



NATIONAL ASSOCIATION OF STATE FORESTERS

444 North Capitol Street NW | Suite 387 | Washington, DC 20001 | www.stateforesters.org

June 24, 2021

Eric Lander
Director of Office of Science, Technology and Policy
1600 Pennsylvania Ave NW
Washington, D.C. 20500

Dear Mr. Lander:

I write to you today on behalf of the nation's state foresters regarding what we understand to be forthcoming guidance from your office on an Executive Order (EO) issued January 18, 2021 called "Protecting the United States from Certain Unmanned Aircraft Systems (UAS)." **Federal UAS policy, particularly with respect to federal grant funding, is of paramount importance to state forestry agencies, which use UAS for emergency wildfire response, forest management, and forest health monitoring.** We hope you will consider the following recommendations as you craft your guidance. Doing so will ensure the continuation of critical federal and state UAS operational missions.

The National Association of State Foresters (NASF) represents the directors of the state forestry agencies in all 50 states, eight U.S. territories, and the District of Columbia. By providing more than 270,000 technical assists to private landowners each year, and by directly managing 76 million acres of state-owned forestland, state foresters conserve, protect, and enhance more than two-thirds of all America's forests and trees. State foresters and their agencies also work to improve the health, resilience, and productivity of federal lands through congressional authorities, such as Good Neighbor Authority, and provide wildfire protection on over 1.59 billion acres nationwide.

The Necessity of UAS in Wildfire Operations

Together with federal partners at the USDA Forest Service (Forest Service) and the Department of the Interior (DOI), state and local firefighting agencies employ the Cohesive Strategy to prevent, mitigate, and safely suppress wildfires across all land ownerships. Currently, many of these response teams rely on the remote operation capabilities provided by UAS.

State and local forestry and firefighting agencies respond to – that is, suppress and contain – the majority of wildfires in the U.S. In 2019, for instance, these agencies responded to 39,804 (79%) of the 58,477 reported wildfires across all jurisdictions. In 2020, 58,950 wildfires burned more than 10.1 million acres. UAS were indispensable in responding to these incidents, particularly the largest wildfires.

Utilization of UAS by state forestry agencies and other emergency response agencies continues to expand in wildfire operations to include supporting training efforts, search and rescue operations,

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aerial surveillance of wildfires, and early detection and response capabilities. **Use of UAS helps protect our communities, as well as reduce operational risk to our wildland firefighters.**

State and local wildfire and forestry UAS are also critical assets in carrying out prescribed burns (which reduce the risk of catastrophic wildfire) by allowing more acres to be treated with fewer on-the-ground personnel. State forestry agencies and local and volunteer fire departments often utilize UAS in other kinds of emergencies as well, including floods, hurricanes, tornadoes, earthquakes, and structural fires.

In many instances, state and local agencies are only able to obtain UAS with help from federal grants – like those provided through the Forest Service State Fire Assistance and Volunteer Fire Assistance programs.

Recommendations for the UAS EO Guidance

Recent policy promulgated by DOI and the Department of Defense on UAS prohibitions created confusion at the federal and state levels. **We hope your office's guidance on the UAS EO will alleviate confusion over potential restrictions on the use of federal funds for UAS purchase and/or operation by partners.**

1. Banning the purchase of covered UAS by federal wildfire response agencies, the operation of covered UAS on federal lands, or the use of covered UAS purchased by cooperators using federal funds **would severely diminish the efficacy of future wildfire suppression operations and increase risk to wildland firefighters and American communities.**

While we wholly support the Biden Administration's concern for cyber security, the risk portfolios of prohibiting different drone uses must be adequately assessed. Given the public health and safety risks that UAS prohibitions would impose, as well as the limitations on forest management, we recommend exempting wildfire response –and natural resource management functions from any forthcoming covered UAS prohibitions.

2. Right now, there are no domestically produced UAS available that are capable of meeting the needs of wildfire response agencies. **Prohibiting the use of covered UAS would cease wildfire response UAS operations; it would not induce a shift to domestic UAS use.** We recommend that any policy that requires a transition away from covered UAS systems to domestically produced systems should provide for a “phase-in” or grace period until the domestic UAS industry can develop adequate systems for wildland fire and forestry operations.

Absent an exemption for wildfire and natural resource management operations or a phase-in period until adequate domestic technology can be developed, any prohibitions on covered UAS use will disable UAS wildfire response programs.

Ending UAS programs for federal, state, and local wildfire response agencies would have severe negative implications on public safety, wildland firefighter safety, and forest health. We urge your

office in its policymaking to balance the risks of cybersecurity with the risks of disabling these UAS programs.

Thank you for your time and consideration of these comments. We would be happy to discuss them in more detail.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joe Fox". The signature is stylized with a large, sweeping initial "J" and "F".

Joe Fox
Arkansas State Forester
NASF President

CC:

Office of Intergovernmental Affairs Director, Julie Chavez Rodriguez
Domestic Policy Council, Ambassador Susan Rice
US Trade Representative, Katherine Tai
Secretary of Agriculture, Tom Vilsack
Secretary of Interior, Deb Haaland