

PARTNER CAUCUS on FIRE SUPPRESSION FUNDING SOLUTIONS

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FIRE SUPPRESSION FUNDING SOLUTIONS COALITION POLICY REVIEW OF APPROVED AMENDMENTS TO H.R. 1404 – FLAME ACT

Background

The Fire Suppression Funding Solutions Coalition was formed in February 2009 to recommend strategies to counteract the upward trends in fire suppression funding costs that increasingly prevent the USDA Forest Service (USFS) and the Department of the Interior (DOI) land management agencies from implementing critical programs and fulfilling their missions.

The Fire Suppression Funding Solutions Coalition (FSFSC) believes that Congress must identify a new mechanism for funding emergency fire suppression activities. The FSFSC has articulated two principles essential to addressing this problem:

1. *Investment:* Investment of funds into the range of agency programs that have been impacted by increasing suppression costs must occur for agencies to accomplish their missions; and
2. *Cost-containment:* The USFS and DOI must continue developing and implementing a rigorous set of measures for linking fire management to fire costs in order to more effectively achieve cost-containment.

Key recommendations made by the FSFSC are:

1. Create a partitioned wildfire suppression account to fund emergency fires.
2. The creation of this separate account must be accompanied by the following:
 - a. Non-emergency agency budgets (USFS and DOI) shall not be impacted by emergency fire spending; and
 - b. Replace the 10-year rolling average with a more predictive statistical modeling approach that utilizes current weather, drought, and fuel load as well as fire history and other data to project the extent of wildland fire on the landscape and economic modeling to predict the funding needed to address it.

House Passage

On March 24, 2009, The FLAME Act passed by voice vote (412-3). Below are eleven amendments that were adopted into the Act. Coalition actions are included for those amendments that affect the FLAME fund only.

Amendments to H.R. 1404 – FLAME Act

#1. Nick J. Rahall (D-3rd/WV) Amendment

Removes the Sense of Congress language on the designation of Flame Fund appropriations as emergency spending in Section 2.

- *Status:* passed by voice
- *Implications/Concerns:* This amendment changes the intent of the legislation by making less explicit the intention to authorize a supplemental funding source for emergency spending. Although this amendment does not impact the creation of the Fund, it does reduce the impression of

‘congressional intent’ that funding the FLAME Fund does not impact the agencies’ overall budgets. With funding included in the FY10 appropriations, the contingency reserve account, etc. the issue this fire season is not funding (we hope). This emergency provision is what helps to solve the long-term problem when you have an Administration that is not as supportive of this type of funding.

- Coalition action: The Coalition should work to ensure that the Sense of Congress language remains intact in the Senate version of bill.

#2. Perlmutter (CO)

Redefines authorized suppression activities for the Flame Fund to include containment activities in response to crisis insect infestations to reduce the likelihood of wildfires.

- Status: passed by voice – passed by recorded vote 420-0
- Implications/Concerns: This amendment could result in the fund being used for projects on insect-affected areas before the fire season even begins.
 - This expands the definition of suppression to include activities like hazardous fuel reduction, mechanical thinning, controlled burn, and a suite of non-suppression activities.
 - Section 2 of FLAME is designed to address the effects that increasing suppression costs have had on the Forest Service budget and not to create new funding sources for fire-reduction activities.
- Coalition action: This amendment has serious impacts on the emergency partitioned account contained in the FLAME Act. For this reason, the Coalition should work to ensure that this is not included in the Senate bill in its’ current form.

#3. Polis (CO)

Requires revisions of the cohesive wildland fire management strategy at least once every five years. Amendment language states, “*At least once during every five-year period initially beginning on the date of the submission of the cohesive wildland fire management strategy under subsection (a) the Secretary of the Interior and the Secretary of Agriculture shall submit to Congress a revised strategy that takes into consideration changes affecting the elements of the strategy specified in subsection (b) during the five-year period, in particular, changes with respect to landscape, vegetation, climate, and weather.*”

- Status: Passed by vote
- Implications/Concerns: This amendment contains additional reporting requirements for the agencies.
- Coalition action: This amendment does not impact the emergency partitioned account so the Coalition will not take action on this as a group.

#4. Hastings (WA) Amendment

Requires advance notice, in writing, to adjacent landowners whenever the Department of Agriculture sets a controlled burn on National Forest System land.

- Status: passed by voice vote – passed by recorded vote 420-0
- Implications/Concerns: This amendment would require the agencies to provide written notice to adjacent landowners of prescribed fires within two days of a controlled burn project.
 - The agency is already required to undergo a public notification process
 - This language would drastically limit the use of controlled burns as a restoration tool
 - The agency already works closely with landowners. Current agency guidelines, as published in the Interagency Prescribed Fire Planning and Implementation Procedures Guide, state, “*Reasonable efforts will be made to notify adjacent land owners (or their*

agents) and other potentially impacted publics. Attempts and/or actual notifications will be documented with date and method and placed in the Project File.”¹

- Coalition action: This amendment does not impact the emergency partitioned account so the Coalition will not take action on this as a group.

