

WILDLAND FIRE ACCESS AND SCOPE OF ACTION

MEMORANDUM OF UNDERSTANDING BETWEEN

Liberty Mutual Insurance Company

As Manager and/or Agent for the
Member Companies of the
Liberty Mutual Companies

Hereinafter referred to as **LIBERTY MUTUAL**

AND

Wildfire Defense Systems, Inc.

AND THE

Eagle County Sheriff's Office

and participating Fire Protection Districts

(Hereinafter referred to as **ECSO SHERIFF'S OFFICE"**)

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1. PURPOSE OF THE AGREEMENT

Private insurance companies have established wildfire mitigation services that deploy resources (contractors) to incident scenes to perform pre-suppression activities, such as removal of fuel and creation of a defensible perimeter, setting up roof or perimeter sprinklers, and/or the coating of homes and combustibles with fire-blocking gels. With an ever-increasing number of structures in the urban interface, insurance resources providing pre-suppression activities within restricted areas can have a beneficial impact on structural protection, if the operations are performed professionally and do not interfere with public fire agency resources. Such pre-suppression activities may also have the desired effect of encouraging civilian evacuation; homeowners who feel their property has an additional layer of protection would be more likely to evacuate.

LIBERTY MUTUAL has established such a wildfire mitigation service and markets the service as the LIBERTY MUTUAL WILDFIRE PREVENTION PROGRAM and operated by Wildfire Defense Systems, Inc.

Public fire agencies have legitimate safety concerns regarding the activity of private fire resources in restricted areas. To address these concerns, insurance program resources must be held to the same operational and training standards as public fire agency resources.

This Memorandum of Understanding ("MOU") formalizes the relationship between LIBERTY MUTUAL and the ESCO so that the LIBERTY MUTUAL WILDFIRE PREVENTION PROGRAM can assist in disaster preparedness by becoming fully integrated into ECSO's wildfire response.

2. AUTHORITY

Pursuant to § 30-10-512, C.R.S., the ESCO acts as the fire warden and is responsible for the coordination of fire suppression efforts in case of prairie, forest or wildland fires or wildfires occurring in the unincorporated area of the county outside the boundaries of a fire protection district or which exceed the capabilities of a fire protection district to control or extinguish.

Fire protection districts have the authority to control fire incident scenes within the boundaries of their respective districts, and, together with other public agencies, control access to restricted or evacuated areas.

3. ROLES AND RESPONSIBILITIES

LIBERTY MUTUAL is a group of affiliated insurance companies lawfully providing homeowners insurance coverage and other forms of property insurance to residents of Eagle County and other property owners throughout the State of Colorado. LIBERTY MUTUAL retains resources (contractors) to provide wildfire mitigation operations as part of a service LIBERTY MUTUAL markets to its policyholders as the LIBERTY MUTUAL WILDFIRE PREVENTION PROGRAM, operated

by WILDFIRE DEFENSE SYSTEMS, Inc.

The LIBERTY MUTUAL WILDFIRE PREVENTION PROGRAM and the contracted resources provided by WILDFIRE DEFENSE SYSTEMS, Inc. do not perform structure firefighting and are not wildfire first responders. The operations of these insurance program resources include wildfire pre-suppression activities and limited structural protection, such as fuel mitigation, zone sprinkler systems & the spraying of fire-blocking gels on homes. The LIBERTY MUTUAL WILDFIRE PREVENTION PROGRAM and the contracted resources provided by WILDFIRE DEFENSE SYSTEMS, Inc. shall be considered a Cooperating Agency as defined in the NWCG Guidelines.

ECSO is the Agency Having Jurisdiction over fire incidents occurring in the unincorporated areas of Eagle County outside the boundaries of a fire protection district or which exceed the capabilities of a fire protection district to control or extinguish.

4. PREPAREDNESS

As part of the LIBERTY MUTUAL WILDFIRE PREVENTION PROGRAM and the contracted resources provided by WILDFIRE DEFENSE SYSTEMS, Inc., only resources that are trained, equipped and operate consistent with the NWCG Guidelines and the National Incident Management System shall be deployed to fire incidents.

The LIBERTY MUTUAL WILDFIRE PREVENTION PROGRAM and the contracted resources provided by WILDFIRE DEFENSE SYSTEMS, Inc. shall be non-publicly owned Wildland Resources (engines).

