

**NATIONAL EMERGENCY MANAGEMENT ASSOCIATION
RESPONSE AND RECOVERY COMMITTEE
POSITION PAPER**

DATE: January 2, 2022

SUBJECT: State Emergency Management Wildfire Hazard Recommendations

DISCUSSION:

In 2020, 58,950 wildfires burned 10.1 million acres, the second-most acreage impacted in a year since 1960.¹ According to the U.S. Department of Agriculture Forest Service, recent increased fire activity is due to at least four factors: increasingly hot and dry summers; stronger winds; insect and disease infestations; and human population growth in the Wildland Urban Interface.

Wildfires cannot be viewed as merely a fire service function of first responders. As these fires continue to spread and have broader impacts, they become a whole-of-community hazard which must be treated as such to include robust prevention activities. To understand wildfires, one must first understand forest management, drought, and the interplay with existing programs at the Federal Emergency Management Agency (FEMA). NEMA would not recommend creating new, hazard-specific programs; existing programs within response, recovery, and mitigation could be tailored to meet the evolving wildfire threat.

Leverage Federal Partnerships. The United States government owns around 640 million acres of land across the Nation. The Bureau of Land Management, Forest Service, Fish and Wildlife Service, and the National Park Service own 94 percent of that total². Each wildfire that burns on federal land presents cascading effects that impact local, tribal, and state government, so policy coordination and land-use agreements are critical prior to heightened wildfire activity to ensure there are no delays in recovery due to ownership issues.

Recommendations:

1. FEMA should engage earlier, facilitate the integration of non-natural resource/non-firefighting federal agencies into wildfire risk reduction, response, and recovery planning and operations, and take a stronger role in interagency coordination for the federal government in multi-agency incidents across all phases of a wildfire, including recovery.
2. FEMA should have the authority to work with and help direct those federal agencies that own and manage land to reduce wildfire risk and recovery from wildfires that impact local, tribal, and state-owned lands. This should include coordinating and directing with agencies whose missions are to sustain environmental and energy resources on risk reduction and recovery planning and operations.

Declaration Criteria and Incident Period. Unlike events that are predictive and leave specific damages, wildfires are unpredictable, overlapping, and often combine with one another. Current policies dictating

¹ Congressional Research Service, IN FOCUS, September 8, 2021.

² Congressional Research Service, Federal Land Ownership: Overview and Data, February 21, 2020.

the establishment of an incident period are not conducive to this type of hazard across multiple jurisdictions and authorities. Currently, if a federally declared Fire Management Assistance Grant (FMAG) burns in more than one county, FEMA requires all counties to meet declaration criteria independently. This creates inequity in recovery initiatives for counties that were damaged by the fire but may not reach the threshold for assistance. 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 the diverse local, and especially rural, communities and states.

Recommendations:

1. Revise declaration criteria to qualify the initial attack of a wildfire for emergency protective measures once the National Geographic Area Coordination Center (GACC) or the National Interagency Fire Center (NIFC) reach Preparedness Level (PL) 5.
2. Revise declaration criteria to consider statewide impacts including ongoing firefighting incident instead of only localized impacts.

Prepositioning Deployments. When preparing to fight wildfires, one of the most valuable capabilities is that of prepositioning firefighting assets. Currently, pre-deployment through a FMAG is limited to out-of-state resources.

Recommendation:

1. Allow the state to utilize FMAG assistance for the prepositioning of in-state resources for wildfire response, including the pre-staging of firefighting resources to prevent fires from reaching the severity where an FMAG is needed.

Emergency Work and FMAG Eligibility. Large fires expose burn scars to erosion from wind and soil saturation that most often lead 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 the Emergency Stabilization and Rehabilitation (ESR) programs. Similar emergency stabilization measures taken by state and local governments are eligible Category B measures under FEMA Public Assistance (PA) declarations. In managing an FMAG, however, emergency protective measures outside the FMAG incident period are ineligible, putting additional strain on state and local resources. Furthermore, the provision of funding for FMAGs is authorized by linking the authorities of the Stafford Act Section 403 *Essential Assistance* within Section 420 *Fire Management Assistance*. Section 403 is also the section that authorizes the provisions of funding in the FEMA PA program despite being authorized under the same section of the Stafford Act and with identical definitions of entities eligible to receive assistance.

Recommendation:

1. FMAG program guidance should mirror the same eligibilities and timeframes for emergency work as those found elsewhere in the PA program.
2. FEMA should revise the FMAG policy, program, and regulations to include the same categories of eligible applications under the PA programs.
3. FMAG project on-line project tools should include a portfolio of best practices and lessons learned.

Public Assistance Program and Policy Guide (PAPPG) Modifications. Current language of the PAPPG disproportionately favors other hazard events (such as floods, tornadoes, and hurricanes) with little regard to the unique qualities of wildfires. For example, when considering wildfire damage to trees, the current guidance specifically covers tree damage typically realized from wind and hurricane force wind but does not provide guidance on wildfire effects such as tree burns³.

Recommendation:

1. FEMA should update the PAPPG to include wildfire-specific challenges such as debris removal emergency protective measures and the toxicity that is left behind when a wildfire moves through a community including the contamination of drinking water resources.

Leverage the DRRRA. 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.

