



**FOREST SERVICE MANUAL
NATIONAL HEADQUARTERS (WO)
WASHINGTON, DC**

FSM 2500 - WATERSHED AND AIR MANAGEMENT

CHAPTER 2520 - WATERSHED PROTECTION AND MANAGEMENT

Amendment Directive No.: 2500-2020-1

Effective Date: June 25, 2020

Duration: This amendment is effective until superseded or removed.

Approved: ALLEN ROWLEY
Associate Deputy Chief, NFS

Date Approved: 12/20/2018

Posting Instructions: Amendments are numbered consecutively by title and calendar year. Post by document; remove the entire document and replace it with this amendment. Retain this transmittal as the first page(s) of this document. The last amendment to this title was id_2500-2020-1 to chapter 20.

New Document	2520	19 Pages
Superseded Document(s) by Issuance Number and Effective Date	2520 Interim Directive (id_2520-2020-1, 04/01/2020) 2520 (Amendment 2500-2004-1, 05/26/2004)	18 Pages 44 Pages

Digest:

Notice of issuance of final directive FSM 2523. Interim directive was published in the Federal Register on June 6, 2013 (78 FR 34031). Two comments received and address.

2523.04 – Removes funding authorities that were removed from annual program direction and establishes official agency correspondence as the method for changing funding authorities. Replaces accomplishment report format with a new form and process.

2523.05 – Corrects date in referenced document.

2523.06 – Replaces accomplishment report format with a new form. Sets timelines for completion in authorization letter.

FSM 2500 - WATERSHED AND AIR MANAGEMENT
CHAPTER 2520 - WATERSHED PROTECTION AND MANAGEMENT

2523.1 – Updates to Exhibit 01.

2523.2 – Removes incorrect or easily misinterpreted guidance to clarify that BAER does not pay for enforcement actions and that the appropriate ‘emergency’ response is the closure itself. Clarifies timelines.

2523.3 – Clarifies timelines.

2523.5 – Clarifies timelines and Forest Service responsibility. Includes tribes as entity to coordinate with.

2523.7 – Replaces accomplishment report format with a new form and process.

**FSM 2500 - WATERSHED AND AIR MANAGEMENT
CHAPTER 2520 - WATERSHED PROTECTION AND MANAGEMENT**

Table of Contents

2523 - EMERGENCY STABILIZATION - BURNED-AREA EMERGENCY RESPONSE (BAER)..... 4

- 2523.01 - Authority..... 4
- 2523.02 - Objectives 4
- 2523.03 - Policy 4
- 2523.04 - Responsibility 5
- 2523.04a - Washington Office, Director of Watershed, Fish, Wildlife, Air, and Rare Plants 5
- 2523.04b - Regional Foresters 6
- 2523.04c - Forest, Grassland, Prairie, and Area Supervisors 7
- 2523.04d - Forest, Grassland, Prairie, Area Supervisors and District Rangers 7
- 2523.05 - Definitions 8
- 2523.06 - Timeframes 9
- 2523.1 - Burned-Area Emergency Assessment 9
- 2523.2 - Emergency Response Actions 13
- 2523.3 - Monitoring..... 14
- 2523.4 - Suppression-Damaged Areas..... 15
- 2523.5 - Use of Funds..... 16
 - 2523.51 - National Forest System Lands 16
 - 2523.52 - Other Federal Lands 16
 - 2523.53 - Non-Federal Lands 17
- 2523.6 - Human Resources 17
 - 2523.61 - Safety 17
 - 2523.62 - Pay Provisions 18
- 2523.7 - Reporting 18
- 2523.8 - Controls 19
- 2523.9 - Coordination Between BAER and Other Post-Fire Recovery Programs 19

**FSM 2500 - WATERSHED AND AIR MANAGEMENT
CHAPTER 2520 - WATERSHED PROTECTION AND MANAGEMENT**

2523 - EMERGENCY STABILIZATION - BURNED-AREA EMERGENCY RESPONSE (BAER)

2523.01 - Authority

Funding authority for the Forest Service to conduct emergency stabilization through Burned-Area Emergency Response (BAER) is contained in the annual Appropriation Act for the Department of the Interior and Related Agencies, which provides for the use of Wildland Fire Management funds for necessary expenses for “emergency rehabilitation of burned-over National Forest System lands and water.”

