

Texas Forest Service

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Agency at a Glance

Created in 1915 as part of the Texas A&M University System, the Texas Forest Service (TFS) assists landowners and communities with the management and protection of forests and trees. Originally focusing on the forests of East Texas, TFS has established a statewide presence over the last 20 years. TFS' mission is to ensure the State's forests, trees, and related resources are sustained for the benefit of all. To accomplish this mission TFS carries out the following activities:

- offers technical assistance and grants to landowners and communities to help with sustainable forestry practices and to ensure the overall health of forests and trees;
- provides personnel and grant funding to help volunteer firefighters suppress wildland fires and fires occurring where communities interface with wildlands; and
- responds to incidents such as hurricanes and floods and trains teams of local emergency response staff.

Summary

The demands and expectations placed on the Texas Forest Service have grown enormously since its establishment within the Texas A&M University System almost 100 years ago. The agency has always been responsible for forest resource management and wildland firefighting, but possible duplication of many of the agency's forestry activities with other agencies raises questions about the need for these forestry activities, at least under the current organizational structure. Also, in the last 20 years TFS has been directed to perform its duties statewide, not just in East Texas. The additional duty of responding to other disasters such as hurricanes and floods has tested the agency's ability to continue delivering high quality services with its relatively small staff. While some variation in service delivery makes sense given the diversity of the Texas landscape from East Texas pine plantations to West Texas ranchland, the agency's current organizational structure affects its ability to successfully expand statewide.

The Texas Forest Service has grown from its East Texas roots into a statewide agency.

Other aspects of TFS' operations may affect its overall ability to prevent and respond to wildland fires across the state. Differences in the agency's authority to take action needed to respond to fires, depending on where in

the state they occur, affect TFS' ability to develop a more seamless approach to wildland fires. Likewise, the lack of a detailed wildfire protection plan impedes the Legislature's efforts to budget and plan for protecting Texans from wildland fires. Also, the inability to more fully integrate the volunteer fire service in TFS' fire response efforts may continue the need for costly out-of-state firefighters during severe fire seasons that exceed local or regional capacity.

Issue 1

Texas Has a Continuing Need for the Texas Forest Service.

The State has a continuing need for statewide forestry, wildland firefighting support, and all-hazard emergency response programs provided by TFS. However, the Sunset Commission questioned the appropriateness of TFS' ownership and management of state forest lands and its West Texas Nursery. The Commission also expressed concern about possible overlap of TFS forestry-related services with other agencies' services and the need for TFS to continue performing these functions. The Commission concluded that more analysis is needed to help the 82nd Legislature decide what, if anything, should be done to relocate these programs.

Recommendations

Change in Statute

1.1 Continue the Texas Forest Service at Texas A&M University System for 12 years.

This recommendation would continue TFS as an agency at Texas A&M University System for the standard 12-year period and provide for continuing Sunset review of the agency. TFS' statute would clearly authorize the agency's all-hazard emergency management functions of training regional response teams and maintaining a response team composed of its own staff.

Management Action

1.2 Direct TFS to participate in studies of the feasibility and fiscal impact of changing TFS' ownership of state forest lands and the West Texas Nursery.

In response to this recommendation, the Forest Service will be working with the Texas Parks and Wildlife Department to determine the impact of transferring state forests. The Forest Service will also be working with the Council on Competitive Government to determine the impact of selling the West Texas Nursery. The agencies must report the results of their studies to the Sunset Commission by March 2011 so that the Legislature can make any needed changes to the agencies' statutes or appropriations during the 2011 session.

1.3 Direct the Texas Department of Agriculture (TDA) to study the feasibility and fiscal impact of transferring TFS' forestry programs to TDA.

This recommendation directs the Texas Department of Agriculture to study the feasibility of transferring TFS' forest inventory analysis, forest economics and resource analysis, forest pest management programs, and any other appropriate forestry programs to TDA. In addition, TFS should study and report on any overlap between TFS and county extension agents in providing forestry-related services. The results of these studies must be reported to the Sunset Commission by March 1, 2011 so that the Legislature can make any needed changes to the agencies' statutes or appropriations during the 2011 session.

Issue 2

The Texas Forest Service Struggles to Organize Itself Effectively as a Statewide Agency.

