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To whom it may concern:

FIRE SUPPRESSION IN MT. is a JOKE. It has become big BUSINESS. It's MILKED by everyone that's involved, NO MATTER WHICH FIRE we are talking about.

This state needs to start a training program for ALL citizens that live in MT., SEMINARS for info., NO MORE CONTROLLED BURNS. (they always seem to get out of control) there are other ways of handling brush & pine needles. EVERYONE living in the trees should know how to fight a fire even when alone, be on guard at all times. LEARN how to build + protect in advance their land. There are NO excuses for big fires in MT. with all of the new methods + equip. we have these days.

The 1910 fire should NEVER happen again. Stop making fire fighting a money maker + make it a save our trees + grass issue.

I have many thoughts + ideas, if you are interested. I've had 6 fires on our mountain since I came here. 22 yrs ago. + seen many more. It takes caution, knowledge, caring + hard work to control + prevent any fire.

Sincerely,
Joan Frick

Chippy Creek Fire Fact Sheet

Update: August 15, 7:00 am
Incident Commander: Wally Bennett
Cost to Date: \$5,917,000
Containment:

Fire Information: Dixie Dies (406) 826-9009
Start Date: 7/31/07
Cause: Under Investigation
Acres: 77,500 Acres

The Chippy Creek Fire is located 20 miles north of Plains and 12 miles north/northwest of Hot Springs, Montana and is being managed by Wally Bennett's Type 1, Northern Rockies Interagency Incident Management Team.

Yesterday's Activities: The firelines in the northwest and southwest corners of the fire were strengthened in preparation for burnout tomorrow. Crews worked around residences in the Hubbard area to finish containment of the August 11th burnout.

Today's Planned Activities: Crews plan to continue to anchor and hold the northwest and southwest corners of the fire as well as the north and south flanks. Crews will prepare and blast new control line along the north flank. Dozer line and hand line will continue to be built both direct and indirect along the north flank. Work will continue on the burnout operation west of Hubbard Reservoir Road.

Weather and Fire Behavior: Today's weather forecast calls for temperatures in the eighties and relative humidity in the lower teens. Winds are expected from the west three to six miles per hour with gusts to 10 miles per hour. Winds that will affect the fire will be slope and terrain driven. This should result in surface fire with limited torching. With the continued low temperatures and extremely dry fuels there will still be potential for spotting.

The Department of Environmental Quality recommends using local visibility guidelines to evaluate possible health risks and make informed activity decisions. This information is available at <http://www.deq.state.mt.us/FireUpdates/index.asp>

Although the wildland fires in Montana and northern Idaho have localized effects, both areas welcome visitors for a variety of adventures. See <http://www.visitmt.com/fire/conditions.htm> or <http://www.visitidaho.org>

Further information on the Chippy Creek Fire is posted on the Lolo National Forest website. This information is available at www.fs.fed.us/r1/lolo. For further information on wildland fire activity http://www.nifc.gov/fire_info/nfn.htm
<http://www.nifc.gov/nicc/sitreprt.pdf>

Resources assigned: 56 pieces of heavy machinery, 5 Hand Crews, 16 engines, and 4 helicopters for a total of 524 personnel.

Cooperating Agencies: Confederated Salish and Kootenai Tribes, Sanders, Flathead and Lake Counties, Montana Department of Natural Resources and Conservation, Lolo National Forest.

these kind of reports
are a big joke!

Thank you for the opportunity to submit our comments. Your time on this important issue is appreciated by your constituents. We are equipment contractors and our comments will be focusing on the operations of fire suppression and how the agencies utilize contractors from our experiences and point of view.

Not knowing how familiar the committee is on how a business acquires a contract for fire fighting purposes, we would like to give you a brief overview of what we as contractors are told by the agencies and how we complete the process. In the next section of our comments we would like to review some of the issues that happen on the ground once fires are active relating to equipment contracting. Finally, some thoughts on the future of equipment contracting relating to fire.

First, the USFS is changing their process of signing up equipment due to regulations resulting from an audit saying that they needed to have a competitive bidding process to acquire contracts. This process is basically changing from EERA's (Emergency Equipment Rental Agreement) to Best Value contracting. The first phase in this region was water handling - Water Tenders/ Engines/ Skidgines/ Super Skidgines/ Pumper Cats/ Soft Tracks. The USFS has a list of other areas that will go to Best Value and when it will happen. For the time being, the heavy equipment such as cats/ graders/ excavators/ lowboys, etc are still done w/ a Pre-Season EERA, however they too, will be going to BV.

