

# **FireWatch: A Citizen's Guide to Wildfire Suppression Monitoring**

## ***Part Two: A Guide to Acquiring Suppression Operations Documents and Data***



*by*

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Firefighters United for Safety, Ethics, & Ecology  
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[www.fusee.org](http://www.fusee.org)

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**ABOUT FIREFIGHTERS UNITED FOR SAFETY, ETHICS, and ECOLOGY (FUSEE):** FUSEE (pronounced FEW-zee) is a national nonprofit organization founded in 2004 that conducts public education and policy advocacy to promote safe, ethical, ecological fire management. FUSEE members include current and former wildland firefighters, fire management managers and scientists, fire educators and students, forest conservationists, rural homeowners and other interested citizens.

Inspired by the great Aldo Leopold's "Land Ethic," FUSEE promotes a new Fire Ethic in fire management policies and practices:

*"A thing is right when it contributes to the safety of firefighters and the public, ethical public service and use of taxpayer dollars, environmental protection of fire-affected landscapes, and ecological restoration of fire-dependent ecosystems. It is wrong when it tends otherwise."*

FUSEE informs, inspires and empowers firefighters and their citizen supporters to become torchbearers for the new paradigm of Ecological Fire Management.

For more information or to receive printed copies of  
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# INTRODUCTION TO THE FIREWATCH GUIDES

Along with an upsurge in wildfire activity across the U.S. has been a rapid escalation in risks to firefighters, costs to taxpayers, and environmental impacts on public lands from fire suppression activities. The climate crisis, suburban sprawl, and excess fuel loads resulting from past fire exclusion have all changed the fire environment in ways that make conventional suppression tools and techniques developed in the 20th century less effective in the 21st century. The aggressive suppression responses of managers attempting to avoid the short-term risk of escaped fires is externalizing greater risks to future generations of firefighters who, under the effects of climate change, will likely face wildfires burning under more severe fire weather conditions. But America has long since passed the point of diminishing returns: spending more and more money and resources on fire suppression is resulting in less effective protection of homes and communities from wildfire damage while fire-dependent ecosystems further decline.

The mounting risks, costs, and impacts of suppression actions are, paradoxically, a result of society's misguided combative relationship with wildland fire. The dominance of fire management by suppression, and its militaristic framing as fire fighting, accounts for much of the problem. Wildfire suppression operations on public lands are official "states of emergency" that are developed without prior environmental analysis or informed public involvement, and decisions to aggressively suppress nearly all wildfires no matter their location, conditions, or effects often run afoul of the best available fire ecology science and commonsense economic rationality. Most citizens are on the sidelines during wildfire incidents, and what little they learn about suppression actions they get from the news media, which, too often, uncritically relays the official spin of agency spokespersons. Consequently, firefighting actions often escape critical analysis or external oversight, leading to a systemic lack of agency transparency and accountability. That must change.

## **Wildland firefighters need your support**

Wildland firefighters always seek to optimize their "situational awareness." This applies to citizen watchdogs, as well. When citizens learn how to gain access to unmediated sources of wildfire suppression information and documents, critically analyze the data, and communicate their concerns to agency officials, they can become assets in helping fire managers make better decisions in wildfire responses. Wildland firefighters and the public they serve stand to benefit from increased public understanding and involvement in wildfire management, and improved agency transparency and accountability of suppression operations on public lands.

Firefighters United for Safety, Ethics and Ecology (FUSEE) offers *FireWatch: A Citizen's Guide to Wildfire Suppression Monitoring* to help environmental reporters, forest conservation groups, taxpayer watchdogs, and other concerned citizens learn how to monitor wildfire events and suppression operations occurring on public lands. The FireWatch Guide will provide people with step-by-step instructions and advice needed to access agency documents and analyze data on suppression operations.

The FireWatch Guide is divided into three parts. Part One details how to access information from government websites during wildfires in order to learn where they are located, where they might be heading, and what kinds of suppression resources have been dispatched to manage the fires. Reporters and local citizens can access these information sources on their own in real-time, and thus avoid being dependent on agency spokespersons which often involves delays between when events are happening and the time that news releases are issued.



*The course of any wildfire depends on four components: weather, fuel, terrain, and management actions. Understanding suppression actions by analyzing suppression records is a new and critical avenue for forest conservation work.*

Part Two explains how to access suppression operation documents after a wildfire. In most cases, these documents will require a Freedom of Information Act (FOIA) request, so tips on how to navigate the FOIA process are also provided. Part Three provides tips for citizens and groups to share their findings with fellow community members, and how to share their concerns with agency officials during, after, and especially *before* a fire. Together, the FireWatch Guides will help empower people to become citizen “Fire Watchers” that monitor wildfire suppression incidents, providing vital citizen input and public oversight to the agencies in ways that will help wildland firefighters be able to do their jobs more safely, ethically, and ecologically.



# FireWatch Guide Part Two:

## A Guide to Acquiring Suppression Operations Documents and Data

### The Doc Box: Essential Suppression Records to Acquire and Analyze

Like any other major bureaucratic endeavor, wildfire suppression incidents generate a lot of paperwork! A typical large wildfire can result in a roomful of boxes of documents for its Incident History File that collectively are known as the “Doc Box.” Thankfully, agencies are striving for a standardized system of files and folders that can make document retrieval more efficient, but it can be a case-by-case basis whether or not a given Forest Service unit or Incident Management Team (IMT) adheres to the uniform system for recording and storing suppression operations data. Some of these documents are stored temporarily for up to three years at a local administrative office (e.g. a Ranger Station or a Supervisor’s Office), while other documents are transferred to a Federal Records Center for up to seven years, and a few records are later stored permanently in National Archives.

As a general rule, records can be relatively easily retrieved while they are stored at a District or Supervisor’s Office (up to three years after the fire), but after that, it can be very difficult to recover suppression records after they are transferred to a storage center or the archives. After a period of seven years following a wildfire incident, most of the documents are scheduled for destruction, leaving just a few permanent records. A good rule of thumb then is to seek access to documents as soon as possible following a wildfire’s control. The timeline for gaining access to documents can last from several weeks to months or more, so it is best to get the process started early after a wildfire is contained and controlled. That is also when the information you get is most relevant to your community and the newsmedia, when memories are still relatively fresh and before they are clouded by new wildfire incidents.