The Texas Forest Service's statutory responsibilities require it to balance responding to wildfires and managing forest resources. Although it has met these responsibilities, TFS has struggled over the last decade to organize itself effectively as it establishes itself as a statewide presence. In many respects, this struggle is reflected in problems with TFS' division of the delivery of its programs between forestry and firefighting, and between East Texas and Central/West Texas. Also, with 52 field offices, TFS appears to have an unwieldy field structure that may be more than what is needed to support its operations.

Recommendations

Management Action

2.1 TFS should evaluate its organizational structure to develop a more comprehensive statewide approach to delivering its services.

This recommendation directs the agency to evaluate its organizational structure, including delivery of programs, lines of supervision, and the location of programs. This evaluation should account for the agency's future statewide growth and the delivery of both forestry and firefighting programs to maximize efficient use of staff. In conjunction with Recommendation 2.2, this evaluation should also consider the appropriate location of field offices statewide to support the agency's operations. TFS could also consider establishing a common set of regional boundaries for its programs across the state. TFS should report the results of this evaluation to its governing body, the A&M University System Board of Regents, along with proposed alternative organizational structures to improve the agency's effectiveness. Any organizational changes should include consideration of mobilization of staff and assets during wildfires and other emergency responses.

2.2 Direct TFS to reduce the current number of its field offices, collocating staff with other public agencies when possible.

As a management action, TFS should assess its current field office structure and reduce its current number of field offices. The recommendation does not require TFS to reduce its personnel, but directs the agency to collocate its staff with those of other public agencies when possible.

2.3 Direct the agency to cross-train program delivery staff in both firefighting and forestry programs, as appropriate.

The agency should emphasize cross-training for more staff across the state, making more efficient use of limited staff. This cross-training should account for seasonal changes in both firefighting and forestry programs to maximize the availability of staff during important periods in each program. TFS should consider assigning staff primary designations in firefighting or forestry programs, with secondary support designations in the other division.

Issue 3

The Texas Forest Service Lacks Clear Authority for Its Wildfire Response and Planning Role.

The Texas Forest Service is the State's lead agency for helping communities prevent wildfires and for assisting local fire departments with protecting Texans and their property when fires break out. Wildfires are a significant threat beyond East Texas, but statute authorizing TFS to respond to these fires has not kept pace with change. In addition, during severe fire seasons, TFS has, at times, brought in costly out-of-state firefighters when in-state volunteer firefighters could potentially have been used, if given appropriate incentives and training. Finally, while TFS has developed a Texas Wildfire Protection Plan, the plan is not formalized and lacks needed detail.

Recommendations

Change in Statute

3.1 Authorize TFS to take all necessary actions to respond to wildfires to help best protect communities.

This recommendation would clarify the agency's authority to take all needed actions to respond to wildfires as it currently does for forest fires. TFS would not be required to be the first and only responder to wildfires statewide, but would instead have the flexibility to develop and use the most appropriate protocols to ensure effective, unified state-local responses to wildfires.

3.2 Authorize TFS to involve the volunteer fire service in statewide wildfire response, and ensure these personnel have needed qualifications.

Under this recommendation, TFS would be authorized to develop a method for allowing volunteer firefighters to assist TFS with wildfire response when demands on local resources are exceeded, as determined by the agency. As part of the Texas Wildfire Protection Plan, the agency would work with stakeholders to determine the appropriate method for engaging the volunteer fire service as a resource, which could supplement resources available through the Texas Intrastate Fire Mutual Aid System. Similar to its practice of hiring seasonal employees, TFS would be authorized to reimburse volunteer personnel for their assistance at a rate the agency determines appropriate.

Under this recommendation, TFS would be directed to use the most cost-effective resource when considering using volunteer firefighters, seasonal, or out-of-state resources. Only trained, qualified volunteer personnel that choose to participate in a statewide pool would be eligible to be paid. TFS would also be authorized to issue National Wildfire Coordinating Group certifications to volunteer personnel receiving TFS training, and TFS could also recognize equivalent certifications issued by the State Firemen's and Fire Marshals' Association of Texas.

