

## Item 22: Military Department

### 2015 Fire Season Expenses

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**Analyst:** Linda Gilbert

**Request:** Increase the Other Funds limitation in the Community Support Program by \$2,442,000 for costs incurred in response to mobilizations of National Guard resources during the 2015 fire season.

**Recommendation:** The Legislative Fiscal Office recommends that the interim Joint Committee on Ways and Means recommend the Military Department Community Support program's Other Funds expenditure limitation be increased by \$2,442,000 for firefighting expenses in a budget reconciliation bill during the 2016 legislative session

**Analysis:** The Military Department (OMD) has requested increased expenditure limitation for firefighting expenditures related to the 2015 fire season. The Department's legislatively approved budget does not include expenditure limitation for unpredictable emergency expenses. The Department has submitted similar requests for the 2002, 2006, 2012, 2013, and 2014 fire seasons.

The Governor issued two Executive Orders related to the 2015 fire season: an Emergency Conflagration Act for the Canyon Creek Complex Fire, which activates protection of threatened structures, and a declaration of a general state of emergency due to wildfire threat, which allows the Governor to request the Oregon National Guard (ONG) to provide personnel and equipment to assist agencies such as the Oregon Department of Forestry (ODF).

Prior to each fire season, ODF and ONG enter into an agreement detailing the use, cost, and reimbursement of National Guard soldiers, airmen, and equipment, and specifying the statement of work for the year's fire season and current reimbursement rates.

National Guard soldiers and airmen called into active duty are paid a daily rate based upon a soldier's or airman's rank. The daily rates range from \$254 for enlisted personnel to \$522 for a Colonel. These rates are based upon a 24-hour period, regardless of the number of hours worked.

In 2015, ONG provided 524 soldiers and airmen and 11 state employees to assist on eight wildfires. It mobilized seven Blackhawk and two Chinook helicopters, and other equipment such as trucks, generators, and trailers. In addition, 14 Kingsley Field firefighters responded to the Emergency Conflagration Act on the Canyon Creek fire near John Day.

The OMD incurred personnel-related costs of \$2,259,592, which includes an administrative fee of \$101,923. The remaining \$181,763 is for boots, meals, and lodging. The total amounts are reimbursed by the Department of Forestry and the Office of the State Fire Marshal.

The Legislative Fiscal Office recommends that the interim Joint Committee on Ways and Means recommend the Military Department Community Support program's Other Funds expenditure limitation be increased by \$2,442,000 in a budget reconciliation bill during the 2016 legislative session.

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**Request:** Increase Other Funds expenditure limitation by \$2,442,000 for costs incurred in response to mobilizations of National Guard resources during the 2015 fire season.

**Recommendation:** Approve the request for consideration during the 2016 Legislative Session.

**Discussion:** The 2015 fire season involved significant fire activity driven by drought conditions, lightning strikes and a higher than normal number of human caused fires. Neighboring states also experienced increased fire activity, which caused a significant demand on available fire suppression resources across the state and northwest region.

The Oregon Military Department (OMD) and the Oregon Department of Forestry have a longstanding interagency agreement titled “OPlan Smokey,” which is updated annually and outlines the Oregon National Guard’s support role in wildfire operations in Oregon. Upon declaration by the Governor and mission validation by the Oregon Office of Emergency Management (OEM), the Adjutant General will authorize mobilization of National Guard resources to assist in wildfire suppression activities. While on State Active Duty, soldiers and airmen become temporary state employees and are paid on a daily rate.

On July 31, 2015, the State of Oregon was in a critical fire danger situation with much of the state in extreme fire danger. Red flag warnings had been issued for hot, dry, windy conditions and thunderstorms. Governor Brown declared a state of emergency, authorizing the National Guard to utilize and employ state personnel, equipment and facilities for any and all activities as requested by the Oregon Department of Forestry (ODF) and coordinated by the Oregon Office of Emergency Management.

State Active Duty

In response to Governor Brown’s declaration, a total of 524 Oregon National Guard soldiers and airmen from across the state volunteered for mobilization under state active duty. Prior to being deployed to firefighting operations, 375 soldiers and airmen received red card training at the Department of Public Safety Standards and Training in Salem. Along with soldiers and airmen, the Oregon National Guard deployed helicopters, trucks, generators, trailers and other equipment to support Oregon’s wildfire suppression efforts.

Under OPlan Smokey, OMD has invoiced ODF \$3,273,460 for State Active Duty of soldiers, airmen and equipment that were mobilized to support wildfire efforts. These costs are included in ODF’s total accounting for large fire costs. While personnel and related costs associated with soldiers and airmen were recorded through the state system, the use of federal equipment was not. Accordingly, OMD is only seeking Other Funds expenditure limitation associated with personnel and related costs of \$2,322,156, while the remaining \$951,305 will be forwarded directly to the federal government (United States Property and Fiscal Officer) for the use of federal equipment.

Emergency Conflagration Act

In addition to state active duty mobilizations, 14 firefighters from the Kingsley Field Fire Protection program were mobilized in response to Governor Brown invoking the Emergency Conflagration Act to protect structures threatened in the Canyon Creek Fire near John Day. OMD has invoiced the State Fire Marshal \$62,911 for costs associated with resources deployed under

the Emergency Conflagration Act. Again, OMD is only seeking Other Funds expenditure limitation associated with personnel and related costs of \$45,911, while the remaining \$17,000 will be forwarded directly to the federal government (United State Property and Fiscal Officer) for the use of federal equipment.

