How soon after misapplication in an avoidance area do I need to submit the documentation?*

A: It is best to complete the report as soon as possible after it is found. The end of the shift or next day is preferred due to requirements to conduct biological assessment as soon as possible. The incident should be reported to the Incident Commander, Resource Advisor, or forest specialist, FMO or agency representative to complete all reporting and assessment of effects.

Q: *How do I know if we need to re-initiate consultation or provide an addendum to the BA/BO with the regulatory agencies?*

A: Refer to Chapter 5 - Resource Specialists, sections on Re-initiation of Consultation for the National BA, and Process for Addendums to the National BA.

Q: *How do we implement the 5% assessment of fires less than 300 acres where aerial fire retardant is applied and avoidance areas exist?*

A: Prior to onset of annual fire season and based on historical records of fire, aerial fire retardant use and presence of avoidance areas, estimate the number of IA fires (fires less than 300 acres) that may call for aerial retardant. For determining 5%, this is a minimum of 1 out of every 20 fires per forest where aerial fire retardant is used.

For example, a forest with low use (less than 10 drops per year) of aerial retardant should start with the first initial attack fire where aerial fire retardant is used and avoidance area exist. Higher use forests, will need to ensure they are tracking the number of fires where aerial fire retardant is applied. Again, it may be easier to conduct the assessment on one of the first fires with aerial fire retardant use, track the number of times aerial fire retardant is applied up to 20, and then assess the next fire with aerial fire retardant use, rather than waiting until later into the season, in order to meet these requirements. Forests that either do not have any avoidance areas or do not use aerially delivered fire retardant do not need to complete this assessment. Refer to Chapter 7.

Q: Who is supposed to do the 5% assessment?

A: The forest and district will need to determine what personnel to assign this work to for completion. In most cases, it will likely be someone from the fire staff. Units should establish (prior to fire season) their process for accomplishing this and include who will conduct the assessment, forms completion, and if a misapplication is discovered communicating the information to the resource specialist on the unit. See Chapter 7 for information and funding direction.

Q: How do I document that we have met our annual obligation of coordinating with the regulatory agencies and how is this process completed?

A: It is recommended that the Forest documents each meeting date, keeps a participant sign in sheet, and list of topics discussed on a form. The forests keeps the original, sends a copy to the local FWS, and/or NOAA and sends a copy to regional/national FS coordinators if requested.

It is also recommended that these meetings be done early in the pre-season or at the same time of year each year in coordination with both biological and fire resources together as much as possible.

Q: Which job code do I bill to?

A: If a misapplication is discovered during the fire, individuals' involved in the reporting and assessment should charge their time to the fire's P-code. If monitoring and mitigation are required, the unit with the fire shall request a new code from Firecode. The fire name plus "FR Monitoring" will be the name of the P-code and all costs affiliated with the plan and work associated with the plan will be charged to this code.

Glossary

Anchor Point – An advantageous location, usually a barrier to fire spread, from which to start constructing a fireline. The anchor point is used to minimize the chance of being flanked by the fire while the line is being constructed.

Avoidance Areas – A protection area surrounding a listed species developed to mitigate or avoid possible impacts caused by an action; no-drop zone for aerial retardant use.

Biological Assessment – A document prepared for Fish and Wildlife Service Section 7 consultation process to determine whether a proposed major construction activity under the authority of a Federal action agency is likely to adversely affect listed species, proposed species, or designated critical habitat.

Biological Opinion – A document prepared by the Fish and Wildlife Service that is the product of formal consultation, stating the opinion of the Fish and Wildlife Service on whether or not a Federal action is likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat.

Biological Evaluation – A document prepared by the Forest Service to review planned, funded, executed, or permitted programs and activities for possible effects on endangered, threatened, proposed, or sensitive species (FSM 2672.4)

Candidate species – Plants and animals that have been studied and that the Fish and Wildlife Service has concluded should be proposed for addition to the Federal endangered and threatened species list. These species have formerly been referred to as category 1 candidate species.

Consultation – A requirement of the Endangered Species Act that requires the action agency to enter into discussions with a regulatory agency regarding the potential effects of a project on federally listed threatened or endangered species; occurs when a project “may affect” any species. The agencies work together to mitigate or avoid impacts to the species.

Critical habitat – As defined and used in the Endangered Species Act, is a specific geographic area(s) that contains features essential for the conservation of a threatened or endangered species and that may require special management and protection.

Cumulative Effects - Impacts on environments that result from the incremental impact of an action when added to other past, present, and reasonably foreseeable future actions. Cumulative effects can result from individually minor but collectively significant actions taking place over a period of time.

Determination – A decision made from analysis of impacts of an action on a species; either No Effect or May Affect, which are further analyzed into adverse or not adverse effects.

Direct Effects – Effect that are caused by the action and occur at the same time and place.

Endangered – Any species listed in the Federal Register as being in danger of extinction throughout all or a significant portion of its range.

Endangered Species Act (ESA) – A law passed in 1973 to conserve species of wildlife and plants determined by the Director of the Fish and Wildlife Service or the National Marine Fisheries to be endangered or threatened with extinction in all or a significant portion of its range. Among other measures, ESA requires all federal agencies to conserve these species and consult with the Fish and Wildlife Service or National Marine Fisheries on federal actions that may affect these species or their designated critical habitat.

ESA and FWS NOAA

Section 7 of the Endangered Species Act (Act) [16 U.S.C. 1531 *et seq.*] outlines the procedures for Federal interagency cooperation to conserve Federally listed species and designated critical habitats. Section 7(a)(2) states that each Federal agency shall, in consultation with the Secretary, insure that any action they authorize, fund, or carry out is not likely to **jeopardize** the continued existence of a listed species or result in the destruction or **adverse modification** of designated critical habitat.

Erosion – The wearing away of the land surface by running water, wind, ice, gravity, or other geological activities; can be accelerated or intensified by human activities that reduce the stability of slopes or soils.

Federally Listed Species – Formally listed as a threatened or endangered species under the ESA. Designations are made by the Fish and Wildlife Service or National Marine Fisheries Service.

Fire Management Plan – A strategic plan that defines a program to manage wildland and prescribed fires and documents the Fire Management Program in the approved land use plan. The plan is supplemented by operational plans such as preparedness plans, preplanned dispatch plans, prescribed fire plans, and prevention plans (Interagency Implementation Guide, 1998).

FPU – Fire Planning Unit consists of one or more Fire Management Unit

Habitat – The place where a population (e.g., human, animal, plant, microorganism) lives and its surroundings, both living and non-living.

IA – Initial Attack is the actions taken by the first resources to arrive at a wildfire or wildland fire use incident.

Indirect Effects – Those are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.

Intermittent Stream – A stream that carries water a considerable portion of the time, but that ceases to flow occasionally or seasonally because bed seepage and evapotranspiration exceed the available water supply.

LAA – Likely to adversely affect a species listed under the Endangered Species Act.

Misapplication – The accidental aerial application of fire retardant into a waterway, within the 300-foot buffer (or more as designated by specific forests) or within an avoidance area. Or when resources are directed to apply fire retardant into a waterway, within the 300-foot buffer (or more as designated by specific forests), or within an avoidance area based on allowable exceptions or a transportation accident.

NLAA – Not likely to adversely affect a species listed under the Endangered Species Act

NWCG – National Wildfire Coordination Group, is an operational group designed to coordinate programs of the participating wildfire management agencies.

Perennial Stream – A stream that contains water at all times except during extreme drought.

Riparian – The area adjacent to a stream, waterbody or wetland- pertaining to areas of land directly influenced by water. Riparian areas usually have visible vegetative or physical characteristics reflecting this water influence. Streambanks, lake borders, or marshes are typical riparian areas.

