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STATEMENT FOR THE RECORD

**On behalf of the
National Emergency Management Association**

**Submitted to the House Committee on Transportation and Infrastructure
Subcommittee on Economic Development, Public Buildings, and Emergency Management**

***Are FEMA's Assistance Programs Adequately Designed to Assist Communities Before,
During, and After Wildfire***

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Thank you, Chairwoman Titus, Ranking Member Webster, and distinguished members of the Committee for allowing me to testify today.

I am proud to testify today on behalf of the National Emergency Management Association (NEMA). NEMA represents the state emergency management directors of all 50 states, territories, and the District of Columbia. As Director of the Oregon Emergency Management Agency and on behalf of my colleagues in state emergency management, we thank you for holding this discussion on how programs of the Federal Emergency Management Agency (FEMA) aid in the mitigation, response, and recovery to wildfires.

BACKGROUND

The mounting impacts of past fire suppression policies, environmental and ecological alterations, disease outbreaks, and the development growth within or adjacent to fire-prone ecosystems creates the perfect storm for areas to be more susceptible to larger and vastly destructive wildfires. As of October 12, 2021, nine states reported 45 large fires currently burning around the country. These fires have burned a total of nearly 6.5 million acres of land across the country. This is coming off the second-worst year in recent history, with over 10.1 million acres burned in 2020. This translates into enormous costs for all levels of government, communities, businesses, and homeowners. The average annual federal firefighting costs for the last five years is \$2.35 billion, more than \$400 million higher than the ten-year average of \$1.9 billion. Not only are fires becoming more dangerous and burning faster and further, but they are also increasingly costly in suppression costs.

According to the U.S. Department of Agriculture Forest Service, recent increased fire activity is a result of increasingly hot and dry summers; stronger winds; insect and disaster infestations; and human population growth in the Wildland Urban Interface. The risk of wildfire impacts to lives, infrastructure, property, and natural resources is a growing crisis that demands action in a comprehensive approach for community protection and forest management. These recommendations are the beginning of that comprehensive approach.

Managing the state and local emergency management impacts from wildland fire is challenging and unique. Given the high percentage of federal land in western states, many wildland fires originate on federal lands before impacting local communities. As a result, the federal incident results in costs to local communities for actions such as structure protection, evacuation, and pre-positioning of resources. Often these incidents also result in loss of homes, infrastructure, resources, and sometimes cost lives. Post-fire effects from federal incidents impact local communities when landslides, debris flows, and flooding result and become local issues to resolve.

Leveraging federal grants for response or mitigation efforts becomes problematic when they do not have adequate allowances for some of the unique needs of fighting wildfires. In the long-term approach, state and local land managers can be proactive in lessening threats to communities, while federal land managers struggle to implement meaningful fuels reduction projects near communities. In total, there would be great benefit to federal agencies taking a more active role in protecting communities before,

during and after wildland fires originating on federal lands. Throughout this statement I will highlight some additional examples and remedies.

THE IMPACT IN OREGON

The 2020 firestorm was a worst-case fire scenario come to life for us in Oregon, when Oregonians were already reeling from the impacts and uncertainty of the COVID-19 pandemic. Oregon saw an increase in wildfire activity over the past decade, with increasing frequency, intensity, and duration of fire seasons. The September 2020 fires, however, were unlike anything ever seen in the state. At the peak of fire season, in a matter of days, dozens of fires ignited as hurricane-force winds whipped across our state, driving existing fires past containment lines, overwhelming already strained response systems, torching homes, businesses, and critical infrastructure in dozens of communities across Oregon.

We issued statewide warnings for wildfire in the days leading up to the fires. Pre-event messaging and evacuation notices, community planning, the quick actions of law enforcement and firefighters, and the culture of preparedness built in Oregon, undoubtedly saved lives. Despite the selfless and heroic work of first responders, nine Oregonians tragically lost their lives. Where infrastructure still allowed, local, state, and federal agencies issued alerts and warnings and media partners amplified those messages. Despite our best effort, tens of thousands were temporarily displaced and 4,500 homes were destroyed, leaving thousands more without a home. Businesses were burned to the ground, leaving workers jobless in an already struggling economy. Toxic smoke blanketed the entire state, impacting the health of every Oregonian, with Oregon's air quality listed as the worst in the world for days on end.

