



U.S. House of Representatives
Committee on Transportation and Infrastructure

Washington, DC 20515

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August 10, 2012

BRIEFING MEMORANDUM

TO: Members of the Subcommittee on Economic Development, Public Buildings and Emergency Management
FROM: Subcommittee on Economic Development, Public Buildings and Emergency Management Staff
SUBJECT: Oversight Field Hearing on “California’s Sacramento-San Joaquin Delta: Planning and Preparing for Hazards and Disasters”

PURPOSE

The Subcommittee on Economic Development, Public Buildings and Emergency Management will meet on Thursday, August 16, at 9:30 a.m. at the San Joaquin Council of Governments Building located at 555 East Weber Avenue in Stockton, California to receive testimony from the Federal Emergency Management Agency (FEMA), the California Emergency Management Agency (CalEMA), a county emergency manager, and public utilities. The purpose of the hearing is to examine planning and preparedness in the Sacramento-San Joaquin Delta region.

BACKGROUND

Federal Emergency Management Agency: History

FEMA was established in 1979 by Executive Order by President Carter following a number of massive disasters in the 1960s and 1970s which resulted in proposals by the National Governors Association and others to streamline and cut the number of agencies States were required to work with following a disaster. Prior to the creation of FEMA, the federal government’s emergency response mechanisms were scattered among many agencies throughout the government. The creation of FEMA helped to centralize these authorities and the coordination of the federal government’s response to a disaster. FEMA’s primary authority in carrying out its emergency management functions stems from the Robert T. Stafford Disaster

Relief and Emergency Assistance Act (Stafford Act).¹ Following more than two decades as an independent agency, the Homeland Security Act of 2002 (P.L. 107-296), which created the Department of Homeland Security (DHS), placed FEMA within DHS, and FEMA's functions were dispersed among various offices and directorates of DHS.

In 2005, Hurricanes Katrina and Rita devastated the Gulf Coast. Following Hurricanes Katrina and Rita and the poor response that occurred, several investigations and congressional inquiries and hearings took place to examine the preparation for, response to, and later recovery from these hurricanes. In particular, the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina was formed and culminated in the issuance of a report entitled, "A Failure of Initiative: The Final Report of the Select Bipartisan Committee to Investigate the Preparation for and Response to Hurricane Katrina" on February 15, 2006.

Following the issuance of this report, Congress enacted the Post-Katrina Emergency Management Reform Act of 2006 (PKEMRA) (P.L. 109-295), which put FEMA back together again within DHS. PKEMRA authorized the National Preparedness System and, among other things, FEMA for the first time in legislation. Legislation pending this Congress, H.R. 2903, the FEMA Reauthorization Act, would reauthorize FEMA and other FEMA programs and includes various reforms to cut costs and streamline the response and recovery processes following a disaster. That legislation was favorably reported by the Committee on March 8, 2012.

Disaster Assistance Programs

FEMA's major Stafford Act programs for disaster response and recovery in the aftermath of a major disaster are in the Public Assistance Program and the Individual Assistance Program. The Public Assistance Program, authorized primarily by sections 403, 406, and 407 of the Stafford Act, reimburses state and local emergency response costs and provides grants to state and local governments, as well as certain private non-profits to rebuild facilities. The Public Assistance Program generally does not provide direct services to citizens.

The Individual Assistance Program, also known as the Individuals and Households Program, is primarily authorized by section 408 of the Stafford Act. The program provides assistance to families and individuals impacted by disasters, including housing assistance. Housing assistance includes money for repair, rental assistance, or "direct assistance," such as the provision of temporary housing.

Section 404 of the Stafford Act authorizes the Hazard Mitigation Grant Program (HMGP). HMGP provides grants to state and local governments to rebuild after a disaster in ways that are cost effective and reduce the risk of future damage, hardship, and loss from natural hazards. FEMA also provides grants under HMGP to assist families in reducing the risk to their homes from future natural disasters, through such steps as elevating the home or purchasing the home to remove it from the floodplain.