The following pages provide a list of the specific files and folders to request from the Doc Box. Normally you will be required to file a formal FOIA request with the agency in order to gain access to these documents (see pages \_\_\_ for a template of a FOIA request letter). It is important to note that not



all documents on the following lists may be contained in the Doc Box if the agency unit did not choose to use those forms. As well, there may be some extra documents such as various “Narratives” in the Doc Box that are not on the list below--these unlisted documents that are may offer great information helping to explain the actions on the wildfire. If you can gain access to the Doc Box at the local agency office and go through the various files, you might discover some of these surprises. Usually you will be supervised by an agency representative--be sure to treat them with patience and respect, and they might be helpful in your review of the documents. You won’t be able to take any documents, but you might be able to get photocopies, and if not, note on a list the exact folder, file, and box number of the document you want, and you can later FOIA that specific document.

Note: The key documents for understanding the course of a wildfire suppression incident and its management actions, costs, and impacts are highlighted with check marks on the following lists. Some important documents that are not on the lists below include maps, the GIS data for all maps, and the “e-Isuite” data. You will want to FOIA those data that will be on electronic media (e.g. a thumb-drive or a C.D.) instead of hard-copy format

## PERMANENT RECORDS

Permanent Fire Incident Records Transfer to National Archives	
<input type="checkbox"/> Delegation of Authority/ Return of DOA	<input type="checkbox"/> Press Releases/Daily Media Updates
<input type="checkbox"/> Field Weather Observations (not RAWs)	<input type="checkbox"/> Photos, Essential annotated
<input type="checkbox"/> Final FBAN / LTAN / IMET Report	<input checked="" type="checkbox"/> <b>Significant Events Narrative</b>
<input checked="" type="checkbox"/> <b>Final Incident Narrative</b>	<input checked="" type="checkbox"/> <b>Special Interest / Political Inquiries</b>
<input checked="" type="checkbox"/> <b>Final Statement of Costs</b>	<input checked="" type="checkbox"/> <b>Wildland Fire Decision Support System – WFDSS (WFSa)</b>
<input type="checkbox"/> Final Fire Perimeter Map	
<input checked="" type="checkbox"/> <b>Final Fire Progression Map</b>	
<input type="checkbox"/> Final Jurisdiction / Ownership Map	
<input checked="" type="checkbox"/> <b>IAPs (original &amp; corrected for each date of the fire)</b>	
<input type="checkbox"/> ICS-201 Incident Briefing	
<input checked="" type="checkbox"/> <b>ICS-209 Incident Status Summary</b>	
<input type="checkbox"/> ICS-215 Planning Worksheet (if not filed with IAP)	
<input type="checkbox"/> ICS- 215A LCES Safety Analysis (if not filed with IAP)	
<input type="checkbox"/> Individual Fire Report (FS 5100-29/DI-1202)	
<input type="checkbox"/> Infrared Imagery w/ interpretation	
<input checked="" type="checkbox"/> <b>Mechanical Use in Wilderness Request</b>	
<input type="checkbox"/> Newspaper Clippings	

## TEMPORARY RECORDS

Temporary Fire Records COMMAND & ADMIN	
INCIDENT COMMANDER	<input type="checkbox"/> Public Meeting Agendas /Notes/ Briefings
<input type="checkbox"/> Agency Administrator Briefing/Packet	<input type="checkbox"/> Special Events / Tours / VIP Visits
<input type="checkbox"/> Disciplinary/Sensitive Items	<input type="checkbox"/> Thank You Letters
<input checked="" type="checkbox"/> <b>IMT Transition/Debriefing</b>	<input type="checkbox"/> Web Pages / Videos / Photos
<input type="checkbox"/> Incident Complexity Analysis	<input type="checkbox"/>
<input type="checkbox"/> Turnback Standards	<b>LIAISON / AGENCY REPS</b>
<input type="checkbox"/>	<input type="checkbox"/> Contact Log / Conversation Record
<b>HUMAN RESOURCES</b>	<input checked="" type="checkbox"/> <b>LOFR Significant Events</b>
<input type="checkbox"/> Critical Incident Stress Mgmt Narrative	<input type="checkbox"/>
<input type="checkbox"/> HR Significant Events Narrative / Reports	<b>SAFETY</b>
<input type="checkbox"/>	<input type="checkbox"/> Accident Investigation Reports
<b>INFORMATION</b>	<input type="checkbox"/> Hazard Abatement / Safety Strategy
<input type="checkbox"/> Community Relations / PSAs	<input type="checkbox"/> JHAs / Fire Shelter Training
<input type="checkbox"/> Closure Orders / Restrictions	<input type="checkbox"/> Safety Inspections / OSHA Reports
<input type="checkbox"/> Information Summary / Communication Strategy	<input type="checkbox"/> Safenets
<input type="checkbox"/> Media Log / Key Contacts / Traplines	

