

Quick Response Report #86 THE POLITICS AND ADMINISTRATION OF PRESIDENTIAL DISASTER DECLARATIONS: THE CALIFORNIA FLOODS OF WINTER 1995

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THE POLITICS AND ADMINISTRATION OF PRESIDENTIAL DISASTER DECLARATIONS: THE CALIFORNIA FLOODS OF WINTER 1995

Disaster Type and Research Problem

I was interested in researching natural disasters for which a presidential disaster declaration is sought. The focus of my study was the process by which a presidential disaster declaration request proceeds. In straightforward terms, I examined the "trigger mechanism" by which a presidential declaration is requested, considered and approved (or rejected).

There is an "official" process a presidential disaster declaration usually follows, but the official procedure is sometimes short-circuited by governors and presidents in the interest of political responsiveness. This study investigated factors that propel a disaster event to approval by the president in the absence of meeting full administrative requirements.

Research Design

I am interested in doing problem centered policy analysis that investigates "the causes, consequences, and performance of public policies" ([Note 1](#)). My study considered stakeholder involvement in the declaration request process and established a time-line of actions taken and decisions made inside the state and at the federal level. Local, state, and federal officials were consulted and interviewed.

The work involves triangulation embodying multiplism. Sociologic, economic, public administrative, and political information and data were considered. My work rests on a form of integrated policy analysis (IPA). IPA itself rests on production and transformation of information before and after policy actions have been adopted. I was, in this project, more interested in the academic relevance of my findings than I am in normative considerations (like suggesting ways to improve the process).

Theoretical and Applied Benefits

In studying the trigger mechanism by which presidential disaster declarations are issued, I examined the interplay of administrative and political officials, the effect media coverage has on the declaration review process, the role of stakeholders in the application process, and the extent to which the official process was followed. My study presents material regarding the formal criteria state officials are supposed to use in determining whether they qualify for a presidential declaration and whether the disaster conformed to these criteria. I do not believe researchers have so far addressed the dynamics of the declaration process ([Note 2](#)).

California Flood Lessons

Over the winter of 1995, California suffered back-to-back flood disasters. One out of every eight Americans resides in California. It has 30 million people and encompasses a disproportionately large share of the nation's business and commerce.

How is it that a series of winter rain storms could cause over \$1 billion in property losses in a state half-covered by deserts or arid regions? How were these floods managed administratively and politically? What can be learned from the successes and failures of these flood experiences? To what extent were the presidential declarations issued for these floods motivated by political factors? How were these decisions made managerially?

California is huge, densely populated in many zones, and increasingly vulnerable to flood disaster. Most people do not realize that about two-thirds of all presidentially declared major disasters in the U.S. are for floods. Moreover, California has more presidential declarations for flood disaster than any other state, including states vulnerable to flooding in America's heartland. ([Note 3](#))

The initial flood began in the first week of January and moved from the south to the north. However, different counties experienced flood damage at different intervals. The incident period for the first flood extended into early February. Forty-two of the state's 58 counties declared themselves disaster areas.

Media coverage of the floods was extensive and continuous. Owing to heavy FEMA deployment on the Northridge earthquake recovery, to CNN broadcasts observed in Washington and the White House, and to the political importance of California as a state with the most electoral votes (54), California Governor Pete Wilson's request for a presidential declaration received expedited approval by President Clinton and his FEMA Director, James Lee Witt. Clinton went a step further and waived the requirement that counties perform preliminary damage assessments intended to prove their level of need and deservedness for federal disaster aid.

Most flooded communities were not enrolled in the National Flood

Insurance Program (NFIP) and the vast majority of damaged residences were not covered by NFIP policies. However, applicants were not denied federal assistance if they did not have federal flood insurance, but they were warned that they were not entitled to federal relief after the next flood event unless they held NFIP policies. Ironically, the second series of rainstorms which began in mid-February and extended to early March, re-damaged many of the homes that were swamped in the first flood. Homeowners feared that the "no second bite" rule would mean they were ineligible for federal assistance because they had not secured NFIP policies immediately after the January flood. FEMA's leadership decided that it would not be proper to enforce the "no second bite" rule under these circumstances. Second time uninsured flood victims again received federal assistance.

About a week after the rains of the first floods ended, another equally destructive series of storms struck the state. These incidents represented back-to-back 50-year record floods, all sustained in a period of three months. In the second flood, 57 counties (virtually the entire state) were declared disaster areas.

