FEMA

MITIGATION POLICY – MRR-2-08-1

I. TITLE: Wildfire Mitigation Policy for the Hazard Mitigation Grant Program (HMGP) and Pre-Disaster Mitigation (PDM) Program

II. DATE OF ISSUANCE: **SEP - 8 2008**

III. PURPOSE:

Establish the wildfire mitigation policy for the HMGP and PDM program and establish the parameters to implement wildfire mitigation under sections 203 and 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5121-5207. This policy will ensure national consistency in the use of HMGP and PDM funds for wildfire mitigation projects. In particular, it describes the availability of these funds for (1) defensible space, (2) structural protection through the application of ignition-resistant construction, and (3) limited hazardous fuels reduction to protect life and property.

IV. SCOPE AND APPLICABILITY:

Hazard Mitigation Grant Program (HMGP) and Pre-Disaster Mitigation (PDM)

This policy applies to PDM and HMGP projects for which the application period is open on or after the Date of Issuance, as well as PDM FY08 eligible projects.

HMGP and PDM were established to provide technical and financial assistance to States and local governments to assist in the implementation of long-term hazard mitigation measures that are cost-effective and are designed to substantially reduce risk of future damage and loss of life.

V. AUTHORITY:

Sections 203 and 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5133 and 5170c, respectively.

VI. BACKGROUND:

In general, individuals and all levels of government minimize the impact of wildfires through various means. These include outreach and education measures for individuals and communities about wildfires; measures to reduce the damage from wildfires through maintenance of defensible space, hazardous fuel reduction, structural protection through the use of ignition resistant building materials and methods; and measures to prepare to respond to wildfires and facilitate wildfire suppression. Such actions occur on federal land, other public land, and private land in fire-prone areas *(i.e. high risk of wildfire)*.

Wildfire mitigation is addressed by the Federal government through a comprehensive legislative framework. The Federal Emergency Management Agency (FEMA) recognizes that other Federal departments and agencies such as United States Department of Agriculture (USDA) United States Forest Service (USFS), Natural Resources Conservation Service (NRCS), and the Department of Interior (DOI) bureaus of Fish and Wildlife Service (FWS), National Park Service (NPS), Bureau of Land Management (BLM), and the Bureau of Indian Affairs (BIA) have primary wildland fire management responsibilities. These departments and agencies have the primary responsibility for addressing ongoing, forest management conditions, such as those caused, for example, by forest age, disease, or pest infestation spreading to and from the federal lands onto adjacent non-federal lands. While these and other Federal agencies have the primary authority to protect the watersheds, forests, soils, and timber resources, and address forest management conditions, they also have authority to address fire threat reduction activities, such as hazardous fuels reduction, with primary attention to areas on or in the vicinity of Federal lands. They may also assist State and local jurisdictions in efforts to protect the built environment in fire prone areas in forests, ranges, and grasslands.

The Stafford Act authorizes FEMA to provide funding for the purpose of reducing or eliminating risks to property and human life from future hazard events, including wildfire. FEMA mitigation authorities target at-risk structures without regard to benefits to Federal land and are for activities in areas outside the primary focus of other Federal agencies' fire threat reduction programs. FEMA hazard mitigation assistance for wildfires is ONLY focused on long-term and cost-effective actions taken to reduce the risk to specific property or structures from future wildfires. The FEMA goal of reducing the risk from wildfire hazards on human life and property, including loss of function to critical facilities is intended to complement, and not duplicate, the programs of numerous other Federal agencies, such as USFS or BLM, that address wildfire threat reduction.

VII. POLICY:

Wildfire mitigation activities for the primary hazard mitigation purpose of reducing the threat to at-risk structures through creating defensible space, structural protection through the application of ignition resistant construction, and limited hazardous fuels reduction to protect life and property beyond defensible space but proximate to the at-risk structure are generally eligible activities. These projects are intended to reduce or eliminate damage to the building structure and its contents, and to ensure continuation of a facility function. The wildfire mitigation projects may apply to residential and non-residential buildings or structures (including public and commercial facilities).

