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TEXAS WILDFIRE REVIEW: DID BUREAUCRACY PREVENT A TIMELY RESPONSE?

FIELD HEARING

BEFORE THE

SUBCOMMITTEE ON OVERSIGHT, INVESTIGATIONS, AND MANAGEMENT

OF THE

COMMITTEE ON HOMELAND SECURITY HOUSE OF REPRESENTATIVES

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TEXAS WILDFIRE REVIEW: DID BUREAUCRACY PREVENT A TIMELY RESPONSE?

Monday, October 17, 2011

U.S. HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON OVERSIGHT, INVESTIGATIONS, AND MANAGEMENT,
COMMITTEE ON HOMELAND SECURITY,
Austin, TX.

The subcommittee met, pursuant to call, at 10:04 a.m., at the Texas State Capitol, 100 Congress Avenue, Room E1.010, Austin, Texas, Hon. Michael T. McCaul [Chairman of the subcommittee] presiding.

Present: Representative McCaul.

Also present: Representative Cuellar.

Mr. MCCAUL. Well, good morning. The Committee on Homeland Security will come to order. I first would like to thank my good friend, Congressman Henry Cuellar, for agreeing to be the Ranking Member of this committee's hearing. Let me just say at the outset that this is an official Congressional hearing, and so we will abide by the House rules that we abide by in the Congress just the same as if we were having this hearing in Washington, DC.

With that, I want to thank the witnesses for traveling to Austin to participate. The purpose of this hearing is to examine whether bureaucracy prevented a timely response to the recent devastating wildfires experienced in our State. I appreciate the effort taken on behalf of all those involved to have this important field hearing.

The Chairman now recognizes himself for his opening statement. That's how we talk in Washington. You have to recognize yourself to talk, so I recognize myself. I want to just say good morning again. Welcome to my home State of Texas, for those of you who traveled outside the State. Unfortunately, Texas has been the epicenter of a great natural disaster this year. Anyone who lives here knows it's hot, and we experienced our share of wildfires, but the summer of 2011 was off the charts.

For many cities, it was the hottest summer on record. Here in Austin, we had 90 days with temperatures over 100 degrees. The worsening drought turned the State's vegetation into dry tinder. The State was, indeed, a tinderbox and continues to be so. This confluence of events set America's backyard ablaze, and since January 1, according to the Texas Forest Services, the State had over 3,000 wildfires, which have scorched almost 4 million acres, an area as large as the States of Connecticut and Rhode Island combined.

Over Labor Day weekend, Tropical Storm Lee exacerbated the spread of fire, delivering high winds instead of much-needed rain. Just a few miles from where we sit today erupted, arguably, the worst wildfire in Texas history, the Bastrop fire.

As we look behind me, you see scenes from that fire. It looked nothing short of a nuclear explosion going off. The Bastrop fire was a daunting 16 miles long, 4 miles wide, and scorched almost everything in its path. Nearly 35,000 acres of pine trees, more than 1,500 homes destroyed, and thousands more evacuated, and two people lost their lives.

Let me first say I commend the 800 local Texas firefighters, many of them volunteers, who quickly answered the call that, "Texas is burning, and we need you." Burning it, indeed, was. I remember traveling on that Monday at the very beginning of the fire directly into these scenes, and I can tell you I've never seen anything quite like it. I've been to Afghanistan, to Pakistan, to Baghdad, and I've never seen anything like this.

I wish I could also recognize and commend the Federal Government, but these fires are a tragic example of what appears to be a lack of planning and slow response because of bureaucratic red tape. Let me first unravel the red tape. The process to file a claim starts with the county filing a request for assistance to the State. The State then files with the Federal Emergency Management regional administrator, or FEMA. The regional administrator then files a request with FEMA headquarters in Washington, DC. FEMA assesses the request and makes a recommendation to the White House. Finally, the President has the last word and either approves or disapproves the request.

In my judgment, help should be just a phone call away and not a series of requests winding their way through a bureaucratic maze at a time of enormous emergency. Texas followed the process asking for relief in 252 of our 254 counties over an extended period of time. This is what the people of Texas said they needed to fight these fires.

Upon FEMA's recommendation, the President only awarded 45 counties relief, and no immediate fire fighting aircraft support. This inadequate funding wasn't even an immediate directive. It took the President 13 days to sign the declaration. During that period, the President made time to assist Alabama's tornado disasters and even visit Alabama to see the devastation. Meanwhile, Texas burned. This is unacceptable. Help should be a phone call away.

So I would like to know here today from our witnesses: Why was there a delay in deploying critical resources? Why did it take weeks? What is the formula FEMA uses to decide how much assistance to provide and what resources to send? How much subjectivity is involved? Why does FEMA continue to use a county-by-county assessment of relief rather than a regional basis?

To ensure this situation does not happen again, FEMA must streamline its application process for disaster declarations to immediately start providing aid, cleanup, and rebuilding process. Many Texas fire departments had to choose between filling out paperwork to meet FEMA's deadlines and firefighting—fighting fires that continued to burn. In other words, they had to choose between

fighting the fire, the immediate emergency, or filling out paperwork.

I would submit that fighting the fire is the utmost priority in a situation like that. In fact, this is the amount of paperwork that is required to fill out to get reimbursement for firefighter management assistance grants and for FEMA reimbursement. So the firefighter has to choose between this and putting out the fire. That's a choice we shouldn't put them in.

Going forward, we must strategically pre-position Federal fire fighting aviation assets in high-risk areas. Despite all the warnings that Texas faced with it being the driest summer in more than 100 years, there was no pre-positioned aircraft to help. The lack of immediate response from these aircraft assets caused significant delays in fighting the fires in Bastrop County where more than 1,500 homes were destroyed and lives lost.

FEMA must also change its defined jurisdictions for declarations. FEMA must move to a regional-based program rather than the current county-based program. This will lend assistance to counties whose resources were depleted helping neighboring communities.

What happened in Texas this year is inexcusable and unacceptable. The homes of good Americans were scorched, and lives were lost. The Federal Government stood by, taking almost a week to assist the local efforts at firefighting—at fighting the fires. Nearby assets that could have stopped the fire sooner were tied up with red tape. My hope is that today we can find some answers and start moving forward towards solutions.

So, with that, I expect we're going to have a very lively discussion, a lively debate, one that's solution-oriented, one that's looking forward. I just want to say when the DC–10 tanker finally did make its way in, that's what happened. My constituents in Waller County on the Houston end of my district said it was like the cavalry coming in. Unfortunately, we didn't have the cavalry for Bastrop.

[The statement of Chairman McCaul follows:]

STATEMENT OF CHAIRMAN MICHAEL T. MCCAUL

Good morning and welcome to my home State of Texas, which has unfortunately been the epicenter of a great natural disaster this year.

Anyone who lives here knows it's hot, and we experience our share of wildfires. But the summer of 2011 was off the charts.

For many cities it was the hottest summer on record. Here in Austin we experienced 90 days with temperatures above 100 degrees. A worsening drought turned the State's vegetation into dry tinder. Texas was indeed a tinderbox.

This confluence of events set America's backyard ablaze. Since January 1, according to the Texas Forest Service, the State has experienced 3,129 fires, which have scorched 3.8 million acres—an area as large as the States of Connecticut and Rhode Island combined.

Over Labor Day weekend, Tropical Storm Lee exacerbated the spread of fire delivering high winds instead of much-needed rain. Just a few miles from where we sit today erupted arguably the worst wildfire in Texas history.

The Bastrop fire was a daunting 16 miles long, 4 miles wide, and scorched almost everything in its path.

Nearly 35,000 acres of pines, more than 1,500 homes destroyed and thousands more evacuated. Four people lost their lives.

I commend the 800 local Texas fire fighters, many of them volunteers, who quickly answered the call—"Texas is burning and we need you."

I wish I could also recognize and commend the Federal Government. Unfortunately these fires are tragic examples of what appears to be a lack of planning and slow response because of bureaucratic red tape.

Let me first unravel the red tape. The process to file a claim starts with the county filing a request for assistance to the State. The State then files with the Federal Emergency Management (FEMA) Regional Administrator. The Regional Administrator then files a request with FEMA headquarters in Washington, DC. FEMA assesses the request, and makes a recommendation to the White House. Finally, the President has the last word, and either approves or disapproves request.

Help should be a phone call away, not a series of requests winding their way through a bureaucratic maze.

Texas followed the process, asking for relief for 252 of our 254 counties over an extended period of time. This is what the people of Texas said they needed to fight these fires. Upon FEMA's recommendation, the President only awarded 45 counties relief, and no immediate firefighting aircraft support.

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Meanwhile, Texas burned. This is unacceptable.

Help should be a phone call away.

So today I would like to know:

1. Why was there a delay in deploying critical resources? Why did it take weeks?
2. What is the formula FEMA uses to decide how much assistance to provide and what resources to send? And how much subjectivity is involved?
3. Why does FEMA continue to use a county-by-county assessment of relief rather than a regional basis?

To ensure this situation does not happen again, FEMA must streamline its application process for disaster declarations to immediately start providing aid, cleanup, and the rebuilding process. Many Texas fire departments had to choose between filling out paperwork to meet FEMA deadlines and fighting fires that continued to burn.

Going forward we must strategically pre-position Federal firefighting aviation assets in high-risk areas. Despite all the meteorological warnings that Texas faced with it being the driest summer in more than 100 years, there were no pre-positioned aircraft to help. The lack of an immediate response from these aircraft assets caused significant delays in fighting the fires in Bastrop County, where more than 1,500 homes were destroyed, and lives lost.

FEMA must also change its defined jurisdictions for declarations. FEMA must move to a regional-based program, rather than the current county-based program. This will lend assistance to counties whose resources were depleted helping neighboring communities.

What happened in Texas is inexcusable and unacceptable.

The homes of good Americans were scorched, and lives were lost. The Federal Government stood by, taking almost a week to assist the local efforts at fighting the blaze. Nearby assets that could have stopped the fire sooner were tied up in red tape.

My hope is that today we can find some answers, and start moving toward solutions.

Bastrop Fire

View from Smithville looking west into Bastrop

State Park Entrance

Austin Skyline

More pictures of Bastrop Fire

Message from Aero Union CEO

SUNDAY
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HOUSTON CHRONICLE
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IN OUTLOOK
■ Actor and director Robert Redford makes the case against an oil pipeline that would run through America's heartland. PAGE B9

Firefighters 'pretty optimistic'

SMILEY N. POOL : CHRONICLE

BATTLE FROM ABOVE: A DC-10 airplane drops retardant to help fight a large wildfire Saturday near Magnolia. The airtanker made six runs over the fast-moving wall of flames, dumping more than 11,000 gallons of fire retardant in each pass.

MAYRA BELTRÁN : CHRONICLE

SHELTER: Brandy Collmorgen, who evacuated her home with her family in Waller County, rests at St. John's Lutheran Church in Waller on Saturday.

■ Progress reported against blaze that has destroyed 59 homes in three-county area

By MIKE GLENN and CAROL CHRISTIAN
HOUSTON CHRONICLE

Almost a week after a wildfire erupted that has consumed more than 21,000 acres in three counties north of Houston, officials charged with leading the battle are confident of a light at the end of the tunnel.

"We feel pretty optimistic," Magnolia fire chief Gary Vincent said Saturday. "We've had continual improvement overnight and additional resources have arrived."

Flames have destroyed 59 homes and one commercial property. Another 23 houses have suffered severe damage. Thousands of people and animals have been forced off their property since the fires started Monday, spreading across parts of Montgomery, Waller and Grimes counties.

"The lines are continuously getting reinforced and beefed-up. Out in he field, the troops are feeling like they're getting the upper hand on this," Vincent said.

No fatalities or major injuries have been reported, but several firefighters suffered smoke inhalation and a cow was euthanized

Please see **FIRES,** *Page B2*

LOOKING FOR ANSWERS
Evacuees from the wildfire are growing more frustrated by the day. PAGE B2

Mr. MCCAUL. So, with that, I recognize my very good friend, Mr. Cuellar, who serves as Ranking Member of the Homeland Security's Subcommittee on Border and Maritime.

Mr. CUELLAR. Chairman, I want to thank you very much and thank you for inviting me to be here with you. It's good to be back in my hunting grounds. Back—I think I spent about 15 years in the State legislature. I had meetings here in this particular hearing room, so it's always good to be back.

