WILDFIRES IN THE WEST: IS THE BUSH ADMINISTRATION'S RESPONSE ADEQUATE?

HEARING

BEFORE THE

SUBCOMMITTEE ON ENERGY POLICY, NATURAL RESOURCES AND REGULATORY AFFAIRS

OF THE

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WILDFIRES IN THE WEST: IS THE BUSH ADMINISTRATION'S RESPONSE ADEQUATE?

WEDNESDAY, MAY 5, 2004

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON ENERGY POLICY, NATURAL RESOURCES AND REGULATORY AFFAIRS,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:03 p.m., in room 2154, Rayburn House Office Building, Hon. Doug Ose (chairman of the subcommittee) presiding.

Present: Representatives Ose, Shays, Tierney, Cannon, Schrock, and Tom Davis of Virginia [ex officio].

Staff present: Barbara F. Kahlow, staff director; Melanie Tory, professional staff member; Lauren Jacobs, clerk; Megan Taormino, press secretary; Krista Boyd, minority counsel; and Cecelia Morton, minority office manager.

Mr. OSE. Good afternoon. Welcome to today's hearing of the Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs. Today's subject is: "Wildfires in the West: Is the Bush Administration's Response Adequate?"

Given that we just got called for a vote, here's the order of battle today. We're going to go ahead and commence the hearing, establish the quorum. I'm going to give my opening statement, and then we are going to recess and go to votes and then we'll be back at the conclusion of those votes, at which time we will swear in the witnesses and commence with receiving their testimony.

We'll establish first that there is a quorum present with Chairman Davis in attendance, and I will go ahead and make my opening statement.

Today 15,000 fire fighters are on the front lines of wildfires in California. Although we are only 2 days into the southern California fire season, we've already had over 18,000 acres burned. It's timely that we're here today to discuss wildfire policy in the West. Failure to properly address this issue will result in the needless destruction of communities, forests, rangelands, and habitats.

After 100 years of well-intentioned, and frankly misguided land management policy, Federal lands that were once healthy and productive are now unnaturally dense and diseased. Due to these unhealthy conditions, our national lands have become increasingly vulnerable to catastrophic wildfires. In 2000 and 2002, our country suffered its worst two wildland fire seasons in 50 years. Combined, the fires of 2000 and 2002 burned over 15 million acres of land and cost the Federal Government nearly $3 billion to suppress. The

2002 fire season was particularly severe in the West, with Arizona, Colorado, New Mexico, and Oregon reporting their worst fires in modern history. Similarly, in 2003 California experienced its worst fire season when 13 wildfires claimed 24 lives, destroyed 3,600 homes, burned 739,000 acres, and cost $250 million to contain.

Faced with these escalating economic and ecological losses, in August 2002, President Bush announced his Health Forests Initiative. This plan sought to reduce the statutory, regulatory, and administrative obstacles to effective fire prevention and rehabilitation on Federal lands. As part of this plan, in December 2002, the Bush administration proposed a series of administrative actions that facilitated timely reviews of forest projects, amended the project appeals process, improved the consultation process required under the Endangered Species Act, and created a more effective environmental assessment process under the National Environmental Policy Act.

As shown in the chart on display, in 2003 and 2004, the Departments of Agriculture and Interior promulgated three final rules, one interim final rule, and one notice to implement these changes.

In addition to regulatory reform, the Bush administration has sought new statutory authority from Congress to adequately protect Federal lands from wildfires. The resulting legislation, known as the Healthy Forests Restoration Act, was signed into law in December 2003. It's known as Public Law 108–148. Despite the new tools available to Federal land managers, it is likely that the West will once again experience a severe fire season this year. This problem was not created overnight and it will not be solved overnight. Nonetheless, it is still important that we expeditiously begin the process of removing hazardous fuels and returning our national lands to their former glory. To that end, we are here today to assess whether the reforms realized under the Health Forests Initiative and Healthy Forests Restoration Act are sufficient to eliminate the barriers to effective land management policy in the long term.

Additionally, we are here today to discuss ways to enhance cooperation and coordination among Federal, State, local, and private entities. Fires are equal opportunists. They harm everybody. They'll consume privately owned land in the same way they consume adjacent Federal land, State land, or local land. The best way to prevent catastrophic wildfires is to forge alliances among the various stakeholders.

Last, we are here today to remind the public of the very real fire danger that exists and of the need to vigilantly address the issue. All too often support for wildfire prevention and suppression is forgotten as soon as the flames are extinguished. In March, four ballot measures to improve fire prediction failed in San Diego County. Think about that. The voters who were most affected by the 2003 wildfires opted not to support actions to increase the ability of the community to prepare and respond to wildfires. For land managers and fire professionals to reduce the wildfire threat, they must have public support.

Wildfires remain a significant threat to many communities and habitats throughout the West. As we examine this issue, key questions will include: One, is the Federal Government doing enough to mitigate wildfire risks; two, how can stakeholder relationships be

improved; and three, are additional measures needed to address wildfires in the short or long-term?

I look forward to the testimony of our witnesses. They include the Assistant Secretary for Policy, Management and Budget at the Department of Interior, Ms. Lynn Scarlett; the Under Secretary for Natural Resources and the Environment at the U.S. Department of Agriculture, Mr. Mark Rey; the chairman of the California Governor's Blue Ribbon Fire Commission, Senator William Campbell; the chairman of the Fire Safe Council, Mr. Bruce Turbeville; the president of the California Fire Chiefs Association, Mr. William McCammon; and the senior forest policy analyst for Natural Resources Defense Counsel, Ms. Amy Mall. Unfortunately, we were advised this morning that Governor Martz, who was to testify on behalf of the Western Governors' Association was called back to Montana because of a family emergency. Her written testimony will be submitted for the record. The record will remain open for the next 10 days to allow Members to submit any written questions they may have for Governor Martz.

Now, given what I described earlier, the three of us are going to quickly go to the floor. Before we do, I am pleased to recognize the chairman of the full committee for the purpose of opening statement.

[The prepared statements of Hon. Doug Ose and Governor Martz follow:]

Chairman Doug Ose
Opening Statement
"Wildfires in the West – Is the Bush Administration's Response Adequate?"
May 5, 2004

After 100 years of well intentioned but misguided land management policy, Federal lands that were once healthy and productive are now unnaturally dense and diseased. Due to these unhealthy conditions, our national lands have become increasingly vulnerable to catastrophic wildfires.

In 2000 and 2002, the U.S. suffered its worst two wildland fire seasons in 50 years. Combined, the fires of 2000 and 2002 burned over 15 million acres of land and cost the Federal government nearly $3 billion to suppress. The 2002 fire season was particularly severe in the West, with Arizona, Colorado, New Mexico and Oregon reporting their worst fires in modern history. Similarly, in 2003, California experienced its worst fire season when 13 wildfires claimed 24 lives, destroyed 3,600 homes, charred 739,000 acres, and cost $250 million to contain.

Faced with escalating economic and ecological loses, in August 2002, President Bush announced his Healthy Forests Initiative (HFI). This plan sought to reduce the statutory, regulatory, and administrative obstacles to effective fire prevention and rehabilitation on Federal lands. As part of this plan, in December 2002, the Bush Administration proposed a series of administrative actions that facilitated timely reviews of forest projects, amended the project appeals process, improved the consultation process required by the Endangered Species Act, and created a more effective environmental assessment process under the National Environmental Policy Act. As shown in the chart on display, in 2003 and 2004, the Departments of Agriculture and Interior (USDA and DOI) promulgated three final rules, one interim final rule, and one notice to implement these changes.

In addition to regulatory reform, the Bush Administration also sought new statutory authority from Congress to adequately protect Federal lands from wildfires. The resulting legislation, the Healthy Forests Restoration Act (HFRA), was signed into law in December 2003 (P.L. 108-148).

Despite the new tools available to Federal land managers, it is likely that the West will once again experience a severe fire season this year. This problem was not created overnight and will not be solved overnight.

Nonetheless, it is still important that we expeditiously begin the long process of removing hazardous fuels and returning our national lands to their former glory. To that end, we are here today to assess whether the reforms realized under HFI and HFRA are sufficient to eliminate the barriers to effective land management policy in the long-term.

Additionally, we are here today to discuss ways to enhance cooperation and coordination among Federal, State, local, and private entities. Fires are equal opportunists – they will consume privately-owned land in the same way they consume adjacent Federal land. The best way to prevent catastrophic wildfires is to forge alliances among the various stakeholders.

Lastly, we are here today to remind the public of the very real fire danger that exists and of the need to vigilantly address the issue. All too often, support for wildfire prevention and suppression is forgotten as soon as the flames are extinguished. In March, four ballot measures to improve fire protection failed in San Diego County. Think about that — the voters who were most affected by the 2003 wildfires refused to support actions to increase the ability of the community to prepare and respond to wildfires. For land managers and fire professionals to reduce the wildfire threat, they must have public support.

Wildfires are a significant threat to many communities and habitats throughout the West. As we examine this issue, key questions will include: (a) is the Federal government doing enough to mitigate wildfire risks, (b) how can stakeholder relationships be improved, and (c) are additional measures needed to address wildfires in the short or long-term?

I look forward to the testimony of our witnesses. They include: P. Lynn Scarlett, Assistant Secretary for Policy, Management, and Budget, DOI; Mark Rey, Under Secretary for Natural Resources and Environment, USDA; Montana Governor Judy Martz on behalf of Western Governors' Association; William Campbell, Chairman, California Governor's Blue Ribbon Fire Commission; Bruce Tuberville, Chairman, The Fire Safe Council; William J. McCammon, President, California Fire Chiefs Association; and, Amy Mall, Senior Forest Policy Analyst, Natural Resources Defense Council.

April 28, 2004

MEMORANDUM FOR MEMBERS OF THE GOVERNMENT REFORM SUBCOMMITTEE ON ENERGY POLICY, NATURAL RESOURCES AND REGULATORY AFFAIRS

FROM: Doug Ose

SUBJECT: Briefing Memorandum for Hearing, "Wildfires in the West – Is the Bush Administration's Response Adequate?"

On Wednesday, May 5, 2004, at 2 p.m., in Room 2154 of the Rayburn House Office Building, the Government Reform Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs will hold a hearing on the Administration's efforts to prevent catastrophic wildland fires in the West. The hearing will also examine how Federal, State, and local entities can increase cooperation and coordination to prevent future fires, and what can be learned from the recent fire sieges in the West.

After 100 years of fire suppression, many of our national lands have become tinderboxes, brimming with unnaturally high fuel loads that serve as fodder for devastating wildland fires. In 2000 and 2002, the U.S. suffered its worst two wildland fire seasons in 50 years. Combined, the fires of 2000 and 2002 burned over 15 million acres of land, which cost the Federal government nearly $3 billion to suppress. The 2002 fire season was particularly severe in the West, with Arizona, Colorado, New Mexico, and Oregon reporting their worst fires in modern history.

Similarly, in 2003, California experienced its worst fire season when 13 wildland fires began during the last week of October and the first week of November. These fires alone claimed 24 lives, destroyed 3,600 homes, charred 739,000 acres, and cost $250 million to contain. Thirteen more people were killed on Christmas Day when erosion and heavy rains caused mudslides in San Bernardino County.

According to the National Interagency Fire Center's Wildland Fire Outlook, weather and vegetation patterns suggest that the West will experience above normal fire potential once again this year. Furthermore, conditions in the Southwest suggest that the region's 2004 fire season may be as severe as the 2002 fire season. These predictions may prove to be accurate since this

year's season began early with wildfires near Pine, Arizona and Fort Collins, Colorado in late March.

The Bush Administration's Response

During the devastating 2002 fires, on August 22, 2002, President Bush proposed the Healthy Forests Initiative (HFI), an effort to improve forest and rangeland health and decrease wildfire risks by expediting the removal of hazardous fuels from Federal lands. HFI also addressed the ineffective statutory, regulatory and administrative framework that governs land management policy, and specifically, wildfire prevention strategies.[1]

As part of HFI, in December 2002, the Departments of Agriculture and Interior (USDA and DOI) proposed regulatory and administrative actions intended to decrease the number of costly and unnecessary barriers to wildfire prevention and rehabilitation projects. These actions included amending the appeals process for public land projects, creating and clarifying categories of exclusions to the National Environmental Policy Act (NEPA), improving the NEPA environmental assessment (EA) process, and streamlining consultations required under the Endangered Species Act (ESA). To date, USDA and DOI have promulgated four rules—three final and one interim final (see attached chart). Additional guidance on EA preparation is expected to be released this summer.

In addition to these regulatory actions, the Bush Administration also sought Congressional authorization for some aspects of HFI. Specifically, the Administration sought to expedite the approval process for fuels reduction and rehabilitation activities, authorize Federal land management agencies to enter into long-term stewardship contracts, and require the courts to weigh short-term impacts against long-term benefits when ruling on fire prevention projects. Although the resulting bill failed during the 107th Congress, similar legislation introduced during the 108th Congress (the Healthy Forests Restoration Act of 2003 (HFRA), H.R. 1904) passed the House in May 2003, and passed the Senate following the outbreak of the wildfires in California in November 2003. President Bush signed this legislation into law (P.L. 108-148) on December 3, 2003. USDA published the first implementing rule on January 9, 2004.

Federal, State and Local Cooperation and Coordination

Recognizing that wildfires do not respect jurisdictional lines, in 2001, Congress requested[2] the creation of a coordinated 10-year comprehensive strategy for reducing wildland fire risks. This strategy, developed by Federal, State, local, tribal, and private interests, centered on four goals: (1) improve prevention and suppression, (2) reduce hazardous fuels, (3) restore

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[1] According to a report published by USDA in June 2002, entitled "The Process Predicament: How Statutory, Regulatory, and Administrative Factors Affect National Forest Management," the inefficient legislative, regulatory, and administrative framework that USDA's Forest Service (FS) operates under produces excessive analysis, ineffective public involvement, and management inefficiencies. As a result, land management projects are subject to unnecessary delays and planning costs exceed $1 million per project. Additionally, this framework results in FS employees spending 40 percent of their time on planning and assessment, rather than other more proactive work, such as restoring ecosystems or delivering services in the forests.

[2] As stated in the House Rept. 106-914 (p. 114) to the Fiscal Year 2001 Interior and Related Agencies Appropriations Act (P.L. 106-291).

fire-adapted ecosystems, and (4) promote community assistance. In May 2002, the same entities published the implementation plan, which fulfilled the principles of the 10-year comprehensive strategy, and established implementation outcomes and performance measures for the wildland fire program.

Consistent with the principles of this framework, USDA and DOI currently manage various programs and partnerships that facilitate cooperation among the many stakeholders. For example, USDA operates the State and Private Forestry organization, which provides a number of assistance programs to non-Federal entities that provide wildfire protection services to communities and the environment. Similarly, DOI provides support to local and rural fire districts in the form of cost-share grants.

The Wildland-Urban Interface

Reports published by the General Accounting Office (GAO)[3] and the National Academy of Public Administration (NAPA) have stressed that improving cooperation and coordination among all levels of government and the private sector is vital for decreasing wildfire risks. According to NAPA's January 2004 report entitled "Containing Wildland Fire Costs: Enhancing Hazard Mitigation Capacity,"

> Limitations associated with current skills, data, tools, and funding clearly show the need to improve state and local capacity to develop and implement large-scale, cost-effective, site-specific mitigation strategies. The nation urgently needs greater capacity in community-wide and statewide partnerships to address the burgeoning wildfire risks (p.12).

This cooperation will become even more significant as the Wildland-Urban Interface (WUI), loosely defined as the area "where combustible homes meet combustible vegetation,"[4] expands. Over the last two decades, communities haves edged closer and closer to forests and rangelands, thereby increasing the risks and costs of wildfires. The amount of WUI has grown most dramatically in the West because of staggering population increases and because most Federal land within the 48 contiguous States is located within the 11 Western States.

As the WUI continues to expand, policymakers at all levels will be faced with a new array of issues to address – ranging from zoning measures to construction materials to mitigation practices to firefighting capabilities. Due to the patchwork of jurisdictions, it is imperative that Federal, State, local and private entities continue to form partnerships to address these issues in their local and regional areas.

The invited witnesses include: Mark Rey, Under Secretary for Natural Resources and Environment, USDA; P. Lynn Scarlett, Assistant Secretary for Policy, Management and Budget,

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[3] "Wildland Fire Management: Reducing the Threat of Wildland Fires Requires Sustained and Coordinated Effort," GAO #02-843T (6/13/02).

[4] "Wildfire Strikes Home! The Report of the National/Urban Fire Protection Conference," sponsored by USDA/FS, the National Fire Protection Association, and the Federal Emergency Management Agency's U.S. Fire Administration (1/87, p. 2).

DOI; Montana Governor Judy Martz on behalf of Western Governors' Association; William Campbell, Chairman, California Governor's Blue Ribbon Fire Commission; Bruce Turbeville, Chairman and CEO, The Fire Safe Council; and, William J. McCammon, President, California Fire Chiefs Association.

Attachment

Administrative Actions Taken Under HFI

Published	Agency(ies)	Type of Action	Action
6/4/03	USDA/FS	Final Rule	▪ Revised the comment & appeals process for projects & activities on lands within the National Forest System ▪ Simplified & expedited the process while encouraging early & effective public comment
6/5/03	USDA/FS DOI	Notice	▪ Added 2 new categorical exclusions to USDA/FS's and DOI's NEPA implementing procedures to expedite certain hazardous fuel reduction activities & rehabilitation projects ▪ Facilitated timely & efficient treatment of fuels & rehabilitation of lands damaged by fire or fire suppression to reduce the risks associated with severe fires
6/5/03	DOI	Final Rule	▪ Revised the comment & appeals process for DOI projects ▪ Allowed wildfire management decisions affecting certain DOI lands to become effective immediately
12/8/03	USDA/FS DOI DOC/NMFS/ NOAA	Final Rule	▪ Codified common ESA Section 7 regulations to streamline the consultation process for proposed projects that support the National Fire Plan (NFP) ▪ Provided an alternative consultation process that eliminated informal consultations & written concurrences for NFP actions that are "not likely to adversely affect" a listed species or designated critical habitat ▪ Eliminated duplicative processes & expedited fuels removal without jeopardizing plant or animal health
1/9/04	USDA	Interim Final Rule	▪ Established the sole process by which the public may seek administrative review & file objections to proposed hazardous fuels reduction projects authorized under HFRA ▪ Asserted that judicial review is premature until all administrative reviews are exhausted

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Statement of
Montana Governor Judy Martz

on behalf of the
Western Governors' Association
to the

House Government Reform Subcommittee
on Energy Policy, Natural Resources
and Regulatory Affairs

May 5, 2004

Statement of Montana Governor Judy Martz on behalf of the Western Governors' Association to the House Government Reform Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs

May 5, 2004

Introduction and Background

Thank you Chairman Ose, Representative Tierney, and the other distinguished members of this Committee for the invitation to appear and to submit written testimony for today's hearing. I am Judy Martz, Governor of Montana and I submit this written testimony on behalf of the Western Governors' Association (WGA). WGA is an independent, non-partisan organization of Governors from 18 Western States and three U.S.-Flag Islands in the Pacific. We appreciate this opportunity to present the views of the Western Governors. I am the immediate past Chair of WGA and have testified before Congress a number of times on behalf of my Western Colleagues. I am honored to be here today to discuss this very important and timely subject. I commend the Chairman for tackling this crucial issue.

As you are all aware, we are once again facing and indeed already battling a wildfire season that is poised to sweep through much of the West. All of us have seen the devastation wrought by these catastrophic fires raging through many of our most precious forests and communities. Damage to public health and safety, loss of jobs and impacts to businesses, infrastructure destruction, and environmental effects combine with the threats of loss of life, property, and natural resources in the wildland/urban interface. The West has experienced warm temperatures with low humidity, prolonged drought periods, thick forest fuels left from a century of fire suppression, population growth, and residential development in wildland areas. While we are all hoping that this fire season will be less destructive than those of the past four years, it does not appear that the overall situation is yet getting better. Unless all levels of government and the public continue to work closely together, we may soon find that what would have been seen as an extraordinary fire season in the past will start to be considered routine.

The Vastness and Expense of the Challenge of Forest Health

According to the United States Department of Agriculture, an estimated 190 million acres of public lands are at an elevated risk of catastrophic wildfires. This figure does not include state and private lands that are also at risk. Imagine this, 190 million acres is equivalent to the entire land mass of the states of Utah, Arizona and Colorado combined and those are pretty big states even by Montana comparisons. For those of you that have never driven across the width of Montana or other large Western states, that 190 million acres is also equivalent to the landmass of the 12 states along the Atlantic seaboard from Virginia north to Maine and that includes Vermont too. We have got a heck of a problem in this country and the West is facing the brunt of it.

No level of government can successfully tackle this problem alone and that is why your hearing today is a timely one. Increased collaboration and cooperation between the federal government and the states is something the Governors have long called for and needs to be encouraged at every opportunity. We need to work together across geographic and political boundaries that otherwise hinder the overall effort. The State of Montana can make some progress on its own, but we can make so much more, and stretch public funding across more acres, if we can work closely with our neighboring landowners, and in most of the West that means the federal government. It also does little good in trying to improve forest health if a state is treating overgrown acres, or restoring watersheds and wildlife habitat on its lands without commensurate work from adjoining landowners; again, most often the federal government in the West. Without cooperation from local authorities and private landowners, we also cannot make important progress in overgrown forest areas near communities, also known as the wildland urban interface or the WUI.

Look at the devastation that is wrought if we cannot make progress on the ground. The 2003 fire season burned more than 3.7 million acres nationally, and cost $1.5 billion to suppress. This figure does not include the economic damage that goes along with these fires. For example, more than 3600 hundred homes were lost to the fires in Southern California last October representing an amount in real estate value that I will not try to estimate. Wildfires near small Western rural communities before and during the height of the tourist season can also be economically devastating. It is estimated that my "little" state of Montana lost over $27 million in tourism dollars in 2000 as a result of our fires that year as almost 300,000 potential tourists stayed home. These losses were concentrated in just a few of our western counties making the impacts that much more damaging. Imagine what the economic impacts could be if the upcoming Lewis and Clark bicentennial commemoration activities – which are likely to attract millions of visitors to the Trail States over the next couple of years – are affected by wildfires. It has also been conservatively estimated by the Northern Arizona School of Forestry that the 2002 Rodeo-Chedeski fire in Arizona caused about $250 million in economic damages over and above the suppression, emergency rehabilitation and timber costs directly attributable to the fire.

We can put all the dollar figures out for your consumption, but I don't think any of us can actually understand the personal breadth of loss felt by a family or individual that sees their home or ranch or forest consumed by wildfire without it actually happening to us. This is a personal devastation that no dollar figure can do justice to. And it is a governmental failure of equally incalculable proportions if we do not work together to prevent these awful occurrences.

Addressing the Threat: The 10-Year Strategy

We have been encouraged by the broad bipartisan support expressed for the 10-Year Comprehensive Strategy and Implementation Plan (together "the Strategy"), which, at Congress' direction, the Western Governors played a key role in creating in 2001 and 2002. As you may know, in the wake of the devastating 2000 fire season, the Conference

Report for the Fiscal Year 2001 Interior and Related Agencies Appropriations Act (P.L. 106-291) required the development of a 10-year comprehensive strategy to address the threat of catastrophic wildfires. Specifically, the Conference Report stated that:

> *"The Secretaries [of the Interior and Agriculture] should also work with the Governors on a long-term strategy to deal with the wildland fire and hazardous fuels situation, as well as the needs for habitat restoration and rehabilitation in the Nation. The managers expect that a collaborative structure, with the States and local governments as full partners, will be the most efficient and effective way of implementing a long-term program.*
>
> *The managers are very concerned that the agencies [with wildfire fighting authorities at Interior and Agriculture, i.e., the Bureau of Land Management, Fish and Wildlife Service, Bureau of Indian Affairs, National Park Service and the Forest Service] need to work closely with the affected states, including Governors, county officials, and other citizens. Successful implementation of this program will require close collaboration among citizens and governments at all levels... The managers direct the Secretaries to engage Governors in a collaborative structure to cooperatively develop a coordinated, National ten-year comprehensive strategy with the States as full partners in the planning, decision-making, and implementation of the plan.*
>
> *Key decisions should be made at local levels."*

The Strategy was developed and endorsed by WGA and the Secretaries of Agriculture and the Interior, the Southern Governors' Association, the Intertribal Timber Council, the National Association of Counties and the National Association of State Foresters. The Strategy was developed in a collaborative manner by those endorsees, as well as a range of stakeholder representatives. The stakeholders represent the spectrum of natural resources interests from environmental groups to industry. Their contribution to and support for the Strategy speak volumes about its value and to the process by which it was developed.

The Strategy was designed to implement the National Fire Plan in a comprehensive and collaborative manner with a contribution of resources from all levels of government, the private sector, communities and volunteers. It seeks to accomplish four goals across federal, state, tribal and private lands:

1. Improve Fire Prevention and Suppression;
2. Reduce Hazardous Fuels;
3. Restore Fire-Adapted Ecosystems; and,
4. Promote Community Assistance.

The Strategy sets forth a number of guiding principles to achieve these goals, including collaboration, priority setting and accountability. It establishes a results-based framework

for achieving its goals with performance measures and tasks to track progress over time. States, tribes and local governments are also full partners in its implementation. These partners strongly believe that the locally driven collaborative approach set forth in the Strategy will lead us to success in tackling the immense task we face. Governors have also been convinced that the collaborative processes established in the Strategy represent a significant, and positive, change in the way in which we manage our public lands and forests.

Western Governors have been very actively engaged in bringing stakeholders together to seek consensus solutions to our forest health crisis. The WGA sponsored a Forest Health Summit in Missoula, Montana in June 2003, that brought together over four hundred public officials, industry representatives, environmental groups, scientists, and other interested stakeholders. The participants reached consensus recommendations and WGA has formed a Forest Health Advisory Committee to assist us in implementing those actions. The recommendations focused on encouraging collaborative processes consistent with the 10-Year Strategy to address the hazardous fuels issue. Also stressed was the need to work with local communities to ensure they have the infrastructure and capacity to be partners in the implementation of the 10-Year Strategy and the National Fire Plan.

Progress on the Ground

With the National Fire Plan and the Strategy as guidance, progress has begun to be made. The following figures, as of September 2003, are a snapshot of the proactive efforts undertaken by states, the federal government and other partners to reduce the threat of catastrophic fires: Accomplishments:

- 13,751 projects have been initiated under the Strategy and the National Fire Plan since their 2001 inception. Of those projects, 78% have been on-the-ground hazardous fuel and restoration projects.
- Nationally, 5.5 million acres since inception have been treated to reduce hazardous fuels and/or restore forest health. Treatments are split equally between the Wildland Urban Interface (WUI) and critical watersheds and habitats in the backcountry.
- Acres treated in Western states as of September 2003, under the National Fire Plan and the 10-Year Strategy:

State:	Acres:	State:	Acres:
AK	12,378	NE	8,300
AZ	383,970	NM	223,349
CA	315,017	NV	71,096
CO	89,017	OR	315,745
HI	504	Pacific Islands	N/A
ID	514,383	SD	146,248
KS	17,269	UT	138,374
MT	493,646	WA	82,724
ND	11,441	WY	31,905

- Western States have undertaken 7,300 treatments totaling 2.9 million acres. Most projects are collaborative, i.e., have a joint public sector/public component
- We understand that an additional 2.7 million acres will be reported as treated for all of 2003 with 59% of those in the wildland urban interface near communities.

Western Governors are active participants in the Wildland Fire Leadership Council (WFLC), the interagency authority that is working to coordinate policy between the Department of Agriculture and the Department of the Interior with assistance from state, tribal and local governmental officials. WFLC has adopted field guidance for identifying and prioritizing communities at risk to catastrophic wildfire. This guidance was specifically called for in the 10-Year Strategy and was collaboratively developed by the National Association of State Foresters, the federal government and a number of other interests. The field guidance provides a process for state and locally driven collaborative efforts to make hazardous fuel projects prioritizations and selections that presents an alternative to top-down centralized management.

Using this guidance, federal, state and tribal officials have identified 3,100 treatments for hazardous fuel and restoration projects accounting for 1.9 million acres for Fiscal Year 2004. The actual target acres and treatments will depend on the Congressional appropriations received and not otherwise spent on suppression activities. The majority of these proposed treatments have two or more partners participating. Collaboratively developed fuel treatment projects for FY 2005 will be announced this month and we anticipate an increase in the number of projects selected and funded as a result of ever increasing collaboration.

The Healthy Forests Initiative and Restoration Act

The Healthy Forests Restoration Act (HFRA) (PL 108-148) signed into law by the President on December 3, 2003 codifies much of the Strategy's collaborative structure and process into statute. Although there was not complete agreement among the Western Governors on all of HFRA's provisions, all Western states will take advantage of parts, if not all of its provisions now that it is the law of the land. The legal and administrative changes have only very recently been enacted, relatively speaking, but we believe that these new authorities if implemented in close cooperation with states and local partners, as well as with sufficient levels of federal funding will be effective. We believe that was the intent of the new authorities, but it will be up to the local land managers to ensure that intent is fulfilled. With close collaboration, HFRA and its related administrative changes may help to successfully meet part of the forest health challenge we face in the West.

One demonstration of the need for continued collaboration on-the-ground, is illustrated by the work by WGA, the Society of American Foresters, The National Association of Counties, the National Association of State Foresters and the Communities Committee of the 7th American Forest Congress. Together with these organizations, we developed "PREPARING A COMMUNITY WILDFIRE PROTECTION PLAN, A Handbook for Wildland-Urban Interface Communities."

The idea for community-based forest planning and prioritization is not new. Prior to HFRA, almost 1200 communities had already established wildfire plans. However, the incentive for communities to engage in comprehensive forest planning and prioritization was given new impetus with the enactment of the HFRA. This legislation includes meaningful statutory incentives for the US Forest Service and the Bureau of Land Management to give consideration to the priorities of local communities as they develop and implement forest management and hazardous fuel reduction projects.

In order for a community to take full advantage of this new opportunity, HFRA requires that a community must first prepare a Community Wildfire Protection Plan (CWPP). Local wildfire protection plans can take a variety of forms, based on the needs of the people involved in their development. CWPPs may address issues such as wildfire response, hazard mitigation, community preparedness, or structure protection—or all of the above. The process of developing a CWPP can help a community clarify and refine its priorities for the protection of life, property, and critical infrastructure in the wildland urban interface. It also can lead community members through valuable discussions regarding management options and implications for the surrounding watershed. HFRA provides maximum flexibility for communities to determine the substance and detail of their plans and the procedures they use to develop them. Because the legislation is general in nature, some communities may benefit from assistance on how to prepare such a plan. The *Handbook* is intended to provide communities with a concise, step-by-step guide to use in developing a CWPP and we commend it to all of those interested in mitigating the potential impact of catastrophic wildfires on communities.

Stewardship Contracting

Western Governors also believe that stewardship contracting can be a useful tool for accomplishing hazardous fuel reduction activities. Stewardship contracting allows a private entity undertaking forest health treatments to recoup some of the cost of that treatment by selling the byproducts produced thus offsetting costs charged to the federal government. We commend Congress for providing this authority in the FY 2003 Omnibus Appropriations Act. Congress should now authorize the Secretaries of Agriculture and the Interior to enter into agreements with interested Governors for the state to work in partnership with federal officials to implement stewardship projects in appropriate locations throughout the state and across multiple ownerships. The state's role in each project would be negotiated, but could range from project planning and environmental assessment to community outreach and contracting for treatment. Federal personnel would retain the final decision-making authority on federal lands as required by law. Such a partnership between state and federal governments could accomplish vital proactive fuel treatment projects. Monitoring and adaptive management need to continue to be a part of the stewardship program to ensure accountability and public trust in the program.

Wildland Fire Suppression -- Pre-positioning of State Firefighting Resources
Title II of the proposed National Drought Preparedness Act of 2003

It is proven that both costs and acres damaged can be reduced when wildfire crews get a jump on fires and extinguish them while small. Coordination, partnering and positioning of resources are central to successful initial attack. Current legislative authorities that were intended to reimburse states for pre-positioning of personnel and equipment from outside their jurisdiction do not function properly, making a legislative solution vital. This issue was not addressed in the Healthy Forests Restoration Act.

Currently the Federal Emergency Management Agency has authority to reimburse states for pre-positioning to combat wildfires on federal lands. Yet, this reimbursement is available for only two-weeks following a FEMA declaration and this authority actually acts as disincentive to states. When states proactively and effectively extinguish a fire before it becomes an emergency, they do not qualify for reimbursement. Conversely, when state efforts fail at initial containment and a large fire ensues, they are rewarded by FEMA.

Looking at wildfires from 1992-2001, 98% of wildfires were successfully extinguished during initial attack. Yet, from that 2% that escaped initial containment and grew into large fires consuming 94% of all acres burned, we incur 80% of wildfire suppression costs. In 2002, the Hayman fire in Colorado, the Rodeo-Chedeski fire in Arizona and the Biscuit fire in Oregon are poster-boy examples of large fires with large costs where initial attack efforts failed.

If we hope to improve initial attack success thereby drastically reducing the costs of suppression, we need to be sure that states are acting proactively with appropriate assistance to maximize their response success during periods of high fire danger. Congressional action is imperative. Title II of the National Drought Preparedness Act of 2003 (S. 1454 by Sen. Domenici and Baucus), contains language that would solve the problem by amending existing FEMA authority under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5131 et seq.). Under the Domenici-Baucus bill, the trigger for reimbursement would be based on the U.S. Forest Service severity indices (Forest Service handbook 5192.2) removing the need for an incident declaration. These rules govern how the Forest Service allocates and determines pre-positioning of its own resources. The House companion bill to S. 1454 (H.R. 2871 by Rep. Hastings and Rehberg) does not include the pre-positioning title due to jurisdictional concerns.

WGA has urged and continues to urge Congress to enact the National Drought Preparedness Act of 2003, including the pre-positioning title, in order to establish a national drought policy that supports states' efforts to become more proactive in responding to the threat of wildfires.

Rural and Volunteer Fire Department Efforts

Often completely volunteer, rural and volunteer fire departments are frequently the first to respond to a fire start in both wildland and wildland-urban interface areas. The nation's rural fire departments provide front line protection to communities and natural resources threatened by wildland fire. The ability of these local firefighters to quickly and efficiently contain a fire start during their initial response can dramatically reduce damaging wildfire impacts and tremendous public costs. Fire suppression in the interface requires a unique combination of skills and a tremendous amount of interagency coordination to be effective. When even one member of this partnership is unable to coordinate their response actions, significant and unacceptable loses do occur.

According to the National Fire Protection Association, there are more than one million active firefighters serving in local fire departments across the nation. A significant portion of this community-based protection is provided by more than 24,000 rural fire departments with over 658,000 volunteer firefighters. This contrasts to the less than 16,000 full-time and seasonal wildland firefighters employed by the federal agencies.

As called for the 10-Year Strategy, a steering group on the readiness of rural and volunteer firefighters performed an assessment. The following critical issues and actions were brought forward and warrant Congressional attention:

Although assistance programs for local fire departments exist, few resources are focused on the specific needs of rural and volunteer firefighters in the wildland-urban interface. The authors of the report call for a public investment in firefighting preparedness and increased interagency coordination at the local level. They believe such an investment will ultimately strengthen all wildland firefighting and emergency response efforts.

The report titled *The Changing Role and Needs of Local, Rural, and Volunteer Fire Departments in the Wildland-Urban Interface* highlights the importance of community-based first responders in quickly and effectively containing wildland fire starts before they become damaging, large-scale wildfires. The organizations that drafted the report called on lawmakers to support implementation of key recommendations that focus on initial fire response, firefighter training, comprehensive community fire planning, better integration of local forces into large-scale suppression efforts, interagency communications and the establishment of a "reserve firefighter" program.

The WGA commends this report to your attention. I have included a copy with my oral testimony.

Strategic Issues Panel on Fire Suppression Costs

The Wildland Fire Leadership Council chartered an interagency Panel to examine how to contain the costs of large fires. The WGA is chairing this panel. The 2003 fire season burned more than 3.7 million acres nationally and cost $1.5 billion to suppress. Many factors contributed to the high cost of fire suppression in 2003, including prolonged drought in the West; the need for agencies to support each other in fighting fires, the hot,

dry conditions in northern Rocky Mountains; the concentration of 2003 fires in forested areas where fires are difficult and expensive to contain; the increased need to protect structures in the "wildland urban interface" areas, the need to protect local property and economic values, and the high cost of deploying resources to prevent the spread of large fires.

The Strategic Issues Panel is developing new recommendations and guidance on the implementation of existing ones, including those identified in the Governors' 10-year strategy. The Panel will explore the relationship of large fires to land management plans and practices and whether new strategies would improve forest health and contain fire suppression costs. The panel will take a collaborative approach in seeking information from a broad range of stakeholders and in developing its findings and recommendations.

The panel is expected to issue recommendations in late spring. The report, at a minimum, will include findings, specific actions and recommendations on:

- The barriers and obstacles to cost containment,
- The strategies for cost containment success,
- The impediments to equitable sharing of suppression and cost apportionment among all jurisdictions,
- The criteria to measure cost containment success, and
- The relationship of fire management plans and resource management plans to suppression costs.

States and local governments are doing everything in their power to address the problem on state and private lands, and are concerned about cost shifting onto the backs of state and local government. The majority of western forests are under federal ownership and management and the situation we face is a direct result of past management practices on these lands. Therefore, the responsibility to pay for fire suppression is largely a federal responsibility. Congress should pass legislation to prevent the current practice of "borrowing" from fuels reduction funding sources to pay for suppression. By fully funding HFRA at the promised level of $760 million in new monies, we can achieve a tremendous amount of work on the ground which will result in reduced costs in fire suppression for the future.

Congress should closely consider the recommendations that are developed. Any cost saving that can be wrung out of suppression efforts should be reallocated to increase appropriations for the proactive forest health work called for in the Strategy and the HFRA. The only way to permanently decrease the funding needed for suppression is to provide the long-term funding that the states believe is required for proactive thinning, restoration/rehabilitation of forested lands and community assistance. Only then will catastrophic fires begin to become a thing of the past.

Adequate Funding is a Necessary Ingredient

Western Governors have consistently advocated for sufficient federal funding to tackle this growing problem. Hopefully, my testimony has made clear that it is hard to conceive of any other issue which is of greater importance to our Western States than this one.

To lead and assist communities in helping themselves, there are a number of tools available to the federal government. The USDA Forest Service and Department of Interior have a number of programs that fall under the broad category of community fire assistance. These Community Fire Assistance programs are designed to address wildfire response and hazard mitigation on non-federal lands. All of these programs leverage many times the level of federal investment and helps to spur communities in the direction of community wildfire protection.

- The cornerstone of these programs is the **State Fire Assistance** program. The program requires matching funds to deliver two primary objectives; improve state readiness and reduce hazardous fuel loads on non-federal lands.
- There are three programs that help rural and volunteer fire departments improve their wildland fire preparedness; **Volunteer Fire Assistance** (USFS), **Rural Fire Assistance** (BLM) and **Firefighter Assistance Grants** (FEMA). Taken together, these three federal programs provide fire departments essential wildland fire equipment and training as well as organizational assistance to form rural fire protection districts.
- The newest program, called the **Community & Private Land Fire Assistance** program, is designed specifically with communities in mind. It is meant to be a comprehensive, one-stop shop for all community fire assistance needs. From planning projects through the Community Wildfire Protection Plans under the Healthy Forests Restoration Act to clearing defensible space, the CPLFA program is the one place communities can go to do it all.
- The **Economic Action Program** helps communities develop the market and business infrastructure necessary to treat and find uses for all the fiber being removed with fuel treatments. The results are more jobs in the local communities and reduced fuel treatment project costs as the biomass being removed can be utilized by the private sector.

All these community fire assistance programs encourage more federal, state and local relations and cooperation. They are a key ingredient in reducing the risk of wildfire to communities.

Select Western State Case Studies and Highlights on Collaboration

Montana

In Montana we have learned that there is common ground, and that there is opportunity for advancement. We proved we can move forward and we can make a difference. We can have exceptional water quality, abundant wildlife, flourishing fisheries and a host of other benefits, including economic opportunity through thoughtful forest management.

The Georgetown Lake Interagency Fuels Reduction Project is a partnership between the Georgetown Lake Volunteer Fire Department, Montana Department of Natural Resources and Conservation (DNRC), Headwaters RC&D, the US Forest Service, and homeowners living in the WUI. Treatments to reduce fuels have been performed across landownership that makes the best use of funding and resources. So far, 28 hazardous fuels contracts have been completed at an average cost per acre of $882. In all, 52 homesites have been treated along with fuel reduction on 60 acres, with plans to treat the adjacent federal lands. In the southwest part of the state, the DNRC is working with cooperators in administering 13 national Fire Plan Fuels Treatment Projects in eight communities resulting in 1,165 acres of treatment, and 1,070 homes made safer in the treatment area. Additionally, 70 acres of State lands within the WUI have been treated.

In partnership with the Bitterroot, Northwest, and Headwaters Resource Conservation and Development Councils, the tri-county fire council, and fire departments in Bigfork and the Missoula Valley, DNRC has nearly $3 million in fuel reduction projects beginning July 1, 2004 that will enable hundreds of forested homeowners to thin fuels around their homes, in locations spanning from Lincoln County to Missoula and Ravalli Counties in the north and southwest, to Lewis and Clark and Deer Lodge counties, to Carbon and Musselshell counties in the eastern part of the state..

DNRC participates in an interagency (BLM, USFS, DES, MACO, Fire Chiefs Assn., etc) group that is coordinating fuel reduction grants and projects around the state, in addition to facilitating the preparation of County Pre-disaster Mitigation Plans as required by FEMA in all Montana Counties by November 2004. They are working to ensure these PDM plans also meet the requirements of the Community Wildfire Protection Plans, which establish WUI boundaries as required by the HFRA for forest management projects to qualify as being in the interface, and may influence where federal funds are allocated for implementation on the National Forest System.

In Darby, Montana has the only Fuels for Schools Boiler currently operational in the western U.S., and has at least two more boilers at Philipsburg and Eureka that we expect to be operational within the next year. We have completed feasibility studies on approximately 20 additional schools, and identified the highest priority schools should additional funding become available.

New Mexico

In 2003, the New Mexico legislature created the New Mexico Fire Planning Task Force to work with local governments to reduce the threat of wildfires. The Task Force has membership from all levels of government and includes tribal participation as well. The Task Force has identified 220 communities within 18 Community Protection Zones in the state, and has indicated that 133 of those communities are at a high risk from wildfire. The Bureau of Indian Affairs, in consultation with tribal entities rated 34 communities at risk from wildfire. These communities at risk assessments will be updated annually. With this assessment in hand, New Mexico is in the midst of fuels treatment in the amount of 68, 918 acres including approximately 26,500 in the wildland urban interface.

Idaho

County planning effort across all of Idaho's counties are engaged. It is anticipated that every county in Idaho will have completed a collaboratively developed County Wildland Fire Assessment and Mitigation plan by the end of the 2004 calendar year. Wall-to-wall coverage in Idaho is a result of Governor Kempthorne's leadership in development of the Idaho Statewide Implementation Strategy for the National Fire Plan and excellent response and leadership at the local level by Idaho's counties and state and federal land management agencies).

- In essence, county plans contain not only the minimal requirements of the CWPP, but have far exceeded the minimum requirements in most cases, and therefore, will suffice as the CWPP for HFRA. There is some backing up to do in several counties in Northern and North Central Idaho where the federal projects were not initially included or consulted during the County planning process, and those efforts are on-going now. County plans have been developed collaboratively with open public processes and have been designed to satisfy:

    - The National Fire Plan/Western Governor's Collaborative Strategy/Idaho Statewide Implementation Strategy for the National Fire Plan
    - The FEMA/Bureau of Disaster Services wildfire chapter of the County all-hazard plans which are required by November 2004
    - The Healthy Forests Restoration Act's Community Wildfire Protection Plan

- $850,000 of Forest Service hazardous fuels dollars (Stevens authority) in partnership with the State Forester is being made available to Idaho's counties and communities for hazardous fuels reduction projects on non-federal lands in the wildland urban interface, adjacent to active Forest Service projects. The purpose of these projects is to minimize risk to communities from prescribed fire originating on the Forest Service lands. 1000-1500 acres will be thinned and treated to reduce risk over a three-year period. Project prioritization recommendations will be made by County Wildland Fire Interagency Groups, the Idaho Department of Lands, the U.S. Forest Service, and the Idaho State Fire Plan Working Group prior to a final selection of projects for funding by the Idaho State Forester in June of 2004.

    - Fuels for Schools – two pilot projects are underway in Idaho. The purpose of these projects is to expand the use of small-diameter trees removed in hazardous fuels reduction projects to heat local public schools. The two potential projects at Bonners Ferry and Council are expected to be operational by the fall of 2004. The Fuels For Schools program is a partnership program between the Region 1 and 4 Regional Foresters and the Idaho State Forester.

    - Wildland/Urban Interface Fuel Treatments - 3374 acres of hazardous fuels reduction work on non-federal land, i.e. homeowner and community defensible space projects have been accomplished by county and community partners of the Idaho Department of Lands and Forest Service since 2001.

Colorado

In Colorado, the Front Range Fuel Treatment Partnership (FRFTP) is the best example of cross-jurisdictional collaboration, planning and implementation on forest health. Efforts have begun in six high-priority landscape-scale areas. Work included planning and coordination of treatments between state and federal agencies, local governments and private landowners to address insect infestations, other forest health problems and fuels.

Collaboration on the science of fuel treatments is critical as well. Colorado has established The Wildland Fire Geo-Spatial Support Center on a cooperative basis with Environmental Systems Research Institute Inc., The US Forest Service and the Colorado State Forest Service to support fuel mitigation and fire protection in the FRFTP area. One of the proposed treatment projects, for example, covers 250 square miles of forest land and accurate geo-spatial data is imperative if treatments are to come up to scale. A FRFTP web site has been established at (http://www.rockymountainwildlandfire.info/frftp.htm) to aid in information dissemination to communities, landowners and partners.

Funding has been approved for nine projects under the FRFTP that will improve forest health conditions, treat existing pest-infected trees, and reduce fuels on state and private lands. These projects are in the wildland-urban interface. Planning and pre-work are underway and full-scale operations have begun across project lands of more than 750 acres. In addition to the FRFTP-funded projects, 56 FY 2003 Competitive State Fire Assistance sub-grants totaling $2,137,550 have been approved for various entities within the FRFTP project area.

Arizona

The 2002 Rodeo-Chediski fire (462,000 acres; 426 structures lost) and the 2003 Aspen fire (84,750 acres; 333 structures lost) exemplify what is at stake in the wildland-urban interface for the state. As part of Governor Napolitano's comprehensive forest health and safety plan the Arizona State Land Department has prioritized wildfire mitigation efforts on protecting homes and communities in the wildland-urban interface. This does not preclude the need to restore all of Arizona's forests to a healthy condition, but ensures that limited state resources are directed to the highest priority areas and the protection of Arizona's citizens.

The results are notable. Since the inception of the National Fire Plan in 2001, the state has treated 29,355 acres within the wildland-urban interface, resulting in the protection of 12,145 homes. Further, federal community fire assistance investments have leveraged over $10 million from the local communities. The result of that federal investment has spurred local action and resulted in twice as much work getting done on the ground.

Through the collaborative processes set up by the Governor that involve federal, state and local stakeholders, the state is working to help communities write community wildfire plans. And with the state in an above average potential for wildfire for April through June this year, Arizona is facing a continued challenge in mitigating wildfire's impacts on communities.

California

In October 2003, Southern California experienced the most devastating wildland urban interface fire disaster in its history. A total of 739,597 acres were burned, 3,631 homes were destroyed, 36 commercial properties were incinerated, 1169 outbuildings destroyed, 246 people were injured and 24 lives were lost, including one firefighter. The aftermath of the fire saw even greater loss of life when 16 people perished in a flash flood/mudslide due to loss of vegetation impacted by the fires. The state established a Blue Ribbon Fire Commission that conducted a review of the efforts to fight these fires and present recommendations to lessen the vulnerability to such disasters in the future.

One of the key findings from the California report is that community involvement is essential to helping implement necessary fire prevention and fire safety programs at the local level. For example, during the Old Fire in California last fall, the San Bernardino County mountain communities surrounding the greater Lake Arrowhead area were threatened and mandatory evacuation orders were issued to all residents. Approximately 80,000 residents evacuated during this period. No one was trapped or injured in the Old Fire. Instrumental in the successful evacuation of the residents was the fire and disaster preparedness work of the partnerships of the Fire Safe Councils.

Arrowhead Communities Fire Safe Council, Mountain Rim Fire Safe Council, and the Big Bear Fire Safe Council worked directly with agencies of the Mountain Area Safety Taskforce (MAST) to develop strategic evacuation pre-fire planning. Utilizing "town-hall meetings" with educational pamphlets, maps and news releases, these volunteer groups helped properly prepare residents well in advance of the 2003 wildfire siege. The pre-fire activities of the area helped to improve the ability of the people and homes to survive.

The Fire Safe Council program is one of the active partnerships by local communities with public agencies for the purpose of community education and fire safety practices. Major partners include the California Department of Forestry and Fire Protection (CDF), San Bernardino County Fire Department, US Forest Service, Cal Trans, San Bernardino County Sheriff's Department, Southern California Edison, the California Conservation Corps and several local fire districts. The Fire Safe Council fulfills its mission to preserve California's natural and manmade resources by mobilizing all Californians to make their homes, neighborhoods and communities fire safe, by utilizing the combined expertise, resources and distribution channels of its members.

The Fire Safe Council and MAST programs are community-based programs that should be identified as "model programs" demonstrating best practices. They have proven to be an extremely beneficial partnership between the community residents, business owners and responsible governmental agencies.

Conclusions

Thank you again for holding this very important hearing. This is an issue of great importance to those of us from the West. We are hopeful, however, that in utilizing these new authorities; with continued attention by Congress; continued collaboration and cooperation between federal agencies, states, and local stakeholders; and with adequate funding, we will continue to make progress towards fixing this problem. As I noted earlier in my testimony, there are few issues which are of greater importance to the West and we urge Congress to continue to make forest health a priority.

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Mr. DAVIS. Thank you. We have a vote on. I thank the witnesses for being here today. It is an important fact-finding hearing for us, and I want to commend you Mr. Chairman, for holding it.

Mr. OSE. Thank you, Mr. Davis.

Mr. Shays.

Mr. SHAYS. I thank the gentleman for holding this important hearing. Obviously, we can learn a lot that needs to be learned. Thank you.

Mr. OSE. Thank you.

All right. We're going to recess for the purpose of getting over to vote, and we'll be back as quickly as possible. I'd ask the witnesses to stay in close proximity.

[Recess.]

Mr. OSE. We'll come to order again. I want to apologize for the break. I want to welcome our two remaining panelists on panel one. Again, the Assistant Secretary for Policy, Management, and Budget at the Department of Interior, Ms. Lynn Scarlett, welcome; and the Under Secretary for Natural Resources and the Environment at the Department of Agriculture, Mr. Mark Rey. Both are welcome. We have received both of your testimonies and I've actually read both of them, so don't be shocked by that.

Now, in this committee as a matter of practice we swear in all of our witnesses, so we're going to have you all rise and be sworn in.

[Witnesses sworn.]

Mr. OSE. Let the record show the witnesses answered in the affirmative.

Our first witness on panel one is the Assistant Secretary for Policy, Management, and Budget at the U.S. Department of Interior, Ms. Lynn Scarlett.

Ma'am, you are recognized for 5 minutes. Please keep in mind we've received your testimony, we've reviewed it, we're making it a part of the record. If there's something you care to summarize or add to it, this is the time to take advantage.

STATEMENTS OF P. LYNN SCARLETT, ASSISTANT SECRETARY FOR POLICY, MANAGEMENT, AND BUDGET, DEPARTMENT OF INTERIOR; AND MARK E. REY, UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT, DEPARTMENT OF AGRICULTURE

Ms. SCARLETT. Thank you. Thank you very much, Mr. Chairman and members of the committee, for this opportunity to discuss wildland fire. We thank you for your support in helping us to reduce the risk wildland fire poses to people, communities, and our natural resources—risks so evident as fires burn in California this very day.

President Bush announced his Healthy Forests Initiative in August 2002, as we are aware. The chief purpose of that initiative was to help us expedite fuels treatment projects so that we could begin to quickly and efficiently tackle the buildup of fuels on our ranges and forests.

To achieve this goal, the Council of Environmental Quality issued streamlined environmental assessment guidelines for fuels treatment projects. The environmental assessments are now two to

five times shorter than those only a year ago. We have completed nine projects, piloting the guidance. None of the streamlined environmental assessments has been appealed or challenged in courts.

The second tool that we put forth under the Healthy Forests Initiative was through the Departments of Agriculture and Interior jointly adopting a new categorical exclusion for certain types of fuels treatment activities and post-fire restoration. Although the tool just became available after the 2004 fuels program was finalized, the bureaus have recognized its value and are beginning to utilize it. We have done one project under a categorical exclusion, for example, at Big Cypress National Preserve on 1,000 acres to reduce dense brush along a highway.

Third, we have improved procedures for meeting the goals of the Endangered Species Act. In January of this year, the Departments of Interior, Agriculture, and Commerce finalized regulations making the consultation process under Section 7 of the act more effective for fuels treatment projects. Alternative conservation agreements under that new approach are now in place with the Forest Service and the Bureau of Land Management.

Fourth, the director of the Fish and Wildlife Service and the Assistant Administrator of NOAA issued guidance in December 2002 directing staff to look at the long-term benefit of fuels treatments to plants and animals rather than just short-term impacts of a given fuels treatment project.

In addition to these tools, Congress has made it easier for us to get fuels off the land. The President sought, and in 2003 the Congress provided, long-term stewardship contracting authority for the Bureau of Land Management and expanded the limited authority previously granted to the Forest Service. Stewardship contracts or agreements allow communities, tribes, private companies, and others to retain forest and rangeland products in exchange for performing services for the BLM such as fuel reduction projects. The BLM has begun using this tool. They issued field guidance in January of this year and are already on track to award over 30 contracts in 11 States, with another 80 projects in various stages of planning for 2005.

One such project is the Walker/Mono Basin project near Bishop, CA, that will remove fuels from 2,000 acres within the wildland urban interface using a stewardship contract.

To further assist agencies in reducing risks of catastrophic wildland fire, Congress passed the Healthy Forests Restoration Act, which President Bush signed in December 2003. We have responded swiftly to implement the legislation. In February of this year, the Bureau of Land Management and the Forest Service issued field guidance to implement the act. Above all, working closely with communities is central to the Health Forests Initiative and Healthy Forests Restoration Act.