The Pre-Disaster Mitigation (PDM) program provides funds to states, territories, Indian tribal governments, communities, and universities for hazard mitigation planning and the

¹ 42 U.S.C. §§ 5121-5207.

implementation of mitigation projects prior to a natural disaster event. Funding these plans and projects reduces overall risks to the population and structures, while also reducing future disaster assistance payments. Congress reauthorized PDM last congress in the Pre-Disaster Mitigation Act of 2010 (P.L. 111-351).

Disaster Relief Fund (DRF)

The Disaster Relief Fund (DRF) is the primary account used to fund many of the FEMA disaster assistance programs for States and local governments and certain nonprofits following a declared disaster or emergency. In most cases, funding from the DRF is released after the President has issued a disaster declaration. The funds in the DRF are appropriated by Congress and, generally, the Administration requests in its budget submission to Congress an estimated amount needed for disasters for that fiscal year. FEMA only includes in its annual budget requests for the DRF funds expected to be needed in a given year, so, for example, there may be future liabilities for past disasters that are not captured in a given year's budget request if those expenses are not expected to become due in that fiscal year. The Administration typically excludes in its calculation "catastrophic" disasters, defined in this context as those exceeding \$500 million in costs. As a result, if large-scale disasters do occur or there are more disasters than anticipated, a supplemental appropriation is requested for those costs.

If there are concerns in a given year with the amount of DRF funds, FEMA may institute Immediate Needs Funding to slow the rate of expenditures from the DRF until supplemental funds can be approved by Congress. When Immediate Needs Funding is instituted, FEMA will focus its funding on Individual Assistance and certain Public Assistance programs such as debris removal, emergency protective measures, as well as essential joint field office operations. Projects to rebuild or recover from disasters are put on hold until additional funds are appropriated.

Disaster Declarations

When state and local resources are overwhelmed and the "disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments,"² the Governor of the affected State may request that the President declare a major disaster. If the President issues a declaration, federal resources are deployed in support of state and local response efforts.

There are two categories of incidents included in the Stafford Act – "major disasters" and "emergencies". A "major disaster" is defined under the Stafford Act as:

Any natural catastrophe (including any hurricane, tornado, storm, high water, winddriven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this chapter to supplement the efforts and available

² Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5170.

resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.³

An “emergency” is defined as:

Any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.⁴

The key distinction between a major disaster and emergency is that emergencies authorize fewer types of assistance and do not require a state level disaster declaration or a request from a governor. In addition, emergencies are typically less severe events, limited in cost or can be declared to “lessen or avert the threat of a catastrophe.”⁵

In 2011, the President issued 99 major disaster declarations and 29 emergency declarations. The costs of these disasters can be significant.

Preparedness and the Sacramento-San Joaquin Delta

The Sacramento-San Joaquin Delta is located between Sacramento on the north and Stockton on the south and includes over 1,000 miles of waterways. The primary contributing rivers are the Sacramento River and the San Joaquin River. Since the 1800s, the process of reclamation of land which had been marsh land has today resulted in more than 1,100 miles of levees. Since that time, portions of reclaimed lands behind the levees have sunk below sea level. There are ongoing concerns of threats of flooding in the region. A major disaster in the area, such as an earthquake, could result in significant impacts to the water supply and infrastructure and cause significant flooding to farmlands and communities from levee failures. The Delta is also the main hub for delivering fresh water to millions of California residents in the San Francisco bay area and southern coastal communities of the state, along with millions of acres of farmland in the San Joaquin Valley.

Pursuant to legislation passed by the California legislature and approved by the Governor on September 30, 2008, the Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force, led by CalEMA, was established. The legislation required the Task Force to (1) make recommendations relating to the creation of an interagency unified command system; (2) coordinate the development of a draft emergency preparedness and response strategy for the Delta region, and (3) develop and conduct all-hazard emergency response exercises and training in the Delta. Two goals were developed by the Task Force: (1) improve the quality and effectiveness of all-hazard emergency response in the Delta region; and (2) maintain a level of readiness consistent with identified threats and current capabilities.⁶

³ 42 U.S.C. § 5122.

