



TESTIMONY OF

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BEFORE

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ON

Wildland Fire Threat

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Chairman Peters, Ranking Member Paul, Nevada Senator Rosen, and distinguished members of this Committee, my name is David Fogerson, and it is my esteemed pleasure to speak with you about our Nation's wildfire threat.

I serve as Nevada's Emergency Manager and Homeland Security Chief. In this role, I work with our local emergency managers, the Federal Emergency Management Agency (FEMA), and many other federal agencies to plan, prepare, respond, recover, and mitigate all hazards and emergencies, including wildfire.

I am in my fourth year serving as the state emergency manager and my 30<sup>th</sup> Nevada wildfire season. My career began in the fire service in Southern California. I later moved to Northern Nevada where I was promoted through the ranks of firefighter, engine captain, training captain, battalion chief, and deputy chief. As deputy fire chief, I was responsible for negotiating the Cooperative Fire Protection Agreements with two U.S. Forest Service (USFS) National Forests comprised of three ranger districts, two different districts of the Bureau of Land Management. These agreements are based upon the Reciprocal Fire Protection Act of 1954.

While in the fire service, I served as Co-Chair for the Sierra Front Wildfire Cooperators. This group, which includes non-profits, local, state, and federal governments, assembled to form an effective force against our wildfire threat. We serve an extensive geographic area from Mammoth Lakes California along the Sierra Crest to Herlong, California and a large swath of Nevada that lies in between.

Fire has shaped the landscape where I live and continues to be Nevada's number one natural hazard threat. The impact of many fires, including one from 1984 which burned through my yard, can still be seen today. The 1984 Indian Creek Fire, which originated in California but quickly spread to Nevada, has changed my landscape providing a daily visual reminder of the problem we face; a stark transition from Nevada's traditional Pinyon Pine to the treeless brush I see today. My career mentor, Fire Chief Tod Carlini, was on that fire in 1984 and is still serving our community today.

While I left the fire service for my current role as emergency manager in 2020, wildfire has continued to be a part of my life's work. In recent years, a 2020 border fire destroyed a California town and the ancestral lands of a non-Federally recognized tribal nation, including their health center. The 2021 Dixie Fire in California crossed the Sierra Crest, becoming the first fire to ever do so. Weeks later the Caldor Fire did the same. In between the Dixie and Caldor fires, we had the Tamarack Fire, which started in California, like the Indian Creek Fire, and moved into Nevada just south of Indian Creek. Structures were lost in both states.

As I have seen over the course of my career in multiple landscapes and from multiple positions, our Nation's fire problem is growing in severity and frequency. It impacts every facet of our landscape, communities, and lives.

More recently, I was selected as a member of the Wildland Fire Management and Mitigation Commission, a commission created through the Bipartisan Infrastructure Law and my reason for being here today.

I believe the Commission was envisioned to rethink our path on wildfire. Congress brought together 50 diverse commissioners and charged us with recommending improvements to the entirety of the federal wildfire management system. I believe the diversity in membership provides the greatest value in our Commission's report. All the Commission's recommendations were developed through a consensus process: something that takes quite an effort, so I place extra value in their worth. If you have not done so already, I would encourage you and your staff to review our report with a focus on our 148 recommendations.

My testimony focuses on three points that are critical to enhancing our nation's wildfire readiness and responsiveness:

1. Treat wildfire as we do hurricanes.
2. Support collaboration.
3. Develop the required workforce

#### TREAT WILDFIRE AS WE DO HURRICANES

Although not a Commission recommendation, it is a mantra of many western states and part of the National Emergency Management Association's stance that we must collectively plan for wildfire response and recovery as we do hurricanes. Emergency managers emphasize a whole community or whole of society approach to disasters. Nowhere is this better demonstrated than with hurricanes. The National Hurricane Center provides scientific support and analysis to the threat. The Center does not own the hurricane, nor does it manage the land the hurricane impacts. The Center has the critical role of providing the intelligence necessary for an enterprise-wide response. In fact, Commission recommendations 104 – 106 speak to developing a similar Fire Environment or Intelligence Center, which can be thought of as modeled on this best practice.

