

Wildfires and Declarations: An Overview

Fire Management Assistance Grant Declarations

The Fire Management Assistance Grant (FMAG) program is FEMA’s primary method to assist state, local, tribal, and territorial (SLTT) governments responding to wildfires. Under the FMAG program, FEMA provides assistance in the form of grants to SLTT government jurisdictions¹ for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster. While an FMAG may be approved, to receive reimbursement, the state or territory must demonstrate that the fire meets the fire cost threshold for the calendar year.

Under an FMAG declaration, costs may be grouped into two categories: Category B - Emergency Protective Measures and Category H - Fire Suppression Activities.

Category B (Emergency Protective Measures) costs when assistance is directly related to the mitigation, management, or control of the declared fire:

- Costs for police barricading and traffic control;
- Costs for extraordinary emergency operations center expenses;
- Costs for evacuation and sheltering (people, household pets, and service animals);
- Costs for search and rescue and emergency medical care;
- Costs for public information dissemination to inform people what to do during the declared fire;
- Costs for limited removal of burned or unburned trees (e.g., snags) that pose a threat to the safety of the general public;
- Costs for arson patrol and investigation teams operating during the incident period of the declared fire when there is a clear continuing threat; and

¹ See <https://www.ecfr.gov/current/title-44/section-204.3> for definitions applicable to SLTT jurisdictions regarding which are considered recipients, applicants, or sub-recipients.



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- Costs for urgent and immediate actions to secure and protect evidence that faces imminent destruction or prevent a suspect's imminent escape (when negligence or intentional setting of the fire is suspected).

Category H (Fire Suppression Activities) costs:

- Limited costs for the pre-positioning of federal, out-of-state, and international resources for up to 21 days before the date of declaration, as approved by the FEMA Regional Administrator;
- Costs for equipment and supplies to include the repair or replacement of equipment and supplies damaged or destroyed by firefighting activities;
- Costs for field camps and meals in lieu of per diem;
- Costs for personal comfort and safety items required for firefighter health and safety;
- Costs for the mitigation, management, and control of declared fires burning on co-mingled state and federal land, when such costs are not reimbursable by another federal agency;
- Costs for the temporary repair of damage caused by firefighting activities completed within 30 days of the incident period end-date; and
- Costs for mobilization and demobilization.

Post-fire recovery and mitigation activities are not eligible under the FMAG program; however, post-fire mitigation grant assistance is available through FEMA's Hazard Mitigation Grant Program (HMGP) after an FMAG declaration is received.

Pursuant to Title 44 in the Code of Federal Regulations (C.F.R.) § 204.22, governors and governors' authorized representatives (GAR) of states and territories are the only officials authorized to request FMAG declarations. Federally recognized Indian tribal governments, or Tribal Nations, are not authorized to make FMAG declaration requests at this time. While Tribal Nations typically receive fire suppression assistance through other federal agencies, they may seek assistance as a grant recipient or as a subrecipient under a declared state FMAG if the requested assistance is not available from another federal source. A Tribal Nation acting as a recipient assumes all responsibilities of a "state" for the purpose of administering the grant. The FMAG program federal cost share is 75 percent, which cannot be adjusted, and the non-federal cost share is 25 percent.

Evaluating Requests for Emergency or Major Disaster Declarations for Wildfires

FEMA generally does not recommend an emergency or major disaster declaration for a wildfire unless the fire has significant impacts and costs that the FMAG program cannot address. For example, Direct Federal Assistance (DFA) is not currently authorized for FMAG declarations. Therefore, a state or territory may ultimately deem it necessary to request an emergency or major

disaster declaration in response to a wildfire (or wildfire threat) to save lives, protect property, maintain public health and safety, or lessen or avert the threat of a catastrophe, to obtain the necessary assistance available through DFA.

When evaluating a request for a major disaster declaration as a result of a wildfire, FEMA does not use costs that are eligible, or could have been eligible, under an FMAG declaration to meet the Public Assistance (PA) program's statewide or countywide per capita indicators for the wildfire major disaster declaration. For FEMA to recommend that the President declare an emergency, the request must meet the language under 44 C.F.R. § 206.37(c)(2). To declare a major disaster, the request must meet the language under 44 C.F.R. § 206.37(c)(1) and the factors in 44 C.F.R. § 206.48.

