

**NASF RESOLUTION NO. 2024-03:** In Support of the Recommendations of the Wildland Fire Mitigation and Management Commission

**ORIGIN OF RESOLUTION:** NASF Executive Committee and NASF Wildland Fire Committee

**ISSUE OF CONCERN:**

Last fall, the Wildland Fire Mitigation and Management Commission completed its Congressionally mandated task of reviewing existing wildfire systems and recommending a holistic range of policy solutions to address the ongoing wildfire crisis, including mitigation, management, and postfire rehabilitation and recovery. As attention turns to the implementation of this suite of recommendations, Congress and the Administration should be made aware of the National Association of State Foresters' firm support of the work of the Wildfire Fire Mitigation and Management Commission and its desire to see swift and efficient enactment of comprehensive wildfire policy reforms, particularly those recommendations directly related to the roles, work and expertise of State Foresters and the agencies they lead.

**BACKGROUND:**

The Wildland Fire Mitigation and Management Commission was established in late 2021 by the Infrastructure Investment and Jobs Act (Pub. L. No. 117-58) and was tasked by Congress with a broad scope of reviewing existing wildfire systems and recommending a holistic range of policy solutions to address the ongoing wildfire crisis. State Foresters actively participated in the effort as members of the Commission. In January 2023, the Commission released its report specific to wildland fire aviation resources which included 8 findings and 19 recommendations. In September 2023, the Commission concluded its work, issuing its final report and an accompanying 148 consensus recommendations.

Based on the parameters of actionable and timely, requiring Congressional action, resulting in significant changes, and reflecting new approaches, the National Association of State Foresters -- through each of its subject matter committees --subsequently reviewed all 148 of the Commission's recommendations to identify and aggregate those recommendations on which to focus its advocacy efforts.

The purpose of this resolution is to equip and empower our members with a clear statement of support for the full recommendations of the Commission as well as those recommendations identified by the National Association of State Foresters as key advocacy priorities.

**RESOLUTION:**

The members of the National Association of State Foresters support the package of recommendations in the following documents. (Documents attached separately.)

- "Aerial Equipment Strategy Report", Wildland Fire Mitigation and Management Commission (January 2023)
- "ON FIRE: The Report of the Wildland Fire Mitigation and Management Commission", Wildland Fire Mitigation and Management Commission (September 2023)

The members of the National Association of State Foresters adopt the recommendations and accompanying narrative in the following document as official policy positions. (Document attached separately.)

- "Holistic Policy Guidebook for Addressing the Wildfire Crisis", National Association of State Foresters (September 2024)

**NASF action:**

( X ) approved

**Date of Action:** September 24, 2024

**National Association of State Foresters**  
**“A Holistic Policy Guidebook for Addressing the Wildfire Crisis”**  
**Priorities from the Wildfire Mitigation and Management Commission’s Final Report to Congress**

The National Association of State Foresters (NASF) has identified 19 out of the 148 total recommendations from the Wildfire Mitigation and Management Commission (henceforth referred to as the “Commission”) most directly related to the work and expertise of State Foresters. We recognize the importance of a holistic approach to the commission and expect these recommendations to be coupled with other recommendations equally important to specific states and other partners.

NASF chose these recommendations based on the parameters that they are actionable and timely. While NASF prioritizes the following recommendations, this list does not represent the entirety of the Commission recommendations that NASF supports. NASF will continue to pursue other Commission recommendations not listed here as opportunities present.

**The purpose of this document is to record NASF consensus on key Commission recommendations and serve as the foundation for future external communications and advocacy.**

The following criteria was used to determine a core set of policy recommendations:

- Recommendations that would require legislation to facilitate. To the greatest extent possible, recommendations based on increasing existing funding or providing new funding were excluded.
  - Administrative changes related to NWCG qualifications and training were considered.
  - Recommendations currently being pursued through NASF’s Farm Bill platform, i.e., GNA policies, increased nursery capacity, wood processing, and utilization, are highlighted here as priorities—but are moving on a separate track.
- Recommendations that would need to be new approaches—different from what has been tried before and failed.
- Recommendations were selected that would result in significant changes that would help state forestry agencies and the partners and communities we work with lead to improvements at a national scale.

