



# Federal Emergency Management Agency

Washington, D.C. 20472

1. **Date Published:** April 15, 1999
2. **Response and Recovery Directorate Policy Number:** 9550.3
3. **Title:** Interim Policy on Fire Suppression Assistance
4. **Purpose:** This clarifies the Federal Emergency Management Agency's (FEMA's) policy on the eligibility of costs for staging of resources that improve response capability, mutual aid, the declaration process, the delegation of the declaration authority, and payment of Emergency Operations Center (EOC) costs. This policy reflects adjustments made and practices adopted during the 1998 and 1999 fire season.
5. **Scope and Audience:** This policy applies to all fire suppression grants approved after publication of this document. It is intended to provide guidance for FEMA and State personnel responsible for the administration of the Fire Suppression Program.
6. **Background:** We are in the process of reengineering the Fire Suppression Assistance Program in order to simplify and streamline its administration. We will work with our State partners and the U.S. Forest Service to reengineer this program, and we plan to publish proposed regulations in this regard by the end of July 1999.

This policy is intended to clarify key elements of the current program for use in the 1999 fire season. The 1998 fire season was an important year in the evolution of Fire Suppression Assistance Program administration. There were a large number of declaration requests that provided us with a great deal of experience to clarify policy issues with the program. Early in the 1999 fire season, FEMA recognized the importance of using an EOC when dealing with wildfire situations in the wildland/urban interface.

**Staging of Federal Resources** The Fire Suppression Assistance Program provides for mobilization and demobilization costs directly related to approved Federal fire suppression assistance. The regulations are silent on the eligibility of staging of Federal resources. For effective program management and simplification of the program for the State, we have established this policy for staging of Federal resources. Staging of resources enables faster response to fires.

We have determined that staging a reasonable quantity of Federal resources may be included as part of mobilization and demobilization costs when associated with a fire or fire complex approved for funding under the Fire Suppression Assistance Program. This policy defines mobilization costs to include staging of Federal resources directly related to approved fire suppression assistance grants.

As with all FEMA programs, the Fire Suppression Assistance Program is supplemental to the State resources. Therefore, mobilization and demobilization, including staging of

resources, is a State responsibility when associated with fires that are not approved under the program.

**Definition.** The staging of resources is accomplished when they are no longer at their original home base location but are physically moved to a location closer to the potential fire areas and are on stand-by for immediate deployment to a fire incident.

**Mutual Aid** In this program we do not recognize local governmental and volunteer firefighting organizations as eligible legal entities to apply for subgrants. However, local governmental and volunteer firefighting organizations can receive Federal funding from fire suppression assistance grants by three means: mutual aid agreements with the State, State statute or Executive Order stipulating financial reimbursement of costs incurred by local governmental and volunteer firefighting organizations.

**Timing of the Declaration Process** The program operates on a "real time" basis. This policy clarifies whether the decision to authorize fire suppression assistance is made on the basis of a threat of a major disaster at the time of the State's request or at the time of the actual decision. This clarification provides for effective, fair and consistent program management.

**Declaration Delegation** The decision to authorize fire suppression assistance has typically been made by the Executive Associate Director or designee. During the extreme fire activity in Texas during 1998, the Executive Associate Director delegated declaration authority to the Federal Coordinating Officer. This decision to delegate this authority to the Regional level provided a more effective response during the extreme and persistent fire conditions.

**Payment of Emergency Operations Center Costs** Overtime costs related to the Management of fire suppression assistance grants is particularly important when dealing with fires in the wildland/urban interface. Early in the 1999 fire season numerous fires in Florida's wildland/urban interface necessitated an organizational element to manage information and coordinate a more effective response.

## 7. Policy:

### A. Staging of Federal Resources

1) FEMA may reimburse a State for the cost of staging a reasonable quantity of Federal resources within a two week period prior to an approval of a fire or fire complex. Costs for mobilization to, and demobilization from, the staging area may be claimed. Demobilization may be claimed at a delayed date if deployment involved more than one approved event. When this occurs, mobilization and demobilization charges for the staging are to be claimed against the first event.

2) FEMA will authorize reimbursement to the State for the staging of Federal resources as part of mobilization and demobilization only after a Fire Suppression Assistance Grant has been approved and the staged resources have been used in response to the approved fire incident. To receive reimbursement, the State must meet all program requirements, including the floor cost requirements. For

reimbursement, any asset provided by another entity must have been specifically requested by the State.

3) Reasonable staging costs will be eligible even if the State uses the staged resources against fires that are not approved, as long as at least one incident is approved for Federal assistance within the two week period and some of the staged resources are used on the declared fire.

4) Suppression costs incurred in using staged resources while fighting the non-approved incident(s) are not eligible.

5) In accordance with 44 CFR Part 13, the State must maintain appropriate records to support expenditures for the staging of Federal resources.

6) FEMA does not fund pre-suppression costs. Pre-suppression costs include: costs for planning response and recovery activities, cutting fire-breaks without an imminent threat being present, training, road widening, and other activities in preparation for fire suppression. The purchase of non-expendable items such computers, phones, radios, etc. are not eligible for reimbursement.

7) FEMA will fund staging costs on the basis of reasonable costs incurred, at a maximum of 16 hours/day for each person and 24 hours/day for equipment.

## **B. Mutual Aid**

State reimbursement of local governmental and volunteer firefighting organizations is eligible when there is a mutual aid agreement between the State and local entities in existence prior to the approval of the fire incident by FEMA. Additionally, FEMA accepts a State statute or Executive Order, in the absence of a mutual aid agreement that designates the State as responsible for the financial payment of its local governmental and volunteer firefighting organizations when officially responding to the State's request for assistance.