Words like “unprecedented” fail to convey the devastation left behind by these fires, and “resilient” and “inspiring” seem inadequate descriptors of how Oregonians responded to the worst wildfire disaster in the history of the state. Even as the state works to grieve, heal, and recover, we continue responding to new wildfires, leaving traumatized families and communities terrified they may be next, and forcing those who lost their homes in the infernos wondering how to navigate the complexities of an overly bureaucratic recovery system.

Nearly 14 months after the fires, we find strength and hope. Nearly every destroyed homesite has been cleared of hazardous materials and other debris left behind by the flames. Hundreds of new homes are being built, as long-term community recovery groups help survivors access necessary resources to help them write their own recovery stories. Through partnerships with federal and state agencies, philanthropic and non-profit organizations, the private sector and local governments, neighborhoods, cities, and natural spaces show signs of recovery. Oregon and her people and communities are strong.

The devastating wildfires experienced over the past several years in Oregon, along with historic ice storms, severe flooding, and record-setting heat waves that have cost dozens of lives are not anomalies or outliers. They are indicators of a changing hazard profile and point to the types of emergencies and disasters Oregon and others will continue to face. We must change how we views these emergencies. They are not natural disasters, because disasters are not natural; disasters are policy issues. They are a result of how we build, where we build, and the investments we choose, or do not choose, to make.

OPPORTUNITIES FOR PROGRAMMATIC IMPROVEMENTS

As an association, NEMA is still working through the development of specific policy and legislative recommendations. What I can share with you today is the universe of issues we will examine to determine next steps like adjustments to policy, Stafford Act amendments, or regulatory changes. Overall, however, the most pressing issue is leadership and a better understanding of the threat at the federal level.

Wildfires can no longer be viewed as merely a fire service problem or function of first responders. As these fires continue spreading and having broader impacts, they become a whole-of-government hazard which must be treated as such to include robust prevention activities. Furthermore, to understand wildfires, one must first understand forest management, drought, and the interplay with existing FEMA programs. While NEMA would not recommend creating new, hazard-specific programs, we believe existing programs could be tailored somewhat to meet the evolving and continuing wildfire threat.

Clarify the Federal Role. FEMA should be the lead coordinating agency for all multi-agency incidents across all phases of a wildfire, including recovery. This will include ensuring FEMA's capacity to successfully achieve interagency coordination through appropriate resourcing, staffing (including wildfire subject matter expertise), and authorities. Furthermore, FEMA must exercise leadership with its own policies and ensure the Public Assistance Program and Policy Guide (PAPPG) clarifies available assistance and reduces the amount of on-the-fly policy interpretation currently being done within disparate FEMA regions. Given the large amount of US Forest Service and Bureau of Land Management lands that are continually impacted by wildfires, coordination and land use agreements should be put in place prior to wildfire season to ensure there are no delays in recovery due to ownership issues. In many States across the Country, these federal lands have trees that when burned, fall onto local, state, and private property.

Prepositioning Deployments. When preparing to fight wildfires, one of the most valuable capabilities is that of prepositioning firefighting assets. Currently, eligible pre-deployment costs through the Fire Management Assistance Grants (FMAG) are limited to out-of-state resources. Allowing the state to utilize FMAG assistance for the prepositioning of in-state resources would be a logical interim step to requiring us to look outside our borders first. Consideration should also be given to allow for funding the pre-staging of firefighting resources to prevent fires from reaching the severity where an FMAG is needed, much as we do for hurricanes or floods.

Definition of Incident Period and Declaration Criteria. Unlike a hurricane that is predictive and leaves a specific trail of destruction in its wake, wildfires are unpredictable and often overlapping. In some cases, four or five fires start at different times in different locations and merge to form one massive event. Current policies dictating the establishment of an incident period are not conducive to this type of event across multiple jurisdictions and authorities. There are one of two ways in which this could be resolved. First, the initial attack of a wildfire could qualify for emergency protective measure once the National Geographic Area Coordination Center (GACC) and the National Interagency Fire Center (NIFC) reach Preparedness Level (PL) 5. Secondly, instead of considering only localized impacts of fires, declaration criteria could be based on statewide impacts to include ongoing firefighting incidents. Furthermore, the

declaration criteria used for Individual and Public Assistance disasters are not well-suited for informing fire declaration decisions as they do not consider the full range of impacts of large fires on local, and especially rural, communities and states.

