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<http://www.blm.gov/or/rac/ctypayracinfo.php>

## FAQs for Title III-County Funds

### Where can I find the text of title III of the reauthorized Act?

The text of The Secure Rural Schools Act title III as amended in Public Law 112-141 is posted on the Other Categories/Links section of the web site at a Quick Link, [Reauthorized Secure Rural Schools and Community Self-Determination Act of 2012](#) .

### Authorized Uses –Section 302(a)

#### Did the authorized uses of title III funds change when the Act was reauthorized in July 2012 (Public Law 112-141)?

No. The authorized uses in the reauthorized Secure Rural Schools Act have not changed compared to the 2008 Act (Public Law 110-343).

Since October 2008, section 302(a) has provided that a participating county shall use title III county funds only –

- To carry out activities under the Firewise Communities program to provide to 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;
- To reimburse the participating county for search and rescue and other emergency services, including firefighting, that are performed on national forests 45 days after the date on which the use was published as required in section 302(b) and that are paid for by the participating county; and
- To develop community wildfire protection plans in coordination with the Bureau of Land Management (BLM) acting on behalf of the Secretary of Interior.

However, going forward, we have revised our guidance regarding the authorized uses of title III funds. The revisions are a result of recommendations made by the Government Accountability Office (GAO) report entitled, “Payments to Counties: More Clarity Could Help Ensure County Expenditures Are Consistent with Key Parts of the Secure Rural Schools Act (GAO-12-775, July 2012). GAO recommended that the BLM provide clear guidance specifying types of allowable county uses of title III funds to help counties make appropriate decisions regarding these funds. The entire GAO report may be viewed at <http://www.gao.gov/products/GAO-12-775>

Title III funds become county funds after the federal government makes payments to the state which, in turn, distributes the payments to the county. To determine the appropriate use of funds going forward, county officials should review the revised guidance, which clarifies the authorized uses of title III funds, and confer with county legal counsel.

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## Authorized Uses – Firewise Communities Program (Section 302(a)(1))

### What activities may be carried out under the Firewise Communities program?

The Act is very specific. Consistent with the GAO report, our guidance has been revised to clarify that a county's use of title III funds for Firewise activities must be limited to providing fire-related education or assistance to homeowners. A county may only spend title III funds to carry out activities under the Firewise Communities program that provide fire-related education or wildland fire mitigation assistance to homeowners. Specifically, section 302(a)(1) authorizes title III funds to be spent on Firewise Communities program activities that 1) **educate homeowners** in fire-sensitive ecosystems about techniques in siting (positioning or locating) a home, constructing a home, landscaping and maintenance around a home that will decrease the risk of injury or death and decrease the risk of damage or destruction of a home as a result of a wildfire in the area surrounding a home, or 2) **assist homeowners** in implementing these techniques.

Examples of education assistance to homeowners include:

- Disseminating Firewise information with door hangers, print or radio advertisements;
- Making Firewise information available at community events;
- Holding Firewise educational workshops;
- Creating or distributing videos on Firewise principles related to the home ignition zone and fire-resistant building materials; and
- Outfitting and staffing Firewise trailers or mobile units to educate homeowners about the Firewise principles related to the home ignition zone and fire-resistant building materials.

Examples of mitigation assistance to homeowners include:

- Assisting communities with Firewise planning, including conducting a Firewise community assessment;
- Hosting "clean-up days" to encourage homeowners to remove brush and other vegetation from around their homes;
- Assisting communities with applications for Firewise Communities recognition;
- Providing grants or partial funding for removal of vegetation from around homes;
- Salary and transportation costs for youth crews removing vegetation from around homes;
- Supervision, transportation and related costs for parolees or prisoners removing vegetation from around homes; and
- Providing chippers to treat hazardous vegetation within the home ignition zone.

Examples of activities **not authorized** by section 302(a)(1) include:

- Clearing vegetation along emergency evacuation routes;
- Clearing vegetation from county lands, parks, schools or cemeteries or other larger swaths of land not directly associated with home siting;

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- Clearing fuel breaks or removing understory vegetation from large linear areas surrounding communities beyond 200 feet from homes.
- Purchasing address and street signs to make it easier for firefighters and emergency responders to locate homes, cabins and businesses;
- Updating a 911 emergency response system;
- Purchasing or installing water tanks or hydrants to be used for fire suppression;
- Purchasing or installing fire danger signs to display the current level of wildland fire danger;
- Educating youth about the Firewise program and other issues related to wildland fire; and
- Purchasing informational materials and supplies to be used to educate people about the larger issues of wildland fire beyond the home ignition zone.

