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October 17, 2011 - "Texas Wildfire Review: Did Bureaucracy Prevent a Timely Response?"

The Texas Panhandle is experiencing an unprecedented wildfire and drought impact in 2011. Per National Weather Service records (dating back to 1892), 2011 is the driest year on record for the Amarillo area. These dry conditions combined with record heat and extreme winds created a fire weather threat on a scale never before experienced in the Texas Panhandle and throughout much of the State of Texas.

Starting in December 2010, the emergency management program began coordinating pro-active fire weather operations with area fire departments, law enforcement, and public works due to the extreme conditions. With each Red Flag Warning issued by the National Weather Service, the Amarillo/Potter/Randall Emergency Operations Center (EOC) activated to a heightened readiness level with additional emergency response agency staffing to ensure maximum readiness to respond to any wildfire that started in the two county jurisdiction and support the needs of neighboring jurisdictions throughout the Texas Panhandle.

These efforts were coordinated with the State of Texas Disaster District Committee personnel located in the Amarillo area. State of Texas response assets located in the region are available to all local jurisdictions in an effort to maximize response resources as wildfires threaten communities with a strong working relationship existing between local jurisdictions and State partners. The primary wildfire response asset that was deployed to the Amarillo area was Texas Forest Service contracted single engine air tanker firefighting aircraft. Unfortunately, very few Texas Forest Service ground assets were deployed to the Texas Panhandle region when significant wildfire activity in the Texas Panhandle began in late February 2011.

On February 27, 2011, the National Weather Service Amarillo forecast indicated extreme Red Flag fire weather conditions with critically dry fuel moisture, single-digit relative humidity values, and high wind warnings based on forecasted sustained winds of 40+ mph with gusts exceeding 60 mph. The extreme weather conditions centered on the Amarillo area mirrored a fire weather phenomenon found by local National Weather Service and Texas Forest Service researchers conducive for large wildfire outbreaks.

While multiple fires broke out throughout West Texas, the most devastating wildfires in terms of property damage occurred in Amarillo area. The Willowcreek South Complex wildfire located just north of Amarillo in Potter County forced the evacuation of approximately 1,250 residents, consumed 24,310 acres, and destroyed 37 residences and 70 outbuildings with an estimated property value loss of \$7,035,547. At nearly the same time, the Tanglewood Complex wildfire located just south of Amarillo in Randall County forced the evacuation of approximately 1,539 residents, consumed 1,224 acres, and destroyed 33 residences and 40 outbuildings with an estimated property value loss of \$5,965,880.

With multiple incidents occurring in the Amarillo/Potter/Randall interjurisdictional emergency management program area, local officials issued a local disaster declaration for the City of Amarillo, Potter County, and Randall County. The disaster declaration requested emergency response assistance from the State of Texas and consideration from the Federal Emergency Management Agency (FEMA) for the issuance of a Fire Management Assistance Grant (FMAG) and other federal disaster recovery assistance to offset the extensive response and

recovery costs that were being incurred. A request for a FEMA FMAG is required to be completed while major response operations are ongoing per FEMA policy. The Amarillo/Potter/Randall EOC was notified on February 27, 2011 that FEMA had declared the Willowcreek South Complex wildfire in Potter County and the Tanglewood Complex wildfire in Randall County eligible for the FMAG program.

On the day following the wildfire outbreak, emergency management officials completed a local initial damage assessment and a Disaster Summary Outline (4-page form) used to determine the scope and magnitude of a disaster and the jurisdictions eligibility for federal assistance. This information was submitted to the Texas Division of Emergency Management (TDEM) by close of business on February 28, 2011. Based on the information provided, TDEM and U.S. Small Business Administration officials came to Amarillo to perform a preliminary damage assessment. The combined State and Federal preliminary damage assessment resulted in a U.S. Small Business Administration Disaster Declaration for Potter County and Randall County.

Concurrently, TDEM officials conducted an initial briefing on the FMAG program, requesting Potter County and Randall County officials to compile response cost information for the two wildfires using FEMA disaster recovery paperwork. TDEM officials provided information to the local jurisdictions that while the Willowcreek South Complex and Tanglewood Complex wildfires were declared FMAG wildfires, the State of Texas had not exceeded the FEMA threshold for suppression costs, and thus the jurisdictions were not eligible for FMAG funding. TDEM officials briefed that the FEMA suppression cost threshold of approximately \$4,000,000 in calendar year 2011 was a moving target as additional suppression cost information was being gathered from throughout the State of Texas for wildfires that had occurred prior to February 27, 2011. Should it be determined that the statewide wildfire suppression costs prior to February 27, 2011 exceeded the eligibility threshold, then the FMAG declared wildfires in Potter County and Randall County would be eligible for federal reimbursement funding.

Based on this information, the City of Amarillo, Potter County, and Randall County compiled the response cost information using the FEMA disaster recovery paperwork. The result was extensive staff hours used to generate 5" thick of FEMA project worksheets outlining the suppression costs for the local jurisdictions. To date, the Willowcreek South Complex and Tanglewood Complex wildfires remain unfunded. TDEM has provided that the State of Texas suppression cost threshold of approximately \$4,000,000 was exceeded sometime in the early March 2011 time frame, leaving the wildfires of February 27, 2011 ineligible for FMAG funding by a mere few days per the FEMA policy.