Funding under these programs is not available for wildfire mitigation in an extended range beyond the parameters described in this policy. In addition, FEMA will not consider funding for activities on federal land. With regard to land adjacent to federal lands, FEMA will ensure coordination with other appropriate Federal agencies, such as USFS or BLM, to ensure that the

proposed project does not fall within the scope of another Federal agency's grant authority, as well as to ensure consistency with federal policy and priorities.

The HMGP and PDM programs are available to mitigate the risk to at-risk structures and associated loss of life from the threat of future wildfire through:

- Defensible space that involves the creation of perimeters around residential and non-residential buildings and structures through the removal or reduction of flammable vegetation;
- The application of non-combustible building envelope assemblies, the use of ignition-resistant materials and the proper retrofit techniques of new and existing structures; and
- Hazardous fuels reduction vegetation management, vegetation thinning or reduction of flammable materials to protect life and property beyond defensible space perimeters, but proximate to at-risk structures.

FEMA may fund above-code projects in communities with applicable fire-related codes. For homes and structures constructed or activities completed prior to the establishment of the local building codes, FEMA may fund activities that meet or exceed codes currently in effect. For communities without local fire codes in place, FEMA may fund activities when the materials and technologies are in accordance with the International Code Council (ICC), FEMA, United States Fire Administration, and the National Fire Protection Association (NFPA) Firewise recommendations, as appropriate. The Firewise program provides resources for communities and property owners to use in the creation of defensible space. Additional fire-related information and tools can be found at www.firewise.org or www.nfpa.org. These activities will be in accordance with the applicable fire-related codes and standards, including but not limited to the following:

- ICC Publication International Wildland-Urban Interface Code;
- NFPA 1144: Standard for Reducing Structure Ignition Hazards from Wildland Fire;
- NFPA 1141: Standard for Fire Protection Infrastructure for Land Development in Suburban and Rural Areas;
- NFPA 703: Standard for Fire-Retardant Treated Wood and Fire-Retardant Coatings for Building Materials; and
- NFPA 914: Code for Fire Protection of Historic Structures.

FEMA does not have authority to fund projects on federal land owned by another federal entity, or projects with the purpose of addressing forest health conditions, ecological or agricultural issues related to land and forest management (*e.g., insects, diseases, weather-related damages, and pest infestations).*

A. Eligible Wildfire Activities:
Wildfire mitigation projects may mitigate the risk to residential and non-residential structures (including public and commercial facilities). These projects must be located in, adjacent to or co-mingled with the built environment and provide protection to life and the built environment from future wildfire hazard.

Eligible wildfire mitigation activities include:

1. Defensible Space Activities involve the creation of perimeters around residential and non-residential structures through the removal or reduction of flammable vegetation including vertical clearance of tree branches. Specifically, this involves minimizing the volume of vegetation; replacing flammable vegetation with less flammable species and clearing all combustibles *(i.e. surface litter such as dry leaves, pine needles, dead and dying foliage and trees, and removal of propane tanks)* in the safety zone around the structure. The description of requested defensible space activities must be provided for each property.

FEMA recognizes the importance of creating defensible space for residential and non-residential structures in accordance with local fire codes, ICC, the FEMA, United States Fire Administration, NFPA recommendations, or well established and proven techniques or practices of Firewise.

The required radius of defensible space around the building or structure is directly related to the degree of the hazard and therefore, the radius for defensible space may also vary from one jurisdiction to another. Local codes and standard may provide specific requirements for defensible space; however, the ICC Publication International Wildland-Urban Interface Code can be used as the default code. Table 603.2 of the ICC publication suggests a 30-foot safety zone for a moderate hazard. A second zone from 30 feet to at least 50 feet is recommended for a high hazard area. The most stringent requirement is based on an extreme hazard zone and recommends a minimum of 100 feet. While these distances are generally appropriate, the topography of the land, specifically the slope, and the amount and flammability nature of the vegetation may require this limit be extended to create an effective perimeter around the structure. In these cases, the proposed safety zone shall be justified in the project application.

