Forest Service Agreement No. 23-FP-11011100-029

DNRC SABFIRS #
50972

SUPPLEMENTAL FIRE PROJECT AGREEMENT Between NATURAL RESOURCES & CONSERVATION, MONTANA DEPT OF And The UNITED STATES DEPARTMENT OF AGRICULTURE CUSTER GALLATIN NATIONAL FOREST

This Supplemental Fire Project Agreement is hereby made and entered into by and between the Montana Department of Natural Resources & Conservation, Forestry and Trust Lands Division, Fire Protection Bureau, hereinafter referred to as "MT DNRC," and the USDA Forest Service, Northern Region, Custer Gallatin National Forest, hereinafter referred to as the "U.S. Forest Service" under the Reciprocal Fire Protection Act of May 27, 1955, (69 Stat. 66; 42 U.S.C. 1856a) and under the provisions of the Master Cooperative Wildland Fire Management and Stafford Act Response Agreement No. 23-FI-11015600-048, executed between the Parties.

Project Title: Prescribed Fire Assistance to the Custer Gallatin National Forest

I. BACKGROUND

As referenced above, the Parties (directly or through their respective agencies) entered into a Master Cooperative Wildland Fire Management and Stafford Act Response Agreement (Master Agreement). The Master Agreement allows for the Parties to cooperatively conduct projects or share resources for fire protection and prevention, which includes such activities as prescribed fire/fuels management, preparedness, fire analysis/planning, rehabilitation, training, public affairs, and other beneficial efforts in support of interagency fire management.

II. PURPOSE:

The purpose of this agreement is to document the Parties' contributions and cooperation regarding MT DNRC providing assistance with prescribed fire or other activities as described above to the U.S. Forest Service, Custer Gallatin National Forest. This project is further described in the hereby incorporated Financial Plan and Operating Plan attached as Exhibits A and B.

III. MT DNRC SHALL:

- A. Perform in accordance with the terms of this agreement and with the attached Financial Plan and Operating Plan, Exhibits A and B.
- B. Perform in accordance with the terms of the South Central Zone Sub-Geographic Fire Operating Plan, Agreement 23-FO-11011100-027.
- C. As available, provide qualified personnel and other resources to assist the Custer Gallatin National Forest with prescribed fire activities upon request.
- D. Bill the Federal Agency for actual costs incurred, not to exceed \$30,000, as agreed to in the attached Financial Plan.

IV. THE U.S. FOREST SERVICE SHALL:

- A. Perform in accordance with the terms of this agreement and with the attached Financial Plan and Operating Plan, Exhibits A and B.
- B. Perform in accordance with the terms of the South Central Zone Sub-Geographic Fire Operating Plan, Agreement 23-FO-11011100-027.
- C. Provide overall project direction and oversite.
- D. Consult with MT DNRC and obtain pre-approval to any use of Local Government Fire Forces (LGFFs) sponsored by the MT DNRC in support of prescribed fire projects on the Custer Gallatin National Forest. All use of LGFF will be in accordance with Section II of the NRCG Mobilization of Local Government Fire Forces.
- E. Communicate to Tier 3 Dispatch Center managing a prescribed fire incident that when utilizing MT DNRC or LGFF resources, a resource order will be required. Resource orders will be utilized as supporting documentation for reimbursement and agreement monitoring.
- F. Reference and follow all protocols stated in the <u>NRCG Mobilization of Local Firefighting Forces</u> and <u>Chapter 50 of the Northern Rockies Supplement to the NWCG Standards for Interagency Incident Business Management.</u>
- G. PROGRAM MONITORING AND PROGRAM PERFORMANCE REPORTS. USFS shall submit annual performance reports to the U.S. Forest Service Grants Management Specialist. These reports are due 90 days after the reporting period. The final performance report must be submitted either with MT DNRC's final payment request, or separately, but not later than 120 days from the expiration date of the agreement.
- H. <u>PAYMENT/REIMBURSEMENT</u>. The U.S. Forest Service shall reimburse the MT DNRC for the U.S. Forest Service's share of actual expenses incurred, not to exceed \$30,000 as shown in the attached Financial Plan. The Forest Service shall make payment upon receipt of the MT DNRC's monthly invoice. Each invoice from the MT DNRC must display the total project costs for the billing period.