<b>Temporary Fire Records PLANNING SECTION</b>	
COMPUTER TECHNICAL SPECIALIST	RESOURCE ADVISOR
<input type="checkbox"/> Equipment / Property Records	<input checked="" type="checkbox"/> <b>Resource Advisor Info/Plans</b>
DEMOB UNIT	<input checked="" type="checkbox"/> <b>Suppression Repair/Rehab Plan</b>
<input type="checkbox"/> Demob Plan	RESOURCE UNIT
<input checked="" type="checkbox"/> <b>Final ISUITE / ROSS Database Printout</b>	<input type="checkbox"/> ICS - 207 Organization Chart
<input type="checkbox"/> ICS – 221 Demob Checkout – Aircraft	<input type="checkbox"/> ICS - 211 Check-in Lists
<input type="checkbox"/> ICS – 221 Demob Checkout – Crews	<input type="checkbox"/> Resource Tracking Glide Path
<input type="checkbox"/> ICS – 221 Demob Checkout – Emergency	SITUATION UNIT
<input type="checkbox"/> ICS – 221 Demob Checkout – Equipment	<input checked="" type="checkbox"/> <b>Final Fire Suppression Repair / Rehab Map</b>
<input type="checkbox"/> ICS – 221 Demob Checkout – Overhead	<input checked="" type="checkbox"/> <b>ICS - 209 Incident Status Summary</b> (Final to IHF)
<input type="checkbox"/> Performance Evaluations (OH/Crews/Equipment)	<input type="checkbox"/> Maps – Special Products (not daily ops)
<input type="checkbox"/> R & R Plan / Information	<input checked="" type="checkbox"/> <b>GIS Data</b>
DOCUMENTATION UNIT	TRAINING SPECIALIST
<input checked="" type="checkbox"/> <b>Master Documentation Index (copy)</b>	<input type="checkbox"/> Incident Training Narrative / Final Training Report
FIRE BEHAVIOR ANALYST / IMET	<input type="checkbox"/> Individual Records A-L
<input checked="" type="checkbox"/> <b>Fire Behavior Projections (FARSITE)</b>	<input type="checkbox"/> Individual Records M-Z

<b>Temporary Fire Records LOGISTICS SECTION</b>	
COMMUNICATION UNIT	MEDICAL UNIT
<input type="checkbox"/> Communications Equipment Inventory	<input type="checkbox"/> Accident Action Plan
<input type="checkbox"/> Radio Traffic Logs / Telephone Logs	<input type="checkbox"/> Medical Injury / Treatment Log
<input type="checkbox"/> Repeater Site Documentation	<input type="checkbox"/> Medical Issue Log
<input type="checkbox"/> Radio Repairs	SECURITY UNIT
FACILITIES UNIT	<input type="checkbox"/> Patrol Logs
<input type="checkbox"/> Facilities Health Inspections	<input type="checkbox"/> Security Plan
FOOD UNIT	SUPPLY UNIT
<input type="checkbox"/> Caterer – Menu / Meal Logs	<input type="checkbox"/> Accountable Property Summary to Cache
<input type="checkbox"/> Caterer – Orders / Waybills	<input type="checkbox"/> AD-112s, Incident Replacement Requisitions
<input type="checkbox"/> Food/ Caterer Health Inspections	<input type="checkbox"/> Cache Issue Report
GROUND SUPPORT UNIT	<input type="checkbox"/> Daily Inventory
<input type="checkbox"/> Equipment Repair Orders	<input type="checkbox"/> Fire Property Issue Logs
<input type="checkbox"/> Hazard Mitigation – Noxious weeds / Hazmat	<input type="checkbox"/> Property Loss/Damage Report
<input type="checkbox"/> ICS - 212 Demob Vehicle Safety Inspection	<input type="checkbox"/> Resource Orders – <b>OVERHEAD/CREWS/EQUIP/SUPP</b>
<input type="checkbox"/> ICS - 218 Support/Transportation Vehicle Inventory	<input type="checkbox"/> Saw Part Orders
<input type="checkbox"/> OF - 296 Vehicle/Heavy Equipment Inspection Checklist	<input type="checkbox"/> Supply Issue Logs
<input type="checkbox"/> Rental Vehicle Checkout List	<input type="checkbox"/> Supply Orders, General (ICS-213)
<input type="checkbox"/> Rental Vehicle Inventory	<input type="checkbox"/> Waybills / Buying Team Waybills
<input type="checkbox"/> Vehicle Dispatch Logs – Buses, PUs, etc	



<b>Temporary Fire Records OPERATIONS SECTION</b>	
OPERATIONS	<input type="checkbox"/> Load Calculations / Manifests
✓ <b>Contingency Plan(s)</b>	<input type="checkbox"/> Mission Request / Flight Following Log
<input type="checkbox"/> Demob Glide Path	✓ <b>Retardant Drop Tracking</b>
<input type="checkbox"/> Evacuation / Re-entry Plans	<input type="checkbox"/> Safecomms
✓ <b>Strategy / Tactics</b>	<input type="checkbox"/> Temporary Flight Restrictions (TFRs)
✓ <b>Structure Protection Plan(s)</b>	
<input type="checkbox"/>	
AIR OPERATIONS	
<input type="checkbox"/> Aircraft Authorizations	
<input type="checkbox"/> Flight Use / Hour Tracking (FS 127 / OES 23)	
✓ <b>Helibase Daily Use / Cost Summary</b>	
<input type="checkbox"/> Helibase Information (misc)	
✓ <b>Helicopter Daily Use / Cost Summary</b>	
<input type="checkbox"/> Helicopter Briefing / Debriefing Checklist	
<input type="checkbox"/> Helicopter Crew Information Sheet	
<input type="checkbox"/> Helicopter Information Sheet	
<input type="checkbox"/> Helicopter Demob Information Sheet	

<b>Temporary Fiscal Records FINANCE SECTION</b>	
<input type="checkbox"/> Land Use Agreements	<input type="checkbox"/> Commissary-Contract/Costs/Claims
COMP / CLAIMS UNIT	<input type="checkbox"/> Contract Letter to CO
Comp for Injury Documents / Logs	<input type="checkbox"/> Contractor Performance Evaluations
<input type="checkbox"/> Property Damage Claims / Logs	<input type="checkbox"/> Equipment Time / Records / Claims
COST UNIT	<input type="checkbox"/> Invoices / Issue Reports
✓ <b>Aircraft cost – Rotary / Fixed Wing</b>	<input type="checkbox"/> Operating Plan
<input type="checkbox"/> Cost Share Apportionment / Agreements	<input type="checkbox"/> Pricing Issues
✓ <b>Cost Summary (Cumulative)</b>	TIME UNIT
<input type="checkbox"/> Cost Management	<input type="checkbox"/> Excessive Shift Justification
✓ <b>e-ISUITE Daily Cost Tracking Printout</b>	<input type="checkbox"/> I-9s and Tax Forms
PROCUREMENT UNIT	<input type="checkbox"/> Length of Assignment Extension
<input type="checkbox"/> Buying Team Purchase Receipts	<input type="checkbox"/> Personnel Time Records
<input type="checkbox"/> Buying Team Purchase Log	<input type="checkbox"/> Work / Rest Justification / Worksheet
<input type="checkbox"/> Buying Team Equipment Log	<input type="checkbox"/>