When the Hurricane Center issues notice that a hurricane is poised to make landfall, federal agencies begin working collaboratively to move resources to support state and local government responses. FEMA leans forward to stage resources, including federally supported but locally executed Urban Search and Rescue Teams through the National Response Framework. Our nation's military places Title 10 advisors within state operation centers. Funds are provided so local and state governments can pre-position resources. Emergency Operation Centers (EOC) are opened with a mindset to prepare the whole community for landfall. Partners come together in messaging and preparations.

Our nation's response to wildfire is quite different. When Nevada receives a red flag warning, or in newer National Weather Service terminology a "Red Flag Warning with a Particularly Dangerous Situation," it does not trigger local, state, federal, and Tribal coordination to prepare for the threat. When we hear the Santa Ana or Washoe Zephyr winds are kicking up, there is no

opening of EOCs, no community-wide approach, and no collective movement of resources. There is no funding to support the collective local, state, and tribal agency readiness effort.

Wildfire is still viewed as the responsibility of whichever agency manages the land – segregated by property lines and jurisdictions. This small mindset and distinct difference from a community-wide approach affect how we plan for, respond to, and recover from wildfire across the country. Jurisdictional boundaries still matter more than they should. The approach continues to evolve, and we are getting better at cooperation, but we are not quite there yet. We must get to outcomes and take a consequence management approach as we do with hurricanes. This will engage all our partners.

The Wildland Fire Mitigation and Management Commission report highlights the need to engage all our partners in coordinated preparations. More specifically, our response workgroup developed many recommendations to enhance our nation's wildfire preparedness and shape our future. Woven throughout those recommendations is the fundamental theme that we need to do more to work together, including improving the response system to be more inclusive of all partners and the resources they bring. Cooperation and coordination are essential to protecting the communities in which we live.

When wildfire impacts our communities, as it is continuing to do with alarming regularity, we can see wildfire transition into a conflagration. The 2003 Grand Prix Fire in California, which merged into the Old Fire, was one such conflagration which caused a combined loss of 3,710 homes.<sup>1</sup> These fires, along with the Cedar Fire, burned in what was known as the Fire Siege of 2003. In addition to homes lost, the combined fires of the Siege took the lives of 24 people, including Fire Engineer Steven Rucker from the Novato Fire Department. Combined, the Siege caused an estimated, adjusted \$3.4 billion in damages.<sup>2</sup> The 2012 Waldo Canyon Fire in Colorado similarly intensified and caused the loss of 346 homes and \$352.6 million in damages.<sup>3</sup> The fires which have impacted communities, causing structure loss and financial damage are too numerous to list: the Station Fire in California, Dixie Fire in California, Tamarack and Caldor Fires in California and Nevada, Camp Fire in California, and the recent tragedy in Hawaii all provide examples of real costs and losses. These impacts are not confined to the West. Tennessee's 2016 Gatlinburg Fire, which killed 14, injured 190, damaged about 2,500 structures, burned over 17,000 acres, and is one of the state's largest natural disasters.<sup>4</sup>

The fires we are seeing today require better preparation, more coordinated response among all levels of government and stakeholders, and the type of thoughtful collaboration provided to communities in the projected path of a hurricane so we can reduce the loss of life and ensure our communities are in the best position possible to make it through the wildfire event. Yet, wildfire

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<sup>1</sup> <https://www.hSDL.org/c/tl/california-fire-siege-2003/>

<sup>2</sup> <https://www.hSDL.org/c/tl/california-fire-siege-2003/>

<sup>3</sup> <https://www.cpr.org/2022/06/23/remembering-the-waldo-canyon-fire-in-colorado-springs-ten-years-later>