Each invoice must include, at a minimum:

- 1. Cooperator's name, address, and telephone number.
- 2. U.S. Forest Service agreement number. 23-FP-11011100-029
- 3. Invoice date.
- 4. Performance dates of the work completed (start & end).
- 5. Total invoice amount for the billing period.
- 6. Display all costs, both cumulative and for the billing period, by separate cost element as shown on the financial plan.
- 7. Cumulative amount of U.S. Forest Service payments to date.
- 8. Statement that the invoice is a request for payment by "reimbursement".
- 9. If using SF-270, a signature is required.
- 10. Invoice Number, if applicable.

The invoice must be forwarded to:

EMAIL: SM.FS.ASC_GA@USDA.GOV

FAX: 877-687-4894

POSTAL: USDA Forest Service

Albuquerque Service Center Payments – Grants & Agreements

101B Sun Ave NE

Albuquerque, NM 87109

Send a copy to: Ashley Sites at ashley.sites@usda.gov

V. IT IS MUTUALLY AGREED AND UNDERSTOOD BY AND BETWEEN THE PARTIES THAT:

A. <u>PRINCIPAL CONTACTS</u>. Individuals listed below are authorized to act in their respective areas for matters related to this Agreement.

Principal Cooperator Contacts:

Montana DNRC Program Contact	Montana DNRC Administrative Contact
John Huston	Marci Anderson
MT DNRC Central Land Office	MT DNRC Forestry Division
8001 N. Montana Ave	2705 Spurgin Road
Helena, MT 59602	Missoula, MT 59804
406-431-2562	406-542-4305
Email: jhuston@mt.gov	Fax: 406-542-4217
1	Email: marcianderson@mt.gov
Randy Sanders	
MT DNRC Eastern Land Office	Cory Calnan
321 Main Street	MT DNRC
Miles City, MT 59301	2705 Spurgin Road
406-853-2034	Missoula, MT 59804
Email: rasanders@mt.gov	406-788-7718
	Email: ccalnan@mt.gov
Jeff Brown	(See 2)
MT DNRC Southern Land Office	
1371 Rimtop Drive	
Billings, MT 59105	
406-247-4406	
Email: jbrown8@mt.gov	

USFS Program Manager Contact	USFS Administrative Contact
Ashley Sites	Lindsay Gilman
Custer Gallatin National Forest FMO	Region 1, Grants & Agreements
P.O. Box 130 10 E Babcock Ave	26 Fort Missoula Road
Bozeman, MT 59771	Missoula, MT 59804
406-223-0143	406-491-5051
Email: ashley.sites@usda.gov	Email: lindsay.gilman@usda.gov
Scott Schuster	Shannon Vaughan
Custer Gallatin National Forest FMO	Region 1, Grants & Agreements
P.O. Box 130 E Babcock Ave	26 Fort Missoula Road
Bozeman, MT 59771	Missoula, MT 59804
406-255-1414	406-544-5770
Email: scott.schuster@usda.gov	Email: shannon.vaughan@usda.gov