An intriguing controversy arose over the second flood. California's governor and his Office of Emergency Services officials sought to have the incident period for the first presidentially declared flood disaster extended to cover damage from the second series of storms. To California officials, the first series of storms was not sufficiently distinct from the second to warrant closing of the first storm's incident period in early February. California leaders did not relish the prospect of re-applying for a presidential disaster declaration for the "second" storm. County leaders worried that their response costs for the flooding, which occurred after FEMA closed the incident period of the first storm, would not be reimbursed. FEMA refused to extend the incident period of the first storm; however, the President in conjunction with the FEMA leadership, agreed to back-date the incident period of the second presidential declaration to encompass damage which began in the days after closing of the first incident period. In other words, the President issued a second declaration of major disaster for California in early March but in his statement indicated that it encompassed damage which

began in mid-February. Such actions are not unusual because many disasters escalate over a period of days, or sometimes weeks, and it is not obvious at the outset that a disaster is in progress. What is unusual is that the President again waived the need for counties to prepare preliminary damage assessments as a prerequisite of federal disaster declaration application.

A generalizable point to be made here is that setting the start and end of a disaster incident period has huge consequences for all stakeholders. Such decisions must be fair to state and local governments as well as to applicants for disaster aid. Overly liberal start and end dates may impose excessive costs on the national government and its taxpayers, yielding redistributions which are inequitable.

The PI's interviews of federal, state and county officials took place in mid-April, 1995, about 6 weeks after the closing of the second flood's incident period. All of those interviewed agreed that California had experienced dramatic development over the past thirty years. Many remarked that localities and residents are under-insured against flood loss. Others were surprised to discover that extensive flooding took place "outside" officially mapped floodplains, as well as inside. Several conceded that the state's many forest, grass, and rangeland fires of previous years had made more areas vulnerable to both heavy run-off, mudslides, and soil erosion. Huge snowfalls in the mountains exacerbated circumstances. Moreover, the cost of housing and housing-replacement has escalated upward dramatically over the years.

Consequently, there was ever more valuable property in harm's way. There were also those who questioned whether or not "hard engineering" structural mitigation against California floods was having the desired effects. ([Note 4](#))

Automated flood warning systems and excellent weather forecasts made it possible for emergency responders to mobilize in advance of most of the heaviest flood damage. Nevertheless, there was extensive flood damage to homes, agriculture (most particularly to vineyards), bridges and roads. I-5, a huge interstate highway that is California's north-south highway transportation spine, was bisected by the flood, and this caused several fatalities. The scenic Route 1 coastal highway from Monterey to

San Luis Obispo was also severed and closed because of washouts and mudslides. Major evacuations were called in some areas and many shelters were opened for those dislocated by the event.

The relief effort for families relied mostly on teleregistration. A number of assistance centers were established in the hardest hit areas. Counties, other municipalities, and various categories of nonprofit organizations were able to secure assistance in rebuilding damaged facilities and infrastructure. State and federal emergency managers praised teleregistration as a good alternative to deploying assistance centers over such a vast state. There was also praise for the service provided by FEMA's Recovery Channel and for its use of the Internet and World Wide Web for information dissemination.

Among problems in recovery operations were misunderstandings on the part of many local elected officials. Apparently some elected leaders thought that all they had to do was make a request, and FEMA postdisaster mitigation funding would flow to projects they proposed. However, this was not the case. They did not know that the state must first review proposed mitigation projects and assemble them in a state mitigation plan, itself subject to FEMA review and approval. This process takes months. Another problem occurred because so many federal disaster workers were still committed to the Northridge earthquake recovery; many under-experienced federal workers from agencies that do not customarily work disasters were called in and were only partially effective.

With the exception of the dispute over the incident period of the first flood, federal-state-local authorities generally worked well together in meeting the challenge of successive flood disasters.

Theory Testing

A 175-page study was compiled from this research. It tested four fundamental, though slightly overlapping, hypotheses. The Administrative Hypothesis predicted that the presidential disaster declaration process for these two events moved along a path of existing official, administrative procedures in which estimates of need are compiled and then compared against an official criteria of deservedness. The decision flow is from the local to state to governor to FEMA Region to FEMA headquarters to the President, who ultimately makes the decision whether to approve or deny the governor's request for a presidential declaration of major disaster.

The Presidential Political Publicity Hypothesis posits that the president is the dominant initiator of the declaration. Established bottom-up administrative procedures are short-circuited or ignored. The president, motivated by the need to appear highly politically responsive, solicits and encourages a gubernatorial request for a presidential disaster declaration. Publicity is a factor in that CNN and other news organizations help to promote nationally what would otherwise be a local incident addressed by subnational authorities. The president may also be influenced by the electoral importance of the state that experiences the incident.