<b>Temporary Fire Records ICS-213 GENERAL MESSAGES</b>	<b>Temporary Fire Records ICS-214 UNIT LOGS</b>
✓ <b>COMMAND / ADMIN</b>	✓ <b>COMMAND / ADMIN</b>
✓ <b>FINANCE SECTION</b>	✓ <b>FINANCE SECTION</b>
✓ <b>LOGISTICS SECTION</b>	✓ <b>LOGISTICS SECTION</b>
✓ <b>PLANNING SECTION</b>	✓ <b>PLANNING SECTION</b>
✓ <b>OPERATIONS SECTION</b>	✓ <b>OPERATIONS SECTION</b>

<b>ELECTRONIC RECORDS</b>	
✓ <b>COMMAND / ADMIN</b>	
✓ <b>FINANCE SECTION</b>	
✓ <b>LOGISTICS SECTION</b>	
✓ <b>PLANNING SECTION</b>	
✓ <b>GIS DATA</b>	
✓ <b>OPERATIONS SECTION</b>	



*Analyzing suppression records can help determine the areas where wildfire spread advanced through backfire and burnout actions such as the use of a “helitorch” pictured above.*

## **How to Use Freedom of Information Act (FOIA) Requests to Acquire Fire Documents and Data**

Knowing what hardcopy documents to examine is one thing, getting access to read them is another. In this endeavor it can be a time-consuming challenge, but patience and perseverance will pay off. The best way to get documents is to simply ask for them from the particular agency, department, staff person(s) who deal with suppression documents. Sometimes, especially if you already have established good relations with your local Forest Service unit or staff, you can succeed with this approach. However, in most cases, you will be asked to submit a formal Freedom of Information Act (FOIA) request before you can get the documents. Even friendly and otherwise cooperative agency staff are usually not authorized to release internal documents to the public outside a FOIA request. Citizens should not assume that FOIA requests are necessarily adversarial in nature, or that government agencies have something to hide in requiring you to go through the FOIA process, or that you will insult or anger agency staff by sending a FOIA letter. Rather, the FOIA process is a standardized process that both empowers citizens with and protects employees with legal rights for sharing information between government agencies and citizens. So, fear not: FOIA those fire records!

### **How and When to FOIA Fire Documents**

Although a FOIA request letter can be sent at any time, it makes sense to wait until a given wildfire has been contained and controlled, and ideally is declared “out” before sending your FOIA letter. A typical large wildfire generates several boxes of paperwork, and close-out from a suppression incident can take several weeks to conclude. If it’s during wildfire season when many staff are away from their normal positions and are working on fires, there may not be sufficient personnel to process your request. The FOIA process will take some time, and there will be a lag between your request and the agency’s responses, so this process is most successful when conducted well after the suppression incident of your interest has been concluded, and wildfire season has ended.

However, note that access to documents is most efficient within the first couple of years after a wildfire incident. After three years following an incident, records may leave a local agency unit and be sent to a distant archival warehouse, and thus documents will become more difficult and time-consuming to get. After a period of seven years following an incident, records may be destroyed, leaving only a few documents to be permanently stored.

Call up the pertinent National Forest Supervisor's Office and ask for the name and address of their FOIA Coordinator. Send your letter via certified mail with return receipt requested to that coordinator. It will cost a little more to send a letter this way, but it will also provide a formal start of the clock for the agency to respond. Some agencies are also allowing FOIA requests to be submitted online, and you may choose to do that, but send in a hardcopy letter as well just to ensure its receipt by the agency. By law, the agency must respond to your request within 20 business days of receipt of your FOIA request letter indicating how they will process your request. Be prepared for a lag of several weeks to several months before you see your documents, though!

A simple request for a few documents will get a speedier response and document delivery than a complex request for several documents or voluminous records, but ask for what you need. For complex requests, the FOIA Coordinator may begin a negotiation process with you, asking you to narrow your list of documents and/or prioritize the order of documents to receive. It is entirely your discretion whether or not you agree to those requests, since you are legally entitled to most documents you seek, but choosing to work with the FOIA coordinator to help streamline their process is recommended. If you are denied access to certain documents or are not satisfied with their response, you have options to appeal the agency's decisions, and if still not satisfied, you have legal rights to sue the agency under the FOIA in order to gain access to documents.

The following is a sample FOIA request letter that has been successfully used by FUSEE to gain access to suppression operations documents. The list of documents in the sample letter is just an example--you may want to modify it according to your needs or interests. Use the sample letter as a template, inserting the relevant information in the text marked by brackets or red font. Feel free to add more material, especially specific information about you or your organization that can bolster your case for a fee waiver, but for best success do not delete any of the "legalistic" language in your request letter. For additional information, tips, and resources on the FOIA process, check out the National Freedom of Information Coalition: <https://www.nfoic.org/>

The sample letter below is written not only to gain access to government documents, but also to make the case that those documents should be sent to you free of charge. The first 100 pages of documents is supposed to be given for free, but the government can require a standard fee up to \$25 for document retrieval and photocopying, and the government can ask for a copying fee for every page of every document after that first 100. Increasingly, agencies have been sending documents on electronic media (e.g. a thumbdrive or C.D.) instead of photocopied hardcopies, but they still may demand payment of fees for scanning charges unless you have a fee waiver. Thus, your goal should be to get free access to all the suppression documents of interest. Good luck--FOIA that fire!



