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PREPAREDNESS FOR THE 2008 WILDFIRE SEASON

HEARING

BEFORE THE

COMMITTEE ON ENERGY AND NATURAL RESOURCES UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

TO

CONSIDER THE PREPAREDNESS OF THE FEDERAL LAND MANAGEMENT AGENCIES FOR THE 2008 WILDFIRE SEASON

JUNE 18, 2008

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PREPAREDNESS FOR THE 2008 WILDFIRE SEASON

WEDNESDAY, JUNE 18, 2008

U.S. SENATE,
COMMITTEE ON ENERGY AND NATURAL RESOURCES,
Washington, DC.

The committee met, pursuant to notice, at 2 p.m. in room SD–366, Dirksen Senate Office Building, Hon. Jeff Bingaman, chairman, presiding.

OPENING STATEMENT OF HON. JEFF BINGAMAN, U.S. SENATOR FROM NEW MEXICO

The CHAIRMAN. OK, why don't we get started here, in the interest of time. I understand Senator Domenici is on his way and will be here shortly, but we want to just go ahead.

At a time when much of the country is faced with devastating floods, other parts of the country are faced with the problems of wildfires, and the hearing today will focus on the preparedness of Federal agencies for the current wildfire season.

So far, it's been a very active season, many major wildfires from coast to coast, including the Trigo fire in my home State of New Mexico, which burned dozens of homes and, I believe, in excess of 10,000—I think 13,000 acres was the last figure I saw. All indications are that the rest of the season will again strain budgets and firefighters and natural resources.

During the last 8 years, we've experienced an average of more than four times as many days where agencies were at risk of running out of fire suppression resources than we did during the previous 10-year period. Last year, the agencies suffered the third-highest number of such days since 1990, leaving many wildfire managers with their requests for emergency firefighting resources unfulfilled. These numbers indicate that our preparedness has not kept pace with the dramatic increase in fire activity that we've experienced during these last 8 years. Nevertheless, in each of the last five budget proposals from the Administration, we've seen recommendations to cut the wildfire preparedness budget. In fact, in the President's budget, had we gone at that level, we would be facing this summer with nearly a $100-million cut from in that budget, something which the Senate Appropriations Committee thankfully rejected.

In recent years, the committee has considered many different aspects of wildfire management, including the pressing need for cost containment, the impacts of global warming on wildfire behavior, fuel reduction policies, and firefighter safety. This year, we also are

considering some of the serious human resource challenges that our firefighters and agencies are facing. Accordingly, we'll hear from a number of organizations that represent wildfire fighters as part of our second panel.

I'd also like to briefly comment on the continuing need for attention to the issue of global warming. Although we were not successful in having an extended debate on that issue when it was brought up a couple of weeks ago with the proposal for a cap-and-trade system, it is a topic which is certain to recur on our agenda. The incredible increase in fire activity we have seen clearly is associated with changes in our climate. As a result, we now spend billions of dollars more on wildfires than we did just 15 or 20 years ago, and we are losing more and more homes to fire, as well.

So, it seems to me one of the most important things we need to do over the long term is to improve our wildfire preparedness, our control of fire suppression costs, and we need to reduce the strain on firefighters, communities, and the natural resources involved as part of dealing with climate issues. I look forward to a much more productive effort in the years ahead.

So, with that, let me go ahead and call on our first panel, which is made up of The Honorable Mark Rey, the Under Secretary for Natural Resources and Environment in the Department of Agriculture, and James Cason, who is the Associate Deputy Secretary with the Department of Interior.

You can proceed in whatever order you think is most appropriate, and then I'll have some questions.

Go right ahead.

STATEMENT OF JAMES CASON, ASSOCIATE DEPUTY SECRETARY, DEPARTMENT OF THE INTERIOR

Mr. CASON. Thank you, Mr. Chairman. Thank you for the opportunity to testify today on the wildland preparedness for the 2008 fire season.

Since the Department of Interior and the Department of Agriculture work closely together in fire management, the two departments are providing a joint statement.

The Administration makes the protection of communities, the environment, and firefighters a priority, and included funding the full inflation-adjusted 10-year average for the wildland fire suppression in fiscal year 2008.

Wildland firefighting activity has expanded and become more complex in recent years, contributing to the increased expenditures by the departments. As this committee has pointed out, these costs have escalated dramatically. The inflation-adjusted 10-year average for wildland fire suppression of the two departments, or $1.3 billion, is nearly three times the FY–2001 level of $472 million.

Fire activity in 2007 was above normal by many standards. Across all jurisdictions, wildland fires total more than 85,000 incidents, burning over 9 million acres, including more than 16,000 wildfires that burned 5.7 million acres on Federal lands.

Last spring's drought and high temperatures resulted in burning over 1.4 million acres in Florida and Georgia. The summer saw extreme fires in Utah, Nevada, and Idaho, with six of the year's largest fires occurring in these States. Last year, the U.S. Forest Serv-

ice spent nearly $1.4 billion on all fire suppression, while Department of the Interior spent approximately $470 million on all fire suppression.

We are pleased that even in the face of a such a long and severe fire year, we achieved effective initial attack-and-suppression success on all fires. Working with our State, tribal, and local government partners, fewer homes were destroyed, approximately 2,900 homes lost in 2007, compared to 4,500 homes lost in 2003, the most recent year that California endured a prolonged, extreme fire event.

Most of the eastern, central, and northwestern U.S. is predicted to have a normal outlook for significant wildland fire potential in 2008. Above-normal significant fire potential is expected across portions of southern California, the Southwest, Western Great Basin, the Rocky Mountains, Alaska, and Florida.

For June-through-September period, significant fire potential is forecast to persist or increase in portions of California, the Southwest, Western Great Basin, and the Rocky Mountains. Significant fire potential will decrease across Florida, eastern New Mexico, western Texas, Alaska, and the southeastern portions of the Rocky Mountain area as the year progresses.

The fire season has already produced incidents that are evidence of the potential for the 2008 fire season. As of May 31, 2008, over 29,000 fires have burned in excess of 1.5 million acres.

For the 2008 fire season, we will have available firefighting forces, firefighters, equipment, and aircraft comparable to those available in 2007. More than 18,000 firefighters will be available, including permanent and seasonal Federal and State employees, crews from tribal and local governments, contract crews, and emergency or temporary hires. This figure includes levels consistent with 2007 of highly trained firefighting crews, smoke-jumpers, Type-1 national interagency incident management teams—those are the most experienced and skilled teams available for complex fires or incidents—and Type 2 incident management teams available for geographic or national incidents.

The National Interagency Coordination Center, located at the National Interagency Fire Center in Boise, Idaho, coordinates firefighting needs throughout the Nation. In the event of multiple, simultaneous fires, resources are prioritized, allocated, and, if necessary, reallocated by the National Multi-Agency Coordinating Group composed of representatives of major fire organizations headquartered at NIFC. If conditions become extreme, assistance from the Department of Defense is available under standing agreements, as well as firefighting forces from Canada, Mexico, Australia, and New Zealand, using established agreements and protocols.

Recruitment, retention, and training of our firefighters are an important focus of the Department, one that is critical to our success. We are committed to the brave women and men across the country serving as wildland firefighters and wildland fire program managers.

The two departments are working with the Office of Personnel Management to advance educational requirements for our professional firefighter managers in the series GS 401 within the time-

frames that have been set. The departments believe that the 400 series provides an advantage to its employees as a professional series that offers a broad range of natural resource leadership opportunities, as opposed to narrowly defined classification that may limit opportunities.

Further, the positive educational requirements allow for better integration of fire management into the portfolio of skills necessary to achieve balanced knowledge of land and resource management.

With that, Mr. Chairman, I'm going to turn the rest of the opening comments to Mark Rey, from the Forest Service.

The CHAIRMAN. Let me just see if Senator Domenici wanted to make any statement, before you start, Mark, as an opening statement.

STATEMENT OF HON. PETE V. DOMENICI, U.S. SENATOR FROM NEW MEXICO

Senator DOMENICI. I would, Mr. Chairman, and I thank you very much for letting me do that. I apologize for being late. I thank both of you for being here.

Under Secretary Rey, I also want to thank you for your focus on resolving the 401 firefighters classification issue, which I spoke to you about at Interior appropriations in April.

Mr. Chairman, I was elected to the Senate, as we both know, in 1972. In those 36 years, we have seen the total burned each year grow from an average of 2 to 3 million acres to an average of 8 to 9 million acres per year. Over 154.8 million acres have burned since I was first elected to the Senate. But, what is stunning is that 58.5 million of those acres have burned in just the last 7 years. Think of that. In 7 years, we have burned an area almost equal in size to the entire State of Oregon or slightly larger than the State of Utah.

I would also note that the trend of acreage burned versus the number of acres managed by the Forest Service through timber sales and pre-commercial thinning is troubling. As the number of acres that have been treated has gone down, the number of burned acres has increased. From 1984 to 1993, the average burn rate was 3.7 million acres per year, and the Forest Service treated nearly a million acres annually. From 1994 to 2003, the average burn rate was 4.9—let's make it 5 million acres per year—while the Forest Service treated an average of only 550,000 acres. In the last 7 years, 2000 to 2007, the average yearly burn has been 7.3 million acres, yet the Forest Service fuels-reduction work fell to an average of 470,000 acres annually. Seems to be falling further each year. In my mind, it's one of those inconvenient truths that we have to face up to. We are spending more time managing less, burning more, and, as a result, we are having to cut funds to other important resource programs such as recreation, fisheries, and wildlife.

At the same time, we are increasing the carbon dioxide and other pollutants that get pumped into the air by these fires. I would hope that Congress someday, hopefully soon, can get beyond the timber wars and focus on ways to reduce fire severity, increase utilization of forest products, and reduce the amount of money we're forced to spend on fighting fires every year.

Mr. Chairman, thank you, again, for holding today's hearing. If the hearing goes as planned, I have a closing statement that's shorter, 1 and a half pages, that summarizes, from another aspect, what I've just said.

Thank you very much.

The CHAIRMAN. Thank you very much.

Secretary Rey, why don't you go right ahead.

STATEMENT OF MARK REY, UNDER SECRETARY, NATURAL RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE

Mr. REY. Thank you.

Secretary Cason left off with the educational requirements for the 401 series, and I want to submit for the record an update of where we're at on that. I think we're moving to an acceptable solution and won't dwell on it further.

[The information referred to follows:]

USDA/USDOI GS-0401 UPDATE FIRE MANAGEMENT

Date: April 25, 2008.
Update June 12, 2008.

INTRODUCTION

This update addresses employees who currently occupy a GS-0401 Fire Management Specialist (FMS) position and employees in GS-0301, 0462 and 0455 fire technician positions who were scheduled to be converted to GS-0401 FMS positions over a five year transition period. These employees are required to meet the positive education and specialized experience requirements outlined in the Office of Personnel Management (OPM) Supplemental Qualification Standard for the Department of Agriculture—Forest Service and Department of Interior—Bureau of Indian Affairs, Bureau of Land Management, Fish and Wildlife Service and National Park Service.

BACKGROUND

Following the deadly South Canyon Fire in 1994, an interagency team was formed to investigate the contributing factors to the fatalities. The subsequent 1995 Federal Wildland Fire Policy and Program Review, signed by both Secretaries of Agriculture and the Interior, directed Federal wildland fire agencies to establish fire management qualifications standards to improve safety and increase professionalism in fire management programs. After extensive effort, the Interagency Fire Program Qualifications Standards (IFPM) and Guide were completed.

Standard positions descriptions were developed, classified and approved for coverage at the Departments for all 14 key positions that were identified as part of the IFPM Guide. The 5-year implementation plan was approved by the Secretaries of USDA and USDOI.

The "Minimum Qualification Standards" (MQS) for IFPM contained four separate components: a positive education requirement as applicable; specialized experience; National Wildfire Coordinating Group (NWCG) position qualifications; and additional required training (if applicable). The OPM Supplemental Standards for GS-0401 Fire Management Specialist requires a degree in biological sciences, agriculture, natural resources management or a related discipline, or courses equivalent to a major in biological sciences, agriculture, natural resources management, or at least 24 semester hours in biological sciences, wildland fire management, forestry or agriculture equivalent to a major field of study, plus appropriate experience or additional education that is comparable to that normally acquired through the successful completion of a full 4-year course of study in the biological sciences, agriculture or natural resources. Of the 14 key positions identified in the IFPM Guide, the positive education requirement addresses all positions identified as "professional" positions. This includes all positions classified at the GS-11 level and above and some GS-9 positions based on the complexity of the unit. This update addresses the requirements identified in the OPM Supplemental Standards for GS-0401 Fire Management Specialists series positions.

The fire management agencies have worked closely with academia for many years in an effort to develop curricula specific to fire management. Attachment #1 is a list of colleges and universities where the Forest Service currently has agreements in place or is developing them now.

PROGRAM SCOPE

The Forest Service and Department of the Interior agencies have an estimated 1000 positions affected by OPM educational requirements for GS-0401qualification. The number of Fire Management Specialists who occupy mid-to upper-level fire positions having a positive education requirement is estimated at 800. The Forest Service has identified an additional 200 professional positions at the District level that fall under a separate agency-specific timetable.

On February 15, 2005, OPM issued new educational requirements in response to congressional direction. This change resulted in previously creditable NWCG courses no longer being creditable towards meeting the positive education requirements of the 0401 qualification standard. Courses are now creditable only if they appear on a transcript from an accredited institution.

This decision affects employees in two different groups. First, there are employees who were placed in GS-0401 positions but do not meet the positive education requirement. The agencies have identified the employees and are working aggressively to ensure they meet the education requirement as quickly as feasible. OPM has granted the agencies until October 1, 2010 for employees to continue working in the wildland fire program while they meet the education requirement. The Department of the Interior estimates 37 employees and the Forest Service estimates 30 employees are in this category.

FS Status as of June 2008: (To be updated quarterly)

1. 30 Forest Service employees have been identified.
2. HCM will notify these employees by July 11, 2008, of what they are lacking to meet the positive education requirements pending the receipt of documentation. (HCM responsible staff)
3. Employees will have signed agreements, IDPs and a plan of action in place by September 5, 2008. (Fire and Aviation Management responsible staff).

The second groups of employees are those who hold positions slated to transition to GS-0401 FMS positions over the implementation period which has also been extended to October 1, 2010. At this time, the Forest Service and Department of the Interior estimate 236 employees in this status. The Forest Service estimates a maximum of 170 employees, and the Department of the Interior estimates 66 employees in this category. Therefore, we estimate the total number of employees affected by this standard change and are in the process of meeting educational requirements of the GS-0401 qualifications to be approximately 300 employees.

FS Status as of June 2008: (To be updated quarterly)

1. Forest Service is hiring a Contractor to review the education and coursework for the estimated 170 employees slated to transition to the GS-0401 series by October 2010.
2. Contractor targeted to be in place by July 14, 2008.
3. Review estimated to be completed by September 30, 2008.

Accomplishments and Actions: The following summarizes actions that were previously in place and recent additions. They apply to all employees currently seeking GS-0401 Fire Management Specialist series qualification including those erroneously placed in the series on or after February 15, 2005. The process is being communicated to managers and the field as indicated:

- Agencies have sent out correspondence to make sure that affected employees in the GS-0401 Fire Management Specialists series are aware of the OPM changes.
- Fire Managers have been briefed on the GS-0401 Fire Management Specialist changes.
- Human Resources specialists have been made aware of the OPM changes.
- Human Resources specialists have reevaluated employees who were erroneously placed in GS-0401 Fire Management Specialists positions.
- Employees affected by the OPM policy are being notified and told how the change has affected their positive education.

Short Term Accomplishments and Actions: These actions are planned to assist all employees in completing the positive education requirements for the GS-0401 Fire Management Specialist series.

Continue to ensure both management and affected employees clearly understand what constitutes creditable coursework.

- Ensure supervisors and employees understand their respective roles.
- Ensure that all agreements are in place between management and the employee (FS Due 08/01/08).
- Continue to support employees attending universities or colleges through Individual Development Plans.
- Continue to collaborate with universities and colleges that maintain fire management courses as part of their curriculum (For many of the programs already in place see attachment 1).
- Encourage enrollment and completion of Technical Fire Management (TFM), a program that has provided 18 semester hours of qualifying courses since 1982.
- Where agreements are in place, agencies will continue to provide tuition support for Technical Fire Management courses and possibly other applicable educational coursework as approved in employee development plans.
- Ensure, by meeting with each individual, that all those employees erroneously qualified and placed after Feb 15, 2005, have a written plan of the actions needed to meet the GS-0401 requirements (FS Due 06/30/08).
- If needed, Agency leads at the Geographic or National level will continue to identify additional institutions and formalize procedures for seeking retroactive approval and transcription of creditable NWCG courses.
- For the Forest Service -where agreements are in place, agencies will pay for any past credits when they are creditable toward GS-0401 Fire Management Specialist standards through October 1, 2010.
- Agency program leads at the Geographic and National level have and will continue to identify in-state tuition, distance learning and regional opportunities to limit costs when possible.

Long Term Accomplishments and Actions: These actions are planned assist all employees with the migration‘ beyond the transition period from technical (GS-0301, 0462 and 0455) to the professional GS-0401 Fire Management Specialists series:

- National and Geographic program leads will continue to encourage more universities to develop Wildland Fire Science degree programs and integrate applied science to the field in the form of creditable internships with Federal and State agencies (FS Due 10/01/10).
- Work with additional universities and colleges to enter into agreements to accept NWCG courses within their existing curriculum or expand their curriculum to accept NWCG courses toward a Wildland Fire Science or other Natural Resource Management degrees (FS Due 10/01/10).
- National and Geographic program leads will continue to encourage universities to create more on-line or compressed courses that would be available to employees at isolated duty stations or in situations where they are less capable of attending formal classroom courses.
- Data is continually being added at the local level to the Incident Qualifications and Certification System and monthly have been and will continue to be pulled to track accomplishments and identify trends.

Note: Not all actions will be completed by the Forest Service and DOI. Some actions are Forest Service-specific and vice versa.

ATTACHMENT #1

The table lists universities and colleges where current agreements are in place for Natural Resources/Biological Science and/or some NWCG curriculum. However, this is not an exhaustive list. It is important to note that any course offered by any college or university is considered qualifying if it meets the academic requirements identified in the Fire Management Specialist Supplemental Standards.

Agreements for 0401 Qualifying Courses

University/College	Curriculum	University/College	Curriculum
Boise State University	Nat. Res./Fire Mgmt.	Allan Hancock College	Fire Mgmt Courses
Colorado State University	Technical Fire Mgmt.	American River College	Fire Mgmt Courses
Columbia Southern University	Natural Resources	Bakersfield College	Fire Mgmt Courses
Humboldt State University	Natural Resources	Central New Mexico Com. Col.	Fire Mgmt Courses
Mississippi State University	Natural Resources	Central OR Community College	Fire Mgmt Courses
N Mexico Highlands University	Natural Resources	College of the Redwoods	Fire Mgmt Courses
Northern Arizona University	Natural Resources	College of the Siskiyou	Fire Mgmt Courses
Oregon State University	Natural Resources	Crafton Hills College	Fire Mgmt Courses
University of Idaho	Natural Resources	East Idaho Community College	Fire Mgmt Courses
University of Las Vegas	Biological Sciences	Feather River Community Coll.	Fire Mgmt Courses
Utah State University	Natural Resources	Fort Lewis Community College	Nat. Res./Fire Mgmt.
		Hutchinson Community College	Fire Mgmt Courses
		Lassen Junior College	Fire Mgmt Courses
		Los Rios Community College	Fire Mgmt Courses
		NE Colorado College **(Retro*)**	Fire Mgmt Courses
		Northern New Mexico College	Fire Mgmt Courses
		Pike's Peak Community College	Fire Mgmt Courses
		Rio Hondo Community College	Fire Mgmt Courses
		Rouge River Community Coll.	Fire Mgmt Courses
		Shasta Community College	Fire Mgmt Courses
		Southwestern College	Fire Mgmt Courses
		Treasure Valley Community	Fire Mgmt Courses
		Truckee Meadows Community	Fire Mgmt Courses
		U of Wisconsin-Stevens Point	Fire Mgmt Courses
		Utah Valley St College **(Retro*)**	Fire Mgmt Courses
		Victor Valley College	Fire Mgmt Courses

Note: (Retro*) = Some NWCG Courses have successfully been submitted for retroactive crediting

He also talked about our commitment to retaining our firefighters where there are challenges, particularly in southern California, and I'd like to submit for the record a detailed report on that situation.

[The information referred to follows:]

FIRE AND AVIATION MANAGEMENT RECRUITMENT AND RETENTION ANALYSIS

USDA FOREST SERVICE

Introduction

This report is in response to the following language in the Explanatory Statement accompanying the Consolidated Appropriations Act of 2008 (P.L. 110-161).

> The Appropriations Committees are aware that the Forest Service is facing challenges to recruit and retain wildland firefighters in Region 5, particularly on Southern California forests, due to the agency's vastly different pay scales and personnel policies and the high cost of living in the region. The Forest Service should examine Federal firefighter pay and personnel policies and provide the House and Senate Committees on Appropriations with a proposal to increase recruitment and retention for Southern California forests no later than February 1, 2008.

The Forest Service (FS) appreciates the patience of the Appropriations Committees in allowing Region 5 and the national headquarters to develop a thorough analysis of this complex set of issues. The dynamics studied in this proposal are controversial and will not be solved quickly or easily. For that reason, our proposal includes a series of long term suggestions to address the issues identified above.

It is important to note two things about the national context surrounding this report. First, the efficacy of Forest Service initial attack response has not diminished. The success continues to stay around 98% for all initial attack incidents. The agency is committed to maintaining this high level of success. Second, recent increases in Fire Suppression expenditures have been well documented, as has the resulting impact on other agency programs. In response, Forest Service leadership has aggressively implemented cost containment measures, resulting in decreased Suppression costs in FY 2007. It is essential that the proposals related to Region 5 firefighter

recruitment and retention support both continued initial attack success and cost containment efforts.

The issues highlighted by this report will continue to be closely monitored.

Issues Examined

The issues examined in the report are widely circulated and are frequently polarizing; therefore the methods used to complete the analysis relied on data from a variety of sources. Rates of attrition were from Region 5 records, Forest Service Human Capital records and the Office of Personnel Management. Pay data was from employees' W-2's both CAL FIRE and U.S. Forest Service. The reasons for leaving were provided from exit interviews in Region 5.

Forest Service Human Capital Management staff reviewed pay act and authorities and determined there are actions available locally, regionally and nationally. The Regional Forester and other line officers have discretion in the application of these authorities.

There is a perception, as noted by the Appropriations Committees and confirmed through informal employee sensing, the Forest Service faces recruitment and retention challenges in Southern California. While a detailed analysis shows the region has some retention challenges, it also suggests the problems are manageable.

A 10-year analysis of permanent fire workforce in Region 5 reveals several important trends.

1) The total number of permanent Fire and Aviation Management staff in the region nearly doubled between 1997 and 2007, from 1,257 to 2,290. An 82% increase indicates successful recruitment efforts, not the opposite.

2) In 2007 the Region 5 Fire and Aviation Management staff experienced 370 retirements, resignations and transfers. However, recruitment resulted in a net gain of 68 employees, or 3%.

3) The overall Forest Service attrition rate in Southern California (9.4%) is actually lower than the national Federal attrition rate (13.4%).*

These statistics indicate that recruitment is outpacing attrition in Region 5. Furthermore, attrition within Southern California is well within national averages. Based on these trends, it appears that recruitment and retention are within expected norms. However, there are areas within the statistics cited above which deserve closer examination, and which the proposals of this report will address.

First, the largest component of separations within the Region 5 Fire and Aviation Management organization come at the GS-4 level, where the attrition rate is 46.6%. Attrition rates above the GS-4 level do not differ significantly from regional or national averages.

Second, a higher percentage of separations are due to resignations (as opposed to retirement or transfers) than the regional or national average (Figure 2). Exit interviews indicate that 44% of those leaving the Forest Service went to CAL FIRE or local fire departments (Figure 3).

Thirdly, these trends are most pronounced on the Angeles National Forest and the San Bernardino National Forest, which saw the most resignations of any Region 5 forests. Of the resignations on these two forests in 2007, 45% were at the GS-4 level, and 61% went to State, county or local fire departments. The attrition rates for the two forests were 12.2% and 9.3% in 2007, according to Region 5 data.

Pay Scales, Cost of Living, and Personnel Policies

Local perception, as noted by the Appropriations Committees, is Forest Service pay scales and personnel policies, coupled with the high cost of living in Southern California, make it difficult to attract and retain Fire and Aviation Management workforce in the region. Upon closer examination, the perception of the effects of pay scale and personnel policy discrepancies and high cost of living appears to be unsupported by the data.

Pay Scales

Comparison of Forest Service and CAL FIRE payment and hours worked data for 2007 suggests that actual hourly rates of pay are comparable. It was difficult to determine the appropriate metric for comparison as the pay, staffing and personnel policies differed greatly. Wages as shown on W-2 forms were chosen as a measure. Cal Fire employees on average for the three (3) positions examined worked about 62% more hours (4,457 v. 2,768) than their Forest Service counterparts. The comparison of pay and hours is not straight forward due to personnel policy differences, such as portal-to-portal pay and planned overtime that guarantee Cal Fire fire-

* Figures 1–4 have been retained in committee files.

fighters more total hours annually. Nonetheless, when accounting for all hours worked, overtime and hazard pay rates (see Figure 4):

—Average pay of Firefighter II is $2.81/hour higher in FS than CAL FIRE
—Average pay of Fire Engineer is $5.36/hour higher in FS than CAL FIRE
—Average pay of Fire Captain is $7.08/hour higher in FS than CAL FIRE

Although Forest Service hourly pay is equal or higher, staffing plans guarantee CAL FIRE employees more hours and consequently more pay annually. In addition, Cal Fire employees work a 72 hour, three day shift, benefit from 24 hour pay while on fire assignments, and have a more generous retirement plan. Federal wildland fire staffing is closely tied to the threat of wildland fire activity, which occurs within a defined season. To ensure initial attack success and public safety during the fire season at the most reasonable cost to taxpayers, the Forest Service uses variable staffing, seasonal aviation contracting and seasonal employees.

