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September 22, 2022

The Honorable Deanne Criswell  
Administrator  
Federal Emergency Management Agency  
500 C Street SW  
Washington, DC 20024

RE: Docket ID FEMA-2022-0023

Dear Administrator Criswell:

In response to the Federal Emergency Management Agency's (FEMA) request for comments (RFC) on the 2022 update to the Hazard Mitigation Assistance (HMA) Program and Policy Guide ([87 FR 52016](#)), attached please find Western Governors' Association (WGA) Policy Resolution 2021-06, *Disaster Preparedness and Response*.

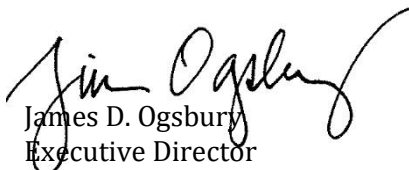
In the policy resolution, Western Governors address pre- and post-disaster challenges in the West, as well as the flexibility and inclusivity of federal disaster-related programs, standards and processes for program access, and the administration of assistance. The resolution also addresses issues related to risk-reduction, intergovernmental communications, and funding to meet these challenges.

I appreciate your consideration of these comments as they articulate Western Governors' bipartisan policy positions and recommendations on these important issues.

Western Governors submit these remarks through the public notice and comment process for administrative recordkeeping purposes. The Governors, however, maintain that this process is an insufficient channel for state-federal communication on federal actions that may affect state authority or administrative activity. Western Governors strongly urge you to engage in meaningful, substantive, and ongoing consultation with states in advance of prospective decisions or related public processes. Such consultation will result in more effective, efficient, and resilient federal policy benefiting the Western Governors', and the FEMA's, constituents.

Please contact me if you have any questions or require further information. In the meantime, with warm regards and best wishes, I am

Respectfully,



James D. Ogsbury  
Executive Director

Attachment



## Policy Resolution 2021-06

### Disaster Preparedness and Response

#### A. BACKGROUND

1. Major disasters, emergencies and extreme weather events are devastating to the people, property, economy, and natural environment of the communities in which they occur. The outcomes of disasters and emergencies can often be far-reaching, with effects on the national economy, infrastructure, and the import and export of commodities.
2. In the United States, disasters and emergencies and their economic and public costs have increased significantly in recent years. Federal disaster declarations (including emergency declarations, major disaster declarations, and fire management assistance grants) have surged since they were first utilized in 1953. From 1953 to 1989, the average number of annual federal disaster declarations was 27.8. That number escalated to an annual average of 108.7 from 1990 to 2016. The year 2020 saw a record 308 disaster declarations by the federal government. Of these declarations, 230 were for emergencies or major disasters, surpassing the previous record of 128 dating back to 2011.
3. The federal government plays a critical role in disaster and emergency response and long-term recovery efforts. Accompanying the greater number of disasters has been an increasing level of federal disaster aid. From 1980 to 2009, the number of federally declared disasters which resulted in costs exceeding \$1 billion averaged approximately 4.5, annually. That number has surged. From 2016 to 2020, the numbers rose with an average 16.2 disasters exceeding \$1 billion in costs each year. In 2020, there were a record-setting 22 disasters that exceeded \$1 billion in costs.
4. Proactive emergency management efforts, such as hazard mitigation and risk reduction activities, have an incredible return on investment. Research has shown that actions taken before a disaster to reduce hazards save, on average, six dollars in future response and recovery costs for every dollar spent on hazard mitigation. At a time when state budgets are struggling to keep up with more frequent and costly disasters, investing in hazard mitigation could have a profoundly positive effect on state and local budgets.
5. Certain types of disasters pose unique threats to western states and have occurred with greater frequency in recent decades. These include floods, droughts, tornadoes, mudslides, earthquakes, hurricanes, and, particularly, wildfires. Wildfires consumed approximately three million acres nationwide in 1960. In three of the past six years, over ten million acres have burned annually. 2020 saw 10.1 million acres affected by wildfire, of which nearly ninety-five percent were in western states. Federal agencies' wildfire suppression costs have increased from less than \$240 million in 1985 to over \$2.2 billion in 2020. Experts project that wildfires will continue to worsen, in terms of acreage burned and in economic effects.
6. Disasters and emergencies have disproportionate effects on different populations and communities. Race and ethnicity, language, education and economic barriers, and immigration status can negatively affect the outcomes of those experiencing an emergency

or disaster. These factors have effects beyond the initial response and extend to recovery, risk reduction, and preparedness program accessibility and equity.

