

Testimony of  
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Hearing entitled  
“**MAJOR DISASTER RECOVERY: ASSESSING FEMA'S PERFORMANCE  
SINCE OCTOBER 2007**”

Before the  
**SENATE HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS  
SUBCOMMITTEE ON DISASTER RECOVERY**

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## **INTRODUCTION**

Good afternoon Chairwoman Landrieu, Senator Stevens, and members of the committee. I am Stephen Sellers, Deputy Director for Regional Operations of the California Governor's Office of Emergency Services. Thank you for inviting me to be here today to discuss the Office of Emergency Services response and recovery efforts for the 2007 Southern California Wildfires in relation to our experience with the Federal Emergency Management Agency—FEMA.

The 2007 Southern California Wildfires strongly tested California's emergency management capabilities, systems, and resources, specifically in the areas of interagency coordination, wildfire suppression, mass evacuation, and mass care and sheltering. Overall, our evaluation indicates that the state's response to the event was very successful. California's long usage of the Incident Command System, our strong and established Standardized Emergency Management System (SEMS) and our mutual aid systems---Fire, Law Enforcement, and Emergency Management--coupled with well organized and effective local government operations, proved vital to the success in responding to this event.

As in the 2003 wild fire event, we exceeded our capabilities which precipitated extensive federal support to minimize the impacts of the disaster. Indeed, through various missions from the National Interagency Fire Center and through the Emergency Management Assistance Compact, support was secured from thirty-one states. We also received international assistance from Mexico and Canada. Clearly, this was a major event requiring the combined efforts of local, state and federal agencies.

Let me make it abundantly clear before discussing our experience with the Federal Emergency Management Agency, FEMA, that **there is no substitute in any disaster for strong local capability**. As I am sure you have heard before, “all disasters are local”. Without that first level of response capability and without local government working with their citizens and community groups through the recovery process, none of our disasters will be managed effectively. We have recognized that in California with the provision of Emergency Management Performance Grant and Homeland Security funding to enhance local preparedness and capabilities.

## **OUR EXPERIENCE WITH FEMA IN THE 2007 SOUTHERN CALIFORNIA WILDFIRES**

At the outset, I would like to state very firmly that the successful response and recovery to the event would have not been possible without the effective cooperation and support of the federal government; especially FEMA. From the beginning of the event to today, we have experienced a very collaborative and mission-focused attitude on the part of the federal agencies involved in the Southern California firestorms of 2007. FEMA in particular continues to be a strong partner as we proceed through what Governor Schwarzenegger has so aptly described as the marathon portion of a disaster event--- disaster recovery.

### **Let me provide an overview of the October fires event:**

With the control of the last fire for the event, the Corral Fire in Malibu, the Santa Ana winds and subsequent fire siege in Southern California included:

**24** Fires affecting **7** counties: Los Angeles, Orange, Riverside, San Bernardino, San Diego, Santa Barbara, and Ventura

**522,168** Acres burned

**10** Fatalities

**147** Injuries

**2,276** Residences Destroyed

**1015** structures damaged including homes

Over **320,000** persons evacuated -- the largest evacuation in California's history

**22,195** persons sheltered in **54** sites

**Disaster Recovery:**

- To date, just over \$10 million in FEMA Housing and \$4 million in Other Needs Assistance has been distributed to California homeowners and renters affected by the wildfires.
- **Over \$91 million in low interest loans for homes and small businesses** has been approved by SBA.
- **More than 7,700** housing inspections completed
- **More than \$141 million in Public Assistance Grants** representing 199 eligible requests for public assistance has been identified as eligible for **75% federal funding (represents over \$107 million in federal funding)**.  
**So far over \$98 million in federal funds have been obligated to state and local agencies.**
- **More than \$41 million in Hazard Mitigation Grant Program funds** have been made available to state and local governments throughout the state to reduce or eliminate future risk.

With the Santa Ana wind event in Riverside County and the onset of the fires on October 21<sup>st</sup>, 2007, OES activated our Southern Region Emergency Operations Center in Los Alamitos and our State Operations Center in Sacramento to support local government and coordinate state response. These facilities remained in some level of operation through the containment of the Corral Fire in Malibu on November 24, 2007. This was one of the longest sustained operations of our operations centers in many years.

Governor Schwarzenegger proclaimed a State of Emergency for seven counties in Southern California on October 21, 2007, and requested that the President declare a Major Disaster Declaration for the impacted area. On October 22, 2007, the President issued an Emergency Declaration providing direct federal mission support to the fire response. Two days later, on October 24, 2007, the President issued a Major Disaster Declaration that opened up all Stafford Act assistance to the State.