The data in the table above (figure 4) was developed from actual 2007 W-2 data randomly selected from a sample of Forest Service employees in Southern California. It includes overtime and hazard pay. The Cal Fire data is actual 2007 compensation provided by their agency. Cal Fire employees do not receive hazard pay. The average hourly rate is computed by dividing the total compensation by the total hours worked. Unplanned overtime is highly variable for employees of both agencies.

Forest Service employees at the GS-04 and 05 grades are Permanent Seasonal employees either 13/13 or 18/08 (guaranteed at least 13 pay periods or 18 pay period of employment out of a total of up to 26). Cal Fire employees are all full time employees.

Cal Fire employees work a 72 hour schedule each week which is paid as 53 base hours and 19 planned overtime hours. Any time in excess of 212 in a 28 day period is paid as unplanned overtime.

It should be noted the two agencies have very different work schedule expectations and pay rules therefore actual compensation was averaged to determine the unplanned overtime.

Cost of Living

Analysis performed by the Office of Personnel Management (OPM) indicates that Federal employees in Southern California do experience pay disparities compared to non-Federal workers. However, Los Angeles and San Diego are not the only localities where this is true, nor do they experience the most severe disparities. In fact, the pay disparity in Los Angeles is below the national average, and San Diego's is comparable. Below is a table of 2007 pay disparities for comparison.

Locality	Disparity
Atlanta	23.21%
Boston	25.35%
Chicago	23.06%
Dallas	22.42%
Los Angeles	21.82%
New York	26.67%
Phoenix	25.02%
San Diego	25.20%
San Francisco	28.62%
Seattle	23.39%
Washington DC	36.30%
Average (all of US)	22.97%

(http://www.opm.gov/oca/payagent/2007/PayDisparities.asp

Personnel Policies

Comparing personnel policies of Federal wildland fire agencies with local and state fire agencies is complex. While it is natural for employees to compare their job descriptions, compensation, and benefits with those of similar workers in close proximity, there are also important distinctions and valid differences between them. Forest Service fire management personnel in Southern California and across the nation are Forestry Technicians. This title reflects their land management orientation. In the course of their work, they collaborate with state and local employees of fire departments. This is a subtle but key difference. Even though both Federal wildland firefighters and fire department firefighters focus on fire, the mission purposes of the agencies differ, and so too do the roles and responsibilities of their respective

personnel. Fire departments generally have an emergency responder role that includes traffic collisions, medical calls and other actions that are not wildland fires. That is to say, the Forest Service is a land management agency that employs wildland firefighters to accomplish land management objectives, while the mission of fire departments personnel focus on preserving life and property. Because of differing responsibilities, it is both impossible and inappropriate for the Forest Service to pay and staff the same way as these fire departments. For example the Forest Service does not allow fire fighters to enter structures to suppress these fires.

The tendency of our employees, partners and the public to compare Forest Service fire management responsibilities to State and local fire departments points to a larger issue the Agency is facing regarding the need for a clear mission and definition of responsibilities for our firefighters in the wildland urban interface. Fires in recent years have become larger and more difficult to control due to a variety of factors, including climate change, historic fire suppression efforts resulting in increased density of hazard fuels, and expansion of residences in the wildland urban interface (WUI). This situation is acutely felt in Southern California where over 189,000 new homes have been built since 2003 in the Wildland/Urban interface. This growth poses a higher level of complexity on Wildland firefighting in fire adapted ecosystems. Therefore, the Agency must clearly express its emergency response role, and clarify distinctions between State and local fire department.

Proposed Actions

The analysis outlined above suggests that the perceptions around recruitment and retention in Southern California are hard to substantiate based on data. An analysis of available data confirms that while issues regarding perceptions around recruitment and retention in southern California may exist, they cannot be objectively substantiated. Absent such substantiation, recommendations that the Office of Personnel Management depart from standard Federal pay rates or the agency seek other special personnel authorities are unwarranted. Further, such actions may have the unintended consequence of negatively affecting recruitment and retention elsewhere in the nation.

Accordingly, key actions to be undertaken immediately by the Forest Service will be internal and external communication around these findings:

- Region 5's Fire & Aviation Management recruitment rate is greater than its attrition rate.
- The attrition rate in Southern California is below national averages.
- On average, Forest Service hourly pay rates are actually greater than those for comparable CAL FIRE positions.
- Federal workers in Southern California are paid less than their counterparts in the private sector, but other parts of the country experience similar or worse rates of disparity.

In the course of this analysis, additional issues outside the scope of the requested report have become evident; clearly there are morale issues which need leadership's attention and action. We refrained from making recommendations addressing these in the report as it is outside the scope of the committee's request. Additionally, these morale issues will take more time to review, validate and resolve. Leadership will focus attention on this important area and will keep the committees apprised of the situation and the progress to resolve the issues.

In addition to increased communication around key issues, the Forest Service will consider specific long-term actions. These recommendations will consider potential morale and budget impacts resulting from providing special benefits solely to firefighters in southern California. Changing public and agency perceptions and ensuring employee morale will require active management over years. The recommendations below may be tools in that process.

- Review and strengthen commitment to Wildland fire mission with federal, State and local partners.
- Strategically apply individual retention allowances and/or special pay authorities within the discretion of the Agency.
- Encourage use of optional work schedules and tours of duty.
- Improve employee housing and working facilities.
- Improve communications connectivity, training, and access.
- Determine cost and feasibility of special pay in identified high cost areas.
- Renegotiate cooperative agreements to provide more equity for Forest Service employees.
- Monitor issues identified and adjust as necessary.

Mr. REY. Then I'll pick up where he left off and talk a little bit about our aviation assets as we talk about preparedness, and then talk about some of the cost control and fuels treatment initiatives we have underway.

I have given, in the prepared statement, a detailed analysis of what our aviation assets will be for 2008. They will be comparable to the aviation assets that existed in 2007 and in previous years, with a heavier emphasis on exclusive-use aircraft as a cost-savings measure.

Now, in terms of what we have done to reduce costs, the Wildland Fire Management Program is moving in a positive direction. We've committed to continued improvement to increase our effectiveness and maximize our efficiencies, and the agencies will continue to face challenges outside of our control of such outside variables as the expansion of the wildland-urban interface and climatic and ecological changes. These have made the protection of life, property, and natural resources from wildland fire more complex, demanding, and expensive. However, we have the ability to make managerial decisions before and during fire incidents, and are working assertively on risk-informed management, cost management, and operational efficiencies, utilizing research and technology and targeted program implementation to reduce these impacts.

We have continued to strengthen and expand the implementation of adopted policy of risk-informed management, with the appropriate management response as its guide. We've continued to focus on hazardous fuels treatment in the wildland-urban interface and in fire-adapted ecosystems. We have accelerated the development and deployment of decision tools, such as the Wildland Fire Decision Support System. We've used the Stratified Cost Index to inform resource deployment options. We're continuing to work on enhanced response and efficiency that comes with national shared resources and aviation resource cost management. We spent $100 million less in 2007 than we did in 2006 in a more adverse fire year. We spent 200 million less than the midrange projection of what we thought 2007 would cost, given the climate and weather predictive models that we used.

We're in the process of finalizing a long-term interagency aviation strategy and we are now using routine after-action reviews to apply lessons learned from the large incidents that occur each year.

Today, we released an independent study of controlled costs during the 2007 fire season done for us by the Brookings Institute.* The Brookings Institute Panel, which was a peer-review panel, reviewed the 27 incidents in 2007 that each exceeded $10 million during the 2007 fire season. The review panel found that there was a much greater awareness of cost containment throughout the fire community in 2007, and that there was a concerted effort to make cost management more than just another competing priority.

The panel concluded that appropriate cost-containment initiatives were used in all 27 of the large fire incidents that they reviewed, and I'll submit the entirety of that record, released today, for your hearing.

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* Document has been retained in committee files.

[The information referred to follows:]

NEWS RELEASE

USDA FOREST SERVICE, PRESS OFFICE

INDEPENDENT STUDY FINDS FEDERAL AGENCIES CONTROLLED COSTS DURING 2007 FIRE SEASON

WASHINGTON D.C., June 18, 2008,—An independent panel study, conducted by The Brookings Institution, found that the Forest Service and Department of the Interior exercised appropriate fiscal diligence during the 2007 wildfire season. The panel reviewed the 27 wildfire incidents that each exceeded $10 million in the 2007 fire season, totaling $547 million in suppression costs and nearly 3 million burned acres.

The review panel also found that there was a much greater awareness of cost containment throughout the fire community in 2007. The panel's report compared the 27 wildfires in 2007 with the 18 wildfires that exceeded $10 million during the 2006 fire season. While both fire seasons were somewhat similar, in 2007 there was a "concerted effort to make cost management more than just another competing priority," according to the panel. This was reflected in the choice of fire suppression tactics, the selection of incident teams, and the use of resources—especially on longer term fires.

The panel also offered recommendations on the following key issues:

—Transforming Fire Management Plans from program reference documents into more strategic assessments of fire management planning and policies.
—Creating stronger linkages from Fire Management Plans to Community Wildfire Protection Plans.
—Ensuring that next generation decision support tools address complex fire management and longer term fire scenarios.
—Pursuing flexible suppression strategies, especially on extended fires.
—Revising the thresholds and selection criteria for regional and national reviews.

According to USDA Under Secretary Mark Rey, the Department is implementing cost management strategies and will develop an action plan to address the panel's recommendations.

This independent study is chartered by the Secretary of Agriculture, per direction from congress, and has been successfully conducted since the fiscal year 2004. The complete 2007 report is available on the Forest Service Fire & Aviation Management Web site at: http://www.fs.fed.us/fire

The Departments of the Interior and Agriculture have the best wildland firefighting organization in the world. I'm surprised that statement made through OMB clearance, since it's a bit modest—immodest. But, you know, as Dizzy Dean said, "It ain't braggin' if ya done it," and we have maintained an efficiency of—at initial attack, of extinguishing nearly 98 percent of the fires that we want to extinguish, and that's the measure that we look at, not how many dollars we spend, not necessarily how many people or materiel we deploy, but, Are we still extinguishing that high level of ignitions when we're in the midst of a fire season? That number, even with cost containment and cost savings, has remained the same.

We've also continued to make the restoration of healthy forests and grasslands an environmental priority, and we've made great strides in accomplishing that goal. From 2001 through the end of May 2008, the Forest Service and the Department of the Interior land management agencies have treated over 26 million acres, an area larger than the State of Ohio. We are now treating, on an annual basis, four times the acres that were treated during the decade of the 1990s.

Now, that's odds with the numbers that you just presented to us, Senator Domenici, and I'll work your staff to reconcile them. But, I think the reason those numbers are at odds is that what you're providing is acres burned. We agree with the increase in acres burned annually. But, I think, in the numbers you use, you excluded any fuels treatment done by prescribed burning, and limited your analysis to mechanicals fuels treatment and commercial timber sale activity. If you limit the analysis that way, the net number is declining, but if you look at all the fuels treatment activities that we do—prescribed burning, thinning, the development of fuel breaks, and, yes, the reduction of fuels through commercial timber sales—if you look at all four of those categories, the number is going up significantly, not down.

With that, we'd be happy to answer any questions that the panel has.

[The joint prepared statement of Mr. Rey and Mr. Cason follows:]

JOINT PREPARED STATEMENT OF MARK REY, UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE, AND JAMES CASON, ASSOCIATE DEPUTY SECRETARY, DEPARTMENT OF THE INTERIOR

INTRODUCTION

Mr. Chairman and members of the Committee, thank you for the opportunity to testify today on Wildland Fire Preparedness for the 2008 fire season. Since the Department of the Interior (DOI) and the Department of Agriculture (USDA) work closely together in fire management, the two Departments are providing a joint statement.

The Departments take seriously and perform professionally and honorably our roles as land stewards and managing wildland fire. The Administration makes the protection of communities, the environment, and firefighters a priority and included funding the full inflation-adjusted 10-year average for wildland fire suppression in fiscal year 2008.

Wildland firefighting activity has expanded and become more complex in recent years, contributing to increased expenditures by the Departments. As this Committee has pointed out, these costs have escalated dramatically: the inflation-adjusted 10-year average for wildland fire suppression of the two Departments, $1.3 billion, is nearly three times the FY 2001 level of $472 million.

The Departments have adopted substantive management reforms to mitigate this cost trend. The Departments and our partners have spent significant effort and resources over the past several years to coordinate capability, improve inter-governmental communication, and employ management controls to ensure effective response. At the same time we have increased attention to cost containment and these efforts are having an effect on suppression costs. For example, USDA saw a decrease of over $100 million on suppression expenditures in 2007 compared with 2006 even though the size of wildfires and acres burned were greater. Likewise, Interior has instituted management controls in 2008 to better manage overall suppression expenditures. Together, the Departments are committed to continue progress enhancing fiscal accountability, adopting best management practices, and improving efficient program delivery.

THE 2007 FIRE SEASON

Fire activity in 2007 was above normal by many standards. Across all jurisdictions, wildland fires totaled more than 85,000 incidents burning over 9 million acres, including more than 16,000 wildfires that burned 5.7 million acres of Federal lands. Last spring's drought and high temperatures resulted in the burning of over 1.4 million acres in Florida and Georgia. The summer saw extreme fires in Utah, Nevada and Idaho with six of the year's largest fires occurring in these States.

Last year, the U.S. Forest Service spent nearly $1.4 billion on all fire suppression while DOI spent approximately $470 million on all fire suppression. We are pleased that even in the face of such a long and severe fire year we achieved effective initial attack and suppression success on all fires. We will strive to maintain that level of performance. Although the 2007 fire season had 13 fires over 100,000 acres, and 33 days in Preparedness Level 5—the highest level of fire activity during which several

geographic areas are experiencing simultaneous major incidents and events in highly populated areas in Northern and Southern California, less money was spent by the Forest Service on suppression than in 2006. Working with our state, tribal, and local government partners, fewer homes were destroyed—approximately 2,900 homes lost in 2007 compared with over 4,500 homes lost in 2003, the most recent year that California endured a prolonged, extreme fire event. In the face of increasing fire management challenges around the country and southern California wildfires last fall, the Departments demonstrated superior performance.

The dedicated focus on hazardous fuels treatments and other forest restoration actions are making a difference in the wildland urban interface and a commitment to cost containment strategies are producing results.

2008 WILDLAND FIRE SEASON OUTLOOK

Most of the eastern, central and northwestern U.S. is predicted to have a normal outlook for significant wildland fire potential in 2008. Above normal significant fire potential is expected across portions of southern California, the Southwest, Western Great Basin, Rocky Mountains, Alaska and Florida in June. For the June through September period, significant fire potential is forecast to persist or increase in portions of California, the Southwest, Western Great Basin, and Rocky Mountains. Significant fire potential will decrease across Florida, eastern New Mexico, western Texas, Alaska, and southeastern portions of the Rocky Mountain area. The primary factors influencing fire potential this outlook period are:

- The amount of precipitation many areas receive in the early summer periods is an important factor in the severity of the fire season. Even with a rather wet period during the latter half of May, most of the West has been drier than normal this spring.
- Drought conditions continue over portions of the West and Southeast. However, improvement is expected in the Southeast and to a lesser degree over Texas and New Mexico.
- Abundant fine fuels across portions of the Southwest, southern California deserts and Front Range of the Rockies may lead to an above normal fire season in these areas.
- Fire potential should begin to wane over the Southwest and Florida in July due to the onset of the Southwest monsoon and increasing humidity and showers in the Southeast. Late spring snows could result in reduced fire potential in the Northern Rockies.

The fire season has already produced incidents that are evidence of the potential of the 2008 fire season. As of May 31, 2008, over 29,000 fires have burned in excess of 1.5 million acres. About half of the incidents occurred in the southeast and they burned two-thirds of the acres. Large fires in Texas and Florida, which continue to experience long-term drought conditions, made up much of the spring acres burned.

WILDLAND FIRE PREPAREDNESS

To prepare for conditions anticipated in the 2008 fire season, the Departments are working to improve the efficiency and effectiveness of our firefighting resources. Fire managers assign local, regional, and national firefighting personnel and equipment based on anticipated fire starts, actual fire occurrence, fire spread, and severity with the help of information from the National Interagency Fire Center Predictive Services group.

Firefighting Forces

For the 2008 fire season, we will have available firefighting forces—firefighters, equipment, and aircraft—comparable to those available in 2007. More than 18,000 firefighters will be available, including permanent and seasonal Federal and State employees, crews from Tribal and local governments, contract crews, and emergency/temporary hires. This figure includes levels consistent with 2007 of highly-trained firefighting crews, smokejumpers, Type 1 national interagency incident management teams (the most experienced and skilled teams) available for complex fires or incidents, and Type 2 incident management teams available for geographical or national incidents.

The Forest Service hosts four interagency National Incident Management Organization (NIMO) teams staffed for 2008. They will operate with four seven-member full-time Type I Incident Management Teams ready to respond to wildland fire incidents. Already this year we are utilizing these teams in an interagency fashion in North Carolina on the Evans Road fire. These teams will not only assist in wildland fire incidents this season but implement the NIMO Implementation Plan, which

calls for improvements in wildland fire program management in the areas of training, fuels management, cost containment, and leadership development, among others.

The National Interagency Coordination Center, located at the National Interagency Fire Center in Boise, coordinates firefighting needs throughout the nation. In the event of multiple, simultaneous fires, resources are prioritized, allocated, and, if necessary, re-allocated by the National Multi-Agency Coordinating group, composed of representatives of major fire organizations headquartered at NIFC. Prioritization ensures firefighting forces are positioned where they are needed most. Fire managers dispatch and track personnel, equipment, aircraft, vehicles, and supplies and are all managed through an integrated national system. If conditions become extreme, assistance from the Department of Defense is available under standing agreements, as well as firefighting forces from Canada, Mexico, Australia, and New Zealand, using established agreements and protocols.

Recruitment, retention and training of our firefighters are an important focus of the Departments—one that is critical to our success. We are committed to the brave women and men across the country serving as wildland firefighters and wildland fire program managers. The two Departments are working with the Office of Personnel Management to achieve educational requirements for our professional fire managers, GS 401, within the time frame they have set. The Departments have a plan in place to outreach to employees affected by this policy and will make every effort possible to assist all affected employees who wish to meet these educational requirements. The Departments believe that the 400 series provides an advantage to its employees as a professional series that offers a broad range of natural resource leadership opportunities as opposed to a narrowly defined classification that may limit opportunities. Further, the positive education requirement allows for better integration fire management into the portfolio of skills necessary to achieve balanced knowledge of land and resource management.

The agencies are dedicated to active recruitment and retention of fire fighters as well. The Forest Service recently completed an analysis for California and found that the recruitment rate is greater than its attrition rate. In fact, the total number of permanent Fire and Aviation Management staff in the region nearly doubled between 1997 and 2007, from 1,257 to 2,290. An 82% increase indicates successful recruitment efforts, not the opposite. Also, on average, Forest Service hourly pay rates are actually greater than those for comparable State positions. We acknowledge some National Forests areas in California have retention challenges, but we believe these situations are manageable. The Forest Service is currently assessing options to address this situation carefully in California and will implement approaches that are appropriate for the region shortly after June 30, 2008. The agencies have begun to assess this issue nationally and expect progress on a strategy for ensuring a strong firefighting force into the future.

Aviation

The wildland firefighting agencies continue to employ a mix of fixed and rotor wing aircraft. Key components of the Forest Service 2008 aviation assets include approximately 20 civilian large air tankers on Federal contracts, along with up to 35 Type 1 heavy helicopters and 34 Type 2 medium helicopters on national exclusive-use contracts; 53 Type 3 helicopters on local or regional exclusive-use contracts, and 8 Modular Airborne Fire Fighting System units that will be available for deployment.

Additionally, there are nearly 300 call-when-needed Type 1, 2 and 3 helicopters available for fire management support as conditions and activity dictate. Likewise, Interior the lead contractor for Single Engine Air Tankers, will maintain a mix of aviation resources in 2008 similar to that used in 2007, including call-when-needed and exclusive-use SEATS along with two water scooper air tankers, 34 Type 3 helicopters, and 11 Type 2 helicopters, as well as a mix of other classes of aircraft.

WILDLAND FIRE MANAGEMENT PROGRAM

The wildland fire management program in the two Departments is strong and moving in a positive direction. We are committed to continued improvement to increase our effectiveness and maximize our efficiency. The agencies will continue to face challenges outside of our control such as the expansion of the wildland-urban interface, and climatic and ecological changes. These have made the protection of life, property and natural resources from wildland fire more complex, demanding and expensive. However, we have the ability to make managerial decisions before and during fire incidents, and are working assertively on risk-informed management, cost management and operational efficiencies, utilization of research and tech-

nology, and targeted program implementation in order to reduce these impacts. More specifically, these actions include:

- Continuing, under the guidance of the Wildland Fire Leadership Council, to strengthen and expand the implementation of adopted policy of risk-informed management with Appropriate Management Response as its guide;
- A focus on hazardous fuels treatments in wildland urban interface areas and in fire-adapted ecosystems that present the greatest opportunity for forest restoration and to reduce the risk of severe fires in the future;
- Accelerated development and deployment of decision tools such as the Wildland Fire Decision Support System (WFDSS) to support risk-informed incident management;
- Use of the Stratified Cost Index to inform resource deployment options;
- Continuing to work on enhanced response and efficiency that comes from national shared resources and aviation resource cost management;
- Execution of management controls—for the Forest Service, the establishment of the Inter-Deputy Group, the Chief Principle Representative, the Line Officer certification process for incident management, and the enhancement of fiscal monitoring and oversight;
- Developing an Interagency Aviation Strategy intended to provide a national strategy for the future procurement and management of aviation resources;
- After action reviews to apply lessons learned and best practices to policy and operations.

The Departments have the best wildland firefighting organization in the world and together with our state, local, and tribal government partners work to maintain our operational excellence and continually improve the fire management program.

ADDRESSING WILDLAND FIRE RISK TO COMMUNITIES AND THE ENVIRONMENT

This Administration made the restoration of healthy forests and grassland an environmental priority and has made great strides in accomplishing that goal. The Administration has focused its effort and dedicated its budget resources to improve hazardous fuels reduction on the nation's landscape. The Departments have aggressively treated hazardous fuels to help reduce the risk of catastrophic fire to forests, and rangelands. In this effort, we put the National Fire Plan (NFP), the Healthy Forests Initiative (HFI), and the Healthy Forest Restoration Act tools to work, as well as other land management activities to keep progress going. However, dangerous fuels conditions still exist in many areas in the United States and the Departments will continue their emphasis on reducing hazardous fuels on priority lands. The FY 2009 President's Budget provides $500 million in funding for hazardous fuels reduction, a level that is more than four times greater than in 2000, and over $927 million to the implementation of the President's Healthy Forest Initiative.

The Administration has been and remains committed to restoring healthy conditions to our forests and rangelands, and protecting communities from wildfire. The effectiveness of these treatments in reducing wildfire severity and protecting property has been demonstrated time and time again. Several fires from last season, the Angora Fire in South Lake Tahoe, fires around the San Bernardino National Forest, and the complex fires in Florida and in Georgia around the Okefenokee National Wildlife Refuge illustrate this well. Specific accomplishments in this area are:

- From 2001 through the end of May 2008 the Forest Service and Department of the Interior land management agencies have treated over 26 million acres, an area larger than the State of Ohio, for fuels reduction on Federal lands, including about 21 million acres treated through hazardous fuels reduction programs and over 5 million acres of landscape restoration accomplished through other land management activities.
- In 2007, despite a substantial national wildfire suppression workload, the Forest Service and DOI reduced fuels and improved ecosystem health on more than 4.7 million acres of land nationally, of which over 3 million acres were treated through hazardous fuels reduction programs and 1.7 million acres of land restoration accomplished through other land management activities. Of the total, 2.5 million acres of treatments were performed in the WUI. As of the end of May we have together already accomplished over 1.5 million acres of hazardous fuels reduction and landscape restoration treatments in FY 2008.
- U.S. Forest Service and DOI, in cooperation with our non-Federal partners, continue to increase the community protection emphasis of the hazardous fuels program. Community Wildfire Protection Plans (CWPPs) assist localities to reduce

risk and set priorities. Over 1,500 CWPPs covering more than 4,700 communities have been completed nationally.

- Collaborative Stewardship Contracting has expanded. These contracts facilitate projects that shift the focus of Federal forests and rangeland management towards a desired future resource condition of healthier forests and a means for agencies to contribute to the development of sustainable rural communities by adding local income and employment. To date, 428 Stewardship Contracts and agreements to work across almost 224,000 acres have been completed.
- In 2007, to more adequately demonstrate the benefits of fuels reduction treatments on fire risk, the Departments continued to measure changes in the Condition Class of Federal lands and we are currently working on metrics for forest health changes that will help demonstrate the outcomes of projects that remove fuels.
- Since the advent of the National Fire Plan in 2000, federal and non-governmental entities have collaborated operationally and strategically to improve fire prevention and suppression, reduce hazardous fuels, restore fire-adapted ecosystems, and promote community assistance. The 10-year Implementation Plan, with its performance measures and implementation tasks will guide the agencies to build on this success with our partners.

CONCLUSION

This concludes our statement, we would be happy to answer any questions that you may have.

The CHAIRMAN. Thank you very much.

Let me start with a couple of questions.