Public Law No. 105-277, Section 323(a) as amended by Public Law 109-54, Section 434 provides authority to enter into watershed restoration and enhancement agreements and expend appropriated funds on non-Federal lands, when there is a clear benefit to the National Forest System lands in the watershed.

Public Law No. 106-558, Section 2 provides authority to pay BAER assessment team personnel true overtime.

2523.02 - Objectives

To identify imminent post-wildfire threats to human life and safety, property, and critical natural or cultural resources on National Forest System lands and take immediate actions, as appropriate, to manage unacceptable risks.

2523.03 - Policy

1. Conduct assessments (sec. 2523.1) promptly on burned areas following wildfires larger than 500 acres to determine if a burned-area emergency (sec. 2523.05) exists. Assessments may also be conducted when potential threats to human life and safety, property, or critical natural or cultural resources exist as a result of a smaller wildfire. Critical values addressed by the BAER program are limited to those listed in section 2523.1, exhibit 01.
2. Undertake response actions or emergency stabilization only when an analysis shows that planned actions are likely to reduce risks substantially within the first year following the fire and are compatible with land and resource management plans.
3. Employ measures that provide sufficient protection at the least cost while meeting risk management objectives.
4. Ensure that approved burned-area emergency stabilization measures are expeditiously accomplished before damages or losses are likely to occur and no later than 1 year after containment of the fire.

FSM 2500 - WATERSHED AND AIR MANAGEMENT
CHAPTER 2520 - WATERSHED PROTECTION AND MANAGEMENT

5. Monitor emergency stabilization measures for up to 3 years to ensure they are functioning as planned and to evaluate if maintenance or retreatment is necessary (sec. 2523.3). Invasive species treatment monitoring may occur for up to 1 year.
6. Maintain, repair, or replace emergency treatments for up to 3 years where failure to do so would result in unacceptable risk to critical values (sec. 2523.1, ex. 01 and 02). Invasive species treatment maintenance beyond the first year must be funded with regular program funds, not BAER funds (sec. 2523.22f).
7. Propose response actions in wilderness only if necessary to protect life or property (inside or outside wilderness), manage unacceptable risks to critical resource values outside wilderness, or to prevent an unnatural loss of the wilderness resource (sec. 2323.43b).
8. Use of BAER funds is not appropriate for non-emergency rehabilitation and restoration or to correct undesirable conditions that existed prior to the fire.

2523.04 - Responsibility

2523.04a - Washington Office, Director of Watershed, Fish, Wildlife, Air, and Rare Plants

The Washington Office, Director of Watershed, Fish, Wildlife, Air, and Rare Plants (WFW) has the responsibility to:

1. Ensure that safety requirements are included in BAER personnel qualifications and in other aspects of the BAER program.
2. Assign specific BAER funding approval authority to the Regional Forester. Established approval authorities will remain in place unless changed through official agency correspondence.
3. Within the required timeframe, take action on requests for BAER funds for emergency stabilization of burned areas for those projects above the Regional Forester's delegated funding authority (sec. 2523.06).
4. Establish guidelines for identifying appropriate emergency stabilization measures.
5. Develop BAER policy and technical training.
6. In conjunction with the Regional Foresters and Research Scientists, identify National (Level III) BAER monitoring needs (sec. 2523.3) and disseminate Level II monitoring results.

FSM 2500 - WATERSHED AND AIR MANAGEMENT
CHAPTER 2520 - WATERSHED PROTECTION AND MANAGEMENT

7. Provide program oversight including annual reporting and review of policy implementation. Monitor BAER planned costs and actual expenditures. Conduct periodic reviews to evaluate the consistency of program implementation among Regions and to identify needs for improved coordination and direction and conduct program reviews in coordination with the United States Department of the Interior.