The principal entity overseeing implementation of the National Fire Plan is the Wildland Fire Leadership Council, on which sit States, local governments, tribal governments, in addition to Federal agencies. I have chaired this council over the last year. How we work with our partners varies across States and across localities. In California, the collaborative effort falls to the California Fire Alliance, a cooperative group consisting of Federal land man-

agement agencies, the California Department of Forestry and Fire Protection, the Governor's Office of Emergency Services, and the California Fire Safe Council and others. In Florida, local collaboration occurs through prescribed fire councils, local cooperative associations, and local divisions of the Florida Division of Forestry.

Numerous other examples of Federal collaboration with our State, tribal, and local partners are a driving force behind all our efforts.

The 10-Year Comprehensive Strategy gives States the lead in prioritizing communities at risk from wildland fire. Last June, the National Association of State Foresters proposed a methodology for all States to use in expanding collaboration and cooperation to better prioritize fuels treatment projects. Reducing risks in the wildland-urban interface is our highest priority. We dedicate over 60 percent of hazardous fuels reduction dollars to projects in or near the wildland-urban interface. From the beginning of fiscal year 2001 to the end of fiscal year 2004, the Department of the Interior will have removed hazardous fuels from over 4 million acres nationwide, including 1.2 million acres in the wildland-urban interface.

Mr. OSE. Ms. Scarlett, if I might, one thing I've learned here is that the red light comes on to remind the witness that they need to wrap up.

Ms. SCARLETT. Sorry. Didn't see that red light.

Mr. OSE. OK.

Ms. SCARLETT. I will wrap up.

Just to conclude, the investments that we have made are allowing us to, in California, alone, expend some $21 million, which is an increase of over 50 percent compared to 2001, to tackle these problems.

Mr. Chairman, we understand the problems facing the Nation and California. As we sit here today, a number of fires burn in southern California. It is our intent through the wildland fire efforts that we have underway in our fuels reduction projects to begin to change the trendline and turn the corner around these challenges that we face.

Thank you very much. I look forward to answering any of your questions.

Mr. OSE. Thank you.

[The prepared statement of Ms. Scarlett follows:]

Statement of P. Lynn Scarlett
Assistant Secretary for Policy, Management and Budget
United States Department of the Interior
Before
House Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs
Concerning
Administration's Regulatory Response to Wildland Fires in the West
May 5, 2004

Mr. Chairman and members of the Committee:

Thank you for the opportunity to meet with you today.

We thank you and your committee for helping us to reduce the risk wildland fire poses to people, communities, and natural resources.

You specifically asked that I address the Administration's regulatory response to wildland fires and how increased cooperation with state and local partners is helping to lessen that threat. Let me address each of your concerns in turn.

President Bush announced his Healthy Forests Initiative in August 2002. Its chief purpose was to speed up implementation of the National Fire Plan's 10 Year Comprehensive Strategy and Implementation Plan by cutting through needless red tape and allow hazardous fuels to be removed more quickly and efficiently from forests and rangelands.

The President's direction resulted in specific actions.

First, the Chairman of the Council of Environmental Quality issued streamlined environmental assessment guidelines for fuels treatment projects. He directed that environmental assessments return to being the brief, concise documents envisioned by Congress when it passed the National Environmental Policy Act in 1970 but which had become bloated over time. New hazardous fuels environmental assessments are less than twenty pages in length; this makes them two to five times shorter than those of only a year ago.

At Interior we have held training sessions on the new guidelines, completed nine projects piloting the guidance, posted results on the internet, and held a lessons-learned conference. None of the streamlined environmental assessments were appealed or challenged in the courts and all of the projects are in various stages of completion. All new environmental assessments for fuels treatments—including those done under the Healthy Forests Restoration Act passed by Congress last December—will follow the new template, saving time and money for investment in actual fuels removal.

Second, in June 2003, the Departments of Agriculture and Interior jointly adopted a new categorical exclusion for certain fuels treatment activities and post-fire restoration. Even though the new categorical exclusion became available after the 2004 fuels program was finalized, the bureaus recognized its value and quickly found ways to use it.

For example, managers at Big Cypress National Preserve employed it to begin treatment of 1,000 acres of dense brush along highway 41 near park headquarters, to rave reviews from local residents. The original prairie had been converted to agricultural land then reverted to brush when farming stopped. The use of the categorical exclusion has permitted the park to reduce more quickly the risk of fire at a lower cost, and will allow managers to begin to reestablish a prairie plant community more in keeping with park natural resource management objectives.

The categorical exclusion will be used extensively in the 2005 fuels reduction program.

Third, we have improved procedures for meeting the goals of the Endangered Species Act. In January 2004, the Departments of the Interior, Agriculture, and Commerce finalized regulations making the consultation process under Section 7 of ESA more effective for fuels treatment projects. It allows the U.S. Fish and Wildlife Service (Service) or National Oceanic and Atmospheric Administration Fisheries (NOAA Fisheries) to enter into Alternative Consultation Agreements with fuels-treating agencies so that agency scientists—after training and with monitoring and oversight—can determine which fuels treatments are "not likely to adversely affect" any listed species or designated critical habitat. Not only does this save agencies time, it also enables the Service and NOAA Fisheries to focus their limited resources on consultations involving activities that are more likely to have some adverse effects on endangered species.

The agencies have begun implementation. Alternative Conservation Agreements are now in place with the Forest Service and the Bureau of Land Management. The Fish and Wildlife Service and NOAA completed the first training sessions with personnel from these agencies in March 2004. They have scheduled a web-based training system to go live this week.

Fourth, the Director of the Fish and Wildlife Service and the Assistant Administrator of the National Oceanic and Atmospheric Administration issued guidance in December 2002 directing staff to look at the long-term net benefit of fuels treatments to plants and animals rather than just short term impacts of a given fuels treatment when staff evaluates proposals. This broader view is inculcated into the process.

In addition to these tools, Congress has made it easier for us to get fuels off the land.

The President sought, and in 2003 the Congress provided, long-term stewardship contracting authority for the Bureau of Land Management and expanded the limited authority it had previously granted to the Forest Service. Stewardship contracts or agreements allow communities, tribes, private companies and others to retain forest and rangeland products in exchange for performing services for the BLM, such as fuel reduction treatments, riparian improvements, thinning trees and removing dead wood.

The BLM issued field guidance in January 2004 and is on track to award over 30 contracts in eleven states this year and with another 80 projects in various stages of

planning for 2005. Twenty-two of the 2004 projects include hazardous fuels removal from at least part of overall project acreage which exceeds 20,000 acres.

One such project is the Walker/Mono Basin project near Bishop, California that will remove fuels from 2,000 acres within the wildland urban interface. The contractor will thin overstocked Pinyon-juniper stands near the community of Walker and "contour fell" fire-killed trees, a practice which reduces soil erosion and increases slope stability. As a side benefit, the BLM will offset a portion of the rehabilitation costs with the value of firewood generated from thinning.

As BLM staff and the communities get more familiar with this new tool, the Bureau will continue to increase the number of acres under stewardship contracts as larger projects are added to the annual schedule of work.

Congress passed the Healthy Forests Restoration Act (HFRA), which President Bush signed in December 2003. Title I targets lands managed by the Bureau of Land Management and the Forest Service. The Departments of Agriculture and the Interior have responded swiftly to implement the legislation. In February 2004, the Bureau of Land Management and the Forest Service issued a joint Interim Field Guide on the implementation of HFRA. Each bureau has conducted training sessions, including a nationwide teleconference. BLM's March 11th interactive satellite conference featured my colleague, Assistant Secretary Rebecca Watson, BLM Deputy Director Fran Cherry,

and other senior bureau officials. It was required viewing for all field office managers. BLM will make full use of the tools HFRA offers.

Let me now turn to the second of the two concerns identified in the invitation letter—community involvement.

Mr. Chairman, from the beginning of the National Fire Plan in 2000, partnerships have been at the center of our efforts to lessen the threat of wildland fire. It is no surprise, therefore, that we find references to the need for collaboration between local, tribal, state, and federal actors highlighted in all the major statutes and administrative policies aimed at lowering the risk of wildland fire. From the National Fire Plan, to the Conference Report for the 2001 Interior Appropriations Act, to the 10-Year Comprehensive Strategy, to the Healthy Forests Initiative, to the Healthy Forests Restoration Act, the call for working with others rings loud and we are acting accordingly.

The principle entity overseeing implementation of the National Fire Plan is the Wildland Fire Leadership Council on which sit representatives of state, local, and tribal governments in addition to Federal agencies. I have chaired this council over the past year.

How we work with our partners varies across the country because the states, through their state foresters, have the lead in coordinating local input and they are quite active. Their approaches vary but we are actively working with them.

Let's look at some of the working relationships.

In California the collaborative effort falls to the California Fire Alliance, a cooperative group consisting of Federal land managing agencies, the California Department of Forestry and Fire Protection, the Governor's Office of Emergency Services, the Los Angeles County Fire Department, and the California Fire Safe Council. The California Fire Safe Council represents over 100 local fire safe councils.

In Florida, local collaboration occurs through Prescribed Fire Councils, local cooperative associations, and local divisions of the Florida Division of Forestry. The Division of Forestry has the lead—with public input—for prioritizing wildland urban interface areas.

In Idaho, a 14-agency National Fire Plan Working Group oversees activities. Within the state all 44 counties are engaged in wildland fire assessment and mitigation planning (with the help of BLM assistance agreements).

In Montana all the federal land managing agencies, along with the State Forester, State Disaster and Emergency Services, Montana Association of County Officials, and the Montana County Fire Wardens, have created the National Fire Plan Coordinating Group.

In Nevada, the state has contracted with the Nevada Fire Safe Council to complete a risk assessment for every threatened community. County officials, 19 local fire safe councils,

local fire departments, and all federal agencies are involved in fire and fuels planning in the state.

New Mexico has charted an Interagency Coordination Group to facilitate planning and implementation of the National Fire Plan.

Mr. Chairman, these are not the only examples of federal collaboration with our state, tribal, and local partners. The 10-Year Comprehensive Strategy gives the states the lead in prioritizing communities as risk from wildland fire. Last June, the National Association of State Foresters, proposed a methodology for all states to use in expanding collaboration and cooperation in order to better prioritize fuels treatment projects. The Wildland Fire Leadership Council reviewed and approved the methodology which begins with states categorizing communities by their level of risk from wildland fire.

Each year the level of collaboration and cooperation improves which better assures we are treating the right acres.

Mr. Chairman, I want to emphasize that reducing risks in the wildland urban interface is our highest priority. We dedicate over 60 percent of hazardous fuels reduction dollars to projects in and near WUI communities.

From the beginning of FY 2001 to the end of FY 2004, the Department of the Interior will have removed hazardous fuels from over four million acres nationwide, including 1.2

million acres in the wildland urban interface (WUI). We will treat 45 percent more acres in 2004 than we did in 2001, and our WUI total in 2004 will exceed that in 2001 by over 100 percent.

This year to date, we have removed hazardous fuels from over 660,000 acres across the country. Over 40 percent of these are in the WUI.

In California, the Department is pursuing an aggressive program to reduce hazardous fuels. Since the inception of the National Fire Plan we will have spent $88 million on fuels treatments in the state, placing it second among all states in monies invested in fuels treatments during this period. Over two-thirds of these dollars ($60 million) go into removing fuels from the wildland urban interface. Overall, these investments have allowed us to reduce fuels loads on some 190,000 acres in the state, of which 70,000 are in the wildland urban interface.

So far this year we have treated about 8,000 acres in California out of a projected 45,000 acres. We estimate expenditures of some $21 million in California, an increase of over 50 percent compared to 2001.

Mr. Chairman, we understand the problems facing the nation and California.

While the fire season nationally is expected to be near normal in terms of the number of fire and acres, the outlook for Southern California and much of Arizona, New Mexico,

Oregon, Washington, Idaho, and Montana indicates portions of these states are at risk of an above average fire season due primarily to an overabundance of fuels, continuing drought, and an increase of drought-stressed and insect-damaged trees and brush.

In California this could follow on the heels of fires last fall when Southern California experienced the most devastating wildland/urban interface fire disaster in California's history. The statistics are staggering: 739,597 total acres were burned; 3,631 homes, 36 commercial properties, 1,169 outbuildings were destroyed; approximately 500 farms were torched, costing $40 million in agricultural products alone; 246 people were injured and 24 lives were lost, including one firefighter. The vast majority of the damage to resources and improved property occurred on state or private lands.

Following the catastrophic California Wildfires of 2003, then-Governor Gray Davis, along with Governor-elect Arnold Schwarzenegger, established the Governor's Blue Ribbon Fire Commission. Larry Hamilton, Director of Fire and Aviation for the Bureau of Land Management, is a member of the Commission. The Commission conducted an extensive review of the firefighting response to the devastating fires.

The commission's recommendations for developing an interagency wildland vegetation management plan and establishing statewide fuel treatment objectives across ownership boundaries and jurisdictions are positive steps that can serve as a guide for many other states as well. Recommendations also focused on education for homeowners and fire-resistant building and subdivision designs, the need for improving collaboration and

consistency in wildland fire training, and communication across all agencies and departments. They note that accurate and timely information for both incident managers and the public is critical for effective operations and safety, and seamless access to firefighting resources – from aircraft to crews. These elements are critical to the safety of both firefighters and the public.

Overall, the Blue Ribbon Commission did a very thorough job. The findings and recommendations are timely, important, and will likely benefit all fire organizations in the future.

Mr. Chairman, with the help of Congress, state, tribal, and local officials as well as community groups and individual citizens we are making a difference but we all face a long and difficult road. The challenge is quite large, however, we have no choice but to address it if we are to be good stewards. With strong support from all our partners we will leave our forests, woodlands, and rangelands in better health than we found them.

Thank you.

Mr. OSE. Our next witness is a friend of mine in my time here in Congress. He's the Under Secretary for Natural Resources and the Environment, U.S. Department of Agriculture.

It's nice to see you again, Mr. Rey. You are recognized for 5 minutes.

Mr. REY. Thank you, Mr. Chairman. My statement for the record includes a summary of the Department of Agriculture's accomplishments under the National Fire Plan and Health Forests Initiative, comparable to that which Assistant Secretary Scarlett recounted for the Department of Interior, but I'll submit that for the record and instead talk a little bit about the fire season that we expect this year and then talk a little bit about funding for Healthy Forests Restoration Act programs.

While the fire season nationally is expected to be about average in terms of expected number of fires and acres, much of the interior West and southwest Alaska is expected to have the potential for an above-normal fire season. The combination of drought and an increased of drought-stressed and insect-damaged trees and brush has resulted in a greater potential for large wildfires in the West. A very warm March has led to a significant reduction of western snow packs, and southwest Alaska snowpacks are below normal, as well.

Late March and early April storms in the Southwestern States have delayed the onset of the fire season because it starts first in the Southwest and then moves North. However, the Southwest is expecting a rapid escalation to critical fire potential in Arizona and western New Mexico later this month and in June. June will also be an important month in determining the fire season's severity in the Northwest and the northern Rockies. A hot, dry June combined with current low snowpack would likely result in a severe fire season in both of these areas.

I'll refer you to the map over on the side, which you have before you. It gives you a detection variance where we predict above-normal fire seasons and below-normal. The green are below normal, the orange are above normal. That gives you a geographical sense of how the fire season should play out based upon the predictive models and the information available at the current time.

As Assistant Secretary Scarlett indicated, we are at work aggressively implementing the Healthy Forests Restoration Act, utilizing funds provided by Congress for fiscal year 2004.

I have to take respectful issue though, I think, with statements that I've heard in the press for later witnesses that analogize funding from Federal Government for programs to assist States as analogous to virga, or rain that falls from the sky but evaporates before it hits the ground. I think the specific reference here was to southern California. We went back and looked at program payout in southern California, and so far this year we have allocated four projects that are under way on the ground on Federal and non-Federal lands, $67 million to date. Now, I have been in Washington a long time, but I would have to tell you that if $67 million rained down out of the sky on me, I think I could feel the moisture. So there is a great deal of program implementation underway; however, we have looked at program payout in a number of the Forest Service and Natural Resources Conservation Service programs.

One of the limiting factors appears to be the non-Federal matching share either in dollars or in-kind. I've directed both the Forest Service and the Natural Resources Conservation Service to look at these programs in southern California, and, where possible, either reduce or defer, or in an emergency situation waive the non-Federal share if that will help accelerate program delivery on the ground, so that is underway.

Mr. OSE. That's a change.

Mr. REY. That is.

Mr. OSE. You're basically—I'm sorry to interrupt, first of all.

Mr. REY. Yes.

Mr. OSE. But, if I understand what you just said correctly, you are lowering thresholds, waiving some requirements on matching, and trying to make it easier for localities to respond with Federal assistance?

Mr. REY. Where we have that authority under existing law, we're looking at that, and I believe can do it, and it will help.

Mr. OSE. Thank you.

Mr. REY. So with that, I would be happy to respond to any of your questions, but I'd like to leave you with one thought, and I think it is relevant to the dissatisfaction of how fast program accomplishment is occurring, because I think there are some people who believed that with the passage of congressional legislation last year we would end all forest fires, and obviously that is not going to happen. This is a problem whose magnitude and scope is such that it's not a problem. It cannot be solved overnight through a concerted effort and a rapid and steady increase of our effort on the ground. This is a problem that will be with us, but can be resolved in 10 to 12 years time, but it is going to take that amount of time to deal with the problem that has been over 100 years in the making.

So with that we would both be happy to respond to any questions that you've got.

Mr. OSE. I thank the witness.

[The prepared statement of Mr. Rey follows:]

Statement of

Mark Rey
Under Secretary for Natural Resources and the Environment
United States Department of Agriculture

Before the
United States House of Representatives
Committee on Government Reform
Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs

Concerning

The Administration's Regulatory Response to Wildland Fires in the West

May 5 2004

INTRODUCTION

Mr. Chairman, thank you for the opportunity to provide testimony to you concerning the Administration's regulatory response to wildland fires in the West and how increased cooperation with our partners can reduce the overall threat of wildland fire in the future. The 2004 fire season is shaping up to be a challenging undertaking. While much of the nation is anticipated to be near normal in terms of acres burned and numbers of fires, portions of some states within the interior West and southwest Alaska are expected to have an above normal fire season. In my testimony today, I will touch on the current situation, the National Fire Plan, and the recent authorities that we are using to reduce the wildland fire threat.

For much of the twentieth century, wildland fires were generally thought to be bad for the environment, for timber resources, and for communities that were impacted. As a consequence, fires were suppressed as soon as possible. The resulting lack of fire had an unintended consequence across large areas of the landscape where fire had been a frequent phenomenon. Over time, the amount and structure of shrubs and trees increased. This build up of fuel, coupled with other factors such as long term drought, has led to increasing concerns about the overall wildland condition and particularly the health of our forest and rangelands.

The effects of recent catastrophic wildfires and the efforts to reduce hazardous fuels on forests and grasslands across this country have been at the forefront of local and national interest. In 2000 and 2002, the United States suffered two of our worst wildland fire seasons. The 2002 fire season burned roughly 7 million acres, including 2.5 million acres

on state and private lands, and destroyed more than 800 structures, while taking the lives of 23 firefighters.

In 2003, while the number of acres burned nationally was below the ten-year average, California suffered its worst wildland fire season in recorded history. California fires burned nearly 740,000 acres, over 3,600 homes were lost, and 24 individuals died, including one firefighter. The State and Federal agencies spent $157 million to contain the fires. A large portion of the damage to resources and improved property occurred on state or private lands. Sixteen people died in the floods and debris flows that followed as a result of the fires.

Following the devastating wildfires in California last fall, the Governor's Office in the State of California appointed a wildfire commission to examine the causes and make recommendations to avoid these losses in the future. The commission's report lists many recommendations on how the partner agencies can improve the response to wildland fires. The findings and recommendations are timely, important and will likely benefit all fire organizations in the future.

The Forest Service is committed to addressing the wildland fire and forest health issues through a long-term strategy that fosters a proactive, collaborative, and community-based approach to reducing wildland fires that complements with effective traditional approaches to fire suppression and fire-fighting readiness. The cooperative working relationship that we have with fire and fuels management organizations at the federal, state and local level is a model of agencies working effectively together towards achieving a common goal. With new authorities, including the Healthy Forest Restoration Act provisions, we are confident that we can make significant positive changes to restore the health of our National Forests and Grasslands. Restoring and rehabilitating our fire adapted ecosystems may be among the most important task that the Forest Service undertakes.

NATIONAL FIRE PLAN

Almost 4 years ago, we set out as a Nation to maintain and restore our fire-adapted ecosystems through the National Fire Plan. Since the 2000 wildland fire season, federal agencies have worked through the National Fire Plan to develop a long-term program to reduce fire risk and restore healthy fire-adapted ecosystems in the Nation's forests and rangelands. The National Fire Plan's goals are to ensure sufficient firefighting resources for the future; to rehabilitate and restore fire adapted ecosystems; to reduce fuels (combustible forest materials) in forests and rangelands at risk, especially near communities; and to work with local residents to reduce fire risk and improve fire protection.

To better coordinate interagency efforts in implementing the National Fire Plan and Federal Wildland Fire Management Policy, The Secretaries of Agriculture and Interior

established the Wildland Fire Leadership Council. The Council is a cooperative organization that includes state and local representatives, and is dedicated to achieving consistent implementation of the goals, actions, and policies of the National Fire Plan and the Federal Wildland Fire Management Policy. The Wildland Fire Leadership Council provides leadership and oversight to ensure policy coordination, accountability, and effective implementation.

COMPREHENSIVE STRATEGY

In May of 2002, the Secretary of the Interior, Secretary of Agriculture, the Chairperson of the Council on Environmental Quality, and the Governors of Montana, Arizona, Oregon, and Idaho met to approve the implementation plan for the *10-Year Comprehensive Strategy, A Collaborative Approach for Reducing Wildland Fire Risks to Communities and Environment.* The Strategy and the Implementation Plan provide a road map for helping communities to protect themselves from the risk of wildland fire.

The purpose of a long-term strategy for reducing wildland fire risks to communities and the environment is to correct problems associated with the long-term disruption in natural fire cycles. At the same time, communities have developed near the forests and range lands, increasing the wildland-urban interface, and increasing the risk to people, their homes, and water supplies. The States have identified many communities at risk from wildland fire, including approximately 11,000 communities adjacent to Federal lands.

We recognize the importance of suppressing fires, especially those near homes and communities; however, there needs to be a more proactive approach to fire suppression that addresses underlying causes. This approach recognizes fire as part of the ecosystem; focuses on hazardous fuels reduction, integrated vegetation management, and firefighting strategies that include the expanded utilization of wildland fire use, when appropriate; and allocates and utilizes resources in a cost-effective manner on a long-term basis. A community-based approach relies on local knowledge and develops objectives to manage long-term activities in communities and environments.

The results of this approach are starting to materialize. In 2003, the Forest Service treated 1.43 million acres of hazardous fuels including 1.1 million acres within the wildland urban interface. For 2004, the Forest Service anticipates treating hazardous fuels on 1.6 million acres. At least 60% of the hazardous fuel treatment acres will be in the wildland urban interface. This work is being accomplished with the close cooperation of our partners. In January of 2003, we, along with the Department of the Interior, the National Association of State Foresters, and the National Association of Counties signed an agreement to collaborate on the annual selection of the program of work for hazardous fuel treatment.

Through the State and Private Forestry program the Forest Service is providing technical and financial assistance to State Foresters and local governments to enhance protection of non-federal lands. In FY2004 Congress appropriated $109 million for State Fire

Assistance programs including $25 million of emergency funding for California. These funds are being used to strengthen States' fire protection capability and a significant portion is targeted specifically at treating hazardous fuels in communities at risk from wildfire. An additional $13 million is going to help fund rural volunteer fire departments for training and equipment through the cooperation of State Foresters.

In FY 2004, the State of California is receiving $61.4 million in hazardous fuel reduction funding and $28 million for state and local communities to reduce wildfire hazards.

We will focus our resources to optimally mitigate fire risk by effectively reducing fuels and maintaining healthy forests and grasslands on priority projects. Well planned treatments in key areas can successfully influence fire behavior. It is neither realistic nor appropriate to anticipate that we will treat every acre of wildland forest or grassland that has a high fuel hazard. Neither the Forest Service nor other federal, state or local fire agencies can absolutely protect the growing number of homes and businesses adjacent to wildland areas. Given severe fire conditions and high home ignitability, exposure to flames and particularly firebrands can result in residential destruction. It is critical that private landowners also take steps on their own to protect their property.

As community leaders, citizens, land managers, and institutions, such as the insurance industry, are involved in wildfire incidents, it is important that they have the latest and best scientific information. Our Forest Service research and development organization is studying the science of fire recovery of ecosystems, fire resistant housing construction, and techniques that homeowners can use to reduce their risk within the wildland urban interface.

In reviewing last year's Southern California wildfires, the California wildfire commission found considerable differences in how communities handled hazard abatement. The outcome on how those communities fared in terms of loss of structures was striking. Fewer homes were lost in communities where local government actively supported and enforced hazard abatement programs. However even with effective landscape fuel reduction, homes and structures can still be at risk when severe fire conditions occur. A wildland fire will spread to homes when the fuel and heat requirements sufficient for ignition and continued combustion exist. Knowing how to reduce the risk of fire spread is a key to protecting communities. Through programs such as Firewise and Fire Safe Councils, communities and individuals can gain the education and knowledge needed to better protect their homes and communities.

RECENT AUTHORITIES

The President's Healthy Forests Initiative (HFI) helped us tackle our gridlock of process that was impeding our restoration of fire adapted ecosystems, including treatment of hazardous fuels. HFI resulted in the development of a number of administrative tools and included a request for congressional help to further reduce procedural barriers. On December 3, 2003, the President signed into law the Healthy Forests Restoration Act of 2003 (HFRA), giving federal agencies additional tools needed to implement the 10-Year Comprehensive Strategy and Implementation Plan. Its passage sent a strong message of bipartisan support for reducing fuels and restoring forest health, especially in the wildland-urban interface.

The Act encourages the Forest Service and other federal agencies to work collaboratively with local communities and interested parties in developing community wildfire protection plans. NEPA documents for hazardous fuels reduction projects authorized under HFRA, including those that fit within the framework of these community protection plans, may consider fewer alternatives than would otherwise be the case. The Secretaries of Agriculture and the Interior will consider the recommendations within these community plans when developing an annual program of work. HFRA requires allocating not less than 50% of the funds allocated to authorized hazardous fuels reduction projects in the wildland-urban interface. The idea is to maximize investments in hazardous fuel reduction on the landscape and reduce risk to communities by developing together ways to abate the risk of fire in and near communities. The changes described in the Act should reduce the time span for planning projects that occurs prior to management actions taking place.

Successful integration of the Healthy Forests Restoration Act in the implementation of the Comprehensive Strategy will result in landscape-scale changes that significantly reduce the potential for large, damaging fires. I, along with Forest Service Chief Bosworth and Regional Foresters, made a commitment to move forward aggressively in accelerating vegetative treatments that improve condition class in fire-adapted ecosystems on National Forest System lands. Chief Bosworth is conducting monthly conference calls directly with Regional Foresters to review target accomplishments under the National Fire Plan and to identify any barriers encountered by field units.

In February of this year the Forest Service and the Department of the Interior published the Healthy Forests Initiative and Healthy Forests Restoration Act – Interim Field Guide. This Field Guide is helping resource managers understand the changes in procedures and processes under the HFI and HFRA.

We are also actively using authorities under the President's Healthy Forests Initiative that offer additional categorical exclusions to accomplish hazardous fuel reduction before and rehabilitation work after a fire. These two categorical exclusions will facilitate scientifically sound, efficient, and timely planning and decision making for the treatment of hazardous fuels and rehabilitation of areas so as to reduce risks to communities and the

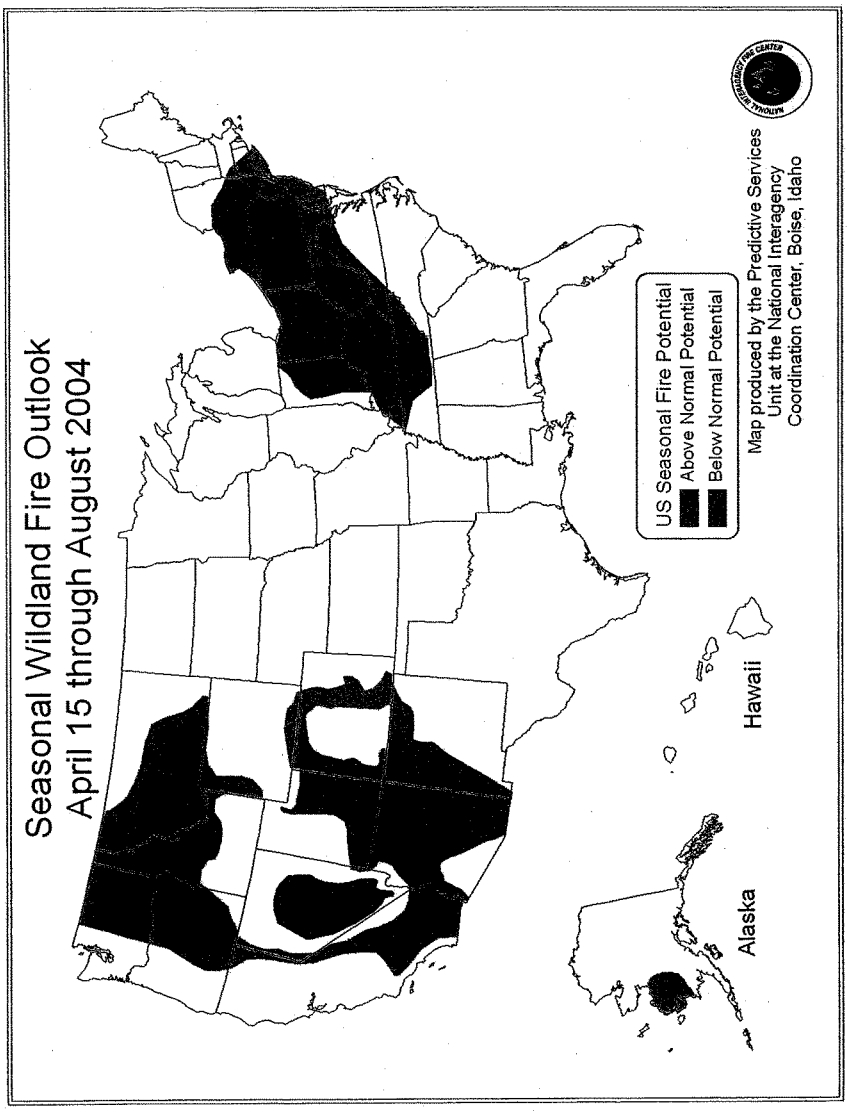
environment caused by severe fires. These new procedures to comply with the National Environmental Policy Act allow high-priority fuels reduction and forest restoration projects identified through collaboration with state, local and tribal governments and interested parties to move forward more quickly. The Forest Service has implemented at least 294 high-priority projects using the new procedures.

In March of this year the Forest Service under the provisions of the counterpart regulation entered into an Alternative Consultation Agreement with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service to expedite the evaluation of effects on threatened and endangered species as required under Section 7 of the Endangered Species Act (ESA) for qualifying projects under the National Fire Plan. The purpose of the counterpart regulations is to enhance the efficiency and effectiveness of the Section 7 consultation process by providing an optional alternative to the procedures when the Forest Service determines a project is "not likely to adversely affect" any listed species or designated critical habitat. After analysis by qualified and trained biologists, Forest Service line officers will be able to certify that projects meet the ESA regulations and requirements without an additional concurrence from the U.S. Fish and Wildlife Service and the National Marine Fisheries Service.

Another useful tool is the Stewardship Contracting authority. These contracts allow private companies, communities and others to offset the purchase price of forest and rangeland products with the cost of the services of hazardous fuels treatments including thinning trees and brush and removing dead wood. Long-term contracts foster a public/private partnership to restore forest and rangeland health by giving those who undertake the contract the ability to invest in equipment and infrastructure. The Forest Service and the Bureau of Land Management have approved stewardship contracts using the new authority requested by the President and provided by Congress. In 2003, the Forest Service awarded more than 30 stewardship contracts and has already awarded approximately 20 contracts in fiscal 2004. The Forest Service plans to award up to 60 contracts this year.

CONCLUSION

Mr. Chairman, I am confident that we will make significant improvements to the health of this country's National Forest and Grasslands with the new authorities that we have been given and the dedication and talent of the employees of the U.S. Forest Service and our partners. We will continue to work with our federal, state, tribal and local partners to accomplish this. We appreciate your support. I would be happy to answer any questions the committee may have.


Seasonal Wildland Fire Outlook
April 15 through August 2004
US Seasonal Fire Potential
Above Normal Potential
Below Normal Potential
Map produced by the Predictive Services
Unit at the National Interagency
Coordination Center, Boise, Idaho
Alaska
Hawaii

Mr. OSE. I want to recognize my friend from Massachusetts for the purpose of an opening statement.

Mr. TIERNEY. Thank you, Mr. Chairman. I thank both the witnesses for their testimony and in advance for their response to questions that might be asked.

You know, the issues of wildfires certainly is a serious one and timely, and I'm pleased that besides Under Secretary Rey and Assistant Secretary Scarlett, we will be hearing from other experts that work at the State and local levels. I also want to welcome Amy Mall, who is the senior forest policy analyst for the Natural Resources Defense Council, who will give testimony on the next panel.

As we sit here today, as Ms. Scarlett indicated, there are fires raging in southern California, so we should take a moment to salute the fire fighters there and to say how much we appreciate the fact that they are risking their lives to protect others, commend them for their heroism, and certainly hope that Congress continues to provide the strategic and financial resources necessary for them to do their jobs.

I'm glad to see that the chairman today asked the witnesses to address the issue of collaboration between Federal, State, and local entities. The only way to be successful in protecting against wildfires is to make sure that it is a cooperative effort. While the Forest Service and the Department of Interior are responsible for the management of Federal lands, the devastation of fires certainly is felt in the communities living outside of those Federal lands.

A consensus effort is the only way to ensure that we are providing the highest levels of protection for our communities, as well as caring for our forests. Unfortunately, there is some question about the recent Federal response, both regulatory and statutory, whether or not that is focused on cutting out public access to information and community participation in the name of speeding up forest thinning projects, and I'd like to hear some more from our witnesses on that issue.

Certainly, if that's the case it wouldn't be acceptable. As with any government action, the American people have the right to know how their tax dollars are being spent on forest initiatives and how their communities will be affected, and so on their behalf I am going to be asking and listening for answers to three questions, which I'll not take the time of repeating them now, but I will ask them when it is my turn, and then ask that this statement be put on the record without objection, Mr. Chairman, and yield back.

Mr. OSE. Hearing no objection, we'll do that.

Mr. TIERNEY. Good.

[The prepared statement of Hon. John F. Tierney follows:]

STATEMENT
REPRESENTATIVE JOHN F. TIERNEY
GOVERNMENT REFORM SUBCOMMITTEE ON ENERGY POLICY, NATURAL RESOURCES AND REGULATORY AFFAIRS
HEARING ON WILDFIRES IN THE WEST
MAY 5, 2004

The issue of wildfires is serious and timely. I am pleased that today, in addition to Under Secretary Rey and Assistant Secretary Scarlett, we will be hearing from other experts that work at the state and local level. I would also like to welcome Amy Mall, Senior Forest Policy Analyst for the Natural Resources Defense Council.

As we sit here today, wildfires are raging in Southern California- so I want to take a moment to salute the firefighters on the front lines who are risking their lives to protect others. I commend their heroism and hope that Congress will provide the strategic and financial resources needed to do their jobs safely and effectively.

I was glad to see that the Chairman asked today's witnesses to address the issue of collaboration between federal, state and local entities. The only way to be successful in protecting against wildfires is to make it a cooperative effort. Because while the Forest Service and the Department of the Interior are responsible for the management of federal lands, the devastation of fire is felt in the communities living outside of those federal lands.

A consensus effort is the only way to ensure we are providing the highest levels of protection for our communities and care for our forests. Unfortunately, the recent federal response, both regulatory and statutory, has focused on cutting out public access to information and community participation in the name of "speeding up" forest thinning projects.

This is not acceptable. As with any government action, the American people have a right to know how their tax dollars are being spent on forest initiatives and how their communities will be affected.

So, on their behalf, I will be asking and listening for answers to these questions:

1) What progress has been made since these regulations have been implemented and by what benchmarks can we objectively assess whether our forests are "healthier?"

2) Are state and local governments getting the targeted funding they need to protect communities from fire damage? The cost of funding protective measures does not compare to the cost to states and communities that suffer wildfire damage.

3) And last, but certainly not least, how can we improve fire protection efforts by including input from ALL stakeholders-- community groups, land owners, environmental organizations, tribal representatives, government officials and industry representatives -- so that our forests are healthy and our communities are safe?

Thank you, Mr. Chairman.

Mr. OSE. All right. We're going to go to questions here, 10-minute rounds.

Ms. Scarlett and Mr. Rey, given the things that we've done here, either the President's Healthy Forests Initiative or the legislation that was passed and signed into law, the Restoration Act, do you believe additional statutory measures are necessary in order to at least make an impact on the fire situation?

Ms. SCARLETT. I will tackle that first, and then certainly welcome Mr. Rey's comments.

At this point, I think we have the tools in place that we need to be able to get these fuels reduction projects on the ground. The combination of the Healthy Forests Initiative administrative actions we were able to take has enabled us to expedite the delivery of these fuels treatment projects. There are things, however, that we still need to refine and can do better. For example, as Mr. Rey suggested, getting those grant dollars on the ground quicker and more efficiently and with less paperwork for the recipients is something that we do need to work on. But, I do believe, in terms of the Endangered Species Act and the National Environmental Policy Act and stewardship contracting, we have the tools that we now need to do the job.

Mr. REY. I would concur with that, Mr. Chairman. I think what we need is a year, maybe 2 years now to get some familiarity with the changes that have been made, both statutorily and administratively, and then be in the position to evaluate whether, and if so what additional changes would be helpful. But, I think what we need now is a couple, several good months of implementation experience to have some data to draw on for that, to respond to that question more accurately.

Mr. OSE. This question is to both of you, to the extent that you know. If you take into account all of the suppression costs, that being the actual firefighting, the economic losses to homeowners, the community, the destruction of habitat, the loss of species and the like, how do these costs compare to the cost of prevention? I mean, the thing that keeps running through my mind is, "An ounce of prevention is worth a pound of cure." I'm trying to figure out whether that has been quantified. Is it 16-to-1 to the ounce-to-pound scenario, or is it something different?

Mr. REY. One simple basis of comparison is we spent somewhat over $1 billion in firefighting last year, but the damage to southern California alone for the fires of last fall was $3 billion, and that didn't count any other fires any place else in the country. Southern California fires were the most expensive uninsured loss from fires in our Nation's history.

Mr. OSE. Ms. Scarlett, do you have anything to add to that?

Ms. SCARLETT. I think Mark Rey hit the nail on the head. I will say right now that, in terms of fire suppression, we are upon initial attack actually successfully putting out wildland fires at about a 97.5 or 98 percent rate, so in addition to being prepared and being able to achieve that initial attack success, the real key going forward is going to be our fuels reduction efforts, getting these forests and rangelands into health so we don't have the kinds of catastrophic fires when fires that are often natural do strike.

Mr. OSE. How do you quantify the cost of a fire that never occurred? In other words, how do you compare the ounce of prevention, so to speak, with the pound of cure?

Ms. SCARLETT. That, of course, is very difficult because we never know what fires are going to strike and where they're going to strike and therefore what they will have prevented. I think the best response we can give to that is along the lines that Mr. Rey gave. When these catastrophic fires ignite and when they spread to the degree they are doing and have the destruction that they are putting forth, the tally is in the billions of dollars, far larger than the amount we're actually spending to do fuels treatment, preparedness, and suppression.

Mr. OSE. Is the conclusion, is it based on common sense then or is it speculative? I mean, $1 billion is a lot of money. Are you saying that there aren't any scenarios under which you would come to the conclusion that the prevention costs would even approach that? Is that effectively what you're saying? I'm trying to find the scientific basis on which we're making these determinations of an ounce of prevention is worth a pound of cure.

Ms. SCARLETT. Mr. Chairman, I think that we are going about setting our goals in a somewhat different way rather than the dollars and cents way. Rather, our goals are we know that we have 190 million acres of land out there that are in poor condition, rangelands and forest lands. We have a LANDFIRE process that is a science process to get better vegetation information and better information about where fires burn with frequency from historical data, and with that try to tailor our fuels treatment to those locations and those acres that will most reduce the risk to communities that lie in the pathway of potential fires. So our goal is to reduce the risk to communities by bringing these lands into better health so that when natural fires strike they don't cause the devastation that we have been seeing. And, we are using science to help us learn where best to apply those fuels treatments.

Mr. OSE. OK. I don't remember which of your testimony it was, but one of your testimonies talked about the wildland-urban interface and spending at least 50 percent of your resources treating that. Are you telling us that the science that you have been able to gather allows you to prioritize the circumstances under which fire can be most devastating?

Mr. REY. Yes, essentially.

Ms. SCARLETT. Yes.

Mr. REY. Based upon the condition of tracts of land, areas of the forest or rangeland, and the amount of fuel, the amount of woody material on there, and the proximity to communities or structures, we can establish clear priorities for where our initial treatments ought to be focused in treating the wildland-urban interface.

Then, in addition, based upon data that are available about other resource values—the location of threatened or endangered species habitat, for instance—we can set additional priorities for areas that we would like to have fuels reduced to avoid the destructive effects of a fire that burns in an area that we know is so densely packed with vegetation that the fire intensity is going to be destructive to either ecological values or to human life or property.

Ms. SCARLETT. I will add just one thing to that. We have both the science question—what's the condition of the land and what's the likelihood of catastrophic fire burning in a particular location? The other is the communities and which communities are at risk. That element we are working very closely with States and the National Association of State Foresters who have developed a checklist, if you will, to help communities identify areas of highest priority risk. We match that up with the vegetation information that our science provides, and that's where we target our fuels treatment projects.

Mr. OSE. Regarding the areas that burned in California last year, do you have any information that would indicate these were or would have been high priority areas or any scientific basis for sharing with us a quantification of the danger that existed there? Do you have any base data like that?

Ms. SCARLETT. From the standpoint of Department of Interior, I have just received information on the location of the fires. We would need to go back and look at where they are, whether we have done fuels treatment, and whether those locations are ones with high community presence.

Mr. OSE. You're talking about the fires that burn today?

Ms. SCARLETT. Yes.

Mr. OSE. I'm talking about the fires that burned last year.

Ms. SCARLETT. I'm sorry.

Mr. OSE. Have you done any sort of retrospective look at that as it relates to the underbrush or the intensity of a fire that might burn?

Mr. REY. Yes. We have data that show that much of the area that burned in California last fall would have been relatively high priority treatment areas. Now, a substantial portion of it isn't Federal land, but some of it was Federal land. And, indeed, there are areas that we did treat. In fact, one of the reasons that we were able to save the community of Lake Arrowhead is that we were able to use one of our treatments as a fire break to back fire from to control the fire that was headed toward the community. So while we suffered a devastating loss last fall, upwards of 3,000 dwellings, had we not been able to successfully back fire using the fuel break that was created through treatments that were already done, it is quite possible we would have lost upwards of 30,000 homes because we might well have lost the community of Lake Arrowhead.

Mr. OSE. I thank the gentleman.

The gentleman from Massachusetts for 10 minutes.

Mr. TIERNEY. Thank you.

Mr. Rey, I understand that the Los Angeles Times ran an analysis last month. They found that vegetation was the single biggest factor in whether a house burned. According to their analysis, 9 out of 10 houses destroyed outside of San Diego during the San Diego County cedar fire had a flammable vegetation within 30 feet. So are we comfortable that we are prioritizing the activities of removing the vegetation near homes as opposed to focusing our funding and other activities in logging somewhere else, which I think is referred to as "back country" logging? Can you tell me what the ratio is between our efforts and our financing of making homes fire-wise versus what we are doing with regard to back country logging? And

then, if you would, tell me what empirical evidence you have that back country logging actually works? Do we have any studies or reports that actually indicate that's effective, because I understand there's one Forest Service report that raises questions about whether it doesn't exacerbate the problem sometimes in either spreading or intensifying the fire.

Mr. REY. Let me start with your last question and submit for the record a report that the Forest Service released last month. The title of the report is, "The Science Basis for Changing Forest Structure to Modify Wildfire Behavior and Severity." This is an extensive literature search that summarizes all of the science that we know today about the effect of thinning and reducing fire severity and destructiveness.

Mr. TIERNEY. Isn't that the report that indicates that in some instances the back country logging can actually intensify a fire, or is that another report?

Mr. REY. No. There is no Forest Service report that suggests that. There are assertions that is the case sometimes, and there are some cases where, if the logging is done on private property and branches and slash material are left behind to leave fuels behind, that you can have a deleterious effect, but that's only if it is improperly done.

Mr. TIERNEY. While I'll get a chance to read that apparently, after you file it later today, can you tell me now whether there are specific research bases in that study to indicate that back country logging is effective? Actually, let's put it this way—not just effective, but more effective than would be the result of focusing on making homes firewise.

Mr. REY. No. The report doesn't give a comparative assessment between those two, because those two are not either/or propositions. There is considerable value to making homes firewise and there is considerable value in some locations to thinning forests that are not necessarily within the wildland-urban interface.

Mr. TIERNEY. But, we do have to prioritize them in some sense if we are going to try to put our resources in it.

Mr. REY. Sure, and we have been pretty clear that the highest priority is to do work within the wildland-urban interface, and over 60 percent of the work we are doing is within the wildland-urban interface. But, there are two other competing priorities. One is the recognition that sometimes just working in the wildland-urban interface, alone, won't save or make safe a community, because some of these fires can throw embers and sparks as far as 3 miles in front of the firefront, and if those embers or sparks land on a cedar shake roof, the house is going to burn even if the fire didn't get any closer than 3 miles to the community. So sometimes just treating in the wildland-urban interface isn't enough to make communities safe.

Additionally, there are other values outside of the wildland-urban interface that we want to protect from catastrophic fires. Municipal watersheds, for instance, are a clear example. Municipal watersheds, by definition, can't be in the wildland-urban interface. They have to be undeveloped watersheds to assure that water quality is maintained. But, if you have a catastrophic fire in a municipal watershed, as the city of Denver is now experienced in showing,

that's going to materially disadvantage water quality. So that's an area where you'd want to do work to reduce fire intensity, even though you are not in the wildland-urban interface.

Mr. TIERNEY. Thank you.

Ms. Scarlett, my understanding is that the administration's budget request for this upcoming fiscal year, 2005, would actually reduce the National Fire Plan's allocation by about $325 million. Am I accurate on that?

Ms. SCARLETT. Overall for the National Fire Plan?

Mr. TIERNEY. Yes, the National Fire Plan.

Ms. SCARLETT. No. Actually, we have in our 2005 budget overall increases. For the fuels reduction projects we have about a $25 million increase. We have a very slight increase for preparedness, and also a slight increase for fire suppression activities. So, for the Department of Interior, we have an increase, particularly in the fuels reduction areas that we have just been talking about.

Mr. TIERNEY. So the whole National Fire Plan you say it's an increased amount over the 2004 fiscal year as opposed to any decrease?

Ms. SCARLETT. That's correct, and I would let Mr. Rey speak to the specifics of their budget.

Mr. REY. It's the same for the Department of Agriculture. If you look at all National Fire Plan accounts, the net effect is an increase in 2005 requests over 2004, and 2004 was an increase over 2003.

Mr. TIERNEY. When you use a net effect, you're doing some fancy math here, so——

Mr. REY. Some accounts that are increasing within the National Fire Plan and some that are decreasing. In 2000 and 2001, for instance, we put a lot of money into capital expenses, acquiring new fire engines and providing grants to States and localities to do likewise. Some of those capital assets don't get replaced every year, so those accounts rise and fall on the basis of capital maintenance or capital acquisition needs. But, the overall funding for the National Fire Plan has been increasing.

Mr. TIERNEY. Are the State and local governments getting the kind of targeted funding that you both feel they need in order to be effective partners?

Mr. REY. Our answer to that would be yes. I'm sure many State and local governments would take issue with that, and that's a creative tension in the cooperative arrangement that we have with State and local governments. This is a problem that's going to have to be addressed through close collaboration with our State and local government partners, and indeed our firefighting effort has historically been a collaborative effort under a unified command structure with Federal, State, and local assets all deployed.

Mr. TIERNEY. Let me just ask one specific question, Mr. Rey. The interim final rule that was issued by the Forest Service in January implementing the Healthy Forests Restoration Act, or parts of it, anyway, seems to lay out a process by which the public can seek administrative review and file objections to any proposed forest thinning projects. But, when you read it, it looks as if there is a provision in there that prevents the public from objecting to any project that's proposed by the Secretary or by you.

Mr. REY. No. The point of the interim rule was to set up an appeals process——

Mr. TIERNEY. Right. Which is why when I——

Mr. REY [continuing]. To then challenges.

Mr. TIERNEY. So you would not interpret that in any way as an indication reserving to you or the Secretary the specific right to implement something without any right to object?

Mr. REY. That's correct.

Mr. TIERNEY. OK.

Mr. REY. Now, there is a responsibility that if somebody is going to bring an administrative appeal against one of these projects, that they have exercised their obligation during the preceding public comment period to offer us their comments so we could have a chance to modify the project in accordance with their comments. If they passed on that opportunity, then the language of the statute would prevent them from bringing an appeal.

Mr. TIERNEY. I have some issues with that aspect as you're talking about it, because I think it does limit a little too much, but I also had read it to indicate or at least it could be interpreted that either you or the Secretary could decide on a project and then nobody would have a right to object. I'm glad to hear that you're not interpreting it that way. But also there is, in that interim final rule issued, a process for public comments, but they seemed to be required before the environmental assessments are even available. I'm not sure how that is supposed to allow somebody to really make an effective comment if the timing is such that they don't have all of the environmental assessments at their disposal before they can do that.

Mr. REY. It's not before they are available; before they are final. One of the effects of what we are trying to do is to engage the public earlier in the decisionmaking process, so one of the elements of that interim rule is to direct our field people to send material to the public at an early stage of the deliberations to solicit their comments earlier in the process rather than later, so they will get the opportunity to participate before the decision is final, and then when the decision is final, presuming they have given us their comments, they'll have a right of appeal.

Mr. TIERNEY. Well, that's laudable as long as the assessments don't change between the time you send them out early and the time the final is filed. Is that a likelihood?

Mr. REY. Well, if the assessments change, it will change in part because of the comments they give us, which I think is what most people hope when they give us comments, that we'll be receptive to what they have to say.

Mr. TIERNEY. All right. We will go around here, but in fact that is partially true and partially wrong. If the assessment changes from what they saw or commented to and the final one, then they won't have had an opportunity to look at the final one unless it reflects their specific objection or comment as opposed to somebody else's, so they'll never at any point in time get the total final product to comment on in time to make it good.

Mr. REY. If they believe—if they have participated in good faith in the project before it has become final and then believe after it became final they were subject to sort of a bait and switch kind of

an exercise, then they still have the right to bring that up in their subsequent appeal.

Mr. TIERNEY. But, that's an avenue they'd have to take as opposed to being able to just comment on it before it can be made final. It just seems to me that there's a little bit of a chasing your tail aspect to it that probably could be modified.

Thank you for your comments.

Mr. OSE. I thank the gentleman.

I'm pleased to recognize the dean of the Utah delegation, Mr. Chris Cannon.

Mr. CANNON. Thank you.

Ms. Scarlett, it looked like you wanted to say something additional. Would you like to do that?

Ms. SCARLETT. Yes. Thank you very much. I was going to add to the comments Mr. Rey gave on that. One of the things we are trying to do with the environmental assessment process is really to engage the public. Collaboration and cooperation with local communities is key. That up-front, early on engagement has resulted in kind of collaborative and consensus selection of projects, so that we hope to get beyond the litigative and kind of appeal approach to begin with. I have been out in the field and seen that working very successfully, and that is our aspiration here.

Mr. CANNON. Thank you for those comments. I want to thank our panel for being here, our esteemed panel. It is unfortunate that Governor Martz couldn't be with us. She is a firecracker, very interesting person. I think she would have added something to this debate.

I'm going to start by making just sort of a regional petition. Normally we beat you guys up a little bit, but this is asking. We hope that, Ms. Scarlett, since in your position in Interior you have the ability to affect policy to some degree, we hope that you will be considering over there the importance of funding our western counties with payment in lieu of taxes [PILT], at a higher level in the future. I think we are going to have a Donnybrook here over that. It would be a lot easier if you guys would just say, "These counties need the money. We're not paying for their schools. We're not letting them tax these lands." Are you familiar with the APPLE project, which is an acronym that stands for public lands and education? I forget the first part. But it is a series of statistical analyses that show that people in the West in the public lands States, including California, tax ourselves much higher and have a much lower per-child payment for education because of Federal dominance of our public lands. We need to turn that around, to a large degree, and the first place to do that is PILT. These counties need that money, and a full funding of the authorized amount is not that much more, but it would be remarkably helpful to areas that are not able to tax because they have public lands which we decided in the Federal Government not to sell. Now, I personally think we ought to do that, but if we are not going to sell them or turn them over to the States or turn them over to the counties, we need to be paying for the use or for the benefit of those lands. And, if our friends in the Northeast want to claim national ownership, then we ought to have a national responsibility to pay.

I could go on like this for a long time. Let me just say I hope you'll consider that in the next budget cycle, Ms. Scarlett.

Ms. SCARLETT. I am pleased to say that in our 2005 budget we actually did have an amount of $227 million for PILT, which is just a little tad over what Congress appropriated in 2004, so I think we are making progress.

Mr. CANNON. My recollection is it was $1 million over what we did last year. We expect that to be much higher, 40 or 50 or 60 percent higher next time.

Ms. SCARLETT. Well, we look forward to working with you, and certainly we do understand the challenges that counties face.

I will add that we are also very interested in working in collaborative agreements with counties in other ways and have, for example, in Moab, UT, a collaborative partnership with a county that actually manages our BLM lands along with State lands for some recreation purposes, so there are a lot of ways we can work together with counties.

Mr. CANNON. We appreciate that collaboration. Grand County, where Moab is, is a wonderful place. I used to represent them. I used to represent two-thirds of the State of Utah. Now I'm down to about a quarter. But, we do care about that, and the Western Caucus, of which Mr. Ose is a member, is anxiously engaged on that issue. But we divert. We're talking about forests here, and we really care about how you are doing what we need done in our national forests.

We had a late rainy season in Utah. I don't think we are going to have fires for a while, but I am astonished at the amount of fire on our public lands that we already have. I think that the American people are awakening to the fact that we need to control this or we will devastate large areas. And, that doesn't mean houses, which, of course, have been a very significant problem in some places, especially California, but certainly the forest, itself. It's the watershed. It's the habitat of all species, including, in many cases, endangered species, so we care about that.