5. COORDINATION DURING EMERGENCIES

The LIBERTY MUTUAL WILDFIRE PREVENTION PROGRAM and the contracted resources provided by WILDFIRE DEFENSE SYSTEMS, Inc. shall place an initial phone call to ECSO Central Dispatch Office and, once an Incident Command Post is established, physically Check In with ECSO or its designated representative at the ICP to provide Submittal Documents (template attached for reference), including qualifications description and mission details (property addresses and supporting mapping). Upon completion of mission, the LIBERTY MUTUAL WILDFIRE PREVENTION PROGRAM and the contracted resources provided by WILDFIRE DEFENSE SYSTEMS, Inc. shall report to ICP (Liaison Officer or other designated ICP contact) and inform the ICP of the time of demobilization from the Incident and confirm to the ICP that the LIBERTY MUTUAL WILDFIRE PREVENTION PROGRAM and the contracted resources provided by WILDFIRE DEFENSE SYSTEMS, Inc. have accounted for all of their resources. The LIBERTY MUTUAL WILDFIRE PREVENTION PROGRAM and the contracted resources provided by WILDFIRE DEFENSE SYSTEMS, Inc. will adhere to the protocols outlined in Appendix A, attached hereto and made a part of this MOU. Provided these resources adhere to the protocols, and as fire safety conditions allow, ECSO shall permit The LIBERTY MUTUAL WILDFIRE PREVENTION PROGRAM and the contracted resources provided by WILDFIRE DEFENSE SYSTEMS, Inc. to operate within restricted or evacuated areas.

The LIBERTY MUTUAL WILDFIRE PREVENTION PROGRAM and the contracted resources provided by WILDFIRE DEFENSE SYSTEMS, Inc. shall utilize programmable radios to meet Federal AG-0343-S-07-9002 Wildfire radio standards/operating frequencies (see below for reference). When arriving on site, the LIBERTY MUTUAL WILDFIRE PREVENTION PROGRAM and the contracted resources provided by WILDFIRE DEFENSE SYSTEMS, Inc. will physically locate IC for direct communication/coordination and radio check. If ICP is not developed, radio communications will be established using published frequencies from ECSO and radio contact will be established to receive ECSO SHERIFF'S OFFICE instructions.

Federal AG-0343-S-07-9002 Radio Standard The radio must be capable of programming incident frequencies and of operating in the frequency range of 148MHz to 174MHz in the analog wide band (25KHz) and narrow band (12.5KHz) modes or P25 (digital) compliant radios in the frequency range of 138MHz to 174MHz.

6. POST EMERGENCY ACTIVITIES

The LIBERTY MUTUAL WILDFIRE PREVENTION PROGRAM and the contracted resources provided by WILDFIRE DEFENSE SYSTEMS, Inc. will work with ECSO and other responding Jurisdictional Agencies to evaluate lessons learned after each incident or proclaimed disaster.

7. PROTECTION OF INFORMATION

Information essential to effective emergency response, such as names and addresses of LIBERTY MUTUAL policyholders with homes located in restricted or evacuated areas, will be shared by The LIBERTY MUTUAL WILDFIRE PREVENTION PROGRAM and the contracted resources provided by WILDFIRE DEFENSE SYSTEMS, Inc. with ECSO. ECSO recognizes the sensitive and proprietary nature of such information and agrees to protect it to the extent permitted by law.

8. NO CREATION OF RIGHTS OR LIABILITIES

No legal rights, obligations, employment relationship or contract for services are created between ECSO or Eagle County and LIBERTY MUTUAL as a result of entering into this MOU. Nothing in this MOU shall be deemed to be a waiver of any rights or defenses available to ECSO under the Colorado Governmental Immunity Act, § 24-10-101, et seq., C.R.S.

9. TERM

This MOU shall remain in effect until such time as either party to the agreement terminates their participation by providing written notice to the other party.