Mr. Cason, you referred to the fact that the inflation-adjusted 10-year average for wildfire—wildland fire suppression for the two departments is three times what it was in fiscal year 2001. One issue I just wanted to raise again—and I've raised it now for several years—is when you look at the number of acres burned by wildfires in the country, it's been going up, and it's been going up now for well over a decade, with very few exceptions. We would get a much better read on what resources we're going to need to fight wildfires if we had a shorter period that we looked at for averaging and estimating costs. Instead of continuing to look at a 10-year period, look at an average for the last 5 years, for example. Now, that would mean you'd have to ask for more money. That would mean Congress would have to appropriate more money. But, it would give us a more realistic estimate of the resource we need for this important activity. Would you agree with that, or not?

Mr. CASON. Senator, I guess, from my view, I don't know the variability over time of the experience that we've had. I know it's been growing; and in the last 5 years, it's been more severe. So, if we used a 5-year period, and that was actually indicative of the future, that's probably true. Whether or not we return to a lower experience rate, I don't know whether that's going to happen. My crystal ball isn't good enough. So, I don't really have a good basis to say, yes, we should do a 5-year average versus a 10-year average, or that we've just had unusual exposures here in the more recent 5 years. Certainly, with the prevalence of pervasive drought across the country, and with fuel loads the way they are, it's possible we'll continue to have pretty significant fire seasons. But, I really don't know whether we should go to 5 or 10——

The CHAIRMAN. We don't have any estimates from any of the folks who crunch numbers within your Department, or anywhere in the Federal Government, that looks ahead 5 years and says, "This is what we expect by way of incidence of fires?"

Mr. CASON. Mr. Chairman, I haven't seen any estimates that are like that. In my experience with other types of analysis, I think a lot of that gets driven by the assumptions that you use, as opposed to empirical data. So, I'm not aware that anybody's done that calculation.

Mr. REY. We probably have the capability of doing that, but I think we're almost a year away from making the issue moot, because, once we get past 1999, we're dealing with 10 fairly heavy fire years. I think the one——

The CHAIRMAN. But fairly heavy compared to the previous 10, but not, perhaps, compared to the next 10.

Mr. REY. You know, the rate of increase over the last decade has not been that significant. 2000 wasn't that much higher than 2007.

The one problem with a 5-year average is that if you get a really rainy year, let's say, then the—it's going to drop significantly, and you have fewer years to average that unusual drop against. So, it could work against you in some respects if you get a cycle where you get a lot of rain. 2005, for instance—

The CHAIRMAN. But, if it worked against you, the only downside is, you'd have gotten more money than you needed.

Mr. REY. Or less, if that really good year, where the costs were very low, wasn't——

The CHAIRMAN. Was averaged in.

Mr. REY [continuing]. Averaged against a longer number of bad years.

The CHAIRMAN. Let me ask one other line of questions here. I gather that there are agency figures for 2007 that indicate that about 38 percent of the requests that were received from fire managers for fire crews went unfulfilled, 33 percent of the requests for overhead support went unfulfilled, and 37 percent of the requests for helicopters went unfulfilled.

Mr. REY. Those are fairly typical numbers that occur when we're in preparedness level 5, when we have extreme fires burning in more—in three or more regions. You don't build a fire organization to pay for assets the full season that reflect what you need during the worst few days of that season; you build it on something that's closer to the average, and then you rely on the people at the Boise Interagency Fire Center to make priorities against the severity, location, and importance of the fires that are igniting. So, it is not uncommon to have that level of order unfillment, if that's a word, during preparedness level 5.

Now, conversely, when we had the large southern California siege in the fall of 2007, we were at preparedness level 1 and 2, because southern California was the only region that was burning, and we had no significant unfulfilled orders during that period of time. But, if you wanted to get down to a less-than-10-percent unfulfilled orders year-round on every day that we're at preparedness level 5, two things would happen. One, you'd have to about double the amount of money you're spending to hire people, planes, and engines; and, two, for any day of the fire season when you're not at preparedness level 5, those people would sitting around twiddling their thumbs, because they wouldn't have anything to do.

The CHAIRMAN. Let me just point out—my understanding is that when it says that 38 percent of fire managers' requests went unfulfilled during the year——

Mr. REY. That's not a true statement.

The CHAIRMAN. That's not your understanding?

Mr. REY. No. It—they went fulfilled during the period of time that we were at preparedness level 5.

The CHAIRMAN. So, that's just for that period where you——

Mr. REY. That's correct.

The CHAIRMAN. Those are only a few days during the year.

Mr. REY. Yes, a relatively few days. You don't build, you know, to the most severe situation as you're trying to figure out what the right level of preparedness investments are; otherwise, you'd have people sitting around a good part of the year.

The CHAIRMAN. My time's up.

Senator Domenici.

Senator DOMENICI. Thank you, Mr. Chairman.

I'm pleased to note the presence of Senator Craig. I don't hold myself out to be anywhere near as prepared on this subject as he is, having worked on it for a long time.

But, as I leave the Senate, I want to leave a few of my thoughts on the record. Perhaps you might follow up and tell me if I should strike them because I'm nuts.

The CHAIRMAN. I'll cheer you. Go on.

[Laughter.]

Senator DOMENICI. But, look, I want to say to both of you, what I have to say has nothing to do with your management skills or you working hard—and you do—nor does it have anything to do with whether you have enough fire equipment, whether you have become a better manager of the tools and equipment and manpower to extinguish fires and protect property. All of those things are easy. You are much better prepared. You've just finished talking about it. All you have to do is go to a couple of fires, and you see what you've got. I mean, it's considerably different, on the plus side, than it was 10 years ago. Certainly I don't remember it when I was a young boy living in New Mexico, going to Hamus Mountain and the mountains around there, maybe five times a year, just to walk in the open spaces, because we were a family, believe it or not, of Italian immigrants that found a luxury of a mushroom that grew in the mountains of Tijeras, the Tijeras Mountains and others up there, grew just exactly like in northern Italy, where they came from. They had an Italian name. We never knew its English name, they were called "cocore," and they were very big, white mushrooms that you could either eat fresh or dry, and they were a great luxury. So, I got to see what the forests looked like. I'm now 76. I got to see them when I was 12 and 13 and 14.

I've got to tell you, I go up there and take a look, and I'm not interested in walking in those forests anymore, because they're not the same forests they were when I was a kid. They are ugly. They are full of underbrush. They are full of trees. Instead of stately pine trees scattered that let you walk leisurely through the forests, pointing out to the little kids where the mushrooms are, you can't even see now.

What I'm saying is, I have noticed, during my tenure as a Senator, that the forests look like nobody has bothered to try to manage them so that they would be accessible and usable and functional on a day-to-day basis, as they were some time ago.

Now, as experts, you might have something to add to it, that they were better back yonder in some other respect. But, I'm just expressing what I said—what I saw. I said this one other time during this 36 years after a couple of visits, and I don't see any change. In fact, it's worse.

The other thing I see that discourages me greatly is, when you have a fire, especially if it's a fire where there were big trees and modest-sized trees, like the one up at Los Alamos, it burns down, and then you see all these trees that were burned down for blocks upon blocks, using a block as a description of time. The first year after the burn, you say, "Oh, they're up, they still look that way." The second year after the burns, "Oh, gee, they still look the same." Third, fourth, fifth, and now you're in the sixth year or seventh year, and nobody's touched them, and nobody's touched the forest. If you go up there and try to clean up or do something, it's just anathema, so nothing's done. You find infested forests, you see them, and they look just the same for 3, 4, 5 years, because nobody does anything about them; and if they do, they just leave it like it is.

Now, to me, we can come here once or twice a year and talk about how many billions we are spending on forest-fire fighting, and I'm not very impressed, other than to say I guess, if we're going to have fires, we've got convince the people that we're going to have equipment and manpower to put them out. But, I wonder what's wrong with the idea of managing the forests better so that you're not spending so much money on putting our fires out and spending more on trying to manage the forests, or is there something about managing the forests, by way of cleanup and cutting down old, burned-out trees, and forest underbrush? Perhaps it's not that you don't want to do it; perhaps you can't do it with current environmental rules. But I will stand on what I have said and ask you two experts, "Why is it so?" unless you want to say, "You're wrong." I think I'm right, but if I'm wrong, then we're finished. But, if I'm right, why is it so?

Mr. REY. I think what you observed is what our experts believe to be the case, that these stands, over 100 years of time of fire suppression, have grown much denser than they were historically, and that that density of foliage is providing the fuel that contributes to much more intense fires.

Senator DOMENICI. You bet.

Mr. REY. The problem is that you don't cure a problem that's 100 years in the making in a year or 2 years or 3 years time. It's going to take us a significant amount of time to get those stands cleared out. There are a lot of them that are cleared out now. Last year, we were able to put out a lot more fires, because they burned into thinned areas, than we did the year before that; and the year before that, we did more than 2005. But, that's not going to reach all of those acres right at the same time.

We are spending record-levels amount of money to do this work. I would say, on the question of thinning for fuels treatment work,

we have a pretty broad consensus nationally that that needs to be done. That's not to say there still aren't people suing us, trying to slow it down. They are, and they have. There are impediments that way. But, you know, I could give you lots of survey data to demonstrate why I think that national consensus exists, but let me just give you one sort of anecdotal story.

After you all passed the Healthy Forest Restoration Act, spring of 2004, I was sitting in my office at 7 o'clock one night, and Dana Perino, who's now the White House press secretary, was then CEQ's press secretary, called me, said, "You won't believe what I just saw on TV."

I said, "Well, I don't have the TV on, so you'll have to tell me."

She said, "I was waiting to see how the networks handled a story we were working on today, and channel surfing, and the clicker hit the game show 'Jeopardy.' I was going to click past it, but, before I could click past it, Alex Trebek, the 'Jeopardy' host, said 'The final Jeopardy answer is a November 2003 Federal Government report said this natural disaster could have been avoided by better trimming of trees.'"

She said, "My God, I couldn't believe it. We've become a 'Jeopardy' question."

So, she said, "Then I couldn't turn it off. I had to wait and see if any of the three contestants would get the right answer."

She—"You won't believe what happened next."

I said, "What happened next?"

She said, "They turned over their boards," because you have to scrawl the question for final jeopardy, and all three of the contestants had some variation of the phrase, "What are catastrophic wildfires?"

Now, unfortunately for those three contestants, the correct question was, "What was the Northeast power blackout of August 2003," because, as you remember, a tree fell across the high tension line and started a chain reaction that blacked out the Northeast. But, you know, we cost those poor souls thousands of dollars in prize winnings, but we had their attention. I think there is a consensus that is moving us forward.

All I can offer you, though, is, it's going to be a problem that's going to take a decade to fix, not a year. We're about 5 years into that decade.

Senator DOMENICI. Thank you very much.

The CHAIRMAN. Senator Salazar.

Senator SALAZAR. Thank you, Chairman Bingaman. Thank you very much, Senator Domenici.

Under Secretary Rey, the question that you and I have had an ongoing dialog here for a very long time has to do with bark beetles in Colorado, and now a disease, really, that has spread to many other places, wherever we have our national forests. I was wondering if you could spend a few minutes just describing to us what the bark beetle problem is like as you forecast into this year, and how the bark beetle issue might contribute to the forest fire danger that we're facing.

Mr. REY. In Colorado, we're seeing almost pandemic levels of infestation in lodgepole pine. That actually is not unnatural, as opposed to the situation we were just describing in Ponderosa pine,

which are lower-elevation systems. Lodgepole pines, which are at the highest elevations, typically cycle, you know, in a 100-year cycle, and it's usually the bark beetle that knocks them back, and then the trees grow back after a fire, and that's why you've got, in place at 10,000 feet or thereabouts, above, a fairly homogeneous-age class of forest. You had it in Colorado, you had it in Yellowstone when Yellowstone burned up in 1988.

The difference between when this cycled the last time, about 100 or so years ago, and now is, we've built a lot of infrastructure at that elevation in your State. So, our primary objective is going to be to treat the areas around communities and around homes so that we can protect that infrastructure.

It is not likely that we're going to stop what is, in this case, a more natural event from occurring, as unpleasant as it is for people who live in that environment now to countenance the fact that those trees are going to cycle through on a—what has been, you know, historically, about a natural 100-year cycle. We're going to ramp——

Senator SALAZAR. Is there——

Mr. REY [continuing]. Up our——

Senator SALAZAR. Is there more, Under Secretary Rey, that you think we might be doing for people in my State and for me when I drive up I–70, up into Keystone area, Vail area, and you see now, I think, what is over 1 and a half million, close to 2 million, acres of acreage that has now been infested by the bark beetle? It's going to cause huge economic consequences to those communities, but also creates an unprecedented fire danger to those communities.

In my view, it seems like everybody is throwing up their hands and saying, "Hey, it's just there, and we have to live through it. There's not much we can do." Yet, it seems to me that if we were able to implement the stewardship contract concepts that we've talked about in the past, and able to do the hazardous fuels mitigation and treatment programs that we've talked about in the past, then we might be able to at least do something about it.

I guess my question to you is, What more do you think that we ought to be doing to deal with that reality?

Mr. REY. I think the—some of the ideas that we've talked about in the past—in terms of stronger partnership authorities to work with tribes and State and local governments, ideas that the Administration sent forward in the Healthy Forest Partnership Act in the last Congress, some of the ideas that Senator Bingaman, Domenici, and Craig have been working with in the proposal that they've gotten out, some changes to the stewardship contracting authority that don't require us to set aside so that the government is indemnified from liability, if we fall behind in NEPA development so that we don't have to, basically, do all the work for a 10-year contract before we let the contract—those will all help.

Nobody at the Forest Service is throwing up their hands. What we're doing is trying to look across the landscape in Colorado and make some fairly clear priorities on what we need to treat first in order to protect homes and communities, and then work our way out from there to see what we can treat once we get that initial priority done. We could use some——

Senator SALAZAR. Let me——

Mr. REY [continuing]. Additional tools, and we've talked about them, and you're proposed some of them. It would be great if we could work with your staffs to produce a proposal yet this year.

Senator SALAZAR. Let me just say to you, Under Secretary Rey and to Chairman Bingaman, that I hope it is something that we can do. We have legislation from the Colorado delegation. I know Senator Bingaman does, as well. Maybe this is one of those issues—it certainly is not a Republican, Democratic, or political issue, this is just the reality of a huge infestation that we have to deal with on the ground.

One last question for you, and that is, Region 2 and funding for Region 2 and the Forest Service; we never get our fair share. I think, again, the Administration's proposal showed a $25-million cut in Region 2 allocations over what we had the year before in the proposed budget from the President. We're going to fight that back and hope that we're able to get the right allocation of money given to the Region 2 area, because, as we look at the fire dangers that are being faced in region in that 4-State area, it's going to be very significant in the summer months ahead.

Mr. REY. We'll work with you on that. Our request for Region 2 is in excess of our last request last year. You all did a very fine job at securing additional funding for Region 2 during the budget cycle, and we'll work with you during this cycle, as well.

Senator SALAZAR. Thank you.

The CHAIRMAN. Senator Craig.

Senator CRAIG. Mr. Chairman, thank you very much.

Senator Salazar, with the help of the U.S. Forest Service and their scientists and a whole other group of folks, we prepared a set of amendments for the climate change bill that obviously is dead on arrival, so it won't happen. But, what you're asking, and what I think we can do, and will do in the future, is bulletproof, in part, categorical exclusions so we can do some of these things. Because, you know, the great untold story of my State and your State, when we took away the authority of the Forest Service and gave it to the courts to manage our land, was that what is green in a climax environment turns brown and dies. If somebody's not there to take it away and create a new dynamic in the forest, Mother Nature comes along and burns it. That's what's going to happen in your country if we don't get categorical exclusions so you can go in and clean up those watersheds and protect them and replant them and assist Mother Nature in the cycle. We're just sitting by watching right now, and fending her off a little bit along the way as she comes close to a human structure, and we're spending hundreds, millions, if not billions of dollars to do it.

So, now the Forest Service, and BLM, Interior are rushing to help citizens fireproof their, I call, mega-mansions. When we fireproof them, they stand. We've got phenomenal record out there, and we—I've watched it across Idaho's landscape this year, of these large homes that were effectively dealt with. I'm one that would say we ought to put a clause in insurance—fire insurance contracts that says your premium is tripled if you don't go out and cut a few trees around your house and prescribe your house management to the terms of good fireproofing. Maybe we'll get there. Private sector probably will.

Senator SALAZAR. Will the Senator yield for a question?

Senator CRAIG. I'd be happy to.

Senator SALAZAR. Senator Craig, I do agree with you that there's a lot more that we ought to be doing in our forest lands, including some changes in the law that would allow us to address these kinds of infestations and these problems. There is also a problem beyond legislation, I think, frankly, that has to do with resources, because I know——

Senator CRAIG. Sure.

Senator SALAZAR [continuing]. Forest Service has approved, in my State, hundreds of thousands of acres for hazardous fuels reduction. The money is not there——

Senator CRAIG. Yes.

Senator SALAZAR [continuing]. Frankly, for us to go and get the job done. I think it is both a resource issue, as well as statutory issue that we have to deal with.

Senator CRAIG. I don't disagree with that at all.

Both to Mark Rey and to Jim Cason, thank you for being with us today.

I'd ask unanimous consent, Mr. Chairman, that my full statement be a part of the record.

I would agree with you, the dynamics of reality are changing, and we may be 5 years into a 10-year cycle. But, there's a reality out there that nobody wants to talk about. It's the dirty little secret of large fires today at a time when everybody's hyper over climate change. That acreage—that 9.4 that burned last year, 2 million of it in my State—was the equivalent of taking 12 million automobiles off the road as it relates to carbon into the atmosphere. Oh, my goodness. But, there isn't an environmentalist out there wringing their hands about that today in the great debate over climate change. Now, if you'd take 12 million cars off the road, that is nearly equal to the transportation fleet in the State of California. We know what it would do the airsheds of California, let alone emissions into the environment, but that's where we are today. But, nobody wants to talk about it.

You've got to talk about it. It's got to be real. It's got to be practical. We need our forest to be young, vital, healthy, sequestering carbon in a way that they historically did, and will again if we allow that to happen.

Mark, let me thank you for working with us. I guess we've worked with both sides as related to the 401-series issue. You know, we were getting to a point, Mr. Chairman, where we were going to say that this great fire team out there, that both Jim and Mark talk about, is the best in the country. We were always made to say they all had to have a master's degree to fight fire. I mean, oh, stupid us for playing that game. Do they need advanced knowledge and talent? You bet they do. Are our fires different? Yes, they are. Do we need to not only study the past, but look at the future as it relates to putting humans inside one of those fire scenarios? You bet we do. But, they don't need master's degrees; they need experience, or they need to be with experienced people. I hope we've got that settled or we've resolved it for a year, and that we don't get back to the business of saying, "Now, you've got to go get a master's degree in firefighting before you can fight fires for the

BLM or Department of the Interior or the U.S. Forest Service." So, thank you for working with us on that.

Aviation fleet, Mark, you've talked about that. Air tankers. No DC–10s? Can't we borrow Arnold's big airplane?

Mr. REY. We have an RFP out for supertankers, and we expect that we'll get a bid from the company that's—now has two DC–10s, and we expect a bid from a competing company, in Senator Wyden's State, that's using a 747. What——

Senator CRAIG. Are they effective?

Mr. REY. They're effective under certain scenarios. They are not as maneuverable into tight canyons as our current tanker fleet is. But, on open range fires they'll drop about—in the case of the DC–10, about 10,000 gallons of water or retardant, as compared to a P–3 Orion, which will drop about 3,000. A 747 can actually drop about 20,000 gallons of water or retardant. So, on certain fire scenarios, they're—they probably are going to be effective. They also have a wider range—service range than a P–3 or a P–2V or a C–130, because they're faster, they'll get to a site faster.

What we're going to evaluate in the responses we get to the RFPs are what—not only what their effectiveness is, but what their cost efficiency is. Is it competitive on a dollar-per-gallon basis of delivered retardant or water, or are their rates so high that that's probably not an attractive asset for the government to use?

Senator CRAIG. OK.

Mr. Chairman, I have taken plenty of time; I'll come back for a brief second round if it's available. Thank you.

The CHAIRMAN. OK. Senator Wyden.

Senator WYDEN. Mr. Chairman, thank you. Thank you, Mr. Chairman, for holding this important hearing.

I also want to thank you for inviting Deborah Miley, who's the executive director of the National Wildfire Suppression Association. She's from Lyons, Oregon, and we're very glad that you would have Ms. Miley here.

I'm going to get into questions relating to wildfires in just a second, but, Secretary Rey, I think you know it wouldn't be a hearing on forestry unless we addressed the issue that is on the mind of all the people in rural Oregon and the rural West right now, and that's the county payments legislation. It is emergency legislation for folks that I represent; and along with a number of colleagues up here on the panel, we were collectively able to get into emergency supplemental appropriation a 1-year extension of this legislation. We were pleased about it, and the House of Representatives is now working on their legislation. Suffice it to say, many in the House want to know whether the President will state that he will not veto the entire supplemental appropriations bill if it includes the county payments legislation, in that this is very much a factor in the House's thinking now about whether it would be included.

So, could you give us some insight into the President's thinking on this? Because I know you've been involved in various discussions back and forth, and I want to be sensitive to internal communications within the Administration. But, at the same time, this is hugely important in the rural West, and the fact is, some sense that the Administration would not veto the emergency supplemental because it includes the county payments funding could ac-

tually be the key to getting it into the House and getting that help out to the rural West.

Mr. REY. All right, then. You know, we have not issued a statement of policy from the Administration on the supplemental yet. So, what I would tell you would be largely speculative. But, let me just say two things.

One, we remain committed to reauthorizing the legislation, and have continued to work, most recently on the House side, to see if mutually acceptable offsets could be found. I know a lot of people in Oregon and elsewhere are beginning to say, "Well, are they really committed to it?" Well, we've put it in our last three budget proposals, we've changed the offsets each time to try to respond to objections to the offsets, and we've continued to work with you for that purpose in both the House and the Senate. So, that's not, by my way of thinking, passive activity; it's active support for the proposition that the Administration first articulated in 2005, a year before the bill—the 2000 bill expired, that we believed an additional extension was justified, with mutually agreeable offsets.

As to what's sitting in the supplemental now, you know, I'm not here today to be able to give you a statement of Administration policy. On the other hand, I can reflect on the history last year, and we signed a bill with a 1-year extension.

Senator WYDEN. OK. Tell your colleagues at the White House that if you all could amplify on that, and do it very quickly, I think it might well be what puts it over the top in the House, because I know they're trying to get a sense of what the Administration will do. I appreciate what you've said today, and I hope you'll be able to go further in the hours ahead.

One question for you on this round, Mr. Cason, if I might. Fuel prices are just going through the stratosphere, and there have been a number of articles and others written about how this is going to impact firefighting. My sense, it's going to hurt the effort this summer unless action is taken and contracts for firefighting airplanes and helicopters are negotiated annually. I'd like to know what you all are planning to do to address the rising price of fuel so it doesn't jeopardize firefighting abilities, particularly those airplane and helicopter contracts, this summer.

Mr. CASON. Senator, I think Mark might want to follow my comments, since he does more on the aviation stuff. But, it's my understanding, on key contracts that involve aviation resources, that we have escalators built into most of those contracts that will accommodate significant rises in fuel prices.

Early in the fire season, it's not a material issue, from the standpoint that we still have significant reserves left to fight fires because we're still early in the fire season. At the end of the fire season, if it's a really busy fire season like the last two or three have been, we may end up in a situation that we go through what's become a fairly typical process of borrowing additional money to complete the fire season and then look for some mechanism to adjust. So, it may have an impact at the end of the season for us.

Senator WYDEN. My time is expired, Mr. Chairman. I get the sense that it is hurting firefighting efforts right now. I will put in the record a recent article from the Wall Street Journal that talks about how a number of the country's rural fire departments are

now cutting back as a result of increased fuel costs. So, I would hope that you'd go back and take a look at what's happening now, and not just wait until the end of the firefighting season.

With the unanimous consent, Mr. Chairman, I'd ask that this Wall Street Journal article that documents how local firefighting departments are already scrapping their plans locally to have maintenance programs and trying to use volunteers, as a result of increasing fuel costs, are being hurt.

The CHAIRMAN. All right, we'll include that.

[The information referred to follows:]

THE WALL STREET JOURNAL

U.S. NEWS

FIGHTING FIRES WITH FRUGALITY

DEPARTMENTS SEEK CUTS TO BALANCE RISING FUEL COSTS

By A.J. Miranda

Many of the nation's fire departments are cutting back on training and maintenance to balance out increasing fuel costs, especially in rural areas where fire trucks must travel long distances to homes or accidents.

Such trade-offs are among those made by locargovernments as they try to control costs and adhere to taxpayer-funded budgets while operating fleets of fuel-guzzling buses, police cars, fire trucks and ambulances, many of which run on diesel fuel.

Growing global demand has driven the price of diesel up 67% since the first week of June 2007, 2 outpacing the rise in gasoline prices. A year ago, diesel sold for 40 cents a gallon less than gaso line; now, diesel costs 70 cents more a gallon, according to the federal Department of Energy.

Diesel, which yields about 30% more miles a gallon than gasoline, is still a cheaper option overall. But local governments that weren't counting on such a steep jump in their fuel bill have little budget flexibility to adapt. Trimming costs is especially difficult when cutbacks could compromise public safety.

"When people dial 9-1-1, they expect a response in a reasonable amount of time, and we have a need to deliver on that response," said Lee Feldman, city manager of Palm Bay, Fla.

In Oregon's Marion County, where diesel prices are inching toward $5 a gallon, rural fire departments are budgeting an average 25% increase in fuel spending for the new fiscal year beginning July 1.

Fire trucks get, on average, about five miles a gallon. But no extra money is coming from the county. The fire and rescue department has to make up the money by cutting costs in other areas.

