§ 204.22 Submitting a request for a fire management assistance declaration.

The Governor of a State, or the Governor’s Authorized Representative (GAR), may submit a request for a fire management assistance declaration.

§ 204.21 Fire management assistance declaration criteria.

(a) Determinations. We will approve declarations for fire management assistance when the Administrator determines that a fire or fire complex threatens such destruction as would constitute a major disaster.

(b) Evaluation criteria. We will evaluate the threat posed by a fire or fire complex based on consideration of the following specific criteria:

(1) Threat to lives and improved property, including threats to critical facilities/infrastructure, and critical watershed areas;

(2) Availability of State and local firefighting resources;

(3) High fire danger conditions, as indicated by nationally accepted indices such as the National Fire Danger Rating System;

(4) Potential major economic impact.

§ 204.22 Submitting a request for a fire management assistance declaration.

The Governor of a State, or the Governor’s Authorized Representative (GAR), may submit a request for a fire management assistance declaration.
§ 204.23 Processing a request for a fire management assistance declaration.

(a) In processing a State’s request for a fire management assistance declaration, the Regional Administrator, in coordination with the Principal Advisor, will verify the information submitted in the State’s request.

(b) The Principal Advisor, at the request of the Regional Administrator, is responsible for providing FEMA a technical assessment of the fire or fire complex for which the State is requesting a fire management assistance declaration. The Principal Advisor may consult with State agencies, usually emergency management or forestry, as well as the Incident Commander, in order to provide FEMA with an accurate assessment.

[75 FR 50715, Aug. 17, 2010]

§ 204.24 Determination on request for a fire management assistance declaration.

The Administrator will review all information submitted in the State’s request along with the Principal Advisor’s assessment and render a determination. The determination will be based on the conditions of the fire or fire complex existing at the time of the State’s request. When possible, the Administrator will evaluate the request and make a determination within several hours. Once the Administrator renders a determination, FEMA will promptly notify the State of the determination.

[75 FR 50715, Aug. 17, 2010]

§ 204.25 FEMA–State agreement for fire management assistance grant program.

(a) After a State’s request for a fire management assistance declaration has been approved, the Governor and Regional Administrator will enter into a standing FEMA–State Agreement (the Agreement) for the declared fire and for future declared fires in that calendar year. The State must have a signed and up-to-date FEMA–State Agreement before receiving Federal funding for fire management assistance grants. FEMA will provide no funding absent a signed and up-to-date Agreement. An Indian tribal government serving as Grantee, must sign a FEMA–Tribal Agreement, modeled upon the FEMA–State Agreement.

(b) The Agreement states the understandings, commitments, and conditions under which we will provide Federal assistance, including the cost share provision and articles of agreement necessary for the administration of grants approved under fire management assistance declarations. The Agreement must also identify the State legislative authority for firefighting, as well as the State’s compliance with the laws, regulations, and other provisions applicable to the Fire Management Assistance Grant Program.

(c) For each subsequently declared fire within the calendar year, the parties must add a properly executed amendment, which defines the incident period and contains the official declaration number. Other amendments modifying the standing Agreement may be added throughout the year to reflect changes in the program or signatory parties.

§ 204.26 Appeal of fire management assistance declaration denial.

(a) Submitting an appeal. When a State’s request for a fire management assistance declaration is denied, the Governor or GAR may appeal the decision in writing within 30 days after the date of the letter denying the request. The State should submit this one-time request for reconsideration in writing, with appropriate additional information to the Administrator through the