

# **Wildland Fire Protection and Response in the United States**

## **The Responsibilities, Authorities, and Roles of Federal, State, Local, and Tribal Government**

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## EXECUTIVE SUMMARY

**Purpose:** Wildland fire protection in the United States has evolved into a very complex, multi-faceted system. This complexity has led the wildland fire community to realize that there is an imperfect understanding of organizational mission at all levels of government. Therefore, the purpose of this report was to examine our nation's current intergovernmental structure for wildland fire protection and response. The primary objective was to describe the existing legal responsibilities, authorities, and roles of federal, state, local and tribal wildland fire protection organizations. The intent is to inform current efforts to improve interagency coordination and response, by offering a framework for developing greater understanding and clarity about the missions, legal responsibilities and authorities, and roles of wildland fire protection organizations at both the national and local level.

**Methodology:** The project was national in scope and primarily addressed the roles, responsibilities, and authorities of the federal wildland fire protection agencies (the USDA Forest Service and the Department of the Interior), state fire protection agencies, tribal government, and the local fire service. Information presented in this report was gathered using two primary methods: (1) telephone interviews with 48 knowledgeable individuals at all levels of government; (2) second, a limited survey of applicable federal and state statutes. The study focused on a sample of 11 representative states (AZ, CA, CO, FL, MN, MT, NC, NH, PA, TX, and WA). Within each of the selected states the roles, responsibilities, and authorities for federal, state, tribal, and the local fire service were examined in depth and then used as a basis for characterizing wildland fire protection and response on the national level.

**Federal Wildland Fire Protection:** All federal agencies that have management and administrative responsibility for large areas of federal land also have the legal authority to protect those lands from the adverse affects of wildfire. They either provide that protection themselves or through contracts and agreements with other protection organizations. This study includes the U.S.D.A. Forest Service and four agencies within the Department of the Interior: Bureau of Land Management (BLM); National Park Service (NPS); U.S. Fish & Wildlife Service (FWS); and the Bureau of Indian Affairs (BIA).

**Tribal Wildland Fire Protection:** The BIA, through treaties and executive orders, has the responsibility to protect tribal trust lands. The BIA cannot give up that trust responsibility, but can pass the authority to manage programs and provide protection to individual tribes. Across the country there is considerable variability in how much responsibility individual tribes have asked for and accepted, as there are 562 federally recognized tribes. Tribes may accept responsibility for individual parts of the fire program, the entire program, or none of it. They may also change their mind and retrocede (give back) responsibility to the BIA.

**State Wildland Fire Protection:** The statutory mission of state agencies with forestry and wildland fire protection responsibilities varies significantly from state to state.

However, in general, all have a statutory responsibility to provide services in protecting state and private lands from damage by wildfire. With rare exception, state agencies support and carryout suppression programs that provide for rapid and aggressive initial response to wildfires, with the intent of minimizing their spread. Because of the diversity in organizational relationships from state to state, it is difficult to succinctly and completely summarize state responsibilities, authorities, and roles on a national scale. However, state protection programs are described in detail for the 11 study states.

**Local Wildland Fire Protection:** It is even more difficult to characterize local wildland fire protection on a national basis. There is considerable diversity in legal responsibilities and authorities, not only among states, but also within states. The need for organized wildland fire protection is generated at the “grass-roots” or citizen/landowner level. Most states have statutes that simply provide local government (or landowners themselves) the option to choose to have (and pay for) fire protection if they deem it necessary. It is important to note that local fire protection (structural and wildland) may not be provided by government entities. Often, fire protection is provided to citizens/landowners by non-governmental entities, such as fire districts and volunteer fire departments, which are independent of county government. Common types of local fire departments include: municipal, county, district, township, volunteer, and private.

**Regulation and Enforcement:** Over the years, one of the most frequently mentioned problems in many reports and studies related to the Wildland-Urban Interface (WUI) is the lack of consistent subdivision regulation in many states, and the failure of government to adopt appropriate building codes. However there is a common misconception regarding the level of government at which the authority for these decisions lies. At play are the concepts of “unfunded mandates” and the tension between regulation and private property rights. Most states have chosen not to regulate land use. Ultimately, planning, zoning, and subdivision regulation (including the decision not to regulate or zone) is a city and county responsibility. Most states have adopted minimum building codes. However, cities and counties have the option to be more stringent and, in some locations, have exercised that authority.

**Interagency Tensions:** Each of the 48 individuals that were interviewed was asked to characterize the general state of interagency relationships in his or her geographic location, and to identify existing tensions between or among partners locally. Most everyone interviewed reported positive or improving interagency relationships. Many characterized them as good to excellent, particularly over the past few years. However, all acknowledged that there were tensions or points of friction within interagency relationships. Major tensions identified included:

- Wildfires crossing jurisdictional boundaries: Lack of recognition of the values at risk on lands on the other side of a jurisdictional boundary and cost-sharing of suppression costs.
- Differences in organizational missions are not well understood.
- Federal policy interpretation and implementation.
- Budget concerns.

- Overlapping jurisdictions/dual responsibilities.
- Forest Service and fire fighter qualifications.
- Local fire department concerns.
- Unprotected wildlands (“no man’s land”).

### **Conclusions and Recommendations:**

- Our nation lacks a comprehensive, national intergovernmental wildland fire policy framework. Recommendation: Given the tremendous diversity in mission and the complexity of legal responsibilities and authorities among federal and state agencies, tribal government, and the local fire service, the 2009 Quadrennial Fire Review strategy to develop a new intergovernmental policy framework should be implemented.
- There is significant and continuing tension among wildland fire protection organizations regarding wildfires spreading across jurisdictional boundaries. Recommendation: Protection organizations should look at the surrounding landscape and collectively identify high value areas on either side of boundaries, and then devise strategies to reduce the potential for fire spread in these areas.
- Despite our best intentions, we continually trip over terminology. Often, the same words or phrases can mean different things to different people, depending upon the context in which they are used. The report includes several examples of confusing or commonly misunderstood terms, with recommendations for each.
- It is very common for state agencies and the local fire service to have dual or overlapping responsibilities for wildland fire protection. Recommendation: All protection organizations should be aware of locations within their state where there is either no organized wildland fire protection or where there is dual or overlapping protection. Further, if either of these situations does exist then they should discuss how they will communicate and coordinate their responses (or lack of response) in these areas; and how they will, or will not, share costs.
- Despite on-going efforts by the federal agencies, federal wildland fire policy is not always clear and is not always being consistently applied on the ground. Recommendation: Working with state, tribal, and local partners, the federal wildland fire agencies should identify the specific policy areas that are most unclear and least well understood, and then work to craft improved policy language and clearer policy direction.
- Some interagency tensions are based on a lack of understanding of “mission” or are a result of specific policy issues. However, other tensions are personality driven. Recommendation: In situations where individual personalities are identified as a barrier to achieving effective interagency relationships, agency or organizational leaders should consider applying some of the collaboration techniques outlined in the document: “A Community Guide to Preparing and Implementing a Community Wildfire Protection Plan”, which was developed in August 2008 by an interagency group led by the Western Governors’ Association (WGA).

## INTRODUCTION

Wildland fire protection in the United States has evolved into a very complex, multi-faceted system. There are currently 6 federal agencies (including the DOD) that provide a significant level of wildland fire protection, plus all 50 states, and over 24,000 individual rural fire departments with over 658,000 volunteer firefighters. If municipal fire departments are added, there are an estimated 1 million firefighters in the local fire service. This complexity has led the wildland fire community to realize that there is an imperfect understanding of organizational mission at all levels of government.

Therefore, the purpose of this report was to examine our nation's current intergovernmental structure for wildland fire protection and response. The primary objective was to describe the existing legal responsibilities, authorities, and roles of federal, state, local and tribal wildland fire protection organizations, with particular emphasis on the response to wildfires in the proximity of jurisdictional boundaries. The focus was on the jurisdictional and legal complexities of wildland fire protection including: (1) structure protection and structural fire suppression in the Wildland-Urban Interface (WUI); (2) the values at risk within jurisdictions; and (3) the implications on government's ability to deliver effective and cost efficient wildfire protection and suppression services.

The intent is to inform current efforts to improve interagency coordination and response, by offering a framework for developing greater understanding and clarity about the missions, legal responsibilities and authorities, and roles of different wildland fire protection organizations at both the national and local level. It is important to recognize that this report does not delve into detail on all aspects of a complete wildland fire management program. The fact that the report is intentionally focused on wildfire protection and response (suppression) does not in any way diminish the importance of prevention, education, and mitigation programs.

This report is not a definitive legal document. It is simply a general summary of some of the key legal responsibilities and authorities (including Congressional intent and agency policy) that are important in understanding federal, state, local and tribal wildland fire protection programs. The information presented in the report came from a collection of guiding documents (Appendix C).

### **Methodology**

The project was national in scope and primarily examined the legal responsibilities and authorities and roles of the major federal wildland fire protection agencies (the USDA Forest Service and the Department of the Interior), state fire protection agencies, tribal government, and the local fire service. Information presented in this report was gathered using two primary methods. First and most importantly, were telephone interviews with knowledgeable individuals at all levels of government. In total, 48 individuals were interviewed for this project, including 8 with responsibilities at the national level. The

other 40 individuals are all currently working for their agency/organization in one of the 11 states selected for the study. Second, the information received from these 48 individuals was supplemented with a limited survey of applicable federal and state statutes, primarily through the internet. (See appendix A for a list of all individuals interviewed for the project.)

In recognition of the extraordinarily diverse nature of the legal responsibilities and authorities for wildland fire protection across the country, the study focused on a sample of 11 representative states. Within each of the selected states the roles, responsibilities, and authorities for federal, state, tribal, and the local fire service were examined in depth and then used as a basis for characterizing wildland fire protection and response on the national level. Note: The report also includes a number of references to states that were not selected for the study. This is to further highlight the diversity among states and to recognize unique features of state protection programs. The states were selected for detailed study based on the following criteria:

- Ensure regional diversity in terms of fuel types, legal foundations, and culture by selecting states from all three major geographic regions: west, south, and northeast.
- Select only states that contain a significant amount of federal land that is managed and protected by the USDA Forest Service or the Department of the Interior.
- Select states that can best demonstrate the existing diversity among state wildland fire protection agencies and the implications to federal agencies.

Selected States:

- Arizona
- California
- Colorado
- Florida
- Minnesota
- Montana
- New Hampshire
- North Carolina
- Pennsylvania
- Texas
- Washington

The specific information gathered for each of the states in the study has been summarized and is presented as individual state sub-appendices in appendix D. The intent of the individual state appendices is twofold. First, this provides a convenient way to add information on additional states to the study, should the need arise. Second, each state appendix can be removed from the document and used as a stand-alone reference by fire personnel working in the state.



## Terminology

- Responsibilities: Those actions or obligations of government that are required by law, rule, regulation, or ordinance. These requirements typically include the phrase “shall”.
- Authorities: Those actions of government that are permitted (authorized) by law, rule, regulation, or ordinance but which are not mandatory. Such authorizations typically include the phrase “may”.
- Roles: Those actions or obligations that an agency or organization agrees to undertake either by policy decision or historical or cultural precedent.
- Direct Protection: A complete wildland fire protection program, including the responsibility for initial response, within a legally defined area (direct protection area). A direct protection area may include wildlands legally under the jurisdiction of another protection agency that are part of an off-set protection exchange.
- Cooperative Protection: A wildland fire protection program that does not provide the initial response to wildfires, but which does provide direct services to the responding organization(s), such as training, equipment, and assistance with large fires.
- Mutual Aid: A reciprocal agreement whereby two or more fire protection jurisdictions agree to assist one another upon request by providing personnel and equipment. The agreements normally stipulate that there will be no reimbursement of costs for a predetermined period of time, usually in the range of 4-12 hours.
- Automatic Aid: A reciprocal agreement whereby two or more fire protection jurisdictions agree to promptly respond to any ignition in a pre-determined mutual threat zone (typically along jurisdictional boundaries) without a formal request for assistance. The primary purpose of automatic aid is to allow for the dispatch of the closest available resource, regardless of jurisdiction. As with mutual aid, there is no reimbursement of costs for a pre-determined period of time.
- State and Private Land: All non-federal, non-tribal lands outside of incorporated municipalities.

## Background

Over time, misunderstandings and incorrect perceptions regarding the legal responsibilities and authorities of wildland fire organizations (federal, state, local, and tribal) have repeatedly led to tensions, disagreements, and frustration at all levels of government. Federal and state agencies have long recognized this problem and have made several attempts to clarify responsibilities. In addition, these misunderstandings have been a common thread running through several of the recent Government Accountability Office (GAO) reports on the federal wildland fire program as well as the 2001 National Academy of Public Administration (NAPA) report on implementation of federal policy.

Most recently, the 2009 Quadrennial Fire Review Report highlighted this continuing lack of understanding and suggested a strategy of “building a new, national intergovernmental wildland fire policy framework”. The first step, of which, would be to clarify current federal, state, local, and tribal roles, responsibilities, and authorities for wildland fire protection, particularly in the WUI. In addition, the “2009 Guidance for Implementation of the Federal Wildland Fire Management Policy” states that: “Agreements will be developed to clarify jurisdictional inter-relationships and define roles and responsibilities among local, state, tribal, and federal fire protection entities...”

## **Historical framework**

Historically, wildland fire protection in the U.S. has been driven by two basic principles. The first is that wildfire protection is the responsibility of the landowner. Organized wildland fire protection has essentially been a grassroots, bottom up process. Landowners either provide it themselves, organize a local fire department (along with their neighbors), or contract with an existing fire district or fire department. In fact, many states have laws that require private landowners to keep any fire that starts on their land from spreading to adjacent lands (e.g. Washington). State liability laws provide a significant incentive for landowners to have organized protection services. Even today in some rural areas of the country, particularly in western states, there are areas with no organized wildfire protection. In these situations, landowners have the sole responsibility for responding to and extinguishing wildfires.

Over time, as population and property values have increased (both resource values as well as the value of improvements) neighboring landowners have banded together to provide some form of community fire protection (both wildland and structural), often by forming volunteer fire departments. As local populations continued to grow, these grassroots efforts have since led to the formation of city and town fire departments as well as rural fire districts and county fire departments. In addition, most states (through legislative action) have assumed wildland fire protection for either all or some of the state and private wildlands in the state. Inherent in this process has been the willingness of property and landowners to pay (assess themselves) for improved wildfire protection.

The second basic principle is the constitutional principle that duties not specifically granted to the federal government are reserved for states. This is the case with wildland fire protection. Some states (Florida) have legislatively accepted wildland fire protection for all state and private lands within their boundaries, other states only for certain lands (e.g. forested lands in Washington), and yet still others (Kansas) have chosen to only play a support role to local authorities for wildland fire response. When state government does not choose to provide wildland fire protection, then local government has the option to do so. If local government chooses not to provide protection then the responsibility to provide protection remains with private landowners. The degree to which state or local government is involved with providing wildland fire protection varies considerably both among states and within states.

## FEDERAL WILDLAND FIRE PROTECTION

All federal agencies that have management and administrative responsibility for large areas of federal land also have the legal authority to protect those lands from the adverse affects of wildfire. They either provide that protection themselves or through contracts and agreements with other protection organizations. These agencies include: The U.S.D.A. Forest Service (FS); 5 agencies within the Department of the Interior (National Park Service (NPS), Bureau of Land Management (BLM), U.S. Fish & Wildlife Service (FWS), Bureau of Indian Affairs (BIA), and the Bureau of Reclamation (BOR); the Department of Defense (DOD), and the Department of Energy (DOE). Given their minor roles in interagency wildland fire operations this report does not specifically address the missions or roles of the BOR, the DOE, or the DOD.

The wildland fire management programs of the 5 above mentioned federal agencies (FS, BLM, BIA, NPS, and FWS) are highly integrated, and they operate from a common policy (2001 revision to the “1995 Federal Wildland Fire Management Policy”). They have also all adopted the same qualifications and training system and use many of the same handbooks, such as the “Interagency Standards for Fire and Fire Aviation Operations”. As a result, they all have many roles in common. For simplicity and ease of reading they are summarized below.

**Roles Common to all Federal Agencies:** Federal roles are described in detail in agency policy direction, manuals, and handbooks. For example: the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, “part 620 of the DOI Departmental Manual”, and the “Forest Service Manual 5100”. Common roles include:

- Manage all actions to provide for public and fire fighter safety as the highest priority.
- Take aggressive action to keep unwanted wildland fires from spreading to adjacent jurisdictions during initial attack.
- Protect human communities adjacent to federal lands by taking immediate suppression actions on wildfires threatening private lands.
- Actively manage fuels to reduce fire spread potential along boundaries with other jurisdictions.
- Work with partners in the management of the national, interagency wildfire coordination and mobilization system (National Interagency Fire Center (NIFC), National Multi-Agency Coordinating Group (NMAC), and the predictive services program).
- Provide a national qualifications and standards system through the National Wildfire Coordinating Group (NWCG),
- Work with partners at the geographic level (Geographic Multi-Agency Coordinating Groups (GMACs), Geographic Area Coordination Groups (GACGs), and Geographic Area Coordinating Centers (GACCs).
- Work with partners in statewide, interagency dispatch centers.

- Provide incident management team members and personnel for national dispatch.
- Work cooperatively with other federal, state, tribal, and local wildland fire protection organizations in providing effective and cost-efficient wildland fire protection and response.
- Collectively maintain an adequate level of national preparedness and suppression resources.
- Protect endangered species related to suppression actions.
- Coordinate responses to wildland fires across jurisdictional boundaries.
- Support the development and implementation of Community Wildfire Protection Plans (CWPP).
- Develop agreements for the use of assets from other federal agencies (such as the Departments of Defense and Homeland Security), state agencies, tribal government, the local fire service, and non-governmental organizations.
- Work with all partners to develop and implement risk assessment, prevention and mitigation plans to reduce the frequency of wildfires due human ignitions.
- Provide mutually agreed upon preparedness and suppression assistance to state, tribal, and local government on wildfires that exceed their capabilities.
- In conjunction with State Foresters, provide training and equipment to local fire department personnel to assist them in meeting basic NWCG qualifications through the Department of the Interior (DOI) Rural Fire Assistance/Ready Reserve program and the FS cooperative programs (State Fire Assistance, Volunteer Fire Assistance, Federal Excess Personal Property, and the Fire Fighter Program).
- Assist local fire departments to protect private structures from wildfires originating on federal lands.
- Provide for structural fire suppression for cabins and administrative sites on federal land. Except on the larger National Parks, this is normally handled through arrangements with local, all hazard fire departments. However, in the case of leased or permitted cabins on federal land, structural fire suppression is typically the responsibility of the cabin owner.

### **U.S.D.A Forest Service (FS)**

Mission: The mission of the FS is to sustain the health, diversity, and productivity of the Nation’s forests and grasslands to meet the needs of present and future generations. In meeting its mission, the FS manages and protects approximately 232.6 million acres of public land, including 155 National Forests, 20 National Grasslands, 19 research and experimental areas, and 1 national preserve. This is primarily accomplished through the implementation of land management and fire management plans.

To meet its wildland fire management responsibilities, the FS is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, the “Structure Exposure Protection Principals” (April 14, 2009), and the “Forest Service Manual 5100”.

Responsibilities: Forest Service legal responsibilities for wildland fire protection are based in statute, and a list of applicable statutes can be found in Appendix B.

- Provide wildland fire protection on federal lands administered by the FS. (*Organic Act of 1897; Clarke-McNary Act of 1924; Granger-Thye Act of 1950; and the National Forest Management Act of 1976*).
- Protect human communities that border National Forests by implementing hazardous fuel reduction projects on federal lands within the WUI (*Healthy Forests Restoration Act of 2003*).
- Provide technical assistance in fire prevention and control to the states. (*Cooperative Forestry Assistance Act of 1978*).

Authorities:

- Enter into mutual aid and reciprocal fire protection agreements, including international agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide financial assistance (grants) to states, if funds are appropriated by Congress for that purpose (*Cooperative Forestry Assistance Act of 1978; Appropriations Act for Interior and Related Agencies*).
- Provide assistance to states when wildfires exceed their capacity (*Cooperative Forestry Assistance Act of 1978*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening National Forest lands, even if there is no agreement in place (*Weeks Law of 1911; Clarke-McNary Act of 1924; Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Cooperative Forestry Assistance Act of 1978*).

Roles:

- Under the *Stafford Act*, serve as the principal advisor to state government when a state requests a Fire Management Assistance Grant (FMAG) from the Federal Emergency Management Agency (FEMA).
- For additional roles, see “roles common to all federal agencies” at the beginning of this section.

## **Bureau of Land Management (BLM)**

Mission: The mission of the BLM is to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. In meeting its mission the BLM manages and protects approximately 164 million acres of public land. This is primarily accomplished through the implementation of resource management and fire management plans.

To meet its wildland fire management responsibilities, the BLM is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, and the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, and part 620 of the “DOI Departmental Manual”.

Responsibilities: BLM legal responsibilities for wildland fire protection are based in statute, and a list of applicable statutes can be found in Appendix B.

- Provide wildland fire protection on federal lands administered by the BLM (*Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*).
- Protect human communities that border BLM administered lands by implementing hazardous fuel reduction projects on federal lands within the WUI (*Healthy Forests Restoration Act of 2003*).

Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening BLM lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).

Roles: See “roles common to all federal agencies” at the beginning of this section.

### **National Park Service (NPS)**

Mission: The National Park Service was established by the *Act of August 25, 1916 (39 Stat. 535; 16 U.S.C. 1 2 3, and 4)*, commonly referred to as the *National Park Service Organic Act*. The National Park Service “preserves unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations”. Each National Park has separate enabling legislation establishing it as a National Park. For example: *An Act to Establish Yellowstone NP*. National Monuments do not have enabling legislation. They are formed by Presidential Decree. Other types of sites, such as Battlefields, require legislation. The Park Service cooperates with partners to extend the benefits of natural and cultural resource conservation and outdoor recreation throughout this country and the world. In meeting its mission the NPS manages and protects nearly 400 parks, national

monuments, seashore sites, battlefields, and other cultural and recreation sites on approximately 85 million acres. This is primarily accomplished through the implementation of resource management and fire management plans.

The NPS is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, the “Director’s Order #18: Wildland Fire Management”, and part 620 of the “DOI Departmental Manual”.

#### Responsibilities:

- The primary wildland fire protection responsibility of the NPS is to provide for the protection of federal lands and sites under its management (*NPS Organic Act of 1955*).
- The unique feature of the NPS is its focus on the protection and preservation of cultural and historic resources (*NPS Organic Act of 1916; Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*). A list of other applicable statutes can be found in Appendix B.

#### Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening NPS lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).
- Provide structural fire suppression services for its own buildings within the larger National Parks (exclusive jurisdiction). Some NPS sites have agreements with local government for structural fire protection (Example: Gateway National Recreation Area contracts with the Fire Department of New York for structural fire protection.) Wildland fire and structural fire may be combined into a single program within a National Park, or they may be separate programs (*National Park Service Acts*).
- Render emergency rescue, fire fighting, and cooperative assistance to nearby law enforcement and fire agencies outside of NPS lands (*National Park Service Acts*).

Roles: See “roles common to all federal agencies” at the beginning of this section.

#### **U.S. Fish & Wildlife Service (FWS)**

Mission: The U.S. Fish and Wildlife Service, working with others, is responsible for conserving, protecting, and enhancing fish and wildlife and their habitats for the continuing benefit of the American people through Federal programs relating to migratory birds, endangered species, interjurisdictional fish and marine mammals, and inland sport fisheries. In meeting this mission the FWS manages and protects 549 national wildlife refuges, 37 wetland management areas, and 70 fish hatcheries covering over 150 million acres. This is primarily accomplished through the implementation of resource management and fire management plans.

To meet its wildland fire management responsibilities, the FWS is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, part 620 of the “DOI Departmental Manual”, and the FWS “Fire Management Handbook”.

Responsibilities: The primary wildland fire protection responsibility of the FWS is to provide for the protection of federal lands and sites under its management. The FWS provides protection on those National Wildlife Refuges that have fire staff on site (approximately 100). On the other FWS managed sites wildland fire protection is provided by state or local forces through contract or agreement. Many refuges are managed as “complexes”. FWS legal responsibilities for wildland fire protection are based in statute, and a list of applicable statutes can be found in Appendix B.

Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening FWS lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).
- Enter into cooperative agreements with partner organizations, academic institutions, or State or local government agencies (*National Wildlife Refuge System Improvement Act of 1997*). For example, the FWS has an agreement with The Nature Conservancy (TNC) for prescribed burning projects. TNC employees are then available to supplement initial attack locally.
- Conduct projects on private lands (with permission of landowner) for conservation purposes. The FWS may do prescribed burning but not wildfire response (*Fish and Wildlife Coordination Act of 1934 as amended*).



- Provide payments in lieu of taxes to local government (*National Wildlife Refuge System Improvement Act of 1997*).

Roles: See “roles common to all federal agencies” at the beginning of this section.

## **Bureau of Indian Affairs (BIA) and Tribal Government**

Overview: The United States has a unique legal and political relationship with Indian tribes and Alaska Native entities as provided by the *Constitution of the United States*, treaties, court decisions and Federal statutes. Within the government-to-government relationship, Indian Affairs provides services directly or through contracts, grants, or compacts to 562 federally recognized tribes with a service population of about 1.9 million American Indian and Alaska Natives. While the role of Indian Affairs has changed significantly in the last three decades in response to a greater emphasis on Indian self-governance and self-determination, Tribes still look to Indian Affairs for a broad spectrum of services. Indian Affairs offers an extensive scope of programs that covers the entire range of Federal, State and local government services.

Mission: The Bureau of Indian Affairs’ mission is to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes and Alaska Natives.

Furthermore, in order to fulfill its wildland fire management responsibilities, the BIA is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, part 620 of the “DOI Departmental Manual”, as well as the BIA’s “Wildland Fire and Aviation Program Management and Operations Guide”.

Responsibilities: BIA and Tribal legal responsibilities for wildland fire protection are based in statute, and a list of applicable statutes can be found in Appendix B.

- The BIA, through treaties and executive orders, has the responsibility to protect tribal trust lands. The BIA cannot give up that trust responsibility, but can pass the authority to manage programs and provide protection to individual tribes through the *Indian Self Determination Act (PL 93-638)*, the *National Indian Forest Resource Management Act (PL 101-630)* and the *Tribal Self-Governance Act of 1994 (P.L. 103-413)*. Across the country there is considerable variability in how much responsibility individual tribes have asked for and accepted, as there are 562 federally recognized tribes. Tribes may accept responsibility for individual parts of the fire program, the entire program, or none of it. They may also change their mind and retrocede (give back) responsibility to the BIA. There are three basic situations:
  1. The BIA manages and implements the entire wildfire program using primarily BIA employees.

2. Contract Program: An individual Tribe may contract for all or part of the program. They can either run the program themselves or contract with the private sector.
  3. Compact Program: A compact Tribe accepts funding from the BIA to take full control of the program. The BIA withdraws its personnel leaving only a single BIA employee (either a Superintendent or trust officer). In this case the Tribe only has to follow federal law, but not necessarily BIA policies. Note: The BIA retains the responsibility to sign delegations of authority to incident management teams.
- The BIA or tribes are responsible to protect lands that are held in trust by the federal government but not on intermingled fee lands, unless they establish memorandums of understanding (MOUs) with local protection districts are established. Protection responsibility does include allotment lands held by individual tribal members.
  - Protection responsibility includes wildland fire management, wildland fire suppression and external structure protection. Structural fire suppression and emergency medical response (EMS) are generally provided by local fire/EMS departments. In many cases tribes have formed their own all hazard fire departments. However, the BIA has no responsibility for structural fire suppression.

#### Authorities:

- May take action on wildfires on adjacent lands that threaten tribal trust lands. However, no expenses for fighting a fire outside Indian lands may be incurred unless the fire threatens Indian land or unless the expenses are incurred pursuant to an approved cooperative agreement with another protection agency (*Reciprocal Fire Protection Act of 1955*).
- Enter into reciprocal agreements (e.g. mutual and automatic aid) with any wildland fire organization maintaining protection facilities in the vicinity of Indian reservations or other Indian land for mutual aid in wildfire protection (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).

#### Roles:

- The BIA represents Tribal interests both regionally and nationally (e.g. Geographic MAC Groups and the National MAC Group).
- For other BIA roles, see “roles common to all federal agencies” at the beginning of this section.

## STATE WILDLAND FIRE PROTECTION

Mission: The statutory mission of state agencies with forestry and wildland fire protection responsibilities varies significantly from state to state. However, in general, all have a statutory responsibility to provide services in protecting state and private lands from damage by wildfire. Although landownership patterns and individual landowner objectives vary considerably across the landscape within a state, it is highly unusual for a landowner to have an objective to use natural ignitions to achieve resource benefits on the land. As a result, with rare exception, state agencies support and carryout suppression programs that provide for rapid and aggressive initial response to wildfires, with the intent of limiting their spread to the minimum acreage possible. For example, in Montana the objective is to keep 95% of all wildfires to less than 10 acres. In Oregon, timber resources are a higher priority for protection than improved property.

Policy direction for state wildfire protection programs can come from a variety of sources, depending upon the state. In all but two states (South Dakota and New York) the state wildland fire protection program is the responsibility of the person designated as State Forester. In South Dakota and New York, wildland fire protection is in a separate branch of state government. The formal reporting structure (chain of command) for State Foresters varies from state to state. For example, in some states (e.g. Arizona and California), the State Forester is appointed by, and reports to, the Governor. In several other states (e.g. Montana, Florida, and Minnesota), the State Forester heads a division of state government and reports directly to a department head who is appointed by the Governor. However, in the state of Washington, the State Forester heads a division within the Department of Natural Resources which is headed by an elected official, the Commission of Public Lands. Yet other State Foresters report to a Board of Land Commissioners (Idaho) or a Board of Forestry (Oregon). In several of the southern states, the State Forester works directly for a state forestry commission (e.g. Alabama, Arkansas, Georgia, Mississippi, and South Carolina). In some land grant states (e.g. Texas, Colorado, Kansas, North Dakota, and Nebraska), the State Forester is under the state university system. In these situations the State Forestry organization is often referred to as the state forest service.

Because of this diversity in organizational relationships from state to state, it is difficult to succinctly and completely summarize state responsibilities, authorities, and roles on a national scale. However, the section below provides a brief summary. For a more complete understanding of the mission, responsibilities, authorities, and roles of any of the 11 states included in this project; see the individual state appendices at the end of this report (Appendix D).

Responsibilities: The statutory responsibilities of state agencies providing wildland fire protection services generally fall into 5 broad categories:

1. The State has the responsibility for wildfire protection on all state and private wildlands in the state, and implements it by providing direct protection services. (Example: Florida.)

2. The State has the responsibility for wildfire protection on those state and private wildlands for which it has a signed cooperative agreement with the local fire service, and implements it primarily thorough local fire departments. (Example: Arizona.)
3. The State has direct protection responsibility for all state and private wildlands (or forest lands) in designated areas of the state, and provides support and assistance to local jurisdictions in other areas of the state. (Examples: California, Montana, Minnesota, Texas, & Washington.)
4. There is dual (shared) responsibility between the state agency and local government for protecting all wildlands in the state (usually highly integrated). (Examples: New Hampshire, North Carolina, & Pennsylvania.)
5. Local government (e.g. county sheriff) has the primary responsibility for wildland fire protection with the state providing support and assistance. (Example: Colorado.)

