D-2010-015

November 13, 2009

Inspector General
United States Department of Defense

DoD Civil Support During the 2007 and 2008 California Wildland Fires

Additional Information and Copies

To obtain additional copies of this report, visit the Web site of the Department of Defense Inspector General at http://www.dodig.mil/audit/reports or contact the Secondary Reports Distribution Unit at (703) 604-8937 (DSN 664-8937) or fax (703) 604-8932.

Suggestions for Audits

To suggest or request audits, contact the Office of the Deputy Inspector General for Auditing by phone (703) 604-9142 (DSN 664-9142), by fax (703) 604-8932, or by mail:

ODIG-AUD (ATTN: Audit Suggestions)
Department of Defense Inspector General
400 Army Navy Drive (Room 801)
Arlington, VA 22202-4704

DEPARTMENT OF DEFENSE
hotline

To report fraud, waste, mismanagement, and abuse of authority.

Send written complaints to: Defense Hotline, The Pentagon, Washington, DC 20301-1900
Phone: 800.424.9098 e-mail: hotline@dodig.mil www.dodig.mil/hotline

Acronyms and Abbreviations

CAL FIRE	California Department of Forestry and Fire Protection
DCO	Defense Coordinating Officer
FEMA	Federal Emergency Management Agency
IG	Inspector General
NIFC	National Interagency Fire Center
USNORTHCOM	U.S. Northern Command
U.S.C.	United States Code

INSPECTOR GENERAL
DEPARTMENT OF DEFENSE
400 ARMY NAVY DRIVE
ARLINGTON, VIRGINIA 22202-4704

November 13, 2009

MEMORANDUM FOR DISTRIBUTION

SUBJECT: DOD Civil Support During the 2007 and 2008 California Wildland Fires (Report No. D-2010-015)

We are providing this report for review and comment. We considered management comments from the Joint Staff, Office of the Secretary of Defense (Comptroller)/Chief Financial Officer, U.S. Northern Command, the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs, and the U.S. Marine Corps on a draft report when preparing the final report. We performed this audit at the request of the Joint Staff.

DOD Directive 7650.3 requires that all recommendations be resolved promptly. As a result of management comments, we revised Recommendations B.1.c and B.3.d. Recommendation B.3.d is renumbered from draft Recommendation B.3.c. We also added Recommendations B.3.c and B.3.e. We request additional comments from the Joint Staff on Recommendations B.1 and C.1. We request additional comments from the U.S. Northern Command on Recommendation B.3. We considered the comments received from the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs partially responsive. We request additional comments from the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs on Recommendations C.2.a, C.2.b, C.2.c, and C.2.d. Please provide comments by January 12, 2010.

If possible, send your comments in electronic format (Adobe Acrobat file only) to audacm@dodig.mil. Copies of your comments must have the actual signature of the authorizing official for your organization. We are unable to accept the / Signed / symbol in place of the actual signature. If you arrange to send classified comments electronically, you must send them over the SECRET Internet Protocol Router Network (SIPRNET).

We appreciate the courtesies extended to the staff. Please direct questions to me at (703) 604-9201 (DSN 664-9201).

Richard B. Jolliffe
Assistant Inspector General
Acquisition and Contract Management

DISTRIBUTION:

CHAIRMAN, JOINT STAFF
UNDER SECRETARY OF DEFENSE (COMPTROLLER)/CHIEF FINANCIAL OFFICER
COMMANDER, UNITED STATES NORTHERN COMMAND
ASSISTANT SECRETARY OF DEFENSE FOR HOMELAND DEFENSE AND AMERICAS' SECURITY AFFAIRS
ASSISTANT SECRETARY OF THE AIR FORCE (FINANCIAL MANAGEMENT AND COMPTROLLER)
DIRECTOR, DEFENSE FINANCE AND ACCOUNTING SERVICE
NAVAL INSPECTOR GENERAL
AUDITOR GENERAL, DEPARTMENT OF THE ARMY

Results in Brief: DOD Civil Support During the 2007 and 2008 California Wildland Fires

What We Did

We answered Joint Staff concerns regarding the validation of requests for DOD support to civil authorities during the 2007 southern California wildland fires. Specifically, we reviewed DOD response activities with regard to authorities, validation of requests, and financial management pertaining to support rendered. We also reviewed response activities associated with the 2008 northern California wildland fires. We examined the DOD response during the 2007 and 2008 California wildland fires and developments since those incidents.

What We Found

DOD provided support during the 2007 southern California wildland fires that was either available through other sources or not requested by civil authorities. We estimated that DOD provided about $3 million in support that was unnecessary for the response. There are weaknesses in DOD's internal controls. DOD's policies do not require fiscal accountability for units providing situational awareness in support of U.S. Northern Command. The Navy and Marine Corps properly followed existing guidance when performing Task Force Bulldozer under Immediate Response Authority, but weaknesses in the guidance exist. There are weaknesses in DOD policy for reimbursement, closeout of mission assignments, and oversight of DOD funds used to complete U.S. Northern Command's civil support mission. We discuss corrective actions since the 2007 southern California wildland fires in Appendix F.

What We Recommend

The Chairman, Joint Staff, should codify the Defense Coordinating Officer program. The Office of the Secretary of Defense (Comptroller)/ Chief Financial Officer should issue policy requiring units to report financial matters through U.S. Northern Command until reimbursement is completed. The U.S. Northern Command should continue to coordinate with civil authorities and review policies to determine whether situational awareness is required to complete the mission and if it is obtained in the most efficient manner. The U.S. Northern Command should also request funds for DOD assets performing situational awareness of civil support missions. The Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs should review DOD policies for civil support.

Management Comments and Our Response

The Vice Director, Joint Staff, provided partially responsive comments on Recommendations B.1 and C.1. We partially agreed with his comments and revised our recommendation. The Under Secretary of Defense, Deputy Chief Financial Officer, commented and agreed with Recommendation B.2. No further comment is required. The Inspector General, U.S. Northern Command, provided partially responsive comments on Recommendation B.3. We partially agreed with his comments and revised our recommendation. We added Recommendations B.3.c and B.3.e and addressed them to the U.S. Northern Command. The Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs commented and did not agree with Recommendations C.2.a, C.2.b, C.2.c, and C.2.d. We considered the comments nonresponsive and request further comments on the final report. The Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs agreed with Recommendation C.2.e. No further comment is required. We also received unsolicited comments from the U.S. Marine Corps. We request comments in response to recommendations B.1, B.3, C.1, and C.2.a–C.2.d by January 12, 2010. Please see the recommendations table on the back of this page.

Recommendations Table

Management	Recommendations Requiring Comment	No Additional Comments Required
Chairman, Joint Staff	B.1, C.1	
Under Secretary of Defense (Comptroller)/Chief Financial Officer		B.2
Commander, U.S. Northern Command	B.3	
Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs	C.2.a–C.2.d	C.2.e

Please provide comments by January 12, 2010.

Table of Contents

Introduction 1

Objectives 1
Background 1
Review of Internal Controls 8

Finding A. Joint Staff Concerns and Responses 10

Finding B. Use of DOD Support 15

Recommendations, Management Comments, and Our Response 25

Finding C. DOD Policy for Civil Support 29

Recommendations, Management Comments, and Our Response 34

Appendices

A. Scope and Methodology 39
B. Prior Coverage 43
C. Emergency Support Functions 46
D. Defense Support of Civil Authorities Approval and Performance Process 47
E. 2007 Mission Assignments 48
F. DOD Corrective Actions Resulting From the 2007 California Wildland Fires 51

Management Comments

Joint Staff 53
Under Secretary of Defense (Comptroller)/Chief Financial Officer 56
U.S. Northern Command 58
Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs 62
U.S. Marine Corps 67
U.S. Marine Corps Action Officer Followup 72

Introduction

Objectives

The audit addressed Joint Staff concerns that resulted from DOD support to civil authorities during the 2007 southern California wildland fires. The Joint Staff requested that we review DOD response activities with regard to authorities, request validation, and fiscal management and that we complete a comprehensive review of DOD's policies and procedures as they pertain to the 2007 southern California wildland fires and the three specific concerns that we discuss in Finding A. Additionally, we reviewed DOD support to civil authorities during the 2008 northern California wildland fires. See Appendix A for the scope and methodology and Appendix B for prior coverage related to the objectives.

Background

The Vice Director, Joint Staff, requested DOD Inspector General (IG) support regarding the wildland fire response activities during the 2007 southern California wildland fires. We performed this audit in response to the Joint Staff request. Specifically, the Joint Staff requested a review of the following actions:

- situations where DOD provided assets to the incident rather than waiting for a request from civil authorities, particularly the circumstances surrounding the aerial images[1] that DOD provided during the 2007 southern California wildland fires;
- the events surrounding Task Force Bulldozer; and
- the financial management of support rendered during the 2007 southern California wildland fires.

Finding A specifically discusses the Joint Staff concerns and our responses. Finding B and Finding C provide greater detail of our audit of the Joint Staff concerns, as well as our recommendations to improve the performance and reporting of civil support functions.

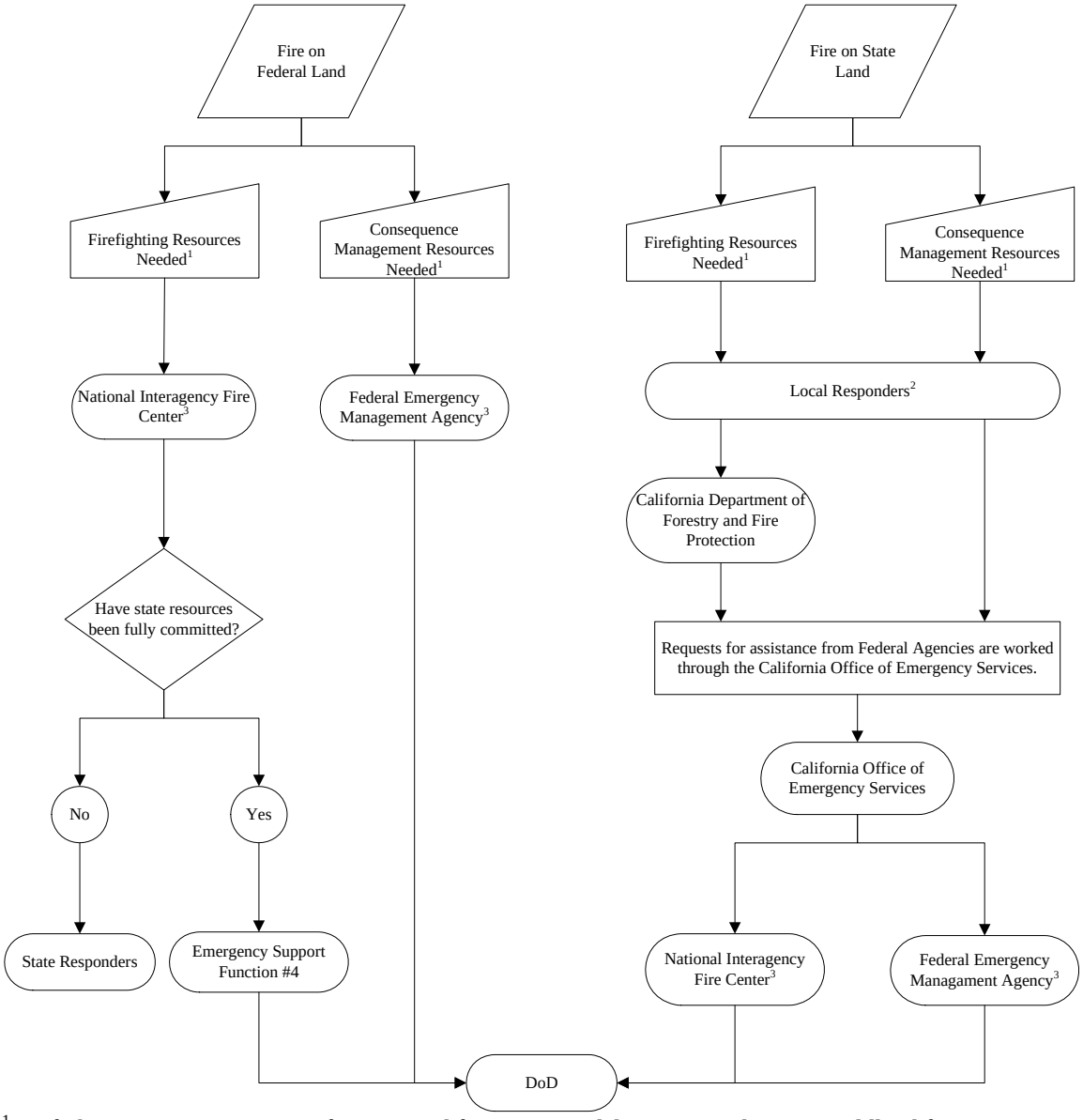
The request from the Joint Staff originated from the results of DOD IG Report No. D-2008-0130, "Approval Process, Tracking, and Financial Management of DOD Disaster Relief Efforts," September 17, 2008, which covered the mission assignment process, financial management, and improvements made to disaster response after the Hurricane Katrina relief efforts.