⁴ Id.

⁵ 42 U.S.C. § 5122.

⁶ Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force Report, January 2012.

The Task Force produced recommendations related to the priorities identified in the following areas:

- Interagency Unified Command System Organizational Framework
- Emergency Preparedness and Response Strategy
- Exercise and Training
- Preparedness Strategy and Funding Sources

To ensure appropriate planning and preparedness, a number of recommendations require coordination and planning on all levels of government – including FEMA, CalEMA, and local jurisdictions. The purpose of the hearing is to examine the potential threats to the Delta region, the steps taken to prepare for and plan for a disaster, and identify the ways in which each level of government can support and facilitate planning and preparedness in the Region.

WITNESSES

Mr. Robert J. Fenton, Jr.
Assistant Administrator for Response
Office of Response and Recovery
Federal Emergency Management Agency

Mr. Brendan Murphy
Assistant Secretary
California Emergency Management Agency

Mr. Ronald E. Baldwin
Former Director of Emergency Operations
San Joaquin County

Mr. Timothy Alan Simon
Commissioner
California Public Utilities Commission

Mr. Alexander Coate
General Manager
East Bay Municipal Utility District

Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force Report

January 2012



An emergency preparedness and response strategy for the Delta region with specific recommendations to the Governor and the Legislature as directed by the Sacramento-San Joaquin Delta Emergency Preparedness Act of 2008.



DELTA PROTECTION COMMISSION



Purpose

This report meets the requirements of the Sacramento-San Joaquin Delta Emergency Preparedness Act of 2008 (Senate Bill 27-Simitian). It provides specific recommendations to the Legislature and Governor for the creation of a Delta interagency unified command system, an emergency preparedness and response strategy and an exercise/training plan. This report also provides funding recommendations for implementation of the actions contained within.

Background

Senate Bill 27 (SB27) was approved by the Governor and filed with the Secretary of State on September 30, 2008.

The bill required the Office of Emergency Services (OES), now called the California Emergency Management Agency (Cal EMA), upon receipt of appropriate funding, to establish until January 1, 2011 the Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force. Led by Cal EMA, the Task Force consisted of representatives from the Delta Protection Commission, Department of Water Resources (DWR) and a single representative of the following Delta counties:

- Contra Costa
- Sacramento
- San Joaquin
- Solano
- Yolo

The specific action recommendations contained in this report have been approved by the Task Force members.

SB 27 Requirements

The Task Force was directed to:

- Make recommendations to the Secretary of Cal EMA relating to the creation of an interagency unified command system organizational framework, in accordance with the guidelines of the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS).
- Coordinate the development of a draft emergency preparedness and response strategy for the Delta region for submission to the Secretary of Cal EMA. Where possible, the strategy shall utilize existing interagency plans and planning processes of the involved jurisdictions and agencies that are members of the Delta Protection Commission.
- Develop and conduct all-hazard emergency response exercises and training in the Delta that are designed to test or facilitate implementation of regional coordination protocols.

Task Force Funding

The funding called for in SB27 to establish the Task Force and develop this report was never provided. Despite the lack of funding, Cal EMA, the Delta Protection Commission, DWR and appropriate operational areas considered this report important enough to redirect staff to form the Task Force. To complete the report, the Task Force drew upon work completed in previous regional planning efforts (see below). It is important to note that funding for the implementation of Task Force recommendations contained in this report will be critical to achieving the goal of improved Delta emergency response.