We used to contact our local forest and they would look up how much Chapter 20 said the piece of equipment was worth per day based on various criteria. Then you would receive an EERA for that year after submitting training certificates and insurance requirements, and your contract would be given to the dispatch office of that forest.

Last year was the first full year Best Value was utilized in obtaining a agreement for water handling. For our company, this meant three different contracts because the USFS programming system of EaTis could not complete all water handling on the system. Therefore it became very confusing very fast for us and for the agency personnel trying to manage the program out on the ground. Because no one was very versed on BV. Our skidgines were one contract, our water tenders were another contract, and the heavy equipment (grader, excavator, cat, lowboys, etc) were another contract. Everything you do w/ the agency has an agreement number obtained in pre-season and that is what identifies you w/ the agency and what your equipment is.

In order to obtain these agreements prior to fire season, there are several steps you have to complete. (Not necessarily in this order)

- ✓ Obtain a DUNS Number
- ✓ Register w/ CCR (Central Contractor Registration) Some Department of Defense program to insure you are not a terrorist affiliated organization (in simple terms) Renew yearly
- ✓ ORCA - Online Registration and Certification Something.... Renew yearly
- ✓ All equipment info - Serial Number, Horsepower, gallons hauled, year, make, model
- ✓ Aftermarket Certification - you as the contractor are responsible for hiring a mechanical engineer to certify your water tanks and baffling systems and their compatibility w/ the machine. (\$500-1000.00) and this engineer stamped document is given to the contracting officer.
- ✓ Pre-season inspections performed by a company that has a MOU agreement w/ the USFS. Includes pump tests, gallon certifications, loaded and unloaded weights at a certified scale to determine GVWR rating when fully loaded w/ water and crew, tire tread test, pressure tests on system and verification of each fitting & component required by the USFS. For water tenders/ engines proof of purchase of handheld USFS compatible radio (\$1000.00 purchase price) There are many more components to this inspection. It takes a very long time to get ready for it, and if you do not pass, you get one chance to fix things that are not in compliance and then re-examine to try and pass. You then receive a rating based on equipment condition which affects your overall standing in the priority list for dispatch. Some of the items on this list surpass DOT regulations for operations.
- ✓ Training of each employee- yearly renewal to obtain your card
- ✓ Verification of Training records, done by a MOU - \$30.00 per employee
- ✓ Insurance certificates verifying specific limits to contracting officer - Automotive/ General Liability/ Cargo
- ✓ Work Comp Certification Certificates to Contracting Officer

As you can see, this is a lengthy and expensive process to complete with all costs being covered by the potential contractor. It would be hard to put a monetary value on the effort it takes to complete these steps. We are told in pre-season that the DNRC will honor the USFS contracts when equipment is needed for a State fire. So when a USFS non-conforming piece of equipment is hired by the DNRC or the USFS at the incident, you can see why it is somewhat frustrating to those of us who have followed the process step by step to play the game by the rules the agencies have set forth.

However, in our opinion, the issue of *safety & liability* should be the biggest concern to the agency when it comes to signing up equipment at the incident. You don't have to be a Best Value contractor or possess a pre-season EERA to get a piece of equipment on a fire. The DNRC has the capacity to sign up resources at the "front door". We see it happen frequently. There are many contractors out there who will go to the base camp with their equipment and get on an incident - mostly State managed fires. This is because the DNRC has the capacity to hand write contracts on the spot. In theory, we understand the need for this. When a huge

fire is bearing down on a community, and someone is right there w/ a water tender willing to work, this would make perfect sense. But in the grand scheme of things, it is a big liability. Generally speaking, these contractors are not showing up w/ their filing cabinet full of all the documents that are needed to be a government contractor for incidences; or for that matter even the requirements needed to be an Independent Contractor in the terms set forth by the MT Dept of Labor & Industry.

Pre-season is the time for all your insurance requirements and training and equipment condition to be verified, not when the fire is racing toward a community. How can some of the contractors be fulfilling these specifications when the smoke plume is first visible? If they haven't completed the agreement process prior to this point, how do they even know what the insurance requirements or equipment requirements are for that year? Does the State of MT require different insurance & training than the feds? You don't see them show up w/ insurance certificates, training cards, equipment verifications in hand. Lots of the non - Best Value or non - EERA pieces you see out on the line at these large State fires cannot even pass a DOT inspections a pump capacity test or are within GVW limits of their equipment when hauling water. You can only assume this is the reason they do not pursue or obtain a Best Value Contract in pre-season - they cannot pass all the requirements listed above.