<sup>4</sup> <https://apnews.com/article/gatlinburg-fire-lawsuits-0f35464330ec1cf89ecc30776bc0586c> and <https://www.wate.com/news/local-news/gatlinburg-wildfires/seven-years-since-deadly-sevier-county-wildfires/>

and wildland urban interface fires continue to be viewed as issues to be addressed by land management agencies, including the U.S. Forest Service, Bureau of Land Management, Bureau of Indian Affairs, U.S. Fish and Wildlife Service, state forestry agencies, and the like. This worked years ago when these fires could be stopped before they reached the record intensity and frequency we are experiencing today.

As fires continue to burn into communities, evacuation remains critical. The Commission highlighted this need (see Recommendations 45 and 46). The evacuation coordination effort currently being led by the United States Fire Administration is of paramount importance. In fact, in a few weeks, Nevada and California is hosting a bi-state workshop reflecting problems identified in two previous after-action reports from Caldor and Tamarack incidents.

Our responsibilities do not end with wildfire response. If we are taking the whole community into account, we must also account for the cascading hazards wildfire can bring. Western states know that floods often follow fire and that communities must prepare for the subsequent event.

Following the 2021 Tamarack Fire, I was privileged to bring both the Governors of Nevada and California, along with my emergency management peer from California, on a tour of the fire's impact on the built environment. The four of us stood along a federal highway, observing the loss of structures and vegetation on both sides. We discussed the potential for flooding come winter from the steep canyons if we were unable to conduct flood mitigation activities. Flood mitigation had occurred on federally managed lands, but we were unable to obtain funding for work on privately owned lands. That winter, the federal highway washed out, in the exact spot we predicted, because of our inability to look across jurisdictions and take the appropriate mitigation actions. This cost the federal highway system emergency relief funds to repair.

In addition to being able to look across jurisdictional boundaries, we need to be able to account for cascading disasters. Stafford Act and FEMA guidelines do not allow us to tie these incidents together. If local and state governments were able to connect the disasters together to reach our declaration threshold, we would be in a better position to protect life and property. This is so key when we are speaking of smaller, rural and frontier communities, where disasters can often overwhelm local capacity.

Our Commission has recommendations related to these cascading incidents, especially when they affect water quality down the road (see Recommendation 64). Federal land management agencies work to reduce the flood risk on their lands, but the survey teams ordered by federal agencies cannot extend their work onto state or private lands. This siloed approach creates gaps in the surveying of the wildfire footprint. Our Commission recommends a more holistic approach to include everyone: the land management agency (oftentimes upstream); state, local, and private entities; and nonprofits engaged in the process (see Recommendation 75 related to the cross-jurisdictional assessment of burned areas). It is up to us as a group to work together and treat incidents as all-hazards and to consider the whole community when we do so, not just the landscape.

The 2018 Camp Fire in California remains an important watermark for me in the context of whole community recovery. Communities impacted by the Camp Fire have not returned to their

pre-fire state. As an emergency manager, I must consider how to provide those affected with shelter after their evacuation, as well as long term housing until they gain resilience. Our Commission speaks to the importance of meeting the need for shelter (see Recommendations 71-74). Obviously, COVID and supply chain shortages created issues for Camp Fire survivors, but on-going sheltering challenges continue for the Hawaiian survivors Dr. Lori works with now. The longer it takes a community to rebuild, the harder the economic losses are felt, as local tax bases are destroyed, which further hinders the ability of the local government to make tomorrow better than today.