[1] We use the term "aerial image" or "imaging" throughout the report to describe various capabilities involving aircraft or satellites that provide pictures, infrared, video, and other forms of images.

Agencies Providing Firefighting Support

DOD supported multiple agencies during the 2007 southern California wildland fires depending on the location of the fires and who requested the support. Figure 1 shows the process through which DOD assets are requested by these agencies when wildland fires occur on State or Federal lands.

Figure 1. Process for Requesting DOD Assets



[1]Firefighting resources consist of assets used for stopping, delaying, or redirecting wildland fires; consequence management resources are those assets designed to improve the quality of life for those already affected by the disaster event.
[2]Local responders are the responders on any level below the State responders, such as city and county fire departments. The local responders are the first responders on scene when a fire occurs.
[3]Support can also be coordinated with Geographic Area Coordination Centers prior to being requested from DOD.

The California Office of Emergency Services coordinates the firefighting response efforts of State and local agencies within California. The California Department of Forestry and Fire Protection (CAL FIRE) is responsible for the fire protection and stewardship of privately-owned wildlands and provides emergency services to counties within California. The National Interagency Fire Center (NIFC) provides assets for managing Federal support to firefighting efforts and can request support from other Federal agencies in accordance with section 1535, title 31, United States Code, "Economy Act," (31 U.S.C. 1535). NIFC can also provide resource support to the affected State in the event that State resources become overwhelmed. The Federal Emergency Management Agency (FEMA) provides humanitarian support and consequence management to the affected State in accordance with the "Robert T. Stafford Disaster Relief and Emergency Assistance Act," (the Stafford Act), Public Law 93-288, as amended, 42 U.S.C. 5121–5207. DOD can provide support during firefighting emergencies through immediate response actions, mutual aid agreements, and requests for assistance from other Federal agencies.

California Office of Emergency Services

The California Office of Emergency Services ensures the State of California is ready and able to mitigate against, prepare for, respond to, and recover from the effects of emergencies that threaten lives, property, and the environment. The California Office of Emergency Services coordinates the activities of all State agencies relating to preparation and implementation of the State Emergency Plan and coordinates the response efforts of State and local agencies to ensure maximum effect with minimum overlap and confusion. Additionally, the California Office of Emergency Services coordinates the integration of Federal assets through NIFC for firefighting support and FEMA for humanitarian efforts for State and local response and recovery operations.

California Department of Forestry and Fire Protection

CAL FIRE is the State of California's responsible agency for the administration of the State's private forests. The agency provides firefighting capability to prevent and extinguish fires in the State's forests. CAL FIRE submits requests for additional resources to the California Office of Emergency Services. CAL FIRE is a first responder for all fires in the State of California.

NIFC

NIFC provides mobilization and coordination of assets for wildland firefighting and related incidents throughout the United States. NIFC coordinates regional firefighting support through Geographic Area Coordination Centers that utilize the interagency coordination concept. When requested, DOD support to NIFC is provided under the Economy Act. NIFC implements DOD support through the Economy Act and an interagency agreement between DOD, the Department of the Interior, and the Department of Agriculture. DOD uses a different process when requesting reimbursement from NIFC because the support is provided under the Economy Act. We did not identify significant concerns with DOD reimbursement under Economy Act requests. NIFC provides guidance and planning information for mobilization of DOD resources in its *Military Use Handbook* and the Modular Airborne Firefighting System

Operation Plan. NIFC has five preparedness levels based on wildland fire activities and resource availability throughout the country. DOD considers the NIFC preparedness level when anticipating requests for assistance.

The Economy Act

The Economy Act authorizes one agency to request goods or services from another agency. The agency that requests the services pays the total costs of the services to the agency filling the requests. The Economy Act specifies that the requesting agency obligates money to the agency filling the request when they agree on an order. The agency filling the request does not incur its own obligations as a result of the request. The Economy Act serves as the authority for funding transactions between Federal agencies unless more specific authority for such transactions exists. Any Federal agency can request DOD support under the Economy Act. If the President declares a disaster, the Stafford Act becomes effective.

Military Use Handbook and Modular Airborne Firefighting System Operating Plan

NIFC has developed the *Military Use Handbook* to use as a guide to Federal agencies that use DOD ground firefighting resources. NIFC has developed the handbook and uses it to order and equip DOD ground units. The Modular Airborne Firefighting Systems Operating Plan provides guidance on ordering, utilizing, and equipping C-130 aircraft. NIFC ensures that all commercial air tankers are committed to other incidents or unable to meet the requirements of the operations prior to requesting DOD air assets.

Interagency Agreement for the Provision of Temporary Support During Wildland Firefighting Operations

DOD entered into and updated an interagency agreement with the U.S. Forest Service and the Department of Agriculture in 2005. In the agreement, DOD agrees to provide fire protection assistance when DOD is able to supply the requested assets. The agreement also outlines the use of the C-130 aircraft equipped with U.S. Forest Service-owned Modular Airborne Firefighting Systems for use during temporary support.

FEMA

FEMA's mission is to reduce the loss of life and property and protect the Nation from all hazards, including natural disasters, acts of terrorism, and other man-made disasters, by leading and supporting the Nation in a risk-based, comprehensive emergency management system of preparedness, protection, response, recovery, and mitigation. The Stafford Act, as amended, constitutes the statutory authority for most Federal disaster response activities as they pertain to FEMA and its programs. Reimbursement, although not required, is generally provided for incremental costs associated with support provided. We discuss concerns regarding the reimbursement process under the Stafford Act throughout the report. FEMA has developed 10 regions covering the U.S. and its territories. FEMA Region IX is responsible for the areas affected by the 2007 and 2008 California wildland fires. FEMA uses 15 Emergency

Support Functions to manage disaster relief efforts. Emergency Support Function 4 is the support annex for firefighting. For the specific responsibilities of each Emergency Support Function identified in the National Response Plan, see Appendix C.

The Stafford Act

The Stafford Act provides an orderly and continuing means of assistance by the Federal Government to State and local governments to help alleviate the suffering and damage that results from disasters. The Stafford Act provides a system of emergency preparedness to protect life and property in the United States from hazards and to place the responsibility of assistance in a disaster on the Federal Government, States, and their political subdivisions. The President may direct any Federal agency to use its authorities and assets in support of State and local assistance efforts. Any Federal agency assisting FEMA may seek reimbursement from FEMA for incidental costs incurred for the assistance provided when funds are not available through other sources.

The National Response Plan

The National Response Plan provided the framework for management of domestic incidents. The National Response Framework supersedes the National Response Plan and was implemented in January 2008.[2] Under the National Response Plan, the degree of Federal involvement in incident response depended mainly upon specific Federal authority or jurisdiction, but was also based largely on the needs or requests of State, local, or tribal governments for external support. The National Response Plan encouraged coordination among all levels of Government and non-Government responders helping to meet incident response requirements. The National Response Plan indicated that incident response should be managed at the lowest level possible.

Emergency Support Function 4

Emergency Support Function 4 Firefighting Annex is for managing and coordinating Federal firefighting activities. Firefighting agencies at all levels mobilize firefighting assets to accomplish the function. Emergency Support Function 4 states that all DOD personnel and resources are to be requested through the National Interagency Coordination Center, which is located at NIFC. DOD supports the Department of Agriculture and the U.S. Forest Service, which are the primary agencies responsible for firefighting.

DOD Response During a Firefighting Emergency

The following are means by which DOD can become involved in civil support to firefighting efforts. For an overview of the emergency response process, see Appendix D.

---

[2] The changes reflected in the National Response Framework improve upon the guidance provided in the National Response Plan without altering the basic disaster response structure.

Immediate Response Authority

Under imminently serious conditions and when time does not allow approval from higher headquarters, DOD Directive 3025.1, "Military Support to Civil Authorities," January 15, 1993, authorizes DOD commanders to provide support to an emergency under Immediate Response Authority. DOD commanders must receive a request from civil authorities before providing immediate response support. DOD Directive 3025.1 requires that responders report immediate response actions by the most expeditious means available and seek approval and additional authorizations as needed.

Mutual Aid Agreements and the Fire and Emergency Services Program

Section 1856(a), title 42, United States Code, "Reciprocal Fire Protection Agreements," January 3, 2007, authorizes DOD to enter into reciprocal fire protection agreements with fire organizations maintaining fire protection facilities in and near the vicinity of property of the United States. Mutual aid agreements require a waiver of liability and provide reimbursement for support at cost. DOD Instruction 6055.06, "DOD Fire and Emergency Services Program," December 21, 2006, instructs DOD Components, operations, activities, and installations to provide fire and emergency services and capabilities under mutual aid agreements, host nation support agreements, and Defense Support of Civil Authorities.

Requests for Assistance From NIFC

Based upon the need for DOD assistance, NIFC requests DOD support through a written request for assistance sent through the Defense Coordinating Officer (DCO) if one is assigned or through other established channels. The DCO validates and then forwards the request to the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs and the Joint Staff for staffing and coordination before the request is provided to the Secretary of Defense for approval.

Mission Assignments From FEMA

FEMA issues mission assignments to Federal agencies requesting that the agencies complete certain tasks. DOD refers to mission assignments as "requests for assistance." Based upon the need for DOD assistance, FEMA requests DOD support through a request for assistance sent to the DCO located at the FEMA region or Joint Field Office closest to the event. The DCO validates the request and then forwards the request to Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs and the Joint Staff for staffing and coordination and also to the U.S. Northern Command (USNORTHCOM) for parallel planning and the creation of a "request for forces." A request for forces is DOD's established method for combatant commanders to request assistance from other combatant commanders. Upon Secretary of Defense approval, Joint Staff personnel create an execution order assigning units to USNORTHCOM and place the units under the operational control of USNORTHCOM. For a listing of the mission assignments FEMA issued during the 2007 southern California wildland fires, see Appendix E.

Joint Publication 3-28, "Civil Support"

Joint Publication 3-28, "Civil Support," September 14, 2007, provides overarching guidelines and principles to assist commanders and their staffs in planning and conducting joint civil support operations. The Joint Publication provides guidance for the exercise of authority by combatant commanders and other joint force commanders and prescribes joint policy for operations, education, and training. The Joint Publication provides Military guidance for use by the Services in preparing their appropriate plans. The Joint Publication is authoritative in nature and should be followed when possible, but also allows combatant commanders to deviate in extreme circumstances.

USNORTHCOM Concept Plan 2501, "Defense Support of Civil Authorities"

USNORTHCOM Concept Plan 2501, "Defense Support of Civil Authorities," April 11, 2006, was a plan created to support the employment of DOD forces providing Defense Support of Civil Authorities assistance in accordance with applicable DOD Directives and policy. The purpose of the Concept Plan is to ensure that commanders can execute a timely, safe, effective, and efficient response to approved requests for Defense Support of Civil Authorities support. USNORTHCOM routinely updates the Concept Plan and most recently issued Concept Plan 3501-08 on May 16, 2008.

The 2007 Southern California Wildland Fires

The 2007 southern California wildland fires began burning across southern California on October 20, 2007. Twenty-three active fires burned a total of 517,267 acres, destroyed 3,204 structures, and caused 10 fatalities. The President declared a state of emergency on October 23, 2007, and the fires were contained by November 9, 2007. DOD provided the following support to civil authorities during the fires:

- two DCOs and staff, including Defense Coordinating Elements, one to the Joint Field Office in Pasadena and one to NIFC;
- six Modular Airborne Firefighting System-equipped C-130 aircraft to support NIFC;
- Navy and Marine Corps helicopter support through the Helicopter Coordination Center;
- a Federal Operational Staging Area at March Air Reserve Base;
- staging of the Mobile Aeromedical Staging Facility for patient movement;
- fire breaks completed by Task Force Bulldozer modules I and II;
- aerial images of active fires;
- various support to local and State of California responders through mutual aid agreements; and
- cots provided by the Navy and Marine Corps, as illustrated in Figure 2.