The Commission Report Recommendations that NASF has identified are as follows:

Recommendation #10  
Recommendation #11  
Recommendation #19  
Recommendation #24  
Recommendation #25  
Recommendation #26  
Recommendation #47  
Recommendation #54  
Recommendation #55  
Recommendation #60

Recommendation #61  
Recommendation #62  
Recommendation #70  
Recommendation #78  
Recommendation #89  
Recommendation #95  
Recommendation #129  
Recommendation #142  
Recommendation #143

**Commission Report Recommendation #10:**

**Congress should advance legislation to support a compensation or claims fund for burn damages to third parties that can quickly provide financial relief in instances when burn practitioners adhere to identified best practices.**

NASF supports federally supported compensation or claims fund to help mitigate some of these financial concerns and allow for injured parties to recover damages from federal actions that would otherwise go uncompensated due to the Federal Tort Claims Act.

This claims fund should be designed to complement and bridge, not replace, traditional insurance, and should further require burn practitioners adhere to identified best practices to be eligible for a burn to receive coverage. California already has such a program in place, and it has proven to be effective. California and several states have prescribed burn programs, and many more states are interested in establishing their own.

**Commission Report Recommendation #11:**

**Congress should consider and clarify the extent to which the Federal Tort Claims Act provides protection to Tribes and non-federal cooperators burning on federal lands.**

NASF believes that liability-related concerns and uncertainties, along with the challenges in obtaining private insurance, are a widespread deterrent for non-federal entity involvement in prescribed and cultural burns on federally administered lands even though federal agencies are increasingly looking to partners for added capacity. Those concerns could be at least partially mitigated through a determination of whether nonfederal partners are covered by the Federal Tort Claims Act, which grants broad protections to federal employees conducting prescribed burns.

**Commission Report Recommendation #19:**

**Congress should invest in wood processing facilities and the wood utilization sector more generally.**

NASF supports federal action that accelerates the scale of active management on federal lands in order to restore health, reduce fire risk and become a more meaningful contributor to the economies of local communities. Unfortunately, even though there is more broadscale agreement around those objectives, federal land managers in some regions are challenged by a lack of markets. Often, markets for the smaller material that needs removal are lacking, but increasingly there is a lack of markets for the kind of large timber that can be found on many public lands.

### **Commission Report Recommendations #24 and #25:**

**#24: Increase the flexibility of federal funds to move across boundaries.**

**#25: Congress should allow a certain percentage of hazardous fuels funding above agency base levels to be used across ownership boundaries.**

Congress has provided opportunities for using federal funds across boundaries, but they are limited. Increased flexibility of federal funds is needed to ensure an all-lands, all-hands approach to reducing wildfire risk. In all cases, treating landscapes at high risk of wildfire in and around communities holistically, regardless of jurisdictional boundaries, is more effective at reducing wildfire risk. Rather than establishing arbitrary thresholds—we believe it is more important to focus on expanding and broadening existing authorities to allow for more flexible use of federal funds across boundaries. The Forest Service is looking to partners like NASF and others to help the agency in reaching its Wildfire Crisis Strategy goals of treating 30 million acres of non-NFS lands. Increasing the flexibility of federal funds to move across boundaries is a way to help the agency and partners achieve those goals.

Lessons learned from the 2018 Farm Bill offers solutions for promoting cross-boundary wildfire mitigation. The 2018 Farm Bill amended section 103 of the Healthy Forests Restoration Act (16 U.S.C. § 6513), providing a new authority for the Forest Service to spend up to \$20 million on grants to state foresters for hazardous fuel reduction projects that cross land ownership boundaries, particularly in priority landscapes as identified in state FAPs. While this provision is working well, there remains a need to increase the authorization of appropriation for this provision. Increasing the authorization of appropriation would not require new funding as this funding is derived from the agency's Hazardous Fuels budget line item.

### **Commission Report Recommendation #26:**

**Expand Good Neighbor Authority to more federal entities, including the U.S. Fish & Wildlife Service and National Park Service.**

When properly and actively managed, forests provide a wealth of benefits, including clean drinking water for over 68,000 American communities, millions of recreational and job opportunities, and critical wildlife habitat. Good Neighbor Authority (GNA) allows the USDA Forest Service to enter into agreements of up to ten years with state forestry agencies to implement this critically important management work on national forests when the Forest Service is unable to do the work alone.

It is simply good government for forest management to be undertaken in the most timely and cost-efficient manner. Good Neighbor Authority helps us do that. Since GNA was first authorized by Congress with the 2014 Farm Bill, at least 38 states have broken ground on more than 490 GNA projects. Through these GNA projects, states are contributing to the restoration of federal forests on a scale never before realized.

With a robust track record of success, it is NASF's position that Congress should act to broaden and improve the program. In addition to allowing counties and Federally Recognized Tribes to retain and reinvest GNA project revenues and removing the requirement that GNA project revenues must be spent on federal lands, NASF supports further expanding GNA to all federal land management agencies, and authorizing the reconstruction, repair, and restoration of roads for other federal agencies should GNA be expanded to include other federal land management agencies.