#5. Hastings (WA) Amendment

Requires the review of certain wildfires specified in the bill to include an assessment of what actions, if any, could have been taken in advance of the fire that may have prevented the fire or at least reduced the severity of the fire.

- Status: passed by voice vote
- Implications/Concerns: Under Section 4, reporting requirements would include what management activities would have prevented or reduced the severity of a fire. This would use agency resources to undergo after-the-fact reporting that may not be accurate.
- Coalition action: This amendment does not impact the emergency partitioned account so the Coalition will not take action on this as a group.

#6. Hastings (WA) Amendment

Requires the review of certain wildfires specified in the bill to include an assessment of the quantity of greenhouse gases produced as a result of the fire.

- Status: passed by voice vote
- Implications/Concerns: Under Section 4, reporting requirements would include information on levels of greenhouse gas emitted by fires.
 - Agency already provides estimates on GHG emissions associated with wildfires
 - Reporting could show how large fires contribute to overall carbon emissions pointing to the need for additional suppression, including areas where fire would have a restoration benefit.
- Coalition action: This amendment does not impact the emergency partitioned account so the Coalition will not take action on this as a group.

#7. Heinrich (NM) Amendment

Requires the cohesive wildland fire management strategy required in the bill to include among its elements a system to assess the impacts of climate change on the frequency and severity of wildland fire.

- Status: passed by voice vote
- Implications/Concerns: Under Section 3, include climate change effects as part of the cohesive fire management strategy.
- Coalition action: This amendment does not impact the emergency partitioned account so the Coalition will not take action on this as a group.

#8. Minnick (ID) Amendment

Requires that the Secretaries, in considering the severity of and threat posed by a fire for the purposes of determining whether to declare that a wildland fire suppression activity is eligible for funding from the Flame Fund, take into account areas where insect infestation has created an extreme risk for wildfire.

¹ The Interagency Prescribed Fire Planning and Implementation Procedures Guide. (July 2008).
http://www.nifc.gov/fire_policy/.

- Status: passed by voice vote – passed by recorded 422-0
- Implications/Concerns: Provides greater consideration for accessing emergency funds for fires occurring in insect infested areas. The amendment is unnecessary because the FLAME Act lays out the criteria for what fires will receive funding through the FLAME fund. Insect infestation that creates extreme risk for wildfire would already be taken into consideration but should not outweigh, or be given higher priority, than the other criteria.
- Coalition action: This amendment does impact what events will be funded by the FLAME fund, therefore, the Coalition should support efforts to ensure this language stays out of the Senate bill.

#9. Luján (NM)/Markey, Betsy (CO)/Connolly (VA) Amendment

Requires the cohesive wildland fire management strategy required in the bill to include among its elements a system to study the effects of invasive species on wildland fire risk. It would add to the list of eligible uses for cost-share grants provided for in the bill implementation of fire-safety programs focused on the eradication or control of invasive species.

- Status: passed by voice vote
- Implications/Concerns: none
- Coalition action: This amendment does not impact the emergency partitioned account so the Coalition will not take action on this as a group.

#10. Matheson (UT) Amendment

Requires the cohesive wildland fire management strategy required in the bill to include among its elements a plan, developed in coordination with the National Guard Bureau, to maximize the use of National Guard resources to fight wildfires.

- Status: passed by voice vote
- Implications/Concerns: Under Section 3, cohesive strategy to include coordinating with National Guard during the drafting of the cohesive strategy as well as using the Guard to fight fires.
 - Requirement could create confusion during the drafting of the cohesive strategy. The National Guard and USFS/DOI speak different languages and respond to events differently.
 - Could result in problems during initial attack on wildland fire events due to the National Guard having other priorities.
- Coalition action: This amendment does not impact the emergency partitioned account so the Coalition will not take action on this as a group.

#11. Kirkpatrick (AZ) Amendment

Amends the definition of "fire-ready community" in the bill to provide that a community satisfies the definition if it is located within a priority area identified by the fire risk maps required by the bill, and meets two of the other four criteria listed in the bill for "fire-ready communities."

- Status: passed by voice vote – passed by recorded vote 418-2
- Implications/Concerns: Under Section 5, instead of all five criteria defining fire-safe communities, three out of five criteria would need to be met by the community, with no weight given to any one criteria. This may not create as many incentives for communities to reduce risk but would allow for more communities to apply for and receive grants for improving their fire-readiness.
- Coalition action: This amendment does not impact the emergency partitioned account so the Coalition will not take action on this as a group.