

**Testimony of John “Chris” Maisch, Alaska State Forester
On Behalf of the National Association of State Foresters
Submitted to the U.S. Senate Committee on Energy and Natural Resources
June 11, 2019**

Good morning, Chairman Murkowski, Ranking Member Manchin, and Members of the Committee. My name is Chris Maisch, State Forester and Director of the Alaska Department of Natural Resources, Division of Forestry (DOF) and member of the National Association of State Foresters (NASF). I appreciate the opportunity to speak with you today and submit written testimony as the Committee examines the outlook for the remainder of the 2019 fire season and the complex issues surrounding wildland fire management.

NASF represents the directors of the state forestry agencies in all 50 states, eight U.S. territories, and the District of Columbia. State Foresters deliver technical and financial assistance, along with protection of forest health, water and wildfire for more than two-thirds of the nation’s forests. While the duties of state agencies vary from state to state, all share common forest management and protection missions and most have statutory responsibilities to provide wildland fire protection on all lands, public and private.

State Contribution

State forestry agencies contribute a significant portion of the overall wildland fire suppression effort nationally in terms of resources, personnel, capacity, and funds. Collectively, States reported spending \$1.9 billion on fire suppression, prevention, and mitigation in 2018, with \$1.4 billion spent on suppression alone. The overall federal cost of fire suppression for 2018 was \$3.1 billion. In 2018, there were 8,080 State personnel (including overhead and crews) mobilized through the National Interagency Coordination Center. Of those State personnel, 6,026, or nearly 75%, were mobilized to federal wildfires¹. In 2018, more than 58,083 wildland fires burned nearly 8.8 million acres.² State and local agencies respond to a majority of wildfires across the country; in 2018 state and local agencies were responsible for responding to 45,559 (78%) of the 58,083 reported wildfires across all jurisdictions.²

In fiscal year (FY) 2018, state forestry agencies helped train over 119,000 firefighters via funding from the USDA Forest Service, State and Private Forestry (Forest Service), State Fire Assistance (SFA) and Volunteer Fire Assistance (VFA) programs³. State Foresters work closely with federal partners to deliver forestry programs and wildfire protection on a National scale. NASF is a key partner in the development and implementation of the National Cohesive

¹ Statistics posted above were gathered from the Interagency Fire and Aviation Management Web Applications (FAMWEB) system, which includes the Situation Report and Incident Status Summary (ICS-209) programs. The statistics presented here are intended to provide a national perspective of annual fire activity but may not reflect official figures for a specific agency.

² National Interagency Fire Center, Historical Wildland Fire Summaries, pg. 7. Last accessed March 4, 2019 at https://www.predictiveservices.nifc.gov/intelligence/2018_statsum/intro_summary18.pdf

³ State Fire Assistance and Volunteer Fire Assistance were proposed to be renamed “National Fire Capacity” and “Rural Fire Capacity” respectively, in the FY 19 and FY 20 Forest Service Budget Justifications. NASF supports renaming the programs “State Fire Capacity” and “Volunteer Fire Capacity” which more accurately describe the programs functions.

Wildland Fire Management Strategy (Cohesive Strategy) and is a key partner and member of the Wildland Fire Leadership Council (WFLC).

2018 Wildland Fire Season

In 2018, 58,083 wildfires burned 8.8 million acres nationwide, the sixth-largest figure on record in terms of acreage burned. The 2015 fire season was the largest, with 10.1 million acres burned. More than half of these acres were in Alaska (5.1 million acres). Over the past 10 years, there was an average of 67,000 wildfires annually and an average of 7.0 million acres burned annually. As of May 24, 2019, 13,422 wildfires have burned 243,163 acres so far this year and the remainder of 2019 is expected to be another difficult fire year⁴. In Alaska the season began earlier than typical and there have been 187 fires that have burned 45,379 acres as of June 10, 2019, including one Type II project fire.