8. Ensure the Forest Service is represented on the interagency BAER coordination group.

2523.04b - Regional Foresters

Regional Foresters have the responsibility to:

1. Emphasize safety in all BAER planning and training activities.
2. Review and take action on burned-area emergency funding requests within their delegated authority and transmit copies of approval information to the Washington Office, Director of WFW, within the required timeframes (sec. 2523.06).
3. Review for appropriateness, make recommendations, and transmit, Burned-Area Reports to the Washington Office, Director of WFW, when funds requested are above the Regional Forester's delegated funding approval authority, within the required timeframes (sec. 2523.06).
4. Provide regional level guidance for all BAER monitoring, identify regional (Level II) effectiveness monitoring needs, and assemble and disseminate Level II monitoring results (sec. 2523.3).
5. Consider granting extensions to the BAER report preparation timeline, if the proposed delay will not adversely affect opportunities to take actions before damage or loss is expected, when requested and justified.
6. Upon receipt from Forest, Grassland, Prairie, and Area Supervisors, transmit final accomplishment reports to the Washington Office, Director of WFW.
7. Provide BAER procedural and technical training consistent with national policy.
8. Monitor regional BAER planned costs and actual expenditures.
9. Conduct program and project reviews to evaluate consistency with National and Regional program direction and to identify needs for improved coordination and direction.

**FSM 2500 - WATERSHED AND AIR MANAGEMENT
CHAPTER 2520 - WATERSHED PROTECTION AND MANAGEMENT**

2523.04c - Forest, Grassland, Prairie, and Area Supervisors

Forest, Grassland, Prairie, and Area Supervisors have the responsibility to:

1. Identify Forest BAER personnel before the start of each fire season and provide the appropriate fire, safety, and BAER training.
2. Designate a BAER team, staffed appropriately for the fire size and anticipated risks, to perform a BAER assessment on all wildfires larger than 500 acres, and on smaller fires when threats to life and safety, property, or critical natural or cultural resources are likely to exist.
3. Ensure appropriate coordination between the Incident Management Team and the BAER assessment team.
4. Ensure early and continued communication with appropriate Federal, Tribal, State, county, and local emergency response agencies regarding potential threats off National Forest System land and Forest Service authorities.
5. Determine if a burned-area emergency exists, consider action alternatives and recommend actions consistent with BAER policy.
6. Conduct a cost/benefit analysis commensurate with the scope and complexity of the stabilization plan to address whether planned actions will substantially reduce risks and be cost effective.
7. Submit initial and interim forms FS 2500-8, Burned-Area Report and monitoring plan, if applicable, to the Regional Forester within required timeframes (sec. 2523.06).
8. Report project accomplishments and if appropriate, Level II monitoring reports to the Regional Forester within required timeframes (sec. 2523.06).

2523.04d - Forest, Grassland, Prairie, Area Supervisors and District Rangers

Forest, Grassland, Prairie, or Area Supervisors and District Rangers have the additional responsibility to:

1. Ensure that safety considerations are the first priority in all BAER activities.
2. Ensure that BAER assessment teams are familiar with the objectives of the applicable land management plan for the area.
3. Promptly implement approved and funded emergency actions before damages or losses are likely to occur. Re-evaluate the continued need to complete any planned

FSM 2500 - WATERSHED AND AIR MANAGEMENT
CHAPTER 2520 - WATERSHED PROTECTION AND MANAGEMENT

actions that were delayed, taking into account watershed recovery and the reduced probability or magnitude of risks.

4. Maintain emergency stabilization measures when necessary to keep them functioning as designed, using monitoring results to justify and plan any necessary follow-up action.
5. Monitor actions to determine if emergency measures have met the planned objectives or need adjustment (sec. 2523.3).
6. Report annual performance measures and monitoring results in applicable reporting systems.

2523.05 - Definitions

The following terms are used in this chapter:

Burned-Area Emergency. A situation when human life or safety, property, or critical natural or cultural resources are at an imminent and unacceptable risk due to post-wildfire related threats.