Fire weather conditions continued to deteriorate in the Texas Panhandle region throughout the spring months. On May 24, 2011, the region was once again facing critically extreme wildfire conditions leading local officials to once again increase readiness levels and pre-deploy response assets throughout the jurisdictions. Multiple major wildfires occurred south of the City of Amarillo in Deaf Smith County, Swisher County, and Randall County. The largest of these wildfires was the Cemetery Road wildfire that began in the late afternoon of May 24, 2011 in central Randall County. The initial response to the wildfire resulted in the evacuation of approximately 60 residents in the Sunday Canyon area and the evacuation and closure of the Palo Duro Canyon State Park, which at the time of the evacuation order had approximately 140 elementary students in the bottom of the canyon on a field day to the State Park.

The Amarillo/Potter/Randall EOC contacted the TDEM Regional Liaison Officer providing information on the Cemetery Road wildfire and the response actions being taken in Sunday Canyon and Palo Duro State Park. A request was made for a FEMA FMAG declaration for the Cemetery Road wildfire, which was forwarded up the chain of command by the TDEM Regional Liaison Officer. Approximately 60 minutes into the initial response to the Cemetery Road wildfire, the Incident Commander received a direct call from a FEMA representative stating that the Cemetery Road wildfire was not significant enough to justify an FEMA FMAG declaration. The Incident Commander forwarded this information to Amarillo/Potter/Randall EOC, which contacted the TDEM Regional Liaison Officer for clarification and an explanation of the FEMA FMAG denial, especially given that the response to this major incident was just in the beginning stages. No explanation was provided to the local jurisdiction.

The Cemetery Road wildfire continued to burn for 4-days, consuming 16,373 acres, tying up extensive local emergency response resources and nearly every State and Federal firefighting response asset deployed to West Texas. The fire forced the continuous evacuation of the Sunday Canyon area (approximately 300 residents) and the Palo Duro Canyon State Park until the fire was declared under control.

On May 29, 2011, the Amarillo area was once again the center point for critically extreme fire weather. In the afternoon hours, the Pitt Road wildfire started in Randall County followed shortly by the Stone Ridge wildfire in Potter County. The Pitt Road wildfire in Randall County forced the evacuation of approximately 200 residents, consumed 180 acres, and destroyed 4 residences and 11 outbuildings with an estimated property value loss of \$109,284. The Stone Ridge wildfire in Potter County forced the evacuation of approximately 3,000 residents, consumed 1,556 acres, and destroyed 8 residences and 21 outbuildings with an estimated property value loss of \$2,561,035.

Once again, the Amarillo/Potter/Randall EOC contacted the TDEM Regional Liaison Officer relating information on the scope and magnitude of the unfolding wildfires and requesting FEMA FMAG consideration. Both the Pitt Road and Stone Ridge wildfires were declared FEMA FMAG wildfires and are reportedly eligible for reimbursement funding for suppression costs. To date, the City of Amarillo, Potter County, and Randall County are continuing to compile the required FEMA disaster recovery paperwork to submit for FMAG reimbursement.

Additional information outlining the wildfire threat in the Amarillo/Potter/Randall area is outlined in the attached "2011 Amarillo/Potter/Randall Wildfire Threat Summary" last revised on September 11, 2011 (attachment 1).

In July 2011, Potter County Judge Arthur Ware received a letter from TDEM Chief Nim Kidd, dated July 7, 2011 outlining that Potter County was not approved for Public Assistance in the federally declared DR-1999 wildfires that occurred between April 6, 2011 and May 3, 2011 (attachment 2). The letter requested that Potter County submit a Disaster Summary Outline to TDEM outlining the Public Assistance expenses for the County.

TDEM was contacted requesting clarification of the requested information given that no major wildfires had occurred during the April 6, 2011 to May 3, 2011 time frame in the Amarillo/Potter/Randall area. TDEM provided the explanation that the State of Texas had requested a major disaster declaration for 252 counties in Texas for the time frame of December 21, 2010 thru August 31, 2011. The DR-1999 Federal major disaster declaration was issued by FEMA to include only 45 counties and limited to the April 6, 2011 through May 3, 2011 time

frame. Specific information requirements for reconsideration of undeclared counties was still being determined, but TDEM indicated that a TDEM/FEMA meeting would be scheduled in the coming weeks to gather information on all wildfire response costs from December 21, 2010 through the current date.

On July 28, 2011, the Amarillo/Potter/Randall Office of Emergency Management (OEM) met with TDEM and FEMA representatives. At this meeting, FEMA requested that OEM submit all non-FMAG declared wildfire response costs using FEMA disaster recovery paperwork broken down for Potter County and Randall County into three time frames: December 21, 2010 through April 5, 2011; April 6, 2011 through May 3, 2011; and May 4, 2011 through the current date. The indication was that this information would be used to determine the jurisdictions eligibility within the currently declared period of the DR-1999 disaster declaration and would provide a basis along with information from other jurisdictions for FEMA to reconsider the State of Texas request to expand the disaster declaration period.