10. SIGNATURES

By: Joseph D. Hoy ^{EAGLE}
County Sheriff's Office

Printed Name: JOSEPH D. HOY
Title: EAGLE COUNTY SHERIFF
Date: 05/07/12

By: Joseph Rogers
Insurance Company

Printed Name: Joseph Rogers
Title: Assistant Claims Product Manager
Date: 6/15

By: David Torgerson
Insurance Company Contractor

By:
Printed Name: David Torgerson
Title: President, Wildfire Defense Systems Inc.
Date: 6-4-12

John Platt Greater Eagle Fire DIST May 13/2012
Barnes & Rural Fire Protection District, signature and date: John Platt April 16, 2012
WAIL FIRE & EMERGENCY SERVICES Fire Protection District, signature and date: John Platt 5/3/12
Eagle River Fire Protection District, signature and date: John Platt 5.3.12
Gypsum Fire Protection District, signature and date: John Platt 5/5/12
Rockcreek VFD Fire Protection District, signature and date: John Platt 5/4/2012
David Torgerson, Pres. Wildfire Defense Systems, Inc. David Torgerson 6-4-12

add additional signature page if needed.

Appendix A

Insurance Resource Conditional Access Protocol

Insurance Program Resource Utilization Protocol

Insurance Resources are defined as Wildland Engines working under an Insurer Wildfire Program which contracts for services directly to the Insurer and not individual homeowners. The following protocols define the Insurance Resource requirements to be listed as an Incident Cooperator and be granted Conditional Access within the wildfire evacuation zones. Any Insurance Program resource that does not meet the qualifications/ credentials or protocols defined herein shall not be granted Incident Cooperator status.

Conditional Access

Access shall be based upon Incident Command retaining Situational Awareness of the Insurance Program Resource in the same fashion as Incident Resources. Incident Command retains Command and Control to remove Insurance Program Resource (in the same fashion as Incident Resources) from any work zones in which fire behavior is deemed unsafe for wildfire operations.

Insurance Program Resource Mission

Wildland Engine based pre-suppression and structure protection activities working within evacuated or restricted areas which consist primarily of incident ember zones, safety zones or in the black. This is not a first responder service. Pre-Suppression defensive measures may include emergency fuel mitigation, zone sprinkler system setup, fuel break preparation, retardant application, and/or fire blocking gel application and Wildland Engine Operations.

Insurance Resource Required Qualifications/Requirements

- Wildfire operations performed in accordance with the training, safety and operational requirements defined in the USFS Fireline Handbook (NWCG Handbook #3, PMS410-1) and the USFS Incident Response Pocket Guide (PMS#461), as well as other State requirements.
- Insurance Program Resource shall arrive and operate "Wet" on the Incident (self sufficient).
- For the purposes of qualification and inspection verification the Insurance Engine Resource Provider shall hold a current EERA or USFS Federal Suppression Contract.
- Personnel to be NWCG 310-1 compliant with current Red Card to appropriate ICS Position with photo identification and required PPE. Personnel training and certification records to be inspected and approved annually under their EERA/Federal contract requirements.
- Engines shall meet NWCG standards for Type VI to Type III wildland engines, Tactical Tenders or Tenders which pass annual DOT and Federal/EERA contract equipment/compliment inspections.

Check In Procedure / Interface Procedures

- Insurance Program Resource shall contact ECSO Dispatch via the **Vail Communications Center at 970-479-2201** while in route to incident and follow Dispatcher Instructions for check-in or locate ICP and check in with Liaison Officer or other appropriate ICT ranking personnel.
- If ICP is not established or located, report via radio and receive instructions.
- All Insurance Program Resources are required to check in with Incident Command and abide by Incident Command Orders. Any Insurance Program which fails to meet these requirements shall be removed from the Incident.
- By the first attended briefing Insurance Program Resource shall provide a hard copy mission submittal packet to Incident Command and an electronic copy to the ECSO Liaison Officer if email address provided.

Reporting, Briefing and Communication Requirements

- Insurance Program Resources shall utilize programmable radios to meet Federal AG-0343-S-07-9002 (Best Value Contract) or equivalent. The radio must be capable of programming incident frequencies and of operating in the frequency range of 148MHz to 174MHz in the analog wide band (25KHz) and narrow band (12.5KHz) modes or P25 (digital) compliant radios in the frequency range of 138MHz to 174MHz. Radio's may be programmed at ICP via cloning or set to frequencies after receiving authorization by ICP or AHJ Dispatch.
- Insurance Resource Contractor shall obtain their own FCC licensed frequency for their internal radio communications.
- Insurance Program Resource to provide a liaison whom shall report to the ICT Liaison Officer and attend briefings as required by ICT. The Insurance Program liaison shall provide an updated submittal to include a list of all resources working in the area, properties effected and what level of pre-suppression activities have been initiated.
- The IC or Incident Liaison Officer shall provide ICT instructions to the Insurance Program Resources with whom they should coordinate their activities and communicate to while in the field.
- If pre-suppression occurs, Insurance Resource to document actions and report to Incident Command (i.e. gel application, zone sprinkler systems or other).