Burned-Area Rehabilitation. Efforts undertaken within 3 years of a wildfire to repair or improve fire-damaged lands unlikely to recover to management-approved conditions, or to repair or replace minor facilities damaged by fire. Rehabilitation is financed using non-emergency funding. (Wildland Fire Leadership Council, January, 2003).

Burned-Area Restoration. The continuation of rehabilitation activities beyond the initial 3 years or the repair or replacement of major facilities damaged by the fire. Restoration is financed using non-emergency funding. (Wildland Fire Leadership Council, January, 2003).

Emergency Stabilization. Planned actions to stabilize and prevent unacceptable degradation to natural and cultural resources, to minimize threats to life or property resulting from the effects of a fire, or to repair/replace/construct physical improvements necessary to prevent degradation of land or resources. Emergency stabilization actions must be taken within 1 year of containment of the fire. (Wildland Fire Leadership Council, January, 2003).

Risk. Potential danger as measured by the probability of damages or losses and the magnitude of the consequences.

**FSM 2500 - WATERSHED AND AIR MANAGEMENT
CHAPTER 2520 - WATERSHED PROTECTION AND MANAGEMENT**

Wildfire. An unplanned ignition of a wildland fire (such as a fire caused by lightning, volcanoes, unauthorized, and accidental or human-caused fires), or and prescribed fire that has exceeded prescription parameters or otherwise meet the criteria for conversion to wildfires. (Guidance for Implementation of Federal Wildland Fire Management Policy. February, 2009).

2523.06 - Timeframes

1. Initial requests for BAER funding should be submitted to the Regional Forester within 7 calendar days after total containment of the fire, unless special arrangements have been negotiated (sec. 2521.04b).
2. Regional responses to BAER funding requests (in the form of decisions or referral to Washington Office, Director of WFW) should be completed within 3 business days of receipt.
3. Washington Office responses to BAER funding requests should be completed within 3 business days of receipt.
4. Approved actions should be implemented before damage or loss is likely to occur and no later than 1 year after containment of the fire.
5. Monitoring approved emergency stabilization may occur for up to 3 years (sec. 2523.03).
6. Maintenance, repair, or replacement of eligible emergency stabilization actions may occur for up to 3 years (sec. 2523.03).
7. A final accomplishment report should be submitted within the timeframe established during the project authorization, typically within 18 months of fire containment.
8. Level II and III BAER monitoring reports should be submitted to the Regional Forester annually at the end of each monitoring season.

2523.1 - Burned-Area Emergency Assessment

Burned-Area Emergency Assessments are rapid evaluations conducted to determine if critical values are at risk due to imminent post-fire threats and to develop appropriate actions to manage unacceptable risks. These assessments are not intended to provide a comprehensive evaluation of all fire or suppression damages, to evaluate post-fire damages after they occur, nor to identify long-term rehabilitation or restoration needs.

The assessment process includes the following steps:

**FSM 2500 - WATERSHED AND AIR MANAGEMENT
CHAPTER 2520 - WATERSHED PROTECTION AND MANAGEMENT**

1. Critical Value Identification. Identify critical values on National Forest System lands (ex. 01). Consult with Tribes for assistance in identifying sensitive cultural resource values.
2. Threat Identification. Identify potential threats to critical values, the probability of their occurrence, and the magnitude or cost of the potential damages. Threats may be natural or human caused, but must be related to changed conditions caused by the fire.
3. Risk Evaluation and Emergency Determination. Risks are evaluated using the risk assessment matrix (ex. 02) to determine the level of risk to each critical value. Identify unacceptable risks that signify a burned-area emergency exists. Unacceptable risks are associated with risk assessment designations of very high or high. Unacceptable risks may also be associated with intermediate risks if human life or safety is threatened.
4. Response Action Prescription. When unacceptable risks are identified, prescribe actions that manage the risk either by reducing the probability of occurrence or lessening the anticipated consequences. The following anticipated levels of risk should be used to guide response action decisions:
 - a. Very High and High Risk. Response actions should be considered.
 - b. Intermediate Risk. Response actions may be needed if human life or safety is affected.
 - c. Low and Very Low Risk. Response actions are rarely justified.
5. Response Action Proposals. Develop objectives that address the identified risks and design action plans that meet those objectives. Apply a cost/benefit analysis commensurate with the cost and complexity of planned actions to address whether they are likely to substantially reduce risks and be cost effective. Actions should be evaluated based on their:
 - a. Ability to be implemented in a timely manner;
 - b. Effectiveness in reducing the risk;
 - c. Practical and technical feasibility; and
 - d. Cost.
6. Documentation and Funding Request. Complete form FS-2500-8, Burned-Area Report, which provides a summary of the burned area emergency assessment and documents the funding request.