SEAT – Single-Engine Air Tanker

Sensitive Species – Those plant and animal species identified by a [U.S. Forest Service] regional forester for which population viability is a concern, as evidenced by:

- a. Significant current or predicted downward trends in population numbers or density.
- b. Significant current or predicted downward trends in habitat capability that would reduce a species existing distribution (FSM 2670.5).

Threatened – The classification provided to an animal or plant likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

Trigger – A report of misapplication, where there is an affect to threatened and endangered species, requires consultation with the forest/Fish and Wildlife Service/National Marine Fisheries Service to determine the appropriate restriction on use of future application in the area (species dependent).

Water Quality – A term used to describe the chemical, physical, and biological characteristics of water,

Waterway – Any body of water including lakes, rivers, streams and ponds whether or not they contain aquatic life.

Appendix A. Comparison of 2000 Guidelines including the 2008 RPA's and Current Direction

Actions	2000 Guidelines and 2008 RPA's	Current Direction
Exceptions for Retardant Use	<p>Three Exceptions:</p> <p>For life and property, lack of ground personnel, other valuable resources (campgrounds, plantations, historical structures etc.)</p>	<p>One Exception:</p> <p>For protection of human life or public safety</p>
Aircraft Operational Guidance	2000 Guidelines for Aerial Delivery of Retardant or Foam: 300-ft buffer and T&E from 2008 Biological Opinion	Current Aerial Application of Fire Retardant Direction: Avoidance of waterways, established buffers associated with waterways; riparian vegetation visible to pilots, terrestrial avoidance areas, and other resources (e.g., cultural)
Avoidance Area Mapping	<p>Aquatic and terrestrial for T&E jeopardy species only from 2008 Biological Opinions</p> <p>Aquatic: 300' for all waterways, 153 federally listed aquatic species, 157 Forest Service Sensitive Aquatic Species.</p> <p>Plants: 20 federally listed species, 14 designated critical habitats</p> <p>Wildlife: 3 federally listed species</p> <p>approximately 0.0025% NFS Lands</p>	<p>Aquatic and Terrestrial T&E and some sensitive species</p> <p>Aquatic: 300' or more for all waterways, 153 federally listed aquatic species, 157 Forest Service Sensitive Aquatic Species</p> <p>Plants: 84 federally listed species, 21 designated critical habitats, 223 Forest Service sensitive species, 3 candidate species</p> <p>Wildlife: 32 federally listed species, 18 designated critical habitats , 36 Forest Service sensitive species</p>
Annual Coordination	<p>Pre-season coordination</p> <p>2008 Reasonable and Prudent Alternatives</p> <p>Update and review of maps</p>	<p>Current Aerial Application of Fire Retardant Direction: Annual training</p> <p>Briefings, as needed</p> <p>Coordination meetings, as needed</p>
Reporting of Misapplication	Yes	Yes

Actions	2000 Guidelines and 2008 RPA's	New Direction
Monitoring	Only if misapplication into waterways and T&E species associated with 2008 Biological Opinions or if needed with emergency consultation process	<ol style="list-style-type: none"> 1. Monitoring of misapplications that occur in avoidance areas 2. Monitoring of 5% of all fires <300 acres where Aerial retardant was applied <p>Monitoring associated with Terms and Conditions or Conservation Measures in BO's. Includes trigger points/restricting future use, if adverse impacts found</p>
Reporting	Misapplications	<ol style="list-style-type: none"> 1. All Misapplications 2. 5% of small fires and on large fires 3. Other reporting requirements identified in Conservation Measures or Terms and Conditions in BO's (species specific)
Protection of Cultural Resources	No	Yes for sacred sites, traditional use areas, etc.
Protection for Forest Service Sensitive Species	No	Yes - For those identified that may trend towards listing or loss of viability on the planning unit
Use of Emergency Consultation Regulations (50 CFR 402.05)	Yes	<p>No – Re initiation process developed for exceeding incidental take, new chemicals, new information, species, etc.</p> <p>Review of BA at 5 and 10 years for adequacy of analysis or incorporation of additional information relevant to determination process</p> <p>Refer to Red Book Chapter 12 for other fire chemicals and application methods.</p>

Appendix B. Reporting and Monitoring Reporting Tools

The following are examples of the Reporting and Monitoring forms for misapplication into avoidance areas, assessment of impacts and monitoring of fires less than 300 acres in size where avoidance areas are present and aerial fire retardant is used are provided below.

NOTE:

Check website www.fs.fed.us/fire/retardant for current updates to these forms and alternate reporting and submission requirements.

The forms below can be used to take into the field to obtain the necessary information required for reporting. On-line reporting of this required information allows for tracking and maintaining new reporting requirements associated with this direction.

Interagency Wildland Fire Misapplication Reporting

Check website www.fs.fed.us/fire/retardant for current updates to these forms.

WFCMR

Wildland Fire Chemical Misapplication Reporting

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INTERAGENCY WILDLAND FIRE AERIAL RETARDANT REPORT

For reporting application of aerially applied retardant into waterways or mapped avoidance areas.

(Complete immediately after misapplication or as soon as safe to enter) * = required field

[Click here for help \(instructions\) with this form](#)

1. Incident #: <input type="text"/>	3. Date of misapplication: <input type="text" value="01/18/2013"/> *4. Time: <input type="text"/>												
2. Incident name: <input type="text"/>	6. Discovery date if different from #3 above: <input type="text" value="01/18/2013"/>												
5. Misapp location (lat/long) <input type="text"/> <input type="text"/> (decimal format) * Lat/long conversion tool	11. Retardant name: <input type="text" value="Phos-Chek D75-R"/>												
7. Agency: <input type="text"/> 8. Area: <input type="text"/> * 9. Unit: <input type="text"/> 10. Subunit: <input type="text"/>	13. Misapplication type: <input type="radio"/> Exception <input checked="" type="radio"/> Accidental *												
12. Size of fire (acres): <input type="text"/>	15. Forest Service only: Is this part of the 5% assessment of fires less than 300 acres? <input type="radio"/> Yes <input checked="" type="radio"/> No *												
14. Delivery method: <input type="radio"/> Airtanker <input type="radio"/> SEAT <input type="radio"/> Helicopter <input type="radio"/> Unknown *	16. Avoidance Area Description (check all that apply) <input type="checkbox"/> Waterway buffer zones (300' or larger) <input type="checkbox"/> Waterway <input type="checkbox"/> Dry Intermittent Stream mapped avoidance area (FS Only) <input type="checkbox"/> Aquatic TEPCS habitat (FS Only) <input type="checkbox"/> Terrestrial TEPCS habitat (FS Only) <input type="checkbox"/> Cultural resource (FS Only) <input type="checkbox"/> Sacred site (FS Only) <small>TEPCS: Threatened, Endangered, Proposed, Candidate, or Sensitive Species - these are decision areas designated by each Forest Waterway: Any body of water including lakes, rivers, streams and ponds whether or not they contain aquatic life. This is broadly interpreted to include swamps, marshes, and other wetlands. *</small>												
17. Description of wildland fuel at the site (check all that apply) <input type="checkbox"/> Open light fuels <input type="checkbox"/> Brush <input type="checkbox"/> Open timber/grass <input type="checkbox"/> Timber/brush <input type="checkbox"/> Heavy timber/closed canopy <input type="checkbox"/> Slash *													
18. Description of fire chemical coverage at the site <input type="checkbox"/> Light <input type="checkbox"/> Spotty <input type="checkbox"/> Continuous <input type="checkbox"/> Other (comment please) <input type="text"/>													
19. Number of drops in avoidance areas: <input type="text" value="1"/>													
20. Approx total number of gallons dropped in avoidance area: <input type="text"/>													
21. Approx size of fire chemical application in avoidance area: <input type="text"/> (Length x Width in feet) *													
22. Person reporting: <input type="text"/> *23. Unit: <input type="text"/> *24. Email: <input type="text"/> *25. Phone: <input type="text"/>													
26. Person who identified misapplication if different than one noted above Name: <input type="text"/> Unit: <input type="text"/> Email: <input type="text"/> Phone: <input type="text"/>													
27. Observed environmental effects: <input type="text"/>													
28. Resource advisor name: <input type="text"/> *29. Resource advisor email: <input type="text"/> *30. Resource advisor phone: <input type="text"/>													
<small>Resource advisor or qualified resource personnel MUST complete the Site Assessment Forms (Required for FS only) in addition to this form.</small>													
31. Were appropriate entities notified? <input type="checkbox"/> USFWS <input type="checkbox"/> NOAA <input type="checkbox"/> DEQ (comment please) <input type="checkbox"/> Other (comment please) <input type="text"/>													
Rules for uploading files... <ul style="list-style-type: none">No special characters in filename (#,_,* etc.)Filename cannot be over 40 characters in lengthFilename cannot be over 20 characters in lengthSelect up to 20 files at one time													
Upload related files <table border="1"><thead><tr><th>File Name</th><th>Size (KB)</th><th>Progress</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table> <p><input type="button" value="Add Files"/> <input type="button" value="Save"/> <input type="button" value="Delete"/> <input type="button" value="Clear"/></p>		File Name	Size (KB)	Progress									
File Name	Size (KB)	Progress											