Direct Protection Services. States provide direct protection services through various means. For example:

- Similar to federal agencies, some states provide funding to the state forestry agency to hire personnel and purchase the equipment necessary to provide wildland fire protection and response in its area(s) of responsibility.
- In some states, through protection off-set exchanges, federal agencies or counties provide wildland fire protection and response in state responsibility areas. (Examples include California, Montana, & Minnesota.)
- At least 2 states (Idaho & Oregon) have active, private protective associations that provide protection to members in specific forested areas of the state. These associations are formed under state statute and are recognized by the state.
- Every state has a cooperative fire agreement with the federal agencies that includes provisions for mutual and automatic aid. Most states have similar agreements with municipal, county, or rural fire departments.

Assistance to Local Government and Rural Fire Districts/Departments. All states have programs to provide assistance to counties and other local jurisdictions. This typically includes:

- Providing wildland fire training and certification, equipment, and organizational help.
- Providing grants.
- Providing suppression assistance when a local jurisdiction has an incident that exceeds its capabilities.
- Paying for suppression costs once certain criteria are met.

## Other Points of Interest.

- **Dual (shared) jurisdiction.** In this situation, both the state fire protection agency and local government have the legal responsibility to provide wildland fire protection on state and private lands. This requires close coordination and often involves state employees working directly with local forces, such as the fire warden program in New Hampshire. In North Carolina the state Department of Forest Resources has written agreements for dual jurisdiction with all 100 counties. Each county has one staffed office with response capability and funding is split between the state and county.
- **Overlapping jurisdiction.** This situation exists in virtually every state that provides direct protection. In these cases, the agencies with direct protection have the responsibility for wildland fire protection and response in specifically defined, direct protection areas. Within those direct protection areas, there will likely also be rural districts or volunteer fire departments that are providing all hazard response services to local property owners, including wildfire response. Their legal boundaries will overlap those of the direct protection agency creating joint jurisdiction. When a wildfire occurs in joint jurisdiction areas, either one entity or the other will normally assume command of the incident and release the other, or they will agree on unified command.
- **Structural fire suppression services.** With two exceptions (California and Nevada), state wildland fire protection agencies do not engage in structural fire suppression. In both California and Nevada, state statutes allow counties to contract with the state for all hazard protection services. In one other state, Wyoming, state employees who have the proper training may assist local jurisdictions with structure fire suppression upon request.
- **Wildfire suppression insurance policies.** The state of Oregon currently has a \$25 million insurance policy with several underwriters (including Lloyds of London) to help cover state wildfire suppression costs. The policy features a \$25 million deductible and currently has a \$1 million annual premium.
- **Unprotected wildlands (“no man’s land”).** In some states, particularly in the west, there are remote, rural areas of primarily private land (normally non-forested) where there is no organized wildland fire protection and, in some cases, no structural fire suppression services. In these situations, wildfire response is the responsibility of the landowners themselves. As was mentioned earlier, federal agencies (and some state agencies) have the legal authority to respond to wildfires in unprotected areas if the fires are threatening federal (or state) jurisdictions, or it is deemed in the government’s best interest to do so. Examples of states with unprotected lands include Washington, Oregon, Idaho, and Arizona. Although all of California is under organized wildland fire protection, there are rural areas in the state with no structural fire suppression services.

Authorities: Legal authorities among state wildland fire protection agencies vary considerably. All states typically have the authority to enter into contracts and agreements and award grants. Some authorities, such as appointing fire wardens, are unique to a few states. Also some states, but not all, have the authority to respond to wildfires on any lands in the state (including federal) when it is in the best interests of the state to do so, regardless of whether or not an agreement to do so exists. Examples of states with this authority include Arizona and Montana.

Roles: As with responsibilities and authorities, the roles that state fire protection agencies play in providing wildland fire protection vary among the states. However, they typically include the following:

- Bring the State Fire Marshal and the State Emergency Management Agency into wildfire emergencies as necessary.
- Communicate with the Governor during wildfire emergencies.
- Work with partners in cooperative wildfire prevention and mitigation programs.
- Work with partners to identify draw down levels, fire danger ratings, and other preparedness steps to better prepare for response.
- Assist partners with their response to wildfires, upon request.
- Work with partners in off-season to develop detailed templates for cost-share agreements to minimize potential for conflict.
- Mobilize state National Guard to assist with wildfire suppression.
- Assist local communities in developing and implementing Community Wildfire Protection Plans (CWPP).
- Assist in mobilizing local forces for in-state and out-of-state dispatch.
- Participate on the National Multi-Agency Coordinating Group (NMAC) and the National Wildfire Coordinating Group (NWCG) through membership in the National Association of State Foresters (NASF).
- Work with partners in the Geographic or Statewide Coordinating Group and MAC Group.
- Provide grants to local government and rural fire departments, e.g. the Volunteer Fire Assistance (VFA) program.
- Provide fire training, equipment, mitigation, and suppression assistance to local fire departments. Important programs include the Federal Excess Personal Property Program (FEPP) and the Fire Fighter Program (FFP).

## LOCAL WILDLAND FIRE PROTECTION

Mission. It is even more difficult to characterize local wildland fire protection on a national basis. This is because there is considerable diversity in legal responsibilities and authorities, not only among states, but also within states. As was stated in the introduction, the need for organized wildland fire protection is generated at the “grass-roots” or citizen/landowner level. Most states have statutes that simply provide local government (or landowners themselves) the option to choose to have (and pay for) fire protection if they deem it necessary. For example, in the state of Florida no level of local government is legally required to provide either structural fire suppression or wildland fire protection. It is strictly a local option. However, if local government does choose to provide fire services there are state requirements as to how they will provide the service. In other states (such as Pennsylvania) the state may require local government to provide fire protection services, but does not necessarily require them to form fire departments.

Local fire departments may have paid fire fighters, volunteer fire fighters, or a combination of the two. Also, there are two types of volunteers. Some are pure volunteers and receive no compensation, even when they respond to an incident. Others are “on call” volunteers and are paid whenever they are called out on an incident.

It is important to note that local fire protection (structural and wildland) may not be provided by government entities. Often, fire protection is provided to citizens/landowners by non-governmental entities, such as fire districts and volunteer fire departments, which are independent of county government.

Municipal Fire Departments. Legally incorporated municipalities (such as cities, towns, boroughs, and townships) are generally urban areas, but may include surrounding rural areas. They typically provide for fire services (structural and wildland) either by forming fire departments or by contracting with neighboring fire jurisdictions (city, county, district, etc.).

- **Responsibilities:** The responsibilities of municipal fire departments are described in their charters or in the ordinance establishing them. Usually they provide for all hazard response within their area of jurisdiction. In some heavily populated urban settings municipal fire departments may not provide wildland fire response.
- **Authorities:** Authorities of municipal fire departments depend upon their governing body and vary considerably.
- **Roles:** Variable, depending upon the governing body. Some departments have NWCG qualified personnel and allow them to be mobilized outside their jurisdiction. Others do not.

County Fire Departments. County governments may or may not provide wildland (or structural) fire protection. In some heavily populated states (e.g. Florida and California) counties are major players in providing emergency response, including wildfire. However, in many other states, counties have either a very small role in wildfire response

or none at all. In most cases, counties have the authority to provide fire protection but not necessarily the responsibility.

- **Responsibilities:** Varies considerably, depending upon what services the county governing body determines are necessary, and what the tax payers will agree to fund. They are typically found in the ordinance establishing the service.
- **Authorities:** Authorities of county fire departments depend upon their governing body and also vary considerably. Often they have the authority to enter into mutual and automatic aid agreements with neighboring jurisdictions.
- **Roles:** Depends upon the county governing body. Some counties train their fire fighters to NWCG standards and allow them to be mobilized out of their jurisdictions; some do not; and others may allow it depending upon the specific circumstances. Some county fire departments are heavily involved with their state and federal partners in interagency wildfire response, and participate on local and statewide coordinating groups.

Fire Protection Districts. Fire protection districts exist in many states and have a variety of names (e.g. special districts and rural fire districts). They are usually formed in unincorporated rural areas by request of private landowners, typically by petition to either the state legislature (FL & CO) or to the county governing body (MT & CA), and are usually governed by an elected Board. The chief may be appointed by the Board or elected by the voters in the district, depending upon the charter. Each district has a defined boundary and most are funded through a levy against local taxes (often property tax). The tax levy is collected by the county and passed to the district. Once approved, these districts are essentially independent of county government, although some may have a contractual relationship the county.

- **Responsibilities:** Depends upon what is included in their charter. Most districts provide all hazard response including wildland.
- **Authorities:** Depends upon their charters.
- **Roles:** Varies by district. Similar to county fire departments, some districts train their fire fighters to NWCG standards and allow them to be mobilized out of their jurisdictions; some do not; and others may allow it depending upon the specific circumstances. Some districts are heavily involved with their state and federal partners in interagency wildfire response, and participate on local and statewide coordinating groups.

Volunteer Fire Departments (VFD). Volunteer fire departments (fire companies) exist in some form in virtually every state. They are formed in rural areas by property owners and are typically established as 501 (c) (3) non-profit organizations. Most have defined boundaries and an elected Board or Chief. VFDs are primarily funded through fund raising activities and donations. They are normally independent of local government but may affiliate (or enter into a contractual arrangement) with a municipality or county fire department (e.g. Florida).



- **Responsibilities:** Depends upon what the landowners want. Usually their responsibilities are described in some form of charter. Most VFDs provide all hazard response including wildfire response, but some are formed primarily to provide structural fire suppression.
- **Authorities:** Depends upon their charters.
- **Roles:** Varies considerably.

Other Types of Fire Departments. There are a variety of other forms of fire departments across the country. Examples include:

- Fire service fee areas or subscription fire departments. These fire departments provide agreed upon fire and emergency services to their subscribers.
- Private fire departments. These are private companies that contract with large corporations, government facilities, or private gated communities for fire protection and emergency response. They may sign mutual aid agreements with neighboring jurisdictions.

## REGULATION AND ENFORCEMENT

Over the years, one of the most frequently mentioned problems in many reports and studies related to the WUI is the lack of consistent subdivision regulation in many states, and the failure of government to adopt appropriate building codes. There is little debate within the wildland fire community that this is a serious problem. However there is a common misconception regarding the level of government at which the authority for these decisions lies.

In the United States the federal government has the power to regulate when it deems it necessary to protect human health. Current examples include air quality, water quality, and hazardous waste disposal. However, in terms of Firewise development, the federal government has relied solely on education, endorsing model programs (such as the Firewise Communities program), and providing some incentives (such as grants). Likewise, most state governments have also chosen similar approaches. At play are the concepts of “unfunded mandates” and the tension between regulation and private property rights. Although most states have chosen not to regulate land use, some states (e.g. Florida) require growth planning and provide a basic framework. Ultimately, however, planning, zoning, and subdivision regulation (including the decision not to regulate or zone) is a city and county responsibility. In some states (such as California), counties have incorporated WUI guidelines for subdivisions into ordinances. However, this is not yet common across the country.

Most states have adopted some level of minimum building codes (such as the international fire code or the uniform building code), although they may only apply to commercial buildings and multi-family residences, and not to single family residences (Montana). Cities and counties do have the option to be more stringent and, in some locations, have exercised that authority.

## **PROTECTION EXCHANGES, CONTRACTS, AND AGREEMENTS**

Off-set Protection Exchanges. An off-set protection exchange occurs when two or more organizations with direct wildland fire protection responsibility agree to revise jurisdictional boundaries in order to create a more efficient and effective response capability. The intent is to create “blocked” direct protection areas which are under the protection of a single agency. The exchange is typically acre-for-acre, provides for full wildfire protection services (including large fire suppression), and no money is exchanged. The desire is to have protection boundaries that are easily recognized on the ground and to balance the costs of protection as closely as possible. In some situations, such as in Minnesota where acreage could not be evenly balanced, other protection services or assets may be included in the agreement in order to reach a fair balance.

Of the 11 states included in the study, 4 currently have off-set protection exchanges in place. In California, there is a 7.4 million acre exchange involving the State, FS, BLM, and NPS. The state of Minnesota currently has a 1.2 million acre protection exchange with the Superior National Forest, and in Washington the WA DNR has 180,000 acre exchange with the BIA. In Montana, the BLM and FS have essentially divided the state on a north-south line with the FS protecting all BLM lands in the western half of the state and the BLM protecting all FS lands in the eastern half. In addition, the MT DNRC and the FS have a 1.6 million acre protection exchange. There are also examples of significant off-set protection exchanges in states that were not included in this study, such as Alaska and Oregon.

Protection Contracts. Contracts for protection services are common across the country. There are numerous examples involving federal agencies, state agencies, tribal government, and the local fire service. Contracts are typically used when an organization believes it is more efficient to pay another organization to provide protection in a specific area than it is to provide the protection itself. These contracts can be for full protection services (including large fire suppression) or just for initial response. There are examples of contracts for full protection in both California (state, local, and tribal) and Montana (state, federal, and tribal). Initial response contracts are more common and there are examples in all 11 study states.

Protection Agreements. Agreements are also commonly used by protection organizations across the country. Without exception, standard mutual aid and automatic aid agreements are used among protection organizations in every state. In addition, some organizations use agreements for the exchange of services. For example, in Colorado the Craig District of the BLM handles wildfire response in Dinosaur National Park for the NPS, and in return the NPS handles fire use management for the BLM on the Craig district. Also, in Arizona, there is also an exchange of services agreement between the FS and the NPS in the southeast zone.

## CURRENT INTERAGENCY TENSIONS

Each of the 48 individuals that were interviewed as a part of this study was asked to characterize the general state of interagency relationships in his or her geographic location. In addition, each was asked to identify existing tensions between or among partners locally, and then what they would most want their partners to understand about their organization's responsibilities.

Most everyone interviewed reported positive or improving interagency relationships. Many characterized them as good to excellent, particularly over the past few years. However, all acknowledged that there were tensions or points of friction within interagency relationships. Not surprisingly, many of the tensions mentioned in one state were also mentioned by individuals in other states. Some of these tensions were clearly identified as personality driven and, therefore, are not included in the list below. If a specific tension was only mentioned by one person or was tied specifically to a single location, it was also not included. In the list below, individually identified tensions have been consolidated into groups of similar tensions for ease of analysis. Identified tensions are listed in order of importance with those heard most frequently listed first.

### Major tensions identified by those interviewed:

1. Wildfires crossing jurisdictional boundaries. Almost 40% of those interviewed identified cross-boundary fires as a major source of tension. Specific issues included:
  - Lack of recognition (or appreciation) of the values at risk on lands on the other side of a jurisdictional boundary. This includes not only classic WUI development on private lands, but also high value timber stands, municipal watersheds, wildlife habitat, and other natural and cultural resource values on federal, state, tribal, or private lands.
  - Cost-sharing of suppression costs. On one hand, state and local authorities resist paying a large share of the costs when they perceive a slow and ineffective initial response to a wildfire by federal agencies on federal land, or when fuels on federal lands have not been treated or reduced. On the other hand, on multi-jurisdictional fires, federal personnel often resist paying a share of the costs for extensive measures to protect structures or other high values on private land.
2. Differences in organizational missions. The differences in organizational missions and legal responsibilities and authorities for federal, state, tribal, and local protection organizations are considerable and not always well understood by all partners, particularly at the local level. Further, state and local responsibilities and authorities are not the same from one state to another and, in some cases, from one part of a state to another. This has led to confusion over roles and misunderstandings of where responsibilities lie. For example: In almost all states the responsibility for zoning, subdivision regulation, and building codes rests with city and county government, and not

with State government. Some cities and counties enact ordinances and codes; others in the same state do not.

“Tribal sovereignty” is also not well understood and can cause tensions between tribes and other levels of government. Tribal lands are not the same as federal or state lands. They are lands held in trust for the benefit of the tribes. They have a direct trust nexus to the federal government, but not to states or local governments.

3. Federal policy interpretation and implementation. (“2009 Guidance for the Implementation of Federal Wildland Fire Management Policy”).
  - Uncertainty regarding the implications of the revised guidance and terminology. For example: Fire use decisions.
  - Lack of consistency in implementing the policy among Forest Service fire management officers, often within the same Forest Service Region.
  - Unclear federal role in providing structure protection in the WUI from fires originating on federal lands.
  - Uncertainty regarding structure fire suppression responsibilities for structures on federal lands (except for the NPS).
4. Budget concerns. Federal, state, and local personnel all identified budget reductions as a point of tension. Many were concerned that their partners were expecting them to compensate for their partner’s shortages. Also, concern was expressed over the rising costs of suppression and the perception of “unlimited budgets”.
5. Overlapping jurisdictions/dual responsibilities. This situation is fairly common in many states and can cause confusion in regard to who has the responsibility for a particular fire.
  - In some states, by statute, both the State fire protection organization and local government have the responsibility for wildland fire protection in the same area.
  - Also, the jurisdictional boundaries of rural fire districts and state protection areas often overlap. This can also affect federal agencies that are protecting private lands as a result of an off-set protection exchange.
6. Forest Service and fire fighter qualifications. There are still instances where Forest Service personnel expect local fire fighters to meet the more restrictive FS manual requirements in order to work on FS fires, rather than the NWCG 310-1 requirements.
7. Local fire department concerns. Local government/fire department personnel frequently mentioned that local fire authorities are not always included in local, interagency efforts. Examples include: the development of Annual Operating Plans; inclusion in unified command; and interagency discussions

on local issues. Also, State and federal personnel don't always understand why volunteers cannot commit to long duration incidents.

8. Unprotected wildlands (“no man’s land”). Many states, particularly in the west, have areas within the state that have no formal wildland fire protection. This situation, not always well understood by federal personnel (particularly those new to the local area), can cause tensions between federal and state agencies. This can be particularly contentious when both the State and the federal agency have the authority (but not the responsibility) to respond in these areas. To address this issue, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy” states: “The federal wildland agencies will collaborate with tribal, state, and local fire management organizations to identify and reconcile gaps in protection responsibility”.
9. Other identified tensions.
  - Albuquerque Service Center and slow payments.
  - Smoke management issues.
  - Cost effective use of aviation resources during initial attack.

## CONCLUSIONS & RECOMMENDATIONS

**The U.S. Wildland Fire Service -- Complex and Diverse.** Our nation lacks a comprehensive, national intergovernmental wildland fire policy framework. This was highlighted in the recently released 2009 Quadrennial Fire Review (QFR) Report. One common example is the frequent confusion over which agency or organization has jurisdiction on a wildfire on non-federal lands, and who has the authority to sign delegations of authority and cost-share agreements.

Recommendation: Given the tremendous diversity in organizational mission and the complexity of legal responsibilities and authorities among federal and state agencies, tribal government, and the local fire service, the 2009 Quadrennial Fire Review strategy to develop a new intergovernmental policy framework should be implemented.

**Wildfire is a Landscape Problem Requiring a Landscape Solution.** There is significant and continuing tension among wildland fire protection organizations regarding wildfires spreading across jurisdictional boundaries. This tension is due to differences in mission which can lead to very different management goals on opposite sides of jurisdictional boundaries. For example, while federal agencies may prefer to evaluate a wildfire for potential resource benefits and choose “light on the land” suppression tactics on their side of a boundary, landowners on the opposite side (state, private or tribal) normally prefer rapid and aggressive initial attack in order to minimize the risk of damage to valuable improvements. Tensions are unfortunately exacerbated by how jurisdictional and ownership boundaries lie on the landscape. They are either the product of politically established lines or are based on the land survey system; neither of which takes landscape characteristics into consideration. This dichotomy cannot be effectively resolved by focusing solely on the boundary itself.

Recommendation: Protection organizations should look at the surrounding landscape and collectively identify high value areas on either side of boundaries, and then devise strategies to reduce the potential for fire spread in these areas. Again, the 2009 QFR provides a number of strategies:

- Create “community defense zones” through properly sequenced, spaced, and maintained fuel treatments.
- Realign protection responsibilities in controversial boundary areas to give the protection responsibilities to the protection organization that is best suited and prepared to effectively and cost-efficiently provide it. Opportunities may include:
  - Local initial attack contracts.
  - Exchanges of protection responsibilities.
  - Contracts for maintenance of fuel reduction zones.
  - In the WUI, develop joint “community response plans” that link agency fire management plans with local community wildfire protection plans. (Example: Northern Minnesota and the Superior National Forest.)

**Terminology Traps (Lazy Language).** Despite our best intentions, we continually trip over terminology. Often, the same words or phrases can mean different things to different people, depending upon the context in which they are used. This happens most commonly in written documents and has repeatedly led to misunderstandings (and even conflict) among partners. Examples include:

- Responsibility or Expectation? In a strict use of the word a responsibility is a legal obligation, and therefore must be supported by a statute, rule, ordinance, executive order, or legal agreement/contract. Too often we apply the term “responsibility” to another party’s actions when we are trying to convey our expectations for a desired action or outcome. However, if there is no legal foundation or requirement for that desired action/outcome, then we are better served by using a word such as “expectation”. It is not unreasonable to expect certain behavior or action on the part of another based on standard norms, precedent, or even “doing what is right” regardless of whether or not it is a legal responsibility.

For example, state and local fire personnel sometimes state that it is a federal responsibility to keep wildfires that begin on federal land from spreading to other jurisdictions. However, as there is no actual legal requirement for federal agencies to do so, it is therefore not their responsibility. However, it is a reasonable expectation. Likewise, federal personnel often complain that private landowners are not redeeming their responsibility to provide defensible space around their homes, and that state and local governments are not redeeming their responsibility to regulate development in the WUI through laws, ordinances, and building codes. With some limited exceptions (such as in parts of California) neither of these situations are legal responsibilities. However, most fire personnel at all levels of government would agree that they are reasonable expectations, if we are to reduce the threat and potential damage of wildfire in the WUI.

Recommendation: By clearly understanding each other’s legal responsibilities, and by discussing reasonable expectations, it is much more likely that partners can avoid conflict on contentious or difficult issues and ultimately reach mutually beneficial outcomes.

- Structure (or structural) Protection. According to the NWCG glossary structure (or structural) protection is a wildland fire term and means “the protection of homes or other structures from wildland fire”. In this context, the term structure protection is clear. However, we also use “structure protection” to refer to the role of the local fire service extinguishing fires that are burning inside structures. The problem arises when discerning the role of federal agencies in assisting with structure protection. In the context of wildland fire the answer is yes, they do; in the case of structure fires, no they don’t (except for the NPS in certain situations).

Recommendation: One solution to this problem is to use the term “structure protection” as a wildland fire term, as currently defined by the NWCG, and



the term “structural fire suppression” when referring to the responsibility of the local fire service to extinguish fires burning in structures. It is also important to emphasize that structure protection is the responsibility of all wildland fire organizations within their own jurisdictions. However, as the local fire service may or may not have wildland fire responsibilities in their charters, it shouldn’t necessarily be assumed that they have “structure protection” responsibilities.

- Local Government. All too frequently we use the term local government when we are referring to the local fire service. In some states and counties there is little difference as local government (municipalities and counties) provides wildland fire protection. However, in the majority of rural locations, county government does not provide fire protection. Instead it is provided by fire districts and VFDs, which are normally independent of county government. This situation can be confusing as both situations can, and do, occur within a single state.

Recommendation: Agencies and organizations should use the term local government only when referring to governmental issues and the responsibilities of elected officials. However, when referring to wildland fire protection or structural fire suppression, it is more accurate to use the term local fire service or authority having jurisdiction (AHJ).

- PNF, Wildland Fire Use, AMR, or? Also, over time the federal agencies continue to change terminology – use a new or different word or phrase to refer to how they will respond to wildfires under certain circumstances. Recent examples include: “prescribed natural fire”, “wildland fire use”, and “appropriate management response”. Constantly changing terminology is frustrating for partners and confusing to the public.

Recommendation: As was the intent with the 2001 revision to the 1995 Federal Wildland Fire Management Policy, federal agencies would better served by avoiding jargon and using clear, straightforward language (clear text).

**Too Much Protection or Not Enough?** As was pointed out earlier in this paper, it is very common for state agencies and the local fire service to have dual or overlapping responsibilities for wildland fire protection. In some locations (e.g. Montana) the Forest Service has overlapping jurisdiction with local fire districts as a result of an off-set protection exchange with the state. This effectively places the Forest Service in the position of protecting private lands and all the associated improvements and values that go with it, including classic WUI. This situation may also remove the State from the obligation to sign a cost-share agreement should a wildfire burn in the area, depending upon existing agreements between the State and the local authority having jurisdiction (AHJ).

Also, within many states (predominately in the west) there are remote, rural areas that have no organized wildland fire protection (e.g. Washington, Oregon, Idaho, and Arizona). The failure to recognize that these areas have no wildfire protection and that there is no AHJ, can be problematic, both when a fire starts in an unprotected area and then threatens adjacent land that is under legal protection, or when a wildfire burns off of protected land onto unprotected land. In each case there are serious questions regarding which organization responds and assumes responsibility for the incident and who should sign a cost-share agreement. This exact situation led the Government Accountability Office (GAO) to reach an erroneous conclusion in its 2006 report: “Lack of Clear Guidance Raises Concerns about Cost Sharing among Federal and Nonfederal Entities”, regarding the responsibility of the State of Arizona to cost-share the Florida Fire.

Recommendation: All protection organizations should be aware of locations within their state where there is either no organized wildland fire protection or where there is dual or overlapping protection. Further, if either of these situations does exist then they should discuss how they will communicate and coordinate their responses (or lack of response) in these areas; and how they will, or will not, share costs.

**Federal Wildland Fire Policy Redux.** Despite on-going efforts by the federal agencies, federal wildland fire policy is not always clear and is not always being consistently applied on the ground. This was confirmed by many of those interviewed for this paper. The policy areas causing the most confusion are those relating to working with state, tribal, and local partners, and include the response to wildland fire, the use of wildland fire, operations in the WUI and suppression operations. Part of the problem may be related to the language in the “2001 Review and Update of the 1995 Federal Wildland Fire Management Policy”. Too often the choice of words in the policy statements, which at the time seemed to be good compromises, in practice have turned out to be more vague and ambiguous than first thought. And, for some, ambiguity can be an advantage in obtaining a desired interpretation or outcome. This lack of clarity has led to the need to produce periodic guidance documents (such as the 2009 “Guidance for Implementation of Federal Wildland Fire Management Policy” and the April 14, 2009 clarification of Forest Service “Structure Exposure Protection Principals”) in order to respond to requests for clarification, often by federal employees themselves.

Misunderstandings and uncertainty regarding federal wildland fire policy and federal roles and responsibilities, particularly related to boundary fires and the WUI, is causing friction with state agencies, tribal government, and the local fire service. It also results in too much latitude for interpretation by federal managers at the field level, leading to inconsistent policy implementation and further frustration by partners.

Recommendation: Working with state, tribal, and local partners, the federal wildland fire agencies should identify the specific policy areas that are most unclear and least well understood, and then work to craft improved policy language and clearer policy direction. This could take the form of a 2010 revision of federal wildland fire policy or, as an alternative, to draft a true national fire policy document that includes the

responsibilities, authorities, and roles of state and tribal government and the local fire service.

**Tensions: Policy Driven or Personality Driven?** As has been mentioned in the examples above, some of our interagency tensions are based on a lack of understanding of “mission” or are a result of specific policy issues. Both of these situations can be rectified by improved knowledge and awareness, and by improved, interagency policy formation and implementation. However, other tensions (according to those interviewed) are personality driven. In these situations, some believe nothing can really change unless, or until, certain individuals are no longer in positions of authority. Unfortunately, this rather passive approach can delay progress for a significant period of time.

Recommendation: In situations where individual personalities are identified as a barrier to achieving effective interagency relationships, agency or organizational leaders should consider applying some of the collaboration techniques outlined in the document: “A Community Guide to Preparing and Implementing a Community Wildfire Protection Plan”, which was developed in August 2008 by an interagency group led by the Western Governors’ Association (WGA).

### **Final Thoughts**

By their nature most reports tend to focus on the negative – that which is not working particularly well. This report is no different. However, in terms of interagency relationships, it is significant to note that almost all those interviewed for this project characterized current interagency as very good or excellent. Some commented that interagency relationships were better than they have been in past years or, in other cases, better than they have ever been. Further, most noted a significant and continuing shift towards not only better interagency cooperation and communication, but also increased interagency operations. Examples mentioned include interagency dispatch and coordination centers, incident management teams, and leadership bodies such as Multi-Agency Coordinating (MAC) Groups.

There will likely always be some tension when working in an interagency environment. However, it is clear that federal, state, local, and tribal wildland fire protection authorities are actually working well together, and appear to be committed to providing our nation with an improved wildfire protection and response system – one that is focused less on the differences of our past, and more on the opportunities in our future. All in all, our cup is half full and filling...

# FINAL DRAFT

## APPENDIX A

### Acknowledgements

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I would like to thank the “National Wildland Fire Framework Group”, an ad hoc interagency group that was formed under the Wildland Fire Leadership Council to clarify wildland fire management expectations and responsibilities for the Wildland-Urban Interface, for their assistance and guidance with this project. Membership on the group includes government entities with statutory wildland fire protection responsibilities. Current membership includes:

- USDA Forest Service
- Office of Wildland Fire Coordination, Department of the Interior
- Bureau of Land Management, Department of the Interior
- US Fire Administration, Department of Homeland Security
- Western Governors Association
- National Association of State Foresters
- International Association of Fire Chiefs
- Inter-Tribal Timber Council

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Jim Schanel	Battalion Chief, Colorado Springs Fire Department

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Ted Mead	Chief, Fire & Aviation Management, Montana DNRC
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Tom Kuntz	Chief, Red Lodge City and Rural Fire District #7 , Carbon County, Montana
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Ed Mann	State Fire Commissioner, Pennsylvania
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Bruce Woods	Dept. Head, Mitigation & Prevention, Texas Forest Service
Shawn Snider	Chief, Edinburg Volunteer Fire Department, Texas
Ron Bertsch	Acting Ass't Director, Fire & Aviation Mgmt, R8, USFS
Dave LaFave	Fire Chief, Cowlitz #2 Fire & Rescue, Washington
Joe Shramek	Acting Resource Protection Division Manager, WA DNR
Jim Furlong	Assistant Director, Fire Operations, Pacific Northwest Regional Office, BLM/FS
Carl Gossard	State FMO for Oregon & Washington, BLM

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## APPENDIX B

### **Federal Agency Legal Authorities**

**The following statutes authorize and provide the means for managing wildland fire on lands or threatening lands under the jurisdiction of the Department of the Interior.**

Protection Act of September 20, 1922 (42 Stat. 857; 16 U.S.C. 594)

McSweeney-McNary Act of 1928 (45 Stat. 221; 16 U.S.C. 487)

Economy Act of June 30, 1932 (47 Stat. 417; 31 U.S.C. 1535)

Taylor Grazing Act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315)

O. and C. Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181e)

National Park Service Acts as amended (67 Stat. 495; 16 U.S.C. 1b)

Federal Property and Administrative Service Act of 1949 (40 U.S.C. 471; et seq.)

Reciprocal Fire Protection Act of May 27, 1955 (69 Stat. 66; 42 U.S.C. 1856a)

National Wildlife Refuge System Administration Act of 1966 as amended (80 Stat. 927; U.S.C. 668dd through 668ee)

National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 715)

Fish and Wildlife Coordination Act of 1934 as amended (P.L. 85-624; 16 U.S.C. 661)

Federal Fire Prevention and Control Act of October 29, 1974 (88 Stat. 1535; 15 U.S.C. 2201)

Federal Land Policy and Management Act of 1976 (90 Stat. 2743)

Federal Grant and Cooperative Agreement Act of 1977 (P.L. 950224, as amended by P.L. 97-258, September 13, 1982 (96 Stat. 1003; 31 U.S.C. 6301 thru 6308)

Wildfire Suppression Assistance Act of 1989 (P.L. 100-428, as amended by P.L. 101-11, April 7, 1989)

Indian Self-Determination and Education Assistance Act (PL 93-638) as amended

National Indian Forest Resources Management Act (P. L. 101-630 November 28, 1990)

Tribal Self-Governance Act of 1994 (P.L. 103-413)

Healthy Forests Restoration Act of 2003

Department of the Interior and Related Agencies Appropriations Act (P.L. 103-32)

National Park Service Acts (16 U.S.C.)