In 2018, 4.6 million acres, or 53% of the acres burned nationally were on federal lands⁴. The other 47% (4.1 million acres) were on state, local, or privately-owned lands. By number, these state, local, or privately owned lands are where 78% (45,559) of the wildfires occurred nationwide. Of the federal acreage burned nationwide in 2018, 26% (2.313 million acres) burned on Department of Interior land, and nearly the same amount, 26% (2.307 million acres) burned on National Forest System lands. Most wildfires are human caused (88% on average from 2014 to 2018), although the wildfires caused by lightning tend to be slightly larger and burn more acres. (51% of the average acreage burned from 2014 to 2018 was ignited by lightning)⁴. In the longest-running public service advertising campaign in U.S. history, the Ad Council, Forest Service, and NASF have employed Smokey Bear to educate the public about the dangers of unplanned human-caused wildfires. Smokey Bear celebrates his 75th Anniversary in August of 2019, continuing to deliver his important message to the public.

More wildfires occur in the East (including the central states), but the wildfires in the West (including Alaska, Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, Oregon, Utah, Washington, and Wyoming) are larger and burn more acreage. In 2018, nearly 36,200 fires burned 1.7 million acres in the East, compared with nearly 22,000 wildfires that burned more than 7.0 million acres in the West. In the East (where there is less federal acreage), most of the fires occur on nonfederal lands, whereas in the West most of the fires occur on federal lands. In 2018, 87% (1.5 million acres) of the acreage burned in the East was on nonfederal land, whereas 63% (4.4 million acres) of the acreage burned in the West was on federal land⁴.

Of the 1.4 million wildfires that have occurred since 2000, 189 exceeded 100,000 acres, and 13 exceeded 500,000 acres. Only a small fraction of wildfires become catastrophic, and a small percentage of fires accounts for the vast majority of acres burned. For example, only about 1% of wildfires become conflagrations—raging, destructive fires—but predicting which fires will “blow up” into conflagrations is challenging and depends on a multitude of factors, such as weather and geography. In 2018, 2% of wildfires were classified as large or significant (1,167) and 48 wildfires exceeded 40,000 acres in size, 11 of which also exceeded 100,000 acres⁴.

⁴ Congressional Research Service Report; Wildfire Statistics- IF 10244

National Interagency Fire Center, Historical Wildland Fire Summaries, pg. 7. Last accessed March 4, 2019 at https://www.predictiveservices.nifc.gov/intelligence/2018_statsum/intro_summary18.pdf.

There were more large or significant wildfires in 2017: 1,409 (2% of the total fires that year), 51 of which exceeded 40,000 acres in size and 12 of which exceeded 100,000 acres⁴.

Communities at Risk

A community is considered at risk from wildland fire if it lies within the wildland/urban interface (WUI) as defined in the federal register (FR Vol. 66, No. 3, Pages 751-754, January 4, 2001). A community is at reduced risk if it has satisfied at least one of the following:

- (1) Recognized as a Firewise community or equivalent, or
- (2) Enacted a mitigation/fire prevention ordinance, or
- (3) Reduced or appropriately maintained hazardous fuels treatments on lands identified as high-priority in its Community Wildfire Protection Plan (CWPP) or equivalent plan. Although the number of Communities at Risk (CAR) has increased over the years due to more people moving into, and more communities being built in the WUI, there has been significant progress towards reducing the risk of wildland fire for these communities. In 2007, NASF identified 51,612 CAR, with 70,399 identified in NASF's 2018 Communities at Risk Report. Since 2006, the number of CAR covered by a CWPP or equivalent has increased from 3,264 to 17,857, over a five-fold increase. There is a growing recognition that what was once considered unusual or extreme for an individual fire, or the duration and intensity of a fire season, is becoming more common place. NASF is a key partner in the development and implementation of the National Cohesive Wildland Fire Management Strategy (Cohesive Strategy) and its three primary goals:

- Restore and Maintain Resilient Landscapes
- Develop Fire Adapted Communities
- Provide Efficient and Effective Response to Wildfires

We must remember that it is not only important to lower the risk to communities, but once the risk has been reduced, to maintain those communities at a reduced risk.

