

Testimony for the Record

Senate Committee on Energy and Natural Resources Subcommittee on Public Lands and Forests

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On behalf of the National Association of State Foresters**

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Mr. Chairman and Members of the Subcommittee: My name is Kirk Rowdabaugh and I am the State Forester of Arizona. Last year, I represented the National Association of State Foresters (NASF) on the strategic issues panel, chartered by the Wildland Fire Leadership Council, which recently completed an in-depth study of wildland fire cost containment issues. I am here today representing the National Association State of Foresters, a non-profit organization that represents the directors of the fifty state forestry agencies, eight U.S. territories, and the District of Columbia. State Foresters manage and protect state and private forests across the U.S. On their behalf, I am pleased to offer the following statement for the record.

NASF has reviewed the GAO report, *“Wildland Fire Suppression: Lack of Clear Guidance Raises Concerns about Cost Sharing among Federal and Nonfederal Entities”*, and has several concerns. First, we believe that GAO’s conclusions are not adequately supported by their data. As the report acknowledges, the review of eight fires in four states over two years does not provide a statistically valid sample. Likewise, GAO only reviewed agreements in 12 western states and did not review any agreements or any fires in the eastern half of the country. While we are interested in the study results, we believe that if GAO had looked at a series of joint jurisdiction fires over a number of years, they would have found that any perceived short-term inequities between parties would eventually balance out over time.

Second, we disagree with the GAO recommendation for executive action, which reads: “To strengthen the framework for sharing wildland fire suppression costs, GAO recommends that the Secretaries of Agriculture and the Interior, working in conjunction with relevant state entities, provide more specific guidance as to when particular cost-sharing methods should be used and clarify the financial responsibilities for suppressing fires that burn or threaten to burn across multiple jurisdictions.” A cost-share agreement must provide the necessary flexibility for all parties to adjust to a changing situation. It cannot be constructed as a contract with hard, inflexible specifications. Variables such as response need and capability, fire activity and severity, and state legislative authorities preclude the ability to develop specific guidance that can be applied under all circumstances across the country.

NASF believes that the national template for Master Cooperative Wildland Fire Management and Stafford Act Response Agreements (the template) currently being

developed by the National Fire and Aviation Executive Board (a board comprised of the national fire directors of the USDA Forest Service, four Bureaus within the Department of the Interior, and NASF) will provide appropriate guidance for cost-share agreements. As the GAO report notes, this draft template identifies the requirement for a cost-share agreement and defines the various options available to line officers. Although the guidance in the template is not definitive regarding which cost-share option to use under specific sets of circumstances, it provides the necessary flexibility needed by line officers to effectively address local variability in terms of terrain, fuels, and values at risk, as well as state and local legal authorities and protection responsibilities. We believe that further efforts to define the specific circumstances that would warrant the selection of one cost-share method over another, or identify the point at which a fire crosses some arbitrary threshold, will be neither productive nor helpful. Federal and state line officers need the flexibility to jointly craft cost-share agreements appropriate to the complexity of the incident, rather than attempt to apply rigid, national guidelines that may not fit their local circumstances. The current, draft language in the template is as follows:

“Fire suppression costs will be determined from the information supplied in this section. There are several ways to determine the best cost-share mix. A, B, and C are typically used on smaller, less complex incidents; D and E on larger, more complex incidents:

- A. Each Agency pays for their own resources – fire suppression efforts are primarily on jurisdictional responsibility lands.
- B. Each Agency pays for their own resources – services rendered approximate the percentage of jurisdictional responsibility, but not necessarily performed on those lands.
- C. Cost share by percentage of ownership or Agency jurisdictional responsibility.
- D. Cost is apportioned by geographic division. Examples of geographic divisions are: Divisions A and B (using a map as an attachment); privately owned property with structures; or specific locations such as campgrounds.
- E. Reconciliation of daily estimates (for larger, multi-day incidents). This method relies upon daily agreed to cost estimates, using Incident Action Plans or other means to determine multi-Agency contributions. Reimbursements can be made upon estimates instead of actual bill receipts.”

Finally, we disagree with the GAO conclusion that it is the responsibility of the Secretaries of Agriculture and the Interior to “clarify financial responsibilities for suppressing fires that burn or threaten to burn across multiple jurisdictions.” The Secretaries clearly have the responsibility to clarify federal responsibilities on federal lands which, in fact, they have done. The 1995 Federal Wildland Fire Policy, as revised in 2001, accurately defines federal fire protection responsibilities, including operations in the wildland-urban interface. We believe that federal responsibilities on federal lands are

clear: federal agencies have an obligation to keep fires originating on their lands from spreading off federal lands on to other ownerships. On the other hand, it is the responsibility of state and local government to define their financial obligations through state law and local ordinances and codes. As states are independent entities, their laws, ordinances, and codes are frequently different from one another. Therefore, we believe that it is neither feasible nor appropriate to attempt to strictly define at the national level the financial responsibilities for suppressing wildfires that burn across federal/nonfederal jurisdictional boundaries. Federal agencies must recognize that differences in state laws require that financial decisions on sharing suppression costs must be determined on a state-by-state basis. We believe the draft national template for Master Cooperative Agreements will help ensure that such decisions are equitable to all parties while retaining the need for flexibility from state to state and fire to fire.

NASF is committed to working with our federal partners to provide the best wildland fire protection programs possible in order to protect U.S. citizens, their property, and our valuable natural resources. We are committed to working to ensure that all levels of government pay their appropriate share of the costs. We believe the draft template for Master Cooperative Agreements will appropriately fill this need by providing the necessary guidance and flexibility to ensure that costs are shared between federal and state agencies in the most equitable way. We expect the template will be finalized in time for use by state and federal agencies when they develop their cost share agreements in advance of the 2007 fire season.

Thank you, Mr. Chairman and members of the Subcommittee, for the opportunity to present our testimony. I would be happy to answer any questions you may have.