**FSM 2500 - WATERSHED AND AIR MANAGEMENT
CHAPTER 2520 - WATERSHED PROTECTION AND MANAGEMENT**

2523.1 – Exhibit 01

Critical Values to be Considered During Burned-Area Emergency Response

CRITICAL VALUES
HUMAN LIFE AND SAFETY
Human life and safety on National Forest System (NFS) lands.
PROPERTY
Buildings, water systems, utility systems, road and trail prisms, dams, wells or other significant Forest Service-owned investments on NFS lands.
NATURAL RESOURCES
Water used for municipal, domestic, hydropower, or agricultural supply or waters with special Federal or State designations on NFS lands.
Soil productivity and hydrologic function on NFS lands.
Critical habitat or suitable occupied habitat for federally listed threatened or endangered terrestrial, aquatic animal, or plant species on NFS lands.
Native or naturalized communities on NFS lands where invasive species or noxious weeds are absent or present in only minor amounts.
CULTURAL AND HERITAGE RESOURCES
Cultural resources which are listed on or potentially eligible for the National Register of Historic Places, Traditional Cultural Properties, or Indian Sacred Sites on NFS lands.

**FSM 2500 - WATERSHED AND AIR MANAGEMENT
 CHAPTER 2520 - WATERSHED PROTECTION AND MANAGEMENT**

2523.1 - Exhibit 02

BAER Risk Assessment

Probability of Damage or Loss	Magnitude of Consequences		
	Major	Moderate	Minor
	RISK		
Very Likely	Very High	Very High	Low
Likely	Very High	High	Low
Possible	High	Intermediate	Low
Unlikely	Intermediate	Low	Very Low

Probability of Damage or Loss: The following descriptions provide a framework to estimate the relative probability that damage or loss would occur within 1 to 3 years (depending on the resource):

- Very likely. Nearly certain occurrence (90% - 100%)
- Likely. Likely occurrence (50% - 89%)
- Possible. Possible occurrence (10% - 49%)
- Unlikely. Unlikely occurrence (0% - 9%)

Magnitude of Consequences:

- Major. Loss of life or injury to humans; substantial property damage; irreversible damage to critical natural or cultural resources.
- Moderate. Injury or illness to humans; moderate property damage; damage to critical natural or cultural resources resulting in considerable or long term effects.
- Minor. Property damage is limited in economic value and/or to few investments; damage to critical natural or cultural resources resulting in minimal, recoverable or localized effects.

FSM 2500 - WATERSHED AND AIR MANAGEMENT
CHAPTER 2520 - WATERSHED PROTECTION AND MANAGEMENT

2523.2 - Emergency Response Actions

Emergency response actions are response actions necessary to control the immediate impacts of a post-wildfire emergency and are subject to the provisions in 36 CFR 220.4 b(1) regarding National Environment Policy Act requirements. Response actions may be administrative or physical stabilization actions. They are normally short-term or temporary measures that generally do not require maintenance or can be discontinued after objectives have been met. When scheduling emergency response actions, those that protect life and safety should have highest priority.

When potential hazards to life or safety on NFS lands are identified, notification of hazardous or unsafe conditions should accompany any other contemplated actions. For potential flooding or other threats that may continue downstream of NFS lands, coordinate and cooperate with the appropriate response agencies.