Mr. Rey, we've had reports by GAO and the National Academy of Public Administration that stress the importance of improving cooperation and coordination among all levels of government and the private sector in decreasing wildfire risks. How are these partnerships working, do you think?

Mr. REY. I think they are working very well and improving as we go, and I think we have done a pretty good job at meeting virtually all of NAPA's recommendations.

Mr. CANNON. Good. What do you project will happen with those over time? Are we going to have a significant influence on our management and elimination or limitation of fires in the future?

Mr. REY. Well, there are two areas where cooperative interaction among levels of governments is bearing fruit. One is in the organization of the firefighting effort, itself, and a lot of work is being done and continues to be done there to implement some of NAPA's recommendations. And, the second is in working with communities to more quickly identify the areas of highest priority treatment, and that's progressing very well, as well.

Ms. SCARLETT. Congressman, might I add to that? We have created, 2 years ago, a Wildland Fire Leadership Council. It is the

first time that we have a leadership group of all the Federal agencies, also the National Association of Counties, the Western Governors' Association, and tribes and other public representations working together on fire policy, and the National Association of State Foresters. Part of that group actually created the guidelines for developing fuels treatment project priorities, so we are very much working with them and looking to them for their leadership as we move forward.

Mr. CANNON. Thank you. One of the things that, in my other committee—I chair the Administrative and Commercial Law Subcommittee, and I think we are going to introduce a bill that would re-establish the Administrative Conference of the United States. That's the group that at one point in time helped create the model for negotiated rulemaking. And if you can negotiate a rulemaking, you should be able to negotiate a permitting, and so if you would consider with the groups you have just talked about the significance of potential negotiated permitting so we can eliminate litigation, I would very much appreciate that. This is an area of great importance, and we ought to be able to do this in a more thoughtful manner so that we don't just stop forestry projects which end up over-burdening our forests with fuel, which end up in these massive and destructive forest fires. So thank you for that. That's very interesting. That's the sort of thing that I care about enormously.

Ms. Scarlett, the administration decreased the wildfire preparedness and hazardous fuel reductions budgets and rural fire assistance. How does the administration justify that?

Ms. SCARLETT. Well, overall, of course, we did increase by $25 million in the Department of Interior fuels reduction projects which will go on the ground in and around communities. We also did increase very slightly in Interior our preparedness budget, and also by about $28 million our suppression budget. We did reduce, as you note, the rural fire assistance from $10 million to $5 million between 2004 and 2005. In part, this is a priority setting matter. We had, as Mark Rey noted, put some moneys out into the communities over the last several years for them to build their preparedness infrastructure, firefighting equipment and so forth, but with the very significant fuels challenges we face, we felt it was the highest priority to get dollars on the ground for those treatments at this point. We certainly look forward to working with Congress on what that right balance over time is between fuels treatment and rural fire assistance.

Mr. CANNON. I think as we spoke earlier the overall money invested in the National Fire Plan has been increasing each year. The mix of how that money is spent and in what areas it is invested has changed each year, and it is fair to say that in the 2005 request we focused on increasing as much as we could the fuels treatment account, and the rural fire assistance accounts were decreased, in part because they were so high earlier in the decade when we were helping local fire departments and communities purchase their capital assets that don't need to be purchased every year.

Now, I'm sure you are going to hear from some local rural fire departments, "Look, we didn't get that done in 2000," or, "We didn't get enough to meet our capital needs when that was the first

priority." That's sort of, I guess, the kind of thing that we talk through during the appropriations process to figure out what the right balance is. But as compared to earlier in the decade when those accounts were higher and fuels reduction was lower, we felt that the best combination for fiscal year 2005 was to reverse that slightly and make fuels treatment higher.

I apologize for not having been able to be here earlier, and if this is redundant let me know, but maybe briefly answer. How many acres of land have been treated under the new regulations for Healthy Forests, and what percentage of that acreage is in the wild/urban interface?

Mr. REY. About 60 percent of the lands that we are treating are in the wildland-urban interface. Last year, fiscal year 2003, we treated a total of 2.6 million acres, which is an all-time record, indeed. There is a bar chart over there that shows the acres that were treated in each of the last several years. In 2004, we're going to push close to 4 million acres, which would be a new record, and in 2005 we're hoping to push beyond four million acres, which would be yet another new record. And, we hope to continue that progress into the future.

Ms. SCARLETT. To put that into a little bit of context, those increases represent a 45 percent increase in 2004 over what we accomplished just 3 years ago, so we have had a major uptake both in the efficiency with which we are getting this done and in the total numbers of acres and dollars expended. For Interior, the numbers are similar in terms of approximately 60 percent of our fuels treatment projects being wildland-urban interface, with the remainder being things like municipal watersheds, utility rights of way where one, of course, wants to protect that infrastructure, and then key fuel breaks to ensure that we have defensible space. One remembers the fire like Sholo a few years ago, which raged 20 miles in just a matter of hours. You need to have those defensible spaces, as well.

Mr. CANNON. Thank you. Mr. Chairman, I see I have gone over my time, but I would just like to thank our panelists, who have my greatest confidence in the job they are doing. I hope that we can continue to solve these problems that have accumulated over a very long period of time and which need to be turned around so that we can retain our watershed, retain our forests, retain our wildlife, and make America a wonderful and beautiful place that it deserves to be.

Thank you, Mr. Chairman. I yield back.

Mr. OSE. I thank the gentleman.

I don't know which of you might know this answer, but in terms of the total aggregate demand for lumber in the country, do either of you know what the total is?

Mr. REY. Not offhand, but we could easily obtain that information for you.

Mr. OSE. I would like to get that information, in particular.

[NOTE.—The information can be found in USDA's responses to the chairman's written questions at the end of the hearing.]

Mr. OSE. Before I proceed, I want to make that report you referenced in conversing with the gentleman from Massachusetts part of the record, without objection.

[NOTE.—The rest of this document can be found in subcommittee files and at http://www.fs.fed.us/rm/pubs/rmrs__gtr120.pdf].

[The information referred to follows:]

USDA United States Department of Agriculture

Forest Service

Rocky Mountain Research Station

General Technical Report RMRS-GTR-120

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Science Basis for Changing Forest Structure to Modify Wildfire Behavior and Severity

U.S. Department of Agriculture Forest Service

April 2004

Technical Editors:

Dr. Russell T. Graham, Rocky Mountain Research Station
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Mr. OSE. Mr. Rey, does the Forest Service have any estimate of the annual growth in board feet in the National Forests?

Mr. REY. We can get that information. We can give you growth, annual growth, annual mortality, annual harvest if you'd like, and then we can easily give you total annual demand for lumber.

Mr. OSE. Well, the purpose I'm trying to get as is to quantify the amount of material being added to the pile, so to speak, that can be burned.

Mr. REY. We can get you that, as well.

Mr. OSE. So annual growth, annual harvest, annual natural death by disease or otherwise gives you a net growth across the country, and that will tell us from 1 year to the next how much the forests are growing?

Mr. REY. Or accumulating material. That's correct.

Mr. OSE. All right.

Mr. REY. I can tell you easily the accumulation is net. We're adding material faster than we are taking it out, and it is dying faster than it is growing.

Mr. OSE. I have been given information that indicates that the annual growth is about 21 billion board feet, that the annual harvest on national forests is about 2 billion board feet, and the annual death on National Forests is about 3 billion board feet. So under that scenario we're getting an annual growth of 16 billion board feet. Now, I don't know whether that's accurate or not. That's why I'm asking the question.

Mr. REY. That sounds about right. I mis-spoke a second ago. The mortality is higher than the harvest.

Mr. OSE. Right.

Mr. REY. It's not higher than the growth. So we are accumulating more material every year out there. Those numbers sound in the ball park, but I can get you exact numbers.

Mr. OSE. So, going back to my original question about the aggregate demand for lumber in the country, you compare that annual growth of roughly 16 billion board feet under this scenario against a total market—I mean, if the market is 20 billion board feet, we have net growth per year equal to 80 percent of our total market. So the question that gets begged is, you know, do we have to have growth to that level, or is there an opportunity, if you will, or a need to harvest greater amounts of dead or dying trees? In other words, we can harvest significantly more without a net reduction in the size of our forests?

Mr. REY. That's correct, although when we talk about the reduction in the size of our forests, we tend to talk about acreage that is in forests versus acreage that's developed for some other purpose.

Mr. OSE. Now, following that same line of thought, given the fires that we're having in California, I would appreciate the same kind of information based on the National Forests in California. I have been given information that indicates that for the El Dorado, Sierra, and Stanislaus National Forest, we have estimated annual growth of 360 million board feet, 200 million board feet, and 300 million board feet, and we have estimated 2004 removals in El Dorado, Sierra, and Stanislaus of 13 million board feet, 8 million board feet, and 10 million board feet. Just in those three National

Forests in California, estimated annual growth of about 860 million board feet and estimate 2004 removals of about 31 million board feet. So you can see how the problem accumulates over time.

I would appreciate a clarification from the Department on those numbers.

Mr. REY. Yes. Those numbers, as well, sound within the ball park in terms of what I recollect, but we can validate what the exact numbers are for you for both the California National Forests as well as the system, as a whole.

Mr. OSE. Now I want to followup on Mr. Cannon's points. One of the difficulties we have in any harvest, whether it is a post-fire harvest or a preventive action of the nature that Health Forests Initiative or Restoration Act would otherwise allow, is the appeals process that the Forest Service has to go through. If I understood Mr. Cannon's comments correctly, the initiative, itself, and the act, itself, change the appeals process—and I think Mr. Tierney touched on this also—to basically force people who want to participate in the deliberative process to participate at some point before the decision becomes final. In other words, they have standing to appeal. They have to be in the process. They can't just come out of nowhere at the last minute or even after the last moment and drop an appeal. Is that correct?

Mr. REY. That's correct. And, the reason for that change—and that's in Section 105 of the statute—the reason for that change is that we were finding that some people were using the flexibility—I'll use the word "flexibility"—of the previous appeals process to leverage the outcome by sort of laying in the weeds until the decision was final and then springing their appeal full blown at a time when they had maximum leverage, and that struck us as unfair to all of the people who in good faith participated during the public comment period and also to the agency people who are trying to produce a project that people could generally agree with, because if you don't know what somebody's objections are until the project is final, it's pretty hard to adjust the project and to respond to those objections.

Now, that change was unpopular in some quarters. If I was an advocate for a particular point of view and I saw an administrative process that gave me a singular advantage by waiting until the end when my leverage was maximum, I'd be duty bound, ethically bound, to represent my clients most effectively by using the system in a way it could be used, and I don't expect anybody in that position to necessarily be happy that the process was changed, because the process, as it was designed, was beneficial to the way they were using it.

Mr. OSE. Do you have any examples of the manner in which this process might have been used to the detriment of the forests? I'm particularly referring to what I call the "Morgan cut." I just want to run through this. This is in North Carolina. In 1992, public scoping began for what was called the "Hickory Knob timber sale." In 1994, the environmental assessment was released. The project was found it contains cerulean warblers, which are listed in the forest plan as a sensitive species. The timber sale was subsequently dropped.

In April 1998, part of the old timber sale morphed into the Morgan cut reinvention project, which is a stewardship pilot project, and it was proposed as a regeneration harvest on 12 acres and a thinning on 8 acres, and the area did not contain any cerulean warblers. In February 1999, the consultation was started, and in that same month the district announced a decision on a categorical exclusion. That decision was appealed, subsequently withdrawn. The court subsequently eliminated the use of categorical exclusions for similar small projects—that would be the 20 acre type.

In June 1999, the Forest Service district re-initiates scoping, an environmental assessment was released in November, but a decision was delayed pending analysis related to the endangered Indiana bat which was discovered in an adjacent county.

In September 2000, a forest plan amendment and biological opinion were released, both containing new requirements to protect habitat for the Indiana bat that lived in the adjacent county.

In September 2001, the forest completed a forest-wide management species report in compliance with the recent court decision affecting several national forests in the South.

In February 2002, additional surveys were completed for sensitive species and the project's biological evaluation; environmental assessment were reformatted to meet new regional standards. So then the decision notice is released.

In March 2000, that decision was then appealed, and the project is currently delayed pending outcome of the appeal.

The purpose of going through this litany is to show that it takes 10 years to process an application on 20 acres in which there was no cerulean warblers, which were the basis of the original appeal.

Now, how frequent is this kind of thing occurring?

Mr. REY. I think we can fairly describe that project as snakebit because it went through several different trials and still hasn't overcome them all. I don't think that level of futility is the norm, but in general terms one of the driving factors behind the Health Forests Initiative is that we looked at the amount of time and money that is being consumed by administrative process to get this work done, and what we found in the Forest Service—and the number varies for the other agencies, but we found in the Forest Service it's 40 cents on every dollar; 40 cents on every dollar that you gave us to do this kind of work on the ground was being consumed by those kinds of administrative processes. And, so what we've tried to do through the Health Forests Initiative is to preserve the opportunity for the public to participate in the development of these projects, but get the projects done in a way that doesn't take nearly that many years or nearly that much money, because if we continue to spend 40 cents on every dollar going through the kind of matriculation that you've just described, it is obvious that the money you give us isn't going to go very far, and if that continues to be the case, it is obvious that we're not going to stop seeing the kind of fires that we have been seeing each of the last couple of years.

Mr. OSE. Well, let's keep in mind what our objective here today is. It is to talk about the regulatory environment that could be used to reduce fire exposure in some of our communities. I want to cite another example along this line, keeping in mind that our objective

is to reduce the fire hazard in some of our communities, our forests.

This one is from the Coconino National Forest in Arizona, which is the home to the northern goshawk. In 1996, the forest proposed thinning trees near a goshawk nest, partly to protect the bird from fire hazards. The project was stopped due to protests. Ironically, that year a fire destroyed the forest, including the area around the goshawk nest. I don't think that's our objective.

It seems to me that the process got twisted to an inadvertent ending that served nobody's purpose, and I'm trying to find out how widespread that is.

I apologize to my friend for going over my time. I'll be happy to give him an equal amount if not more.

Ms. SCARLETT. I'll add another figure that might put that in a little bit of context. As we went through and began to develop the administrative tools, the environmental assessment, speed up the change in appeals process, we worked with the Forest Service to look at how frequent that sort of circumstance was, and approximately close to 60 percent of Forest Service appealable projects were, in fact, appealed. The vast majority of those, upon appeal, actually were not successful, meaning ultimately the projects moved forward. What that meant is, of course, 60 percent of the time—a lot of investment of time and effort and money was suspended just to end up where you were in the first place. That is precisely why the Healthy Forests Restoration Act and the Healthy Forests Initiative have been so very important to us to be able to move forward.

Mr. OSE. To be more exact, the GAO numbers are 58 percent of appealable Forest Service land management decisions in fiscal year 2001 and 2002 were, in fact, appealed, and of those 58 percent, 73 percent of the appeals resulted in no changes whatsoever.

Mr. REY. The decisions were affirmed. That's right.

Mr. OSE. Correct. I apologize for the length of my questions. I recognize the gentleman.

Mr. TIERNEY. Actually, I just have one small thing that I want to clear up, just for information. We were talking earlier about the budget and whether there had been cuts or not, and maybe I wasn't fine enough in identifying, because you started talking about net cuts and everything, and I want to make sure we don't go. With respect to State fire assistance, the Congressional Research Service tells me at least that in 2004 we had $51.1 million, and the request for 2005 is $34.2. Correct me if I am wrong on that, but if I am correct would you tell me why the disparity and what the theory is behind it?

Mr. REY. I think those are the correct numbers, and the difference there is that we increased State fire assistance and comparable grant programs significantly in fiscal year 2000 and 2001, and that money went to the purchase of a considerable amount of capital equipment, assisting communities in buying new fire engines. And, it is our judgment that not all of those capital expenditures need to be made every year. You don't buy a new fire engine every year.

Mr. TIERNEY. I just want to go along with this step by step. I don't mean to be rude at all, but in 2001 you had $118.5 million, so that's where all that capital equipment was?

Mr. REY. Right.

Mr. TIERNEY. And then you dropped to $87.1 in 2002, went back up in 2003 to $89.3, then down significantly in 2004 to $69.1 overall, and then down to $47. I think those numbers are reflected in the State fire assistance end of it. So you have had 4 years where you were up at over $50 million and then dropped down to $34, so it can't all be in capital equipment or whatever, I wouldn't assume.

Mr. REY. Much of it is. That's the most common use of that account. Now, as I said earlier——

Mr. TIERNEY. So, you're just basically saying—and I accept it if you are saying that there are basically things that you've taken care of, all of the capital equipment needs, and that none of that equipment has gotten to the point that it's so old it needs to be replaced or any big expense on that?

Mr. REY. Generally, yes, but I'll acknowledge that I will not be surprised if you hear from some locales who say, "We didn't get it done. We still need money to make some additional capital purchases." That's kind of the way the appropriations process works. We make a proposal and the Congress adjusts it and modifies it on the basis of the testimony that they receive during the course of the year, and at the end of the day the accounts may not look exactly like we proposed them but we'll finally work something out.

I think the more important thing, the big picture is that there is a combined commitment on part of the Congress, part of the administration, bipartisan fashion that the National Fire Plan accounts are going to continue to increase, and that work on the ground, which is really the most important thing, because that's the preventative work, is going to increase, as well.

Mr. TIERNEY. I guess, you know, if we are going to do that I think it is important that the local communities obviously participate——

Mr. REY. Correct.

Mr. TIERNEY [continuing]. And, have some of their needs met, so what I'd like to know is: did you propose more and OMB cut back on your proposal? Were there communities that you had originally thought that they might this year get some assistance, and OMB or somebody else in the administration told you this wasn't the year?

Mr. REY. No. The proposal that we sent forward was, by and large, adopted, so we have no qualms with it.

Mr. TIERNEY. When you made the proposal, were there communities that you knew needed things that you just didn't think that you could allow for in this year's budget?

Mr. REY. No. I think what I'm saying is we don't know at the outset, at the beginning of each budget year, necessarily what each community's needs are going to be.

Mr. TIERNEY. You don't ask them?

Mr. REY. We do ask them, and we try to average it out nationwide, but the Congress is going to hear from communities during the course of the debate over the appropriations bill this year and the accounts will be adjusted. That's the way the process works.

Mr. TIERNEY. Well, it works in part. I mean, I would assume that you hear from the communities and you try to allocate things where they are needed, so maybe we're doing it a second time here when we do it in Congress, but I'm assuming that there was a point in time where you asked for community input as to what their needs were, and I guess I want to know did you agree or disagree with them, and did you meet their needs or not?

Mr. REY. We looked at several requests from different programs and tried to strike the best balance we could.

Mr. TIERNEY. Balance between who? Who were you balancing?

Ms. SCARLETT. I guess I would——

Mr. TIERNEY. Excuse me a second.

Mr. REY. Between different accounts.

Mr. TIERNEY. All right. But not between the communities' needs and something else?

Mr. REY. No.

Mr. TIERNEY. You would determine that community might have had a valid request and you just couldn't accommodate it because you had to balance between another account.

Mr. REY. Between all of their requests.

Mr. TIERNEY. Because you had an amount that you had to stay within?

Mr. REY. Within an increasing budget for this program area, yes.

Mr. TIERNEY. But an amount that's——

Mr. REY. It's not unlimited, but it is increasing.

Mr. TIERNEY. All right. But I guess, you know, I'm really not trying to trick you or anything here, so I don't know why we're having this struggle, but the bottom line of it is that you had an amount that you thought that you could spend in your department, and within that amount there were some needs that you thought you could meet and others that you didn't think you could meet?

Mr. REY. Yes, I wouldn't dispute that. I think that's the way every budget has worked since time immemorial.

Mr. TIERNEY. That wasn't painful at all, was it?

Mr. REY. Yes. And, in this particular cycle, given the importance of doing this hazardous fuel reduction work, we put a higher premium on that, and that's something that we're going to continue to debate over the course of the year.

Mr. TIERNEY. But, now we have something to tell the communities when they come to us and say they went to you and they had a need and you didn't accommodate it. We now know what your thought process was, which is what I was trying to get at.

Mr. REY. Right.

Mr. TIERNEY. Thank you for your answer.

Mr. REY. And, the other complexity of it is that in the program affected here, which is our program of assistance to States and communities, there are other non-fire program accounts that they told us that were very important and asked us to fund at significantly increased levels, as well. And, some of those had to play in the same priority setting.

What we think we did in our State and Private Forestry budget is respond as favorably to what the States and communities told us were their top priorities. Now, that's sort of a national whole, listening to their national organizations. I would concede—and I

think we both recognize—that in some cases and in some regions those national priorities aren't going to be reflective of what a particular State would say is their top priority, and that will work itself out as the appropriations process proceeds.

Mr. TIERNEY. I thank you. It was important for us to understand what your reason and your rationale was and how we ended up with that differentiation in those numbers.

Mr. Chairman, I thank the witnesses for their testimony, and I apologize to the next panel but I have to go to the floor to manage a bill, and so I'm going to have to leave at this point in time. I'll try to get back if I can, but I thank you for having this hearing and I thank the witnesses for their testimony.

Mr. OSE. I thank the gentleman.

I just want to followup on this question or this issue that you raised earlier, Mr. Rey, having to do with what administrative adjustments might be possible in terms of the Federal/State matching. You mentioned that there might be—and this is important to California, because I know a lot of people are watching the news tonight. They're not watching us, they're watching those fires. I'm curious as to what adjustments you have in mind along this line.

Mr. REY. Let me be a little more specific and tell you what I've asked our folks to take a look at. There are two agencies involved in spending out the money that was provided in the fiscal year 2004 omnibus appropriations bill. One is the Forest Service and one is the Natural Resources Conservation Service. In the Natural Resources Conservation Service, there is roughly $17 million that has already been spent for post-fire recovery work, and about $120 million that was provided for hazard tree removal, both under the Emergency Watershed Protection Program.

The Emergency Watershed Protection Program requires a 25 percent match, and, in the three counties involved, San Bernadino County and Riverside County have both come up with an in-kind match, and San Diego County is still struggling to meet that standard.

We do have the authority to waive that 25 or reduce the 25 percent match in an emergency situation, and what I directed the NRCS to do is to look into whether we can reduce it or defer it—the match money is spent later in the year or in out years—or to waive it if there is absolutely no way the county is going to provide its in-kind, so we'll work on that.

The Forest Service has a number of programs for which we——

Mr. OSE. Before we leave that one issue, will all the counties be treated the same in terms of the waiver issue?

Mr. REY. No. In this case we would have to declare a specific emergency if we were going to give San Diego County a waiver.

Mr. OSE. OK.

Mr. REY. And, we've done that a couple of times before, so there is some precedent for it.

Mr. OSE. Thank you.

Mr. REY. What I'd like to see is, if that's the impediment to getting the money out there more quickly before we decide that we want to go that way, because it means that there will be less money overall doing the work on the ground.

The Forest Service programs require or generally involve a 50/50 match, again either with cash or in-kind, and I've directed the Forest Service to look into whether any of the payout is being delayed as a consequence of difficulty in hitting the 50/50 match. We don't have the authority, I don't think, to waive it completely, but I think we can reduce the share if need be or again defer the payout so that it comes in in the out years for project support. So I've directed both agencies to look into that in the interest of getting more work done on the ground more quickly, particularly because all of those program accounts are going to removal of beetle-killed trees in those three counties in southern California.

Mr. OSE. I just want to make sure we've got a clear understanding of what that is. The Federal Government has this pot of money, but the only way to access it is by virtue of a match that comes from the local or State coffers. Absent a financial contribution from the local or State coffers, the money stays in this Federal account unless there's a waiver of some sort or another, and that's the thing you're looking at now?

Mr. REY. Correct. The only thing I would amend to what you just said is that the State and local contribution can be cash or in-kind.

Mr. OSE. OK. Any idea when that deliberative process will be completed?

Mr. REY. We can get you a work out on that in about 2 weeks.

Mr. OSE. I want to thank you for thinking about that, because I think that is very important in California, and I suspect it is going to be important in other communities across the West as the year progresses.

Mr. REY. Well, in addition to talking with you over the last 2 days, I have been talking with Senator Feinstein and Senator Boxer, so we have been working on this as you have asked us to for about 48 hours now.

Mr. OSE. All right. Thank you. I have no further questions for these panelists at the moment. We are going to leave the record open for Members to submit questions in writing for 10 days. To the extent you can respond in a timely fashion, it would certainly be appreciated. I do want to thank you for taking the time to come visit with us for 1 hour and 45 minutes. It's always a pleasure to see you.

Ms. SCARLETT. Thank you very much.

Mr. OSE. We're going to take a 5-minute recess.

[Recess.]

Mr. OSE. I want to thank the panel for gathering so timely. As you saw in the first panel, we routinely swear everybody in, so if you would all please rise. Raise your right hands.

[Witnesses sworn.]

Mr. OSE. Let the record show the witnesses answered in the affirmative.

Our second panel is composed of the following individuals: we have the chairman of the State of California Governor's Blue Ribbon Fire Commission, Senator William Campbell; we're also joined by the chairman of the Fire Safe Council, Mr. Bruce Turbeville; we have joining us representing the California Fire Chiefs Association the president of that organization, Mr. William McCammon; and

our fourth witness on this panel is a senior forest policy analyst for the Natural Resources Defense Council, Ms. Amy Mall.

Again, you saw how the first panel worked. For those of you who haven't been here before, what we do is we recognize each of you for 5 minutes. We have received your testimony, your written testimony, and we have reviewed it. To the extent that you can summarize or add anything new within that 5 minutes, that would be great. We would appreciate that.

Senator Campbell, it is good to see you again. You are recognized for 5 minutes.

STATEMENT OF WILLIAM CAMPBELL, CHAIRMAN, BLUE RIBBON FIRE COMMISSION; BRUCE TURBEVILLE, CHAIRMAN OF THE FIRE SAFE COUNCIL; WILLIAM J. MCCAMMON, PRESIDENT, CALIFORNIA FIRE CHIEFS ASSOCIATION; AND AMY MALL, SENIOR FOREST POLICY ANALYST, NATURAL RESOURCES DEFENSE COUNCIL

Mr. CAMPBELL. Thank you, Mr. Chairman. It is a pleasure to be here.

Before I begin, I would like to add to what you started with and give you the latest update on the California fires. They have now consumed over 24,000 acres. We've lost 16 homes, 14 injuries, and the greatest threat is in Riverside County right now with the Eagle and Cerritos fires, which threaten over 1,000 homes.

Mr. Chairman and distinguished members, I am honored to be invited to testify before your subcommittee. My name is Bill Campbell, and I am a retired State Senator from California who was asked by former Governor Gray Davis and then Governor-elect Arnold Schwarzenegger to be the chairman of the Governor's Blue Ribbon Fire Commission. The Commission was formed on November 2nd of last year in the wake of the California's unprecedented series of wildland-urban interface fires that ravaged southern California in October of last year. Southern California experienced the most devastating wildland fire disaster in the State's history. Over 739,000 acres burned; 3,631 homes were destroyed, including the home of your colleague, Chairman Duncan Hunter; 36 commercial properties and 11,069 outbuildings were destroyed; 246 injuries; 24 fatalities, including one fire fighter. At the height of the siege, 15,631 personnel were assigned to these fires.

Presidential declarations of disaster were declared in San Diego, Los Angeles, San Bernadino, Ventura, and Riverside Counties. And, in the aftermath of the fires, in San Bernadino County a barren mountain canyon landscape impacted by a rain storm produced a flash flood and mudslide causing even more tragedy and destruction. Sixteen more lives were lost on this follow-on disaster on Christmas Day of 2003, and 2 weeks ago they found the remains of the last victim, an 11-year-old boy 15 miles from the site where he was originally located.

Thirty-four Blue Ribbon Fire Commission members comprised of Federal, State, and local officials assembled to examine the wildland fire disaster's response and the critical public policy issues that impede or strengthen our firefighting efforts. We were honored to have Senator Diane Feinstein and Representatives Jerry Lewis and Susan Davis on our Commission. I am truly grateful for their

leadership, dedication, and support. In addition, we had representatives from the Department of Defense, the Department of Interior, the Department of Agriculture, and the Department of Homeland Security.

As you said, you have a copy of this, and so I am going to skip some of this.

We were given 120 days to examine and deliberate on these issues and report back to the Governor with recommendations, and the Commission just published a report of our findings and deliberations, and I've submitted two copies of that report for inclusion in the official record. The executive summary of this report is part of my submitted written statement, and I would like to share just a few of the key Federal recommendations from the report at this time.

The Commission recommends that the Federal agencies, to include Departments of Interior and Forest Service, work in conjunction with California State and local fire agencies and the military to jointly develop and adopt agreements, regulations, and operating policies for the deployment of aerial assets during wildland-urban interface firefighting efforts.

The Commission recommends that Congress increase efforts to provide training for local fire departments through Federal grant programs and expand the rural fire assistance grant program.

And, the Commission recommends that sufficient standardized frequencies be issued by the Federal communications system to meet the interoperability communication needs of fire and emergency personnel.

Our 48 recommendations have been categorized as primarily public policy solutions or fiscal issues. The Commission was sensitive to the financial plight of government at all levels and recognized that few of the fiscal recommendations would have meaningful value in the absence of critical public policy changes that first must proceed them.

In summary of our Commission's examination, let me state that the magnitude of the tragedy, not only in terms of the loss of human life and property, but in the loss of valuable watershed, wildlife, and critical environmental habitats, was truly catastrophic. After a series of extensive and deliberative public hearings, the Commission determined that, while the bravery and dedication of California's fire service continues to be exemplary, many lessons from similar past tragedies had gone unlearned by those responsible for development of fire safety and prevention policies. Foremost among those lessons is the lack of political will to prioritize among competing but very important public policy goals. Vegetation and fuel management, habitat preservation, and environmental protection have often conflicted with sound fire safe planning in the development of wildland areas. When adverse weather and fuel conditions combine, our fire fighters have been given the impossible task of protecting life and property in the face of these policy conflicts.

Additionally, the Commission recognized the difficulty the Fire Service faces in meeting the fire protective challenges of explosive development along the wildland-urban interface, and among the findings and recommendations the Commission urges the same

commitment to professional training afforded the valiant men and women of law enforcement to our California Fire Service.

In closing, Chairman Ose and members of the subcommittee, I believe it is essential to understand that unless and until public policymakers at all levels of government muster the political will to put the protection of life and property ahead of competing political agendas, these tragedies are certain to continue.

This concludes my oral testimony, Mr. Chairman.

Mr. OSE. I thank the gentleman.

[The prepared statement of Mr. Campbell follows:]

Submitted Written Testimony

To:

The House Committee on
Government Reform, *Subcommittee on Energy, Natural Resources and Regulatory Affairs*
Doug Ose, CA – Chairman

5 May 2004

Governor's
Blue Ribbon Fire Commission

CA State Senator William Campbell (Ret.)
Chairman, CA Governor's Blue Ribbon Fire Commission

Prepared Statement Before the House Committee on Government Reform, *Subcommittee on Energy, Natural Resources and Regulatory Affairs*
Doug Ose, CA - Chairman

CA State Senator William Campbell (Ret.)
Chairman, CA Governor's Blue Ribbon Fire Commission

5 May 2004

Chairman Ose, distinguished subcommittee members, I am honored to be invited to testify before your subcommittee. My name is Bill Campbell, I am a retired state Senator from California who was asked by former Governor Gray Davis and then Governor-elect Arnold Schwarzenegger to be the chairman of the Governor's Blue Ribbon Fire Commission.

The Commission was formed November 2, 2003, in the wake of California's unprecedented series of wildland and urban interface fires that ravaged Southern California.

In October of 2003, Southern California experienced the most devastating wildland fire disaster in the state's history. Over 739,000 acres burned; 3,631 homes (including the home of your colleague Chairman Duncan Hunter), 36 commercial properties and 1,169 outbuildings were destroyed; 246 injuries; 24 fatalities, including one firefighter. At the height of the siege, 15,631 personnel were assigned to the fires. Presidential declarations of disaster were declared in San Diego, Los Angeles, San Bernardino, and Ventura Counties. In the aftermath of the fires in San Bernardino County, a barren mountain canyon landscape, impacted by a rainstorm, produced a flashflood and mudslide causing even more tragedy and destruction. 16 more lives were lost in this follow-on disaster on Christmas day of 2003.

34 Blue Ribbon Fire Commission members comprised of federal, state and local officials assembled to examine the wildland fire disaster response and the critical public policy issues that impede or strengthen our firefighting efforts. We were honored to have Senator Dianne Feinstein and Representatives Jerry Lewis and Susan Davis on our Commission. I am truly grateful for their leadership, dedication and support.

The Commission was tasked by the Governor to examine:

1. Reducing and eliminating jurisdictional and operational barriers that prevent the expeditious response of military and other resources to combat wildland fire;
2. Readiness training of personnel and military resources approved for use within the California incident command system;

3. Development of an interstate and/or regional master mutual aid system similar to California's;
4. Updating local building and planning regulations to include more stringent construction standards for high fire threat zones, requirements for brush clearance and fuel modification, and land use planning techniques; and,
5. Public safety communications interoperability.

We were given 120 days to examine and deliberate on these issues and report back to the Governor with recommendations. We held six hearings in the impacted counties of Southern California: San Diego, San Bernardino, Los Angeles, Ventura and Orange counties.

The Commission has published a report of our findings and deliberations and I would like to submit two copies of this

report for inclusion into the official record. The Executive Summary of this report is a part of my submitted written statement. I would like to share with you a few of the key federal recommendations from the report at this time.

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- The Commission recommends that Congress increase efforts to provide training for local fire departments through federal grant programs and expand the Rural Fire Assistance (RFA) grant program; and,

- The Commission recommends that sufficient standardized frequencies be issued by the Federal Communications Commission (FCC) to meet the interoperable communications needs of fire and emergency personnel.

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truly catastrophic. After the series of extensive and deliberative public hearings, the Commission determined that, while the bravery and dedication of California's fire service continues to be exemplary, many lessons from similar past tragedies have gone unlearned by those responsible for development of fire safety and prevention policies.

Foremost among those lessons, is the lack of political will to prioritize among competing but important, public policy goals. Vegetation and fuel management, habitat preservation and environmental protection have often conflicted with sound fire safe planning in the development of wildland areas. When adverse weather and fuel conditions combine, our firefighters have been given the impossible task of protecting life and property in the face of those policy conflicts.

Additionally, the Commission recognized the difficulty the fire service faces in meeting the fire protection challenges of explosive development growth along the wildland/urban interface. Among the findings and recommendations, the Commission urges the same commitment of professional training afforded the valiant men and women of law enforcement to our California fire service.

In closing, Chairman Ose, members of this Subcommittee, I believe it is essential to understand that unless and until public policymakers at all levels of government muster the political will to put the protection of life and property ahead of competing political agendas, these tragedies are certain to repeat.

This concludes my oral testimony, thank you for this opportunity to testify, I would be pleased to take your questions

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Governor Arnold Schwarzenegger
State of California

Senator William Campbell (Retired)
Chairman

"Unless and until public policymakers at all levels of government muster the political will to put the protection of life and property ahead of competing political agendas, these tragedies are certain to repeat."

—*Senator William Campbell (Ret.), Chairman*
Blue Ribbon Fire Commission

FORWARD

In October of 2003, Southern California experienced the most devastating wild land/urban interface fire disaster in its history. According to the California Department of Forestry and Fire Protection, a total of 739,597 acres were burned, 3,631 homes were destroyed and 24 lives were lost, including one firefighter. The aftermath of the fires saw even greater loss of life wherein 16 people perished in a flash flood/mudslide in an area of San Bernardino County due to the loss of vegetation impacted by the fire.

The Governor's Blue Ribbon Fire Commission was established to conduct a review of the efforts to fight the October 2003 wildfires and present recommendations to make California less vulnerable to disasters of such enormity in the future.

The Governor's Blue Ribbon Fire Commission includes the following federal, state, and local partners:

Chair

California State Senator William "Bill" Campbell (Ret.)

Federal Partners

U.S. Senate – Dianne Feinstein, Senator
U.S. Congress – Susan Davis, Congresswoman
U.S. Congress – Jerry Lewis, Congressman
U.S. Department of Defense – Peter Verga, Principal Deputy Assistant Secretary
U.S. Forest Service – Jerry Williams, Director, Office of Fire & Aviation
U.S. Department of Homeland Security, Federal Emergency Management Agency – David Fukutomi, Federal Coordinating Officer
U.S. Department of the Interior – Larry Hamilton, Director, Office of Fire & Aviation, Bureau of Land Management

State Partners

California Senate – Deirdre Alpert, Senator
California Senate – Jim Brulte, Senator
California Senate – Dennis Hollingsworth, Senator
California Senate – Nell Soto, Senator
California Assembly – Robert Dutton, Assembly Member
California Assembly – Christine Kehoe, Assembly Member
California Assembly – Jay La Suer, Assembly Member

State Partners (continued)

California Department of Forestry and Fire Protection – Andrea Tuttle, Director
California Emergency Council – Chip Prather, Chief, Orange County Fire Authority
California Office of Homeland Security – Rick Martinez, Deputy Director
Governor's Office of Emergency Services – Kim Zagaris, Chief, Fire & Rescue Branch
Office of American Indian Affairs – Marilyn Delgado, Director
Office of American Indian Affairs – Ed McOrmond, Fire Chief, Pechanga Fire Department
Office of State Fire Marshal's Office – Ronny Coleman, Fire Marshal (Ret.)
FIRESCOPE – P. Michael Freeman, Chief, Los Angeles County Fire Department

Local Partners

Los Angeles County Board of Supervisors – Yvonne Brathwaite Burke, Supervisor
Riverside County Board of Supervisors – James Venable, Supervisor
San Bernardino County Board of Supervisors – Dennis Hansberger, Chair
San Diego County Board of Supervisors – Greg Cox, Chair
Ventura County Board of Supervisors – Judy Mikels, Chair
San Bernardino City – Judith Valles, Mayor
San Diego City – Dick Murphy, Mayor
San Diego Fire and Life Safety Services – Jeff Bowman, Chief, San Diego City Fire Department

Associations

California Metropolitan Fire Chiefs Association – William Bamattre, Chair & Chief, Los Angeles City Fire Department
California Fire Chiefs Association – William McCammon, President & Chief, Alameda County Fire Department
California State Firefighters Association – Jeff Sedivec, President
California Professional Firefighters – Bob Wolf, President

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LETTER FROM THE CHAIR

Governor's Blue Ribbon Fire Commission

April 5, 2004

Honorable Arnold Schwarzenegger
Governor State of California
Office of the Governor
State Capitol Building
Sacramento, CA 95814

RE: Blue Ribbon Fire Commission Final Report

Dear Governor Schwarzenegger:

Just as it has been my great honor to serve as Chairman of the Blue Ribbon Fire Commission, I am now honored to present to you the final report of that body. As you know, this Commission was formed in the wake of California's historically devastating series of wildland fires that ravaged Southern California during the fall of 2003.

The magnitude of that tragedy, not only in terms of the loss of human life and property, but in the loss of valuable watershed, wildlife, and critical environmental habitats, was truly catastrophic. After a series of extensive and deliberative public hearings, the Commission determined that, while the bravery and dedication of California's fire service continues to be exemplary, many lessons from similar past tragedies have gone unlearned by those responsible for development of fire safety and prevention policies.

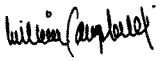
Foremost among those lessons, is the lack of political will to prioritize among competing but important, public policy goals. Vegetation and fuel management, habitat preservation and environmental protection have often conflicted with sound fire safe planning in the development of wildland areas. When adverse weather and fuel conditions combine, our firefighters have been given the impossible task of protecting life and property in the face of those policy conflicts. Unless and until public policymakers at all levels of government muster the political will to put the protection of life and property ahead of competing political agendas, these tragedies are certain to repeat.

Additionally, the Commission recognized the difficulty the fire service faces in meeting the fire protection challenges of explosive development growth along the wildland/urban interface. Among the findings and recommendations, the Commission urges the same commitment of professional training afforded the valiant men and women of law enforcement to our California fire service.

Finally, our recommendations have been categorized as primarily public policy solutions or fiscal issues. The Commission was sensitive to the financial plight of California government at all levels, and recognized that few of the fiscal recommendations would have meaningful value in the absence of the critical public policy changes that must proceed them.

In closing, and on a personal note, in my more than two decades as a member of the California State Legislature I have never been more privileged to serve with such a dedicated and committed group of professionals than with my colleagues who served on this Commission. You and former-Governor Davis are to be commended for selecting individuals who brought expertise, passion and a search for ways to prevent such future tragedies while resisting opportunities to either advance individual agendas or politicize a very controversial debate. We can only hope that our combined efforts result in the action the people of California deserve in the wake of this fire disaster.

Sincerely,



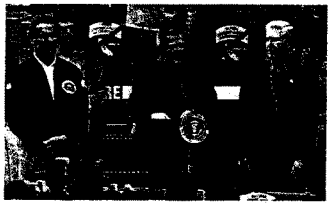
Senator William Campbell (Ret.), Chairman
Governor's Blue Ribbon Fire Commission

INTRODUCTION

For 40 years, the California fire service has operated the most effective and cooperative mutual aid and incident command systems in the country. Time after time, firefighters from across the State have responded to the aid of neighboring or distant communities to provide the necessary resources to combat California's catastrophic wildfires. Unfortunately, in October 2003, Southern California experienced the most devastating wildland fire disaster in state history. Over 739,597 acres burned; 3,631 homes, 36 commercial properties and 1,169 outbuildings destroyed; 246 injuries; and 24 fatalities, including one firefighter. At the height of the siege, 15,631 personnel were assigned to fight these fires.

"Through the action we take, we will serve the legacy of those who fought and perished in the fires."
— Governor Arnold Schwarzenegger

It is imperative that we learn from this disaster to reduce the impacts of wildfires on California residents. It is in this spirit that former Governor Gray Davis and Governor Arnold Schwarzenegger established the Governor's Blue Ribbon Fire Commission on November 2, 2003. The Commission, which is broadly representative of the firefighting community and local, state and federal stakeholders and affected communities, was tasked to hear testimony on what worked and what didn't work in the efforts to fight the State's 2003 wildfires and to review and provide recommendations on what is needed to improve and enhance wildfire response and operational relationships between the federal, state and local planning agencies.



"All of these firefighters are heroes. They have all done extraordinary work to defend peoples' properties and lives."
— former Governor Gray Davis

"We cannot continue those policies that impede our efforts to reduce dangerous fuel loads or hamper our fire protection and firefighting efforts."
— State Senator Bill Campbell (Ret.)

Tasked with a very short timeframe, the Commission examined:

- Reducing and eliminating jurisdictional and operational barriers that prevent the expeditious response of federal, state and local agencies to combat wildfires;
- Providing continuous readiness training of personnel and military equipment approved for use within the California incident command system;
- Developing and/or revising an interstate and/or regional master mutual aid system similar to California's; and
- Updating local building and planning regulations to include more stringent construction standards for high fire threat zones, requirements for brush clearance and fuel modification, and land use planning techniques that protect property.

"We are very grateful to the people who helped with the fires—to the fire departments and the forest service departments. I don't think we can thank them enough for the work that they did and the work that they do putting their lives on the line time and time again."
— Senator Nell Soto

We owe much to the heroic men and women who saved our lives and properties. However, we cannot continue to put them in harm's way without doing everything possible to prevent such destructive fires in the future.

Many who testified warned that similar catastrophic fires will take place again due in part to our warm temperatures and low humidity, prolonged drought periods, the Santa Ana winds, chaparral, dry brush, burgeoning population and residential development in wild land areas, to name a few. The Commission's recommendations stresses pre-fire management programs, which involve not only the cooperation of federal, state and local agencies, but also local communities and individual property owners.

"I am confident that this Commission can come together to produce a report that will serve as a genesis for essential policy changes that will help prevent and protect Californians from future fire disasters."
— Assembly Member Christine Kehoe

And finally, the Commission expresses its deepest sympathies to the families and loved ones of those whose lives were lost during this tragic fire siege, and to the many thousands who lost their homes and their private personal treasures.

ACKNOWLEDGMENTS

Commission Staff:

Robert Gerber, Executive Secretary
Denise M. Banker, Executive Assistant
Robert Eplett, Photographer
Rob Allingham, Video/Audio Technician
Grace Koch, Executive Liaison
Patricia Livingston, Secretary

"I am truly optimistic that the work of this Commission will have a positive impact in addressing the wildfire challenge that California faces."
— Chief William R. Bamattre, L.A. City Fire Department

Acknowledgments

The Governor's Blue Ribbon Fire Commission wishes to acknowledge the valuable contributions made by the many individuals and organizations assisting the Commission on this most challenging endeavor. The Commission members sincerely appreciate the time and effort of those who prepared and/or presented both public and written testimony at our various hearings. The testimony from these individuals, the community and public and private officials were crucial in understanding the scope of the wildland fires and the promise for proactive solutions to mitigate future losses.

"We are further ahead in our firefighting capabilities than any other state in the nation."
— Director Dallas Jones, Governor's Office of Emergency Services

A special thanks to the Governor's Office of Emergency Services (OES), Director Dallas Jones and his executive staff for their administrative support to the Commission. Many thanks to the OES Information and Public Affairs Unit for their media affairs assistance and in documenting each Commission meeting in video, audio and still digital photography.

The Commission appreciates California Highway Patrol Commissioner D.O. "Spike" Helmick and his officers for providing security at the seven public hearings.

The firm of Sergeant Major Associates, Inc., especially Jerry M. Haleva, President, and R. Blair Springer, are thanked for assisting the Commission in the review of the October fires. The Commission would also like to thank Joan Kawada Chan and Kenneth Kobrin of Integrated Solutions for Business and Government, Inc. (ISBG) for analyzing the data and drafting the report.

"The system did not fail. It was strained. It was pushed to its max. But it didn't fail."
— Jim Wright, Deputy Director for Fire Protection, CDF

PREFACE

"In this state, there are now approximately 35 to 36 million people that are scattered over in excess of 100 million acres of interface and intermix with communities. The liability of one major interface or intermix incident not only affects residents, it jeopardizes communities, companies, as well as economies."
— Dave Neff, Deputy Chief, CDF

Over the course of the seven hearings that the Blue Ribbon Fire Commission conducted, it became abundantly clear that conflicting public policy mandates, lengthy bureaucratic administrative processes and procedures, and antagonistic litigation tactics were the most significant barriers and impediments to reducing the threat of wildland fires and preventing periodic, catastrophic loss of life and property from such disasters. The key to protecting our communities and residents is through fire prevention and effective vegetation/fuels management programs. While the State must act to ensure that our fire service agencies have the necessary funding, personnel, training, and resources to provide and maintain an effective firefighting capability, the State cannot ignore the public policies and governmental barriers that contribute significantly to the periodic catastrophic fires that overwhelm our firefighting response capability.

The Commission members recognize that continued expenditures on firefighting resources and capabilities without directly addressing and eliminating the public policy, bureaucratic and obstructionist litigation barriers to critical fuel management, fire safe building codes and fire wise community standards, will only marginally increase our ability to avoid future catastrophic losses to wildland fires.

"We have to strengthen our forest health, strengthen fuels management across the state, and implement regulations and codes for both building and infrastructure to make California as fire safe as we can."
— Jim Wright, Deputy Director for Fire Protection, CDF

The Governor's Blue Ribbon Fire Commission adopted a flow chart (Appendix I) to assist the members in articulating its findings and recommendations in an objective, risk management approach to mitigating the loss of life and property to wildland fires. This flow chart will also assist readers and policy makers in reviewing the Commission's findings and recommendations, and recognizing the barriers that impede the implementation of critical wildland fire prevention and fire safety measures.

The Commission members recommend that the flow chart be utilized as a reference tool in a review of the Commission's findings and recommendations, and in framing the public policy debate and determination to achieve sound, cost-effective, protection of life and property from the devastation of wildland/urban interface fires. This chart represents a "systems approach" to a very complex problem. It does not rely on any one factor that contributes to a large or catastrophic fire, but rather introduces a method that looks at how several factors need to be addressed in order to reconcile this level of threat under adverse weather conditions.

Executive Summary

EXECUTIVE SUMMARY

Mission

The Governor's Blue Ribbon Fire Commission, which was established by former Governor Gray Davis and Governor Arnold Schwarzenegger on November 2, 2003, was tasked to conduct a thorough review of the Southern California wildfires and present recommendations to policy-makers that will promote a fire safe environment in the wildland urban interface environment in California.

"As Abraham Lincoln stated so well, a nation with no regard for its past will have little future worth remembering. Let's make the terrible lessons learned from our October fires our blueprint for the future."
— Supervisor Jim Venable, Riverside County

Background

In October of 2003, Southern California experienced the most devastating wild land/ urban interface fire disaster in California's history. The statistics are staggering: 739,597 total acres were burned; 3,631 homes, 36 commercial properties, 1,169 outbuildings destroyed; approximately 500 farmlands were torched costing $40 million in agricultural products alone; 246 people were injured and 24 lives were lost, including one firefighter.

To avert future catastrophes, then-Governor Gray Davis, along with Governor-elect Arnold Schwarzenegger, established the Governor's Blue Ribbon Fire Commission. Named to the Commission were firefighters, community officials, along with local, state and federal representatives. The Commission was tasked to conduct public hearings in the six impacted counties and report its findings and recommendations in 120 days.

"We have an ongoing crisis in California that could ultimately make the fires that burned over 3,000 homes look small in comparison. We have a million dead trees still waiting to burn, and thousands of acres of scorched soil that could come crashing down on whole neighborhoods."
— Congressman Jerry Lewis

Summary of Public Hearings

Hearings were held in the counties that were impacted by the wildland fires — Los Angeles, San Bernardino, Ventura, San Diego, Riverside and Orange.

The Inaugural hearing was conducted on November 13, 2003, in Manhattan Beach, California. The Commission

"I want to take this opportunity to thank every one of my fellow Commission members for their dedication and commitment attending these meetings. I have never witnessed a greater commitment of time, energy and focus by such a high level group of appointees, and I am truly grateful."
— State Senator Bill Campbell (Ret.)

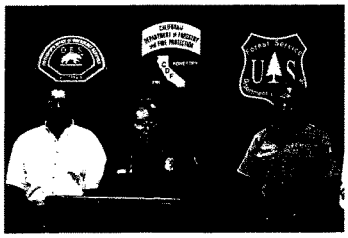
"We need to explore what happened with these conflagrations and learn from them so that we can do a better job."
— Senator Dennis Hollingsworth

members were welcomed by then-Governor Gray Davis and were given a general description of the impacted areas, a chronological overview of the fires, and the challenges that confronted our firefighters during the October siege.

The second hearing was conducted on December 4, 2003, in San Bernardino, California. The focus of this hearing was on the resources available to combat the wild land fire, mutual aid, and barriers that prevented the expeditious use and response of these resources.

Fire prevention and pre-fire management efforts were the topics of the third hearing in Thousand Oaks, California, on January 7, 2004. Discussions centered on local building codes, planning and land use regulations, vegetation management and fuel modification programs.

"The losses were tragic, but I am confident the spirit of recovery will heal us and take us all forward."
— Director Andrea Tuttle, CDF



At the fourth hearing in San Diego, California on January 21, 2004, testimony was heard regarding after-action reviews conducted by other federal, state and local entities relative to the October 2003 fire siege, and an in-depth review of the responses to the Cedar Fire in San Diego County.

On February 5, 2004, at Riverside, California, the hearing focused on communications and interoperability.

The sixth hearing, which was conducted in Costa Mesa, California on February 19, 2004, centered on fire service training, emergency medical services, and building and insurance industry programs.

Finally, on March 18, 2004, the Commission met in Los Angeles to review the findings of their deliberations and to collectively reach agreement on the many recommendations contained in this report.

Summary of Findings

Following is the list of findings from the public hearings and written testimony received by the Commission.

Jurisdictional And Operational Barriers

"The role and mission of the United States Department of Defense is the military defense of our country. That is what we're organized, trained and equipped to do. We do have a longstanding tradition of providing support to civil authorities and have a well organized and well ordered process to do this."
— Peter Verga, Assistant Secretary, U.S. Department of Defense

Finding 1

There is confusion as to whether there is a requirement that all available local resources, including civilian contract aircraft, be exhausted before requesting federal resources to assist in fighting WUI (Wildland/Urban Interface) fires.

Finding 2

There are numerous conflicting land management and environmental laws and regulations at all levels of government.

Finding 3

"Our challenge is to live and build our communities in a more fire safe manner, reduce the unnatural fuel levels in our wildlands, improve our evacuation plans and communication systems."
— Director Andrea Tuttle, CDF

One-third of the California Department of Forestry and Fire Protection's (CDF) workforce has retired during the past few years, resulting in vacancies in key positions. In addition, the number of fire crews has decreased due to a decline in the number of Department of Corrections (CDC) inmate firefighters, California Youth Authority (CYA) wards and California Conservation Corps (CCC) members. As a result, CDF had to deploy higher level managers to perform Assistant Chief level functions during the October 2003 Fire Siege.

Finding 4

"We are keenly aware that fires do not have an eight month season in San Diego, but a year long danger."
— Congresswoman Susan Davis

CDF is operating a fire protection system year around on an eight month budget allocation.

Finding 5

CDF acquires used military aircraft through the federal excess property program and refurbishes them into working firefighting aircraft. However, availability of these federal excess property aircraft is diminishing and will soon be exhausted.

"When I was able to send two engines with eight members instead of three engines with nine members, I was able to cover more ground and spread the engines further because it allowed one person to take a command role, to plan, to look where the fire's going, to properly manage the fire."
— Captain Fred Burris, Ventura County Fire Department

FINDING 6

Four person (4-0) staffing on fire engines may be more efficient than lower levels of staffing and allow firefighters to be more productive in their fire suppression activities, thereby maximizing engine response capability during WUI fires.

FINDING 7

CDF aircraft, federal aircraft and military aircraft equipped with Modular Airborne Fire Fighting System (MAFFS) units operate with inflexible "cut-off" time policies.

FINDING 8

The National Interagency Fire Center (NIFC) in Boise, Idaho, is the nation's coordination center for wildland firefighting and has the ability to call upon the DOD when additional assistance is needed.

"We need to discuss what went well, because a lot of things did go well. We also need to discuss what we can improve on."
— Assembly Member Robert Dutton

FINDING 9

Aerial firefighting resources cannot be solely relied upon to establish an effective fire line. It requires a coordinated effort with ground firefighting resources.

FINDING 10

There is a fundamental yet unmet need in WUI suppression and management to be able to consistently monitor and understand the behavior of wildland fires at their full scale and as they occur.

Training

Finding 1

There are currently no minimum statewide service level or training standards mandated by law for California firefighters, nor are there statewide mandates for continuing training or maintenance of performance standards.

"The lives of our brave firefighters and those they protect depend upon quality and accessible training programs."
— State Senator Bill Campbell (Ret.)