Prior Work

Recommendations contained in this report draw on previous joint emergency planning specific to the Delta region. The following documents were referenced:

- *Basis for Regional Flood Response Planning (April 2008) - Sacramento-San Joaquin Delta Flood Response Group*
- *Delta Vision Strategic Plan (October 2008) - Governor's Blue Ribbon Delta Vision Task Force*

Delta Region Strategy Goals

The following goals were identified by the Task Force and are supported by the specific action recommendations contained in this report.

- Goal 1: Improve the quality and effectiveness of all-hazard emergency response in the Delta region.
- Goal 2: Maintain a level of readiness consistent with identified threats and current capabilities.

Action Recommendations: Interagency Unified Command System Organizational Framework

- Implement a common regional Interagency Unified Command Organizational Framework. Develop a protocol that all jurisdictions and agencies at all levels of government operating in the Delta in an emergency will use to establish joint field incident commands for flood fight operations and other emergency response functions.
- Adopt and Implement a Delta Multi-Agency Coordination System (MACS) consistent with SEMS/NIMS to address regional resource management and prioritization during multi-jurisdictional emergencies specifically for the Delta. The Delta MACS shall include common operating principals, a defined operating region, core regional policies and examples of operational methodologies. The development of the Delta MACS shall include levee maintaining agencies, cities, operational areas, state and federal agency resources. Funding will need to be established for the development of procedures and communications that allow implementation of the Delta MACS.

Action Recommendations: Emergency Preparedness and Response Strategy

- Coordinate the identification of potential threats and consequences associated with natural and human-caused hazards affecting the Delta region.
- Identify emergency planning and response authorities, capabilities and specific roles for all governmental agencies involved in emergency response in the Delta.
- Adopt and implement a Regional Mass Evacuation Plan. Continue current efforts by Cal EMA and operational areas to complete an Inland Region Regional Mass Evacuation Plan. Design and execute a regional mass evacuation plan functional exercise within the next two years.

- Develop and implement a Delta region specific Interoperability Communications Plan that supports communication between emergency response agencies including, but not limited to, local maintaining agencies, cities, operational areas, state and federal agencies. The plan shall consider existing communications resources and procedures and develop redundant means of communication between agencies. The plan should consider stakeholder needs and priorities and identify specific equipment, infrastructure and training.
- Actively participate in federal and state flood and evacuation contingency mapping projects. Projects to develop flood contingency and evacuation maps for the Delta are in progress or planned by local, state, and federal agencies. This sustained effort will collect critical data and pre-plans and then use advanced mapping technology to display the information to improve future emergency operations. Local jurisdictions need resources to adequately continue their participation in these efforts.
- Develop a Sacramento-San Joaquin Delta Catastrophic Flood Incident Plan that will be the basis for integrated response within the Delta. This plan will incorporate the specific action recommendations contained in this report and any further joint regional protocols that may be warranted and mutually agreed upon.

Action Recommendations: Exercise and Training

- Conduct Golden Guardian 2011 as an all-hazard, multi-agency, emergency response exercise in the Delta. To extent possible, the Delta regional emergency response agencies should use Golden Guardian 2011 to test existing emergency response plans and policies. Agencies should participate in the exercise in a manner that assesses agency roles and responsibilities.
- Develop and conduct all-hazard emergency response drills and exercises that test multi-agency coordination on an annual basis. Agencies that respond or support emergency response activities in the Delta region should develop and submit a three year exercise plan to Cal EMA annually. Exercise plans should include at least one multi-agency communication drill and a response exercise annually. Agencies should design and conduct drills and exercises annually and document needed and desired improvements in a multi-agency improvement plan. Communication drills should test multiple modes of communication between agencies and agencies with enhanced or improved communications systems. Exercises should alternate between table top exercises, drills, functional and full scale field exercises.
- Emergency Management Policy Development Training. Cal EMA, in collaboration with emergency response agencies in the Delta region, shall develop a training

