

WILDLAND FIRE ACCESS AND SCOPE OF ACTION

MEMORANDUM OF UNDERSTANDING BETWEEN

Wildfire Defense Systems, Inc.

of

Corporate Office

One Broadway, South

PO Box 2269

Red Lodge, Montana 59068

and

Operations Center

201 Evergreen Drive, Suite 1

Bozeman, Montana 59715

On behalf of

Chubb, USAA, Liberty Mutual and Safeco Wildfire Response Programs

AND THE

Routt County Sheriff's Office

and participating Fire Protection Districts

(Hereinafter referred to as RCSO 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.

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 WILDFIRE DEFENSE SYSTEMS, INC. and the RCSO so that WILDFIRE DEFENSE SYSTEMS Inc. OPERATED RESPONSE PROGRAMS can assist in disaster preparedness by becoming fully integrated into RCSO's wildfire response.

2. AUTHORITY

Pursuant to § 30-10-512, C.R.S., the RCSO 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

Chubb, USAA, Liberty Mutual and Safeco are insurance companies lawfully providing homeowners insurance coverage and other forms of property insurance to residents of Routt County and other property owners throughout the State of Colorado. WILDFIRE DEFENSE SYSTEMS, INC. retains resources (contractors) to provide wildfire mitigation operations as part of a service that market to their policyholders, a service operated by WILDFIRE DEFENSE SYSTEMS, Inc.

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 and post fire front mop up to secure structures from residual wildfire threat . The contracted resources provided by WILDFIRE DEFENSE SYSTEMS, Inc. shall be considered a Cooperating Agency as defined in the NWCG Guidelines.

RCSO is the Agency Having Jurisdiction over fire incidents occurring in the unincorporated areas of Routt 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 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 contracted resources provided by WILDFIRE DEFENSE SYSTEMS, Inc. shall be non-publicly owned Wildland Resources (engines).

5. COORDINATION DURING EMERGENCIES

The contracted resources provided by WILDFIRE DEFENSE SYSTEMS, Inc. shall place an initial phone call to RCSO Central Dispatch Office and, once an Incident Command Post is established, physically Check In with RCSO 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 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 de-mobilization from the Incident and confirm to the ICP that the contracted resources provided by WILDFIRE DEFENSE SYSTEMS, Inc. have accounted for all of their resources. 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, RCSO shall permit the contracted resources provided by WILDFIRE DEFENSE SYSTEMS, Inc. to operate within restricted or evacuated areas.

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 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 RCSO and radio contact will be established to receive RCSO 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 contracted resources provided by WILDFIRE DEFENSE SYSTEMS, Inc. will work with RCSO 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 INSURANCE COMPANY policyholders with homes located in restricted or evacuated areas, will be shared by the contracted resources provided by WILDFIRE DEFENSE SYSTEMS, Inc. with RCSO. RCSO 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 RCSO or Routt County and WILDFIRE DEFENSE SYSTEMS, INC. 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 RCSO under the Colorado Governmental Immunity Act, § 24-10-101, et seq., C.R.S.

The foregoing notwithstanding, Wildfire Defense Systems, Inc. shall indemnify, defend and hold Routt County, the Routt County Sheriff and the participating Fire Protection Districts harmless from claims of Bodily Injury or Property Damage alleged to have arisen from the negligent actions or omissions of Wildfire Defense Systems, Inc. while acting pursuant to this MOU.

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

Routt

County Sheriff's Office

Wildfire Defense Systems, Inc.

By: 

By: 

Printed Name: Ray Bissett

Printed Name: David Torgerson

Title: Under Sheriff


Title: President

Date: 3-20-2014

Date: 3-18-14

Steamboat Springs Area

Fire Protection District, signature and date:

 3-24-2014

North Routt

Fire Protection District, signature and date:

 3/21/14


Oak Creek

Fire Protection District, signature and date:

 3/20/14

West Routt

Fire Protection District, signature and date:

 3/20/14

Yampa

Fire Protection District, signature and date:

 3/20/14

Wildfire Defense Systems, Inc.

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, fire blocking gel application, Wildland Engine Operations and post fire front mop up to secure structures from residual wildfire threat.

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 RCSI Dispatch via the **Routt County Communications Center at telephone number 970-879-1090** 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 RCSI 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 Wildfire Resources
Incident Submittal Package

Provided by Wildfire Defense Systems, Inc.
On behalf of

_____ INSURANCE COMPANY

Submitted To:

_____ County Sheriff Office.

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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, fire blocking gel application and post fire front mop up to secure structures from residual wildfire threat.
- 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, along with the Insurance Resource Conditional Access Protocol found in Appendix A of this MOU, 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 the 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.

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 # | Subcontractors Name and Phone # | Ordering Office or Field Rep |
|----------------------|---------|-----------------------|-----------------------------|---------------------------------|------------------------------|

WDS Phone #

| | | | | | | | | |
|---------------------------|---------------------|-----------|-------------------------|-------------------|---------------------------|------------------------------------|----------------------------------|---------------------|
| <i>Resource Requested</i> | <i>Order Date</i> | <i>To</i> | <i>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> |
| | <i>From WDS-ops</i> | | | | | | | |

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 RCSO Dispatch via the Routt County Communications Center at telephone number 970-879-1090 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 or equivalent regional authorized Federal MOU Training and Certification Provider". 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 FFT1.

Check in Location: Per the Insurance Resource Conditional Access Protocol shown above: "Insurance Program Resource shall contact RCSO Dispatch via the Routt County Communications Center at telephone number 970-879-1090 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 or equivalent regional authorized Federal MOU Training and Certification Provider inspections."

MSDS for Fire Blocking Gel: See attached for Reference.