Finding 2

Training of California's firefighters is complex and diverse, and has many agencies participating in the development and delivery of training programs. While California has led the way in developing new training programs, the programs have yet to be brought together in a coordinated manner.

"When you send crews into a threatened neighborhood when everybody else is trying to get out, the ability for them to do their job is not based on the fire truck they're on, it's based on their background, education and experience that allow them to function safely in that kind of environment."
— Ronny J. Coleman, Interim Chief, City of Santa Rosa Fire Department

Finding 3

Because participation in CDF/OSFM training programs is unfunded, a statewide needs assessment has not been conducted, new programs take years to develop, training programs are not readily available in all areas of the state, and instructor availability is limited in some geographic areas.

Finding 4

Funding for the Army National Guard to conduct or participate in multi-agency training is not available at a time when integration of their resources into the state's firefighting resources is needed.

"We need to give due credit to the training that the military does on bucket drops."
— Assembly Member Jay La Suer

Finding 5

Keeping up with the firefighting training component of the active military is very difficult.

Finding 6

The USFS has six centers in California that provide training to federal, state and local government fire service employees and a National Wildfire Training Center that houses its national apprenticeship program.

"It is an appropriate federal responsibility to play a role in some of the funding relating to training and re-training."
— Congressman Jerry Lewis

Finding 7

A comprehensive public awareness education program is needed.

Interstate/Regional Mutual Aid Systems

Finding 1

Interstate Mutual Aid compacts provide liability and reimbursement clauses, but these compacts are not completely detailed and have not been regularly updated.

"The compacts were put together in the 50's and 60's so many people aren't aware of the compacts. Also, issues such as who is covered under workers' compensation, who pays and at what levels must be addressed regarding EMAC."
— Director Dallas Jones, Governor's Office of Emergency Services

Finding 2

States vary as to their process for allocating resources.

Finding 3

California has a variety of mutual aid and cooperative agreements through which public entities may be reimbursed.

Finding 4

The Southern California Tribal Emergency Management Consortium consists of Native American tribes in San Diego, San Bernardino and Riverside counties, and has developed the same firefighting capabilities as any other local or state government fire department.

"If we are to survive and continue living in a fire prone environment, we must all work together and form effective working teams among communities and emergency services as never before. This will happen again."
— Chief Ray Quintanar, Director, Fire and Aviation Management, USFS

Finding 5

Emergency Medical Services Authority (EMSA) is important to a unified and coordinated emergency response to WUI fires.

Finding 6

California's mutual aid system is recommended by the federal government as a national model.

Local Building, Planning and Land Use Regulations; Brush Clearance and Fuel Modification

Finding 1

The protection of life and property from wildfire cannot simply rely on the availability of firefighting resources. Until the removal of thousands of acres of dead bark beetle infested trees and sound forest stewardship is achieved, Southern California and other forested areas of the state will continue to have hazardous standing fuel just waiting to become the next conflagration. Fuel reduction and fuel modification programs are essential to reducing the potential threat of major WUI fires.

"Fire has no respect for boundaries. The only way to effectively protect our communities is to universally improve our ability to construct fire safe communities. We believe this can be done with the proper balance so that native habitats are protected, as well as other sensitive environmental concerns, while simultaneously thinning brush so that it provides the correct safety to structures."
— P. Lamont Ewell, San Diego Assistant City Manager

Finding 2

Community involvement is essential to helping implement necessary fire prevention and fire safety programs at the local level.

Finding 3

Currently, appropriate minimum building standards and fire safety requirements are neither mandated nor consistently enforced in all communities in High and Very High Fire Hazard Severity Zones.

Finding 4

The insurance industry must be an intimate and integral part of the solution to addressing the WUI problem.

"We estimate that there will be around 1.9 million claims from these fires and it will probably reach an estimated total of over $2.03 billion."
— Jerry Davies, Director of Communications, Personal Insurance Federation of California

Finding 5

Vegetation has not been adequately managed to mitigate wildfire risks. The most destructive, costly and dangerous wildfires occurred in older, dense vegetation burning under extreme conditions.

Finding 6

Most structural losses occurred where homes had little or no vegetation clearance or were built using combustible building materials, and were thus vulnerable to wildfires.

COMMUNICATIONS INTEROPERABILITY, INFORMATION TECHNOLOGY AND PUBLIC OUTREACH

FINDING 1

"Let's improve on what we have rather than going out and trying to sink a tremendous amount of money into something new." — Assembly Member Jay La Suer

Communications interoperability is essential in the effective command and control of personnel and resources during multi-agency, multi-discipline responses to major incidents.

FINDING 2

Unmanned Aerial Vehicle (UAV) provides long loiter time surveillance, reconnaissance and intelligence.

FINDING 3

"Many challenges made fighting these fires extremely difficult, such as tracking and anticipating the wind driven path of the raging inferno." — Congresswoman Susan Davis

Geographic Information System (GIS) technology is an effective tool for quickly providing a visual representation of critical information, such as the status and potential impact of complex incidents during a major wildfire.

FINDING 4

It is important that the public, elected officials and the media have accurate, timely information.

SUMMARY OF RECOMMENDATIONS

The Commission recommends the following solutions, which involve not only the cooperation of the federal, state and local governments, but also that of the local community and individual property owners. The Commission has categorized each recommendation as a *Policy* or *Fiscal* recommendation, and numerically prioritized its importance as: (1) must implement; (2) should implement; or (3) should be studied further.

"The Economy Act is often cited and discussed but rarely understood. We do not view this legislation as a limiting law, but rather as an enabling law which allows DOD to support other federal agencies."
— Colonel Thomas LaCrosse, U.S. Army, Director, Civil Support, Office of the Assistant Secretary of Defense for Homeland Defense

JURISDICTIONAL AND OPERATIONAL BARRIERS

MULTI-JURISDICTIONAL RECOMMENDATIONS

Multi-Jurisdictional Recommendation 1

The Commission recommends that OES arrange a meeting of federal, state and local partners to further clarify and improve the process of utilizing federal resources and access to military assets. (Policy-1)

Multi-Jurisdictional Recommendation 2

The Commission recommends that federal (U.S. Department of the Interior [DOI] and USFS), state (CDF and OES) and local fire agencies work in conjunction with the military to jointly develop and adopt agreements, regulations and operating policies for the employment of aerial assets during WUI firefighting efforts. In addition, FIRESCOPE should develop a statewide plan to increase local agency capacity to provide additional air resources for combating WUI fires. (Policy-1)

"No force of nature was as remarkable as the spirit of those men and women on those front lines. I saw firefighters running on nothing more than guts and adrenaline refusing to sleep, refusing to eat, refusing to think about anything except how to save one more home or one more life. They came from everywhere, from large departments like Los Angeles and San Francisco and from smaller departments like Davis, Modesto and Novato. These are the people who stood the ground against this force of nature."
— Dan Terry, President, CA Professional Fire Fighters

Multi-Jurisdictional Recommendation 3

The Commission recommends that a task force be established to review the social, political, economic and scientific issues relating to conflicts between environmental and ecosystem values and land management planning, and their impact on the use of proven fire prevention and fire safety measures to protect lives and property in our WUI areas. (Policy-1)

"The National Guard Bureau needs to amend its mission and add firefighting to its mission. By doing this, it would provide additional funds and training opportunities."
— Kim Zagaris, Chief, Fire and Rescue Branch, Governor's Office of Emergency Services

Multi-Jurisdictional Recommendation 4

The Commission recommends that federal and state statutes be clarified, where necessary, to reaffirm the status of the fire service as a public safety entity and to recognize the integrated responsibilities for fuel management as reflected in the National Fire Plan, Healthy Forests Restoration Act and existing agreements between the Wildland Fire Leadership Council (WFLC) and federal, state and local fire agencies. (Policy-1)

"We need to identify the disparity between the current status of a fire crew staffing versus what the actual need is because it is such an important part of local mitigation issues, as well as statewide response."
— Jeff Sedivic, President, CA State Firefighters Assn

Multi-Jurisdictional Recommendation 5

The Commission recommends that all federal, state and local forest firefighting agencies review their aircraft operations cut-off times and determine if there can be a window of flexibility to expand incident operations times, while at the same time taking into consideration flight crew safety. Additionally, these agencies should review available and emerging technologies to extend available aerial emergency response capabilities. (Policy-1)

Multi-Jurisdictional Recommendation 6

The Commission recommends that federal, state and local fire agencies implement 4-0 staffing for all fire engine companies responding to OES Mutual Aid calls for immediate, planned response, and set a goal of 4-0 staffing for WUI initial attack response. (Policy/Fiscal-1)

"Senator Dianne Feinstein and I were successful in securing $725 million for California. Monies will go to FEMA to use for disaster relief for individuals and communities, to the U.S. Forest Service and Emergency Watershed Protection program to remove dead and dying trees from federal lands and for erosion control, to U.S. Department of Agriculture to assist farmers in rebuilding their farms, to ranchers to replace livestock, and to replace lost tree crops."
— Congressman Jerry Lewis

Multi-Jurisdictional Recommendation 7

The Commission recommends that all firefighters responding to WUI fires be provided with the necessary wildland personal protective gear, safety and communications equipment. (Policy/Fiscal-1)

Multi-Jurisdictional Recommendation 8

The Commission recommends that sufficient funds be allocated to state and local fire agencies to address California's fire prevention and suppression needs. (Fiscal-1)

Multi-Jurisdictional Recommendation 9

The Commission recommends that federal, state and local policymakers consider creating a stable funding infrastructure for the California Fire Alliance and Fire Safe Councils. (Fiscal-2)

Federal Recommendations

Federal Recommendation 1

The Commission recommends that the federal government (DOD, USDOI, USFS, etc.) investigate whether the successful MAFFS program concept of operation and emerging technologies can be applied to other aerial firefighting systems. (Policy-1)

"Federal funding for firefighting is very minimal, and that's one of the areas that we'll have to look at."
— Marilyn Delgado, Director, Governor's Office of Indian Affairs

Federal Recommendation 2

The Commission recommends that Congress support and fund a single source database that enhances real-time and nighttime WUI intelligence. (Fiscal-1)

Federal Recommendation 3

The Commission recommends that Congress consider authorizing additional federal grant funds for wildland fire mitigation, including the establishment of a National Fire Science Research Institute to compile, evaluate and fund technological advances related to fire prevention and suppression at the federal level. (Fiscal-1)

"If we're trying to understand the impacts of fire on the environment and mitigate those impacts, it's important to know about measuring fires."
— Dr. Philip Riggan, Scientist, Forest Fire Laboratory, USFS

Federal Recommendation 4

The Commission recommends that the federal government reduce or eliminate "match" requirements for federal grant funds for hazard mitigation programs in areas where there has been a state declaration of emergency. (Fiscal-3)

State Recommendations

State Recommendation 1

The Commission recommends development of a permanent Joint Legislative Committee on Emergency Services and Homeland Security. As part of the Committee's mandate, it will have responsibility, in so far as possible, to implement the recommendations of the Blue Ribbon Fire Commission. The Committee will oversee all relevant rules and regulations to resolve conflicting issues. Additionally, the Committee will have technical advisory committees to help evaluate strategies and shall periodically report its progress to the Governor and the Legislature. (Policy-1)

"We just went through the worst fires in California. As Chief of the San Diego Fire Department, we tried to implement several local building code and brush management changes. If you can imagine, the very people that came forward to fight us on those proposed changes were the ones that lost their homes, almost to a person."
— Chief Jeff Bowman, San Diego City Fire Department

State Recommendation 2

The Commission recommends that the Blue Ribbon Fire Commission reconvene six months after the submission of this report, and again six months later, to assess progress in implementing the Commission's recommendations. (Policy-1)

State Recommendation 3

The Commission recommends that FIRESCOPE research and pursue efforts so mutual aid deployed engines have the capability to utilize newer technologies, such as foams and gels. (Policy-2)

"The Cedar Fire was the worst fire in San Diego history -- 280,000 acres were burned countywide, 10 percent of that was in the City of San Diego and the eastern part of the city. The city lost more than 400 structures, many of them completely destroyed. While we lost over 400 structures, thousands were saved and not one life was lost in the City of San Diego."
— Mayor Dick Murphy, City of San Diego

State Recommendation 4

The Commission recommends establishing a secure year round operational capability for CDF, where appropriate, including the implementation of 4-0 staffing for all CDF state funded engine companies. (Fiscal-1)

State Recommendation 5

The Commission recommends that the state examine alternatives for replacement and diversification of CDF's aging helicopter fleet and fire engine apparatus, and begin a replacement planning cycle. (Fiscal-1)

State Recommendation 6

The Commission recommends that the state develop a program to fund the acquisition of 150 additional OES fire engines and the requisite logistical support necessary to address California's fire suppression needs. (Fiscal-1)

Training

Multi-Jurisdictional Recommendations

Multi-Jurisdictional Recommendation 1

The Commission recommends that nationwide training agreements be expanded. (Policy-2)

"We believe that we need to train 600-800 entry level firefighters to replace the attrition we face."
— Ron Raley, Deputy Director, Fire and Aviation Management, USFS

Federal Recommendations

Federal Recommendation 1

The Commission recommends that Congress increase efforts to provide training for local fire departments through federal grant programs and expand the Rural Fire Assistance (RFA) grant program. (Fiscal-1)

State Recommendations

State Recommendation 1

The Commission recommends that the state create a multi-layered public education outreach campaign for residents living in WUI areas. (Policy/Fiscal-1)

State Recommendation 2

The Commission recommends that CDF/Office of State Fire Marshal (OSFM) develop and maintain an adequately funded standards, training and education program, similar to the Peace Officer Standards and Training (POST) program to ensure that trained and qualified personnel are prepared to respond. The training plan should support the use of the California Incident Command Certification System (CICCS) and incorporate the Fire Officer Certification process approved by the State Board of Fire Services. (Fiscal-1)

"Unfortunately, training, drills, exercises are one of the first areas the fire service must cut back when budget reductions are forced upon them."
— State Senator Bill Campbell (Ret.)

State Recommendation 3

The Commission recommends that state funds be made available to each Operational Area to support annual WUI fire suppression training exercises that include National Guard and federal military resources. Funding should also be made available by the state to improve the training level of smaller fire departments. (Fiscal-1)

Interstate/Regional Mutual Aid Systems

Multi-jurisdictional Recommendations

"More than 70 agencies participated in the worst wildland fires in California's history, and they did so unselfishly. At its peak, there were more than 15,600 firefighters battling these devastating blazes. They came from all over California, from many of our western states, and even as far away as Canada. These firefighters did not hesitate. They put on their uniforms, got in their trucks and sometimes drove hundreds of miles in order to protect the property of people they had never met." — former Governor Gray Davis

Multi-Jurisdictional Recommendation 1

The Commission recommends that all federal, state and local fire agencies in California review their various assistance for hire agreements for appropriateness and their potential to undermine California's Master Agreement and Master Mutual Aid System. (Policy-1)

Multi-Jurisdictional Recommendation 2

The Commission recommends that FIRESCOPE facilitate federal, state and local fire service agencies working together to reach consensus on the definition of structure protection versus perimeter control, and address the release of mutual aid companies back to their jurisdictions of origin when immediate needs dictate such return. (Policy-1)

Multi-Jurisdictional Recommendation 3

The Commission recommends that forest agencies integrate local incident command team members within their respective incident management teams when local agencies are in unified command on major WUI fires, and that a module relating to interfacing with local Emergency Operations Centers (EOC) be included in USFS Type 1 and 2 team training programs. (Policy-2)

Multi-Jurisdictional Recommendation 4

The Commission recommends that all federal, state and local agencies continuously maintain and update their mutual aid and cooperative agreements to reflect contemporary needs and costs. (Policy-2)

State Recommendations

State Recommendation 1

The Commission recommends that OES and FIRESCOPE incorporate the Emergency Medical Services Authority (EMSA) into the Master Mutual Aid Agreement. (Policy-1)

Local Building, Planning and Land Use Regulations; Brush Clearance and Fuel Modification

Multi-jurisdictional Recommendations

Multi-Jurisdictional Recommendation 1

The Commission recommends that the Joint Legislative Committee on Emergency Services and Homeland Security convene with appropriate representatives of federal, state and local governments to build upon existing governmental efforts to develop a comprehensive interagency, intergovernmental wildland vegetation management plan for California, and integrate the plan's direction into revised or amended federal, state and local land management, land use plans. (Policy-1)

"We need to look at the laws, regulations and the land use policies that dominate this problem. It's not so much a fire management issue at this point, as it is a public lands policy issue."
— Director Jerry Williams, Office of Fire and Aviation, USFS

Multi-Jurisdictional Recommendation 2

The Commission recommends that in WUI areas, the Statewide Fire Safe Council promotes the establishment of local Fire Safe Councils and encourages federal, state and local governments to assist in this effort. (Policy-1)

Multi-Jurisdictional Recommendation 3

The Commission recommends that all federal, state and local agencies and officials give serious consideration to fostering and advancing citizen involvement in the establishment and operation of disaster prevention, recovery and rebuilding groups. Furthermore, the state should develop a disaster recovery model based on the collective input of OES, FEMA, faith-based and community groups, victim advocates and other relevant organizations. (Policy-2)

"The perfect house that would survive a wildland fire in the Santa Ana wind conditions would be a concrete bunker, but I'm not sure the public is willing to live in a structure of that nature."
— Jim Wright, Deputy Director for Fire Protection, CDF

Multi-Jurisdictional Recommendation 4

The Commission recommends that USDOI, FEMA, USFS, CDF and OES identify ways to assist, including financially, local governments with WUI fire preparation and mitigation efforts. (Fiscal-2)

Federal Recommendations

Federal Recommendation 1

The Commission recommends the Wildland Fire Leadership Council address issues of Wildland Fire Prevention and Control and inconsistencies in the interpretation and implementation of the National Fire Plan, Wildland Fire Policy, Structure Protection, and Cost Apportionment process. (Policy-1)

Federal Recommendation 2

The Commission recommends that Congress considers establishing a National Wildland Fire Insurance Program (NWFIP), with appropriate eligibility criteria, under the direction of FEMA. (Fiscal-3)

"There's a certain sense of responsibility that people must assume if they choose to live in a high hazard area."
— Supervisor Judy Mikels, Ventura County

STATE RECOMMENDATIONS

State Recommendation 1

The Commission recommends that OSFM continues to conduct fire research, including development of fire test protocols for vents, radiant heat exposure for windows and other applicable areas to improve ignition resistant construction techniques. The research process should include implementation of a comprehensive damage assessment process to collect data on efficiency and effectiveness of mitigation practices. (Policy-1)

"I am incredibly proud of the work that was done and very appreciative of the communities that were involved in the MAST concept that was used in our mountain areas."
— Supervisor Dennis Hansberger, San Bernardino County

State Recommendation 2

The Commission recommends that Mountain Area Safety Taskforce (MAST) type programs be considered as a model for fire safe council efforts in target areas. (Policy-1)

State Recommendation 3

The Commission endorses SB 1855 by Senator Deirdre Alpert. (Policy-1)

Communications Interoperability, Information Technology and Public Outreach

Multi-Jurisdictional Recommendations

Multi-Jurisdictional Recommendation 1

The Commission recommends that all EOCs dedicate a Public Information Officer (PIO) or establish a Joint Information Center (JIC) to inform and respond to questions from the media, the public and elected officials. The PIO or JIC should be stationed in or near the EOC and have timely access to the latest information. All available technologies should be explored to expedite the timely dissemination of information. (Policy-1)

"Sometimes the major obstacles, the political turf, are far greater than the technology to overcome the human and institutional limitations, because there are a lot of people very comfortable with what they have. They don't want to change. They don't want to learn a new system. They don't want to adjust."
— Glen Craig, Executive Director, CA Alliance For Public Safety Communications

Federal Recommendations

Federal Recommendation 1

The Commission recommends that sufficient standardized frequencies be issued by the Federal Communications Commission (FCC) to meet the interoperable communication needs of fire and emergency personnel. (Policy-1)

State Recommendations

State Recommendation 1

The Commission recommends integration of the Multi-Agency Incident Resource Processing System (MIRPS) with the California Fire and Rescue Mutual Aid System. (Policy-1)

"We had no eyes in the sky. It was very frustrating. Questions were asked: Where is this fire? How do we get in? How do we get out? Can we get in? What are we going to do?"
— Chief Ray Quintanar, Director, Fire and Aviation Management, USFS

State Recommendation 2

The Commission recommends that the state implement a research and development working group within FIRESCOPE to explore emerging technologies for firefighting purposes (e.g., military technology, GPS, UAVs, Operational Area Satellite Information System (OASIS)). (Policy/Fiscal-1)

State Recommendation 3

The Commission recommends that each engine crew and chief officer have the capability to communicate effectively across multiple frequency bands. (Policy/Fiscal-1)

"No one should suffer harm or lose their property simply because public safety personnel from different agencies or jurisdictions cannot communicate with each other."
— Curt Munro, Manager, San Diego/ Imperial County Regional Communications System

"During the Cedar Fire, they could not communicate with anyone else other than the San Francisco firefighters because the radio system didn't interface. So when they were on a long dirt road with a lot of houses on it and the fire was coming at them, they had to devise a system that when they blast the air horn four times, that means everybody run for your life. Because they didn't have a radio system, that's how desperate it is."
— Bob Wolf, President, CA Professional Firefighters

"We must not fall prey to bureaucratic foot-dragging or interagency turf battles when confronted with the need for new radio systems."
— Senator Bruce McPherson

State Recommendation 4

The Commission recommends that local governments improve public outreach and emergency evacuation education. (Policy/ Fiscal-1)

State Recommendation 5

The Commission recommends that state agencies take advantage of the work that has been done locally to create regional communication systems and join with the local agencies on a regional basis to enhance those systems. (Policy-2)

State Recommendation 6

The Commission recommends that the state update and expand current handheld and mobile radios to be utilized on major mutual aid incidents as a short-term, temporary solution to the interoperability problem. (Fiscal-1)

State Recommendation 7

The Commission recommends that OES Fire and Rescue Command Networks be expanded. (Fiscal-1)

LOCAL RECOMMENDATIONS

Local Recommendation 1

The Commission recognizes the critical role of timely emergency notification of the public of imminent threats and recommends that local governments prioritize the development of appropriate early warning systems to address the needs of their communities. (Policy-1)

Mr. OSE. Our next witness is Bruce Turbeville, who is the chairman of the Fire Safe Council.

Sir, we appreciate your attendance today. We have received your statement in writing. It has been submitted in the record. You are recognized for 5 minutes to summarize.

Mr. TURBEVILLE. Thank you, Mr. Chairman. It is a pleasure to be here. I appreciate the opportunity. I am Bruce Turbeville, chairman of the Fire Safe Council. I'll give you just a quick background. The Fire Safe Council actually was formed in 1993 when we recognized that State government alone could not enforce all of the fire prevention needs and did not have enough money for public education. So, we looked at the fact that public-private partnerships might help, so we formed the Fire Safe Council looking at the insurance industry, the real estate industry, and other entities that had a vested interest in reducing fire damage.

As time progressed, the Council grew, and it became clearly evident that the Council concept could be put to use at the local level, so local Fire Safe Councils began to form, and what that did is give us community effort, with people understanding that they have a position and a place to deal with their concerns as related to wildfires.

As these grew and became more entrenched at the local level, we noticed that just the volunteerism side of it didn't work and they needed funding. Almost simultaneously, the National Fire Plan funding became available, and grants were made available to continue the public education.

In 2001, during the first year we had close to 100 grants fulfilled up and down the State, and at the time we only had 50 or 60 Fire Safe Councils. The success has been to the point now we have 120 local Fire Safe Councils, and they are all taking it upon themselves to do fuel treatments around and within the communities. They are the perfect channel for the Federal grant funds to come down from Interior and Agriculture to the county level, the community level.

The success has been phenomenal; however, now we are fearful of the loss of funds. The community assistance grant total available for 2005 appears to be little, if any, compared to what we've had in the past. We have a growing need and a diminishing supply of funding, it appears. Just this last year we had 393 grant requests totaling $49 million. We had available $5 million, so 10 percent of the folks that want to do the job. I point out again the value of the community. These are the people that live there and recognize that there's a problem and they want to do something about it. It is an ideal situation, and we need to keep it going if at all possible.

The Health Forests Initiative and the Healthy Forests Restoration Act are both programs that the Fire Safe Councils are the perfect conduit from the top down to the bottom. As they become in place, we're taking advantage of those and helping them become effective.

I think the most important thing to recognize here is you've got the grassroots willing to do the work if we just give them a little seed money. It seems to be working better than I ever imagined it would be, and we just can't let it wither away.

You did ask a question, Mr. Chairman, a while back about the ounce of prevention and a pound of cure. I think I may have

prompted that by my statement where I said for every $1 you put in prevention you save $10 in suppression and damage. And no, I can't prove it because I made it up, but nobody else has disproved it. I just wanted that to be on the record.

The sort of things we have been dealing with over the last few years as far as funding, when the finance officer for the State of California asked me in a hearing similar to this, "Show me a fire that you prevented," I can't show you a fire prevented, but I point to all of the ones that haven't started.

I leave you with one question, and that is: why is there always enough money to put out the fires and there's never enough to prevent them?

I thank you for the opportunity.

Mr. OSE. That's an excellent question. I thank the gentleman for his testimony.

[The prepared statement of Mr. Turbeville follows:]

Committee on Government Reform Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs

Testimony of Bruce Turbeville, Chairman, California Fire Safe Council
May 5, 2004

Chairman Ose and esteemed members, on behalf of the California Fire Safe Council (FSC) and the 120-plus community Fire Safe Councils in California, thank you for the opportunity to speak with you today.

I would like to provide background information on the California Fire Safe Council to communicate the perspective from which I will make my remarks.

The California Fire Safe Council is a nonprofit organization. Our mission is to preserve and enhance California's manmade and natural resources by providing leadership and support that mobilizes all Californians to protect their homes, communities and environment from wildfires. Our storefront, if you will, is www.firesafecouncil.org.

I founded the Council in 1993 as part of the California Department of Forestry and Fire Protection's (CDF) statewide fire prevention public education program. As education officer for California, my annual budget was $250,000, or less than one penny per citizen.

It was critical then, as it is now, that other entities with the potential to be negatively affected by wildfires play a role in educating Californians about the role they need to play in improving their homes', neighborhoods' and communities' chances of surviving a wildfire. We actively involve private businesses, associations, environmental groups, timber industry, utilities, government and others in educating Californians. By using the combined resources and delivery channels of our members, we educate citizens about their fire safety responsibility.

Early education efforts laid the groundwork for citizen input into CDF's fire plan, where each unit had to identify the community assets at risk within its jurisdiction, develop strategies to protect those assets and elicit community input on and support of prioritizing the protection of those assets. This citizen input led to formation of local Fire Safe Councils.

Many Councils formed at the local level to increase cooperation across political boundaries from the citizen-driven perspective. Concurrently, the California Fire Alliance formed to increase inter-agency cooperation from the top-down.

The California Fire Alliance is composed of the federal, state and local fire and land management agencies, plus the FSC. The Alliance works to eliminate bureaucratic barriers that hinder what it calls pre-fire suppression activities in California. The Alliance's member organization directors meet twice each year to provide direction to staff and consider issues raised by staff. Member organizations' staffers meet monthly to accomplish the work of the Alliance. The Alliance has received NFP funding, but it primarily relies on the cooperative efforts of its members to accomplish its objectives within existing organizational budgets and staff responsibilities.

The early efforts of both the FSC and local Councils were almost solely powered by dedicated volunteerism and collaboration. Although many receive National Fire Plan (NFP) grants, volunteers are still the life-blood. The Councils are very effective at creating consensus among interests that historically disagree. In addition, the Councils are adept at coalescing citizen support for fire safety programs because the Councils are largely citizen-directed and, therefore, meet the citizens' needs.

Our traditional focus has been on educational programs. However, the NFP shifted the emphasis of the Councils by providing funding as has never been available before to address additional fire safety problems in our communities.

The NFP shifted the slow growth of Councils into high gear as paid staffers were hired and new Councils formed. To facilitate this NFP-grant-funded growth, many Councils incorporated as nonprofits. There are now more than 120 community Fire Safe Councils in California.

The Councils are undertaking a number of types of projects using their primary, and in most cases only, source of funding, NFP funds through the U.S. Department of Interior (DOI) agencies and USDA Forest Service (FS). One of the most popular projects is community chipper programs where homeowners cut their brush and stack it curbside where the Councils chip it and return it to the same spot for use as mulch in the yard. Other popular projects are education programs that are integral to gaining and maintaining broad community support for fuel reduction activities on federal and non-federal lands. Community wildfire safety planning also has been widely undertaken.

While our projects are quite successful, we face many more challenges that have put almost all Councils at a crossroads where organizational survival is at stake. I would like to talk about challenges and successes today.

The FSC appreciates the Bush Administration's wildland fire regulations that help enable the implementation of strategies to reduce the effects of wildfire. The NFP, which includes elements begun under the previous administration, calls for, and funds, collaboration for projects on non-federal lands. The Bush Administration's Healthy Forests Restoration Act (HFRA) can potentially simplify the environmental compliance process. The President's Management Agenda encourages smarter program delivery. We hope initial gains will become long-term successes in the areas of prevention education and hazard mitigation.

We are cautious of over-regulating, but believe strides can be made to ensure regulations, whether federal, state or local are made to be common, fair and understandable. They must also be acceptable by the public and enforceable. The public must be educated about why the regulations exist. The FSCs use peer-to-peer strategies to educate communities about fire regulations and in so doing, we have motivated citizens to become compliant. Our experience shows that when people clearly see the benefit of fire safety regulations, they support and comply with them. The key to successful regulations is education and motivation. Another important component is to have regulations better address the retrofit issue where we are trying to bring homes built prior to many fire safety regulations up to current standards.

The National Academy of Public Administration's (NAPA) January 2004 report, "Containing Wildland Fire Costs: Enhancing Hazard Mitigation Capacity" noted that, "the opportunities for big savings are in reducing wildfire hazards on a broad scale before a fire begins."

NAPA concentrated on three hazard and cost reduction strategies: 1) Create fire-resistant communities; 2) Create strategic fuel break systems; and 3) Reduce heavy vegetative fuel loads and restore forests to healthy levels that permit successful initial attack. [1]

From the FSC perspective, implementing these strategies requires collaborative planning and compliance, a strong educational component and funding.

- Collaborative Planning

The HFRA called for creation of community wildfire protection plans because collaborative planning is critical to identifying the highest risks and prioritizing treatments to cost-effectively use the limited funding available.

Many communities in California have done collaborative community fire protection plans. The California Fire Alliance works informally to make sure there is no duplication in plans. Our concern at this time is confirming the existing plans fit with the Healthy Forests Restoration Act, the National Fire Plan and Disaster Mitigation Act 2000, implemented through the California Governor's Office of Emergency Services (OES).

Planning is linked to funding in California. Grant applications for NFP funds require that the problem or project that addresses the problem be cited in a community fire plan to be considered for funding. The judging criteria for these grant programs cite the second ranking criteria as whether the project will create or is linked to a fire plan.

The FSC operates an online NFP grants clearinghouse funded by members of the California Fire Alliance. We recently selected projects for 2004 FS funding and 2005 select DOI agencies funding. Of the 98 projects chosen for funding, only two were to create fire plans. Only two were selected, not because there were that few applications for planning, but because priority went to projects that met the top ranking criteria, which was removing fuel.

From our perspective, we support the HFRA's call for collaborative planning, but no longer have adequate funding to do it. California has significant unmet capacity. The call for concept papers for 2004-2005 NFP grant funds in our state yielded 393 concept papers requesting $49 million for fuels reduction, planning and education projects ready to be implemented, and scheduled to last 1-2 years.

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[1] *Containing Wildland Fire Costs: Enhancing Hazard Mitigation Capacity*, a report by a panel of the National Academy of Public Administration for the U.S. Congress and the Departments of Agriculture and the Interior, January, 2004, p. 3-4.

Another challenge to collaborative planning that could hinder the HRFA's effectiveness is lack of cooperation. For a plan to be truly collaborative, it should cross political boundaries, and publicly identify all priorities and projects. This type of plan is difficult to put together due to agency fear of loss of control over its own resources.

- Environmental Compliance

The Administration's efforts to streamline the NEPA process on public lands reeks of common sense. The FSC's focus is on non-federal lands and communities-at-risk so I cannot comment on the effectiveness of these regulations as they have more significant impact within agencies at this time.

In California, this year's Community Protection grants from the FS to local communities will be the first round of grants to be affected by the changing process from the FSC's perspective.

We support practical solutions on environmental compliance. Since NFP funding became available in 2001, the compliance process has confused, angered and alienated many organizations. The California Fire Alliance's member agencies took quick steps to remedy the situation while still working under then-existing limitations. Other agencies are using this streamlined, yet effective, process through the grants clearinghouse.

The first step, taken by the Bureau of Land Management (BLM), was to turn project funding decisions over to the FSC. By not making a decision, BLM does not trip NEPA. Instead, BLM reviews projects for compliance with Endangered Species Act, National Historic Preservation Act and Migratory Bird Treaty Act. Projects are still subject to NEPA's California counterpart, the California Environmental Quality Act (CEQA), as well as the California Endangered Species Act (CESA), among others.

The California Fire Alliance then formed an environmental compliance working group. The group recently completed a guide of federal compliance policies and contact list within each agency to help grant recipients, many of them citizen-driven groups, to navigate the maze of compliance regulations. The group is currently working on a guide for state compliance, using a resource from OES. This information is posted on the Alliance's web site, www.cafirealliance.org.

In addition to streamlining processes, there must be public education that makes the processes easy to understand and navigate. All the organizations we know with NFP funding want to do the right thing, but need simple, step-by-step directions that explain how and why.

- Education

While education plays a critical role in creating the political will from the bottom-up to carry out fire safety projects, education has suffered significantly due to reduced funding. Under the Bush Administration, National Fire Plan grant programs have funded valuable education programs like Firewise nationally and the programs of the FSC in California. We understand Firewise funding

is being reduced. And we know that funding under NFP has been reduced in California. For example, the Bureau of Land Management's Community Assistance program fell from $3.6 million each year in 2001-2003 to $1.5 million in 2004. We are uncertain if there will be Community Assistance funding in the 2005 budget. We are seeing these decreases, yet understand that the National Fire Plan funding overall is stable. We are left to assume that work on non-federal lands, particularly education programs, is a decreasing priority.

- Funding

As funding is shrinking, the demand for funding is growing. The online grants clearinghouse at www.grants.firesafecouncil.org received requests for $49 million in grant funds for 2004-2005, topping the previous three years' annual average of approximately $24 million.

The key points I'd like to make about funding are:

1) It must be stable if we have any chance of addressing the significant wildfire problem. Councils that logged great successes are going out of business because we do not have reliable funding. An example of lack of reliability is that these programs are tapped to pay for excess suppression costs.
2) It must increase. This is a $49 million-per-year problem in California alone. In the short-term, grant funding equal to the problem is vital. In the long-term, market forces need to provide an economic foundation for the process.
3) It must be simplified.
   a) While the money seems to come in one appropriation with flexibility, it attracts strings like lint as it moves through the agencies so that by the time it reaches the local level it is difficult to meet the requirements.
      i) One point of difficulty, particularly for organizations like Fire Safe Councils, is cost sharing/matching funds. Each agency seems to impose different matching requirements. While we're committed to producing a collaborative effort, having to meet seemingly arbitrary, externally imposed targets and undertake the associated administrative burden of tracking the match adds unnecessary complexity to projects. The only reason we can think as to why there are matching fund requirements is to encourage collaboration to extend the value of the projects. Instead, we believe extending the value of projects should be influenced by whether that project is prioritized in a collaboratively developed community fire plan as called for in the HFRA. If it is, the matching funds will be there, but in a way that makes sense to the project, from 0-100-plus percent, as determined by the project.
      ii) Tracking matching funds is one of myriad administrative requirements that come with any federal grant. Effective project design and grant management hinges upon having a knowledgeable staff. Yet we see the Federal agencies are reluctant to fund community action group coordinators, instead expressing the desire to focus on treating acres. Just as agencies need staff to be effective, so do we, and we need the funding to do it.
   b) The federal agencies are funding projects on different fiscal year schedules in California. The FS is funding using 2004 funding while the DOI agencies are selecting projects for

> 2005 funding. Combined with the time it takes to receive payment after a grant is awarded, we frequently miss our project windows. We would like to see better collaboration by the agencies to develop a single approach.

In general, collaboration is an area where the California Fire Alliance and Fire Safe Councils have been successful, yet there is still room for improvement. The Alliance has led by example in showing agency cooperation among federal, state and local government. The Fire Safe Councils have worked to provide a non-partisan forum that welcomes the diverse opinions and participation of a variety of stakeholders. We often have to agree to disagree on issues, but usually agree that something needs to be done to solve the wildfire problem and that we will work together on the solution.

The administration's actions in this area are helping in California. For example in the spirit of cooperation and keeping with the President's Management Agenda, California Fire Alliance member organizations worked together to develop the online grants clearinghouse for NFP funds. The agencies agreed to one deadline and a simplified application. The FSC was instrumental in designing, and currently staffs, the clearinghouse at www.grants.firesafecouncil.org, which demonstrates the agencies' ability not only to work collaboratively among themselves, but with a non-governmental entity.

The clearinghouse successfully routed applications for consideration under multiple grant programs and created a way for organizations without grantwriting expertise, but with great desire to improve their communities, to be selected for funding. The clearinghouse is a grant application, reporting and close-out site. We're currently developing capabilities to produce customized reports that pull data from applications, quarterly reports and concept papers. In addition, the clearinghouse will include a searchable library of model projects. These model projects will help cost-effective use of funds by potentially seeding a project in other areas interested in a similar approach. It supports the FSC's existing informal information-sharing network and makes information available to a wider audience.

The clearinghouse is flexible. Although designed in California, it can potentially be adapted by other states. Although designed for NFP grant programs, it can potentially be adapted for other grant programs, such as the Community and Private Lands Fire Assistance and FEMA pre-disaster mitigation. A key barrier to this will be concern that it could concentrate power in the hands of the FSC, a non-governmental organization, or the California Fire Alliance, where multiple agencies could vie for "the power." I say that facetiously because the administration of the clearinghouse is facilitative in nature. Regarding the FSC, we are a pass-though entity for some grants, and the responsibility for the associated administrative burden certainly is "right powerful," but is not power.

Our role as facilitator of the clearinghouse gives us both the top-down and bottom-up perspective on cooperation. By working at a statewide level to fund local projects, we gain a greater understanding of the collaborative process and the agencies' varying approaches.

We see from the top-down the California Fire Alliance member agencies call for collaboration at all levels of their agencies. We see from the bottom-up, different levels of cooperation and leadership by agencies and within individual agencies. The Councils would benefit from consistent participation and leadership of the agencies in the Councils. The Councils would further benefit from the agencies committing resources, particularly mapping and planning resources, to assist FSCs in moving forward on projects that benefit communities-at-risk.

The news coverage of last year's Southern California fires gave us an intimate look at the effects fires can have on communities-at-risk. At the height of the siege, we saw a whole community destroyed. In the aftermath, we are coming to grips with the personal losses suffered by so many. Friends and family dead. Homes gone. Jobs lost. Natural resources damaged. We're also seeing finger pointing, accusations being hurled and responsibility being shifted – the calisthenics of blame.

But fire has another effect. It is the antidote to the syndrome of, "it won't happen to me." I have been in the fire service or with the California Fire Safe Council for 40 years. Since I can remember, we have been telling people to clear their defensible space because it can help save their homes in a fire. Yet so many people do not do it until they are convinced by a near miss or by losing their home that they should be clearing their defensible space. Fire provides the ultimate educational moment to those directly affected, and others whose heightened awareness gives us the chance to reach them with our educational message that potentially will make a life and death difference in their lives.

There are three things communities can do to protect themselves in the future, which I'm paraphrasing from the January 2004 NAPA report:

1) Make the community fire safe. In many areas, the Fire Safe Councils are creating fire safe communities one house at a time. We're going door-to-door to educate people about the need to become fire safe. We provide them with a fire safe assessment of their house and property, and have programs that help them clear their defensible space.
   a) Being fire safe means having a defensible space. In California, we define that as clearing flammable vegetation a minimum of 30 feet from the home. That does not mean a ring of bare dirt around the house. Homes with defensible space can have beautiful yards where fire resistant plants are strategically placed to sap a fire of its strength as it approaches the home. CDF did a study of home survivability after the 1990 Paint Fire in Santa Barbara. The agency found that homes with a minimum of 30 feet of brush clearance had a 78 percent survivability rate.
   b) Being fire safe also means maintaining the home itself to fire safe standards, such as cleaning leaves and other plant debris out of gutters and off roofs. We emphasize that the roof not only be kept clean, but that it needs to be constructed of fire resistant roofing material. The study of the Paint Fire showed that buildings with non-flammable roofs, such as concrete shingles, had a 70 percent survivability rate.

The Santa Barbara study also showed that homes with both defensible space and non-combustible roofs had an 86 percent survivability rate.[2]

2) Create strategic fuel break systems near communities. While we are working on individual lots within communities, Fire Safe Councils also are creating fuel breaks near communities that will limit a fire's ability to spread into the community. Through a grant from the Bureau of Land Management, the Butte County Fire Safe Council funded creation of a shaded fuel break near a subdivision in Paradise that will protect homes and a key evacuation route from potential future wildfires.

   These fuel breaks also help slow a fire and give the first firefighters on the scene a better chance of controlling it in their initial attack. Controlling fire within a small acreage during initial attack is a key success measurement for firefighters. We want them to be successful.

3) Reduce heavy fuel loads and restore ecosystem health, which will permit successful initial attack. We are working to unclog ecosystems that are backed up with too much vegetation. For example, The California Fire Safe Council provided U.S. Fish & Wildlife grant funding for fuel reduction in the Berkeley area affected by the 1991 Tunnel Fire that will remove a build-up of invasive weeds and eucalyptus trees, and have a dual benefit of potentially providing improved habitat to the threatened Alameda Whipsnake, which lives in fire-dependent chaparral.

But we could be doing better. We support the National Association of Public Administration's recommendations made in its January 2004 report. Better technical support for planning, collaborative planning, additional funding, simplified funding processes, funding for long-term maintenance and better success measurement capability will enable more cost-effective, long-term solutions.

Currently, the federal agencies that fund our activities ask us to target treatment of acres as the highest priority. Through the grants clearinghouse, we estimate that 2004-2005 federal funding will be used to treat approximately 14,000 acres, primarily in condition class 3. We have the capacity to do more. We left approximately 24,000 acres on the table in the form of unfunded projects for 2004-2005.

The Southern California fires burned 793,597 acres in two weeks. It makes our efforts to clear 14,000 acres in the next two years look insignificant. Nothing could be further from the truth. Fire Safe Councils and others logged small triumphs amid the ashes of that great tragedy that are models for other communities to follow. To mark the one-year anniversary of the fires, the California Fire Safe Council will host a commemorative event Nov. 14-15 in the San Diego area.

The Lytle Creek Fire Safe Council is a group of volunteers that helps do defensible space clearance on roadsides and in yards in this small mountain community of approximately 350

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[2] *California's I-Zone, Urban Wildland Fire Prevention & Mitigation*, edited by Rodney Slaughter, January, 1996, p. 116-120.

homes. It was one of the first communities threatened by the Grand Prix Fire. Lytle Creek Fire Safe Council President Ellen Pollema told me that when a battalion chief's professional judgment told him to pull out his firefighters for their safety, he met unexpected opposition.

She reported that a U. S. Forest Service firefighter objected, saying, "This community started a Fire Safe Council three years ago. We promised that if they did their part, we'd do ours."

Surveying the community's work in creating defensible space around homes and brush clearance along roads, the battalion chief relented and ordered his men back in. The firefighters bravely faced the fire in this neighborhood. Of approximately 350 homes, only 18 were lost.

The Mt. Rim Fire Safe Council has been effectively educating residents of the San Bernardino Mountains about wildfire risk since its inception in the late 1990s. Laura Dyberg, president of the Mountain Rim Fire Safe Council, said her Council helped create an evacuation plan before the fires and the community practiced evacuating. The planning paid off. Many residents were already prepared and approximately 80,000 people evacuated the mountain communities in record time.

The U.S. Fish & Wildlife Service had recently completed a strategic fuel break system that gave firefighters the help they needed on the Otay Fire. Although the fire burned 50,000 acres, the fuel break system gave firefighters the ability to keep it from growing larger.

The Stevenson Ranch development has been hailed as a model of successful planning and fire safe construction. Every home survived the Simi Fire that burned within hundreds of feet of the subdivision. The streets in Stevenson Ranch are wide. The roofs are constructed of fire-retardant roofing materials. The homes have dual-glazed windows and sealed eaves. The landscape is well-watered and defensible space clearance extends to the hillsides surrounding this development of approximately 3,500 homes in Northern Los Angeles County.

A newspaper article quoted a firefighter as saying, "With the construction here, you couldn't burn down these houses with a blowtorch if you tried," said Dave Doughty, a Tehama County carpenter and volunteer firefighter whose engine was assigned to a Stevenson Ranch road that clings to a scorched hillside. "One fire engine could have saved this entire development."[3]

These examples are evidence that when effective preventative measures are taken, damage from wildfires is significantly reduced. Historically, people look to government to solve the problem. In this regard, the Fire Safe Councils are a powerful ally to agencies because we give them what they want – citizens who take responsibility to help themselves.

As a society we are at a turning point where we must acknowledge that we will likely never have the resources it would take to fight these fires and have 100 percent initial attack success. Our reliance on suppression as savior is unrealistic. There will be losses. Therefore, we must shift

[3] "Fire-resistant Subdivision Thanks its Foresight," Contra Costa Times, Nov. 2, 2003; article by New York Times Reporter Dean E. Murphy.

from the mindset of an adversarial relationship with fire and learn to live with fire. This means acknowledging that we cannot conquer it. Instead, we must work to minimize the impact it has on life, property and natural resources; and speed the recovery of those three when fire happens.

I have been a firefighter and a fire preventer. I speak from 40 years' experience when I say that buying more fire engines and water-dropping helicopters will not solve our problem. That is why I am grateful for the administration and bipartisan efforts to make both prevention and suppression successful.

I'm known for saying two things, with which I will end my testimony:

1) For every dime spent on prevention, we save a dollar in suppression. The Southern California fires cost approximately $123 million in suppression. Imagine the amount of prevention we could have accomplished. That's all I can do because the zeros on my calculator will not go that high.
2) The cost of fighting fires will get covered; it always does, which leads to a question: Why is there always enough money to fight a fire, but never enough money to prevent it?

Thank you.

Mr. OSE. We're going to go to our next witness. That would be the president of the California Fire Chiefs Association, Mr. William McCammon.

Chief, welcome to the witness table here in front of our committee. You're recognized for 5 minutes.

Mr. MCCAMMON. Thank you very much. Good afternoon, Chairman Ose and committee members. My name is Bill McCammon. I'm the fire chief of the Alameda County Fire Department in California. I'm also the president of the California Fire Chiefs Association and board member of the Metropolitan Fire Chiefs Association. It is an honor to provide testimony regarding the challenges fire-service professionals and communities face in mitigating, managing, and responding to wildland fires.

If there is one lesson we've learned about the devastating effect of the most recent fires, it is in the end we all lose. In the recent fires in southern California, there were critically sensitive habitat areas where fuels management programs were not completed prior to the fires. That habitat is now destroyed. There were property owners that didn't manage the vegetation adjacent to their homes. Those homes are no longer standing. There were lives lost and critical watershed destroyed after the fires as heavy rains caused mudslides in the recently burnt-out areas.

In 1966, the County Supervisors' Association in conjunction with the forest protection agencies recommended the need for comprehensive and coordinated land use planning, including declaration of hazardous fire areas, clearance of flammable vegetation around developments, and standardized building codes and zoning ordinances. In 1970, California was burning. In 13 days there were 773 fires burning over 570,000 acres, consuming 772 homes with 16 lives lost. The 1970 task force recommended, among other things, fuel and hazard reduction programs, land use and building code changes, and expanded fire prevention programs.

Again, in 1972, 1978, 1980, 1985, 1991, and 1993 California experienced devastating fires with large numbers of homes, lives, and critical habitat lost. Task forces were formed and reports were written with recommendations very similar to those included in the recent Blue Ribbon Fire Commission report. In almost all of these cases, the identified weaknesses with suppression efforts have been corrected. It has been recommended time and time again and proven that in areas where there have been fuels management programs combined with effective land use planning, the effects of fire have been minimized.

In 2002, Congress and the Federal land management agencies asked the National Academy of Public Administrators to examine six fires that occurred and make recommendations on wildfire issues. The series of reports concluded that the Nation's readiness and capacity for hazard reduction was the least developed of all the critical issues related to wildfire suppression. The reports also concluded that it will increasingly depend on intergovernmental and public and private partnerships capable of reducing large-scale risks affecting multiple owners. Some progress has been made to bring together the stakeholder groups to develop common goals and practices in California. The California Fire Alliance was formed, bringing together Federal, State, and local government agencies to

play a role in fire policy to coordinate efforts toward the implementation of the National Fire Plan at the local level.

The Fire Alliance has formed a grants clearinghouse that provides a streamlined, online grant application process for National Fire Plan grants. This program has been very successful in moving what limited funding has been available from State and Federal agencies to local Fire Safe Councils. The ongoing critical challenge is to have State and Federal agencies allocate more funding to these local programs.

California Fire Chiefs Association, in conjunction with "Fire Engineering Magazine" held two wildfire summits. Ten States were represented, along with local, regional, and national leaders. The results included recommendations, most of which dealt with hazard reduction. We realized as a result of the summits that greater involvement from the environmental community is essential. Plans are already underway to host a summit bringing the environmental community together with local and county planners to develop more consensus around fuels management strategies.

Even with these positive efforts moving forward, having a coordinated political effort between local, State, and federally elected officials to standardize regulations for fuels management and building and zoning standards is essential.

The grants that have been offered through the National Fire Plan have been well received, but the total amount available for these efforts has been diminishing. Funding for these types of programs is, as has famously been told, analogous to virga rain that falls from the sky and evaporates before it hits the ground. The grants come from two different departments and five different agencies, each with their own set of priorities, each with different matching requirements ranging from no match to 100 percent match, and, most importantly, each with a different system of communicating the opportunities to the local communities.

In California this disconnected, uncoordinated process caused the formation of the Fire Alliance. Even with the attempts to coordinate the grant process, the system does not promote participation and clearly does not receive sufficient funding to come close to addressing the need.

Today in California there are over 1,100 communities that have been identified as at risk and over 850 are adjacent to Federal lands. This year there were 393 grants submitted totaling over $49 million, and there was less than $7 million available for those programs.

The recent passage of the Healthy Forests Restoration Act at face value appears to begin to address funding for critical fuels management programs along with community and stakeholder involvement in the development of fuels treatment projects. The success of the Healthy Forests Restoration Act will be dependent upon a full commitment from all stakeholders and sustained funding.

As I have stated in my testimony, unless we are able to address the issues of political will, fuels management, stakeholder consensus, and adequate funding, we will continue to experience major wildland fires that will destroy communities, critical habitat, watershed, and become an ever-increasing economic drain on our society.

Thank you for the opportunity. I will be available for questions.

Mr. OSE. Thank you, Chief.

[The prepared statement of Mr. McCammon follows:]

Written Testimony to the House Committee on Government Reform Subcommittee on Energy Policy, Natural Resources, and Regulatory Affairs

Good afternoon, Chairman Ose and committee members. My name is Bill McCammon, and I am the Fire Chief of the Alameda County Fire Department in California. I am also the President of the California Fire Chiefs Association, and Board member of the Metropolitan Fire Chiefs Association. It is a great pleasure for me to provide for your consideration information about the challenges fire service professionals and communities face in mitigating, managing and responding to wildland fires.

In 2002 we saw 7 million acres burn throughout the Western United States, with lives lost, unprecedented property destruction, and a price tag exceeding 5 billion dollars. In 2003 during one 20-day period in Southern California, fires consumed 740,000 acres, with 3,600 residential structures, 36 commercial properties, 1,169 out buildings destroyed, and 22 fatalities, including one firefighter. In the past decade California alone has experienced a 10 billion dollar cost for fire suppression and economic loss due to wild fires.

If there is one lesson we have learned about the devastating effects of the most recent fires, it is that we all lose in the end. In the recent Southern California fires, there were critically sensitive habitat areas where fuels management programs were forbidden prior to the fires; that habitat is now destroyed. There were property owners that didn't manage the vegetation adjacent to their homes; those homes are no longer standing. There were lives lost and critical watershed destroyed after the fires as heavy rains caused mudslides in the recently burnt areas. The long-term effects to the entire ecosystem will have a significant human and economic cost to the communities that were burnt out. Unless we make significant changes to our approach to managing fuels, along with the encroachment of development into these areas, we are setting ourselves up for more devastating fire sieges.

History shows us that fire has been a common phenomenon in the forests of this country. Periodic lightning fires burnt the forest floor, but never found their way into the upper canopy. These fires managed the density and health of the forest. Today through established environmental and forestry management practices, including fire suppression efforts, the density of our forests have increased exponentially making any fire that occurs in the forest a larger more devastating event. The complexity of fire suppression and the social cost of these large fires also increase exponentially as civilization moves into the forests. We continue to see development encroaching into the forests, with minimal emphasis placed on fire safety.

We know how to minimize the impacts of these devastating fires. It has been shown time and time again, that in areas where there have been fuels management programs implemented, combined with effective land use planning, that the effects of fire have

been minimized. Prevention has to be the cornerstone of our efforts to curtail and minimize the effects of these devastating fires.

The question has been asked: what lessons have we learned from the 2003 Fire Siege. The answer quite frankly is that we know the answers, and there are no new lessons to be learned. In 1966 the County Supervisors Association in conjunction with the Forest Fire Protection Agencies wrote, "Haphazard development of the mountain wildland areas set the scene for disaster. Structural fire losses from forest fires have been great and losses have been increasing in recent years. Firefighting forces alone cannot always furnish protection measures to compensate for hazardous conditions; they must be planned and built into subdivisions and other development." The report recommended "comprehensive and coordinated land-use planning." The recommendations also include "declaration of hazardous fire areas, clearance of flammable vegetation around developments, provision for local government fire protection, safe ingress and egress, control of building construction and building density through adoption of standard building codes and zones ordinances, and lastly establishment of community fuel breaks."

In 1970 California was burning. In 13 days there were 773 fires burning over 570,000 acres, consuming 772 homes with 16 lives lost. The Secretary of Resources for the state established a 21-member task force to develop recommendations to prevent similar fire sieges in the future. The Task Force recommended among other things fuel and hazard reduction programs, land use and building code changes, and expanded fire prevention programs.

Again in 1972, 1978, 1980, 1985, 1991, 1993 California experienced devastating fires with large numbers of homes, lives, and critical habitat lost. Task forces were formed and reports written with recommendations very similar to those included in the recent Blue Ribbon Fire Commission report.