This is to be used for **all agencies and partners**. There are drop down boxes for agency identification. The uploading files for this form can include photos, etc.

For FS, environmental effect/assessment reports, monitoring, email communications with services should be saved and uploaded in the terrestrial and aquatic assessment forms.

DOI, BIA other agencies can use file upload function on this form for all environmental effects, they will not be prompted to complete any other assessment reports.

Help Doc- Interagency Wildland Fire Aerial Retardant Report

1. This is an **Interagency Form** for all agencies to report application of **Aerially applied Fire Retardant** into waterways or mapped avoidance areas (as designated by individual agencies). Refer to other forms for submission of ground application or other fire chemicals.
 2. **For Forest Service:** *this is an initial report for any field observer to complete. **Additional aquatic and terrestrial assessment forms are required** to be completed by resource staff.*
 3. **For other agencies:** complete as accurately as possible, input any observed environmental effects or attach environmental assessment documents using the file upload tool.
 4. *Submission of this form **automatically** transfers information to US Forest Service Wildland Fire Chemicals System (WFCS) Program at the Missoula Technology and Development Center (MTDC) for annual reporting to regulatory agencies. This submission does not send information to the host unit Agency Administrator. You are responsible for transferring and communicating this information on this form on to appropriate local staff including Agency Administrators (you can use your browser window or the MS Word version to print).*
- Contact info related to form content: szylstra@fs.fed.us or jlaufman@fs.fed.us
 - Contact info related to web application: jredmonds@fs.fed.us

Specific Cell Information

Incident Number and Name: In ROSS (and FireCode) the field is Incident/Project Order Number – this is how it appears on a Resource Order form – the common denominator for our misapplication form and WFDS and Firestat and ABS will be at a minimum the Unit ID and incident name. *If there are multiple drops associated with the same fire name and number note this within the incident name cell (eg. CreekFire-1, CreekFire-2 etc).* For other agencies use your standard numbering/naming conventions.

Time and Date of Occurrence: provide the time and date of the event. If you are discovering the presence of retardant after the fact, record the date of discovery and make a reference that it is after the fact. This is very important for monitoring purposes especially related to water quality.

Name of Chemical: provide the name of the retardant or fire chemical.

Size of Fire: provide an estimate of the final size of the fire

Avoidance Area Description: specify whether retardant was applied within the waterway and/or the adjacent 300 ft (or larger) buffer, aquatic Threatened, Endangered, Proposed, Candidate or Sensitive Species (TEPCS) avoidance area or upland TEPCS species avoidance area. If you do not know if the

aquatic avoidance area is a TEPCS species avoidance area contact the resource advisor. In certain instances multiple boxes may be appropriate (waterway and buffer zone)

Is this part of the 5% assessment of fires less than 300 acres: The Forest Service is required to assess 5% of all fires less than 300 acres per forest that use aerially delivered retardant and where avoidance areas occur. This is a separate reporting process (complete the ASSESSMENT OF FIRES LESS THAN 300 ACRES IN SIZE form) however, if misapplication of retardant occurs within an avoidance area and this report of a misapplication is part of that 5%, indicate yes.

Application (exception or accidental): indicate if the application occurred as an accidental drop or an intended application to fire when human life or public safety is threatened and the use of retardant can be reasonably expected to alleviate the threat (FS exception. Refer to Red Book, Chapter 12 for exceptions for other agencies.)

Location: record the latitude and longitude, of avoidance area, drainage or landmark name if applicable, name of waterway if known and applicable.

Observed Environmental Impacts: provide specific details about the site, such as: general site location description, waterway description (pond, stream, lake, riparian zone) vegetation (tree, shrub, grass, other), presence of dead/compromised fish or other aquatic fauna or any other notable impacts resulting from the chemical misapplication. This cell and the file upload function is provided to allow first responders or initial persons on the ground to record immediate effects. FS will also complete additional reporting terrestrial and aquatic site forms.

For Other agencies, use the file upload and observed environmental effects sections to describe effects including agency identified species as appropriate. This serves as your record of all environmental effects associated with your event

Description of Retardant or Fire Chemical Coverage at the Site (light, spotty, continuous, etc): provide visual description of the fire chemical coverage on site.

Approx total number of gallons dropped in avoidance area: provide gallons if possible. If unknown estimate to the best of your knowledge the gallons based on the tank size and amount of the load dropped. For assistance for determining the gallons applied per area, by specific aircraft and application rates, refer to **O:\NFS\Collaboration\FireRetardantEIS\2010 EIS Project Record\Informational**

Materials or contact MTDC Fire Chemicals Program Leader

<http://www.fs.fed.us/rm/fire/wfcs/index.htm>.

Assessment of Fires Less than 300 Acres in Size

WFCMR

Wildland Fire Chemical Misapplication Reporting

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ASSESSMENT OF FIRES LESS THAN 300 ACRES IN SIZE FORM Reporting and Monitoring Requirement for Aerially-Applied Fire Retardant Only

Objective

This reporting form is to document that 5% of fires less than 300 acres where aerial fire retardant and identified avoidance areas exist (terrestrial/aquatic/waterways) are evaluated to determine if retardant entered an avoidance area. **If your forest uses aerial fire retardant and has avoidance areas, this form is required.** **If your forest has no fires less than 300 acres, where aerial retardant was used and avoidance areas are nearby, a negative reporting (zero) is required.** This reporting is per forest with a minimum of 1. To add additional assessments if more than 1 is required, select your forest name in the existing list **and** add to your current list of assessments. Your info will be updated to reflect additional assessments. Forests that do not use aerially delivered fire retardant do not need to complete this assessment.

[Click here](#) for help (instructions) with this form

1. Agency: FS	2. Area: R1	4. Number of Fires <u>per forest</u> LESS than 300 acres in size where avoidance areas present and aerial fire retardant was used	0
3. Unit:		5. Number of assessments (5% per forest/minimum of 1)	0
Fire assessment year: 2013			
SAVE			

If at the end of the calendar year, and after your forest has completed the tracking of these smaller fires, and

1. Your forest used aerial fire retardant, and
2. Your forest had no fires less than 300 acres in size where aerial fire retardant was used and mapped avoidance areas were nearby THEN you must submit this type of negative reporting for the year. Zero for number of fires, and Zero for the number of assessments. Nearby = any potential that aerial fire retardant could possibly enter an avoidance area either through drift, or other.