## SUPPORT COLLABORATION

One of the key themes of the Commission was the need to support collaboration. As the Commission noted,

*“Successfully meeting the challenge of wildfire mitigation and management requires better involving all relevant entities and every scale of society. Governance systems and structures must become more inclusive and involve greater collaboration among federal agencies, and between federal agencies and non-federal governments, organizations, and communities. Such approaches are essential to building new relationships, creating more cohesive and holistic approaches, and removing the silos that limit effective wildfire risk reduction (Abrams et al., 2015; Huber-Stearns et al., 2021).”<sup>5</sup>*

I saw the need for collaboration firsthand early in my career. The 1987 Acorn Fire in California spurred the creation of the Sierra Front Wildfire Cooperators. The Acorn Fire brought into focus the fact that agencies (local, state, and federal) were not working cooperatively together. The jurisdictional land management agency felt they could handle the incident and said they didn’t need assistance. 6,600 acres were burned, structures were lost, and the community was changed.<sup>6</sup> We still experience the impact of that fire today in the community, resulting in a lack of confidence in coordination among the many layers of land management in the area.

The issues exposed by the Acorn Fire were not unique to that fire, nor have they been completely resolved with time. The 2021 Caldor Fire started in California and burned towards the jewel of the Sierra: Lake Tahoe. Both states, many counties, a few ranger districts, multiple fire districts, and many county sheriffs, all tried to work together on the effort. Nevada was working with California on a funding agreement to care for evacuated residents in shelters, yet Nevada only learned of the Caldor evacuation via Twitter. This has spurred two bi-state meetings and an upcoming workshop to get everyone in one room to discuss how we move forward. Improving collaboration takes dedicated time and effort; the Commission made a number of recommendations to support this work (see Recommendations 126, 139, 142, 57 and 58 as examples).

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<sup>5</sup> <https://www.usda.gov/sites/default/files/documents/wfmmc-final-report-09-2023.pdf>, page 18.

<sup>6</sup> <https://www.rgj.com/picture-gallery/news/2022/07/25/acorn-fire-past-and-present/10087798002/>

The consequences of poor collaboration can be significant. I would like to share one anecdote as an example. The Caldor Fire came into the Basin as my mother was passing away. I was able to give a brief to leaders in Nevada prior to leaving to see her in her final moments. While sitting in my office deciding what I should say, knowing I would not be present for the disaster declaration, evacuation, and sheltering, I realized it was an anniversary. My friend Arnie Quinones, a Los Angeles County Fire Department Engineer and his captain, Ted Hall, died in the 2009 Station Fire. Arnie, or Q as we knew him, and I were explorers together in the late 1980's. At the time of his death, Q was assigned as a wildland fire hand crew supervisor. The Station Fire resulted in disagreements between a land management agency and a local government.<sup>7</sup> I understand these disagreements to have been centered on jurisdiction, night helicopter flying, and how best to attack the fire. According to a Forest Service Lessons Learned review of the incident,

*"The Forest Service has received criticism for not utilizing night flying capability by partnering agencies during the evening of August 26 and early morning hours of the 27th, 2009. As a result, the Forest Service identified this topic as an area to explore for potential use in the future."*

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*"As stated in the cooperative agreements section, fire response is always an interagency environment, so continued relationship building and knowledge sharing will help ensure there is no breakdown between agencies. Unfortunately during the Station Fire, many of the questions posed by external parties deflated relationships which are critical for future response. As a result additional effort will need to be made to make sure these relationships are repaired."<sup>8</sup>*

Q and his Captain died protecting a conservation crew camp threatened by the fire, but lack of contact between those resources and the Incident Management Team was identified as one of the causal factors in the fatality.<sup>9</sup> After the fire, discussions lead to resolutions on some of the issues. We must continue to engage in discussions on agency differences to ensure we are doing the best to protect life safety during an incident.

When we support collaboration, we support engaging the right partner at the right time. We respect jurisdiction and we respect authority. Bringing fire, public health, emergency management, law enforcement, non-governmental organizations, and the like together serves as a force multiplier.