DOD provided additional resources that are not identified or discussed in this report.

Figure 2. A Sailor Prepares Cots for Potential Evacuees

Source: www.northcom.mil

The 2008 Northern California Wildland Fires

The 2008 northern California wildland fires began on June 20, 2008, as the result of a severe thunderstorm that caused 6,000 lightning strikes. About 2,096 active fires burned 1.2 million acres, destroyed 511 structures, and caused 15 fatalities. The President declared a state of emergency on June 28, 2008, and DOD provided support to the firefighting effort until August 5, 2008. DOD provided the following support to the effort:

- a DCO and Defense Coordinating Element to FEMA Region IX;
- a DCO and Defense Coordinating Element to NIFC;
- eight Modular Airborne Firefighting System-equipped C-130 aircraft and helicopter support from the Navy and Marine Corps to support NIFC; and
- aerial imagery of active fires.

Review of Internal Controls

DOD Instruction 5010.40, "Managers' Internal Control (MIC) Program Procedures," January 4, 2006, requires DOD organizations to implement a comprehensive system of internal controls that provides reasonable assurance that programs are operating as intended and to evaluate the effectiveness of the controls. DOD controls over the financial management of the Defense Support of Civil Authorities process, which can potentially cost DOD millions of dollars for the use of assets that were not requested by civil authorities, are ineffective. Implementing Recommendations B.1, B.2, and B.3 will correct these weaknesses. Also, DOD guidance resulted in an ineffective situational awareness of DOD decisionmaking authorities for DOD forces. Implementing

Recommendations C.1 and C.2 will correct these weaknesses. A copy of the report will be provided to the senior officials responsible for internal controls in the Joint Staff; Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer; Commander, U.S. Northern Command; and the Office of the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs.

Finding A. Joint Staff Concerns and Responses

The Vice Director, Joint Staff, requested that the DOD IG review incident response activities during the 2007 southern California wildland fires. Specifically, the Joint Staff expressed concerns about and requested that we review the following:

- situations where DOD provided assets to the incident rather than waiting for a request from civil authorities,
- compliance with laws and procedures for Task Force Bulldozer, and
- overall financial management of the DOD response.

The concerns included in the Vice Director's request are discussed below.

Joint Staff Concern 1 – Use of DOD Assets

The Joint Staff requested that we review instances where DOD, and specifically USNORTHCOM, used DOD assets for the California wildland fires that civil authorities did not request. The Joint Staff concern focused on the USNORTHCOM Situational Awareness Team and three mission assignments for aerial imaging that DOD provided during the response. FEMA issued two mission assignments for aerial imaging capabilities that were cancelled shortly after issuance. USNORTHCOM acted on a third mission assignment that FEMA issued without providing funding for the cost of the service. The Joint Staff was concerned that officials at USNORTHCOM were operating under the concept that DOD's best capabilities should be provided to FEMA, rather than the minimum capabilities necessary to fulfill the request, as required by existing guidance.

DOD IG Response

USNORTHCOM provided assets composed of two teams during the 2007 southern California wildland fires that were not requested by civil authorities, and aerial imaging aircraft that was based on a civil request, but was not compliant with Federal policy. California, FEMA, and USNORTHCOM personnel discussed the pros and cons that resulted from the DOD assets being sent to the area. Although the DOD support assisted with coordination and awareness between USNORTHCOM and the civil authorities, it also created a logistical burden in the response area and the use conflicted with already established processes.

DOD used assets, such as the Command Assessment Element[3] and the Operational Command Post,[4] during the 2007 southern California wildland fire response that were not provided in direct support of civil requests. Instead, USNORTHCOM used these assets for its own situational awareness. The Command Assessment Element used during the 2007 southern California wildland fires became known as the USNORTHCOM Situational Awareness Team. USNORTHCOM was authorized to use these assets. However, based on interviews with both DOD and civil authorities, we determined that the extent of the use of the assets was not an effective use of DOD assets. DCOs explained that civil authorities realize the need for command-type personnel associated with DOD support. However, civil authorities will generally not issue requests for this support. DOD potentially has a need for the assets when it provides civil support. We determined that DOD's current policies do not require fiscal accountability of the support or allow senior leadership to make informed decisions on the efficiency of the assets. Finding B discusses the need for USNORTHCOM to examine the efficiency of methods used to make command decisions or obtain situational awareness requirements and use existing resources when possible.

We determined that USNORTHCOM actions did not contribute to the cancellation of the two mission assignments for aerial imagery. USNORTHCOM acted on a third mission assignment that FEMA issued without providing funds to DOD to complete the support. However, DOD actions on the third mission assignment were not compliant with Federal policies. FEMA personnel attributed the two cancelled mission assignments to an ambiguous scope of work and miscommunication between FEMA Headquarters and the regional offices. DOD eventually provided aerial imaging under the authority of a Federal Operations Support mission assignment in one case. However, DOD provided support directly to California responders, which requires a Direct Federal Assistance mission assignment. Federal Operations Support mission assignments do not require States to share the support costs and do not include State assurances to "hold and save the United States free from damages due to the requested work" because they are not initiated by States. Direct Federal Assistance also requires States to justify why the support cannot be performed or contracted before requesting support from the Federal Government. Because the mission assignment originated above the Joint Field Office, the State and Federal officials most familiar with the required disaster response did not have input into this mission assignment or the need for DOD to provide the support. If officials from FEMA Region IX or NIFC had been responsible for processing this mission assignment, they would have determined that the support was either not needed or obtainable through other methods. Additionally, the DCO did not have the opportunity to validate this request against established criteria. For additional information regarding this Joint Staff concern, see Finding B.

---

[3] The Command Assessment Element is a rapidly deployable, tailored package designated to give the Commander of USNORTHCOM operational- and tactical-level environmental awareness and determine additional capability that may be needed for an actual or potential Homeland Defense or Civil Support event.

[4] The Operational Command Post is a group of Military personnel whose mission is to support the lead Federal agency by providing transportation, engineer support, meals, tents, and any other approved Military capability that is needed.

Joint Staff Concern 2 – Task Force Bulldozer

The Joint Staff requested that we review the events surrounding Task Force Bulldozer to determine whether DOD responders followed applicable rules and procedures. The Joint Staff concern focused on the immediate response actions of Task Force Bulldozer, which involved Navy and Marine Corps personnel using bulldozers to limit the fire damage. The Joint Staff also requested that we determine whether commercial contractors could have completed the tasks that DOD responders completed under Task Force Bulldozer.

DOD IG Response

Navy Region Southwest and Marine Corps Installations West followed existing guidance and procedures during Task Force Bulldozer with one exception. They did not obtain a written request to follow up the verbal request from civil authorities. However, because the local civil officials we interviewed confirmed that DOD support was requested, we believe that the DOD response was not materially affected by the lack of a written request. Both the Navy and Marines coordinated immediate response support through their higher headquarters as required by Deputy Secretary of Defense memorandum, "Reporting 'Immediate Response' Requests from Civil Authorities," April 25, 2005, and generally followed immediate response guidance published in DOD Directive 3025.1. On October 26, 2007, the USNORTHCOM Judge Advocate determined that immediate response requirements were met. Our audit confirmed this assessment.

CAL FIRE incident commanders provided a listing of available private contractors that perform work similar to the assistance provided through Task Force Bulldozer, but noted that no contractors were willing to provide assistance in a timely manner. Additionally, some contractors did not have proper equipment to safely perform work during active fires and could only be contracted to perform preventative maintenance. Based on our interviews with Navy Region Southwest personnel, we concluded that Navy Region Southwest did consider the availability of contractors before agreeing to provide support and determined that contractors were not available within the time frames required.

Although the Task Force Bulldozer response was generally in compliance with rules and procedures, we identified areas where DOD policy, coordination, and procedures can be improved. See Finding C for more information regarding immediate response policy, reporting, and transition.

Joint Staff Concern 3 – Financial Management

The Joint Staff requested that we assess the overall financial management of the DOD response during the 2007 southern California wildland fires. The Joint Staff did not identify specific concerns on this topic, but requested that we assess the financial responsibility of the DOD response.

DOD IG Response

DOD does not have adequate policy for reimbursement and timely financial closeout of mission assignments or oversight of DOD funds used to complete the USNORTHCOM mission. Additionally, the Joint Staff issued the 2007 Defense Support to Civil

Authorities execution order and a 2007 southern California wildland fires execution order that included instructions for capturing and reporting some costs for civil support, but we determined that this order did not require all DOD expenditures during the 2007 southern California wildland fire response to be captured and reported.

Reimbursement and Closeout of Mission Assignments

Based on current DOD policy, USNORTHCOM has no authority to ensure that reimbursement requests are submitted in a timely manner or in accordance with FEMA criteria. Normally, the units performing civil support submit requests for reimbursement directly to FEMA without DOD oversight or review. Since DOD had no central point to review the requests, the units may not always bill based on the FEMA operational requests. Both USNORTHCOM and the DCO are knowledgeable of operational requirements of the FEMA mission assignments and could provide reviews, which could result in better quality controls for DOD billing and a reduction of bills that FEMA rejects for reimbursement. A central review point could also provide a means for timely closeout of the mission assignments.

DOD Funds Used to Complete USNORTHCOM's Mission

USNORTHCOM has inadequate visibility of the funds used by DOD assets used to complete its civil support mission. USNORTHCOM "anticipates and conducts . . . civil support operations within the assigned area of responsibility." To complete this mission, USNORTHCOM routinely directs requested forces to perform missions. In many cases, it does not provide funding to units for this support. Because USNORTHCOM does not provide funds, units do not report the costs of the USNORTHCOM-requested support back to USNORTHCOM. Without funding data, the Commander, USNORTHCOM; other DOD senior leaders; and Congress cannot make informed decisions regarding the effects of DOD's civil support mission on DOD appropriations. The need to establish funds and accountability for combatant commanders performing civil support missions is further discussed in Finding B.

Standing Defense Support of Civil Authorities Execution Order and the 2007 Joint Staff Fire Execution Order

The Joint Staff issued a standing execution order on June 8, 2007, to provide a framework for using resources and authorities in support of civil authorities. This order required the Services providing civil support to report costs as well as USNORTHCOM to forward an annual financial report. During the 2007 southern California wildland fires, the Joint Staff also issued an execution order specifically for the wildland fires that included a modification that required USNORTHCOM to track costs associated with assets deployed through the use of a request for forces. However, we determined that this order did not require USNORTHCOM to track costs associated with the Operational Command Post or the Command Assessment Element because they were not deployed through a request for forces. Additionally, the modification required units providing immediate response to submit reports to USNORTHCOM. However, the Joint Staff was unaware of any reports completed after issuing the modification. USNORTHCOM distributes and tracks reimbursable budget authority for DOD support under FEMA

mission assignments but is not required to track the cost of support provided to NIFC nor the cost of support completed under Immediate Response Authority.

Summary

We identified weaknesses in DOD policies, procedures, and processes based on our review of the Vice Director, Joint Staff, concerns. However, we determined that USNORTHCOM and other DOD Components that provided civil support that was the basis for the concerns, were generally in compliance with existing DOD guidance. However, the guidance is not adequate. USNORTHCOM's use of the Command Assessment Element and Operational Command Post was allowable, but the extent of the use was not the best use of DOD resources. DOD's guidance on obtaining situational awareness and establishing command and control of DOD resources providing civil support needs strengthening so that leaders can make informed decisions on the efficiency of the Operational Command Post and Command Assessment Element. USNORTHCOM provided aerial images based on a valid civil request, but current DOD policy does not require requests for assistance to always be validated by the DCO at the Joint Field Office. If DOD validated the request at the Joint Field Office level, the mission may have been revised to better fit the needs and intent of civil authorities. The Navy and Marine Corps prepared to provide immediate response through Task Force Bulldozer that was properly reported to higher headquarters based on DOD guidance, but the current DOD guidance did not require the Service to report preparation for immediate response to USNORTHCOM or the Joint Staff in a timely manner. Additionally, DOD's financial management of civil support operations does not always ensure proper visibility of funds used in civil support missions or timely closeout of mission assignments. We discuss the Vice Director's concerns in greater details and our recommendations to strengthen policy regarding DOD's civil support mission throughout this report.