In almost all of the cases the recommendations that dealt with suppression effort improvements have been made and recommendations implemented. In California over the years we have seen the creation of FIRESCOPE, a state-sponsored body that developed the Incident Command System (ICS). ICS is the basis for the National Incident Management System (NIMS). FIRESCOPE also has developed the most advanced mutual aid system in the country, as evidenced by the mobilization and management of over 1,000 fire resources from all over California and surrounding states, representing all levels of local, state and federal government during the recent Southern California Fire Siege.

The most glaring deficiency in the ongoing fire problem in California is our inability to address the issues of land use, land use planning, building code standards, and the balance between environmental concerns for habitat and endangered species preservation, and fuels management. In 2002 Congress and the Federal Land Management Agencies asked the National Academy of Public Administrators to examine 6 fires that occurred in 2002 and make recommendations regarding wild life risk assessment, interagency

coordination, containment of suppression costs, and better utilization of local firefighting resources. The series of reports concluded that, "The nation's readiness and capacity for hazard reduction was the least developed of all the critical issues related to wild fire suppression." The reports also concluded that if any progress was to be made to reduce risk and preserve wildland areas, "It will increasingly depend on intergovernmental and public private partnerships capable of reducing large-scale risks affecting multiple owners."

Some progress has been made to bring together the stakeholder groups to develop common goals and practices in California. Through the efforts of the California Fire Safe Council, there are over 100 local Fire Safe Councils that have brought stakeholders together including the private sector, environmental groups, local planners, and community representatives. The Fire Safe Councils have been very effective in championing the cause of fuels treatments and fire prevention. The major challenge the councils face is the lack of funding to implement fuels management programs.

The California Fire Alliance was formed bringing together federal, state and local government agencies that play a role in fire policy to coordinate efforts towards implementation of the National Fire Plan at the local level. Membership includes: California Department of Forestry and Fire Protection, U.S. Forest Service, California Fire Safe Councils, Bureau of Indian Affairs, Bureau of Land Management, Governor's Office of Emergency Services, Los Angeles County Fire Department, National Park Service, and the U.S. Fish and Wildlife.

The Fire Alliance has formed a grants clearing house that provides a streamlined online grant application process for National Fire Plan grants. This program has been very successful in moving what limited funding has been available from state and federal agencies to the local level. There have also been several FIREWISE workshops held throughout California designed to support the concepts of the Fire Safe Councils in bringing stakeholders together to work on hazard reduction and fire prevention challenges for the local communities. The ongoing critical challenge is to have state and federal agencies allocate more funding to these local programs.

The education and sharing of perspectives of the different stakeholders, including private property owners, environmental groups, planners and fire service professionals, are keys to developing a unified approach to addressing the concepts of fire safe communities. The California Fire Chiefs Association, in conjunction with Fire Engineering Magazine, held two Wildland Fire Summits in San Diego in an effort to establish these relationships. Ten states were represented along with local, regional, and national leaders. The results of the 2003 Summit, including 29 specific recommendations for improvement, have been submitted as part of my testimony. The one glaring factor that came from the 2004 Summit was the need to include more representation of the environmental community. Plans are already underway for California Fire Chiefs Association to bring together the environmental community, along with local and county planners to establish those relationships, and to develop more consensus around fuels management issues.

The California League Cities and the California State Association of Counties have developed a joint resolution, which speaks to the need for better coordination and streamlining of legislative and regulatory mandates that have become an impediment to pre-fire mitigations and prevention efforts. Both bodies have pledged: to act as a clearing house for local government to sort through conflicting regulations and forward those on to federal and state legislators; to consider legislation that will expedite the adoption of a state-wide wildland urban interface construction, and development standards; and to sponsor public forums to begin the discussion about other legislation.

Even with these positive efforts moving forward, there are still areas where focused attention must be placed. The first is having a coordinated political effort between local, state, and federal-elected officials to legislate standardized regulations for fuels management, and building and zoning standards. In the most recent Southern California siege, there was an effort to put forward by a city building department to increase code requirements to insure fire safe elements were included in the building reconstruction. It went before the City Council and was rejected by the Council after public comments. The lack of political will to enforce more stringent building standards and fuels management programs will only exacerbate the problems. As California begins to digest the recommendation of the Blue Ribbon Fire Commission report, our biggest concern is the lack of political will to move the recommendations forward. The issues of wildland fire impact all levels of government and can only be addressed if all levels of government are part of the solution.

The issue of sustained funding, for prevention and pre-fire mitigation efforts, presents the biggest challenge. The report to Congress by the National Association of Public Administrators concurs that funding for pre-fire mitigation efforts has been very difficult to secure on an ongoing basis. Funding from the federal government for these types of programs is analogous to virga, rain that falls from the sky but evaporates before it hits the ground.

Grants from the federal government come from two different departments and five different agencies: each with their own set of priorities; each with different matching requirements ranging from no match to a 100% match; each with different timing and reporting requirements; and most importantly each with a different system of communicating the opportunities to local communities. Depending on the policy of each agency the funding can only be used on federal lands unless they decide it can be used on local land. Even funding dedicated for use on federal lands doesn't always make it there either. Each forest is given a line item for fuels management programs, but is free to move that funding to other programs if there is a shortage in some other program. In California this disconnected, uncoordinated process caused the formation of the Fire Alliance, to act as a clearing house in an effort to support the work of the Fire Safe Councils. Even with the attempts to coordinate the grant process, the system does not promote participation and clearly does not receive sufficient funding to come close to addressing the need.

The grants that have been offered through the National Fire Plan have been well received, but the total amount available for these efforts has been diminishing. In 2004 there has been a 64% decrease in funding for these types of programs through the Forest Service, and a 35% decrease from the Bureau of Land Management, while both agencies received significant increases in their suppression budgets.

Today in California there are over 1,100 communities that have been identified as at risk, and over 850 are adjacent to federal lands. This year there were 393 grants submitted totaling over 49 million dollars, and there will be less than 7 million dollars available.

The recent passage of the Healthy Forest Initiative at face value appears to begin to address critical fuels management issues, but the primary issue still remains funding. It remains to be seen though if it will create significant change. In California we have forged relationships with our federal partners, but the funds available to begin to address the fuels management issues have not been there. We are optimistic the legislation will provide increased resources, but it is too soon to tell what outcomes we can expect.

California in the last two months has experienced wild fires during a time of the year that has historically not been fire season. Most recently over 2,000 acres burned in Riverside County, adjacent to the bark beetle infested forest in San Bernardino County where something less than 3% of the dead trees were consumed during the Siege of 2003. The fire season has now become a year-round challenge, and the threat of wild fire continues to grow.

Our inability as a society to adequately come together and find common ground that balances property rights, environmental concerns for vegetation and habitat preservation, and economic interests while providing adequate funding to implement the identified projects, has set up a situation where we will continue to experience larger and more devastating wildland fires. The economic and societal impacts of these fires will continue to become more problematic as time goes on.

I am hopeful that through the efforts of our federal and state partners we can finally implement a consistent agenda before we destroy more forests and homes where critical habitat and human lives are lost.

WILDFIRE SUMMIT 2003

Seeking Creative Solutions to America's Wildland Fire Problem

Executive Summary

January 15-17, 2003
San Diego, California

Introduction

Two years ago, we experienced the most significant wildfire loss in more than a century and thought it couldn't get any worse. Then came the summer of 2002. We saw 7 million acres burned, lives lost, unprecedented property destruction, a federal and local price tag exceeding $3-5 billion, and the fear (and realization) that it will not get better anytime soon. President Bush has proposed a plan of forest thinning and cleaning. We have the National Fire Plan, the 1995 Federal Wildland Fire Management Policy, the 2001 Federal Fire Policy Review and Implementation Action document, and even an Urban-Wildfire Interface Code. While many in the wildland firefighting community recognize that a strong federal/national wildlfire commitment is necessary, the question must be asked, Are the current policies and programs enough to solve the problem? Probably not.

We are seeing a continuing trend of significant development in the urban interface areas with little regard for lives and property that can be lost. This places an increased risk on the available firefighting resources as the size and complexity of fighting wildland fire continue to grow. The rate of human development in the wildland interface far exceeds current fire prevention and protection capabilities—a fact readily apparent and documented over the past few wildfire seasons and one that, when placed in context with less than favorable weather patterns predicted well into the future, creates the potential for future explosive situations, with concomitant risk to firefighters and the public.

But can something be done? The answer is yes.

Wildfire Summit 2003 was established to provide a forum to address the wildfire problem and to map out *solutions* that may not be in the mainstream dialogue. Fire service professionals, government officials, lawmakers, and industry leaders were invited to participate in a "think tank" process to create a new or expanded approach to this devastating problem. The participants agreed that creative, "outside the box" thinking is required—that simply doing better at what we already do will not solve our wildland problems as they exist currently—and were encouraged by the facilitators as much as possible in that critical direction.

Wildfire Summit is based on an inclusive stakeholders approach and seeks to expand its participant base far outside the fire service. The participants were in wide agreement that multidirectional communication will break down problem-solving barriers inherent in the wildfire response complex. It is interesting to note that one of the first observations of the Wildfire Summit 2003 meeting was that most of the group was not aware of *current* documents and plans that address the issue. The National Fire Plan, the Federal Wildland Management Policy, the Urban-Wildfire Interface Code, to mention a few, were unfamiliar documents, in all or part, to a majority of the attendees. The group's conclusion was that there is a terrible lack of information sharing pertaining to the wildfire problem.

The 108 participants in the 2003 Wildfire Summit considered the issues of planning, land use, tactics, equipment, strategy, communications, and community expectations. Using 14 hours of facilitated tabletop discussions, along with several hours of general session reporting and consensus building, the participants arrived at the conclusions and recommendations outlined below.

Wildfire Summit 2003 concluded with a general assembly session that allowed the eight tabletop groups to share and condense their ideas. The following outline represents those conclusions in three sections: policy, education, and process. These conclusions must be considered a *starting point* for addressing the problem, not the final solution. The group will meet again in 2004 to continue to work toward an achievable creative answer to this problem. In the meantime, as you read through this outline, remember what Arizona and New Mexico experienced in June 2003, and consider what the rest of the country has and will experience this wildfire season.

Policy

The policy discussion is more national in scope than local, although any policy decisions require buy-in of all concerned. Public and private human encroachment into the wildland environment over the past decades has produced many of the problems we face today. Historically, when a wildland fire erupted, the fire burned until the forest was cleaned and thinned. With the introduction of buildings and infrastructure, and a national policy that for years required that all fires be extinguished, the forests became choked with vegetation and growth that led to an unhealthy condition. We have built what we cannot protect in areas that are beyond control. Recommended policy changes to address this situation include the following:

- Implement and enforce consistent land use and zoning policies that establish minimum standards for development, including adequate roads, water supply, and communications, and established local fire protection--all before construction begins. Ensure through the environmental impact reporting process that human and structural protection can be adequately provided, and provide a continuing funding mechanism for life-safety services.

- Establish structured course work at the college and university level that is a part of the undergraduate and graduate work for planning professionals addressing the interface problem and minimum standards.

- Mandate the adoption and enforcement of a national Wildland/Urban Interface Building and Life Safety Code that sets minimum standards for roads, construction materials and techniques, water supplies, clearances, power, and communications systems.

- Establish a National Wildland/Urban Fire Protection Insurance Program (similar to the National Flood Insurance Program) that would provide relief to property owners suffering fire loss, provided that they met national planning and zoning requirements and were in compliance with the Wildland/Urban Interface Building and Life Safety Code.

- Return a significant portion of the National Wildland/Urban Fire Protection Insurance Program premium to local jurisdictions to be used for staff, equipment, and buildings to meet the expanded need for service as growth and demand increase.

- Fund a national communication system, including adequate spectrum capability, and provide to all public safety agencies the equipment necessary to achieve realistic and actual interoperability.

- Establish a policy to permit and require live-fire training both in wildland and structure protection. Also, establish national certifications and qualifications for all responders to wildfire and structural emergencies.

- Allow the U.S. Military and National Guard, by policy and practice, to be added to the wildfire suppression arsenal. Require all appropriate aircraft in federal and state fleets to be retrofitted or designed to be used as firefighting aircraft.

- Adopt a single national incident command system (ICS).

- Adopt a national definition for "structure" protection that differentiates between exposure protection and structural firefighting.

- Establish a Presidential Commission (similar to *America Burning*) to report to the American people on the condition of the forests, wildland, and urban interface, with recommendations for SOLUTIONS and funding sources for those SOLUTIONS.

- Adopt a national policy to clean, thin, and rehabilitate the forestlands through the use of vegetation management, controlled burning, and natural burning. Set a maximum 10-year goal for policy compliance.

- Establish a new Fire Act grant program for infrastructure and staffing for the wildland interface, and fund the program annually with $1 million.

Education

Education is the linchpin in moving toward a solution for the wildfire emergency. Even with credible documents such as the National Fire Plan and the Federal Wildland Fire Management Policy, we cannot achieve success unless people are aware of the existence of these documents. The fire service, as a whole, has done a poor job of informing and educating the people of our country about the realities of the wildland/urban interface situation. As a fire moves through an overgrown forest or wildland and destroys home after home and building after building, people ask, "How can this be happening?" We need to establish a well-organized and coordinated educational program to inform our communities about what to expect in the wildland/urban interface and what can be done to control the outcome.

There are many current and potential partners in this effort. Local, state, and federal governments can and do provide education to our communities. Insurance companies and schools are not nearly as involved as they could be in this effort. The Department of Agriculture, the Federal Emergency Management Agency, and the U.S. Fire Administration should all be in the forefront of an educational effort. However, that is not the case. By allowing development and building in the wildland, we are giving people the sense that it must be safe or "we wouldn't be allowed to build." We must introduce a massive educational effort to inform and educate our communities about how to live in the wildland/urban interface and what they can do to reduce the danger.

A second component to education must include the fire service and all first responders. A standardized national educational program, including certifications and qualification requirements, must exist. Not only does this address firefighter safety, it provides a workforce that is equally trained and accountable for the emergency at hand. The days of showing up at the emergency and doing "the best we can" is not adequate in this environment. Equal training and competence must be demanded. Educational efforts include the following:

- Acknowledge the reality of protection levels in the wildland, and notify property owners/potential owners of the dangers. Address response time and staffing capabilities that can be expected in a community during an emergency.

- Create Fire Safe Councils, Volunteers in Prevention programs, and other such vehicles to provide local educational information and resources for each community.

- Require all insurance companies with policies in the interface to provide each owner/resident with a fire-safe video that sets forth the property owner's responsibility for safety and written materials to be used as resources for additional assistance.

- Require all insurance companies with policies in the interface to do an annual inspection of the insured property based on regional minimum standards. Require that a policy cannot be renewed without fire-safe compliance.

- The fire service must become knowledgeable in the various plans, policies, and programs in force across the country (National Fire Plan, Federal Wildland Fire Management Policy, Federal Fire Policy Review and Implementation Actions, and so on).

- Showcase the best management practices in fuel management, such as timber policies, grazing, and prescribed burns.

- Work with educational institutions, research facilities, and publishers to create specific vegetation standards and recommendations for fire-safe landscaping and vegetation management.

- Create a multimedia program to promote fuel reduction; include schools and community educational groups in the message.

- Develop partnerships with the American Association of Retired Persons, Salvation Army, Boy and Girl Scouts, Red Cross, and other organizations to help get the fire-safe message out to the communities.

- Develop national certifications and qualifications that are a minimum for all firefighters and first responders to both wildland and structure fire emergencies. Provide the curriculum and train-the-trainer programs, and reimburse local jurisdictions for the cost of the training.

- Conduct frequent joint training programs specific to the wildfire problem that work cross-discipline and cross-jurisdictional.

Process

The fire service is not a political heavyweight. Most of the proposed solutions suggested in Wildfire Summit 2003 will take legislation and substantial funding. Our national organizations, such as the International Association of Fire Chiefs, the National Fire Protection Association, and the International Code Council, to name a few, must join with all 50 states' fire leadership to lobby for change and funding. The wildfire problem is not a local issue. If we remain provincial in our approach, the success expected by our communities will never be achieved. .

A Presidential Commission must be established to analyze and evaluate this ever-expanding problem. Designed after the *America Burning* process, the Commission must be tasked with a complete review of the wildfire problem, including firefighter safety, land use and planning, adequate code and standards availability, equipment and training, public education, partnerships for success, healthy forests definitions, military and National Guard resources, and industrial involvement. The Commission can produce a blueprint for success; however, if the fire service does not endorse the outcome and lobby for change, our opportunity for change will be lost.

Fire service professionals, government and policy directors, and industry leaders will meet again at Wildfire Summit 2004 in January. The group has been expanded to 125 members, to include a wider representation from the eastern United States and the federal government. The Summit will start with the process points listed below, along with the policy and educational observations presented above, to create a draft approach with specific measurable conclusions. The creative process begun at this year's Summit will continue at the January 2004 Summit. Key process points will include the following:

- Create a Presidential Commission on wildland fire and the interface challenge by early 2004 that will provide specific legislative goals and programs to address the wildland/urban interface problem.

- Develop an economic model that includes federal and local resources, along with research dollars, industry participation, alternative funding sources, and partnerships with insurance groups and the building industry, to provide seed monies to implement new and unique programs and ideas.

- Reintroduce fire into the ecosystem.

- Fund universities and other research organizations to provide new techniques, equipment, and technology for a healthier forest and a better approach for fire suppression.

- Explore nontraditional funding mechanisms such as corporate sponsors, nonprofit organizations, and the insurance industry to support the massive educational needs essential to a successful program.

- Provide incentives to property owners for implementing safe fire protection measures.

- Develop a standard national mutual aid system that moves local, state, national, and military resources wherever needed.
- Develop a standardized incident command system and a methodology for implementation and training.
- Develop and require adequate and strong certification and qualifications for all personnel on the fireground, both in the wildland and in structure protection.
- Form a cooperative partnership of all involved parties within the government, the military, and private enterprise to encourage and expand research and development.
- Create a clear definition of a healthy forest.
- At the end of each fire season, have a technical and safety review hosted by the United States Fire Administration.
- Identify the components of a national fire policy to include fuel management, standardized ICS, standardized equipment, standard certifications/qualifications, funding and reimbursement, reasonable environmental protection, and firefighter access and safety.

Mr. OSE. Our fourth witness for today's hearing comes to us from the Natural Resources Defense Council, where she serves as a senior forest policy analyst, Ms. Amy Mall.

Ms. Mall, welcome. You are recognized for 5 minutes.

Ms. MALL. Thank you, Mr. Chairman and members of the subcommittee. Thank you for your invitation to testify today. My name is Amy Mall. I am the senior forest policy analyst at NRDC, the Natural Resources Defense Council, a national, nonprofit organization with over 550,000 members dedicated to the protection of public health and the environment.

Forest Service research has found that the most effective way to protect homes or other structures is to focus on the building, itself, and its immediate surroundings. This is known as making homes firewise. Last year's fires in California were strong evidence that these methods work. Throughout southern California, homes remained standing if they had proper home materials, design, and landscaping, but many homes across the West are not yet firewise, and homeowners need immediate help with information and financial assistance. Collaboration is essential because most of these homes and communities are not on Federal land.

Instead of focusing on firewise activities and State and local assistance, however, the Bush administration is spending millions of dollars a year on logging trees miles away from the nearest home in what is called the "back country." Despite what Under Secretary Rey asserted earlier, there are virtually no peer reviewed empirical studies that show that such logging leads to a systematic reduction of forest fire intensity. In fact, I have a list with me of Forest Service research—and it is cited in my written testimony—that shows that these activities can actually increase fire intensity or spread.

The administration has also adopted regulatory changes that are unnecessary, increase the burden of public participation, and will lead to more controversy and bureaucratic complication. The environmental review process before the Bush administration took office worked well, with no factual evidence that any aspect of the process seriously hampered the protection of homes and communities. To the contrary, GAO found that more than 95 percent of hazardous fuels reduction projects were ready for implementation within the standard 90-day review period. Only a tiny percentage of the projects and acreage were delayed by litigation. And agencies already had procedures to expedite approval, including categorical exclusions, NEPA's emergency authority, and the Forest Service authority to exempt appeals from the mandatory stay.

Nevertheless, in 2003 the Bush administration issued new categorical exclusions from NEPA, allowing agencies to avoid public environmental review on projects up to 1,000 acres of land, regardless of the intensity of logging or the trees cut, including old growth trees. And, after exempting many logging projects from environmental review, the Bush administration adopted new regulations to exempt these projects from appeal. For projects that are still eligible for the appeal process, new regulations set up numerous obstacles to members of the public wanting information and input. The 2003 appeal regulation and the 2004 protest rule under the Healthy Forest Act share many of the same problems, making it

more difficult to oppose projects, even if those projects might increase fire risk.

Contrary to what Under Secretary Rey said earlier, Section 218.6(A) of the 2004 interim final rule does say that environmental assessments are not circulated for public comment in draft form.

The 2004 protest rule also exempts from protest any project the Forest Service claims was proposed by Under Secretary Rey, ignoring a court decision that recently rejected a similar exemption. Again, contrary to what he said earlier, the regulation in Section 218.12(B) does say that it exempts authorized hazardous fuels reduction projects that are proposed by the Secretary or the Under Secretary of Agriculture.

The Bush administration has also used these regulations to advance its efforts to restrict judicial review for logging projects.

The President's fiscal year 2005 budget request also fails to prioritize community protection. The percentage of acres the Bush administration plans to treat in the areas closest to communities is only 51 percent. That's in the administration's budget request. That means that 49 percent of the acres to be treated in fiscal year 2005, which is 1.4 million acres, would be in the back country, far from the nearest home or community. Some of these projects are over 40 miles from the nearest home or community.

As discussed above, these activities can actually worsen fire risk, according to firecologists. In addition, the administration has proposed cutting funding for State and local assistance by 32 percent. This will weaken collaboration and it will reduce assistance to the jurisdictions that have the primary responsibility for protecting western homes and communities.

Thank you, Mr. Chairman, for the opportunity to testify today.

Mr. OSE. Thank you, Ms. Mall. I appreciate your brevity. It's very unusual around here that somebody stays within their 5 minutes, so thank you.

[The prepared statement of Ms. Mall follows:]

TESTIMONY OF AMY MALL
ON BEHALF OF THE NATURAL RESOURCES DEFENSE COUNCIL
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SUBMITTED TO
COMMITTEE ON GOVERNMENT REFORM
SUBCOMMITTEE ON ENERGY POLICY, NATURAL RESOURCES AND REGULATORY AFFAIRS
U.S. HOUSE OF REPRESENTATIVES

May 5, 2004

Mr. Chairman, Ranking Member Tierney, members of the Subcommittee: Thank you for your invitation to testify today. My name is Amy Mall. I am the Senior Forest Policy Analyst at NRDC, the Natural Resources Defense Council, a national non-profit organization with over 550,000 members dedicated to the protection of public health and the environment.

Mr. Chairman, the question you have asked us to answer today is: "Wildfires in the West: Is the Bush Administration's Response Adequate?" The answer, very disturbingly, is a resounding 'no.' While Forest Service research has concluded that there are proven methods to protect homes and communities, and Congress has provided billions of dollars in order to accomplish this goal, the Administration has not prioritized these proven methods to reduce fire risk. Instead, the Administration has spent much of this money on activities that have uncertain outcomes and could actually increase fire risk. At the same time, the Administration has used widespread, and justified, fear of wildfire throughout Western communities to try to destroy time-tested laws and regulations, complicate public participation, and diminish the role of science in managing wildfire risk.

Wildfire Science: How to protect homes

The loss of homes and threats to communities from wildfire is a serious problem that can and must be dealt with in a serious, results-oriented, and non-politicized fashion. NRDC agrees with the large majority of the affected public in believing that protecting homes and communities must be the top priority for the Forest Service and Bureau of Land Management (BLM) wildfire programs. Forest Service research has found that the most effective way to protect homes or other structures is to focus on the building itself and its immediate surroundings.[1] As stated in the Forest Service FY 05 Budget Justification: "... a home's exterior materials and design related to a home's immediate surroundings within 100 feet principally determine the home's ignition potential during extreme wildfire

[1] Cohen, Jack D. "Reducing the Wildland Fire Threat to Homes: Where and How Much?" USDA Forest Service, General Technical Report PSW-GTR-173. 1999.

conditions...the greatest effects on a home's ignition potential result from the home design and fuel distribution within this zone."[2] Two simple measures give homesites considerable wildfire survivability: installing fire resistant materials and clearing flammable vegetation from the immediate vicinity. This is known as making homes "firewise." Firewise information is widely accepted and utilized in public education efforts of organizations such as the American Red Cross, the Federal Emergency Management Agency, and the interagency Firewise program. Inexplicably, Forest Service or BLM national websites do not contain obvious links to this information.

Last year's fires in California were strong evidence that these methods work. According to a Los Angeles Times analysis of more than 2,300 structures destroyed during last year's Cedar Fire, "Fire-resistant construction and vigilant removal of flammable vegetation significantly improved the odds of a home's survival."[3] Throughout Southern California there are stories of communities where most homes were destroyed, and other communities where most homes remained standing, depending on home materials, design, and landscaping.

Unfortunately, many homes across the west are not yet firewise. We do not know how many, but we do know that many homeowners need immediate help with information, technical support, and financial assistance to protect their homes and communities, and head off genuine tragedies.

Wildfire Science: Dangers of backcountry logging

The Bush administration is spending million dollars per year, money that could be spent on firewise activities, on logging trees miles away from the nearest home in what is called the "backcountry." The administration says these activities will reduce fire risk. There are virtually no peer-reviewed, empirical studies, however, that show that such logging actually leads to a systematic reduction of forest fire intensity.[4] Some research, including

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[2] USDA Forest Service, FY 2005 Budget Justification, Page 9-23

[3] Chong, Jia-Rui and Doug Smith. "Some Homes Had Shields to Ward Off Wildfires," Los Angeles Times. April 1, 2004

[4] There are models and assessments that predict what future fire intensity might be, but they do not report the actual, near or long-range results of thinning as conducted under real world conditions. Similarly common are studies that look at occurrence and acreage of fire without considering intensity. However, the postulated function of thinning is to make fires less intense. Thus, studies that ignore intensity do not provide useful information about the effectiveness of thinning. NRDC is aware of only two published, empirical studies that begin to address this critical issue of thinning's impact on fire intensity. Both found some reduced intensity subsequent to removal of very small diameter trees, in a limited number of sites. See Pollet, J., and Omi, P.N. 1999. "Effect of thinning and prescribed burning on wildfire severity in ponderosa pine forest," presented at the JFSC Fire Conference, "Crossing the Millennium: Integrating Spatial Technologies and Ecological Principles for a New Age in Fire Management." Boise, Idaho; and Omi, P. & E Martinson. 2002, "Effect of Fuels Treatment on Wildfire Severity," submitted to the Joint Fire Science Program Governing Board, March 25, 2002 (available online at http://www.cnr.colostate.edu/FS/westfire/FinalReport.pdf). These studies represent a beginning, but do not by any stretch of the imagination indicate what results to expect from a widespread program of removing larger trees in many different kinds of forest settings.

Forest Service research, shows that these activities have in some instances actually increased fire intensity or spread.[5] The agencies, therefore, do not have the necessary scientific basis for predicting confidently that a given backcountry logging project will reduce fire intensity.

Logging in the backcountry can increase fire risk in several ways. First, cutting down trees opens up the forest and lets in sunlight and wind, both of which dry out the forest interior and increase flammability. Second, the most flammable material - brush, limbs, twigs, needles, and saplings - is difficult to remove and often left behind. Third, opening up forests promotes brushy, flammable undergrowth in a short time period. Fourth, logging equipment compacts soil so that water runs off instead of filtering in to keep soils moist and trees healthy. Fifth, logging introduces diseases and pests, which wound trees left behind and can make them more flammable. Sixth, logging often involves roadbuilding, and roads have been associated with an increase in both the number and extent of wildfire.[6]

This does not mean that backcountry logging will never help reduce fire risks. Rather, it means that the agencies cannot know whether and under what conditions logging will make things better, rather than worse. Backcountry logging, therefore, should not be a priority at this time. The agencies' priority should be methods that are proven to protect homes and communities – the firewise activities mentioned above. All homes at risk should be made

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[5] See, e.g. Fahnestock, G.R. 1968. *Fire hazard from precommercial thinning of ponderosa pine.* U.S. Forest Service Research Paper PNW-57. Portland, Oregon; Weatherspoon, C.P. and C.N. Skinner. 1995. *An assessment of factors associated with damage to tree crowns from the 1987 wildfire in northern California. Forest Science.* 41:430-451; Huff, M.H., R.D. Ottmar, E. Alvarado, R.E. Vihnanek, J.F. Lehmkuhl, P.F. Hessburg, and R.L. Everett. 1995. *Historical and current landscapes in eastern Oregon and Washington. Part II: linking vegetation characteristics to potential fire behavior and related smoke production.* U.S. Forest Service Pacific Northwest Forest and Range Experiment Station, GTR- 355. Portland, Oregon; U.S. Forest Service. 1995. *Initial review of silvicultural treatments and fire effects on Tyee fire. Appendix A, Environmental Assessment for the Bear-Potato Analysis Area of the Tyee Fire*, Chelan and Entiat Ranger Districts, Wenatchee National Forest, Wenatchee, WA.

[6] Some of these phenomena are discussed in the fire effects section of the Final Environmental Impact Statement for the Roadless Areas Conservation Rule (FEIS). The FEIS Fuel Management and Fire Suppression Specialist's Report review of the scientific literature discusses a number of the underlying studies (http://www.roadless.fs.fed.us/documents/feis/specrep/xfire_spec_rpt.pdf). For example: at p. 22, Covington (1996) ... notes that, "scientific data to support such management actions [either a hand's off approach or the use of timber harvesting] are inadequate" (brackets in the source); id. at 22-23, "Kolb and others (1994) ... conclude that ... management activities to improve forest health [such as fuel management] are difficult to apply in the field" (brackets in the source); id. at 21, "Fahnstock's (1968) study of precommercial thinning found that timber stands thinned to a 12 feet by 12 feet spacing commonly produced fuels that 'rate high in rate of spread and resistance to control for at least 5 years after cutting, so that it would burn with relatively high intensity;'" and "When precommercial thinning was used in lodgepole pine stands, Alexander and Yancik (1977) reported that a fire's rate of spread increased 3.5 times and that the fire's intensity increased 3 times"; id. at 23, "Countryman (1955) found that 'opening up' a forest through logging changed the 'fire climate so that fires start more easily, spread faster, and burn hotter". Others are discussed, along with adverse impacts to wildlife, in two annotated bibliographies of scientific research available from the Natural Resources Defense Council: Ercelawn, A. 1999. *End of the Road -- The Adverse Ecological Impacts of Roads and Logging: A Compilation of Independently Reviewed Research*; and Ercelawn, A. 2000. *Wildlife Species and Their Habitat: The Adverse Impacts of Logging -- A Supplement to End of the Road.*

firewise, with government assistance where needed, before we continue experimenting with backcountry logging.

The Need for Collaboration

In 2001, in response to Congressional direction in the FY01 Interior Appropriations Conference Report, the Western Governors Association issued a 10-Year Comprehensive Strategy for A Collaborative Approach for Reducing Wildland Fire Risks to Communities and the Environment. This strategy was developed with extensive input from federal, state, local, and other stakeholders, including NRDC. In 2003, the group issued an Implementation Plan for the Comprehensive Strategy. Both the underlying Strategy and the Implementation Plan called for extensive collaboration among federal, state, local and other stakeholders. As stated in the FY 01 Interior Appropriations Conference Report: "Successful implementation of this program will require close collaboration among citizens and governments at all levels...."

Such collaboration is essential. Most of the homes and communities at risk are not on federal land, and are governed by other jurisdictions, including state, local and tribal governments. According to one estimate, approximately 85% of the land which has to be the highest priority for fire protection is on non-federal land.[7] Policies and strategies to protect communities at risk, therefore, must be made in a truly collaborative fashion.

And, as discussed above, while backcountry logging should not be a priority, to the extent that it still occurs, collaboration is also essential. Since there is a risk that backcountry logging projects will make conditions worse, such projects should not move forward without: (a) broad support from all levels of stakeholders; and (b) general agreement that such a project should receive higher prioritization than projects that would use proven methods close to homes and communities. To ensure full public participation and collaboration in such decisions, agencies must provide comprehensive information and opportunities for input, without unnecessary barriers.

The Project Approval Process Has Worked Well

For years there were three main components of the project approval process: environmental review, appeal, and judicial review. Each of these components worked efficiently and effectively, with no factual evidence that any of them seriously hampers the needed protection of homes and communities.

Environmental review: The basic environmental review process is governed by the National Environmental Policy Act (NEPA). NEPA established a process to ensure that the best projects are conducted with the least amount of environmental damage necessary – leading to less overall cost by reducing the occurrence of poorly planned, controversial, inefficient or ineffective projects. It was designed to resolve controversy and to balance competing public needs by increasing public input and the use of the best available science,

[7] "Communities at Risk from Wildfire: How Much is on Federal Land?" The Wilderness Society. Science and Policy Brief Number 2, March 2003.

which leads to better decisionmaking, broader public acceptance, and lower costs to taxpayers.

Projects are reviewed through an Environmental Assessment (EA) or an Environmental Impact Statement (EIS), or are found to be exempt from review pursuant to a Categorical Exclusion (CE). Categorical Exclusions were designed for administrative actions that could not, by their nature, have an impact on the environment. The Forest Service and other agencies have, over the years, also applied CEs to small-scale, low impact projects, such as trail maintenance or minor road repair. Work to protect homes and communities based on proven methods, including thinning, brush removal, and prescribed burning, were allowed under a categorical exclusion before 2002 and could be conducted without a lengthy review process.

While a CE may be appropriate for firewise activities immediately around homesites, it is not appropriate for backcountry logging. Due to the risks and uncertainties described above, backcountry logging should be subject to full environmental review under NEPA, where agencies are required to adhere to the best available science. As explained by the nation's top fire ecologists in the attached letter to President Bush, "...fire threats in western forests arise from many causes, and solutions will require a suite of treatments adjusted on a site-by-site basis." Such site-by-site adjustment can only be assured through thorough public review, including input from independent scientists.

Appeals: The basic Forest Service appeal process was established under the Appeals Reform Act, which responded to a Forest Service proposal to do away with most administrative appeals of project decisions. We could not state the importance of this process any better than the principal sponsor of the Act, former Georgia Senator Wyche Fowler, who described the Congressional motivation for this statute as follows: "This amendment this morning has become imperative if the American people are to reclaim some rights that they have held for 85 years—since 1907—the right to appeal a timber sale decision of the Forest Service. I guess, to put it another way, a basic not only American right but democratic right with a small 'd', and that is to appeal a decision of a free Government of a free people if that decision adversely affects an individual citizen."[8]

In 2003, the General Accounting Office (GAO) issued a report systematically examining adversarial delays in all Forest Service fuels reduction decisions made in fiscal years 2001 and 2002.[9] This report found that the overwhelming majority of hazardous fuels reduction projects, and the overwhelming majority of acres, go forward with no abnormal appeal delay. The GAO found that more than 95 percent of the 762 hazardous fuels reduction projects it reviewed – covering some 4.7 million acres of federal forest lands – were ready for implementation within the standard 90-day review period. Even where delays occur, they are not all attributable to environmental issues -- many appeals come from private citizens, recreation groups, the timber industry, or the grazing industry. If the agency had been solely concerned about speeding up the process for that small percentage, under

[8] U.S. Senator Wyche Fowler, August 6, 1992. Congressional Record, page S11643.

[9] GAO-03-689R, Forest Service Fuels Reduction, May 14, 2003.

Appeals Reform Act rules it could have cut the time it takes to review an appeal – since half the 90 day appeal maximum is agency review time.

Judicial Review: Judicial review of hazardous fuel reduction projects has little if any impact on projects designed to protect homes and communities. The GAO report mentioned above found that only 23 of 762 projects were litigated, affecting 2% of the total acreage (100,000 acres). Of these, only four – one-half of one percent -- were delayed by temporary restraining order (TRO), preliminary injunction (PI), or stay pending appeal. Both the number of projects the agency identified as fuels reduction activities and the total acreage actually litigated – let alone delayed – were trivial compared to the numbers and acres left unchallenged. Judicial review of hazardous fuels projects is clearly not problematic. As a side note, in three of the four cases with court-ordered delays, the illegality of Forest Service action was confirmed through a permanent injunction after a ruling on the merits or by explicit findings accompanying the interim relief that the agency had unequivocally violated the law. In short, judges halted the projects because the agency acted illegally, in derogation of rules laid down by Congress or adopted to implement congressional direction.

The Bush Administration's Response to Wildfires in the West

Environmental Review: As stated above, the environmental review process before the Bush Administration took office already included procedures to expedite approval for projects based on proven methods to protect homes and communities. As a matter of fact, in addition to the Categorical Exclusion process described above, agencies could also take advantage of NEPA's emergency authority or the Forest Service authority to exempt appeals from mandatory stay under certain circumstances. Nevertheless, in 2003 the Bush Administration started its regulatory changes by issuing new Categorical Exclusions from NEPA. One -- the CE for hazardous fuels reduction -- allows the Forest Service and BLM to avoid public environmental review on projects up to 1,000 acres in land, regardless of the intensity of logging or the trees cut, including old growth.[10] One thousand acres of logging cannot be said, by its nature, to have no impact on the environment.

NRDC submitted detailed comments on this CE, attached to this testimony. We will summarize by saying that the CE covers activities whose impacts are not merely highly uncertain, but can also be actively harmful. As mentioned above, logging may have the opposite effect from that desired, increasing subsequent fire behavior. It can also cause a variety of collateral harms to the physical environment. The CE lacks the narrow limitations on size, intensity, and location that would be needed to create a *prima facie* case for its legitimacy and legality.

In trying to justify the new CE, the Forest Service and BLM reviewed more than 3,000 projects, characterizing most of them as having no environmental impact and, therefore, as not needing environmental review. This characterization is wholly unjustified. First, the large majority of these projects were small scale and there is no guarantee that future

[10] National Environmental Policy Act Determination Needed for Fire Management Activities; Categorical Exclusions. June 5, 2003; 68 Fed. Reg. 33813-33824.

projects will be like them in this critical regard. Second, when NRDC called national forest offices to verify project information for some of the larger projects that included logging, we found that many had not been completed or their analysis had not been finished. Hence any conclusion about environmental impact was highly premature. And, in some instances, the project was changed as a result of citizen input during the environmental review process, lessening its potential for environmental impacts. If this latter category of projects indicates anything, it is the value of continued NEPA review and public involvement.

In summary, the Bush Administration used faulty data and justification to establish wholesale exemption from environmental review for entire categories of logging projects. This new CE was entirely unnecessary: there were no documented problems with the previously existing process and a CE was already available to conduct proven firewise methods to protect homes and communities. We can only assume that the new CE was created to exempt from environmental review those projects that would have not qualified for the already existing CE, i.e., those projects that involve backcountry logging, could actually increase fire risk, and engender extensive public opposition due to their damage to forest health and risk to homes and communities.

Appeals: After exempting many logging projects from environmental review through the new Categorical Exclusion, the Bush Administration then adopted new regulations to exempt these projects from appeal. The 2003 appeal regulation exempts all projects conducted under a CE from appeal.[11] For projects that had undergone some environmental review and were still eligible for the appeal process, the new regulation sets up numerous obstacles to members of the public wanting information and input on a project, going further than the Appeals Reform Act authorizes. The Act requires that appeals be accepted from those who were involved either through "submission of written or oral comments" or "by otherwise notifying the Forest Service of their interest." We believe the 2003 appeal regulation is illegal because it creates additional restrictions in limiting who can appeal and what can be appealed, and makes it much easier for the Forest Service to claim an emergency exemption from automatic stay provisions. In addition, the regulation burdens public participation through unreasonable signature requirements and a prohibition on notifying the public of dates when appeals are due.

More recently, in 2004 the Administration issued an Interim Final Rule to govern protests of projects that are authorized by the Healthy Forests Restoration Act (HFRA). The 2004 Interim Final Rule shares many of the same problems as the 2003 appeal regulation discussed above. Our list of concerns is long, but I will summarize here. Like the 2003 appeal regulation, the Interim Final Rule prohibits the Forest Service from publishing deadline dates and makes obscure local newspapers that are not available on-line and only publish weekly the only source of information about some projects. The 2004 Interim Final Rule goes further by exempting from protest any project the Forest Service claims was proposed by Under Secretary Mark Rey. The latter provision is particularly egregious because it ignores case law rejecting a similar exemption the agency attempted under the

[11] Notice, Comment, and Appeal Procedures for National Forest System Projects and Activities. June 4, 2003; 68 Fed. Reg. 33581-33602.

Appeals Reform Act. See Wilderness Society v. Rey, 180 F. Supp. 2d 1141 (D. Mont. 2002). In justifying the protest rule exemption, the Forest Service brazenly cites its "long-standing position" that Under Secretary involvement voids appeal rights, without mentioning that the position has been struck down in court and Congress has taken no action to reinstate it. This Interim Final Rule creates many more procedural hoops for the public to jump through, including xeroxing and mailing documents which could number in the thousands of pages.[12] We believe it is inconsistent with its underlying statute, with case law, and with the stated intent of some of its authors.

In summary, the Bush Administration is attempting to use regulatory action to undermine the authorities granted by Congress in the Appeals Reform Act and HFRA. The regulatory changes in the appeals process include procedures that make it more difficult to oppose projects, even if those projects might increase fire risk. In addition, the administration has never made the case that the pre-existing appeals process is actually problematic or has hampered legitimate fuels reduction projects.

Judicial Review

As discussed above, there is no factual evidence that the judicial review process has delayed any projects dedicated to protecting homes and communities through proven methods. Regardless of this fact, the Bush Administration has continued to pursue changes in our judicial review process to block Americans' access to their courts. Last year Congress rejected the Administration's proposed statutory changes to the judicial review process. HFRA instead explicitly allows for judicial review when an agency fails to make relevant information available. However, in a maneuver that speaks volumes about how it really views collaboration and information sharing, the Forest Service omitted from its Interim Final Rule under the HFRA any reference to public recourse in these circumstances. Instead, the rule attempts to marginalize Congress' express language by stating that it applies only in "rare instances such as where information becomes available only after the conclusion of the administrative process." See 36 C.F.R. §218.13. Not only is the Interim Final Rule inconsistent with HRFA in this regard, but it flies in the face of case law. See, e.g. NRDC v. United States Nuclear Regulatory Commission, 685 F. 2d 459, 479 (D.C. Cir. 1982), reversed on other grounds, 462 U.S. 87 (1983).

Funding for Fire Risk Reduction

The President's FY 05 budget request is consistent with the direction of the regulatory changes discussed above. Nothing in the budget request or in the regulatory actions prioritizes community protection.

In FY 04, enacted funding for the National Fire Plan, excluding emergency funding, was $2.347 billion. For FY 05, the Bush Administration has requested $2.468 billion in non-emergency funds, a proposed increase of roughly $122 million. There is no assurance that

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[12] Interim Final Rule for the Predecisional Administrative Review Process for Hazardous Fuel Reduction Projects Authorized Under the Healthy Forests Restoration Act of 2003. January 9th, 2004; 69 Fed. Reg. 1529-1537.

this proposed increase would be used for proven methods to protect homes and communities. Under the budget category of Hazardous Fuels Reduction, the percentage of acres the Bush Administration plans to treat in the Wildland-Urban Interface (WUI), the area closest to communities, is only 51%.[13] That means that 49% of the acres to be treated in FY 05 -- 1.4 million acres -- are in the backcountry, far from the nearest home or community. As discussed above, these activities could actually worsen fire risk, and if they are exempt from NEPA review would undergo less scientific and public scrutiny, thereby reducing collaboration and public participation.

In addition, the Administration has proposed cutting funding for state and local assistance, which would weaken collaboration and reduce assistance to the jurisdictions that have primary responsibility for protecting homes and communities. Total state and local assistance is proposed for a cut of 32%.[14]

Conclusion

In summary, instead of following the clear path laid out by science to best protect homes and communities, the Bush Administration is devoting a great deal of energy and resources to projects that may aggravate fire risk. In addition, the Administration has focused on regulatory changes that are unneeded for priority work, have increased the burden of public participation and collaboration, and will lead to more controversy and bureaucratic complication.

Thank you, Mr. Chairman and Ranking Member Tierney, for the opportunity to testify today.

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[13] The Bush Administration definition of WUI incorporates land well beyond the immediate vicinity of homesites, so that even less than 51% of this budget category will be devoted to actual firewise activities.

[14] USDA Forest Service, FY 2005 Budget Justification. Pages 4-8, 4-9.

September 9, 2002

President George W. Bush
The White House
1600 Pennsylvania Avenue
Washington DC, 20500

Dear President Bush:

As fire researchers and ecologists, we are writing to you concerning the scientific basis for efforts to reduce risks from the kinds of forest fires that have attracted so much media and political attention in the western United States this year. As we elaborate below, responding effectively to this fire situation requires thoughtfulness and care. The fires are traceable to differing factors in different regions and forest types. Some have burned in forests where fire exclusion and land use have created unnatural accumulations of fuels while others have burned in a relatively natural manner. The most debated response to alleviating destructive fires in the future – mechanically thinning trees – has had limited study, and that has been conducted primarily in dry forest types. Thinning of overstory trees, like building new roads, can often exacerbate the situation and damage forest health. Whatever restoration measures are undertaken, preventing the re-emergence of fire problems will require a commitment to manage with fire rather than simply trying to exclude it in the future.

No single cause can explain the variety and number of fires occurring this year in western forests. In some drier forest types, such as the semi-arid ponderosa pine ecosystems, fire exclusion aided by grazing and logging has produced accumulations of highly flammable fuel well outside historical norms. However, in many western forests, including parts of the Siskiyou (mountains of the Biscuit fire), Sierra Nevada, Cascades, and Central Rockies, much of the undergrowth is primarily the product of succession from past logging and other disturbance, rather than fire exclusion alone. In other settings, like southwestern chaparral and the lodgepole pine forests of the Rockies, succession naturally produces highly flammable communities, and periodic crown killing fires are inevitable and ecologically desirable. Drought conditions such as those seen across much of the West this year can produce extensive fires even in areas where fuel loads are "normal." In all of these areas, increased human activity and habitation on fire-prone landscapes have greatly increased the chances of ignitions and the threats to people and their property when wildfires do occur.

We have no simple, proven prescription for meeting this challenge throughout the West. In semi-arid ponderosa pine forests effective restoration may result from cutting small-diameter trees in overly dense stands. However the benefits can only be realized and maintained in the long term through an aggressive post-restoration prescribed fire program that removes surface fuels. The value of thinning to address fire risks in other forest ecosystems is still poorly understood. Although a few empirically based studies have shown a systematic reduction in fire intensity subsequent to some actual thinning, others have documented increases in fire intensity and severity. Models and theories have been advanced to explain these results, but reliable data remain scarce.

In some areas the use of prescribed fire without any "thinning" would be the best restoration method. Indeed, many forests in the West do not require any treatment. These are forests that

for thousands of years have burned at long intervals and only under drought conditions, and have been altered only minimally by 20th century fire suppression. These forests are still "healthy" and thinning would only disturb them, not "restore" them. In short, the variation among our forested landscapes is much too great for one treatment to be appropriate everywhere.

Where thinning is used for restoration purposes in dry forest types, removal of small diameter material is most likely to have a net remedial effect. Brush and small trees, along with fine dead fuels lying atop the forest floor, constitute the most rapidly ignited component of dry forests (young forest stands regenerating after timber harvest often burn with the greatest intensity in western wildfires). They most surely post-date management-induced alteration of dry forest fire regimes. And their removal is not so likely to increase future fire intensity, for example from increased insolation and/or the drying effects of wind.

In contrast, removal of more mature trees can increase fire intensity and severity, either immediately post-logging or after some years. These trees provide "insurance" because they often survive surface fires and can speed post-fire recovery. Even if they are diseased, dying or dead, large and old trees and snags are important to many wildlife species and ecosystem functions. Building or re-opening roads to facilitate thinning will also heighten fire risks, since roads correlate with increased numbers of human-started fires. Removing more than small trees and constructing roads will also make collateral damage to forest ecosystems more likely (e.g., through effects on water quality, fish populations, and the spread of invasive species). Therefore, where done, this kind of thinning needs particularly careful planning and implementation. The results require faithful monitoring and analysis before any effort to extrapolate the practice to other segments of the forest landscape.

Forests are dynamic biological systems and their management requires integration of approaches over time and space. Thus, whatever remediation or restoration is undertaken in dry forests, close attention must be paid to the future management of the treated forests. Because of the inevitability of fire in these systems, the goal of restoration has to be landscapes in which we can better control the fires we do not want and promote the ones we do. However, without a thoughtful post-treatment prescribed fire management program, the forest will likely return to its current highly flammable state within a decade or two, losing – among other things – the public investment made in treating it

The location of management treatments is similarly important. Strategic placement of management activities such as thinning and burning within landscapes is critical to accomplishing the most benefit with minimal ecological impact. As an important example, protecting buildings, powerlines, and water supplies will be most effectively accomplished by reducing fuels near them.

In summary, fire threats in western forests arise from many causes, and solutions will require a suite of treatments adjusted on a site-by-site basis. Enough experience exists to suggest areas such as the semi-arid ponderosa pine forests where we can, now, undertake corrective action. However, neither the magnitude of the problem nor our understanding of treatment impacts would justify proceeding in panic or without thorough environmental reviews. Moreover, whatever treatments we undertake must include provisions for long-term maintenance, integration of fire, and robust monitoring.

Very truly yours,

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BIOGRAPHICAL INFORMATION

Dr. Christensen has written widely on fire ecology and management. He chaired reviews of the fire management programs in the Sierra Nevada National Parks and the Interagency Review of the Ecological Consequences of the 1988 Yellowstone Fires. He directed the recently released National Academy of Sciences study of the ecological consequences of forest management in the Pacific Northwest and is currently the chair of the National Commission on Science for Sustainable Forestry.

Dr. Swetnam has published numerous papers and book chapters on fire, climate and human land-use history of the western United States, Mexico, and Siberia, Russia. He has served on a variety of editorial boards (including the International Journal of Wildland Fire, Canadian Journal of Forest Research, and Ecological Applications), and he is co-editor of a forthcoming book titled "Fire and Climatic Change in Temperate Ecosystems of the Western Americas" (Springer-Verlag publishers). He was appointed by the President in 2000 to the Board of Trustees of the Valles Caldera National Preserve, a congressionally-chartered experiment in federal land management.

Dr. Erman was the Science Team Leader for the Sierra Nevada Ecosystem Project and Director of the University of California Centers for Water and Wildland Resources. He currently serves on a CALFED Bay-Delta Science Committee and California Tahoe Conservancy restoration science advisory team.

Dr. Perry researches forest structure in ponderosa pine forests and its implications for fire risk. He has been a member of the National Academy of Sciences Committee on the Ecological Consequences of Forest Management in the Pacific Northwest, the Scientific Societies Panel on Interim Management of East Side Forests, the Scientific Advisory Panel for the Oregon Biodiversity Project, the Scientific Advisory Panel for Weyerhaeuser Canada 20 Year Forest Management Plan, and the Marbeled Murrelet Recovery Team.

Dr. Morgan has taught, published, and done research on fire ecology and management for more than 15 years. She testified on fire management issues before the Forests and Forest Health Subcommittee of the US House Resources Committee in July, 2002. She is also a member of the Technical Advisory Committee for the Collaborative Forest Restoration Program, a United States Forest Service program in New Mexico.

Dr. Stephens' expertise is in wildland fire sciences and management. He was a founder of the National Fire and Fire Surrogate Treatments for Ecological Restoration research project, currently the largest fire science project in the nation with 13 experimental sites in 11 states. He has given testimony on fire management to the Forests and Forest Health and the National Parks, Recreation, and Public Lands subcommittees of the Committee on Resources of the United States House of Representatives.

Dr. Romme has studied fire ecology and fire effects in a variety of western ecosystems over the past 25 years. He has published over 50 scientific articles and book chapters on fire ecology, and won an award from the Ecological Society of America for an outstanding paper in ecology. He is conducting on-going, long-term studies of the fire effects and ecological responses to the 1988 Yellowstone fires, and is the lead scientist in a successful ponderosa pine restoration project in southwestern Colorado. He also is heading a team of scientists evaluating the ecological effects of the Hayman fire that burned in 2002 near Denver, Colorado.

Dr. Omi. Is Director of the Western Forest Fire Research Center, an interdisciplinary research facility based at Colorado State University. He teaches Wildland Fire Measurements, Forest Fire Management, Forest Fire Behavior, Technical Fire Management, Forest Fire Meteorology and Behavior, and Fire Science. His professional interests include forest fire management, fire behavior prediction, and fuel modeling, and his recent research focuses on the systematic assessment of the effectiveness of fire mitigation treatments, such as mechanical removal and prescribed fire.

Dr. Graumlich is the Director of the Big Sky Institute for Science and Natural History at Montana State University. She is past Director of the University of Arizona's Institute for the Study of Planet Earth, former Secretary of the Ecological Society of America, and Deputy Director of Columbia University's Biosphere 2 Center. Her research analyzes the relationship between wildfire, drought and land use in the Northern Rockies, and she works to provide scientific assessments of current natural resource issues in the Greater Yellowstone Ecosystem and other large biodiversity reserves.

Dr. Zedler has researched and published for over 35 years on fire ecology, the ecology of shrublands, forests and temporary wetlands, and the restoration and creation of habitat for endangered plant species. He has published extensively on fire effects and the life history of trees and shrubs in relation to fire, and recently chaired a panel at the 2002 Ecological Society of America annual meeting that addressed the current wildfire situation in the West.

Dr. Kauffman has been researching fire ecology in western ecosystems for over 20 years. His area of specialization is the use of fire and fire effects on ecosystems, and much of his research has focused on response of forests to burning and fire suppression, and on the use of fire as a tool in forest restoration. He has over 100 professional publications.

Dr. Baker has published extensively on fire ecology in Rocky Mountain forests, including co-editing a new book "Fire and Climatic Change in Temperate Ecosystems of the Western Americas." He has conducted fire research in Rocky Mountain National Park and in several National Forests in the Rocky Mountains. His research has been funded by the National Science Foundation, the U.S. Department of Agriculture, the U.S. Department of Energy, the U.S. Geological Survey, the Bureau of Land Management, and the National Park Service.

cc: Secretary of Interior Norton; Secretary of Agriculture Veneman

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January 31, 2003

Via E-mail

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Re: Proposed Categorical Exclusions for Fire Management Activities

The Natural Resources Defense Council (NRDC), on behalf of its more than 550,000 members nationwide, submits these comments on the Proposed Categorical Exclusions for Fire Management Activities (the "Fuels CE"), published on December 16th, 2002, at 67 Fed. Reg. 77038-77044, and proposing changes to the Forest Service Handbook and Department of Interior Manual. We and our members have a long history of interest in and involvement with National Forest System, Bureau of Land Management (BLM), National Park Service (NPS), and U.S. Fish & Wildlife Service policies and rulemaking. We and they are intensely concerned for the welfare of the federal lands, and the natural values that they - almost uniquely among U.S. lands - still harbor. Thank you for this opportunity to comment.