#### **Commission Report Recommendation #47:**

**Congress should help advance efforts by the Alliance of Forest Fire Compacts, State Foresters, and others to update regional compacts to meet modern fire management needs and to submit the updated compacts for congressional approval.**

The Federal Government would benefit from increased response capacity and mobilization of state wildfire resources through Forest Fire Compacts. The Weeks Act of 1911 gave states the authority to enter into interstate compacts, or agreements to protect forests and watersheds across state lines through greater sharing and coordination of wildland fire management resources, information, and training. Forest Fire Compacts allow member states and Canadian Provinces to share wildfire suppression resources through mutual aid agreements across state lines to respond to wildfire emergencies.

There are 8 Forest Fire Compacts in the US, four of which are unable to share life-saving resources with other compacts due to lack of liability coverage for inter-compact resource exchanges. Additionally, three states, California, Nevada, and Utah are not members of a Forest Fire Compact. These factors greatly limit the availability of state and Canadian firefighting resources available to be mobilized at any given time to respond to wildfire emergencies on federal lands.

With more efficient mobilization of resources, the overall federal cost for fire suppression can be reduced. In any given year, roughly 75% of state agency resources mobilized through the National Interagency Coordinating Center (NICC) were sent to federal wildfires.

NASF is leading efforts to develop and enact federal legislation that would provide a new standard of liability that states could adopt and increase opportunities for Tribal participation in the Forest Fire Compacts. Additionally, NASF is leading conversations that have led to the several states joining existing Forest Fire Compacts that can send and receive resources under inter-compact exchanges.

#### **Commission Report Recommendation #55:**

**Create and fund more training opportunities for the mitigation and management response workforce.**

The USDA Forest Service, State, Private, and Tribal Forestry, State Fire Assistance (SFA) and Volunteer Fire Assistance (VFA) programs are important federal mechanisms for assisting states and local fire departments in responding to wildland fires and in conducting land management activities that mitigate fire risk on non-federal lands. These two programs in tandem help train state and local first responders who are often first to arrive at a wildland fire incident, as well as equip them with the tools they need to put wildland fires out efficiently and safely.

In FY 2023, the VFA program trained 20,571 firefighters, expanded or organized 135 fire departments, and purchased, rehabilitated, or maintained over \$12 million in firefighting equipment. Taken together, the SFA and VFA programs allowed state forestry agencies to train over 60,000 firefighters and helped over 25,000 communities manage wildfire risk in FY 2023.

Despite its successes, however, VFA needs Congressional attention, as the current requirements are over 40 years old and do not adequately represent the full suite of today's volunteer fire departments who need

support to protect the communities they serve from wildfire. The eligibility requirements for this program need to be updated and the authorizing language streamlined. Specifically, Congress should:

- Change qualifying community population threshold from 10,000 to 15,000 or less
- Change percent volunteer (non-salaried) firefighting personnel from 80 percent to 70 percent
- Allow for Secretarial discretion on waiving match requirement, similar to other fire and state and private forestry programs
- Provide for deferral to state definition of “volunteer fire department”
- Repeal outdated and ambiguous authorizing and appropriation language to more clearly recognize Volunteer Fire Assistance as a program separate and apart from State Fire Assistance

The Federal Excess Personal Property (FEPP) program and the Firefighter Property Program (FFP) should also remain a priority. On average these programs deliver over \$170 million annually in firefighting equipment. The FEPP Program loans federally owned property to state forestry organizations and their cooperators for use in responding to wildfire. This includes equipment such as trucks, fire tools, hoses, vehicle parts, nozzles, generators, air compressors, fire protection clothing, aircraft, and aircraft parts. While the FFP gives firefighters access to Department of Defense property for use in firefighting and other emergency services. Further, FFP allows ownership to pass from the federal government following a specified period of use. These two programs are crucial to rural communities, and for many small fire departments federal excess equipment may be the only affordable equipment available to them. States and local fire departments are more often the first responders to fires – they utilize the equipment these federal excess property programs provide to keep wildfires small and contained, provide major cost-savings to states and their cooperators, and offer the critical protection for adjacent communities. Continued federal assistance is needed so that all these programs will continue to help the many thousands of communities at risk to prepare for and mitigate the risks associated with wildland fire.

