

**Testimony of Leah MacSwords
Vice President, National Association of State Foresters
State Forester of Kentucky**

**Before the House Natural Resources Committee on the Federal Land Assistance, Management
and Enhancement (FLAME) Act and the Emergency Wildland Fire Response Act (EWFRA)
April 10, 2008**

On behalf of the National Association of State Foresters, I thank Chairman Rahall and Ranking Member Young for the opportunity to appear before the Committee today. The National Association of State Foresters (NASF) represents the directors of the state forestry agencies of all fifty states, eight territories, and the District of Columbia. State Foresters manage and protect state and private forests across the US, which encompass two-thirds of the nation's forests, as well as support our federal partners in their efforts.

America's forests are under constant attack from numerous threats, including insects and disease, invasive pests, development, climate change, and catastrophic fire. In my testimony today I will address this last threat: the impact that catastrophic fire has on the Forest Service's constrained budget, and the need for a comprehensive solution to this escalating problem.

The Forest Service and the Department of the Interior are tasked with wildland fire suppression activities, and both are required to fund fire suppression within their budgets based on a 10-year average of costs. In recent years, catastrophic fires have resulted in dramatically increased suppression costs, which now represent more than half of the Forest Service budget. Under a fixed budget, this has reduced the money available for State Fire Assistance, Forest Health and a host of other Forest Service and DOI programs that help mitigate wildfire impacts. If properly funded, these programs would reduce the risk of catastrophic fires, ease the impact of fire suppression costs and more effectively protect people and property.

As billion-dollar fire seasons become the norm, the impact of Agency funds being diverted to pay for suppression activities is exponentially worsened. The President's FY09 budget proposal includes devastating cuts throughout the State & Private Forestry programs due to the increased need for fire suppression funding. The cuts do not stop at S&PF, as nearly all USFS accounts, from timber to recreation, are affected. State Foresters believe that failing to fully invest in the programs that increase the capability of the federal government to address this issue only serves to perpetuate the problem.

Extraordinary emergency wildland fires account for over 95% of all burned acres and consume 85% of all suppression costs. These large catastrophic wildfires are not average wildfires; they should be treated as emergencies, the same way as other natural disasters, and should not be funded within the Forest Service constrained budget.

After years of discussing the U.S. Forest Service budgetary approach to wildland fire suppression, Congress has introduced two pieces of legislation in the last month as possible solutions: The Federal Land Assistance, Management and Enhancement or "FLAME" Act and the Emergency Wildland Fire Response Act, or "EWFRA." The two bills start from a very similar foundation of partitioning the fire suppression budget, but do differ in some subtle, but significant ways.

The FLAME Act partitions the extraordinary emergency suppression costs from the Forest Service budget and provides for cost containment incentives and accountability assurances. The "FLAME

Fund” is designated as “emergency” and therefore will not continue to divert funding from other agency programs. Our understanding is that although the EWFRA does not designate the treasury fund for the partition as “emergency,” the bill’s intent is not to negatively impact other agency line items.

The EWFRA and the FLAME Act both prohibit funds from being transferred from non-fire accounts to pay for fire suppression activities, unless all funds appropriated to fire suppression (both in the Fund and within the budget) are obligated. The important thing to note here is not simply the prohibition on borrowing from other agency accounts, but the underlying principle that agency missions and other obligations must be maintained as we address our collective mega-fire situation.

My home state of Kentucky provides a working example of funding fire suppression similar to the FLAME Act proposal. Wildland firefighting is considered a ‘necessary government expense,’ and once the Kentucky Division of Forestry’s budgeted amount is spent, we get reimbursed from state general funds that are reserved for emergencies. We operate under strict guidelines that define what fire expenses qualify, and good recordkeeping is essential. Our forestry statute requires the Cabinet Secretary to document the fire costs and verify them by affidavit for reimbursement from funds available for that purpose. This process works well for Kentucky, and I believe a similar process will work well for the nation.

The partitioning of emergency costs, along with reinvestment in programs that address forest threats, will help slow the escalating costs of fire suppression due to changing fuels, climate and demographics. Non-emergency fire suppression funding will continue to be a necessary part of the Forest Service and DOI budgets, no matter how well our forests are managed. This approach to budgeting will bring a measure of fiscal normalcy to fire suppression costs, and will provide appropriate support for the Agency’s other important programs.

The FLAME Act focuses only on the provisions needed to structure the budget fix and we believe that this is the type of framework necessary to solve this problem. Once the framework is put in place, Congress must then invest the much needed monies to rebuild the USFS programs that have been gutted to pay for fire suppression costs. “Normal” fire suppression activities and the other non-fire USFS programs must be fully funded to allow the agency to get out from under the burden of emergency catastrophic fire costs.

The many sponsors of these bills and the broad support of legislators have signaled Congress’ interest in finding a fix for the impact of emergency catastrophic fire events on the Forest Service budget. NASF supports the provisions as laid out in the FLAME Act and commends the bi-partisan sponsors for introducing a piece of legislation that takes the first necessary steps towards a comprehensive solution to the wildland fire suppression budgeting issue.

NASF hopes to work with all of the interested parties and Members of Congress to push forward a bill that includes all of the necessary components as well as garners support from the appropriators and budgeters. Their support is necessary to secure the needed investment in the USFS budget after the emergency catastrophic wildland fire suppression costs are removed.

Thank you for your attention to and action toward creating a change in the way we pay for catastrophic wildland fires and recognizing the effect this has on the agencies’ abilities to protect our natural resources and serve our public. I’m happy to answer any questions and/or provide any further information you may request.