**The following statutes authorize and provide the means for managing wildland fire on lands or threatening lands under the jurisdiction of the USDA Forest Service.**

Organic Act of 1897

Weeks Law of 1911 (P.L. 61-435, as amended)

National Forest Management Act of 1976

Granger-Thye Act of 1950

Clarke-McNary Act of 1924

Reciprocal Fire Protection Act of May 27, 1955 (69 Stat. 66; 42 U.S.C. 1856a)

Cooperative Forestry Assistance Act of 1978

Healthy Forests Restoration Act of 2003

Department of the Interior and Related Agencies Appropriations Act (P.L. 103-32)

Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 PL 100-707

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## APPENDIX C

### Selected References

*A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment – 10 Year Comprehensive Strategy.* Western Governors Association, August 2001.

*A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment – 10 Year Comprehensive Strategy Implementation Plan.* Western Governors Association, December 2006.

*Quadrennial Fire Review Report 2009.* National Wildfire Coordinating Group Executive Board, January 2009.

*The Changing Roles and Needs of Local, Rural, and Volunteer Fire Departments in the Wildland Urban Interface.* National Association of State Foresters, 2003.

*Wildland Fire Suppression: Lack of Clear Guidance Raises Concerns about Cost Sharing among Federal and Nonfederal Entities.* U.S. Government Accountability Office, 2006.

*Principal Wildland Fire Laws for the U.S. Department of the Interior and Bureau of Land Management, Reference Guide.* BLM Office of Community Protection and Assistance, October 2003.

*Review and Update of the 1995 Federal Wildland Fire Management Policy, January 2001.*

*Guidance for Implementation of Federal Wildland Fire Management Policy.* Fire Executive Council, February 2009.

*Forest Service Structure Protection Principles.* USDA Forest Service, April 2009.

*Interagency Standards for Fire and Fire Aviation Operations (Red Book).* National Interagency Fire Center, 2009.

*A Community Guide to Preparing and Implementing a Community Wildfire Protection Plan.* Western Governors' Association, et. al., August 2008.

*Fire Protection on Non-Federal Wildlands. A Summary Report on the National Interest, Federal Role, Fire Prevention Efficiency, and Program Framework.* USDA Forest Service, February 1983.

*Enhancing Capacity to Implement the Federal Interagency Policy.* National Academy of Public Administration, December 2001.



*Fire in the West. The Wildland/Urban Interface Problem.* A report to the Western Council of State Foresters by William C. Teie and Brian F. Weatherford, September 18, 2000.

# APPENDIX D

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## Arizona Appendix

### **Federal Wildland Fire Protection:**

#### **Forest Service (FS):**

Mission: The mission of the FS is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. In meeting its mission in Arizona, the FS manages and provides wildland fire protection on 6 National Forests encompassing over 2.6 million acres. The FS accomplishes this primarily through the implementation of land management and fire management plans.

To meet its wildland fire management responsibilities, the FS is further guided by the "1995 Federal Wildland Fire Management Policy (revised in 2001)", the "2009 Guidance for Implementation of Federal Wildland Fire Management Policy", the "Interagency Standards for Fire and Fire Aviation Operations", the "Structure Exposure Protection Principals" (April 14, 2009), and the "Forest Service Manual 5100".

#### Responsibilities:

- Provide wildland fire protection on federal lands administered by the FS. (*Organic Act of 1897; Clarke-McNary Act of 1924; Granger-Thye Act of 1950; and the National Forest Management Act of 1976*).
- Protect human communities that border National Forests by implementing hazardous fuel reduction projects on federal lands within the WUI (*Healthy Forests Restoration Act of 2003*).
- Provide technical assistance in fire prevention and control to the State. (*Cooperative Forestry Assistance Act of 1978*).

#### Authorities:

- Enter into mutual aid and reciprocal fire protection agreements, including international agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide financial assistance (grants) to the State, if funds are appropriated by Congress for that purpose (*Cooperative Forestry Assistance Act of 1978; Appropriations Act for Interior and Related Agencies*).
- Provide assistance to the State when wildfires exceed its capacity (*Cooperative Forestry Assistance Act of 1978*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening National Forest lands, even if there is no agreement in place (*Weeks Law of 1911; Clarke-McNary Act of 1924; Reciprocal Fire Protection Act of 1955*).

- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Cooperative Forestry Assistance Act of 1978*).

Roles:

- Under the *Stafford Act*, serve as the principal advisor to state government when the State requests a Fire Management Assistance Grant from the Federal Emergency Management Agency (FEMA).
- For additional roles, see “roles common to all federal agencies” at the end of this section.

**Bureau of Land Management (BLM):**

Mission: The mission of the BLM is to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. In meeting its mission in Arizona the BLM manages and protects over 12.2 million acres of public land. The BLM accomplishes this through the implementation of resource management and fire management plans.

To meet its wildland fire management responsibilities, the BLM is further guided by the “Federal Wildland Fire Management Policy” (revised in 2001), and the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, and part 620 of the “DOI Departmental Manual”.

Responsibilities:

- Provide wildland fire protection on federal lands administered by the BLM (*Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*).
- Protect human communities that border National Forests by implementing hazardous fuel reduction projects on federal lands within the WUI (*Healthy Forests Restoration Act of 2003*).

Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening BLM lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).

- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).

Roles: See “roles common to all federal agencies” at the end of this section.

### **National Park Service (NPS):**

Mission: The mission of the NPS is to preserve unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. In meeting its mission in Arizona, the NPS manages and protects over 2.6 million acres; including 3 National Parks; 14 National Monuments; 1 National Memorial; 2 historic sites; 2 historic trails; 1 national heritage area; 1 national historic park; and 2 national recreation areas in Arizona. The NPS accomplishes its mission primarily through the implementation of resource management and fire management plans.

The NPS is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, the “Director’s Order #18: Wildland Fire Management”, and part 620 of the “DOI Departmental Manual”.

### Responsibilities:

- The primary wildland fire protection responsibility of the NPS is to provide for the protection of federal lands and sites under its management (*NPS Organic Act of 1955*).
- The unique feature of the NPS is its focus on the protection and preservation of cultural and historic resources (*NPS Organic Act of 1916; Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*). A list of other applicable statutes can be found in Appendix B.

### Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening NPS lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).

- Provide structural fire suppression services for its own buildings within the larger National Parks (exclusive jurisdiction). Some NPS sites have agreements with local government for structural fire protection. Wildland fire and structural fire may be combined into a single program within a National Park, or they may be separate programs (*National Park Service Acts*).
- Render emergency rescue, fire fighting, and cooperative assistance to nearby law enforcement and fire agencies outside of NPS lands (*National Park Service Acts*).

Roles: See “roles common to all federal agencies” at the end of this section.

### **Fish & Wildlife Service (FWS):**

Mission: The U.S. Fish and Wildlife Service, working with others, is responsible for conserving, protecting, and enhancing fish and wildlife and their habitats for the continuing benefit of the American people through Federal programs relating to migratory birds, endangered species, interjurisdictional fish and marine mammals, and inland sport fisheries. In meeting this mission the FWS manages and protects 9 national wildlife refuges encompassing over 1.7 million acres in Arizona. This is primarily accomplished through the implementation of resource management and fire management plans.

To meet its wildland fire management responsibilities, the FWS is further guided by the “Federal Wildland Fire Management Policy” (revised in 2001), the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, and part 620 of the “DOI Departmental Manual”.

Responsibilities: The primary wildland fire protection responsibility of the FWS is to provide for the protection of federal lands and sites under its management (*Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*). The FWS provides protection on those National Wildlife Refuges that have fire staff on site (two). On the other 7 refuges wildland fire protection is provided by state or local forces through contract or agreement.

### Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening FWS lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).

- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).
- Enter into cooperative agreements with partner organizations, academic institutions, or State or local government agencies (*National Wildlife Refuge System Improvement Act of 1997*).
- Conduct projects on private lands (with permission of landowner) for conservation purposes. The FWS may do prescribed burning but not wildfire response (*Fish and Wildlife Coordination Act of 1934 as amended*).
- Provide payments in lieu of taxes to local government (*National Wildlife Refuge System Improvement Act of 1997*).

Roles: See “roles common to all federal agencies” at the end of this section.

### **Bureau of Indian Affairs (BIA) and Tribal Government:**

Mission: The Bureau of Indian Affairs’ mission is to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes and Alaska Natives. There are 21 Indian reservations in Arizona. Three have contract or compact status and have assumed the responsibility for providing wildfire protection on Indian trust lands. They are also interagency cooperators and will mobilize off their reservations to provide suppression assistance. The BIA provides wildland fire protection on the other 18 reservations. The BIA and Tribes accomplish their missions primarily through the implementation of resource and fire management plans.

Furthermore, in order to fulfill its wildland fire management responsibilities, the BIA is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, part 620 of the “DOI Departmental Manual”, as well as the BIA’s “Wildland Fire and Aviation Program Management and Operations Guide”.

Responsibilities: The BIA, through treaties and executive orders, has the responsibility to protect tribal trust lands. The BIA cannot give up that trust responsibility, but can pass the authority to manage programs and provide protection to individual tribes through the *Indian Self Determination Act (PL 93-638)*, the *National Indian Forest Resource Management Act (PL 101-630)* and the *Tribal Self-Governance Act of 1994 (P.L. 103-413)*. The Colorado Indian Tribes, the Papago Agency (Tohono O’odham Nation), and the Salt River Pima-Maricopa Indian Community all provide wildland fire protection on tribal trust lands within their reservations.

### Authorities:

- May take action on wildfires on adjacent lands that threaten tribal trust lands. However, no expenses for fighting a fire outside Indian Lands may be incurred

unless the fire threatens Indian land or unless the expenses are incurred pursuant to an approved cooperative agreement with another protection agency (*Reciprocal Fire Protection Act of 1955*).

- Enter into reciprocal agreements (e.g. mutual and automatic aid) with any wildland fire organization maintaining protection facilities in the vicinity of Indian reservations or other Indian land for mutual aid in wildfire protection (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).

#### Roles:

- The BIA represents Tribal interests on the Southwest Geographic Area Coordinating Group and MAC Group.
- For other BIA roles, see “roles common to all federal agencies” at the end of this section.

**Roles common to all Federal Agencies:** Federal roles are described in detail in agency policy direction, manuals, and handbooks. For example: the “1995 Federal Wildland Fire Management Policy” (revised in 2001), the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, “part 620 of the DOI Departmental Manual”, and the “Forest Service Manual 5100”. Common roles include:

- Manage all actions to provide for public and fire fighter safety as the highest priority.
- Take aggressive action to keep unwanted wildland fires from spreading to adjacent jurisdictions during initial attack.
- Protect human communities adjacent to federal lands by taking immediate suppression actions on wildfires threatening private lands.
- Actively manage fuels to reduce fire spread potential along boundaries with other jurisdictions.
- Partner on the Southwest Geographic Area Coordinating Group and MAC Group.
- Partner in statewide, interagency dispatch centers.
- Provide incident management team members and personnel for national dispatch.
- Work cooperatively with other federal, state, tribal, and local wildland fire protection organizations in providing effective and cost-efficient wildland fire protection and response. For example, there is some exchange of fire leadership between the FS and NPS in the SE Zone and also between the Kaibab NF and Grand Canyon National Park.
- Work with partners in off-season to develop detailed templates for cost-share agreements to minimize potential for conflict.



- Work with partners to identify draw down levels, fire danger ratings, and other preparedness steps to better prepare for response.
- Through the DOI Rural Fire Assistance/Ready Reserve program and the FS cooperative programs (SFA, VFA, and FEPP/FPP), and in conjunction with the State Forester, provide training and equipment to local fire department personnel to assist them in meeting basic NWCG qualifications.
- Protect endangered species related to suppression actions.
- Coordinate responses to wildland fires across jurisdictional boundaries.
- Support the development and implementation of Community Wildfire Protection Plans (CWPP).
- Work with all partners to develop and implement risk assessment, prevention and mitigation plans to reduce the frequency of wildfires due human ignitions.
- Provide mutually agreed upon preparedness and suppression assistance to state, tribal, and local government on wildfires that exceed their capabilities.
- Assist local fire departments to protect private structures from wildfires originating on federal lands.
- Provide for structural fire suppression for cabins and administrative sites on federal land. Except on the larger National Parks, this is normally handled through arrangements with local, all hazard fire departments. However, in the case of leased or permitted cabins on federal land, structural fire suppression is typically the responsibility of the cabin owner.

### **Arizona State Forestry Division Wildland Fire Protection:**

Responsibilities: *Arizona Revised Statutes 37-623* (Suppression of wildfires; powers and duties of State Forester; entry on private lands.)

- The State Forester has the responsibility for wildfire suppression outside of incorporated municipalities, subject to a cooperative agreement. If the State has a signed agreement with a local fire district or volunteer fire department, then it is required to provide services as defined in the agreement. Through its programs, the Forestry Division protects approximately 22.4 million acres of state and private lands.
- The State Forester is not responsible for fires burning within incorporated municipalities, within the boundaries of establish fire districts, or contracted fire service areas.

### Authorities:

- Respond to wildfires on any lands in the state, regardless of whether or not an agreement is in place, if the State Forester determines that suppression actions are in the best interests of this state or are immediately necessary to protect state lands.
- Enter private lands in performing fire suppression duties.
- Enter into contracts and cooperative agreements and to award grants.
- Provide technical and financial assistance to tribal and local cooperators for fire management planning and activities in the wildland urban interface.

- Implement fuel modification projects to mitigate fire hazards.

#### Roles:

- Provide training and equipment to fire districts and volunteer fire departments.
- Mobilize local forces for in-state and out-of-state dispatch.
- Work with partners to identify draw down levels, fire danger ratings, and other preparedness steps to better prepare for response.
- Upon request, assist partners with their response to wildfires.
- Work with partners in off-season to develop detailed templates for cost-share agreements to minimize potential for conflict.
- Work with partners in developing and implementing CWPPs.
- Partner in the Southwest Geographic Area Coordinating Group and MAC Group.
- Provide grants to local government and rural fire departments.
- Coordinate with the State Fire Marshal in administering state fire codes and in the prevention of fires in rural wildlands.
- Mobilize Arizona National Guard resources to assist with wildfire suppression.

#### Direct Protection:

- Program funding: State general funds and federal grants.
- Suppression funding: The Division has an appropriated general fund suppression fund. If the fund is depleted, the State Forester may request access to the Governor's emergency fund. If that fund is not available, the last recourse is a supplemental appropriation from the Legislature. The State Forester may also request financial assistance from FEMA through a Fire Management Assistance Grant.

#### Indirect Protection:

- How structured: The State has cooperative agreements with most cities, fire districts, and VFDs. All fire departments provide protection within their own jurisdiction. Fire Departments have the option of whether or not they wish to respond outside their own jurisdiction, if so requested.
- Protection costs: Through the cooperative agreement, the State will reimburse costs when fire departments are requested to fight fires outside of their own jurisdiction. In return, the local fire departments provide protection to state trust lands within their jurisdiction.
- State Assistance with large fires. Whenever a wildfire exceeds local capacity the district, city, or VFD can request State assistance.

- Suppression funding: Once a local entity has requested assistance, the State (Division of Forestry) will pick up most of the suppression costs and cover them through its normal procedures. Structure Fires are the responsibility of the local fire department.

**Local Wildland Fire Protection:** Counties do not have wildland fire responsibility in Arizona.

- City/Municipal Fire Departments.
  - How formed: There is no state requirement for a municipality to have a fire department. It is a local option. If voters desire a fire department they must vote it in and then fund it. There are also “county islands” within some municipalities where the voters have not approved any fire protection service.
  - Responsibilities: Depends upon the City Charter. Usually all hazard response within the city limits. However, some do very little wildland fire and have no wildland training.
  - Authorities:
    - To respond outside of their jurisdiction if requested by the State Forester. (Requires an Intergovernmental agreement which is typically adopted by city ordinance.)
    - Serve on IMTs upon request.
    - Enter into contracts and agreements, including mutual and automatic aid agreements. Almost all districts have an agreement with the State.
    - Adopt fire codes that are stricter than the International Fire Code or the State standard.
  - Funding: Mix of sales tax and some property tax.
  - Large fire costs: If have an agreement with the State can request assistance and the State will then pay for outside resources. Assistance will be provided, but the State may require reimbursement.
- Fire Districts (Special Districts). Approximately 300 in the state.
  - How formed: By petition of property owners owning 51% of total assessed value of property within the proposed district. Petition must define the boundaries. If approved, the district can either elect a Chief and a Treasurer or a Board. A special district is considered a subdivision of state government.

- Responsibilities: All hazard response. A district may have multiple stations. Some have limited wildfire response capability. Majority are combination departments. (Have full time employees plus either pure volunteers, or paid when called volunteers.)
- Authorities:
  - Have authority to go outside their district if have a signed intergovernmental agreement and are requested by the State Forester.
  - Employees, if selected, can serve on IMTs.
  - Can enter into contracts and agreements. Almost all districts have an agreement with the State.
  - Adopt fire codes that are stricter than the International Fire Code or the State Standard.
- Funding: Levy against property tax and bond issues.
- Large fire costs: Assistance from the State if they have a cooperative agreement with the Forestry Division.
- Volunteer Fire Department (VFD). There are not many in Arizona.
  - How formed: Non-profit 501(c) (3) organizations. All volunteer. They have self-defined boundaries which depend upon the property they want to protect. If they want an agreement with the State they must define their boundary.
  - Responsibilities: All hazard response, but primary responsibility is structure fire suppression.
  - Funding: Donations and fund raising.
  - Large fire costs: If they have an agreement with the State they can request assistance. The State will assist on any wildland fire that exceeds their capabilities.
- Private Fire Protection Company. (Example: Rural Metro)
  - How formed: They are private companies that have paid management and volunteer fire fighters. Generally property owners sign up for protection. Also, a public entity can contract for fire services from them.
  - Responsibilities: All hazard response.
  - Authorities: If they provide services under a contract to a community or a special District they can enforce fire codes and any other regulation

adopted by those entities. Arizona State Forestry Division has an equipment rental agreement with Rural Metro.

- Funding: By subscription or contract
- Large fire costs: In most cases, there is no help available from the State. If they are contracted by a subdivision of state government (Municipality or District), the subdivision may have an agreement with the State Forester.

### **Protection Contracts and Exchanges:**

- FS: Provides initial attack on some NPS land in the SE Zone. They exchange services with each other in lieu of payments.
- FWS: Some of the smaller refuges contract with local fire departments for initial attack services.
- The AZ Forestry has none at this time but they are currently in discussions with the BLM.

### **Unprotected Wildlands:**

There are wildlands within the state of Arizona that have no organized wildland fire protection.

### **Regulation & Enforcement:**

- Planning & Zoning: County or city responsibility. There is no state requirement for planning or zoning. However, there are statutes regarding on how small you can divide land parcels.
- Subdivision Regulation: Cities or counties may adopt and enforce regulations governing zoning, building and fire codes.
- Building Codes: The State has adopted the International Fire Code. If the State adopts a building code then the counties must implement it (except for the 5 largest cities). Fire Districts may implement and enforce codes within their boundaries. Most building codes are at the county and city level.

## California Appendix

### **Federal Wildland Fire Protection:**

#### **Forest Service (FS):**

Mission: The mission of the FS is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. In meeting its mission, the FS manages and provides wildland fire protection on 18 National Forests in California covering almost 21 million acres. Through off-set protection exchanges, the FS provides wildland fire protection on about 23 million acres (direct protection area). The FS accomplishes this primarily through the implementation of land management and fire management plans.

To meet its wildland fire management responsibilities, the FS is further guided by the "Federal Wildland Fire Management Policy" (revised in 2001), the "2009 Guidance for Implementation of Federal Wildland Fire Management Policy", the "Interagency Standards for Fire and Fire Aviation Operations", the "Structure Exposure Protection Principals" (April 14, 2009), and the "Forest Service Manual 5100".

#### Responsibilities:

- Provide wildland fire protection on federal lands administered by the FS. (*Organic Act of 1897; Clarke-McNary Act of 1924; Granger-Thye Act of 1950; and the National Forest Management Act of 1976*).
- Protect human communities that border National Forests by implementing hazardous fuel reduction projects on federal lands within the WUI (*Healthy Forests Restoration Act of 2003*).
- Provide technical assistance in fire prevention and control to the State. (*Cooperative Forestry Assistance Act of 1978*).

#### Authorities:

- Enter into mutual aid and reciprocal fire protection agreements, including international agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide financial assistance (grants) to CAL FIRE, if funds are appropriated by Congress for that purpose (*Cooperative Forestry Assistance Act of 1978; Appropriations Act for Interior and Related Agencies*).
- Provide assistance to the State when wildfires exceed its capacity (*Cooperative Forestry Assistance Act of 1978*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening National Forest lands, even if there is no agreement in place (*Weeks Law of 1911; Clarke-McNary Act of 1924; Reciprocal Fire Protection Act of 1955*).

- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Cooperative Forestry Assistance Act of 1978*).

Roles:

- Under the *Stafford Act*, serve as the principal advisor to state government if it requests a Fire Management Assistance Grant from the Federal Emergency Management Agency (FEMA).
- For additional roles, see “roles common to all federal agencies” at the end of this section.

**Bureau of Land Management (BLM):**

Mission: The mission of the BLM is to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. In meeting its mission the BLM manages and protects over 15 million acres in California and provides wildland fire protection on almost 14 million acres. The difference is due to the off-set protection agreement. The BLM accomplishes this through the implementation of resource management and fire management plans.

To meet its wildland fire management responsibilities, the BLM is further guided by the “Federal Wildland Fire Management Policy” (revised in 2001), and the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, and part 620 of the “DOI Departmental Manual”.

Responsibilities:

- Provide wildland fire protection on federal lands administered by the BLM (*Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*).
- Protect human communities that border National Forests by implementing hazardous fuel reduction projects on federal lands within the WUI (*Healthy Forests Restoration Act of 2003*).

Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening BLM lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).

- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).

Roles: See “roles common to all federal agencies” at the end of this section.

### **National Park Service (NPS):**

Mission: The mission of the NPS is to preserve unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. In meeting its mission, the NPS manages over 7.5 million acres in California. Within the state are: 8 National Parks; 6 National Monuments; 4 National Historic Trails; 4 National Historic Sites; 3 National Recreation Areas; 2 National Historic Parks; 1 National Preserve; 1 National Seashore; 1 National Memorial; and 2 other sites. The NPS provides wildland fire protection for the public lands under its management either directly (NPS direct protection area), by another agency through the off-set protection exchange, or by agreement/contract with local government or local fire departments. This is primarily accomplished through the implementation of resource management and fire management plans.

The NPS is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, the “Director’s Order #18: Wildland Fire Management”, and part 620 of the “DOI Departmental Manual”.

### Responsibilities:

- The primary wildland fire protection responsibility of the NPS is to provide for the protection of federal lands and sites under its management (*NPS Organic Act of 1955*).
- The unique feature of the NPS is its focus on the protection and preservation of cultural and historic resources (*NPS Organic Act of 1916; Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*). A list of other applicable statutes can be found in Appendix B.

### Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening NPS lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).



- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).
- Provide structural fire suppression services for its own buildings within the larger National Parks (exclusive jurisdiction). Some NPS sites have agreements with local government for structural fire protection. Wildland fire and structural fire may be combined into a single program within a National Park, or they may be separate programs (*National Park Service Acts*).
- Render emergency rescue, fire fighting, and cooperative assistance to nearby law enforcement and fire agencies outside of NPS lands (*National Park Service Acts*).

Roles: See “roles common to all federal agencies” at the end of this section.

### **Fish & Wildlife Service (FWS):**

Mission: The U.S. Fish and Wildlife Service, working with others, is responsible for conserving, protecting, and enhancing fish and wildlife and their habitats for the continuing benefit of the American people through Federal programs relating to migratory birds, endangered species, interjurisdictional fish and marine mammals, and inland sport fisheries. In meeting this mission the FWS is responsible for managing 34 National Wildlife Refuges in California, covering about 465,000 acres.

To meet its wildland fire management responsibilities, the FWS is further guided by the “Federal Wildland Fire Management Policy” (revised in 2001), the 2009 “Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, and part 620 of the “DOI Departmental Manual”.

Responsibilities: The primary wildland fire protection responsibility of the FWS is to provide for the protection of federal lands and sites under its management (*Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*). The FWS provides wildland fire protection on 5 refuges and has agreements with CAL FIRE or local fire departments for initial attack on the other 29 refuges. The FWS does not participate in the off-set protection exchange.

### Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening FWS lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).

- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).
- Enter into cooperative agreements with partner organizations, academic institutions, or State or local government agencies (*National Wildlife Refuge System Improvement Act of 1997*).
- Conduct projects on private lands (with permission of landowner) for conservation purposes. The FWS may do prescribed burning but not wildfire response (*Fish and Wildlife Coordination Act of 1934 as amended*).
- Provide payments in lieu of taxes to local government (*National Wildlife Refuge System Improvement Act of 1997*).

Roles: See “roles common to all federal agencies” at the end of this section.

### **Bureau of Indian Affairs (BIA) and Tribal Government:**

Mission: The Bureau of Indian Affairs’ mission is to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes and Alaska Natives. California is unique in that California tribes continue to develop their tribal infrastructure as a result of not having had the same opportunities that have been provided to other native groups throughout the country. In addition, California has a large number of aboriginal native populations who are not currently recognized by the United States.

Today, California is home to 102 federally recognized tribes living on 105 reservations or rancherias. Rancherias are unique to California and are a product of the history of the Federal-Indian relationship in. Two of the reservations have assumed the responsibility for wildland fire protection on tribal trust lands within their boundaries. The BIA is responsible for wildland fire protection on the other 103 reservation and rancherias. The BIA provides protection for tribal trust lands in Northern California, but contracts with CAL FIRE for the protection of scattered tribal trust lands in southern California.

Furthermore, in order to fulfill its wildland fire management responsibilities, the BIA is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, part 620 of the “DOI Departmental Manual”, as well as the BIA’s “Wildland Fire and Aviation Program Management and Operations Guide”.

Responsibilities: The BIA, through treaties and executive orders, has the responsibility to protect tribal trust lands. The BIA cannot give up that trust responsibility, but can pass the authority to manage programs and provide protection to individual tribes through the *Indian Self-Determination Act (PL 93-638)*, the *National Indian Forest Resource Management Act (PL 101-630)* and the *Tribal Self-Governance Act of 1994 (P.L. 103-413)*.

### Authorities:

- May take action on wildfires on adjacent lands that threaten tribal trust lands. However, no expenses for fighting a fire outside Indian Lands may be incurred unless the fire threatens Indian land or unless the expenses are incurred pursuant to an approved cooperative agreement with another protection agency (*Reciprocal Fire Protection Act of 1955*).
- Enter into reciprocal agreements (e.g. mutual and automatic aid) with any wildland fire organization maintaining protection facilities in the vicinity of Indian reservations or other Indian land for mutual aid in wildfire protection (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).

### Roles:

- The BIA represents Tribal interests on the on the California Coordinating Group and MAC Group.
- For other BIA roles, see “roles common to all federal agencies” at the end of this section.

**Roles common to all Federal Agencies:** Federal roles are described in detail in agency policy direction, manuals, and handbooks. For example: the “1995 Federal Wildland Fire Management Policy” (revised in 2001), the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, “part 620 of the DOI Departmental Manual”, and the “Forest Service Manual 5100”. Common roles include:

- Manage all actions to provide for public and fire fighter safety as the highest priority.
- Take aggressive action to keep unwanted wildland fires from spreading to adjacent jurisdictions during initial attack.
- Protect human communities adjacent to federal lands by taking immediate suppression actions on wildfires threatening private lands.
- Actively manage fuels to reduce fire spread potential along boundaries with other jurisdictions.
- Partner in the California Wildfire Coordinating Group and CAL MAC Group; Northern Cal MAC and Southern CAL MAC and both Geographic Area Coordination Centers; and FIRESCOPE. The FS provides staffing at both North and South Ops, along with the BLM, OES and CAL FIRE.
- Partner in statewide, interagency dispatch centers.
- Provide incident management team members and personnel for national dispatch.

- Work cooperatively with other federal, state, tribal, and local wildland fire protection organizations in providing effective and cost-efficient wildland fire protection and response.
- Through the DOI Rural Fire Assistance/Ready Reserve program and the FS cooperative programs (SFA, VFA, and FEPP/FPP), and in conjunction with State Foresters, provide training and equipment to local fire department personnel to assist them in meeting basic NWCG qualifications.
- Work with partners in off-season to develop detailed templates for cost-share agreements to minimize potential for conflict.
- Work with partners to identify draw down levels, fire danger ratings, and other preparedness steps to better prepare for response.
- Protect endangered species related to suppression actions.
- Coordinate responses to wildland fires across jurisdictional boundaries.

**California Department of Forestry & Fire Protection (CAL FIRE) Wildland Fire Protection:** *State Public Resources Code (PRC) 4111-4113; 4125*

- Responsibilities: CAL FIRE is responsible for the wildland fire protection system in the state. The Board of Forestry has the authority to determine State Responsibility Areas (SRA) for private lands. These are lands for which CAL FIRE has wildland fire protection responsibility. All non-federal lands not assigned to a SRA are by default Local Responsibility Areas (LRA). As a result wildfire protection in California (approximately 90 million acres) is divided almost equally among CAL FIRE, local government, and the federal government. However, 33 of the 58 counties contract with CAL FIRE to provide their municipal fire and life safety protection, while CAL FIRE contracts with 6 counties to provide wildland protection on areas of its responsibility.

All wildland in California is under protection. But, there are some small communities that have no structural fire protection service available. In these situations the wildland agencies (state or federal) may be the only response unit available, but without jurisdiction or authorities for structural fire suppression.

- Direct Protection:
  - Program funding: State general fund plus federal grants. Base funding is for preparedness plus 2 hours of initial attack.
  - Suppression funding: An emergency fund covers the remainder of suppression expenses. If the agency depletes the emergency fund, then it has to go into “deficiency” and request a supplemental appropriation.
  - Authorities:
    - To enter into contacts and agreements.

- To provide rescue, first aid, and other emergency response to the extent able and if the response doesn't require additional funds.
    - Provide interior structure fire suppression in conjunction with local government, if the burning structure poses a threat to wildlands or if it is under a mutual aid agreement.
    - Under the "7 Points of Light" policy, CAL FIRE has the authority to provide immediate assistance to a LRA for non-reciprocal resources (aircraft, crews) and to pick up the costs. This streamlines the process for ordering resources. However, this process has become an expectation of some local government entities, who don't understand why the Forest Service doesn't provide the same service in locations where the FS protects private land for the State.
  - Roles:
    - All CAL FIRE personnel are trained in all hazard response.
    - Represent the State on the Geographic Coordinating Group and Geographic MAC Group.
    - Provide assistance and training to local fire departments.
    - Provide aviation resources to support local initial attack.
    - Provide overhead personnel and access to incident management teams.
    - Work with partners to identify draw down levels, fire danger ratings, and other preparedness steps to better prepare for response.
    - Upon request, assist partners with their response to wildfires.
    - Work with partners in off-season to develop detailed templates for cost-share agreements to minimize potential for conflict.
    - Work with partners in developing and implementing CWPPs.
    - Facilitates "pass through" of federal grants to local government and rural fire departments.
    - Request that the Governor mobilize State National Guard resources when needed to assist with wildfire suppression.
- Cooperative Protection:
  - How structured: CAL FIRE provides support and assistance to local fire departments, including training, equipment, and grants (VFA). Local units have mutual and automatic aid agreements with local fire departments and there is no exchange of money.
  - Protection costs: All CAL FIRE costs come out of same general fund appropriation.
  - State Assistance with large fires: CAL FIRE has the authority to assist the local fire service under the "7 Points of Light" policy. The State Office of

Emergency Services (OES) acts as the local government agent and is responsible for coordinating the flow of resources across the state.

