



**Rebuilding After the Storm:  
Lessening Impacts and Speeding Recovery**

**Statement of**

**Brian Fennessy**

**Assistant Fire Chief for Emergency Operations**

**San Diego Fire-Rescue Department**

*presented to the*

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INTERNATIONAL ASSOCIATION OF FIRE CHIEFS  
4025 FAIR RIDGE DRIVE • FAIRFAX, VA 22033-2868

Good morning, Chairman Barletta, Ranking Member Carson, and members of the subcommittee. I am Brian Fennessy, Assistant Fire Chief for Emergency Operations of the San Diego Fire-Rescue Department. Today I am testifying on behalf of the International Association of Fire Chiefs (IAFC). Thank you for the opportunity to discuss the Federal Emergency Management Agency's (FEMA) role in helping communities respond to and recover from wildland fires.

The IAFC is a 501(c)(3) organization, which represents more than 11,000 chief fire and emergency medical services (EMS) officers. The IAFC's members are leaders in volunteer, career, and combination fire departments. As leaders of their agencies, they must plan and lead the response efforts to national-level emergencies, such as major wildland fires, as well as local-level events, such as hazardous materials spills, vehicle accidents, emergency medical responses and structure fires. I serve on the IAFC's Wildland Fire Policy Committee, which focuses on the growing problem of wildland fires.

### **The Growing Wildland Fire Problem**

In 2013, wildland fires impacted every state in the nation. There were more than 47,500 wildland fires in the United States, which burned roughly 4.3 million acres of land; 81% of these fires were caused by human actions and the remaining 19% of fires were caused by lightning strikes. At the federal level alone, these fires cost the U.S. Department of Interior (DOI) and the U.S. Department of Agriculture (USDA) more than \$1.7 billion to extinguish.

Local fire departments respond to all wildland fire incidents and work in coordination with federal firefighters from DOI and USDA's U.S. Forest Service (USFS) to respond to the largest fires. Nearly 97% of all wildland fire incidents are extinguished on the initial attack, a majority of them by local fire departments. The USFS estimates that the wildland fire suppression services provided by local fire departments have an estimated value of more than \$36 billion per year.<sup>1</sup> On non-federal property, local fire departments are the first to respond and the last to leave the scene.

The San Diego area is familiar with the threat of wildland fires. In October of 2003, three major fires burned in San Diego County resulting in 16 deaths including one firefighter; 3,241 structures destroyed; and suppression costs topping \$43 million. The Cedar Fire alone, at 273,246 acres, remains the largest fire in California history. Once again, in 2007, San Diego County experienced a fire siege that included seven large fires that consumed approximately 369,000 acres or about 13% of the county's total land mass. Additionally, the fires resulted in 2,655 structures destroyed; 10 civilian deaths; 23 civilian injuries; and 89 firefighter injuries. More than 6,200 fire personnel fought to control these fires. Just last spring, there were fourteen fires burning in San Diego County over a three-day period. The fires, in total, consumed approximately 26,000 acres, and destroyed 65 structures. The property damage exceeded \$29 million, not including costs associated with the fires on federal lands.

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<sup>1</sup> U.S. Forest Service, <http://www.fs.fed.us/fire/partners/vfa>

## **FEMA's role in the Response to and Recovery from Wildland Fires**

The primary federal agencies in the wildland fire arena are DOI and USFS. When fires take place on federal lands, these agencies are responsible for them. During an incident, DOI and USFS work with local public safety agencies to extinguish the fires and protect local communities. In addition, these agencies have programs, like the Volunteer Fire Assistance program, that work with state and local government agencies to mitigate, prepare for, and respond to fires on federal government property. For FY 2015, Congress appropriated \$2.3 billion to the USFS and \$804.8 million to DOI for wildland fire operations.

FEMA plays an important role in helping state and local agencies respond to and recover from wildland fires. One of its major tools is the Fire Management Assistance Grant (FMAG) program. The FMAG program is designed to provide matching funds to help communities control and extinguish fires. The FMAG program provides a 75% matching grant to states to offset the costs of utilizing eligible equipment and supplies; mobilizing and demobilizing state, tribal, and local response agencies; evacuating and sheltering the civilian population; repositioning resources; and other activities. Between 2006 and 2012, there were approximately 536 FMAG declarations.