This is especially important given the role that local governments play in wildfire response. In Northern Nevada, local governments are one of the primary responders to wildfire. Existing

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<sup>7</sup> [https://lessonslearned-prod-media-bucket.s3.us-gov-west-1.amazonaws.com/s3fs-public/irdoc/Station\\_Fire\\_Lessons.pdf](https://lessonslearned-prod-media-bucket.s3.us-gov-west-1.amazonaws.com/s3fs-public/irdoc/Station_Fire_Lessons.pdf)

<sup>8</sup> [https://lessonslearned-prod-media-bucket.s3.us-gov-west-1.amazonaws.com/s3fs-public/irdoc/Station\\_Fire\\_Lessons.pdf](https://lessonslearned-prod-media-bucket.s3.us-gov-west-1.amazonaws.com/s3fs-public/irdoc/Station_Fire_Lessons.pdf)

<sup>9</sup> [https://lessonslearned-prod-media-bucket.s3.us-gov-west-1.amazonaws.com/s3fs-public/irdoc/Station\\_Fire\\_Fatal\\_Vehicle\\_Accident\\_Factual\\_Report.pdf](https://lessonslearned-prod-media-bucket.s3.us-gov-west-1.amazonaws.com/s3fs-public/irdoc/Station_Fire_Fatal_Vehicle_Accident_Factual_Report.pdf)

federal grants help to support that local response. A key area of FEMA support is the Fire Management Assistance Grant which provides funding for 75% of local fire suppression costs. It is designed to avert the need for a major disaster declaration under the Stafford Act: rarely does a fire obtain both, but some occasionally do. This grant moves so much faster than many other federal programs, providing immediate relief to those local governments who are concerned with saving lives and property while being mindful of their budget to do so. These grants have enabled local governments to fight the fire and not fight their checkbook. FEMA is and must continue to be a strong partner in the wildfire space, as Dr. Lori Moore-Merrell and Administrator Criswell advocate.

Administrator Criswell is working to increase FEMA's nimbleness. Historically, FEMA grants may have been more at risk of fraud. Policies were changed which have swung the pendulum to the other extreme, causing delays in the effective use of funds and onerous grant requirements. I believe Administrator Criswell is working hard, with partners, including the National Emergency Management Association, to move the pendulum back to the center. We must continue these efforts, as highlighted by Commission Recommendations 142-144. No one in this space wants fraud, waste, and abuse. We all want nimbleness to create the best outcomes in the shortest amount of time. There is a fine balancing act between those two needs, a balance point we must continually seek.

We must work to support FEMA and the United States Fire Administration, ensuring they are positioned to support the whole community in the event of a wildfire. They must be sufficiently resourced and funded to assist state, local, tribal, and nonprofit organizations to meet the whole community need for wildfire planning, preparation, response, recovery, and mitigation. The Commission recommended support for the U.S. Fire Administration (R56 and R129), better positioning them to provide support to communities, engage with the National Wildfire Coordinating Group, and provide critical wildfire training to local fire departments.

## WORKFORCE DEVELOPMENT

Wildfire responders include many disparate groups. Our federal land management agency partners spend their entire careers dedicated to wildfire. We must ensure we provide these professionals with an adequate salary, benefits, and respect. This work force must be grown to a year-round one, one which can provide for mitigation activities outside of fighting fire. This workforce must be paid commensurate with the risk we ask them to take to protect our lands. Our Commission provides recommendations 84 and 89 on these ideas.

We must reach the conclusion that disasters happen with greater frequency and severity than in years past. The idea of a fire season lasting from May to October is not reality in today's world. We see fire year-round, in fact Nevada sees our largest loss of civilian life and property during winter wildfires, when our federal partners are not staffed to support response. Additional support for a year-round federal wildfire workforce would also ensure personnel are on hand to engage in mitigation efforts while not in firefighting mode. This could help buy down our risks while lessening the load on local government firefighters.