- Suppression funding: Under the “7 Points of Light” policy CAL FIRE has the authority to cover suppression costs for local jurisdictions.

### **Local Wildland Fire Protection:**

- City Fire Departments.
  - How formed: For charter cities, the city charter lists the requirements for fire protection and for fire departments. For non-charter cities, there is no specific document laying out responsibilities. Cities typically have a Mayor and city council governing structure and a city manager is very common.
  - Responsibilities: Generally provide all hazard response. Some cities choose not to form their own fire departments. Instead they contract fire protection to the county, other cities, the fire district, or CAL FIRE. Some cities have no wildland fire problem (completely surrounded by urban areas). Contracts are usually on an annual term and provide for a set of defined services. The contracts provide for full responsibility and specify costs, even for disasters.

Large cities have all paid departments based on union agreements. In smaller urban areas some cities have combination departments. The Chief is usually paid and all other fire fighters are “on call” personnel (not paid unless called out). Some smaller cities/communities have volunteer fire departments.

- Authorities:
  - Enter into mutual aid, automatic aid, and local agreements. Mutual aid is by request and involves the reciprocal exchange of services without reimbursement. Automatic aid is used along jurisdictional boundaries to facilitate the use of the closest resource. Local, state, and federal fire organizations can enter into local agreements. These agreements specify service levels and reimbursement procedures.
  - May exchange protection responsibilities with another city or the county by agreement.

- Roles:
  - May provide special equipment (e.g. radios) to other entities to facilitate better and more efficient response in mutual threat zones.
  - Cooperate with other cities, counties, fire districts, CAL FIRE, and federal agencies.
  - May provide personnel for IMTs.
  - Train together and assist one another through mutual aid agreements. (Note: city fire department personnel may or may not have wildland fire qualifications.)
  
- Funding: City sales tax and limited property tax.
  
- Large fire costs: May seek a local disaster declaration which must be ratified by county, state, and federal officials based on the potential or actual threat. Costs are apportioned (by a variety of means) among agencies having jurisdiction. Each pays its share from normal sources. However, cities may receive financial assistance from the State through the “7 Points of Light” policy with OES.
  
- County Fire Departments. (Example: Kern County.)
  - How formed: For charter counties, the county charter lists the requirements for fire protection and for fire departments. For non-charter counties, there is no specific document that describes responsibilities. Counties typically have a governing structure consisting of a Chief Administrative Officer and Board of Supervisors.
  
  - Responsibilities: Generally provide all hazard response. Some counties choose not to form their own fire departments. Instead they contract with another county, a city, a fire district, or CAL FIRE for fire protection.
  
  - Authorities:
    - Enter into mutual aid, automatic aid, and local agreements. Mutual aid is by request and involves the reciprocal exchange of services without reimbursement. Automatic aid is used along jurisdictional boundaries to facilitate the use of the closest resource. Local, state, and federal fire organizations can enter into local agreements. These agreements specify service levels and reimbursement procedures.
    - May exchange protection responsibilities with a city or another county by agreement.

- Roles:
  - May provide special equipment (e.g. radios) to other entities to facilitate better and more efficient response in mutual threat zones.
  - Cooperate with cities, other counties, fire districts, CAL FIRE, and federal agencies.
  - May provide personnel for IMTs.
  - Train together and assist one another through local agreements.
- Funding: County general fund through property taxes and contracts. They don't usually hold any reserves and must revert any unused budget to the County.
- Large fire costs: May seek a local disaster declaration which must be ratified by county, state, and federal officials based on the potential or actual threat. Costs are apportioned (by a variety of means) among agencies having jurisdiction. Each pays its share from normal sources. However, counties may receive financial assistance from the State through the "7 Points of Light" policy with OES.
- Dependent Special Fire Districts. (Example: Ventura County.)
  - How formed: Formed by County Supervisors under California statute, with the Supervisors acting as its Board of Directors. Counties typically have a governing structure consisting of a Chief Administrative Officer and a Board of Supervisors acting as a Board of Directors (BOD). The Fire Chief reports to the BOD.
  - Responsibilities: Function as a county fire department under the health and safety codes of California. They were originally formed to respond to structure and vehicle fires, but have since added rescue and emergency medical services. They also provide wildland fire response within incorporated areas of the county. Unincorporated areas are protected by a contract with CAL FIRE and local agreements with federal fire agencies.
  - Authorities:
    - Enter into mutual aid, automatic aid, and local agreements. Mutual aid is by request and involves the reciprocal exchange of services without reimbursement. Automatic aid is used along jurisdictional boundaries to facilitate the use of the closest resource. Local, state, and federal fire organizations can enter into local agreements. These agreements specify service levels and reimbursement procedures.
    - May exchange protection responsibilities with a city or another county by agreement.



- Roles:
  - May provide special equipment (e.g. radios) to other entities to facilitate better and more efficient response in mutual threat zones.
  - Cooperate with cities, counties, other districts, CAL FIRE, and federal agencies.
  - May provide personnel for IMTs.
  - Train together and assist one another through local agreements.
- Funding:
  - Property taxes. Levy is specific to fire protection and must be passed on to the district.
  - Fees for specific services.
  - Payments from contracts, such as from CAL FIRE for district protection of SRA within the county.
  - May have reserves and can access the County general fund.
- Large fire costs: May seek a local disaster declaration which must be ratified by county, state, and federal officials based on the potential or actual threat. Costs are apportioned (by a variety of means) among agencies having jurisdiction. Each pays its share from normal sources. However, fire districts may receive financial assistance from the State through the “7 Points of Light” policy with OES.

If a large fire occurs on a SRA under the protection of a District, CAL FIRE will assign a representative who will authorize the payment of suppression costs.

- Fire Districts. Independent from County government. (Example: Orange County Fire Authority.)
  - How formed: Formed by petition of landowners to the Local Agency Formation Council (LAFCO), the members of which are appointed by city and county officials. The district is governed by a Board of Directors (BOD), who may be appointed or elected. The Fire Chief reports to the BOD.
  - Responsibilities: Function as a special fire district under the health and safety codes of California. They were originally formed to respond to structure and vehicle fires, but have since added rescue and emergency medical services. They also provide wildland fire response within incorporated areas of the county. Unincorporated areas may be protected by a contract with CAL FIRE or by local agreements with federal fire agencies.

- Authorities:
  - Enter into mutual aid, automatic aid, and local agreements. Mutual aid is by request and involves the reciprocal exchange of services without reimbursement. Automatic aid is used along jurisdictional boundaries to facilitate the use of the closest resource. Local, state, and federal fire organizations can enter into local agreements. These agreements specify service levels and reimbursement procedures.
  - May exchange protection responsibilities with a city, county, or another district by agreement.
  
- Roles:
  - May provide special equipment (e.g. radios) to other entities to facilitate better and more efficient response in mutual threat zones.
  - Cooperate with cities, counties, other districts, CAL FIRE, and federal agencies.
  - May provide personnel for IMTs.
  - Train together and assist one another through local agreements.
  
- Funding:
  - Property taxes. Levy is specific to fire protection and must be passed on to the district.
  - Fees for specific services.
  - Payments from contracts, such as from CAL FIRE for district protection of SRA within the county.
  - May have reserves but cannot access the County general fund.
  
- Large fire costs: May seek a local disaster declaration which must be ratified by county, state, and federal officials based on the potential or actual threat. Costs are apportioned (by a variety of means) among agencies having jurisdiction. Each pays its share from normal sources. However, fire districts may receive financial assistance from the State through the “7 Points of Light” policy with OES.
  
- Local Volunteer Fire Departments. Located in unprotected, remote areas that are not protected by Fire Districts.
  - How formed: Non-profit 501(c) (3) organizations formed by local land owners.
  - Responsibilities: Primary responsibility is structural fire suppression but they also respond to wildland fires.

- Authorities:
  - Enter into mutual aid, automatic aid, and local agreements. Mutual aid is by request and involves the reciprocal exchange of services without reimbursement. Automatic aid is used along jurisdictional boundaries to facilitate the use of the closest resource. Local, state, and federal fire organizations can enter into local agreements. These agreements specify service levels and reimbursement procedures.
  - May exchange protection responsibilities with other local jurisdictions by agreement.
  
- Roles:
  - May provide special equipment (e.g. radios) to other entities to facilitate better and more efficient response in mutual threat zones.
  - Cooperate with cities, counties, fire districts, CAL FIRE, and federal agencies.
  - May provide personnel for IMTs.
  - Train together and assist one another through local agreements.
  
- Funding: Donations and fund raising. They also may receive grant funding from CAL FIRE (e.g. VFA grants).
  
- Large fire costs: If recognized by OES, may seek a local disaster declaration which must be ratified by county, state, and federal officials based on the potential or actual threat. Costs are apportioned (by a variety of means) among agencies having jurisdiction. Each pays its share from normal sources. However, local VFDs may receive financial assistance from the State through the “7 Points of Light” policy with OES
  
- Military and Private Fire Departments.
  - How formed: Formed by the DOD, private industry, airport authorities, and some universities to protect their own lands. Some choose to contract with local fire departments for services.
  - Responsibilities: Typically structural fire suppression but some also respond to wildland fires.
  - Roles: Dependent upon the specific governing body.
  - Funding: DOD or private.

## **Protection Contracts and Exchanges:**

- **Protection Exchanges:** In California there are Local Responsibility Areas (LRA), Federal Responsibility Areas (FRA), and State Responsibility Areas (SRA), which are defined by legal and congressional jurisdictional boundaries. To create a more efficient and effective response capability some of the federal agencies (FS, BLM, NPS, and BIA) and CAL FIRE have agreed to participate in an off-set of wildland fire protection services which has created “blocked” Direct Protection Areas (DPA) which are under the protection of a single agency. The exchange is acre-for-acre, provides for full wildfire protection services (including large fire suppression), and no money is exchanged. The desire is to have DPAs boundaries that are easily recognized on the ground. As a result of land exchanges and changes in SRA determinations, there is currently an acreage imbalance, with the federal agencies protecting one million acres more than the State.
- **Contracts & Agreements:**
  - CAL FIRE has several contracting options available for either providing wildland fire protection to local government or for receiving protection services from local government.
    - In rural areas, through an “Amador Agreement”, local government (city, county, or district) may contract for services from the State utilizing the State’s existing employees and infrastructure. CAL FIRE provides the employees and state facilities. These contracts provide for 24-7 coverage and off-season response for all-hazard protection.
    - Under “Schedule A” Agreements with local government, CAL FIRE provides the personnel and invoices local government for the actual cost of salaries and benefits. In return, the counties provide the facilities and equipment. In this case state employees are handling local government responsibilities.
    - Local government may also contract with CAL FIRE to provide wildland fire protection in Local Responsibility Areas with existing CAL FIRE infrastructure.
    - Some counties provide wildland fire protection to State Responsibility Areas within the county under contract with CAL FIRE. (Fixed fee for availability plus reimbursement for each response.)
  - CAL FIRE provides all hazard protection to some tribal trust lands under a contract.
  - Some smaller federal units (NPS and FWS) contract with CAL FIRE or a local fire department for wildfire response.
  - CAL FIRE also protects some Department of Interior lands by agreement.

- The Forest Service has over 250 local agreements in place. Most are reciprocal (with limited periods of mutual aid) while others involve billing for services requested and provided.
- Some Counties/fire districts provide:
  - Fire protection to incorporated cities within the county by contract.
  - Initial response on NPS, FWS, or BOR lands within the county by agreement. (For example, Ventura County protects the Channel Islands NP.)

### **Unprotected Wildlands:**

All rural areas in California are under organized wildland fire protection.

### **Regulation & Enforcement:**

- Planning & Zoning: The State has delegated authority for planning and zoning to the Counties. However, the counties must follow the California Environmental Quality Act (CEQA).
- Subdivision Regulation: County responsibility. The majority of counties have incorporated WUI guidelines into county ordinances.
- Building Codes: The State requires minimum standards. Counties have the authority to adopt more stringent codes.

## Colorado Appendix

### **Federal Wildland Fire Protection:**

#### **Forest Service (FS):**

Mission: The mission of the FS is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. In meeting its mission, the FS manages and provides wildland fire protection on 11 National Forests in Colorado (7 if paired forests are counted as a single forest), and 2 National Grasslands encompassing over 14.5 million acres. The FS accomplishes this primarily through the implementation of land management and fire management plans.

To meet its wildland fire management responsibilities, the FS is further guided by the "Federal Wildland Fire Management Policy" (revised in 2001), the "2009 Guidance for Implementation of Federal Wildland Fire Management Policy", the "Interagency Standards for Fire and Fire Aviation Operations", the "Structure Exposure Protection Principals" (April 14, 2009), and the "Forest Service Manual 5100".

#### Responsibilities:

- Provide wildland fire protection on federal lands administered by the FS. (*Organic Act of 1897; Clarke-McNary Act of 1924; Granger-Thye Act of 1950; and the National Forest Management Act of 1976*).
- Protect human communities that border National Forests by implementing hazardous fuel reduction projects on federal lands within the WUI (*Healthy Forests Restoration Act of 2003*).
- Provide technical assistance in fire prevention and control to the State. (*Cooperative Forestry Assistance Act of 1978*).

#### Authorities:

- Enter into mutual aid and reciprocal fire protection agreements, including international agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide financial assistance (grants) to the Colorado Forest Service, if funds are appropriated by Congress for that purpose (*Cooperative Forestry Assistance Act of 1978; Appropriations Act for Interior and Related Agencies*).
- Provide assistance to the State when wildfires exceed its capacity (*Cooperative Forestry Assistance Act of 1978*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening National Forest lands, even if there is no agreement in place (*Weeks Law of 1911; Clarke-McNary Act of 1924; Reciprocal Fire Protection Act of 1955*).

- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Cooperative Forestry Assistance Act of 1978*).

Roles:

- Under the *Stafford Act*, serve as the principal advisor to state government when a state requests a Fire Management Assistance Grant from the Federal Emergency Management Agency (FEMA).
- For additional roles, see “roles common to all federal agencies” at the end of this section.

**Bureau of Land Management (BLM):**

Mission: The mission of the BLM is to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. In meeting its mission the BLM manages and protects over 8.3 million acres of public land in Colorado. The BLM accomplishes this through the implementation of resource management and fire management plans.

To meet its wildland fire management responsibilities, the BLM is further guided by the “Federal Wildland Fire Management Policy” (revised in 2001), and the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, and part 620 of the “DOI Departmental Manual”.

Responsibilities:

- Provide wildland fire protection on federal lands administered by the BLM (*Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*).
- Protect human communities that border National Forests by implementing hazardous fuel reduction projects on federal lands within the WUI (*Healthy Forests Restoration Act of 2003*).

Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening BLM lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).

- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).

Roles: See “roles common to all federal agencies” at the end of this section.

### **National Park Service (NPS):**

Mission: The mission of the NPS is to preserve unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. The NPS manages over 600,000 acres of land in Colorado. Within the state there are 4 National Parks; 1 National Recreation Area; 5 National Monuments; 2 National Historic Sites; 1 River Corridor; and 4 National Historic Trails. The NPS provides wildland fire protection on all public lands under its management. This is primarily accomplished through the implementation of resource management and fire management plans.

The NPS is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, the “Director’s Order #18: Wildland Fire Management”, and part 620 of the “DOI Departmental Manual”.

### Responsibilities:

- The primary wildland fire protection responsibility of the NPS is to provide for the protection of federal lands and sites under its management (*NPS Organic Act of 1955*).
- The unique feature of the NPS is its focus on the protection and preservation of cultural and historic resources (*NPS Organic Act of 1916; Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*). A list of other applicable statutes can be found in Appendix B.

### Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening NPS lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).



- Provide structural fire suppression services for its own buildings within the larger National Parks (exclusive jurisdiction). Some NPS sites have agreements with local government for structural fire protection. Wildland fire and structural fire may be combined into a single program within a National Park, or they may be separate programs (*National Park Service Acts*).
- Render emergency rescue, fire fighting, and cooperative assistance to nearby law enforcement and fire agencies outside of NPS lands (*National Park Service Acts*).

Roles: See “roles common to all federal agencies” at the end of this section.

### **Fish & Wildlife Service (FWS):**

Mission: The U.S. Fish and Wildlife Service, working with others, is responsible for conserving, protecting, and enhancing fish and wildlife and their habitats for the continuing benefit of the American people through Federal programs relating to migratory birds, endangered species, interjurisdictional fish and marine mammals, and inland sport fisheries. In meeting this mission the FWS manages and protects 8 National Wildlife Refuges in Colorado, covering approximately 90,000 acres. This is primarily accomplished through the implementation of resource management and fire management plans.

To meet its wildland fire management responsibilities, the FWS is further guided by the “Federal Wildland Fire Management Policy” (revised in 2001), the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, and part 620 of the “DOI Departmental Manual”.

Responsibilities: The primary wildland fire protection responsibility of the FWS is to provide for the protection of federal lands and sites under its management (*Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*). The FWS has fire staff on 3 of its units and handles both initial response as well as large fire management. On the other 5 units the FWS has agreements with local fire departments to handle the initial response to wildfires. However, the FWS is responsible for large fire management and associated costs.

### Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening FWS lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).

- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).
- Enter into cooperative agreements with partner organizations, academic institutions, or State or local government agencies (*National Wildlife Refuge System Improvement Act of 1997*).
- Conduct projects on private lands (with permission of landowner) for conservation purposes. The FWS may do prescribed burning but not wildfire response (*Fish and Wildlife Coordination Act of 1934 as amended*).
- Provide payments in lieu of taxes to local government (*National Wildlife Refuge System Improvement Act of 1997*).

Roles: See “roles common to all federal agencies” at the end of this section.

### **Bureau of Indian Affairs (BIA) and Tribal Government:**

Mission: The Bureau of Indian Affairs’ mission is to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes and Alaska Natives. There are 2 Indian reservations in Colorado, the Southern Ute Agency and the Ute Mountain Ute Agency. The BIA provides wildland fire protection on tribal trust lands on both reservations.

Furthermore, in order to fulfill its wildland fire management responsibilities, the BIA is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, part 620 of the “DOI Departmental Manual”, as well as the BIA’s “Wildland Fire and Aviation Program Management and Operations Guide”.

Responsibilities: The BIA, through treaties and executive orders, has the responsibility to protect tribal trust lands. The BIA cannot give up that trust responsibility, but can pass the authority to manage programs and provide protection to individual tribes through the *Indian Self-Determination Act (PL 93-638)*, the *National Indian Forest Resource Management Act (PL 101-630)* and the *Tribal Self-Governance Act of 1994 (P.L. 103-413)*.

### Authorities:

- May take action on wildfires on adjacent lands that threaten tribal trust lands. However, no expenses for fighting a fire outside Indian Lands may be incurred unless the fire threatens Indian land or unless the expenses are incurred pursuant to an approved cooperative agreement with another protection agency (*Reciprocal Fire Protection Act of 1955*).
- Enter into reciprocal agreements (e.g. mutual and automatic aid) with any wildland fire organization maintaining protection facilities in the vicinity of

Indian reservations or other Indian land for mutual aid in wildfire protection (*Reciprocal Fire Protection Act of 1955*).

- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).

#### Roles:

- The BIA represents Tribal interests on the Rocky Mountain Coordinating Group and MAC Group and Sub-geographic coordination centers.
- For other BIA roles, see “roles common to all federal agencies” at the end of this section.

**Roles common to all Federal Agencies:** Federal roles are described in detail in agency policy direction, manuals, and handbooks. For example: the “1995 Federal Wildland Fire Management Policy” (revised in 2001), the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, “part 620 of the “DOI Departmental Manual”, and the “Forest Service Manual 5100”. Common roles include:

- Manage all actions to provide for public and fire fighter safety as the highest priority.
- Take aggressive action to keep unwanted wildland fires from spreading to adjacent jurisdictions during initial attack.
- Protect human communities adjacent to federal lands by taking immediate suppression actions on wildfires threatening private lands.
- Actively manage fuels to reduce fire spread potential along boundaries with other jurisdictions.
- Partner on the Rocky Mountain Coordinating Group and MAC Group.
- Partner in statewide, interagency dispatch centers.
- Provide incident management team members and personnel for national dispatch.
- Work cooperatively with other federal, state, tribal, and local wildland fire protection organizations in providing effective and cost-efficient wildland fire protection and response.
- Work with partners in off-season to develop detailed templates for cost-share agreements to minimize potential for conflict.
- Work with partners to identify draw down levels, fire danger ratings, and other preparedness steps to better prepare for response.
- Protect endangered species related to suppression actions.
- Coordinate responses to wildland fires across jurisdictional boundaries.
- Support the development and implementation of Community Wildfire Protection Plans (CWPP).

- Work with all partners to develop and implement risk assessment, prevention and mitigation plans to reduce the frequency of wildfires due human ignitions.
- Through the DOI Rural Fire Assistance/Ready Reserve program and the FS cooperative programs (SFA, VFA, and FEPP/FPP), and in conjunction with State Foresters, provide training and equipment to local fire department personnel to assist them in meeting basic NWCG qualifications.
- Provide mutually agreed upon preparedness and suppression assistance to state, tribal, and local government on wildfires that exceed their capabilities.
- Assist local fire departments to protect private structures from wildfires originating on federal lands.
- Provide for structural fire suppression for cabins and administrative sites on federal land. Except on the larger National Parks, this is normally handled through arrangements with local, all hazard fire departments. However, in the case of leased or permitted cabins on federal land, structural fire suppression is typically the responsibility of the cabin owner.
- Emerging area of interest: Developing alliances with non-wildland fire organizations in Colorado.
  - Colorado Division of Emergency Management.
  - FEMA Region 8 (fuels treatment grants & recovery teams).
  - Red Cross
  - County Sheriffs.

**Colorado State Forest Service (CSFS) Wildland Fire Protection:** The CSFS is an agency of Colorado State University and operates under the authorities of the Board of Governors of the Colorado State University System along with specific authorities specified in various state statutes. The mission of the Colorado State Forest Service is to provide for the stewardship of forest resources and to reduce related risks to life, property and the environment for the benefit of present and future generations. The CSFS is the lead state agency for forest management and wildland fire protection and, in the context of wildland fire protection, facilitates cooperation between all levels of government and provides mechanisms for the efficient use and reimbursement of resources among agencies. The CSFS role in wildfire protection is further defined in the Cooperative Fire Protection Agreements between a county and CSFS. However, statutorily, the county Sheriffs have the responsibility for wildfire.

- Responsibilities: Defined in (*Title 23 Article 31 Part 3, Colorado Revised Statutes*).
  - By the *Colorado state constitution*, the Governor is responsible to ensure that all the laws of the state are followed. The CSFS has been delegated as the lead state agency for wildfire and to work with County Sheriffs to define any areas in the state which are unprotected and which the State should protect. Wildfire protection on all non-federal lands is a responsibility that begins locally, progresses to the Fire Protection District, to Sheriff, and then by mutual consent to the Colorado State Forest Service.

- Coordinate wildfire protection in the state and sign agreements with other agencies and organizations as necessary.
- Determine, in consultation with local authorities and with the approval of the governor, geographic areas of the state, including wild land-urban interface areas, in which the state has a financial responsibility for managing forest fires.
- Manage the County Emergency Fire Fund. (A voluntary fund – funded by a self-assessment by 45 counties.)
- Authorities:
  - Enter into contracts and agreements and award grants.
  - Sign Cooperative Fire Protection Agreements with counties. (Currently all 64 counties have an agreement with the CSFS.)
  - Maintain air tanker contracts, inmate wildland crews, and staffed engines to support county suppression efforts.
  - Cooperate and coordinate with federal agencies, the state board of land commissioners, and the counties on wildfire protection for forested lands.
  - Provide advice and aid in preventing forest fires on state and private lands within the national forests in the state, including coordinating with the U.S. Forest Service and the DOI in the development of management plans for federal lands within the state.
- Roles:
  - Provide fire training, equipment, mitigation, and suppression assistance to local government entities.
  - Work with partners to identify draw down levels, fire danger ratings, and other preparedness steps to better prepare for response.
  - Upon request, assist partners with their response to wildfires.
  - Sponsor non-federal fire fighting resources through the use of cooperative resource rate forms and by entering them into the resource ordering and status system (ROSS).
  - Work with partners in off-season to develop detailed templates for cost-share agreements to minimize potential for conflict.
  - Work with partners in developing and implementing CWPPs.
  - Partner in the Rocky Mountain Coordinating Group and MAC Group.
  - Provide grants to local government and rural fire departments.
  - Mobilize National Guard to assist with wildfire suppression.
- Wildland Fire Protection:
  - How structured: The basic premise is that wildfire protection is the responsibility of the landowners, usually through the formation of local volunteer fire departments. If that is viewed by landowners as inadequate then they may request to form a special fire protection district. Counties

may request assistance from State when they have large fires that exceed their capabilities. Such requests are made to the State Forester through the County Sheriff. The state also makes certain state resources (e.g. SEATs, inmate crews and engines) available to local incidents at subsidized or actual costs.

- Protection costs: The Colorado Forest Service is funded by state general fund, state special funds, self generated funds, and federal funds. It is not funded for suppression.
- State Assistance with large fires: Upon request by a county sheriff, the State will take over the management of a fire if the incident meets the established criteria. If the county has paid into the Emergency Fire Fund the State will also pick up the suppression costs. County will sign a letter of delegation to the Colorado Forest Service. However, local forces must stay engaged. If a county doesn't pay into the emergency fund, then the State will still provide assistance but won't cover the full suppression costs.
- Suppression funding: Counties can voluntarily contribute to the state "Emergency Fire Fund". The formula is based on the amount of private forest land in the county and the real property value. 45 of the 64 counties are participating. (Eastern plains counties typically don't participate due to the typically short duration and nature of wildfire behavior in the eastern plains.). If the fund becomes depleted during the year, the Colorado Forest Service may ask the Governor for an emergency/disaster declaration to support the cost of the suppressing the fire.

### **Local Government Wildland Fire Protection:**

- Volunteer Fire Departments (VFD).
  - How formed: Privately formed by neighbors as a non-profit entity (501(c)(3)). No statutory recognition or requirements.
  - Responsibilities: What ever the landowners decide.
  - Roles: All hazard response, including wildfire.
  - Funding: Donations and fund raising.
  - Large fire costs: Mutual aid agreements with neighboring VFDs. If necessary they can then request assistance from the Sheriff of the County, who will then contact the State Forester.

- Fire Protection District (FPD) (250 statewide)
  - How formed: They are “special districts” which are authorized by statute. Special districts can be for a variety of services, not just for fire protection. They are formed by a majority vote of property owners to establish boundaries and set a mill levy to fund the service. They are often set on county boundaries but not necessarily so. Some counties have multiple districts. Each district may have multiple fire departments. The State approves the district and the people elect a Board of Directors. Districts are not under the authority of the Counties. Land owners can petition into or out of a district.
  - Responsibilities: Determined by the District. They may choose not to actually provide wildfire protection. In some locations Fire Districts have consolidated with city fire departments
  - Authorities: They may contract with local fire departments to provide protection to the district. They also have authority to sign agreements for mutual/automatic aid with adjacent jurisdictions (federal, military, city, or another fire district).
  - Roles: Initial attack within the District, either directly with their own resources or by contract/agreement with fire departments within the district. This is supplemented through mutual aide agreements with adjacent FPDs or volunteer fire departments.
  - Funding: Mill levy on property tax.
  - Large fire costs: May request assistance from State (through State Forester for EFF determination) but must first go through the County Sheriff. Districts may not contact the State Forester directly for EFF determination.
- City/Municipal Fire Departments
  - How formed: By city government (Mayor and City Council).
  - Responsibilities: Wildfire statutes do not apply within city/municipal boundaries. Cities are responsible for wildfire response on open lands within city/municipal boundaries.
  - Authorities: Delegated to City Fire Chief. May enter into agreements with the State to make resources available for dispatch outside of own jurisdiction (even nationally). Also may enter into mutual or automatic aid agreements with neighboring jurisdictions, typically through an Annual Operating Plan (AOP).

- Funding: Either through sales & use taxes or property tax, depending upon the City Charter.
- Large fire costs: May request assistance through the Sheriff to the Colorado State Forest Service.

**Unprotected Wildlands**: There are some wildlands within Colorado that do not have any organized wildfire protection. However, the County Sheriff has the statutory authority for wildfire.

**Protection Contracts and Exchanges**:

- There is an agreement between Dinosaur NP and the Craig District of the BLM. BLM handles wildfire response in the Park while NPS handles fire use management on the BLM district.
- In some locations (e.g. around Mesa Verde National Park) federal agencies have agreements that provide for a fully integrated initial response on federal lands.

**Regulation & Enforcement**:

- Planning & Zoning: Cities or counties, usually through the city Fire Marshal (home rule cities) or the county Fire Marshal.
- Subdivision Regulation: Same as above.
- Building Codes: State requires the adoption of the uniform fire code as a minimum; cities and counties may be more restrictive. Varies considerably by county.
- Other: City fire departments often handle inspections and enforcement of codes and ordinances.



## Florida Appendix

### **Federal Wildland Fire Protection:**

#### **Forest Service (FS):**

Mission: The mission of the FS is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. In meeting its mission in Florida, the FS manages the "Florida National Forests", which is a combination of three national forests (Apalachicola, Ocala, and Osceola) that are managed under a single Forest Supervisor. The 3 combined forests cover almost 1.2 million acres. The FS provides wildland fire protection on all of its lands and accomplishes its mission primarily through the implementation of land management and fire management plans.

To meet its wildland fire management responsibilities, the FS is further guided by the "Federal Wildland Fire Management Policy" (revised in 2001), the "2009 Guidance for Implementation of Federal Wildland Fire Management Policy", the "Interagency Standards for Fire and Fire Aviation Operations", the "Structure Exposure Protection Principals" (April 14, 2009), and the "Forest Service Manual 5100".

#### **Responsibilities:**

- Provide wildland fire protection on federal lands administered by the FS. (*Organic Act of 1897; Clarke-McNary Act of 1924; Granger-Thye Act of 1950; and the National Forest Management Act of 1976*).
- Protect human communities that border National Forests by implementing hazardous fuel reduction projects on federal lands within the WUI (*Healthy Forests Restoration Act of 2003*).
- Provide technical assistance in fire prevention and control to the State. (*Cooperative Forestry Assistance Act of 1978*).

#### **Authorities:**

- Enter into mutual aid and reciprocal fire protection agreements, including international agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide financial assistance (grants) to the State, if funds are appropriated by Congress for that purpose (*Cooperative Forestry Assistance Act of 1978; Appropriations Act for Interior and Related Agencies*).
- Provide assistance to the State when wildfires exceed its capacity (*Cooperative Forestry Assistance Act of 1978*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).

- Take action on a wildfire burning on non-federal lands if the fire is threatening National Forest lands, even if there is no agreement in place (*Weeks Law of 1911; Clarke-McNary Act of 1924; Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Cooperative Forestry Assistance Act of 1978*).

Roles:

- Under the *Stafford Act*, serve as the principal advisor to state government when the State requests a Fire Management Assistance Grant from the Federal Emergency Management Agency (FEMA).
- House the Florida Interagency Coordination Center. Partnership with the DOF but primarily staffed with FS employees.
- House the National Prescribed Fire Training Center, which is an interagency operation (including the TNC) with joint funding by federal partners.
- Provide the facility, funding, and staff for the regional air tanker base. An agreement with the DOF provides for setting up portable bases as needed.
- Serve on steering committee for DOF training program.
- For additional roles, see “roles common to all federal agencies” at the end of this section.

