

**EMERY GAP FIRE  
COST SHARE AGREEMENT**

The purpose of this Cost Share Agreement is to provide for a coordinated, cooperative fire suppression operation on this incident and to describe the cost share methodology.

1. Incident Name: Emery Gap Origin Date 06/07/2018 Time 2000
2. Latitude 36 59 11 N Longitude -103 56 22 W
3. Estimated Size 1034 Acres at the time of this Agreement.
4. Agency: EMNRD - Forestry Division Fire Code 18-20900759X, NM-N2S-000378 (PNLU4L) 1502(P)

Agency: CO Division of Fire Prevention and Control Fire Code 18-20900759X, NM-N2S-000378 (PNLU4L) 1502(P)

5. This Agreement becomes effective on June 9, 2018 at 1600  
and remains in effect until 2400 on June 12, 2018.

6. Position	Name	Agency
Incident Commander:	<u>Arlando Leyva</u>	<u>USFS</u>

7. Agency Representatives participating in development of Cost Share Agreement:

DFPC	EMNRD, Forestry Division
Name: <u>Joe LoBiondo</u>	Name: <u>Gilbert A. Romero</u>
Title: <u>Fire Management Officer</u>	Title: <u>Incident Business Advisor</u>

8. The following are not reimbursable:

- responsibility for tort claims or compensation for injury costs;
- non suppression rehabilitation costs are the responsibility of the Jurisdictional Agency;
- non-expendable property purchases (are the responsibility of the Agency making the purchase); and
- support costs (*i.e.* office dispatchers, warehouse workers, etc.), unless they are charging to an emergency code assigned to the incident.

9. Fire Suppression Costs up to \$800,000 total incident cost will be divided between the Parties as described below:

1. The New Mexico EMNRD – Forestry Division will pay 50% of all costs associated with the Emery Gap Fire.
2. Colorado DFPC will pay 50% of all costs associated with the Emery Gap Fire.
3. Colorado DFPC will pay for all costs associated with the Multi-mission aircraft.
4. If total incident cost exceeds \$800,000, both parties agree to reconvene and discuss possible cost share amendments.
5. All available fire documentation will be shared between both parties.

10. Billing Procedures:

Billing Procedures will be followed as outlined on pages 7 and 8 of the 2016 Colorado/New Mexico Annual Operating Plan between the State of Colorado DPS Division of Fire Prevention and Control and State of New Mexico Energy, Minerals and Natural Resources Department, Forestry Division.

Billing Addresses:

Colorado Division of Fire Prevention and Control  
Bldg. 1049  
5060 Campus Delivery  
Fort Collins, CO 80523-5060

EMNRD Forestry Division  
1220 South St. Francis Drive  
Santa Fe, NM 87505

11. This Cost Share Agreement is our best judgment of the Parties' cost responsibilities for this incident on the date/time shown. Future amendments to this Cost Share Agreement may be necessary, as conditions and fire spread change. This Cost Share Agreement can be negotiated in the field but only the State Forester has the authority to enter into a cost share agreement on behalf of the EMNRD, Forestry Division.

**COLORADO DEPARTMENT of PUBLIC SAFETY  
DIVISION OF FIRE PREVENTION AND CONTROL**

By: Joe LoBundo

Date: 6/13/18

**STATE of NEW MEXICO  
ENERGY, MINERALS and NATURAL RESOURCES DEPARTMENT  
FORESTRY DIVISION**

By: [Signature]

Date: 6/13/2018