I want to thank the Chairman for convening this hearing in our home State. Chairman McCaul and I have worked together in a bipartisan basis on numerous issues facing Texas. We've gone off to Iraq, Afghanistan, Pakistan. We've gone off to Mexico together. We've gone down the border, also working together to make sure that we secure the borders. So I certainly want to thank him for all the work that he's done, and certainly I'm happy to please—pleased to join forces with him to address another issue that's vital

to the concern of Texans, and that is Texas wildfires that even now are still burning in our State of Texas.

The purpose of this hearing is to examine the impact of these tragic wildfires and determine what steps can be taken to improve the process for receiving disaster assistance. Again, I'm very, very interested—I would ask the witnesses, when you're addressing us, to look at lessons learned, because I'm one of those that certainly wants to look at lessons learned and see what we can do to improve the process.

I would like to thank all the witnesses for participating in this morning's hearing, and as we convene here today, my thoughts and prayers are with those who have lost their lives, their property during this tragic wildfire season. I know Mike and I have—the Chairman and I have talked about this, and I know it hit his district very, very hard, and that's why I'm here—with him here today, to show my support to our Chairman.

Again, you know, people have lost their residences, their livelihoods, and who have, in many ways, been affected by these wildfires. I would like to thank, also, and express my appreciation to those brave men and women who have worked around the clock since the fires began to protect the lives and property of our fellow—so I want to thank all of y'all for all the work that y'all have done.

Since late August, a record 3.8 million acres, an area roughly the size of Connecticut, has burned and continues to burn even as we meet here right now. In fact, almost half of all the acreage burned in the United States in 2011 was burned here in Texas. Just yesterday, the Texas Forest Services responded to four fires occurring over 7 acres, and 230 of the 254 Texas counties reported burn bans.

In the past 7 days alone, the Texas Forest Service has responded to 40 fires over 1,456 acres, and fire departments reported 37 fires over 77 acres, with over 1,300 homes destroyed, 5,000 people displaced, possibly up to $5 billion in damages to our State agricultural industries. Wildfires have once again shown that they're a deadly threat to people living here in the State of Texas.

That's the bad news. The good news is that in addition to the State and local aid, Federal assistance is now working in a coordinated way. In less than 5 years since the last Presidential disaster declaration for the State wildfires, Federal assistance has topped $16.4 million, and we need to do more. I'll be the first one to say we need to do a lot more.

The only thing is, you know, there are some debates up there in Washington—we have the deficit debate, as you know, and there have been some cuts, and it's going to affect everybody. A couple of years ago, we heard people say loud across the State of Texas, including here in Austin, "We've got to cut the Federal Government. The Federal Government is getting in our way." Now when a disaster hits, who are the first people they look at? It's the Federal Government on that.

So again, I'm one of those that feels we ought to work together to do this. Currently, there was another debate issue in Washington, DC, and FEMA was in the center of the budget process and threatened Federal Government shutdown when the majority took the position that Federal funding for disaster relief, including the

current wildlife fires we're having, should be offset by equal cuts from other programs. Do we put money towards the fires so we can cut education? I think the Joint Committee on Higher Ed is meeting right now.

We've never done that before. We have never done that before. We take care of the disasters. Then we worry about how we pay them later. An emergency should be taken care of instead of having a Washington debate as to how we pay for this.

But, nevertheless, you know, we've got to make sure, when something like this happens, there's coordination at all levels, at the—at all levels of government; State, local, and Federal. I'm pleased to see representatives of the Federal, State, and local level will testify before us so we can talk about lessons learned here.

To the extent that there's red tape—and I'll be the first one to join my friend Michael McCaul. If that's a barrier to responsive recovery, then we must address it. You know, what do we need to do to break down those bureaucratic responses if there's one.

But I'd like to note one thing. I used to be the Ranking Member of the Subcommittee on Border and Maritime, and I served as the Chairman of the Subcommittee on Emergency Communications preparing this response. So I'm very, very familiar with these issues, FEMA. That used to be my subcommittee that I used to chair before I moved over to the Border Committee.

It's important to note that the Stafford Act—and I've been one of those that have been asking that we make changes to it. I think it's outdated. The Stafford Act, which governs disaster response, recognizes that the States and local communities and not the Federal Government—I emphasize, not the Federal Government—have the primary responsibility to address disasters and emergencies. The Federal Government, when called upon, acts to supplement these efforts and provide resources to State and local government when the resources are exhausted.

So, again, I'm one of those that have always said, "We ought to change the Stafford Act," but it's so hard to do that, but I need—I think we need to continue to look at that. So I appreciate the multiple moving parts that must work together on the Federal, the State, the local level to formulate a response that's effective, that's timely, that serves the needs of those affected by disasters.

Again, I look forward to see how we can work on this together. I certainly—the wildfires have really, you know, cost us lives and damages to property and livelihood, and I'm interested in what we need to do to improve the process, and I think this will be a unique teaching moment to learn on how we better prepare to respond to disasters.

So I thank my Chairman for allowing me to be here with him, and I look forward to working with him to find solutions to the problems that we have. I yield back the balance of my time.

Mr. MCCAUL. I think the gentleman—and I agree. I think this is a forward-looking, solution-oriented type of hearing, but you don't know how to fix something if you can't, at first, look at what went wrong. So—I assume this is on.

We have a distinguished panel of witnesses I'd like to go ahead and introduce now. The first is Mr. Nim Kidd. He's the Assistant Director of Emergency Management for the State of Texas, Depart-

ment of Public Safety. Mr. Kidd previously served as San Antonio's Homeland Security Director and Emergency Manager. He has served as a San Antonio firefighter, as well as Lieutenant Captain and District Fire Chief. He has also served as a member of the Texas Task Force 1: Urban Search and Rescue Team since 1997, responding to State and National disasters, including the World Trade Center attack on September 11. I want the thank you for your service and thank you for being here today, Mr. Kidd.

Next we have Major General John Nichols. General Nichols is the 51st Adjutant General of the State of Texas. He is responsible to the Governor for providing ready-trained forces of the Texas Army Guard, the Texas Air Guard, and the Adjutant General's Department, better known as the Texas Military Forces, in support of State operations. He is also responsible to the President for providing Texas Army Guard and Air Guard Forces in support of Federal missions. Thank you for your service as well.

Next we have Mr. Kevin Starbuck. He is the Emergency Management Coordinator for Amarillo, Potter, Randall Office of Emergency Management. He's a certified Emergency Manager through the International Association of Emergency Managers. He serves as the Potter and Randall County Local Emergency Planning Committee Chairperson and is a member of the Panhandle Regional Emergency Management Advisory committee.

Then we have our two Federal witnesses that I would like to introduce. Mr. Tony Russell, who was appointed as the Regional Administrator for Region 4 at FEMA in December 2009. Mr. Russell is responsible for all FEMA operational decisions and policy implementation in Texas, Oklahoma, New Mexico, Arkansas, and Louisiana. He previously served as the Federal Coordinating Officer with Region 8 from 2003 to 2009, and he also assumed the role of acting director of the FEMA Louisiana Recovery Office for Hurricanes Katrina, Rita, Gustav, and Ike. You have a great deal of experience, sir, and I do appreciate the personal phone calls that you gave to me during this fire disaster in Bastrop.

Finally, we have a long-standing, many generations Texan, Mr. Tom Harbour, who can link his ancestors all the way back to the Stephen F. Austin colony, which is in my district. It's great to have you here with that type of lineage. He is the Director for Fire and Aviation Management at the U.S. Forest Service. Mr. Harbour has been involved in wildland fire management for decades, beginning with service in California. He has served as the area and incident commander for a wide range of disasters, including fires, hurricanes, earthquakes, and floods.

With that, the Chair now recognizes Mr. Kidd for his testimony.

STATEMENT OF W. NIM KIDD, ASSISTANT DIRECTOR, EMERGENCY MANAGEMENT, TEXAS DEPARTMENT OF PUBLIC SAFETY

Mr. KIDD. Thank you, sir, and good morning. I would also like to start by thanking the thousands of Texas and National firefighters that came to assist; the paid, the volunteers, the first responders. The work that they have done this fire season is nothing short of a miracle and is nothing short of stellar, and we would be

very much remiss if we didn't take every opportunity to thank them for the service.

I'd also like to thank you for your service. We spent time together in Bastrop, many phone calls back and forth trying to make sure that what we were doing was the right thing to do, so thank you for your leadership.

Congressman, I also thank you for the years that we spent in San Antonio working together. I know tomorrow will be a rough day in your district as the elevated fire weather will be there, so thank you for your leadership in being here as well.

Mr. CUELLAR. Thank you.

Mr. KIDD. Before I move on, I think we would also be remiss if we didn't recognize the Director of the Texas Forest Services, who is here with us, Tom Boggus, who may help us with some of the questions and answers that we have as well.

Texas started its wildfire season on November 15, 2010. On December 21, 2010, Governor Perry issued the first of what would be continuing disaster declarations, noting that we were in a state of drought and in a state of responding to magnificent wildfires.

In the last 10 months, the State of Texas has responded to 24,258 wildfires. I think that's important to know that that does not count the hundreds of thousands of local 9–1–1 calls that urban fire departments respond to on a daily basis. This isn't trash fires. This isn't house fires. These are wildland fires. It's my understanding that this 21,000 is roughly a third of what the U.S. Forest Service responds to on a National average in 1 year.

It's also important to know that 3.8 million acres have burnt so far, as we've talked about already, that 2,862 homes have been lost. What we sometimes fail to mention is that 36,204 homes have been saved by the work of the firefighters out there on the front lines.

We will talk more in depth, I'm sure, about the Fire Management Assistance Grant process, FMAGs, in which Texas has received 55 FMAGs since December—actually, since February 27, 2011, and 51 of those have been funded based on some criteria that need to be met.

As we break down the number of fires and FMAGs in acreage, we should remember that 1.2 million acres have been covered by a Fire Management Assistance Grant. That leaves 2.6 million acres with zero Federal funding coming in to assist. We're working through the process with FEMA to get public assistance under the Stafford Act to help with that. That also equates to 13,967 homes saved on the Fire Management Assistance Grants fires, but 22,237 homes saved on non-FMAG fires.

The cost to Texans so far is $304 million, and the FMAGs allow for $52 million, but at a 75/25 percent split, we will really only see $39 million of the $304 million returning to Texas to cover the cost of the fires. I think we will have to dance carefully around the difference between personnel and resources that responded to assist Texans and the Federal money that comes in after that to assist Texans.

So on the response and recovery side, I will submit that the U.S. Forest Service and FEMA have been here from very early days with their personnel and with their equipment to help us. At this point, the prime danger to Texas is the $304 million that we have

spent that we are working through the recovery process to see what is eligible and what's a non-eligible expense.

The Stafford Act and Title 44 of the Code of Federal Regulations are cumbersome. I totally agree with you. To figure out a safer, smarter way to do that should be in all of our best interests, and I hope that will be the focus that we work through.

We also know that through the FMAGs, there is much room for improvement, because the standardized definition of a Fire Management Assistance Grant award is very subjective. You will not find a National definition of what constitutes an FMAG fire other than "any fire in and of itself with the capability of becoming a major disaster." There is no minimum acreage. There is no minimum homes lost. There is no evacuations in process. Those are thumb rules or policies that I would suggest are different by FEMA region.

We talk a lot about FEMA not being here to help or the Feds not being here to help, and I would say that that, in most cases, is not necessarily true. I do believe that they've been here working with us from Day 1. The big difference is they are not loaning us their resources. They're selling us their resources.

Remember, this is a process for recovery as we work through the public assistance and the individual assistance grants, and as we work through those together, all of those processes are very time-consuming. I understand that it does take a large amount of paperwork to defend and justify the expenses that we have. We would all like to see that reduced, and we are very much looking forward to ways that we can do that together. Thank you.

Mr. MCCAUL. Thank you, Mr. Kidd.

The Chairman now recognizes General Nichols for his testimony.

STATEMENT OF MAJOR GENERAL JOHN F. NICHOLS, ADJUTANT GENERAL, TEXAS MILITARY FORCES, TEXAS

General NICHOLS. Mr. Chairman, Congressman Cuellar, thanks for inviting me today. I'd like to talk about what the Texas National Guard has been doing to help Texas in the last quite a few months—way too many months.

As you stated before, we have—we're dual role. We support the President and the Constitution against enemies, usually foreign, and we protect the Governor and the State of Texas, against any natural disaster, and we would be his primary military force if called upon if we needed that.