### **May a county expend title III funds for Firewise activities in communities that are not a Firewise Communities/USA Recognized Site?**

Our guidance also has been revised to clarify the communities in which a county may use title III funds for Firewise activities. Section 302(a)(1) limits authorized activities to those activities “under the Firewise Communities program.” We interpret this language as limiting a county’s use of title III funds to the following activities:

- Activities carried out in a community that is Firewise Community/USA Recognized Site.
- Activities carried out by a community to become recognized as a Firewise Communities/USA Recognized Site.
- Activities necessary to renew recognition as a Firewise Communities/USA Recognized Site.

Activities aimed at recognition or renewal should occur within 12 months or less of recognition or renewal to be authorized uses of title III funds.

Counties are not eligible for recognition as a Firewise Community/USA Recognized Site under the Firewise Community Program. However, counties can successfully support small communities, subdivisions and neighborhoods in their jurisdictions in the recognition process. To become recognized, communities must 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.

A county may use title III funds in providing assistance or support of a community’s Firewise Communities/USA recognition process, including:

- Conducting or assisting with community assessments;

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- Helping the community create an action plan;
- Assisting with an annual Firewise Day;
- Assisting with treating vegetation within the home ignition zone; 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 as a Firewise Community/USA Recognized Site. Counties can assist in ensuring an annual Firewise Day takes place and can help fund or support projects in the home ignition zone to make homes less vulnerable to wildfires. See [www.firewise.org/usa](http://www.firewise.org/usa) for more information about the recognition program.

### **Can title III funds be used to remove hazardous fuel along roads that provide access to homes in the wildland urban interface?**

No. Section 302(a)(1) specifies that the activities are to be oriented around homes. Only fuel removal from the roadside within the home ignition zone (i.e., within 200 feet of a home) would be an authorized use. Treatments beyond 200 feet from a home would not be considered to be in the home's ignition zone and therefore not authorized uses of title III funds.

### **What is the home ignition zone?**

The Firewise Communities/USA Program describes the home ignition zone to be the house and its immediate surroundings within 100 to 200 feet. Within this distance, removal of flammable items such as dead vegetation will help prevent flames from contacting the home, and reducing the volume of live vegetation will reduce the intensity of a wildfire as it enters the home ignition zone.

Research cited on and linked to the Firewise Communities/USA web site (<http://www.firewise.org/Information/Research-and-Guidance.aspx>) indicate that fuel removal and fire-safe landscaping treatments up to 40 meters (approximately 130 feet) from the home decrease the chance of the home igniting during a wildfire.

The implication is treatments beyond 100-200 feet are not likely to be cost-effective in reducing wildfire risks to the home. Other factors such as construction materials and design of the home itself are also important.

### **Authorized Uses – Reimbursement for Emergency Services (Section 302(a)(2))**

#### **Can title III funds be spent to reimburse a participating county for search and rescue or other emergency services performed on National Park Service or Bureau of Land Management lands?**

No. Emergency services that are reimbursed with title III funds must be performed only on national forests and certain Bureau of Land Management (BLM) lands in Oregon.

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Title III funds may be used to reimburse a participating county for emergency services on Federal land as defined in the Act. The Act's definition of Federal lands does not include national grasslands, national parks, wildlife refuges, BLM public domain lands or other lands administered by the Department of the Interior except for revested Oregon and California Railroad (O&C) and reconveyed Coos Bay Wagon Road grant lands administered by the BLM in western Oregon.

### **What are examples of emergency services?**

The Secure Rural Schools Act specifically cites search and rescue and firefighting as examples of emergency services. Other examples include responding to flooding, tsunamis, landslides, avalanches, tornadoes or other high-wind events, and medical emergencies to provide first-aid or to prevent risk of human injury or death or damage to property. The response must take place during or immediately following the emergency event.

Routine sheriff's patrols of national forest roads and campgrounds, clean-up after a flood event, "mop-up" after a wildfire is contained and similar follow-up actions not carried out during or immediately following the emergency event are not emergency services as envisioned in the Secure Rural Schools Act.

### **May title III funds be used for planned marijuana eradication or other illegal drug law enforcement activities?**

No. Law enforcement activities planned in advance are not emergency services under the Act.

### **What search and rescue and other emergency services, including firefighting, may be reimbursed using title III funds?**

Section 302(a)(2) provides that title III funds may be used to reimburse counties for search and rescue and other emergency response activities performed on national forests and the specified BLM lands in western Oregon and paid for by the county. Specifically, the following expenses paid for by the county may be reimbursed in proportion to the amount attributable to emergency services performed on a national forest or the specified BLM lands:

- Salary or wages of emergency response personnel deployed during an emergency response.
- Replacement of equipment, material and supplies expended, damaged or destroyed during an emergency response.
- Repair of equipment damaged during an emergency response.
- Maintenance of vehicles, equipment, and facilities during an emergency response.