Finding B. Use of DOD Support

U.S. Northern Command used assets during the 2007 southern California wildland fires and the 2008 northern California wildland fires that were either available through other sources or not formally requested. This occurred because USNORTHCOM:

- coordinated directly with FEMA Headquarters to provide support, rather than a request for assistance being coordinated between FEMA Region IX officials and the FEMA Region IX DCO;
- used assets for situational awareness rather than for disaster assistance;
- did not properly evaluate the requirements of the mission assignment; and
- did not provide funds for all assets it directed to the disaster area.

As a result, we estimated USNORTHCOM unnecessarily used at least $3 million for support that potentially could have been provided by existing DOD assets, other agencies already in the disaster area, or through contracts. The estimate is limited because all costs of providing support were not tracked.

Issues With Asset Usage

USNORTHCOM used assets during the 2007 southern California and the 2008 northern California wildland fires that were not formally requested or necessary for relief efforts. USNORTHCOM:

- used aerial imaging platforms that duplicated the capabilities of assets already available to the State of California and NIFC,
- stood up the Command Assessment Element and Operational Command Post that were not formally requested by civil authorities or required by the situation, and
- deployed the Mobile Aeromedical Staging Facility when the intent of the mission assignment was for planning rather than deployment.

In addition, the Air Force did not track flight hours associated with aerial imaging provided to USNORTHCOM in 2008. A reliable estimate of the cost of the imagery cannot be calculated since the flight hours were not tracked.

USNORTHCOM Decisions to Use Specific DOD Assets

USNORTHCOM used assets during the 2007 and 2008 California wildland fire responses in a manner that resulted in unnecessary costs to DOD. During the 2007 southern California wildland fires, USNORTHCOM and FEMA Headquarters coordinated support for aerial imaging rather than processing the request through FEMA Region IX and the DCO. USNORTHCOM also made the decisions to use assets such as the Command Assessment Element and Operational Command Post for DOD's own benefit rather than basing the use on civil requests. USNORTHCOM leaders used the assets without consulting other parties within DOD that could have provided input on whether the resources were needed to complete the civil support mission.

USNORTHCOM was authorized by the June 8, 2007, Standing Defense Support of Civil Authorities Execution Order to use these assets. However, based on interviews with both DOD and civil authorities, we determined that the extent the assets were used was not an effective use of DOD funds. In 2008 the Air Force used aerial imaging assets and provided the aerial images to USNORTHCOM for situational awareness rather than for direct disaster assistance. Additionally, during the 2007 response, USNORTHCOM did not properly evaluate the requirements of a mission assignment, and unnecessarily deployed the Mobile Aeromedical Staging Facility. USNORTHCOM is not responsible for funding assets that are sent to the disaster area. As a result, costs are not considered as a significant factor when making decisions to use assets.

Costs of Assets Used by USNORTHCOM

USNORTHCOM used assets in response to the 2007 southern California wildland fires, even though the support potentially could have been completed by existing DOD resources, other agencies already in the disaster area, or through contracts. We calculated the cost of the assets unnecessarily used to be at least $3 million. We calculated the costs of each of these assets based on information from documentation we obtained from U.S. Army North, U.S. Air Force North, FEMA, and USNORTHCOM. DOD also used the capability known as Eagle Vision for 8 hours during the 2007 southern California wildland fires, but we cannot estimate the cost for the capability because the number of images produced using the capability was not known and the images cost between $3,000 and $6,500 each. Table 1 shows the estimated costs of the unnecessary assets USNORTHCOM sent to the disaster area in 2007, which total about $3 million as estimated by the audit team.

Table 1. Total Estimated Unnecessary Costs Incurred by DOD for the 2007 Southern California Wildland Fire Response

Type of Asset	Total Cost*
Aerial Imaging	$2,362,398
Command Assessment Element and Operational Command Post	357,567
Mobile Aeromedical Staging Facility	363,630
Total	**$3,083,595**

*Total cost is an estimate calculated by the audit team.

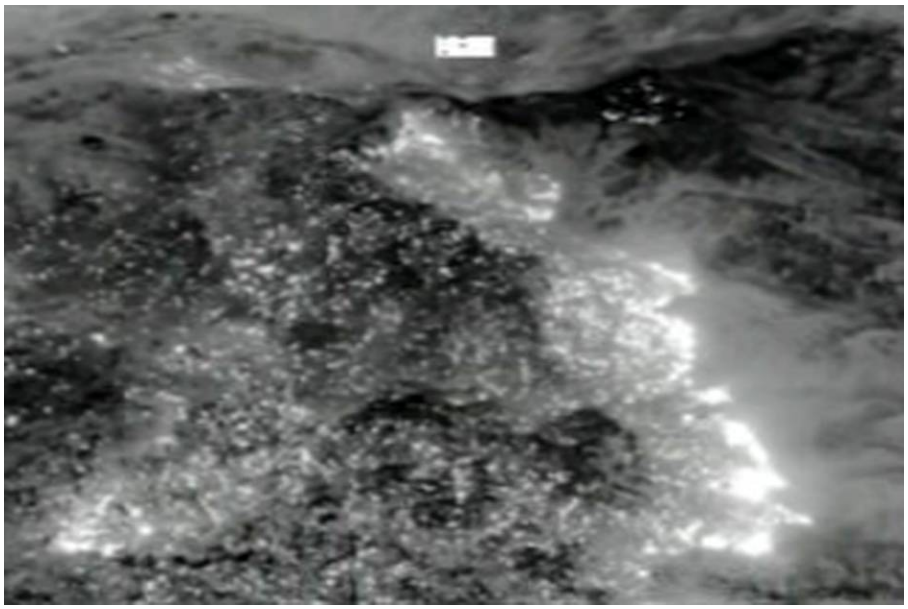
An estimate of the total cost of aerial imaging assets used in 2008 cannot be calculated, because the units that provided the support did not track their flight hours used for civil support purposes, but instead listed them as training missions.

Support Not Requested Through FEMA Region and DCO

DOD provided aerial imaging support during the 2007 southern California wildland fires that did not originate through established procedures for requesting DOD support. Instead, USNORTHCOM and FEMA Headquarters originated the request. USNORTHCOM received a non-reimbursable Federal Operations Support mission assignment from FEMA to demonstrate the aerial imaging capabilities of DOD. During

the Federal response to wildland fires, NIFC, rather than FEMA, is responsible for managing Federal assets. FEMA supports NIFC and provides consequence management. The aerial imaging capabilities USNORTHCOM used provided images of ongoing fires for state responders. Neither the State of California nor NIFC requested the aerial imaging support. The DCO did not validate the request because the mission assignment that was issued by FEMA for the aerial imaging support was not coordinated by the officials at FEMA Region IX, but instead was approved by an official at FEMA Headquarters. NIFC did not issue a request for aerial imaging capabilities or agree to fund DOD aerial imaging support during the operations. The request for asset support should have been initiated by the State of California through FEMA or NIFC. Since NIFC could have provided the necessary imaging, the DOD support was not needed. Figure 3 is an example of the imagery obtained by DOD from a P-3 aircraft during the 2007 southern California wildland fires.

Figure 3. Video From P-3 Aircraft of a Wildland Fire at Night



Source: www.northcom.mil

The Joint Staff should issue procedures requiring that all mission assignments not generated at the Joint Field Office and regional DCO level be staffed and coordinated at the DCO level in order to ensure appropriate personnel involved in operations will be consulted prior to the issuance of a mission assignment.

Civil Authority Involvement in Requesting DOD Aerial Imaging

No civil authority we interviewed stated that it was willing to request DOD assistance for aerial imaging and reimburse DOD for the support. FEMA officials stated that more cost-effective alternatives were available and that they did not reimburse DOD for aerial imaging. FEMA officials also stated that USNORTHCOM proposed to provide a demonstration of DOD aerial imaging capabilities at no cost. The purpose of the demonstration was to generate interest on the part of FEMA to use DOD assets; the Air

Force charged the costs of the flights as training missions. Leadership at CAL FIRE was conflicted on whether or not to request the DOD products and continued to ask for demonstrations without committing to reimburse DOD for the operations.

Costs Associated With the Use of Aerial Imaging in 2007

We estimated that DOD unnecessarily used nearly $2.4 million for aerial imaging assets during the 2007 southern California wildland fires, as can be seen in Table 2, based upon information provided by USNORTHCOM, U.S. Air Force North, and FEMA. The estimate is conservative because it does not include the per diem, housing, or travel costs associated with the use of the personnel and equipment, and because an estimate of the total cost of the use of Eagle Vision cannot be calculated. Eagle Vision produces images that can cost anywhere between $3,000 and $6,500 per image, but since the number of images produced in 2007 is not known, the total cost cannot be estimated.

Table 2. Estimated Costs Associated With Aerial Imaging Assets Used for the 2007 Southern California Wildland Fire Response

Asset	Flight Hours	Cost per Flight Hour[1]	Total Cost for Assets Used[2]
U-2	20.0	$12,500	$250,000
P-3	28.3	2,300	65,090
Global Hawk	35.5	3,400	120,700
Air Force Auxiliary	41.3	160	6,608
Rover Uplink[3]	N/A	N/A	1,920,000
		Total	**$2,362,398**

[1]Cost of asset per flight hour varies based on unique capabilities of individual aircraft and also which agency receives the DOD support. We completed our calculations using conservative prices when we could not determine that assets with higher costs were used.
[2]Total cost is an estimate calculated by the audit team.
[3]We calculated the cost of the Rover Uplink by multiplying the number of teams (4) identified in a U.S. Air Force North situational report by the cost to field four teams ($30,000 each) and four transmitters ($450,000 each) identified by cancelled FEMA mission assignment 1731DR-CA-DoD-04. U.S. Air Force North officials noted that the estimates were high, but agreed that they could be correct based on required satellite usage.

In addition, USNORTHCOM does not have visibility over the reimbursement process of units that were deployed to USNORTHCOM to provide civil support because the units are normally redeployed from USNORTHCOM as soon as the civil support is complete, which normally occurs before the reimbursement process begins. DOD should issue policy requiring that units deployed to USNORTHCOM for civil support missions report financial matters of the support through USNORTHCOM until the unit identifies that a final request has been submitted, regardless of when the unit redeploys from USNORTHCOM.

Alternatives to DOD Aerial Imaging

Neither FEMA Region IX nor NIFC officials identified a need for DOD aerial imaging during the 2007 California wildland fires. FEMA Region IX officials stated that they did not have a need for DOD aerial imaging during the event. They would have

only issued a mission assignment for aerial imaging if they received an official request from California for the support. With a request from California, FEMA Region IX would have considered other options along with DOD before assigning the mission. NIFC officials also stated that they did not receive a request for assistance from California. NIFC had a need for aerial imaging during the event, but was able to obtain the aerial imaging without requesting the support from DOD. Although they did not require DOD aerial imaging support during the 2007 southern California wildland fires, FEMA Region IX officials noted there could be situations in the future where DOD is contacted for aerial imaging support. NIFC officials stated that they also did not require DOD aerial imaging support during the 2007 southern California wildland fires, and indicated that, because NIFC has its own imaging capabilities that are equal to or superior to DOD capabilities, NIFC would not request aerial imaging support from DOD unless absolutely necessary.

Legality of DOD Performing Domestic Aerial Imaging

We did not complete an assessment on the legality of DOD collecting aerial images over domestic territory, but note that any future support should be closely evaluated by DOD officials to determine whether the support is provided in accordance with statutory authority, regulatory guidelines, and DOD policy. DCOs normally include an assessment of the legality of the support as part of the validation of mission assignments, but the DCO did not review the request during the 2007 southern California wildland fires because the support was not initiated through FEMA Region IX. We did not obtain any other documentation that a legal review was completed on the aerial imaging support. DOD units can provide aerial imaging support for limited reasons, but may be subject to various statutory, regulatory, or DOD policy restrictions. DOD should train personnel who are responsible for validating missions on the legality of DOD aerial imaging and implement procedures to ensure that applicable restrictions are followed.

Use of Assets for Situational Awareness

DOD used assets during the 2007 and 2008 California wildland fires that DOD had to pay for because the assets were used to provide situational awareness to USNORTHCOM or command and control of DoD and neither FEMA nor NIFC requested the use of the assets. USNORTHCOM sent the Command Assessment Element and Operational Command Post to the 2007 southern California fires to provide situational awareness to USNORTHCOM and command and control of DOD forces responding to the incident. Additionally, the Air Force captured aerial images during the 2008 northern California wildland fires as part of training missions that were provided to USNORTHCOM for situational awareness rather than performing the missions based on a civil authority request for assistance.

