

**THE WILDFIRE MANAGEMENT ACT OF 2015:
A White Paper**

**Prepared by the Democratic Staff
For Sen. Maria Cantwell, Ranking Member
U.S. Senate Committee on Energy and Natural Resources
June 15, 2015**

White Paper: The Wildfire Management Act of 2015

Prepared by the Democratic Staff for Ranking Member Maria Cantwell

U.S. Senate Committee on Energy and Natural Resources

June 15, 2015

Summary: This paper outlines concepts for potential inclusion in the Wildfire Management Act of 2015, initially outlined on May 5, 2015, by Ranking Member Cantwell at the Senate Energy and Natural Resources Committee oversight hearing on wildfire management and operations. The purpose of the initiative is to lower the frequency of large wildfires, reduce the number of homes lost to wildfires, make firefighting operations more efficient and safe, restore fire in our ecosystems, and bring assistance to people in need after wildfires.

Key Legislative Principles:

- 1) Safety is the #1 priority when it comes to fire. Safety should always be first and foremost—both for the citizens that are threatened by wildfires and for our firefighters. But, by putting out every single fire, we are actually creating more dangerous conditions.
- 2) To achieve success, the federal firefighting agencies must have clear standards and expectations of how and when they will fight wildfires. Such clarity will enable these agencies to focus their energy, prioritize the needed work, and complete tasks. We owe it to our firefighters to be clear on what we are expecting—and not expecting—of them.
- 3) Vegetation treatments are obviously an important part of the solution to today's fire challenges. However, specific vegetation management strategies often bring with them controversy. Agencies and communities adjacent to federal lands need Congress to act *quickly* on common-sense reforms in wildfire management, rather than getting bogged down in disagreements. As such, discussions about vegetation management need to occur and should proceed on a parallel track.
- 4) Fire plays an important role in the functioning of most ecosystems. Most of the ecosystems in the United States have evolved with—and depend on—fire.
- 5) Taxpayer money is being wasted putting out fires that are far from people and their property. A far more cost-effective approach is to enable citizens and agencies to work together to prepare communities; to prevent large, severe fires from spreading into the areas where people live; and to allow some fires to take their natural course, which costs five times less than trying to put out all fires.

Problems to be Addressed in this Bill:

- 1) Too many homes are being lost to wildfires. Sometimes this is due to the increased frequency of unnaturally large fires. Other times, it is due to the construction or maintenance needs around the houses themselves.
- 2) “Good” fire needs to be carefully managed and returned to our nation's landscapes, to help ensure the safety of neighborhoods in outlying areas and to restore the functioning of many of our ecosystems.
- 3) Federal agencies' funding is insufficient to rectify the current situation because of how fires are budgeted and because agencies do not always focus their funding in the places that need it most.
- 4) Scarce firefighting resources are currently chasing every wildfire. We need to define when we expect the federal agencies to show up and how.
- 5) The government will always need to fight undesirable fires. However, we need proactively to decide what our fire management tools and responses should look like, and how they should line up with other strategies.
- 6) The federal government needs to show up quickly and be able to help communities in meaningful ways when they are at their time of greatest need—after experiencing a natural disaster, such as a large wildfire.

The Wildfire Management Act of 2015: Proposed Structure and Content

Title I: Budget Reforms to Ensure Suitable Funding for Addressing Wildfires

We can do a better job making informed, strategic decisions on how to spend taxpayer dollars. This title is designed to reform the way the federal budget handles fire management and to create fresh programs to better tackle the wildfire threat.

Simplifying Fire Funding: One Fund for All Firefighting Operations

For starters, this bill would eliminate bureaucratic distinctions and create one fund for *all* firefighting operations. A new authority enables unused funding at the end of each year to go to updating and building out the federal airtanker fleet.

Large Catastrophic Wildfires Should Be Funded the Same as Other Disasters

This bill would treat the largest fires as other natural disasters are treated; that is, funding to respond to these will no longer have to come out of the federal agencies' resource programs. The costs of suppressing the largest wildfires will be paid for out of FEMA's Disaster Relief Fund. This will end the crippling practice of transferring funds from agency programs to pay for these disasters.