**National Park Service (NPS):**

Mission: The mission of the NPS is to preserve unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. In meeting its mission, the NPS manages over 2.4 million acres of land in Florida. Within the state there are 3 National Parks; 2 National Seashores; 2 National Monuments; 2 National Memorials; 1 Ecological & Historic Preserve; 1 National Preserve; and 1 Cultural Heritage Corridor. The NPS either provides wildland fire protection on public lands under its management or has agreements with local fire departments. The NPS accomplishes its mission primarily through the implementation of resource management and fire management plans.

The NPS is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, the “Director’s Order #18: Wildland Fire Management”, and part 620 of the “DOI Departmental Manual”.

Responsibilities: The primary wildland fire protection responsibility of the NPS is to provide for the protection of federal lands and sites under its management. The unique feature of the NPS is its focus on the protection and preservation of cultural and historic resources (*NPS Organic Act of 1916; Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*).

### Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening NPS lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).
- Provide structural fire suppression services for its own buildings within the larger National Parks (exclusive jurisdiction). Some NPS sites have agreements with local government for structural fire protection. Wildland fire and structural fire may be combined into a single program within a National Park, or they may be separate programs (*National Park Service Acts*).
- Render emergency rescue, fire fighting, and cooperative assistance to nearby law enforcement and fire agencies outside of NPS lands (*National Park Service Acts*).

Roles: See “roles common to all federal agencies” at the end of this section.

### **Fish & Wildlife Service (FWS):**

Mission: The U.S. Fish and Wildlife Service, working with others, is responsible for conserving, protecting, and enhancing fish and wildlife and their habitats for the continuing benefit of the American people through Federal programs relating to migratory birds, endangered species, interjurisdictional fish and marine mammals, and inland sport fisheries. In meeting this mission the FWS manages and protects 28 National Wildlife Refuges in Florida, covering almost 1 million acres. This is primarily accomplished through the implementation of resource management and fire management plans.

To meet its wildland fire management responsibilities, the FWS is further guided by the “Federal Wildland Fire Management Policy” (revised in 2001), the 2009 “Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, and part 620 of the “Departmental Manual”.

Responsibilities: The primary wildland fire protection responsibility of the FWS is to provide for the protection of federal lands and sites under its management (*Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*). The FWS has fire staff on 8 of its units and handles both initial response as well as large fire management. On the other 20 units the FWS has agreements with either the FL DOF or

local fire departments to handle the initial response to wildfires. However, the FWS is responsible for large fire management and associated costs.

Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening FWS lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).
- Enter into cooperative agreements with partner organizations, academic institutions, or State or local government agencies (*National Wildlife Refuge System Improvement Act of 1997*).
- Conduct projects on private lands (with permission of landowner) for conservation purposes. The FWS may do prescribed burning but not wildfire response (*Fish and Wildlife Coordination Act of 1934 as amended*).
- Provide payments in lieu of taxes to local government (*National Wildlife Refuge System Improvement Act of 1997*).

Roles: See “roles common to all federal agencies” at the end of this section.

**Bureau of Indian Affairs (BIA) and Tribal Government:**

Mission: The Bureau of Indian Affairs’ mission is to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes and Alaska Natives. There is one Indian reservation in Florida (Seminole Agency). The BIA provides wildland fire protection on tribal trust lands and has an agreement with the DOF for initial response in boundary areas and on a few scattered trust tracts. The BIA accomplishes its mission primarily through the implementation of resource and fire management plans.

Furthermore, in order to fulfill its wildland fire management responsibilities, the BIA is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, part 620 of the “DOI Departmental Manual”, as well as the BIA’s “Wildland Fire and Aviation Program Management and Operations Guide”.

Responsibilities: The BIA, through treaties and executive orders, has the responsibility to protect tribal trust lands. The BIA cannot give up that trust responsibility, but can pass

the authority to manage programs and provide protection to individual tribes through the *Indian Self Determination Act (PL 93-638)*, the *National Indian Forest Resource Management Act (PL 101-630)* and the *Tribal Self-Governance Act of 1994 (P.L. 103-413)*.

Authorities:

- May take action on wildfires on adjacent lands that threaten tribal trust lands. However, no expenses for fighting a fire outside Indian Lands may be incurred unless the fire threatens Indian land or unless the expenses are incurred pursuant to an approved cooperative agreement with another protection agency (*Reciprocal Fire Protection Act of 1955*).
- Enter into reciprocal agreements (e.g. mutual and automatic aid) with any wildland fire organization maintaining protection facilities in the vicinity of Indian reservations or other Indian land for mutual aid in wildfire protection (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).

Roles:

- The BIA represents Tribal interests on the statewide Coordinating Group and MAC Group.
- For other BIA roles, see “roles common to all federal agencies” at the end of this section.

**Roles common to all Federal Agencies:** Federal roles are described in detail in agency policy direction, manuals, and handbooks. For example: the “1995 Federal Wildland Fire Management Policy” (revised in 2001), the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, “part 620 of the DOI Departmental Manual”, and the “Forest Service Manual 5100”. Common roles include:

- Manage all actions to provide for public and fire fighter safety as the highest priority.
- Take aggressive action to keep unwanted wildland fires from spreading to adjacent jurisdictions during initial attack.
- Protect human communities adjacent to federal lands by taking immediate suppression actions on wildfires threatening private lands.
- Actively manage fuels to reduce fire spread potential along boundaries with other jurisdictions.
- Partner on the statewide Coordinating Group and MAC Group.

- Partner in statewide, interagency dispatch centers.
- Provide incident management team members and personnel for national dispatch.
- Work cooperatively with other federal, state, tribal, and local wildland fire protection organizations in providing effective and cost-efficient wildland fire protection and response. For example, there is some exchange of fire leadership between the FS and NPS in the SE Zone and also between the Kaibab NF and Grand Canyon National Park.
- Work with partners in off-season to develop detailed templates for cost-share agreements to minimize potential for conflict.
- Work with partners to identify draw down levels, fire danger ratings, and other preparedness steps to better prepare for response.
- Through the DOI Rural Fire Assistance/Ready Reserve program and the FS cooperative programs (SFA, VFA, and FEPP/FPP), and in conjunction with State Foresters, provide training and equipment to local fire department personnel to assist them in meeting basic NWCG qualifications.
- Protect endangered species related to suppression actions.
- Coordinate responses to wildland fires across jurisdictional boundaries.
- Support the development and implementation of Community Wildfire Protection Plans (CWPP).
- Work with all partners to develop and implement risk assessment, prevention and mitigation plans to reduce the frequency of wildfires due human ignitions.
- Provide mutually agreed upon preparedness and suppression assistance to state, tribal, and local government on wildfires that exceed their capabilities.
- Assist local fire departments to protect private structures from wildfires originating on federal lands.
- Provide for structural fire suppression for cabins and administrative sites on federal land. Except on the larger National Parks, this is normally handled through arrangements with local, all hazard fire departments. However, in the case of leased or permitted cabins on federal land, structural fire suppression is typically the responsibility of the cabin owner.

### **Florida Division of Forestry (DOF) Wildland Fire Protection:**

Under *State Statute 590.02(b)* the Florida Division of Forestry has the responsibility to protect all wildlands in the state, including the WUI, by attacking and extinguishing all wildfires where ever they occur, on both public and private land.

Direct Protection Program: The DOF provides wildfire protection on all state & private land within the state.

- Program funding: The DOF state appropriation includes both preparedness and suppression. Budget is approximately 60% General Fund and 40% Trust income. Also, counties pay 7 cents/acre on all private wildlands within the county for DOF to be the primary responsible party for wildfire on any land within the county [Florida Statute 125.27].

- Suppression funding: When the DOF exceeds its budget it can ask the Governor to declare an emergency. This may provide access to the State's emergency fund. FMAG is another option if the fire qualifies.
- Authorities:
  - To enter into contracts and agreements and award grants.
  - To control all state and local aviation resources during wildfire incidents.
  - Control of open burning program, including on federal lands. Grants all authorizations to burn.
  - Enter on to private land to conduct prescribed burning (with prior notification) for wildfire fuel reduction purposes.
  - If wildfire risk is sufficient, can mitigate hazards on all lands public and private.
- Roles:
  - Bring State Fire Marshal and State Emergency Manager into wildfire emergencies as necessary.
  - Establish unified command on all incidents and share resources extensively, under agreements with the federal and local agencies.
  - Provide wildland fire training and certification for local fire service personnel. S-130 & S-190 are required for all structural fire fighters.
  - Along with partners, set up and operate the statewide Coordination Group and MAC Group when necessary.
  - Partner in the Florida Interagency Coordination Center.
  - Partner in cooperative prevention programs.
  - Work with partners to identify draw down levels, fire danger ratings, and other preparedness steps to better prepare for response.
  - Upon request, assist partners with their response to wildfires.
  - Work with partners in off-season to develop detailed templates for cost-share agreements to minimize potential for conflict.
  - Mobilize National Guard to assist with wildfire suppression.
  - Assist local communities in implementing CWPPs, including aligning fuel treatments with the plans.

**Local Government Wildland Fire Protection:** No level of local government is legally required to provide structural fire protection. It is strictly a local option, as is wildland protection. However, if they do provide a fire service there is State requirements as to how they will provide the service [*Chapter 643*].

- City Fire Departments:
  - How formed: By decision of city government through an ordinance which lists each emergency service that will be provided.

- Responsibilities: To provide fire protection services as listed in the ordinance creating the Fire Department.
- Authorities: Some cities/municipalities contract with the county for fire protection and, in a few cases, counties contract with the city for fire protection.
- Funding: Either city property tax, sales tax, other income of the municipality, or by fee by occupancy type (Municipal Services Business Unit).
- Large fire costs: Cities have the authority to increase tax assessments and other fees to generate additional revenues, and may qualify for FEMA reimbursement for up to 75% of unanticipated actual costs.

- County Fire Departments:

- How formed: By ordinance through County Commissioners.
- Responsibilities: Whatever is listed in the ordinance or Comprehensive Plan. May provide fire protection to cities and towns under a contract.

There is some overlap with the DOF on protection of wildlands within the county. Local fire departments are frequently the first to arrive and initiate Initial Attack. Once DOF forces arrive they typically either assume command or establish unified command with the County Department with jurisdiction.

- Authorities: Reside in county ordinance establishing the fire service.
- Funding: Generally a direct levy on property tax (ad valorem). May set up either a Municipal Services Taxing Unit (MSTU) or a Municipal Services Business Unit (MSBU). Some counties have tried to levy a wildland fire tax but have been unsuccessful.
- Large fire costs: The DOF will cover costs for outside resources through its normal budget (or through Governor's emergency fund). DOF will not reimburse costs for personnel and equipment working in their own jurisdiction.

- Volunteer Fire Departments. Totally independent but may affiliate with a municipality or county fire department.

- How formed: Established as tax exempt 501(c)(3) organizations. They elect their own Board of Directors by a vote of those present at the organizational meeting.



- Responsibilities: To provide defined fire protection LOS to areas served by the VFD (usually restricted to fire suppression and initial response EMS). Generally all hazard response but may not provide emergency medical service.
- Authorities: Are based on the VFD's Bylaws. VFD's are typically subordinate to a City government or to a County Government or Department and authorities are based on those of the government body with jurisdiction.
- Funding: No taxing authority. They rely on donations and fund raising. If they affiliate with a county, the county will pay them if they agree to provide mutual aid to adjacent jurisdictions within the county. Payment is either a fixed annual amount or is based on a per/call amount. Federal excess property and VFA grants through the DOF are important.
- Large fire costs: Are covered by the DOF.
- Fire Districts. Independent from County government.
  - How formed: By petition to the State Legislature through a sponsoring legislator and approval by the Governor. Although they may include small cities and towns, fire districts are typically formed in unincorporated areas and may cross county boundaries. Once approved by the Governor, the proposed district must then be approved by local residents through the referendum process. If approved by a majority of landowners within the boundary of the proposed district then a governing Board of Directors is elected.
  - Responsibilities: To provide a defined LOS for Fire Protection and 1<sup>st</sup> Response EMS to the District. Many additionally provide wildland fire response, hazardous materials initial response, extrication services, and wilderness/rural SAR. Ambulance service is the responsibility of the county.
  - Authorities: Based on authorities included in legislation creating the Fire District, and as more fully defined in the District's Administrative Rules.
  - Funding: Have taxing authority. Can levy against property tax (ad valorem) or establish a MSBU and assess a fee.
  - Large fire costs: Are covered by the DOF.

**Protection Contracts and Exchanges:** There are no protection exchanges.

- The DOF and the FS have an agreement that provides for mutual aid within 3 miles of the national forest boundary. There is no exchange of money for the first 24 hours.
- DOF provides staffing for FS owned fire towers in a shared detection operation.
- The FS provides wildfire response within a US Navy bombing range in the Ocala NF. In return, the Navy funds 45% of the cost for a 6 month contract for a Type 3 helicopter.
- The DOF has an agreement with the FWS to provide protection on some smaller refuges. The DOF bills the FWS for each individual incident.
- The DOF and the NPS have a mutual aid agreement for boundary fires with no exchange of money.

**Unprotected Wildlands:** All wildlands within Florida have organized wildfire protection.

**Regulation & Enforcement:**

- **Planning & Zoning:** State requires a framework and counties and cities are required to have a comprehensive growth management plan. However, all planning and zoning decisions are at the county and city level.
- **Subdivision Regulation:** Counties and cities may build Firewise (or similar) requirements into their growth management plan. They are then adopted by ordinance. County and city fire departments may have the responsibility to work with developers on planning and also inspect to ensure compliance (not common however).
- **Building Codes:** Building Codes are developed and recommended by the Department of Community Affairs, State of Florida, and then adopted by the Florida Legislature. There is a mandatory statewide building code - ICC (with a focus on wind load - primarily to prevent hurricane damage). Counties and cities have the authority to be more stringent.
- **Fire and Life Safety Codes:** Fire and Life Safety Codes are developed and recommended by the Florida State Fire Marshal's Office, and adopted by the Florida Legislature. There is a mandatory statewide Fire & Life Safety Code (based on the NFPA – 1 & 101, with numerous additional NFPA codes and standards). Counties and cities had the authority to be more stringent.

## Minnesota Appendix

### **Federal Wildland Fire Protection:**

#### **Forest Service (FS):**

Mission: The mission of the FS is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. In meeting its mission, the FS manages and provides wildland fire protection on 2 National Forests (Superior & Chippewa) in Minnesota, covering about 2.8 million acres. In addition, as part of an off-set fire protection exchange, the FS protects approximately 900,000 acres of state and private land for the Minnesota DNR. In return the MN DNR protects about 302,000 acres of NF land on the Superior NF. The Chippewa NF has a contract for initial attack on part of the Leech Lake Indian Reservation. The FS accomplishes its mission primarily through the implementation of land management and fire management plans.

To meet its wildland fire management responsibilities, the FS is further guided by the "Federal Wildland Fire Management Policy" (revised in 2001), the "2009 Guidance for Implementation of Federal Wildland Fire Management Policy", the "Interagency Standards for Fire and Fire Aviation Operations", the "Structure Exposure Protection Principals" (April 14, 2009), and the "Forest Service Manual 5100".

#### Responsibilities:

- Provide wildland fire protection on federal lands administered by the FS. (*Organic Act of 1897; Clarke-McNary Act of 1924; Granger-Thye Act of 1950; and the National Forest Management Act of 1976*).
- Protect human communities that border National Forests by implementing hazardous fuel reduction projects on federal lands within the WUI (*Healthy Forests Restoration Act of 2003*).
- Provide technical assistance in fire prevention and control to the State. (*Cooperative Forestry Assistance Act of 1978*).

#### Authorities:

- Enter into mutual aid and reciprocal fire protection agreements, including international agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide financial assistance (grants) to the State, if funds are appropriated by Congress for that purpose (*Cooperative Forestry Assistance Act of 1978; Appropriations Act for Interior and Related Agencies*).
- Provide assistance to the State when wildfires exceed its capacity (*Cooperative Forestry Assistance Act of 1978*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).

- Take action on a wildfire burning on non-federal lands if the fire is threatening National Forest lands, even if there is no agreement in place (*Weeks Law of 1911; Clarke-McNary Act of 1924; Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Cooperative Forestry Assistance Act of 1978*).

Roles:

- Under the *Stafford Act*, serve as the principal advisor to state government when the State requests a Fire Management Assistance Grant from the Federal Emergency Management Agency (FEMA).
- Participate on the Minnesota Forest Resource Council.
- For additional roles, see “roles common to all federal agencies” at the end of this section.

**National Park Service (NPS):**

Mission: The mission of the NPS is to preserve unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. In meeting its mission, the NPS manages and provides wildland fire protection on over 139,500 acres in Minnesota, including: 1 National Park; 2 National Monuments; 1 National River & Recreation Area; and 1 National Scenic Trail. The NPS either provides wildland fire protection on public lands under its management or has agreements with local fire departments for initial response. However, the NPS is responsible for large fire management and associated costs. The NPS accomplishes its mission primarily through the implementation of resource management and fire management plans.

The NPS is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, the “Director’s Order #18: Wildland Fire Management”, and part 620 of the “DOI Departmental Manual”.

Responsibilities: The primary wildland fire protection responsibility of the NPS is to provide for the protection of federal lands and sites under its management. The unique feature of the NPS is its focus on the protection and preservation of cultural and historic resources (*NPS Organic Act of 1916; Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*).

Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).

- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening NPS lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).
- Provide structural fire suppression services for its own buildings within the larger National Parks (exclusive jurisdiction). Some NPS sites have agreements with local government for structural fire protection. Wildland fire and structural fire may be combined into a single program within a National Park, or they may be separate programs (*National Park Service Acts*).
- Render emergency rescue, fire fighting, and cooperative assistance to nearby law enforcement and fire agencies outside of NPS lands (*National Park Service Acts*).

Roles: See “roles common to all federal agencies” at the end of this section.

### **Fish & Wildlife Service (FWS):**

Mission: The U.S. Fish and Wildlife Service, working with others, is responsible for conserving, protecting, and enhancing fish and wildlife and their habitats for the continuing benefit of the American people through Federal programs relating to migratory birds, endangered species, interjurisdictional fish and marine mammals, and inland sport fisheries. In meeting this mission the FWS manages and protects over 555,000 acres in Minnesota, including 12 National Wildlife Refuges and 7 Wetland Management Districts. This is primarily accomplished through the implementation of resource management and fire management plans.

To meet its wildland fire management responsibilities, the FWS is further guided by the “Federal Wildland Fire Management Policy” (revised in 2001), the 2009 “Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, and part 620 of the “DOI Departmental Manual”.

Responsibilities: The primary wildland fire protection responsibility of the FWS is to provide for the protection of federal lands and sites under its management (*Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*). The FWS provides wildland fire protection on 14 units and contracts with local government for initial attack on the others. However, the FWS is responsible for large fire management and associated costs.

Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening FWS lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).
- Enter into cooperative agreements with partner organizations, academic institutions, or State or local government agencies (*National Wildlife Refuge System Improvement Act of 1997*).
- Conduct projects on private lands (with permission of landowner) for conservation purposes. The FWS may do prescribed burning but not wildfire response (*Fish and Wildlife Coordination Act of 1934 as amended*).
- Provide payments in lieu of taxes to local government (*National Wildlife Refuge System Improvement Act of 1997*).

Roles: See “roles common to all federal agencies” at the end of this section.

**Bureau of Indian Affairs (BIA) and Tribal Government:**

Mission: The Bureau of Indian Affairs’ mission is to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes and Alaska Natives. There are 11 Indian reservations (7 Chippewa and 4 Sioux) in Minnesota. Five are compacted and are responsible for their own preparedness and initial attack programs, while the BIA provides wildland fire protection on the other 6. The BIA and Tribes accomplish their missions primarily through the implementation of resource and fire management plans.

Furthermore, in order to fulfill its wildland fire management responsibilities, the BIA is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, part 620 of the “DOI Departmental Manual”, as well as the BIA’s “Wildland Fire and Aviation Program Management and Operations Guide”.

Responsibilities: The BIA, through treaties and executive orders, has the responsibility to protect tribal trust lands. The BIA cannot give up that trust responsibility, but can pass the authority to manage programs and provide protection to individual tribes through the *Indian Self Determination Act (PL 93-638)*, the *National Indian Forest Resource*

*Management Act (PL 101-630) and the Tribal Self-Governance Act of 1994 (P.L. 103-413).*

- The 5 compacted reservations (Red Lake, Bois Forte, Fond du Lac, Grand Portage, and Mille Lacs) are responsible for wildland fire protection on tribal trust lands.
- The BIA is responsible for the other 6 reservations.
- All reservations are part of initial attack off-set exchanges with the MN DNR.
- The Chippewa NF provides initial attack on part of the Leech Lake Reservation through an agreement with the BIA.
- In addition, three reservations have formed all hazard fire departments to provide structure fire suppression services on the reservations. The other reservations rely on township fire departments.

Authorities:

- May take action on wildfires on adjacent lands that threaten tribal trust lands. However, no expenses for fighting a fire outside Indian Lands may be incurred unless the fire threatens Indian land or unless the expenses are incurred pursuant to an approved cooperative agreement with another protection agency (*Reciprocal Fire Protection Act of 1955*).
- Enter into reciprocal agreements (e.g. mutual and automatic aid) with any wildland fire organization maintaining protection facilities in the vicinity of Indian reservations or other Indian land for mutual aid in wildfire protection (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).

Roles:

- The BIA represents tribal interests at the Minnesota Interagency Coordination Center (MNICS), and represents tribes on the EA Coordinating Group and MAC.
- Partner at the Bemidji air tanker base.
- For other BIA roles, see “roles common to all federal agencies” at the end of this section.

**Roles common to all Federal Agencies:** Federal roles are described in detail in agency policy direction, manuals, and handbooks. For example: the “1995 Federal Wildland Fire Management Policy” (revised in 2001), the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, “part 620 of the DOI Departmental Manual”, and the “Forest Service Manual 5100”. Common roles include:

- Manage all actions to provide for public and fire fighter safety as the highest priority.
- Take aggressive action to keep unwanted wildland fires from spreading to adjacent jurisdictions during initial attack.
- Protect human communities adjacent to federal lands by taking immediate suppression actions on wildfires threatening private lands.
- Actively manage fuels to reduce fire spread potential along boundaries with other jurisdictions.
- Partner in the Minnesota Interagency Fire Center (MIFC), the Minnesota Incident Command System (MNICS) and the Eastern Area Coordinating Group and MAC Group.
- Provide incident management team members and personnel for national dispatch.
- Work cooperatively with other federal, state, tribal, and local wildland fire protection organizations in providing effective and cost-efficient wildland fire protection and response.
- Work with partners in off-season to develop detailed templates for cost-share agreements to minimize potential for conflict.
- Work with partners to identify draw down levels, fire danger ratings, and other preparedness steps to better prepare for response.
- Through the DOI Rural Fire Assistance/Ready Reserve program and the FS cooperative programs (SFA, VFA, and FEPP/FPP), and in conjunction with State Foresters, provide training and equipment to local fire department personnel to assist them in meeting basic NWCG qualifications.
- Protect endangered species related to suppression actions.
- Coordinate responses to wildland fires across jurisdictional boundaries.
- Support the development and implementation of Community Wildfire Protection Plans (CWPP).
- Work with all partners to develop and implement risk assessment, prevention and mitigation plans to reduce the frequency of wildfires due human ignitions.
- Provide mutually agreed upon preparedness and suppression assistance to state, tribal, and local government on wildfires that exceed their capabilities.
- Assist local fire departments to protect private structures from wildfires originating on federal lands.
- Provide for structural fire suppression for cabins and administrative sites on federal land. Except on the larger National Parks, this is normally handled through arrangements with local, all hazard fire departments. However, in the case of leased or permitted cabins on federal land, structural fire suppression is typically the responsibility of the cabin owner.

### **Minnesota Department of Natural Resources (DNR) Wildland Fire Protection:**

Under *Minnesota Statutes, Chapter 88*, the DNR Division of Forestry is responsible for wildland fire suppression on all non-federal and non-tribal lands. Wildlands are any



lands where natural fuels can carry a fire. This creates overlapping jurisdiction between the DNR and city and township fire departments in rural areas.

Direct Protection Program: While the DNR Division of Forestry has direct protection responsibilities statewide, the Division takes direct suppression actions primarily in the more heavily forested portion of the state north and east of a line from the Twin Cities to Fargo/Moorhead on the MN – ND border.

- Program funding: State general fund plus federal grants (SFA & VFA).
- Suppression funding: The Division of Forestry has an emergency fire fighting direct appropriation. Once it is depleted, the DNR can then charge costs against an open appropriation. All costs except prevention can be charged against the account. There is no need for supplemental appropriations.
- Authorities:
  - To reimburse local Fire Departments when they make a response, in certain cases.
  - To regulate open burning.
  - To enter into contracts and agreements (including with other states).
  - To award grants to local fire departments (e.g. VFA).
  - To establish wildfire protection districts.
  - To establish fire breaks. Can also require private land owners and fire departments to establish fire breaks.
  - To dispose of slash and debris that poses a hazard.
- Roles:
  - Provide search and rescue services and pay for it out of emergency accounts.
  - Respond to natural disasters at the request of another state agency.
  - Bring State Fire Marshal and State Emergency Manager into wildfire emergencies as necessary.
  - Under the state emergency response plan support debris removal after a disaster.
  - Upon request, assist partners with their response to wildfires.
  - Provide wildland fire training to local fire service personnel.
  - Assist local communities in developing and implementing CWPPs.
  - Partner in the Minnesota Interagency Fire Center (MIFC), the Minnesota Incident Command System (MNICS) and the Eastern Area Coordinating Group and MAC Group.
  - Provide 8 Type 3 exclusive use helicopter contracts, 2 CL-215 air tankers, 3 interagency air tanker bases, and a large share of the staffing and operating funds for MNICS.
  - Member of the Great Lakes Forest Fire Compact.
  - Mobilize National Guard to assist with wildfire suppression.

- Partner in cooperative prevention programs.

Indirect Protection Program: The DNR operates an indirect protection program outside of heavily forested areas in the northern 2/3 of the state. Local fire departments provide the protection with support and assistance available from the DNR upon request

- How structured: Varies by county or by fire department.
- Protection costs:
  - Local fire departments are typically funded by local citizens through property tax. The State provides reimbursement of costs for wildland runs when billed. The State also reimburses all fire departments for any response on state owned lands. In some limited areas the State has annual contracts for wildland responses instead of reimbursing run-by-run.
  - If local fire departments are funded by tax dollars they often don't ask for reimbursement for wildland fire runs, except when responding to fires on state owned lands.
  - The State will always reimburse costs if local fire department personnel are requested by the DNR to be mobilized outside their own jurisdiction for wildfire response.
- State Assistance with large fires: When a wildfire exceeds local capacity, the fire department may request assistance from the State. This includes everything from initial attack support to large fire management.
- Suppression funding: If assistance is requested, the State will pay for all large fire suppression costs from its emergency funds

**Local Government Wildland Fire Protection:** Local protection starts at the grass roots level with volunteers. It then evolves into either combination or paid departments depending upon population and need. There is currently no county authority to establish fire departments (although some counties are considering the idea of consolidating town fire departments into a single county fire department). However, incorporated Townships (a geographic area with dispersed housing) do have the authority to establish fire departments. There may be multiple townships within a single county although all may not be organized. There are approximately 790 local fire departments in the state with about 20,000 fire fighters; 90% of whom are either volunteer or "paid on call".

Minnesota has both a State Fire Chiefs Association and a State Fire Department Association.

- City Fire Departments. Not required by state statute but cities are required to provide basic services, one of which is fire protection. They do this either by forming a fire department or by contracting with a neighboring fire department.

Their establishment is generally driven by property values and insurance concerns.

- How formed: By city government (mayor and city council) through an ordinance.
- Responsibilities: Depends upon what services the city determines are necessary. Generally cities provide for all hazard response, including wildland fire (usually grass fires). All city fire departments do some level of emergency medical response but it varies among cities.
- Authorities:
  - To enter into contracts with an existing fire department to provide all hazard protection services to city residents, in lieu of forming a city fire department.
  - Enter into mutual/automatic aid agreements with other jurisdictions.
  - To send fire fighters and equipment out of local jurisdiction to assist other jurisdictions on incidents. They may have a written agreement with the DNR specifying rates.
- Roles: Many departments are willing to assist other jurisdictions on major incidents upon request.
- Funding: City property taxes.
- Large fire costs: Can request assistance from the DNR.
- Volunteer Fire Departments.
  - How formed: By the governing board of an incorporated Township. Larger departments may have a paid chief. The majority of fire fighters are “paid on call”. The chief may be paid a small stipend or be a full time employee.
  - Responsibilities: All hazard response.
  - Funding: Organized as 501(c) (3) non-profit organizations. They will accept donations and typically schedule fund-raising events. Counties have the authority to levy against property to pay for fire protection. If they do, the money is then passed to the Township.
  - Large fire costs: Can request assistance from the DNR.

- **Protection Contracts and Exchanges:**

- The DNR and the FS (Superior NF) have a full wildland fire protection exchange involving about 1.2 million acres. The DNR protects about 302,000 acres of NF land and the Superior NF protects approximately 900,000 acres of DNR direct fire protection areas. The exchange is balanced by the State's contribution of firefighting assets in support of interagency operations.
- Two reservations (Bois Forte and Fond du Lac) provide initial attack on state and private lands within the reservation boundaries, and the MN DNR provides initial attack certain tribal lands. Billing for reimbursement only occurs if efforts exceed the established time frame in the agreement.
- The BIA also participates in an initial attack protection off-set with the DNR and also has an initial attack contract with the Chippewa NF.

**Unprotected Wildlands:** There are no unprotected wildlands in Minnesota.

**Regulation & Enforcement:**

- **Planning & Zoning:** City responsibility within city limits. Outside of city limits both counties and incorporated townships have planning and zoning authority.
- **Subdivision Regulation:** Both cities and counties have the authority to regulate subdivisions.
- **Building Codes:** The State has established minimum standards (international fire code). Cities and Counties may be stricter.

## Montana Appendix

### Federal Wildland Fire Protection:

#### **Forest Service (FS):**

Mission: The mission of the FS is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. In meeting its mission, the FS manages 10 National Forests in Montana covering almost 20 million acres. Two Forests are combined under a single Forest Supervisor while others are exploring the option of "pairing" with an adjoining Forest. The FS provides wildland fire protection on the majority of its lands. The remainder is protected by the BLM and the MT Department of Natural Resources & Conservation (DNRC) through off-set protection exchanges. The FS also protects BLM lands in western Montana and some state and private lands through the off-set agreement. The FS accomplishes its mission primarily through the implementation of land management and fire management plans.

To meet its wildland fire management responsibilities, the FS is further guided by the "Federal Wildland Fire Management Policy" (revised in 2001), the "2009 Guidance for Implementation of Federal Wildland Fire Management Policy", the "Interagency Standards for Fire and Fire Aviation Operations", the "Structure Exposure Protection Principals" (April 14, 2009), and the "Forest Service Manual 5100".

#### Responsibilities:

- Provide wildland fire protection on federal lands administered by the FS. (*Organic Act of 1897; Clarke-McNary Act of 1924; Granger-Thye Act of 1950; and the National Forest Management Act of 1976*).
- Protect human communities that border National Forests by implementing hazardous fuel reduction projects on federal lands within the WUI (*Healthy Forests Restoration Act of 2003*).
- Provide technical assistance in fire prevention and control to the State. (*Cooperative Forestry Assistance Act of 1978*).