- B. <u>LIABILITY</u>. As set forth under the provisions of the Master Agreement.
- C. In the event of a conflict between the provisions of this Agreement and the Master Agreement, the Master Agreement shall take precedence.
- D. <u>INDIRECT COST RATES</u>. When indirect cost rates are applied to Federal reimbursements, the Parties agree to the following:
 - 1. If the payment recipient has never received or does not currently have a negotiated indirect cost rate, they are eligible for a de minimis indirect cost rate up to 10% of Modified Total Direct Costs (MTDC). MTDC is defined as all salaries and wages, fringe benefits, materials and supplies, services, travel, and contracts up to the first \$25,000 of each contract.
 - 2. For rates greater than 10%, the payment recipient shall provide either an applicable negotiated indirect cost rate agreement (NICRA) from a cognizant Federal agency, or an indirect cost rate summary in a format that clearly defines the indirect cost rate and MTDC.
 - 3. The payment recipient must maintain adequate documentation to support the methodology and computation of the indirect cost rate. Documentation must be made available to the Federal agency upon request.
 - 4. Failure to provide adequate documentation supporting the indirect cost rate could result in disallowed costs and repayment to the Federal agency.
- E. <u>PURCHASE OF ASSETS</u>. Any assets (such as equipment, property, or improvements) purchased by the Federal Agency with the DNRC's contributions shall become the property of the Federal Agency, unless otherwise documented via separate authority and instrument.
- F. <u>PARTICIPATION IN SIMILAR ACTIVITIES</u>. This Agreement in no way restricts the Parties from participating in similar activities with other public or private agencies, organizations, and individuals.
- G. <u>ENDORSEMENT</u>. Either Party's contributions made under this Agreement do not by direct reference or implication convey endorsement of each other's products or activities.

- H. ALTERNATE DISPUTE RESOLUTION. In the event of any issue of controversy under this Agreement, the Parties may pursue Alternate Dispute Resolution procedures to voluntarily resolve those issues. These procedures may include, but are not limited to, conciliation, facilitation, mediation, and fact finding.
- I. MODIFICATION. Modifications within the scope of this Agreement must be made by mutual consent of the Parties, by the issuance of a written modification signed and dated by all properly authorized, signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 30 days prior to implementation of the requested change. Neither party is obligated to fund any changes not properly approved in advance.
- J. TERMINATION. Either Party, in writing, may terminate this Agreement in whole, or in part, at any time before the date of expiration. Neither Party shall incur any new obligations for the terminated portion of this Agreement after the effective date and shall cancel as many obligations as possible. Full credit shall be allowed for each Party's expenses and all non-cancelable obligations properly incurred up to the effective date of termination.
- K. COMMENCEMENT/EXPIRATION DATE. This Agreement is executed as of the date of last signature and is effective through **December 31, 2027**, at which time it will expire unless extended.

If the referenced Master Agreement is superseded by a new Master Agreement, this project agreement may remain in effect to the extent that it does not conflict with the provisions of the new Master Agreement, but only until such time that the project can be completed or modified to be incorporated within the terms of the new Master Agreement.

L. AUTHORIZED REPRESENTATIVES. By signature below, the Parties certify that the individuals listed in this document as representatives of each Party are authorized to act in their respective areas formatters related to this Agreement.

Matthew R Hall

Digitally signed by Matthew R Hall Date: 2023.03.23 15:58:54 -06'00'

MATT HALL. Fire Protection Bureau Chief. State of Montana, Department of Natural Resources and Conservation

MARY ERICKSON Digitally signed by MARY ERICKSON Date: 2023 03 27 40:24:09 00:001

MARY ERICKSON, Forest Supervisor USDA Forest Service, Lolo National Forest

Date

Date

The authority and format of this Agreement have been reviewed and approved for signature.

INDSAY GILMAN

Digitally signed by LINDSAY GILMAN Date: 2023.03.22 07:26:59 -06'00'