INTRODUCTION AND SUMMARY.

Though Categorical Exclusions (CEs) were initially designed for administrative actions that could not, by their nature, have an impact on the environment, NRDC does not oppose use of CEs for actions in the physical environment with truly de minimis effects. Some fuels reduction work, because of its small size, light-touch design, and benign location, should be able legitimately to be conducted under a CE. However, the wide-open exclusions you propose for many varieties of activities are ill-advised, inadequately substantiated in the record, and illegal. We ask that you withdraw the proposal, replace it with one or more tightly defined and circumscribed categories, and assemble a record of real-world analysis that shows it or they will not

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occasion any significant impacts alone or together with similar projects, a standard the current proposal fails by a wide mark.

In summary, the proposed CEs cover activities whose impacts are not merely highly uncertain, but can also be actively harmful. Thinning for fuels reduction may have the opposite effect from that desired, increasing subsequent fire behavior. It can also cause a variety of collateral harms to the physical environment. Post-fire rehabilitation can also cause similar environmental impacts. The proposed CEs do not have the limitations on size, intensity, and location that would be needed to create a prima facie case for their legitimacy and legality. Purported restrictions on their use, including consistency with the Western Governors' Association 10-Year Comprehensive Strategy and Implementation Plan, absence of extraordinary circumstances as defined by the agencies, and limitation to temporary roads, do nothing to remedy these defects. Moreover, the record the agency has offered for this rulemaking does not show that the activities covered by the CEs have been in the past or will be in the future environmentally benign.

THINNING COVERED BY THE PROPOSAL HAS UNKNOWN IMPACTS AND NEEDS CONSCIENTIOUS ENVIRONMENTAL REVIEW.

The effects of the thinning allowed under the proposed fuels reduction CE are highly uncertain, and therefore in special need of environmental review, rather than an exemption. As an eminent panel of fire ecologists recently wrote to President Bush:

> In summary, fire threats in western forests arise from many causes, and solutions will require a suite of treatments adjusted on a site-by-site basis. … [N]either the magnitude of the problem nor our understanding of treatment impacts would justify proceeding in panic or without thorough environmental reviews.

Christensen, et al. 2002.[1] These scientists did not conclude that only passive management or non-mechanical treatments could be appropriate. Rather they warned of the importance of carefully analyzing site specific factors when fuels reduction through mechanical thinning is attempted: "responding to this fire situation requires thoughtfulness and care." Ibid.

[1] Christensen, N., et al. 2003. Letter to President Bush of 9/24/02. [Attached to these comments as Exhibit A]

The most fundamental reason for care and environmental review in using thinning for fuels reduction is the gaping lack of empirical studies of its effectiveness as applied in the field. Christensen, et al. note that "[t]he most debated response to alleviating future fires - mechanically thinning trees - has had limited study." Ibid. Researchers for the federal government's Joint Fire Science Program pointed out last year that "[t]he lack of empirical assessment of fuel treatment performance has become conspicuous." Omi & Martinson, 2002.[2] The authors, after canvassing the existing scientific literature concluded that, other than theirs, only one lone study "included both statistical analysis and comparison of stand conditions in treated and untreated areas such that differential fire effects could be directly related to the intensity of fuels manipulation." Ibid.[3]

Numerous other reviews and reports, many of them generated by the federal government, confirm the scientific uncertainty surrounding how thinning actually affects subsequent fire intensity. For example, a Department of Interior publication states that "[s]cant information exists, however, on the efficacy of fuel treatments for mitigating wildfire severity." U.S. DOI, 2002.[4] An Environmental Assessment published by Grand Canyon National Park reports that "methodologies appropriate for returning 'natural' forest function and process are the subject of considerable debate." National Park Service, 2002.[5] One U.S. Forest Service Publication notes that "although restoration techniques have been tested at the stand level, we do not really have landscape-level knowledge yet." Rapp, 2002.[6] And another understates "[s]ome uncertainty … surrounds management

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[2] Omi, P. & E Martinson. 2002. Effect of Fuels Treatment on Wildfire Severity. Submitted to the Joint Fire Science Program Governing Board, March 25, 2002. [All documents cited in these comments and not attached are available from the undersigned, at NRDC. The Omi & Martinson report is also online at: http://www.cnr.colostate.edu/FS/westfire/FinalReport.pdf].

[3] Omi & Martinson's study showed that for a few prescribed fire and pre-commercial/noncommercial thinning projects, the intensity of subsequent fire was reduced. Nevertheless, they concluded, "[s]till unanswered are questions regarding necessary treatment intensities and duration of treatment effects."

[4] U.S. Department of Interior. People, Land & Water, vol. 8, no. 10 (May/June 2002), p. 17.

[5] National Park Service. 2002. "Environmental Assessment and Assessment of Effect: Research on Wildfire Hazard Reduction in Ponderosa Pine Ecosystems at Grand Canyon National Park," p. 1.

[6] Rapp, V. 2002. "Fire risk in east-side forests" in Science Update. Portland, OR: U.S. Department of Agriculture, Forest Service, Pacific Northwest Research Station. September (2): 1-12.

treatments." U.S. Forest Service, 2002.[7] This document continues: "At landscape scales, the effectiveness of treatments in improving watershed conditions has not been well documented." Ibid, p.34. And the Forest Service's most recent intensive retrospective examination of the relationship between fuel reduction activities and subsequent fire intensity found no systematic benefit: "[E]ach of the different types of fuel modification encountered by the Hayman Fire had instances of success as well as failure in terms of altering fire spread or severity."[8]

A graphic illustration of how projected treatment effects are unreliable is provided by the Spencer Lomas Timber Sale in South Central Oregon. This project is featured on the White House web site on "healthy forests" as its prime example of how appeal and litigation delays put forests at risk from wildfire. However, photographs taken at the Spencer Lomas project, after it burned in the 2002 Squires Fire, show thinned stands that burned very hot. See attached Exhibits B and C.[9] Conversely, nearby stands that had been slated for fuels reduction thinning but were still untouched at the time of the fire, show a cool burning, non-lethal ground fire. See attached Exhibits D and E.

This lack of reliable information from which to justify thinning for fuels reduction without site specific analysis extends to every aspect of the issue. The general frequency of past fires and the "natural" density of trees in various types of landscapes remain controversial. See, e.g., Sierra Nevada Ecosystem Project, 1996.[10] The perception that lethal fire has greatly increased in frequency does not necessarily hold true for wide areas of the West. A Forest Service assessment of changes in the Interior Columbia River Basin from pre-settlement to modern times, concludes that "[l]ethal fire regimes, that kill the upper layer of vegetation, increased 17 percent in the Basin." Quigley et al, 1997.[11] As a general matter, it is

[7] U.S. Forest Service. 2002. Protecting People and Sustaining Resources in Fire-Adapted Ecosystems: A Cohesive Strategy. October 13, 2002, p. 32.
[8] Finney, et al. 2002. "Report on Fire Behavior, Fuel Treatments, and Fire Suppression", in Interim Hayman Fire Case Study Analysis, R. Graham, tech ed. U.S. Forest Service, Rocky Mountain Research Station. Nov. 13, 2002. Page 82. [online at: http://www.fs.fed.us/rm/hayman_fire/print/02finney_print.pdf]
[9] These and the next two photographs were taken by a resident and retired firefighter from nearby Applegate Valley, Oregon, David Calahan.
[10] Sierra Nevada Ecosystem Project. 1996. Final Report to Congress: Status of the Sierra Nevada. University of California, Davis, Wildland Resources Center Report No. 36, vol. 1, pp. 62-63.
[11] Quigley, T. et al. 1997. An Assessment of Ecosystem Components in the Interior Columbia Basin and Portions of the Klamath and Great Basins: Volume

problematic to extrapolate just how dense or sparse forests actually were in pre-settlement times.[12] And current Forest Service-DOI estimations of "Condition Class" to show where conditions have changed most significantly from pre-settlement fire regimes, are completely inadequate for site specific location of remedial efforts. The agencies themselves note that: "While the coarse-scale assessment of Fire Condition Classes provides a useful first-approximation of national level risk, its analysis scale and resolution of data are not sufficient to estimate local and regional-levels of risk." U.S. DOI & USDA 2002.[13]

THINNING CAN AGGRAVATE FIRE RISKS

The need for careful study of fuels reduction projects is heightened by the fact that they can increase, rather than decreasing, subsequent fire effects. Christensen, et al., 2002 (supra note 1) summarize the situation: "Although a few empirically based studies have shown a systematic reduction in fire intensity subsequent to some actual thinning, others have documented increases in fire intensity and severity." A Forest Service science publication reports: "Depending on the type, intensity, and extent of thinning, or other treatment applied, fire behavior can be improved (less severe and intense) or exacerbated." Graham, et. al, 1999.[14] A report of the Secretaries of Agriculture and Interior to the President warned that "the National Research Council found that logging and clearcutting can cause rapid regeneration of shrubs and trees that can create highly flammable fuel conditions within a few years of cutting. Without adequate treatment of small woody material, logging may exacerbate fire risk rather than lower

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II. U.S. Forest Service, Pacific Northwest Research Station. June, 1977. Page 856.

[12] See, e.g., Stephenson, N.L. 1999. "Reference conditions for Giant Sequoia forest restoration: structure, process, and precision." Ecological Applications. 9: 1253-1265; Landres, P.B., Morgan, P., and Swanson, F.J. 1999. "Overview of the use of natural variability concepts in managing ecological systems." Ecological Applications 9: 1179-1188.

[13] U.S. DOI & USDA. 2002. "Restoring Fire-Adapted Ecosystems on Federal Lands: A Cohesive Fuel Treatment Strategy For Protecting People and Sustaining Natural Resources." Page 57. See also Schmidt, K., et al. 2002. Development of Coarse-Scale Data for Wildland Fire and Fuel Management. U.S. Forest Service, Rocky Mountain Research Station. General Tech. Rpt. RMRS-87. April, 2002. Page 13, Table 7 (showing nearly 5 million acres of land in a non-existent category, Condition Class 3, Fire Regime V).

[14] Graham, R., et al. 1999. The Effects of Thinning and Similar Stand Treatments on Fire Behavior in Western Forests. U.S. Forest Service, Pacific Northwest Research Station. General Tech. Rpt PNW-GTR-463. Sept. 1999. Page 15.

it." U.S. DOI and USDA, 2000.[15] And a series of studies from the scientific literature shows post-thinning increases in fire intensity and/or spread.[16]

A real world illustration of this phenomenon comes from the Ninth Circuit Court of Appeal's review of the record for the Douglas Fire Bark Beetle Project of the Colville and Panhandle National Forests. The Court found that "risk of fire during the first few years of timber harvest under the Project will actually be greater than the risk of fire if no action is taken."[17]

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[15] Babbitt, B. and D. Glickman. 2002. "Managing the Impact of Wildfires on Communities and the Environment: A Report to the President In Response to the Wildfires of 2000. September 8, 2000." Page 12. A second explanation for increases in fire intensity post-thinning is the increased drying effect of sun and wind in stands that have been opened up. See, e.g., Christensen, et al., 2002 (supra note 1); Rapp, 2002 (supra note 6), page 8.

[16] Many of these studies were reviewed by the Forest Service in connection with the Final Environmental Impact Statement for the Roadless Areas Conservation Rule (FEIS). The fire specialist review of scientific literature for the FEIS summarizes their findings. See FEIS, Fuel Management and Fire Suppression Specialist's Report [available online at: http://www.roadless.fs.fed.us/documents/feis/specrep/xfire_spec_rpt.pdf] at 22 ("The Congressional Research Service … noted: 'timber harvesting does remove fuel, but it is unclear whether this fuel removal is significant;'" "Covington (1996) … notes that, 'scientific data to support such management actions [either a hand's off approach or the use of timber harvesting] are inadequate'" (brackets in the source)); id. at 22-23 ("Kolb and others (1994) … conclude that … management activities to improve forest health [such as fuel management] are difficult to apply in the field" (brackets in the source)); id. at 21 ("Fahnstock's (1968) study of precommercial thinning found that timber stands thinned to a 12 feet by 12 feet spacing commonly produced fuels that 'rate high in rate of spread and resistance to control for at least 5 years after cutting, so that it would burn with relatively high intensity;'" "When precommercial thinning was used in lodgepole pine stands, Alexander and Yancik (1977) reported that a fire's rate of spread increased 3.5 times and that the fire's intensity increased 3 times"); id. at 23 ("Countryman (1955) found that 'opening up' a forest through logging changed the 'fire climate so that fires start more easily, spread faster, and burn hotter"). See also Huff, M.H., R.D. Ottmar, E. Alvarado, R.E. Vihnanek, J.F. Lehmkuhl, P.F. Hessburg, and R.L. Everett. 1995. "Historical and current landscapes in eastern Oregon and Washington. Part II: linking vegetation characteristics to potential fire behavior and related smoke production." U.S. Forest Service Pacific Northwest Forest and Range Experiment Station, GTR PNW-355. See also "Initial review of silvicultural treatments and fire effects on Tyee fire." Appendix A, Environmental Assessment for the Bear-Potato Analysis Area of the Tyee Fire, Chelan and Entiat Ranger Districts, Wenatchee National Forest, Wenatchee, WA.

[17] Land Council v. Vaught, No. 01-35088. Memorandum of August 14, 2001 at 4. (This is an unpublished opinion of the Ninth Circuit).

THINNING CAN HARM OTHER ENVIRONMENTAL FACTORS.

Thinning "can also significantly alter nutrient storage and turnover in the modified stands." Graham, et al, 1999 (supra note 14). Especially on dry sites this can cause nutrient shortage and damage site productivity. Ibid. This and many other adverse consequences to soil, ecological processes, wildlife, and other elements of the natural environment are associated with logging, including thinning. See, generally, Ercelawn, A., 1999[18]; and Ercelawn, A., 2000[19]. For example, "[s]alvage or thinning operations that remove dead or decayed trees or coarse woody debris on the ground will reduce the availability of forest structures used by fishers and lynx." Bull, E., et al, 2001.[20] Conversion of closed canopy stands to more open conditions may reduce habitat quality for fishers, and loss of understory structural diversity would be detrimental to lynx prey, while the increased human presence and other disturbance factors associated with fuels reduction are "likely to have an adverse effect on rare forest carnivores." Ibid.

POST-FIRE 'REHABILITATION' ACTIVITIES CAN ALSO CAUSE SERIOUS ENVIRONMENTAL HARM.

Although the agencies' intent with regard to the post-fire rehabilitation CE proposed is unclear, the language of the proposal is broad enough to encompass mechanical removal of trees. Use of a CE for any substantial salvage logging is unjustifiable because, as Forest Service researchers have concluded, salvage logging spreads exotic species, causes erosion, and reduces wildlife usage, among other harms.[21] Post-fire soils are particularly susceptible to logging damage and associated loss of productivity.[22] Scientists both inside and

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[18] Ercelawn, A. 1999. End of the Road -- The Adverse Ecological Impacts of Roads and Logging: A Compilation of Independently Reviewed Research. 130 pp. Natural Resources Defense Council. New York. [available online at: http://www.nrdc.org/land/forests/roads/eotrinx.asp].

[19] Ercelawn, A. 2000. Wildlife Species and Their Habitat: The Adverse Impacts of Logging -- A Supplement to End of the Road. 41 pp. Natural Resources Defense Council. New York. [available online at: http://www.nrdc.org/land/forests/eotrsupp.asp].

[20] Bull, E., et al. 2001. Effects of Disturbance on Forest Carnivores of Conservation Concern in Eastern Oregon and Washington. Northwest Science. Vol 75, Special Issue, 2001.

[21] McIver, J. D., and L. Starr, tech. eds. 2000. "Environmental Effects of Postfire Logging: Literature Review and Annotated Bibliography." U.S. Forest Service, Pacific Northwest Research Station PNW-GTR-486. Portland, OR. [online at: http://www.fs.fed.us/pnw/pubs/gtr486.pdf]

[22] Beschta, R.L, et al. 1995. "Wildfire and Salvage Logging." Oregon State University. Corvallis, OR. [available online at:

outside the Forest Service agree there is little or no evidence that post-fire logging reduces the risk of later reburn, and warn that site-specific factors are critical in assessing the impacts of salvage logging.[23] Thus Starr and McIver (supra note 21) conclude that "postfire logging is certain to have a wide variety of effects, from subtle to significant, depending on where the site lies in relation to other postfire sites of various ages, site characteristics, logging methods, and intensity of fire." And another Forest Service publication notes that "[t]raditional salvage harvests do little to reduce crown fire hazard" and "the potential for severe fire may actually be increased, if the fuels are not reduced."[24]

PURPORTED CONDITIONS ON USE OF THE PROPOSED CEs WOULD NOT CURE THESE DEFECTS.

The nominal limits on use of the proposed CEs would not cure these defects. The fuels CE would be used only where consistent with the Western Governors' Association (WGA) 10-Year Comprehensive Strategy and Implementation Plan. The language of the proposed CEs does not explain what the WGA Strategy and Plan require, nor how consistency would be met. However, Forest Service contact David Sire supplied this explanation:

> The categorical exclusions will apply to projects meeting any of the goals and guiding principles of the 10-Year Strategy. The four goals are:
>
> 1. Improve Fire Prevention and Suppression
> 2. Reduce Hazardous Fuels
> 3. Restore Fire-Adapted Ecosystems
> 4. Promote Community Assistance
>
> The three guiding principles are:
>
> 1. Priority setting that emphasizes the protection of communities and other high-priority watersheds at-risk.

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http://www.isu.edu/departments/bios/Minshall/Publications/Wildfire%20and%20Salvage%20Logging.pdf].

[23] See also Beschta et al., supra note 22; Everett, R. 1995. "Review of Beschta document." Letter dated August 16 to John Lowe. On file with: U.S. Forest Service, Pacific Northwest Research Station, Wenatchee, WA.

[24] Rapp, V. 2002. Supra note 22.

2. Collaboration among governments and broadly representative stakeholders

3. Accountability through performance measures and monitoring for results.[25]

This clarification, counting as consistent any project that meets even one goal, for example no. 2, would ensure that all fuel reduction projects necessarily were deemed by the federal government to be consistent with the WGA Strategy and Plan.

Nor would the Forest Service's "extraordinary circumstances" rule, or the assurance that CEs would not be used where wilderness suitability would be impaired, necessarily limit the use of the fuels CE. The Forest Service interprets its extraordinary circumstances rules so that the presence of an extraordinary factor does not trigger the protections of documentation under the National Environmental Policy Act (NEPA) and public review. Rather, an agency official would make an in-house determination of whether or not impacts from or to the factor could be significant.[26] Similarly, an in-house determination would be made on whether wilderness suitability would be adversely affected. These, however, are exactly the sorts of decisions that NEPA contemplates will be made in a public Finding of No Significant Impact, after review and public comment. Made out of the light of day, they are prone to letting problems be "swept under the rug," a central reason that Congress understood NEPA was needed.

The limitation that new road construction in connection with CEs would be only "temporary" is similarly inadequate. Three years ago the Forest Service found that temporary roads can have the "same long-lasting and significant ecological effects as permanent roads."[27] The U.S. Department of Justice has recently affirmed this, in its Memorandum in Support of Motion for Summary Judgment in Billings County v. Veneman, U.S. Dist. Ct., D. N.D., Civ. No. A1-01-087, dated Aug. 9, 2002, at page 49.

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[25] The full text of this clarification, included in an e-mail from Mr. Sire to NRDC staffer Amy Mall, is attached as Exhibit F.
[26] See U.S. Forest Service. 2002. Background for the Proposed Hazardous Fuels and Rehabilitation/Stabilization Categorical Exclusions, p. 5.
[27] U.S. Forest Service. 2000. Roadless Area Conservation - Final Environmental Impact Statement. Vol. 1, page 2-18.

THE AGENCIES' RECORD FOR THESE CEs DOES NOT SUPPORT THEM.

The agencies incorrectly rely on a spreadsheet tally of some 3,000 projects as proof that new projects authorized to go forward without NEPA review under the CEs will reliably avoid environmental impacts. The large majority of reviewed projects are small scale and may well be appropriate for a CE. However, the lack of limitations on size, intensity, or location in the proposed CE means that future projects need not be remotely like those included in the spreadsheet. Therefore, the agency cannot rely on past performance as a guide to future impacts, and the need for NEPA review or not; the two groups may well be apples and oranges.[28]

Equally seriously, the spreadsheet does not appear to reflect much actual on-the-ground monitoring of impacts to environmental factors, such as soil compaction, spread of exotics, usage by disturbance-averse and/or interior-adapted wildlife species, or in-stream turbidity. NRDC made spot inquires on some of the larger-acreage mechanical fuels treatment projects. Not surprisingly, given their recent completion, a number of projects did not have monitoring completed. The Sequoia National Forest, for example, wrote us back that none of the three projects we inquired about - the Hotel A, McGee, and Dry Eshom - had completed monitoring. See Exhibits G and H (Sequoia personnel did report that partial monitoring had been undertaken for McGee and Dry Eshom but they had not supplied us with it by the filing deadline for these comments). The Klamath National Forest referred us to forestwide monitoring on its website for some projects, but the forestwide reports had no information specific to the projects. See Exhibit I. The Klamath also reported that it had no record of the other project we inquired about.[29] Other forests, like the Plumas and Modoc National Forests, reported that the only monitoring documents that existed for projects about which we inquired were the "daily logs" filled out during contract operations by Forest Service staff, not records of the projects' actual impact on environmental factors.[30] In other instances, our efforts to obtain information or records did not generate a response from the agency, as with calls to the Eldorado and the

[28] A recent reminder of this risk comes from the Giant Sequoia National Monument Management Plan Draft Environmental Impact Statement, which proposes to log trees up to 30 inches d.b.h. to reduce fire risks.
[29] Personal communication from Connie Hendrix regarding the 01-Canyon/Kelsey project.
[30] Personal communication from Michael Condon.

Wallowa-Whitman National Forests about projects included in the agencies' spreadsheet.

For a number of projects, indeterminable within the comment period, on-the-ground impacts even if conscientiously monitored would not be a good indicator that NEPA review was irrelevant. These are projects like the Indian Creek Fuels Management Project of BLM's Gunison Field Office in Colorado, where the project was changed, lessening its potential for environmental impacts, as a result of citizen input during the NEPA process. If these projects indicate anything, it is the value of continued NEPA documentation and public involvement.[31]

CONCLUSION.

The agencies' current proposal ignores the grave uncertainties about the outcome of thinning projects, does not include the criteria needed to ensure its use will be restricted to cases where environmental impacts will be insignificant, and is based on a slapdash record missing reliable information about the most important question, i.e. what are the actual on-the-ground, near and long term impacts, individual and cumulative, from projects like those we intend to exempt from NEPA review. As such it must be withdrawn, retooled cautiously, and substantiated with a much more careful and informative record. A supportable CE for fuels reduction and post-fire rehabilitation will be limited in scale, unlike the massive CE already in litigation over the Rodeo-Chedeski salvage plan. It will be restricted to small diameter trees (with the possible exception of those immediately adjacent to structures), because removing larger ones may increase fire risks, while the small ones create the "core of the fuels problem"[32] and their removal is most likely to have a remedial effect.[33] It will ensure that any cutting in dry forests is accompanied by burning, because otherwise it is much more likely to be ineffective.[34] It will utilize low impact equipment and focus on "already logged and altered ecosystems" as the WGA insisted was essential to a

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[31] The agencies should bear in mind, in this context, their obligation to study "appropriate alternatives to recommended courses of action in any proposal which involves unresolved conflicts concerning alternative uses of available resources," regardless of the presence of significant environmental impacts. See 42 U.S.C. sec. 4332(2)(E).

[32] Babbitt & Glickman, 2002 (supra note 15), page 11.

[33] Christensen, et al. (supra note 1).

[34] Arno, S., et al. "Using Silviculture and Prescribed Fire to Reduce Fire Hazard and Improve Health in Ponderosa Pine Forests." 17th Forest Vegetation Management Conference. See also Christensen, et al., (supra note 1)

collaborative outcome.[35] It will mandate site specific information about what the pre-settlement and ecologically sustainable forest type and stocking levels were, to avoid trying to convert mid- to upper elevation cool sites, including north facing slopes, to widely spaced pine, as the Stices Gulch Timber Sale on the Baker District of the Wallowa-Whitman National Forest apparently does. And it will require that entry into sensitive areas receive plenary NEPA review.

Again, we thank you for the opportunity to comment on this proposal.

Respectfully,

/s/

Nathaniel S.W. Lawrence
Amy Mall

[35] See Western Governors' Association, Policy Resolution 02-99 "Improving Forest and Rangeland Ecosystem Health in the West" [online at: http://www.westgov.org/wga/policy/02/forest_health.pdf].

Mr. OSE. I want to recognize the gentleman from Virginia.

Mr. SCHROCK. Thank you, Mr. Chairman. Thank you all for being here. I have been in Defense markups all day, so that's why I wasn't here for the first part. This is an incredibly important topic. My closest friend was a former fire chief in Los Angeles County, Dave Parsons. I don't know if anybody knows him. So, I heard a lot from him when I was out there. My sister's home was in the Piedmont section when they had the big open fire in the Coldecut Tunnel, and my wife's aunt and uncle had a home in Emerald Bay that was impacted when they had fires down there, and she and I lived a couple miles from Anaheim when they had the Anaheim fires. Our family just hasn't had a lot of good luck. I know it is an incredibly important topic.

Senator Campbell, you are dead right. If there is the political will to do it, it can be done. The fact that California has experienced more of these I think than any other State—unless I just read it wrong—something clearly has to be done to help that State or it is going to burn down. The sooner we can address that, the better.

Mr. Turbeville, I agree—prevention is certainly a lot better, whether it is fire, health care, or whatever. The sooner that sort of philosophy can be ingrained in the system, the better, but I don't know if we ever will.

Chief McCammon, you said the system was not coordinated to handle fires. Help me through that. Or did I misunderstand you? It seems like there has been enough experience in California so that things would have been very well coordinated, unless I misunderstood what you were saying.

Mr. MCCAMMON. I wasn't commenting about the suppression efforts. I think we have one of the best mutual aid systems in the world.

Mr. SCHROCK. OK.

Mr. MCCAMMON. I was talking about the grant process, getting money from the Federal Government through the different agencies actually down to the local Fire Safety Councils.

Mr. SCHROCK. I see.

Mr. MCCAMMON. And, the complexity of that.

Mr. SCHROCK. You heard what Ms. Mall said. I'd be curious what your comments are on that. I heard a lot of things about the Bush administration, but my sister was in a fire during another administration. My wife's family was in another administration. We were in the Anaheim fire in another administration. So I would be curious to know what your thoughts are on what she said about current regulations as proposed and created by this administration.

Mr. MCCAMMON. Well, I don't want to comment about the forest issues specifically because I don't have experience there, but her comments were dead on in terms of the idea of creating defensible space around homes. There is some issue in the field now whether 30 feet, 100 feet, or 300 feet is the number, but we had some wonderful examples in Ventura and Los Angeles County last September where communities were saved because they were built with defensible space in mind, and when communities really get together and create those kind of buffer zones, it gives us an opportunity to kind of slow the fire down a little bit and really suppress the fires in those neighborhoods.

Mr. SCHROCK. Help me understand defensible space. Is that just a fire break between the green stuff and the houses, or——

Mr. MCCAMMON. That's correct.

Mr. SCHROCK. OK.

Mr. MCCAMMON. It is an area anywhere from 30 feet to in some areas they are recommending 300 feet where they have fire-resistive vegetation or no vegetation at all, so that when the fire—those wind-drive fires, as they approach those types of housing tracts, really need some space because you're getting extreme flame lengths.

Mr. SCHROCK. But in a fireball type situation, 30 feet—that's probably half the width of this room. That doesn't seem like a lot of space when winds are kicking up.

Mr. MCCAMMON. Exactly.

Mr. SCHROCK. As I recall, when it came from Oakland through the Coldecut Tunnel, the fireball, and then it went on to the Piedmont area, and that was miles away.

Mr. MCCAMMON. Yes, it did, sir. I was there from the very beginning and lived in Oakland and experienced that.

Mr. SCHROCK. Yes. I yield back.

Mr. OSE. I thank the gentleman.

I want to clarify a point here. In terms of defensible space, the fire break issue, if you will, there have been a number of studies and recommendations done to help flesh out that, both in terms of national standards, where people are in the wildland-urban interface, or with building codes across the country. Study after study after study have shown that those are successful, that the use of non-combustible roof material or siding that is combustive-resistant or these 100-foot to 300-foot areas where you have clear space around your house, those are all successfully identified by research and implemented in the field. Curiously enough, in the context of the same studies that identified building code standards and clear spaces, there was also studies—and I have a compilation of these studies right there that I'm going to enter into the record, and this is just a sampling—there have been studies that also talk about reducing the fuel buildup in the areas outside that 100-foot footprint or that 300-foot footprint.

Now if, in fact, building codes in California—and many of these communities have evolved to where construction is now taking place with fire-resistant roof material or siding, and if landscape design features are such that the footprint becomes 100-foot radius for protective purposes, why is it we're still having these significantly catastrophic fires? And, it begs the question, it seems to me, that the causes—one of the non-implemented features that has been highlighted in study after study after study, which is the continuation of the buildup of fuel within the forests.

Now, Senator Campbell, you sit on the Governor's Fire Task Force. What has your research or study come to the conclusion of?

Mr. CAMPBELL. We still have the conflict there in the public policy issue. It seems that common sense has become a stepchild to the issue of fire protection of fire and property in this whole debate. We had one witness in Ventura testify that he received an order from the fire department to clean 100 feet around his house in Malibu, and he received another order from the Coastal Commis-

sion denying him the right to do that. These are the kinds of conflicts I think that we run into.

There was a news report in the Los Angeles Times about the need to protect the kangaroo rat in certain areas prevented the clearance and the clearing out of specific areas, and also the gnat catcher. As a result we lost houses and property and, as you know, there were 22 lives lost in the fires in southern California last year.

So, somewhere along the line, you know, 40 miles is not a long distance. Our front line, our fire line was more than 40 miles long at one point in southern California of fire. So for a fire to travel 40 miles inland, and most people have never experienced the Santa Ana wind conditions, and when you experience them you understand that once those winds hit the dry chaparral and shrubbery and vegetation, there's nothing that the firefighters can do. I mean, we're getting 55 mile an hour winds with gusts up to 70. One pilot—we had to ground the planes at this time, but one pilot saw a piece of 6 x 8 plywood flying by his windshield at 500 feet when he was dropping. When you drop the retardant or the water you have to be down low so it doesn't evaporate before it hits the ground.

So, unless we start doing the clearing and the vegetation, then the irony of all this, as you so eloquently stated earlier, was that the habitat and the vegetation that we're trying to protect is also destroyed. The kangaroo rat was destroyed along with the houses and the property and the vegetation in the cedar fire, which is the one to which they specifically referred. So that's where the public policy people have to come together and say, "We just can't allow this to continue to happen."

We had a fire in northern California last year called the Cone Fire, and it burned over an area where they were doing a demonstration project of how to control vegetation. Three of the four areas that you looked at after the fire were devastated. The fourth area you could hardly tell a fire was there because they had cleaned the vegetation, they had removed some of the unnecessary trees, they got rid of some of the chaparral, and the result and effect was that they were able to control the fire in that one area because they had good forest management practices.

Mr. OSE. Mr. Turbeville, on the Fire Safe Council, near as I can tell from the testimony, you focus on building materials and setbacks and things like that. Now, if I'm incorrect, No. 1, I need to be corrected. But, second, as I look, I'm wondering whether or not you share my conclusion to this point that we've had some of these measures implemented but some we have not, and those that we did not implement, either for policy reasons or otherwise, are they contributing to the issues we're dealing with today with these fires?

Mr. TURBEVILLE. Well, one of the comments I made in my presentation to you was the new regulations, going back to what was presented here shortly ago—in Simi Valley, for example, in that new construction area there was no problem at all because of the defensible space, correct building materials, fire safe building materials. Where those are in place, there's a much greater chance because it is a combination effort—the defensible space and a mosaic landscape away from the defensible space as you get in, to reduce the fuels. It is correct building materials and building processes.

The vent holes around the attic line or the footline open without any covering allows sparks to get inside. Another thing that people don't seem to realize, you've got 30 feet of clearance, you've got 10 foot brush, and then wind. As Senator Campbell said, you've got 100-foot flame lengths, so 30 feet doesn't do a lot of good. So, it's all a combination and it all has to be put together. There has to be fuel breaks within communities, surrounding the whole community, to stop it. If you are unfortunate enough to get a couple of houses going, it will go house to house just because of the extreme heat generated by the fire. If there are fuel breaks, wide streets, etc., hopefully you are going to be able to get in there, like Bill said, and get the engine companies in there to stop it from doing that. In an unprotected area, it is going to go until it wants to stop, and that's it.

Mr. OSE. Ms. Mall, from NRDC's investigations, one of the things I'm trying to figure out is whether we can approach this issue from a problem-solving standpoint by doing one, two, three, or all of the things that have been identified in these studies. I take from your testimony that you support the building material issue, the setback, but I detect some reluctance on your part about the fuel issue that might be built up in the forest. Am I correct in that understanding?

Ms. MALL. Well, if you're talking about fuel that is far away from homes, yes, you are correct, because while there may be some scientific studies that you've seen that shows some areas that have been logged far away from homes ended up burning less intensively in a fire, there are also studies that show that areas have been logged have burned more intensively in a fire. Therefore, the science is not conclusive.

Actually, attached to my testimony is a letter from the Nation's top firecologist——

Mr. OSE. I read it.

Ms. MALL [continuing]. To the President saying that very thing. And, basically in my testimony what we were trying to say is that we do know conclusively that we can protect homes by doing the work immediately around homes. The work far away from homes we do not know. The Forest Service has a research budget, and they can use the research funds to look into getting to a better place in the science. But, right now, if the goal of the government is to really protect homes and communities, that's where the resources should be focused.

Mr. OSE. I actually did read your attachment from the various individuals across the country, and I do believe what they were saying was that the science was inconclusive as it relates to some of the proposals under Healthy Forests Initiative or Restoration Act.

Ms. MALL. Yes.

Mr. OSE. I have to break things down simply in my mind because I have to remember too many different things. So it is your testimony around houses that the removal of fuel by virtue of 100-foot or 300-foot or whatever the setback is is effective in preventing catastrophic fires, but that the removal of fuel in remote locations—I think your phrase, though lacking in technical bureaucratese, "back country"——

Ms. MALL. Yes.

Mr. OSE. Removal of fuel in back country situations, you're saying the science is inconclusive in terms of its impact on fires?

Ms. MALL. Its effectiveness on fire intensity.

Mr. OSE. So it is conclusive in close proximity to houses, but it is inconclusive in back country?

Ms. MALL. I do want to add, in proximity to houses, removing fuel is not, as some of the other witnesses have said, is not the only thing that will make a home firewise.

Mr. OSE. I understand.

Ms. MALL. There's also the building materials.

Mr. OSE. Right. I got that.

Ms. MALL. And landscaping. But yes, it is a different situation closer to houses. If we are trying to protect homes and communities, we know how to do that. What we can't know for sure is how a fire will burn, where it will burn, where it will start when it's out in the back country, and therefore there is not clear science on how to move forward with those projects.

Mr. OSE. OK. I just want to make sure I understand. In that wildland-urban interface then, as part of a larger package, the removal of fuel from close proximity to residential structures is an effective tool in an arsenal of tools to fight fires.

Ms. MALL. But, we're not——

Mr. OSE. But, in the back country, if I understand your testimony, there's no conclusive evidence to support that same conclusion?

Ms. MALL. My testimony is not that the work around the homes will prevent a fire or will stop a fire; my testimony is that will protect the home.

Mr. OSE. What's the difference?

Ms. MALL. Well, the difference is that we can't control where a fire will start and when it will start and what the wind will be that day and where it will travel, but we do know that we can protect the home site if the fire goes in that direction.

Mr. OSE. Does the removal of the undergrowth around a house reduce the intensity of the fire? Is that your testimony?

Ms. MALL. Well, I'm not exactly sure how to answer that question, but——

Mr. OSE. Well, yes or no would be sufficient.

Ms. MALL. Well, it will protect the home.

Mr. OSE. OK.

Ms. MALL. The fire will not——

Mr. OSE. So, removal of fuel in back country——

Ms. MALL. Yes.

Mr. OSE [continuing]. Won't help protect the forest? You see, I'm trying to get an explanation of how removal of fuel in one area——

Ms. MALL. Sure. The home site is already an open area. There is some open space, and——

Mr. OSE. Once cleared, that's correct.

Ms. MALL. Many home sites have driveways, they are near streets, there's a sidewalk, there's a yard, there's already areas that are cleared. That's very different than a wild area where there has been no clearing.

Mr. OSE. Actually, before I came to Congress I was in that business, and the typical minimum setback from a street is 20 feet and the typical single family elevation setback from a side yard is 5 feet, and the typical rear yard in my community is a minimum of 20 feet, so I have more than a passing knowledge on design standards.

Ms. MALL. Yes.

Mr. OSE. I think your point is that the open space in that wildland-urban interface of 100 feet or 200 feet serves this purpose.

Ms. MALL. It is a very different landscape than a wild forest that's a natural area that has not been logged before.

Mr. OSE. OK. But removing fuel from that area around those houses is part of the fire attenuation process or not part?

Ms. MALL. If it is brush and it is small trees, it is extremely flammable, and that is the stuff that generally you're removing when you're making a home firewise.

Mr. OSE. OK.

Ms. MALL. If you go into a forest and you're just taking out the brush and you're just taking out undergrowth and very small trees, that's very different than a logging project where you're taking out medium or large trees. That changes the——

Mr. OSE. It changes the canopy cover and everything else, so——

I'm sorry, I'm probably not going to make this vote, but I wanted to ask you, in terms of the component parts that are identified in study after study after study of what is appropriate fire attenuation programs, in a highly urban area like Sacramento, where I live, and you've got lot and block subdivisions, you're seeking noncombustible materials on the roof and fire-resistant materials in the construction underneath the roof?

Mr. MCCAMMON. That's correct.

Mr. OSE. OK. As a means—for instance, there are even some communities that require sprinklers in single family houses and apartments now.

Mr. MCCAMMON. Yes.

Mr. OSE. In an area where we have the wildland-urban interface, the same applications would apply to beneficial use, if I understand your testimony.

Mr. MCCAMMON. Yes.

Mr. OSE. And then on top of that, given the geographic location, your testimony is that having some sort of 100-foot setback or fuel removal program is positive in terms of preventing a catastrophic fire?

Mr. MCCAMMON. Yes, sir.

Mr. OSE. OK. Mr. Turbeville, I want to talk to you about the grants process a little bit. On the grants process, I'm told that there was a provision in the budget that was passed by the House that sets aside $500 million protected from a point of order, the purpose of which would be to go either to a grants process in part or to prevent the raiding of the grants process funding as other emergency situations arise. Are you aware of that?

Mr. TURBEVILLE. I'm vaguely aware of it. I just heard of it a couple of days ago and have not had an adequate explanation.

Mr. OSE. OK. And, you followed Mr. Rey's announcement earlier today about the flexibility in terms of the matches and what have you. That's not part of the grants process you're talking about?

Mr. TURBEVILLE. I don't believe so.

Mr. OSE. OK. In terms of the fire plans that you talk about as the body of the grassroots effort that are getting developed, can you tell us what measures should be—I just want to come back. I'm beating the horse to death here if I can. What measures should be included in the establishment of these fire plans in particular for the purpose of mitigating fire risk?

Mr. TURBEVILLE. Well, there's multiple things that go into a fire plan. Also, are you talking about just a community fire plan, or are you talking about the California State fire plan, or——

Mr. OSE. I'm talking more specifically about the community fire plan. I want to know how it works on the ground for some of these fires that might otherwise be prevented in California or any of the western States this year.

Mr. TURBEVILLE. Basically, it's a matter, at the community level, of working collaboratively with the fire agencies and the other interested entities in setting priorities, determining a chain of events that have to occur based on the priorities. What are the biggest at-risk hazards, which ones need what kind of work? How soon can that work be done, and descending down from there. It is a simple planning process. It's setting the priorities, determining who is going to do it, how it is going to be done, and who is going to pay for it.

Mr. OSE. So, the fire plan that might exist, say, at Lake Arrowhead might be significantly different than the fire plan that exists in Santa Monica as compared to the fire plan that might exist in Sacramento, CA, depending on the circumstances?

Mr. TURBEVILLE. Theoretically, every fire plan should be different, should take into consideration exactly what they're dealing with at the local level.

Mr. OSE. Now, the fire plan is a plan for a snapshot in time, a circumstantial situation, or is it something that is a long-term effort by a community?

Mr. TURBEVILLE. It should be a long-term effort, because not only do we need to do the clearance of fuel around a community, we have to remember that fuel starts growing back immediately, so it must be maintained to be effective forever.

Mr. OSE. So, within a community's fire plan you might have budget standards?

Mr. TURBEVILLE. Yes.

Mr. OSE. Setback requirements?

Mr. TURBEVILLE. Right.

Mr. OSE. Spaces between structures, width of roads for firefighting equipment and the like, fuel reduction plans?

Mr. TURBEVILLE. Yes.

Mr. OSE. What about the use of some of the chemicals that I'm aware of that retard the growth or the regrowth of fuel?

Mr. TURBEVILLE. Fuel modification through chemical modification?

Mr. OSE. Yes.

Mr. TURBEVILLE. If it is allowed—very difficult with some of the environmental compliance issues. In some areas it does work and is allowed.

Mr. OSE. OK.

Mr. TURBEVILLE. But, it needs to be considered. If it is a potential remedy, use it.

Mr. OSE. All right. How far afield does a community go when it is considering a fire plan? For instance, does it address the circumstances of fire in its watershed? For instance, if a community draws water—like San Francisco draws water from Hetch Hetchy. I mean, that's the No. 1 water source for San Francisco. Does San Francisco's fire plan address conditions in and around Hetch Hetchy?

Mr. TURBEVILLE. Common sense would tell me that if my water supply is coming from Hetch Hetchy Reservoir, I'd better be thinking about it, even if I am in San Francisco on the receiving end of that water, because the responsibility—it is someone's responsibility to consider it. You can't automatically assume that it's always going to be there.

Mr. OSE. You may have just opened up Pandora's Box.

So, Senator Campbell, in the State of California Statewide—I mean, you know Sacramento. We get our water from Folsom and it comes out of the Sierra Nevadas. San Francisco gets it from Hetch Hetchy. Shasta supplies it. How do we, across jurisdictions, deal with this issue?

Mr. CAMPBELL. Mr. Chairman, I wanted to make one comment on the community plans, because one of the biggest successes was the community plan in the Lake Arrowhead/Big Bear area. That's the evacuation portion of the plan. In Lake Arrowhead in that area they evacuated up to 70,000 people out of those mountains on two-lane highways without even a fender bender. It was one of the most amazing success stories in the fire siege down there in southern California.

Now, the water supply—San Francisco has an advantage. They also, since the earthquake, pump water out of the San Francisco Bay specifically for firefighting efforts. If they have to use the salt water, they will do it. But the State water, we are in the midst of a massive, massive drought in California all over the State, and as we look at the fires right now in southern California particularly, one thing we haven't mentioned is there are over a million dead trees from the bark beetle in the San Bernadino Mountains, and they are kindling, and they are ready just to explode the minute heat hits them of a high proportion. So, what we found out is we missed out in spring this year for California. We went from winter, you know, the April showers that are supposed to bring May flowers, we didn't get the April showers and now we are having May fires—a bad pun, I might add. But, nonetheless, here we are in the early part of the season fighting massive fires already in southern California. And, if they ever get into the mountain areas with the dead bark beetle trees and the Santa Ana winds hit again this fall, we could lose up to 30,000 homes in that area.

Now, the water isn't coming in as rapidly for southern California from the State water project or from Hoover Dam or Boulder Dam. That water supply is dwindling. The water supply from down river

out in the Imperial area is dwindling. The water supply, Folsom Lake, if you have been out—I'm sure you've been there—recently there's not as much water as there is supposed to be. That's in all our reservoirs up and down the State.

As you know, most of the water in the State of California is used in agriculture. Overwhelmingly, about 80 percent or more is used in agriculture, and industrial production takes about 10 and residential used to be 5 or 7 or somewhere in that neighborhood. So, we have a drought, a critical issue hitting California, and we could see the same kind of fire siege this year as we saw last year, and not just southern California but all over the State of California.

So, what do we do? We plan. The Commission, by bringing together the State, the local, and the Federal officials, we worked out some real problems; however, we've got to start moving on those problems, like the interoperability of communications is a major problem in any siege, because you have the communications between the Federal fire service with Interior, with Forest Service, with the military, and with the State, and then with the local fire departments and fire districts, and then you throw on top of that the public utilities and CalTrans and emergency medical, and for an incident commander to be able to control that situation becomes very difficult, and cell phones—individual captains on the engines were using cell phones to communicate with each other, and in the mountainous terrain that was difficult to do.

I don't know what to tell you, Mr. Chairman, about what are we going to do. We're just going to hope for the very best and rely heavily upon the expertise and the good will of the fire fighters in California.

Mr. OSE. I want to ask each of you the following question. Mr. Rey testified that, while the Restoration Act set a minimum of 50 percent of these funds being spent on reduction activities in the wildland-urban interface, they're actually spending 60 percent. Do you have a recommendation as to what—before you answer that, that's a 5-minute vote. Mr. Turbeville, I know you've got a plane to catch, so unless you go now you're not going to catch it, so I'm going to go ahead and excuse you.

Mr. TURBEVILLE. Yes, I do.

Mr. OSE. If you don't leave now, you're not going to catch it, so I'm going to go ahead and excuse you. I have to go make this second vote. I will be back in about 12 minutes and we'll finish this panel. I appreciate your patience. Mr. Turbeville, I know your situation, so I apologize I couldn't get this done, but we appreciate your coming.

Mr. TURBEVILLE. I understand.

Mr. OSE. We're recessed for about 12 minutes.

[Recess.]

Mr. OSE. I appreciate your patience.

I was on the verge of asking about the distribution of funds in treating fuel reduction. The testimony of one of the earlier witnesses was that 60 percent of USDA and DOI's, Agriculture and Interior's, combined fuel reduction funds are being spent on the wildland-urban interface. My question is whether or not that's too much, too little, the right amount, what have you.

Mr. CAMPBELL. Mr. Chairman, I hate to say this. I'm not qualified to answer that question. I would defer to——

Mr. OSE. An honest answer.

Mr. CAMPBELL [continuing]. Chief McCammon. But, a quick observation is we have to do something about cleaning the areas, not just around homes but doing some significant mainstream management of our forests.

Mr. OSE. OK. Chief.

Mr. MCCAMMON. Well, as Senator Campbell, I don't know that I can speak to whether 50 percent is enough or 70 percent is enough, but I can tell you from California's perspective we believe more funding needs to be dedicated toward those fuels management issues in the wildland-urban interface.

Mr. OSE. OK. So let's say 50 percent was spent last year. We need to be higher than that. And, I don't know the numbers, frankly.

Mr. MCCAMMON. Well, the difficulty I think is trying to understand where those acres are that have been managed, and, you know, for us in California we have some significant issues that haven't been managed, and so I can't speak to the other States that are involved, but in California we'd like to see more funding dedicated to dealing with those issues.

Mr. OSE. With that wildland-urban interface?

Mr. MCCAMMON. Urban interface, yes.

Mr. OSE. Ms. Mall.

Ms. MALL. We do believe that a great deal more should be focused in the wildland-urban interface close to homes and communities until all homes are made firewise, especially for people who don't have the financial wherewithal to do it themselves. That should be the priority. It is especially important, I want to note, in areas like southern California where a lot of the areas at risk are not forested. Most of the fires in southern California were not trees that were burning. I believe, according to the National Fire Center's report that I read this morning, most of those fires today burning are brush fires. And, in particular, when you're logging in areas, that's not going to help the communities that are not forested.

Mr. OSE. The pictures I've seen of the before versus after is that it is almost chaparral-like, low manzanita type brush with the highly combustible, almost fuel-like plant fluid that just explodes on you when it catches fire.

Chief, is that your experience, too?

Mr. MCCAMMON. Yes, sir.

Mr. OSE. OK. Senator, do you agree with that?

Mr. CAMPBELL. Yes.

Mr. OSE. At least in terms of the areas that we have had such catastrophes in, that tends to be the characteristics we're dealing with. We haven't really had what someone might call a traditional Yellowstone type fire.

Mr. MCCAMMON. Well, I think some of the areas in San Bernadino County get close to that. We only saw 3 percent of the trees that were dead from the bark beetle infestation actually burn in those fires—the whole Grand Prix fire. But, clearly you could

have a Yellowstone type situation had those winds continued to blow East and take the mountain out, itself.

Mr. CAMPBELL. And, they reach a point, Mr. Chairman, where they jump from crown to crown with those kinds of winds, and you know, they get the underbrush later. It comes down. But with the wind blowing at the speed at which it blows when the Santa Ana conditions are evident, there's just nothing you can do.

Can I go far afield for a second?

Mr. OSE. Certainly. We're an investigative committee, so you can do anything you want.

Mr. CAMPBELL. We played around, Mr. Chairman, in the discussions with the predator, and the reason for that is the predator technology can take pictures and relay information at night time and through smoke and through fog or whatever, through areas, and what we would like to see happen is for the Federal Government to dedicate a couple of predators without the military potential of the rockets, but just from the technical aspects of their ability to look down on a fire at nighttime and tell us what that fire is doing, because right now it is hard to know where that fire is going to come out in the morning if we can't look down and see what's happening, and so I know it is top-secret technology that you're utilizing, but if the Federal Government could provide a couple of those available for major fires like we had in southern California, it would give us a little indication as morning comes where we could set up our lines and maybe have a little better opportunity to at least slow the fire down or to stop it.

Mr. OSE. All right. Chief.

Mr. MCCAMMON. Could I maybe elaborate on your question about the 50 percent or 70 percent? One of the things as I've reviewed the way this process works is that—and I spoke to it early about the discoordinated nature of the whole process in that you have several different agencies that are funding fuels management programs in different areas. Sometimes I don't think they even know which ones they are doing or not doing as it relates to one another, and I think that there really needs to be a concerted effort to focus on development of the community fire plans so that we take those at-risk communities and we start building from the community fire plan forward and then begin to understand the types of fuels management programs that they need and how they need to implement those and get all of the Federal agencies working together.

I think you see the California Fire Alliance has put an effort forward to try and do that. I think any time you can maximize the use of funds by working together, you are going to get a better product.

Mr. OSE. All right. I just have just a few remaining questions.

Senator Campbell, in the report from the Commission published in April of this year, on page 13 there was a comment that the most destructive, costly, and dangerous wildfires occurred in older, dense vegetation burning under extreme conditions. What do you mean by "extreme conditions?"

Mr. CAMPBELL. The buildup of the area, the forest area, or the chaparral area where all the underbrush is there and it dies out and then you have new underbrush that grows the next year and

it dies out. It piles one up on top of the other. You have no thinning of trees or even shrubbery or the small trees around there.

By the way, the bark beetle is indigenous to southern California. I mean, it's not something that just happened. But because of the drought it dried up the sap of the trees which was used to kill the bark beetle, and thus we have over a million bark beetle trees dead there.

But when these extreme conditions come together with the drought, with the dryness—and, by the way, southern California has been racked with over 100 degree temperatures for the last 2 weeks—and the winds, and the cool breeze that blows in off the ocean, when that stops and you have them coming in off the desert and you have the Santa Ana wind conditions, when those hit—let me state this again—there's nothing we can do to stop that fire. I mean, we have to have—what we do beforehand is more important than what we do at that point.

Mr. OSE. Are you suggesting that, so to speak, we are not out of the woods yet?

Mr. CAMPBELL. We're in big trouble right now.

Mr. OSE. This is going to keep coming and coming and coming?

Mr. CAMPBELL. No. But unless we get the good forest management, unless we manage the forest properly to clean out the dead vegetation, to make sure that we protect the watershed, to make sure that we do everything that we can to get rid of the combustible material that's on the ground and in the area, you have growth in our forests in southern California where you have the big trees, but all of the small trees that are growing up around it, and feeding off the same water system as does the large tree, and thus the drought affects all of the large trees and the small trees die off, and they just lay there and act as fuel for the next fire coming in.

When those things, all those combination of factors come together, that's when we get the kind of conflagration we got last fall. And, we're ripe for it again this year, I hate to say.

Mr. OSE. Chief, your colleagues in the firefighting business, frankly, have to deal with the reality of this. In terms of where we have gone with urban development in California and the buildup of fuel, the lack of advance planning in some of these communities, do you see any decline in the challenge we face in the coming days?

Mr. MCCAMMON. For the firefighting community?

Mr. OSE. For the firefighting issues.

Mr. MCCAMMON. No. We saw this last fall. Flame lengths and rates of spread that we haven't seen before, and fire fighters were asked to do things in this last fire siege that they haven't had to do in the past. It was a phenomenal experience down there. And, you're seeing areas throughout the State of California where those conditions exist, and so we are having to train our personnel in different ways than we've done in the past. We used to take our apparatus and station at particular structures to do structure protection. Well, we have to make decisions about whether we want to protect those structures any more because of the types of occurrences that we've seen.

I think that all of our comments about managing the interface areas are appropriate, but those are long-term issues that we're going to have to deal with, because it isn't going to happen over-

night. And, as Senator Campbell said, once you get the urban interface area taken care of, it is growing back all the time.

As an example, in the city of Oakland we experienced the Oakland Hills fire; 3,000 homes, the same number of homes were lost in southern California in 2 weeks. We did it in 18 hours. The city of Oakland recently had the voters re-approve vegetation management districts so they can begin to still manage that vegetation that's growing back.

Mr. OSE. I had the unfortunate experience of becoming a member of an insurance board a year after that fire, and we waived limits on all the coverages. It must have cost us $2 billion. We wrote a lot of checks. So that gives you some sense. And, that was 12 years ago. That gives you some sense of the scope of the problem.

I don't have any further questions. We're going to leave the record open. I know there are people here from California who have submitted testimony or letters both to me and to other Members of Congress. I have read those letters. To those of you who might be in the audience, I have read those letters. We are going to leave the record open for questions of our witnesses, and in the context of those questions we're likely to ask things related to your material that you submitted.