1. Emergency Response Strategy. Observe the following order in prescribing BAER action strategies:
 - a. Natural recovery. In situations where no burned-area emergency exists or where practical or effective measures are not feasible, rely on natural recovery. Hazard notification to National Forest users may be appropriate in conjunction with this strategy.
 - b. Administrative closures. In situations where a burned-area emergency exists and it is possible to restrict access to protect life and safety, or where valid uses will significantly interfere with emergency stabilization objectives or delay critical recovery, administrative closures should be the first consideration. Other measures should only be considered in these situations where administrative closures are not possible or are not effective.
 - c. Other measures. For other emergency situations, demonstrated effective measures should be applied to manage unacceptable risks to human life, property, and critical natural, cultural and heritage resources.
2. Response Action Considerations.
 - a. Plant materials. Natural recovery by native species is preferred. When practical, use seeds and plants in burned-area emergency stabilization projects that originate from genetically local sources of native species. When native materials are not available or suitable, give preference to non-native species that meet the stabilization objectives, are non-persistent, and are not likely to spread beyond the treated area (FSM 2070).

FSM 2500 - WATERSHED AND AIR MANAGEMENT
CHAPTER 2520 - WATERSHED PROTECTION AND MANAGEMENT

Comply with FSM 2081, Executive Order 13112, and applicable State noxious weed prevention requirements in setting standards for seed, straw, and other plant materials.

- b. Administrative closures. When administrative closures are justified as an emergency response, BAER funding is appropriate for implementing the minimum action necessary to reduce risk to an acceptable level, including preparing closure orders, posting the closed area, and public notification.
- c. Facility replacement. Replacement of destroyed or damaged minor facilities, such as signs or guardrails, is an appropriate measure when the loss of those facilities causes a human safety risk and there are no other protection options.
- d. Consultation. Consult with other Federal agencies, Tribal governments, and State and local governmental entities as appropriate to ensure that emergency response actions are compatible with the Endangered Species Act, National Historic Preservation Act, Clean Water Act, and other laws as applicable. Initiate any necessary supporting processes prior to ground-disturbing actions and only within areas considered for treatment.
- e. Wilderness. Response actions in wilderness may be appropriate if there is an unacceptable risk to the wilderness resource or if conducting emergency stabilization in wilderness would provide the best option for protection of life, property, or other critical resources outside of wilderness (FSM 2323.43). Non-structural prevention and stabilization is always preferred over structural measures. See FSM 2326 for guidance on the use of motorized equipment in wilderness.
- f. Invasive species. BAER funds may be used for invasive species detection surveys and, if warranted, invasive species rapid response actions within the first year following the fire. Invasive species detection, monitoring, treatment, re-treatment, or maintenance beyond the first year must be funded with other program appropriations. See FSM 2900 for direction on invasive species management.

2523.3 - Monitoring

There are two kinds of BAER monitoring:

1. Implementation, and
2. Effectiveness.

FSM 2500 - WATERSHED AND AIR MANAGEMENT
CHAPTER 2520 - WATERSHED PROTECTION AND MANAGEMENT

Implementation monitoring is done to verify that the response action was implemented as planned and to document the actual cost of the measure. The cost for BAER implementation monitoring should be included as part of the planned implementation cost for each measure and is not requested separately on form FS 2500-8.

Effectiveness monitoring is done to determine if actions are functioning as planned and are sufficiently meeting response objectives. There are three levels of BAER effectiveness monitoring.

1. Level I monitoring is the most common type of BAER monitoring and is conducted to determine if an implemented action is meeting its site-specific objective or if there is a need for follow-up or re-treatment. Level I monitoring usually uses qualitative techniques, is relatively brief in duration, and is intended only for a specific project.
2. Level II monitoring collects information to confirm overall effectiveness of certain regionally important response action in meeting BAER objectives. Level II monitoring utilizes more quantitative methodologies designed to address specific issues.
3. Level III monitoring collects information important at a national scale. Level III monitoring uses rigorous sampling designs, protocols, and analysis techniques to determine whether specific response actions are functioning as intended in meeting BAER objectives, and whether the techniques are suitable for application elsewhere. The need for this level of monitoring is identified and coordinated nationally.