The Power of Controlled Burns

"Controlled burns" are good fires, conducted by a team of fire experts under specified weather conditions. Not unlike preventative medicine, these measures help stave off more severe consequences down the road. These fires reduce excessive amounts of vegetation, and they help reduce the risk of catastrophic damage from a wildfire.

In recent years, we have underinvested in controlled burns. This bill would authorize up to \$300 million annually, specifically to conduct controlled burns on federal lands and to partner with states to bolster programs on both state and private lands. Investing in prevention will mitigate the devastating effects of large wildfires.

Budgeting for Hazardous Fuels Reduction

"Hazardous fuels" are logging debris, brush, and other vegetation. They create perilous fire behavior and allow wildfires to move more quickly and severely. Like controlled burns, reducing hazardous fuels can mitigate the risks from wildfires.

Hazardous fuels reduction has been funded, but inadequately so. Each year, this activity has received roughly half of the amount authorized, even though it is well known that these prevention treatments reduce wildfire costs; only \$350 million is invested to curtail \$2-3 billion worth of wildfire costs. We need to double down on this prevention method. This bill authorizes \$1 billion for reducing hazardous fuels, specifically in the areas that communities have identified as being the most important. An additional \$500 million would be authorized explicitly for work needed to be able to safely reintroduce fire in areas away from communities.

Community Planning

Community planning is an important protective measure. This bill would provide financial assistance to counties for developing land-use ordinances, evacuation plans, and web-based maps detailing the risk wildfires pose to particular parcels of land. The bill would also provide financial incentives to counties that prioritize development in areas with lower risk and that take steps to ensure existing houses can withstand wildfires with minimum damage.

Securing Our Watersheds

Outside groups will be enabled to work more seamlessly with federal agencies to ensure municipal watersheds or high-value recreation areas are not heavily impacted by fire. But for those towns across the West that have recently experienced fires that have devastated their watersheds, this bill would establish an account that would provide funding for the work that is usually needed for several years after a fire to restore these important places.

Limiting Funding for Communities that Choose to Construct Cedar-Shake Roofs

Acknowledging that the amount of funding to be spent fighting wildfires is limited, we must do a better job of spending money in ways that result in less damage from wildfires. The bill would provide incentive for communities to shift away from new construction with cedar-shake roofs. Studies show repeatedly that houses with cedar-shake roofs inevitably are lost during wildfires.

Staying Accountable to the Taxpayers

Private companies are required to tell their shareholders of their spending and their track record. Taxpayers are owed the same transparency and accountability. Consequently, this bill requires an annual report with a breakdown by region of how many acres federal agencies treated, the portion of fires that were stopped upon first being reported (under different fire-danger ratings), the number of acres burned by controlled burns versus by wildfires, and the overall state of the flammability of the our federal lands. These metrics should reveal the ways money is being spent, decisions are being made, and the effectiveness of those decisions.

Title II: Before Fires Are Burning

Cost-Containment Measures

Establishing Standards for When and How to Fight Fires

This bill rests on the premise that not all fires can be fought, not all structures can be protected, and no lives should be risked only to defend structures. It follows that this bill would require federal agencies to establish clear standards of how and when they will suppress wildfires. The ability to waive the standards will be limited to ensure predictability, to ensure the safety of firefighters, and to insulate firefighting agencies from political pressure to fight every fire. The bill starts out the process by limiting when aircraft will be used and by establishing circumstances in which federal firefighters will *not* be sent in because the risk to their safety is too high.

Standardizing Reimbursement Agreements

Today, the federal agencies inconsistently handle the reimbursement of costs to various local fire departments after wildfire events. The bill would require the federal agencies to develop and use a template for its reimbursement agreements, providing transparency to both American taxpayers and local fire departments on the ground.

Reducing Losses from Large Fires

Taking Advantage of Controlled Burns

As previously discussed, controlled burns play an essential role in maintaining healthy forests and restricting the spread of wildfires. Federal agencies will be encouraged to have teams conduct substantially more controlled burns, but the bill will also provide the tools required to conduct safer, more effective controlled burns.

Hazardous Fuels Reduction

The bill would require the federal agencies to do an assessment of their lands to determine the feasibility of establishing regional networks of naturally occurring terrain features and controlled burns, which would contain wildfires to a certain number of acres. The bill also provides clear criteria for prioritizing projects: the value at risk, project costs, local support, and risk of catastrophic fire.