Recommendation:

1. FEMA should utilize the flexibility afforded in the DRRRA 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.

Hazard Mitigation Grant Programs (HMGP) Evaluation. Through HMGP, FEMA could leverage the programs that fall under grants to be more inclusive of the wildfire hazard. There is a very short timeframe between fire season and flood season, especially as the fire season is quickly becoming a year-round hazard. The Building Resilient Infrastructure and Communities (BRIC) grant program is one example that can elevate such fire mitigation projects. Another example FEMA could use to elevate their mitigation tactics is in evaluation of community programs.

Recommendation:

1. Expand the HMGP performance periods to assist in expediting mitigation projects.
2. Leverage programs such as BRIC and home hardening projects to enforce more sustainable mitigation programs for wildfires.
3. FEMA should accept pre-identified, pre-vetted 'packages' for home hardening that can be easily and rapidly replicated to achieve meaningful and timely risk reduction.
4. Allow fire districts to have the same leeway as Private Non-Profits (PNPs) to receive HMGP funding.

Benefit Cost Analysis (BCA) criteria adjustments. The current BCA for hazard mitigation assessments is linear and disproportionately weighs the financial impact of loss, such as the dollar value of a property or asset. The BCA to a lesser extent considers socioeconomic vulnerabilities and other non-financial factors that contribute to risk. In addition, BCAs are among the largest technical barriers to entry for many economically disadvantaged rural communities that seek to conduct basic wildfire mitigation

³ PAPPG, V4 2020, p. 102

measures. Data collecting has advanced to the point where there is enough national data on defensible space project costs and benefits to determine basic thresholds and criteria.

Recommendations:

1. FEMA must evaluate current BCA criteria and adjust accordingly to consider the broader range of factors, ensuring prioritization of projects based upon new BCA criteria to address highest priority needs and optimize greatest return on investment.
2. Establish a BCA pre-calculated benefits criterion for common defensible space mitigation projects.
3. Ecological and societal health, carbon sequestration, improved water quality, and lessening disaster impact on traditionally underserved communities should be factors that contribute to the BCA.

Wildland Urban Interface (WUI) Considerations. WUI is the space where development of communities meets wildland vegetation. As an establishment may be considered for pre-calculated benefits criteria, defensible space activity proposals in pre-determined WUI areas that meet the National Environmental Policy Act (NEPA) Categorical Exclusions N11 and adhere to basic Firewise-like standards should automatically be deemed cost-effective if its project is below an established threshold amount.

The current HMA programmatic guidance prohibits actions related to improving or increasing water supply in high-risk wildfire areas, based on the premise that these actions constitute preparedness or even response support rather than mitigation. Water utilities and special-purpose districts serving WUI neighborhoods need encouragement to upgrade and expand their storage and delivery systems to accommodate and support wildfire threats, including the purchase and installation of dry-hydrants and heli-hydrants in extreme-risk areas. Current HMA guidance already allows for other wildfire-related upgrades and expansions of WUI water systems (such as installing back up power generators on wellheads and retrofitting system components with ignition-resistant materials) and could easily be broadened within programmatic guidelines.

Recommendations:

1. Establish pre-calculated benefits criterion for WUI areas for defensible space activity proposals that would align with the established BCA pre-calculated benefits criterion.
2. FEMA should reconsider the interpretation that improving water supply in high-risk wildfire areas is not a measure for mitigation, especially given the ever-worsening water availability situations in areas with extreme wildfire risk profiles.
3. Provide WUI projects a more streamlined approach utilizing collected data to help implement a full review and expansion on NEPA categorical exclusions where necessary to hinder administrative delays.
4. Expand the eligible wildfire project types to include water availability upgrades in WUI areas.

Expedite Environmental and Historic Preservation (EHP) Reviews. EHP reviews have become lengthy specifically for Hazard Mitigation Assistance (HMA) wildfire mitigation proposals. This is often due to the lack of applicable NEPA Categorical Exclusions, which leads to needing full environmental assessments that can take at minimum a year or more to complete. This process may result in the delay 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.

Recommendations:

1. Conduct a full review of the EHP processes to explore metrics for all mitigation projects to be processed more expeditiously.
2. Allow creative approaches and/or reductions to cost share, as well as flexibility in the grant application timeframe, particularly for disadvantaged communities.

Conclusion. Wildfires are a threat that are year-round and persistent across most of the Western United States but is certainly no longer exclusive to this region as Florida, Georgia, Alabama, Tennessee, and other states east of the Mississippi River 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. These challenges are interconnected and cannot be looked at, or responded to, in isolation, yet FEMA's policies and response strategies have not evolved with the hazard. These shortcomings 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 directors of emergency management, through NEMA, stand ready to work with Congress and FEMA in identifying and implementing the necessary changes to better respond to this dynamic threat.

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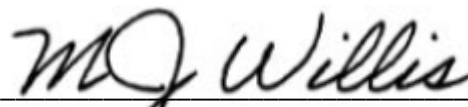
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9. FEMA should update the PAPPG to include wildfire-specific challenges such as debris removal emergency protective measures and the toxicity that is left behind when a wildfire moves through a community including the contamination of drinking water resources.
10. FEMA should utilize the flexibility afforded in the DRRRA 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.
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Moved: Andrew Phelps, Oregon
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DISPOSITION: Passed
ABSTAIN: Alabama

Authenticated: _____



Mike Willis, NEMA Secretary