ASSESSMENT OF FIRES LESS THAN 300 ACRES IN SIZE FORM Reporting and Monitoring Requirement for Aerially-Applied Fire Retardant Only

Objective

This reporting form is to document that 5% of fires less than 300 acres where aerial fire retardant and identified avoidance areas exist (terrestrial/aquatic/waterways) are evaluated to determine if retardant entered an avoidance area. **If your forest uses aerial fire retardant and has avoidance areas, this form is required.** **If your forest has no fires less than 300 acres, where aerial retardant was used and avoidance areas are nearby, a negative reporting (zero) is required.** This reporting is per forest/with a minimum of 1. To add additional assessments if more than 1 is required, select your forest name in the existing list **and** add to your current list of assessments. Your info will be updated to reflect additional assessments. Forests that do not use aerially delivered fire retardant do not need to complete this assessment.

[Click here](#) for help (instructions) with this form

1. Agency: FS	2. Area: R1	4. Number of Fires per forest LESS than 300 acres in size where avoidance areas present and aerial fire retardant was used	1
3. Unit:		5. Number of assessments (5% per forest/minimum of 1)	1

Fire assessment 1

1. Subunit:	2. Incident num:	3. Incident name:	4. Fire date: 01/18/2013	5. Assessment date: 01/18/2013
6. Size of fire: 0-10	7. Did retardant enter avoidance area? <input type="radio"/> Yes <input checked="" type="radio"/> No			
8. If yes, where (check all that apply): <input type="checkbox"/> Waterway buffer zone <input type="checkbox"/> Waterway <input type="checkbox"/> Aquatic TESPC <input type="checkbox"/> Terrestrial TESPC You must also follow all reporting and monitoring requirements for misapplication of aerially applied fire retardant.				
9. Comments:				

SAVE

This form can be used at any time during the year to document monitoring of these smaller fires. As these types of fires are tracked you can update box #4 to reflect tracking. At the end of the calendar year, you must ensure that box #4 reflects the number of fires that fit into the category:

- <300 acres in size,
- aerial retardant application, and
- an avoidance area nearby

Only 5% of these fires are required to be assessed- this means if there are 20 or less fires that fit into the category as stated above, you must complete at least 1 assessment.

Site Assessment of Impacts in Terrestrial and Aquatic Avoidance Areas

**Reporting and Monitoring of Misapplication of Aerially-Applied Fire Retardant Only-
these are FS specific monitoring forms.**

Site Assessment of Impacts In Aquatic Avoidance Areas

For reporting misapplication of aerially applied fire retardant only - * required field

[Click here for help \(instructions\) with this form](#)

1. Incident #: <input type="text"/>	3. Agency: <input type="text"/>	4. Area: <input type="text"/>									
2. Incident name: <input type="text"/>	5. Unit: <input type="text"/>	6. Subunit: <input type="text"/>									
7. Misapp location (lat/long): <input type="text"/> - <input type="text"/> (decimal format) - Google map tool Lat/long conversion tool	8. Field assessment date: <input type="text"/> 9. Time: <input type="text"/>										
10. Person reporting: <input type="text"/>	11. Species, critical habitat, or cultural resource/sacred site in avoidance area: <input type="text"/>										
12. Amount of area affected <input type="text"/> (acres) - <input type="text"/> (% of total avoidance area)	13. Avoidance area where retardant was misapplied <input type="checkbox"/> Edge <input type="checkbox"/> Partial <input type="checkbox"/> Center <input type="checkbox"/> Mapped Dry Intermittent Stream * <i>Check all that apply.</i>										
14. Stream order: <input type="text"/>	18. Streamside vegetation burned? <input type="radio"/> Yes <input checked="" type="radio"/> No										
15. Stream width: <input type="text"/>	19. If yes, burn severity? <input type="radio"/> L <input type="radio"/> M <input type="radio"/> H										
16. Stream depth: <input type="text"/>	20. Estimated canopy cover remaining: <input type="text"/>										
17. Stream flow estimate: <input type="text"/>	21. Estimated slope of avoidance area: <input type="text"/>										
22. Water quality data collected? 23. Visual clarity: <input type="text"/>	24. Color: <input type="text"/>	25. Temp: <input type="text"/>									
26. pH: <input type="text"/>	27. Conductivity: <input type="text"/>										
28. Distance to live water if applied within buffer zone or intermittent dry stream <input type="text"/>											
Rules for uploading files... <ul style="list-style-type: none">No special characters in filename (#, %, etc.)Filename cannot be over 40 characters in lengthFilename cannot be over 20 characters in lengthSelect up to 20 files at one time											
29. Weather events post retardant application: <input type="text"/>											
Upload related files											
<table border="1"><thead><tr><th>File Name</th><th>Size (KB)</th><th>Progress</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table> <p><input type="button" value="Add Files"/> <input type="button" value="Save"/> <input type="button" value="Delete"/> <input type="button" value="Clear"/></p>			File Name	Size (KB)	Progress						
File Name	Size (KB)	Progress									
30. Adverse impact? <input type="radio"/> Yes <input checked="" type="radio"/> No											
<input type="text"/>											
31. Species specific terms and conditions or reasonable/prudent measures associated with species as described in the BO where this occurred?											
<input type="text"/>											
32. Take expected? <input type="radio"/> Yes <input checked="" type="radio"/> No											
33. If yes, amount of habitat/# of individuals: <input type="text"/>											
34. Has take exceeded authorized amount? <input type="radio"/> Yes <input checked="" type="radio"/> No											
35. Salvage necessary? <input type="radio"/> Yes <input checked="" type="radio"/> No											
36. If so, describe measures taken and agencies contacts											
<input type="text"/>											
37. Is species a wide ranging species in other forests? <input type="radio"/> Yes <input checked="" type="radio"/> No											
38. Other forests/regions notified? <input type="radio"/> Yes <input checked="" type="radio"/> No											
39. Contact date: <input type="text"/>											
40. Reinitiation of consultation needed? <input type="radio"/> Yes <input checked="" type="radio"/> No											
41. Misapplication trigger a restriction of future retardant? <input type="radio"/> Yes <input checked="" type="radio"/> No											
42. Who/how additional avoidance areas are identified (GIS/Fire Staff/IC updates)											
<input type="text"/>											
43. Is follow-up monitoring required as a Term and Condition or RPM associated with the BO or recommend by resource advisor completing this evaluation? <input type="radio"/> Yes <input checked="" type="radio"/> No											
44. FWS contacted: Office: <input type="text"/> - Staff: <input type="text"/>											
45. Summary of communication (phone/email/meeting)											
<input type="text"/>											
46. NOAA contacted: Office: <input type="text"/> - Staff: <input type="text"/> - Comments: 47. Summary of communication (phone/email/meeting)											
<input type="text"/>											
48. State or other agency notification											
<input type="text"/>											
49. Additional information											
<input type="text"/>											
<input type="button" value="SAVE"/>											

SITE ASSESSMENT OF IMPACTS IN TERRESTRIAL SITE ASSESSMENT AVOIDANCE AREAS

For reporting misapplication of aerially applied fire retardant only - * = required field

[Click here for help \(instructions\) with this form](#)