The fire department in rural Jefferson, Ore., scrapped plans to hire a station maintenance worker this year, instead spreading the work among its 50 volunteer firefighters. It no longer dispatches a fire engine automatically to accidents on the nearby Interstate 5 highway—a round trip of about 15 miles, said chief Don Bemrose. Instead, a duty officer is first dispatched to survey the accident and see what is needed.

Many fire departments are now sending medics and other staff in pickup trucks or SUVs to answer calls for medical assistance.

In rural Montezuma, Ga., a two-hour drive from Atlanta, the fire department is conserving fuel by staging smaller fires for advanced firefighter training. The smaller fires can be extinguished with water from hydrants instead of the two or three fire engines that used to be needed, said chief David Trussell.

There is only so much a fire department can do without cutting essential life and property-saving services. Ultimately, Mr. Trussell said, a fire department's duties are based largely around driving.

"There's just no way to say 'Well, we can't afford to respond to,your house today—we can't afford to buy a tank of gas," he said.

In California's oil-and agriculture-driven Central Valley, the cost of diesel has pushed the Bakersfield fire department $140,000 over its $1 million fuel and maintenance budget, said chief Ron Fraze. The department has deferred some maintenance and renovation work at stations, and cut overtime hours to compensate. "You end up doing more with less," Mr. Fraze said.

Rather than risk further cutbacks on services or supplies, the tiny Arkansas town of Lonsdale, population 118, launched a fund-raising campaign to pay its fuel bill. Lonsdale Volunteer Fire Department, which protects roughly 3,000 rural residents in a 40-square-mile fire district, has seen its fuel bill rise to triple the $300 a month it has budgeted.

Raising the optional $50 annual fee that funds the department wasn't an option, since many of the area's residents are retired seniors living on a fixed income, said Steven Snellback, a firefighter and Lonsdale's volunteer mayor. Instead, the department raised more than $10,000 with a June 7 spaghetti dinner.

Every little bit helps; the Ponderosa Volunteer Fire Department, 20 miles north of Houston, traditionally never let a fire engine's fuel tank dip below three-quarters, to ensure the truck didn't run out of fuel on an emergency call. Now the standard is half a tank. That makes for fewer trips to the filling station, said Fred Windisch, Ponderosa's chief.

The CHAIRMAN. Senator Barrasso, did you have questions of this first panel?

Senator BARRASSO. Yes, I did, Mr. Chairman.

The CHAIRMAN. Go right ahead.

Senator BARRASSO. Thank you very much, Mr. Chairman.

Welcome, to members of the panel.

I know, Mr. Rey, for sure, you know what we're dealing with in Wyoming, in terms of pine-beetle outbreaks across the State, and the impacts. I heard Senator Salazar's discussion with you a little earlier. You know, in Wyoming we believe we need more on-the-ground solutions. We need to protect our firefighters and our ecosystem by preventing wildfires from burning out of control. I'm just very concerned about the amount of flammable material that is out there as a result of what's happening with the bark beetle.

You know, I've introduced Good Neighbor legislation so the State and the Forest Service can work together on forest health projects. I introduced the bill back in December, and I'm hoping that we can get some consideration of the bill in this Congress.

If I could visit with you about the beetle-kill timber and what effect that has on fire patterns, in terms of the serious nature of the fire and the likelihood of fire to spread faster. Is it more likely, with that amount beetle-kill in the area, that the fires will grow in size quicker, make it more expensive and more difficult?

Mr. REY. Yes, that's generally true. Before you arrived, Senator Salazar and I were talking about the higher-elevation lodgepole pine systems that naturally cycle on about a 100-year cycle. The beetle is the equivalent of the natural force that fire plays at a lower elevation. So, you know, the reason you have homogeneous-age-class stand is that about 100 years ago the beetle went through there and wiped them out then, and they burned up, and then they've regenerated to another homogeneous-age stand. The difference between now and 100 years ago is, we've built a lot of infrastructure in those areas, that we're going to have to protect. But, the amount of beetle-kill will inevitably lead to a more intense fire.

Senator BARRASSO. So, for people who are in Wyoming and want to see if we can—what we can do to help mitigate the risk, what things would you suggest? Are there different effective management options that we should be looking at?

Mr. REY. One thing that we haven't done yet, that we are doing in Colorado, is contracting with the State forestry agency, where they're doing treatments on non-Federal lands to treat Federal—adjacent Federal lands, as well, and we reimburse them for the

cost of that treatment. But, I think the strategy in both Colorado and now, as the epidemic spreads up north into Wyoming, will be to look at where we have homes in communities, do the treatments necessary to protect those first, to create defensible space around them, and then work our way further out into the forests, to protect watersheds or other sensitive areas that we'd just as soon not see burn up. But, you know, I think one of the cautions is, we're not going to treat 100 percent of the acres, given the size of the epidemic. It's going to be a case where we prioritize the treatments to protect the infrastructure that's been installed in these areas.

Senator BARRASSO. Do you see a role for salvage sales in these areas, as well?

Mr. REY. That's unmet potential that has some possibilities. Lodgepole typically lasts longer after it's been killed by beetles than Ponderosa pine does, and the logs that could be produced by salvage sales could go into the home log market. But, there what we're going to have to do is attract some additional manufacturing infrastructure to use the amount of material we have.

Then, in addition, we're going to have to reach a better social consensus on salvage logging. Before you arrived, I opined that I thought we had reached considerable consensus nationally on the importance of fuels reduction in thinning pre-fire. I, unfortunately, am sorry to report that I don't think that same level of consensus has been reached on salvage harvests after a fire. There is still a very vibrant public and, to some extent, scientific debate underway about whether it's a good idea to salvage or whether we ought to just let nature take its course. We are, today, getting challenged and appealed far more frequently on salvage sales than we are on thinning projects, on a proportional basis.

Senator BARRASSO. Thank you.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Craig, did you have additional questions of this panel?

Senator CRAIG. One brief one, Mr. Chairman.

First of all, to comment to the Senator from Wyoming. There's large groups out there that have invested large sums of money in the word "salvage." It's so effectively demonized that we have to prove you can go back in and do it right, and then maybe we'll get back to that. There's some value there.

Under title 2 and 3 of the Secure Rural Schools and Self-Determination Act—and Ron already has had that dialog with you as to the Administration's position—but, under that, the Resource Advisory Committees are allowed to recommend projects, that we know of, and they've done so very effectively over the years in the lifetime of that bill. Hazardous fuel reductions are part of one of the types of projects recommended under this authority. If it's reauthorized—and we stand to believe that maybe we can go beyond just the 1 year, because we're into the tax extension package, and there it's reauthorized, and we might—might be able to carry that through, this year. If that happens and it is reauthorized, can the September 30 deadline for allocating the funds or projects be extended? Will the Office of Management and Budget have funds left over if there is not an extension granted, to give the RACs time to review and authorize good projects on our forests?

Mr. REY. If the act is extended, either for 1 year or multiple years, I believe we'll have the administrative flexibility to give the Resource Advisory Committees additional time to do their project selection.

Senator CRAIG. OK. Thank you all.

Let me ask unanimous consent that my full statement be a part of the record, Mr. Chairman.

The CHAIRMAN. We'll be glad to put that——

Senator CRAIG. We have other questions we'll let them address for the record.

Thank you.

The CHAIRMAN. Very good.

Thank you both very much.

Why don't we move to our second panel. On the second panel is Ron Thatcher, who is the president of the Forest Service Council with the National Federation of Federal Employees of the International Association of Machinists and Aerospace Workers, from Libby, Montana; Casey Judd, who is the business manager of the Federal Wildland Fire Service Association, in Inkom, Idaho; and Deborah Miley, who is the executive director for the National Wildfire Suppression Association, in Lyons, Oregon.

[Pause.]

The CHAIRMAN. OK, thank you all for being here. Why don't we take about 5 minutes for each of you to summarize the main points you think we need to understand from your testimony. We'll include your full testimony in the record as if presented orally.

So, go right ahead. Mr. Thatcher, why don't we start with you.

STATEMENT OF RON THATCHER, PRESIDENT, FOREST SERVICE COUNCIL, NATIONAL FEDERATION OF FEDERAL EMPLOYEES, INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, LIBBY, MT

Mr. THATCHER. Thank you, Chairman Bingaman and distinguished member, Senator Craig, for the opportunity to submit this testimony.

My name is Ron Thatcher. I serve as the president of the National Federation of Federal Employees, Forest Service Council. In this capacity, I'm honored to represent approximately 20,000 dedicated Forest Service employees. Among those employees, many are Federal firefighters.

I'll briefly address current staffing levels and a policy problem that is contributing to rising attrition rates, which could and will have an effect on our preparedness for the FY–08 fire season.

Regarding retention and staffing levels, the specifics of my testimony on this topic deal with the situation we find ourselves in, in California, where much of the national firefighting capacity resides. However, we also believe that these problems are not confined to just California.

Focusing on California, on May 6, 2008, Under Secretary Rey provided Senator Diane Feinstein with a summary table showing that only 363 of the 4,432 positions planned for the 2008 fire season were vacant. A breakout by grade level was apparently not provided. This breakout shows that the most striking shortfall is at the GS–06 level, where 208 of the 532 positions, or 39 percent of

the work force at that grade level, were vacant. This data also revealed a vacancy rate of 14 percent, or 81 positions, at the GS–07 level.

Staffing levels tell some, but not all, of the story. Staffing levels can be maintained, even with excessive attrition, by hiring large numbers of entry-level employees. In such a case, there is a substantial pressure to rush these employees into higher-graded positions to meet the staffing needs. This results in a large number of minimally qualified employees in module positions which can also decrease our preparedness and our safety.

This pipeline issue of GS–06s and GS–07s is extremely important. With higher-level employees retiring or resigning, there is an increased need for experienced firefighters to continue up this ladder. Experienced crew members become experienced squad bosses, who become experienced operational section chiefs, who become experienced incident commanders. This takes a significant amount of time, and continually filling the lower ranks with new recruits isn't going to accomplish this task. Without experience throughout the organization, effective firefighting and safety is going to be compromised.

There are a number of factors affecting these attrition rates. In the brief time I have remaining, I'd like to focus on a current problem that increases our attrition and presents a clear and present danger to safety on our fire lines.

Fortunately, this problem can be easily resolved. Experienced leadership is crucial to our fire organization. Wildland firefighting is physically demanding and dangerous. This is unavoidable. A recent OPM policy change is pushing our most experienced field generals in the war on fire out of positions of leadership. In the aftermath of South Canyon, in 1994, in which 14 brave firefighters met their deaths, an initiative began to "professionalize" the fire management positions of the U.S.—of the GS—U.S. Forest Service and Department of Interior. The agencies made a decision to utilize the GS 401 series for the professionalization of our firefighters, which requires a degree in biological science.

The development of a consistent standard, the Interagency Fire Program Management standard, or IFPM, was completed in 2004. This standard was put in place to improve safety and effectiveness on the fire line. In-house fire incident-management courses were then credible. These courses were specifically tailored by the world's experts in incident command and wildfire suppression, to meet the unique needs of our wildland firefighting work force.

Fire leaders come up through the ranks and are trained in-house. Many lack college degrees. Under this gutted standard, a college degree or equivalent is now required. Hundreds are now unqualified for the jobs they've been successfully performing for years. Many have specialized qualifications and have had 20 years of experience to get to that level. These are our field generals. They provide the critical leadership. Too many will be forced out by this unnecessary standard.

In closing, let me ask two simple questions that cut to the heart of this matter. Who would you want leading your son or your daughter into harm's way? Who would you want in charge of the operation to save your house from an advancing wildfire? I know

who I'd want. I'd want the person best qualified, in terms of fire experience and competency. Reinstating the standard of our in-house training program is the best way to ensure that's exactly who we'd get. If OPM will not do so administratively, we urge Congress to do so legislatively.

Thank you, again, for this opportunity.

[The prepared statement of Mr. Thatcher follows:]

PREPARED STATEMENT OF RON THATCHER, PRESIDENT, FOREST SERVICE COUNCIL, NATIONAL FEDERATION OF FEDERAL EMPLOYEES, INTERNATIONAL ASSOCIATION OF MACHINISTS AND AEROSPACE WORKERS, LIBBY, MT

Thank you, Chairman Bingaman, Ranking Member Domenici, and distinguished Committee members, for the opportunity to submit the following testimony.

My name is Ron Thatcher. I serve as the President of the National Federation of Federal Employees' Forest Service Council. In this capacity, I am honored to represent approximately 20,000 dedicated public servants committed to the professional and ethical management of the 192-million-acre National Forest System. I will briefly address current staffing levels and discuss in some detail an easily-remedied policy problem that is contributing to rising attrition rates.

RETENTION AND STAFFING LEVELS

The specifics of my testimony on this topic will deal with the situation in California. However, this is not just a regional issue. First, much of the national firefighting capacity resides in Region 5. A shortfall in California resources is a shortfall in national resources as well. Second, we believe that problems in staffing upper level Incident Command and General Staff positions are not confined to California. Increasingly, we are forced to rely on retirees and state personnel to fill these positions on Incident Teams. California may be the most striking example, but we will soon have to pay attention to the erosion of our capability on a national scale.

Obviously, we do not have access to nearly as much information or staff resources as do Chief Kimbell or Undersecretary Rey. However, the information we have been able to obtain raises troubling questions about fire suppression preparedness now and in the future. I will not be able to make sweeping conclusions with the bits and pieces of data we have available. I do hope to raise some issues that will suggest specific lines of inquiry for the Committee to consider pursuing.

On May 6, 2008, Undersecretary Rey provided the Honorable Dianne Feinstein with a summary table showing that only 363 of the 4,432 positions planned for the 2008 fire season were vacant. A more complete picture of staffing levels is provided by the breakout by grade level (see Appendix 1), a part of the complete table which was apparently not provided. The most striking shortfall is at the GS-06 level, where 208 of 532 positions (39%) were vacant. How does this shortfall affect preparedness?

The great majority of GS-06 firefighters staff Engines as Assistant Fire Engine Operators (AFEOs). It appears this shortfall is not likely to be corrected in the short term: during the March 2008 hiring round, the number of vacancies in this critical position actually increased in spite of nearly two dozen hires.

At full staffing level, a Type 3 Engine is staffed with seven employees at defined positions. Rotational staffing provides 7-day coverage. Without this full complement, the Engine must be downgraded to a 5-day Engine. Is the fact that roughly half of the Forest Service's Engines are 5-day Engines a result of the 39% firefighter vacancy rate at the GS-06 level? This would seem to be a likely explanation.

Understaffing can lead to over-reaching, with negative effects on safety. This is illustrated by a March 27, 2008 letter from Regional Forester Randy Moore to Region 5 personnel, in which it is stated that "supervisors may be informally assigning employees to positions above their current grade level." Obviously, it is a safety issue when employees are placed in positions for which they do not meet qualifications. The Regional Forester took steps to prevent this practice and advised field supervisors that "[i]f there are vacant positions and no qualified individuals to fill them, other options need to be considered. For example, engine modules may need to provide a 5-day work week, covering with a GS-07 and GS-08 in lieu of the GS-06."

The complete data also reveal a vacancy rate of 14% (81 positions) at the GS-07 level. Although less severe than the 39% shortfall in GS-06 personnel, this is still a significant figure that will be difficult to bring to a full staffing level this fire season. During the March hiring round, a net of only 14 GS-07 Fire Engine Operators

(FEO) positions were filled. Further, GS-07 FEO positions are typically filled from the pool of GS-06 AFEO employees, so any reduction in the vacancy rate of the former would increase the vacancy rate of the latter.

Staffing levels tell some, but not all, of the story. Staffing levels can be maintained even with excessive attrition by hiring large numbers of entry-level employees. In such a case, there is substantial pressure to rush these employees into higher-graded positions to meet the staffing needs of the module. This results in a large number of minimally qualified employees in module positions, which can also decrease preparedness.

For example, an Engine is not available for dispatch outside its area unless one crew member is red card qualified as an Engine Boss, ENGB. A GS-08 Supervisory Fire Engine Operator (SFEO) must be a certified ENGB to occupy their position. A fully qualified GS-07 FEO is also ENGB-certified, in which case s/he may rotate with the SFEO and the Engine may be dispatched outside its area. However, a newly placed GS-07 FEO may only be certified as an ENGB trainee (ENGB-t). An Engine under his/her command may not be dispatched outside its area. The outcome is reduced capacity. The Engine may be staffed as a 7-day Engine, but one whose range is limited, or it may be downgraded to provide only 5-day coverage.

At least in some areas, this scenario is being played out as an increasing number of employees at the middle and upper levels leave federal service for Cal Fire and municipal fire departments. For example, nine of eleven Los Angeles River District Engines are staffed with ENGB-t FEOs.

This pipeline issue is extremely important. With higher level employees retiring or resigning, there is an increased need for experienced firefighters to continue on up the ladder. Experienced crew members become experienced squad bosses who become experienced Operation Section Chiefs who become experienced Incident Commanders.

This takes a significant amount of time and continually filling the lower ranks with new recruits isn't going to accomplish this task. Without experience throughout the organization, effective firefighting and safety is going to be comprised. Meaningful analysis of this aspect will require more than a snapshot in time of staffing levels.

There are a number of factors affecting attrition rates. In the brief time I have here today, I'd like to focus on one that not only increases attrition but also presents a clear and present danger to safety on the fire lines. This is a problem that cries out for a timely solution. Fortunately, a simple remedy is available to solve it.

"PROFESSIONALIZING" FIRE MANAGEMENT

Experienced leadership is crucial to the fire organization. Because of a recent policy change, our most experienced field generals in the war on fire are being pushed out of positions of leadership. By its very nature, wildland firefighting is physically demanding and dangerous. This is unavoidable. But we can avoid implementing policies that make it less safe and less effective.

To explain, the Forest Service and Department of Interior (DOI) agencies are in the midst of an initiative to "professionalize" their fire management positions. To understand this initiative and how it has strayed off course, I need to give some history.

This initiative was born in the aftermath of the South Canyon tragedy of 1994, in which 14 brave firefighters met their deaths. The Interagency Management Review Team (IMRT) was chartered to perform a comprehensive review of federal wildland fire policy. The June 26, 1995 IMRT Final Report states, "A lack of qualified supervisory and management personnel could result in poor decisions, directly jeopardizing the safety of employees. Filling vacant positions with personnel not qualified to make crucial strategic and tactical decisions could directly jeopardize employees." Regarding qualifications of fire managers, it recommended that "fire management positions include competency and performance based criteria related to the nature and complexity of their wildland fire responsibilities." Following up on these recommendations, the Wildland Firefighter Safety Awareness Study (also know as the "Tri-Data Study," Phase III completed in March, 1998), articulated the goal that "fire experience and competency should be considered as critical selection factors for fire leadership and fire management positions."

The development of a consistent standard, the Interagency Fire Program Management Standard (IFPM), was completed in 2004. I'd ask that you remember this 9-year lag when you hear promises about how the current crisis in the implementation of this standard will be handled over the next two years.

The IFPM standard established minimum qualifications standards for key fire management positions. Wildfire ("red card") qualifications were established for all

positions. In addition, some positions were slated for conversion to a professional Office of Personnel Management (OPM) classification series. It is for these "professional" positions that problems have arisen.

Here, I have to digress for a moment to describe where our fire leaders come from. Many do not have college degrees. Fire management is a highly specialized profession. You don't learn to fight fire in a classroom; you learn it on the fire lines working under more experienced firefighters. On an incident, rapid and correct decisions with incomplete information in a highly chaotic environment can mean the difference between life and death. An experienced leader has a collection of mental "slides" which guide this decision-making process. And it is from the fire lines, not from academia, that folks come by this hard-won experience.

In addition, fire personnel take specialized courses to advance to positions of leadership. Courses administered by the National Wildfire Coordinating Group (NWCG), an interagency wildfire organization, have been specifically tailored by the world's experts in incident command and wildfire suppression to meet the unique needs of the wildland fire workforce. Courses such as Fire Management Leadership, Advanced Incident Management, and Fire Behavior Interpretation are directly related to improving safety and effectiveness on incidents.

Now, to return to the OPM "professionalization" of fire management: initially, the Forest Service and DOI requested that OPM establish a new occupational series for fire program management. They did not. Instead, a supplemental qualification standard was approved: GS-0401 Fire Management Specialist. The basic, garden-variety GS-0401 included a minimum education requirement of a college degree, in a variety of fields related to natural resources or general biological sciences, or courses equivalent to a major field of study plus appropriate experience or additional education. This series did not work. So, the Fire Management Specialist supplemental standard was developed, under which a number of NWCG courses counted toward the education requirement.

This compromise—a supplemental standard instead of a specific series for fire program management—was not a perfect solution. For example, we were asked by two dispatcher managers with degrees in psychology and one with a degree in business management, neither of which qualified them under the GS-0401, how their degrees were less relevant to running a Dispatch Center than qualifying degrees such as plant physiology or agronomy. We have no good answer for them, other than they are collateral damage of a policy in which a square peg is being shoved in a round hole. However, for most employees, the supplemental standard provided a workable path for getting qualified—even though many were annoyed at having to re-qualify for the same jobs they had been successfully performing for years. Use of in-house NWCG courses was cost-effective and allowed coursework to be scheduled during low fire activity periods. NWCG coursework was the most practical way many employees, especially those stationed in remote locations, could obtain education credits that were both relevant to their duties and needed under the new Standard and also fulfill their incident response responsibilities during times of local and national emergencies.

The current deadline for conversion of all 800 targeted upper-level fire management positions to the GS-0401 series is October 1, 2010. An additional 200 Forest Service positions at the District level are scheduled for conversion in 2013. Upon conversion, incumbents who do not meet the new qualifications will be removed from these positions.

THE INADVERTENT GUTTING OF THE FIRE MANAGEMENT STANDARD

In 2005 OPM implemented a policy intended to keep credits earned from "diploma mills" from counting toward meeting education qualifications for federal positions. This is an admirable goal. Unfortunately, it had the unintended consequence of removing the standing of NWCG courses as well. Specifically, the policy states that only courses from accredited institutions now have standing. Since NWCG is not an accredited institution recognized by the Department of Education, NWCG course certificates no longer count.

This change effectively gutted the GS-0401 Fire Management Specialist supplemental qualification standard. Fire managers in upper-level positions scheduled for conversion have a substantial portfolio of previously creditable NWCG courses. So do those in mid-level positions, experienced leaders who are the best candidates for the next generation of upper-level fire managers. Now, these courses, directly applicable to safety and effectiveness on the fire line, no longer count toward the education requirement, whereas courses in unrelated natural resource and general biological sciences do.

The issue goes beyond the 300 of 800 incumbents in these GS-0401 positions (and the addition 200 employees scheduled for conversion in 2013) who are not qualified under the gutted GS-401 standard. This is not a problem looming; it is a clear and present danger. Although effects will accelerate as the deadline approaches, capacity is already being eroded as vacant positions are filled. With the stripping of academic standing of their portfolio of NWCG courses, many of our best fire leaders are excluded from competing for these positions. Employee safety is already being compromised with each position filled under these accidentally imposed criteria (see Appendix 2 for accounts from field managers). As noted by a field manager, it takes 15-20 years to become a Division Supervisor or Type 3 Incident Commander and 27 years to become a Type 2 or Type 1 Incident Commander. It is leaders like these who are being pushed out of fire leadership positions.

It is worth pausing to note that the stated intent of the reforms implemented by the IFPM standard was to improve safety and effectiveness on the fire lines. It was not to better integrate fire management into natural resources. Yet, that seems to be the unstated agenda behind use of the GS-0401, a natural resources series. We agree with the goal of improving the natural resources expertise of fire personnel. However, it is questionable whether this approach will yield a workforce with appropriate natural resources expertise. A large number of irrelevant and marginally relevant fields of study are qualifying under this series, such as agriculture, agronomy, biochemistry, etc. Just as a degree in manure management doesn't make a better fire manager, it also doesn't make a better land manager. Further, experience is important in land management as well as fire. Specific knowledge about the specific land being managed is gained through experience.

More importantly, we strongly feel that safety must be the first priority. Under the gutted standard, safety has taken a back seat to academic natural resources credentials. This is not acceptable.

Recall the goal that "fire experience and competency should be considered as critical selection factors for fire leadership and fire management positions." The gutted standard seriously undercuts this goal. It is worth quoting once again a key finding of the June 26, 1995 IMRT Final Report: "Filling vacant positions with personnel not qualified to make crucial strategic and tactical decisions could directly jeopardize employees." Here is what field managers say is happening already (for more accounts, see Appendix 2): * The forest is having difficulty getting applicants for 401 positions. We are trying to fill a 401 position right now. The applicants who are making it onto the referral list lack on the ground fire experience (for the most part) while many applicants that do have the on the ground fire experience do not meet the 401 requirement.

- My Forest is having trouble filling 401 positions, and only with personnel with marginal field qualifications.
- We are having trouble finding candidates that meet both requirements. The folks that meet the experience and qualification requirements don't meet the education requirements... Conversely the folks that have applied that meet the education requirements do not have the field skills for the positions. This goes for the Regional level as well.
- What I have been seeing recently is the people that have been hired since we went to the 401 series for FMO's and Fuel Specialist are mostly people who have graduated from a college in the past 10 years and do not yet meet the NWCG qualifications for the jobs they are getting. Why? Because they are not experienced firefighters! With 10 years or less in an agency they have not had the opportunity for that broad based fire experience. So how are we as federal agencies handling this? We fast track them through the NWCG qualification (quals) process. For quals that would normally take 10-15 years of experience they are getting with only 5 years of experience.