Those of us who have followed the process have a reasonable expectation that we will be placing our employees and equipment in safe situations where everyone is fully covered w/ appropriate liability insurance and trained employees should something happen. How do we as Best Value contractors know that when one of our water tenders is placed in the same division as a non-compliant water tender, and they are transporting water to and from the same drop points, utilizing the same fire roads, and the non - compliant water tender crashes into ours, can we be sure they have the appropriate coverage for liability? We are not the ones hiring that incident-only water tender, so we have no way of telling what they have for liability protection. If however, they are a Best Value contractor you have an assurance that the contracting officer for the government has already approved their merit to be a contracted piece of equipment.

As logging & equipment contractors, we have been instructed by the State of MT under the Independent Contractor campaign that we cannot hire a "gyppo" to haul our logs without first verifying the status of their insurance and obtain an independent contractors certificate and work comp exemption or proof, which we have to keep on file. If logging gypos do not provide that, we then cannot, and do not hire them. Who is keeping track of these things for "gyppo" fire pieces of equipment that show up at the front door of a fire and receive a hand written contract on the spot? We sometimes wonder if anyone at the incident even realizes the ramifications of some of these actions unfolding at the fire? Maybe the State has a better process in place than we can see, however, when we talk to our contacts at the USFS regarding these non-compliant resources at State fires, they tell us they have very little power over a State run fire and that the best approach to fixing this issue is by contacting our state congressional representatives.

We also have a realistic hope that non-compliant contractors have sent all their employees to fire training that year. And when we say *hope*, that's the best you can count on for incident-only contractors, because again, you know that Best Value or pre season EERA contractors have had to provide all of those training documents to the contracting officer in order to even obtain a contract from the government. It's not a comfortable feeling having your trained employees out on the line and in the same divisions as someone who has not had shelter deployment training for that year, or cannot even start the pump on their skidgine, because they haven't had it off the back forty since 2000 or 2003 when equipment contractors were in short supply like 2007.

Most of these incident -only contractors don't go out on fires yearly or multiple times a year like the Best Value & pre-season EERA contractors do. They don't have the employees or the knowledge to safely operate in extreme fire conditions and around your trained & experienced personnel. Again, you as the contractor are not choosing who you work with, because you are not the hiring these people. The safest situation is when you are assigned to a division that has operators from other Best Value companies who you have seen and worked with on previous fires - you know their capabilities and their company's commitment to follow the safety and training guidelines set forth by the government. They have the experience and this is not just a fire chaser who doesn't even show up with the appropriate PPE and cannot even figure out where to get the basics like water, fuel, or even their lunch.....

The Wal Marts of the world have not created self - check outs in their stores just because it's a novelty. It's an invention to cure the ongoing problems of finding good help in today's work place. We understand that the agencies have the same problems as Wal Mart. To much to do, with lots of multitasking needed, many good people retiring, and not enough qualified people to get it done. Unfortunately, we in the private sector have the same problems.

In some aspects however, you can see that the ultimate demise of finding quality contractors for fire fighting might stem from the use of non compliant equipment being utilized in times of emergency. In the contracting world outside of fire, you hear it all the time. "Why bother with all of that stuff? If the fires get bad enough, they'll sign us up anyway." However, in the big picture, it really creates an attitude of not even trying to become compliant under agency regulations. If this continues to happen, there will be fewer and fewer contractors out there willing to jump thru the hoops to meet the terms of the government requirements.

We sometimes begin to feel that way when we show up to a fire only to find incident -only pieces of equipment there before you were dispatched and in many cases staying on the incident longer than you. From a business perspective, you have to question the ultimate results and costs of taking the time to follow the rules and regulations that the government has put into place when it appears to be just as easy to walk on to a State fire. We don't just pay our bills and taxes by fire contracting, like so many other small Montana businesses, we have a multitude of things going on to keep us afloat. Like other equipment companies, we have begun to wonder if the aspect of fire contracting for our company is really a sound business decision considering the time it takes to focus on being a compliant contractor.

In our opinion, the USFS has such stringent regulations and a pretty complicated process to follow to become a contractor for the government. But then you look at what the State requires and how they acquire equipment at the incident, and there seems to be a huge gap in requirements - it didn't seem to be that different prior to Best Value. This would work fine, except for the gaps this creates in liability and safety. It appears that the feds and the State have different practices, yet we are told that the State will honor the federal agreements in pre-season, but in fire season , that doesn't necessarily happen.

What is the solution to this issue? Perhaps requiring the State of MT to hire only Best Value and pre season EERA approved equipment like the USFS is requiring. Next, enforcing the policies in the field and getting rid of any non-compliant equipment from the incident to prevent safety and liability concerns by providing qualified field administrators who are familiar with heavy equipment and the contracting process.

Thank you for your time and consideration. We appreciate your interest in the public opinion.

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