1) *Mutual Aid Agreements.* FEMA may, through the State, reimburse local governmental firefighting organizations for eligible fire suppression costs provided that:

a) There is a mutual aid agreement between the State and local entities responding to a fire incident.

b) The mutual aid agreement is in written form, signed and officially passed by the governing body prior to the approval of the fire incident.

c) The mutual aid agreement designates the State responsible for reimbursement to local governmental and volunteer firefighting organizations.

d) The mutual aid agreement applies uniformly in all fire incidents (i.e., the agreement is not contingent upon approval of a fire incident by FEMA).

- e) The State submits the mutual aid agreement to FEMA's Office of General Counsel for review and determination of applicability and reasonableness.
- f) Upon request, the State provides FEMA with the local governmental and volunteer firefighting organizations' documentation of services rendered and costs incurred.

2) *Reimbursement of Mutual Aid Agreements.*

- a) Reimbursement of fire suppression assistance grants are based upon the actual and eligible costs incurred during suppression efforts. Therefore, the providing entities (i.e., local governmental and volunteer firefighting organizations) may submit their expenditures to the receiving entity (i.e., the State) for reimbursement.
- b) Since mutual aid agreements are treated as contracts, the labor and equipment rates outlined in the agreement may be accepted provided that they are reasonable.
- c) If the agreement provides for an initial period of unpaid assistance before reimbursement to local governmental and volunteer firefighting organizations, assistance provided during that period may be claimed:
  - (1) By the local governmental and volunteer firefighting organizations for compensation of equipment costs. Reimbursement will be made using FEMA equipment rates or the local governmental firefighting organizations rates – whichever is lower.
  - (2) By the State and applied as credit towards the State's cost share.

3) *State Statutes or Executive Orders.* FEMA may reimburse local governmental and volunteer firefighting organizations for eligible fire suppression costs provided that:

- a) The statute or Executive Order designates the State responsible for the financial payment to local governmental and volunteer firefighting organizations.
- b) The State officially passed the statute or Executive Order and placed it in effect prior to the fire incident.
- c) The statute or Executive Order applies uniformly to all fire incidents (i.e., the statute or Executive Order is not contingent upon approval of a fire incident by FEMA).
- d) The State submitted the statute or Executive Order to FEMA's Office of the General Counsel for review and determination of applicability and reasonableness.

e) Upon request, the State provides FEMA with the local governmental and volunteer firefighting organizations' documentation of services rendered and costs incurred.

g) Reimbursement of State Statutes or Executive Orders

(1) Reimbursement of fire suppression assistance grants are based upon the actual and eligible costs incurred during suppression efforts. Therefore, the providing entities (i.e., local governmental and volunteer firefighting organizations) may submit their expenditures to the receiving entity (i.e., the State) for reimbursement.

(2) Actual and eligible costs will be reimbursed using FEMA equipment rates or the local governmental and volunteer firefighting organization rates – whichever is lower.

(3) If the statute or Executive Order provides for an initial period of unpaid assistance before reimbursement to local governmental and volunteer firefighting organizations, assistance provided during that period may be claimed:

(a) By the local governmental and volunteer firefighting organizations for compensation of equipment costs. Reimbursement will be made using FEMA equipment rates or the local governmental firefighting organizations rates – whichever is lower.

(b) By the State and applied as credit towards the State's cost share.

4) Absence of Mutual Aid Agreement, State Statute, or Executive Order. In the absence of mutual aid agreements or a State statute, the State cannot provide subgrants of Federal funds to the local governmental and volunteer firefighting organizations, however;

a) If the State agrees to provide direct reimbursement to its local governmental and volunteer firefighting organizations outside of the fire suppression assistance grant, the State may apply the costs of the local and volunteer firefighting resources to the State's portion of the cost-share under the Fire Suppression Assistance Program as volunteer credit.

b) In order to be eligible for volunteer credit, the State must reimburse local governmental and volunteer organizations for eligible actual costs incurred during the suppression of a federally approved fire.

**C. Timing of the Declaration Process**

FEMA shall base the decision to authorize or deny fire suppression on the conditions existing at the time of the State's request for fire suppression assistance, whether or not conditions have changed by the time the request is authorized.

**D. Declaration Delegation**

The Executive Associate Director may delegate authority to a Regional Director when a State is expected to make frequent requests for fire suppression assistance during the course of the fire season. The Regional Director may redelegate this authority as appropriate, in accordance with 44 CFR 2.6(a)

**E. Payment of Emergency Operations Center Costs**

We have determined that it is appropriate to reimburse the State for EOC expenses that are above normal operating costs if the EOC is considered to be a Unified Command Center used for direction and control of fighting declared fires or fire complexes, providing assistance to the management of the fire situation, tracking of fire-related costs, and coordination of the State response. FEMA will reimburse PFT State personnel for their overtime at the established cost share. Overtime costs associated with the EOC must be approved by the Regional Director.

**8. Supersession:** Any documents or parts of documents on the use of Fire Suppression funds for pre-disaster activity, mutual aid, timing of the declaration process and delegation of the authority to authorize fire suppression assistance grants.

**9. Authorities:** Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, P.L. 93-288 as amended (Stafford Act), and implementing regulations in 44 CFR Part 206.390-395.

**10. Originating Office:** Infrastructure Division, Response and Recovery Directorate

**11. Review Date:** This policy will be reviewed in six months or upon the effective date of the final rule for fire suppression assistance.

**12. Signature:**



Lacy E. Suiter  
Executive Associate Director  
Response and Recovery Directorate

**13. Distribution:** Regional Directors, Regional and Headquarters Response and Recovery Division Directors.