Any planned effectiveness monitoring costs should be identified separately on form FS 2500-8 and must include a monitoring plan containing:

1. Monitoring questions;
2. Measurable indicators;
3. Data collection techniques consistent with appropriate protocols;
4. Analysis, evaluation, and reporting techniques; and
5. Monitoring report timeframes.

Funding for monitoring beyond the first year of a wildfire is contingent upon submission of a monitoring report with results demonstrating that further monitoring is warranted.

2523.4 - Suppression-Damaged Areas

Rehabilitation of suppression-caused damage is the responsibility of the fire incident commander and is charged to the incident. Suppression rehabilitation assessment, design, and

FSM 2500 - WATERSHED AND AIR MANAGEMENT
CHAPTER 2520 - WATERSHED PROTECTION AND MANAGEMENT

implementation, including those delayed due to seasonal considerations, are charged to the incident (FSH 6509.11g, sec. 51.34).

2523.5 - Use of Funds

Comply with the Service-wide Appropriation Use Handbook (FSH 6509.11g) and the following direction in determining the appropriate use of emergency fire suppression funds for burned area emergency stabilization based on jurisdiction of the burned lands.

2523.51 - National Forest System Lands

Following are the appropriate activities and limitations for use of BAER funding on National Forest System lands:

1. Salaries, travel, and expenses of personnel assigned to BAER teams, as well as costs associated with implementation, maintenance, and monitoring of approved response actions should be financed from an assigned BAER incident job code.
2. BAER funds may be used for monitoring, maintenance, repair, replacement, or removal of implemented emergency stabilization measures for up to 3 years post-fire, when appropriate (sec. 2523.22f). Submit an interim report to justify and request funding for eligible activities.
3. Prescribed fires do not qualify for BAER assessment or emergency response actions unless they have been converted to wildfires. In those cases, BAER action activities may occur only on the wildfire portion of the fire.
4. Any emergency stabilization or other emergency action not implemented within the required time frame (sec. 2523.06) and non-emergency rehabilitation or restoration must be financed using non-BAER funds.

2523.52 - Other Federal Lands

When appropriate, coordinate BAER assessment and implementation with other Federal agencies, Tribal governments, and State and local agencies. Clearly identify responsibilities of each entity and fiscal arrangements for coordination, assessment, and implementation.

FSM 2500 - WATERSHED AND AIR MANAGEMENT
CHAPTER 2520 - WATERSHED PROTECTION AND MANAGEMENT

The interagency agreement between the United States Department of the Interior, Bureau of Land Management, Bureau of Indian Affairs, National Park Service, U.S. Fish and Wildlife Service, and the United States Department of Agriculture, Forest Service, effective May 6, 2010, (Forest Service Agreement No. 10-1A-11130206-32) provides the basis for cooperation among the agencies on all aspects of wildland fire management, and governs the financial arrangements for cooperative BAER planning and implementation. Under this agreement, agencies shall not bill each other for emergency stabilization services rendered to the signatory agencies except under certain situations when internal agency funding has been exhausted.

2523.53 - Non-Federal Lands

As appropriate, include consideration of non-Federal intermingled or adjacent, burned lands in burned-area surveys and reports when needed to determine post-fire risks to NFS values. For post-fire risks on non-Federal lands, coordinate with other affected government agencies and tribes to identify shared risk management responsibilities.

When appropriate, inform the non-Federal landowner or Manager of the existence of the Emergency Watershed Protection Program administered by the Natural Resource Conservation Service. Funds from this program may be used to help finance watershed protection work on State, Tribal and private lands.