We must recognize that local governments, who provide our structure firefighters, are a critical component of wildfire response year-round and around the clock. The same firefighter who responds to your difficulty breathing call, your structure fire call, your motor vehicle collision with extrication call, is your wildfire responder year-round. As called for by the Commission, we must continue to work to ensure that these local resources have access to both the qualifications and training they need to best prepare them for wildfire (Recommendations 54 and 56) and the federal resource ordering system that enables them to be deployed rapidly to nearby incidents to enhance our collective response (Recommendation 53).

Recognizing the work done by our local governments is key. Our Commission recommends finding a way for them to establish allowable costs, with the goal of utilizing the nearest available resources (Recommendation 51). Similar to the need for streamlining FEMA programs, we must allow for more rapid reimbursements to make the local government whole for their efforts. This will allow them to grow their capabilities and to remain engaged.

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We want to buy down our risks. We want to make our communities safer. This occurs when we treat wildfire as we do a hurricane, with the whole community approach. This occurs when we support partnership to ensure everyone has a seat at the table, especially the local government emergency manager who is key to the recovery and mitigation effort in the built environment. This occurs when we support workforce development and realize that we no longer have a fire season, but rather a fire year.

My advice to the Committee, since I believe that is why you asked us here today:

- Model wildfire threats as you would hurricanes. The loss of life and property, as well as impacts to our environment are on par or sometimes greater due to frequency and intensity. Support federal, state, local, tribal, and non-profit organizations in advancing the cause. (See Commission recommendation 104 supporting the creation of a joint office Fire Environment Center to provide predictive services and other modeling support to all entities responding to, recovering from, or mitigating the risk of fire).
- Partners must be engaged at every level in the decision-making process. (See “collaboration” theme of the Commission).
- Encourage land management agency leaders to have their line officers engage with emergency managers at the local, state, and tribal levels. Forest Supervisors should be as close with the state emergency manager as they are the state forester or state fire warden. District rangers should also know their emergency manager as closely as they know their fire and law enforcement chiefs. (See Commission recommendation 58 on collaborative pre-fire planning).
- Support Administrator Criswell’s efforts to make FEMA nimble. FEMA is key to our mitigation and recovery phases. We have moved past poor management, allowing the collective body to provide grant funding using the same rules and speed as the U.S. Department of Justice (DOJ), U.S. Department of Health and Human Services (HHS), or Centers for Disease Control and Prevention (CDC); swing the pendulum back to the

center. (See Commission recommendations 61 and 72 on increasing the speed and flexibility of FEMA funds for post-fire recovery).

- Support Dr. Moore-Merrell's efforts to engage the United States Fire Administration in the wildfire world. These structural firefighters are there 24/7/365. They provide initial, and oftentimes, extended attack under contract to federal land management agencies. (See Commission recommendations 56 and 129 on increasing the role of and funding for the U.S. Fire Administration in providing wildland fire training to structure fire departments.
- The 1954 Reciprocal Fire Act needs to be updated. Gather input from your local government partners, including fire districts, emergency managers, law enforcement, and other partners, in addition to your state foresters to inform amendments to the Act.
- Increase the pay, respect, and standing of our federal wildfire workforce. We need a year-round force to support local and state government response efforts. Compensate them fairly. (See Commission recommendation 84 which calls for increased pay and benefits for wildland firefighters and recommendation 89 which calls for a dedicated restoration workforce, including the option of year-round employment).

Again, thank you for the opportunity to testify today. It is the honor and highlight of my career. My passion is to ensure that we are learning from experience and improving our emergency management systems and wildfire responsiveness. Those who follow will stand on our shoulders, as I do those who came before me. It remains my mission to reduce the loss of life and reduce suffering. That is done by taking bites of the apple until we are done with it, then finding a new apple, to make tomorrow better.

The stress and pain I have seen in my career should not have to be repeated in future generations. To those whom much is given, much is expected. With the report from the Wildland Fire Mitigation and Management Commission and the many years of experience people like me can bring to the table, we have a framework and lived experience to inform improved systems to address the wildfire challenges in communities throughout the country.

Respectfully.