1. Incident #: <input type="text"/>	3. Agency: <input type="text"/>	4. Area: <input type="text"/>									
2. Incident name: <input type="text"/>	5. Unit: <input type="text"/>	6. Subunit: <input type="text"/>									
7. Misapp location (lat/long) <input type="text"/> <input type="text"/> (decimal format) * Google map tool Lat/long conversion tool	8. Field assessment date: <input type="text"/> <input type="text"/> 9. Time: <input type="text"/>										
10. Person reporting: <input type="text"/>	11. Species, critical habitat, or cultural resource/sacred site in avoidance area: <input type="text"/>										
12. Amount of area affected <input type="text"/> (acres) * <input type="text"/> (% of total avoidance area)*	13. Avoidance area where retardant was misapplied <input type="checkbox"/> Edge <input type="checkbox"/> Partial <input type="checkbox"/> Center <input type="checkbox"/> Mapped Dry Intermittent Stream * <i>Check all that apply</i>										
14. Vegetation type: <input type="text"/>	21. Non native invasive species present? <input type="radio"/> Yes <input type="radio"/> No										
15. Is retardant visible on veg? <input type="radio"/> Yes <input type="radio"/> No *	22. If no to non native, are NNIS close? <input type="radio"/> 100' <input type="radio"/> 101-1000' <input type="radio"/> 1000+'										
16. Was vegetation burned? <input type="radio"/> Yes <input type="radio"/> No *	23. NNIS species names: <input type="text"/>										
17. Burn severity? <input type="radio"/> Low <input type="radio"/> Medium <input type="radio"/> High *	24. NNIS treated? <input type="checkbox"/>										
18. Canopy remaining %: <input type="text"/>	25. NNIS method: <input type="text"/>										
19. Ground cover remaining %: <input type="text"/>	26. Weather events post retardant application: <input type="text"/>										
20. Soil type: <input type="text"/>											
Rules for uploading files... <ul style="list-style-type: none">No special characters in filename (#, %, etc.)Filename cannot be over 40 characters in lengthFilename cannot be over 20 characters in lengthSelect up to 20 files at one time											
Upload related files											
<table border="1"><thead><tr><th>File Name</th><th>Size (KB)</th><th>Progress</th></tr></thead><tbody><tr><td> </td><td> </td><td> </td></tr><tr><td> </td><td> </td><td> </td></tr></tbody></table> <p><input type="button" value="Add Files"/> <input type="button" value="Save"/> <input type="button" value="Delete"/> <input type="button" value="Clear"/></p>			File Name	Size (KB)	Progress						
File Name	Size (KB)	Progress									
27. Adverse impact? <input type="radio"/> Yes <input type="radio"/> No *											
28. Species specific terms and conditions or reasonable/prudent measures associated with species as described in the BO where this occurred? <input type="text"/>											
29. Take expected? <input type="radio"/> Yes <input type="radio"/> No *											
30. If yes, amount of habitat/# of individuals: <input type="text"/>											
31. Has take exceeded authorized amount? <input type="radio"/> Yes <input type="radio"/> No *											
32. Salvage necessary? <input type="radio"/> Yes <input type="radio"/> No *											
33. If so, describe measures taken and agencies contacts <input type="text"/>											
34. Is species a wide ranging species in other forests? <input type="radio"/> Yes <input type="radio"/> No *											
35. Other forests/regions notified? <input type="radio"/> Yes <input type="radio"/> No *											
36. Contact date: <input type="text"/>											
37. Reinitiation of consultation needed? <input type="radio"/> Yes <input type="radio"/> No *											
38. Misapplication trigger a restriction of future retardant? <input type="radio"/> Yes <input type="radio"/> No *											
39. Who/how additional avoidance areas are identified (GIS/Fire Staff/IC updates) <input type="text"/>											
40. Is follow-up monitoring required as a Term and Condition or RPM associated with the BO or recommend by resource advisor completing this evaluation? <input type="radio"/> Yes <input type="radio"/> No *											
41. FWS contacted: Office: <input type="text"/> - Staff: <input type="text"/>											
42. Summary of communication (phone/email/meeting) <input type="text"/>											
43. NOAA contacted: Office: <input type="text"/> - Staff: <input type="text"/> - Comments: <input type="text"/>											
44. Summary of communication (phone/email/meeting) <input type="text"/>											
45. State or other agency notification <input type="text"/>											
46. Additional information <input type="text"/>											
<input type="button" value="SAVE"/>											

Site Assessment of Impacts in Cultural Areas

Reporting and Monitoring of Misapplication of Aerially-Applied Fire Retardant Only-
these are FS specific monitoring forms.

Aerial Application of Retardant Information sheet For Cultural Resource Managers and Resource Advisors

By
Linn Gassaway, North Zone Archaeologist, Sequoia National Forest

June 13, 2013

Information provided in this information sheet is a summary of information provided on the U.S. Forest Service's Fire & Aviation Management webpage "Aerial Application of Fire Retardant" <http://www.fs.fed.us/fire/retardant/>

This summary is to provide Cultural Resource Managers and Archaeologist brief directions for the reporting the impacts of aerial fire retardant to cultural resources.

Background

From Implementation Guide for Aerial Application of Fire Retardant January 31, 2013

On December 13, 2011, U.S. Forest Service Chief Tom Tidwell signed a record of decision establishing new direction for the use of fire retardant applied from aircraft to manage wildfires on National Forest system (NFS) lands. The new direction approves the use of aerially applied fire retardant and implements an adaptive management approach that protects resources and continues to improve the documentation of retardant effects through reporting, monitoring and application coordination....**The direction also provides greater protection for cultural resources including historic properties, traditional cultural resources, and sacred sites through closer coordination with states and Tribes....**

Summary of Direction

Land Ownership	Form	Direction	Comments
FS	Interagency Wildland Fire Aerial Fire	New Direction, 2011 ROD	New direction, ROD, FEIS, Guide and Reporting Tools: http://www.fs.fed.us/fire/retardant/index.html

All others (BLM, FWS, NPS, Cal Fire, etc)	<i>Retardant Misapplication</i>	2000 Guidelines (Updated)	2000 Guidelines (Updated) & Chapter 12 Red Book: http://www.fs.fed.us/rm/fire/wfcs/Application_Policy-MultiAgency_042209-UPDATE.pdf
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More information

- <http://www.fs.fed.us/fire/retardant/>
- Implementation Guide for Aerial Application of Fire Retardant June 15, 2015 http://www.fs.fed.us/fire/retardant/afr_handbook.pdf
- *Assessment of Impacts in Avoidance Areas Reporting Tool* <http://www.nwportal.fs.usda.gov/>
- Directions filling out the Web reporting forms http://www.fs.fed.us/fire/retardant/forms/wfcmr_getting_started_guide.pdf

Funding for Reporting and Monitoring and Mitigation Actions

During a fire if a misapplication is discovered and reported the **incident job code (P-code)** should be used for individuals' time in reporting and assessing the misapplication.

If a monitoring plan is developed the fire unit will request a new job code (P-code) from their dispatch office or appropriate personnel. The naming convention for the job code will be the name of the fire with "FR Monitoring" as part of the name for the fire. For example, the fire's name was Willow Creek so the new P-Code's name will be Willow Creek FR Monitoring. All monitoring and any mitigation costs will be charged to this code. If the monitoring and/or mitigation continues into the next fiscal year, the fire unit will need to request the specific P-code to be rolled over. The job code can be rolled over each fiscal year as needed in order to capture the total cost of the misapplication.

BAER plans **will not include** any monitoring or mitigation for specific misapplication needs.