*The locations of aerial retardant drops are a key issue, especially when retardant may pollute bodies of water.*

# SAMPLE FOIA REQUEST LETTER

Date: **XXX**

Via Certified U.S. Mail – Return Receipt Requested

**[Name and address of local FOIA Coordinator]**

RE: FREEDOM OF INFORMATION ACT REQUEST

This letter comprises a request under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, et. seq., and implementing regulations, 36 C.F.R. § 200, et seq., and 7 C.F.R. § 1.1, et seq., by **[your name and/or organization]** for information related to management of the **XXX** wildland fire incident on the **XXX** National Forest<sup>1</sup>. Specifically, **[your name/organization]** requests information about fire management operations, as described below<sup>2</sup>.

## COMMAND & ADMINISTRATION

- Final incident narrative
- Incident management team transition / debriefing
- Incident complexity analysis
- Wildland Fire Decision Support System (“WFDSS”) products
- Mechanical use in Wilderness request and authorization
- LOFR significant events
- Significant events narrative
- Special interest / political inquiries
- Communications of forest supervisor and/or area administrators with elected officials or their staff

## PLANNING

- Master or Incident documentation index
- Photographs and images
- Final FBAN / LTAN reports
- Fire behavior projections
- FARSITE products
- Resource advisor information / plans
- Suppression repair / rehab plan
- Incident Action Plans (IAPs, both original and corrected for each date of incident)
- Final agency jurisdiction/ownership map
- Final fire perimeter map
- Final fire progression map
- Final fire suppression repair / rehab map
- ICS-209 incident status summaries (all dates including final)
- Structural damage assessment

## OPERATIONS

- Contingency plan(s)
- Strategy / tactics
- Structure protection plan(s)
- Aircraft authorizations
- Helibase daily use / cost summary
- Helicopter daily use / cost summary
- Retardant drop tracking

<sup>1</sup> The term, “information,” in this FOIA request, includes all forms of written or recorded matter, including file indexes or indices, correspondence, letters, memoranda, records, e-mail, data sheets, tabulations, statistics, reports, evaluations, summaries, opinions, journals, calendars, notes, transcriptions, telegrams, teletypes, telex messages, telefaxes, recordings or notes of telephone calls, and other communications including but not limited to written materials related to telephone conversations or conferences, minutes or notes of meetings, and other information of any type electronically stored that may be retrieved in printed, graphic, or audio form (for example, data stored as MPEG, JPEG, GIF, PDF, .doc, and other electronic files). Additionally, the term, “information,” refers to the exchange of text messages and files over any communication network, such as a local area network, intranet, extranet, or public network like the Internet or other online service provider, as well as messages exchanged in written, audio, or other forms with external customers or agencies.

<sup>2</sup> See attached to this letter, “Master Documentation Index, Version Apr 2016,” a product of the National Interagency Fire Center, listing standards for organization of fire incident management records. FUSEE supplies this document for convenience, and to expedite gathering of responsive information.

## FINANCE

Aircraft cost – rotary / fixed wing  
Cost summary (cumulative)  
Cost management  
e-ISUITE daily cost tracking  
Final Statement of Costs

Responsive information includes all matter produced or received by the XXX National Forest, its personnel, contractors, and cooperating agencies, within the scope of the enumerated items listed above. This FOIA request is not meant to be exclusive of any other information that, though not specifically requested, would have a reasonable relationship to the subject matter of this request.

[your name/organization] asks that information responsive to this FOIA request be delivered in electronic form, if available, to reduce paper consumption and duplication costs to the government.

## FEE WAIVER REQUEST

[your name/organization] respectfully requests a waiver of all fees and costs associated with this FOIA inquiry. Specifically, [your name/organization] requests waiver of any fee or cost that may result from search, gathering, organization, and delivery of responsive information. The FOIA requires federal government agencies to furnish information to requesters free of charge “if disclosure of the information is in the public interest.” 5 U.S.C. § 552(a)(4)(A)(iii).

[your name/organization] is a domestic 501(c)(3) non-profit organization incorporated under the procedures and requirements established by the U.S. Internal Revenue Service. For reasons explained below, [your name/organization] meets the statutory test under the FOIA for waiver of fees and costs. 5 U.S.C. § 552(a)(4)(A)(iii); also see *Judicial Watch v. Rossotti*, 326 F.3d 1309 (D.C. Cir. 2003). In considering whether [your name/organization] meets the fee waiver criteria, please note that the FOIA carries a presumption of disclosure. Congress specifically designed the fee waiver amendments of 1986 to afford entities such as [your name/organization] access to government documents and information without monetary payment. As stated by one senior member of the U.S. Senate Judicial Committee, “[A]gencies should not be allowed to use fees as an offensive weapon against requesters seeking access to Government information . . .” 132 Cong. Rec. S. 14298 (statement of Sen. Leahy).

The Ninth Circuit of the U.S. Court of Appeals decided that the amended FOIA statute “is to be liberally construed in favor of waivers for noncommercial requesters.” *McClellan Ecological Seepage Situation v. Carlucci*, 835 F.2d 1282, 1284 (9th Cir. 1987) (citing Sen. Leahy). Both the Ninth Circuit and the D.C. Circuit federal appellate courts held that the 1986 amendment’s main purpose is “to remove the roadblocks and technicalities which have been used by various Federal agencies to deny waivers or reductions of fees under the FOIA.” *Id.*; also see *Judicial Watch*, 326 F.3d at 1315.

Congress and the federal courts unequivocally ordered executive agencies, including the U.S. Forest Service, to provide access of non-commercial requesters, such as [your name/organization], to government records under the FOIA. The D.C. Circuit Court of Appeals held that the fee waiver provision was added to FOIA “in an attempt to prevent government agencies from using high fees to discourage certain types of requesters and requests,” with explicit reference to requests from journalists, scholars, and non-profit organizations. *Better Government Association v. Department of State*, 780 F.2d 86, 93-94 (D.C. Cir. 1986), quoting *Ettlinger v. Federal Bureau of Investigation*, 596 F. Supp. 867, 876 (D. Mass. 1984).