LINDSAY GILMAN, Agreements Specialist USDA Forest Service, Region 1

Date

Cooper	Serator Agreement No.:[22-20-1011-11-27	270001	7:-01	
Cione					
Signature of the state of the s					
Signature Cloud	Mode.	This Financial Plan may be used when:	when:		
Cioneccio	(1) No program inco	(1) No program income is expected and			
Cinancial Diam Matrix		The Cooperator is not giving cash to the FS and	the FS and		
Cinancial Diam Matrix	(a) There is no onle	lilere is no other receial innum			
	Agr. Note: All columns ma	Agreements Financial Plan (Short Form) Note: All columns may not be used. Use depends on source and type of contribution(s).	lan (Short Form) pends on source an	d type of contribution	(8)
	FOREST SERVICE CONTRIBUTIONS	CONTRIBUTIONS	COOPERATOR	COOPERATOR CONTRIBUTIONS	
	(a)	(q)	(0)	(p)	
		Cash			
COST ELEMENTS	Noncash	đ	Noncash	In-Kind	(e)
Direct Costs		Cooperator			Total
Salaries/Labor	\$0.00	\$15,000.00	\$0.00	\$0.00	\$15,000.00
Travel	\$0.00	\$0.00	\$0.00	00.0\$	\$0.00
Equipment	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Supplies/Materials	\$0.00	\$1,650.00	\$0.00	\$0.00	\$1,650.00
Printing	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Contractual	\$0.00	\$10,000.00	\$0.00	\$0.00	\$10,000.00
Other					\$0.00
Subtotal	\$0.00	\$26,650.00	\$0.00	\$0.00	\$26,650.00
Coop Indirect Costs		\$3,350.00	\$0.00		\$3,350.00
FS Overhead Costs	\$0.00				\$0.00
Total	\$0.00	\$30,000.00	\$0.00	\$0.00	
	Tot	Total Project Value:			\$30,000.00

Matching Costs Determination	Determination
Total Forest Service Share =	(J)
(a+b) + (e) = (f)	100.00%
Total Cooperator Share	(6)
(c+d) + (e) = (g)	0.00%
Total $(f+g) = (h)$	(h)
	100.00%

WORKSHEET FOR

FS Cash to the Cooperator Cost Analysis, Column (b)

Salaries/Labor			
Standard Calculation			
Job Description	Cost/Day	# of Days	Total
DNRC employees - salary/benefits	\$150.	00 100.00	\$15,000.00
Total Salaries/Labor			\$15,000.00

Supplies/Materials			
Standard Calculation			
Supplies/Materials	# of Items	Cost/Item	Total
Operating supplies	10.0	00 \$165.00	\$1,650.00
Total Supplies/Materials			\$1,650.00

Contractual			
Standard Calculation			
Item	# of Units	Cost/Unit	Total
Local gov't / Fire Dept resources	100.0	0 \$100.00	\$10,000.00
Total Other			\$10,000.00

Subtotal Direct Costs	\$26,650.00
000000000000000000000000000000000000000	

Cooperator Indirect Costs

Current Overhead Rate	Subtotal Direct Costs	Total
12.57%	\$26,650.00	\$3,350.00
Total Coop. Indirect Costs		\$3,350.00

101AL COS1 \$30,000.00	TOTAL COST	\$30,000.00
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^{*}Total rounded down to the neartest dollar

^{*}Rates based on Chapter 50 of the Northern Rockies Supplement to the NWCG Standards for Interagency Incident Business Management

EXHIBIT BOperating Plan

Project Title: Prescribed Fire Assistance to the Custer Gallatin National Forest

U.S. Forest Service Ranger Districts within the Custer Gallatin National Forest boundary may request the assistance of MT DNRC qualified personnel and or equipment, (inclusive of any Local Government Fire Forces with prior approval from MT DNRC) for assistance in prescribed burning implementation, contingency resources, and other activities as described in the Montana Master Cooperative Wildland Fire Management and Stafford Act Response Agreement 23-FI-11015600-048.

The U.S. Forest Service will reimburse MT DNRC for actual costs incurred for salary, equipment, and/or supplies not to exceed the amount of \$30,000. Overhead will be assessed.

Operational prescribed burning opportunities in the state of Montana are challenging to predict and for this reason, Forest Service program managers are unable to precisely identify exactly which burn units may require assistance from MT DNRC prior to a burn season. Additionally, throughout the life span of this agreement, prescribed burn units and project areas will vary based on completion and addition of projects to the Forest program of work. Forest Service Program Managers will have several burn units ready for implementation prior to each burn season for if/when the opportunity arises. Prior to engaging MT DNRC/LGFF resources in any prescribed burn activity the U.S. Forest Service will provide a complete in brief to assisting resources.