2. Structural Protection through Ignition-Resistant Construction Activities involve the use of non-combustible materials and technologies on new and existing structures. FEMA will only consider a subapplication for an ignition resistant construction project when:

- The property owner has previously created defensible space and agrees to maintain the defensible space in accordance with this policy. The subapplicant must include a description of the defensible space for each property in the subapplication. FEMA will provide funding for ignition-resistant construction projects only after the subapplicant has demonstrated that the defensible space activity is complete and has provided

documentation (*i.e. photographs and description of the defensible space)* if requested by the Applicant; or

- The subapplication includes both the defensible space and ignition-resistant construction projects as part of the same project subapplication. The subapplicant must include a description of the defensible space for each property in the subapplication. Each property owner must agree to maintain the defensible space in accordance with this policy.

FEMA may fund above-code projects in communities with applicable fire-related codes. For homes and structures constructed or activities completed prior to the establishment of the local building codes, FEMA may fund activities that meet or exceed codes currently in effect. For communities without local wildfire codes in place, FEMA may fund activities when the materials and technologies are in accordance with the ICC, FEMA, United States Fire Administration and NFPA Firewise recommendations, as appropriate.

Protection of homes, structures, and critical facilities through the use of ignition-resistant construction techniques or non-combustible building materials are eligible if they meet or exceed local codes, and in conformance with appropriate fire-related codes and standards listed above.

Eligible Activities include:

- Installation of roof coverings, roof sheathing, roof flashing, roof skylights, roof and attic vents, roof eaves and gutters that conform to any of the following ignition-resistant construction standards: 1) construction materials are fire-resistant in accordance with nationally recognized testing standards, 2) construction materials are non-combustible, and 3) construction materials constitute an assembly which has a minimum 1-hour-fire-resistant rating.

- Installation of wall components such as the fascia, windows, window glazing, doors, window frames, and insulation that conform to any of the following ignition-resistant construction standards: 1) construction materials are fire-resistant in accordance with nationally recognized testing standards, 2) construction materials are non-combustible, and 3) construction materials constitute an assembly which has a minimum 1-hour-fire-resistant rating.

- Protection of propane tanks or other external fuel sources.

- Purchase and installation of external, structure-specific water hydration systems (sprinklers), dedicated power source and dedicated cistern if no water source (*e.g., lake, river, swimming pool*) is available. FEMA will only consider the project when assurances are provided in the operations and maintenance plan that a system (e.g., *Geographic Information System*) will be maintained to identify property addresses with wildfire sprinkler systems and made available to the appropriate fire department.

3. Hazardous Fuels Reduction Activities involve the removal of vegetative fuels proximate to the at-risk structure that, if ignited, pose significant threat to human life and property, especially critical facilities. Hazardous fuels reduction includes vegetation thinning or reduction of flammable vegetative materials for the protection of life and property. This may include excess fuels or highly flammable vegetation (*e.g., arundo donax, eucalyptus*). These projects are implemented at the community level and extend beyond defensible space perimeters, however FEMA will only consider funding for hazardous fuels reduction projects limited in scope to be no farther than two miles from homes or structures, and that meet or exceed applicable fire-related codes and standards.

Hazardous fuels reduction may be accomplished using community owned equipment, rental equipment or use of contract resources and equipment for mechanical treatments such as disking, mowing, and/or chopping *(i.e., chippers, saws etc.)*. Equipment used by communities for hazardous fuels reduction activities must not pose an additional risk of fire ignition *(i.e., spark arrestor)*.

- Eligible activities include community level vegetation management, vegetation removal, vegetation clearing and/or thinning, slash removal, vertical clearance of tree branches, etc. to reduce the threat to human life and structures from future wildfires. Such activities may be no farther than two miles from structures and may include the following techniques:
    - Chemical treatments, including herbicide applications with appropriate safeguards to ensure protection of human life, environment, and watersheds;
    - Grazing or biomass conversion;
    - Mechanical treatments such as disking, mulching, grinding, mowing, chopping and removal of such material; material left on site must meet appropriate depth practices;
    - Biomass removal including clearing straw, dead or dry vegetation, thinning, removal of brush, pine straw or blown-down timber from wind throw, ice, or a combination thereof; and
    - Other industry-accepted techniques at FEMA discretion.