The Governor Benefit Hypothesis maintains that governors have grown to recognize the economic and political benefits of federal resources directed to their states under presidentially declared disasters. Moreover, governors and their emergency management advisers realize that the probability that a gubernatorial request for a presidential declaration of major disaster or emergency will be approved has increased measurably since 1988. Governors also feel the heat of media coverage of incidents in their states, and they too appreciate the importance of exhibiting political responsiveness. Governors also appreciate that their future electoral fortunes may be influenced by how they handle their disaster and emergency incidents. As a consequence, the hypothesis assumes that governors are the pivotal and decisive players in securing presidential disaster declarations and that they have a tendency to request

declarations for even marginal incidents.

The fourth hypothesis is called the Sub-National Budgetary Hypothesis. Here it is local government, assisted by the state emergency management agency, which is decisive in securing the presidential declaration. Counties, cities, and other local jurisdictions incur costs before, during, and after disasters. They often experience infrastructure damage, high response and recovery costs, and expensive demands from residents affected by a disaster. They appreciate that a 75-25 match applies to presidential declarations. Sometimes the federal share exceeds 75 percent and often the state helps absorb some or all of the 25 percent match. Consequently, localities have a tremendous incentive to seek presidential disaster declarations if they experience damage in any form, even if the municipality is able to recover from the event on its own. The hypothesis also assumes that local requesters have organized themselves to move quickly in amassing and communicating their disaster loss information because they know the resource rewards attached to expedited requests and because they know that delays and weak information flows may produce turndowns of federal and state disaster aid.

Summary

This effort investigated the trigger mechanism by which presidential disaster declarations are issued. The context involved two successive floods in California over the winter of 1995. County, state, and FEMA Region IX officials were interviewed, original documents were examined, Internet press releases were consulted, and material from all these sources were incorporated into the study. Also weaved into the analysis were analytic data extracted from a separate study by this researcher of the history of presidential disaster declarations.

Early sections of this study chronicled the natural disasters and governmental response which triggered declarations #1044 and #1046. Each succeeding section addressed one of four hypotheses used to

confirm or deny the proposition that presidential disaster declarations tend to be issued from the "top down" owing to political responsiveness and media coverage pressures imposed on the President, rather than issued in a data-driven fashion from the "bottom up" and in accord with established procedures.

The study provided convincing evidence that the declaration process in #1044 and #1046 did not flow from the "bottom up" in a data driven manner. Instead, the President, benefiting from early advanced information distributed through White House officials working the Northridge earthquake recovery and apprised of California's needs through CNN and other national television network news coverage, issued declaration #1044 before the official request flowed through the established declaration process from the bottom up. Approval of #1046 came within hours of the California Governor's official request and came a little closer to conforming to the regular process than did #1044's approval.

So there is little to confirm the Public Administration hypothesis.

Declaration decision making in these cases did not rest on early and accurate "need" information supplied by local officials. The President actually waived the requirement that local officials prepare preliminary damage assessments to prove deservedness for a declaration. According to one OES official, "In the last couple years the declaration process has not gone by the book as it probably has in years past. A lot of times because of the situation, the media, life safety, those types of issues will trigger the governor or the president to just jump in," said one OES interviewee. FEMA Region IX reported that it took only 40 minutes for Governor Wilson's request to be approved by President Clinton.

Declaration #1046's path was not as smooth as that of #1044. In mid-February, the Governor and his emergency managers argued with the White House, FEMA, and the Federal Coordinating Officer for the disaster over the matter of extending #1044 to include the second series of floods. California favored an extension of #1044 but was overruled by FEMA and thus had to request what later became declaration #1046.

Political factors permeated both approvals, however, the severity of flood damage in each disaster was universally recognized as warranting

federal declaration approval. Clearly, #1044 and #1046 were NOT marginal disasters.

With regard to the Presidential Political Publicity hypothesis, California has had only one presidential declaration request denied since Governor Wilson assumed office in January 1991. Many officials mentioned California's political importance, especially its 54 electoral votes in presidential elections. White House Chief of Staff, Leon Panetta, is a former northern California Congressman who has taken a personal hand in overseeing the federal government's response to several California disasters. The floods drew a presidential tour of damaged areas. CNN produced extensive coverage of the floods and made raw field video available to the White House before national broadcast. Almost all of those people interviewed in this research confirmed the validity of the Presidential Political Publicity hypothesis, in one way or another. Several volunteered that "this is a highly political business" and that many of FEMA's and the President's disaster decisions are "political, pure and simple."