The mission of the National Guard—Texas National Guard is to provide manpower and resources and equipment to help the Texas Department of Emergency Management in responding to State and local emergencies, and we've done that for decades now. Our role is as a supporting agency to TDEM, and we're the single point of contact with TDEM for execution. It allows us to respond quickly in response to whatever happens in Texas.

Additionally, we continue to coordinate with the planners and the first responders to improve what we've done in the past; as mentioned before, lessons learned. Every fire season, every hurricane season, every flood season, every time we have snows up north, we come back and refine what our response was from the

past to the present, all the time trying to improve our response to the needs of the citizens of Texas.

We've been supporting TDEM and Texans in the fights against the fires since—the Texas National Guard started February 14. Since then, we've flown 82 missions. It doesn't sound like much, but a mission is one day's flying, so—and that could be all of our helicopters flying on one day. So that's all counted as a mission.

We've dropped 5,745 buckets of water for a total of almost 5 million gallons of water dropped this year just since February. Then our fire break team has cut 162 miles of fire. When you consider a D7 dozer is a pretty big bulldozer that doesn't go very fast, we've been busy. Our folks have been—the fire break teams have been working since the April and May time frame.

Regarding the Bastrop fires, we had eight Blackhawks flying. They put in 67 hours of flying time, and they dropped 456,000 gallons of water on the fire. We also had three Chinook helicopters flying. They flew 80 hours, and they dropped 913,000 gallons of water. A Blackhawk can drop 600 gallons of water. A Chinook can drop 2,000 gallons of water. If you—I'm sure you saw them going back and forth during the Bastrop fire. They were just going over to the Colorado River, picking up water, and going. One time they took water out of a family's pool to put out their house, so I think that was a fair trade that day.

One of the Chinook Bambi buckets was provided by Fort Hood. Fort Hood was fighting their own fire at the time, and they had one Bambi bucket that—and they only have one. Ours went out for maintenance, so we asked for that, and they provided it to us just about immediately. Just for that effort right there, just in Bastrop County, we had 181 personnel supporting the effort.

We had one dozer team, which is comprised of four bulldozers, and the team teamed up with the Texas Forestry Service and the U.S. Forest Service. They're the fire boss. They led us through there, and we cut—I think it was—it ended up being 5 miles of fire break. That sounds not much, but when you think about Highway 71 in Bastrop and how the fire jumped across the shoulder, the lanes—the median strip, the lanes, the shoulder, it takes a while to cut something wide enough to have any effect. They're not fighting in that kind of environment. They're fighting more around where the retardant is dropped. It's not uncommon for them to come back covered in orange when they're finished fighting the fire, because they're right there right with that team.

We also had 60 Texas State Guard soldiers helping Bastrop set up shelters for the displaced families that had time and need. We brought communications packages. We put liaison officers out there. We also supported 600 firefighters at Camp Swift, which is very close to Bastrop, north and west of Bastrop. There weren't 600 firefighters there at any time. They were doing a thing called hot bunking. Three hundred were sleeping while 300 were fighting, and then they'd have a shift change, 300 would sleep while 300 fought. So the firefighters were working 24/7 during that whole period of time. We supplied bunking and life support essentials for them in concert with the Texas Forestry Service.

I thank you for the opportunity to talk today, to let you know that also we've been partnered up with TDEM since we were first

tasked to come to the fire, and throughout that—the whole fire season, we've been on alert and ready to go whenever asked and whenever called. Thank you for your time.

Mr. MCCAUL. Thank you, General.

[The statement of General Nichols follows:]

PREPARED STATEMENT OF JOHN NICHOLS

OCTOBER 17, 2011

Mr. Chairmen, Members, thank you for having me here today.

As you know the National Guard is unique in that we serve dual missions: First, to provide the President and the country with ready and trained combat forces in support of the defense of the Nation; second, we provide the Governor and the citizens of Texas with a mission-ready force in support of civil authorities.

The mission of the Texas National Guard is to provide the manpower and equipment to support the Texas Department of Emergency Management in responding to State and local emergencies. Our role as a supporting agency to TDEM, which is the single point of contact for planning and execution, allows Texas to act quickly in response to any need.

Additionally, we continue to coordinate with the planners and first responders to improve our capability through training and enhanced infrastructure to respond to the emergency needs of the citizens of Texas.

Regarding the Central Texas fires in Bastrop the Texas National Guard provided:

Eight Blackhawk helicopters which flew a total of 67.2 hours and dropped 456,060 gallons of water.

Three Chinook helicopters flew a total of 80.4 hours and dropped 913,000 gallons of water.

One Chinook Bambi Bucket was provided by Fort Hood to replace a TXNG Bambi Bucket damaged during the fire.

A total of 181 personnel supported this effort.

One Ground Wildfire Suppression Force Package composed of four D7 Bulldozers with supporting vehicles and equipment was employed on the fire and cut 5 miles of fire break. All 16 personnel were on State Active Duty during the event. In addition, one Liaison Officer supported the Incident Command Post.

Texas State Guard provided 60 Soldiers to establish shelters and support civilians displaced by the Bastrop County Complex Fire. All personnel were in a State Active Duty status.

Two Texas Interoperable Communication Package trailers supported the Incident Command Post. Personnel were in a State Active Duty status.

Four Texas State Guard Soldiers of the Resource Team were assigned to the Logistics Section of the State Operations Center.

One Aviation Liaison Officer served in Merkel, TX, to assist the Texas Forest Service in coordinating TXMF Aviation assets supporting the Texas Forest Service throughout the State.

Thank you for the opportunity to appear before you today to discuss how the Texas National Guard will continue to support the Texas Department of Emergency Management in working to keep Texans safe by ensuring our readiness at the time of need.

Mr. MCCAUL. Let me say thank you for your efforts on behalf of the State of Texas. I think the response at the highest levels of the State and the volunteer fire departments was really phenomenal, and so thank you for that.

Next, the Chairman recognizes Mr. Starbuck.

STATEMENT OF KEVIN STARBUCK, CEM EMERGENCY MANAGEMENT COORDINATOR, AMARILLO/POTTER/RANDALL OFFICE OF EMERGENCY MANAGEMENT

Mr. STARBUCK. Thank you, Chairman, Congressman. I appreciate being invited to represent one of many local jurisdictions in the State of Texas who have had to actively deal with this wildfire season on the front lines.

I would be remiss without bringing up that jurisdictions such as Possum Kingdom, the Wichita Falls area, the Bastrop area, the Davis Mountains area all had significant wildfire threats throughout the year, including other locations throughout the State of the Texas, and each one of them has their own story to tell that could help bring this picture to light and maybe make it a more whole picture for each of you to consider.

As a Local Emergency Manager, our primary task is to be proactive as we possibly can, coordinating our local resources to ensure that we can address all hazards that impact our jurisdictions in as rapidly and efficiently a manner as we possibly can. We take this very seriously in the city of Amarillo, and over the year—over the course of this year have been very active in standing up fire weather operations in advance of wildfire outbreaks.

Some of the major wildfires that we had in Potter and Randall Counties starting on February 27, the first of the major wildfires in Texas, involved standing up our emergency operation center as early as 9:00 in the morning, calling in additional resources, additional firefighters, public works personnel with their motor graders, and coordinating extensively with our Disaster District Committee personnel that represent the State of Texas and with the National Weather Service to get a good picture of what the threat truly was on that particular day and in subsequent days throughout the year.

As wildfires outbroke in our community and throughout the western—West Texas and throughout the State of Texas, our job is to coordinate the resources that we have at our disposal from a local side and, as we identify needs, communicate those to the State of Texas. There truly isn't a mechanism, nor should there be a mechanism, where I contact or speak directly with FEMA or Federal responders. I leave that to the State of Texas to work through those issues and to make those determinations about whether they have the resource to meet our needs or need to call upon others to assist.

Bureaucracy did not prevent a timely response from local jurisdictions or the State of Texas. We had people in place. We aggressively attacked the issues when they presented themselves and worked to minimize the impact on our communities to the extent possible.

Our frustration was more founded in the recovery process where we were looked upon to provide information, often on very short notice, and requiring extensive efforts on our parts to put together cost estimates of what it cost to respond to these wildfires in order to be considered for eligibility for Federal disaster reimbursement funds.

Both of the FMAG fires, of which four have been declared in Potter and Randall Counties, the jurisdictions I represent, and the major disaster declaration that has been considered for the State of Texas have required us to put in extensive time and effort in order to make determinations on whether we would be eligible for reimbursement funding or not.

As a city department, I would honestly say that we are geared to handle it in our budgetary processes. We work through those issues.

My concern is for the many volunteer fire departments who have put forward extensive effort, extensive wear and tear on equipment. It's been characterized to me that the wildfire season that we have experienced this year and the pace of operations that they have had to work through equates to 3 to 5 years of wear and tear on the equipment that they normally would see.

When a volunteer fire department that is basically working off of bake sales to buy fire trucks sees 3 to 5 years of wear and tear on their front-line equipment, there's going to be a long-term impact on their ability to continue to be a serviceable response entity.

That's where FEMA reimbursement funds come into play, to assist us in making those departments whole and to help them continue the fight for the long term related to wildfire threats.

There are a number of different things that I think need to be looked at in relation to both the FMAG process, the paperwork that was submitted as part of the FMAG process, and then also the major disaster declaration determination process.

It seems that in years past, a disaster summary outline providing basic estimates of costs that local jurisdiction incurred in response to a major disaster was enough to make those determinations. This year, we were required to submit extensive paperwork well beyond that in order to help make those determinations, which, as of today, continue to remain unfunded or unsubstantiated for at least our local jurisdiction and many jurisdictions throughout the State of Texas.

There's an understanding that FEMA must have mechanisms in place to make those determinations, and we'll be the first to admit that the—at least in Potter and Randall Counties—that the wildfire threat and the costs that were associated were marginal in terms of what would be considered a Federal disaster declaration. But when considered in the scope and magnitude of the overall wildfire threat throughout the State of Texas, throughout West Texas, throughout my particular jurisdiction this year, I think that that needs to be reconsidered on how those determinations are made.

Further, our concern remains that while this year's wildfires continue, the long-term forecast that we see and that we have to deal with are not showing any relief in sight for the State of Texas well into next year. So the extent of impacts that we've had this year, the extent of equipment being used up in response to these fires is not just a short-term issue, but will remain a long-term issue as we continue to see extensive wildfires.

As Chief Kidd has already alluded, we're already seeing red flag warnings for the Austin area this week, and I'm sure that over the course of this winter, spring, and summer of next year, we'll continue to see additional issues.

I appreciate your time, and I appreciate you looking into this issue, looking at the overall scope, and I appreciate the opportunity to come speak before the committee today.

[The prepared statement of Mr. Starbuck follows:]

PREPARED STATEMENT OF KEVIN STARBUCK

OCTOBER 17, 2011

The Texas Panhandle is experiencing an unprecedented wildfire and drought impact in 2011. Per National Weather Service records (dating back to 1892), 2011 is the driest year on record for the Amarillo area. These dry conditions combined with record heat and extreme winds created a fire weather threat on a scale never before experienced in the Texas Panhandle and throughout much of the State of Texas.

Starting in December 2010, the emergency management program began coordinating pro-active fire weather operations with area fire departments, law enforcement, and public works due to the extreme conditions. With each Red Flag Warning issued by the National Weather Service, the Amarillo/Potter/Randall Emergency Operations Center (EOC) activated to a heightened readiness level with additional emergency response agency staffing to ensure maximum readiness to respond to any wildfire that started in the two county jurisdiction and support the needs of neighboring jurisdictions throughout the Texas Panhandle.

These efforts were coordinated with the State of Texas Disaster District Committee personnel located in the Amarillo area. State of Texas response assets located in the region are available to all local jurisdictions in an effort to maximize response resources as wildfires threaten communities with a strong working relationship existing between local jurisdictions and State partners. The primary wildfire response asset that was deployed to the Amarillo area was Texas Forest Service-contracted single engine air tanker firefighting aircraft. Unfortunately, very few Texas Forest Service ground assets were deployed to the Texas Panhandle region when significant wildfire activity in the Texas Panhandle began in late February 2011.

On February 27, 2011, the National Weather Service Amarillo forecast indicated extreme Red Flag fire weather conditions with critically dry fuel moisture, single-digit relative humidity values, and high wind warnings based on forecasted sustained winds of 40+ mph with gusts exceeding 60 mph. The extreme weather conditions centered on the Amarillo area mirrored a fire weather phenomenon found by local National Weather Service and Texas Forest Service researchers conducive for large wildfire outbreaks.