B. Additional Conditions for Wildfire Projects

Operations and Maintenance Plan

FEMA will only consider for funding, HMGP and PDM wildfire projects for which (a) the application includes a draft operations and maintenance plan at the time of application, including information demonstrating that the requested wildfire project will be maintained to achieve the proposed hazard mitigation; and (b) a final operations and maintenance plan has been submitted to FEMA prior to performing any activities as part of the funded project and after the Grantee

has affirmed that the plan is consistent with this policy, meets or exceeds local codes, and is in conformance with appropriate fire-related codes.

Other General Requirements
Mitigation activities must adhere to all other HMGP or PDM statutes, regulations, and requirements that apply to this project activity including: sections 203 and 404 of the Stafford Act; Hazard Mitigation Grant Program (44 CFR Part 206 Subpart N); Mitigation Planning (44 CFR Part 201); Floodplain Management and Protection of Wetlands (44 CFR Part 9); Environmental Considerations (44 CFR Part 10); Uniform Administrative Requirements for grants and cooperative agreements to State and local governments (44 CFR Part 13); Floodplain Management (44 CFR Part 60); and other applicable federal environmental and grants management laws as well as applicable program guidance including but not limited to Hazard Mitigation Assistance Program Guidance.

The Applicant must ensure prior to submission of the grant application that Duplication of Programs (DOP) between Federal agencies will not occur. FEMA requires that the Applicant include documentation in the grant application to ensure that no DOP will occur. This includes demonstration the Applicant has coordinated with other appropriate Federal agencies. Funding under these programs is not available for wildfire mitigation in an extended range beyond the parameters described in this policy. In addition, FEMA will not consider funding for activities on federal land. With regard to land adjacent to federal lands, FEMA will coordinate with other federal agencies to ensure the proposed project does not fall within the scope of another Federal agency's grant authority, as well as to ensure consistency with federal policy and priorities.

In addition, the following general program information must be included in the application:

- A description of the wildfire mitigation activities and the method to accomplish the activities;
- Map(s) showing the project area and relationship of structures to wildland urban interface or forested, range or grassland area; and
- Property-level rating of wildfire risk for each home or community along with the scale used to measure the rating levels, if applicable.

C. Ineligible Wildfire Activities
Certain project activities and their associated costs are not eligible for funding:

- Projects that do not protect homes, neighborhoods, structures, infrastructure;
- Projects on federally owned land, as well as on land adjacent to federal lands when the proposed project falls within the scope of other federal agencies' grant authority.
- Projects for hazardous fuels reduction in excess of two miles from structures;
- Projects to address ecological or agricultural issues related to land and forest management *(i.e., insects, diseases, weather-related damages, and infestations)*;

- Irrigation of vegetation to avoid disease or drought-related infestation;
- Projects to protect the environment, watersheds or forest management;
- Projects for prescribed burning or clear-cutting;
- Projects for maintenance activities;
- Projects for the purchase of fire related equipment *(i.e., vehicles and fire trucks)* or communication equipment;
- Projects for creation and maintenance of fire breaks, access roads, staging areas;
- Purchase of equipment to accomplish eligible work *(i.e., chainsaws, chippers)*;
- Projects for irrigation systems; and
- Development or enhancement of fire suppression capability through the purchase of equipment or resources *(i.e., water supply or sources, dry hydrants, cisterns-not related to water hydration systems, and dip ponds)*.

VIII. ORIGINATING OFFICE:

Risk Reduction Division, Mitigation Directorate

IX. SUPERSESSION:

This policy clarification supersedes previous mitigation policies and guidance related to this subject including:

- HMGP Memorandum: November 8, 1994, Subject: Guidance on Eligibility of Response Vehicle and Equipment Purchases Through HMGP

X. REVIEW DATE: This policy will not automatically expire, but will substantively be reviewed on or before three years from Date of Issuance.

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This policy represents FEMA's interpretation of a statute or regulation. The policy itself does not impose legally enforceable rights or obligations but sets forth a standard operating procedure or agency practice that FEMA employees follow to be consistent, fair, and equitable in the implementation of the agency's authorities.