

4/14/14

BORDER AGREEMENT

BETWEEN

PROVINCE OF ONTARIO, MINISTRY OF NATURAL RESOURCES

AND

STATE OF MINNESOTA, DEPARTMENT OF NATURAL RESOURCES

AND

UNITED STATES DEPARTMENT OF INTERIOR (USDI)

BUREAU OF INDIAN AFFAIRS IN MINNESOTA

AND

NATIONAL PARK SERVICE IN MINNESOTA

AND

UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)

FOREST SERVICE, SUPERIOR NATIONAL FOREST

Revisions:

New or revised since 2014 version

4/14/14

Border Agreement between the Province of Ontario and the Minnesota Department of Natural Resources and Federal Agencies within the State of Minnesota

I. PURPOSE

The purpose of this agreement is to provide a framework to exchange resources in the pursuit of fire management activities, which include fire preparedness, wildfire, and prescribed fire application, between the Province of Ontario, Ministry of Natural Resources; the State of Minnesota, Department of Natural Resources; USDOJ Bureau of Indian Affairs; USDOJ National Park Service, Voyageurs National Park, Grand Portage National Monument, and Isle Royale National Park; and USDA Forest Service, Superior National Forest. Ontario and the United States Agencies signatory to this agreement will hereinafter be referred to as the "Parties to this Agreement".

This border agreement is in accordance with the current Operational Guidelines of the Canada/United States Reciprocal Forest Fire Fighting Arrangement, which is incorporated as part of this agreement.

II. AUTHORITY

The Canada/United States Reciprocal Forest Fire Fighting Arrangement, which was concluded by an exchange of Diplomatic Notes on May 7, 1982, which further defined in Public Law 101-11 dated 04/07/89 (HR 829) and Public Law 100-428 dated 09/09/88 (S2641).

Each country has cleared emergency border crossings within the intent of this agreement by letter (references: Canada Department of Natural Revenue Customs and Excise, 4/8/59; Canada Department of Manpower and Immigration, 6/8/72; U.S. Treasury Department, 2/9/72, 2/21/75, 10/26/81).

III. MUTUAL INTERESTS AND BENEFITS (this is a new section that includes some wording from the previous General Procedures section)

In recognition of the fact that fire does not respect national boundaries and that from the standpoint of public welfare and quality fire management, it is essential that the Parties to this Agreement share resources, expertise and intelligence in order to effectively manage fires along the United States/Ontario border. Therefore it is the intent of the Parties to this Agreement, regardless of the point of origin, to cooperate on determining the most appropriate approach to be taken on any wildland fire that threatens each other's lands along the international boundary, and that any wildland fire will not be abandoned simply because it has crossed the international boundary.

IV. GENERAL PROCEDURES

- A. There shall be a "Common Zone" understood to exist for approximately 10 miles (16 km) on either side on the international boundary, which will be under observation by the Parties to this Agreement. This area may be extended where any fire outside this zone is predicted to encroach across the Ontario/Minnesota border.
- B. The Minnesota-Ontario Operating Guidelines 2014, which are incorporated as Attachment B to this agreement, are for the safe and effective mutual response of fire fighting resources to manage Canadian/American border wildland fires. The operating guidelines will be updated annually. These operating guidelines identify initial attack, extended attack and large fire attack procedures and command structures to be used, depending on the particular circumstances associated with each wildland fire.
- C. The intent of this understanding is to cover wildland fires which burn across the boundary from either side, and that the fire will not be abandoned simply because it has crossed another territory. The agency whose land is where the wildland fire started, or who is legally assigned wildland fire management responsibilities, will be known as the jurisdictional agency, while the agency that provides management support will be known as the supporting agency. Upon being notified of the fire burning in their jurisdiction or threatening to cross into it, the jurisdictional agency shall dispatch, by first available means, a duly authorized officer to take charge of the fire.

In the case of an unreported wildland fire being discovered in this Common Zone, the agency discovering the wildland fire, shall take immediate steps to notify the jurisdictional agency, and if necessary, take immediate steps to manage the wildland fire. To the extent possible the supporting agency taking action on a wildland fire will consider special land management and fire management considerations of the jurisdictional agency. Procedures for implementation of these activities and long-range management of the fire are outlined in the operational guidelines.

- D. The jurisdictional agency agrees to accept the supporting agencies standards for training, fitness and personal protective equipment. If the jurisdictional agency must meet additional safety equipment/supplies standards than the supporting agency, it is the responsibility of the jurisdictional agency to supply the required equipment/supplies.
- E. The supporting agency certifies that the personnel assigned meet the requirements of the position ordered.
- F. Each agency under this agreement will be responsible for its own personnel costs when operating in the Common Zone during the first burning period. Personnel

cost recovery will occur when the jurisdictional agency requests the responding agency to stay beyond the first burning period, or when the jurisdictional agency requests the responding agency to respond to a fire beyond the Common Zone.

All aircraft costs (when billed by the supporting agency) will be reimbursed by the responsible jurisdiction.