While multiple fires broke out throughout West Texas, the most devastating wildfires in terms of property damage occurred in Amarillo area. The Willowcreek South Complex wildfire located just north of Amarillo in Potter County forced the evacuation of approximately 1,250 residents, consumed 24,310 acres, and destroyed 37 residences and 70 outbuildings with an estimated property value loss of $7,035,547. At nearly the same time, the Tanglewood Complex wildfire located just south of Amarillo in Randall County forced the evacuation of approximately 1,539 residents, consumed 1,224 acres, and destroyed 33 residences and 40 outbuildings with an estimated property value loss of $5,965,880.

With multiple incidents occurring in the Amarillo/Potter/Randall interjurisdictional emergency management program area, local officials issued a local disaster declaration for the City of Amarillo, Potter County, and Randall County. The disaster declaration requested emergency response assistance from the State of Texas and consideration from the Federal Emergency Management Agency (FEMA) for the issuance of a Fire Management Assistance Grant (FMAG) and other Federal disaster recovery assistance to offset the extensive response and recovery costs that were being incurred. A request for a FEMA FMAG is required to be completed while major response operations are on-going per FEMA policy. The Amarillo/Potter/Randall EOC was notified on February 27, 2011 that FEMA had declared the Willowcreek South Complex wildfire in Potter County and the Tanglewood Complex wildfire in Randall County eligible for the FMAG program.

On the day following the wildfire outbreak, emergency management officials completed a local initial damage assessment and a Disaster Summary Outline (4-page form) used to determine the scope and magnitude of a disaster and the jurisdictions eligibility for Federal assistance. This information was submitted to the Texas Division of Emergency Management (TDEM) by close of business on February 28, 2011. Based on the information provided, TDEM and U.S. Small Business Administration officials came to Amarillo to perform a preliminary damage assessment. The combined State and Federal preliminary damage assessment resulted in a U.S. Small Business Administration Disaster Declaration for Potter County and Randall County.

Concurrently, TDEM officials conducted an initial briefing on the FMAG program, requesting Potter County and Randall County officials to compile response cost information for the two wildfires using FEMA disaster recovery paperwork. TDEM officials provided information to the local jurisdictions that while the Willowcreek

South Complex and Tanglewood Complex wildfires were declared FMAG wildfires, the State of Texas had not exceeded the FEMA threshold for suppression costs, and thus the jurisdictions were not eligible for FMAG funding. TDEM officials briefed that the FEMA suppression cost threshold of approximately $4,000,000 in calendar year 2011 was a moving target as additional suppression cost information was being gathered from throughout the State of Texas for wildfires that had occurred prior to February 27, 2011. Should it be determined that the State-wide wildfire suppression costs prior to February 27, 2011 exceeded the eligibility threshold, then the FMAG declared wildfires in Potter County and Randall County would be eligible for Federal reimbursement funding.

Based on this information, the City of Amarillo, Potter County, and Randall County compiled the response cost information using the FEMA disaster recovery paperwork. The result was extensive staff hours used to generate 5″ thick of FEMA project worksheets outlining the suppression costs for the local jurisdictions. To date, the Willowcreek South Complex and Tanglewood Complex wildfires remain unfunded. TDEM has provided that the State of Texas suppression cost threshold of approximately $4,000,000 was exceeded sometime in the early March 2011 time frame, leaving the wildfires of February 27, 2011 ineligible for FMAG funding by a mere few days per the FEMA policy.

Fire weather conditions continued to deteriorate in the Texas Panhandle region throughout the spring months. On May 24, 2011, the region was once again facing critically extreme wildfire conditions leading local officials to once again increase readiness levels and pre-deploy response assets throughout the jurisdictions. Multiple major wildfires occurred south of the City of Amarillo in Deaf Smith County, Swisher County, and Randall County. The largest of these wildfires was the Cemetery Road wildfire that began in the late afternoon of May 24, 2011 in central Randall County. The initial response to the wildfire resulted in the evacuation of approximately 60 residents in the Sunday Canyon area and the evacuation and closure of the Palo Duro Canyon State Park, which at the time of the evacuation order had approximately 140 elementary students in the bottom of the canyon on a field day to the State Park.

The Amarillo/Potter/Randall EOC contacted the TDEM Regional Liaison Officer providing information on the Cemetery Road wildfire and the response actions being taken in Sunday Canyon and Palo Duro State Park. A request was made for a FEMA FMAG declaration for the Cemetery Road wildfire, which was forwarded up the chain of command by the TDEM Regional Liaison Officer. Approximately 60 minutes into the initial response to the Cemetery Road wildfire, the Incident Commander received a direct call from a FEMA representative stating that the Cemetery Road wildfire was not significant enough to justify an FEMA FMAG declaration. The Incident Commander forwarded this information to Amarillo/Potter/Randall EOC, which contacted the TDEM Regional Liaison Officer for clarification and an explanation of the FEMA FMAG denial, especially given that the response to this major incident was just in the beginning stages. No explanation was provided to the local jurisdiction.

The Cemetery Road wildfire continued to burn for 4 days, consuming 16,373 acres, tying up extensive local emergency response resources and nearly every State and Federal firefighting response asset deployed to West Texas. The fire forced the continuous evacuation of the Sunday Canyon area (approximately 300 residents) and the Palo Duro Canyon State Park until the fire was declared under control.

On May 29, 2011, the Amarillo area was once again the center point for critically extreme fire weather. In the afternoon hours, the Pitt Road wildfire started in Randall County followed shortly by the Stone Ridge wildfire in Potter County. The Pitt Road wildfire in Randall County forced the evacuation of approximately 200 residents, consumed 180 acres, and destroyed 4 residences and 11 outbuildings with an estimated property value loss of $109,284. The Stone Ridge wildfire in Potter County forced the evacuation of approximately 3,000 residents, consumed 1,556 acres, and destroyed 8 residences and 21 outbuildings with an estimated property value loss of $2,561,035.

Once again, the Amarillo/Potter/Randall EOC contacted the TDEM Regional Liaison Officer relating information on the scope and magnitude of the unfolding wildfires and requesting FEMA FMAG consideration. Both the Pitt Road and Stone Ridge wildfires were declared FEMA FMAG wildfires and are reportedly eligible for reimbursement funding for suppression costs. To date, the City of Amarillo, Potter County, and Randall County are continuing to compile the required FEMA disaster recovery paperwork to submit for FMAG reimbursement.

Additional information outlining the wildfire threat in the Amarillo/Potter/Randall area is outlined in the attached "2011 Amarillo/Potter/Randall Wildfire Threat Summary" last revised on September 11, 2011 (attachment 1).

In July 2011, Potter County Judge Arthur Ware received a letter from TDEM Chief Nim Kidd, dated July 7, 2011 outlining that Potter County was not approved for Public Assistance in the Federally-declared DR–1999 wildfires that occurred between April 6, 2011 and May 3, 2011 (attachment 2). The letter requested that Potter County submit a Disaster Summary Outline to TDEM outlining the Public Assistance expenses for the county.

TDEM was contacted requesting clarification of the requested information given that no major wildfires had occurred during the April 6, 2011 to May 3, 2011 time frame in the Amarillo/Potter/Randall area. TDEM provided the explanation that the State of Texas had requested a major disaster declaration for 252 counties in Texas for the time frame of December 21, 2010 thru August 31, 2011. The DR–1999 Federal major disaster declaration was issued by FEMA to include only 45 counties and limited to the April 6, 2011 through May 3, 2011 time frame. Specific information requirements for reconsideration of undeclared counties was still being determined, but TDEM indicated that a TDEM/FEMA meeting would be scheduled in the coming weeks to gather information on all wildfire response costs from December 21, 2010 through the current date.

On July 28, 2011, the Amarillo/Potter/Randall Office of Emergency Management (OEM) met with TDEM and FEMA representatives. At this meeting, FEMA requested that OEM submit all non-FMAG-declared wildfire response costs using FEMA disaster recovery paperwork broken down for Potter County and Randall County into three time frames: December 21, 2010 through April 5, 2011; April 6, 2011 through May 3, 2011; and May 4, 2011 through the current date. The indication was that this information would be used to determine the jurisdictions eligibility within the currently declared period of the DR–1999 disaster declaration and would provide a basis along with information from other jurisdictions for FEMA to reconsider the State of Texas request to expand the disaster declaration period.

Three elements were discussed: First, that the request for completed FEMA disaster recovery paperwork was overly burdensome given the short turnaround time requested by FEMA. Second, that given that the February 27, 2011 Willowcreek South Complex wildfire in Potter County and the Tanglewood Complex wildfire in Randall County were declared, but unfunded FMAG wildfires, that their exclusion from consideration was not fair to the jurisdictions. And third, a more detailed explanation of what portions of response could be considered (i.e. equipment rates, overtime vs. straight time, volunteer consideration). The FEMA representative allowed that the full extent of FEMA disaster recovery paperwork would not be needed, but that the local jurisdiction needed to provide background information on how it arrived at the response cost estimate. In addition, the FEMA representative allowed that the February 27, 2011 Willowcreek South Complex and Tanglewood Complex wildfires could be included in the cost estimated due to the lack of FMAG funding.

OEM spent extensive staff hours compiling the requested FEMA information, especially given the level of detail requested beyond the customary disaster summary information typically used to determine eligibility for Federal assistance.

The submittal to FEMA provided the required breakdown outlining the FEMA allowable response costs for the period of December 21, 2010 through July 23, 2011 (attachment 3 & 4). In Potter County, an estimated 211 wildfires were responded to with an estimated FEMA allowable response cost of $412,077. In Randall County, an estimated 128 wildfires were responded to with an estimated FEMA allowable response cost of $429,871. Based on the FEMA per capita thresholds, it was indicated that the jurisdictions would need to exceed approximately $375,000 in FEMA allowable response costs in each county to be reconsidered for eligibility, assuming FEMA expanded the disaster period. No additional feedback was provided by TDEM or FEMA following submittal of the information.

In late September 2011, a copy of a letter from FEMA to Governor Perry and a second letter from FEMA to TDEM dated September 21, 2011 were forwarded to OEM outlining the denial of TDEMs request to expand the DR–1999 disaster declaration (attachment 5 & 6). It was noted in the letter that, "it was not demonstrated that the prior or subsequent fire activity is part of the same extraordinary incident as the major disaster declaration". Given the extreme extended nature of the wildfire threat in 2011 coupled with the extensive impact on communities throughout Texas during the entirety of 2011, the explanation does not appear to be based in the experiences of local jurisdictions throughout the State of Texas.

In conclusion, did bureaucracy prevent a timely response . . . No, the interjurisdictional emergency management program in the City of Amarillo, Potter County, and Randall County leverage all available local, regional, and State resources to maximize response to incidents and minimize the impact of the wildfire threat on our community with limited external assistance. However, frustrations experienced

in navigating the recovery process and assistance programs were tremendous. It is understood that FEMA must put in place mechanisms to ensure that Federal assistance is limited to truly catastrophic incidents. And based on this, it is recognized that the response to the wildfire threat in Potter County and Randall County is a marginal incident in relation to Federal disaster consideration. However, the process employed by FEMA to make those determinations is convoluted, time-consuming, and in need of improvement.

RECOMMENDATIONS

- The declaration of an FMAG for wildfire incidents should not require determination while in the midst of response to the incident. Requesting emergency management and/or incident command personnel to deviate attention from response efforts to bureaucratic determinations creates the potential for public safety to be threatened further. Declaration of an FMAG should be made once incident stabilization has been established and should be based on clearly published criteria versus subjective determinations.
- Once a State has exceeded the FMAG suppression cost threshold, all FMAG declared fires for that calendar year should be eligible for FMAG funding.
- FEMA disaster recovery paperwork must be simplified and should take into consideration jurisdictional accounting systems that can already produce reports on equipment and labor cost information. Requiring jurisdictions to transfer information from established accounting systems to FEMA forms is a duplication of effort.
- Based on the requirements of the National Incident Management System (NIMS), jurisdictions are required to identify the FEMA "kind & type" for all response equipment. However, equipment reimbursement is based on a FEMA equipment rate schedule that does not correlate the NIMS equipment "types". Equipment rates should be based on the NIMS equipment "typing" verse an alternative equipment rate schedule to improve determination of equipment cost rates.
- Determinations of eligibility for a major disaster declaration must be simplified with improved transparency and less subjectivity. To date, OEM has not directly received any feedback from TDEM or FEMA as to our status in the process. Given that the local jurisdictions provided information demonstrating response costs in excess of eligibility thresholds, a more detailed explanation of the denial of the expansion of the Federal major disaster declaration would assist local jurisdictions in understanding the process.*

Mr. MCCAUL. We want to thank you, Mr. Starbuck, and thank you for your great service. You're a County Judge. You're also the Emergency Manager. You're pretty much everything out there. I also—I agree with your warning that it's far from over. The State of Texas remains to be a tinderbox, and I think it's very foreseeable, as it has been this past year, that we'll have many more fires, unfortunately.