FEMA also funds projects to mitigate the risk to public health and safety and vulnerable buildings from wildland fires. The Hazard Mitigation Grant Program (HMGP) can be used to protect communities from the threat of wildland fire. For example, HMGP funds can be used to create defensible space around residential and non-residential buildings; retrofit structures with ignition-resistant materials; and reduce hazardous fuels by thinning vegetation. While DOI and USFS programs are focused on forest management projects on federal lands to reduce wildland fires, FEMA is focused on reducing the risk to non-federal buildings and protecting civilian lives and property.

### **How FEMA Can Play a Larger Role in Improving the Recovery From Wildland Fires**

The IAFC does not advocate that FEMA duplicate or replace the existing DOI and USFS wildland fire suppression programs. However, we do think that FEMA can play a larger role in helping to recover from and mitigate the damage caused by wildland fires. We have a few recommendations that fall within FEMA's mission to protect civilian life and property.

#### **1) In the dynamic wildland fire environment, FEMA must use more flexibility in evaluating FMAG applications.**

An FMAG application has to be submitted while the fire is ongoing. However, local and state authorities are involved in a multitude of tasks while responding to a wildland fire incident (including fire suppression operations, evacuating and caring for civilians, requesting mutual aid, etc.), while also coordinating the FMAG application. When evaluating an FMAG application, FEMA should consider the potential severity of the threat of the fire, the number of resources committed, the presence of other fires in the region, and how the need to deal with these factors affects the timeliness of an application.

For example, FEMA rejected an FMAG application submitted by the state of California, on behalf of the City of San Diego, during the May 2014 fire siege. As the first of several fires erupted throughout the region, an FMAG application was submitted six hours into the emergency incident, but it was ultimately denied by FEMA.

By way of background, in California, local government agencies seeking FMAG support must complete and submit accurate and complete information and supporting documentation in a timely manner to be considered for reimbursement. If the application is accepted by the California Governor's Office of Emergency Services (CalOES), the information is then transmitted to FEMA for final review and approval.

A key element of the submittal process is timeliness. It is the expectation of FEMA that the reimbursement form and supporting documentation be submitted during the time the fire is uncontrolled and threatening values at risk (i.e., homes, businesses, infrastructure, and watershed). Failure to submit the reimbursement request in a timely manner is sufficient cause to reject the request as are failures to provide complete and accurate information or failure to meet reimbursement criteria. Based upon this criterion, the City of San Diego's FMAG should have been submitted by no later than 4:00 p.m. The city's FMAG application was submitted at 6:00 p.m.

In the City of San Diego's view, this iteration of the FMAG submittal process was negatively impacted by the severity of the fire and the need for rapid and extensive movement of resources to combat it. In the course of executing these movements and backfilling behind them, key personnel were over-tasked and lost focus on the criticality of a timely FMAG submittal. The over-tasking was exacerbated by technology challenges.

The City formally requested that CalOES appeal FEMA's denial of an FMAG request for declaration of the May 13, 2014 Bernardo Fire in the City of San Diego as an incident that threatened such destruction as would constitute a major disaster.

It is the City of San Diego's belief that this appeal request was warranted due to the following:

1. The FMAG criteria for a declaration that the Bernardo Fire posed a threat of such destruction that would constitute a major disaster were met by this incident.
2. FEMA's cited reasons for its denial of the FMAG request focused on an issue of untimely submittal and do not appropriately take into consideration factors such as the property destruction threat posed by this fire, the heavy regional resource commitment made to successfully control it, the intensity of the fire control efforts that delayed FMAG submission, or the other significant wildfires that occurred in San Diego County in the next few days, which illustrated that a severe fire threat continued to exist for a period of days.
3. FEMA's denial barred the City of San Diego and cooperating agencies from seeking partial federal reimbursement of the considerable fire mitigation, management and controls costs for this wildland fire, therefore unfairly burdening local taxpayers.

The City of San Diego's Fire-Rescue Department greatly values its relationship with CalOES and is appreciative of the considerable assistance provided in completing FMAG declaration requests. Although the City's appeal request to FEMA was ultimately denied, the City of San Diego would respectfully request that -- in the future -- FMAG declaration requests be evaluated by FEMA based on the severe fire conditions, threat of major disaster, extensive resource commitment and subsequent regional wildfires. It is the city's belief that a significant wildland fire threat existed far beyond the time of the city's original submittal of its request to CalOES and FEMA.