Engine Branding / Personnel Identification

- Insurance Engine Resource may be equipped with Red or Yellow Light bars (safety measure for visibility in smoke and visibility for aviation resources). Light Bars shall be restricted to use on incident only.
- Insurance Program Engines should not have presentation intended to mimic Public Emergency Vehicles (color and markings similar to Department/Agency Vehicles).
- Insurance Program Engines shall be configured and equipped to meet NWCG specifications in order to meet Engine and compliment specifications required by Federal Suppression or other State contracting. This may include appropriate wildland engine markings for Federal and State service.
- Individual Company and Insurance Program Resource Branding shall be present on Engines which is intended to designate engines as a non-public resource.
- Insurance Program Personnel to carry photo identification and current Red Card (NWCG or CICC).

- Insurance Program or Company Identification on Personnel.

APPENDIX B

Example Template for Incident Specific ICP Submittal

_____ Insurance Company Contracted Wildfire Mitigation Resources

_____ INSURANCE COMPANY

_____ Insurance Company Wildfire
Wildfire Resources
Incident Submittal Package

Submitted To:

_____ County Sheriff Office.

Submitted By:

Operations Center Phone: _____

Date:

Response Component

Contractor and Operation Center are located in *(insert State(s))*

_____. These Operations Centers utilize Internet based fire intelligence sources, local news, policyholder reporting and other available sources to monitor current fire activity. The client location in relationship to the fire activity is evaluated. A determination is then made to assess *if* a response is warranted. Resources may be dispatched to the homeowner's property when a wildfire threatens an enrolled _____ Insurance Company Wildfire Contractor Resource policyholder property or a civil authority initiates an evacuation order as a result of an approaching wildfire.

If access to the incident is granted, once on scene the enrolled property is assessed and prepared for possible fire encroachment. Policyholders are encouraged to obey all evacuation requests/orders. If time allows, debris is clean and cleared from the home or structure. The _____ Insurance Company Wildfire Contract Resource utilizes all available Wildland Engine based technologies and apparatus including application of fire blocking gel. Clean up is handled as necessary.

- Services: Pre-suppression and structure protection activities performed in accordance with the training, safety and operational requirements defined in the USFS Fire line Handbook (NWCG Handbook #3, PMS410-1) and the USFS Incident Response Pocket Guide (PMS#461), as well as other state and local requirements. This is not a first responder service; rather, work will be performed in support of local, state and federal responders. Pre-Suppression defensive measures may include emergency fuel mitigation, zone sprinkler system setup, fuel break preparation and fire blocking gel application.
- Coordination with Incident Command: Operate under site Incident Command established by Municipal Fire Departments, State or Federal Wildfire Agencies.
- Radio communication capabilities include radio cloning to meet IC communications needs.

Insurance Company Wildfire Contract Resources Resource Standards and Qualifications

This policy will provide the frame work for cooperation that will enhance the mission of both parties, providing for firefighter and public safety first.

Standards

Minimum Personnel Qualifications:

- NWCG 3 10-1 National Standard
- Personnel carded at appropriate ICS position
- Contractor to provide access to online database or Federal Contracting Personnel Training verification so Agency Personnel can verify training and certifications. Verification shall consist of Federally Approved online Databases sources or approved regional authorized MOU Training and Certification Provider.
- All personnel to wear required Personal Protective Equipment
- Crews will be logistically self-sufficient

Equipment Standards

- All Engines and Equipment to hold current Annual Federal Inspection and/or under current Federal Best Value, EERA Contract or equivalent.
- Engines NWCG approved and equipped to meet Region 1 Best Value Contracting standards.
- Mobile and Portable radios that are compatible with Federal, State and Local agencies These radios shall have the ability to be field programmable

Communications:

- Advise agency when en route and/or in the area of the incident
- Insurance resources will monitor agency frequencies
- Responsible jurisdiction & incident command teams provide communication plan during incidents
- Will provide liaison between Incident Command team & Insurance Company resources. This contact will include a list of all resources working in the area, properties affected and what level of pre-suppression activities has been initiated. A determination will be made by the IC on who theses resources will

contact during the incident.