When available, MT DNRC may be requested for their assistance on any of the following U.S. Forest Service Ranger Districts:

U.S. Forest Service Ranger Districts within Custer Gallatin National Forest

Custer Gallatin National Forest Fire Staff

Contact: Scott Schuster, Ashley Sites

Ashland Ranger District

Contact: Scott Studiner, Fire Management Officer

Beartooth Ranger District

Contact: Jeff Flick, Fire Management Officer

Bozeman Ranger District

Contact: Zac Krohn, Fire Management Officer (detail currently vacant)

Gardiner Ranger District

Contact: Bob Culbreth, Fire Management Officer

Hebgen Ranger District

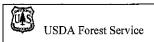
Contact: Zac Krohn, Fire Management Officer (detail currently vacant)

Sioux Ranger District

Contact: Jason Donahey, Prescribed Fire Specialist

Yellowstone Ranger District

Contact: Bob Culbreth, Fire Management Officer



	MODIFICATION O	E CD ANT	OD ACDERMENT		PAGE	OF PAGES
	MODIFICATION O	F GRANI	OR AGREEMENT		1	2
1. U.S. FOREST SER 23-FP-1101110	VICE GRANT/AGREEMENT NUMBER: 00-029		OOPERATOR GRANT or UMBER, IF ANY:	3. MODIFICA 001	TION NUMB	ER:
	la Road		5. NAME/ADDRESS OF U.S. FOREST PROJECT/ACTIVITY (unit name, stree Scott Schuster, Custer Gall 10 E. Babcock St. Bozeman, MT 59715	t, city, state, and	zip + 4):	ERING
4, county):	/E na 59601-4566 ·k County	ION,	7. RECIPIENT/COOPERATOR'S HHS payment use only):	SUB ACCOUN	T NUMBER (For HHS
	8. PU	RPOSE OF	MODIFICATION			
CHECK ALL THAT APPLY:	This modification is issued preferenced in item no. 1, abo CHANGE IN PERFORMANCE F	ve. ERIOD:		he grant/ag	reement	
	CHANGE IN FUNDING: Obligat	ion of \$20,000 ((0111 NFHF1123)			
\boxtimes	ADMINISTRATIVE CHANGES:	See block 9.				
	OTHER (Specify type of modifica	tion):			-	
force and effect.	ed herein, all terms and condition		-		nchanged a	and in full
PROVISION "The U.S. For \$50,000 as sh PROVISION "Katy Tucker 26 Fort Misson Missoula,	IV. H. PAYMENT/REIMBURSEN rest Service shall reimburse the MT town in the attached Financial Plan(V. A. PRINCIPAL CONTACTS, It man bula Road	MENT, DELETE DNRC for the Us)." DELETE SECO	E the FIRST sentence and REPLA U.S. Forest Service's share of actuments of the U.S. Forest Service's share of actuments of the USFS Administrative Contact	CE with the fall expenses i	ncurred, no	
	10. ATTACHED I	OOCUMENT	FATION (Check all that a			
	Revised Scope of Work			. 1 0/		
	Revised Financial Plan		1-1-10-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-1-		, ,	
	Other: Modification 001 Financial	Plan				



11. SIGNATURES				
<u>AUTHORIZED REPRESENTATIVE</u> : BY SIGNATURE BELOW, THE SIGNING PARTIES CERTIFY THAT THEY ARE THE OFFICIAL REPRESENTATIVES OF THEIR RESPECTIVE PARTIES AND AUTHORIZED TO ACT IN THEIR RESPECTIVE AREAS FOR MATTERS RELATED TO THE ABOVE-REFERENCED GRANT/AGREEMENT.				
11.A. MT DNRC SIGNATURE	11.B. DATE SIGNED	11.C. U.S. FOREST SERVICE SIGNATURE	11.D. DATE SIGNED	
(Signature of Signatory Official)		(Signature of Signatory Official)		
11.E. NAME (type or print): MATTHEW HALL 11.F. NAME (type or print): MARY ERICKSON				
11.G. TITLE (type or print): Fire Protection Bureau Chief 11.H. TITLE (type or print): Forest Supervisor				
12. G&A REVIEW				
12.A. The Butharity and format of this modificate Oligially signed by LINDSAY GILMAN Date: 2023 08 16 08 20:54 -06:00'	tion have been r	eviewed and approved for signature by:	12.B. DATE SIGNED	
LINDSAY GILMAN U.S. Forest Service Grants & Agreements Specialist				