Opportunities for Existing Homeowners

Homeowners have many opportunities to reduce the impacts of wildfires; however, they may not be aware of them. For example, having flammable bushes or storing firewood right next to one's home makes it more likely to be lost during a wildfire. The Forest Service will draft model codes requiring homeowners to adopt best practices for mitigating fire damage for use by local governments that choose to adopt them.

Notice for Potential Homeowners

Potential homeowners should be aware of a property's risk from wildfire. Similar to existing laws for flood zones, this bill would require the federal government to work with states to develop detailed maps that define the areas with high risk from fires. These programs have worked in the flood context and are worthy of replication for wildfires – especially given the growing numbers of houses built and then destroyed each year.

Ensuring Adequate Firefighting Resources

Multi-Agency Coordination

There are multiple agencies responsible for preventing and responding to wildfires. This bill strives for better coordination and resource allocation among the agencies. The bill would require federal agencies to establish protocols for allocating firefighting resources, to coordinate the staging of fire engines and post-fire supplies, and to provide a cost-share to help volunteer Community Emergency Response Teams.

Program for Prioritizing Response

Given the limited resources available during wildfires, homeowners should have a clear understanding of which particular structures will be prioritized ahead of time. The legislation would suggest that agencies provide homeowners notice as part of ongoing annual inspection programs.

Expanding the Scope of the Workforce

The bill requires some federal firefighters to spend a portion of their time conducting prevention activities on federal land. The bill would permit agencies to hire contract teams to conduct controlled burns on federal land.

Communications Needs

Communications issues on the ground are routinely encountered during wildfire operations. In order to ensure the firefighting community has the radio frequencies it needs to communicate, a report would be generated listing the radio frequencies used by the various fire departments in the 70,000 communities at risk and would include where additional frequencies are needed.

Airtankers

Airtankers have been subject to a lot of public attention and scrutiny in recent years, especially after several tragedies. While there is clearly a pressing need to modernize the airtanker fleet, deliberations on the composition, ownership, and operation of the fleet have repeatedly stalled progress. This bill provides the direction needed to revive progress on modernizing the federal fleet. We need to ensure that we have these tools to respond quickly and effectively to wildfires.

The age of the planes themselves is a danger to firefighters. But reports also show that the weather and terrain conditions in which we sometimes ask them to deploy expose firefighters to unnecessary risks. Consequently, the bill asks the agencies to establish the conditions under which each model of the fleet is allowed to operate.

Also, tracking the success of airdrops would be required in this bill. Limited resources require that mistakes are learned from, rather than repeated. Annually, the effectiveness rates will be compared across both contractors and plane types, which will inform decisions as to the types of tankers to deploy in the future.

Title III: During a Fire

Cost-Containment Measures

Requiring the Use of the Established Risk Management Model

Better data leads to more strategic and effective decisions. This bill would require fire managers to use a risk management model that classifies all wildfires into different risk categories and identifies the risks posed to houses or public safety. Such an assessment would help determine the most appropriate response.

Assessing Performance, Awarding Progress

A recurring complaint and, therefore, legitimate concern is wasteful spending during emergency situations. One method of curtailing that would be to reward a team based on its performance against the Forest Service's Stratified Cost Index, which is an existing computer model that compares what a team spends in total to what should be spent, based on incidents of similar size and complexity.

The bill would also require the federal agencies to report annually a list of potential changes concerning logistics during fire operations, seeking innovations for cost-containment. Along those lines, the bill would establish an award program for employees in each region who save money compared to the status quo fighting fires.

Automated Release of Resources

In order to reduce delays in response time, the bill proposes the establishment of using computers to automate the release of fire crews. Obviously, the new system will require successful testing via mock exercises before adoption.

Saving Airtankers for When They Are Really Needed

Often times, there is a shortage of aircraft available to catch new fires because aircraft are tied up elsewhere, regardless of whether or not their operating they are being effective. Restrictions will be placed on the use of these tools so that they can be available to catch new fire starts—which are clearly where these tools are most effective.