#### Authorities:

- Enter into mutual aid and reciprocal fire protection agreements, including international agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide financial assistance (grants) to the State, if funds are appropriated by Congress for that purpose (*Cooperative Forestry Assistance Act of 1978; Appropriations Act for Interior and Related Agencies*).
- Provide assistance to the State when wildfires exceed its capacity (*Cooperative Forestry Assistance Act of 1978*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).

- Take action on a wildfire burning on non-federal lands if the fire is threatening National Forest lands, even if there is no agreement in place (*Weeks Law of 1911; Clarke-McNary Act of 1924; Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Cooperative Forestry Assistance Act of 1978*).

Roles:

- Under the *Stafford Act*, serve as the principal advisor to state government when the State requests a Fire Management Assistance Grant from the Federal Emergency Management Agency (FEMA).
- For additional roles, see “roles common to all federal agencies” at the end of this section.

**Bureau of Land Management (BLM):**

Mission: The mission of the BLM is to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. In meeting its mission the BLM manages and provides wildland fire protection on almost 8 million acres of public land in Montana. The BLM also protects FS lands in eastern Montana and, in return, the FS protects BLM managed land in western Montana. Some BLM lands in western Montana that are protected by the FS are included in the FS off-set exchange with the DNRC. The BLM accomplishes its mission primarily through the implementation of resource management and fire management plans.

To meet its wildland fire management responsibilities, the BLM is further guided by the “Federal Wildland Fire Management Policy” (revised in 2001), and the 2009 “Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, and part 620 of the “DOI Departmental Manual”.

Responsibilities:

- Provide wildland fire protection on federal lands administered by the BLM (*Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*).
- Protect human communities that border National Forests by implementing hazardous fuel reduction projects on federal lands within the WUI (*Healthy Forests Restoration Act of 2003*).

Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).

- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening BLM lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).

Roles: See “roles common to all federal agencies” at the end of this section.

### **National Park Service (NPS):**

Mission: The mission of the NPS is to preserve unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. In meeting its mission, the NPS manages over 1.2 million acres of land in Montana. Within the state there are 2 National Parks; 1 National Recreation Area; 1 National Battlefield; 1 National Historic Park; 1 National Monument; 1 National Historic Site; and 1 National Historic Trail. The NPS provides wildland fire protection on all public lands under its management. This is primarily accomplished through the implementation of resource management and fire management plans.

The NPS is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, the “Director’s Order #18: Wildland Fire Management”, and part 620 of the “DOI Departmental Manual”.

Responsibilities: The primary wildland fire protection responsibility of the NPS is to provide for the protection of federal lands and sites under its management. The unique feature of the NPS is its focus on the protection and preservation of cultural and historic resources (*NPS Organic Act of 1916; Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*).

### Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening NPS lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).

- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).
- Provide structural fire suppression services for its own buildings within the larger National Parks (exclusive jurisdiction). Some NPS sites have agreements with local government for structural fire protection. Wildland fire and structural fire may be combined into a single program within a National Park, or they may be separate programs (*National Park Service Acts*).
- Render emergency rescue, fire fighting, and cooperative assistance to nearby law enforcement and fire agencies outside of NPS lands (*National Park Service Acts*).

Roles: See “roles common to all federal agencies” at the end of this section.

### **Fish & Wildlife Service (FWS):**

Mission: The U.S. Fish and Wildlife Service, working with others, is responsible for conserving, protecting, and enhancing fish and wildlife and their habitats for the continuing benefit of the American people through Federal programs relating to migratory birds, endangered species, interjurisdictional fish and marine mammals, and inland sport fisheries. In meeting this mission the FWS manages over 1.3 million acres in Montana, including 21 National Wildlife Refuges; 6 Wildlife Management Areas; and the National Bison Range (managed in conjunction with the Confederated Salish & Kootenai Tribe. This is primarily accomplished through the implementation of resource management and fire management plans.

To meet its wildland fire management responsibilities, the FWS is further guided by the “Federal Wildland Fire Management Policy” (revised in 2001), the 2009 “Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, and part 620 of the “DOI Departmental Manual”.

Responsibilities: The primary wildland fire protection responsibility of the FWS is to provide for the protection of federal lands and sites under its management (*Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*). The FWS has fire staff on 7 of its units and handles both initial response as well as large fire management. On the other 14 units the FWS has agreements with either the MT DNRC or local fire departments to handle the initial response to wildfires. However, the FWS is responsible for large fire management and associated costs.

Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).



- Take action on a wildfire burning on non-federal lands if the fire is threatening FWS lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).
- Enter into cooperative agreements with partner organizations, academic institutions, or State or local government agencies (*National Wildlife Refuge System Improvement Act of 1997*).
- Conduct projects on private lands (with permission of landowner) for conservation purposes. The FWS may do prescribed burning but not wildfire response (*Fish and Wildlife Coordination Act of 1934 as amended*).
- Provide payments in lieu of taxes to local government (*National Wildlife Refuge System Improvement Act of 1997*).

Roles: See “roles common to all federal agencies” at the end of this section.

### **Bureau of Indian Affairs (BIA) and Tribal Government:**

Mission: The Bureau of Indian Affairs’ mission is to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes and Alaska Natives. There are 7 Indian reservations in Montana. On 4 of the reservations the Tribes handle their own wildfire protection for tribal trust lands. Two of the reservations are in the compact program and two are in the contract program. The BIA provides wildland fire protection on the other 3 reservations.

Furthermore, in order to fulfill its wildland fire management responsibilities, the BIA is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, part 620 of the “DOI Departmental Manual”, as well as the BIA’s “Wildland Fire and Aviation Program Management and Operations Guide”.

Responsibilities: The BIA, through treaties and executive orders, has the responsibility to protect tribal trust lands. The BIA cannot give up that trust responsibility, but can pass the authority to manage programs and provide protection to individual tribes through the *Indian Self Determination Act (PL 93-638)*, the *National Indian Forest Resource Management Act (PL 101-630)* and the *Tribal Self-Governance Act of 1994 (P.L. 103-413)*. The Colorado Indian Tribes, the Papago Agency (Tohono O’odham Nation), and the Salt River Pima-Maricopa Indian Community all provide wildland fire protection on tribal trust lands within their reservations. On the Fort Belknap, Blackfeet, Chippewa Cree, and Flathead reservations the tribes provide wildland fire protection on tribal trust lands. The Flathead Agency also provides wildland fire protection on state and private forest lands within the reservation boundary on a fee basis through an agreement with the MT DNRC.

### Authorities:

- May take action on wildfires on adjacent lands that threaten tribal trust lands. However, no expenses for fighting a fire outside Indian Lands may be incurred unless the fire threatens Indian land or unless the expenses are incurred pursuant to an approved cooperative agreement with another protection agency (*Reciprocal Fire Protection Act of 1955*).
- Enter into reciprocal agreements (e.g. mutual and automatic aid) with any wildland fire organization maintaining protection facilities in the vicinity of Indian reservations or other Indian land for mutual aid in wildfire protection (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).

### Roles:

- The BIA represents Tribal interests on the Northern Rockies Geographic Area Coordinating Group and MAC Group.
- For other BIA roles, see “roles common to all federal agencies” at the end of this section.

**Roles common to all Federal Agencies:** Federal roles are described in detail in agency policy direction, manuals, and handbooks. For example: the “1995 Federal Wildland Fire Management Policy” (revised in 2001), the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, “part 620 of the DOI Departmental Manual”, and the “Forest Service Manual 5100”. Common roles include:

- Manage all actions to provide for public and fire fighter safety as the highest priority.
- Take aggressive action to keep unwanted wildland fires from spreading to adjacent jurisdictions during initial attack.
- Protect human communities adjacent to federal lands by taking immediate suppression actions on wildfires threatening private lands.
- Actively manage fuels to reduce fire spread potential along boundaries with other jurisdictions.
- Partner on the Northern Rockies Geographic Area Coordinating Group and MAC Group.
- Partner in statewide, interagency dispatch centers.
- Provide incident management team members and personnel for national dispatch.

- Work cooperatively with other federal, state, tribal, and local wildland fire protection organizations in providing effective and cost-efficient wildland fire protection and response.
- Work with partners in off-season to develop detailed templates for cost-share agreements to minimize potential for conflict.
- Work with partners to identify draw down levels, fire danger ratings, and other preparedness steps to better prepare for response.
- Work with partners to maintain a template for the Interagency Delegation of Authority in order to provide clear direction to IMTs and to limit confusion over responsibilities.
- Through the DOI Rural Fire Assistance/Ready Reserve program and the FS cooperative programs (SFA, VFA, and FEPP/FPP), and in conjunction with State Foresters, provide training and equipment to local fire department personnel to assist them in meeting basic NWCG qualifications.
- Protect endangered species related to suppression actions.
- Coordinate responses to wildland fires across jurisdictional boundaries.
- Support the development and implementation of Community Wildfire Protection Plans (CWPP).
- Work with all partners to develop and implement risk assessment, prevention and mitigation plans to reduce the frequency of wildfires due human ignitions.
- Provide mutually agreed upon preparedness and suppression assistance to state, tribal, and local government on wildfires that exceed their capabilities.
- Assist local fire departments to protect private structures from wildfires originating on federal lands.
- Provide for structural fire suppression for cabins and administrative sites on federal land. Except on the larger National Parks, this is normally handled through arrangements with local, all hazard fire departments. However, in the case of leased or permitted cabins on federal land, structural fire suppression is typically the responsibility of the cabin owner.

**Montana Department of Natural Resources & Conservation (DNRC) Wildland Fire Protection:**

- Responsibilities: Under 76-13-104 MCA, the DNRC has the statutory responsibility to:
  - Ensure the protection of land under state and private ownership and suppress wildfires on those lands.
  - Adopt administrative rules to protect the natural resources of the state, especially those owned by the state, from destruction by fire.
  - Cooperate with all public and other agencies in the development, protection, and conservation of the forest, range, and water resources of the state.
  - Establish and maintain wildland fire control training programs.
  - Appoint fire wardens.

- Authorities: Under 76-13-104 MCA, the DNRC has the statutory authority to:
  - Initial attack wildfires on all lands if the fire threatens to move onto state or private land.
  - Enter into contracts and agreements and award grants.
  - Create wildland fire protection districts upon petition of landowners.
  - Appoint fire wardens.
  
- Roles:
  - Train and equip rural fire departments.
  - Mobilize local forces for in-state and out-of-state dispatch.
  - Work with partners to identify draw down levels, fire danger ratings, and other preparedness steps to better prepare for response.
  - Upon request, assist partners with their response to wildfires.
  - Work with partners to maintain a template for the Interagency Delegation of Authority in order to provide clear direction to IMTs and to limit confusion over responsibilities.
  - Work with partners in off-season to develop detailed templates for cost-share agreements to minimize potential for conflict.
  - Work with partners in implementing CWPPs.
  - Work with partners in planning and conducting pre-season drills and training.
  - Partner in the Northern Rockies Coordinating Group and MAC Group and zone dispatch centers.
  - Provide grants to local government and rural fire departments.
  - Mobilize National Guard resources to assist with wildfire suppression.
  
- Direct Protection:

Wildland Fire Protection Districts. DNRC provides full wildland fire protection services (including initial response) on approximately 5 million acres, all of which is in wildland fire protection districts. The area involved must be classified as forest land or be within ¼ mile of classified forest land. A majority of landowners representing a majority of the land within the proposed district may submit a petition to the State Forester to create a district. The State Forester may approve the creation of a district after holding a public hearing. Federal and tribal agencies may provide protection within a district under an agreement with the DNRC.

Affidavit Units. Landowners with classified forest land which lies outside a protection district may sign up with the DNRC for protection. This situation occurs where the land doesn't logically fit geographically within a protection district, and a majority of the neighboring landowners do not want to create a district. Landowners holding affidavits pay the same assessment as landowner within a district.

- Program funding: Landowners within a district or affidavit unit pay an annual wildland fire protection assessment to the DNRC of \$42.00 per parcel/district plus \$.22 per acre for each acre over 20. The rates are set so that large landowners (greater than 20 acres) pay 40% of the total assessment and small landowner (20 acres or less) pay 60%. By statute assessments may fund up to one third of the DNRC preparedness budget. The other 2/3 is funded by state general fund and federal grants.
- Suppression funding: DNRC has a \$30 million, biennial suppression budget. Once it is fully expended, the DNRC can then request a supplemental appropriation during the next Legislative session.
- Indirect Protection: Approximately 45 million acres through the County Cooperative Fire Protection Program.
  - How structured: All 56 counties are in the program through Legislative action. This leaves no unprotected wildland in the state. As a condition of the program, the County is responsible for all wildland fire protection outside of established wildland fire protection districts and rural fire districts. The County either forms a fire department or writes an agreement with an existing RFD.
  - Protection costs: Part of normal DNRC preparedness budget.
  - State Assistance with large fires: When a fire exceeds the county's capability and they are fully committed, the County Commissioners can request assistance from the State Forester. Usually a phone call followed up with a signed letter. Once assistance is approved, the DNRC assists the county with ordering necessary resources and picks up all subsequent suppression costs. The County is not normally reimbursed for its own personnel and equipment.
  - Suppression funding: Costs are rolled into the total DNRC suppression costs.

### **Local Wildland Fire Protection:**

- City Fire Departments.
  - How formed: (7-33-4101 & 4109 MCA) every incorporated city or town must have a fire department. Towns or class 3 cities have local option as to how to provide. Class 2 cities must have paid fire department supplemented by volunteers. Class 1 cities (>10,000) must have a paid department.

- Responsibilities: All risk. Some provide wildland response, particularly if have WUI within city limits.
- Authorities: To enter into contracts and agreements, e.g. mutual aid and off-season agreements. May provide mutual aid even without an agreement in place (*10-3-209 MCA*).
- Funding: City taxes, if incorporated.
- Large fire costs: Request assistance from the DNRC through the county cooperative fire protection program.
- Rural Fire Districts (RFD).
  - How formed: Authorized by petition by owners of 40% of the real property and representing 40% or more of the taxable value in proposed district. Initially approved by County Commissioners who appoint a Board of Trustees until elections can be held. Then Trustees are elected by voters within district. Rural Fire Districts are an independent entity and are not tied directly to county government.
  - Responsibilities: All hazard response, including wildfire.
  - Authorities: To enter into contracts and agreements, e.g. mutual aid and off-season agreements. May provide mutual aid even without an agreement in place (*10-3-209 MCA*).
  - Funding: Property tax on all property. County sets mill levy to fund the budget of the RFD.
  - Large fire costs: Request assistance from the DNRC through county cooperative fire protection program.
- Consolidated City/Rural Fire Districts.
  - How formed: Agreement between a City and a legally formed Rural Fire District. Each entity provides assets to the combined department which are then shared. Typically a combination paid/volunteer department. Paid staff works for the city. Independent of county government.  
  
Within the District there may be volunteer fire companies that function as an arm of the District.
  - Responsibilities: All hazard response, including wildfire.

- Authorities: To enter into contracts and agreements, e.g. mutual/automatic aid and off-season agreements, even with other states. May provide mutual aid even without an agreement in place (*10-3-209 MCA*).
- Funding: Both the city and the District Board have taxing authority (property tax). County sets mill levy to fund part of the budget of the fire department. The City provides a separate budget. The Chief (who works for both the City and the District) decides how to allocate payment of bills.
- Large fire costs: Request assistance from the DNRC through county cooperative fire protection program.
- Fire Service Fee Area.
  - How formed: Petition to County Commissioners by 30 owners of real property within proposed area. Commissioners hold hearing and make decision. Governed by Board of Trustees.
  - Responsibilities: Depends upon charter. Originally structural fire only but some have now revised charters to be all risk.
  - Funding: Fees to land owners based on kinds, types, and levels of service provided. Can be either a fixed or sliding scale. Fees paid to county and passed to the Fire Service Area.
  - Large fire costs: Request assistance from the DNRC through county cooperative fire protection program.
- Volunteer Fire Company. (Example: Custer County).
  - How formed: Organized by local landowners, typically as a 501(3) (c) non-profit organization.
  - Responsibilities: Whatever promise to subscribers. Primarily structural fire unless have an agreement with a RFD.
  - Funding: Subscriptions and donations.
  - Large fire costs: County Commissioners may ask for assistance from the DNRC through the County Cooperative Fire Protection Program.
- County Fire Department.
  - How formed: By counties to protect wildland within the county not protected by state or federal agencies, or RFDs.

- Responsibilities: Wildland fire only, except for Big Horn County which has accepted all fire protection outside of cities (all risk).
- Funding: Property taxes.
- Large fire costs: Request assistance from the DNRC through county cooperative fire protection program.
- Private Fire Department. (Yellowstone Club, a private gated community.)

### **Protection Contracts and Exchanges:**

- The FS and the BLM have an agreement for an off-set protection exchange. The FS protects all BLM forest lands in western Montana while BLM protects all national forest lands in eastern Montana.
- The FS and the DNRC have a full protection off-set exchange totaling 1.6 million acres. Acres are balanced and no money is exchanged.
- The FWS protects state sections within the CMR wildlife refuge in eastern Montana, and in return the DNRC protects several small refuges in western Montana.
- The CSK Tribe protects all state and private lands within the protection district that includes their reservation. DNRC pays the Tribe an annual rate per acre protected.
- The BOR pays the DNRC to protect their lands surrounding the Canyon Ferry Reservoir.
- The DNRC pays the BLM to protect some state lands in eastern Montana on a contract.
- In certain situations, the DNRC may pay local fire departments for IA on DNRC protection during the early and late fire seasons. Fee is on a per incident basis.

**Unprotected Wildlands:** All wildlands within Montana are under the protection of one or more legally recognized fire protection organizations.

### **Regulation & Enforcement:**

- Planning & Zoning: City or County responsibility. RFDs may do inspections.
- Subdivision Regulation: City or County responsibility. Generally only if tax payers specifically request it. Some counties (e.g. Carbon County) require a subdivision to provide adequate fire protection and assess a fee to developers, which then may be given to the RFD to provide inspections.
- Building Codes: State regulates commercial buildings and residential buildings with more than 5 individual units. Otherwise a county option.
- Other: Local government has the most influence over how development occurs.



## New Hampshire Appendix

### **Federal Wildland Fire Protection:**

#### **Forest Service (FS):**

Mission: The mission of the FS is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. In New Hampshire, the FS manages and provides wildland fire protection on the White Mountain National Forest which covers slightly over 735,000 acres. The FS accomplishes this primarily through the implementation of land management and fire management plans.

To meet its wildland fire management responsibilities, the FS is further guided by the "1995 Federal Wildland Fire Management Policy (revised in 2001)", the "2009 Guidance for Implementation of Federal Wildland Fire Management Policy", the "Interagency Standards for Fire and Fire Aviation Operations", the "Structure Exposure Protection Principals" (April 14, 2009), and the "Forest Service Manual 5100".

#### Responsibilities:

- Provide wildland fire protection on federal lands administered by the FS. (*Organic Act of 1897; Clarke-McNary Act of 1924; Granger-Thye Act of 1950; and the National Forest Management Act of 1976*).
- Protect human communities that border National Forests by implementing hazardous fuel reduction projects on federal lands within the WUI (*Healthy Forests Restoration Act of 2003*).
- Provide technical assistance in fire prevention and control to the State. (*Cooperative Forestry Assistance Act of 1978*).

#### Authorities:

- Enter into mutual aid and reciprocal fire protection agreements, including international agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide financial assistance (grants) to the State, if funds are appropriated by Congress for that purpose (*Cooperative Forestry Assistance Act of 1978; Appropriations Act for Interior and Related Agencies*).
- Provide assistance to the State when wildfires exceed its capacity (*Cooperative Forestry Assistance Act of 1978*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening National Forest lands, even if there is no agreement in place (*Weeks Law of 1911; Clarke-McNary Act of 1924; Reciprocal Fire Protection Act of 1955*).

- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Cooperative Forestry Assistance Act of 1978*).

Roles:

- Under the *Stafford Act*, serve as the principal advisor to state government when the State requests a Fire Management Assistance Grant from the Federal Emergency Management Agency (FEMA).
- Serve as an associate member of the Northeast Forest Fire Compact (although cannot use it to deploy personnel to Canada – must use the NICC - CIFFC international agreement). As a partner, the FS pays a Compact assessment which contributes toward the various functions of the Compact, including interagency training.
- Has an agreement the New Boston Air Force Tracking Station to do fuel work and prescribed fire.
- Shares weather stations with the State.
- For additional roles, see “roles common to all federal agencies” at the end of this section.

**National Park Service (NPS):**

Mission: The mission of the NPS is to preserve unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. The NPS manages about 8,400 acres in New Hampshire, including 1 National Historic Site and a portion of the Appalachian Trail. The FS manages the NH portion of the Trail by agreement with the NPS, and the local fire department provides fire protection for the Saint-Gaudens site through an agreement. The NPS has no significant wildland fire management role in New Hampshire.

**Fish & Wildlife Service (FWS):**

Mission: The U.S. Fish and Wildlife Service, working with others, is responsible for conserving, protecting, and enhancing fish and wildlife and their habitats for the continuing benefit of the American people through Federal programs relating to migratory birds, endangered species, interjurisdictional fish and marine mammals, and inland sport fisheries. In meeting this mission, the FWS manages and protects 10 National Wildlife Refuges in New Hampshire covering over 425,000 acres. This is primarily accomplished through the implementation of resource management and fire management plans.

To meet its wildland fire management responsibilities, the FWS is further guided by the “Federal Wildland Fire Management Policy (revised in 2001)”, the 2009 “Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, and part 620 of the “DOI Departmental Manual”.

Responsibilities: The primary wildland fire protection responsibility of the FWS is to provide for the protection of federal lands and sites under its management (*Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*). The FWS has fire staff on 5 of its units and handles both initial response as well as large fire management. On the other 5 units the FWS has agreements with either the NH DFL or local fire departments to handle the initial response to wildfires. However, the FWS is responsible for large fire management and associated costs.

Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening FWS lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).
- Enter into cooperative agreements with partner organizations, academic institutions, or State or local government agencies (*National Wildlife Refuge System Improvement Act of 1997*).
- Conduct projects on private lands (with permission of landowner) for conservation purposes. The FWS may do prescribed burning but not wildfire response (*Fish and Wildlife Coordination Act of 1934 as amended*).
- Provide payments in lieu of taxes to local government (*National Wildlife Refuge System Improvement Act of 1997*).

Roles: See “roles common to all federal agencies” at the end of this section.

**Bureau of Indian Affairs (BIA) and Tribal Government:**

There are no Indian Tribes in New Hampshire.

**Roles common to the Forest Service and Fish and Wildlife Service:** Federal roles are described in detail in agency policy direction, manuals, and handbooks. For example: the “1995 Federal Wildland Fire Management Policy” (revised in 2001), the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, “part 620 of the DOI Departmental Manual”, and the “Forest Service Manual 5100”. Common roles include:

- Manage all actions to provide for public and fire fighter safety as the highest priority.

- Take aggressive action to keep unwanted wildland fires from spreading to adjacent jurisdictions during initial attack.
- Protect human communities adjacent to federal lands by taking immediate suppression actions on wildfires threatening private lands.
- Actively manage fuels to reduce fire spread potential along boundaries with other jurisdictions.
- Along with partners, set up and operate the statewide MAC Group when necessary.
- Partner in statewide, interagency dispatch centers.
- Provide incident management team members and personnel for national dispatch.
- Work cooperatively with other federal, state, and local wildland fire protection organizations in providing effective and cost-efficient wildland fire protection and response.
- Work with partners in off-season to develop detailed templates for cost-share agreements to minimize potential for conflict.
- Work with partners to identify draw down levels, fire danger ratings, and other preparedness steps to better prepare for response.
- Through the DOI Rural Fire Assistance/Ready Reserve program and the FS cooperative programs (SFA, VFA, and FEPP/FPP), and in conjunction with The State Forester, provide training and equipment to local fire department personnel to assist them in meeting basic NWCG qualifications.
- Protect endangered species related to suppression actions.
- Coordinate responses to wildland fires across jurisdictional boundaries.
- Support the development and implementation of Community Wildfire Protection Plans (CWPP).
- Work with all partners to develop and implement risk assessment, prevention and mitigation plans to reduce the frequency of wildfires due human ignitions.
- Provide mutually agreed upon preparedness and suppression assistance to state, tribal, and local government on wildfires that exceed their capabilities.
- Assist local fire departments to protect private structures from wildfires originating on federal lands.
- Provide for structural fire suppression for cabins and administrative sites on federal land. Except on the larger National Parks, this is normally handled through arrangements with local, all hazard fire departments. However, in the case of leased or permitted cabins on federal land, structural fire suppression is typically the responsibility of the cabin owner.

### **New Hampshire Division of Forests & Lands (DFL) Wildland Fire Protection:**

Wildland fire protection and response is a dual responsibility of both the State Division of Forests & Lands (DFL) and the incorporated “Towns”. NH is divided into 259 “Towns”; including approximately 24 unincorporated areas in northern NH (some unincorporated areas are located within the boundaries of the White Mountain National Forest (WMNF). In these situations the Forest Service provides the suppression response). The DFL has the ultimate responsibility to provide wildland fire protection within the state except on

lands within the boundary of the WMNF. However, that responsibility is shared with incorporated Towns. Every Town in NH is required to have a forest fire warden (appointed by the State Forester) and to suppress all “woodland” fires within the boundaries of the Town. [Note: all woodland areas of the State fall within the boundaries of a Town, either incorporated or not. County government essentially has no responsibility for wildland fire protection. Fire wardens are “state agents” and the State pays 50% of their cost. All lands within the state are covered by a fire warden.

- Responsibilities: (*Title XIX-A, Chapter 227-L, New Hampshire Statutes*)
  - Divide the State into forest fire districts. There are 13 in the State, each headed by a District Forest Ranger, who handles multiple forestry programs. Each District Forest Ranger oversees approximately 25 Town fire wardens. Each group of districts is supervised by a Forest Ranger Captain (there are a total of 3 Forest Ranger Captains). All Captains have their own districts, in addition to supervising other district rangers.
  - Maintain fire lookouts and a fire detection capability.
  - Enforce all fire laws and rules.
  
- Authorities:
  - Enter into contracts and agreements and award grants.
  - Purchase fire fighting equipment from GSA for re-sale to Towns at cost.
  - Cooperate with surrounding states in the establishment of joint fire lookout stations (fire towers).
  - Establish supply caches throughout the State.
  - Build fire trails and fire lines.
  - Employ paid patrols.
  - Arrest and impose fines.
  - Use eminent domain to acquire land for fire towers, fire trails, etc.
  - Subscript private individuals and private equipment for fire suppression.
  
- Direct Protection: The DFL provides the initial response on the unincorporated areas in northern NH outside the boundary of the WMNF by hiring seasonal fire fighters (engine crews). Since unincorporated areas have no form of local government, the County pays the DFL to provide fire protection in these areas. The State also pays 100% of the cost of the fire warden in unincorporated places.
  - Program funding: Funding for the DFL forestry and fire programs is split among several sources. State general fund provides the majority of funding (about 78%), federal funds provide about 16%, and the balance comes from a dedicated account funded with revenue from fines, and the payment from the county with unincorporated places.

- Suppression funding: There is no separate appropriation for suppression. Suppression expenses are charged against an unbudgeted account and then reimbursed through a supplemental appropriation.

The State pays 100% of the suppression costs in the unincorporated places.

- Authority to enter private lands: The DFL has the authority to enter on to all lands within the State.
- Roles:
  - Manage all actions to provide for public and fire fighter safety as the highest priority.
  - Sits on the state “Fire Standards and Training Commission”, which determines standards for all aspects of the fire service (both structural and wildland).
  - Provides training and FEPP equipment to Town fire departments.
  - Coordinates out-of-state dispatch for NH fire fighters, either nationally or within the Compact.
  - Take aggressive action to keep unwanted wildland fires from spreading to adjacent jurisdictions during initial attack
  - Provide grants to VFDs for fire fighting equipment.
  - Work cooperatively with other federal, state, and local wildland fire protection organizations in providing effective and cost-efficient wildland fire protection and response.
  - Partner in cooperative prevention programs, including the Firewise Communities program.
  - Along with partners, set up and operate the statewide MAC Group when necessary.
  - Work with partners to identify draw down levels, fire danger ratings, and other preparedness steps to better prepare for response.
  - Work with partners in developing and implementing CWPPs.
  - Mobilize National Guard resources to assist with wildfire suppression.

- Indirect Protection:

- How structured: Town fire departments, under the direction of the Town fire warden, provide initial response in all incorporated Towns. By administrative rule, all NH structural fire fighters are required to receive wildland fire training up through NFPA Fire Fighter 1 (NFPA), which is equivalent to Fire Fighter 2 under NWCG qualifications.
- Protection costs: State pays 50% of costs for the Town fire warden and related costs of woodland fire related work on a reimbursement basis, not

including new equipment purchases. State will pay to replace equipment destroyed during suppression efforts (50% charged against the fire).

- State Assistance with large fires: State will direct and aid local fire departments with larger fires, including ordering outside resources. The DFL attempts to release local volunteers as soon as possible to restore IA capacity.
- Suppression funding: State will only pay 50% of the Town's suppression costs. However, once fire costs exceeds 0.25% of the latest assessed taxable value within the Town, then the State will pay 100% of the costs. If responsible party is found for cause of fire, they are billed for 100% of suppression costs.

### **Local Wildland Fire Protection:**

- City Fire Departments. (Required for incorporated cities.)
  - How formed: By City government. Larger cities have a mayor and city council. Smaller cities may have 3-5 "select men" and either a city administrator or manager.
  - Responsibilities: Have same requirements as Towns in regard to wildland fire protection. They must have a fire warden although his/her duties cannot interfere with those of the City Fire Chief. However, in most cases the Chief and the fire warden is the same person. They generally provide all hazard response. Some of the larger cities contract for EMS.
  - Authorities: To enter into contracts and agreements. Most have mutual aid agreements with surrounding jurisdictions. May use the agreement to staff (back fill) neighboring stations which are depleted due to personnel responding to incidents.
  - Funding: City property taxes. State pays for 50% of the costs of the fire warden.
  - Large fire costs: Same as Towns. (In all cases the State only reimburses towns or cities for costs that were incurred due to the fire, so full-time firefighters already on the clock would not be reimbursed, but if they incur overtime or have to call in additional resources they would be covered for reimbursement.)

- Town Fire Departments. They are usually a combination department with a paid chief and “on-call” volunteers.
  - How formed: By law, each Town must have a fire warden appointed by the State Forester. Some Towns have more than one station. Some are all volunteer departments, others are “call” fire departments (personnel are only paid when called out on a fire). In southern part of the State there are some fully paid and some combination departments.

Some Towns contract with a neighboring Town for fire protection.

  - Responsibilities: All hazard response.
  - Authorities: To enter into contracts and agreements. Most have mutual aid agreements with surrounding jurisdictions. May use the agreement to staff (back fill) neighboring stations which are depleted due to personnel responding to incidents.
  - Funding: Town property tax.
  - Large fire costs: State will only pay 50% of the Town’s suppression costs. However, once fire costs exceeds 0.25% of the latest assessed taxable value within the Town, then the State will pay 100% of the costs. (see note above about only reimbursing for costs directly attributable to the fire, not full-time personnel already on the clock)
  
- Private Fire Departments.
  - How Formed: One NH community has formed a private, volunteer fire department instead of forming a property tax supported town fire department. Another example is the Manchester Airport which contracts with a private company for fire protection.
  - Responsibilities: Depends upon the charter or contract.
  - Funding: The Community fire department is funded by donations and through fund raising efforts.

**Protection Contracts and Exchanges:** There are no off-set protection exchanges in New Hampshire.

- Town fire departments provide IA on NPS, FWS, and DOD lands. State reimburses the fire departments and then bills back to the federal agencies per the State Forest Fire Control regulations.
- The FS pays the State for aerial fire detection services through the cooperative fire agreement.