With that, the Chairman recognizes Mr. Russell for his testimony.

STATEMENT OF TONY RUSSELL, REGION VI REGIONAL ADMINISTRATOR, FEDERAL EMERGENCY MANAGEMENT AGENCY, U.S. DEPARTMENT OF HOMELAND SECURITY

Mr. RUSSELL. Good morning, Chairman McCaul, and good morning, Congressman Cuellar. I want to thank you again for being able to come speak with you today.

First of all, Chairman McCaul, I want to thank you for our phone calls before and during the fires. I think they were very good for us to talk to make sure that we were on the same page, and they were very helpful. Also I had phone calls with the Texas Congressional Delegations, a call at 1:00 p.m., before and during the fires, and just make sure that all the staff were on-line and make sure

*Attachments have been retained in committee files.

that we knew what we were doing. We were totally transparent, and to me that was my goal, to make sure that we were doing exactly that.

I want to comment now on FEMA's role during the fires. First of all, I am very pleased with the way that we were able to preposition assets. We were able to ensure that we pre-deployed folks and to make sure that we were in support of the Governor and the Governor's team. That's my primary focus, to make sure that FEMA does exactly that.

Since the declaration in Bastrop County for individual assistance, we have added 22 more counties to the declaration. That allows the survivors to be eligible for housing needs. We have 15 counties that have been declared for public assistance. That is to help the local governments and the communities rebuild their infrastructure. The State also expects an additional 15 counties for PA, and so that will give us a total of 30 counties that are going to be eligible for some form of Federal assistance, including IA and PA.

I've had my Federal coordinating officer, Kevin Hanks—he's been in Texas for a long time. In fact, in July, he was down working on the DR 1999. When this fire happened, I sent him over as my FEMA liaison to interface with Chief Kidd, and at that time they began to take a look at the wildland fires in September.

As they talked, they decided we had to have an IMAT Team, which is an Incident Management Assistance Team. That team was deployed on September 6. They got here to Austin. They began to plan for our response. Now, during this time, there was not a declaration yet, so we were in the process of the declaration.

At this juncture, what happened is we sent out our PDA Team. That's the Preliminary Damage Assessment Teams, and those teams were geared to work with the State and to work with the locals to take a look at the amount of damage. The key, when we look at the damage, is we take a look at what is the uninsured losses. That's very, very key. Because, of course, if it's insured, then it's going to be paid for by a different source. So we looked at the uninsured losses.

Those teams traveled almost right to the fireline, and my task to them was, "I want this thing done quickly, but you guys have got to be safe." So safety came first. So they did that. So I'm pretty pleased with that and the way that we interfaced with Chief Kidd and his team.

So some of the successes from all of this has been within the first 2 weeks of the declaration, we have—more than $6 million of assistance has reached the survivors, and to date we're up to about $10 million. We have the Transitional Shelter Assistance Program that was approved for Bastrop County within 6 hours after the declaration, and right now we have more than 250 survivors who are involved in that program.

We had a mobile registration intake center open on September 11, and that was to be able to get folks to quickly be able to register for their assistance. We had community relations teams that were in Austin before the event, and they were in the streets within 12 hours, making sure that we had face-to-face contact with those who were affected.

We also reached out to folks with functional needs and disabilities to make sure that no one was left behind. We had sign language over at the DRCs, which are the Disaster Recovery Centers, and we also took a look at folks with limited English proficiency to make sure that we had translators there. We had folks there to make sure, again, that no one would be left behind as we moved forward.

Now, to date, sir, we've had about 4,400 visitors to the disaster recovery centers that have been across the State. Also, to date, we've had—about 3,800 people have registered for Federal assistance. As we—as we move forward, I think those are just a few examples of exactly how we are going to be forward-thinking. We're going to make sure that the folks who are affected do, in fact, get the services that they need, and we at FEMA are committed to doing exactly that, to support the Governor and the Governor's team respond to this disaster.

Sir, I thank you very much.

[The prepared statement of Mr. Russell follows:]

PREPARED STATEMENT OF TONY RUSSELL

OCTOBER 17, 2011

I. INTRODUCTION

Chairman McCaul, Ranking Member Keating, and distinguished Members of the subcommittee, my name is Tony Russell and I am the Regional Administrator for the Federal Emergency Management Agency's (FEMA) Region VI Office. It is an honor to appear before you today on behalf of FEMA to discuss the Federal disaster process and the recent fires in Texas. In my testimony today, I will describe the Federal disaster declaration process, FEMA's response and recovery programs, and how these programs and assistance have been applied to the recent wildfires.

II. ASSISTANCE FOR THE TEXAS WILDFIRES

This year, Texas has been battling its worst fire season in State history, and has experienced unprecedented heat and drought. The severity of the disaster intensified greatly over the Labor Day weekend when numerous wildfires began to spread.

On July 1, 2011, the President issued a major disaster declaration for wildfires occurring between April 6, 2011, and May 3, 2011 (DR–1999–TX). Currently, 52 Texas counties are designated for Public Assistance for emergency protective measures and debris removal, as well as repairs to roads and bridges, water control facilities, public buildings, publicly-owned utilities, and parks and recreation. FEMA is working with applicants to write up all eligible project worksheets so they can be reimbursed for eligible expenditures at a 75 percent Federal cost share.

In response to the elevated fire conditions in September, the President also issued a major disaster declaration for Bastrop County (DR–4029–TX) on September 9—the same day the request was received from the Governor. That declaration, which covers fires occurring on August 30, 2011 and continuing, has subsequently been amended to authorize Individual Assistance for 22 counties, Public Assistance for Bastrop, Colorado, Leon, and Walker Counties, and the Hazard Mitigation Grant Program State-wide.

FEMA continues to engage with our local, State, and Federal partners as the wildfire response and recovery efforts in Texas have moved forward. With respect to DR–4029–TX, FEMA Region 6 staff were on the ground in the Austin area and Bastrop County days in advance of the major disaster declaration to ensure they were ready to support the State in the wildfire response and recovery efforts. We held daily calls with the Texas Congressional delegation to keep Representatives informed about the on-going wildfire response efforts. I personally traveled to the Bastrop County area a few weeks ago, where I met with local officials. I also participated in an aerial tour of the damage and visited the Disaster Recovery Center (DRC) in Bastrop County.

Our goal has been to move as quickly as possible in response to the situation. Joint FEMA-State Individual Assistance Preliminary Damage Assessments were

conducted in Bastrop County while the fires were still burning. Prior to a declaration, FEMA sent an Incident Management Assistance Team to Texas to develop a plan to expedite response, and immediate response and recovery capabilities were pre-positioned. Transitional Sheltering Assistance was approved for Bastrop County 6 hours after the declaration and a Mobile Disaster Registration Intake Center opened on September 11. In the first 2 weeks following the declaration, $5.8 million in Individual Assistance has been provided to those impacted by this disaster.

Community Relations teams were on the ground within 12 hours of the declaration, with State approval, to Assess, Inform, and Report (AIR). The teams were in the affected communities talking to survivors and providing information on how to contact FEMA and apply for Federal disaster assistance. As of October 12 (34 days after the President declared the event a major disaster), there have already been more than 3,600 visits by disaster survivors to the Mobile Disaster Registration Intake Centers (MDRICs) and Disaster Recovery Centers (DRCs). As of October 6, 2011, there were 3,699 registrations for Individual Assistance, $7,001,522 approved for housing assistance, and $1,708,919 provided as Other Needs Assistance. Numerous housing inspections were completed, and more than 2,240 individuals were eligible for transitional sheltering. In partnership with the State, FEMA identified the recovery efforts will also require 50–100 temporary housing units.

III. ADDITIONAL INFORMATION ABOUT THE DECLARATION PROCESS AND DISASTER PROGRAMS

The Disaster Declaration Process and Federal Disaster Assistance

Although communities can make every effort to prepare for an emergency, disasters can strike at any time. Local and State governments are the first to respond, but when they become overwhelmed by the need, the Federal Government is ready to provide support where needed.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) establishes a process for requesting Presidential emergency and major disaster declarations, as well as declarations specifically designed to assist States affected by major wildfires, known as Fire Management Assistance Grants. It also defines the type and scope of assistance available from the Federal Government and sets specific conditions for obtaining that assistance. FEMA coordinates Federal response activities per the Stafford Act and the Homeland Security Act of 2002, and may provide direct or grant assistance as authorized by the Stafford Act and FEMA's implementing regulations.

There are two main types of declarations provided for in the Stafford Act: Emergency declarations and major disaster declarations. Both declaration types authorize the President to provide supplemental Federal disaster assistance when State and local capabilities are overwhelmed.

An emergency declaration may be issued for any occasion or instance for which the President determines Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States. A major disaster declaration may be issued in response to any natural catastrophe including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought or, regardless of cause, any fire, flood, or explosion in the United States which, as determined by the President, causes damage of sufficient severity and magnitude to warrant supplemental major disaster assistance.

Although the types of events which are eligible for an emergency declaration are broader, the amount of assistance that may be provided under an emergency declaration is more limited in scope than that available under a major disaster declaration. Generally, Federal assistance and funding are provided under an emergency declaration to meet specific emergency needs or to help prevent a major disaster from occurring. Emergency declarations supplement State and local efforts in providing emergency services, such as debris removal; assisting with the distribution of medicine, food, and other consumable supplies, and emergency assistance; directing other Federal agencies to use their authorities and resources, and providing technical and advisory assistance to save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe. The total amount of assistance provided under a single emergency declaration is limited to $5 million, but that amount may be exceeded in certain circumstances established in section 503 of the Stafford Act.

A major disaster declaration can result from a natural disaster or other threat, in which the President determines that supplemental Federal aid is warranted. In addition to the types of work eligible under an emergency declaration, permanent

work to repair, restore, and replace damaged public and certain private non-profit facilities is eligible under a major disaster declaration.

To receive either an emergency or major disaster declaration, the event must clearly exceed the capability of State or local governments to respond to and/or recover from the disaster. If declared, funding comes from FEMA's Disaster Relief Fund and disaster aid programs of other participating Federal agencies.

To receive a disaster declaration, the Governor of the affected State must submit a letter of request to the President. The Governor's request must explain that the State took all appropriate actions under State law and executed the State's existing emergency plan. In reacting to the emergency, the State must explain that although it utilized every existing resource, the severity and magnitude of the event overwhelmed the State and affected local government's ability to respond, such that Federal assistance is necessary. A disaster assistance request explains that the severity of the disaster is such that the resources of the Federal Government can provide the level of aid needed.

The Stafford Act requires that the Governor's request for assistance include detailed information about the damage and impacts to the State from the event. To collect that data, the State requests Joint Preliminary Damage Assessments (PDAs—damage assessment surveys conducted by FEMA and State officials to examine the level of damage after an event). The PDA teams consist of personnel from FEMA, State emergency management, county and local officials, and sometimes staff from the U.S. Small Business Administration. They jointly survey damage locations at the direction of the State. The teams review damage and estimate the costs of assistance to the affected areas, including the impacts to individuals, infrastructure, and critical facilities, such as public utilities. The teams note the levels of damage, the number of people displaced, and the remaining threat to health and safety caused by the event.

If a major disaster is declared by the President, there are three possible programs that may be activated for any disaster. The determination of which programs are activated is based on the needs found during damage assessment and any subsequent information that may be discovered. The three main programs are: Individual Assistance, which provides assistance to individuals and households; Public Assistance, which provides assistance to State and local governments, Tribal governments, and certain private non-profit organizations for emergency work and facility restoration; and Hazard Mitigation Assistance, which provides Federal funding for measures designed to reduce future losses to public and private property.

The Disaster Response Process Including Support for Wildfires

Emergency and major disaster declarations are designed to support communities overwhelmed by a variety of events. For major wildfires, the Stafford Act has established a specific type of declaration that may be issued by FEMA for a separate grant program only available for fires, known as Fire Management Assistance Grants, or FMAGs. These grants provide Federal financial assistance to States, local, and Tribal governments for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as to constitute a major disaster.