If the President approves an emergency or major disaster declaration in addition to an FMAG declaration, the recipient may claim eligible costs under the most appropriate declaration. The recipient must ensure that costs claimed under one declaration type are not also claimed and reimbursed under the other declaration. In the case of a major disaster declaration for a wildfire that received an FMAG declaration, FEMA generally funds all costs related to the fire incident under the PA program for efficiency in administration of assistance, to avoid a duplication of benefits between programs, and to maximize the recipient's funding under HMGP.

Emergency Declarations for Wildfire Incidents

The President can declare an emergency for any occasion or instance when they determine federal assistance is needed to supplement SLTT efforts and capabilities to save lives; protect property, public health, and safety; or to lessen or avert the threat of a catastrophe.

Under an emergency declaration, both PA and Individual Assistance (IA) may be authorized in limited capacities. Under PA, only PA Categories A (debris removal) and B (emergency protective measures) may be authorized. PA Categories C-G (permanent work) are not available under an emergency declaration. Emergency declarations often include only Category B and will typically be limited to DFA, absent damage assessments showing significant need for financial assistance. This assistance is generally provided on a 75 percent federal, 25 percent non-federal cost sharing basis.

The Individuals and Households Program (IHP) and the Crisis Counseling Assistance and Training Program (CCP) are the only forms of IA that may be authorized under an emergency declaration. Authorization of IHP under an emergency declaration is rare. Housing Assistance under IHP is provided at a 100 percent federal share, while other needs assistance under IHP requires a 25 percent non-federal cost share. For emergencies declared on or after December 23, 2022, CCP may be requested. HMGP is not available for emergency declarations.

Major Disaster Declarations for Wildfire Incidents

The President can declare a major disaster for any natural event or, regardless of cause, any fire, flood, or explosion, that they determine has caused damage of such severity that it is beyond the capabilities of SLTT governments to respond. Damage assessments are required for major disaster

declaration requests; however, FEMA may temporarily waive the requirement for a joint preliminary damage assessment (PDA) for those incidents of unusual severity and magnitude.

A major disaster declaration provides an opportunity to obtain a wide range of federal assistance for individuals and public entities and eligible private and non-profit organizations. Assistance programs provide funds for impacts to individuals and households and for debris removal, emergency protective measures, and permanent infrastructure repair work. Not all programs are activated for every disaster. The determination of which programs are authorized is based on the types of assistance specified in the governor’s or Tribal Chief Executive’s request and the extent of needs identified during joint PDAs. FEMA assistance approved under a major disaster declaration may include IA, PA, and/or HMGP.

Table 1: Side by Side Comparison of Emergencies, Major Disasters, and FMAGs

| | Emergency | Major Disaster | FMAG |
|--|--|---|------------------------|
| Declared By | President | President | Regional Administrator |
| Preliminary Damage Assessment (PDA) Required | No | Yes PDAs may be waived under specific circumstances. | No |
| Cost Share Adjustment Eligible | Yes | Yes | No |
| Individual Assistance | Individuals and Households Program and Crisis Counseling Assistance and Training Program, in rare circumstances. | Yes | No |
| Sheltering | Yes | Yes | Yes |
| Public Assistance (PA) Category A: Debris Removal | Yes | Yes | No |
| PA Category B: Emergency Protective Measures | Yes | Yes | Yes |
| PA Categories C-G: Permanent Work | No | Yes | No |
| Fire Management Assistance Grant Category H: Fire Suppression | No | No | Yes |

| | Emergency | Major Disaster | FMAG |
|---|----------------------------|--|--|
| Damage Repair to Unimproved Property Caused by Firefighting Activities | No | No | Yes Within 30 days of the end of incident period. |
| Damage Repair to Improved Property Caused by Firefighting Activities | If Category B is approved. | Yes | Yes |
| Hazard Mitigation Grant Program Funding | No | Yes 15 percent (standard plan) / 20 percent (enhanced plan) | Yes Fixed monetary amounts. |