Wildland Fire Suppression Funding

NASF applauds Congress' hard work and dedication to achieve a bipartisan wildfire suppression funding solution to permanently end the raiding of the Forest Service's non-wildfire suppression programs, including the Agency's State and Private Forestry programs. We appreciate your continued support, as demonstrated in the final FY 2019 and draft FY 2020 appropriations bills, in this critical area through additional funding for the Agency's fire suppression and prevention accounts, as well as increased funding for hazardous fuels mitigation on both federal lands and cross-boundary areas. Fire knows no boundaries and state forestry agencies play a significant role in helping to reduce threats from fire as well as costs. Increased funding for both SFA and VFA are wise investments and NASF encourages further financial support for these programs.

State and Local Wildland Fire Responders

The Forest Service SFA and VFA programs are the fundamental federal assistance programs that states and local fire departments use to develop preparedness and response capabilities for wildland fire management. They provide crucial financial and technical assistance to support state and local fire management activities, including preparedness, planning, training, hazardous fuels treatments, and the purchase and maintenance of equipment.

Continued support and sufficient funding are needed for the SFA and VFA programs. These programs recognize the essential role of state and local government in responding to and managing wildland fires and help to ensure these entities can respond effectively to wildland fires on all jurisdictions.

More people living in fire-prone landscapes, high fuel loads, drought, and deteriorating forest health are among the factors that led most state foresters to identify wildland fire as a priority issue in their Forest Action Plans. We now grapple with increasingly expensive and complex wildland fires - fires that frequently threaten human life and property.

SFA and VFA are the fundamental federal mechanism for assisting states and local fire departments in responding to wildland fires and in conducting management activities that mitigate fire risk on non-federal lands. SFA also helps train and equip local first responders who are often first to arrive at a wildland fire incident and who play a crucial role in keeping fires and their costs as minimal as possible.

The FY 2019 Forest Service Budget Justification highlights program success in Alaska during FY 2017 when the state used \$1.6 million in SFA funds to increase capacity by paying for additional positions, including air attack operators for initial and extended operations, command staff for the statewide control centers, and technical experts for interagency fire plans. Funding supported the training of over 1,700 personnel, and was also used to defray the costs of senior level fire managers in the Division of Forestry. These same personnel are also dispatched to assist in firefighting efforts across the Nation, often as members of the Alaska Type I Incident Management Team. By directing resources to actions that help reduce the number of large wildland fires—including prevention education, preparedness activities, and fuels mitigation—the SFA program directly addresses concerns over rising wildland fire suppression costs while also reducing wildland fire risk to communities.

Attacking fires when they are small is the key to reducing fatalities, injuries, loss of homes, and cutting federal fire-fighting costs. The need for increased funding for fire suppression on federal lands has broad support. The need to increase fire suppression funding for state and private lands, where roughly 80% of wildfires occur is just as urgent.

For example, in FY 2018 SFA provided over \$28 million in funding for hazardous fuels treatments, benefiting 1,065 communities in the WUI. This funding led directly to the treatment of 49,400 acres of hazardous fuels, with another 184,808 acres treated with leveraged funding from partners. Additionally, roughly \$3.7 million in assistance was provided to conduct 3,882 risk assessments and complete fire management planning projects, supporting 2,873 communities. In FY 2018, SFA funding assisted 12,829 communities through a variety of different activities, including funding for the training of 97,210 firefighters.

The VFA program provides support to rural communities and is critical to ensuring adequate capacity to respond to wildland fires, reducing the risk to communities, people, homes and property, and firefighters. This capacity is critical because these state and local resources are the first responders to more than 80% of wildland fires – whether on state, federal or private lands. According to the USFS, during FY 2018, the VFA program aided 13,959 communities, train 21,868 firefighters, expanded or organize 48 fire departments, and provided for the purchase, rehabilitation, or maintained nearly \$11 million in equipment.