### ***I. Disclosure of requested information is in the public interest because it will significantly contribute to public understanding of government activities.***

#### ***A. The FOIA request concerns activities of the government.***

The subject matter of this FOIA request concerns federal agency management of wildland fire on national forest lands. From XXX, to at least XXX, the U.S. Forest Service deployed resources to manage the XXX wildland fire incident, and cooperated with multiple government agencies. The FOIA ensures public oversight and factually accurate understanding of government management of public land through information requests such as this one. [your name/organization] will use the requested information to fulfill its mission and established function as a provider of analysis of government activities that deploy public resources to manage wildland fire on public land.

#### ***B. Disclosure will contribute to public understanding of government activities.***

The requested information will provide [your name/organization], its members and supporters, and the public otherwise unavailable insight into U.S. Forest Service management of the XXX wildland fire incident on national forest lands. This FOIA request is motivated by specific questions regarding the timing, location, costs, and effectiveness of U.S. Forest Service deployment of public resources managing the XXX incident, and how fire management operations responded to policy and adapted to changing circumstances. The information sought in this FOIA request will contribute to public understanding of how resource deployment choices were made, how



values at-risk factored into management choices, and how fire operations obeyed commands of Congress in the Multiple Use and Sustained Yield Act, the National Forest Management Act, the Clean Water Act, the Endangered Species Act, and other relevant statutes.

Information concerning U.S. Forest Service fire management policy and practices at the **XXX** incident, and their effects on wildfire suppression operations and the local environment, is of unquestionably significant interest to ongoing public discourse regarding wildfire suppression costs, wilderness fire management, ecosystem restoration, community protection, and firefighter and public safety. The requested information will contribute to public understanding and oversight of Forest Service operations and their relation to the public's wishes concerning wildland fire management.

The public always is served when it knows how government activities are conducted. See *Judicial Watch*, 326 F.3d at 1314 (“[T]he American people have as much interest in knowing that key [agency] decisions are free from the taint of conflict of interest as they have in discovering that they are not.”). In *McClellan*, the court held that the “[FOIA] legislative history suggests that information [has more potential to contribute to public understanding] to the degree that the information is new and supports public oversight of agency operations...” *McClellan*, 835 F.2d at 1286. In this case, the information sought by this FOIA request will provide new insight about wildland fire management resource deployment on public land that has not heretofore been disclosed to the public at large.

Most of the information requested by **[your name/organization]** is not currently available in the public domain. Its release free of charge is certain to improve public understanding of government activities affecting wildland fire management on national forest lands. It is not relevant to the purpose of evaluating a fee waiver request if any portion of the subject information is available in the public domain. **[your name/organization]** requests considerably more than any one piece of information that may be available on “Inciweb,” or in a single document posted on a government website. See *Judicial Watch*, 326 F.3d at 1314-1315; also see *Western Watersheds Project v. Brown*, 318 F.Supp.2d 1036, 1040 (D. Id. 2004) (“WWP asserted in its initial request that the information requested was either not readily available or never provided to the public, facts never contradicted by the BLM. Therefore, the Court finds that WWP adequately demonstrated that the information would contribute significantly to public understanding.”); also see *Community Legal Services v. Housing and Urban Development*, 405 F.Supp.2d 553 (D. Pa. 2005) (holding fee waiver justified where disclosure “would likely shed light on information that is new to the interested public.”).

The requested information will support public oversight of Forest Service activities related to management of a specific wildland fire incident on national forest land. **[your name/organization]** will apply the requested information to its ongoing research and public reporting of wildland fire management practices, fiscal costs, and environmental effects. See *Western Watersheds Project*, 318 F.Supp.2d at 1040 (“In the letter denying the appeal, the FOIA stated that WWP had failed to demonstrate...how the information would contribute to the understanding of the general public of the operations or activities of the government. The Court, however...finds that WWP adequately specified the public interest to be served, that is, educating the public about the ecological conditions of the land managed by the BLM and...how management strategies employed by the BLM may adversely affect the environment.”).

**C. **[your name/organization]** will broadly disseminate the requested information.**

In determining whether disclosure of requested information will significantly contribute to public understanding, the test is whether the requester will disseminate the information to a reasonably broad audience of persons interested in the subject. See *Carney v. U.S. Dept. of Justice*, 19 F.3d 807 (2nd Cir. 1994). **[your name/organization]** does not need to show how it intends to distribute the requested information because “[n]othing in FOIA, the [agency] regulation, or our case law require[s] such pointless specificity.” *Judicial Watch*, 326 F.3d at 1314. It is sufficient for the purposes of a fee waiver request that **[your name/organization]** demonstrates its capacity to distribute information to the public. Id.

**[your name/organization]** will use information obtained from this FOIA request to educate the public about the context, circumstances, costs, and effects of wildland fire management at the **XXX** incident in broadly circulated public discourse. Even if the requested information does not reveal a need to compel agency action by legal means, that fact would not diminish the value of disclosure in service of the public interest. See *Judicial Watch*, 326 F.3d at 1314.

**[your name/organization]** will analyze the requested information to produce a report as part of its ongoing review of Forest Service fire management policies and operations. The report will be published on our website and disseminated to the media, conservation organizations, fire management professionals, and members of Congress. More, **[your name/organization]** will make the requested information available in presentations at professional fire science and management conferences, other public events, and in publications and educational materials of our own production.

**[your name/organization]** may use the requested information to inform news reporting about national forest management, and may also apply the requested information in published analysis with global circulation. The requested information may circulate in the public domain through any or all such means. See *Forest Guardians v. Department of Interior*, 416 F.3d 1173, 1180 (10th Cir. 2005) (“Among other things, Forest Guardians publishes an online newsletter, which is e-mailed to more than 2,500 people and stated that it intends to establish an interactive grazing web site with the information obtained from the BLM. By demonstrating that the records

are meaningfully informative to the general public and how it will disseminate such information, Forest Guardians has shown that the requested information is likely to contribute to the public's understanding of the BLM's operations and activities.”).

In granting fee waivers to [your name/organization], federal agencies recognize: (1) [your name/organization] information request will significantly contribute to public understanding of the operations or activities of the government; (2) [your name/organization] information request will enhance public understanding to a greater degree than existed prior to its requests; and (3) [your name/organization] is able to broadly disseminate requested information to the public.