Under the federal declaration, a Federal Coordinating Officer, Mike Hall, Director, FEMA Region X, was designated and he and his team, with the support of FEMA Region IX who maintains a field office in Pasadena, California, initiated the establishment of a Joint Field Office (JFO) to coordinate state and federal response and recovery efforts. At the time, I was designated as the Deputy State Coordinating Officer to work directly with Mr. Hall to ensure that State needs were effectively met. It is clear that the skills, abilities and leadership qualities demonstrated by this FCO and the team he put together made a tremendous difference in the outcome of the response and recovery to our event.

**If there is a model of an FCO that needs to be institutionalized throughout FEMA, it is that of Mike Hall, Director, FEMA Region X.** The fact that we have received very

few appeals of FEMA determinations under the Public Assistance program (33 as compared to hundreds in past disasters) is indicative of the FCO leadership and the close coordination and collaboration established between the state and FEMA.

Prior to the federal declaration and the identification of the FCO and throughout the response and recovery process, we had very strong and positive support from Nancy Ward, Director, FEMA Region IX and her staff from the onset of the disaster. FEMA Region IX provided a liaison to our SOC and we were in constant contact with them either directly or through their Regional Resource Coordination Center. Ms. Ward and her staff were a strong and positive presence at the JFO and have continued to be so to today. **Strong and effective leadership and staff professionalism at the FEMA regional level made a tremendous difference in California's ability to manage this disaster. It is our strong desire to ensure that the role of the FEMA regions remains strong and effective.**

## **THE JOINT FIELD OFFICE EXPERIENCE**

As the FCO and I began our collaboration in the Joint field Office, JFO, the attitude of him and his staff was one of deference to our needs and due consideration of our practices. It was "our" disaster and the federal team was supportive of our needs. By utilizing the Incident Command System, we were able to, among other things; effectively establish mission tasking coordination as well as a regular action planning cycle. We paired up state and federal staff in key positions in the JFO to our Regional Operations Centers and the State Operations Center. **Simply put: FEMA's use of the Incident Command System allowed for very effective joint operations as the system has been in use in California since the late-1970s.**

One of the hallmarks of our system is flexibility and FEMA exhibited that quality as well. While standardization is critical for effective operations, a “one size fits all” approach can be too limiting when in the throes of a disaster. **In our experience, FEMA empowered their employees to undertake effective actions and worked with us to adjust to the way we do things in California.**

Let me give one example. Over the years, FEMA has gone from setting up Disaster Recovery Centers where disaster victims could go to receive direct federal assistance to teleregistration and providing disaster assistance information in Disaster Recovery Centers. Local and state agencies in many states use this model and locate their services there as well. In California, our model is to work with our local governments to establish Local Assistance Centers (LACs). For us, we think that the local focus of these centers is critical for disaster victims in the impacted communities especially as they will be working with their local entities throughout the recovery process. The State integrates our agencies into these centers so that they can provide a “one-stop shop” for victims needing local and state assistance. For example, many critical records that may have been lost are a state agency responsibility such as drivers licenses.

Rather than establish separate Disaster Recovery Centers, FEMA and other key federal agencies such as the Small Business Administration co-located with us and local agencies in the LACs. When the LACs demobilized, FEMA transitioned many of them to DRCs. Such flexibility is invaluable in response and recovery efforts.

While day-to-day operations centered on a typical planning cycle as utilized in California for years, it became clear early on that the nature of this disaster required focus on some key areas of interest for local and State government.

This included housing, debris removal and tribal concerns. Through the establishment of task forces, we were able to bring the relevant agencies together to focus on these critical areas. We also established a Multi-Agency Support Group or MASG to address post-fire concerns. As I will explain in a moment **the MASG was a major success of the 2007 Southern California Wildfires.** First let me highlight the housing and debris management task forces.

## **HOUSING TASK FORCE**

As stated previously, 2,276 residences were destroyed and 1,015 structures were damaged in this event. This was a tremendous burden on individuals and families generally. The Housing Task force was established to bring key federal and state agencies together to focus on the problem of temporary housing as registrants worked through the placement process. While the overwhelming number of victims was accommodated in a very timely manner, there were few housing options for victims in rural areas. During our event, the formaldehyde concerns with the FEMA travel trailers took that option away for many of the victims that could have used it. As it was, we were left with a “one-size fits all” option of a large mobile home. This simply did not work for many homeowners given transportation, site and infrastructure challenges. FEMA did what it could to make sites feasible, but some simply did not work out. **As we move forward to identify housing options in future disasters such as a major earthquake in our urban areas, we need to work with the federal government to identify multiple and reasonable temporary housing options.**

It should also be mentioned that the level of funding for the Individuals and Households Program bears examining. Currently set at \$28,800, many disaster victims are finding it



inadequate to meet their needs. California is interested in exploring increasing the allocation as has been expressed by legislation (S. 2386) introduced by Senator Feinstein.