Emergency Work Eligibility. Large fires expose burn scars to erosion from wind and soil saturation. This often leads to landslides and mudslides. The federal firefighting services recognize this hazard and take emergency protective measures to protect property within their jurisdiction under the Burned Area Emergency Response (BAER) and Emergency Stabilization and Rehabilitation (ESR) programs. Similar emergency stabilization measures taken by state and local governments are eligible Category B measures under FEMA PA declarations. In managing and FMAG, however, emergency protective measures outside the FMAG incident period are ineligible, putting additional strain on state and local resources. FMAG program guidance should mirror the same eligibilities and time frames for emergency work as those found in the PA program.

Mitigation & Wildfires. FEMA policies for mitigation programs currently limit the execution of mitigation activities on federal land. Unfortunately, it is often the impacts of fires on those federal lands that lead directly to the need for additional firefighting and mitigation on state and private land. This dichotomy could be resolved by allowing states to conduct mitigation activities not only on state land, but also those federal lands whose land and forest management practices may directly impact wildfire-prone communities. Empower FEMA to ensure other federal agencies are “at the table” for assessment, recovery, and mitigation processes beforehand. Such an allowance, coupled with FEMA having the authority to compel other federal agencies to convene as necessary would greatly reduce the impact of wildfires on both federal and non-federal land.

Wildfires dramatically alter the terrain and ground conditions of the affected area. Communities impacted by wildfire may be at an even greater risk of flooding and mudslides. Thus, the Disaster Recovery Reform Act (DRRA) made clear that post wildfire mitigation efforts to avoid future damage, hardship, loss, or suffering in any area affected by a wildfire (like activities that avoid flooding and landslides) are eligible for funding. FEMA should utilize the flexibility afforded in the DRRA to the maximum amount possible and apply the same criteria used by other federal agencies for approving soil stabilization and reseeded projects on non-federal land when post-fire mitigation funds are used.

Environment and History Preservation (EHP) Reviews. Managing EHP reviews remains an issue both pre- and post-wildfire. By nature of the environment in which wildfires occur, environmental reviews represent an integral part of the preparedness and recovery to these events. EHP reviews are cumbersome for wildfire recovery and mitigation proposals. The lengthy timeline is often due to the lack of applicable Categorical Exclusions under the National Environmental Policy Act (NEPA). This leads to requirements for full environmental assessments which can take a year or more to complete. This process may lead to the result of simple targeted pruning and thinning in rural-residential neighborhoods; or planting native samplings on a burned hillside. These administrative delays impact these communities that need simple mitigation tactics quickly. Such reviews should allow creative approaches and flexibility in the grant application timeframe, particularly for disadvantaged communities. Many of these concerns can be improved by developing Programmatic Biological Opinions (BO) with other federal regulatory agencies such as the U.S. Fish and Wildlife Service and National Marine Fisheries Service for wildfire response,

recovery, and mitigation activities. These BO's can pave the way for federal agencies to streamline approval of these activities via pre-determined avoidance and minimization measures.

Recovery Policies. Many FEMA programs are built through the lens of hurricanes and flood but could be properly adjusted to meet the ever-growing wildfire threat with some modest adjustments. The PAPPG should be updated to ensure the inclusion of wildfire-specific challenges around debris removal and eligibility as well as the lingering toxicity and contaminants once a wildfire has moved through a community. It could also be amended to include a specific wildland fire disaster indicator to recognize expenses related to an initial and extended attack (IEA) indicator.

CONCLUSION

As emergency managers look to help our communities adapt to our changing climate and take steps to reduce our shared risk, we must take an intentional and deliberate approach to ensuring our disaster risk reduction strategies and programs do not simply account for the disasters we have faced before, but what we are certain to face tomorrow. We must prepare our communities in a way that is equitable, inclusive, and accessible as disasters have the greatest impacts on those who can least afford them.

Wildfires are unique from other disasters such as hurricanes and storms because they have the capability of decimating entire communities to the point where nothing is left standing. The threat has also moved from a fire season to a year-round persistent danger across most of the Western United States and is no longer exclusive to this region. Florida, Georgia, Alabama, Tennessee, and other states east of the Mississippi River have also experienced large wildfires in recent years. We are seeing increasingly large and severe wildfires; drought conditions, low reservoir levels, and parched landscapes; and stress on the electric grid due to extreme heat throughout the West. These challenges are interconnected and cannot be looked at, or responded to, in isolation, and FEMA's policies and response strategies need to evolve with the threat. These policy gaps can be resolved by a recognition of the unique threat posed by wildfires, the need for adaptive policies, and a whole-of-government approach to finding solutions. The state emergency managers, through NEMA, stand ready to work with Congress and FEMA in identifying and implementing the necessary changes to better respond to this dynamic threat.