I do want to thank our witnesses for coming and visiting with us today and providing the input. It is clear that California remains pretty much at the center of a dilemma from a policy standpoint, and that is: how do humans and the patterns of growth that exist in high-growth States like California or other western States, how do we reconcile the demand for housing and community development with bumping up against some areas that traditionally have not been subjected to urban development? That's that wildland-urban interface.

We have related issues compared to as population grows in California we're going to need water, and the water that supplies many of these new growth areas comes from a long way away, and so how do we protect or what do we put in place policy-wise to protect the watersheds in those areas from having catastrophic fires and then having a complete collapse of the ecosystem in those watersheds that plug the natural streams or fill up the reservoirs with silt and what have you from erosion? These are all inter-related.

Senator Campbell, I appreciate your service in the Governor's Commission.

Chief McCammon, obviously your day-to-day experiences are greatly appreciated and probably not sufficiently recognized by you and your team. We appreciate that.

Ms. Mall, we appreciate your coming and sharing with us the viewpoint from the organization you represent.

We will share these findings and this testimony with the rest of Congress as is normal practice.

Again, I thank you all for coming today.

This hearing is adjourned.

[Whereupon, at 5:15 p.m., the subcommittee was adjourned.]

[Additional information submitted for the hearing record follows:]

May 17, 2004

VIA FACSIMILE
The Honorable Mark E. Rey
Under Secretary for Natural
Resources and Environment
U.S. Department of Agriculture
1400 Independence Avenue, S.W.
Washington, DC 20250

Dear Under Secretary Rey:

This letter follows up on the May 5, 2004 hearing of the Government Reform Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, entitled "Wildfires in the West – Is the Bush Administration's Response Adequate?" Please respond to the enclosed followup questions for the record.

Please hand-deliver the agency's response to the Subcommittee majority staff in B-377 and the minority staff in B-350A Rayburn House Office Building not later than Tuesday, June 8, 2004. If you have any questions about this request, please call Subcommittee Professional Staff Member Melanie Tory on 226-4376.

Sincerely,

Doug Ose
Chairman
Subcommittee on Energy Policy, Natural
Resources and Regulatory Affairs

cc: The Honorable Tom Davis
The Honorable John Tierney

Q1 Annual Forest Growth. To some extent, the fire danger that currently exists in the West is a result of the vegetation density on Federal lands. In order to adequately address wildfires, we must consider the annual net growth on National Forest lands.

a. What is the net annual growth (in board feet) on lands managed by the U.S. Department of Agriculture's (USDA's) Forest Service (FS)? What is the net annual growth (in board feet) on lands managed by USDA/FS within California? Please provide information on annual growth, mortality, and harvest in your calculation.

b. What is the total demand (in board feet) for lumber within the U.S.? What is the total demand (in board feet) for lumber in California? What percentage of this demand is met by the U.S. lumber industry?

c. Between 2000 and 2003, approximately how many board feet of lumber were destroyed by wildfires? What is the approximate value of this loss? If dead and dying trees were removed prior to the fires, would this loss be higher or lower?

Q2. Matching Requirements. During the hearing, you announced that USDA would expedite the release of Federal funds to States and counties by waiving, reducing or deferring the matching requirement for some State and local grantees. To date, have any States or counties received Federal funds for wildfire prevention measures as a result of this action?

Q3. Bark Beetle in California. Despite the fires that raged through the San Bernardino Mountains in 2003, only about 7 percent of the dead trees burned, leaving ample fuel for a fire that may start this season.

a. What is currently being done to address the Bark Beetle infestation in California? What is being done to address other pest and disease outbreaks in other U.S. forests?

b. Currently, there are debates over the best methods for reducing wildfire threats in the region. Particularly, there are disagreements over whether fuel breaks or forest-thinning operations are more effective in protecting communities. Given the severe fire behavior last year, do you believe fuel breaks alone are effective? If not, how can we encourage the creation of infrastructure for forest-thinning operations?

c. Some experts are predicting that half of all the pine trees in the San Bernardino Mountains will be dead or dying by the Fall. Given the enormity of the problem, will additional prevention and suppression resources be directed at this area throughout the fire season?

Q4. Stewardship Contracting. In your testimony, you discuss the stewardship contracting authority granted to USDA in the FY 2003 Consolidated Appropriations Act.

a. How has this new authority helped to offset actual costs of hazardous fuel removal activities and rehabilitation activities?

b. Has the forestry industry responded favorably to stewardship contracting?

c. Do you support expanding the stewardship contracting program to include State governments?

United States Department of Agriculture

Office of the Secretary
Washington, D.C. 20250

JUN 18 2004

The Honorable Doug Ose
Chairman
Subcommittee on Energy, Policy, Natural Resources and Regulatory Affairs
Committee on Government Reform
2157 Rayburn House Office Building
Washington, DC 20215-6143

Dear Mr. Chairman:

Enclosed please find our responses to your follow-up questions for the record from the May 5, 2004, hearing entitled "Wildfires in the West – Is the Bush Administration's Response Adequate."

If you have any questions, please contact Jim Upchurch, Forest Service Legislative Affairs Staff, at 202-205-0970.

Sincerely,

MARK E. REY
Under Secretary for Natural
Resources and Environment

Questions from the House Committee on Government Reform Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs Hearing – Wildfires in the West – "Is the Bush Administration's Response Adequate?"

Question 1. To some extent, the fire danger that currently exists in the West is a result of the vegetation density on Federal Lands. In order to adequately address wildfires, we must consider the annual net growth on National Forest lands.

a. What is the net annual growth (in board feet) on lands managed by the U.S. Department of Agriculture's (USDA's) Forest Service (FS)? What is the net annual growth (in board feet) on lands managed by USDA/FS within California? Please provide information on annual growth, mortality and harvest in calculation.

Answer: In addition to fuels, other factors play a role in the fire danger in the West, including drought and development within the wildland urban interface. State and local resources are an essential element in addressing these concerns. Following is a table summarizing growth, mortality, and harvest information on National Forest Systems lands:

Growth/Mortality/Harvest Information – National Forest lands - 2002

Area	Net Annual Growth (million bd. ft.)			Net Annual Mortality (million bd. ft.)			Net Annual Harvest (million bd. ft.) [1]
	Softwood	Hardwood	Total	Softwood	Hardwood	Total	Total
California NF's	3,285	0	3,285	715	35	750	299
All NF Lands	16,785	3,185	19,970	8,425	1,250	9,675	1,830

1 Sawtimber and other roundwood products (not including nonconvertible products).

b. What is the total demand (in board feet) for lumber within the U.S.? What is the total demand (in board feet) for lumber in California? What percentage of this demand is met by the U.S. lumber industry?

Answer: The total demand for lumber in the United States is 67.7 billion board feet. Of that total 21.7 billion board feet is imported (32 percent and 46.0 billion board feet is supplied by the U.S. lumber industry (68 percent). (USDA Forest Service Valuation and Research Staff)

In 2001, California consumed an estimated 6.8 billion board feet of lumber (Figure 8, Chapter 6, Forest Products Industry, "The Changing California: Forest and Range 2003 Assessment").

c. Between 2000 and 2003, approximately how many board feet of lumber were destroyed by wildfires? What is the approximate value of this loss? If dead and dying trees were removed prior to the fires, would this loss be higher or lower?

The Forest Service does not routinely collect data collected for the amount of board feet of timber lost to wildfires on a national basis. For individual fires where timber salvage operations occur, the environmental document for that particular project would have an estimate of timber value.

2. During the hearing, you announced that USDA would expedite the release of federal funds to States and counties by waiving, reducing or deferring the matching requirement for some State and local grantees. To date, have any States or counties received Federal funds for wildfire prevention measures as a result of this action?

Answer: $2.4 million State Fire Assistance for Fire Safe Council grant will be available soon. Grant funding is already available to a number of other grant applicants. A $7.8 million grant has been awarded to San Diego County. San Bernardino County is authorized to use $6.7 million of an $11.7 million grant, and Riverside County is authorized to use $2.8 million of a $4.9 million grant. The full amount of the grants is expected to be available to both counties within several weeks. These grants are primarily focused on fuel reduction, but have some public education components. In addition, two Economic Action Program grants have been awarded, one to San Bernardino County for $3.35 million, and one to San Diego County for $1.25 million. An additional EAP grant will be awarded soon to Riverside County.

3. Despite the fires that raged through the San Bernardino Mountains in 2003, only about 7 percent of the dead trees burned, leaving ample fuel for a fire that may start this season.

a. What is currently being done to address the Bark Beetle infestation in California? What is being done to address other pest and disease outbreaks in other U.S. forests?

Southern California Bark Beetle infestation

- The affected national forests are stepping up their project work to reduce fuels, improve forest health and protect communities. As of May 2004, the most severely affected Forest, the San Bernardino, has 20 projects underway in either planning or implementation stages, totaling 8,175 acres. First priorities are projects that help protect communities and provide for safe evacuation routes from communities that might be threatened by wildfire. Longer term projects include removing dead and dying trees further away from communities and improving forest health.
- Grant funding is being provided to the California Department of Forestry and local counties and organizations to address the impacts of the bark beetle mortality.
- The Forest Service is working collaboratively with grantees to determine the best distribution of funds.
- The Forest Service is conducting regular aerial surveys of the mortality to provide updated information on the progress of the mortality.

- The Forest Service is working cooperatively with state, county, and local agencies, and with volunteer organizations, to address impacts from the extensive bark-beetle and drought related tree losses, improve community protection and reduce the wildfire hazard. Examples are the work with the San Bernardino and Riverside County Mountain Area Task Forces (MAST). These are cooperative organizations of federal, state, and local agencies and volunteer groups focused on reducing the risks from wildfire and improving community protection. The Agency is also working with fire safe councils to improve community safety.

National Program

In FY2004, Forest Health Protection began implementing comprehensive, collaborative initiatives to manage southern pine beetle, western bark beetles, and the invasive hemlock wooly adelgid. More than $120 million are allocated for suppression, prevention and restoration projects to control, manage and slow the spread of 24 pests and invasive species. Approximately 1.1 million acres of forested Federal and State and private lands will be treated. Other emphasis areas include:

- A national survey and evaluation for sudden oak death in eastern U.S..
- A major emphasis on long-term forest health restoration and prevention programs for southern pine and western bark beetles.
- Expand the early detection and rapid response program for introduced invasive species.
- Accelerate control and management of emerald ash borer in Ohio and Michigan.
- Conduct a major revision of the insect and disease risk map.

b. Currently, there are debates over the best methods for reducing wildfire threats in the region. Particularly, there are disagreements over whether fuel breaks or forest-thinning operations are more effective in protecting communities. Given the severe fire behavior last year, do you believe fuel breaks alone are effective? If not, how can we encourage the creation of infrastructure for forest-thinning operations?

Answer: Fuel breaks are an important tool that we use for providing protection to communities and resources from wildland fire. They can be very effective in providing defensible space and as anchor points for wildland firefighting strategies, especially in conjunction with other efforts at the landscape level. This requires a coordinated effort across landscapes to restore and maintain the health of fire-prone ecosystems. Well planned and placed hazardous tree removal projects can be very effective in restoring these ecosystems.

Because of the complexity of the situation in Southern California, with minimal infrastructure for wood utilization and vast amounts of hazardous fuels to remove, there is no simple answer to the

question. The Forest Service has formed a team to review the situation in Southern California and will be considering options. We will provide information to the committee as this review is completed. Greater utilization of stewardship contracting authority may provide help in creating opportunities for forest-thinning operations.

c. Some experts are predicting that half of all pine trees in the San Bernardino Mountains will be dead or dying by the Fall. Given the enormity of the problem, will additional prevention and suppression resources be directed at this area throughout the fire season?

Answer: Yes. As last year, the Region will be systematically rotating additional firefighting resources through Southern California for the duration of the fire season. This includes additional fire engines, fire crews, bulldozers, and transports. The Region will also be rotating smokejumper crews through southern California. Smokejumpers are normally based in northern California at Redding

4. In your testimony, you discuss the stewardship contracting authority granted to USDA in the FY 2003 Consolidated Appropriations Act.

a. How has this new authority helped to offset actual costs of hazardous fuel removal activities and rehabilitation activities?

Answer: Stewardship Contracting allows the agency to offset costs by paying for fuel reduction work with the value of the timber removed. There is some cost efficiency in bundling these services into one contract, which allows the Forest Service to accomplish fuel reduction work that we might otherwise not be able to fund.

b. Has the forestry industry responded favorably to stewardship contracting?

Answer: Stewardship contracting projects are increasing and we are having good success in getting bids from a variety of organizations, groups and industry. The response from the forest industry has been mixed. Some industry groups have expressed concern that stewardship contracting may replace the timber program in the Forest Service. We have heard concerns that the smaller size of timber offered in the stewardship contracts would not keep mills operating.

We have also received positive feedback that stewardship contracting can work well for industry if timber and service work is bundled properly. Part of the job we have undertaken is providing external training to local communities and forestry industry on understanding stewardship contracting and how to bid on these contracts.

c. Do you support expanding stewardship contracting program to include State governments?

Answer: The stewardship contracting provision already authorizes the Secretaries to enter into contracts with State Governments. The agency is looking forward to building partnerships with states in stewardship contracting.

YEAR	
1965	**The Economics of Wildfire Protection With Emphasis on Fuel Break Systems, Lawrence S. Davis, State of California Resources Agency, Department of Conservation, Division of Forestry**

ISSUES/CONCLUSIONS

California's Wildfire Problem: California has a wildfire situation without parallel in any other region of the world. Long dry summers, rugged terrain, heavy vegetative cover, repeated periods of extreme fire weather conditions, poor access to many wildland areas and an expanding, wildland-using population combine to yield the potential for frequent large and damaging fires virtually every year.

Economic and Technical Problems of Wildfire Protection: There is some reason to believe that physical productivity of wildfire protection in California may have reached a stage of rapidly diminishing returns by the 1950's. Since the early 1950's the budget for the Division of Forestry rose from $12 million to its current level of about $25 million with relatively small reduction in acreage burned and the size and frequency of the large fires. Some of this lack of progress can be explained by a general increase in fuel density and the increasing difficulty in direct suppression previously discussed. Still in a gross overview, increasing the current level of direct suppression facilities may not accomplish as much improvement in reducing acres burned or values destroyed as would development of different protection strategies or inputs.

Implications of the Analysis: The essential reason for this falling productivity [of suppression forces] is traced to a fundamental technological inability of direct suppression forces to cope with conflagration type wildfires when they are making a major run. Coupled with this technological failing is the high overall effectiveness of the current protection effort and the result that some 80 percent of the current fire problem [acres and damage] consists of the rare conflagration. … Additionally, the difficulty in doing much with conflagrations once they are underway suggests increased efforts to prevent the ignitions might have greater potential than increased suppression efforts.

RECOMMENDATION(S)

1) "In view of the mandates for wildfire protection as given in the California Public Resources Code and within the limits of assumptions used in this analysis [predominately wildland with limited development using a cost/benefit model], development of extensive fuel break systems or making substantial physical additions of conventional fire suppression forces to the current level of protecting … wildlands … does not appear economically justified."

2) "…additional buildup of only direct suppression capability in the manner considered in this study is not likely to have a significant effect on the current pattern of wildfire activity with respect to acreage burned and the frequency of large fires."

3) "Increases in funds for wildfire protection by the California Division of Forestry … and perhaps part of the current annual budget would probably be more effective in reducing the acreage burned by major fires if directed to selective fuel break construction and to fire prevention effort rather than to direct suppression forces."

YEAR	
1966	**A Report to Governor Edmund G. Brown on … Conflagrations in California (resulting from the Governor's Conference on Conflagrations), by the California Disaster Office, Harold P. Bowhay, Chairman**

ISSUES/CONCLUSIONS

Governor Brown knew from the aftermath of the Bel Air and Glendale fires that "the fire services, working together, had made tremendous progress in their ability to fight fires after they had started. He now hoped this group, representing fire services, underwriters, research, and wood products manufacturers, would be able to make some recommendations to him on an even more constructive task – to try to prevent the occurrence of fires and the spread of fires.

Problems:

1. Shake and shingle roofs and how they contribute to the spread of fire.
2. The importance of the shake and shingle industry to the West Coast
3. Other construction factors that contribute to the spread of fires in residential areas.
4. Development of flame-retardant applications to wood products in both new construction and existing structures.

RECOMMENDATION(S)

1. Local fire authorities should identify hazardous fire areas.
2. Communities with hazardous fire areas should educate citizens of dangers to life and property and the need for fire-safe construction and removal of combustible material
3. State sponsor educational films for citizens showing recommendations of this group.
4. Department of Education to consider the need for revolutionary changes in the teaching of Conservation Education.
5. University of California to conduct fire tests on roofing materials including wind conditions and based upon national standards.
6. Local fire authorities survey their water supplies and their accessibility.
7. Availability of water tank trucks be on file in all fire dispatch offices.
8. Local ordinances require new swimming pools to be accessible to fire apparatus by road.
9. CDF to give special attention to PRC 4291 in SRA, that it be amended to allow local enforcement and that local officials strictly enforce the provisions of this law.
10. California Disaster Office keep State Fire Disaster Plan up to date, training and refresher courses be strengthened and accelerated.
11. California Disaster Office develop a "Command Training Program".
12. CDF should create a plan and procedure, including payment procedures, to dispatch aerial firefighting resources to communities outside of SRA.
13. California Disaster Office budget be augmented to purchase a fleet of water tanker trucks and portable pumps and accessories to be available through the Fire Mutual Aid Plan.
14. Disaster Office and CDF budgets be augmented to complete the fire radio network.
15. State and federal funds be applied to fire climate and behavior research and improved fire weather forecasting.
16. All California fire departments be included within the California wildland fire Danger Rating and fire Weather Forecasting Plan.
17. Acquire needed fire service radio channels from the FCC.
18. Urge timber industry and railroads to continue action to solve the "chip-blow-off" problem.
19. Commend CDF and USFS for letter of understanding with Southern Pacific Railroad regarding fire prevention.
20. CSAC encourage all counties to establish roadside hazardous fuels reduction programs on county roads.
21. Power companies provide automated de-energizing capability for breaks, shorts or flash-over and place conductors underground in forest and watershed areas where feasible.
22. The Chapter 2038, Statutes of 1963, Governor's Advisory Committee on the Treatment of Right-of-ways be activated.
23. The State, LA County and USFS strengthen research on "fire resistant" plants.
24. Establish a Fire Hazard Reduction Week in the last week of May.
25. Enact legislation requiring proposed subdivisions and other developments receive review by local fire, water, road, health and flood control authorities.
26. The Fire Safe Program be adopted by local ordinance.
27. The Fire Safe Program be published and distributed.

28. The Department of Real Estate Subdivision Manual be continuously updated and distributed.
29. Undersides of floors in stilt or open construction, the underside of eaves and other horizontal projections be protected with materials as required for one hour fire resistance, or not less than 2" nominal thickness lumber; and that the soffit under eaves be protected by solidly blocking the areas between rafters, plate and roof sheathing with not less than 2" nominal thickness wood.
30. Openings to attics or concealed spaces be protected by screen with not larger than ¼" mesh.
31. Recommend two means of exit from living areas be provided and that there be no less than two separate exits from a dwelling unit; the second means of egress in rooms used for living purposes may be a window which is reasonably accessible and usable for such purpose.
32. The USFS continue research on protecting openings, especially large picture windows, from the radiant heat of forest and watershed fires.
33. Phase I of the State Foresters Fire Prevention Plan be included in the Governor's budget for fiscal year 1967/1968.

YEAR	
1966	**Fire Safety Guides for California Watersheds by the county supervisors Association of California in cooperation with the Forest fire Protection Agencies**

ISSUES/CONCLUSIONS

"Haphazard development of the mountain wildland areas sets the scene for disaster. Structural fire losses from forest fires have been great, and losses have been increasing in recent years. Firefighting forces alone cannot always furnish protection; measures to compensate for hazardous conditions must be planned and built into subdivisions and other developments."

"This fire hazardous mountain land will continue to be developed as California is faced with the prospect of unprecedented growth. The problem is how to make a naturally hazardous environment safe for people to inhabit and to avoid creating conditions that will lead to disaster by fire. No half-way measures will solve this most basic problem."

RECOMMENDATION(S)

"Comprehensive and coordinated land-use planning is needed." Includes comprehensive plans, declaration of hazardous fire areas, hazard maps available to elected officials and the public, expert review of development plans, clearance of flammable vegetation around developments, provision for local government fire protection; safe ingress and egress, suppression water supplies, housing

density, building construction and occupancy, community fuel breaks, minor subdivisions, addressing and street signing, disposal of flammable material, adoption of local subdivision and zoning ordinances, fire defense systems, safe evacuation routes, landscape fuels treatments and agency cooperation in the fields of Fire Prevention, Pre-Suppression, Emergency Action and Law Enforcement.

YEAR	
1970	**California Aflame! September 22 – October 4, 1970. State of California, the Resources Agency, Department of Conservation, Division of Forestry. Clinton B. Phillips, Assistant Deputy State Forester.**

ISSUES/CONCLUSIONS

"From September 22 to October 4, 1970, fire raged through more than half a million acres of brush and forest in California's wildlands. Thirteen days of uncontrolled flames - flames which killed people - consumed hundreds of homes built in or adjacent to the wildlands – damaged thousands of other structures." (13 days, 773 fires, 576,508 acres, 722 homes, 16 deaths)

"Destructive forest, brush, and grass fires occur every year in California. Although such fires can and do happen in every month of the year, the most crucial part of the fire season is generally from May through November. During a relatively few days of that season, fuel and weather conditions are often so critical that small fires escape to become large, destructive conflagrations."

The Wildland Fire Problem in California: Fuels, Topography, Fire Weather.

"... Secretary for Resources Norman B. Livermore Jr. appointed a 21-man Task Force on California's wildland Fire Problem ..." Task Force objectives were:

1. Explore the reasons why the 1970 wildland fires caused so much damage to homes, wildland resources and lives.
2. As a first phase program, develop recommendations to minimize future damages from fires burning under similar conditions.
3. As a second phase program, describe procedures to implement the Task Force's recommendations.
    a. Fuel management and hazard reduction subcommittee
    b. Zoning, subdivision codes, and land-use subcommittee
    c. Building codes and construction materials requirements
    d. Fire prevention subcommittee
    e. Fire control subcommittee

RECOMMENDATION(S)

See following Section – Recommendations to Solve California's Wildland Fire Problem.

YEAR	
1972	**Recommendations to Solve California's Wildland Fire Problem, the Resources Agency, Department of Conservation, Division of Forestry, June 1972.**

ISSUES/CONCLUSIONS

"California's wildland fire problem cannot be met by reliance solely on an improved fire protection system, although improvement of that system is badly needed and will contribute importantly to solving the problem. Rather, there is a compelling need for a total systems approach to solving the fire problem. This approach will have to be so extensive as to touch on major aspects of the way we live and act in the state's high fire hazardous areas. It must consider all those fire protection elements which can contribute toward fulfilling the legislative policy enunciated in the state's Environmental quality Act of 1970 (Section 21100 of Public Resources code) to 'Create and maintain conditions under which man and nature can exist in productive harmony to fulfill the social and economic requirements of present and future generations.' It must also consider the many opportunities provided to local governments by environmental planning legislation enacted by the State Legislature in 1971 to improve land use planning, zoning and building requirements in the state's wildlands."

RECOMMENDATION(S)

Fire Prevention

A1. Provide fire protection standards for local governments to use in preparing the safety element of their general plans. (1980 Fire Safe Guides for Residential Development in California; OPR General Plan Guidelines; current Fire Prevention Field Guides; A Discussion of the County General Plan and the Role of Strategic Fire Protection Planning)

A2. Devise a formalized "Wildland Fire Hazard Alert" system for alerting and activating wildland fire protection agencies whenever critical fire weather is predicted. (Red Flag Alert)

A3. Help solve the incendiarism problem by improving present law enforcement and investigation equipment, adapting equipment

available in other fields, and developing new equipment where needed. (Interagency, Inter-jurisdictional Arson Task Forces; Arson and Fire Investigation Training; Arson Hotline)
A4. Enlist the aid of courts, prosecuting attorneys, and the general public to make present laws more effective in dealing with the problems of illegal use of fire and fire-causing practices. (Strengthened Arson laws; Arson Guide for Prosecutors – still an issue of understanding by prosecutors)
A5. Suspend all debris burning operations and alert the public to the potential risk for wildfire from any cause during critical fire weather. (CDF Burning Permit Suspension)
A6. Curtail all off-the-road use of machines and mechanical or power-driven equipment during critical fire weather. (Federal agencies have instituted fire weather and fuel condition restrictions; State and Federal spark arrester regulations have been improved)
A7. Provide fire prevention personnel in numbers that are adequate to properly inspect wildland structures and activities and to make personal contacts with wildland residents and other users, especially during critical fire weather. (In the absence of consistent budget support of staffing, Volunteers in Prevention was implemented in 1980; the OSFM developed State Fire Training compliant inspector training curriculum and delivered pilot training classes in 1999 and 2000, but the program has not since been implemented)
A8. Intensify mobile fire prevention patrols immediately before and during critical fire weather. (Red Flag Patrols and Volunteers in Prevention)
A9. Improve power line inspections. (Power Line Fire Prevention Field Guide; Ongoing inspection and follow-up work with utilities)
A10. Urge all power utility companies to institute special operating instructions for their field personnel during critical fire weather. (CDF Unit Fire Weather plans and adjective ratings – continuing discussions with utilities)
A11. Request all power utility companies to make underground installations of relatively low voltage transmission and distribution lines in high fire hazardous areas.
A12. Determine the specific causes and locations of roadside fires. (Fire incident data from OSFM California All Incident Reporting System (CAIRS) database; GIS mapping; ongoing research and training for fire staff)
A13. Establish an ad hoc Fire Prevention Action Committee to coordinate implementation of these fire prevention recommendations. (Statewide Fire Prevention Committee and Interagency Engineering working group both need improved support and funding)

Fuel Management and Hazard Reduction:
B1. Prepare hazard reduction standards for wildland subdivisions. (current OSFM development of Urban Wildland Interface Building Standards; Structural Fire Prevention Field Guide; Title 14 SRA Fire Safe Regulations, and 1980 Fire Safe Guides for Residential Development in California)
B2. Encourage land management agencies to use prescribed burning techniques to selectively reduce fuel hazards consistent with management objectives and laws and with due concern for environmental quality. (CDF Vegetation Management Program and Programmatic EIR - AB 1006 and SB 1704 – federal agencies may be moving away from prescribed burning.)
B3. Provide standards for locating and constructing fuelbreaks and greenbelts. (Structural Fire Prevention Field Guide; 1980 Fire Safe

Guide for Residential Development in California – Federal agency have their own standards and policies in place)
B4. Increase the number of men available for building fuelbreaks and other fire control facilities. (Expansion of CDF/CDC Inmate Fire Crews – dependent upon type and quantity of inmate available for fire crew assignment)
B5. Urge fire prevention organizations to give increased emphasis to fuel management and fuel hazard reduction. (CDF Vegetation Management Program and Program EIR – AB 1006 and SB 1704)
B6. Investigate current insurance practices covering prescribed burning operations on privately owned wildland and determine the fiscal liability of private individuals for costs of suppression and damages in the event of the escape of a prescribed fire. (CDF Vegetation Management Program and Program EIR – AB 1006 and SB 1704)
B7. Determine the legal responsibility of public fire protection agencies for fuel hazard reduction on private lands. (CDF Vegetation Management Program and Program EIR – AB 1006 and SB 1704 have solved some of these issues)
B8. Demonstrate fuel management techniques in high fire hazardous areas. (Laguna-Morena and Grindstone fuelbreaks??)
B9. Implement fuel management programs in the California State Park and Recreation System for fire prevention and hazard reduction purposes. (Wildland Fuel Management Guidelines for the California State Park System)
B10. Urge county road departments to implement fuel hazard reduction programs for all county-maintained roads located in high fire hazardous areas.
B11. Strengthen legal requirements for clearance of hazardous wildland fuels adjacent to structures beyond property lines. (Some local agencies have adopted this strategy; FAIR Plan requires this in some cases)
B12. Strengthen research and action programs related to "fire resistant" plants. (OSFM and UC Forest Products Lab – Fire Environment Modification Guide, landscape planting fire tests and Fire Safe Landscape Vegetation Guide - searchable database; Riverside Fire Lab publication – Low Volume and Slow Burning Vegetation for Planting Clearings in California Chaparral, many local UC Extension publications and recommendations)
B13. Find new ways of controlling brush growth. (Prescribed burning; goat grazing; improved fuel removal equipment)
B14. Synthesize and summarize all fuel management and hazard reduction information for all wildland vegetative types in California and recommend action programs for each type. (FRAP statewide vegetation maps; California Fire Plan; independent, ongoing assessments and project planning at local levels)
B15. Establish an ad hoc Fuel Management and Hazard Reduction Action Committee to coordinate implementation of these fuel management and hazard reduction recommendations.

Zoning, Subdivision Codes and Land Use:
C1. Provide guidance and technical assistance to local governments in their efforts to integrate a wildland fire protection element into their general plan. (OPR General Plan Guidelines, A Discussion of the County General Plan and the Role of Strategic Fire Protection Planning – SB1684 authorizes CDF to assist local government in planning, fire prevention and vegetation management; delivery of FIREWISE workshops)

C2. Provide local governmental planning professionals an environmental resource data system and consulting assistance in natural resource protection and management fields. (CDF staff availability – not a state budgeted program)
C3. Require local government to consider land use capability in terms of fire and other natural hazards. (optional OPR General Plan Guidelines, A Discussion of the County General Plan and the Role of Strategic Fire Protection Planning)
C4. Strengthen the State Planning Law to provide for better wildland use regulations and better fire protection, particularly in regards to "lot splitting" in fire hazardous wildlands.
C5. Make land developers responsible for providing a fuel management program consistent with wildland fire protection requirements in the interim period between individual lot sales and residence construction.
C6. Require that firefighting equipment be provided access to water contained in all privately-owned swimming pools located in or adjacent to the wildlands for onsite fire protection.
C7. Establish an ad hoc Fire Protection in Land Use Planning Action Committee to coordinate implementation of these zoning, subdivision codes and land use recommendation.

Building Codes and Construction Material Requirements:
D1. Offer to local governments standards for building location and density in the wildlands. (Structural Fire Prevention Field Guide; 1980 Fire Safe Guides for Residential Development in California; model codes; 1999 FRAP working paper – Development Patterns and Fire Suppression)
D2. Require that all buildings constructed in high fire hazardous wildland areas comply with specifications in six specific areas of concern to reduce the chances of wildfire spreading from burning wildland vegetation to the buildings. (PRC 4291 – Clearance of Flammable Vegetation and screening of openings (current OSFM development of UWI Building Standards – AB 1216)

- Meet 1970 UBC occupancy group and type construction (CBC and CFC adoptions require statewide compliance with occupancy group and type construction building standards)
- Fire retardant roof covering (CBC/HSC 13132.7 – minimum Class C fire retardant roofing required statewide; Class A or B in Very High Fire Hazard Severity Zones; Many local jurisdictions have adopted Class A minimums)
- Underside of horizontal structures enclosed with 1 hr fire resistive material, vertical supports at least 5 ½" in dimension (Model Codes; Some local jurisdictions have adopted this or a similar standard)
- Ventilation openings protected with metallic screening ¼" or less. (Model Codes; Some local jurisdictions have adopted this or a similar standard)
- Protect window openings from radiant heat (Some local jurisdictions have adopted this strategy)
- Chimney and stovepipe outlets be covered with non-flammable screen ½" or less. (PRC 4291/GC 51182)

D3. Develop standards for numbering buildings located in the wildlands. (optional requirement in Circulation Element of County General Plan – need to make mandatory; Title 14 SRA Fire Safe Regulations – PRC 4290, Many local jurisdictions have adopted this strategy)

D4. Establish an ad hoc Building Construction Action committee to coordinate implementation of these building code and construction material requirements recommendations. (OSFM UWI Working Group project underway – AB 1216)

Fire Control:
E1. Develop a fire command structure for controlling fire suppression operations on conflagrations spreading through the jurisdictions of several fire protection agencies. (FIRESCOPE – implemented statewide – need to improve orientation of non-local firefighters)
E2. Update the Federal Rural Fire Defense Plan to recognize recent changes in state and federal wildland fire protection legislation. (completed)
E3. Update the State Fire Disaster Plan to recognize changing needs and new legislation related to the Office of Emergency Services. (completed; DMA 2000 compliant State Fire Hazard Mitigation Plan under development)
E4. Improve firefighting communications systems to meet multi-agency needs, especially during large fire situations. (FIRESCOPE and deployment of radio caches statewide)
E5. Develop new equipment and techniques to increase the effectiveness of the individual firefighter or to replace manpower. (CDF Fire and Resource Equipment Development Advisory Committee – FREDAC)
E6. Develop and test new techniques to improve the tactical use of organized firefighting forces, including the use of the modular "Task Force". (Task Force concept incorporated into FIRESCOPE's Incident Command System (ICS))
E7. Improve the utility of state and federal military forces on conflagration fires. (State agreement – preseason training and certification of equipment and pilots)
E8. Provide standards for road construction in the wildlands adequate for fire protection requirements. (1971 Business and Professional code changes and Government Code changes; Title 14 SRA Fire Safe Regulations - PRC 4290; UFC Article 9 standards)
E9. Develop standards for water supply required for fire protection in the wildlands. (1971 Business and Professional code changes and Government Code changes; Title 14 SRA Fire Safe Regulations - PRC 4290)
E10. Establish an ad hoc Fire Control Action Committee to coordinate implementation of these fire control recommendations.

YEAR	**An Evaluation of Efforts to Provide Fire Safety to Development and Occupancy Within the Wildlands of California – Resources Agency, Department of Conservation, Division of Forestry, Barritt Neal, Leroy Taylor**
1972	

ISSUES/CONCLUSIONS

"The past two decades have seen marked changes in the foothills and mountains of California. One major change is the degree to which these rural areas have been developed for home sites. The Department of Conservation has estimated that over 500,000 acres

were subdivided in the foothill and mountain areas of California during the years 1960-1970; the Department also has estimated an equal area was subdivided by lot splitting."

"The increasing presence of these new residents and users in the rural areas has had an adverse effect upon wildland fire occurrence; and wildland fire, in turn, has had an even more adverse effect upon them. For example, in 1964 the state suffered repeated sieges of fire. Twenty-two homes were destroyed in Los Angeles county, and 188 structures were destroyed or damaged in the Coyote Fire in Santa Barbara County. Napa and Sonoma Counties in northern California endured the Hanley, Nuns Canyon, and Mt. George Fires which destroyed over 160 structures."

- An annual average of over 90 percent of the wildland fires in California are started by people. More people means an increase in the risk of more fires.
- Fire protection forces no longer enjoy the advantage of always choosing the most effective location for suppressing a spreading wildland fire. Strategy is often influenced by the immediate need to protect lives and structures from damages by fire.
- Tremendous increases in improvement values means corresponding increases in potential losses to wildfires. The margin of error in fire control decision-making has narrowed.
- Tax bases, even with increased improvement values, are too low to fund improved levels of organized fire protection and, in many cases, the values protected would not justify increased protection expenditures.
- An unconcerned or unaware public continues to construct and maintain homes and other improvements with little or no regard for fire safety measures. The continued generation of these potential losses to fire has a compounding effect upon the total fire protection problem.

This report was designed to measure the accomplishments or failures that have occurred at the County level since the implementation of the 1963 hazard reduction legislation and the creation of the 1965 Fire Safe! Program.

Planning Considerations – "All proposed subdivisions and other developments should be given coordinated and comprehensive review by local fire, water, road, health, and flood control authority." CDF assessment of Local Government – 63%. Local government response – 82%

Fire Hazardous Areas Defined – "Fire hazardous areas are any mountainous areas, or forest-, brush-, or grass-covered lands, these generally being lands with slopes over 8 percent or with a continuous flammable vegetative cover." Eleven counties defined hazardous areas in their General Plans, and slope was only used in 4 definitions.

Fire Hazard Area Maps – "For the effective administration of safety requirements and in order that planners, developers, and fire

authorities have a uniform understanding of the area of reference, the mountain fire hazardous areas should be delineated upon maps. The maps should be legally descriptive with the fire hazardous area boundaries located upon roads, utility lines, streams, or other landmarks for administrative convenience and in order that the hazardous areas be physically visible upon the ground." Eight counties had delineated hazardous areas on maps and only two of those delineated varying degrees of severity.

Safe Ingress and Egress -- "Area development should provide for safe and ready access for fire and other emergency equipment and for routes of escape which will safely handle evacuations. Therefore, road and street system designs should provide maximum circulation consistent with topography to meet fire safety needs." 38% of the counties required two ingress-egress routes, 20% of the counties met the 60 foot right-of-way guideline, 44% of the counties med the cul-de-sac requirement, 61% met the street and 70% met the road grade requirement, only 8% met the clearance of flammable vegetation requirement along roads, 44% met or exceeded the water storage requirements, 55% met the fire hydrant requirements, and 13% required separation of domestic and emergency water supplies.

Clearance Requirements - 24% required set-back sufficient for clearance of flammable vegetation, 31% assigned firebreak responsibilities to both landowner and adjacent property owner, and 37% allowed government clearing where landowners failed to clear,.

Building Spacing – 33% required a 15'+ setback from the property line, and 22% met the building density standard.

Building Construction and Occupancy - 18% required roofs and exteriors to be fire-resistant, 53% required roof, attic and sub-floor openings to be screened, 20% required projections such as decks to be fire-resistant construction, 13% addressed window openings facing exposure hazards, and 29% had adopted a uniform fire code,.

Community Firebreaks – Only 7% had ordinances requiring community level firebreaks, 53% accepted recommendations from the fire department, but only 42% made the recommendations mandatory, 22% had local ordinances that required utilities to maintain powerlines so as not to constitute a risk.

Division of Land – 52% responded that lot-splits were reviewed with consideration of fire safety standards, 65% had lot-split ordinances.

Street Names and Numbers – 65% required road, street and building names and numbers to be clearly visible from the main roadway.

RECOMMENDATION(S)

No Recommendations proposed.

YEAR	A Report to the California Legislature Regarding Fire Prevention Programs of Counties and Cities with a Wildland Fire Potential – February 16, 1980, the Resources Agency, Department of Forestry, David E. Pesonen, Director.
1980	

ISSUES/CONCLUSIONS

"Wildland fire is both an old and common problem in California and, with the increasing rate of rural development, the threat of wildland fire losses to life and property has increased greatly."

"During the years 1960 through 1969, 2,036 structures were lost as a result of major wildland fires. In 1970, a most disastrous year, 722 homes and 576,000 acres of valuable watershed vegetation were consumed by wildfire in one 13-day period. In addition, 16 lives were lost, directly attributable to the fires. There are few signs that these losses will abate. More recent disastrous fires include Santa Barbara 1977, 273 homes destroyed or severely damaged; Los Angeles County and City, 1978, 187 homes destroyed, two lives lost; and Los Angeles City, 1979, 29 homes destroyed or severely damaged."

"The population in California has increased 22 percent in the past 15 years. A sample comparison of population and structural buildup between 1974 through 1978 in rural CDF protected areas shows a 24 percent increase. Along with this growth in population, man-caused wildfires have increased 88 percent over the past 14 years in the California Department of Forestry's direct protection areas."

In comparison to the 1972 survey of county level implementation of the recommendations in the Fire Safe! Program, the 1980 survey shows an overall improvement from 35 percent to 49 percent. In addition, this survey included 71 selected cities that showed a 65% implementation rate.

The 1977 drought augmented CDF Fire Prevention staff made 74% of the 81,000 home inspections in that year. Fire occurrence dropped 7% compared to 1976. Budget reductions in Fire Prevention staffing and CDF engines, resulted in 40,000 inspections, of which 75% were done by the reduced Fire Prevention staff. In 1979 budget cuts eliminated the Fire Prevention inspectors and additional equipment and staffing. Only 24,000 home inspections were made in 1979. The effects of the budge cut were a 70% reduction in inspections between 1977 and 1979 and an 11% increase in fires over the same period.

RECOMMENDATION(S)

1. "All counties should be required to review and update the Safety element (Fire) of their County General Plan with thorough input from the responsible fire agency." (optional OPR General Plan Guidelines; Board of Forestry review is required for cities and counties, but recommendations are not mandatory - PRC 4128.5)
2. "The CDF budget needs to be augmented to provide for at least one fire safe/land use planner familiar with fire related problems in each of CDF's 22 ranger units. The duties would include all plan review and recommendations which affect life, property, and natural resources, both present and long range, within each county. (BCP request made, but denied)
3. "All counties, as part of their General Plan requirements, must define fire hazardous areas, delineate such areas on a map, and designate varying degrees of severity and prepare the necessary regulations assigned to different degrees of severity for all development in those areas." (Fire Hazard Severity Zoning in SRA – PRC 4201-4205, Fire Hazard Severity Zoning in LRA – GC 51178-51179)
4. "All counties should require fire resistant roofing or buffer zones in developments that are located in or adjacent to high or extreme fire hazardous areas." (CBC/HSC 13132.7 – minimum Class C fire retardant roofing required statewide; Class A or B in Very High Fire Hazard Severity Zones; Many local jurisdictions have adopted Class A minimums)
5. "The Legislature should provide the necessary budget augmentation as recommended in CDF's 1977 fire prevention plan to hire fire prevention specialists to conduct the required hazard reduction inspections on existing homes and developments in the rural/wildland areas of California."
6. "A cooperative program should be started between the insurance providers and all agencies involved with the wildfire problem, whereby financial incentives can be gained by homeowners and developers through either tax rebates or reduced insurance costs." (Numerous contacts made with Insurance Industry – wildfire losses equate to pennies per policy across all policies; tax rebate legislation has been proposed but unsuccessful so far)
7. "The State should require property owners to comply with recommended fire safe standards before low cost emergency loans are approved to rebuild in hazardous wildfire areas."
8. "Changes in existing law should be made that require the Real Estate Commission to notify the proper parties in all real estate transactions of the inherent dangers and precautions to take when moving into a hazardous fire area as part of the full disclosure notification." (disclosure of fire and other hazards required by Civil Code section 1103; http://www.ceres.ca.gov/planning/nhd)

YEAR	
1981	**Recommendations on Reducing the Risk of Wildland Fires and Flooding in California, Report of the Governor's Task Force on Chaparral Fire and Flood Risk Management, April 1981, the Resources Agency, California Department of Forestry, David E. Pesonen, Director and Task Force Chair**

ISSUES/CONCLUSIONS

"The Task Force on Chaparral Fire and flood Risk Management was formed at the direction of Governor Edmund G. Brown Jr., on December 19, 1980. The Governor acted in response to a series of devastating fires in southern California, the latest of which killed four people, burned nearly 140,000 acres, destroyed 456 structures and damaged another 109. Total damage was estimated at $80 million."

- People are moving into the rural and mountainous areas of the state at an increasing rate.
- May new residents are moving into homes which are extremely vulnerable to destruction by wildfire, without full appreciating the risks.
- Because of inexperience with wildland fire hazards, new residents are causing more wildland fires to start.
- Land-use planning practices still permit subdivisions and individual structures to be developed without adequate fire safety measures.
- Highly flammable vegetative fuel (slash, brush, dense timber reproduction, etc.) is accumulating faster than it is being removed by natural decay, fire and other influences; consequently, wildland fires tend to burn with greater intensity and are more difficult to control.

The Task Force made recommendations in three major areas:
- Risk Reduction, Land Use and Construction Standards;
- Vegetation Management and Fire Hazard Reduction;
- Fire Command System Improvements.

"The California Building Industry Association declined to support any recommendations for legislative or other regulatory restrictions on the use of fire hazardous building materials in or near wildland areas; at its request, CBIA has been dropped from the list of Task Force members." (CBIA is a current participant in the OSFM UWI Working Group)

RECOMMENDATION(S)

Risk Reduction, Land Use and Construction Standards:
1. Require the use of fire-retardant roof coverings in wildland and adjacent urban areas. (CBC/HSC 13132.7)
2. Require full disclosure of fire/flood hazards to prospective property owners. (CC 1103)

3. Amend building codes at local levels to include fire zones for wildland and adjacent urban ("transition") areas and adopt building standards for these fire zones. (AB 1216 – GC 51189)
4. Require a finding by local government agencies that new subdivisions or parcel splits be approved only after consideration of fire/flood hazards.
5. Expand the Federal Flood Insurance Program to include areas with potential for mudslides; the program would provide federal insurance protection for residential and commercial structures in mudslide hazard areas, but impose conditions on payments for areas with repeated losses from mudslides.
6. Revise the California Department of Forestry Publication, Fire Safe Guides for Residential Development in California to deal with hazards to life and property from fire in urban areas adjacent to wildlands (transition areas). Many of the houses lost in the city of San Bernardino were in densely populated urban areas where fires were started by wind driven flames and burning brands. (Panorama Fire)

Vegetation Management and Fire Hazard Reduction:

1. Map fire hazard zones statewide and make maps available to local government agencies and the public. (CDF Fire Hazard Severity Zone Maps – PRC 4201-4205 for SRA and GC 51178-51179 for LRA; FRAP and local CA Fire Plan maps)
2. Develop pilot projects for vegetation management near urban areas. These pilot projects should be used to create understanding and awareness of the value of vegetation management as an effective means of reducing wildfire hazards. (National Fire Plan fuel management projects; demonstration gardens)
3. Determine the authority of local government agencies to require or carry out vegetation management on private lands.
4. Accelerate efforts to determine the costs and benefits of vegetation management and make such information available to local government agencies. (CA Fire Plan value-at-risk concepts)
5. Increase testing of erosion control vegetation for re-vegetation of areas burned by wildfires to decrease erosion and mudslide dangers. (Federal MAST)

Fire Command System Improvements:

1. Provide for state use of satellites for improved communication in emergency situations. A satellite system would not be vulnerable to natural disasters (earthquakes, fires, flooding) which could knock out land-based systems, and could be used by field personnel in remote areas where conventional communications systems often do not operate satisfactorily.
2. Implement a statewide fire emergency management system equivalent to the FIRESCOPE system used presently in southern California by the U.S. Forest Service, California Department of forestry and Office of Emergency Services, the City and County of Los Angeles, and Ventura and Santa Barbara County Fire Departments. This system helps improve coordination and efficient management of firefighters and equipment from different areas on large fires by providing for standardized equipment and terminology, accurate and up to date information about fires and firefighting resources, and coordination by top management.

3. Provide state assistance to local fire departments and districts to create or improve command and coordination systems. Improvements will assist local agencies' ability to deal with large fire situations in their own jurisdictions and as participants in fire control efforts elsewhere.
4. Establish regional centers for multi-agency coordination for fire and other emergencies. These centers would avoid existing jurisdictional problems by drawing resources from emergency agencies throughout each region and provide readily accessible information and common procedures.

YEAR	The Atlas Peak Fire, Lake-Napa Ranger Unit, June 22, 1981, Damage Report
1982	

ISSUES/CONCLUSIONS

"The Atlas Peak Fire started under extremely severe fire weather conditions. The wind was from the northwest coming down valley. The temperatures were in the low hundreds; humidity percentages were low with fuel moistures of 3% and less. The fire started at 1:30 p.m. Pacific Daylight Savings Time which allowed it to burn during the main heat of the day. The first fires were set so that the wind blew the fire uphill. This gave the fire an uphill run at the improvements and structures on the upper end of soda Canyon and Atlas Peak Roads. At the fire origin the fuel was mostly grass. As the elevation increased, there was light brush, mixed chaparral, and some heavy brush and chaparral fuels at the highest elevations."

"The two main county roads in the fire area are light-duty two-lane roads. The traffic is normally very light on these roads and both of them deadend or deteriorate to a dirt track at the upper end. Additional traffic, such as fire equipment and traffic from news media people going into the area to cover the story, quickly exceeded the capacity of these roads. In fact, during the early stages of the fire, the fire boss acknowledged that the engines could not reach the fire scene because of the extremely heavy traffic at the lower end. The roadblocks, however, were successful in reducing the traffic slightly."

"146 structures were lost on the fire. ...The survey of these houses indicates that most of them had wooden siding (75%) or had siding that in some way was open and susceptible to radiant heat and flame impingement. Of the structures damaged, the fire established itself under the eaves in several cases, and in one case it was noted that the fire established itself on material which was stored on a wooden deck."

"The single factor which we believe was most responsible for the loss of the 146 structures was the lack of clearance. Little or no

clearance was observed among the dwellings and outbuildings which were lost. Of the 146 burned structures, only 3 apparently had full legal clearance as required by Public Resources Code 4291. 33 of the dwellings had no clearance whatsoever. 26 that were lost had partial clearance. Of the outbuildings, 58 had no clearance and 26 had partial clearance. There were a total of 323 structures in the fire area; 111 had no clearance, 111 had legal clearance, and 101 had partial clearance. 91 of those with no clearance were lost, 106 of those with clearance were saved and those with partial clearance were divided almost equally."

RECOMMENDATION(S)

Although no direct recommendations were made in the report, it is evident from the information provided that several issues needed to be addressed:

- Clearance of flammable vegetation around structures. One resident commented that if the CDF inspector would have come through the area that year, then he would have cleared around his property. (PRC 4291; GC 51182)
- Fire resistant construction standards including fire rated roofing assemblies, enclosed projections such as eaves and decks. (CBC/HSC 13132.7; AB 1216)
- Road standards that will allow simultaneous evacuation and fire equipment access. (Title 14 SRA Fire Safe Regulations; UFC Article 9; some local jurisdictions have adopted this strategy)

YEAR	
1982	**1982 Report of the Blue Ribbon Urban Interface Fire Prevention Committee for the East Bay Hill Area, East Bay Regional Park District**

ISSUES/CONCLUSIONS

"The risk of fire in the East Bay urban-wildland interface zone is greatest during the warm dry months of the May to October fire season. It is during this period that warm dry winds out of the north or north-east are more frequent, creating a situation conducive to rapidly moving, high intensity fires. The open space portion of this area consists largely of steep (20% - 60%) east and north facing slopes which are predominantly covered by brush and areas of eucalyptus stands. Over the years there has been significant buildup of dead or nearly dead brush which will burn rapidly during the high fire danger period. In the eucalyptus stands there has been accumulation of dry, dead leaves and bark which also poses a significant fire hazard. Following the 1972 eucalyptus freeze, some seven miles of fuelbreak was constructed through these stands, however, maintenance has been minimal during the intervening years allowing for the fuel buildup."

"On the urbanized side of the interface zone, many of the homes which have been built along the crest of the west facing slopes have shake and shingle roofs and are surrounded by brushy vegetation which has been allowed, in many cases, to grow up to the homes and under decks. Where clearing around homes occurs, it is rarely the thirty fee minimum clearance required by State law, and even more rarely, the hundred foot clearance which should be maintained in fire risk hillside area. Additionally, many of the streets in the areas are narrow and winding, hampering access for fire apparatus and escape routes for residents."

"The fire in the Berkeley Hills during December, 1980 which devastated five homes bordering Tilden Regional Park emphasized the urgent need to determine how best to deal with the fire danger along the urbanized edge of District owned natural parklands. Earlier staff discussions of liability issues as well as fire prevention methods for the urban-wildland interface zone had clearly indicated the complexity of the problems and the need for a comprehensive approach to their solution."

RECOMMENDATION(S)

Along the 25.5 mile length of the interface, the committee recommended the following:

- Rehabilitate 13.8 miles of existing 300 foot wide fuelbreak on public land at a cost of $30,000 per mile due to the need to use of hand clearing.
- Construct 6.8 miles of new fuelbreak on public and private land at a cost of $5,000 per acre where mechanical equipment can be used and up to $20,000 if hand clearing is required.
- Maintenance of all fuelbreaks is estimated at $6,600 annually on public lands if a five year prescribed burn cycle is used. Private land maintenance costs will likely be greater due to scale and complexity.
- A Joint Powers Agency representing the cities of Berkeley, el Cerrito, Oakland, Richmond, Contra Costa County, the East Bay Municipal Utility District, U.C. Berkeley Campus, and the East Bay Regional Park district be established to develop a final construction and action plan and coordinate efforts to institute a special assessment district encompassing the entire interface zone.

YEAR	
1986	**California's Conflagrations: June 27 – July 20, 1985, the Resources Agency, Department of Forestry, May 1986**

ISSUES/CONCLUSIONS

These fires were unique in many ways:

- "They occurred near the beginning of the annual wildland fire season rather than at the end of the season when, historically, such large fires are usually expected in California."
- "The large number of conflagrations in such a short period of time was a historical record for California, as far as can be determined."
- "The total acreage of vegetation burned (453,143) in such a short period of time was second only to 1970, as far as can be determined."
- "The number of firefighters (11,669) involved in suppressing the wildfires at the height of activity on July 10 may have been a record for California; that number of firefighters in one state was possible only because they came from throughout the nation and were coordinated by the Boise Interagency Fire Center, located in Boise, Idaho."
- "The large number of conflagrations over a short time provided the first statewide test of the Incident Command System in California."
- "The conflagrations were the greatest challenge to wildland firefighters since the period of September 22 – October 4, 1970."

Evaluation of ICS:

- "… an important step forward in permitting the firefighters of different fire protection agencies to work cooperatively together on wildfire incidents as they never have before with other organizational structures and procedures."
- "… common terminology, procedures, and training enable all firefighters to work together as a single unit regardless of their agency."
- "… provides a level of trust among firefighters of different agencies that never existed before. Specific positions on the incident management team can be filled with the best qualified individual regardless of agency or jurisdictional responsibility."
- "Flexibility allows the firefighters to run the system, not vice versa."
- "Under the ICS the concept of unified command is an excellent procedure for handling multi-jurisdiction, multi-agency, multi-problem incidents."
- "The conflagrations in 1985 provided the first real test of the relatively new ICS, especially in northern California. The lack of experience showed in many places."
- "Despite the common code and terminology of the ICS, radio communications on large fires remains a horrible problem that is really independent of the ICS itself. The problem has many facets including needs for more of the newer multi-channel scanner radios, better relay equipment such as a communications satellite, and more radio caches like the few available from the Boise Interagency Fire Center."
- "The remedy for solving the problem of radio communications hinges largely on finances and the setting of priorities for allocating scarce funds."

- "The fire protection agencies need to insure that the experience gained in 1985 continues to be shared by a broad base of firefighting personnel."

Local Government Actions following the 1985 fires:

- Lake County banned the use of fireworks except by licensed professionals.
- San Luis Obispo County began considering more extensive clearance of flammable vegetation around structures, non-flammable roofing and County involvement in prescribed burning on private property.
- San Diego City began considering recommendations to establish a brush removal program such as buffer zones along roadways, use of fire-resistant plants, increased water pressure in some parts of the city, improved access by the city to firefighting airtankers and helicopters, and mutual aid agreements with the wildland agencies.
- Oakland and Berkeley, while not directly affected by the 1985 fire siege, joined with other East Bay communities to reduce the threat posed by Monterey pine, eucalyptus, live oak, California laurel, coyote brush, manzanita, annual oat grass where they intermingled with expensive hillside homes.
- East Bay Regional Park District and U.C. Berkeley stepped up their program of prescribed burning along established fuelbreaks and began using goats in a pilot project to reduce hazardous fuels.