A request for an FMAG declaration begins while a fire is still uncontrolled, and addresses specific criteria that are used to evaluate whether Federal assistance is warranted. These criteria include: The immediate threat to lives and property, including critical infrastructure or watershed areas; the availability of firefighting resources; high fire danger conditions per the National Fire Danger Ratings System; and the risk of potential major economic impact.

The Governor submits the request to the FEMA Regional Administrator, who assesses the need with expert advisors, then approves or denies the declaration request. The decision to approve or deny the request takes into account the conditions that existed at the time of the State's request, such as the extreme drought in Texas, and whether the fire is likely to cause, or may have already caused, a level of destruction constituting a major disaster. FMAGs are intended to supplement State and local efforts and costs to mitigate, manage, and control active wildfires.

The threshold for a FMAG disaster declaration is considerably lower than for a major disaster declaration. Because of this, reimbursement funds for an FMAG declaration are limited to the response phase of the disaster, and are not intended to finance long-term recovery projects. The FMAG is designed to provide most of what a State or municipality may need to replace the items used or damaged during the response phase of a severe wildfire.

This year, the State of Texas has received 55 FMAG designations. The eligible costs for reimbursement under an FMAG include:

- Costs for equipment and supplies (less insurance proceeds);

- Costs for emergency work (evacuations and sheltering, police barricading and traffic control, arson investigation);
- Costs for a State emergency operations center (when used as a Unified Command Center);
- Costs for the pre-positioning of Federal, out-of-State, and international resources for up to 21 days;
- Cost of safety items for firefighter health and safety;
- Costs for field camps and meals in lieu of per diem;
- Costs for mobilization and demobilization costs;
- Costs for the temporary repair of damage cause by firefighting activities;
- Costs for the mitigation, management, and control of declared fires burning on co-mingled Federal land, when such costs are not reimbursable by another Federal agency.

FMAGs do not authorize the traditional programs which are available under a Presidential major disaster declaration. The Individual Assistance and Public Assistance Programs, and Hazard Mitigation Grants are not authorized as part of an FMAG declaration. FMAGs are designed specifically to support only the community's response needs during a severe wildfire.

The Disaster Recovery Process

After the initial response to a Presidentially-declared event, the community, State, and Federal partners transfer into the recovery phase. Collaboration with our many partners is critical to FEMA's ability to assist communities and individuals in the recovery process. Texas is well-versed in the collaborative recovery process following the large-scale efforts required after Hurricanes Katrina, Rita, Gustav, and Ike in recent years. Successful recovery also depends on all stakeholders having a clear understanding of pre- and post-disaster roles and responsibilities. FEMA is just one part of the team, and the success and speed of recovery depends heavily on the whole community's involvement.

For FEMA, the recovery phase of a Presidentially-declared event may involve the implementation of our Individual Assistance, Public Assistance, and Hazard Mitigation Grant programs. These programs provide support to individuals, families, and State, Tribal, and local governments to help them rebuild and reduce the recurrence of loss from future events.

Individual Assistance provides assistance to individuals and families after a disaster, including emergency assistance, the Individuals and Households Program (IHP), Crisis Counseling Program, and the Disaster Case Management Program. FEMA's Individual Assistance programs are not intended to restore the disaster survivor to his or her pre-disaster standard of living. Instead, they are intended to supplement remaining eligible costs after the application of private insurance that is designed to make the survivor "whole" following a disaster. In particular, FEMA's housing programs provide a bridge between short-term shelter and long-term sustainable permanent housing. Disaster housing programs reflect the varying needs of disaster-affected communities and individuals.

Rental assistance is the most common form of housing assistance provided by FEMA and is used wherever possible in order to enable individuals and families to rent a housing unit while they locate and secure long-term permanent and sustainable housing. FEMA's Rental Resources Hotline and Housing Portal website provides a searchable database of available rental resources and provided tens of thousands of Houston-area options for Galveston families to seek shelter following Hurricane Ike. Another form of temporary housing provided under IHP is the Temporary Housing Unit (THU), which may be provided to survivors directly by FEMA when their residences have been rendered uninhabitable or destroyed by the declared event and there is insufficient rental housing available in the community.

In addition to housing assistance, FEMA partners with the Department of Health and Human Services (HHS) to provide short-term counseling services and disaster case management following a disaster declaration. The Crisis Counseling Program is an interagency Federal partnership between FEMA and the Center for Mental Health within HHS's Substance Abuse and Mental Health Services Administration. These services are funded through grants given to the States by FEMA and provide counseling services for up to 9 months after the date of grant award. Outreach services under this program include public information, community networking, and education services.

Another Individual Assistance program, the Direct Federal Disaster Case Management Program, is maintained through a Memorandum of Agreement signed in 2010 by FEMA and the HHS Administration for Children and Families. If a State requests and is approved for the Direct Federal Disaster Case Management Program, FEMA notifies the Administration for Children and Families to initiate the

rapid deployment of disaster case management assistance to individuals and families in the affected disaster area. The second prong of the State Disaster Case Management Program is a State-administered program funded through a direct grant from FEMA. The State Disaster Case Management Program ensures that the State is an essential partner in the delivery of on-going disaster case management services and that the use of local service providers in the recovery for disaster survivors and their surrounding communities is maximized.

FEMA's Public Assistance (PA) program provides Federal disaster grants to eligible State, Tribal, and local governments, as well as certain private nonprofit entities for certain eligible costs incurred to respond to the declared event as well as the repair, replacement, or restoration of publicly-owned facilities and infrastructure damage during a disaster. One form of assistance that the Public Assistance program provides is debris removal operations. In order to aid communities in faster recovery, recently the Public Assistance program piloted Operation Clean Sweep, also known as the Expedited Debris Removal Program, which uses geospatial imagery to make rapid assessments and identify the areas with the most catastrophic damage. This allowed FEMA to focus on the hardest-hit areas and combine direct Federal assistance and local government contracting to quickly remove debris. This pilot has been used with great success by local governments in Mississippi, Alabama, and Missouri in response to the spring storms to quickly remove debris. FEMA also funds temporary facilities like fire stations and schools as part of the PA program, which enables communities to quickly restore critical public infrastructure functions.

IV. CONCLUSION

This administration is committed to doing all we can to assist Texans as they begin to recover from these devastating fires. This year, FEMA has approved a record 55 Fire Assistance Management Grants for Texas and the President has issued two major disaster declarations. Assistance is flowing to disaster survivors. FEMA is here to support the State of Texas and the Texas Division of Emergency Management (TDEM) in the wildfire response and recovery efforts. We will continue to stand with the people of Texas for as long as it takes to recover from these fires.

Thank you again for the opportunity to appear before you today. I am happy to answer any questions the subcommittee may have.

Mr. MCCAUL. Thank you, Mr. Russell.

Just for the record, you know, I was at the Bastrop fire on Monday, and I believe we called and talked—I called you, and we talked to each other. By the next day, FEMA was on the ground. So I thank you for that.

Mr. RUSSELL. Thank you, sir.

Mr. MCCAUL. Next we recognize Mr. Harbour for his testimony.

STATEMENT OF TOM HARBOUR, DIRECTOR, FIRE AND AVIATION MANAGEMENT, USDA FOREST SERVICE

Mr. HARBOUR. Thank you, Chairman McCaul and Congressman Cuellar. It really is an honor for me to be here and to testify and to answer questions.

My name is Tom Harbour. I've had over 40 years of experience in the Wildland Fire Program. I started as a firefighter, boots-on-the-ground, and have been able to work my way up through a variety of positions, including Incident Commander at the highest complexity level and Area Commander at the highest complexity level.

It was in that capacity that in 1998 I first came to Texas to assist the folks in the great State of Texas with their fires, and I first became acquainted with the folks in the Texas Forest Service and with the predecessors of Mr. Kidd's folks.

I do have to tell you, as I start off, that over these last many years as I've worked with the Texas Forest Service folks, you've got some of the best in the business here. Mr. Boggus, your State for-

ester, is rightfully proud of the accomplishments of the State of Texas folks.

It really is, as the previous panel members have said, those local firefighters and those local boots-on-the-ground who are our heros during these events. The U.S. Forest Service contributes to those boots-on-the-ground, but we have very limited direct protection responsibilities here in Texas. Except for six small areas totaling about 675,000 acres, we are here at the request of and under the command of the good folks in the State of Texas.

We are a partner, a cooperator. Based on how conditions are elsewhere in the country and the assets that we have guarding National Forest System lands in those 44 States, we are able, at times, to offer significant reinforcements to our partners. Over the last several months, we've been proud to do that, honored to do that.

Over the last 6 months, especially, we've filled orders for over 90 firefighting crews. These are crews of 20 men and women who are utilizing axes and chainsaws to build a fireline. We've filled orders for over 100 helicopters that have come into the State. We've filled orders for 87 different air tankers who have accomplished hundreds of sorties. We've sent nearly 100 other types of aircraft to assist in the fight, filled orders for nearly 400 firefighting engines, over 70 bulldozers, 140 watertenders, and a dozen Incident Management Teams, the folks who were actually there on the ground managing and directing the efforts.

Generally, the U.S. Forest Service has had about 1,000 people in the great State of Texas during this fire siege. As I said, we are pleased to be here. When we are in Texas, we are under the command in the locations at the strength specified by these good folks in Texas, who, as I've indicated, are amongst the best in the business.

If you've been out there—and I'm sure both of you have—to the fireline, you see how we dress in the—in the same type of dress when we're out there doing the work, and you can't tell the organizational affiliation. That's the way we work. That's what we do. We're proud to stand with the folks who have been here and will remain here. With that I'm glad to answer any questions.

[The statement of Mr. Harbour follows:]

PREPARED STATEMENT OF TOM HARBOUR

OCTOBER 17, 2011

Chairman McCaul and Members of the subcommittee, thank you for the opportunity to appear before you today to discuss the Forest Service's role in the Federal response to wildfires in Texas. The State has been experiencing unprecedented fire behavior this fire season due to prolonged drought combined with dry, windy conditions. Between January 1 and October 4, 2011, over 3,500 fires have burned nearly 3 million acres in Texas. Drought is forecast to persist or worsen across the south and southwest parts of the Nation for the near future.

The U.S. Department of Agriculture Forest Service's mission is to sustain the health, diversity, and productivity of the Nation's forests and grasslands to meet the needs of present and future generations. The Forest Service manages 155 National Forests and 20 National Grasslands in 44 States and the Commonwealth of Puerto Rico. Because of these management responsibilities, the wildland fire organization within the Forest Service is the largest in the United States. We have been managing wildland fire for more than 100 years. We respond to thousands of wildfires and conduct thousands of controlled burns per year.

Because wildland fire knows no boundaries, teamwork is essential in managing a coordinated response. Local, State, Tribal, and Federal firefighters all work together in partnership. We all take seriously our role in protecting people, property, and valuable natural resources from wildland fire. Pooling our strengths and resources helps us to maintain our operational excellence and to continually improve the safety and effectiveness of fire management.

The Forest Service is proud to be a part of this unique partnership. Congress and the President have given the Forest Service authorities that have allowed us to develop a seamless wildland fire response network across the United States. We developed the incident management system, which has evolved and been adopted across the United States for the management of all emergencies, including fire. We respond to requests from partners to come and assist by providing resources to State or local governments through cooperative agreements.

In preparing for the 2011 fire season, the Forest Service (along with the Department of the Interior) worked along with the States and Tribes to ensure we had adequate National firefighting resources prepared and positioned. The National Interagency Coordination Center (NICC), located at the National Interagency Fire Center in Boise, Idaho, oversees coordinated wildland firefighting responses throughout the Nation. When fire resources in one geographic area are in short supply, the NICC prioritizes, allocates, and, if necessary, re-allocates resources. Prioritization ensures firefighting forces are positioned where they are needed most. Fire resources such as personnel, equipment, aircraft, vehicles, and supplies are dispatched and tracked through an integrated National system also developed by the Forest Service.

While the Forest Service does have direct protection responsibility for 675,000 acres of National Forest System land and grasslands in Texas, we are a relatively small player in the State. Of the total acreage burned during this fire season, 174 fires have burned 3,651 acres of the National Forest System land in Texas; 165 fires have burned 13,823 acres of land managed by the Department of the Interior in Texas; however, 3,194 fires have burned 2,876,126 acres of State and private land. We are here because our friends in the Texas Forest Service (TFS) asked us to help. We are pleased to be able to do so.