Combined, SFA and VFA trained over 119,000 firefighters in 2018, provided over \$17 million in funding to rehabilitate existing equipment or purchase new equipment, established or expanded 48 Volunteer Fire Departments, and assisted over 15,000 communities with increased suppression capacity.

There are two additional programs critical for supporting the capacity of state and local agencies; the Federal Excess Personal Property (FEPP) program and the Firefighter Property Program (FFP). Over a five-year period (2014-2018) these programs delivered on average over \$170 million annually in equipment used to fight wildfires.

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 as 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.

Areas for Improvement

More coordination and planning between federal and state agencies with regards to cross boundary fire management would be beneficial. All too often, wildfires that begin on federal land cross over onto state lands. Wildfire can provide necessary natural benefits to fire dependent ecosystems and landscapes and in some cases, it may be determined that monitoring a fire is the best course of action when communities or critical infrastructure including watersheds are not at risk. In these cases, communication from federal managers with state agencies to establish contingency plans, would help to improve response efforts in the event a fire leaves federal jurisdiction. When state or private lands are affected, most state agencies have a statutory obligation to engage in fire suppression actions. An aspect of these situations is the negotiation of a cost share agreement between the federal agency and the state at the time of the incident. It would be preferable to have in place an agreement on how fire costs will be allocated pre-season between jurisdictional agencies. In Alaska, the entire state has a fire plan that identifies fire protection levels and if initial attack will occur. The fire plan also spells out which jurisdictional agency will be financially responsible for a “managed fire”. There is recognition of the role fire plays in various ecosystems and jurisdictional agencies will allow fires to burn in certain situations. If the agency makes this decision in Alaska, they are financially responsible for the entire cost of the incident, even if it leaves agency lands. This upfront agreement accomplishes

several things, it provides certainty to state and local suppression agencies on the cost of managed fire, encourages agency administrators to aggressively evaluate the timing and location of a managed fire and to evaluate the risk profile of an incident from partner perspectives, as opposed to just an agency perspective. This shared decision making is a key aspect of our partnership to address wildland fire and the challenges it presents.

Enacting new federal legislation addressing liability concerns for resource exchanges using Forest Fire Compact authorities

Current federal and state legislation does not provide emergency response personnel from the states with the same liability protections that they receive within their forest fire compact jurisdictions. This fact can hinder the movement of critically needed resources between compacts and states dealing with response to wildfires and other emergencies. Some states have determined that they cannot mobilize resources across compact boundaries due to these liability issues.

As an example, the two southern forest fire compacts have been reluctant to accept resources from the Northeast and Northwest Forest Fire Compacts because those two compacts do not have inter-compact liability protection language in their statutes. The Northwest Compact does not accept or export any resources on a compact to compact basis because of the absence of the same language. As a result, only about half of the states are able to freely share resources in a given period of high fire activity. Since the Canadian provinces are also part of the U.S. forest fire compacts, these concerns also apply to resource exchanges between the U.S. and Canada for states and provinces.

NASF and the Alliance for Forest Fire Compacts are urging Congress to enact national legislation related to this liability issue for resource exchanges between forest fire compacts. Enacting new national legislation would provide the states the option to accept the federal language, without requiring them to change local state statutes. The provinces would use their provincial process to accept the terms as well. Pursuing a change in national legislation would also mean that existing state legislation related to liability can remain as it is in the individual states, while providing the broader option for states that prefer/need to do so.

Conclusion

Thank you for the opportunity to appear before the Committee today on behalf of the Alaska Division of Forestry and the National Association of State Foresters. Wildland fire response is one of the most challenging facets of our jobs. The suite of federal programs discussed today support state and local capacity that is critically important to the nation's wildland fire response capability. We urge Congress to invest in these programs and pass legislation that addresses liability concerns related to Forest Fire Compacts. NASF and I stand ready to assist the Committee in finding ways to address the challenges we all face as the wildland fire problem continues to grow and consume larger and larger portions of our state and federal budgets. Finally, I would like to thank the Committee for its continued leadership and support of efforts to both respond to wildland fire and to take the necessary actions to address the underlying causes through increasing active management of all forestlands.