RECOMMENDATION(S)

"Everyone in California – young and old, individuals and governmental agencies – must work together, using a total systems approach, to solve California's wildland fire problem. Implementing a comprehensive program of land management, including adequate fire protection and fire use, could provide future generations of California's citizens with a bountiful harvest and rich enjoyment of the state's renewable natural resources. … If, however, the conflagrations of 1985 are forgotten once the ashes have cooled, then the people of California have learned nothing, and the history of past fire disasters will be repeated once again."

- "The fire protection agencies at all governmental levels in California should fully implement the Incident Command System, with due notice given to the remedial recommendations made by firefighters who used the system in 1985."
- "The fire protection agencies and cooperating parties must greatly expand the present program of vegetation management through the appropriate use of prescribed fire and other methods. Wildfire behavior responds primarily to three natural elements: weather, topography, and vegetation. We can do noting about the first two elements; we are remiss in not adequately threatening the third element – vegetation – so as to reduce the occurrence and damage of conflagrations in the future."

- Local governments and property owners must take immediate steps to implement all recommended practices of the Fire Safe! Program."
-

YEAR	
1985	**State of California Memorandum, To Jerry Letson, Deputy Director for Fire Protection, From Hank Weston, State Forest Ranger III, September 16, 1985, Subject: Status of Recommendations in Report to the California Legislature Regarding Fire Prevention Programs of Counties and Cities with a Wildland Fire Potential, 1980.**

ISSUES/CONCLUSIONS

"The status of the recommendations made in 1980 are described by recommendation number:

1. All counties should be required to review and update the Safety element (fire) of their county general plan with thorough input form the responsible fire agency.

   The general plan guidelines developed by the Office of Planning and Research were adopted September 1980 and revised in December, 1982. CDF played an important role in including fire safe considerations into the document. Although it is a guideline, it does give the counties direction regarding fire safety. A couple of problem areas include the review process at the local level, i.e., CDF's recommendations don't carry that much strength in the preparation of the plan and nothing happens if our recommendations are not adopted. On a few occasions, OPR has contacted us to discuss a county's General Plan Safety element and we have pointed out areas that should be addressed. The major weakness is at the local level, where a county has an approved general plan, but during the course of project development, CDF's specific recommendations don't carry the weight necessary to assure a fire safe development.
   [Note: the OPR General Plan Guidelines were updated again in 2002-03. They remain optional]

2. The CDF budget needs to be augmented to provide one fire safe/land use planner familiar with fire related problems in each of CDF's 22 Ranger Units.

   As of now this has not been accomplished. If the fire prevention three –year BCP is approved, it should provide the personnel necessary to accomplish this in most Units.
   [Note: this budget proposal was not successful. To this date, CDF Units do not have dedicated fire safe/land use planners]

3. All counties, as part of their General Plan requirements, must define fire hazardous areas, delineate such areas on a map and designate varying degrees of severity and prepare the necessary regulations assigned to different degrees of severity for all developments in those areas.
   Some counties have designated hazardous areas and developed necessary regulations for development in those areas. SB 78 (Ayala) required CDF to zone all state responsibility areas in accordance with degree of severity of the fire hazard. This effort has been completed.
   [Note: Fire hazard areas in LRA, defined as Very High Fire Hazard Severity Zones, have been mapped by CDF pursuant to GC 51178. Adoption of and updates to Very High Fire Hazard Severity Zones in LRA are the responsibility of local agencies pursuant to GC 51179.]

4. "All counties should require fire resistant roofing or buffer zones in developments that are located in or adjacent to high or extreme (now very high) hazardous areas."

   The requirements of SB 78 will meet this recommendation regarding fire resistant roofing when completed by the State Fire Marshal. The State Fire Marshal was then required to develop regulations for roof coverings and attic openings which is presently taking place. It is a good start, but the success of this remains to be seen in that the local counties need to develop regulations for other aspects of fire safe development in the various hazard zones.
   [Note: The OSFM effort resulted in adoption of Class C roofing requirements for SRA at that time. Since then, statutory Class A roofing requirements have been applied to Very High Fire Hazard Severity Zones and minimum Class C roofing requirements are also applicable statewide.

5. "The legislature should provide the necessary budget augmentation as recommended in CDF's 1977 Fire Prevention Plan to hire Fire Prevention Specialists to conduct the required hazard reduction inspections on existing homes and developments in rural/wildland areas of California."

   This has not been done yet, but the fire prevention three year BCP which includes VIP Units should begin to address this recommendation.

6. "A cooperative program should be started between the insurance providers and all agencies involved with the wildfire problem, whereby financial incentives can be gained by homeowners and developers through either tax rebates or reduced insurance costs."

   This program is in the design stages in that we have sent a proposal to the insurance industry and are now waiting for a reply or ideas on how to proceed. This program will probably have the greatest effect on existing structures for gaining compliance of the

clearance laws in the wildland areas.
[Note: Although much discussion has occurred, the fact remains that wildfire losses relate to only pennies across all policies nationwide. Efforts to enact tax rebates at the state level remain unsuccessful]

7. "The state should require property owners to comply with recommended fire safe standards before low cost emergency loans are approved to rebuild in hazardous wildfire areas."

   We are presently engaged in discussions with FEMA to determine if mitigation measures can be included as a condition of receiving federal disaster aid. Although these discussions center around the seven counties recently declared as a fire disaster area, it would seem to be the basis for further regulations or local and state policy.
   [Note: Significant progress has been made in this arena.]

8. "Changes in existing law should be made that require the Real Estate Commission to notify the proper parties in all real estate transactions of the inherent dangers and precautions to take when moving into a hazardous fire area as part of the full disclosure notification."

   Nothing has been done in this area, but with the hazard severity zones established, it would seem possible to start some type of action. It may take legislation to require real estate salespeople to notify homebuyers what hazardous zone the structure is located in and what measures are required in that zone and what fire laws must be complied with. It would make clearance inspections easier to deal with since any structures purchased after an effective date of notification that didn't meet PRC 4291 could be cited immediately.

[Note: Civil Code Section 1103(c)(3) requires real estate sellers to inform prospective buyers if a residential property lies within a Very High Fire Hazard Severity Zone (VHFHSZ) in LRA or any Wildland Fire Area (all of SRA).

RECOMMENDATION(S)

YEAR	
1989	**A Discussion of the County General Plan and the role of Strategic Fire Protection Planning, Prepared for CDF by Bob Irwin, Tuolumne County Planning Commissioner, September 30, 1989.**

ISSUES/CONCLUSIONS

"Despite the strongly worded intent of the Legislature, the past 30 years have seen increasing conflict between local development and wildland fire protection. It is quite evident that fire and local planning have been, and still are, on a collision course. Damages to property and destruction of resources from wildland fire are becoming critical issues on a regular and statewide basis. Examination of development patterns in California's rural or wildland counties and the planning procedures that allowed developments to be where they are, shows a definite need to improve local planning and development practices. Federal, state and local fire services have worked diligently to keep abreast of the problem, but the progress has been minimal. Local governments have largely failed to respond to fire agency needs and recommendations and the failure has significantly reduced wildland protection. Much of the resistance has been caused by lack of understanding … on the part of both local governments and fire services … of how to use Planning Law to bring productive change. There are some legitimate reasons for this lack of understanding. A large body of law influences the planning and development process. Much of the legal basis is historical, and not necessarily, nor easily found. Some of the law is "statutory" (i.e. the Administrative and Government Codes) and much of it is "case law" which is the collection or combination of court decisions in numerous specific cases."

"There are many opportunities to address fire protection, fire prevention and hazard mitigation in the General Plan, most obviously in the safety element which deals with all manner of natural and man-made hazard to life and property. Unfortunately, wildfire hazard is often underplayed in the General Plan, either due to lack of recognition of the issue or because other issues have taken more prominence in the general planning process. With population growth creating more "urban-wildland interface" issues, and the increasing economic loss caused by wildland fire, this topic is due for review and incorporation into many local general plans."

RECOMMENDATION(S)

The publication makes the following recommendations for each element of the General Plan:

Land Use

The Land Use element identifies lands for particular purposes. It designates the general development objectives and locations of various land uses such as commercial, industrial, residential, open space and agriculture. The major objective of the land use element is to establish a pattern of compatible uses.

Importance to Fire Hazard Planning:

The Land Use element can help to reduce wildland and urban fire hazards by establishing objectives and policies that avoid or carefully plan development in fire hazard areas. These objectives and policies should be carried into the zoning and subdivision ordinances in the form of development standards. For example the Land Use element may establish policies related to buffer zones, adequate emergency

access and egress, and other fire safe planning policies in areas within or adjacent to hazardous fire areas. The element may also identify high priority fire hazard areas that will be subject to these policies. Examination of the Land Use element in comparison with State Responsibility Area (SRA) and Local Responsibility Area (LRA) lands may show current or future conflicts with fire and resource protection. Since zoning districts are derived from land use designations, it is important to assure that those designations, policies, and ordinances are compatible with wildland protection. For example, Residential, Open Space, Agriculture, and Timber Preserve land uses could be designated to include fuel break and fuel reduction zones.

Sample Evaluation Criteria:

Does the Land Use element include wildland fire risks and hazards in the data and analysis section? Do policies include requirements to reduce hazard levels by various means? Are recreation areas (parks, golf courses) and agricultural uses (pastures, irrigated tree farms) located to provide "buffers" between development and wildlands?

Housing

This element is required to designate how the government will regulate density and intensity of residential development. It includes provisions for low income and handicapped needs.

Sample Evaluation Criteria:

Does the data and analysis section for this element describe vulnerable, unsafe areas for housing? Do the policies recognize these areas so that this type of development is prohibited there? (These issues may be better addressed in the Land Use element to avoid redundancy)Are required construction standards in conflict with defined fire protection needs (access, roofing material and construction, fire flow)? If so, what compensating mitigation measures are required to provide safety?

Circulation

This element consists of the general location of existing and planned transportation routes and public utilities. Designations, policies, and implementation measures in this element (and all others) must be correlated (consistent) with the Land Use element. The information is usually shown on maps or diagrams to show how the transportation system serves the various land use designations.

Importance to Fire Hazard Planning:

This is the primary designator of access routes and road design requirements (not engineering standards). GC Section 14000 requires that the Circulation element provide transportation facilities that reduce hazards to human life and minimize damage to natural resources. This provides the opportunity to make strong recommendations about transportation routes and design requirements such as

turn-outs, helispots, and safety zones.

Sample Evaluation Criteria:

Does the element plan for satisfactory access to/from high hazard areas? Are standards high enough to provide safe evacuation from residential (and other) land use designations? Are policies defined to limit the number and length of one-way roads? Are heliports and helispots designated in areas that will facilitate suppression and other emergency needs?

Conservation

This element describes how the jurisdiction intends to protect and conserve its natural resources. The element should cover water, soils, forests, wildlife, and fisheries. Potential fire and flood impacts on all resources should be included to the extent that it is pertinent to the city or county.

Importance to Fire Hazard Planning:

Fire can severely damage or destroy forest and wildlife resources and adversely impact other resources as a result of erosion and other effects that follow the loss of forest cover. The Conservation element may establish objectives and policies for the conservation of these resources through reduction or avoidance of fire hazards. However, these objectives and policies may be more effective if located in the Land Use, Circulation, Open Space, or Safety elements and linked to regulatory requirements. This element ties to the CDF mission of protecting SRA lands as well as local fire agency protection of LRA lands and such lands should be taken into consideration when developing policies in this element.

Sample Evaluation Criteria:

Is the element consistent and logically applied, or does it just gather up unusable areas and "lump" them into a conservation category? Does the element discuss resource values? Are potential resource losses from fire (soil loss, sedimentation, local flooding, timer production, wildlife habitat, etc.) included in the data and analysis section? Do policies include management options of prescribed fire and fuelbreaks to enhance protection?

Open Space

This element designates areas for preservation and managed production of natural resources, outdoor recreation, and public health and safety (GC Section 65560(b)(4)). Section 65560-4 of the Government Code dictates that the element should include designation of "areas that require special management because of fire risks." The Code authorizes the connecting or linking of these areas into complete networks in the interest of public safety. Additionally GC section 65564 requires an action program to implement the

requirements of the open-space element.

Importance to Fire Hazard Planning:

The Open Space element should identify areas of high fire hazard and establish objectives and policies to protect the public from those hazards. This may include policies relating to fuel breaks, fuel reduction zones, access, water availability, and fire safe standards. These policies should be carried over into the zoning and subdivision ordinances for implementation.

Sample Evaluation Criteria:

Does the element relate to fire safety and suppression effectiveness? Is it correlated with the Land Use, Safety, and Conservation elements to provide integrated and systematic resource and public protection improvement? Does the element contain policies requiring dedication, construction, and/or maintenance of these improvements on all projects?

Safety

The Safety element defines community protection measures in relation to fires, floods, seismic and geological, and other hazards. It must include provisions for evacuation routes, water supply, minimum road widths, and clearances around structures. It should include mapping of fire hazard severity zones, and could include analyses of minimum suppression resources required.

Importance to Fire Hazard Planning:

The Safety element can include policies establishing general project design standards to reduce hazard levels and provide a policy basis for fire protection requirements in zoning, subdivision, and strategic fire defense ordinances.

Sample Evaluation Criteria:

Does the element correlate with others to provide for the best and safest suppression actions? Does it recognize evacuation needs? Does it address the traditional suppression problems and include policies and implementation measures to eliminate those problems?

YEAR	
1991	**A History of the Wildland/Urban Intermix Problem in California and Proposed Solutions, November 8, 1991, Submitted by Loren Poore, Staff Chief Fire Prevention, CDF, prepared by Rich Schell, Deputy Chief, Fire Prevention Engineer**

ISSUES/CONCLUSIONS

"The term "Wildland/Urban Interface" was coined by a U.C. Berkeley professor in 1976, referring to the condition where highly flammable native vegetation meets high value structures, primarily residences. The California Department of Forestry and Fire Protection (CDF) had recognized this problem thirteen years earlier, in 1963, creating the Fire Safe program to address this high risk issue. In the early 1980's, CDF redefined this problem as the wildland/urban intermix, referring to the intermingled nature of residences and flammable vegetation, both native and landscape. In most cases, there is not a clearly defined boundary or interface between the structures and the threatening vegetation."

"The residences themselves are highly vulnerable, historically being built with little concern for resisting ignition from a wildfire. Survivability and self-protection were not considered. Reliance on fire department response was their protection. Not only was the loss of high value homes and the wildfire threat to residents and fire fighters unacceptable, the wildland/urban intermix also imposes a negative effect on CDF's wildland fire protection mission. To this end, CDF initiated a program to mitigate this occurrence, the Fire Safe program."

"Most attention has been focused on the wildlands designated as State Responsibility Areas (SRA), yet many other high risk areas such as Santa Barbara and the Oakland Hills that are designated as urban also face a high risk from wildfire. Many of these areas are immediately adjacent to SRA and are essentially the same in nature and character."

"The continued development of California's wildlands, without prudent design and construction that will provide built-in self-protection, will continue to degrade CDF's wildland fire protection capability. The result will continue to be increasing losses of lives, property and natural resources. The solutions center around designing an acceptable level of risk for fire fighters and residents within a process or system that addresses all elements of that risk, not just a single element of hazard or risk."

RECOMMENDATION(S)

- Application of development and construction standards statewide.
- Improved County General Plan policies relative to wildland fire protection.
- Housing construction standards that improve the survivability of any home in a wildland environment.
- CDF involvement in the local development and construction review process.
- CDF providing wildland training and strategic planning assistance to local government.
- CDF development of education and public awareness programs in conjunction with other agencies and jurisdictions.

Prepared and compiled by Rich Schell, Chief of Fire Planning and Engineering

"Roof covering may not be the only failure contributing to the rapid spread of these fires. All structural features (roofs, siding, windows, and eaves) need to be evaluated for their ability to provide an acceptable level of safety for the homeowner during a wildland fire. The existing Class C roof standard for State Responsibility Lands provides an acceptable minimum safety standard upon which to build. This minimum should be extended to the remainder of the state as a means of extending a minimum level of protection. The roofing standard is only part of a comprehensive set of minimum fire safety standards."

CDF Public Education Program

- The public must be convinced that they are at risk.
- The fire service must recognize the need for and accept the responsibility to accomplish effective fire prevention education and awareness for the people of California.
- Expansion of the overall fire prevention and risk management program (CDF) with commensurate funding.
- Development of educational materials through interagency cooperation to be made available to the fire service as a whole (Fire Safe Inside & Out publications and video; Fire Prevention Field Guide collection; Fire Environment Modification Guide; Homeowner's Survival Guide – most of these materials were developed with interagency cooperation and were funded by FEMA grants. With current budget limitations, reprints and updates to these materials are also dependent upon outside funding sources.
- Successful recruitment of the private sector as allies in the Fire Safe California effort. (California Fire Safe Council has promoted the development of over 100 local Fire Safe Councils that are experiencing growing success in local programs.)
- Development and implementation of an insurance industry incentive program to promote clearance and other fire safe habits in homeowners.
- Research the viability of homeowner incentives (such as property tax credit) for fire safe compliance.
- Establish mandatory fire and life safety education requirements in the school system that meet today's fire safe requirements. (Some schools are teaching these concepts on a voluntary basis)

"Resolution to the wildland/rural interface/intermix problem requires local government adoption of wildland fire protection policies in their general plans, and the implementation of these policies through technical input to development review committees and building permits. In addition, CDF must become actively involved in the shared responsibility between the state and local govnrment, in the review of EIR's under CEQA and the inspection of structures for Fire Safe landscaping as prescribed by state law."

YEAR	**Hazard Mitigation Report for the East Bay Fire in the Oakland-Berkeley Hills, In Response to the October 22, 1991 Federal Disaster Declaration Covering Alameda county, California, FEMA-919-DR-CA**
1991	

ISSUES/CONCLUSIONS

"...embers from an undetermined source were blown into bone-dry brush and onto nearby residential shake roofs by swirling winds of twenty to twenty-five miles per hour. The fire was out of control in a few minutes, jumping an eight lane "firebreak" (Highway 24). In a matter of hours, this major conflagration would leave twenty-five people dead, 150 injured, destroy 3,354 single family dwellings, and 456 apartments, and cause damages in excess of one billion dollars, the most costly urban-wildland fire in the Nation's history."

"In the opinion of the Hazard Mitigation Survey Team, many California communities have repeatedly failed to effectively recognize the seriousness and extent of their vulnerability to catastrophic wildland fire. Fire Safe Guides for Residential Development in California, formulated by the county Supervisors Association of California (CSAC) and CDF in 1965 (revised in 1980), has been available for twenty-six years to assist and promote the development and adoption of Fire Safe Planning for local jurisdictions. Unfortunately, few local governments have implemented the guidance. Historically, local fire ordinances or general plan safety updates have occurred only after a major wildland fire has caused a significant loss of lives and/or structures."

"Although progress has been made in public education and regulation, the increasing number of catastrophic wildland fires confirms that property owners, residents, and local governments must work together to meet this threat. Fire protection is a partnership between property owners, residents and fire protection agencies. Property owners and residents must take additional responsibility for their own safety if they choose to live in wildland or other potential high fire hazard areas."

RECOMMENDATION(S)

Vegetation Management

- Identify short and long-term plans to reduce fuel loading within existing high hazard areas. (National, State and Local Fire Plans)
- For existing development adopt ordinances such as Uniform Fire Code or PRC 4290 and 4291, including specific enforcement. (Many local jurisdictions have adopted this strategy)
- Wildland vegetation should be managed for wildlife habitat and slope protection as well as fire protection.
- New developments and re-construction should meet the UFC or PRC requirements stated above. (GC 51182, and many local jurisdictions have adopted this strategy)

Construction and Development Policies

- Establish minimum fire safe standards for existing and new development in urban-wildland areas and all high fire hazard areas statewide (AB 1216)

Ingress/Egress

- Prohibit parking on all roads under a minimum established width.
- Designate one-way roads.
- Widen sharp or hair-pin turns where possible.
- Establish cut bank parking spaces where possible.
- Widen narrow roadways where possible.

Development Review

- Insure that fire protection and water agencies are involved in the planning stages for land use and new development decisions.

Reconstruction

- Local government should not waive the substantive provisions of local, state or federal codes, specifications, standards or environmental assessment requirements during reconstruction.

Roofing

- Oakland and Berkeley should adopt minimum Class C roofing requirements and Class A for areas identified as high hazard.

Fire Hazard Severity Zone Maps

- Update, expand and distribute existing Fire Hazard Severity Zone maps for each jurisdiction.

Critical Fire Weather Notification

- Disseminate Red Flag watches and warnings to appropriate fire response and water supply agencies at the local level.

Public Awareness

- Provide community "fire safety program" information for residents in urban-wildland high fire hazard areas.

Mutual Aid

- Enhance training related to the process of obtaining and using mutual aid at the local, state and regional level.

Federal Home Loans

- Meet with Federal Housing Administration, Veterans Administration and Farmers Home Administration. Federal loan guarantee and lending institutions need to take into account the implementation of fire safe practices as they relate to their lending practices in urban-wildland areas.

YEAR	Observations & Comments on the Southern California Fire Storms, October – November 1993, Prepared by the International Association of Fire Chiefs
1993	

ISSUES/CONCLUSIONS

"The California Fire Storms Disaster further emphasizes the necessity for the fire and emergency services to be involved in all phases of community development, including land-use requirements, building codes and zoning requirements. Otherwise, these wildland urban interface fire disasters will continue."

"All of the factors that contribute to the development and expansion of these firs have been known for many years .... wood shake shingle roofs, combustible siding, single pane windows, narrow & inaccessible roads, poor water supply, lack of defensible space, unresponsive architectural design, etc.."

"The first person responsible for the fire prevention and preparation of their home is the home-owner or resident themselves. This includes such things as the use of fire resistant or non-combustible roofing materials, dual-paned windows, brush cut-backs, fire resistant vegetation and indoor residential fire sprinklers. These preventive measures must be part of the authorization for rebuilding in these fire storm prone areas."

"These individuals must receive better guidance (through mandated ordinances) and better public education to instill a sense of personal responsibility in urban-wildland interface residents for their own fire prevention safety. Due to budget cutbacks, the public education activities of many fire departments have been reduced to dangerously low levels. A priority must be maintained for public fire prevention and safety education which focuses heavily on mitigation measures."

ISSUES/CONCLUSIONS

See comments above.

YEAR	
1993	**Wildfire Safety Panel Report to the Los Angeles County Board of Supervisors, June 17, 1994**

ISSUES/CONCLUSIONS

"Firestorm '93 has exacted a great toll in monetary and human terms; much of what has been lost can never be replaced. It is our belief that if Firestorm '93 is to be recorded in history as appositive turning point, some things must change and some old ways of doing things must give way to some new ways. We also believe that the recommendations of the Wildfire Safety Panel chart a new course in some areas and refine the direction of recent changes in codes and procedures. As with any post-disaster report, the crucial ingredients will be execution of the recommendations and sustenance of emphasis in the areas they address."

"The Wildfire Safety Panel's recommendations are characterized by practicality and do not require large initial expenditures of limited governmental or private funds. They do, however, demand a commitment of resources, especially for the Fire Department, which has already been stretched in meeting a multiplicity of new public safety roles. We suggest that there is a persuasive need to commit more personnel and funding focused on the reduction and management of the ever-present wildland fire threat in Los Angeles County."

"When fire roared down Old Topanga Canyon in November of 1993, it destroyed more homes than any previous fire in the history of the Los Angeles County Fire Department. The Malibu Fire in October 1978 was the worst previous fire, laying waste to thousands of acres and 230 homes. The Old Topanga Fire destroyed 369 homes and resulted in the deaths of three civilians. The fire transversed a total of seven previous burns through brush that was a young as eight and as old as 70 years. It had been eight years since the last major fire."

In Los Angeles County, "Since 1927, a total of 24 wildland fires have caused the loss of 1,502 homes, 830 other structures, 271,047 acres and five fatalities. Previous fires include the 1985 Malibu Fire, 1982 Dayton Fire (85 homes Destroyed), and the 1970 Malibu Canyon Fire (103homes destroyed). The 1993 Old Topanga Fire burned much of the same area covered in the 1970 burn. The last time Topanga Canyon had seen a damaging fire was December 1958 when 74 homes were reduced to rubble. Between 1938 and 1943, three fires destroyed more than 600 structures in Topanga Canyon."

"In Los Angeles County, we live not with the potential threat of wildfire, but with the eventuality of wildfire. There will be large fires in the future threatening hundreds of homes, but, if we prepare for that day now, we will burn chaparral only, not homes."

The Panel looked at the following issues:

- Current building and fire codes
- Building material and construction techniques
- Types and placement of landscaping
- Degree of brush clearance and prescribed burns
- Water supply, storage capacity pressure, and auxiliary pumping power sources
- Access and traffic circulation in remote, rugged and urban brush areas

RECOMMENDATION(S)

"These recommendations do not stand alone; they support each other. Saving a fire-resistive dwelling may not be possible if proper clearance is not performed. Large stands of dense old brush may cause flame lengths greater than the 200-foot clearance required by the Fire Code. Access may be impossible because roads do not meet current requirements. Water may be supplied by a large tank that is filled to small percent of capacity. The water distribution system may have only enough water flow to fight one structure fire."

The Board of Supervisors should direct:

1. The Fire Department, as part of its "Operation Firestop," to develop a water systems contingency program including the following items:

    a. Research the possibility of utilizing and staging military, private, and other agency water tenders during extreme fire weather.
    b. Formulate a list of available water tenders, on-site water systems and other portable water sources.
    c. Purchase quick connect adapters in order to utilize private water tenders.
    d. Research the feasibility of large diameter hose wagons to supplement water systems.
    e. Establish a cache of equipment, including generators and portable pumps for disasters.
    f. Develop notification procedures to be used by water purveyors to contact the Fire Department when a water tank is out of service or a problem exists in maintaining 80% of capacity.

2. The Fire Department to establish a public information program in high fire danger areas to inform property owners of how to effectively protect themselves and their property from fire dangers. This program shall include the following elements:

   a. Building construction.
   b. Information about the status of public water systems and access in the area. c. c. Use of on-site water supply such as swimming pools, portable pumps, portable generators and other home-operated suppression systems.

3. The Fire Department and the Department of Public Works to coordinate modifications to and the use of mutually agreed upon guidelines for a dwelling's fire safety to be distributed for new home development.

4. The Fire Department to adopt guidelines and landscape criteria for all new construction and require community associations, or the responsible body. to ensure annual compliance with an approved Vegetative Management Plan(s).

5. The Fire Department and the Department of Regional Planning, with input from the Building Industry Association, to design a Vegetative Management Plan for new development to reduce future fire hazard from all landscaping as follows: identify fire resistant landscape zones and the plant palette for each zone; avoid species known to be highly flammable; utilize species with drought tolerant, low fuel volume, and erosion control characteristics.

6. The Department of Regional Planning to work with the "Super One Stop Group" in developing a multi-agency common message to be disseminated to the public regarding "'low fuel volume plants" with input from the U.S.D.A. Forest Service, CDFFP, LA. County Fire Department and LA. City Fire Department.

7. The Fire Department to utilize Forestry Division Personnel with degrees in Biological Sciences, Resource Management, or Landscape Architecture to conduct or direct annual inspections.

8. The Fire Department to expand the existing Wildland Fire Hazard Training Program to include fire behavior. This will promote true hazard potentials of existing vegetation under extreme conditions.

9. The Fire Department to develop recommended planting guidelines utilizing plant characteristics rather than species lists and also develop a complementary interactive, interagency, homeowner hazard inspection checklist. Coordinate the fundamentals of erosion control, hazard reduction, and drought tolerance. The guidelines should stress the use of "Low Fuel Volume Plants" that are appropriate to local biogeographic areas. Provide public education programs. Refer to Recommendations 1.1 a, 1.1 b,

1.2 and 3.2.

10. The Fire Department and the Department of Public Works to develop a standard message of erosion control versus hazard reduction, endorsed by all agencies within Los Angeles County with the responsibility for fire protection and/or erosion control, for the purpose of educating the public through mailed fliers, public meetings, and individual property inspections.

11. The Fire Department and the Department of Public Works to research the possibility of utilizing mulch in areas where the County Fire Code requires clearance to mineral soil.

12. The Department of Regional Planning, as part of their approval of Community Standard Districts, to establish a setback requirement for home locations in relation to the top of the slope to prevent erosion and minimize brush removal on slopes in excess of 50%.

13. The Fire Department to establish an achievable number of acres for the Vegetative Management Program, including prescription burns, that target brush covered areas that are located adjacent to improved property or structures.

14. The Fire Department to initiate a request to the California Department of Forestry and Fire Protection to evaluate existing prescription bum guidelines. The existing guidelines should be cooperatively updated and streamlined to. improve pre-bum planning and post-fire monitoring of results.

15. The Fire Department to solicit assistance from academic institutions on documents that can be produced that will benefit vegetation management including what techniques to use and how to gain public support and confidence. Expand to include post-fire monitoring.

16. The Fire Department to continue interagency communication with agencies such as USDA Forest Service, California State Parks, National Park Service, and Santa Monica Mountains Conservancy, to discuss hazard reduction programs, determine current management practices and identify potential constraints to participation in these programs. Based on existing vegetation Management Programs, develop a Countywide interagency vegetation management plan to maximize current efforts and complement each other.

17. The Fire Department to consult with County and State attorneys to determine if there is a legal mechanism to enforce mandatory hazard reduction on private property in areas identified as key hazard areas, such as natural fire corridors, as noted on the County Fire Department's fire - history maps.

18. The Fire Chief to work with the Director of the California Department of Forestry and Fire Protection to expand the current liability coverage of the: Vegetation Management Plan sponsored by the CDFFP to include those Local Responsibility Areas which pose a direct threat on other areas.

Board of Supervisor Actions

19. The Board of Supervisors should work with the Building Industry Association in pursuing legislation that would modify various regulations so that the construction of needed water system facilities can be expedited.

20. The Board of Supervisors should make a request to the National Weather Service that they expand services to include fire weather forecast, bum indexes, and other emergency forecasts on a daily basis, 365 days a year.

21. The Board of Supervisors should work with the CDFFP and Forest Service to recommend to the National Weather Service 'that they maintain the existing fire weather forecasting position currently assigned to Riverside.

Changes to Government Codes

The Board of Supervisors should direct:

22. The Fire Department and the Department of Public Works to pursue changes on the following suggested upgrades to be applied to the Los Angeles County Code, Title 20, the "Water Ordinance," and all the incorporated city codes served by the Los Angeles County Fire Department.

    a. New water systems shall be designed to latest available earthquake standards. (20.16.020 Design Principals Generally)
    b. The words "Mountainous Area" shall be changed to "Fire Zone 4 and Buffer Zone. " (20.16.060 Minimum Fire Flow and Fire Hydrant Requirements)
    c. The Fire Department and the water purveyors shall cooperate to establish improved duration requirements to increase the water available for wildfires. (20.16.060)
    d. Blue dot markers shall be installed on roads, indicating location of hydrants. 1(20.16.140 Fire Hydrants - Size, Type, and Location)
    e. Fire Hydrant bases shall have concrete pad 3' x 3' X l' to prevent vegetation growth and reduce maintenance costs.

(20.16.140)

f. Fire Hydrants shall be provided within 100' of each other in adjoining water systems and pressure zones for emergency interconnections. (20.116.140)

g. Water storage facilities located in Fire Zone 4 and the Buffer Zone shall be maintained at a minimum of 80% of capacity during fire weather. (20.16.160 Storage Capacity)

h. All Houses of Equipment built in Fire Zone 4 and Buffer Zone shall be built in accordance with applicable Building Code and Fire Code requirements. (20.16.270 _ouse of Equip'ment and Facilities)

i. Pumping stations in Fire Zone 4 and the Buffer Zone shall have two fire hydrants in close proximity for the use of the Fire Department to augment or by pass the pumping station. (20.16.305 Pumping Stations)

j. New or upgraded pumping stations shall have two separate sources of power each from a different location. One source may be an approved emergency generator. (20.16.305)

k. A Fire Department connection and a fire hydrant shall be provided in close proximity to any water storage facility. (20.16.350 Storage).

l. All water storage facilities built in Fire Zone 4 and the Buffer Zone shall be built in accordance with applicable Building Code and Fire Code requirements. (20.16.350)

23. The Department of Public Works and the Fire Department to pursue revisions to Section 1603 (b) of the Los Angeles County Building Code that would prohibit the use of wood shakes and shingles in Fire Zone 4 and the Buffer Fire Zone regardless of class rating. Currently, wood shakes and shingles are prohibited only in the Malibu-Zoned Fire District and this prohibition will, when approved, extend, to all Fire Zone 4 and Buffer Fire Zone areas. (Appendix II, Page 3, Recommendation 1.1).

24. The Department of Public Works and the Fire Department to pursue revisions to Section 1603 (d) of the Los Angeles County Building Code to require that combustible eaves and fascias in Fire Zone 4 be boxed in with one hour fire resistive or noncombustible construction or alternatively may be constructed of heavy timber. The current Code does not require special treatment of eaves other than requiring that all exposed wood surfaces be of two-inch nominal construction or of fire-retardant, treated lumber.

25. The Department of Public Works and the Fire Department to pursue revisions to Section 6709 (a) 1 and 2 of the Los Angeles County Building Code to require all exterior windows and door fenestrations in Fire Zone 4 to be of dual-glazed (minimum requirements) construction and all exterior doors be solid core or employ dual pane glazing in openings. Windows less than 150 square inches and doors with windows less than 900 square inches shall be exempted.

26. The Department of Public Works and the Fire Department to pursue revisions to Section 1603 of the Los Angeles County

Building Code to require that all patio covers, wooden decks, trellises and other accessory structures attached to or located within 20 feet of the main dwelling be constructed of heavy timber, one-hour fire-resistive or other noncombustible construction. Any similar structures located 20 feet or more from the main building shall be constructed of at least two-inch nominal framing, members. "Flying decks" similarly located shall be enclosed below or within approximately six inches of grade with noncombustible or a one-hour fire-resistive skirting.

27. The Fire Department, in addition to currently used mitigation standards, to research and consider amending Article 10 of Title 32 of the Los Angeles County Fire Code to require approved automatic interior fire sprinkler systems for new residential occupancies within Fire Zone 4 constructed after the effective date of this amendment where response times and/or distances from the closet fully-staffed Los Angeles County Fire Department station exceeds six minutes and/or 3 miles.

28. The Department of Public Works and the Fire Department to pursue revisions to Appendix G of the Los Angeles County Plumbing Code to require that all new swimming pools have a minimum 4" drain and discharge line connected to an approved hydrant in a location approved by the Fire Department. This requirement will only be applicable in Fire Zone 4 and where the proposed pool is not more than 15-feet below grade of the draft hydrant location. The Board of Supervisors shall direct the Fire Department and the Department of Public Works to investigate ways to utilize existing water sources and also to establish an identification system such as a blue marker to identify existing and new water sources.

29. The Fire Department to amend Regulation 15 Building Address Numbering and Fire Code Section 10.208 and Building Code 513 to include:

    Address numbers shall be a minimum of three inches in height, one inch wide with a stroke of 3/8 inch. Where structures are set back more than 150 feet from the street, numbers shall be a minimum of five inches in height, one inch wide with a stroke of 3/8 of an inch.

30. The Department of Public Works and the. Fire Department to pursue a new Los Angeles County Building Code to require that all attic and under-floor vents be constructed so as to prevent flying embers from passing into the unprotected attic and sub-floor spaces. Sections 2516 (c) 6 sub-floor attic and 3205 (c) of the Los Angeles County Building Code shall be revised to require approved ventilation openings to have specific *baffle* and screen requirements in Fire Zone 4 and Buffer Fire Zone which will prevent the ready transmission of live embers into the building envelope. See also 1603 (t).

31. The Fire Department to research and make recommendations for existing development regarding changes to Section 11.702 of the Fire Code so that it applies to both native and ornamental vegetation. The existing code applies to ornamental vegetation

when it creates a fire hazard as follows: "This section shall not apply to single specimens of trees, ornamental shrubbery, or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting fire from the native growth to any structure.

The following guidelines are recommended for modifying the fuel load of ornamental vegetation during brush inspections:

Vegetation within 30 feet of structures:

(1) Eliminate completely or thin and remove all dead material from highly flammable species including: (a) Trees: Acacia, Arborvitae, Cedar, Cypress, Eucalyptus, Juniper, Palm, and Pine. (b) Grasses, Shrubs, Ground covers: Dry annual grasses, Juniper, Pampas grass, Rosemary, Spanish Broom, and Bougainvillea.
(2) Eliminate any ladder fuel configurations from low growing ornamental vegetation into larger trees and shrubs or flammable structural elements.

Vegetation within 30-100 feet of structures:

1) Thin as appropriate and remove deadwood.
2) Arrange plantings into isolated islands of vegetation if possible.

Task Groups and Committees

32. The Board of Supervisors should establish a committee chaired by the Fire Department and including policy-level members from the Department of Regional Planning and the Department of Public Works to address access concerns and identify solutions or Code modifications as follows:

    a. Identify the existing County-maintained roads, city streets, and private roads that do not comply with existing access standards.
    b. Formulate a plan and policy to identify and improve existing streets and roads with restrictive access
    c. Identify and develop concepts for turnarounds and staging areas within the existing public rights of Way.
    d. Recommend a regulation for the enforcement Of access standards including parking restrictions as appropriate.

e. Study the brush clearance along roads and tree canopy over streets in high fire hazard areas for possible code upgrades.
f. Develop a notification system for emergency responders to identify streets and roadways that do not conform to current regulations regarding street name sign standards.

Upon completion, the report and recommendations shall be submitted to the Planning Commission for their approval and then to the Board of Superviso six months from the date the Wildfire Safety Panel Report is adopted by the Board.

33. The Board of Supervisors should establish a Task Force with the Fire Department as the lead agency and including representatives from Contract Cities, Independent Cities and Regional Planning whose mission will be to mitigate conflicts of brush ordinance requirements and local ordinances by:

a) Identifying areas of conflict. Where conflicts occur, develop policy statements regarding brush clearance that are acceptable to the parties involved.
b) Evaluating waiving fees and time constraints associated with permits required to complete mandated brush clearance. For instance, this would allow for qualified inspectors to provide variances to allow for the trimming and/or removal of Oak Trees that are protected under the County Oak Tree Ordinance.
c) Developing policy for areas where pre-existing conditions occur by establishing a Vegetative Management Plan to balance vegetation clearance and resource protection. For future development, establish development standards that will limit future conflicts and establish standards that provide both adequate clearance zones and resource protection buffers.

34. The Board of Supervisors should direct the Fire Department to establish an Interagency Task Force to assess the value and status of existing fuel breaks as part of the Vegetation Management Program using the Los Angeles County Conservation Resource Management Plan.

35. The Board of Supervisors should support the Brush Clearance Task Force already established composed of representatives from the Fire Department, Agricultural Commissioner, and County Counsel who is revising the County's Brush Hazard Abatement Program. As the Task Force is currently implementing the recommendations submitted by the Wildfire Safety Panel Brush Clearance Code Enforcement Subcommittee, the Board of Supervisors should request that the Task Force report back to them by October 31, 1994 with their final recommendations.

Hazard Mitigation Grants

The Board of Supervisors should direct:

36. The Fire Department to request a hazard mitigation grant for a comprehensive study to be made of existing pressure zones with the goal of:

    a. formulating a more highly developed water contingency plan;
    b. developing stop gap measures; and
    c. recommending long-range plans to achieve necessary fire flows.

37. The Fire Department to request funding or grants to acquire equipment such as gravity roller that would expand the Vegetation Management Program's potential. Grants should be researched and pursued through agencies such as the USDA Soil Conservation Service, FEMA, and other groups.

38. The Fire Department to review alternatives to be used for prescribed burning for vegetation management and seek funding for additional costs associated with these alternatives.

39. The Fire Department to obtain four additional remote automated weather systems (RAWS). The locations should be coordinated with the National Weather Service and other agencies within Los Angeles County. The RAWS data should be entered into existing fire weather systems.

3152 Shad Court
Simi Valley, CA 93063
May 5, 2004

Congressman Thomas Davis, Chairman
Committee on Government Reform
U.S. House of Representatives
22157 Rayburn House Office Building
Washington, D.C. 20515

Re: Agenda Item "Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs Hearing Entitled, "Wildland Fires in the West--Is the Bush Administration's Response Adequate?"

Dear Chairman Davis:

I just learned about this meeting yesterday after reading the "Fire funding threat" article on the Los Angeles Daily News website for May 3, 2004. I hope that the lateness of this letter does not dissuade Committee members from making it part of the record, and pray that its contents are taken into consideration.

Sir, on January 7, 2004, I addressed the Governor's Blue Ribbon Fire Commission to convey the message of the importance of local government agencies updating their general plans. My focus zeroed in on the Safety Element, specifically the Multi-Hazards Functional Plan(Emergency Plan). The updating of these three documents has contributed to the horrific loss of life and extraordinary property and environmental damage that has, and is, plagued communities when fire incidents strike.

Chairman Davis, one of the areas of concern that I have conveyed to the Governor's Blue Ribbon Fire Commission in other correspondence is the issues of the loss of about 1000 fire look-out stations. Without the eyes, ears, and nose of the men and women who used to man these posts, forestry areas will continue to burn unimpeded. From the October to November 2003 Fire Siege, the message has come loud and clear that modern technology cannot do it all.

Sir, while it is true that the federal government can help by streamlining the process of allocations for fire safety applications, a word of caution. Please also have a monitoring program in place that assures the moneys approved are truly spent for the reasons given by the local

government agencies, and not to pad shortfalls in their budgets because of lack of foresight, or poor planning. Locally, development projects are approved without crossing all t's and dotting all i's when it comes to public safety just to put revenue in the City's coffers. This juggling of money is prevalent in Southern California, and perhaps the State, and possibly the Nation. This leads to circumvention of the public participation process. Currently, in my City the Development Code Update is being undertaken by the Planning Commission without the City Council approved public workshops, jeopardizing the ones before that meeting.

Chairman Davis, too many times the problem with communities compromising public safety is tied to non-compliance with State laws. And, even when those violations are brought to the State's attention nothing is done since the Attorney General's office does not investigate local government agencies. When the issue also involves State government agencies, the Attorney General's office does not investigate them because he/she is represents the offenders.

Sir, blaming the fire incidents' problem on the beetle infestation is tantamount to me blaming all my problems on someone else, instead of taking responsibility and handling them. Common sense dictates that all impacts be taken into consideration, yet often times this human quality takes a back seat to specialized training. If this continues to be the case, then California and other parts of the Nation will continue to experience unspeakable human and wildlife deaths, thousands of scorched open space areas, damaged or lost property, and loss of business. So, the answer to the question is No!, the Bush Administration's response to wildland fires in the West is not adequate, as witnessed by the present fires from Santa Barbara to San Diego.

Sincerely,

Mrs. Teresa Jordan

Mrs. Teresa Jordan

Enclosure:

January 7, 2004, Letter to Blue Ribbon Fire Commission. (6 Pages)

April 2004, Blue Ribbon Fire Commission's Final Report to the Governor. (Page J-5)

3152 Shad Court
Simi Valley, CA 93063
January 7, 2004

Blue Ribbon Fire Commission
Hyatt Westlake Plaza Hotel
880 S. Westlake Blvd.
Thousand Oaks, CA 91360

Re: Planning Decisions Discussion Topic.

Dear Members of the Commission:

Why when Ventura County sustained small property losses and no deaths, even though over 170,000(?) acres of land burned, am I before you? Because more could have been done previous to the Simi Valley fire incident to keep the blaze smaller. Had the Ventura County Fire Protection District anticipate the fire becoming a run-a-way train since the winds in the canyons are erratic the impacts to our westerly neighbors would have been different. A smaller blaze would have freed up fire fighting resources badly needed elsewhere and make a big difference in the areas that sustained loss of life, and high property destruction. Because while the counties of San Diego and San Bernardino, and locally the City of Moorpark have agendized the fire incidents, the City of Simi Valley has not. The City of Moorpark held a workshop for its citizens, my City has not. Because not enough was done and is being done for the independent living legally blind. Because a person who had had recent hip surgery was told to leave her vehicle and had to walk home while other drivers were allowed with their vehicles into the same vicinity on the west end of town. Because people were allowed to gawk within close range of the fire on the easterly end of town. Because a horrendous traffic snarl was allowed to take place at the intersection of Yosemite Avenue and Alamo Street which would have hampered emergency vehicles, and evacuation of residents had this been necessary. Because somewhere down the line communities Multi-Hazard Functional Plans broke down. And, because these problems are asymptomatic of the deficiencies allowed in the development and emergency planning process due to the unjust postponement of communities' comprehensive general plan updates. Public safety must never be compromised.

Members of the Commission, from all of the news articles that I have read while numerous problems affected the outcome of these catastrophic fire incidents, the one common

problem that encumbered communications, stretched resources, fire warnings, evacuations, etceteras in every community was planning: inadequate, inaccurate, and/or the lack of. While the local government level development planning process is cut and dry, the same cannot be said about emergency preparedness and response planning even though the two go hand in glove.

In the 15+ years that I have participated in the public hearing process for numerous development projects in my City, the one issue that I opposed most of them on is public safety. I've done so because these two words mean different things in my City. And apparently the same seems to be true of other communities. Police protection is emphasized above emergency preparedness. If communities realized that it is better not making the news because disaster did not strike in town, than being number one or two on the FBI's list of "safest cities", then the emergency preparedness part of the planning process currently consisting of educating the public at schools, groups, organizations, and emergency exposition days will finally get its place in the sun--uniformity. Otherwise, public safety with regards to fires will continue to be a menu of "Emergency Expo Day" where fire trucks are displayed, families take pictures with firefighting personnel, printed fire prevention information is readily available, and everyone is happy until disaster strikes, and chaos occurs.

In Simi Valley, the major emphasis at these emergency preparedness expos continues to be public education on earthquake preparedness. For the past couple of years the expo has been combined with the Chamber of Commerce Street Fair. This combination takes away from what the participant learned, and the information sheets end up in some drawer, box, or are altogether discarded.

Members of the Commission, also in my City public safety with regards to emergencies is not addressed, or is inadequately addressed in development projects' Negative Declarations, and in Environmental Impact Reports(EIRs). The only process that can backup any deficiencies in emergency planning issues is the general plan update, specifically the Safety Element's Multi-Hazard Functional Plan policy since the citizenry believes that fire fighting resources will save them from themselves in extraordinary situations. News articles of people previously voicing concerns that their homes could be by-passed during a fire incident have either been ignored or never read. Otherwise, more people would have educate themselves on how to

safeguard property and lives. Instead, folks end up fending for themselves--evacuating at the last minute, or taking a dangerous stand to protect their property. I doubt that the fire incidents of October 2003 will serve as an incentive to for communities to undertake their comprehensive general plan updates. It is high time that elected and appointed government officials, and agencies' personnel walk in the shoes of disaster victims and survivors, otherwise in California we will suffer more and deadlier catastrophes.

Members of the Commission, it is heartbreaking to read the mind boggling accounts of the victims and survivors, as well as of the firefighting crews because in May 1985 Mr. William Medigovich, then Director of the CA Governor's Office of Emergency Services(OES), stated in a letter to county administrators, city managers, chairpersons, boards of supervisors, mayors, and emergency services directors/ coordinators that "State and local governments share a responsibility to be prepared for emergencies which threaten the citizens and resources of California...We must develop and maintain plans and programs that enable us to discharge this responsibility in time of emergency...It is essential that state and local plans...create a more effective emergency response structure." More flabbergasting has been the falling on deaf ears in the emergency management and planning process from the Governor's Office of Emergency Services(OES) to the local government agencies of Mr. Medigovich's statements on the state-of-the-art Multi-Hazard Functional Planning Guidance--"With teamwork and the application of this guidance, we can improve emergency management capabilities throughout the State...this product...will be used as the cornerstone for future emergency response planning efforts." I say this because the chronology of various disaster incidents on the OES' website illustrate the lack of follow through, and lessons not learned, in light of the fact that it took the State 9 years to update its own Emergency Plan. People should not have to concern themselves over rebuilding construction fraud, or fighting bureaucratic red tape, or insurance carriers un-necessarily.

Members of the Commission, knowing what was the pre-fire status of the communities' general plan update, especially the Safety Element and Multi-Hazard Functional Plan, is crucial to what measures the local government agencies affected by the October 2003 fires, and other communities throughout the State, should take or implement in the rebuilding phase of such disasters, in new development and in rehabilitation projects in order to lessen even more the

devastating impacts of future fire incidents in order to lessen the impacts to children and wildlife since they cannot fend for themselves.

Members of the Commission, through the years, I have learned that since local government agencies readily procure federal and State government funds to recover from catastrophes, updating of such plans is not high on the list of communities' priorities. And, even if the updates are undertaken, the documentation may be incomplete, and/or inadequate. Because their citizens don't have the same luxury--they are left to fend for themselves, to struggle with insurance carriers, or government agencies--it is of the utmost importance that the Governor's Office of Emergency Services does not allow the promulgation of updated Multi-Hazard Functional Plan by local government agencies to linger since communities don't require fire safety plans for development projects adjacent to open space areas.

Members of the Commission, the Governor's Office of Planning and Research(OPR) must uphold the two State laws at its disposal to move the general plan update process along. Because it has not done so, the City of Simi Valley has not updated its general plan since 1988, thus development has and is being done in piecemeal fashion, therefore a complete picture of future problems has and is missed, and solutions to deal with them are not arrived at in a timely manner.

Members of the Commission, I doubt that the recent fire incidents are incentive enough for all of the communities to upgrade their planning documents. The Simi Valley City Council has made no changes to undertaking its comprehensive general plan update before 2005. So their constituents can expect to suffer more and deadlier catastrophes because while homes in the fire's path were saved by the grading for new development this time, nothing is going to save future homes built into the canyons when another inferno strikes.

Members of the Commission, the beetle infestation issue is not the only problem, and it must not be made the only problem. Not updating the General Plan and Safety Element --specifically its Multi-Hazard Functional Plan policy-- and not requiring Fire Safety Plans for development projects create a lot more issues whose prevention and response to need re-evaluation. And definitions, as the transcripts from one fire incident have shown are just as important to any communications systems so that everyone is on the same page in light of cut backs to emergency personnel, lack of

fire protection districts, etc. Also detrimental are updated evacuation maps, fire warning systems, two Emergency Operation Centers(EOCs), secondary access(ingress/egress), 200 feet fire break(buffer), fire prevention(protection) ordinance, etc. While being prepared for emergencies through "good sound planning" doesn't guarantee survival it is an alternative preferable to the lawsuits against communities that saved themselves and developers critical infrastructure costs.

Members of the Commission, a one-solution-fits-all type of recommendations to any of your issues will not work since various and different problems led to the extraordinary fire incidents in the impacted communities. Otherwise, the only solution that will do the trick as far as planning goes is to set a development moratorium--which is impractical, and unwelcome to communities and developers, and jeopardizes the State's housing needs--in order to deal with all of the impediments to fire protection/public safety.

Members of the Commission, I recently learned that the State Resources Agency was, or still is, on the brink of extinction--November 12, 2003 letter to all Resources Agency staff from Director Mary D. Nichols. Did any of the Agency's Legislative woes contribute to the fire incidents' problems? Since new Agency Director, Mr. Michael Chrisman, was appointed on November 21, 2003, is the likelihood of shutting down the Agency still a reality, or is the threat over? If the Resources Agency is still in business, how did it become viable between November 12, 2003 and November 21, 2003? What is the Agency's budget? Were there any Agency staff lay-offs? If so, how many?

Members of the Commission, it has been very helpful to have the information about your meetings on the State's OES Website. It would be just as helpful to have the information provided in printed form at the various communities' City Hall's, and in a language other than English because not all members of the public have access to a computer, and language was and continues to be a stumbling block. Thank you.

Sincerely,

Mrs. Teresa Jordan

Mrs. Teresa Jordan

6

FR: Why is the Commission's January 21, 2004 San Diego meeting not scheduled for a full day?

CA Governor's Office of Planning and Research, Government Code Section 65040.5:

(a) The office shall notify a city or county with a general plan that has not been revised within eight years.

(b) The office shall notify the Attorney General if a general plan of a city or county has not been revised within ten years.

87. Johnson, Scott A. California Forest Pest Council. Letter. February 20, 2004
88. Jordan, Teresa. Fax. November 26, 2003.
89. Jordan, Teresa. Fax. December 18, 2003.
90. Jordan, Teresa. Letter. January 7, 2004.
91. Jordan, Teresa. Fax. January 27, 2004.
92. Kehoe, Christine. Fax. California State Assembly. February 3, 2004.
93. Kuenman, Larry. Email. February 5, 2004.
94. La Suer, Jay. Fax. California State Assembly. December 22, 2003.
95. "Lessons Learned." The San Diego Union Tribune. October 31, 2003.
96. "MACS Procedures Guide." FIRESCOPE California. April 5, 2000.
97. "Master Plan of The Training & Education System For The California Fire Service." California Fire Chief's Association In Cooperation With The Bureau of Industrial Education Staff, California State Department of Education. Second Printing 1973.
98. McPherson, Bruce. Letter. California State Senate. February 3, 2004.
99. Miller II, Kenneth & Steinhoff, Ralph. "Cedar Fire CA-CNF-003056 October 25, 2003 Damage Assessment Report Update." County of San Diego Department of Planning and Land Use. December 19, 2003.
100. "Mitigation Strategies For Reducing Wildland Fire Risks." San Diego County Wildland Fire Task Forces. August 13, 2003.
101. Moreland, Jo. "CDF, Military Meet On Firefighting Strategy." San Diego North County Times. January 20, 2004.
102. Moreland, Jo. "Firestorm Report Critical Of Policies, Logistics." North County Times. March 4, 2004.
103. "National Governors Association on Homeland Security." Motorola.
104. NFPA Journal. March/April 2003.
105. Nida, Bob. Email. February 27, 2004.
106. Oaks, Don. Written Presentation. February 19, 2004.
107. Pagni, Patrick J. "Causes Of The 20 October 1991 Oakland Hills Conflagration." Fire Safety Journal 21. 1993.
108. Picus, Joy. Email. March 1, 2004.
109. "Pilot Project To Demonstrate Advanced Information Architectures And Technologies To Support Fire Incident Management." SAIC. November 4, 2003 and January 27, 2004.
110. "Position Paper On Community Safety And Evacuation During Bushfires." Australasian Fire Authorities Council. April 2001.

GJ" Not all letters are listed!!!

GJ" !!! J-5