We have a long and successful partnership with our friends in the TFS. We actively assisted TFS with wildfire and support for events in the past, most recently Hurricane Ike in 2008 and the wildfires in West Texas in 2008 and 2009. We have also taken many actions over the last few months of this year to assist TFS with fire suppression efforts on State and private lands. To date we have provided approximately 9,908 fire resources. Specifically, we sent 92 firefighting crews, as well as support staff and skilled members of interagency incident management teams; a variety of aircraft—104 helicopters, 87 airtankers, 98 other aircraft; 387 firefighting engines; 71 dozers; and 140 water tenders.

Additionally, TFS has established cooperative forest management programs, which receive funding from Forest Service, primarily through authorities in the Cooperative Forestry Assistance Act of 1978 (Act). This Act provides several cooperative grant programs to the State, such as:

- State Fire Assistance
- Volunteer Fire Assistance
- Federal Excess Personal Property Program
- Firefighter Property
- Forest Stewardship
- Forest Health
- Urban and Community Forestry.

Forest Service uses its State Fire Assistance authority to provide funds to support TFS's fire management capacity. The Forest Service has also provided dozens of wildfire intelligence specialists to TFS. These resources provide fire weather forecasts, predict fire behavior, analyze wildland fuel conditions, study National Fire Danger Rating indices and components, and model wildfire growth and potential.

The Texas Forest Service is one of the most highly skilled and experienced wildland firefighting agencies in the United States. The Forest Service will continue to be a strong partner and assist with fire suppression efforts on State and private lands as the State faces challenging wildfire conditions in the months ahead.

This concludes my statement. I would be happy to answer any questions you have.

Mr. MCCAUL. Thank you, Mr. Harbour.

Let me echo your sentiments about the local volunteer firefighters. They really were the heroes of this story.

You know, having been out there, particularly in the Bastrop fire, right next to them—and I'll never forget, looking at, you know, house by house burnt to the ground. The only thing left were the chimneys or any sort of columned structure that—any sort of stone left in the house. I'll never forget the image of seeing one of these homes where still a flagpole was out front with the American flag and the Texas flag still waving. Unbelievable. I don't know how they—how it survived the fire, but it certainly—it demonstrated a lot to me, that we are going to prevail.

I'd like to start off by saying, you know, I went all over the State to study this. We were in Amarillo. We were in Abilene. I was at Possum Kingdom, you know, where a lot of these fires first started at the beginning of this year. Then I was in East Texas, which had a bout of wildfires, and then finally ended up—ended up back in Bastrop.

The stories—you know, we talked to a lot of the County Judges, the Emergency Managers, and the stories were very, very similar, and very much the same. By and large, I think the locals are very pleased with the State's efforts, Mr. Kidd, the way you responded, and you have great respect.

The complaints I heard were several, and that's what I wanted to sort of address today. First, pre-positioning of assets. You know, it wasn't until Bastrop hits, you know, after a year of having fires, very foreseeable, that finally the State gets four C–130s and a DC–10 tanker into Austin. That's—I believe the fire starts Sunday night. Monday, we're out there. Wednesday, they arrive from California. They cannot deploy until Friday.

By that time, Bastrop's gone. The Bastrop fire has done its damage, and it's near containment. To me, I think that's something that could have been avoided had we had more of these assets pre-positioned, the ones from California.

Now, the good news is, as you see in that poster there, that—that was on Friday. The DC–10 tanker went to Waller County, Montgomery, and put it out. My constituents said it was like the cavalry coming in. The good news is for any future fires, I do believe we have these assets that can be rapidly deployed. But I guess my first question to you, Mr. Harbour, is why—why—why did it take a year to get those kind of assets in the State of Texas?

Mr. HARBOUR. Actually, sir, on the 2nd of September, knowing your interest, I went back, and we looked. We did have three large air tankers, three water-scooping fixed-wing air tankers, 11 air attack fixed-wing aircraft, 12 helicopters, and 15 single-engine air tankers. So we had a significant number of assets here at the request of the Texas Forest Service.

Obviously, any loss in our business is too much loss, but we did have assets here. We were fighting fire all across the west at the time. We had assets in other places with active fire also, but we did have several assets here in the State.

Mr. MCCAUL. Well, I think we—I just think we could have had more. You know, the DC–10 tanker alone, if that had been under contract, could have been deployed. Then when it gets here, that Wednesday, there's a 2-day downtime because of crest—the crew has to rest. So you have 2 days—you know, 2 more days of fires

going on, and every hour counts in these fires. You have the crew rest, you know, for, you know, about 2 days.

So that—to me, that's—I think a lot of people were very angry and upset about that when they got that news. They didn't quite understand why it took so long to get the plane, and then when you finally got it, you couldn't even deploy it for another 2 days. Do you have any response to that?

Mr. HARBOUR. Yes, sir. As you and Mr. Cuellar said, we are interested in lessons learned. We're certainly going to be taking a look at what we did. We speak—State Forester Boggus and I speak frequently about ways we can improve and be better. We certainly will look to the future and see what we might do.

In the particular case of the DC–10, that aircraft was engaged in community protection in California previously to its being deployed here to Texas. Because of crew rest cycles, because of the intensity and danger of those kinds of low-level drops, we do insist on crew rest. But we are going to be taking a look at it, sir. You bet.

Mr. MCCAUL. Well, I think that's—that's a clear lesson learned we ought to be taking from this, that, you know—and I know you and I talked maybe on Tuesday. I mean, I was reporting this, what I was seeing, and all you had to do was turn the TV on to see it. You know, it takes until Friday to get the requisite aviation assets.

In addition, there were some P–3s—or eight P–3s that were sitting on a runway in California. I think we all saw that picture. I don't have it with us here today, but—and the answer with respect to those was that they were not airworthy. Under the regulations, they were not airworthy; and so, therefore, even though the Governor requested these assets, he relied on—I believe it was your representation that they were not safe to fly.

Yet, when we looked through some of the documents, I found an aircraft approval certificate for these airplanes, that they were airworthy, that these could have been deployed from California. So what is the truth here?

Mr. HARBOUR. You'll notice, sir, on the last page of that card, the first item, that there is a specific notation that there was a portion of the contract that we were attempting to work through with that particular contractor. They ultimately didn't supply the kind of documentation that we needed after working with them for years. We could not be assured of their safety.

Fundamentally, they didn't comply with the contract. So without that assurance of their safety, and with them not complying with the contract, those—that contract was terminated with that contractor.

Mr. MCCAUL. That's unfortunate. So—I mean, it says "aircraft approval." So they are approved as airworthy. You're just saying the contract was terminated?

Mr. HARBOUR. Yes, sir. There is another side of that card there. I don't know if you actually have it, but there were four corrective items listed on that particular card that you have there. I can show it to you later or to your staff. But it did reference that we were in an on-going discussion with that particular contractor as we hoped they would comply with the terms of the contract.

Mr. MCCAUL. Okay. Let me—let me shift now to the—getting a Federal disaster recommendation. Now, this is something the Governor's office, you know, I think on nine separate occasions had requested a Federal disaster declaration. I believe only on one occasion was it granted for, I think, 30 days, and then it expired.

Then, of course, you know, Bastrop hits, and that became, you know, the eye opener, even though—I believe, Mr. Kidd, you said we've had, how many, 21,000 fires, you said?

Mr. KIDD. Yes, sir.

Mr. MCCAUL. Twenty-one thousand fires, and it takes this type of explosion to finally get the attention of the President that, you know, perhaps we need to declare this a disaster when the warning signs have been there all along.

Why is this so cumbersome? Why can't the President just call—why can't the Governor call the President of the United States on the phone and say, "Have you seen what's going on on the television? I've got a problem. I've got a real disaster going on. Will you please declare this a Federal disaster?"

Mr. RUSSELL. Yes, sir. You know, as we take a look at the Stafford Act, and the Stafford Act tells us that the—a Governor makes that request, and from that request it goes from the Governor to the Regional Administrator. In that case, it would be me. Then I do an analysis of the area and of the situation. From that, then it goes further toward the President making the declaration. I think a key behind some of this is it has to be, amongst other things, uninsured losses.

I can recall in Oklahoma they had a large tornado. It went through. You know, a great deal of damage was there. As we began to do the assessment, it was all insured losses, so there was no need for a declaration. That only is an example of an event that is large that sometimes does not lead to a declaration.

In this case here, our goal was to support the Governor and the Governor's team to make sure that we sent up to Washington the prescribed items that were required for us to move forward toward the decision for that declaration.

Mr. MCCAUL. Well, Mr. Kidd, was the administration responsive to your request to declare this a Federal disaster?

Mr. KIDD. I'd like to go back and make sure that I articulated correctly. I mentioned earlier that we had nine gubernatorial disaster declarations. Not all nine of those were sent to FEMA. In fact, for the last 20 years, Texas has had over 240 local and Statewide disasters, but only 40 of those have been sent to the Feds for assistance.

During this wildfire season, we asked for our first disaster declaration for the entire season for 252 counties on April 16. We were told on May 3 that it was denied because we didn't have enough damage meeting—leading up to that point. As—as Regional Administrator Russell says, Texas is a large State. It takes $34 million of uninsured loss to meet what I refer to as our family deductible.

Each county then has to have their individual deductible met before that county is eligible. So counties right next to each other, based on population, have different deductibles. So if both don't meet—one does and one doesn't—only one gets it and the other doesn't. We believed that we had met our $32.5 million, at the

time, now $34 million threshold of uninsured loss back in April when we asked.

Again, I want to point out—because I think it's very easy to get concerned and confused between the difference in—in assistance with personnel and equipment versus the Federal reimbursement assistance, which is primarily what we're seeking at this point.

So we did get the Federal resources—the people and the equipment that we asked for—when they were available to assist us with fighting the fires. The biggest struggle right now is getting the $304 million in money returned to us that we spent fighting fires.

I think that answered your question, but I'm not real sure.

Mr. MCCAUL. Well, and let me—let me touch on that issue. The $304 million—and I believe the split is, what, 75/25 percent?

Mr. KIDD. Yes, sir.

Mr. MCCAUL. So the Feds should pay 75 percent of that, and the State has to pay 25 percent?

Mr. KIDD. Yes, sir.

Mr. MCCAUL. You put that request in?

Mr. KIDD. Yes, sir, that's correct.

Mr. MCCAUL. This goes back to FEMA. When I traveled around the State, they said, you know, whether it was the hurricane season or—many times these requests take 2 to 3 years to get reimbursed. A lot of the smaller counties, they can't afford—their budgets can't afford that, that type of projection where they have to wait 2 to 3 years to get reimbursed by FEMA.

Why does—why does this take so long?

Mr. RUSSELL. Sir, I think that when it comes to our reimbursement, that is a collaboration with FEMA and the State and the applicant. The way that it works is that the—the cost and the bills are basically brought from the individual, from the applicant, up to the State and FEMA, and then we come together, and then, from there, those bills are paid.

At times, it takes a lot of time for the—the applicant to collect the bills and to collect the information that is required to move forward. A key part is that FEMA—we deal with the grantee, and the grantee, for us, is my State partner. So that's our linkage there.

When it comes to the applicant or the sub-grantee, for instance, you know, that money is sent from the State down—from the grantee down to the sub-grantee. So there's time in that whole process there, but I find a lot of times it's the ability to get all the information in order to properly validate what they are requesting.

Mr. MCCAUL. Well, and I understand, you know, doing it accurately so you don't have, you know, fraud, waste, and abuse.

Mr. RUSSELL. Right.

Mr. MCCAUL. But, I mean, 3 years? I just think we can streamline—it's way too bureaucratic. I think we can streamline the process so that reimbursement can take place more in real-time, because, again, these local counties can't afford it. They're concerned about people leaving their counties now because of the lack of reimbursement and assistance.

So one last point. This one was sort of classic Federal Government. Perhaps you can explain it to me. But I'm meeting with the local County Judge who is also the Emergency Manager in a small

county, who is also a volunteer firefighter, and he's got another job. You know, when these fires hit, they come out of nowhere, and they—they're fast. They move—particularly the grass fires. Of course, what we saw in East Texas and Bastrop, these pine trees explode.

Their first priority is to put out the emergency, put out the fire, as it should be. So when FEMA comes in and says, "You know, you've got to fill this paperwork out here," and you have to make your application for these grants prior to containment, this is what I don't understand.