Reporting of Misapplication of Aerial Application of Fire Retardant on Cultural Resources

- a) Report occurrences at time of event during suppression activities to the Incident Commander, and FMO who will:
 - i. Ensure the Interagency Wildland Fire Aerial Fire Retardant Misapplication Reporting Form is Completed (example of on-line form in Appendix B and On-line reporting tool – Wildland Fire Chemical Misapplication Reporting (WFCMR) database. The primary focus and data fields are related to species effects and may not be pertinent to CR impacts. CR information including photos and reports that focus on cultural resources can be uploaded within the file upload function.
 - o Notify the READ or local resource specialist, such as Forest Archaeologist or District Archaeologist to complete assessment of impacts. Site Assessment of Impacts Forms and Follow-up Monitoring Forms – WFCMR
 - *Assessment of Impacts in Avoidance Areas Reporting Tool* found at: <http://www.nwportal.fs.usda.gov/>
 - Reporting directions are available at http://www.fs.fed.us/fire/retardant/forms/wfcmr_getting_started_guide.pdf
- b) If adverse impacts are found, the local resource specialists, Ranger District archaeologist or Forest Archaeologist should:
 - i. Notify SHPO and local tribes to determine the appropriate mitigation or restoration actions.

c) Field Forms are provided below.

Follow-up Monitoring Process will:

- a) Determine the amount of follow-up monitoring necessary as dictated by the extent of the impacts to resource identified during assessment of the misapplication.

Locational information

Due to the nature of cultural resources and sacred sites, **no site specific information about the location of the sites will be included in upward reporting.** The WFCMR on-line reporting tool can be used to store and document information related to impacts. The reporting tool will hide all locational information (i.e. lat/longs) so that only the person who completes the form can view the actual location. It is the forests decision whether to use this tool or not. It is however, the forests' responsibility to ensure all local reporting is completed.

Records of the misapplication, the effects to the resource, the consultation process, and the resolution of adverse effects will be maintained by the local unit.

(Complete immediately after misapplication or as soon as safe to enter)

1. Incident #: _____ 2. Incident name: _____ 3. Date of misapplication: _____ 4. Time: _____

5. Misapp location (lat/long) (decimal format) _____ 6. Discovery date if different from #3 above: _____

(Recommended use generalized lat/long example 36.000 -118.000)

7. Agency: _____ 8. Area/Region: _____ 11. Retardant name: _____

9. Unit/Forest: _____ 10. Subunit/District: _____

12. Size of fire (acres): _____ 13. Misapplication type: Exception Accidental

14. Delivery method: Airtanker SEAT Helicopter 15. Forest Service only: Is this part of the 5% assessment of fires less than 300 acres? Yes No

16. Avoidance Area Description (check all that apply)

- Waterway buffer zone (300' or larger) Waterway Aquatic TEPCS habitat (FS Only)
- Terrestrial TEPCS habitat (FS Only) Cultural Resource (FS Only) Sacred site (FS Only)

17. Description of wildland fuel at the site (check all that apply)

- Open light fuels Brush open timber/grass Timber/brush Heavy timber closed canopy Slash

18. Description of fire chemical coverage at the site

- Light Spotty Continuous Other (comment please) _____

19. Number of drops in avoidance areas: _____

20. Approx total number of gallons dropped in avoidance area: _____

21. Approx size of fire chemical application in avoidance area: _____ (Length x Width in feet)

22. Person reporting: _____

23. Unit: _____ 24. Email: _____ 25. Phone: _____

26. Observed environmental effects: _____

27. Resource advisor name: _____

28. Resource advisor email: _____ 29. Resource advisor phone: _____

Resource advisor or qualified resource personnel MUST complete the Site Assessment Forms (Required for FS only) in addition to this form.

31. Were appropriate entities notified? USFWS NOAA DEQ (comment please) Other **SHPO** _____

Photos for attachment _____

For reporting misapplication of aerially applied fire retardant only

1. Incident #: _____ 2. Incident name: _____ 3. Agency: _____ 4. Area/Region: _____

5. Unit/Forest: _____ 6. Subunit/Ranger District: _____

7. Misapp location (lat/long) (decimal format) _____
(recommended use generalized lat/long example 36.000 -118.000)

8. Field assessment date: _____ 9. Time: _____ 10. Person reporting: _____

11. Species, critical habitat, or cultural resource/sacred site in avoidance area: **cultural resource**

12. Amount of area affected: _____ (acres)
_____ (% of avoidance area)

13. Avoidance area where retardant was misapplied
 Edge Partial Center

14. Vegetation type: _____

15. Is retardant visible on veg? Yes No

16. Was vegetation burned? Yes No

17. Burn severity? Low Medium High

18. Canopy remaining %: _____

19. Ground cover remaining %: _____

20. Soil type: _____

21. Non native invasive species present? Yes No

22. If no to non native, are NNIS close? 100' 101-1000' 1000+

23. NNIS species names: _____

24. NNIS treated? Yes No

25. NNIS method: _____

26. Weather events post retardant application: _____

27. Adverse impact? Yes No _____

28-37 Deal with Species and are not applicable to Cultural Resources

38. Misapplication trigger a restriction of future retardant? Yes No

39. Who/how additional avoidance areas are identified (GIS/Fire Staff/IC updates): _____

40. -44 Deal with FWS consultation and are not applicable to Cultural Resources

45. State or other agency notification _(SHPO will be notified as part of the Fires emergency consultation) _____

46. Additional information

Help Doc- Site Assessments

These WFCMR forms should be completed as soon as possible, however, they can also be updated at any time by any resource/qualified biologist to reflect any additional assessment factors, monitoring results, or other communications with cooperators, regulatory agencies, or technical specialists. Original documents will be archived but the most recent will reflect the current most up to date information. The intent of the forms and this tool is to provide a repository for documentation of effects to species from aerially delivered fire retardant from a single event to further the knowledge base. Therefore, the more information you can provide related to observed environmental conditions, or situation provides the FS better understanding of potential interactions.

Incident Name and Physical Location: In ROSS (and FireCode) the field is Incident/Project Order Number – this is how it appears on a Resource Order form – the common denominator for the misapplication form and WFDSS and Firestat and ABS will be at a minimum the Unit ID and incident name. **This will be auto-populated from the initial form**

Field Assessment Date: record date of field assessment, this date may be different than date entered in the Interagency Retardant Misapplication Form. Time lapse will provide additional information to evaluate potential effects. Assessment must be completed by qualified biological resources personnel (ie; trained to sign BA/BE's), field assessment may be completed by trained technician.

Species, critical habitat or cultural resource/sacred site in avoidance area: Species name, critical habitat name, or other associated with the avoidance area. Identify if TEPCS next to the species name for tracking and reporting. If no TEPCS indicate 'none'.

Amount of Avoidance Area Affected: based on avoidance maps, provide the best estimate of the area impacted, and total avoidance area associated with species. For instance, if a critical habitat for a species is completely mapped the percentage of that total area should be documented. For water courses, describe within the additional information, i.e. variables that may provide additional information as to possible extent of the aquatic area that may have received aerial fire retardant. In some cases, acres or % of the total avoidance area may not be able to be calculated. Refer to the use of the spill calculator tool described below.

Type of Impact: provide a brief description of effects to species or habitats if present. For example, adverse impacts to animal or plant species including loss of individuals, reduction of reproduction potential, etc. If separate documents/or email communication is completed to identify effects, this can be uploaded and used as documentation.

Additionally, a 'spill calculator' developed by the USGS in cooperation with the Forest Service could be utilized which estimates the unintentional release of fire-suppressant chemicals into surface waters, which may result in adverse effects to aquatic biota, such as fish kills. The spill calculator spreadsheet calculating tools provides a means of estimating the extent of impacted water, as well as the clearance rate as the product becomes diluted and is carried downstream. The calculations are based on the estimated amount of product released, the flow characteristics of the stream, and the toxicity of the fire-suppressant chemical. For more information on this application and program contact MTDC Fire Chemicals Program Leader <http://www.fs.fed.us/rm/fire/wfcs/index.htm>.