Command Assessment Element and Operational Command Post

On October, 24, 2007, USNORTHCOM sent the Command Assessment Element and Operational Command Post to southern California without an identified need for the assets to be in the area. Both U.S. Army North and FEMA Region IX officials confirmed that State and local authorities did not request the capabilities. In his October 27, 2007, Situation Report, the FEMA Region IX DCO stated that the action request for command

and control for the DOD wildland fire support, including the Operational Command Post; Base Support Installation; and Joint Reception, Staging, Onward Movement, and Integration was rejected by the FEMA Operations Chief because the Federal Coordinating Officer had not requested the capability. The Department of the Army ultimately provided the funding for the elements since FEMA did not issue a mission assignment for either group of personnel. Officials at U.S. Army North stated that the Operational Command Post will always be sent to a disaster area if the capability is really needed, regardless of whether or not the costs will be reimbursed. Although USNORTHCOM is authorized to use these assets without a civil request, we determined that the extent of the deployment and expense was unnecessary during the 2007 southern California wildland fires. Figure 4 shows members of the Operational Command Post working at March Air Reserve Base during the 2007 southern California wildland fires.

Figure 4. Operational Command Post Members at March Air Reserve Base

Source: www.northcom.mil

During the wildland fires, the FEMA Region IX DCO handed over command and control of DOD forces to the Operational Command Post for a period of several days, at the request of the Commanding General who was in charge of the Operational Command Post. The DCO stated that he never felt overwhelmed during the fire situation, and that it was his understanding that the DCO maintains command and control over DOD forces responding to an incident as long as he is not overwhelmed. Officials at U.S. Army North, however, stated that it is well-known and established policy for the DCO to maintain command and control of forces during an incident only until the Operational Command Post or other task force arrives in the Joint Operations Area.

The misunderstanding as to who should exercise command and control was caused by the fact that existing DOD policy regarding command and control of DOD forces during incident response does not specifically state the events that trigger the hand-off of command and control from the DCO to the Operational Command Post.

Joint Publication 3-28, "Civil Support," states that the DCO may have limited command and control of DOD forces responding to civil support missions. The publication further explains that a task force or joint task force would normally be deployed for command and control when large numbers of DOD forces are responding to an incident. USNORTHCOM Concept Plan 2501, "Defense Support of Civil Authorities," states that when a small-scale DOD response is required, the DCO can be deployed to the Joint Field Office. The Concept Plan states that the DCO can provide command and control for the entire Defense Support of Civil Authorities effort if he is designated as a Joint Force Commander, so long as the response does not exceed his command and control capability. The Joint Staff should coordinate with USNORTHCOM to revise applicable publications to specify the time frame or events for which the DCO is permitted to maintain command and control of DOD forces responding to an incident. The Joint Staff stated in comments to the draft report that Joint Publication 3-28 will be updated during FY 2010.

Under the Defense Support of Civil Authorities Standing Execution Order, released June 8, 2007, the deployment of an assigned force does not require a request for forces or a request for assistance. The Operational Command Post is a force assigned to USNORTHCOM capable of conducting command and control operations for an incident, yet the primary agency will likely never ask for a command and control capability. When capabilities are requested from DOD, there is an inherent command and control requirement attached. Civil authorities need to know and understand that when the capabilities are requested the command and control element must also be deployed, and consequently, the requesting agency must pay for the command and control element along with the capability requested. DOD, specifically USNORTHCOM, should work with civil authorities in establishing thresholds, that, when crossed, require the deployment of an Operational Command Post or Joint Task Force, which in turn will be funded by the civil authority.

Estimated Costs Associated With the Use of the Command Assessment Element and the Operational Command Post

Since neither State nor local authorities requested the Command Assessment Element, the costs of transporting the unit were not reimbursed under a mission assignment. DOD billed the transportation costs to the mission assignment that called for the activation of the DCO, and as a result, FEMA charged back the costs, including maintenance of the aircraft used to transport the Command Assessment Element from Texas to southern California.

USNORTHCOM's decision to send the Command Assessment Element and the Operational Command Post to southern California was not in violation of applicable guidance, specifically the National Response Plan and the Stafford Act, since the guidance does not preclude Federal Government assistance without a request from civil authorities. According to a USNORTHCOM update, the Command Assessment Element was in position on October 23, 2007. We reviewed conflicting statements from FEMA and Army North officials regarding whether mission assignment 1731DR-CA-DoD-03 was a request for the DCO and Command Assessment Element or if the request

was only for the DCO and supporting elements. However, FEMA did not issue mission assignment 1731DR-CA-DoD-03 until October 25, 2007. DoD could have also potentially deployed the Command Assessment Element and Operational Command Post under cancelled mission assignment 3279EM-CA-DoD-01, which had a similar mission as 1731DR-CA-DoD-03, but only included funds of $75,000. DOD should not have billed FEMA for the use of the capabilities because the cost of their use was not reimbursable under the Stafford Act since civil authorities did not request or provide adequate funds for them at the time they were deployed.

As shown in Table 3, the estimated total cost of the per diem allowance of the personnel associated with the units was $266,000; the cost to transport the units to southern California was $78,419; and the cost to transport the units home after redeploying from southern California was $13,148, for an estimated total cost of $357,567. The estimated total is composed of the following costs:

- the per diem costs of $500 per person per day for each of the 76 personnel associated with the units for the 7 days that they were in southern California;
- transporting the Command Assessment Element personnel from Texas to southern California on a C-130 aircraft;
- transporting the Operational Command Post personnel from Texas to southern California on two C-17 aircraft; and
- transporting the Command Assessment Element and Operational Command Post personnel from southern California back to Texas on commercial airlines.

Table 3. Estimated Costs of the Command Assessment Element and Operational Command Post for the 2007 Southern California Wildland Fire Response

Component of Total Cost	Total Cost[1]
Per diem of personnel [2]	$266,000
Transporting personnel to southern California[3]	78,419
Transporting personnel from southern California[4]	13,148
Total	**$357,567**

[1]Total cost is an estimate calculated by the audit team.
[2]$266,000 for per diem calculated by multiplying 76 personnel (identified by U.S. Army North) by $500 (identified in a DOD cost estimate) for 7 days (determined by the audit team's review of situational reports). Although U.S. Army North identified that the published per diem rate for hotel and meals is $182, the additional funds may have been requested for other expenses incurred or higher hotel rates being charged due to non-availability of hotels at the per diem rate.
[3]When creating the cost estimate, it was assumed that both the C-130 (1 plane for 2.7 hours at $6,796 per hour) and the C-17s (2 planes for 2.5 hours each at $12,014 per hour) flew non-stop flights between Texas and southern California.
[4]When creating the cost estimate, it was assumed the Command Assessment Element and Operational Command Post personnel flew from Los Angeles International Airport into San Antonio International Airport when returning to Texas (76 personnel at $173 per ticket).

The Joint Staff and USNORTHCOM should review existing processes to ensure that USNORTHCOM's methods for obtaining situational awareness and

command and control of DOD assets are truly necessary to complete the mission and are conducted in the most efficient and cost-effective manner.

Aerial Imaging Asset Use in 2008

DOD used aerial imaging assets in 2008 to provide situational awareness to USNORTHCOM. Neither FEMA nor NIFC formally requested DOD to provide aerial imaging support or funded any missions. Instead, units conducting the support funded the missions with DOD funds designated for training missions.

We were unable to calculate the costs of these missions because the support was tracked as regular training missions. In 2008, DOD used the U-2 and the Global Hawk aircraft for situational awareness. DOD did not track flight hours for aerial imaging during the 2008 northern California wildland fires, making the calculation of a cost estimate for 2008 impossible. The cost per flight hour of the U-2 could amount to up to $12,500. The cost per flight hour of the Global Hawk was $3,400. Because DOD did not track data such as flight hours in 2008 as they did in 2007, we could not calculate the full cost of each asset used. We did not assess whether the need for aerial imaging during the 2008 response was viable. However, if USNORTHCOM determines a recurring and viable need for aerial imaging resources to provide situational awareness for DOD's benefit, USNORTHCOM should conduct an analysis to determine if it is cost-beneficial to procure contracted resources that may provide better value to complete their mission.

Evaluating Mission Assignment Requirements for the Mobile Aeromedical Staging Facility

USNORTHCOM did not properly evaluate the requirements of a mission assignment, and positioned the Mobile Aeromedical Staging Facility when the mission assignment contained a request only for planning for the positioning of the capability. FEMA Headquarters generated mission assignment 3279EM-CA-DoD-05 for the preparation and planning of a Mobile Aeromedical Staging Facility on October 24, 2007. The mission assignment provided $50,000 and called for USNORTHCOM to conduct preliminary planning preparatory to providing aircraft, equipment, and personnel for strategic patient movement, which could be conducted using a Mobile Aeromedical Staging Facility. Both FEMA Headquarters and FEMA Region IX wanted the Mobile Aeromedical Staging Facility capability to be staged and implemented; however, when personnel at FEMA Headquarters wrote the mission assignment, they worded the request in such a way that it appeared that FEMA only wanted USNORTHCOM to conduct planning preparatory to providing the asset rather than to actually stage the asset. USNORTHCOM positioned the Mobile Aeromedical Staging Facility based on a request made by FEMA Headquarters personnel during a video teleconference, rather than on the request contained in the mission assignment that was issued. USNORTHCOM staged assets rather than only planning for the capability as contained in the request. Because of the confusion as to whether FEMA wanted only planning for the capability or the actual capability to be staged, FEMA Headquarters issued a mission assignment that cancelled the current mission assignment and issued two additional mission assignments for

$200,000 each, 1731DR-CA-DoD-08 and 1731DR-CA-DoD-11, on November 19, 2007, to fund the already completed pre-staging.

DOD billed $168,198 on mission assignment 1731DR-CA-DoD-08 and $195,432 on mission assignment 1731DR-CA-DoD-11 as costs of the Mobile Aeromedical Staging Facility positioning, which was approximately $313,000 more than the estimated cost associated with the original mission assignment that was issued for the planning for the capability. FEMA Region IX agreed to reimburse DOD for the positioning of the Mobile Aeromedical Staging Facility since it had wanted the capability to be staged, even though the mission assignment that was issued had requested only planning for the asset. USNORTHCOM placed U.S. Transportation Command and the units providing the pre-staging of the Mobile Aeromedical Staging Facility at risk of having to fund the operation for positioning the asset. U.S. Transportation Command and the units providing the pre-staging of the capability would have been responsible for funding the positioning of the Mobile Aeromedical Staging Facility if FEMA had not agreed to reimburse DOD for the associated costs. If USNORTHCOM personnel had reviewed the mission assignment as issued and paid attention to the cost FEMA had estimated, they would have recognized that the intent of the mission assignment was for planning and preparation of the capability rather than for its implementation.

Funding Assets Used by USNORTHCOM

DOD units fund any missions directed by USNORTHCOM that are not reimbursed through a request for assistance from civil authorities. USNORTHCOM directs assigned units to provide support, but does not always provide funding to complete the mission. Because civil support is a joint mission, the Department's costs incurred by units assigned to complete these missions are from across the Services and other DOD Components. DOD does not maintain or report these costs to a single location. If USNORTHCOM provided funds to units that were used to complete these missions and required reporting on these funds, USNORTHCOM would have increased visibility and better control of costs associated with this type of support. At present, costs are not considered as a significant factor when making decisions to use assets because USNORTHCOM is not required to provide funding for these assets. USNORTHCOM should request funds as part of its normal annual budget that can be distributed to DOD units directed by USNORTHCOM to perform situational awareness or command and control missions.

Conclusion

USNORTHCOM unnecessarily used assets costing at least an estimated $3 million during the 2007 and 2008 California wildland firefighting operations that were either available through other sources or not formally requested. USNORTHCOM is not responsible for funding assets that are sent to the disaster area, therefore costs are not considered as a significant factor before using DOD resources. In addition, DOD policy is not clear on the events that trigger the DCO's relinquishment of command and control of DOD forces in the disaster area or when a joint task force will stand up to manage the incident. DOD should identify alternative methods to obtain situational awareness that are more efficient and cost-effective than the methods currently being used, and provide

funding to USNORTHCOM that can be used for operations conducted at the discretion of USNORTHCOM. DOD should ensure that the appropriate personnel are aware that they are required to complete an analysis for each mission assignment received and that they understand the elements of the analysis in order to properly evaluate the intent and criteria of mission assignments.