plan that provides local, state and federal policy makers with the information necessary to effectively create and implement emergency management policies, plans and procedures. The training plan shall include: the history and background and specific information on various past all-hazard emergencies for the Delta region; the roles and accountability of local, state and federal response agencies in preparing for and responding to emergency situations; an overview of related policies and procedures, estimated potential expenses and the current status of major emergency response improvement projects in the Delta region. The training plan shall also include a policy maker communication and outreach component to facilitate disseminating emergency response information directly to policy makers and their staff. This component will provide access to various resources such as web-based training, written and oral presentations, other related training materials, and links to pertinent training opportunities to help educate agencies about developing and maintaining multi-agency emergency response plans and procedures. Consideration should be given to coordinate the policy makers outreach/training schedule with other emergency response training and exercise schedules. To the extent possible, this component should encourage policy makers to participate in SEMS Executive Training.

Possible Funding to Ensure Immediate Emergency Actions

In California, reclamation districts are currently the public agencies with primary jurisdictional responsibility for maintaining levees before and during a flood emergency. This decentralized reclamation district response system works well and should be continued to ensure the best possible response when the integrity of multiple levees is threatened. However, local reclamation districts often lack access to ready cash to fund significant engineering response. Districts are unable to raise funds via loans or other means after an emergency begins to fund emergency actions.

Other local, state and federal agencies that could provide the needed engineering response are often delayed by the same lack of ready appropriations in their budgets. Another factor that delays action is the lack of clear eligibility for reimbursement when these other agencies act on behalf of the reclamation districts. In order to minimize the losses from flood events, the Task Force recommends developing an emergency funding mechanism that would ensure response to identified threats to levee integrity by the agency best placed to take the needed action. This new response mechanism could be developed in coordination with FEMA to ensure eligibility for post-disaster assistance. Potential programs to be explored as the basis for this new protocol could include, but are not limited to:

- Revising the California Disaster Assistance Act to enhance Cal EMA's ability to advance funds for response efforts

- A flood response fund maintained and managed by the Department of Water Resources' Flood Operations Center
- A collaborative effort between Cal EMA and FEMA to develop an independent Delta all-hazard emergency response fund

Preparedness Strategy and Funding Sources

The initial projects to set the Delta preparedness strategy in motion are:

- Develop and implement the Sacramento-San Joaquin Delta Catastrophic Flood Incident Plan including the establishment of joint command, flood fight, and evacuation resource stockpiles.
- Develop and implement the Delta Multi-Agency Coordination System.
- Implement Delta region communications plans, systems and capabilities.
- Develop GIS data and systems, information collection, and joint pre-event decision making for flood and evacuation

There are several potential sources of existing funds for this Preparedness Strategy. The Task Force requests legislative and executive support for actions towards joint applications by Delta region stakeholders to the following funding programs available currently or in the near term:

- Department of Water Resources Flood Emergency Response Projects Direct Grants Program funded by Proposition 84 Bonds;
- FEMA Catastrophic Incident Preparedness Grant Program;
- CAL FED Levee Stability Program authorized through Section 3015 of the Water Resource Development Act of 2007;
- FEMA Pre-Event Mitigation Grant Program;
- Department of Homeland Security Grant Program.

Conclusion

The composition of the Sacramento-San Joaquin Delta Multi-Hazard Coordination Task Force includes the jurisdictions most likely to be impacted by Delta emergencies. These jurisdictions have the experience and the best expertise necessary to address emergency planning in the Delta. The strategy and recommendations presented here support the stated goals of improving the quality and effectiveness of all-hazard emergency response in the Delta region and maintaining a level of readiness consistent with identified threats and current capabilities.

The Task Force recommends that emergency planning and mitigation activities currently underway continue; and proposes additional activities to improve the ability to prepare for, respond to and recover from all hazards in the Delta. These additional activities focus on the development and implementation of an interagency unified command system organizational framework, an emergency preparedness and response strategy and the appropriate exercises and training. While potential funding sources have been identified in the report, the complexity of the Delta region organizational framework that includes many public and private stakeholders may require further legislation to fund the development and implementation of the recommendations contained within this report.