The current spill calculator can be found here: **O:\NFS\Collaboration\FireRetardantEIS\2010 EIS Project Record\Informational Materials.** Other tools or protocols for determining impacts may be available in the future and these will be included as reference as this form is updated.

If your forest has retained intermittent streams as avoidance areas on maps and application was into one of these mapped dry intermittent stream areas, with no known TEPCS species or impacts, indicate as such in adverse impact section. *“Mapped dry intermittent stream-no TEPCS species – no impacts”*

If any other reports, pictures or maps were prepared associated with effects analysis, use the upload function for existing attachments.

Is species a wide ranging species occurring on other forests or Regions: for some species, incidental take statements are for the species on a national basis, therefore, where species occur on other forests or regions, ‘take’ occurrences need to be compiled and shared between jointly occurring areas to ensure ‘take’ is not exceeded or if so, re-initiation needs to commence.

Are there species specific terms and conditions or reasonable and prudent measures associated with species as described in the BO: species specific conservation measures included in the federal action, incidental take statements and reasonable and prudent measures can be located within the BO.

Appendix C of the ROD also lists effects determination changes among the FWS BO, NOAA BO and the USFS BA. All documents can be located at: <http://www.fs.fed.us/fire/retardant/index.html>

Water Quality Monitoring: These water quality components are not required unless they are tied to a specific Term and Condition or Reasonable and Prudent Measure associated with a species, however, information collected at time of incident will further the knowledge base and future determination of potential impacts. Site specific conditions will drive the type or method of monitoring needed. Local resource staff should be consulted with as to type/need. Some regions have developed specific water quality testing and monitoring protocols as part of the required terms and conditions associated with certain aquatic species. Contact local hydrologist, fish biologist or resource advisor to obtain the most current water quality monitoring implemented for certain regions or forests. Additionally, the following sources may also provide information useful for protocols:

- O:\NFS\Collaboration\FireRetardantEIS\2010 EIS Project Record\Informational Materials – Regional or Species Specific protocols will be posted here as they come available.
- Rapid Bioassessment Protocols for Use in Streams and Wadeable Rivers: Periphyton, Benthic Macroinvertebrates, and Fish - Second Edition
<http://water.epa.gov/scitech/monitoring/rsl/bioassessment/index.cfm>
- DRAFT - Sampling Protocol for Westslope Cutthroat Trout *Oncorhynchus clarki lewisi* in the Upper Missouri River Basin <http://fwp.mt.gov/fwpDoc.html?id=18693>
- State, Provincial, and Forest Service Standard Sampling Protocols - Water/Fish
http://www.cals.arizona.edu/research/azfwru/scott/scott_overviewProtocols.htm
- USFS Fish and Aquatic Ecology Unit
<http://www.fs.fed.us/biology/fishecology/new.html>

Type of Monitoring: briefly provide information that describes the type/methods or specific protocols used for monitoring (species counts, viability indicators, protocol type). Number of times required, single season or multiple.

Appendix C. Aerial Fire Retardant Implementation Process Tracking

IMPLEMENTATION OF PROCESSES FOR AERIAL FIRE RETARDANT DIRECTION				
Process at Forest Level	Local/Regional Involvement	Who Gathers the Info Nationally	Reports to and Final Information Repository	Notes
Aerial Retardant Use by Forest	Forest Level	WO/FAM	WO-FAM, WO-TES,	WO-FAM may or may not send back to regions. Also data used at National Level for 5-year programmatic review of the BA
Assessment of Fires Less than 300 Acres Size - Process and Documentation	Local/Regional	MTDC-WFCS	WO-FAM, WO-TES,	WO-FAM may or may not send back to regions. Also data used at National Level for 5-year programmatic review of the BA
Changes to Avoidance Mapping (GIS Data only)	Local/Regional	GSTC	GSTC	2 processes, annual or interim/periodic or local updates.
Misapplication into Avoidance Areas	Local/Regional	MTDC-WFCS	WO-FAM reports to Regulatory Agencies, WO-TES, and Regional TES - keep copies	
Addendums to National BA/BO based on local level changes	Local/Regional	Information is retained at the local level and Regional level	Addendums are retained at local or regional level and used in the 5yr programmatic review	Species leads will be identified for wide ranging species
Re-initiation of National BA based on local level changes	Local/Regional	Local/Regional conduct and complete re-initiation	Completion of re-initiation is retained locally and reported to WO-TES	Species leads will be identified for wide ranging species
Re-initiation of National BA based on National level changes (e.g. new retardants, or programmatic review at 5 years indicate need)	Local/Regional/ National	WO-FAM, WO-TES	WO-FAM reports to Regulatory Agencies, WO-TES, Regional TES - keep copy	
Coordination Meetings with Regulatory Agencies (annual and as needed) documentation	Local/Regional	stays at Local/Regional level	stays at Local/Regional level	
Documentation of Training and meetings with cooperators	Local/Regional	stays at Local or Regional level	stays at Local or Regional level	Data calls from WO may occur for additional reference as needed.

Appendix D. Summary of Fire Ops and READ's Responsibilities

Fire Ops

- Annual Review: Part of pre-season preparedness
 - Review avoidance area maps- updates to maps by early January by Forest Biologist, and FMO using previous year's information, this should only take 1-2 days to work with GIS to produce new maps. Some Regions plan to do this at the Regional Level to maintain consistency
 - Review aircraft operation direction and pilot direction
 - Review of reporting process for misapplications
 - Review of Biological Assessment/Opinions and monitoring process

Ideally all these reviews could be done at the same time in one meeting with Fire, Resources, and FWS/NMFS agencies.

- Large Fire Monitoring for misapplication into avoidance area and follow reporting procedures
- Monitoring of 5% of fires less than 300 acres in size and avoidance areas are present, follow reporting procedures

Resource Advisors/Specialists

- Annual Review: Part of pre-season preparedness
 - Review avoidance area maps- updates to maps by early January by Forest Biologist, using previous year's information, this should only take 1-2 days to work with GIS to produce new maps. Some Regions plan to do this at the Regional Level to maintain consistency
 - Review aircraft operation direction and pilot direction
 - Review of reporting process for misapplications
 - Review of Biological Assessment/Opinions and monitoring process
 - Coordinate with FWS/NMFS annually as needed
 - Hydrologists or Forest Hazardous Materials coordinator, coordinate with their counterpart at their state water quality agency to discuss (and document) reporting required in the event of a retardant spill or retardant application to water. In addition, become familiar with the state's latest water quality requirements, any site specific areas with special water quality issues, and water intakes for municipal watersheds or domestic water supplies on the Forest or directly downstream and any associated updates as applicable

Ideally all these reviews could be done at the same time in one meeting with Fire, Resources, and FWS/NMFS agencies.