Because you're putting the firefighter in the position of trying to decide, "Okay. Am I going to try to put out the immediate emergency, putting out the fire, or do I have to sit down at night-time—by the way, I've got another job—and fill out all this paperwork?"

Why in the world—why is that? Why can't you wait? Why can't they put out the fire first, have it contained, and then sit down and fill out the paperwork? It's a competing interest that doesn't make sense.

Mr. RUSSELL. Sir, I would say this. When it comes for the FMAG, that Fire Management Grant, that's a 1-pager that I get. I get this 1-pager. What it does, it basically defines for me the parameters of the event.

Then I get a phone call, and the phone call can come any time of the night. I get them at 1:00 a.m., 2:00 a.m., 3:00 a.m., and then myself and the staff, we take a look at what's going on per the request from the State, and then from there we say, "Yes, this requires an FMAG to move forward with."

So I think that that initial request is only 1—1 page, and then from there there may be other things depending on the complexity of the situation, but I am going to take a look at ways we can do a more—better job to streamline. Because I, like you—you know, I don't like to put a lot of complexities on the local responders. I want to make sure that we're there to help them and not to be a hindrance.

Mr. MCCAUL. Well, and I appreciate that. I think—this is not—this is not me spinning this. I went and talked all across the State, particularly the smaller counties. They don't have staffs. I mean, the bigger cities, they have staff that can fill a lot of this stuff out.

I was told that prior to containment, though—maybe you have your 1-pager in the beginning, but then—but then prior to it actually being contained, that the application had to be submitted. So maybe it would make sense and some places it would work better with FEMA, where FEMA would position themselves with the county and help them with this paperwork. I know maybe that's not—you don't consider that to be your job, but it seems to me, particularly in counties that are smaller that need that kind of help, you could have one of your guys maybe sit down with them and say, "Here is what we need to fill out, and let me help you do this."

Mr. RUSSELL. Yes, sir. In fact, I think anything that can make this more simpler for the counties is my—is my job, and I will work with the State to ensure that we do that.

Mr. MCCAUL. I think that's a—that's a good note for me to end on. I—you know, look, what happened happened, and I wish it hadn't. There will be more of these across the State. I think we

should have had more assets pre-positioned to handle the Bastrop and others.

The good news is we have them now. I think we've learned some lessons, but I want to continue to work with this distinguished panel to make sure, first and foremost, that Texans are protected and that the assistance that Texas deserves goes to the State.

With that, I will recognize my good friend and Ranking Member, Congressman Cuellar, who apparently had a couple of emergencies as he got up from his chair and walked away.

Mr. CUELLAR. Actually, I wanted—I wanted to get the correct numbers on the cuts that were done to FEMA and the firefighters. I just wanted to get the correct things.

Look, two things. I think we need to talk about money, and then we need to talk about whether there was a problem on the response and recovery.

Again, all this is controlled by the Stafford. As I said, I used to chair the budget when we started with what I call the old FEMA and the new FEMA. I think the new FEMA is certainly a lot better than what we saw in Katrina and a lot of places, and I think the State and the local folks can say that. We still need to do a lot in streamlining. I agree with my—my friend, Michael, that we need to streamline paperwork, and I'm for that.

But let me—let me—let me get this correctly. Mr. Kidd, you and I have been around for a while, and I believe, as you mentioned, there's a difference between response and recovery. So let's talk about the response.

First—well, let's start with—well, let's start with the response. Then we'll talk about the recovery. I believe both you and Mr. Starbuck both said that FEMA was there from the very beginning, and they provided the resources that you needed in the response. Not the recovery part of it. I want to make sure that we're brutally honest with each other, and if there's a problem with FEMA, certainly, as the former Chairman, I want to hear about it. But, you know, I want to know what we need to do.

Your—you said a few minutes ago that FEMA was there from the very beginning, and the problem was not with the response. It was with the recovery part. So just—just for now talk about the response part of it.

Mr. KIDD. Yes, sir.

Mr. CUELLAR. Mr. Starbuck, I believe you said the same thing—basically the same thing.

Mr. KIDD. Yes, sir. Thank you for that. It's important that we all remember, especially me, that when FEMA responds, it's generally for Incident Management Assistance Teams, which are highly trained people that help us put together the response around the organization. FEMA doesn't come in as incident commanders.

A lot of people get confused whenever a Federal Type 1 Incident Management Team comes in, which is generally Chief Harbour's folks, which are Federal partners and State partners that form an Incident Management Team that can become incident commanders of a fire. So two different groups there, although a lot of times we paint them with the same Federal brush.

Mr. CUELLAR. Right.

Mr. KIDD. From—from Tony Russell's position, his teams—his Incident Management Teams help us get our hands wrapped around the organization to respond to the recovery side of the House, and Tony brings with him a big stick of making sure that the Federal agencies that come together are playing by the same playbook.

I can say with certainty that that portion of our response has happened. I mean, Tony has helped to bring everybody to the table on the Federal side, much like I do as a State coordinator. As a State coordinator, my job is to make sure that the directors of the State agencies are playing well with each other and responding to the incident in a unified fashion. I'll say that that did happen.

Mr. CUELLAR. It did happen. Mr. Starbuck—then I want to ask you, Mr. Kidd, because I know you've got a vast experience, and I'm going to ask you one other question. Because I think we're on the same page about the Stafford Act needs to be changed.

Mr. Starbuck, you said the same thing, did you not? Again, we've got to be brutally honest with each other about—about the FEMA role in this on the response part of it. Just the response.

Mr. STARBUCK. Correct. First of all, Congressman McCaul, I just want to correct that I'm not the County Judge. I'm sure Judge Houdashell and Judge Ware in Potter and Randall Counties would appreciate that I'm their Emergency Management Coordinator and not the County Judge.

Mr. CUELLAR. Tell them you got a new promotion when you came to Washington.

Mr. MCCAUL. You just got promoted.

Mr. STARBUCK. I will say this. That, once again, from a local perspective, our role is to deploy all local assets and then, as we recognize that our assets are—that the response to the incident is beyond our capabilities, we request assistance from the State. There is not a mechanism for me to call FEMA directly unless I am circumventing the system.

So those requests go to our local Disaster District Committee that starts the ball rolling for State and Federal assistance. In the February 27 wildfires, the State assets that were in the area of Amarillo, Texas, were rapidly deployed to us to assist us.

Again, in the wildfires that occurred in May—May 24 and May 29—State and, in the case of the May 24 wildfire, U.S. Forest Service assets that were in the region were deployed to our wildfires and assisted our local responders with bringing those fires under—under containment.

So from that perspective, I agree wholeheartedly with Chief Kidd that the assistance that we were requesting was being provided from a response perspective as far as assets that were deployed to the wildfires.

Mr. CUELLAR. Now, the recovery part for both of y'all, that is something where we've got to get the—what is it, $300-plus million back from—from FEMA. Is that correct?

Mr. STARBUCK. Yes, sir.

Mr. CUELLAR. That—that's the second part. Maybe that's what we need to talk about, streamlining the process itself. But that's the recovery. I was talking about the response.

Both of y'all, do you disagree with my interpretation of the Stafford Act, which governs disaster response, that it recognizes that State and local—not the Federal Government—have the primary responsibility to address disaster emergencies?

Mr. KIDD. Yes, sir, I agree with you.

Mr. CUELLAR. Do you agree with me that the Stafford Act needs to be updated?

Mr. KIDD. Yes, sir, I agree with you.

Mr. CUELLAR. If you—and this is to all panel members. If you have any ideas that you can give the Chairman and I, I'd be happy to work with you, because it gets a little—it's not only Homeland, but then you've got the Transportation Infrastructure Committee that comes in, and it becomes a jurisdiction question. But we would like to see if—at least what's within our area that we can, I'd like to update the Stafford Act because I think it needs to be updated.

Now, the reason I got up there a few minutes ago was to double-check some numbers. This summer, there was a vote on Homeland. As you know, both Mike and I serve in the Homeland. But the Homeland Appropriations Bill was put on the House floor. I voted no. I usually vote yes for the Homeland Appropriations Bill.

I voted no because it cut FEMA, State, and local programs by a staggering amount of 55 percent below the enacted level and 70 percent below the fiscal year 2010.

Similarly, the bill cuts 57 percent from the Firefighter Assistance Grants compared to 2010 and 2011. There were some cuts to FEMA management also. I believe it was—I think the CR cut first responders by $783 million, $24.3 million from FEMA management, which will affect you.

There was an amendment on the floor which I voted in favor that increased funding by $320 million to the Firefighter Assistance Grants, and we had to upset that. So it was cut. The reason I voted no—and I usually vote for the Homeland Appropriations—is that we can't be here complaining about the Federal Government while we cut FEMA funding.

Again, the general statement I said at the beginning—you know, a couple of years ago, people were complaining about the Federal Government. Now we're saying, "Hey, where is the Federal Government in this role?"

The Federal Government has a role, and we have to be very careful what our core mission is up there. We can't do everything, but I certainly feel that response—or should I say emergencies is a core part of it, border security, which Mike and I support all the way. But emergency is one part that we can't cut and then complain that there's not enough money to address this, or we can't complain about the Federal Government and say that there's no role of it. But when it affects us directly, "Where is the Federal Government on this thing?"

Mr. Russell, can you tell us about some of the cuts and how that affects you in your response and recovery part of it?

Mr. RUSSELL. Well, sir, I can say this, you know. When it comes to our response and recovery on the ground, we have that Disaster Relief Fund. From that fund is how we are able to respond and recover.

On the response side, Mr. Fugate has already said there would be no issues with——

Mr. CUELLAR. By the way, let me interrupt.

Mr. RUSSELL. Yes, sir.

Mr. CUELLAR. Mr. Fugate from Florida—and I got to deal with him when I was the Chairman——

Mr. RUSSELL. Yes.

Mr. CUELLAR [continuing]. Is a State-trained person.

Mr. RUSSELL. Yes.

Mr. CUELLAR. When he's State-trained, I think that's—again, nothing against Washington bureaucrats, but when you get somebody from the State who has been involved, like you, Mr. Kidd, at the State level and you put him in charge of FEMA, he has brought in new ideas and I think has broken this bureaucracy that we've been talking about, and he brings a State perspective and a local perspective that I think has been good for FEMA. So I've just got to say that about Mr. Fugate.

Mr. RUSSELL. Yes, sir. You're absolutely right. You know, we leaned forward in any response, and we are sure to make—to deal with the survivors and make sure that we are proactive.

The impact was with the recovery. We had that immediate needs funding to where we could only fund Category A and B, which is things for the emergency, and so all of those brick-and-mortar type projects were put on hold. To me, that was the biggest impact. But now we're back on track now, but I can say that that was the impact was on the recovery, on being able to move forward to build things.

Mr. CUELLAR. All right. Again, the Super Committee is going to be hopefully coming up with some recollections. As you know, we cut $1 billion already, and we're supposed to come up with another $1.5 billion. If the Super Committee doesn't come up with any suggestion, which I hope they do, then there's going to be a sequester, which means that everybody is going to be cutting.

In fact, money coming to the States, money to the USDA, money to FEMA, military, everybody is going to be cut, and it's certainly—at the local level, it's going to be impacted. So again, we're all for cutting the deficit, but we have to set certain priorities, and I think emergencies, border security, our military should be some of the priorities that we have.

So I want to thank you, and I don't know if Mike is going to have another round of questions, but I'll be happy to——

Mr. MCCAUL. Not unless you do.

Mr. CUELLAR. No.

Mr. MCCAUL. Yeah. Just let me—and we did pass, you know, a short-term continuing resolution, which does fund FEMA. It's a clean funding bill, which I supported, particularly given what's happened in the State of Texas.

So with that, let me just—just thank all the witnesses for being here today. This will probably be not the last time we'll be speaking, but I—you know, with—Tony, with you and Mr. Harbour and Nim, General—I mean, we've—we've worked pretty hard over the last couple of months on this. I will continue to work closely with you and with Mr. Cuellar if there are ways we can improve the response—improve the response and recovery efforts.

I do think that we should have had more in terms of aviation assets pre-positioned. Having said that, we are fortunate that they're here now. When it comes to reimbursing the State of Texas, I think that it should be done more efficiently and not take 3 years to do that.

So with that, we again thank the witnesses for being here, and this committee is adjourned.

[Whereupon, at 11:22 a.m., the subcommittee was adjourned.]

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