- The Cooperative Fire Agreement provides for mutual aid between federal agencies and the State. No reimbursement unless a fire goes into extended attack.

### **Unprotected Wildlands:**

There are no unprotected wildlands in New Hampshire.

### **Regulation & Enforcement:**

- Planning & Zoning: City and Town responsibility.
- Subdivision Regulation: City and Town responsibility, but is not commonly done at the current time. However, that is beginning to change.
- Building Codes: Under the authority of the State Fire Marshal. NH has adopted NFPA standards. Cities and Towns have the authority to adopt codes that are more restrictive but not less restrictive.

## North Carolina Appendix

### **Federal Wildland Fire Protection:**

#### **Forest Service (FS):**

Mission: The mission of the FS is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. In meeting its mission in North Carolina the FS manages and provides wildland fire protection on the "North Carolina National Forests", which is a combination of four national forests (Croatan, Nantahala, Pisgah, and Uwharrie) that are managed under a single Forest Supervisor. The 4 combined forests cover over 1.25 million acres. The FS provides wildland fire protection on all of its lands. The FS accomplishes this primarily through the implementation of land management and fire management plans.

To meet its wildland fire management responsibilities, the FS is further guided by the "Federal Wildland Fire Management Policy" (revised in 2001), the "2009 Guidance for Implementation of Federal Wildland Fire Management Policy", the "Interagency Standards for Fire and Fire Aviation Operations", the "Structure Exposure Protection Principals" (April 14, 2009), and the "Forest Service Manual 5100".

#### **Responsibilities:**

- Provide wildland fire protection on federal lands administered by the FS. (*Organic Act of 1897; Clarke-McNary Act of 1924; Granger-Thye Act of 1950; and the National Forest Management Act of 1976*).
- Protect human communities that border National Forests by implementing hazardous fuel reduction projects on federal lands within the WUI (*Healthy Forests Restoration Act of 2003*).
- Provide technical assistance in fire prevention and control to the State. (*Cooperative Forestry Assistance Act of 1978*).

#### **Authorities:**

- Enter into mutual aid and reciprocal fire protection agreements, including international agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide financial assistance (grants) to the State, if funds are appropriated by Congress for that purpose (*Cooperative Forestry Assistance Act of 1978; Appropriations Act for Interior and Related Agencies*).
- Provide assistance to the State when wildfires exceed its capacity (*Cooperative Forestry Assistance Act of 1978*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).

- Take action on a wildfire burning on non-federal lands if the fire is threatening National Forest lands, even if there is no agreement in place (*Weeks Law of 1911; Clarke-McNary Act of 1924; Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Cooperative Forestry Assistance Act of 1978*).

Roles:

- Under the *Stafford Act*, serve as the principal advisor to state government when the State requests a Fire Management Assistance Grant from the Federal Emergency Management Agency (FEMA).
- Provide staff for the Interagency Coordination Center. Other partners, including the State, provide additional staff during periods of fire activity.
- For additional roles, see “roles common to all federal agencies” at the end of this section.

**National Park Service (NPS):**

Mission: The mission of the NPS is to preserve unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. In meeting its mission, the NPS manages over 360,000 acres of land in North Carolina. Within the state there are 1 National Park; 2 National Seashores; 1 National Heritage Area; 1 National Memorial; 1 National Military Park; 1 National Battlefield; 1 Cultural Heritage Corridor; 2 National Historic Sites; 3 National Trails; and the Blue Ridge Parkway. The NPS either provides wildland fire protection on public lands under its management or has agreements with local fire departments. The NPS accomplishes its mission primarily through the implementation of resource management and fire management plans.

The NPS is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, the “Director’s Order #18: Wildland Fire Management”, and part 620 of the “DOI Departmental Manual”.

Responsibilities: The primary wildland fire protection responsibility of the NPS is to provide for the protection of federal lands and sites under its management. The unique feature of the NPS is its focus on the protection and preservation of cultural and historic resources (*NPS Organic Act of 1916; Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*).

Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).

- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening NPS lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).
- Provide structural fire suppression services for its own buildings within the larger National Parks (exclusive jurisdiction). Some NPS sites have agreements with local government for structural fire protection. Wildland fire and structural fire may be combined into a single program within a National Park, or they may be separate programs (*National Park Service Acts*).
- Render emergency rescue, fire fighting, and cooperative assistance to nearby law enforcement and fire agencies outside of NPS lands (*National Park Service Acts*).

Roles: See “roles common to all federal agencies” at the end of this section.

### **Fish & Wildlife Service (FWS):**

Mission: The U.S. Fish and Wildlife Service, working with others, is responsible for conserving, protecting, and enhancing fish and wildlife and their habitats for the continuing benefit of the American people through Federal programs relating to migratory birds, endangered species, interjurisdictional fish and marine mammals, and inland sport fisheries. In meeting this mission the FWS manages and protects 10 National Wildlife Refuges in North Carolina, covering over 425,000 acres. This is primarily accomplished through the implementation of resource management and fire management plans.

To meet its wildland fire management responsibilities, the FWS is further guided by the “Federal Wildland Fire Management Policy” (revised in 2001), the 2009 “Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, and part 620 of the “DOI Departmental Manual”.

Responsibilities: The primary wildland fire protection responsibility of the FWS is to provide for the protection of federal lands and sites under its management (*Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*). The FWS has fire staff on 5 of its units and handles both initial response as well as large fire management. On the other 5 units the FWS has agreements with either the DFR or local fire departments to handle the initial response to wildfires. However, the FWS is responsible for large fire management and associated costs.

Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening FWS lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).
- Enter into cooperative agreements with partner organizations, academic institutions, or State or local government agencies (*National Wildlife Refuge System Improvement Act of 1997*).
- Conduct projects on private lands (with permission of landowner) for conservation purposes. The FWS may do prescribed burning but not wildfire response (*Fish and Wildlife Coordination Act of 1934 as amended*).
- Provide payments in lieu of taxes to local government (*National Wildlife Refuge System Improvement Act of 1997*).

Roles: See “roles common to all federal agencies” at the end of this section.

**Bureau of Indian Affairs (BIA) and Tribal Government:**

Mission: The Bureau of Indian Affairs’ mission is to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes and Alaska Natives. There is one Indian reservation in North Carolina (Cherokee Agency). The BIA provides wildland fire protection on tribal trust lands and has an agreement with the DFR and the Forest Service for initial response on several scattered trust tracts. The BIA accomplishes its mission primarily through the implementation of resource and fire management plans.

Furthermore, in order to fulfill its wildland fire management responsibilities, the BIA is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, part 620 of the “DOI Departmental Manual”, as well as the BIA’s “Wildland Fire and Aviation Program Management and Operations Guide”.

Responsibilities: The BIA, through treaties and executive orders, has the responsibility to protect tribal trust lands. The BIA cannot give up that trust responsibility, but can pass the authority to manage programs and provide protection to individual tribes through the *Indian Self Determination Act (PL 93-638)*, the *National Indian Forest Resource Management Act (PL 101-630)* and the *Tribal Self-Governance Act of 1994 (P.L. 103-*

413). The BIA handles the wildland fire program on the Cherokee Reservation including suppression on the main reservation. The FS and the DFR provides initial attack on scattered tribal trust lands south and west of the main reservation.

Authorities:

- May take action on wildfires on adjacent lands that threaten tribal trust lands. However, no expenses for fighting a fire outside Indian Lands may be incurred unless the fire threatens Indian land or unless the expenses are incurred pursuant to an approved cooperative agreement with another protection agency (*Reciprocal Fire Protection Act of 1955*).
- Enter into reciprocal agreements (e.g. mutual and automatic aid) with any wildland fire organization maintaining protection facilities in the vicinity of Indian reservations or other Indian land for mutual aid in wildfire protection (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).

Roles:

- The BIA represents Tribal interests on the statewide MAC Group.
- For other BIA roles, see “roles common to all federal agencies” at the end of this section.

**Roles common to all Federal Agencies:** Federal roles are described in detail in agency policy direction, manuals, and handbooks. For example: the “1995 Federal Wildland Fire Management Policy” (revised in 2001), the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, “part 620 of the DOI Departmental Manual”, and the “Forest Service Manual 5100”. Common roles include:

- Manage all actions to provide for public and fire fighter safety as the highest priority.
- Take aggressive action to keep unwanted wildland fires from spreading to adjacent jurisdictions during initial attack.
- Protect human communities adjacent to federal lands by taking immediate suppression actions on wildfires threatening private lands.
- Actively manage fuels to reduce fire spread potential along boundaries with other jurisdictions.
- Partner in the interagency coordination center.
- Partner on the statewide MAC Group.
- Provide incident management team members and personnel for national dispatch.

- Work cooperatively with other federal, state, tribal, and local wildland fire protection organizations in providing effective and cost-efficient wildland fire protection and response.
- Work with partners in off-season to develop detailed templates for cost-share agreements to minimize potential for conflict.
- Work with partners to identify draw down levels, fire danger ratings, and other preparedness steps to better prepare for response.
- Through the DOI Rural Fire Assistance/Ready Reserve program and the FS cooperative programs (SFA, VFA, and FEPP/FPP), and in conjunction with the State Forester, provide training and equipment to local fire department personnel to assist them in meeting basic NWCG qualifications.
- Protect endangered species related to suppression actions.
- Coordinate responses to wildland fires across jurisdictional boundaries.
- Support the development and implementation of Community Wildfire Protection Plans (CWPP).
- Work with all partners to develop and implement risk assessment, prevention and mitigation plans to reduce the frequency of wildfires due human ignitions.
- Provide mutually agreed upon preparedness and suppression assistance to state, tribal, and local government on wildfires that exceed their capabilities.
- Assist local fire departments to protect private structures from wildfires originating on federal lands.
- Provide for structural fire suppression for cabins and administrative sites on federal land. Except on the larger National Parks, this is normally handled through arrangements with local, all hazard fire departments. However, in the case of leased or permitted cabins on federal land, structural fire suppression is typically the responsibility of the cabin owner.

**North Carolina Division of Forest Resources (DFR) Wildland Fire Protection:**

*Chapter 113-51 of the North Carolina General Statutes* authorizes the DFR to provide for the prevention and control of forest fires in any and all parts of the state, and is authorized to enter into an agreement with the Secretary of Agriculture for the protection of the forested watersheds of the state.

- Responsibilities & Authorities:
  - The DFR has written agreements for dual jurisdiction with all 100 counties to provide wildland fire protection to all state and private lands. Each county has one staffed office with response capability. Staffing is variable depending upon workload and funding.
  - Volunteer Fire Departments also respond to wildfires within their counties. However, the DFR normally provides assistance.
  - The DFR does not respond within city/municipality boundaries unless requested to do so.
  - Has authority to enter into contracts and agreements and award grants.

- Program funding: State general fund. DFR staffs a headquarters office in each county to handle forestry and fire programs. The counties share the funding for the personnel and offices (personnel time, operating expenses, and equipment). Although it varies by county the typical split is 60% state and 40% county.
- Suppression funding: Suppression costs are covered out of the regular state appropriation. If necessary the DFR can request additional funding from the state emergency fund through the Governor. The DFR will cover suppression costs for counties if they have an agreement and request assistance. The State will then pay for all resources brought in from outside the county.
- Authority to enter private lands: Yes. An archaic law authorizes DFR to “commandeer” private citizens and equipment for fire fighting. However, it has never been used in modern times.
- Roles:
  - Manage all actions to provide for public and fire fighter safety as the highest priority.
  - Take aggressive action to keep unwanted wildland fires from spreading to adjacent jurisdictions during initial attack
  - Provide assistance and training to VFDs.
  - Provide grants to VFDs for fire fighting equipment.
  - Providing access for local firefighters to participate on state crews and incident management teams.
  - Work cooperatively with other federal, state, and local wildland fire protection organizations in providing effective and cost-efficient wildland fire protection and response.
  - Partner in cooperative prevention programs, including the Firewise Communities program.
  - Along with partners, set up and operate the statewide MAC Group when necessary.
  - Work with partners to identify draw down levels, fire danger ratings, and other preparedness steps to better prepare for response.
  - Work with partners in developing and implementing CWPPs.
  - Mobilize National Guard resources to assist with wildfire suppression.

### **Local Wildland Fire Protection:**

- City/Municipal Fire Departments. Incorporated cities and towns are required by statute to provide fire protection. They do this either by forming a fire department or contracting with a fire district (VFD).
  - How formed: By resolution of the Municipal Government.



- Responsibilities: All hazard response. Some of larger cities have minimal wildland fire capability.
- Funding: City property or use taxes.
- Large fire costs: May request assistance from State, through the DFR.
- Volunteer Fire Departments (VFD). Counties are not required by law to provide fire protection, but may if they so choose. Most counties (approximately 90%) provide fire protection by contracting with local fire districts (VFDs). Most VFDs are independent of County government but, depending upon the charter, may have a contractual relationship with the county. Currently there are over 1350 fire districts in the state.
  - How formed: VFDs are formed as “fire districts” either by landowner petition or by decision of the County Commissioners, and are organized as 501(c) (3) non-profit organizations. Each has a charter, defined boundaries, and an elected Board of Directors. There is one VFD per district, but each VFD may have multiple stations. Some are combination departments and some all volunteer.
  - Responsibilities: Depends upon the charter. Charters vary considerably but VFDs typically provide all hazard response, although primary purpose is structural fire suppression and emergency response. All VFDs respond to structural and wildland fire, but may or may not provide emergency medical service and rescue.
  - Funding: If the VFD was formed by the County, it is partially funded through a levy (maximum of \$.15) against property tax. (Either a fire district tax or a service district tax.) If the VFD was formed by landowner petition, then it must raise money through donations and fund raising efforts.
  - Large fire costs: If a wildfire exceeds local capacity, the County/VFD can request assistance from the State through the DFR.

### **Protection Contracts and Exchanges:**

There are no off-set protection exchanges in North Carolina. The DFR protects one military bombing range on contract. The contract covers initial attack; costs for extended attack and large fire suppression are billed.

### **Unprotected Wildlands:**

There are no unprotected wildlands in North Carolina.

### **Regulation & Enforcement:**

- Planning & Zoning: There is a broad state requirement for planning and zoning but details and implementation are the responsibility of cities and counties. Some locations have combined city/county zoning and planning boards.
- Subdivision Regulation: There is some broad state guidance but it is a city or county responsibility.
- Building Codes: The State has adopted the International Building Code (IBC). However, cities and counties have the authority to adopt more restrictive local ordinances. The State Fire Marshal administers the program, but inspections and enforcement is handled locally.

## Pennsylvania Appendix

### **Federal Wildland Fire Protection:**

#### **Forest Service (FS):**

Mission: The mission of the FS is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. In Pennsylvania, the FS manages and provides wildland fire protection on the Allegheny National Forest which covers over 513,000 acres. The FS accomplishes this primarily through the implementation of land management and fire management plans.

To meet its wildland fire management responsibilities, the FS is further guided by the "1995 Federal Wildland Fire Management Policy (revised in 2001)", the "2009 Guidance for Implementation of Federal Wildland Fire Management Policy", the "Interagency Standards for Fire and Fire Aviation Operations", the "Structure Exposure Protection Principals" (April 14, 2009), and the "Forest Service Manual 5100".

#### **Responsibilities:**

- Provide wildland fire protection on federal lands administered by the FS. (*Organic Act of 1897; Clarke-McNary Act of 1924; Granger-Thye Act of 1950; and the National Forest Management Act of 1976*).
- Protect human communities that border National Forests by implementing hazardous fuel reduction projects on federal lands within the WUI (*Healthy Forests Restoration Act of 2003*).
- Provide technical assistance in fire prevention and control to the State. (*Cooperative Forestry Assistance Act of 1978*).

#### **Authorities:**

- Enter into mutual aid and reciprocal fire protection agreements, including international agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide financial assistance (grants) to the State, if funds are appropriated by Congress for that purpose (*Cooperative Forestry Assistance Act of 1978; Appropriations Act for Interior and Related Agencies*).
- Provide assistance to the State when wildfires exceed its capacity (*Cooperative Forestry Assistance Act of 1978*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening National Forest lands, even if there is no agreement in place (*Weeks Law of 1911; Clarke-McNary Act of 1924; Reciprocal Fire Protection Act of 1955*).

- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Cooperative Forestry Assistance Act of 1978*).

Roles:

- Under the *Stafford Act*, serve as the principal advisor to state government when the State requests a Fire Management Assistance Grant from the Federal Emergency Management Agency (FEMA).
- Coordinates with, and participates on, the Mid-Atlantic Forest Fire Compact.
- Member of the Pennsylvania Prescribed Fire Council.
- Partner in the Central Appalachian Dispatch Center (CACC) along with the Monongahela National Forest and the Northeastern Area, State and Private Forestry, of the Forest Service. Supports dispatch centers in Elkins WV and Warren PA. (Neither the Bureau of Forestry nor the other federal agencies are participants.)
- Working on a cooperative agreement with The Nature Conservancy for prescribed burning.
- Provides technical assistance in fire and aviation management safety to the PA Division of Forest Fire Protection.
- For additional roles, see “roles common to all federal agencies” at the end of this section.

**National Park Service (NPS):**

Mission: The mission of the NPS is to preserve unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. In meeting its mission, the NPS manages and protects over 48,500 acres in Pennsylvania, including: 7 National Historic Sites; 3 National Scenic Trails; 3 National Scenic Rivers; 3 National Memorials; 3 National Heritage Areas; 2 National Historic Parks; 1 National Heritage Corridor; 1 National Recreation Area; 1 National Battlefield; 1 National Military Park; 1 Heritage Valley; 1 National Heritage Route; the Deshler-Morris House; and the Chesapeake Bay Gateway Network. The NPS accomplishes its mission primarily through the implementation of resource management and fire management plans.

The NPS is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, the “Director’s Order #18: Wildland Fire Management”, and part 620 of the “DOI Departmental Manual”.

Responsibilities: The primary wildland fire protection responsibility of the NPS is to provide for the protection of federal lands and sites under its management. The unique feature of the NPS is its focus on the protection and preservation of cultural and historic resources (*NPS Organic Act of 1916; Protection Act of 1922; Federal Land Policy and*

*Management Act of 1976; and others*). The NPS either provides wildland fire protection on the lands it manages, or has agreements with local fire departments.

Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening NPS lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).
- Provide structural fire suppression services for its own buildings within the larger National Parks (exclusive jurisdiction). Some NPS sites have agreements with local government for structural fire protection. Wildland fire and structural fire may be combined into a single program within a National Park, or they may be separate programs (*National Park Service Acts*).
- Render emergency rescue, fire fighting, and cooperative assistance to nearby law enforcement and fire agencies outside of NPS lands (*National Park Service Acts*).

Roles: See “roles common to all federal agencies” at the end of this section.

**Fish & Wildlife Service (FWS):**

Mission: The U.S. Fish and Wildlife Service, working with others, is responsible for conserving, protecting, and enhancing fish and wildlife and their habitats for the continuing benefit of the American people through Federal programs relating to migratory birds, endangered species, interjurisdictional fish and marine mammals, and inland sport fisheries. The FWS manages 2 National Wildlife Refuges in Pennsylvania, covering approximately 10,000 acres. The FWS has no fire staff on either of its units. The FWS has agreements with local fire departments to handle the initial response to wildfires. However, the FWS is responsible for large fire management and associated costs.

**Bureau of Indian Affairs (BIA) and Tribal Government:**

There are no Indian Tribes in Pennsylvania.

**Roles common to the Forest Service and Fish and Wildlife Service:** Federal roles are described in detail in agency policy direction, manuals, and handbooks. For example: the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the

“Interagency Standards for Fire and Fire Aviation Operations”, “part 620 of the DOI Departmental Manual”, and the “Forest Service Manual 5100”. Common roles include:

- Manage all actions to provide for public and fire fighter safety as the highest priority.
- Take aggressive action to keep unwanted wildland fires from spreading to adjacent jurisdictions during initial attack.
- Protect human communities adjacent to federal lands by taking immediate suppression actions on wildfires threatening private lands.
- Actively manage fuels to reduce fire spread potential along boundaries with other jurisdictions.
- Partners in the Eastern Area Geographic Coordinating Group and MAC Group.
- Provide incident management team members and personnel for national dispatch.
- Work cooperatively with other federal, state, and local wildland fire protection organizations in providing effective and cost-efficient wildland fire protection and response.
- Work with partners in off-season to develop detailed templates for cost-share agreements to minimize potential for conflict.
- Work with partners to identify draw down levels, fire danger ratings, and other preparedness steps to better prepare for response.
- Through the DOI Rural Fire Assistance/Ready Reserve program and the FS cooperative programs (SFA, VFA, and FEPP/FPP), and in conjunction with The State Forester, provide training and equipment to local fire department personnel to assist them in meeting basic NWCG qualifications.
- Protect endangered species related to suppression actions.
- Coordinate responses to wildland fires across jurisdictional boundaries.
- Support the development and implementation of Community Wildfire Protection Plans (CWPP).
- Work with all partners to develop and implement risk assessment, prevention and mitigation plans to reduce the frequency of wildfires due human ignitions.
- Provide mutually agreed upon preparedness and suppression assistance to state, tribal, and local government on wildfires that exceed their capabilities.
- Assist local fire departments to protect private structures from wildfires originating on federal lands.
- Provide for structural fire suppression for cabins and administrative sites on federal land. Except on the larger National Parks, this is normally handled through arrangements with local, all hazard fire departments. However, in the case of leased or permitted cabins on federal land, structural fire suppression is typically the responsibility of the cabin owner.

**Pennsylvania Division of Forest Fire Protection:** (Note: Pennsylvania is a Commonwealth, just enough different from a State to cause a few legal problems.)

- Responsibilities & Authorities: By a long string of legislative Acts, dating back to the 1880’s, including *the Conservation and Natural Resources Acts of 1913*,

1923, 1931, and 1995; the current Division of Forest Fire Protection, Bureau of Forestry, Department of Conservation and Natural Resources, Commonwealth of Pennsylvania is given authority and responsibility to protect all wildlands in the state from wildfire. By agreement and overlapping authorities, the Division assists federal agencies on federal land. There is dual wildland fire protection authority between the Commonwealth and the Cities, Boroughs, and Townships (Municipalities). Municipalities provide the initial response through VFDs. They also respond to fires on Commonwealth owned land if it falls within their jurisdiction. The Division of Forest Fire Protection maintains a staff of 12 that develops Wildland fire policy, and needed contracts; coordinates investigations, collections, and prevention activities; administers grant and equipment dispersals; maintains a warehouse and 2 SEAT bases; and supports the field staff. The 20 District Forest Fire Wardens carry out the policies of the Division; conduct investigations, collections, and prevention activities; maintain initial attack forces and equipment, and search for and respond to wildland fires. District forces will take over a fire when requested by a local fire company. The Division maintains three organized Type-3 Incident Management Teams to provide relief to the Districts when incidents exceed the capabilities of local incident managers.

The Bureau of Forestry is a member of the Mid-Atlantic Interstate Forest Fire Protection Compact (MAIFFPC) as authorized by *Public Law 790 of the 84th Congress*. Collectively, Pennsylvania and associate member States Delaware, New Jersey, Maryland, Virginia, West Virginia, and Ohio have entered into mutual aid agreements for the purpose of preventing and controlling wildfires in the Mid-Atlantic region.

- Direct Protection: The Pennsylvania Bureau of Forestry maintains some initial attack resources, but primarily plays a support role to local fire departments that provide the primary initial response across the Commonwealth. The Commonwealth hires seasonal employees and staffs “smoke chaser units” and fire towers (lookouts). It also provides contracted aviation assets: 4 SEATs, 3 helicopters, and 21 fixed wing reconnaissance aircraft.
  - Program funding: Commonwealth general fund, federal grants (SFA), and revenues from State Forest land (mostly timber and natural gas sales).
  - Suppression funding: Commonwealth general fund. If the budget is exceeded, the Division can ask for a supplemental appropriation (not common). Suppression costs recovered from responsible parties are returned to the Commonwealth general fund.
  - Authority to enter private lands: Can enter onto any lands in the state, including federal, by agreement and Commonwealth Law.

- Roles:
  - Manage all actions to provide for public and fire fighter safety as the highest priority.
  - Establish and train a statewide network of “Local Forest Fire Wardens” who report to a “District Forest Fire Warden”. Many of the Local Forest Fire Wardens are key members of local volunteer fire companies. The District Forest Fire Warden is appointed by the Chief Forest Fire Warden and is a fulltime Commonwealth employee. The District Forest Fire Warden also serves as the Forest District Manager and has both fire and other staff. Currently there are 1,927 Local Forest Fire Wardens and 20 District Forest Fire Wardens positions located across the Commonwealth.
  - Provide training in wildland fire fighting and safety to both staff and volunteers.
  - Provide FEPP equipment to local fire departments.
  - Train, hire (as EFFs), and mobilize local firefighters to NWCG standards for out-of-state dispatch.
  - Organize three Type 3 IMTs (Commonwealth and local employees) for wildland fire management.
  - Act as the responsible Commonwealth Agency for Wildland fire.
  - Take aggressive action to keep unwanted wildland fires from spreading to adjacent jurisdictions during initial attack
  - Provide grants to VFDs for fire fighting equipment.
  - Work cooperatively with other federal, state, and local wildland fire protection organizations in providing effective and cost-efficient wildland fire protection and response.
  - Partner in cooperative prevention programs, including the Firewise Communities program.
  - Along with partners, set up and operate the statewide MAC Group when necessary.
  - Work with partners to identify draw down levels, fire danger ratings, and other preparedness steps to better prepare for response.
  - Work with partners in developing and implementing CWPPs.
  - Mobilize National Guard resources to assist with wildfire suppression.
- Indirect Protection: There are no county fire departments. Fire protection is organized at the City, Borough, or Township (municipality) level (there are multiple municipalities in each county). All Cities, Boroughs, or Townships (2600 in total) are required by law to provide for fire protection. However, they are not required to have a fire department or to provide any funding for a fire department. In practice, municipalities either have volunteer fire companies or arrange for coverage with neighboring municipalities. Also, there may be multiple, local fire companies within a single municipality. The amount of



control the City, Borough, or Township has over individual fire companies depends upon how the individual charters are written.

All counties are divided into “fire zones”. There are no gaps between zones. Local fire departments respond to 96% of all wildfires on non-federal land.

- Fire Warden Program. The Division Chief for Forest Fire Protection is also the Chief Forest Fire Warden. The Chief Forest Fire Warden may appoint local citizens (who are qualified) and Bureau employees as Local Forest Fire Wardens. All grades of Forest Fire Wardens have a number of legal authorities/powers, such as the ability to make arrests and to obligate funds.
- State Fire Commissioner. The Commissioner is appointed by the Governor and serves as liaison between the fire service and the Governor’s Office and the Legislature. Although the Commissioner has no authority over local fire departments, he/she has the responsibility to ensure that they comply with standards and grant provisions. The Commissioner is also responsible for the Fire Academy and other fire training programs. The Commissioner works closely with the Bureau of Forestry on wildland fire prevention programs, particularly the FIREWISE Communities program. His office also supports an all hazard Type 3 incident management team.

### **Local Wildland Fire Protection:**

- City Fire Departments. Cities (3 classes) are required by law to provide fire protection. Most are career, paid departments (35 in total). Some 3<sup>rd</sup> class cities have combination departments.
  - How formed: By city government. (Requires voter approval to change from paid to volunteer departments and vice versa.)
  - Responsibilities: Primarily structural fire suppression although some will respond to wildfires, particularly in the larger cities.
  - Funding: City property taxes.
- Rural Fire Companies/volunteer fire departments (2400). County has no authority over them. Municipalities do have legal authority over them, but are reluctant to assert it because of funding issues.
  - How formed: Formed as 501 (c) (3) non-profit organizations. They will likely have a charter and are staffed with volunteers. They normally elect their own Chief and there may or may not be a Board of Trustees/Directors. There is considerable diversity across the

Commonwealth. The vast majority are volunteers. Only a few of the larger municipalities have some paid staff.

- Responsibilities: Depends upon the charter. Generally all hazard response within their zone.
- Funding: Municipalities may institute a property tax levy of up to a maximum of 3 mills to fund local fire departments. Voters must approve any levy in excess of the 3 mill maximum. Otherwise they accept donations and do fund-raising. Grants are available from the State Fire Commissioner and the Bureau of Forestry.
- Large fire costs: The Bureau of Forestry pays large fire costs through its normal budget authority. Fire Wardens also have the authority to spend commonwealth funds and are required to submit bills to the Bureau for payment.

**Protection Contracts and Exchanges:** There are no off-set protection exchanges in Pennsylvania. The Bureau of Forestry has a contract to provide aerial detection on the Allegheny NF. Also the Bureau has mutual aid agreement with FS, NPS, and FWS.

### **Unprotected Wildlands:**

There are no unprotected wildlands in Pennsylvania.

### **Regulation & Enforcement:**

- Planning & Zoning: Not required by law. Option lies with the local municipalities. If the municipality has no capability, they can ask (and pay) the County to handle it for them. Most municipalities simply defer to the Counties. Counties may or may not choose to implement.
- Subdivision Regulation: Same as planning and zoning.
- Building Codes: Pennsylvania has adopted a uniform building construction code. Most municipalities have adopted the code and enforce it. If not, the Commonwealth will enforce and inspect the building code, particularly for new construction. Counties can also adopt codes that are more restrictive but not less restrictive.

## Texas Appendix

### **Federal Wildland Fire Protection:**

#### **Forest Service (FS):**

Mission: The mission of the FS is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. In meeting its mission, the FS manages and provides wildland fire protection on over 755,000 acres of public land in Texas. Within the state there are 4 National Forests (Angelina, Davy Crockett, Sabine, and Sam Houston) and 2 National Grasslands (Cado and LBJ) that are managed under one Forest Supervisor as the "National Forests & Grasslands of Texas". In addition, there are 2 National Grasslands in western Texas which are managed by the Cibola NF in New Mexico. The FS accomplishes its mission primarily through the implementation of land management and fire management plans.

To meet its wildland fire management responsibilities, the FS is further guided by the "Federal Wildland Fire Management Policy" (revised in 2001), the "2009 Guidance for Implementation of Federal Wildland Fire Management Policy", the "Interagency Standards for Fire and Fire Aviation Operations", the "Structure Exposure Protection Principals" (April 14, 2009), and the "Forest Service Manual 5100".

#### Responsibilities:

- Provide wildland fire protection on federal lands administered by the FS. (*Organic Act of 1897; Clarke-McNary Act of 1924; Granger-Thye Act of 1950; and the National Forest Management Act of 1976*).
- Protect human communities that border National Forests by implementing hazardous fuel reduction projects on federal lands within the WUI (*Healthy Forests Restoration Act of 2003*).
- Provide technical assistance in fire prevention and control to the State. (*Cooperative Forestry Assistance Act of 1978*).

#### Authorities:

- Enter into mutual aid and reciprocal fire protection agreements, including international agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide financial assistance (grants) to the State, if funds are appropriated by Congress for that purpose (*Cooperative Forestry Assistance Act of 1978; Appropriations Act for Interior and Related Agencies*).
- Provide assistance to the State when wildfires exceed its capacity (*Cooperative Forestry Assistance Act of 1978*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).

- Take action on a wildfire burning on non-federal lands if the fire is threatening National Forest lands, even if there is no agreement in place (*Weeks Law of 1911; Clarke-McNary Act of 1924; Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Cooperative Forestry Assistance Act of 1978*).

Roles:

- Under the *Stafford Act*, serve as the principal advisor to state government when the State requests a Fire Management Assistance Grant from the Federal Emergency Management Agency (FEMA).
- Co-sponsor and support state wildfire academies.
- Support the TFS by providing resources for incidents in west Texas.
- Provide support in east Texas to allow the TFS to shift resources to west Texas.
- For additional roles, see “roles common to all federal agencies” at the end of this section.