## **DEBRIS MANAGEMENT TASK FORCE**

Post-fire debris management presents several challenges as we balance federal policies regarding the removal of debris on private property relative to conducting a comprehensive community debris removal program that protects public health and expedites community recovery. Following the devastating Angora Fire in Lake Tahoe that destroyed 254 homes, over 55 outbuildings, and posed a public health and environmental degradation problem in the area, California established a very aggressive and thorough debris management approach to effectively remove debris in the disaster area to include foundations. This was the context for our intended debris management efforts going in to the 2007 Southern California Wild Fires.

By establishing the Debris Management Task Force, we were able to collaborate on effective debris removal efforts in coordination with local government with the single goal of removing as much debris as possible and maximizing federal reimbursement. We did adapt our “Angora model” based on local needs, but the singular goal of efficiently removing debris to expedite rebuilding was attained. Indeed, we were able to remove debris on private property within established FEMA policies for the first time since the Oakland Hills Fire in 1991 (with the exception of San Bernardino County in 2003 that chose to use a bin program wherein the county provided the bins on local right of ways and homeowners arranged to have the debris brought to the bins for disposal). In this disaster, close coordination between Cal EPA, US EPA, FEMA, and

local governments via the Debris Task force made efficient and effective debris management possible.

An area of recommended improvement is for FEMA allow effected states to conduct minimal testing in order to demonstrate that post-fire debris is hazardous to the public. Time and money are wasted repeating testing and each time the results are the same: post-fire ash is hazardous where homes have been damaged or destroyed. California thinks that our EPAs determination should stand and requiring extensive testing in future fire events should be minimized or eliminated.

Additionally, insurance proceeds related to debris removal should be apportioned between the state and FEMA. As it stands, FEMA is allocated the total amount even though they are providing only 75% of the costs. Apportioning the allocation would be of great interest to California, and, I am sure, other states.

## **TRIBAL TASK FORCE**

As the JFO expanded operations, the need for a Tribal Task Force was identified. On October 29, 2007, the Tribal Task Force was established. The mission of the Task Force was to deliver disaster response and recovery assistance directly to the Tribes. The Tribal Task Force was later reclassified to Division H in order to fit into the DR-1731-CA divisional structure. Division H was the designation used to identify the task force assigned to resolving tribal issues associated with response and recovery activities that were linked to the wildfires. OES deployed a Tribal Liaison to support operations and facilitate requests for State resources and program information. In addition to OES, Division H was comprised of representatives from FEMA, Bureau of Indian Affairs, Indian Health Services, other federal agencies and various federal

Emergency Service Functions (ESFs). The base of operations was located in San Diego County at the Rincon Reservation.

All Tribal Nations within the declared counties were queried for fire related damages and resource needs. Only the Tribes within San Diego County were affected. Multiple Tribes were evacuated. Of the 18 Tribes in the county, a total of 11 Tribes sustained varying degrees of damage that included structure, land and economic loss. Two Tribes, the La Jolla and Rincon Tribes, sustained the most damage. The La Jolla Tribe lost over 92 percent of their tribal lands (reservation) to fire, including 44 homes on the reservation. The Rincon Tribe sustained an estimated \$3 million in Individual Assistance (IA) and Public Assistance (PA) losses.

The Division H was fully staffed and operational during the late November-December 2007 Storms that caused additional damage to the burn areas. Due to the efforts of Division H, the needs of the Tribal communities were identified and responded to in a timely, efficient, appropriate manner. Division H was demobilized and absorbed into Division A (San Diego County) on December 21, 2007.

### **Burn Area MULTI-AGENCY SUPPORT GROUP**

Following the 2003 Southern California Wildfires, we were faced with a tremendous challenge of identifying post-fire concern relative to erosion, flooding, debris flow, mud and landslides and implementing emergency protective measures in a coordinated fashion with federal, state and local agencies. At that time, we set up an inter-agency coordination group to attempt to address these issues affecting various watersheds. For the 2007 fires, we expanded upon this effort through the establishment of the Multi-Agency Support Group on October 29<sup>th</sup>, just 10 days following the onset of the fires.

