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November 10, 2026

Presidential Determination
No. 2027-03

MEMORANDUM FOR THE SECRETARY OF THE INTERIOR
THE SECRETARY OF AGRICULTURE
THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

SUBJECT: Presidential Determination Concerning Wildfire Suppression Activities in the United States

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 313 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323), I determine that it is in the paramount interest of the United States to exempt firefighting activities, including the aerial use, deployment, and discharge of fire retardants, conducted by the United States Forest Service, the Department of the Interior, and any other executive departments and agencies (agencies) and their contractors (aspects of which are the subject of litigation in *Forest Service Employees for Environmental Ethics* v. *U.S. Forest Service*, No. CV-22-168-M-DLC (D. Mont.)) from Federal, State, interstate, and local requirements, administrative authority, and process and sanctions respecting the control and abatement of water pollution.

Therefore, pursuant to subsection (a) of section 313 of the Federal Water Pollution Control Act, as amended (33 U.S.C. 1323(a)), I hereby exempt firefighting activities conducted by the United States Forest Service, the Department of the Interior, and any other agencies and their contractors, including the aerial use, deployment, and discharge of fire retardants, from Federal, State, interstate, and local requirements, administrative authority, and process and

sanctions respecting the control and abatement of water pollution; except that no exemption is hereby granted from the requirements of 33 U.S.C. 1316 and 1317.

The exemption granted by this memorandum shall be for the 1-year period beginning November 10, 2026, and ending November 10, 2027.

Nothing herein is intended to: (a) imply that in the absence of such a Presidential exemption, the Clean Water Act or any other provision of law would require the United States Forest Service or other agencies to obtain permits pertaining to the control and abatement of water pollution for the exempted operations; or (b) limit the applicability or enforcement of any other requirement of law applicable to the United States Forest Service, the Department of the Interior, or any other agencies and their contractors regarding such agencies' firefighting activities.

The Secretary of Agriculture is authorized and directed to publish this determination in the *Federal Register*.

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