- Insurance: The contractor must have insurance certificates for liability, auto and work comp in a folder in each Engine and available for Inspection.

Protocol

- Upon arrival to an incident base the Company Representative will check in with Agency Liaison.
- Provide Agency Liaison with check in form, if needed.
- Photo Identification, Fire Qualification card for all personnel (to be retained by Personnel) Vehicles identification, Mechanical inspection, weight slips and certification of insurance. This information will be available in a small binder or folder on each Engine.
- The Company Representative will provide Agency Rep, Operations or Incident commander with response property address.
- Representative will attend briefings and receive incident action plan.
- Resource will make communication with Division /Group supervisor as situation requires.
- Any actions taken and all intelligence gathered will be recorded.
- If Gel is applied a placard will be placed at the address with all info detailed.
- In the event that clients are not within defined division boundary Intelligence info will be reported to Agency Liaison.
- In the event of imminent threat action will be taken following all established safety standards.

Threatened Insurer Policyholder Address List

(Inserted for specific incident)

Mapping of Locations

(Inserted for specific incident and attached hereafter)

Insurance Company Wildfire Resources On Site

Incident:

Resource Order:

Descriptive Location	Project	Preseason Agreement #	On Site Manager and Phone # WDS Phone #	Subcontractors Name and Phone #	Ordering Office or Field Rep
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<i>Resource Requested</i>	<i>Order Date</i>	<i>From WDS- ops</i>	<i>To Needed Date/Time</i>	<i>Deliver To</i>	<i>Assigned Date/Time</i>	<i>Estimated Time of Departure</i>	<i>Estimated Time of Arrival</i>	<i>Release Date</i>
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LAT	LONG	
TWN	RNG	SEC

Documentation:

APPENDIX C

ADDITIONAL COUNTY REQUIREMENTS

Communications Plan: Per the Insurance Resource Conditional Access Protocol shown above:

“Insurance Program Resource shall contact ECSO Dispatch via the Vail Communications Center at 970-479-2201 while in route to incident and follow Dispatcher Instructions for check-in or locate ICP and check in with Liaison Officer or other appropriate ICT ranking personnel.”

“Insurance Program Resources shall utilize programmable radios to meet Federal AG-0343-S-07-9002 (Best Value Contract) or equivalent. The radio must be capable of programming incident frequencies and of operating in the frequency range of 148MHz to 174MHz in the analog wide band (25KHz) and narrow band (12.5KHz) modes or P25 (digital) compliant radios in the frequency range of 138MHz to 174MHz. Radio’s may be programmed at ICP via cloning or set to frequencies after receiving authorization by ICP or AHJ Dispatch.”

“The IC or Incident Liaison Officer shall provide ICT instructions to the Insurance Program Resources with whom they should coordinate their activities and communicate to while in the field.”

Medical Plan: Insurance Resource shall notify Incident Command of any injury or accidents and follow the Incident Medical Plan in same fashion as other Resources on Incident.

Annual Operating Plan: An annual meeting or coordination communication shall occur to review MOU prior to each Season and review operating plan for the year.

Liaison Officer: Per the Insurance Resource Conditional Access Protocol shown above: “Insurance Program Resource to provide a liaison whom shall report to the ICT Liaison Officer and attend briefings as required by ICT.”

Qualifications: Per the Insurance Resource Conditional Access Protocol shown above: “Personnel to be NWCG 310-1 compliant with current Red Card to appropriate ICS Position with photo identification and required PPE. Personnel training and certification records to be inspected and approved annually under their EERA/Federal contract requirements”. Per NWCG 310-1, for Wildland Engine Operations this shall include one qualified ENGB per Engine with minimum FFT2 firefighter(s). Liaison shall also be minimum FFT2.

Check in Location: Per the Insurance Resource Conditional Access Protocol shown above: “Insurance Program Resource shall contact ECSO Dispatch via the Vail Communications Center at 970-479-2201 while in route to incident and follow Dispatcher Instructions for check-in or locate ICP and check in with Liaison Officer or other appropriate ICT ranking personnel.

Vehicle Inspections: Per the Insurance Resource Conditional Access Protocol shown above: “Engines shall meet NWCG standards for Type VI to Type III wildland engines, Tactical Tenders or Tenders which pass annual DOT and Federal/EERA contract equipment/compliment inspections.”

MSDS for Fire Blocking Gel: See attached for Reference.