Furthermore, [your name/organization] intends to make the requested information available to the public at [name of a local public or university library] that is accessible to all members of the public. Therefore, interested members of the public will thereby have access to the information contained in the materials disclosed in response to this request.

## **II. Requested information is of no commercial interest to [your name/organization].**

[your name/organization] has no commercial or financial interest in the requested information, and makes this FOIA request solely to access, analyze, and disseminate it in the public domain. [your name/organization] can realize no commercial benefit from disclosure of the requested information free of charge because it is a non-profit organization. Access to government information through the FOIA is essential to [your name/organization] mission, to democratic government, and to the public interest.

### **NO STATUTORY EXEMPTION**

No statutory exemption from the mandatory disclosure provisions of the FOIA applies to this request. Therefore, [your name/organization] looks forward to receiving a written response from the U.S. Forest Service to this FOIA request within 20 working days, as commanded by statute. Information responsive to this FOIA request should be provided in a reasonable time and sequence, to be agreed upon by [your name/organization] and the Forest Service.

If this request for information and fee waiver is denied in whole, or in part, please:

- (1) Justify the denial in writing with reference to specific exemptions in the FOIA.
- (2) Describe the withheld information in as much detail as is permitted by law.
- (3) Release and deliver any separable or otherwise non-exempt information.
- (4) State reasons for not invoking discretion to release information in the public interest.

A written statement by the government of reasons for withholding information or denying the requested fee waiver will assist [your name/organization] decision-making about whether to undertake an administrative appeal and may help to avoid unnecessary civil litigation. [your name/organization] reserves the right to appeal the withholding or deletion of any information, or the denial of a fee waiver, and expects that the Forest Service will list the office and address where such an appeal may be sent.

Thank you in advance for your time and effort producing a written reply to this FOIA request within 20 working days. Please contact me at the phone number or e-mail address below with any questions regarding this FOIA request.

Sincerely,

**[your name printed and signed with your mailing address, email address, and phone number]**

# The Doc Box Essentials

A typical wildfire suppression incident will generate lots of paperwork, and once you gain access to the documents, it helps to know what to look for. The following includes some of the key data to search for in each of the types of documents. With this data you can reconstruct key moments, actions, and decisions in suppression operations to better understand the course of events.

**Incident Status Summary (ICS-209)** – Produced twice daily by the Incident Management Team (IMT) and submitted to the local dispatch center. Includes the following critical information:

- Current Size
- Incident Commander (changes with each new IMT every 2-3 weeks for long duration fires)
- IMT Type (Type 1, 2 or 3. Type 4 & 5 fires usually don't meet the criteria for upward reporting via the ICS-209. Type 1 & 2 IMTs have standing rosters and are regional, while Type 3 IMTs are usually local)
- Fire Suppression Strategy (this is key, as anything other than full suppression indicates a more progressive willingness to allow some acres to burn in the interest of firefighter safety or resource benefits).
- Values at Risk and Resource Needs (often overstated, as this portion determines which incident gets additional resources and which incident has to make do, when many fires are burning and available resources become limited)
- Observed Fuel Type, Fire Behavior, and Weather
- A Tally of Personnel by Type and Agency
- Cost to Date, Projected Final Cost

**Letter of Delegation or Delegation of Authority** – written for each incoming IMT from the Agency Administrator delegating authority to manage the incident on behalf of the Agency Administrator. This brief 1-2 page document highlights the important individuals and their contacts with whom the Agency Administrator expects the IMT to work closely with, like:

- Tribal Liaison
- Community Liaison (or Fire Safe Council contact)
- Lead Resource Advisor or Other Specialists
- Other Potential Stakeholders, and
- Brief Expectations on How the Incident will be Managed (inclusiveness, economic impacts, broad environmental direction, etc.). Specifics are found in the WFDSS Decision Documents (see below)

**Wildland Fire Decision Support System (WFDSS)** – This document is prepared by the host unit and is approved by the Agency Administrator. It represents the direction from the Agency Administrator to the IMT on how the incident is to be managed. Successive decisions after the initial decision are usually developed collaboratively between the Agency Administrator, his/her staff, and the Planning Section of the IMT. The largest, most complex fires will usually only have a half dozen, or so, decisions. A new Decision Document is required whenever the overarching incident strategy changes, or when the fire grows beyond the scope of the current decision. The WFDSS Decision Document contains:

- Current Size – including maps and photos
- Planning Area - the maximum “sandbox” within which the decision analysis is valid. Should the fire exceed the planning area, a new decision document is required.
- Values at risk within the planning area.

- Incident objectives & requirements – developed specifically for the incident, look carefully at WFDSS objectives developed by the Agency Administrator, in contrast to the IMT-generated objectives found in the IAP. Discrepancies and timing of changes could indicate potential areas of friction or disagreement between the IMT and the host unit.
- Strategic objectives and management requirements – autofill content that is spatially linked, derived from National & Regional, as well as Forest (or other unit-specific) Plan direction
- Current & predicted weather, fire danger, fuel conditions, as well as detailed risk assessments, often in the form of various fire behavior model runs, including the probabilistic FSPro. Taken together, these assessments should support the actions described in the decision document.
- Course of action includes specific actions to be taken on the fire and includes any Management Action Point (MAP). A MAP can be spatial (a line on the map, which the fire must cross), temporal (after a certain date), or some other measurable trigger (e.g. smoke concentration). When the threshold is reached, an action is triggered. The resources required and the cost are often estimated, along with the stated action associated with each MAP.
- Finally, the rationale section should have a short running narrative of the incident up to the publication date of the decision document to “tell the story” of the fire. More importantly, the rationale should tie all the other decision document material together into a cogent statement of why a particular course of action was selected, including any alternatives, and why those were dismissed.

**Daily Incident Action Plan (IAP)** – Produced for distribution to all fire personnel for each shift (2/day if there is a day and night shift) by the IMT. CalFire IAPs available from the nifc ftp site. Fed IAPs must be obtained through FOIA, or more readily for both, at the beginning of each day’s shift in fire camp.