APPROPRIATE REGULATORY ADJUSTMENTS HAVE NOT BEEN MADE

Of course, NWCG is not a "diploma mill." NWCG courses were developed and are taught by the world's experts in incident command and wildfire suppression to meet the unique needs of the wildland fire workforce. One would expect this to be readily recognized and appropriate administrative action taken. However, OPM has steadfastly refused to restore the standing of NWCG-sponsored courses previously approved for the supplemental standard. Indeed, they have refused to even address the question of whether NWCG is a diploma mill.

OPM's position seems to be that waivers to policy can never be granted because the policy must always be followed. One of two premises must underlie this position: (1) application of the policy will never lead to significantly harmful outcomes, or (2) it is not OPM's responsibility to address harmful outcomes. We believe the former

premise is false and the latter is irresponsible, especially in the present case in which matters of life and death are involved. We believe any request should be reviewed on its merits and actions be based upon an objective analysis of the particulars. This should not create an overwhelming workload, certainly not as compared with that thrust upon the field by the rigid application of policy even when it has clearly missed its target. Indeed, if waiver requests with merit multiply beyond reason, one might be moved to question the soundness of the policy. Perhaps this is the fear.

The only response so far has been to delay the conversions for one year. Originally scheduled for 2009, conversion to the GS-0401 has been pushed back to 2010. The Forest Service/DOI plan is to "encourage universities to develop Wildland Fire Science degree programs," "identify additional institutions and formalize procedures for seeking retroactive approval and transcription of creditable NWCG courses," and provide "tuition support."

This plan is not realistic. Establishment of the previously approved portfolio of NWCG as accredited courses in academic institutions will be a time-consuming endeavor. Development of agreements and procedures for obtaining retroactive credits is even more problematic. OPM regulations prevent accredited institutions from granting "rubber-stamp" credits. Credit could only be granted for NWCG courses in cases where equivalent courses or curricula were already present at the accrediting institution. At best, years of effort may yield a patchwork of agreements providing incomplete coverage.

Even if it could be achieved, this "solution" would not be desirable. It would be more expensive than coursework provided at existing in-house training centers, depleting scarce training budgets and discouraging career advancement of tomorrow's leaders who must pay tuition out of their own pockets. In addition, quality would suffer, as instructors will in general lack the current, hands-on knowledge of in-house fire experts.

Past performance gives us no reason to expect the Forest Service to be able to implement this plan in time to stop the bleeding:

- The OPM "diploma mill" policy change was enacted on February 15, 2005. Field management was not notified until May 31, 2007, over two years later. Thus, field employees continued to earn NWCG credits to meet the new qualifications of their positions (or of positions to which they aspire) only to discover, after the fact, that these courses were not qualifying. One 25-year fire manager qualified as a Type 3 Incident Commander noted, "I moved my entire family to a new state based on an offer that I had from the USFS saying that I was qualified only to learn 2 years later that they may have been just joking."
- Over a year later, employees have still not been notified of their current qualification status. They are unable to obtain career counseling to determine how to meet the new requirements of the gutted standard. Under these circumstances, many are understandably waiting for clarification before proceeding with further coursework. As noted by one employee, "When the OPM ruling was announced last year I was removed from [401] rosters and have been in a state of career limbo ever since. I still haven't been informed what curriculum I should apply myself to re-qualify in the 401 series. In the Forest Service there is no ability to attain career counseling because Human Resources are centralized in Albuquerque, NM and therefore there are no local personnel officers to assist me. I currently have no plan to follow."
- The problems cited above are largely attributable to the recent downsizing and centralization of Human Capital Management (HCM), motivated by a competitive sourcing quota. The HCM organization is extremely compromised. The agency has difficulty even providing basic services, such as hiring seasonal and temporary firefighters and getting employees paid on time. It is extremely doubtful the capacity exists within HCM to help implement and administer this piecemeal solution.

As noted, erosion of capacity is already occurring. Employees with families to support don't wait until drop-dead deadlines; they look for other opportunities. Vacant positions are being filled without access to many of our most experienced fire leaders. These trends will only accelerate as we approach the deadline. Further, morale and trust after this treatment are very low. Field employees feel as though they have been ill-advised for over two years and then hung out to dry for another year. They are stressed out and distracted by this long-running drama. This is bad for safety in and of itself, and yet those making life and death decisions have been in this state for over a year.

CONCLUSION

Prior to the government-wide OPM policy change to address "diploma mills," OPM had approved a supplemental Qualification Standard, GS-0401 Fire Management Specialist, for which in-house courses administered by NWCG counted toward the education requirement. Clearly, this specific approval demonstrates that OPM does not consider NWCG to be a "diploma mill." This bureaucratic fiasco is a clear and present danger to safety on the fire lines—one that cries out for a timely solution. It is also a contributing factor to increased attrition rates and one which can be readily addressed. We urge enactment of legislation to restore the standing of these courses, and suggest the following language:

- For the purposes of meeting education requirements of the GS-0401 Fire Management Specialist supplemental qualification standard, courses approved and provided by the National Wildfire Coordinating Group shall be considered to meet all applicable accreditation requirements.

In closing, let me ask two simple questions that cut to the heart of this matter. Who would you want leading your son or daughter into harm's way? Who would you want in charge of the operation to save your house from an advancing wildfire? I know who I'd want. I'd want the person best qualified in terms of fire experience and competency. Re-instating the standing of our in-house training program is the best way to ensure that's who we'd get.

APPENDIX 1.—REGION 5 STAFFING LEVELS

Planned, Current and Vacant Temporary and Permanent Positions as of 04/02/2008
Data source: R5 Fire and Aviation Management Planning Database

Fire, Fuels and Aviation Management Personnel Grades 6-15 (Permanent) 4-2-08

Grade (GS)	Appointment		Angeles	Cleveland	Eldorado	Inyo	Klamath	Lassen	Los Padres	Mendocino	Modoc	Six Rivers	Plumas	San Bernardino	Sequoia	Shasta Trinity	Sierra	Stanislaus	Tahoe	Tahoe Basin	Regional Office	Grand Total
6	Permanent 18/8 PP	Planned	48	42	24	15	29	26	40	20	13	25	26	42	34	34	29	36	25	8	16	532
		Current	26	32	14	10	18	10	26	13	5	12	13	28	21	19	18	22	17	4	16	324
		Vacant	22	10	10	5	11	16	14	7	8	13	13	14	13	15	11	14	8	4	0	208
7	Permanent 26/0 PP	Planned	49	44	22	16	33	34	43	21	21	32	32	56	37	38	33	28	22	8	9	578
		Current	48	43	17	11	32	26	32	14	19	24	27	52	31	34	26	24	22	7	8	497
		Vacant	1	1	5	5	1	8	11	7	2	8	5	4	6	4	7	4	0	1	1	81
8	Permanent 26/0 PP	Planned	40	37	16	10	21	19	35	15	13	20	21	36	26	26	21	18	19	7	7	407
		Current	40	36	13	7	19	19	35	14	13	19	19	36	25	23	18	18	18	6	7	385
		Vacant	0	1	3	3	2	0	0	1	0	1	2	0	1	3	3	0	1	1	0	22
9	Permanent 26/0 PP	Planned	25	17	15	6	16	16	22	11	7	17	14	23	21	18	18	13	17	3	29	308
		Current	23	17	14	7	21	14	21	11	8	13	17	22	20	17	18	11	16	3	23	296
		Vacant	2	0	1	-1	-5	2	1	0	-1	4	-3	1	1	1	0	2	1	0	6	12
10	Permanent 26/0 PP	Planned	4		2		2		4	2		2	6	2		4	2	4				34
		Current	2		1		2		1	1		1	3	0		2	0	3				16
		Vacant	2	0	1	0	0	0	3	1	0	1	3	2	0	2	2	1	0	0	0	18
11	Permanent 26/0 PP	Planned	7	5	4	6	10	7	8	4	6	7	5	9	9	8	8	6	7	1	24	141
		Current	6	5	4	4	9	5	8	3	5	7	6	8	6	8	6	6	7	1	24	128
		Vacant	1	0	0	2	1	2	0	1	1	0	-1	1	3	0	2	0	0	0	0	13
12	Permanent 26/0 PP	Planned	1	1	1	1	1	1	1	1		1	1	1	1	1	1	2	1	1	29	47
		Current	1	1	1	1	1	1	1	0		1	0	1	0	1	1	1	1	1	26	40
		Vacant	0	0	0	0	0	0	0	1	0	0	1	0	1	0	0	1	0	0	3	7
13	Permanent 26/0 PP	Planned	1	1	1		1	1	1	1	1	1	1	1	1	1	1	1	1		13	29
		Current	1	1	1		0	1	1	1	1	1	1	1	1	0	1	1	1	0	13	27
		Vacant	0	0	0	0	1	0	0	0	0	0	0	0	0	1	0	0	0	0	0	2
14	Permanent 26/0 PP	Planned																			2	2
		Current																			2	2
		Vacant	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
15	Permanent 26/0 PP	Planned																			1	1
		Current																			1	1
		Vacant	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sub Total Planned			175	147	85	54	113	104	154	75	61	105	106	170	129	130	113	108	92	28	130	2079
Sub Total Current			147	135	65	40	102	76	125	57	51	78	86	148	104	104	88	86	82	22	120	1716
Sub Total Vacant			28	12	20	14	11	28	29	18	10	27	20	22	25	26	25	22	10	6	10	363

APPENDIX 2.—EMPLOYEE COMMENT EXCERPTS ON FILLING VACANT POSITIONS

Comments were collected during a three-day period in March, 2008. It is noteworthy that we received well over a hundred comments, the vast majority from top fire managers in the field, during this 3-day window. We do not represent these managers and it is unusual that they would turn to the union in such numbers. We do, however, represent the employees who follow them into harm's way. And we do share their interest in a safe and effective firefighting organization. More comments in their entirety are posted at http://www.nffe-fsc.org/Documents/IFPM/Web/Log__Web.htm. We strongly encourage review of these comments for a more complete understanding of perspectives from those on the front lines who have first-hand knowledge regarding the impacts of this problem.

These are excerpts pertaining to the filling of vacant positions that is already going on. In some cases, excerpts reference dual announcements using the 401 and 462 series. The 462 is a technical series without a minimum education requirement. For the jobs discussed here, these positions will be converted to 401 positions on October 1, 2010. Any employees hired into a targeted 462 position must therefore obtain the necessary education credits before this time or be removed from the position. Obviously, as we approach the 2010 deadline, the option of "floating" jobs 401/462 becomes less tenable.

- Region 1, Fire Management Officer (FMO): I have hired a Center Manager (401) since 2/15/2005. Candidates that met education requirements (Forestry Degrees) had little or no experience (met very few competencies) for the position. The only individual who met the competencies did not meet the 401 education requirements. The competencies were much more important to the candidate's ability to lead and supervise a Dispatch Center than a degree was. When I made the selection I understood that the NWCG courses would apply that would help meet 401 requirements. The individual hired is an excellent center manager. He is over 50 years old. By the time the agency has committed time and dollars to meet his 401 education requirements, he will be near retirement. The dollars spent to pursue his 401 training are not available to younger employees to pursue specific, identified needs to prepare them as our future leaders.
- Region 1, FMO: The forest is having difficulty getting applicants for 401 positions. We are trying to fill a 401 position right now. The applicants who are making it onto the referral list lack on the ground fire experience (for the most part) while many applicants that do have the on the ground fire experience do not meet the 401 requirement.
- Region 1, Assistant FMO (AFMO): My Forest just filled a 401 FMO position with only four applicants and only one met the 401 requirements so they hired him. There should be a much larger applicant pool for such a key position.
- Region1, AFMO: My Forest is having trouble filling vacancies, in fact in some cases they are flying the job in both the 462 and 401 series to gain more applicants (even though these positions are supposed to convert to 401 here shortly). From what I have been involved with there has been approximately 6-10 highly qualified candidates for every 1 401 candidate.
- Region 1, FMO: Even under the old 401 series rules it made no sense to require that the center manager positions be filled in the 401 series. We have trouble getting a decent pool of applicants as it is for center manager positions, requiring them to meet 401 series standards will cripple our ability to fill these positions with highly qualified individuals. This may well turn out to be the real safety issue with IFPM. By requiring all positions at the GS11 level and above to be classified in the 401 series, we will be filling top leadership positions with less than the most experienced leaders.
- Region 1, FMO: The Center Manager position is the only 401 position we have had to fill. Candidates that met education requirements (Forestry Degrees) had little or no experience (met very few competencies) for the position.
- Region 2, FMO: We were in the middle of filling a District FMO job last year, had verbally offered the position to somebody, and that day the announcement came out that S courses (NWCG) no longer count, and we had to go and find another individual that currently met a 401 qualification, RATHER than being able to hire the preferred applicant... We need qualified leaders in these positions, not just paper certified individuals. We're losing the flexibility of identifying and promoting leaders from fire professionals when we can't count the thousands of dollars per individual the US Govt and taxpayers have invested (in NWCG or other fire courses) in these fire professionals as part of their education. This is completely irresponsible...

- Region 2, Assistant Dispatch Center Manager: Casper Dispatch in Wyoming had to advertise their 401 position 4 times! They finally had to create a GS-11 Tech [who will have to fulfill education requirements before conversion date]... We will lose our Center Manger in 10/2009 [now 2010] because that person does not qualify for 401 under the current regs. None of the other personnel (four) can move into his position. We have a brand new seasonal working in dispatch this year that has a college degree. That person would legally qualify for the job....but has no understanding of upper management processes within Dispatch. Is this going to help? We have Dispatchers who have worked in the system, understand it and need to move up. Those are the kind of people you want running a Dispatch Center, not fresh out of college kids without experience, without knowledge or ROSS or the National Mobilization system. Dispatch is becoming more complex by the day....ROSS, IQCS, IQS, Best Value, VIPR, WIMS, Fire Use, WFIP, Urban Interface, etc., etc., etc.
- Region 3, FMO: We have had three FMO jobs flown as 401. [Two Districts] flew their positions numerous times before they got enough applicants to have a viable cert. For one job I was on the hiring panel and one candidate (there were only 3 on the cert) was determined he did not actually have enough credits to qualify for the 401 so he was dropped. One District has also had a GS-9-401 Fuels AFMO vacant since I got to the Forest in May 2006. Because this position was flown 401 it disqualified the interested applicants on the Forest and had no outside interest thus they have been unable to fill the position and are now advertising it as a 462 series. We just lost our Dispatch center manager to another Forest because we flew his position (this was an upgrade) as 401 believing that he qualified and after HCM got through with his credits he no longer meets 401 quals. Thus he applied for another Forest that flew their manager position as 401/462. Now we are flying our position as a GS-401/462-10/11. We also have many employees on this forest who we have been sending to training to get qualified for 401 who are good employees that are ready to move into AFMO and FMO jobs but don't qualify for 401 jobs. One individual who is currently an AFMO was determined to not have enough credits now with the new rules and he had to get through another class in order to apply for FMO jobs. This is having a negative impact on morale and budgets because money we spent on getting people to an NWCG course that counted for credits are no longer viable and we are now having to send these employees to college courses basically tripling our training costs for our employees who want to be in positions that are 401 and extending the amount of time they have to wait to compete for promotions.
- Region 4, FMO: Most all of the vacancies in Region 4 that have come out as only 401, have not been filled due to no or few applicants that meet the education AND the Quals. Most have had to be flown as 462/401 in order to get a decent applicant pool.
- Region 4, AFMO: My Forest is having trouble filling 401 positions, and only with personnel with marginal field qualifications. I know some who have quit-artificial ceiling, being supervised by college grads with very little fire experience
- Region 5, AFMO: From what I understand, when they flew the FFMO job last spring as a straight GS-401 no one applied so they had to go with a GS-401/462 with the highest grade being met when the occupant meet the GS-401 requirements. [Note: the window on this option closes as the conversion date approaches.]
- Region 5: A recent outreach effort to fill the upcoming Forest FMO position (401) yielded no interest! The Forest Fuels Officer will take an early retirement rather than spend the last years of his career pursuing "educational requirements"... I am personally aware of several individuals who have made the decision to drop out of the program because of the unrealistic demands and timeframes placed on them. This is a huge hit to the agency. Near and long-term effects to the agency will be untenable.
- Region 5, FMO: Three of our top employees have been adversely affected by the OPM ruling that their NWCG courses may not be counted towards their conversion to the 401 job series... A GS-12 462 Deputy Forest Fire Management Officer does not qualify for the GS-13 Forest Fire Management Officer position I will be vacating in five weeks. Not a single 401 candidate applied for this position recently, which leaves the forest without leadership that [this Deputy FMO] could provide if he was converted. The OPM decision also adversely affects two GS-11 fire staff, from occupying key leadership positions as of October 1, 2009.

- Region 6: We have an DFMO position open at this time and of the local candidates only one has enough credits to meet the 401 standards.
- Region 6: My Forest is having trouble filling 401 positions. I currently have one vacancy in my organization that I am advertising as a 401 position. Considering the recent qualification changes for a GS-09 position, most of our experience in the organization is in the 0462 series and they can not compete under these new qualifications.
- Region 8, FMO: We are having trouble finding candidates that meet both requirements. The folks that meet the experience and qualification requirements don't meet the education requirements... Conversely the folks that have applied that meet the education requirements do not have the field skills for the positions. This goes for the Regional level as well.
- Region 9, FMO: What I have been seeing recently is the people that have been hired since we went to the 401 series for FMO's and Fuel Specialist are mostly people who have graduated from a college in the past 10 years and do not yet meet the NWCG qualifications for the jobs they are getting. Why? Because they are not experienced firefighters! With 10 years or less in an agency they have not had the opportunity for that broad based fire experience. So how are we as federal agencies handling this? We fast track them through the NWCG qualification (quals) process. For quals that would normally take 10-15 years of experience they are getting with only 5 years of experience. Not nearly enough to make decisions under the duress of fire operations. What will this mean to the FS and other agencies? Our new fire managers meet the 401 college course requirements but they don't have the experience to be in the FMO positions.
- Region 9, FMO: We have been trying to fill a Zone Fire Management Officer position at the GS-11 level. The position was filled prior to with a well qualified technician that had an excellent fire background and I believe a business degree. The problems I'm seeing is excellent candidates with good fire backgrounds are not meeting the certs due to education or worse yet a person with a 4 year degree qualifies for the education job and has 5 years to meet the qualifications. These higher up positions provide oversight safety for our ground personnel and without a background in fire qualifications (in other words having the qualifications to draw from -learning by experiences), we are risking the safety of our personnel by getting less qualified applicants from a standpoint of fire management. In the new fire leadership courses (L-380 and L-381), we are instructed that fire fighters base their decisions on past experiences not from what they learned in a 4 year degree.

The CHAIRMAN. Thank you very much.

Mr. Judd.

STATEMENT OF CASEY JUDD, BUSINESS MANAGER, FEDERAL WILDLAND FIRE SERVICE ASSOCIATION, INKOM, ID

Mr. JUDD. Thank you, Mr. Chairman and Senator Craig, my Senator. Appreciate the opportunity and the honor to convey and articulate the voice of our Nation's Federal wildland firefighters regarding the preparedness of our Federal land management agencies to meet the current wildfire season.

The voices of these brave men and women include those who occupy all fire positions from all five land management agencies. They are those who cut the lines, staff the engines, jump out of perfectly good airplanes, and manage the fire incidents.

For many years, the FWFSA has done everything in its power to reach out to the previous and current agency leadership in an attempt to convey the concerns of firefighters and offer to work with the agencies to make their fire programs the place to make a wildland firefighting career. Each step of the way, we have been ignored.

Today, you will hear two very different assessments of agency preparedness. Agency representatives continue to suggest they are adequately prepared, and reference the many non-Federal firefighting resources available to them, without referencing the higher

costs often associated with such resources. We do not believe this accurately portrays the preparedness of the Federal land management agency fire programs. They continuously suggest that resources can assigned based on anticipated starts and other criteria, yet unable-to-fill lists for resources continue to get longer and longer.

Although the preparedness of all agencies is at issue in this hearing, we will primarily refer to the Forest Service, as it is the largest employer of wildland firefighters and the agency we believe to be the most dysfunctional with respect to the management of its fire program.

Firefighters believe that agency policy, more than any other factor, is at the core of declining preparedness levels and what we perceive as the systematic dismantling of the agency fire programs. As a result of agency policy, America's taxpayers are needlessly paying more for fire suppression, and continue to feed an agency incapable of fiscal efficiency with respect to its fire program. The agency's refusal to address longstanding pay and benefit issues encumbering our firefighters, and the archaic organizational structure that manages the fire program as it was 30 to 40 years ago, have failed to prepare the agency for the complexities of wildfires in the 21st century. Despite decades of discussion and volumes of documentation supporting such reforms, firefighters from the Federal land management agencies continue to be stifled by inequitable pay and benefits, as compared to other non-Federal firefighters they stand side by side with on any given Federal wildfire incident.

Although nearly everyone in this room today, inclusive of agency representatives, refer to these brave men and women as wildland firefighters, the agency continues to refuse to support any effort to remove these employees from outdated classification standards and develop a new wildland firefighter classification series that more accurately reflects the variety of duties they now perform, even though the House passed such legislation during the last session of Congress. The consequence of the failure of the agencies to address such issues facing their firefighters has been the recent and continuing migration of many Federal wildland firefighters to other non-Federal fire agencies for better pay and benefits.

This has resulted in a stunning number of vacancies, in all grades, that the agencies have simply ignored until recently, when Congress started to ask serious questions about firefighter retention.

Given the number of vacancies in many different fire positions, the ability to be properly prepared for the fire season, as envisioned by the National Fire Plan and as expected by Congress and the American public, is further compromised by the organizational structure of the fire program.

The agency fire program is managed as it was decades ago. Those developing and implementing fire policy are line officers, such as the leadership in the Washington office, regional foresters, forest supervisors, and district rangers, who have virtually no wildfire experience or expertise.

Further, these are the same Forest Service employees who continue to systematically divert hundreds of millions of dollars in appropriated fire preparedness and hazard fuels-reduction dollars

away from the field to pay for non-fire projects. As a result, a number of Federal fire preparedness resources in the field, inclusive of temporary firefighters, is compromised and inadequate.

The combination of Federal firefighter vacancies and fiscal mismanagement of the fire program by non-fire line officers requires the agency to often fill in the gaps of missing Federal resources with a significantly more expensive non-Federal resources, placing an even greater financial burden on the American taxpayer.

Simply stated, the agencies cannot be adequately prepared if, (1) they must appear before Congress each year seeking a supplemental appropriation of a half a billion dollars, (2) they must augment the staggering losses from within their own Federal ranks with significantly more expensive non-Federal resources, which leads to increased suppression costs, and (3) they continue to systematically divert fire preparedness and hazardous fuels reduction dollars away from the field to pay for non-fire projects.

How do we fix this? The utilization of the 10-year average to establish budget levels for fires must be reviewed. Because of the fact that agency policy has led to unnecessary and artificial increases in suppression expenditures in recent years, it would make sense to allow those with the fire experience and expertise to develop budget requirements, without political influence, to establish a new baseline of funding for fire suppression and preparedness.

Sadly, it is clear the agencies have no desire to reform fiscally inefficient fire programs in order to be better prepared for wildfires in the future. Congress must decide if it wants these agencies to continue fielding fire programs. If it does, Congress must mandate that the agency fire programs and associated funding be managed by those with fire experience and expertise with the authority and autonomy to manage the fire program as a fire department.

Further, Congress must make changes to archaic pay and personnel policies to retain the highly qualified firefighters the agencies are now losing. Properly classifying employees as wildland firefighters, providing fundamental compensation processes, such as portal-to-portal pay, found in nearly all paid professional fire organizations, and basic benefits for temporary firefighters, such as eligibility to FEGLI and health coverage, would make great strides in eliminating the mass exodus of Federal wildland firefighters we are seeing, and restore the value of the investment our taxpayers have made in our Federal wildland firefighting forces. We urge you to listen to and consider the voices of these heroes.

Thank you, again, and I'll be delighted to answer any questions you may have.

[The prepared statement of Mr. Judd follows:]

PREPARED STATEMENT OF CASEY JUDD, BUSINESS MANAGER, FEDERAL WILDLAND FIRE SERVICE ASSOCIATION, INKOM, ID

INTRODUCTION

Mr. Chairman and Members of the Committee, it is an honor and privilege to appear before you today on behalf of the brave men and women across this country who serve as wildland firefighters and wildland fire program managers. These brave men and women make up our Nation's federal wildland firefighting forces, and I intend to offer you their voice and their perspectives on the current preparedness of the federal land management agency fire programs, as we face yet another potentially catastrophic wildfire season. I also intend to offer their recommendations on

a corrective course of action needed to improve the overall efficiency, cost effectiveness, accountability, and safety needed to provide wildland fire management in the 21st Century.

The Federal Wildland Fire Service Association (FWFSA) is an employee association whose membership is primarily made up of federal wildland firefighters from all five federal land management agencies. As an association, our diverse membership includes those occupying all fire positions from entry-level firefighter to fire chief, along with dispatch, prevention, and support personnel. It is that diversity that continues to provide the FWFSA with a wealth of reliable data and information from the field. The FWFSA in turn provides "real world" information to Congress to illustrate and define the serious issues facing the fire programs of the land management agencies, and how these issues directly affect community and firefighter safety, as well as wrongly increase the financial burden being placed upon the American taxpayer to fund an often misguided program.

FIRE PREPAREDNESS

During this hearing, the committee will no doubt hear two significantly different perspectives on the readiness and preparedness of the land management agency fire programs to meet the current wildfire season. The committee will hear from Agency representatives who, for at least the past two years have suggested to this and other committees that they (the agencies) are adequately prepared for the season. They (the agencies) undoubtedly will use terms such as "increased management efficiencies" and "the ability to move resources to areas of need" to describe their version of preparedness, and how they feel it is possible to do more with less. These terms, as well as their implementation, need great attention and oversight by this committee.