#### **Commission Report Recommendation #70:**

**Amend the Stafford Act to allow section 1206 funding for code enforcement for up to 24 months rather than the current 180 days.**

The Stafford Act, as amended by the Disaster Recovery and Reform Act of 2018 makes funding available to communities approved for public assistance to support code administration and enforcement. This support is critical for communities responding to wildfire, but the current time period is too short to be effective and should be increased substantially. NASF supports the Commission’s recommendation for a two-year timeframe which is more reflective of the fact that projects often go on for years and require documents and processes to be reviewed and verified at many levels to comply with federal rules.

**Commission Report Recommendation #78:**

**Develop the seed capacity necessary to support post-fire restoration and revegetation in a manner considerate of historic and future disturbance regimes, biodiversity, and ecosystem process and function.**

It is NASF's position that Congress must increase support to federal, state, tribal, and private nurseries and seed orchards through technical assistance and research, providing collaborative agreements and

cooperative efforts; and to support seed collection and storage and tree nursery expansion, including the purchase of land, building construction and equipment and workforce development.

The Forest Service National Center for Reforestation, Nurseries, and Genetic Resources (RNCR) is uniquely positioned to address these needs but is sorely under-resourced. NASF supports a new authorization for appropriations of at least \$15 million, creating a new budget line item for RNCR and significantly increasing funding for the program with new dollars— not by using funds redirected from other State and Private Forestry programs. Funding would expand staffing to provide more technical assistance and training to address skilled staff shortages, create opportunities for nurseries to apply for infrastructure improvement and expansion grants, promote practices that reduce general labor needs without sacrificing quantities or qualities of seedlings and serve as a convenor of nursery/tree improvement/tree planting interests nationwide. NASF also supports amending the Reforestation Trust Fund (16 U.S.C. 1606(a)) to provide financial support to the Reforestation Nurseries and Genetic Resources (RNCR) program as well as to support federal, state, tribal, and private operated tree nurseries and seed orchards.

**Commission Report Recommendation #54, #89 and #95:**

**#54: Increase access to qualifications and training opportunities for all partners.**

**#89: Invest in the creation of a workforce primarily focused on restoration and mitigation.**

**#95: Create and fund more training opportunities for the mitigation and management workforce.**

As Congress approaches legislation to implement the Commission's training and workforce recommendations, NASF will advocate for new programs and funding that create and sustain close partnerships between state, federal, tribal, and private entities, recognize cross-boundary efforts, and reflect a diversity of programs in the mitigation, management, and restoration space.

NASF firmly supports the role of the National Wildfire Coordinating Group as the singular, national training organization with responsibility for providing leadership to enable interoperable wildland fire operations among federal, state, local, Tribal, and territorial partners. NWCG provides specified courses and training assignments for all federal, state, local, and tribal personnel mobilized to wildland fire and other all-hazard incidents. Founded in 1976 to enable consistent and compatible wildland fire operations among federal, state, local, Tribal and territorial partners, NWCG currently maintains 106 training publications, 132 incident position qualifications and 106 courses to provide a uniform standard of emergency response across boundaries. Unfortunately, the demand for courses has been outstripped by their availability in recent years. NASF supports congressional action to provide increased resources through the Department of Interior to NWCG in order to increase the number of training opportunities. In addition, Congress should seek to streamline training by directing the:

- Review of speed to competency and recognition of prior learning policies.
- Review the task book practicum requirements for attaining full certification in qualification to determine if such requirements can be met through other means or otherwise made less burdensome, particularly for individuals for whom response is not their full time or primary job.

NASF supports congressional efforts to increase the prescribed fire workforce and training opportunities such as regional prescribed fire academies and training exchanges. NASF also recognizes that, while the required skills and qualifications of prescribed fire practitioners often overlap with those of wildland firefighters, there are important differences, and qualification standards are best determined by NWCG.

**Commission Report Recommendations #60, #61, and #129:**

**#60: Create the organizational and financial structures necessary to better integrate the national response to wildland fires and post-wildfire impacts across agencies and scales.**

**#61: Increase the deployment speed of mitigation and recovery funds.**

**#129: Congress should ensure the U.S. Fire Administration and the Federal Emergency Management Agency have the resources necessary to support efforts to reduce wildfire risks to communities and the threat of urban conflagrations related to wildfire and provide post wildfire mitigation and recovery in communities.**

Currently, federal funding for disaster response comes from a complex network of programs administered by over 30 federal entities (GAO 2022b), each with their own authorities, jurisdictions and eligibility requirements. This complicated and fragmented funding structure takes too long to address post-fire needs and is insufficient to adequately address post-fire recovery for both landscapes and communities.