Under the Wyden Watershed Restoration and Enhancement Agreement authority (Pub. L. No. 105-277), Forest Service funding may be used to accomplish work on non-NFS lands if the work is essential to protect NFS lands, NFS roads, or safety of NFS visitors. Use of BAER funding to implement emergency stabilization on non-Federal burned lands is appropriate when there is a clear benefit to safety or critical resources on NFS lands, when actions conducted on NFS lands would otherwise not be effective, and when appropriate Wyden authority agreements with the affected landowners are executed. See applicable provisions in FSM 1580 and FSH 1509.11 for specific guidance on provisions under these agreements.

2523.6 - Human Resources

2523.61 - Safety

Health and Safety of BAER personnel and contractors is the highest priority. See FSH 6709.11, Health and Safety Code for General Policy on safety in the field, FSH 5109.17 (Fire and Aviation Qualification Handbook) and *Interagency Standards for Fire and Aviation Operations*, NFES 2724 (Redbook) for fitness, safety training, personal protective equipment, and other safety requirements related to BAER assessment work in uncontrolled fire situations. The Interagency Incident Business Management Handbook (FSH 5109.34) contains direction for work, driving, and rest requirements that apply to BAER personnel. In addition, Supervisors should monitor employees for signs of fatigue and take immediate actions to minimize the effects of acute or cumulative fatigue.

FSM 2500 - WATERSHED AND AIR MANAGEMENT
CHAPTER 2520 - WATERSHED PROTECTION AND MANAGEMENT

2523.62 - Pay Provisions

The special overtime pay provisions of Public Law No. 106-558 (Fire Fighter Pay Equity Act) apply to employees involved in the preparation and approval of emergency stabilization plans. The overtime provisions apply only during the initial emergency assessment period, until the emergency stabilization plan is submitted for approval (FSH 5109.34, ch. 10, sec. 12.11-2). These overtime pay provisions do not apply to employees involved with BAER implementation or monitoring.

Payment for hazardous duty differentials for BAER personnel must follow the regulations contained in 5 CFR 550, utilizing the established hazard and hardship categories identified in Appendix A of subpart I (5 CFR 550.901-907). The fire-fighting category applies only to personnel directly participating in fighting fires and does not apply to BAER personnel, regardless of the fire containment/control status in the area where the BAER assessment is being performed. Additionally, participation in helicopter or fixed-wing reconnaissance during normal weather and flight conditions does not qualify for hazard pay. If unusual or adverse conditions are present, BAER aerial reconnaissance should be delayed until conditions are safe. If it is determined that an allowable hazardous duty category applies to BAER assessment or implementation work, the determination for pay differential must be authorized in advance by the Forest Supervisor. Required documentation to support this determination includes a job hazard analysis, citation of the specific hazard involved (5 CFR part 550, Subpart I, Appendix A), names of the affected employees, and nature of the work performed under hazardous duties.

2523.7 - Reporting

A final accomplishment report documenting actions implemented and actual costs must be submitted to the Regional Offices and shared with Washington Office, Director of WFW following the completion of BAER actions (FSM 2523.06). For late-season and/or complex BAER projects, interim accomplishment reports may be required.

BAER monitoring reports should be submitted to the Regional Forester annually at the end of each monitoring season.

Annual performance reporting must be accomplished using the applicable reporting system for each performance measure.

FSM 2500 - WATERSHED AND AIR MANAGEMENT
CHAPTER 2520 - WATERSHED PROTECTION AND MANAGEMENT

2523.8 - Controls

Periodically conduct BAER program and activity reviews to ensure consistency with applicable policy and program efficiency (FSM 1410).

2523.9 - Coordination Between BAER and Other Post-Fire Recovery Programs

The BAER program addresses only emergency stabilization following wildfires. Other post-wildfire programs address suppression damage, post-fire rehabilitation, restoration and recovery (FSM 2030), and non-fire emergency response.

The BAER program and these programs have different objectives, processes, reports, and timelines. Despite their differences, these programs have similar assessment needs. Every effort should be made to coordinate the BAER program with these other programs to the extent that they overlap, provided that the coordination maintains the integrity and timelines of the BAER program.