The committee will also hear testimony representing the voice of the Nation's federal wildland firefighters. The FWFSA will suggest that the federal land management agencies and their fire programs are not as prepared for the wildfire season as the agencies would like us to blindly believe. As an employee association, the FWFSA will present several significant issues that must be addressed if proper fire preparedness is to be realized.

Preparedness levels can be somewhat subjective depending on what criterion is being used. The FWFSA believes it is prudent to utilize the guidance and expectations of Congress, and who through thorough consultation with the land management agencies and their constituents, approved the National Fire Plan (NFP) as the baseline for measuring current levels of preparedness. As I understand it, it was the intent of Congress to fund the "Most Efficient Level" (MEL) of resources at 90-100% to provide improvements to community and resource protection, as well as reduce large fire costs. Today, regardless of data being provided by the agencies, the current MEL level has dropped below 2000 levels in most areas.

As the NFP suggests and common sense would dictate, having sufficient preparedness resources in place prior to the wildfire season would lead to reduced fire suppression costs. Fire preparedness dollars are designed to pay for a variety of resources including temporary firefighters, which in any given season can make up nearly 46% of the fire season staffing.

To compliment having adequate preparedness resources in place, it is imperative that, as a result of the wildfire season being year round in many parts of the country, hazardous fuels reduction must be accomplished. These two elements: proper preparedness resources and hazardous fuels reduction, are key to reducing wildfire suppression costs.

SO WHY ARE SUPPRESSION COSTS CONTINUING TO SKYROCKET?

This and other committees have been consistently told by the Agencies and "experts" that suppression costs are continuing to rise because of 1) climate/drought and 2) the increasing costs of protecting the Wildland Urban Interface. We, the FWFSA, take serious note with these assumptions. While these two elements are indeed factors, proper preparedness mitigates to a great degree the influence these two elements have on the overall costs of suppression. The question has been posed by both Congress and OMB: If it stands to reason that proper preparedness lead to reduced suppression costs, why after increased preparedness funding under the National Fire Plan, have suppression costs continued to rise? A simple answer—Smoke and Mirrors.

As previously mentioned, the answer from the Agency(s) is that while they cling to their (unrepeatable data) suggestion that initial attack (IA) success is still 96-98%, climate & Wildland Urban Interface have caused the other 2-4% of fires to cost

record sums. With all due respect, the Nation's federal wildland firefighters adamantly disagree with this assessment.

FIREFIGHTER POSITION

In 2003 the FWFSA warned the Forest Service leadership that changes to the retirement package enjoyed by employees of the California Department of Forestry & Fire Protection (now called CAL FIRE) would result in a mass-exodus of CAL FIRE firefighters taking advantage of the more gratuitous 3% @ 50 benefits by the year 2007 & 2008. The FWFSA further warned the Forest Service that as a result of the vacancies at CAL FIRE, it (CAL FIRE) would naturally look to federal land management agency wildland firefighters to fill their ranks. It was at that time that the FWFSA made every conceivable effort to reach out to the agencies, primarily the Forest Service, to work with it to find ways to address long standing pay & benefit issues so that when 2007 & 2008 came, the losses would be minimal. The FWFSA was summarily ignored by the leadership of the agencies.

Throughout this decade, hundreds of millions of dollars in fire preparedness and fuels reduction dollars have been systematically diverted by non-fire "line officers" of the agencies (again primarily the Forest Service) to pay for a variety of non-fire programs, positions & projects. These line officers include leadership of the Washington Office (WO), Regional Foresters, Forest Supervisors, and to a lesser extent, District Rangers.

The impact of this diversion was not felt until 2006 as up to that time forests were able to "deficit spend" in order to secure the needed preparedness resources despite these huge sums of money being diverted away from fire. However in 2006 the word came down that there would be no further deficit spending. Incredibly fire management officers were expected to maintain the same IA rate without the ability to pay for adequate preparedness resources. Several years ago, Congress directed the executive branch agencies to cut the costs associated with "cost pools", and show actual costs and where the Congressionally intended and appropriated dollars were actually being spent. As a result, the Forest Service for example, changed terminology and began using "Indirect Shared Costs" to rename where dollars were being redirected and spent. The decision above to no longer allow "deficit spending" (Antideficiency Act, 31 U.S.C. sect. 1517) must be addressed as both fire preparedness and fire suppression funding is being misused, and directly contribute to "the increasing costs of fire suppression" as agency officials say "we are prepared" (Reference: GAO, Comptroller General Decision, B-310108).

In February 2006, Agency (USDA) representatives appeared before this committee and once again assured the Committee that adequate preparedness resources would be in place. Firefighters knew this wasn't going to be the case. The continuation of diverting preparedness dollars resulted in less preparedness resources in the field. The diversion of fuels reduction dollars reduced the number of treated acres. The result was what firefighters expected: reduced preparedness resources allowed many small fires to grow in size, intensity and ultimately cost as either Incident Commanders waited for federal resources that had to now come from much greater distances or, in the typical alternative, the Agency reverted to its over-reliance on significantly higher-priced non-federal resources to fill in the gaps of the missing federal resources. Either way suppression costs increased needlessly. The result was a record year for suppression costs.

Rather than admitting the diversion of funds played a role in less resources being in place and thus ultimately increasing the costs of fires needlessly, the Agency simply reverted to its theory of climate and wildland urban interface as the causes of increased suppression costs.

In 2007 we suggested to Congress that a repeat of 2006 was inevitable. We further predicted as we correctly did in 2006 that the Agency would return to Congress in the fall, complain that it had been a terrible season and seek a supplemental appropriation of another half billion dollars. That is exactly what happened. The problem was exacerbated by the expected exodus of CAL FIRE firefighters retiring and by the vacancies they left to be filled by federal firefighters. In 2007, the migration of federal wildland firefighters began to CAL FIRE and other fire agencies offering better pay, benefits, and working conditions The Agency, as it did in 2003 when first warned of the issue, did nothing to retain their employees despite having a number of authorities to do so under the Workforce Flexibility Act of 2004. To compound the problem for the federal sector, the Governor of California opened up hiring to the outside for mid-level positions at CAL FIRE. This generated an entirely new round of hiring and federal losses. These losses, and the Agency's inability to retain highly tenured and quality firefighters, are currently being investigated by Senator Feinstein of California.

As we enter the 2008 season, the Forest Service fire program, primarily focused in the western United States, and especially in California is imploding. Despite assurances from the Agency that all funded positions would be staffed by the start of the season, as of June 6, 2008, 32% of California's Forest Service Engines are unavailable. That doesn't include hotshot crews that are being disbanded because of staffing and other resources not being staffed. Despite the USDA suggesting on May 6th in a letter to Senator Feinstein that California had 363 vacancies, the fact was that there were, and still are, more than 500 vacancies.

Further, while the Agency referenced a round of hiring in July, firefighters know very well that with the continuing HR problems and training requirements, anyone who does get a job offer likely won't actually come on board until later in the season, or after they meet minimal qualifications. Thus the July hiring idea will have little impact on this season's staffing. Furthermore, the problem hasn't been recruiting firefighters, it has been keeping them once they are trained at taxpayer expense.

The staffing problems are not exclusive to California. Across the country Forest Service engines and other crews are not staffed and left uncovered. More importantly, while Congress and the American taxpayers expect these engines to be available 24/7, because of the losses of firefighters and the failure of the Agency to get fire preparedness dollars to the field where they belong, many engines are running only 5 days a week or even 3 days a week allowing firefighters to wonder if the Agency leadership has found a way to "schedule" wildfires.

PROGNOSIS FOR 2008 & BEYOND

Unless Congress takes immediate action to break the vicious cycle described herein, the infrastructure of our Nation's federal wildland firefighting forces will continue to be less than adequate to meet the complexities of wildfires in the 21st century. Allowing the land management agencies to continue to manage their fire programs as they do today will continue to needlessly result in skyrocketing suppression costs borne by the American taxpayer. Throwing more money at the problem, i.e. emergency supplemental appropriations without demanding proper fiscal management of the funds already appropriated to the Agencies for suppression, preparedness and hazardous fuels reduction will not result in a stronger, more effective and fiscally efficient fire program.

SIMPLE BASIC SOLUTIONS TO LONG STANDING PROBLEMS

If Congress intends for the federal land management agencies to field and manage fire programs, it (Congress) must insist that the organizational structure of said programs be changed so that they are managed in a manner that will meet head on the challenges and complexities of wildfires in the 21st century. The fire programs can no longer be managed as they were 30-40 years ago. While recognizing that any such fire program is a part of a land management agency, the fire programs must be managed like a fire department. This means, above all, that the program must be managed by those with fire experience and expertise. This includes those who are responsible for developing and implementing fire policy along with the responsibility for handling and managing fire funds.

A common analogy of the current organizational structure of the land management agency fire programs is that it is tantamount to a major metropolitan city fire department being managed by that city's Parks & Recreation Department. As ridiculous as that sounds, that is the reality of land management agency fire programs today.

Turning fire program management over to those with fire experience and expertise will eliminate the diversion of preparedness & fuels reduction funds ensuring adequate resources are in place. This will lead to reduced suppression costs as envisioned by the National Fire Plan. Further, policies more in line with current fire department protocol would be realized which is essential given the frequency that federal wildland firefighters interact with those from other non-federal fire agencies.

Secondly, solutions must be implemented immediately to stem the tide of losses of federal wildland firefighters to other agencies. The issues facing our firefighters with respect to pay & benefits are not new. They have been well documented for decades and all reports point to the removal of firefighters from beneath archaic pay & personnel policies as the solution to this problem. Unfortunately the Agencies have done nothing to correct these problems.

As a result, our Nation's federal wildland firefighters have turned to Congress for help in strengthening the land management agency fire programs; making those programs the place to make a wildland firefighting career while saving the American taxpayer staggering sums of money.

The FWFSA has repeatedly suggested to the Agency leadership that two actions would have immediate positive benefits in stemming the tide of losses. The first is to properly recognize these brave men and women as wildland firefighters through proper job classification.

Nearly every member of Congress, the President of the United States and even the Forest Service Chief and USDA Undersecretary refer to these employees as "wildland firefighters." Yet the agencies have turned a deaf ear towards the firefighters in removing them from outdated classifications such as "Forestry Technicians" and Range Technicians."

The Congressional Budget Office has determined that there would be no financial impact to the federal budget if the Office of Personnel Management (OPM) were to create a new wildland firefighter series (reference HR 5697, 109th Congress). In fact creating such a series would eliminate the current debacle associated with the 401 classification as it affects our firefighters.

There simply is no compelling reason not to classify these men and women as wildland firefighters. The Forest Service Fire & Aviation Management Director recently acknowledged what our firefighters have known for years—wildland firefighting is a year round job in the 21st century. The job descriptions and classifications of these employees should more accurately reflect the variety of fire related duties these employees now perform. Properly recognizing these brave men & women for who they are and what they do would be a tremendously cost effective morale boost and give them the sense that someone actually does care about them.

Finally, the compensation concept of "portal to portal" pay has been a subject of contention between federal wildland firefighters and their employers for decades. Despite the fact that the vast majority of paid professional firefighters in the United States, inclusive of Department of Defense federal firefighters are compensated in this way, the land management agencies have steadfastly refused to do so. It is likely a result of the fact that the fire program is managed by those with no fire background and thus ill-equipped to understand what is needed to field a top notch firefighting force.

Ironically the payment of "portal to portal" to non-federal firefighters (primarily those in the West from municipal fire agencies) is also a major factor in skyrocketing fire suppression costs. One only needs to look at major costly fires in the West and see that the majority of suppression costs are for non-federal resources.

However the refusal of land management agencies to compensate their own wildland firefighters with portal to portal pay is perhaps the most egregious issue when one conducts exit polls of those federal firefighters leaving the federal system.

It is unconscionable for the Federal Government to criticize the rising costs of wildfire suppression while continuing to pay non-federal firefighters portal to portal pay while taking their own, inherently less expensive firefighters "off the clock" on the same incident.

Currently, federal wildland firefighters who are on assignments that exceed 24 hrs are taken off the clock for anywhere from 8-14 hours of that 24 hour period while their municipal counterparts are paid their already higher salary for a full 24 hours. These assignments can be up to two weeks or longer and result in federal wildland firefighters being away from home and family yet they are not compensated even though they cannot utilize their time as they would normally do.

The concept of portal to portal as it relates to federal wildland firefighters would be to simply compensate said firefighters for all hours on an assignment exceeding 24 hours in duration.

While the Agencies have suggested that such compensation is "cost prohibitive" such an argument defies logic given that those same agencies compensate cooperators with portal to portal pay at much higher rates. In fact, it is our assumption that compensating federal wildland firefighters with portal to portal pay would not only cost a fraction of what is currently funded for wildfire suppression but it would lead to better retention and thus reduce the need to over rely on the higher-priced non-federal resources thereby saving taxpayers significant sums. It should be interesting to note that despite their opposition to portal to portal pay, the Forest Service approved the use of "24 hour pay plans" on several Southern California forests this past fall. These plans paid firefighters 8 hours of base pay and 16 hours of overtime less 3-half hour meal periods.

Furthermore these plans were utilized for crews who were simply pre-positioned and not on an active assignment. Thus we believe the precedent has been set for portal to portal pay. Furthermore, the greatest irony involving portal to portal pay is that if preparedness funds were not diverted as previously referenced and sufficient federal fire preparedness resources were actually in the field, the number of incidents (24 hrs+) in which portal to portal would be compensable would be significantly reduced. There mere knowledge that they would be eligible to be paid in a

similar manner as their non-federal counterparts on any given emergency incident would lead to better retention.

These changes, along with providing temporary wildland firefighters basic health benefits and eligibility to the Federal Employee Group Life Insurance (FEGLI) would eliminate any retention problem; ensure adequate preparedness resources are in place each season; reduce the costs of suppression; eliminate the annual request for emergency supplemental appropriations; strengthen the infrastructure of our Nation's federal wildland firefighting forces and ultimately save the American taxpayer hundreds of millions of dollars.

The federal land management agencies have steadfastly refused to support or implement any plans/policies that would serve to solve the myriad problems facing their fire programs. If the agencies are unwilling to make the necessary changes, we urge Congress to make them for them or, in the alternative, take fire away from the land management agencies and create a stand-alone federal wildland fire service managed by firefighters for firefighters.

Until these changes are made, our Nation's federal land management agencies will be ill-prepared to face this and subsequent fire seasons and will remain unable to provide the American public with the strongest, yet most cost-efficient and effective wildland firefighting force in the world.

The CHAIRMAN. Thank you very much.

Ms. Miley, go right ahead.

STATEMENT OF DEBORAH MILEY, EXECUTIVE DIRECTOR, NATIONAL WILDLIFE SUPPRESSION ASSOCIATION, LYONS, OR

Ms. MILEY. Mr. Chairman and members of the committee, I want to thank you for the opportunity to present testimony today regarding wildland fire preparedness.

My name is Deborah Miley, and I'm the executive director of the National Wildfire Suppression Association. Prior to my current position, I was a fire contractor for 12 years.

NWSA currently represents 200 professional private wildfire contractors in 17 States, and we also have 68 certified training instructors. NWSA's members provide professionally trained emergency resources to the Federal, State, and local agencies responding to the wildfires, assisting with fuels reduction, and other national disasters, such as Hurricane Katrina.

Up to 40 percent of the fire resources across the U.S. are provided by private wildland fire services. Our goal is to complement, rather than to compete with, the existing agency resources when fire activities exceed agency capacity. Approximately 75 percent of our contract companies are located in rural areas and recruit local rural citizens to fill their employee needs. We're currently an integral part of the fire service that provides resources, such as 20-person crews, engines, tenders, dozers, and timber-fallers, along with totally operational fire camps, which include showers, laundry, lavatory, housing units, and catering operations that feed and house all emergency personnel. The savings to the agencies is that we are paid only for our time on the line; typically, a 12- to 16-hour shift. The contractor bears all of the costs of training, equipment, liability, and insurance. What the agencies get is a highly effective, experienced resource that is available only when they need them.

NWSA advocates the use of the multiyear best-value contract when contracting for private resources. These best-value contracts help to reduce the cost to the agency by issuing multiyear contracts that do not require staff resources needed for managing annual contracts; ensure resource quality by considering not only cost, but

past performance, company history, equipment condition, dispatch location, and their training.

For the upcoming fire season, we estimate that we have roughly 10,000 trained firefighters and another additional 5,000 in support staff available and ready to provide a variety of resources. These figures do not include the aerial firefighting industry, nor do they include rural fire districts. This is comparable to the number of firefighter resources that we made available last year, and these figures can vary and are based on the projected needs of the agencies.

The NWSA, like the agencies and members of the committee, continue to focus on issues such as cost containment, the quality of training, and safety of our firefighters.

With regards to cost containment, NWSA provides a professional cost-effective resource that complements the agency's fire program. Two reports commissioned by the Forest Service, one in 2003, done by Fire Program Solutions, and one in 2007, by Geoffrey Donovan, shows that private resources can be cost-effective, and that the best solution is an optimal mix of agency and private resources to achieve the most effective efforts in fire suppression while addressing cost containment.

On safety, we're partnering with several agencies and others in 2008 to start a new contractor certification program. We're going to continue to offer ongoing education and safety training and compliance to our members.

With regards to training, we currently certify only qualified instructors, most of whom are retired agency personnel with years of fire experience. We have a monitoring program for our instructors and an annual update workshop for them.

The NWSA also has a data base storage system that tracks the training for all of our NWSA instructors to help eliminate falsified records and incident qualification cards by allowing only certified instructors to enter training into the system.

In conclusion, NWSA believes the private fire services are ready for the 2008 fire season. NWSA will continue to partner with the agencies to promote best-value contracting for the private fire services. NWSA will continue to work to promote professionalism in all areas of safety and training within the private fire service. NWSA will continue to provide a cost-effective integrated resource to complement the agencies' efforts in fire suppression and emergency services.

Thank you.

[The prepared statement of Ms. Miley follows:]

PREPARED STATEMENT OF DEBORAH MILEY, EXECUTIVE DIRECTOR, NATIONAL WILDLIFE SUPPRESSION ASSOCIATION, LYONS, OR

Good afternoon, Chairman Bingaman, Ranking Member Domenici and members of the Committee and thank you for the opportunity to present testimony today regarding wildland fire preparedness. My name is Deborah Miley and I am the Executive Director for the National Wildfire Suppression Association. Prior to my current position I was a fire contractor for twelve years.

The National Wildfire Suppression Association (NWSA) represents over 200 professional private wildfire contract companies in 17 states. NWSA's members provide professionally trained emergency resources to federal, state and local agencies responding to wildfires and other national disasters such as Hurricane Katrina, that threaten our national natural resources, private property, and personal safety.

Up to 40% of the fire resources across the United States are provided by private wildland fire services and are utilized when all the agency resources are depleted or when a catastrophic disaster strikes such as the wildfires in Southern California last year. Our goal is to complement rather than compete with the existing agency resources when fire activity exceeds agency organizational capacity.

Approximately 75% of our contract companies are located in rural areas and recruit and rigorously train local residents including displaced workers and college students to fill their ranks.

When lives are on the line, the agencies must have confidence in any resource that is a part of the fire community. Since 1991, the mission of NWSA is to insure that its members earn that confidence.

In order to accomplish this the NWSA provides training certification, advocacy and support to help its member companies field experienced, highly trained, safety focused resources that meet or exceed all federal standards.

We are currently integrated in the fire services in that private sector provides resources on the ground including 20 person crews, engines, tenders, dozers and timber fallers. In addition the private sector provides totally operational camps including showers, laundry, lavatory, housing units Private Sector fire catering operations that feed and house all firefighters and emergency response personnel.

HISTORY OF THE DEVELOPMENT OF PRIVATE SECTOR FIRE SERVICES

The relationship between the federal, state and private wildland fire contract industry began in the late 70's and early 80's—this was an era of shrinking agency budgets and an ever growing incident of large fires. To respond effectively, agencies needed professional, trained resources that were available on a call-as-needed basis to complement their dwindling ranks of full time firefighters. Thus was born the industry of private contractors, who could rapidly dispatch those resources. An added saving to the agency is that private resources are paid only for the time on the fire. The contractor bears all costs of training, equipment, liability and insurance. What the agencies get is highly effective, experienced resources when they need them and only when they need them.

In the late 1980's the first contract crew agreement was written in the Pacific Northwest by the Oregon Department of Forestry. As the federal agencies had a larger need for those resources, the first Interagency Crew Agreement was developed in the Pacific Northwest which was followed by the Interagency Engine/Tender Agreement. Prior to the implementation of those agreements everyone was hired on an Emergency Equipment Rental Agreement (EERA).

NWSA SUPPORTS THE BEST VALUE CONCEPT OF CONTRACTING

NWSA continues to advocate the use of the Multi-Year Best Value Contracting program when contracting for private resources. We believe that this contracting vehicle will help ensure a high level of professionalism in the industry while helping the agencies assure that they get the most professionally trained, cost effective resources.

These Best Value contracts provide best value for the government and the tax payer:

—Reducing the cost to the agency by issuing multi-year contracts that do not require the staff resources needed for managing annual contracts or Emergency Equipment Rental Agreements.
—Ensure resource quality by considering not only cost but past performance, company history, equipment condition, dispatch location and training.
—Help promote professionally trained, safety focused resources.

Best Value Contracting also helps stabilize the industry and help encourage the private sector to continue to invest in their businesses. This is a positive factor for the economy, especially in the rural communities.

RESOURCES AVAILABLE FROM PRIVATE SECTOR

For the upcoming fire season we estimate that we have roughly 10,000 trained firefighters, and another additional 5000 in support staff for caterers, showers and other support resources available and ready to provide resources of all types including showers, catering units, laundry, engines, tenders, 20-man crews, and other specialized equipment. These figures do not include the aerial firefighting industry. This is comparable to the number of firefighter resources that were made available last year. These figures can vary and are based on the projected needs of the agencies.

Last year, we were dispatched to 19 different states including Tennessee, Florida, Georgia, Minnesota, Colorado, California, Oregon, Washington, Idaho, Utah, Wyoming, Arizona, Nevada, Montana, Kentucky, and New Mexico, Virginia and North Carolina.

We will be ready to answer the call when the agency resources are depleted and they request additional resources to complement their efforts.

INDUSTRY CONCERNS: COST CONTAINMENT, TRAINING, SAFETY, EROSION OF FIRE EXPERIENCE

The National Wildfire Suppression Association, like the agencies and members of the committee continues to focus on ensuring cost effectiveness of our resources, the quality of our training, which we believe to be the best anywhere. Our focus on firefighter safety is intense and has resulted in a very low incidence of injury and fatality. We are concerned, however, about the loss of agency personnel with fire experience—a situation which creates safety issues on the line for everyone, including our members' personnel.

Some of the Solutions we have implemented to address these issues are:

Cost Containment

NWSA provides a professional cost effective resource that complements the agencies fire program. A report commissioned by the Forest Service in 2003 done by Fire Program Solutions LLC shows the costs for the using private sector for fire suppression was a cost effective addition to be used by agencies requiring additional help. In addition a report done by Geoffrey Donovan, USFS, in the Winter of 2007, shows that many variables determine the cost effectiveness of private resources, and that they can be just as cost competitive and that there needs to be an optimal mix of agency and private resources to achieve the most effective efforts in fire suppression while addressing cost containment. In short, Private fire resources are and have been an integral part of the fire community in Wildland fire suppression, and do provide a cost effective resource that can be utilized on an as needed basis to complement the agency fire program.

NWSA believes that continuing to support the implementation of true Multi-Year Best Value Contracts is the best solution to ensuring cost effectiveness in contracting.

Instituting a Contractor Certification Program

NWSA is partnering with a variety of agencies over the next year to offer a new Contractor Certification Program for our members. This program will better equip members with resources on Workers Compensation requirements, Safety & Health Standards, U.S. Department of Labor and U.S. Department of Transportation regulations in addition to a class on Business Ethics, and information on Drug & Alcohol Supervisory Training.

Instructor Monitoring Program insures top quality instruction for firefighters

Currently NWSA has 68 Certified Instructors. They are certified by our NWSA Training Coordinator according to National Wildfire Coordinating Group (NWCG) standards. Most of our NWSA instructors are retired ex-agency personnel with years of fire experience. NWSA instituted an Instructor Monitoring program and we have hired an independent 3rd party to perform this function.

We adhere to the currency requirements for instructors per the National Wildfire Coordinating Group standards. NWSA conducts an annual training session for our instructors where they are updated on course content changes, suggested training processes, and association requirements. All NWSA instructors are required to record their training in the NWSA Database Storage System.

In addition all instructors must adhere to a Code of Ethics. NWSA has terminated certification for 4 instructors who have not adhered to our requirements. When an instructor's certification is terminated, they are no longer able to use the NWSA Database system and we notify the appropriate agencies.

NWSA Database Storage System helps eliminate falsification of records and IQ cards

NWSA has developed a Web based database storage system that tracks all training done by NWSA Certified Instructors. This program helps eliminate falsified records and Incident Qualification (IQ) cards by allowing only certified instructors to enter training into the system, which includes the firefighter's picture and the instructor's electronic signature. It produces training certificates and Incident Qualification Cards that meet all agency requirements. The documents can be verified by agency personnel on a fire accessing the system and looking at training and comparing the IQ Card in the system if necessary. The company owner can also track

event information for its employees in the system, which determines qualification of position. There are many levels of security and authorization built into the system.

Records Verification Process standardizes contractor record keeping processes

This year in 2008 in the Pacific Northwest Region we started a process of records verification where we have hired an independent 3rd party that visits the contractors' establishments and looks at the records on all overhead and 10% sampling of the crews. We make recommendations on file process and submit a letter to the company owner on issues that need to be addressed and provide follow up to ensure it has been remedy.

