



## Secure Rural Schools and Community Self-Determination Act - Title III- County Funds Fact Sheet

### Background

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The recently updated Secure Rural Schools and Community Self-Determination Act (SRS Act) has been reauthorized and now includes specific language regarding the Firewise Communities program. Due to the implications for Firewise, we have been in contact with representatives from U.S. Forest Service (USFS) and National Association of Counties (NACO) to get a better understanding of the law to provide clear recommendations for Firewise representatives and state liaisons.

### Analysis

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It is our understanding, based on conversations with individuals responsible for the Title III language, that counties seeking funding under Title III must use the funds to perform work under the Firewise Communities program. Whether this work must lead to FCUSA recognition status for communities in order to receive funding is still to be determined, but the initial assumption is that the language applies to Firewise activities in a general sense.

Counties that previously used Title III funds for other wildfire preparation activities such as the Fire Safe Councils or similar would be able to carry out many of the same activities as they had before. However, with the new language, counties would be required to show that funds used for these activities were carried out under the Firewise Communities program.

### FAQs for Title III-County Funds

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***Q: Have the allowable expenditures under Title III for fire prevention and county planning activities have been significantly narrowed?***

Yes. Under title III of the original SRS Act (P.L. 106-393), there were six authorized uses, one of which, fire prevention and county planning activities (sec. 302(b)(5)), was written very broadly, without reference to specific programs or plans.

A comparison of the current SRS Act (P.L. 110-343) to the original SRS Act shows that a number of changes were made to the fire prevention and community planning uses of title III funds. In addition to replacing the general language describing fire prevention and planning efforts with specific references to the Firewise Communities program and community wildfire

protection plans, the language authorizing efforts to educate homeowners about the “consequences of wildfires” is no longer included, and language that authorizes providing homeowners with “assistance with implementing” techniques in protecting people and property has been added.

The changes to the fire prevention and community planning uses indicate that Congress intended to authorize some different uses of title III funds for fire prevention and community planning.

***Q: What activities may be carried out under the Firewise Communities program?***

The Firewise Communities program ([www.firewise.org](http://www.firewise.org)) is a cooperative, non-regulatory program administered by the National Fire Protection Association and sponsored by the USDA Forest Service, the US Department of the Interior, and state forestry organizations. It is designed to reach beyond the fire service by involving homeowners, community leaders, planners, developers, and others in the effort to protect people, property, and natural resources from the risk of wildland fire - before a fire starts. The Firewise Communities approach emphasizes community responsibility for planning in the design of a safe community as well as effective emergency response, and individual responsibility for safer home construction and design, landscaping, and maintenance.

Activities under the Firewise Communities Program include assisting individuals, neighborhoods, subdivisions, small towns and similar private residential communities with implementing actions to help prevent the potential for home ignitions from wildfire. These include techniques in home siting and development, home construction, and home landscaping and maintenance. Activities also include assisting residential communities in becoming recognized Firewise Communities/USA sites. While counties are not eligible entities for recognition, counties can successfully support small communities in their jurisdictions in the recognition process. To become recognized, communities undertake the following five actions:

1. Complete a community assessment and create a plan
2. Form a Firewise Board or Committee
3. Hold a Firewise Day event
4. Invest a minimum of \$2/capita in local wildfire mitigation projects. (Volunteer hours, equipment use, time contributed by agency fire staff, and grant funding can be included)
5. Submit an application to the Firewise Communities Program via their state liaison

Counties applying for Title III funds to implement Firewise activities can assist in all aspects of a community’s recognition process, including conducting or assisting with community assessments, helping the community create an action plan, assisting with an annual Firewise Day, assisting with local wildfire mitigation projects, and communicating with the state liaison and the national program to ensure a smooth application process. Communities must renew their status annually to retain recognition; counties can assist in ensuring an annual Firewise Day takes place and can help fund or support local wildfire mitigation projects. See [www.firewise.org/usa](http://www.firewise.org/usa) for more information about eligible activities in residential communities and a wide variety of examples of community activity around the nation.

***Q: To what extent may a county authorize a Fire Safe Council to use funds that it receives under title III of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 110-343, October 3, 2008) (SRS Act)?***

A Fire Safe Council may utilize funds received by a county under title III of the SRS Act to the extent the Council is implementing the Firewise Communities program or developing a community wildfire protection plan.

Section 302(a) of title III of the current SRS Act specifies that a county that has allocated money for title III projects shall use the county funds as follows:

- . . . in accordance with this title [III], *only*-
- (1) to carry out activities under the Firewise Communities program to provide homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;
- (2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are-
  - (A) performed on Federal land after the date on which the use was approved under subsection (b);
  - (B) paid for by the participating county; and
- (3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.” (emphasis added.)

Under section 302(a)(1), wildfire mitigation activities are limited to education and action on private land in neighborhoods, subdivisions, small towns and similar communities as described by the Firewise Communities program. See below for more details on these activities.

A community wildfire protection plan is defined in section 101(3) of the Healthy Forests Restoration Act of 2003 (Public Law No. 108-148, December 3, 2003), with specific content and a process for development.