3.3 Require TFS to develop a Texas Wildfire Protection Plan to be reported to the Legislature.

Under this recommendation, TFS would be required to develop its existing conceptual plan into a more robust Plan with a sufficient level of detail to guide the State's approach towards managing wildfires. TFS should develop the Plan, and regularly update it, by holding public meetings to ensure stakeholders have the opportunity to participate in the Plan's development and adoption. The Plan should include elements such as a clear description of TFS' role in managing wildfires and supporting local fire department responses, and the role of the volunteer fire service; a full description of all expected sources

of revenues, expenditures, and staffing that support implementation of the Plan, and anticipated future funding needs; and the agency's role in conducting prescribed burning and an assessment of statewide efforts to conduct these burns.

As part of this recommendation, TFS would also be required to provide the Plan to the Lieutenant Governor, the Speaker of the House, and appropriate legislative oversight committees, to coincide with submittal of its Legislative Appropriations Request.

Issue 4

The Volunteer Fire Department Assistance Program Is Not Positioned to Best Serve the Texas Forest Service's Strategic Wildfire Protection Goals.

The Volunteer Fire Department (VFD) Assistance Program provides grant funds to the volunteer fire service to help ensure they have the training and equipment needed to safely respond to emergencies, which include the vast majority of wildfires in Texas. TFS has recently developed a risk assessment that pinpoints communities most at risk for wildfires and heavy losses, but the agency does not factor this information into funding decisions to more effectively target grant funds towards high risk communities. TFS also misses an opportunity to help smaller VFDs meet cost-share requirements for federal grants, and increase Texas' chances of drawing down more federal funds.

Recommendations

Change in Statute

4.1 Require TFS to include a criterion regarding wildfire risk and threat of loss to communities when awarding Volunteer Fire Department Assistance Program grants.

This recommendation would require TFS to account for risk factors such as wildfire occurrence, size, severity, and potential for loss when awarding assistance grants to eligible volunteer fire departments. This change would only add a criterion regarding wildfire risk to the criteria that TFS already considers when making assistance grant decisions. The added criterion is intended to shift the agency's consideration and not to change the focus or the purpose of the program from continuing to serve the general needs of volunteer fire departments. In implementing this recommendation, TFS should review all program policies, allocation formulas, and scoring criteria and modify as needed. As part of this process, TFS would work closely with stakeholders to help maintain an appropriate balance of funding between higher and lower risk areas of the state, but still meet the overall needs of Texas' volunteer fire departments, who also respond to non-wildfire incidents.

4.2 Authorize TFS to allocate a portion of its VFD Assistance Program funding to help volunteer fire departments meet cost-sharing requirements for federal grants.

Under this recommendation, TFS could make a small portion of VFD Assistance Program funding available to volunteer fire departments to meet Federal Emergency Management Agency and any other federal cost-share requirements. TFS would develop needs-based criteria such as department size, annual budget, and sources of revenues to determine which fire departments would benefit the most from this funding and qualify to apply. In implementing this recommendation, TFS would also provide information and guidance to fire departments to assist them with applying for federal grants.

4.3 Require TFS to adopt VFD Assistance Program rules and hold public meetings when making program decisions.

This recommendation would require the agency to develop and adopt a set of program policies and procedures through the rulemaking process. In addition, TFS would be required to hold public meetings when making decisions related to program administration, such as awarding grant funds and considering program changes. TFS would not, however, have to take public testimony with regard to the award of individual grants.

Management Action

4.4 TFS should make VFD Assistance Program information readily available to the public.

TFS should make available on its website program information such as the annual report, program changes suggested and adopted, waiting lists showing applicant status, updated funding lists, scoring criteria, and program rules.

4.5 TFS should streamline VFD Assistance Program administration by making better use of electronic communication.

This recommendation directs TFS to make the program more efficient by improving the use of electronic communication with VFDs to reduce paperwork, such as providing notice of grant receipt and approval by email, and creating an electronic application form.

Fiscal Implication Summary

None of these recommendations would have a fiscal impact, except one recommendation from Issue 4, as described below.

- **Issue 4** – Authorizing TFS to allocate a portion of its VFD Assistance Program grant funds to help smaller departments meet cost-share requirements for federal firefighter grants could potentially increase these federal funds drawn down for Texas by as much as \$4.5 million annually.