**Bureau of Land Management (BLM):** The BLM has a small presence in northwest Texas and is responsible for the management and protection of 11,749 acres. The BLM has limited responsibilities and does not play a significant role in wildland fire management in the state.

**National Park Service (NPS):**

Mission: The mission of the NPS is to preserve unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. In meeting its mission, the NPS manages and protects about 1.2 million acres in Texas including: 2 National Parks; 2 National Recreation Areas; 2 Historic Trails; 2 National Historical Sites; 2 National Historic Parks; 1 National Monument; 1 National Memorial; 1 National Preserve; 1 National Seashore; and 1 Wild & Scenic River. The NPS accomplishes its mission primarily through the implementation of resource management and fire management plans.

The NPS is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, the “Director’s Order #18: Wildland Fire Management”, and part 620 of the “DOI Departmental Manual”.

Responsibilities: The primary wildland fire protection responsibility of the NPS is to provide for the protection of federal lands and sites under its management. The unique feature of the NPS is its focus on the protection and preservation of cultural and historic resources (*NPS Organic Act of 1916; Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*).

Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening NPS lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).
- Provide structural fire suppression services for its own buildings within the larger National Parks (exclusive jurisdiction). Some NPS sites have agreements with local government for structural fire protection. Wildland fire and structural fire may be combined into a single program within a National Park, or they may be separate programs (*National Park Service Acts*).
- Render emergency rescue, fire fighting, and cooperative assistance to nearby law enforcement and fire agencies outside of NPS lands (*National Park Service Acts*).

Roles: See “roles common to all federal agencies” at the end of this section.

**Fish & Wildlife Service (FWS):**

Mission: The U.S. Fish and Wildlife Service, working with others, is responsible for conserving, protecting, and enhancing fish and wildlife and their habitats for the continuing benefit of the American people through Federal programs relating to migratory birds, endangered species, interjurisdictional fish and marine mammals, and inland sport fisheries. In meeting this mission the FWS manages 17 National Wildlife Refuges in Texas covering approximately 570,000 acres. The FWS accomplishes its mission primarily through the implementation of resource management and fire management plans.

To meet its wildland fire management responsibilities, the FWS is further guided by the “Federal Wildland Fire Management Policy” (revised in 2001), the 2009 “Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, and part 620 of the “DOI Departmental Manual”.

Responsibilities: The primary wildland fire protection responsibility of the FWS is to provide for the protection of federal lands and sites under its management (*Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*). The FWS provides wildland fire protection on 13 refuges and has agreements with local fire departments for initial attack on the other 4 refuges.

### Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening FWS lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).
- Enter into cooperative agreements with partner organizations, academic institutions, or State or local government agencies (*National Wildlife Refuge System Improvement Act of 1997*).
- Conduct projects on private lands (with permission of landowner) for conservation purposes. The FWS may do prescribed burning but not wildfire response (*Fish and Wildlife Coordination Act of 1934 as amended*).
- Provide payments in lieu of taxes to local government (*National Wildlife Refuge System Improvement Act of 1997*).

Roles: See “roles common to all federal agencies” at the end of this section.

### **Bureau of Indian Affairs (BIA) and Tribal Government:**

Mission: The Bureau of Indian Affairs’ mission is to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes and Alaska Natives. In the state of Texas there are 2 Indian Tribes, the Alabama Coushatta Tribe of Texas and the Kickapoo Tribe. The BIA and Alabama Coushatta Tribe of Texas accomplish their missions primarily through the implementation of resource and fire management plans.

Furthermore, in order to fulfill its wildland fire management responsibilities, the BIA is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, part 620 of the “DOI Departmental Manual”, as well as the BIA’s “Wildland Fire and Aviation Program Management and Operations Guide”.

Responsibilities: The BIA, through treaties and executive orders, has the responsibility to protect tribal trust lands. The BIA cannot give up that trust responsibility, but can pass the authority to manage programs and provide protection to individual tribes through the *Indian Self Determination Act (PL 93-638)*, the *National Indian Forest Resource Management Act (PL 101-630)* and the *Tribal Self-Governance Act of 1994 (P.L. 103-*

413). The Alabama Coushatta Tribe of Texas is a contract tribe and provides wildland fire protection on tribal trust lands within the reservation. The BIA has the protection responsibility for the Kickapoo Tribe of Texas, but protection is handled by the Eagle Pass Volunteer Fire Department.

Authorities:

- May take action on wildfires on adjacent lands that threaten tribal trust lands. However, no expenses for fighting a fire outside Indian Lands may be incurred unless the fire threatens Indian land or unless the expenses are incurred pursuant to an approved cooperative agreement with another protection agency (*Reciprocal Fire Protection Act of 1955*).
- Enter into reciprocal agreements (e.g. mutual and automatic aid) with any wildland fire organization maintaining protection facilities in the vicinity of Indian reservations or other Indian land for mutual aid in wildfire protection (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).

Roles:

- The BIA represents Tribal interests on the statewide Coordinating Group and MAC group.
- For other BIA roles, see “roles common to all federal agencies” at the end of this section.

**Roles common to all Federal Agencies:** Federal roles are described in detail in agency policy direction, manuals, and handbooks. For example: the “1995 Federal Wildland Fire Management Policy” (revised in 2001), the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, “part 620 of the DOI Departmental Manual”, and the “Forest Service Manual 5100”. Common roles include:

- Manage all actions to provide for public and fire fighter safety as the highest priority.
- Take aggressive action to keep unwanted wildland fires from spreading to adjacent jurisdictions during initial attack.
- Protect human communities adjacent to federal lands by taking immediate suppression actions on wildfires threatening private lands.
- Actively manage fuels to reduce fire spread potential along boundaries with other jurisdictions.
- Partner on the statewide Coordinating Group and MAC group.

- Partner in statewide, interagency dispatch centers.
- Provide incident management team members and personnel for national dispatch.
- Work cooperatively with other federal, state, tribal, and local wildland fire protection organizations in providing effective and cost-efficient wildland fire protection and response.
- Work with partners in off-season to develop detailed templates for cost-share agreements to minimize potential for conflict.
- Work with partners to identify draw down levels, fire danger ratings, and other preparedness steps to better prepare for response.
- Through the DOI Rural Fire Assistance/Ready Reserve program and the FS cooperative programs (SFA, VFA, and FEPP/FPP), and in conjunction with State Foresters, provide training and equipment to local fire department personnel to assist them in meeting basic NWCG qualifications.
- Protect endangered species related to suppression actions.
- Coordinate responses to wildland fires across jurisdictional boundaries.
- Support the development and implementation of Community Wildfire Protection Plans (CWPP).
- Work with all partners to develop and implement risk assessment, prevention and mitigation plans to reduce the frequency of wildfires due human ignitions.
- Provide mutually agreed upon preparedness and suppression assistance to state, tribal, and local government on wildfires that exceed their capabilities.
- Assist local fire departments to protect private structures from wildfires originating on federal lands.
- Provide for structural fire suppression for cabins and administrative sites on federal land. Except on the larger National Parks, this is normally handled through arrangements with local, all hazard fire departments. However, in the case of leased or permitted cabins on federal land, structural fire suppression is typically the responsibility of the cabin owner.

### **Texas Forest Service (TFS) Wildland Fire Protection:**

- Responsibilities: *Texas Education Code Chapter 88, Subchapter, sections 88.001 through section 88.120* names the TFS as “the lead agency for the state for providing and coordinating training in fighting wildland and forest fires”, and assigns the TFS the responsibility for the “coordination of the response to each major wildfire or potentially major wildfire in the state”.
  - The TFS has direct wildfire protection responsibilities for all state and private wildlands east of I-45.
  - The TFS also has responsibility for a statewide, county assistance program. This program is tied directly to the volunteer fire departments, and is the mechanism for involvement west of I-45.
  - Prepare the Texas Wildfire Protection Plan, which has a strong emphasis on mitigation and prevention. Also includes on-going monitoring and continuous assessments to better prepare for response.
  - Provide all hazard Type 3 incident management team training & management.



- Coordinate a “capacity building program” for local government. This entails managing a pool of funds for various insurance programs (liability, vehicles, and workers compensation).
- Serve as lead agency for wildland fire training.
- Responsible for the ESF 4 function in Texas under the state emergency management plan.
- All fire departments are required by law to register with the TFS.
  
- Authorities:
  - Enter into contracts and agreements (mutual aid agreements, protection exchanges and contracts, etc.), and to award grants.
  - Respond to wildfires on federal lands through provisions in the State Cooperative Agreement.
  - Respond to wildfires on unprotected lands if a fire is threatening to burn on to lands protected by the State.
  
- Roles:
  - Develop contracts for fuels mitigation work.
  - Provide assistance and training to local fire departments, including “red carding” (PMS 310-1 standard) if requested by local fire department chief.
  - Mobilize local forces for in-state and out-of-state dispatch.
  - Facilitate dispatch of local fire department personnel to incidents out of own jurisdiction.
  - Provide overhead personnel and access to incident management teams.
  - Work with partners to identify draw down levels, fire danger ratings, and other preparedness steps to better prepare for response.
  - Upon request, assist partners with their response to wildfires.
  - Work with partners in off-season to develop detailed templates for cost-share agreements to minimize potential for conflict.
  - Work with partners in developing and implementing CWPPs.
  - Partner in the statewide Coordinating Group and MAC Group.
  - Provide grants to local government and rural fire departments.
  - Mobilize National Guard resources to assist with wildfire suppression.
  
- Direct Protection: Full protection program including detection and initial response east of I-45.
  - Program funding: State general fund (Legislature funds the Texas Wildfire Protection Plan) and federal grants.
  - Suppression funding: There is no suppression budget. Suppression is funded through a supplemental appropriation after the fire season.
  
- Indirect Protection: Statewide with emphasis west of I-45.

- How structured: The TFS provides wildland fire training, equipment and grants to volunteer fire departments. Once Counties exhaust their mutual aid, the TFS will then provide direct suppression assistance.
- Protection costs: Program is funded by the insurance industry from a fee assessed against all insurance policies issued in the State. Current funding is approximately \$30 million.
- State Assistance with large fires. Once a county exhausts its local capacity (including mutual aid) it can issue a disaster proclamation and request State assistance through the Texas Highway Patrol (branch of Texas Division of Emergency Management). The Highway Patrol then contacts the TFS.
- Suppression funding: Once the TFS responds to a county request, all outside suppression costs are covered by the TFS through its supplemental funding request.

**Local Wildland Fire Protection:** There are over 2200 individual fire departments in Texas (paid, combination, and volunteer), with about 24,000 paid fire fighters and 40,000 volunteers. All paid fire fighters are required to meet NFPA standards and are regulated by the Texas Commission on Fire Protection. Volunteers are not regulated but there is a voluntary, 4 tiered certification program managed by the State Firemen and Fire Marshal Association that provides full NFPA firefighter 1 & 2 certification. Approximately 21,000 volunteers are members of the association and are participating in the certification program.

- City Fire Departments. Cities with population greater than 10,000.
  - How formed: By city government.
  - Responsibilities: All hazard response, including wildland fire.
  - Funding: Multiple sources.
    - City taxes (if incorporated).
    - Taxes generated through an emergency services district.
    - Fees generated through a municipal utilities district.
    - Donations.
- Emergency Services District. Independent from County government.
  - How formed: By request of landowners to County Commissioners. A vote is then taken of landowners within the proposed district. If a majority

supports the district, the Commissioners appoint a Board of Directors. Subsequent board members are elected in a district-wide election.

- Responsibilities: All hazard.
- Authorities:
  - The District can either form its own fire department or contract with an existing fire department.
  - Have the authority to levy against property tax to fund fire protection.
  - Have authority to increase sales tax to fund fire protection if haven't exceeded the statutory cap.
- Funding: Districts may assess themselves for fire protection. Rate is \$.10/\$100.00 of property valuation. Have option of tapping the sales tax if haven't reached the statutory cap.
- Large fire costs: Once have exhausted local and mutual aid capacity can issue a disaster declaration and request assistance through the Texas Highway Patrol. Highway Patrol will then pass the request to the TFS.
- Municipal and Community Fire Departments: They serve incorporated towns and cities with populations of less than 10,000 and unincorporated areas. They are mostly all volunteer departments but some are combination.
  - How formed: Residents form a 501(3) (c) nonprofit organization and make a request to the County Commissioners to form a fire department or contract with the County to provide services to a particular service area. The County then delegates to the fire department the authority to serve the area, but doesn't provide any funding. Some counties have a "pool of funds" that they will use to reimburse fire departments for responding to calls.
  - Responsibilities: All hazard.
  - Funding: Donations, fund raising, and grants. Some departments may receive reimbursements from county for responding to calls.
  - Large fire costs: Can request assistance from the State in same manner as Emergency Service Districts.
- Private Fire Departments:
  - How formed: Formed by large industry (e.g. the petrol-chemical industry) to protect their facilities.

- Responsibilities: All hazard.
- Authorities: May enter into mutual aid agreement with other private companies or with neighboring cities/communities. However, they are not covered by state liability statutes so have liability exposure.
- Funding: By the individual private companies.
- Large fire costs: No State assistance available through the TFS.

**Protection Contracts and Exchanges:**

There are none other than standard mutual and automatic aid agreements.

**Unprotected Wildlands:**

There are rural areas west of I-45 where there is no organized wildland fire protection.

**Regulation & Enforcement:**

- Planning & Zoning: City and County responsibility. Cities are authorized to regulate up to 2 miles outside city limits; 5 miles if are providing city services, such as water. Although a few counties have adopted the ICC WUI code, counties generally don't regulate for wildfire mitigation.
- Subdivision Regulation: City and county responsibility. There are currently no subdivision regulations related to wildfire.
- Building Codes: State has adopted the international building code. The State Fire Marshal provides the inspections. Counties with a population over 250,000 have the authority to adopt building codes in unincorporated areas, smaller counties do not.

## Washington Appendix

### **Federal Wildland Fire Protection:**

#### **Forest Service (FS):**

Mission: The mission of the FS is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. In meeting its mission, the FS manages 6 National Forests (including one combined Forest) in Washington covering almost 9.3 million acres. The FS provides wildland fire protection on all of its lands.

To meet its wildland fire management responsibilities, the FS is further guided by the "Federal Wildland Fire Management Policy" (revised in 2001), the "2009 Guidance for Implementation of Federal Wildland Fire Management Policy", the "Interagency Standards for Fire and Fire Aviation Operations", the "Structure Exposure Protection Principals" (April 14, 2009), and the "Forest Service Manual 5100".

#### Responsibilities:

- Provide wildland fire protection on federal lands administered by the FS. (*Organic Act of 1897; Clarke-McNary Act of 1924; Granger-Thye Act of 1950; and the National Forest Management Act of 1976*).
- Protect human communities that border National Forests by implementing hazardous fuel reduction projects on federal lands within the WUI (*Healthy Forests Restoration Act of 2003*).
- Provide technical assistance in fire prevention and control to the State. (*Cooperative Forestry Assistance Act of 1978*).

#### Authorities:

- Enter into mutual aid and reciprocal fire protection agreements, including international agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide financial assistance (grants) to the State, if funds are appropriated by Congress for that purpose (*Cooperative Forestry Assistance Act of 1978; Appropriations Act for Interior and Related Agencies*).
- Provide assistance to the State when wildfires exceed its capacity (*Cooperative Forestry Assistance Act of 1978*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening National Forest lands, even if there is no agreement in place (*Weeks Law of 1911; Clarke-McNary Act of 1924; Reciprocal Fire Protection Act of 1955*).

- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Cooperative Forestry Assistance Act of 1978*).

Roles:

- Under the *Stafford Act*, serve as the principal advisor to state government when the State requests a Fire Management Assistance Grant from the Federal Emergency Management Agency (FEMA).
- For additional roles, see “roles common to all federal agencies” at the end of this section.

**Bureau of Land Management (BLM):**

Mission: The mission of the BLM is to sustain the health, diversity, and productivity of the public lands for the use and enjoyment of present and future generations. In meeting its mission, the BLM manages and provides wildland fire protection on almost 420,000 acres of public land in Washington. The Forest Service provides initial attack on BLM lands within 6 miles of National Forest boundaries (primarily east of the Cascades) for an annual payment of \$50,000. Large fires are considered cost-share fires.

To meet its wildland fire management responsibilities, the BLM is further guided by the “Federal Wildland Fire Management Policy” (revised in 2001), and the 2009 “Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, and part 620 of the “DOI Departmental Manual”.

Responsibilities:

- Provide wildland fire protection on federal lands administered by the BLM (*Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*).
- Protect human communities that border National Forests by implementing hazardous fuel reduction projects on federal lands within the WUI (*Healthy Forests Restoration Act of 2003*).

Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening BLM lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).

- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).

Roles: See “roles common to all federal agencies” at the end of this section.

### **National Park Service (NPS):**

Mission: The mission of the NPS is to preserve unimpaired the natural and cultural resources and values of the national park system for the enjoyment, education, and inspiration of this and future generations. In meeting its mission, the NPS manages over 1.8 million acres of land in Washington. Within the state there are 3 National Parks; 3 National Recreation Areas; 3 National Historical Parks; 1 National Historical Preserve; 2 National Historic Sites; and 1 National Historic Trail. The NPS provides wildland fire protection on all public lands under its management. However, it contracts with the WA DNR for initial attack on the Lake Roosevelt National Recreation Area. The NPS accomplishes its mission primarily through the implementation of resource management and fire management plans.

The NPS is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, the “Director’s Order #18: Wildland Fire Management”, and part 620 of the “DOI Departmental Manual”.

Responsibilities: The primary wildland fire protection responsibility of the NPS is to provide for the protection of federal lands and sites under its management. The unique feature of the NPS is its focus on the protection and preservation of cultural and historic resources (*NPS Organic Act of 1916; Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*).

### Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening NPS lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).
- Provide structural fire suppression services for its own buildings within the larger National Parks (exclusive jurisdiction). Some NPS sites have agreements with

local government for structural fire protection. Wildland fire and structural fire may be combined into a single program within a National Park, or they may be separate programs (*National Park Service Acts*).

- Render emergency rescue, fire fighting, and cooperative assistance to nearby law enforcement and fire agencies outside of NPS lands (*National Park Service Acts*).

Roles: See “roles common to all federal agencies” at the end of this section.

### **Fish & Wildlife Service (FWS):**

Mission: The U.S. Fish and Wildlife Service, working with others, is responsible for conserving, protecting, and enhancing fish and wildlife and their habitats for the continuing benefit of the American people through Federal programs relating to migratory birds, endangered species, interjurisdictional fish and marine mammals, and inland sport fisheries. In meeting this mission the FWS manages 23 National Wildlife Refuges in Washington, covering about 344,000 acres. This is primarily accomplished through the implementation of resource management and fire management plans.

To meet its wildland fire management responsibilities, the FWS is further guided by the “Federal Wildland Fire Management Policy” (revised in 2001), the 2009 “Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, and part 620 of the “DOI Departmental Manual”.

Responsibilities: The primary wildland fire protection responsibility of the FWS is to provide for the protection of federal lands and sites under its management (*Protection Act of 1922; Federal Land Policy and Management Act of 1976; and others*). The FWS provides wildland fire protection on 5 refuges and has agreements with local fire departments for initial attack on the other 18 refuges.

### Authorities:

- Enter into mutual aid and reciprocal fire protection agreements (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Take action on a wildfire burning on non-federal lands if the fire is threatening FWS lands, even if there is no agreement in place (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).



- Enter into cooperative agreements with partner organizations, academic institutions, or State or local government agencies (*National Wildlife Refuge System Improvement Act of 1997*).
- Conduct projects on private lands (with permission of landowner) for conservation purposes. The FWS may do prescribed burning but not wildfire response (*Fish and Wildlife Coordination Act of 1934 as amended*).
- Provide payments in lieu of taxes to local government (*National Wildlife Refuge System Improvement Act of 1997*).

Roles: See “roles common to all federal agencies” at the end of this section.

### **Bureau of Indian Affairs (BIA) and Tribal Government:**

Mission: The Bureau of Indian Affairs’ mission is to enhance the quality of life, to promote economic opportunity, and to carry out the responsibility to protect and improve the trust assets of American Indians, Indian tribes and Alaska Natives. In the state of Washington there are 8 Indian reservations plus some public domain allotments outside of the reservations. The BIA and the WA DNR have an off-set protection exchange that involves tribal land on 7 of the reservations. The Tribes handle wildfire protection on tribal trust lands on 3 of the reservations and a portion of a fourth, including some WA DNR jurisdictional lands. One of these reservations is in the compact program and the other 3 are in the contract program. The BIA has the protection responsibility on the other 4 reservations, but provides it through the off-set protection exchange. In addition, the U.S. Forest Service provides wildland fire protection on the Kalispell Reservation. The BIA and Tribes accomplish their missions primarily through the implementation of resource and fire management plans.

Furthermore, in order to fulfill its wildland fire management responsibilities, the BIA is further guided by the “1995 Federal Wildland Fire Management Policy (revised in 2001)”, the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, part 620 of the “DOI Departmental Manual”, as well as the BIA’s “Wildland Fire and Aviation Program Management and Operations Guide”.

Responsibilities: The BIA, through treaties and executive orders, has the responsibility to protect tribal trust lands. The BIA cannot give up that trust responsibility, but can pass the authority to manage programs and provide protection to individual tribes through the *Indian Self-Determination Act (PL 93-638)*, the *National Indian Forest Resource Management Act (PL 101-630)* and the *Tribal Self-Governance Act of 1994 (P.L. 103-413)*. On the Yakima, Colville, and Spokane reservations the tribes provide wildland fire protection on tribal trust lands, plus some WA DNR jurisdictional lands through an off-set protection exchange. The Tahola Reservation provides wildland fire protection on a portion of the reservation, and the WA DNR provides protection on the remainder through the off-set agreement.

### Authorities:

- May take action on wildfires on adjacent lands that threaten tribal trust lands. However, no expenses for fighting a fire outside Indian Lands may be incurred unless the fire threatens Indian land or unless the expenses are incurred pursuant to an approved cooperative agreement with another protection agency (*Reciprocal Fire Protection Act of 1955*).
- Enter into reciprocal agreements (e.g. mutual and automatic aid) with any wildland fire organization maintaining protection facilities in the vicinity of Indian reservations or other Indian land for mutual aid in wildfire protection (*Reciprocal Fire Protection Act of 1955*).
- Provide emergency wildfire assistance on other jurisdictions (other federal, State, county, tribal, or local) regardless of whether or not an agreement to do so exists (*Reciprocal Fire Protection Act of 1955*).
- Enter into contracts, agreements, and award grants (*Federal Grant and Cooperative Agreement Act of 1977; Economy Act of 1932; Federal Land Policy and Management Act of 1976*).

### Roles:

- The BIA represents Tribal interests on the Pacific Northwest Geographic Area Coordinating Group and MAC Group.
- For other BIA roles, see “roles common to all federal agencies” at the end of this section.

**Roles common to all Federal Agencies:** Federal roles are described in detail in agency policy direction, manuals, and handbooks. For example: the “1995 Federal Wildland Fire Management Policy” (revised in 2001), the “2009 Guidance for Implementation of Federal Wildland Fire Management Policy”, the “Interagency Standards for Fire and Fire Aviation Operations”, “part 620 of the DOI Departmental Manual”, and the “Forest Service Manual 5100”. Common roles include:

- Manage all actions to provide for public and fire fighter safety as the highest priority.
- Take aggressive action to keep unwanted wildland fires from spreading to adjacent jurisdictions during initial attack.
- Protect human communities adjacent to federal lands by taking immediate suppression actions on wildfires threatening private lands.
- Actively manage fuels to reduce fire spread potential along boundaries with other jurisdictions.
- Partner on the Pacific Northwest Geographic Area Coordinating Group and MAC Group.
- Partner in statewide, interagency dispatch centers.
- Provide incident management team members and personnel for national dispatch.

- Work cooperatively with other federal, state, tribal, and local wildland fire protection organizations in providing effective and cost-efficient wildland fire protection and response.
- Work with partners in off-season to develop detailed templates for cost-share agreements to minimize potential for conflict.
- Work with partners to identify draw down levels, fire danger ratings, and other preparedness steps to better prepare for response.
- Through the DOI Rural Fire Assistance/Ready Reserve program and the FS cooperative programs (SFA, VFA, and FEPP/FPP), and in conjunction with State Foresters, provide training and equipment to local fire department personnel to assist them in meeting basic NWCG qualifications.
- Protect endangered species related to suppression actions.
- Coordinate responses to wildland fires across jurisdictional boundaries.
- Support the development and implementation of Community Wildfire Protection Plans (CWPP).
- Work with all partners to develop and implement risk assessment, prevention and mitigation plans to reduce the frequency of wildfires due human ignitions.
- Provide mutually agreed upon preparedness and suppression assistance to state, tribal, and local government on wildfires that exceed their capabilities.
- Assist local fire departments to protect private structures from wildfires originating on federal lands.
- Provide for structural fire suppression for cabins and administrative sites on federal land. Except on the larger National Parks, this is normally handled through arrangements with local, all hazard fire departments. However, in the case of leased or permitted cabins on federal land, structural fire suppression is typically the responsibility of the cabin owner.

**Washington Department of Natural Resources (DNR) Wildland Fire Protection:**

- Responsibilities: Under *RCW Title 7604*, the DNR has the statutory responsibility for:
  - Providing wildland fire protection on 12.7 million acres of unimproved or forested state and private lands (or any lands that have the ability to carry fire to forested lands).
  - Private landowners have the responsibility to protect their own land and keep fires from spreading to adjacent lands. Forest owners pay an annual assessment that partially funds the infrastructure DNR uses to suppress fires that occur on landowners' property.
- Authorities:
  - Enter into contracts and agreements (mutual aid agreements, protection exchanges and contracts, etc.).
  - Respond to wildfires on federal lands through provisions in the Master Coop Agreement.

- Respond to wildfires on unprotected lands if a fire is threatening to burn on to lands protected by the State.
- Roles:
  - Provide assistance and training to local fire departments, including “red carding” (PMS 310-1 standard) if requested by local fire department chief.
  - Mobilize local forces for in-state and out-of-state dispatch.
  - Facilitate dispatch of local fire department personnel to incidents out of own jurisdiction.
  - Provide aviation resources to support local initial attack.
  - Provide heavy equipment and other suppression resources to support local fire departments.
  - Provide overhead personnel and access to incident management teams.
  - Work with partners to identify draw down levels, fire danger ratings, and other preparedness steps to better prepare for response.
  - Upon request, assist partners with their response to wildfires.
  - Work with partners in off-season to develop detailed templates for cost-share agreements to minimize potential for conflict.
  - Work with partners in developing and implementing CWPPs.
  - Partner in the Pacific Northwest Coordinating Group and MAC Group.
  - Facilitates “pass through” of federal grants to local government and rural fire departments.
  - Requests that the Governor mobilize the state National Guard resources when needed to assist with wildfire suppression (through the State Military Department).
- Direct Protection: The WA DNR has direct protection in designated Fire Protection Zones (Unimproved or classified forested lands either in private ownership or State owned lands).
  - Program funding: Split equally between landowners (forest fire protection assessment) and State general fund, with federal grant funds providing about 10%.
  - Suppression funding: State general fund appropriation based on the average of the previous 10 years’ suppression expenditures (the high 2 years and 2 low years are excluded from the average). If the suppression budget is fully expended, the DNR can request a supplemental appropriation from Legislature.
- Indirect Protection:
  - How structured: Through mutual aid agreements with Rural Fire Districts.

- Protection costs: Normal state fire program funding. After the time period specified in the mutual aid agreement, there is reimbursement of cost with the Districts.
- State Assistance with large fires. When a wildfire exceeds the capacity of a Fire District, it may request suppression assistance through the State Fire Resources Mobilization Plan, which is administered by the Bureau of Fire Protection (State Fire Marshal) within the Washington State Highway Patrol.
- Suppression funding: ([RCW 43.43.961](#)). Under the State Fire Resources Mobilization Plan, a Fire District can request State financial assistance to reimburse the costs borne by responding fire service resources mobilized through the Washington State Highway Patrol (Fire Marshal Bureau). The plan was originally designed for structural fire response but is now “all hazard”. The State will pick up all suppression costs after the declaration is signed. The DNR has no role in the approval process.

### **Local Wildland Fire Protection:**

- Rural Fire District (RFD). Authorized under *RCW Title 52*.
  - How formed: They are not mandatory. By statute, a minimum of 10% of registered voters can define a boundary and petition to the County to form a district. The County will then hold public hearings and conduct an election. If three-fifths of the voters agree then the County will approve the district. The District is governed by an elected “Board of Commissioners”, and is totally separate from county government. A County has no authority over a Fire District.
  - Responsibilities: Respond to all emergency incidents (all hazard) on “improved property” within the district. Only about 10% of responses are wildland fire. “Unimproved property” (open space or timber land) may be the responsibility of the WA DNR (forest fire protection assessment). They respond only within district except under the terms of a:
    - Mutual Aid Agreement (call when needed).
    - Automatic Aid Agreement (preplanned response with adjacent jurisdiction).
    - Contract for services.
  - Authorities:
    - Respond to wildfires outside of the district boundary if are threatening the district.
    - Respond to wildfires in unprotected areas (no man’s land).

- Funding: Funded through an ad valorem tax collected by the county and passed to the RFD. Landowners may pay only to RFD, to both DNR & RFD, or only to RFD, depending upon how property is assessed.

Some RFDs raise additional funds through “enterprise funding” (fee based ambulance service or other contract services)

- Large fire costs: Request assistance through “Washington State Fire Resources Mobilization Plan” (*RCW 43.43.961*). Request goes to the Washington State Highway Patrol, Fire Protection Bureau, Office of the State Fire Marshal who coordinates statewide fire service resources to support local firefighting efforts. The mobilization plan provides personnel, equipment, and other logistical resources from around the state when a wildland fire or other emergency exceeds the firefighting capacity of local jurisdictions. In accordance with this plan, if the request is approved, the State will pick up suppression costs incurred after the date the declaration is signed. The local jurisdiction will sign delegations of authority to IMTs and cost-share agreements.

- City Fire Departments.

- How formed: They are formed by city government but are not mandated by law. Some cities/towns contract with a RFD for services in lieu of forming its own fire dept (annex into fire district).
- Funding: They are funded by city government through city taxes.
- Responsibilities: Limited wildland response. Usually only on fires in pockets of unimproved land within city limits (parks, etc). Eastside cities tend to be more involved in wildland fire response.

- Private Fire Departments.

- How formed: They are either formed by a private company or government installation or acquired by contract. Examples include the Boeing Corporation and DOD facilities and the Hanford Nuclear Reservation. Military installations also provide their own fire protection.

### **Protection Contracts and Exchanges:**

- There is currently no off-set protection exchange between the FS or BLM and the WA DNR, although there was at one time. There is currently some interest on the part of all parties to explore options for a future protection exchange.
- The WA DNR currently has an off-set protection exchange with the BIA.

- The WA DNR also has a contract with the NPS to provide initial attack on the Lake Roosevelt National Recreation Area.
- The Forest Service provides initial attack on BLM lands within 6 miles of National Forest boundaries (primarily east of the Cascades) for an annual payment of \$50,000. Large fires are considered cost-share fires.

### **Unprotected Wildlands:**

There are rural areas in eastern Washington where there is no organized wildland fire protection.

### **Regulation & Enforcement:**

- Planning & Zoning: County responsibility. Counties may contract with a RFD for plan review, site inspections, and code enforcement.
- Subdivision Regulation: Same as above.
- Building Codes: The State has adopted minimum fire codes. Counties have the option to be more restrictive.
- Other: RFDs have very little enforcement responsibilities – their primary focus is response.