NASF agrees that there is a need to increase coordination among federal and non-federal entities and establish governance around post-fire recovery. NASF also supports the Commission’s recommendation that funding from programs designed to support post-fire needs should be made available no later than 90 days following an application and recognizes increasing the speed of deploying funds must also address the local capacity to deploy and manage those funds. To reduce these timeframes NASF would like to see a review of many programs including, but not limited to:

- Natural Resources Conservation Service Emergency Watershed Protection Program (EWPP)
- Farm Service Agency Emergency Forest Restoration Program (FSA EFRP)
- U.S. Department of Agriculture Rural Development Grants
- FEMA HMGP and post-fire HMGP
- FEMA Individual Assistance
- FEMA Public Assistance
- FEMA Building Resilient Infrastructure and Communities (BRIC) program.
- Small Business Administration programs

As it relates specifically to FEMA mitigation, relief, and recovery programs, NASF strongly agrees with the Commission’s assessment that greater accessibility, timeliness, and programmatic focus is needed. Congress should work with FEMA and all relevant stakeholders to provide stronger programmatic direction and administrative efficiency.



### **Commission Report Recommendation #62:**

#### **Expand the support available through the Fire Management Assistance Grants.**

The Forest Management Assistance Grant Program (FMAG) is currently a well-functioning program utilized when states experience wildfires that represent a “a threat of major disaster.” FMAGs supports eligible actions only until a fire is contained, meaning they cannot be used to safeguard lives and property from the impacts that are likely to occur following containment. NASF supports the Commission’s recommendation to expand FMAGs. Expanding FMAGs would help address fire impacts that continue beyond the date of containment by adding utility to a currently well-functioning program, rather than creating a new program or trying to utilize dysfunctional programs.

Emergency protective measures eligible under FMAG category B should be extended beyond the containment date of the incident and eligible activities should be expanded to provide timely proactive support for actions that reduce the long-term impacts of post-fire flooding and debris flows.

### **Commission Report Recommendation #142:**

#### **Increase accessibility of federal grants for community wildfire risk reduction and post-fire recovery efforts.**

NASF is in support of Congressional action to increase communities’ access to federal financial assistance for wildfire risk reduction and recovery, and we are in broad agreement with the potential actions listed under this Commission recommendation including reducing the complexity and any administrative redundancies of current grant application processes across the relevant agency programs. NASF endorses uniform grant application portals and similar efficiencies with the caveat of ensuring such actions do not inadvertently undermine the administration of programs already operating effectively –namely the US Forest Service’s Community Wildfire Defense Grant (CWDG) program.

NASF is also in strong agreement with increasing accessibility of risk reduction and recovery assistance by authorizing state forestry agencies to be eligible recipients and managers of FEMA’s Hazard Mitigation Grant Program (HMGP) and Building Resilient Infrastructure and Communities (BRIC) funding. To further extend accessibility of these funds to all communities, Congress should also explicitly authorize HMGP and BRIC programs for wildfire mitigation work (see also Commission Report Recommendation #66).

### **Commission Report Recommendation #143:**

#### **Congress should expand equitable access to funds, including by providing agencies the authority to reduce or waive match requirements when needed.**

Across all federal programming, NASF supports the reduction or waiver of match requirements to ensure equity in accessing federal assistance. A January 2023 analysis by Headwaters Economics found that over 73 percent of the federal investments under the Bipartisan Infrastructure Law either require a local match (60 percent) or a local match under certain conditions (13 percent).<sup>1</sup> Furthermore, research shows that

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<sup>1</sup> <https://headwaterseconomics.org/equity/match-requirements/>

wildfire impacts are often disproportionately borne by certain underserved or disadvantaged groups or individuals. Federal programs inadvertently perpetuate the disparities in the impacts of wildfire by requiring cost-share and match amounts that are out of reach for some communities. These disparities can compound over time as inability to recover from one hazard event makes people more vulnerable to future events.

Waiving or reducing cost-share and match requirements will meaningfully improve accessibility and overall efficacy of programs intended to help communities who are most in need. In addition to allowing more flexibility to waive or reduce cost-share and match amounts, the type of contributed resources that are allowable as match should also be expanded to further diversify the ways that communities and individuals can demonstrate their commitment to wildfire mitigation or post-fire recovery program implementation.

In the case of wildfire especially, rural and low-capacity communities should be able access the financial resources necessary to protect lives and property. FEMA's Building Resilient Infrastructure and Communities (BRIC) program and US Forest Service's Community Wildfire Defense Grant (CWDG) program both have local match requirements and – because of these requirements – have been identified as difficult to access for communities most in need of this assistance.