7. The National Response Framework and National Disaster Recovery Framework describe how the federal government, states, territories, localities, tribes, and other public and private sector institutions should respond to and recover from disasters and emergencies. Local emergency agencies – police, firefighters, and medical teams – are to be the first responders in a disaster or emergency. State, territorial, local, and tribal governments have the lead roles in disaster response and recovery. Federal agencies can become involved in disaster and emergency response when resource capacity or effective emergency management is beyond the capabilities of a state, territory or tribe. These federal efforts are primarily directed through the Department of Homeland Security's Federal Emergency Management Agency (FEMA).
8. Governors have a key role in managing emergency response. Governors typically are the state or territorial elected official responsible for making a state disaster declaration and directing disaster response in their jurisdiction. Governors are also responsible for deploying their state National Guard in emergency situations. Governors hold the sole authority to request federal assistance when a disaster overwhelms state and local capabilities, and are responsible for negotiating and implementing interstate mutual aid agreements.
9. Disaster and emergency response and long-term recovery create a significant financial burden. When authorized by FEMA, the Public Assistance, Individual Assistance, and Hazard Mitigation programs provide federal funding which can alleviate this strain. Affected homeowners may seek Individual Assistance; state and local governments may seek Public Assistance to reimburse for costs incurred from debris removal, emergency protective measures during the response, and permanent repair of damaged public infrastructure; and Hazard Mitigation funds can help communities rebuild and become more resilient against future disasters. Other federal agencies, such as the Small Business Administration, Department of Agriculture (USDA), Department of Housing and Urban Development (HUD), and Federal Highway Administration also have programs designed to assist in disaster and emergency recovery efforts. For example, the USDA Natural Resource Conservation Service (NRCS) Emergency Watershed Protection Program is designed to protect people and properties from flooding that often follows wildfire events.
10. In recent years, some petitions for long-term federal recovery aid have been denied. This has been most apparent in petitions for Individual Assistance to counties affected by disasters and emergencies, but has also occurred in connection with state requests for Public Assistance. A denial of federal aid compounds problems for affected communities struggling to recover from the devastation of a disaster or emergency and slows recovery efforts in many western states.
11. While most disasters affect a specific local area, the COVID-19 public health emergency was national in scope. The COVID-19 pandemic has highlighted the need for close coordination between federal, state, territorial, local and tribal governments in emergency management. The pandemic continues to cause significant disruption across the world, requiring ongoing attention from Governors and emergency management and public health officials, affecting the lives of all Americans, and complicating the flow of goods and services across international borders.

## **B. GOVERNORS' POLICY STATEMENT**

1. Governors need maximum flexibility to respond to disaster and emergency circumstances that may evolve quickly over the course of a disaster through the initiation of recovery. Therefore, we should expeditiously remove any barriers limiting a Governor and their executive branch agencies' ability to save taxpayer money and expedite response and recovery efforts while safeguarding lives, property and the environment. Western Governors recognize that planning processes and disaster and emergency protocols are important aspects of emergency management, but that Governors also need significant freedom to adapt those plans to changing circumstances during the evolution of a disaster or emergency.
2. Federal, state, territorial and tribal efforts to prepare for, mitigate against, respond to, and recover from emergencies and disasters must ensure programs and response efforts are inclusive, equitable, and accessible and representative and reflective of the affected communities. Concepts of inclusivity, diversity, equity and accessibility must be included from initial development of programs, policies and procedures to reduce risk in our communities and address post-disaster survivor needs.
3. Western Governors recognize that community resilience is key to ameliorating the effect of many disasters and emergencies. Hazard mitigation and risk reduction are the most cost-effective ways to protect lives, property, infrastructure and the environment from the effects of natural and human-caused hazards. Effective risk reduction strategy development and implementation leverage broad stakeholder input across multiple disciplines, sectors and levels of government. Infrastructure planning should include consideration of risk reduction measures for known hazards as well as address the dynamic hazard profile created by a changing climate. We must plan for tomorrow, not yesterday.
4. Western Governors encourage Congress and federal agencies to reassess the structure of disaster mitigation grant programs, which can be too restrictive or narrowly tailored to address community needs. Additionally, establishing consistent administration standards for different federal grant programs, including the Hazard Mitigation Grant Program, the State Homeland Security Program, and the Building Resilient Infrastructure and Communities and Emergency Management Performance Grant programs, would streamline application processes and eliminate confusion at the local level.
5. Federal agencies conducting disaster recovery and assistance, as well as the programs which they administer, should receive adequate and consistent funding and allow Governors and their designated executive branch agencies to have critical input on where those funds are needed most. The lack of speed, certainty and consistency in appropriation of federal disaster funding, such as HUD Community Development Block Grant – Disaster Recovery (CDBG-DR) funds, are a hinderance to coordinated recovery efforts and effective utilization of public funds. For example, there is no current appropriation (or public consideration) of funding for the 2020 California wildfires, which occurred more than seven months ago. Additionally, the inconsistent incorporation of HUD mitigation resources (CDBG-MIT) is an obstacle to effective coordination of mitigation efforts across program areas.