Recommendations, Management Comments, and Our Response

Revised, Added, and Renumbered Recommendations

As a result of Joint Staff and U.S. Northern Command comments, we revised Recommendations B.1.c and B.3.d (draft Recommendation B.3.c) to meet our intent. We also added Recommendations B.3.c and B.3.e to our recommendations directed to the U.S. Northern Command to further emphasize issues we discussed in the finding. Because of the addition, draft Recommendation B.3.c was renumbered to B.3.d.

B.1. We recommend that the Chairman, Joint Staff:

> **a. Issue procedures that require all mission assignments not generated at the Joint Field Office and Regional Defense Coordinating Officer level to be staffed and coordinated at the Defense Coordinating Officer level to ensure appropriate personnel involved in operations will be consulted prior to the acceptance of a mission assignment, conditions permitting.**
>
> **b. Increase information on legality and surveillance by DOD assets as part of training and exercises for personnel validating, processing, and performing Defense Support to Civil Authorities missions.**
>
> **c. Coordinate with U.S. Northern Command on the guidance available to Defense Coordinating Officers regarding command and control discussed in Joint Publication 3-28, "Civil Support," September 14, 2007, and the U.S. Northern Command Concept Plans to clarify when a Defense Coordinating Officer retains command and control or hands off command and control to the Operational Command Post.**

Joint Staff Comments

The Vice Director, Joint Staff, commented on the recommendations. For Recommendations B.1.a and B.1.c, the Vice Director disagreed and stated that current policy and doctrine exists to address our recommendations. If additional guidance is required, it will be in the form of compliance with existing doctrine and will be included during the scheduled update of Joint Publication 3-28, "Civil Support." For Recommendation B.1.a, the Vice Director quoted page II-3 of Joint Publication 3-28 that "In all cases, the supported CCDR [Combatant Commander] and the affected DCO must be notified to limit redundant coordination of resources." To address Recommendation B.1.b, the Vice Director identified a request submitted on July 13, 2009, from the Commander, U.S. Northern Command to the Secretary of Defense regarding broader authority to conduct incident awareness and assessment

missions in support of civil authorities. The Vice Director disagreed with Recommendation B.1.c because Joint Publication 3-28 should provide overarching guidance rather than specific events. The decision to transfer authority should remain with the combatant commander.

Our Response

The Vice Director's comments to Recommendation B.1.a were partially responsive. The section of Joint Publication 3-28 referenced by the Vice Director in comments to Recommendation B.1.a refers only to requests that come directly to the Joint Director of Military Support or the DOD Executive Secretary. During the 2007 response, the mission assignments for the aerial imaging support went directly to the combatant commander. The referenced section of Joint Publication 3-28 would not have been applicable to that request because the Joint Publication does not specifically instruct the combatant commander to consult the DCO. Our recommendation is that procedures should be developed to ensure that the requests are reviewed at the Joint Field Office. It is pertinent the DCO and Defense Coordinating Element are in the best position to determine if civil authorities have considered other options and have identified a valid need before DOD provides civil support. The DCO and Defense Coordinating Element are usually the closest to the disaster area and are constantly coordinating potential DOD requirements with the appropriate civil authorities.

The Vice Director's comments on Recommendation B.1.b were not responsive. For Recommendation B.1.b, we request that the Joint Staff comment on whether they agree or disagree with our recommendation. DOD needs to train and exercise personnel in regards to the legality of surveillance functions during civil missions whether the Secretary approves the U.S. Northern Command request or not. The Vice Director's comments did not address our recommendation. We understand that the content of the training and exercises may change if broader authority is granted, but the need for implementing our recommendation will still exist if no change in policy occurs as a result of the request.

The Vice Director's comments on Recommendation B.1.c were responsive. We revised Recommendation B.1.c based on the Joint Staff and U.S. Northern Command comments. Our intent was not to change the applicability and tone of the Joint Publication. If Joint Publication 3-28 is not revised to include specific events for command and control handoff, then the Joint Staff should coordinate with the combatant commanders to ensure that wording included in the Joint Publication does not conflict with the guidance and information that the combatant commanders are providing to DCOs.

We request that the Joint Staff provide additional comments on Recommendations B.1.a, B.1.b, and revised Recommendation B.1.c.

Commander, U.S. Northern Command Comments

Although not required to comment, the Inspector General, U.S. Northern Command, commented for the Commander, U.S. Northern Command. The Inspector General provided comments similar to the Joint Staff on Recommendation B.1.c in regards to leaving critical decisions to the commander and not written into the Joint Publications.

Our Response

We revised Recommendation B.1.c based on the Joint Staff and U.S. Northern Command comments. If Joint Publication 3-28 is not revised, then the Joint Staff and U.S. Northern Command should coordinate policy and revise U.S. Northern Command Concept Plans as necessary so that consistent instruction is available regarding command and control authority of DCOs.

B.2. We recommend that the Under Secretary of Defense (Comptroller)/Chief Financial Officer issue policy requiring that units deployed to U.S. Northern Command (in response to a mission assignment) report financial matters of the support through U.S. Northern Command until the unit identifies that a final request has been submitted, regardless of when the unit redeploys from U.S. Northern Command. The policy should also include controls that will require reimbursement requests to be reviewed by a component familiar with the original request for assistance so that chargebacks resulting from reimbursement requests that are not within the scope of the original request can be reduced.

Under Secretary of Defense (Comptroller)/Chief Financial Officer Comments

The Deputy Chief Financial Officer, Under Secretary of Defense (Comptroller)/Chief Financial Officer, agreed with our recommendation. By September 30, 2009, the Under Secretary of Defense (Comptroller)/Chief Financial Officer planned to issue guidance instructing all units tasked by USNORTHCOM to provide assistance to FEMA to report reimbursement requests through USNORTHCOM.

Our Response

The Under Secretary of Defense (Comptroller)/Chief Financial Officer comments were responsive and no additional comments are required. However, we contacted the Office of the Under Secretary of Defense (Comptroller)/Chief Financial Officer regarding the planned guidance on November 3, 2009. We were informed that the guidance had not been issued. The Under Secretary of Defense (Comptroller)/Chief Financial Officer personnel cited other higher priorities as the reason issuing the guidance was delayed.

Commander, U.S. Northern Command Comments

Although not required to comment, The Inspector General, U.S. Northern Command, commented for the Commander, U.S. Northern Command. The Inspector General provided an unsolicited response stating that it agreed with this recommendation.

Our Response

We appreciate U.S. Northern Command's comments on the recommendation because the recommendation will impact its operations. No further comments are required.

B.3. We recommend that the Commander, U.S. Northern Command:

> **a. Review existing processes to ensure that U.S. Northern Command's methods for obtaining situational awareness and command and control of**

DOD assets required during civil support are necessary to complete the mission and are obtained in the most efficient and cost-effective manner.

b. Request funds as part of the normal annual budget that can be distributed to DOD assets used by U.S. Northern Command to perform situational awareness for civil support missions.

c. Continue to work with appropriate civil authorities, either directly or through the Defense Coordinating Officers, on coordinating and assimilating the use of the Operational Command Post with civil responders and potential reimbursement of associated usage costs.

d. Update the effective version of U.S. Northern Command Concept Plan, "Defense Support of Civil Authorities," to reflect factors, such as the size and dispersion of DOD forces, that influence the decision process on when to transition command and control of forces from the Defense Coordinating Officer to a Task Force or Joint Task Force Commander.

e. Conduct an assessment on the future need of aerial imaging assets to complete the U.S. Northern Command's mission and analyze whether DOD assets should perform the work or whether it is more beneficial to use contractors for the support.

Commander, U.S. Northern Command Comments

The Inspector General, U.S. Northern Command, commented for the Commander, U.S. Northern Command. The U.S. Northern Command agreed with Recommendations B.3.a and B.3.b. The U.S. Northern Command disagreed with Recommendation B.3.d (draft Recommendation B.3.c). The Inspector General stated that any revision to Joint Publication 3-28 should not prohibit the flexibility of combatant commanders and operational commanders to make decisions during operations.

U.S. Northern Command suggested revising draft Recommendation B.3.c to: "Update the effective version of U.S. Northern Command Concept Plan, "Defense Support of Civil Authorities," to reflect factors, such as the size of DOD forces and the dispersion of forces, that influence the decision process on when to transition C2 (command and control) of forces from the Defense Coordinating Officer to a Task Force or Joint Task Force Commander."

Our Response

The U.S. Northern Command's comments were partially responsive. We implemented the U.S. Northern Command's suggested revision to draft Recommendation B.3.c. and request comments on revised Recommendation B.3.d. We also request additional comments from the Commander, U.S. Northern Command, on Recommendations B.3.a and B.3.b. Specifically what steps the command plans to take to implement our recommendations and the expected completion date of the actions. We also request comments on new Recommendations B.3.c and B.3.e.

Finding C. DOD Policy for Civil Support

DOD does not have adequate policy for Defense Support to Civil Authorities to include incorporating immediate response with other types of civil support. Events during the 2007 southern California wildland fires shed light on weaknesses within DOD policies and procedures. Specifically, DOD policy for Defense Support to Civil Authorities is not adequate because it does not:

- codify and define the roles and responsibilities of the DCO;
- require Components preparing to act under Immediate Response Authority, in anticipation of a mission assignment, or under a mutual aid agreement to coordinate these efforts with the DCO or Geographic Combatant Commander if the support could coincide with other civil support;
- provide clear guidance on the requirements of commanders providing immediate response to adequately validate and document the civil request; and
- require local commanders to develop a plan for transitioning support provided through immediate response to civil authorities as required by law or justify why DOD should continue to provide support if civil resources are available.

As a result, local commanders conducting immediate response did not always know the roles and responsibilities of the DCO, and decision authorities within DOD had limited situational awareness of actions taken by local commanders. Additionally, local commanders responding under immediate response authority did not always document requests from civil authorities. Finally, DOD lacked appropriate guidance, plans, and agreements with local authorities during the 2007 southern California wildland fires to disengage DOD immediate response resources and transfer support back to civil authorities.

Challenges With DOD Policy for Civil Support

DOD does not have adequate policy for Defense Support to Civil Authorities. DOD has not codified the roles and responsibilities of the DCO, and most commanders responding under immediate response do not inform the DCO of support they provide to a disaster event. Also, DoD does not have policy that requires units preparing for immediate response, acting in anticipation of a mission assignment, or providing mutual aid to report their actions to the DCO and Geographic Combatant Commander if the support could coincide with other civil support. In addition, DOD does not have policy that defines how a commander can respond to a disaster proactively or that allows local commanders to provide a liaison to local authorities. Further, DOD policy does not require commanders acting under immediate response authority to validate and document requests from civil authorities or provide a means to transition from immediate response actions to formal requests for assistance.

Codification of the DCO Position

DOD has not codified the roles and responsibilities of the DCO. During the 2007 southern California wildland fires, personnel at DOD installations did not always know

how to coordinate with or support the DCO. DOD should provide guidance that instructs DOD Components providing disaster response to coordinate with and support the DCO.

Reporting Requirements in DOD Civil Support Policy

Units are not required by DOD Directives 3025.1 and 3025.15, "Military Assistance to Civil Authorities," February 18, 1997, to report their actions to decision-making authorities when preparing for immediate response or an anticipated request for assistance prior to initiating the support or when providing mutual aid. Further, DOD has not established a uniform reporting period for units acting under immediate response to report their actions to higher headquarters. DOD decisionmakers involved in the Defense Support of Civil Authorities process may lack situational awareness of actions at the local level, because DOD directives do not require units to report their actions to decision authorities prior to initiating the support. DOD should revise Directives 3025.1 and 3025.15, or publish other appropriate directives, so units preparing to provide support under immediate response authority or a request for assistance must report their actions to USNORTHCOM and the DCO. Reporting preparation for immediate response or request for assistance would help provide more comprehensive situational awareness of Military operations and provide valuable insight into potential homeland security threats.

Task Force Bulldozer

During the 2007 southern California wildland fires, the DCO and the Joint Staff had limited situational awareness of actions taken by Navy Region Southwest and Marine Corps Installations West. DOD Directives 3025.1 and 3025.15 do not require units to report actions taken in preparation of a request for assistance or immediate response actions. The DCO and the Joint Staff gained situational awareness of Task Force Bulldozer upon viewing an article written by the *San Diego Union-Tribune*. As discussed in Finding A, Navy Region Southwest and Marine Corps Installations West were preparing to provide support and informed their higher headquarters of their actions, but were not required to report their actions as immediate response because they were not supporting civil authorities at the time the article was published. Navy Region Southwest and Marine Corps Installations West were first required to report their actions to the Joint Staff the day after the article was published, or 2 days after they first started preparations for the support. We determined that the reporting requirements and other criteria authorizing Immediate Response Authority were not applicable until DOD was performing a civil support mission.