#### Wildland Firefighters

Aside from the mobilization discussed above, OMD has 11 state employees in its Fire and Emergency Services Program responsible for protecting OMD's training lands from wildfire. During the 2015 fire season, these employees assisted ODF with fire suppression activities on multiple occasions at a cost of \$73,289. These costs are billed to ODF and included in ODF's accounting for large fire costs. This request by OMD is seeking Other Funds expenditure limitation associated with these activities.

In summary, OMD is requesting a \$2,442,000 increase in its Other Funds expenditure limitation, as outlined in the below table, for coast associated with its efforts in the 2015 fire season.

|                             | Requested Other Fund<br>Limitation |
|-----------------------------|------------------------------------|
| State Active Duty           | \$2,322,156                        |
| Emergency Conflagration Act | \$45,911                           |
| Wildland Firefighters       | \$73,289                           |
| <b>TOTAL (rounded up)</b>   | <b>\$2,442,000</b>                 |

**Legal Reference:** Increase the Other Funds expenditure limitation established by chapter 594, section 2(4), Oregon Laws 2015, for the Oregon Military Department, Community Support by \$2,442,000 for the 2015-17 biennium.



**OREGON MILITARY DEPARTMENT**  
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December 7, 2015

The Honorable Senator Richard Devlin, Co-Chair  
The Honorable Representative Peter Buckley, Co-Chair  
Interim Joint Committee on Ways and Means  
900 Court Street NE  
H-178 State Capitol  
Salem, OR 97301-4048

Dear Co-Chairpersons:

**Nature of the Emergency/Request**

The Oregon Military Department (OMD) requests a \$2,442,000 increase in Community Support Other Funds limitation. This limitation will cover costs incurred by the agency in response to several wildfires in Oregon during August and September 2015. The agency does not carry limitation to cover emergency response missions and must request limitation from the Legislature after such events occur.

**Agency Action**

On July 31, 2015, Governor Brown declared a state of emergency (Executive Order 15-16 attached), authorizing National Guard resources to fight wildfires throughout the state. A total of 524 Oregon National Guard soldiers and airmen from across the state volunteered for mobilization under state active duty to provide fire suppression assistance for wildfires in southern and eastern Oregon during August and September. 375 soldiers and airmen received red card training at the Department of Public Standards and Training (DPSST) in Salem before being deployed to perform mop-up activities at the fires.

Seven HH-60M Blackhawk helicopters and two CH-47 Chinook helicopters provided water bucket dumps and medevac standby assistance. In addition, numerous trucks, generators, trailers and other equipment supported the fire suppression efforts. The Joint Incident Site Communications Capability (JISCC) trailer was also deployed to provide communications capabilities in remote areas. The JISCC provides secure mobile satellite, wireless communications, land mobile radio, voice-over IP telephone and video teleconferencing abilities in support of the fire camp Incident Commander and staff.

Each year, OMD and the Oregon Department of Forestry (ODF) update an interagency agreement on wildfire suppression titled "OPLAN Smokey." Under the agreement, OMD is responsible for providing fire crews, aviation support, transportation and related equipment upon a request from ODF through the Oregon Emergency Response System. ODF is responsible for facilitating training and certifications of National Guard personnel used for firefighting operations (i.e. the red card training at DPSST). ODF also provided meals at the

fire camps. OMD purchased meals and lodging for personnel en route to/from the fires or who were on medevac standby status. The agreement includes reimbursement rates for payroll and equipment, which are calculated yearly and based mainly on federal military rates. Under State Active Duty, soldiers and airmen become temporary state employees and are paid through the Oregon State Payroll Application at the daily rates approved in OPLAN Smokey.

In addition to the 524 soldiers and airmen serving state active duty, 11 state employees of OMD's Fire and Emergency Services Program assisted with fire suppression at various fires. The Fire and Emergency Services Program is a federally-reimbursed cooperative agreement with National Guard Bureau that is responsible for wildfire protection on OMD's training lands. A separate interagency agreement with ODF prescribes the use and costs of this program's staff and equipment when requested by ODF.

Lastly, OMD sent 14 state employees who are firefighters at the Kingsley Field Fire Protection Program in Klamath Falls to the Canyon Creek Fire near John Day. This activity was authorized by Executive Order 15-14 (enclosed), invoking the Emergency Conflagration Act to protect structures threatened by the fire. OMD has invoiced the State Fire Marshal for the costs incurred under the Conflagration Act.

The federal government (the United States Property and Fiscal Officer or "USPFO") charges the state for federal equipment used in these state missions. Federal equipment costs totaled \$968,305. These costs will not impact state limitation. Rather, the reimbursement from ODF is received by OMD and forwarded to USPFO.

### **Action Requested**

Increase Other Funds limitation in the Community Support Program by \$2,442,000.

### **Legislation Affected**

Community Support Other Funds – Section 2 (4), Chapter 594, Oregon Laws 2015.

Thank you for your consideration of this request.

Sincerely,



David A. Stuckey  
Deputy Director  
Oregon Military Department

Enclosures