**2) Congress should allow FEMA funding to be used to mitigate the risks of post-wildland fire flooding.**

Unlike the recipients of FEMA's major disaster declarations, many FMAG grantees are not eligible for FEMA's HMGP. In addition, FMAG funding ends once the wildland fire is considered under control. This requirement means that there is no FMAG funding for recovery after the wildland fire.

After a fire ends, there is a greater risk of flooding to the community. There is no vegetation and the land is burned too seriously to prevent flooding. When rains arrive, many communities suffer from flash flooding. After a wildland fire, communities must take actions, such as installing erosion and flood barriers, re-seeding burned ground, and re-planting trees. Currently, communities must pay for these post-fire recovery efforts.

Last Congress, the IAFC supported H.R. 3333 by Representative Raul Ruiz (D-CA), which would have allowed states that received FMAGs to also receive hazard mitigation assistance. We appreciate that the House-passed Fiscal Year (FY) 2015 Department of Homeland Security Appropriations Act (H.R. 240) included similar language for this fiscal year. As the committee drafts its FEMA reauthorization bill, the IAFC would like to work with you to make this provision permanent and clarify that the increased hazard mitigation assistance should be used to help communities recover from recent wildland fires.

**3) FEMA should fully reimburse fire departments for interstate mutual aid deployments.**

When fire departments are deployed on interstate mutual aid missions to respond to wildland fires, they expect to be made whole for their efforts. For example, the state of California has an agreement with the federal fire agencies (but not FEMA) that sets the responsibilities and reimbursement policies for fires within the state.

However, the IAFC has found that fire departments are not being fully reimbursed for their efforts when FMAGs are the reimbursement vehicles. For example, when a local fire department apparatus is committed to an emergency incident and it is no longer available to that department, FEMA will only reimburse the department providing the assistance for 16 hours of a 24-hour day. On labor rates, FEMA also traditionally does not cover the full wages required by Fair Labor Standards Act or the full backfill costs of replacing a firefighter dispatched on an interstate

deployment. As the costs of interstate mutual aid deployments increase, local jurisdictions are less able to send resources if they are not fully reimbursed for their efforts. The IAFC has discussed this issue with FEMA, and would like to work with the committee to ensure that fire departments that participate in interstate mutual aid deployments are made whole.

**4) Congress should stabilize funding for wildland fire prevention and suppression.**

In recent years, federal fire agencies have seen wildland fire suppression costs exceed their budget. DOI and USDA have transferred money from other accounts in order to continue fighting wildland fires. Unfortunately, this “fire borrowing” has depleted accounts aimed at activities to prevent wildland fires, like forest management and hazardous fuels removal.

The Federal Land Assistance, Management, and Enhancement (FLAME) Act of 2009 (P.L. 111-88) created reserve accounts at DOI and USDA to fund fire suppression costs in excess of what had been anticipated. Unfortunately, these accounts have had their funding reduced and have not been used as originally planned. The IAFC recommends that Congress review the use of the FLAME accounts, and make sure that these reserve accounts are adequately funded to reduce “fire borrowing” at DOI and USDA.

In addition, the IAFC has been supportive of legislation proposed by Representatives Mike Simpson (R-ID) and Kurt Schrader (D-OR). The Wildfire Disaster Funding Act (H.R. 167) would transfer the costs of suppressing the largest 1% of the nation’s wildland fires (which account for roughly 30% of firefighting costs) to the Disaster Relief Fund. While we are concerned about how this transfer would affect the Disaster Relief Fund, we believe that this legislation would play a large role in reducing the problem of “fire borrowing” and ensure stable funding for the programs that prevent and mitigate the threat of wildland fires. As Congress considers this legislation, the IAFC recommends that any savings to DOI and USDA are targeted to the agencies’ programs to improve forest management, remove hazardous fuels, and help state and local agencies prepared to respond to wildland fires.

**Conclusion**

I would like to thank the committee for the opportunity to testify at today’s hearing. The threat of wildland fires continues to become more severe across the nation. FEMA plays an important role in helping communities respond to and recover from these disasters. However, we think that FEMA can do more by evaluating its FMAG approval process; helping local communities mitigate the after-effects of wildland fires; and ensuring that local fire departments are fully reimbursed for their participation in interstate mutual aid deployments. As the committee drafts legislation to reauthorize FEMA, we look forward to working with you to address these issues. I look forward to answering any questions you may have.