- G. On fires that escape initial attack and cross the international boundary, the Parties to this Agreement are responsible for their own costs on their own jurisdiction. Separate cost share agreements may be prepared to help facilitate administrative procedures.
- H. The agencies agree to cooperate in fire preparedness activities, and the use of prescribed fire to reduce the risk of wildfire crossing the international boundary.
- I. Procedures for requesting resources for fires managed by the Federal Agencies outside the Common Zone are outlined in the Canada/United States Reciprocal Forest Fire Fighting Arrangement, and require that all requests for assistance be made through the Canadian Interagency Forest Fire Centre (serving Canada) and the National Interagency Coordination Center (serving the United States).
- J. The Parties to this Agreement will meet annually to review this agreement; update the emergency contact list and the operating guidelines, as necessary; and work towards joint training exercises or other areas of mutual interest.

Annually, provide each other with the following for dissemination to their services:

- a. A list of key personnel by titles, showing means of contact.
- b. A list of all possible cooperative detection facilities, both lookout towers and aerial patrols.
- c. The location of staffed border ranger stations and names of the Officer-in-Charge.
- d. Boundaries, showing areas of responsibility, for all key personnel in (a) above.
- e. Location and times of weather observation, frequencies and times they report by radio or otherwise.
- f. Maps, where they are needed, to cover boundary changes, lookout or other protection facilities.
- g. Maps and descriptions of proposed prescribed fires for which requests for assistance is anticipated, or effects from the prescribed fire are anticipated to cross the International Border.
- h. Radio Frequencies- air-to-air, air-to-ground, and tactical.

Maintain continued liaison with each other; and:

- a. Exchange information covering items of mutual interest; i.e., technical data and reports.
- b. Provide information on courses, meetings and demonstrations within their respective agency that, if attended by outside personnel, would provide mutual benefit.
- c. Meet and/or discuss and recommend or implement the solution to any mutual problem arising from this border agreement.
- d. Keep each other duly informed during times when wildland fire(s), are burning in one agency's area are the source of smoke drift over another agency's area of concern.

The chairperson of the coordinating meeting shall be the committee member for the agency hosting the annual meeting. The meeting will be arranged and the chairperson will notify the committee members. The hosting agency will be the United States in odd years and Ontario in even years.

V. REIMBURSEMENT

- A. Reimbursement will occur as described in Clauses IV. F. and G.
- B. The jurisdictional agency will reimburse the supporting agency in accordance with the procedures listed in Section XI of the Operating Guidelines and the Canada/United States Reciprocal Forest Firefighting Arrangement (in the National Interagency Mobilization Guide.)
- C. When questions arise on the settlement of costs incurred, representatives of the agencies involved will determine arrangements as to whom and how payment will be made.

VI. GENERAL PROVISIONS

- A. This Agreement supercedes the following fire protection agreements:

Border Agreement between Province of Ontario, Ministry of Natural Resources, State of Minnesota, Department of Natural Resources, USDI Bureau of Indian Affairs and National Park Service in Minnesota, and the USDA Forest Service, Superior National Forest signed and dated July 15, 2008.

- B. Nothing in this Agreement shall be construed to affect any existing cooperative agreement or arrangement between the Parties to this Agreement.
- C. Waiver: It is mutually agreed that the Agencies to this Agreement shall each be responsible for their own losses arising out of the performance of this Agreement and each Agency hereby waives any claim against any other Agency for any loss, damage, personal injury, or death of the Agency, or its employees or agents, occurring as a consequence of the performance of this Agreement; provided, this

provision shall not relieve any Agency from responsibility for claims of third parties for losses for which the Agency is otherwise legally liable. Third party claims will be processed by the protecting agency.

- D. This agreement shall take effect on the date the last signatory party executes the instrument and shall remain in effect for five (5) years from that date. Any signatory agency may withdraw from this instrument by giving thirty (30) days notice to all other signatories. A review of this Agreement will be conducted every five years for appropriateness and modified or renewed for a period of not more than five years from the date the last party signs the modification or renewal.
- E. Modifications within the scope of this arrangement will be made by mutual consent of the parties, by the issuance of a written modification, signed and dated by all parties, prior to any changes being performed.
- F. The following is a list of the coordinating committee for this agreement: The following or their successors are authorized to be the signatories for the "Minnesota-Ontario Operating Guidelines".



John MacDonald, Provincial Operations and Response Coordinator Forest Fire Management Section Aviation and Forest Fire Management Branch Ontario Ministry of Natural Resources 70 Foster Drive, Suite 400 Sault Ste. Marie, Ontario P6A 6V5 Telephone: (705) 945-5782	Doug Ottosen, Forest Fire Management Officer USDA Forest Service, Superior National Forest Minnesota Interagency Fire Center 402 - 11 th Street Southeast Grand Rapids, Minnesota U.S.A. 55744 Telephone: (218) 327-4568
Scott Bressler , Border Waters Area Fire Management Officer Voyageurs National Park 3131 Hwy 53 International Falls, Minnesota U.S.A. 56649 Telephone: (218) 283-9821	Greg Peterson, Fire Management Officer Bureau of Indian Affairs 522 Minnesota Ave., 4th Floor, Room 418 Bemidji, MN U.S.A. 56601 Telephone: (218) 751-2011
Ronald J. Stoffel, Fire Program Manager Minnesota Department of Natural Resources Minnesota Interagency Fire Center 402 - 11 th Street Southeast Grand Rapids, Minnesota U.S.A. 55744 Telephone: (218) 327-4587	Dave Cleaveley , Regional Response and Operations Manager North West Region Ontario Ministry of Natural Resources P.O. Box 850, Ghost Lake Road Dryden, Ontario P8N 2Z5 Telephone: (705) 937-7210

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G. By signature below, the cooperator certifies that the individuals listed in this document as representatives of the cooperator are authorized to act in their respective areas for matters related to this agreement.