Burden Statement

According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0596-0217. The time required to complete this information collection is estimated to average 30 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or part of an individual's income is derived from any public assistance. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at 202-720-2600 (voice and TDD).

To file a complaint of discrimination, write USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW, Washington, DC 20250-9410 or call toll free (866) 632-9992 (voice). TDD users can contact USDA through local relay or the Federal relay at (800) 877-8339 (TDD) or (866) 377-8642 (relay voice). USDA is an equal opportunity provider and employer.

				(e) Total	\$15,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,374.00	\$0.00	\$18,374.00	\$1,626.00	\$0.00		\$20,000.00
Mod. No.:		Agreements Financial Plan (Short Form) Note: All columns may not be used. Use depends on source and type of contribution(s). FOREST SERVICE CONTRIBUTIONS COOPERATOR CONTRIBUTIONS	(p)	In-Kind	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00			\$0.00	
1100-029	when: I o the FS and	ian (Short Form) spends on source and type of contribu COOPERATOR CONTRIBUTIONS	(၁)	Noncash	\$0.00	80.00	80.00	\$0.00	80.00	\$0.00		80.00	80.00		80.00	
23-FP-11011100-029	e: This Financial Plan may be used when: No program income is expected and The Cooperator is not giving cash to the FS and There is no other Federal funding	Agreements Financial Plan (Short Form) s may not be used. Use depends on source	(q)	Cash to Cooperator	\$15,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,374.00		\$18,374.00	\$1,626.00		\$20,000.00	Fotal Project Value:
USFS Agreement No.:	Note: This Financial Plan may be used (1) No program income is expected and (2) The Cooperator is not giving cash to (3) There is no other Federal funding	Agreements Financial Note: All columns may not be used. Use FOREST SERVICE CONTRIBUTIONS	(a)	Noncash	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00		\$0.00		\$0.00	\$0.00	Tota
Attachment: Exhibit A US		Financial Plan Matrix:		COST ELEMENTS Direct Costs	Salaries/Labor	Travel	Equipment	Supplies/Materials	Printing	Contractual	Other	Subtotal	Coop Indirect Costs	FS Overhead Costs	Total	

Matching Costs Determination	<u>Determination</u>
Total Forest Service Share =	(f)
$(a+b) \div (e) = (f)$	100.00%
Total Cooperator Share	(b)
$(c+d) \div (c+d) = (g)$	0.00%
Total $(f+g) = (h)$	(h)
	100.00%

WORKSHEET FOR

FS Cash to the Cooperator Cost Analysis, Column (b)

Salaries/Labor			
Standard Calculation			
Job Description	Cost/Day	# of Days	Total
DNRC employees (salary/benefits)	\$150.	00 100.00	\$15,000.00
Total Salaries/Labor			\$15,000.00

Contractual			
Standard Calculation			
Item	# of Units	Cost/Unit	Total
Local Gov't / Fire Dept resources	33.	74 \$100.00	\$3,374.00
Total Other			\$3,374.00

Subtotal Direct Costs	¢10 274 00
Subtotal Direct Costs	\$18,374.00

Cooperator Indirect Costs

Current Overhead Rate	Subtotal Direct Costs	Total
8.85%	\$18,374.00	\$1,626.00
Total Coop. Indirect Costs		\$1,626.00

TOTAL COST	\$20,000.00

^{*}Rates based on Chapter 50 of the Northern Rockies Supplement to the NWCG Standards for Interagency Incident Business Management