### **What are examples of search and rescue and other emergency services expenses that may not be reimbursed?**

Expenses related to the general enhancement of the capacity to provide search and rescue and other emergency services are not reimbursable under section 302(a)(2). Section 302(a)(2) does not authorize

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the use of title III funds for expenses incurred in preparation for or in anticipation of providing emergency services.

Specifically, the following uses may be not be reimbursed:

- Purchase of capital equipment such as the purchase of a fire engine, a search-and-rescue snowmobile, or other emergency response equipment.
- Expenses for capital improvements such as construction of a fire station or emergency services dispatch center.
- Purchase of land (real estate) such as for a fire station or an airport to be used primarily for fire suppression on national forest and other nearby forested lands.
- Maintenance or upgrade of an airport, dispatch center or other facility used primarily for emergency services.
- Repair or reconstruction of a road after a storm event.
- Salary or wages of fire patrols or emergency response personnel during routine duties and scheduled patrols.
- Maintenance or operating costs of fire patrol and emergency response equipment during routine duties and scheduled patrols.
- Expenses of training personnel to respond to emergencies on national forests.
- Expenses of equipment and supplies to be kept on hand for response to emergencies on national forests.
- Expenses of non-disposable personal protective equipment and electronic aids such as GPS devices in anticipation of responding to emergencies.
- Development or maintenance of a 911 emergency system.

**May a county use title III funds to purchase communication equipment for a 911 emergency response system or for the development of a 911 emergency system including mapping of county roads, naming roads, locating structures and improvements on mapping system, developing data bases for emergency 911 system?**

No. Section 302 of the Act does not authorize the purchase of equipment for 911 emergency systems. Title III funds may not be used for the development or maintenance of a 911 emergency response system.

Relevant data gathered during an authorized use such as a Firewise Communities program community assessment or as part of the development of a community wild fire protection plan in coordination with the Forest Service may be shared with 911 system administrators.

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## **Authorized Uses – Community Wildfire Protection Plans (Section 302(a)(3))**

**Section 302(a)(3) authorizes title III funds for developing a community wildfire protection plan. Does "developing" include monitoring and updating the community wildfire protection plan?**

A community wildfire protection plan is defined in section 101(3) of the Healthy Forests Restoration Act of 2003 (Public Law 108-148) (HFRA), with specific content and a process for development.

Monitoring and updating an existing community wildfire protection plan is a reasonable interpretation of "developing" a plan in a dynamic environment where vegetation and other landscape conditions are continuously changing through natural processes or through human activity. To remain effective, community wildfire protection plans need to be monitored and updated.

**Can title III funds be spent on planning protection of communities not directly adjacent to national forest lands but adjacent to other federal lands?**

Community wildfire protection plans (CWPPs) have various footprints and often address lands not directly adjacent to national forests that share the same "fireshed" as national forest lands. The Secure Rural Schools Act requires that the community wildfire protection plans be prepared in coordination with the Secretary concerned or designee of that Secretary. If Forest Service personnel are involved in the development of a community wildfire protection plan that addresses national forest lands and other federal, state, county, municipal, tribal or private lands, all within the same fireshed, title III funds could be used to fund the planning.

If BLM personnel are involved in developing or updating a community wildfire protection plan that addresses O&C and Coos Bay Wagon Road lands and other federal, state, county, municipal, tribal or private lands, all within the same fireshed, title III funds received from the BLM may be used to fund the planning.

**Can title III funds be used for hazardous fuel reduction projects that are identified in an approved community wildfire protection plan?**

Activities to implement a community wildfire protection plan are generally not authorized uses of title III funds; they must be funded from other sources. For example, creating fuel breaks outside the home ignition zone, creating water sources for fire-fighting purposes, and establishing a 911 emergency response system are separate from the development of the plan and are not authorized uses of title III.

Title III funds may be used to assist homeowners in reducing hazardous fuels only within the home ignition zone. Other fuel reduction treatments called for in the community wildfire protection plan must be funded from other sources.

Activities recommended in a community wildfire protection plan located on or benefiting BLM lands may be considered by resource advisory committees for funding under title II.