4/14/14

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the last written date below.

Al Tithecott Date
 Director, AFFES
 Ontario Ministry of Natural Resources

Ernest Quintana Date
 Regional Director
 USDI National Park Service

The authority and format of this instrument has been reviewed and approved for signature.

National Park Service – Midwest Region Contracting Officer Date

Diane Rosen Date
 Regional Director
 USDI Bureau of Indian Affairs

The authority and format of this instrument has been reviewed and approved for signature.

Bureau of Indian Affairs – Great Plains Contracting Officer Date

Forrest Boe Date
 Director, Division of Forestry
 Minnesota Department of Natural Resources

Brenda Halter Date
 Forest Supervisor
 USDA Forest Service,
 Superior National Forest

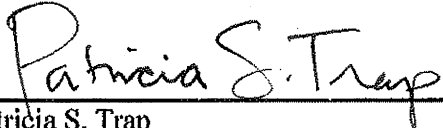
The authority and format of this instrument has been reviewed and approved for signature.

Grants and Agreements Specialist Date
 USDA Forest Service

4/14/14

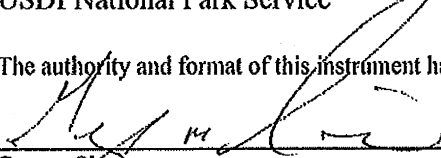
IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the last written date below.

Al Tithecott Date
Director, AFFES
Ontario Ministry of Natural Resources



Patricia S. Trap Date
Regional Director (Acting)
USDI National Park Service

The authority and format of this instrument has been reviewed and approved for signature.



George Sievers Date
Contracting Officer
National Park Service – Midwest Region

Diane Rosen Date
Regional Director
USDI Bureau of Indian Affairs

The authority and format of this instrument has been reviewed and approved for signature.

Bureau of Indian Affairs – Great Plains Contracting Officer Date

Forrest Boe Date
Director, Division of Forestry
Minnesota Department of Natural Resources

Brenda Halter Date
Forest Supervisor
USDA Forest Service,
Superior National Forest

4/14/14

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the last written date below.

Al Tithecott
Director, AFFES
Ontario Ministry of Natural Resources

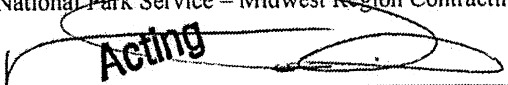
Date

Ernest Quintana
Regional Director
USDI National Park Service

Date

The authority and format of this instrument has been reviewed and approved for signature.


~~National Park Service – Midwest Region Contracting Officer~~

Acting 

Diane Rosen
Regional Director
USDI Bureau of Indian Affairs

Date
May 21, 14

The authority and format of this instrument has been reviewed and approved for signature.



Bureau of Indian Affairs – Great Plains Contracting Officer

Date
7/31/14

Forrest Boe
Director, Division of Forestry
Minnesota Department of Natural Resources

Date

Brenda Halter
Forest Supervisor
USDA Forest Service,
Superior National Forest

Date

The authority and format of this instrument has been reviewed and approved for signature.

Grants and Agreements Specialist
USDA Forest Service

Date

4/14/14

IN WITNESS WHEREOF, the parties hereto have executed this agreement as of the last written date below.

Al Tithecott
Director, AFFES
Ontario Ministry of Natural Resources
Date

Ernest Quintana
Regional Director
USDI National Park Service
Date

The authority and format of this instrument has been reviewed and approved for signature.

National Park Service – Midwest Region Contracting Officer
Date

Diane Rosen
Regional Director
USDI Bureau of Indian Affairs
Date

The authority and format of this instrument has been reviewed and approved for signature.

Bureau of Indian Affairs – Great Plains Contracting Officer
Date

Forrest Boe
Director, Division of Forestry
Minnesota Department of Natural Resources
Date

Brenda Halter _____ *6-2-14*
Brenda Halter
Forest Supervisor
USDA Forest Service,
Superior National Forest
Date

The authority and format of this instrument has been reviewed and approved for signature
Brenda K. Frenzel _____ *5/23/14*
Brenda K. Frenzel, Grants Management Specialist
USDA Forest Service
Date

4/14/14

ATTACHMENTS:

A. The Operational Guidelines for the Canada/United States Reciprocal Forest Fire Fighting Arrangement, dated 1/15/13, including Appendix I (Arrangement in the form of an exchange of notes between the Government of Canada and the Government of the United States of America, dated May 7, 1982).

B. Minnesota – Ontario Operating Guidelines 2013