- Site Assessment of Impacts if misapplication occurs within avoidance areas and knowledge of species specific monitoring requirements within the Biological Assessment/Evaluations, Conservation Measures, Incidental Take Statements including Reasonable and Prudent Measures/Terms and Conditions within the Biological Opinions for species occurring on local units
- Coordinate as necessary with FS TES species leads for preparation of addendums to the Assessments, Evaluations or re-initiation of consultation if necessary at the local level

**Appendix E. Template for Re-initiation of National Programmatic BA
and BO's**

General Template Format

This template provides a functional outline of the elements to be included for re-initiation of National Programmatic Biological Opinions for Aerial Fire Retardant. Additional examples of completed documents can be located at:

<http://cdb.fs.usda.gov/content/dav/fs/NFS/Collaboration/FireRetardantEIS/2010%20EIS%20Project%20Record/>

20XX Supplemental

Biological Assessment

to the

Biological Assessment
(08/30/2011)

for the

Final Environmental Impact Statement

Nationwide Aerial Application of Fire Retardant
on
National Forest System Land

Prepared by:

Name here

Title

Introduction

The purpose of this document is to re-initiate consultation as required within the *Biological Opinion on Effects to Listed Species from U.S. Forest Service Aerial Application of Fire Retardants on National Forest System Lands (FWS 2011c)* and to supplement the 2011 Biological Assessment (BA)(USFS 2011). This analysis is specific to [name the specific reason for initiation, new species, new retardants etc.] since the signing of the Record of Decision (ROD) on December 12, 2011 for the Final Environmental Impact Statement (FEIS) for the Nationwide Aerial Application of Fire Retardant on National Forest System Lands (USFS 2011a).

Project Description

In 2011, the U.S. Department of Agriculture, Forest Service (FS) and Fish and Wildlife Service (FWS) and National Oceanic and Atmospheric Administration-National Marine Fisheries Service (NOAA-NMFS) completed a Biological Assessments (BA) and Biological Opinions (BO's) associated with the use of aerially delivered fire retardant on National Forest System Lands.

The project description, aerial application of fire retardant direction, process of determination and rationale for retardant use on wildfires, action area and cumulative effects analysis remains consistent within this analysis and remains unchanged from the analysis completed in 2011. Please refer to those documents for background information.

Determination of effects to threatened, endangered and proposed species was completed within the BA with corresponding analysis of effects and specific terms and conditions related to certain species by the FWS and NOAA-NMFS BO's. The intent of this document is to remain consistent with 50 CFR 402.16, reinitiation of formal consultation where reinitiation of formal consultation is required where discretionary Federal agency involvement or control over the action has been retained (or is authorized by law) and if:

- (1) The amount or extent of take is exceeded;
- (2) New information reveals effects of the agency action on listed species or designated critical habitat in a manner or to an extent not considered;
- (3) The agency action is subsequently modified in a manner that causes an effect to the listed species or critical habitat not considered; or
- (4) A new species is listed or critical habitat is designated that may be affected by the action.

or,

if the Forest Service proposes any changes to the USDA Forest Service Specification 5100-304c Long-Term Retardant, Wildland Firefighting, June 1, 2007, that affect the evaluation thresholds for toxicity on species, or propose the allowance of new ingredients that are not currently contained in the specification (USDA 2011, FWS 2011).

The purpose of this assessment is to serve as an amendment to the National Biological Assessment for the Nationwide Aerial Application of Fire Retardant. This amendment is specific to XYZ National Forest, located in STATE, for the (name species or CHab here). The Nationwide Aerial Application of Fire Retardant on National Forest System Land (2011) is hereby incorporated by reference.

Proposed Activities

Refer to the ROD for the FEIS, or the BA for the full description of proposed activities. In summary, the ROD implements the preferred Alternative 3, which includes Aircraft Operational Guidance; Avoidance Area Mapping Requirements; annual coordination and Reporting and Monitoring Requirements; and Modifications Resulting from ESA Section 7 Consultation. This alternative approves the use of aerially applied fire retardant and implements an adaptive management approach that protects resources and continues to improve the documentation of retardant effects through reporting, monitoring, and application coordination. Aerial retardant drops are not allowed in mapped avoidance areas for threatened, endangered, proposed, candidate or sensitive (TEPCS) species or in waterways.

This national direction is mandatory and would be implemented except in cases where human life or public safety is threatened and retardant use within avoidance areas could be reasonably expected to alleviate that threat. When an application occurs inside avoidance areas for any reason (which this document refers to as a “misapplication”), it will be reported, assessed for impacts, monitored, and remediated as necessary.

Nothing in this decision changes the way aerially applied fire retardant is used outside of the mapped avoidance areas. All other fire suppression tactics are still available with avoidance areas.

The evaluation herein consists of effects to species evaluated within the 2011 BA and applies only to the additional named species above. This analysis tiers to the existing evaluations within the BA’s and BO’s. If new scientific information associated with potential retardant effects to species is available from studies not completed or reported within the 2011 BA, this information will also be presented here. The action area, proposed action, assumptions and parameters of analysis including screening processes are identical to those stated within the BA’s and BO’s, unless stated otherwise in this document.

Please note that the requirement and intent of the 5 year programmatic compliance review of the 2011 BA is to address analysis assumptions associated with retardant and fires on NFS lands as well as misapplication reporting and monitoring data. Thus, analysis contained within this document will not compare misapplication data or retardant use by forest that has occurred on, or since the, 2011 assessment. Variability of fire seasons, and using one/or two years data has the potential to over or underestimate values and does not serve as a useful tool for the purposes of this analysis

Species

Species Baseline

Analysis of Effects (APPLY SCREENS DEVELOPED IN THE NATIONAL BA TO DETERMINE EFFECTS AND AVOIDANCE MAP)

Avoidance Area Mapping

Cumulative Effects

Cumulative effects are defined in 50 CFR 402.02 as "those effects of future State or private activities, not involving Federal activities that are reasonably certain to occur within the action area of the Federal action subject to consultation." Other activities have the potential to affect SPECIES X and/or Critical Habitat on the Forest(s) Future Federal actions will be reviewed through separate section 7 consultation processes. Past Federal actions have already been added to the environmental baseline in the action area.

Non-Federal actions are likely to continue affecting SPECIES X. The cumulative effects on the Forest(s) are difficult to analyze considering the broad landscape area, and the uncertainties associated with non-Federal actions are difficult to predict. Whether those effects will increase or decrease in the future is not known. Effects from these non-Federal activities on listed species and habitats are expected to be similar to those that occur on Federal lands, although the size, magnitude, and potential for adverse effects may differ due to less restrictive management standards.

Conclusion

Insert your conclusions here.

Literature Cited (Refer to the original BA for citations as needed.).

Appendix F. NOAA-Fisheries Template Paragraph for their Biological Opinions

The following paragraph, developed by Jason Kahn, NOAA Fisheries, was presented to NOAA field offices requesting inclusion of this language into new NOAA Biological Opinions that result from a misapplication of aerially delivered fire retardant that trigger re-initiation of consultation within the requirements of the 2011 BO.

The Road 210 fire and named species are example fire names and species that triggered re-initiation of consultation and the preparation of a new opinion at a smaller scale. The intent of this paragraph is to ensure a connection/tier to the 2011 national proposed action for use of aerially applied retardant on NFS lands.

Quote: "As a result of a fire retardant misapplication during the "Road 210" fire, XXX ESUs of Pacific salmon were taken. The national fire retardant programmatic (PCTS Number FPR-2008-4223) authorized one misapplication of fire retardant resulting in take, therefore following the misapplication during the "Road 210" fire, reinitiation of consultation focused on only the species affected which was required to assess the threats to these DPSs/ESUs at a site specific level as a result of the changed baseline. This new consultation assesses the same program with new mitigation requirements to address any new risks to the populations following the "Road 210" misapplication. Therefore, the national consultation conclusion and ITS still address all species that have not been taken by fire retardant misapplications and the contents of this opinion, its analysis of effects, conclusion, reasonable and prudent measures, and incidental take statement replace the analyses in the national consultation for the DPSs/ESUs covered within."

Email communication 6/2/2015: to Joe Burns, USFS, Julie Laufmann, USFS, Dave Haston, USFS, Chris Worth, and Tory Henderson, contractor-previous USFS.