The Governor Benefit hypothesis was confirmed as well. However, the reasons it was confirmed stem less from "politics" and more from amazing flaws and gaps in the federal declaration process itself. FEMA does not make its declaration criteria available to those officials working outside the federal government, the very people who must prove that their request meets the criteria. FEMA has not been able to determine how to judge state capability to address the disaster or emergency incident. That judgment is left to the applicants! No governor in his or her right mind is going to request a presidential declaration and then concede that their state has the capability to manage and pay for the disaster that is the object of the request. Absent factual information about state and local capability, FEMA is left to judge declaration deservedness on the basis of needs exhibited in disaster damage assessments. However, preliminary damage assessments rules were waived and the declaration was issued to any California county that chose to apply in disaster #1044 and #1046.

Governor Wilson did follow established practices in making his requests for #1044 and #1046, did refer in general to "guesstimated" losses, did

indicate that state emergency relief programs had been activated, and did explain why preliminary damage assessments would need to be postponed until sometime after the declarations had been issued.

Collateral findings regarding declaration history confirm that nearly 2000 gubernatorial requests for presidential declarations have been made between 1953 and 1994. Governors are indisputably pivotal players in the declaration process. Governors stand to gain much and to lose little in requesting declarations. Erosion of conventional federal budgetary support to the states makes federal resources obtained through declarations that much more valuable to governors. Governor Wilson has long complained about the impact of defense cuts and illegal immigration on his state, both areas where he believes the federal government should be doing more for California. It may well be that federal disaster declarations help to offset inadequate federal assistance in these and other areas.

The Sub-National Budgetary hypothesis was the fourth and final hypothesis examined. Results were mixed or conflicted. Presidential disaster declarations provide immense benefits to localities able to qualify for them. In California, local governments usually pay no more than 7.25 percent of each dollar of eligible cost for public and nonprofit infrastructure or building repair. This being so, this researcher was surprised to learn about the serious reservations that many city and county executives often have that deter them from making timely disaster declaration requests. Also surprising was that the state OES regularly encourages counties to seek federal, as well as state, declarations. Moreover, the speed of county requests and the number of counties seeking declarations is another source of approval pressure at the state and federal level. This inherently gives larger states with more counties an advantage in winning declarations.

If the fourth hypothesis were to be confirmed, there should be evidence that county/local officials in California perceive federal disaster assistance as a vital and necessary source of revenue, such that they maintain well-staffed and well-equipped emergency management offices able to prove needs to state and federal authorities. California's 58 counties are at widely varying stages of emergency management

capacity. Some counties employ state-of-the-art emergency managers and facilities, but many do not. This study also revealed that there are a few downsides to federal declarations for county officials. California counties, just as in the case of the governor, have been squeezed by reductions in federal subsidization to regular intergovernmental programs. Clearly, federal relief dollars are welcomed and appreciated at the local level, but disasters may be so intermittent (even for California) that the promise of fast, generous federal recovery help is neither enough to foster good local emergency management, nor enough to promote effective local disaster mitigation.

Political forces seem paramount at the presidential-FEMA executive level in these declarations. The Governor did what any governor would do and made good use of the generalities and lack of precision in the federal declaration process to bring federal aid to his state. Both the President and the Governor gained political capital in their responsiveness to the tandem flood disasters. Bypassing or waiving standard declaration requirements allowed many counties to join the declaration without having to initially prove either need or recovery incapacity. Yet, when the political spotlight moved away from these disasters, it fell to administrators to decide which local postdisaster public assistance needs would be met and which would not.

Notes

(1) Dunn, W.M. 1981. *Public Policy Analysis: An Introduction*. Englewood Cliffs, N.J.: Prentice-Hall.

(2) An exception is Allen K. Settle, "Disaster Assistance: Securing Presidential Declarations," in *Cities and Disaster: North American Studies in Emergency Management*, R. Sylves and W. Waugh, eds. 1990. Springfield, Ill.: Charles C. Thomas.

(3) This is extracted from data analysis conducted by the PI on FEMA-supplied information chronicling presidential declarations of major disaster or emergency from 5/1953 to 8/1994.

(4) See Beverly A. Cigler, "Coping with Floods: Lessons from the 1990's," in *Disaster Management in the U.S. and Canada*, R. Sylves and W. Waugh, eds. 1996. Charles C. Thomas Publishers.

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