- Incident Objectives
- Organizational Structure
- Weather and Fire Behavior Forecasts for the Day
- Resources Assigned and Day’s Objective for Each Division on the Fire
- Communications Plan, Medical Plan (for line personnel medical emergencies), and other safety information.

**e-ISuite** – Database maintained by the Finance Section of the IMT to track all costs. Many custom reports are available for cost breakdown by time and resource type. All governmental and private resources on the incident post their time through this system, allowing IMTs to get a running tally of the fire costs, which informs the ICS-209 and the Daily Cost Summary, a required daily hard copy document. Some say private contract use rates are not public information, but that’s debatable. Resource categories are:

- Aircraft
- Overhead (individual positions)
- Crews
- Equipment (includes fireline-going engines, dozers, water tenders, excavators, etc., but also includes expensive camp facilities, like the food unit, showers, laundry service, remote internet connectivity, etc.)
- All Personnel
- All Non-Personnel

**Dispatch Logs** – This is for really getting down into the weeds on who said what to whom, and when it happened. The dispatch log, often generated by a piece of software called WildCAD, time and date stamps all radio communication between the fire and the local dispatch center, or Emergency Communications Center (ECC).

**Incident Management Team Narrative** – Usually a nicely bound document submitted to the host unit at the team closeout when each IMT's 2-3 week assignment to the incident has been completed. It is a summary of the IMT's actions on the incident, with each section (Command, Planning, Finance, Operations, Logistics) reporting their actions. It has much of the same information as found in the Transition Plan (below), but fewer specifics, since it is intended for briefing the Agency Administrator, rather than an incoming IMT.

**Incident Transition Plan(s)** – A document completed for handoff of an incident from one IMT to another. It contains all the pertinent information that needs to be shared, including:

- Exactly how and when the transition will take place
- Control and management objectives (the latter should mirror WFDSS objectives)
- Current strategy and tactics
- Organizational needs
- Resources assigned and how much time they have left on their 14 days (max assignment length)
- Safety – major safety issues, reportable injuries, evacuations
- Information/Liaison Officers – Number of public meetings held & attendance, information board locations, media contacts, social media information, political considerations, closure orders, names and contacts for various stakeholder representatives, issues or concerns expressed, opportunities for improved relations
- Resource Advisor Concerns/Issues
- Finance – Cost-to-date, status of land use agreements, names and contacts for Agency Incident Business Advisor (IBA) and Buying Unit (if assigned), documentation for any cost containment activities.
- Location of Remote Weather Stations
- Location of Radio Repeaters

## **Other Documents**

**Firing Plan** – required for larger burnout or backfire operations, spells out the organization and sequencing of firing operations

**Strategic Operations Plan** – Long-term events in wilderness and roadless areas will sometimes have this document, separate from the WFDSS Decision, that go into risk assessment details, point protection plans, management action points, and other relevant information to this sort of wildland fire. If communities or rural housing enclaves are present, evacuation and structure protection plans may be included

**Daily Unit Logs** – all personnel are supposed to keep these, but most don't. Should be a time stamped list of actions taken throughout the day. These become more important the higher up in the incident organization you go. Like dispatch logs, this is really getting into the weeds, for when you are fishing for a certain event on a certain day.

**Aviation Documents** – Helicopter, Helibase or Airbase (to capture airtanker use) Incident Daily Use/Cost Summary and any available retardant application maps. The latter is important to assure any misapplication of retardant is documented per the retardant litigation court direction.



## Conclusion

All documents going into the suppression incident documentation package are public records and thus may be recovered through the FOIA process. FOIA requests are known to be slow and seemingly random in the thoroughness with which the agency engages in the request. If requests come during wildfire season when many employees are out on fire assignments, your case might be handled by an employee filling in on temporary assignment who does not normally handle FOIA requests. Do not be surprised if your FOIA handler is not a fire management expert, is unfamiliar with the Doc Box, or may have a lackluster commitment to customer service and your request. Be friendly and patient in working with agency staff, but not too patient! Be mentally prepared for a process that may take a few months, but be delighted if your request is handled in a few weeks.

Each Incident Management Team (IMT) has a Documentation Unit Leader that is responsible for compiling all suppression records and hands off these records to the local Forest Service unit as they leave the fire. Because IMTs may rotate on any given incident, and large-scale long-duration wildfires may see several different IMTs working on the fire, the quantity and quality of records may vary from team to team. Some of the items listed in the Doc Box may not have been compiled by a given IMT, and there may be some extra documents of incredible value to citizen monitors that are not part of the standardized Doc Box list. It pays to build rapport, if possible, with the agency employee handling your FOIA request in order to probe for both “gaps” in documentation and the surprising “extras” in the Doc Box.

The Doc Box usually stay out in the field until the end of that fire season, when it gets warehoused at a USFS Ranger Station or Supervisor’s Office and the clock starts ticking on the many documents that are destroyed after a given period (see the difference between “Permanent” and “Temporary” records in the lists above). It’s important to remember that the Doc Boxes only stay on the home unit for three years after the incident. Then they’re shipped to a Federal Records Center, further complicating document retrieval and analysis. After seven years from the suppression incident, all the documentation that is not part of the permanent Incident History File is destroyed. After 20 years the documentation passes onto the National Archives where retrieval of specific documents may be impossible. The bottom line: the timing of your FOIA request is of utmost importance in terms of gaining access to documents--make sure your letter is sent not too early, but not too late. Once the process is started and you hear from an agency employee, then the tone of your communications through what might be a prolonged negotiation process to get your documents piecemeal or wholesale will be most important. In general, best results will flow from treating agency employees with friendliness and respect as public servants. Even if your request is denied, delayed, or frustrated by selective or redacted release of information, those decisions were usually made by agency superiors, not the person working with you on your document request. For tips on establishing good communications and productive working relationships with agency employees, see FireWatch Guide Part Three.



*The locations of bulldozer firelines or “catlines” are a key issue in assessing suppression damage.*