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### **Can title III be used to fund community wildfire protection plans without coordination with the Secretary concerned?**

No. The Act specifically requires community wildfire protection plans developed with title III funding to be coordinated with the Secretary concerned. Title III may be used to fund the development or updating of a community wildfire protection plan in coordination with Forest Service or BLM personnel, as appropriate to the source of the title III payment, acting on behalf of the Secretary for the purpose of this section of the Act.

## **Publishing and Notification of Proposed Uses of Title III Funds (Section 302(b))**

### **What are the requirements for publication of proposed uses of title III funds?**

A participating county may use title III funds for authorized uses only after providing for a 45-day public comment period. The comment period is initiated by the county's publication of a description of the proposed use in a publication of local record.

The BLM recommends that the county keep a copy or other verification of the publication of its proposed uses of title III in its records.

### **Is the expense of publishing the county's description of the proposed use of title III funds an authorized use of title III funds?**

Yes.

### **Is the county required to notify the local resource advisory committee about proposed uses of title III funds?**

If there is a Secure Rural Schools Act resource advisory committee established under title II of the Act with jurisdiction in the county, the county must also submit the proposal to the committee at the beginning of the public comment period.

### **How does the county submit its proposed use of title III funds to the resource advisory committee?**

The county may transmit the description of the proposed use to the committee's designated federal official, who will forward the description to the committee members and enter it into the committee's records.

### **What is the role of the resource advisory committee in approving title III projects?**

Resource advisory committees have no authority to review, recommend or approve title III project proposals. The county is not required to obtain the approval of the committee before implementing a title III project. Individual committee members may respond to the county's publication of proposed projects as would any other member of the public.

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### **What is the role of the public in approving title III projects?**

The Act does not address the role of the public or the process for receiving and responding to the county's proposed use of title III. State and local laws and policies govern the county's procedures for public notification of its intended actions and responding to public comment on proposed actions.

### **Is a participating county required to inform the federal government in advance of its expenditure of title III funds?**

The Secure Rural Schools Act does not require the county to notify the federal government of its plans to use title III funds before making the actual expenditures. A county that receives title III funds is required to report, after the fact, the expenditure of title III funds in an annual certification. See more detail in the section titled **Certification** on the Forest Service's website.

### **How can a county participating in title III comply with publication and notification requirements in section 302(b) when the proposed use is for emergency services that are unplanned events and cannot be predicted?**

The county can publish its intention to reserve title III funds to reimburse for qualifying emergency services and the amount it will reserve, estimated from past experience.

## **Annual certification of expenditures of title III funds (Section 303)**

### **How does a participating county certify its title III expenditures?**

The certification may be in the form of conventional correspondence such as a letter and, at the option of the certifying official, attached tables, or similar graphic display. Alternatively, the certification may employ the optional form **OMB 0596-0220**. The certification may be submitted by hard copy, and/or electronically scanned, and included as an attachment to electronic mail. See more detail in the web site section titled **Certification** on the Forest Service's website.

### **Does the reauthorization in P.L. 112-141 make any changes to the requirement that a county to annually certify amounts of title III funds expended for authorized uses?**

The reauthorization did not make any changes in this requirement. In response to the GAO report, the BLM will revise the certification procedures to require that counties also report the amount of title III funds that were unobligated by September 30 each year.

### **How does a participating county certify its title III expenditures when it receives title III funds from both the Forest Service and BLM?**

Certain counties in Oregon receive title III payments initiated by both the Department of Agriculture and the Department of the Interior. If the county received Secure Rural Schools Act title III payments from more than one agency, the county must **certify separately** to each Secretary regarding the payments initiated by that agency.

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## **Termination of Authority (Section 303)**

### **What is the deadline to initiate title III projects?**

The authority to initiate title III projects terminates September 30, 2012. This deadline applies to title III funds received for fiscal years (FY) 2008-2011 as well as those to be received for FY2012.

### **How does the county initiate a title III project?**

The county's initiation of a title III project must be documented. For the purposes of title III, a project may be considered to be initiated at a point in time before the county publishes its intention to use title III funds for an authorized project in a publication of local record as required in section 302(b). The BLM recommends that the county document its initiation of title III projects in the meeting minutes of its county governing body (e.g. board of commissioners) which reflect the county's agreement to use the funds for the authorized uses in title III.

### **What is the deadline to obligate title III funds?**

The authority to obligate title III funds terminates September 30, 2013. This deadline applies to title III funds received for FY 2008-2011 as well as those to be received for FY2012. Title III funds not obligated for authorized uses by September 30, 2013 must be returned to the U.S. Treasury. The BLM recommends that a county's procedure for and documentation of its obligation of title III funds be consistent with its procedures for obligating funds from other federal sources.