6. Many rural western communities have less concentrated populations than eastern states, making it difficult for western states and territories to qualify for Individual Assistance and Public Assistance declarations. Additionally, certain criteria, such as considering Total Taxable Revenue of the entire state when evaluating whether to provide a major declaration for a localized event, makes it virtually impossible for large states to receive a declaration. Federal processes used to evaluate the need for access to disaster aid programs should be reconsidered. Federal agencies should reexamine the standards used to determine the provision of Individual Assistance to homeowners and the access to federal aid needed for recovery from disasters and emergencies that affect western states and territories. The historically underfunded USDA NRCS Emergency Watershed Protection Program should be revisited and strengthened.
7. Western Governors recognize that as the first responders to a disaster or emergency, states, territories, local governments, and tribes have better information about local conditions and needs in the response and immediate recovery phases of a disaster or emergency. FEMA and other applicable federal agencies should work directly with individual states and territories, through Governors or their designees, to jointly identify disaster risks and methods by which such risks may be addressed. In collaboration with Governors or their designees, federal agencies should reassess the administrative mechanisms to establish the most effective means to determine the necessity and provision of federal disaster assistance.
8. Federal agencies should provide state, territorial, local, and tribal government officials with accessible and clear information on available federal resources and programs and the most effective utilization of those resources in disaster recovery. WGA has worked with federal partners to improve interagency coordination on post-wildfire restoration work, including a roadmap of assistance available to communities affected by wildfire and identification of “navigators” to help communities prioritize post-wildfire restoration needs. Western Governors urge the federal government to prioritize the funding of these important efforts, as they should have a positive effect on maximizing the value of restoration work and, more importantly, addressing the needs of communities affected by wildfire.
9. Western Governors recognize that while aid may be provided following a disaster, the event itself could be avoided or minimized if resources were directed to pre-disaster mitigation efforts. Rebuilding is too-often provided in a delayed fashion or conducted without safeguards necessary to prevent future disaster-related damages. This compounds the vulnerability of western communities and resources in the face of disasters. Federal legislation should reconsider the important role of pre-disaster mitigation that reduces the risk and minimizes the effects of disasters and emergencies. When possible, pre-disaster mitigation should be incentivized at the state and local levels. Additionally, some western and midwestern states are at risk of catastrophic earthquake. Mitigation assistance beyond that currently administered by FEMA is needed. Finally, mitigation funds tied to Fire Management Assistance Grant (FMAG) declarations assist fire-ravaged communities. The FMAG and Hazard Mitigation Grant Program (HMGP) Post Fire Grant programs should be continued.
10. Western Governors encourage the Administration to consider actions to increase communication between and cohesion of federal agencies in disaster and emergency response. The Executive Branch should consider placing FEMA in the lead role to coordinate communication between and cohesion of federal agencies in disaster and

emergency response. Strengthening federal emergency management processes to promote single, comprehensive points of contact would streamline state-federal coordination and help ensure states and territories can allocate resources where they are most needed. Western Governors support the consideration of a national emergency management strategy to provide consistent lines of communication between federal, state, territorial, local and tribal governments.

11. Federal agencies should seek to eliminate duplicative administrative processes to streamline post-disaster assistance. Multiple agencies requiring overlapping or duplicative reviews for post-disaster assistance adds time and cost to recovery efforts.
12. Western Governors recognize the need for clear, consistent, truthful and timely communication about the scope and scale of disasters and emergencies, both between all levels of governments and between governments and their constituents. Clearly articulating what is known, and what is not known, about a disaster or emergency is critical to developing and executing an effective response from governments, promoting public confidence in those response actions, and empowering citizens to make informed decisions about their safety and welfare.

**C. GOVERNORS' MANAGEMENT DIRECTIVE**

1. The Governors direct WGA staff to work with Congressional committees of jurisdiction, the Executive Branch, and other entities, where appropriate, to achieve the objectives of this resolution.
2. Furthermore, the Governors direct WGA staff to consult with the Staff Advisory Council regarding its efforts to realize the objectives of this resolution and to keep the Governors apprised of its progress in this regard.

*This resolution will expire in June 2024. Western Governors enact new policy resolutions and amend existing resolutions on a semiannual basis. Please consult <http://www.westgov.org/resolutions> for the most current copy of a resolution and a list of all current WGA policy resolutions.*