Coordinated by the Office of Emergency Services (OES) and the Federal Emergency Management Agency, the joint State/Federal Multi-Agency Support Group (MASG) tasked five State Resources Agency departments (CAL FIRE, the Department of Water Resources, the Department of Conservation (DOC) - California Geological Survey (CGS), the Department of Fish and Game (DFG) and the Department of Pesticide Regulation (DPR)), CalEPA's Regional Water Quality Control Board, and ten federal agencies (the United States Army Corps of Engineers (USACE), the United States Forest Services (USFS), the United States Environmental Protection Agency (USEPA), the United States Bureau of Land Management (USBLM), the United States Department of the Interior (USDO), the Natural Resources Conservation Service (NRCS), the United States Geological Survey (USGS), the National Weather Service (NWS), the United States Fish and Wildlife Service (USFWS) and the United States Department of Agriculture (USDA)) to support operation of the MASG and prepare post-fire assessments for the wildfires that burned approximately 522,000 acres (includes the Corral Fire) in late October and November 2007. In addition, local participants included Orange, Riverside, San Diego, Santa Barbara, and Ventura counties, Long Beach Fire Department, CUEA and San Diego Gas and Electric. Following containment of the fires, burn area assessments were conducted by local, state and federal agencies to:

- (1) identify on-site and downstream threats to public health or safety from land sliding, debris torrents, flooding, road hazards, and other post- fire related problems;
- (2) identify threats to watersheds and other values at risk, including: water quality, wildlife, fisheries, botanical and cultural resources; and
- (3) determine measures needed to prevent or mitigate identified threats.

In response to Governor Schwarzenegger's Executive Order (S-13-07), the State formed six State Burned Area Emergency Response (BAER) teams to complement the work done by the USFS BAER teams and to produce reports that complemented the USFS BAER Reports. The State teams were comprised of engineering geologists, soil specialists, biologists, botanists, civil engineers, and GIS specialists. The State of California had not previously attempted this level of post fire assessment work.

State and federal BAER teams submitted draft reports to the MASG. The MASG staff reviewed the reports with local government agencies and posted the reports on the OES website.

To provide ongoing coordination of protection work identified in the BAER reports, the MASG created 3 Burned Area Response Task Forces (Los Angeles, San Bernardino and Orange, as well as San Diego regions) to track projects and interface with local governments to prioritize work on a risk basis. This was the first time that these type teams had been formed for which there is no federal equivalent. The teams consisted of individuals from OES, DFG, DWR and FEMA tasked with preparing reports evaluating the risk which were then distributed to 85 federal, state and local agencies.

The MASG BARTFs have developed Hazard Awareness Maps (HAMS) for Orange, San Diego, San Bernardino and LA counties that depict specific areas that face a potential higher risk flood and debris flows. In November, these HAMS were provided to County Flood Control and Emergency Services offices prior to the onset of winter precipitation events in affected Southern California areas. They were subsequently used by federal, state and local agencies to implement

measures to protect life and property. At least one of our impacted counties, Orange, utilized this information to install K-rails to effectively protect roads and homes from mudflows and during the winter to twice effect the evacuation of one canyon given the anticipated runoff from a storm event. In the second rain event, they did experience the level of runoff and mudflows predicted under the models.

One area of federal policy that did cause a challenge was funding of emergency protective measures utilizing the Natural Resource Conservation Service (NRCS) Emergency Watershed Protection program. Typically, the National Resource Conservation Service (NRCS) evaluates threats posed by events that have a reasonable chance of occurring in the near future, such as a 5- or 10-year flooding event. The projects that may be funded under the NRCS Emergency Water Shed Program (EWP) are similar in nature to those emergency protective measures for which FEMA Public Assistance (PA) funding may be requested for “essential assistance” in accordance with Section 403 of the Stafford Act. In an effort to protect life and property, state and local agencies completed emergency erosion and flood control work in response to Flash Flood Warnings and Watches issued for the burn areas by the National Weather Service. However, erosion and flood control measures completed without prior authorization or approval from NRCS were not eligible under the EWP program. Per OMB, FEMA is prohibited from providing funds for work that falls under the authority of another Federal agency to prevent “duplication of benefit.” However, eventually FEMA agreed to fund erosion control projects that were denied by NRCS that also met the FEMA PA eligibility requirement (i.e, the direct responsibility of the local agency and were necessary to save lives, protect public health and safety and improved property) but only those projects completed by December 31, 2007. In January winter storms began and FEMA required OES to request an amendment to the original

declaration to include mud and debris flows and flooding in the declared burned areas. Inclusion of these events was determined by FEMA on a case by case basis based upon significance of the damage (which was never defined and did not include cumulative impact). Eventually the request to include these costs were denied by FEMA (Amendment 2) so none of the emergency projective measures were that were completed after December 31 were deemed eligible (even though the incident period for the initial disaster declaration remained open through March 31). We have several applicants, including Los Angeles County, that have appealed these determinations. As you may understand, this was very confusing for us and interestingly, under an amendment (Amendment #2 for two tribal governments) FEMA did approve the costs.