Code of Ethics creates standard of business operations for member companies to protect and preserve industry reputation

All NWSA members must sign and follow a Code of Ethics and there is a process in which we can terminate membership of a member if that is violated and not remedied. NWSA has terminated 2 members as a result of violations. When a member is terminated we notify all appropriate parties, and that member no longer has access to the NWSA Database.

IN CONCLUSION

The National Wildfire Suppression Association (NWSA) believes that the private fire services will be ready for the 2008 fire season.

NWSA will continue to partner with the agencies to promote Best Value Contracting for private fire services.

NWSA will continue to work to promote professionalism in all areas of safety and training within the private fire services.

NWSA will continue to provide cost effective integrated resources to complement the agency efforts in fire suppression and emergency services.

The CHAIRMAN. Thank you very much. Thank you all for your testimony.

Let me ask a few questions. I'm sure Senator Craig has some, as well.

Mr. Thatcher, you described a circumstance where agency managers are in a position of having to hire less-experienced firefighters because some of the more experienced applicants have not met these new educational requirements, as I understand it.

Mr. THATCHER. Let me clarify that. What's happening is, we're seeing an excessive amount of attrition with our existing GS–06s and –07s. What's happening is, they are being pilfered, if you will, to private firefighting agencies in California, which is leaving us with a shortage of the experienced people that have been working their way through the system to get these grade levels, and now, when they leave, it leaves a void, to where we need to rapidly fill behind them so we can staff these engine modules. We're beginning to see some pretty serious implications from having to do that.

The CHAIRMAN. This high attrition rate is a result of what Mr. Judd was complaining about, too, the inadequate pay, the inadequate benefits. Is that the main factor?

Mr. THATCHER. I won't speak for Mr. Judd. I'll let him do that on his own. But, some of the folks that we have done exit interviews—which would be an excellent thing for the committee to request, is to see why are our folks migrating away from our agency and going to other agencies—but, we do feel that that is one of the reasons why.

The CHAIRMAN. Mr. Judd, in your view, is that the main reason?

Mr. JUDD. It used to be. Obviously, when CAL FIRE—and I'll use this as an example, because there seems to be a lot of focus on California—CAL FIRE's firefighters developed a very lucrative retirement package, and we knew, several years ago, that, come

2007–2008, this would have an impact, where they would look for wildland firefighters to fill in the ranks of those that were retiring. Obviously they can provide better pay and benefits. But, what has happened over the last year and a half is the sense that, "Yes, I'm going for pay and benefits, but I've lost any sense of worth with the agency, as though the agency doesn't give a damn about me. So, why not go and take better pay and benefits for someone that may actually care about me?"

I think, the initial intrigue of leaving is for pay and benefits, but, as we've seen from our members, which go from entry level all the way up to forest fire chiefs, it's the lack of recognition, it's the lack of any caring, if you will, on the part of the employer.

The CHAIRMAN. So, you're just describing a general lack of morale, or poor morale, throughout the—this work force.

Mr. JUDD. Oh, absolutely. It's not limited to California, because obviously these crews are transient across the country, depending on where fires are on any given——

The CHAIRMAN. Is this poor morale that you're describing to us a new thing, or is this something that's been there since time immemorial—what's the circumstance here?

Mr. JUDD. Interestingly enough, the issues that we're tackling are decades old, and they've been made aware to the agencies for decades, and there has been staggering numbers of discussions and meeting groups saying, "This is what needs to be done to make your fire organization more effective and efficient and stronger." Rather than take steps to support those initiatives, we believe the agency has simply ignored those voices from the fire service. As a result, you have archaic classification standards, you have less pay and benefits. As a result of the agency simply doing nothing for its firefighters, there's no other choice but to say, "OK, well, I'm leaving, I'm going."

I think, on April 1—Chief Kimbell referred to this as an entry-level problem. This is not an entry-level problem. We're losing folks that have had 10, 15, 20, 20-plus years in the fire service—of the Forest Service, especially—that are saying, "I've had enough of this," because there is no agency support for those firefighters. Again, it's a combination of pay and benefits, but it's also part of how that fire program is managed by folks that, with all due respect, don't have a lick of firefighting experience.

Mr. THATCHER. Mr. Chairman.

The CHAIRMAN. Yes.

Mr. JUDD. If I could——

The CHAIRMAN. Yes, go ahead. Why don't you add to that, and then I'll call on Senator Craig for his questions.

Mr. THATCHER. One of the morale issues that these dedicated firefighters, as Casey has said, that some have 10, 15, 20 years, and now they're being told, "Well, we're going to be looking at changing from the series that you're in currently to a 401, and we're going to professionalize you. Now, it's either you're going to get what you need to get through academia to qualify for the 401 series, or we'll probably having to sunset you out." So, here are these career employees, who are some of the finest firefighters we have on the books, are now being told, "The 20 years of experience that you have in fighting fires and protecting and caring for the

precious resources we're obligated to protect, is no longer going to qualify you to do that job." That is a serious hit in morale with our—and there's thousands of them that have come through the system, gone through the classwork, gone to the specialized training the agency provides, and now they're being told, "Sorry, you don't qualify."

The CHAIRMAN. Senator Craig.

Senator CRAIG. Thank you very much, Mr. Chairman.

Ron, help me understand this. If we go to all, say, 301 forest—firefighters in the Forest Service, and DOI stays at 401 firefighters, how will the Forest Service employees compete with the DOI employees when they apply for Forest Service fire positions?

Mr. THATCHER. My understanding——

Senator CRAIG. Haven't we created an internal conflict there?

Mr. THATCHER. I believe that employees will always need to know that if they leave an agency and go to another agency, they will have to compete to get promotions in that other agency. So, I mean, they're going to that, fully well knowing what is going to be required if they change agencies.

We believe, the 301 series—we currently have grades up to the 14 level. I mean, that is a pretty high echelon for firefighters that is provided in the 301 series. So, we see career potential to very high grades by utilizing the 301 series.

Senator CRAIG. OK. I'll try to figure that out, then. I think I understand what you're saying.

Deborah, are you aware of any concerns related to dispatching of private fire engines into local fires? If so, could you please express your concern or explain that?

Ms. MILEY. I think, just over the years, we've had dispatch issues, and that's part of being in private sector; people knowing——

Senator CRAIG. Yes.

Ms. MILEY [continuing]. What to do with us and how to use is has always been an issue. I know that last year there was a concern on behalf of a lot of our members on why some of the engines out of Region 6 weren't being dispatched to Region 1, which——

Senator CRAIG. Right.

Ms. MILEY [continuing]. Would be Montana. That issue did come up. Now, I had done some calls and tried to see what I could find out about why that was, and my understanding was that, in Montana, that they were using a new fire management program in Montana that didn't promote the use of outside resources as much as some of the other States use them. We also have the same problem in California. California doesn't particularly care for private-sector resources, and, a lot of times, you'll hear on the news where they've got houses burning down, they can't get enough crews, and we've got crews sitting that could go. But, that's kind of a dispatch problem that we've had over a long period of time, and it's just a matter of, I think, education, and people don't know that our resources are out there and that they can be made available.

Senator CRAIG. Thank you, Mr. Chairman. I don't think I have any other questions.

The CHAIRMAN. OK.

I think this has been useful testimony. We appreciate you being here, appreciate the recommendations. We will try to act on some of them.

Thank you very much.

[Whereupon, at 3:30 p.m., the hearing was adjourned.]

[The following statement was received for the record.]

June 13, 2008.

To: Senate Energy & Natural Resources Committee.

DEAR MEMBERS: I am the wife of a Forest Service Fire Captain who was dispatched to the Indians Fire. At this time I would like to address the main issue I face by the lack of attention and action by Forest Service leadership, the safety of my husband and our "fire" family.

Statistics show that there is an 8.5% deficit in personnel. While that number may be true for the entire nation, in our region, Region 5, I would guess the number to be closer to 30% or higher. How else can you explain that only 186 out of 276 engines were available to respond to the recent fires in state? This number is staggering to me and makes me very afraid for the safety of all.

The retention issue is no longer just an issue of pay, but of safety and belief in the core values of leadership. Safety is jeopardized when crews are stretched to the limit and inexperienced firefighters are forced into details they do not have the experience to execute. First and second year firefighters are fast tracked to make up for the loss of experienced firefighters to other agencies, positions remain un-staffed and engines sit idle. It is just a recipe for disaster.

When disaster does happen, the agency does not stand by its employees as do other agencies. Families are further burdened financially with the need to carry Professional Liability Insurance because the agency has historically chosen to do nothing. Many families can not afford this burden.

I believe in my husband and stand by his choice to stay with the Forest Service. We are lucky, unlike many other families we can afford financially to believe that leadership will pull their heads out of the sand. We can afford to wait for them to face up to their twisted facts of retention and pay and stop hiding behind reports that anyone with knowledge of simple math can reasonably tear to shreds. What we can't afford to wait for are additional personnel.

There is always a risk associated with fighting fire, but the risk can be minimized and you have the ability to help make that happen. Please do what is expected of you, the right thing.

As you move forward with your process, I would like all of you to ask yourselves, "How fast would I fill a vacancy of 30% in my staff?" I'm guessing pretty fast. No matter how good the staff, a deficit of just one person puts a burden on all. Just think of how the deficit of just one man would affect a fire crew? The affect could be deadly.

In closing, I would like to thank Senator Feinstein for all her efforts on behalf of the firefighters and their families. Your efforts are greatly appreciated!

Best regards,

CHRISTINA M. STANLEY.

APPENDIX

RESPONSES TO ADDITIONAL QUESTIONS

RESPONSES OF CASEY JUDD TO QUESTIONS FROM SENATOR WYDEN

Question 1. Mr. Judd, in your testimony you stated that "the diversion of fuel reduction dollars reduces the number of treated acres" and the result is that reduced preparedness resources allows many small fires to grow in size, intensity and ultimately cost. You suggest that federal land management agencies and their fire programs are not as prepared for the wildfire season as they need to be.

a. Would you agree that the diversion of funds played a role in less treatment resources being in place which ultimately increased the costs of fires needlessly? Can you provide examples where you have seen this happen on the ground?

Answer. Thank you for the honor & opportunity to provide additional information on our perspective of Agency preparedness for the fire season. To amplify the seriousness of this issue, it is important for all the members of the Committee to know that just in the past few days, Northern California has experienced over 600 fire starts stretching already thin resource availability. Additionally, there is significant concern among fire managers that with respect to the Indian Fire on the Los Padres National Forest, huge areas of the forest will have to be "fired" in order to keep the fire from getting to the Pacific Ocean.

Our Nation's federal wildland firefighters absolutely agree that the continued, systematic diversion of funds appropriated for hazardous fuels reduction and for the funding of fire preparedness resources for non-fire purposes is reducing the number of acres treated as well as reducing the available preparedness resources IAW the National Fire Plan in order to keep fires small and thus less costly.

A vast amount of these funds have gone to finance what we consider to be the "White Elephant" Albuquerque Service Center in New Mexico. Despite staggering sums of FIRE dollars invested in that site, even the Forest Service acknowledges that it is not functioning as desired.

One needs only look at costly fires such as the $118 million Zaca Fire in California last year. The vast majority of the suppression costs were for non-federal resources (cooperators) that were brought in as a result of federal resources being unavailable. Federal resources I might add that would have been available had they been funded rather than non-fire line officers from the Forest Service diverting such funding.

A classic example of the impact of reduced federal preparedness resources in the field was a 2006 fire in Elko Nevada. An order was placed for dozers. Had preparedness funds not been diverted but actually used to properly fund and allocate preparedness resources in the field, these resources would have been on site immediately. However the dozers finally had to come from Florida which took additional time and thus allowed the fire to grow in size, intensity & cost. This scenario plays itself out frequently during the season in many locations.

As I write this, Northern California Fire Management officers (FMOs) are being told by Boise that there are no Type 3 resources available. More and more reliance is being placed on non-federal resources costing taxpayers 3-5 times what federal resources would cost.

The Forest Service, under the guidance of Mark Rey does an excellent job of masking its fiscal mismanagement with respect to the fire program. Suffice it to say it might require a GAO report to examine just how much hazardous fuels reduction funding & fire preparedness funding is being utilized for non-fire purposes. We can however provide communication with current and former Fire & Aviation Management Directors, FMOs and others who can validate this assessment.

Please understand that the diversion of said funds goes hand in hand with a weakening of the infrastructure of our Nation's federal wildland firefighting forces as a result of being burdened by archaic pay & personnel policies. We continue to lose unacceptable numbers of firefighters to other non-federal agencies. Add these

losses to the diversion of funds and you have a recipe for increased suppression costs.

While the Agency suggests climate and WUI are the primary reasons for increased suppression costs, firefighters believe Agency policy is the key. The impact that climate and WUI has on any given fire can be mitigated to a large degree by having adequate preparedness resources in place, a strong federal infrastructure which is inherently less costly than non-federal resources and the successful treatment of hazardous fuels.

If we can provide contact information for those who can validate this information, please let us know. Please recognize however that the Forest Service has sent ominous messages to its firefighters about the consequences of speaking to Congress or the press about these issues, hence my testimony. There are those that would relish the opportunity to speak out though.

Our sincerest thanks for your interest and attention to this serious matter.

RESPONSES OF DEBORAH MILEY TO QUESTIONS FROM SENATOR WYDEN

Question 1. Ms. Miley, during the hearing I asked Mr. Rey and Cason about rising fuel prices and how their agencies plan on address this issue as it relates to contractors.

a. How are rising fuel prices impacting your members? Do you anticipate any reduced capacity in firefighting response abilities due to rising fuel costs?

Answer. While fuel prices continue to affect all of us, the unfortunate reality for our members is that most the contracts we are currently working under DO NOT have escalators built into them for fuel prices, therefore the majority of the contractors will have to absorb the rising cost of fuel. This is the case until such time as the contractors come up for bid again at which time I am sure that the agencies will see a change in the bids to reflect fuel costs at that time.

If they are given enough work days during the fire season this will make it easier to absorb those costs, but if we are not given enough days the impact will be greater.

At this time I do not see a reduced capacity in firefighting response due to fuel prices, but the impact will probably not reflect on the industry until contracts are renewed, and again if they are given enough days to absorb those costs the impact may not be great.

RESPONSES OF MARK REY TO QUESTIONS FROM SENATOR BINGAMAN

Question 1. According to the NICC report entitled "Wildland Fire Summary and Statistics: 2007", 1,199 of the 3,178 requests for Type 1, 2, and 2-IA were unable to be filled. How many of the 3,178 requests were made during National Preparedness Levels 4 and 5? How many of the 1,199 unfulfilled requests were during National Preparedness Levels 4 and 5?

Answer. It is important to note that Unable to Fill (UTF) orders are a static statistic that indicate an order was placed and was not able to be filled at that specific time. The list is a display of those resource orders on the date specified that a coordination center is been unable to fill by personnel within its geographic area. The filling of firefighting resources is dynamic and an order placed may, in fact, have been filled a short time after the order was placed, or if conditions change, dropped. In addition, during Planning Levels 4 and 5, resources are assigned based on the priority of the fire incident. As orders come in they are sent to meet priority needs on priority fires. Though this process, the wildland fire management agencies can efficiently and effectively address wildland fire suppression needs in a manner that balances local, regional, and national wildfire suppression capacity.

The responses to questions 1 through 5 are based on a June 25, 2008 query of the January 1 through December 31, 2007 resource data from the ROSS database. Please note that some of the numbers below vary slightly from those in the NICC report. This is likely due to data updates between the different individual queries, but would not be expected to influence the overall conclusion.

Total Requests	3,305
Total UTF	1,292
Total Request while at PL 4 & 5	2,861 or 87%
Total UTF at PL 4 & 5	1,245 or 96%

Question 2. The same report indicates that the agencies were unable to fulfill 270 of the 2,944 requests for engines. How many of the 2,944 requests were made during National Preparedness Levels 4 and 5? How many of the 270 unfulfilled requests were during National Preparedness Levels 4 and 5?

Answer. (See below)

Total Requests	2,994
Total UTF	330
Total Request while at PL 4 & 5	1,963 or 66%
Total UTF at PL 4 & 5	193 or 58%

Question 3. The report also indicates that the agencies were unable to fulfill 9,184 of the 27,592 overhead requests. How many of the 27,592 requests were made during National Preparedness Levels 4 and 5? How many of the 9,184 unfulfilled requests were during National Preparedness Levels 4 and 5?

Answer. (See below)

Total Requests	29,334
Total UTF	10,034
Total Request while at PL 4 & 5	22,398
Total UTF at PL 4 & 5	9,043 or 90%

Question 4. Similarly, the report indicates that the agencies were unable to fulfill 474 of the 1,298 requests for helicopters. How many of the 1,298 requests were made during National Preparedness Levels 4 and 5? How many of the 474 unfulfilled requests were during National Preparedness Levels 4 and 5?

Answer. (See below)

Total Requests	1,323
Total UTF	511
Total Request while at PL 4 & 5	1,000 or 76%
Total UTF at PL 4 & 5	496 or 97%

Question 5. Finally, the report indicates that the agencies were unable to fulfill 624 of the 2,780 requests for aircraft. How many of the 2,780 requests were made during National Preparedness Levels 4 and 5? How many of the 624 unfulfilled requests were during National Preparedness Levels 4 and 5?

Answer. The following do not include helicopter orders; they are reported in question 4.

Total Requests	3,787
Total UTF	693
Total Request while at PL 4 & 5	2,860 or 76%
Total UTF at PL 4 & 5	605 or 87%

Question 6. Last year, Senator Cantwell, Senator Domenici, and I introduced a bill to help cover a portion of personal liability insurance costs for Federal firefighters, and Senators Feinstein and Craig helped to get that enacted through the Interior Appropriations bill. Can you tell me whether the Forest Service currently is using that authority to help cover those costs for all of its firefighters that elect to get that insurance?

Answer. Yes, the authority is being used to assist temporary wildland fire supervisors and managers meet the cost of professional liability insurance. A letter was issued by Chief Kimbell on March 14, 2008 outlining the availability of the personal liability insurance benefit. Attached to the letter were procedures for claiming the benefit and a list of approved positions that were either specifically mentioned in or meet the intent of the authorizing and accompanying report language. We appreciate the work of the Committee for this authority.

Question 7. The same report reveals that the agencies operated at National Preparedness Level 5 (when geographic areas are experiencing major incidents which have the potential to exhaust all agency fire resources) for an average of about 7.4 days during the 1990s and for an average of about 32 days since 2000. Does this indicate that the agencies are less prepared to manage the fires we have experienced in recent years than they were for the fire activity we experienced during the 1990s?

Answer. As a result of the National Fire Plan, the agencies' fire fighting capability expanded. However, the increased capability is being challenged by environmental and social changes such as climatic conditions, increased fuels load and expanded development in the wildland-urban interface. National Preparedness Levels are influenced significantly by factors associated with large fire activity. We have experienced an increase in acres burned and several years of large, multi-incident complexes. The agency can and has called upon temporary crews from other Federal and State agencies, Tribal and local governments, contract crews, Department of Defense, and if conditions are extreme, assistance from Canada, Mexico, Australia, and New Zealand, using established agreements and protocols to meet fire fighting needs. The agency is also reflecting risk management, performance measures, and monitoring—both effectiveness and performance—in its allocation, command and control decisions. In the face of these challenges, the agency has dedicated additional resources to prepare for wildland fire seasons and has performed consistently well, maintaining a high level of initial attack capability and success.

Question 8. The independent panel report the Forest Service released today calls for increased transparency and collaboration in the development Fire Management Plans. A similar report made the same recommendation last year. Despite the fact that you had said you would act on those recommendations immediately, when I asked you about this for the record last year, the agency's response was basically that public participation is unnecessary for fire plans because the public can participate in the development of the broader land management plan. But under the agency's new planning rule, those land management plans would include only very broad guidance, not specific direction—something that the report also identified as problematic. Can you explain why you oppose including the public in the development of the Forest Service's fire management plans?

Answer. The Forest Service strongly supports public participation in land management decisions, including the role of fire on the landscape. Fire Management Plans (FMP) are an operational extension of individual National Forest Land and Resource Management Plans. The FMP reflects decisions that are made in the Forest Plan and other documents. We believe that having public participation in land management plan revision is the best and proper venue for discussing fire management strategies. The Forest Plan clearly outlines desired conditions, guidelines and objectives for the forest and includes fire considerations. The FMP provides informa-

tion on conditions to help fire managers at the time of ignition. The Forest Service frequently involves partners and the public in developing FMPs.

Question 9. Will the Forest Service implement all of the recommendations made in the report released today? If not, which recommendations will not be implemented and why?

Answer. The agency will develop an action plan to implement all of the Panel's recommendations.

Question 10. A few years ago, the GAO reported serious problems with some firefighting contract crews showing up unfit for duty. Have those problems been fixed?

Answer. The Forest Service has evaluated these reports and has taken action to address recommendations made by GAO. In April 2004, the GAO issued report GAO-04-426—BISCUIT FIRE: Analysis of Fire Response, Resource Availability, and Personnel Certification Standards, in which it was reported that some insufficiently trained or inexperienced contract crews negatively impacted firefighting efforts on the Biscuit Fire. GAO also reported that poorly trained and inexperienced contract crews presented significant operational concerns. And, in March 2006, the USDA Inspector General issued report No. 08601-42-SF—Forest Service Firefighting Contract Crews. In that report, the IG found that the agency needed to improve contract oversight, strengthen training and experience requirements, address control weaknesses at wildfire suppression associations, improve language proficiency assessments, and coordinate with other Federal agencies to identify undocumented workers. The IG issued nine specific recommendations to address these problems.

The Forest Service agreed with all nine of the recommendations and outlined planned actions to address each in the report. Since that time we have acted to implement four of those recommendations (modifying the national contract to incorporate experience requirements, specifying minimum training and experience prerequisites, adopting a standardized field language assessment for contract crews, and coordinating with other Government agencies to develop expedited procedures for identifying counterfeit documents). Actions required to implement four others (establishing and implementing procedures to ensure adequate review of firefighter qualification records, verifying that associations' training sessions receive sufficient monitoring to ensure they are in accordance with standards, ensuring that associations restrict privileges to create and modify electronic training records to personnel who do not have financial interest in any contractors' business, and ensuring that the PNWCG completes the pre-season language assessment and certification) are nearly complete. We continue to work on improved training requirements to meet the remaining recommendation.

Question 11. Is the Forest Service on track to meet all of the timelines stated in the June 12, 2008, GS-401 Update briefing paper? If not, which timelines will not be met and what is the new timeline?

Answer. The Forest Service is committed to accomplishing the actions outlined in the USDA/USDOI GS-401 Plan, dated June12, 2008. We have amended the Plan to include specific deadlines for each activity. The Forest Service has notified every employee affected by the qualification change and is working with them to plan to achieve the positive educational requirements. The agency is working with universities and colleges to enter into agreements to accept National Wildfire Coordinating Group courses within their existing curriculum or to expand their curriculum to accept those courses toward natural resource degrees.

Question 12. Will the Forest Service pay for leave and tuition and for all of its employees that are in GS-401 positions or slated to transition to such position in the next two years as necessary to meet the new qualifications?

Answer. Yes, the Forest Service will support employees to achieve the positive education requirements needed to convert to GS-401 Fire Management Specialist positions. Our commitment to support employees has been expressed several times. In March 2004, a joint Department of Agriculture and Department of the Interior White Paper stated, "IV. Agency support to assist workforce development: The agencies have collectively agreed to provide the funding and opportunities (e.g., training, compensated time) for employees in Key Fire Program Positions to meet the minimum qualification requirements of the IFPM Standard." In addition, a March 8, 2007 letter from Tom Harbour (Director, Fire and Aviation Management) to the field stated, "Financial support of those pursuing 401 position education standards should be focused on a land management curriculum." Supervisors will be working with each employee to establish an individual development plan to meet these qualifications, if the employee desires, and support will be made available.

RESPONSE OF MARK REY TO QUESTION FROM SENATOR WYDEN

Mr. Rey and Mr. Cason, in 8 of the last 12 years, the Forest Service has exceeded the ten-year average of fire suppression expenditures. This year, the growing cost of fire suppression could be driven even higher by the skyrocketing cost of oil. In recent years, the Forest Service has frequently "borrowed" money from fire suppression and other programs and currently carries a debt of $509 million. A witness on the second panel for the hearing, Mr. Judd, testified that the "diversion of fuel reduction dollars reduces the number of treated acres" and this, in turn, allows many small fires to grow in size, intensity and cost.

Question 13. Don't your agencies' money "borrowing" practices divert funds from needed preventative fire treatment and increase the costs of firefighting expenses?

Answer. The practice at the Forest Service is to transfer unobligated balances when necessary from non-suppression fire funds that cannot be spent prior to the end of the fiscal year to fund emergency fire suppression. Reprogramming a portion of these funds demonstrates fiscal discipline and ensures the Forest Service does not borrow funds outside the fire account unnecessarily. Further, the Forest Service is aware of the need to retain adequate funding to ensure hazardous fuels reduction treatments continue at the beginning of the next fiscal year. The Forest Service has not used hazardous fuels funds as transfers to the suppression account to cover firefighting expenditures for almost 5 years. The agency has made a conscious decision to not use these funds for transfers because of the relationship you've noted between fuels project work and fire suppression. However, maintain sufficient funds this fiscal year, some hazardous fuels funding was used to cover fire suppression expenditures, including some project funds targeted for the wildland urban interface.

RESPONSES OF MARK REY TO QUESTIONS FROM SENATOR DOMENICI

In your testimony you state that the Forest Service and Department of Interior treated over 26 million acres of their lands from 2001 through May 2008.

Question 14. What was the total cost to the Forest Service for those treatments through that time period?

Answer. Between 2001 and 2008, the Forest Service funded projects with over $2 billion specifically targeted to hazardous fuel reduction. In addition, the Forest Service has leveraged efforts from other compatible programs managing vegetation to further reduce hazardous fuels while meeting other management objectives.