Three elements were discussed: First, that the request for completed FEMA disaster recovery paperwork was overly burdensome given the short turnaround time requested by FEMA. Second, that given that the February 27, 2011 Willowcreek South Complex wildfire in Potter County and the Tanglewood Complex wildfire in Randall County were declared, but unfunded FMAG wildfires that their exclusion from consideration was not fair to the jurisdictions. And third, a more detailed explanation of what portions of response could be considered (i.e. equipment rates, overtime vs. straight time, volunteer consideration). The FEMA representative allowed that the full extent of FEMA disaster recovery paperwork would not be needed, but that the local jurisdiction needed to provide background information on how it arrived at the response cost estimate. In addition, the FEMA representative allowed that the February 27, 2011 Willowcreek South Complex and Tanglewood Complex wildfires could be included in the cost estimated due to the lack of FMAG funding.

OEM spent extensive staff hours compiling the requested FEMA information, especially given the level of detail requested beyond the customary disaster summary information typically used to determine eligibility for federal assistance.

The submittal to FEMA provided the required breakdown outlining the FEMA allowable response costs for the period of December 21, 2010 through July 23, 2011 (attachment 3 & 4). In Potter County, an estimated 211 wildfires were responded to with an estimated FEMA allowable response cost of \$412,077. In Randall County, an estimated 128 wildfires were responded to with an estimated FEMA allowable response cost of \$429,871. Based on the FEMA per capita thresholds, it was indicated that the jurisdictions would need to exceed approximately \$375,000 in FEMA allowable response costs in each county to be reconsidered for eligibility, assuming FEMA expanded the disaster period. No additional feedback was provided by TDEM or FEMA following submittal of the information.

In late September 2011, a copy of a letter from FEMA to Governor Perry and a second letter from FEMA to TDEM dated September 21, 2011 were forwarded to OEM outlining the denial of TDEM's request to expand the DR-1999 disaster declaration (attachment 5 & 6). It was noted in the letter that, "it was not demonstrated that the prior or subsequent fire activity is part of the same extraordinary incident as the major disaster declaration". Given the extreme extended nature of the wildfire threat in 2011 coupled with the extensive impact on communities throughout Texas during the entirety of 2011, the explanation does not appear to be based in the experiences of local jurisdictions throughout the State of Texas.

In conclusion, did bureaucracy prevent a timely response... No, the interjurisdictional emergency management program in the City of Amarillo, Potter County, and Randall County leverage all available local, regional, and state resources to maximize response to incidents and minimize the impact of the wildfire threat on our community with limited external assistance. However, frustrations experienced in navigating the recovery process and assistance programs were tremendous. It is understood that FEMA must put in place mechanisms to ensure that federal assistance is limited to truly catastrophic incidents. And based on this, it is recognized that the response to the wildfire threat in Potter County and Randall County is a marginal incident in relation to federal disaster consideration. However, the process employed by FEMA to make those determinations is convoluted, time consuming, and in need of improvement.

RECOMMENDATIONS:

- The declaration of an FMAG for wildfire incidents should not require determination while in the midst of response to the incident. Requesting emergency management and/or incident command personnel to deviate attention from response efforts to bureaucratic determinations creates the potential for public safety to be threatened further. Declaration of an FMAG should be made once incident stabilization has been established and should be based on clearly published criteria verse subjective determinations.
- Once a state has exceeded the FMAG suppression cost threshold, all FMAG declared fires for that calendar year should be eligible for FMAG funding.
- FEMA disaster recovery paperwork must be simplified and should take into consideration jurisdictional accounting systems that can already produce reports on equipment and labor cost information. Requiring jurisdictions to transfer information from established accounting systems to FEMA forms is a duplication of effort.
- Based on the requirements of the National Incident Management System (NIMS), jurisdictions are required to identify the FEMA “kind & type” for all response equipment. However, equipment reimbursement is based on a FEMA equipment rate schedule that does not correlate the NIMS equipment “types”. Equipment rates should be based on the NIMS equipment “typing” verse an alternative equipment rate schedule to improve determination of equipment cost rates.
- Determinations of eligibility for a major disaster declaration must be simplified with improved transparency and less subjectivity. To date, OEM has not directly received any feedback from TDEM or FEMA as to our status in the process. Given that the local jurisdictions provided information demonstrating response costs in excess of eligibility thresholds, a more detailed explanation of the denial of the expansion of the federal major disaster declaration would assist local jurisdictions in understanding the process.

ATTACHMENTS:

1. 2011 Amarillo/Potter/Randall Wildfire Threat Summary (September 11, 2011)
2. TDEM letter from W. Nim Kidd to Judge Arthur Ware dated July 7, 2011
3. Potter County and Randall County Wildfire Numbers
4. DR-1999 Potter County and Randall County Summaries (12/21/2010 to 07/23/2011)
5. FEMA letter from Elizabeth A. Zimmerman to Governor Rick Perry dated September 21, 2011.
6. FEMA letter from W. Craig Fugate to Shari Ramirez-MacKay dated September 21, 2011.