**California believes that the critical projects identified by the NRCS should be funded when necessary to reduce immediate threats to live and property.** If such funding cannot be secured in a disaster, FEMA should be granted the authority to reimburse local governments and state agencies under the Public Assistance Program to implement critical emergency protective measures.

**Furthermore, California strongly believes that no duplication exists between FEMA and the NRCS since projects that fell under a similar category and description had been funded in past events as emergency protective measures under FEMA's PA Program in accordance with Section 403 of the Stafford Act.**

We believe FEMA has the authority to fund those projects that meet the eligibility requirements within the program, especially when there is no other federal funding available (NRCS was only able to fund 16 "exigent" projects out of the 383 MASG suggested emergency protective measures before they ran out of funding).

## **IN CONCLUSION**

**The response to the fires once again demonstrated the effectiveness of California's emergency management systems from the local government level to the State government.** There is no substitute for effective local and state capability in quickly responding to and effectively recovering from natural disasters. The commitment of our local and state agency partners to emergency management is the foundation upon which this disaster was effectively managed.

Overall, FEMA's response to our Southern California Wildfires was overwhelmingly positive. This was due to:

**Strong leadership and staff capabilities at FEMA Region IX made a tremendous difference during the initial response, ongoing operations and during disaster recovery.** This strong relationship continues today as we are working with the Region IX staff on a Concept of Operations for more effective State/Federal integration and a catastrophic response plan for the massive Bay Area or Southern California earthquake that some day in the future we will experience.

**The Federal Coordinating Officer (FCO) demonstrated a high level of professionalism, put together an effective and collaborative team at the Joint Field Office and was able to exercise a great deal of authority in assisting us with our disaster.** The attitude throughout was "what does the State need" with a tremendous responsiveness to fill those needs. It was clear that the FCO was given a great deal of authority to accomplish what needed to be done. The same professional qualities were exhibited by the federal team that assisted us at the JFO.



**The use of Incident Command System concepts and principles by the federal staff in the JFO made our integration with FEMA and other federal agencies virtually seamless** as we have utilized this system since the 1970s.

**The establishment of task forces composed of key federal and state agency representatives proved to be an effective method of problem solving.** Of the three—Housing, Debris Management, and Tribal—one of our biggest challenges was finding housing solutions for victims in rural areas. The travel trailers were not available due to the formaldehyde problem and the large mobile homes that were available were not feasible due to access, site and infrastructure challenges. Certainly, the loss of housing in a catastrophic earthquake in our urban areas will present a major challenge to us unless we explore reasonable housing solutions.

**The support of post-fire evaluations and the implementation of emergency protective measures greatly ensured that the public and our resources were better protected following the disaster.** However, there was a major challenge relative to the funding of erosion and flood control measures among federal agencies. It is our position that FEMA has the authority to implement emergency protective measures under Section 403 of the Stafford Act. They should implement these measures irrespective of the authority of other agencies such as the Natural Resource Conservation Service especially when such agencies lack the funding to do so. We also think that FEMA has the authority under Section 304 of the Stafford Act to fund actions of other federal agencies. Taken together, the exercise of these authorities would ensure a more enhanced level of protection to the public and our resources.

**Put Simply: If this is the new FEMA, we want more of it.**

This is not to say that we did not face any challenges, we did. Generally, however, the leadership and collaborative attitude demonstrated by FEMA and other staff from the federal agencies involved in our disaster made the difference in solving problems.

Of course, it is not enough to move forward without making the adjustments necessary to make the next disaster response even more effective. We are currently working with our FEMA Region IX office to finalize a Catastrophic Incident Base Plan Concept of Operations and a catastrophic earthquake plan for the Bay Area. We will be moving the catastrophic planning effort to Southern California in the very near future. This will ensure even more effective integration of our operations in future disasters. We trust that FEMA will utilize what we are doing to model what we have achieved across the nation. Our citizens and communities deserve nothing less. We also trust that the lessons learned by California and other states are not forgotten as the nation's emergency management systems continue to be improved before the next large-scale disaster. We cannot afford to be complacent.

Thank you for inviting me to testify before your committee. I look forward to answering any questions you may have.