Question 15. Can you forecast how many acres will be slated for treatment in FY 2009?

Answer. In FY 2009 the Forest Service plans to treat a total of 2.4 million acres for hazardous fuel reduction and landscape restoration accomplished through other land management activities. We expect approximately 1.6 million acres of treatment to be funded out of hazardous fuel reduction accounts, and another 843,000 acres of fuel treatment from complimentary vegetation management work done by other program areas.

Question 16. Would you provide the Committee a chart that shows a breakdown of the 26 million acres you say were treated since 2001?

Answer. (See below)

Hazardous Fuels Reduction and Landscape Restoration Accomplishments (Acres in millions)					
Fiscal Year/ Department	**Total Rx Fire**	**Total % Rx Fire**	**Total Mech**	**Total % Mech**	**Grand Total Acres**
2001*					
FS	1.1	84%	0.2	16%	**1.4**
DOI	0.5	70%	0.2	30%	**0.7**
Total	**1.7**	**79%**	**0.4**	**21%**	**2.1**
2002					
FS	1.1	91%	0.1	9%	**1.3**
DOI	0.7	66%	0.4	34%	**1.1**
Total	**1.8**	**80%**	**0.5**	**20%**	**2.3**
2003					
FS	1.3	86%	0.2	14%	**1.5**
DOI	0.8	62%	0.5	38%	**1.3**
Total	**2.0**	**75%**	**0.7**	**25%**	**2.7**
2004					
FS	1.7	65%	0.9	35%	**2.6**
DOI	0.8	50%	0.8	50%	**1.6**
Total	**2.5**	**59%**	**1.7**	**41%**	**4.2**
2005					
FS	1.7	64%	1.0	36%	**2.7**
DOI	0.9	54%	0.7	46%	**1.6**
Total	**2.6**	**60%**	**1.7**	**40%**	**4.3**
2006					
FS	1.4	55%	1.2	45%	**2.5**
DOI	0.7	46%	0.8	54%	**1.5**
Total	**2.1**	**51%**	**1.9**	**49%**	**4.0**
2007					
FS	1.9	62%	1.2	38%	**3.0**
DOI	1.0	56%	0.8	44%	**1.8**
Total	**2.9**	**60%**	**1.9**	**40%**	**4.8**
2008* *As of July*					
FS	1.0	94%	0.1	6%	1.0
DOI	0.3	70%	0.1	30%	0.4
Total	**1.3**	**87%**	**0.2**	**13%**	**1.5**
FS Total	11.2	70%	4.8	30%	**16.0**
DOI Total	5.7	57%	4.3	43%	**10.0**
Grand Total	16.8	65%	9.1	35%	26.0

Note: 2001 does not include accomplishments of Landscape Restoration projects

Question 17. Please include the method of treatment, the percentage of treatments that occurred within commercial forest land (stands capable of growing 20 cubic feet per year); non-commercial forest lands; and non-forested lands in each region for each year.

Answer. Our data can show where our fuel treatments have been accomplished using prescribed fire (65% of our acres) versus mechanical fuel manipulation (35% of acres treated). A more detailed determination of what proportion of our mechanical fuels program has been accomplished on commercial forest lands and in various vegetation types would require data and analysis that are not available currently. We are designing our data systems to include spatial information beginning in FY 2009, but for the 2001 to 2008 period, we do not have that capability.

Question 18. Using data provided by the Forest Service, I had my staff analyze the acres treated from 2005 through 2007, the amount of wilderness, and the rate of escaped fires from 2002 to 2007 for each national forest and region of the National Forest System. This analysis revealed that there are striking differences in

trends between fuels treatment and escaped fires throughout the National Forest System. In Regions 1 and 2 there is, for the most part, a distinguishable trend among the amount of wilderness in a forest, the amount of acres treated, and the rate of escaped fires. However, in other regions this trend is less apparent.

In New Mexico, there are several forests that received a moderate amount of treatment and have relatively low amounts of wilderness area that still saw their escaped fires increase (i.e. Carson, Cibola, Lincoln, Santa Fe). The Cibola National Forest in particular is only 22% roadless and/or wilderness, had 2.4% of its acres treated, and had a 3.1% increase in escaped fire.

18.Could you elaborate on what factors led to an increased rate of escaped fire despite these forests having an average of nearly 2% of their acres treated?

Answer. Successful initial attack of unplanned ignitions depends on a variety of factors, largely including the condition of the fuels, topography, draught and weather conditions. The availability of suppression resources and access to the burning area are also factors. Fuel treatments can change fire behavior and lower resistance to control, but the Forest Service treats a very small percentage of the total hazardous fuels in any given year. Time after time we have observed that fuels reductions projects have had a positive affect on fire severity. However, depending on the site-specific location and the specific timing of a given fire, weather and topography can overwhelm the influence of fuel conditions on fire behavior. Our ability to predict when and where a fire will start is obviously limited, so fuel treatments are located in areas where we have the greatest chance for success and adjacent to valuable resources and assets that require additional protection.

Question 19. Please provide the annual fuels treatment funding for these forests from 2005 to 2007 and an explanation of how this compares to the rest of the NFS.

Answer. (See below)

Region 3 Hazardous Fuels Allocations

	2005			2006			2007		
	Program	CFRP	Total	Program	CFRP	Total	Program	CFRP	Total
Carson	983,000	1,150,000	2,133,000	760,000	2,401,253	3,161,253	657,800	1,129,497	1,787,297
Cibola	2,270,000	1,154,561	3,424,561	2,029,000	75,000	2,104,000	1,585,800	758,349	2,344,149
Lincoln	2,983,000	425,000	3,408,000	3,030,000	65,000	3,095,000	7,210,550	388,857	7,599,407
Santa Fe	4,987,000	987,820	5,974,820	3,336,000	1,480,754	4,816,754	6,768,800	1,747,347	8,516,147

CFRP: Collaboration Forest Restoration Program – amounts include between $45,000 and $80,000 in administration funds. The remainder is for grants.

Question 20. Could you elaborate on why, as a whole, Region 3 saw an increase in escaped fire even though it has considerably less wilderness than other western regions and treated a comparable amount of its acreage?

Answer. There is not a clear linear relationship between the amount of wilderness and initial attack success. The "increase" could be attributed to variable climates and random events like lightning/thunderstorms with wildly variable spatial and temporal characteristics.

Question 21. It appears that Region 2 saw the largest decrease in escaped fire by a considerable margin (5.38%, Region 5 was the next closest with a 0.75% decrease).

Please elaborate on the factors that occurred in Region 2 during this time period that allowed such a decrease in the rate of escaped fire.

Answer. Overall the period from 2001 to 2007 included average to below average fire seasons, with 2002 being an above average year anomaly. Short periods of drought existed in isolated areas across the geographic area along with periods of higher snow pack. Difficult fires appear to have occurred when dry conditions coincided with heavy, dry fuel conditions. This can be seen in the instance of the Hayman fire during the hot, dry 2002 fire season. Prior to the 2001 fire season, the five year average for fire conditions seems to have been drier, with a higher resistance to control and thus more escapes.

Beginning in the mid 1990's the Region, in cooperation with its partners, developed a strong fire prevention message that emphasized Firewise protective measures near State and private land. This program raised the visibility of the fire problem in the wildland-urban interface, particularly on the Front Range, and promoted increased cooperation with its partners. This greater cooperative effort surely helped to increase the efficiency of the initial attack response.

Finally, the 2001 fire season was the first to benefit from the National Fire Plan which was established in August of 2000. The emphasis during the first three years of the plan was to improve the initial attack capability through the increased staffing of the fire preparedness organization. The fire and fuels conditions, coupled with the management actions of the Region and its partners, additional resources also contributed to the improved initial attack success of the Region.

Question 22. You stated in your testimony that there is expected to be "above normal significant fire potential" in the Rocky Mountains for the 2008 wildfire season.

What was the forecasted fire potential for this region during the time period (2002-07) that escaped fires decreased?

Answer. As stated above, 2001 to 2007 was considered average to below average fire seasons, with 2002 being an above average year anomaly. Please reference question 23 for a summary of the annual significant fire potential outlooks.

Question 23. Please also provide a comparison of your potential fire forecast for the Rocky Mountain region vs. what actually occurred each year from 2002—2007.

Answer. Verification of the monthly and seasonal outlooks has proved to be difficult since fires occur only if there is an ignition source. In the west, ignitions primarily come from lightning, however human caused fires also account for some of the more significant fires. Consequently, if pre-disposing conditions exist (e.g. dry fuels, hot temperatures, low relative humidity, and winds), but there are no ignitions, there will be no fire even though the potential was there. Below is a comparison of the early season "significant fire potential" outlook and the reported fire activity.

Rocky Mountain Geographic Area Fire Season Comparison – All Agencies *

Calendar Year	Significant Fire Potential Outlook **	Total # of Fires	Total Acres Burned	# of Large Fires ***	Large Fire Acres ***
2002	Normal to Above Normal	4,157	1,090,189	90	696,662
2003	Normal to Above Normal	6,120	181,070	63	113,208
2004	Above Normal	2,043	51,892	34	66,615
2005	Normal	3,338	86,213	49	71,317
2006	Above Normal	5,446	658,780	125	588,386
2007	Normal	3,548	161,944	53	119,113
2008**	Above Normal	1,986	217,989	50	197,911

* Data Source – NICC (daily situation reports and ICS 209s)
** Based on Predictive Services early season "Significant Fire Potential Outlook"
** 2008 statistics are approximate through 10/10/08, large fire acres adjusted to reflect Gun-barrel WFU
*** Large fires defined as 100 acres or greater in timber fuel models, 300 acres or greater in grass/brush fuel models, or a type 1, Type 2 or Fire Use Management Team assigned.

Question 24. Could you estimate how much funding for fuels treatment in Region 2 will be allocated in FY 2009 by forest or grassland?

Answer. (See below)

Unit	FY 2009
BIG HORN	$370,600
BLACK HILLS	$3,346,400
GRAND MESA, UNCOMPAHGRE, & GUNNISON	$1,320,900
MEDICIN BOW-ROUTT-THUNDER BASIN	$881,400
NEBRASKA	$653,900
RIO GRANDE	$766,200
ARAPAHO-ROOSEVELT & PAWNEE	$3,821,200
PIKE-SAN ISABEL & CIMARRON-COMANCHE	$4,656,000
SAN JUAN	$1,795,200
SHOSHONE	$992,100
WHITE RIVER	$939,300

Question 25. How does this compare to the funding it received from 2002 to 2007 for fuels treatment?

Answer. (See below)

UNIT	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
BIG HORN	403,600	447,000	411,800	297,900	400,100	354,100
BLACK HILLS	2,972,200	2,609,000	3,174,200	2,992,200	3,002,200	4,097,900
GRAND MESA, UNCOMPAHGRE, & GUNNISON	988,900	1,089,100	1,192,800	1,242,800	1,679,400	1,592,700
MEDICIN BOW-ROUTT-THUNDER BASIN	793,200	613,200	1,146,300	845,500	1,074,700	1,331,400
NEBRASKA	787,600	799,700	745,500	762,100	847,600	846,400
RIO GRANDE	601,400	622,600	826,800	665,300	893,900	753,400
ARAPAHO-ROOSEVELT & PAWNEE	2,002,200	3,046,700	3,729,500	3,692,700	4,294,500	4,921,400
PIKE-SAN ISABEL & CIMARRON-COMANCHE	4,321,200	5,068,200	3,884,000	3,909,500	4,772,100	5,357,000
SAN JUAN	2,431,500	2,249,800	1,774,100	1,963,100	2,124,400	2,593,300
SHOSHONE	579,100	563,900	1,052,400	861,200	1,056,200	1,053,600
WHITE RIVER	613,800	705,400	1,008,600	527,700	736,800	1,402,200

Regions 8 and 9 have comparable amounts of wilderness/roadless area (14.5% and 17.8% respectively), yet Region 8 treated approximately 10 times as many acres as Region 9.

Question 26. How do you explain such a drastic difference in treated acres between the two eastern regions?

Answer. The natural resource character, land use history and management requirements of the two regions are very different. Region 8 with its milder winters, longer growing seasons, and generally more gentle topography create an excellent environment for successful prescribed burning. Forest ecosystems in Region 8 are adapted to frequent fire disturbance, creating a need for frequent burning or other vegetative manipulation to meet hazardous fuel reduction and ecological restoration and maintenance objectives. Public acceptance of prescribed fire in the southeastern U.S. is very strong, in contrast to the reluctance toward burning that is common in much of the rest of the country. In the northeastern Region 9, the cooler climate supports different vegetation types that are less fire adapted, less fire prone, and have different management needs.

Question 27. How does fuels treatment funding for these two regions compare to the rest of the National Forest System?

Answer. (See below)

Forest Service Region		2008 Hazardous Fuel Allocation (thousands)
1	Northern	**$15,290**
2	Rocky Mountain	**$23,815**
3	Southwest	**$35,714**
4	Intermountain	**$16,531**
5	Pacific Southwest	**$46,128**
6	Pacific Northwest	**$28,362**
8	Southeast	**$32,838**
9	Northeast	**$9,001**
10	Alaska	**$944**

Question 28. Could you breakdown your costs for outside fire fighters, overhead personnel, caterers or other service providers by: California fire crews, other State-supplied fire crews, and outside contract crews, caterers, or other service providers?

Answer. The Forest Service does not track these specific costs at a national scale. Information on aspects of these costs could be obtained, but would require a national data call to the field and additional analysis. Please reference question 31 for additional information.

Question 29. Please describe how the Forest Service currently allocates funding for fuels treatment to the NFS. Does it take into account past fire frequency and intensity?

Answer. The allocation of hazardous fuel dollars is based on a combination of need, ability and opportunity. The Forest Service uses the Hazardous Fuels Prioritization Allocation System to determine regional priority for hazardous fuel reduction funding. The criteria to determine priority include:

- Wildfire Potential—Fuels potential, weather potential, historical fire occurrence

- Negative Consequence (values at risk)—Wildland Urban Interface (WUI), timber, emissions, ecosystem vulnerability, municipal water supply
- Performance—Proportion of prior-year WUI program associated with Community Wildfire Protection Plans, proportion of recent year's program using Healthy Forests Restoration Act and Healthy Forests Initiative authorities, maintenance acres
- Opportunities—Restoration needs (FRCC), biomass, insect and disease risk

These factors are taken together using a tool developed by the Pacific Northwest Research Station with methodology that uses existing, nationally-consistent geospatial information to prioritize Regions for Hazardous Fuels Reduction program funding.

Question 30. During the last two fire seasons (2006 and 2007), how many non-federal firefighters—state and/or private—did your agencies utilize to assist fire-fighting efforts?

Answer. In calendar year 2006 and 2007 the five federal wildland fire agencies (the US Forest Service of the Department of Agriculture and the National Park Service, the Bureau of Land Management, the Fish and Wildlife Service, and the Bureau of Indian Affairs of the Department of the Interior) were assisted by 21,266 non-federal firefighters. Please reference the table below for more detailed information, including data limitations.

Agency	2006 Fire Season Non-federal fire fighters	2007 Fire Season Non-federal fire fighters
USFS	8,547	8,811
NPS	1,550	198
BLM	403	1,104
FWS	79	104
BIA	166	304
Total	10,745	10,521

Source: Resource Ordering and Status System (ROSS)

Note: Figures represent individual state, contractor and local firefighter assignments (line and support positions). Figures also include hand and engine crew members where individual firefighters were entered into ROSS. Only federal wildland fire incidents were counted. Not all fire incidents are entered into ROSS, and not all resource mobilizations such as mutual aid for initial response to wildland fires are entered into ROSS.

Question 31. How much did these outside firefighters cost your agencies in 2007?

Answer. The Forest Service does not track specific salary costs for non-federal firefighters at the national level. In FY 2007, total cooperator costs were $159 million—these costs included personnel, travel, equipment, aircraft and other costs related to fire fighting services. Total contractor costs were $362 million—these costs were comprised of personnel and equipment for items such as crews, engines, heavy equipment, caterers, showers, etc.

Question 32. What proportion of the total suppression cost does this represent for each of your agency?

Answer. In FY 2007, cooperators accounted for approximately 12% of suppression costs and contracts, exclusive of aviation contracts, accounted for approximately 26% of suppression costs. Combined, they accounted for 38% of Forest Service costs.

Question 33. One of the witnesses expressed his opinion that the Forest Service and Department of Interior should pay their firefighters on a "portal-to-portal" system, similar to the State of California's Department of Forestry and Fire Protection (CAL-FIRE).

How much might it cost to pay Forest Service and Interior firefighters for twenty-four hours a day while they are on a fire assignment?

Answer. It is important to note that the cost to pay Forest Service firefighters for twenty-four hours a day can vary quite a bit depending upon the criteria for how portal-to-portal pay is calculated.

In 2005, an analysis was completed on the estimated cost of implementing HR 408, "Federal Wildland Firefighter Emergency Response Act of 2005", a bill that proposed a "portal-to-portal" pay system for certain wildland firefighting positions. This analysis concluded that 30-40 percent of the total Forest Service wildland fire suppression expenditures were personnel costs. It estimated, on average, an individual firefighters' pay would be increased by 42 percent when in time with hazard

pay and 28 percent when in time without hazard pay. In total the increase to personnel costs in suppression expenses would be about 8.2 percent.

Currently, personnel costs still average between 30-40 percent. Using this same analysis and the total suppression costs in 2007 of $1.4 billion, a portal-to-portal pay system, similar to the one proposed in HR 408, would increase the Forest Service suppression costs by approximately $115 million.

Question 34. How would a shift to portal-to-portal pay for federal agencies affect the ability of the states (outside California) to maintain state firefighting crews?

Answer. We would not anticipate that implementing portal-to-portal pay for federal firefighters would affect the states' ability to maintain firefighting crews. The potential increased firefighter pay may enhance the desirability of a federal position, but without an increase in the number of firefighter positions, the effect should not be significant.

Question 35. In your estimation, would a federal portal-to-portal pay system make it too expensive for some states to field wildland firefighting crews?

Answer. There would be an increase in costs to states from a federal portal-to-portal pay system. The increase would be applicable for federal salaries in support of state incidents. Approximately 15% of federal costs on state incidents are associated with federal employee's base and overtime salary. The impact to states by this increase is unknown. It may be negligible for some States while others may find it cost-prohibitive to use federal firefighters on State fires.

Question 36. If a portal-to-portal pay system were implemented for federal crews, would they still be required to pay overtime to those crews after they have worked their normal 8 hour shift?

Answer. Under a portal-to-portal pay compensation system, wildland firefighters would not receive overtime after an 8 hour shift. This is evident both in the special overtime standard established as part of Section 7(k) of the Fair Labor Standards Act (FLSA) for non-exempt structural firefighters as well as by a number of Congressional bills that have recently been proposed for wildland firefighters.

Currently only structural firefighters classified in the GS-081 series that provide round-the-clock fire protection at certain DOD military installations receive portal-to-portal pay under Section 7(k) of the FLSA. They typically work 24-hour shifts within limited geographic areas of responsibility that include sleep, meals, and other personal standby time. Most have a 72-hour workweek consisting of three 24-hour shifts because sleep and personal time is included in their duty shift. Under FLSA Section 7(k), GS-081 firefighters have no overtime pay until they have worked 53 hours in a week or 106 hours in a biweekly pay period. As a result, non-exempt GS-081 firefighters at the grades GS-5 through GS-9 receive a lower hourly rate of basic pay than other employees such as our wildland firefighters.

Question 37. Would you continue to pay hazard pay or Sunday differential payments?

Answer. Generally, under a portal-to-portal pay system, we believe that wildland firefighters would not receive hazard pay or Sunday differential payments. Hazard pay is currently not payable to GS-081 structural firefighters receiving portal-to-portal pay under Section 7(k) of the FLSA, since the typical hazards of firefighting are already taken into account in the classification of their job by the Office of Personnel Management.

Question 38. Can you estimate how many state or private contract firefighters you might lose if a portal-to-portal pay system were implemented?

Answer. There is no way to estimate reliably such potential losses.

Question 39. If the federal agencies where forced to pay on a portal-to-portal basis and fire suppression and fire preparedness budgets remain static: relative to 2007 or 2008 how many additional, non-federal fire crews would you have to hire to maintain your 97% initial attack success rate?

Answer. Implementation of a portal-to-portal pay system would not impact our initial attack success rate, nor would it require the recruitment of additional non-federal fire crews. Our ability to contain fires during the initial attack phase is more directly influenced by our preparedness capability.

Question 40. Mr. Casey Judd of the Federal Wildland Fire Service Association made some pointed accusations about mismanagement of the federal fire fighting agencies and their management of fire funding.

Please review his written testimony and respond to his charges about your agencies' management of funding and the fire program.

Answer. The Forest Service takes these statements regarding management of funding and the fire program very seriously. We believe they are not based on data or credible analysis. The Department has requested that the USDA Office of the Inspector General look into the allegations by Mr. Judd to determine their validity.

The agency will await the outcome of the inquiry and take corrective action if necessary, based on findings of the IG.

[Responses to the following questions were not received at the time the hearing went to press:]

QUESTIONS FOR JAMES CASON FROM SENATOR BINGAMAN

Question 1. Last year, Senator Cantwell, Senator Domenici, and I introduced a bill to help cover a portion of personal liability insurance costs for Federal firefighters, and Senators Feinstein and Craig helped to get that enacted through the Interior Appropriations bill. Can you tell me whether the Department currently is using that authority to help cover those costs for all of its firefighters that elect to get that insurance?

Question 2. Please describe what each agency in the Department of the Interior is doing to assist employee's achieve the necessary accredited courses to continue their current 401 job series positions?

Question 3. How will DOI agencies ensure that the valuable fire management experience is not lost for those employee's who cannot achieve the newly required positive education credits within the allowed timeframe?

Question 4. How do you plan to support the career progress and aspirations for those employees who are caught in the firefighter qualifications issue and at no fault of their own, especially those with considerable fire management experience?

Question 5. Is the Department on track to meet all of the timelines stated in the June 12, 2008, GS-401 Update briefing paper? If not, which timelines will not be met and what is the new timeline?

Question 6. Will the Department pay for leave and tuition and for all of its employees that are in GS-401 positions or slated to transition to such position in the next two years as necessary to meet the new qualifications? If not, why not and how will it decide which employees should receive such support?

QUESTIONS FOR JAMES CASON FROM SENATOR WYDEN

Question 7. Mr. Cason, in 8 of the last 12 years, the Forest Service has exceeded the ten-year average of fire suppression expenditures. This year, the growing cost of fire suppression could be driven even higher by the skyrocketing cost of oil. In recent years, the Forest Service has frequently "borrowed" money from fire suppression and other programs and currently carries a debt of $509 million. A witness on the second panel for the hearing, Mr. Judd, testified that the "diversion of fuel reduction dollars reduces the number of treated acres" and this, in turn, allows many small fires to grow in size, intensity and cost.

a.Don't your agencies' money "borrowing" practices divert funds from needed preventative fire treatment and increase the costs of firefighting expenses?

Question 8. As discussed in the hearing, your agencies' contracts for firefighting airplanes and helicopters are negotiated annually; I brought up a question about the rising cost of fuel and impacts on firefighting abilities of airplane and helicopter contractors who are unable to offset these cost. Mr. Cason, you stated that your contracts have built in "escalators" that provide for increased fuel prices. According to the Department of Energy's statistics, one year ago the average price of diesel fuel was $2.90 per gallon. The June 2008 average price of diesel fuel is $4.70 per gallon and currently the price trend continues to increase. We have seen a 62% increase when comparing June 2007 diesel fuel prices to June 2008 prices.

a.Does your contract "escalator" mechanism for fuel prices take into consideration a 62% increase in fuel prices? If your "escalator" truly compensates for these type of rising fuel prices, then why did you state during your testimony that at the "end" of the fire season your agency may need to borrow money from other programs to pay for increased fuel cost?

b. Will the higher cost of aviation fuel mean reduced firefighting resources?

c. Finally, as mentioned above, will your "borrowing" practices increase the ability of many small fires to grow in size, intensity and cost due to the diversion of funds from preventative fire treatment programs?

QUESTIONS FOR JAMES CASON FROM SENATOR DOMENICI

Question 9. During last year's fire season, how many non-federal firefighters—state and/or private—did your agencies utilize to assist firefighting efforts?

Question 10. How much did these outside firefighters cost your agencies in 2007?

Question 11. Could you break those costs out by California crews or overhead, other States supplied crews or overhead, and outside contract crews, caterers, or other service providers?

Question 12. What proportion of the total suppression cost does this represent for your agencies?

Question 13. One of the witnesses expressed his opinion that the Forest Service and Department of Interior should pay their firefighters on a "portal-to-portal" system, similar to the State of California's Department of Forestry and Fire Protection (CAL-FIRE).

How much might it cost to pay Interior firefighters for twenty-four hours a day while they are on a fire assignment per season?

Question 14. How might a shift to portal-to-portal pay affect the ability of the state firefighting crews—outside of California—to participate in federal fires? Could it result in some states choosing to forgo fielding wildland fire crews?

Question 15. In your estimation, would a portal-to-portal pay system make wildland firefighting too expensive for some states?

Question 16. If a portal-to-portal pay system were implemented, would there be any logic for paying overtime?

Question 17. Can you estimate how many state or private contract firefighters you might lose if a portal-to-portal pay system were implemented?

Question 18. If the federal agencies are forced to pay on a portal-to-portal basis and fire suppression and preparedness budgets remain static: relative to 2007 or 2008 how many additional, non-federal fire crews would you have to hire to maintain your 97% initial attack success rate?

Question 19. Mr. Casey Judd of the Federal Wildland Fire Service Association made some pointed accusations about mismanagement of the federal fire fighting agencies and their management of fire funding.

Please review his written testimony and respond to his charges about your agencies' management of funding and the fire program.

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