Reducing Losses from Large Fires

Protecting Our Firefighters by Knowing Where They Are

Knowing where our firefighters are can decrease loss of life. This bill would require that, for large fires, each unit of firefighters carries a GPS transmitter and a safety officer continuously tracks the fire and the units' locations.

Taking Action... Fast

We know aircraft are the most effective tools we have at catching a wildfire before it turns into a large fire, but the current system requires a local commander to arrive at a fire and then request an aircraft to respond to the fire. This bill would authorize dispatchers to deploy aircraft to respond to a wildfire without having to wait for a request from an on-the-ground commander. The protocol that dispatchers would use would consider weather, fuels data, the time of day, and other relevant factors.

Incorporating Available Technology to Better Achieve Success

American innovation has provided solutions to many of our national problems. Firefighters are telling us that using a smartphone and a shovel can yield better results than using a shovel alone. This bill includes several provisions that break through the bureaucratic barriers restricting firefighters' ability to use today's technology. The bill funds the creation of two kinds of smartphone apps: (1) that *firefighters* can use during an incident to make faster, data-driven decisions and (2) that *homeowners* can use to help determine whether or not a home is defensible by a homeowner, by a firefighter (if one were available), or if a home is *not* defensible.

Drones have been used to map active fire locations, including the fireline, intensity, and new nearby fires, and to post those maps on the Internet so they are publicly available. The bill would authorize management teams to use drones on the most intense fires. To be clear, these drones would only be permitted to collect fire data.

Ensuring Adequate Firefighting Resources

Limiting the Establishment of Short-Sighted Policies

This bill bars the Forest Service from issuing guidance that *all* fires have to be put out, always. This ensures resources are available for the fires that threaten people and their homes, instead of being tied up with low-risk fires in unpopulated areas.

Communicating with the Public Mid-Incident

During a fire, people need to receive pertinent information without being unnecessarily upset or worried. Moreover, many people do not understand that sometimes it is beneficial for fires to burn in natural areas. This bill would require a research study on how best to talk about fires to the public during incidents and requires implementation of the study's findings within three years of the bill's enactment.

In the Carleton Complex last year, communities in Washington witnessed firsthand the difficulties of being without means of communication. There are technological needs that must be in place for an adequate response. This bill works to address communication issues by authorizing a cost-share for the installation of Reverse-911 so residents can be notified of an encroaching fire; by ensuring the staging and deployment of satellite phones, evacuation notice tents, and back-up generators; and by requiring daily communications to inform communities of road closures, power outages, the fire's location, and telecommunication breakdowns.

Title IV: After the Fire

Cost-Containment Measures

Preventing Fraud

For response efforts to the most complex fires, the bill would require FEMA to deploy a donation specialist to help communities and a fraud specialist to look for bad actors. Other changes would be to ease the government's ability to keep track of its payments and to make the government less susceptible to fraud.

Reducing Losses from Large Fires

Not Penalizing Smaller Communities

Currently, FEMA requires a minimum housing density in order to provide financial relief to homeowners. Less-dense communities are harmed by this, which is of particular concern in regards to wildfires because wildfires disproportionately affect rural communities. This bill would amend FEMA's formula, removing the housing-density requirement for houses built before 2015 and affected by wildfires.

Ensuring Adequate Resources

Accessible Information for Communities

After a wildfire, the post-fire recovery process can be daunting. The bill would establish a website to provide clear information on how both communities and individuals can find and receive assistance after a wildfire. A website will be created with a simple technical guide explaining the options to prepare for potential flooding. Additionally, the bill seeks to create a database of wildfire information.

Conclusion

The number of large wildfires—those larger than 100,000 acres in size—has steadily grown in the last twenty years. In addition, the average number of houses destroyed each year by wildfires increased dramatically and shows no sign of slowing down. The three main reasons why we are experiencing these problems are (1) fires have not been allowed to move through our landscapes for decades, (2) several budget issues are hampering our ability to respond adequately to wildfires, and (3) we are improperly spending money on natural fires that won't harm people or homes.

This year, the western United States faces another devastating fire season. Taken together, the reforms in this white paper—to improve the federal agencies' response to wildfires and to focus related-spending—will help reverse some alarming trends that are impacting communities across the West.