Documenting Immediate Response Actions

Units are not required by DOD directives to analyze and document immediate response requests for assistance from civil authorities prior to providing support. DOD Directives 3025.1 and 3025.15 provide DOD installations the authority to provide support to civil authorities under imminently serious conditions and when time does not allow for approval from higher headquarters. DOD Directives 3025.1 and 3025.15 also require actions provided under immediate response to be followed up with a written request from the requesting authorities. During the 2007 southern California wildland fires, neither Navy Region Southwest nor Marine Corps Installations West obtained a written request for assistance from local responders. DOD Directives 3025.1 and

3025.15 do not provide effective guidance for installation commanders to evaluate requests to determine whether providing the support is in the best interest of DOD.

Validating Immediate Response Actions

DOD should evaluate requests for assistance for the areas of cost, appropriateness, readiness, risk, legality, and lethality as noted in DOD Directive 3025.15, but DOD personnel are interpreting the requirements differently for action taken under Immediate Response Authority. DOD guidance should clearly require installation commanders to complete and document the evaluation prior to or shortly after providing support under immediate response. The purpose of the review would be to validate the proposed mission and provide DOD installation commanders guidance on how to determine whether they should provide support.

Neither Navy Region Southwest nor Marine Corps Installations West documented that they did an evaluation before performing Task Force Bulldozer. Navy Region Southwest noted that it was not required to complete the evaluation. However, Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs officials stated that the evaluation requirement does apply to immediate response. We reviewed DoD Directives 3025.1 and 3025.15. We determined that the six criteria were not applicable because of the statement in DoD Directive 3025.15, paragraph 4.4 which states "Nothing in this Directive prevents a commander from exercising his or her immediate emergency response authority as outlined in DOD Directive 3025.1.". DOD should revise the policy to clarify what evaluation must be completed before providing immediate response.

During meetings with Marine Corps Installations West, we received and reviewed the installation's requirement implemented after the 2007 fires for analyzing requests for assistance from local authorities and found they now require commanders to complete the evaluation. We would like to commend Marine Corps Installations West for taking proactive measures based on lessons learned. See Appendix F for other corrective actions DOD took after the 2007 and 2008 California wildland fires.

Transitioning Immediate Response From DOD to Civil Authorities

DOD lacks appropriate plans, guidance, and agreements with local authorities to disengage immediate response resources and transfer the support back to civil authorities. During the 2007 southern California wildland fires, neither NIFC nor FEMA transitioned any immediate response actions to mission assignments. Because DOD does not require local commanders to create or have higher level approval of plans and agreements to disengage immediate response resources, DOD provided extended support based on civil requests that should have been followed with formal requests for assistance. We determined that local civil authorities do not have incentive to formalize immediate response actions because they are getting the support they need without a formal request. DOD should develop guidance that provides instructions to local commanders on how to assist local authorities regarding the transition from immediate response to formal requests. In the event a mission assignment is not issued, DOD should provide

instructions to transfer the operational control of units providing immediate response to USNORTHCOM. Having guidance to transition units providing immediate response would improve the communication as well as the command and control and situational awareness of civil support operations.

Helicopter Assets Deployed by the U.S. Marine Corps

The Marine Corps partially provided helicopter support under Immediate Response Authority during the 2007 southern California wildland fires that did not transition to a formal request for assistance from either FEMA or NIFC because DOD does not have a formal mechanism for transitioning immediate response to a mission assignment. Civil authorities did not make a formal request because the support needed was satisfied by the assets deployed. DOD provided helicopter support under various other agreements also, but these resources would not need to transition to an official request because they were already covered under established agreements. See Figure 5 for a depiction of DOD helicopter support to wildland firefighting activities.

Figure 5. A Navy MH-60 Drops Water From a Bucket

Source: www.northcom.mil

Liaison Support by Installation Commanders

Installation commanders may benefit from providing liaison support to civil authorities when providing assistance to a disaster. Liaison officers assigned to civil authorities can help DOD commanders maintain better situational awareness, allow DOD responders to plan and tailor response actions, and help DOD responders transition response actions back to civil authorities. In the event Service liaison officers are not

available to support an installation commander, the commander should consider assigning installation personnel to coordinate with civil authorities.

Conclusion

DOD Directives 3025.1 and 3025.15 do not provide decisionmakers with information on all actions conducted in support of domestic disaster relief operations. The events of Task Force Bulldozer revealed weaknesses in DOD Directives 3025.1 and 3025.15. DOD should update DOD Directives 3025.1 and 3025.15, or publish other appropriate directives, to enhance communication and increase overall situational awareness of support efforts from the earliest stages. DOD guidance does not facilitate comprehensive communication or provide DOD responders with guidance on how to justify and document their decision to respond. DOD should also provide guidance on how to transition immediate response actions to a mission assignment for prolonged support if needed.

Management Comments on the Finding and Our Response

U.S. Marine Corps Comments

Although not required to comment, the U.S. Marine Corps provided unsolicited comments on Finding C of our draft report. The Marine Corps' main concern was that reporting immediate response, mutual aid, and anticipated mission assignment activities should not include reporting training activities that are currently being completed through mutual aid agreements. The Marine Corps also commented that limiting reporting requirements only if they coincide with other civil support still would be too restrictive because it is difficult to predict when the support might escalate to a larger effort.

The Marine Corps also commented on six other items discussed in this finding. The additional comments were in relation to the DCO command and control authority, the relationship between the combatant commander and local commanders providing immediate response support, providing local liaisons to civil authorities, the circumstances of Task Force Bulldozer, the helicopter support provided during 2007, and local commander liaisons to the DCO. Where appropriate, we revised our report. Through further discussion directly with the Marine Corps, the concerns regarding circumstances of Task Force Bulldozer and the helicopter support were retracted. The Marine Corps still does not fully agree that immediate response, mutual aid, and actions taken in anticipation of a mission assignment be reported to the DCO because it creates a dual reporting channel. However, the Marine Corps personnel stated that they are actively preparing and revising mutual aid agreements with local civil authorities so that formal agreements are available when possible.

The full text of the Marine Corps' unsolicited comments and followup response are included with the other comments we received in the back of this report.

Our Response

We agree with the Marine Corps assessment regarding the reporting of training and recurring mutual aid. We included specific wording in front of each type of support listing in Recommendation C.2.a regarding when actions should be reported. We did not originally include similar wording throughout the finding. We revised the finding to clarify our intent. We did not intend for our recommendation to inundate the civil support processes with reporting requirements, but have determined that a requirement should exist for reporting the specific type of actions we identified when conditions exist. Although we recognize that conditions can escalate, the responses should be reported at that time. We did not intend for any policy revision to require commanders to predict an escalation of the response.

We applaud the efforts to formalize mutual aid agreements with local civil authorities because it will minimize the instances where immediate response support is required.

Recommendations, Management Comments, and Our Response

Revised Recommendations

We clarified Recommendation C.1 to better state what action should be taken to implement our recommendation.

C.1. We recommend that the Chairman, Joint Staff, develop guidance to specify the roles and responsibilities of the Defense Coordinating Officer, how Services are expected to coordinate with and support the Defense Coordinating Officer program, and how other DOD Components can leverage the Defense Coordinating Officer during their civil support missions.

Joint Staff Comments

The Vice Director, Joint Staff, did not agree with the recommendation and commented that Joint Publication 3-28 provides more than adequate guidance concerning the roles and responsibilities of the DCO. Specifically chapter 2, "DOD Operational Environment"; section 4, "Roles and Responsibilities"; and section 5, "Command and Control," contain the information. We subsequently requested clarification from the Joint Staff because section 4 does not mention the DCO and were advised the comment should have been referenced to section 2, "Requests for Assistance."

Our Response

The Vice Director's comments were responsive. We revised the recommendation based on the comments. The Joint Staff should still consider updating policy to codify the DCO position. Although Joint Publication 3-28 describes how the DCO handles the request for assistance process, DOD has not codified the program so that it is recognized by groups not within the normal approval process.

We determined that communication and coordination between the Services and the DCO was lacking during the 2007 response. A local commander and the DCO did not have clear communication or coordination channels during the 2007 southern California wildland response. The local commander did not have an understanding of the DCO position and was expecting the DCO to complete tasks that were outside his authorities. Additionally, DOD has no policies in place that require local commanders and DCOs to cooperate during a response because the two groups fall under separate chains of command. Although the chain of command should remain separate, the Joint Staff should develop broad policy that establishes how various components throughout DOD, including the Joint Staff, combatant commanders, Service Secretaries, and local commanders interact with the DCO program.

We request that the Joint Staff provide comments on our revised recommendation.

Commander, U.S. Northern Command Comments

Although not required to comment, the Inspector General, U.S. Northern Command, commented for the Commander, U.S. Northern Command. The Inspector General provided an unsolicited response stating that it agreed with this recommendation.

Our Response

We appreciate the Inspector General's input on this recommendation.

C.2. We recommend that the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs issue new policy or update DOD Directives 3025.1, "Military Support to Civil Authorities," January 15, 1993; and 3025.15, "Military Assistance to Civil Authorities," February 18, 1997; or other appropriate directives to:

a. Require units preparing for immediate response, acting in anticipation of a mission assignment, or providing mutual aid to report their actions to the Defense Coordinating Officer or the Geographic Combatant Commander if the support could coincide with other civil support.

Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs Comments

The Deputy Assistant Secretary of Defense for Homeland Domains and Defense Support of Civil Authorities, responding for the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs disagreed. She stated that there is already guidance applicable to reporting the three types of civil support identified in the recommendation. Specific guidance mentioned in the Deputy's response includes DOD Directive 3025.1, DOD Directive 3025.15, the 2008 Defense Support to Civil Authorities Standing Execution Order, a Deputy Secretary of Defense memorandum on reporting civil support, and a draft DoD Directive.

Our Response

The Deputy's comments were not responsive. The Deputy's comments note guidance that does not specifically mention reporting the actions to the DCO or the Geographic Combatant Commander with the exception of the 2008 Joint Staff Standing Defense Support to Civil Authorities, which was not applicable to the 2007 southern California wildland fire response. Our recommendation is specifically to notify the DCO and the Geographic Combatant Commander of preparing for immediate response, providing mutual aid, or actions taken in anticipation of a mission assignment. Because the DCO is the DOD's main contact with civil authorities at the Joint Field Office and the Commander, U.S. Northern Command, has primary responsibility to secure the Homeland, they need to be informed of all actions DOD is taking to mitigate a situation. DoD should revise policy to ensure that the DCOs and Geographic Combatant Commanders are informed shortly after the civil support is being planned or provided rather than informing them after a string of other authorities are notified, including higher headquarters, the National Military Command Center, the Joint Staff, and the DOD Executive Secretary. Additionally, the guidance noted by the Deputy regarding reporting of mission assignments is not applicable when a unit is acting in anticipation of a mission assignment as was the case in the days leading up to the deployment of Task Force Bulldozer. We request that the Deputy Assistant Secretary of Defense for Homeland Defense Domains and Defense Support of Civil Authorities reconsider her position and provide further comments on Recommendation C.2.a.

b. Clarify the evaluation requirements for units conducting immediate response to document the validation of the request for assistance using the cost, appropriateness, readiness, risk, legality, and lethality analysis, time permitting.

Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs Comments

The Deputy Assistant Secretary of Defense for Homeland Domains and Defense Support of Civil Authorities, responding for the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs disagreed. She stated that there is already a requirement to evaluate all types of civil support based on the six noted factors. DoD Directive 3025.15, "Military Assistance to Civil Authorities," paragraph 4.2, states that "All requests by Civil Authorities for DoD Military Assistance shall be evaluated against the following criteria."

Our Response

The Deputy's comments were not responsive. Although DoD Directive 3025.15, "Military Assistance to Civil Authorities," paragraph 4.2, requires all civil support to be evaluated for the six criteria, paragraph 4.4 states "Nothing in this Directive prevents a commander from exercising his or her immediate emergency response authority as outlined in DOD Directive 3025.1." We reviewed DOD Directives 3025.1 and 3025.15. We determined that the six criteria were not applicable because of the statement in DOD Directive 3025.15, paragraph 4.4. Additionally, local commanders we interviewed did not provide consistent answers regarding whether or not they were required to complete the analysis. If this analysis is not correctly completed before providing support, DOD

could potentially violate laws, unnecessarily put DOD personnel in risky situations, or may even be required to use unauthorized deadly force against the civilian population to quell a situation. To ensure that the six criteria are considered before providing immediate response, DOD should clarify the language in DOD Directive 3025.15. We request that the Deputy Assistant Secretary of Defense for Homeland Defense Domains and Defense Support of Civil Authorities reconsider her position and provide further comments on Recommendation C.2.b.

c. Provide a uniform time frame for reporting immediate response.

Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs Comments

The Deputy Assistant Secretary of Defense for Homeland Domains and Defense Support of Civil Authorities, responding for the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs disagreed. She stated that operational commanders should determine the reporting times.

Our Response

The Deputy's comments were not responsive. We do not agree that reporting basic information is restrictive to the operational commander's authority to make decisions and complete a mission. The Secretary, Joint Staff, combatant commanders, and other officials need to have this information available to make sound decisions regarding how the DOD supports civil authorities. DOD's goal of transitioning immediate response back to civil support efforts is hindered when delayed or fragmented information is provided to decisionmakers. We request that the Deputy Assistant Secretary of Defense for Homeland Defense Domains and Defense Support of Civil Authorities reconsider her position and provide further comments on Recommendation C.2.c.

d. Require Services to develop plans, guidance, or agreements with civil authorities regarding the disengaging of DOD resources providing immediate response and transitioning the support back to civil authorities.

Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs Comments

The Deputy Assistant Secretary of Defense for Homeland Domains and Defense Support of Civil Authorities, responding for the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs disagreed. She stated that the operational commanders should make the decision to disengage forces providing immediate response based on existing guidance that immediate response can be provided "to save lives, prevent human suffering, or mitigate great property damage under imminently serious conditions."

Our Response

The Deputy's comments were not responsive. We do not agree that the Deputy's comment considered complete guidance on immediate response. DoD Directive 3025.1,

"Military Support to Civil Authorities," paragraph 4.5.3, states that "Any commander or official acting under the Immediate Response authority of this Directive shall . . . seek approval or additional authorizations as needed." Immediate response should only be used as a stop-gap until more formal means can be established. A local authority requesting assistance from a local DOD commander circumvents the processes and authorities established by the National Response Framework. Immediate Response Authority gives DOD commanders the flexibility to provide support during dire situations, but DOD should only be providing civil support when civil resources are not able and available to provide the support. Although it is the local civil authorities' responsibility to initiate a request for assistance through State and Federal channels, DOD should have plans in place to disengage immediate responders and allow civil authorities to take over a situation. If a local DOD commander determines that local authorities are not facilitating a transition back to civil control, the commanders need guidance on taking a proactive approach in transitioning the response back to civil authorities or a more formalized mission assignment. We request that the Deputy Assistant Secretary of Defense for Homeland Defense Domains and Defense Support of Civil Authorities reconsider her position and provide further comments on Recommendation C.2.d.

e. Emphasize the requirement that units providing immediate response support supplement verbal requests with written documentation and clarify what information should be contained in the written request.

Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs Comments

The Deputy Assistant Secretary of Defense for Homeland Domains and Defense Support of Civil Authorities, responding for the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs agreed. She stated that a new directive will incorporate this recommendation by outlining the basic information required with the written request.

Our Response

We considered this comment responsive and no further comments are required.

Commander, U.S. Northern Command Comments

Although not required to comment, the Inspector General, U.S. Northern Command, commented for the Commander, U.S. Northern Command. The Inspector General provided an unsolicited response stating that it agreed with recommendations C.2.a – C.2.e.

Our Response

We appreciate the Inspector General's input on these recommendations.

Appendix A. Scope and Methodology

We conducted the performance audit from July 2008 through July 2009 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We reviewed all requests for assistance that DOD received from civil authorities during the 2007 southern California wildland fires, including 19 mission assignments and applicable amendments from FEMA; a request from NIFC for activation of a DCO, 6 aircraft capable of using the Modular Airborne Firefighting System, and bases to support the Modular Airborne Firefighting Systems operation; support provided under mutual aid agreements; and immediate response actions provided by local DOD installations. Mission assignments are identified in Appendix E. We also reviewed the use of aerial imaging during the 2008 northern California wildland fires. DOD support provided through mutual aid generally consisted of sharing an installation's firefighting assets with the local community. DOD support provided under immediate response included direct actions, such as Task Force Bulldozer, water drops from DOD helicopters, and providing infrared capabilities, but also indirect actions, such as removing DOD assets from the electric grid so that the electricity could be used elsewhere.

We reviewed:

- prior audits;
- the Stafford Act;
- the National Response Plan and the National Response Framework;
- the Economy Act;
- title 44 of the Code of Federal Regulations;
- the DOD Financial Management Regulations;
- execution orders and deployment orders from USNORTHCOM;
- situation reports from DCOs, U.S. Army North, 153rd Air Expeditionary Group, U.S. Air Force North, USNORTHCOM, FEMA, the National Guard Bureau, and the National Oceanic and Atmospheric Administration; and
- other subsequent DOD actions taken on the mission assignments.

We also reviewed DOD lessons learned and a multi-entity report discussing lessons learned from previous wildland fires.

In addition, we evaluated:

- the adequacy of directives, policies, manuals, instructions, and plans issued by Federal agencies, DOD, the Joint Staff, and USNORTHCOM related to Defense Support to Civil Authorities;
- mutual aid agreements between DOD, NIFC, and local/state entities; and

- the achievements made since the 2007 southern California wildland fires.

Specific criteria that we reviewed include:

- DOD Instruction 6055.06, "DOD Fire and Emergency Services (F&ES) Program," December 21, 2006;
- DOD Instruction 7000.14, "Department of Defense Financial Management Policy and Procedures," March 3, 2006;
- DOD Directive 3025.1, "Military Support to Civil Authorities," January 15, 1993;
- DOD Directive 3025.15, "Military Assistance to Civil Authorities," February 18, 1997;
- Joint Staff Instruction 3630.01A, "Expedited Orders Process for Department of Defense Support of Civil Authorities (DSCA)," June 1, 2006;
- FEMA manuals; and
- the National Mobilization Guide.

We also interviewed DOD personnel from the Manpower/Personnel, Operations, Logistics, Plans and Policy, Training and Exercises, and Finance Directorates in part or in full at the following activities:

- Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs,
- Office of the Secretary of Defense (Comptroller)/Chief Financial Officer,
- Joint Staff,
- USNORTHCOM,
- U.S. Army North,
- U.S. Air Force North,
- National Guard Bureau,
- Marine Corp Installations West, and
- Navy Region Southwest.

We also interviewed disaster relief responders from the following organizations: FEMA, the Department of Agriculture/U.S. Forest Service/NIFC, the California Department of Forestry and Fire Protection, and the California Office Emergency Services.

Our contacts with personnel in the organizations included discussions on the observances from previous wildland firefighting efforts and corrective actions taken since then. We limited our review to the DOD actions taken in anticipation of potential mission assignments and the handling of the mission assignments, from the initial requests of local authorities to the performance and financial management of the assigned missions.

In Finding B, the audit team estimated the total cost of assets used by USNORTHCOM during the 2007 southern California wildland fires. This estimate was calculated using information obtained from documents provided by officials at a number of activities. Specifically:

- The number of flight hours and cost per flight hour for the aerial imaging assets used was provided by officials at U.S. Air Force North. The costs for the Rover Uplink were obtained from a mission assignment document created by FEMA.

- The documentation including the costs incurred for the staging of the Mobile Aeromedical Staging Facility was provided by the FEMA Region IX Mission Assignment Coordinator.
- The information used to estimate the cost for the Command Assessment Element and the Operational Command Post was obtained from officials at FEMA Region IX and U.S. Army North, from USNORTHCOM Command Center Operational Updates issued during the fires, and historical General Services Administration prices for official travel between San Antonio and Los Angeles.

To calculate the cost, we relied upon data obtained from the aforementioned sources, and on explanations provided to the audit team by officials at the activities. The cost of positioning the Mobile Aeromedical Staging Facility was included in our estimate even though it was reimbursed, because DOD could have been held responsible for the cost since the positioning was the result of USNORTHCOM's failure to properly evaluate the requirements of the mission assignment. Because flight hours were not tracked for the aerial imaging support provided during the 2008 northern California wildland fires, a cost estimate for 2008 could not be calculated; therefore, the total estimated cost for assets used by USNORTHCOM includes only those costs incurred for the 2007 southern California wildland fire response. Also, the cost estimate calculated for the use of four Rover Uplinks and teams during the 2007 wildland fire response was questioned by USNORTHCOM and U.S. Air Force North officials. Officials at USNORTHCOM stated that the audit team's cost estimate was too high because it was calculated using costs from a mission assignment. The officials explained that costs included on mission assignments are generally excessive amounts in order to ensure that adequate funding is available for the missions. The USNORTHCOM officials suggested that U.S. Air Force North or U.S. Army North officials would be able to provide more accurate costs. The U.S. Air Force North officials stated that the satellite time associated with the Rover use may be expensive, but there is no cost associated with downloading images from the P-3 aircraft to the Rover units. Additionally, there were temporary duty costs for the teams operating the units. In their opinion, the audit team's estimate of the total cost was still too high. While the U.S. Air Force North officials disagreed with the audit team's estimate, they were unable to provide more accurate costs.

Use of Computer-Processed Data

Scanned Documents

We performed reliability tests on computer-processed data by comparing and verifying data received from different sources during document reviews and analysis. The majority of documents obtained during the engagement were scanned copies of documents. These documents included deployment orders, execution orders, and requests for forces. Although we reviewed the electronic documents obtained from the computer systems and cross-referenced them with other documentation, the system itself was not tested for reliability.

USNORTHCOM Online Database

We tested the reliability of information we used for the audit from the USNORTHCOM Online Database, but did not assess if the USNORTHCOM Online Database contained all operating plans applicable to the audit. We confirmed with USNORTHCOM experts that operating plans we relied on were complete and up-to-date. Additionally, we confirmed that mission assignment, execution orders, and similar information we relied on was accurate with information maintained by other sources. The documents were acquired using the Non-Secure Internet Protocol Router Network.

Appendix B. Prior Coverage

During the last 5 years, GAO, the DOD IG, the Army Audit Agency, the Naval Audit Service, and the Air Force Audit Agency have issued a total of 23 reports related to the audit. The list consists of reports most directly associated with the objectives of the audit. Unrestricted GAO reports can be accessed over the Internet at http://www.gao.gov. Unrestricted DOD IG reports can be accessed at http://www.dodig.mil/audit/reports. Unrestricted Army reports can be accessed from .mil and gao.gov domains over the Internet at https://www.aaa.army.mil/.

Air Force Audit Agency reports may be accessed from .mil domains over the Internet at https://wwwd.my.af.mil/afknprod/ASPs/cop/Entry.asp?Filter=OO by those with Common Access Cards who create user accounts.

GAO

GAO Report No. GAO-09-444T, "Wildland Fire Management: Actions by Federal Agencies and Congress Could Mitigate Rising Fire Costs and Their Effects on Other Agency Programs," April 1, 2009

GAO Report No. GAO-09-68, "Wildland Fire Management: Interagency Budget Tool Needs Further Development to Fully Meet Key Objectives," November 24, 2008

GAO Report No. GAO-08-251, "Homeland Defense: U.S. Northern Command Has Made Progress but Needs to Address Force Allocation, Readiness Tracking Gaps, and Other Issues," May 16, 2008

GAO Report No. GAO-08-433T, "Wildland Fire Management: Federal Agencies Lack Key Long- and Short-Term Management Strategies for Using Program Funds Effectively," February 12, 2008

GAO Report No. GAO-07-1168, "Wildland Fire Management: Better Information and a Systematic Process Could Improve Agencies' Approach to Allocating Fuel Reduction Funds and Selecting Projects," September 28, 2007

GAO Report No. GAO-07-1017T, "Wildland Fire Management: A Cohesive Strategy and Clear Cost-Containment Goals Are Needed for Federal Agencies to Manage Wildland Fire Activities Effectively," June, 19, 2007

GAO Report No. GAO-07-655, "Wildland Fire Management: Lack of Clear Goals or a Strategy Hinders Federal Agencies' Efforts to Contain the Costs of Fighting Fires," June 1, 2007

GAO Report No. GAO-06-570, "Wildland Fire Suppression: Lack of Clear Guidance Raises Concerns about Cost Sharing between Federal and Nonfederal Entities," May 30, 2006

GAO Report No. GAO-06-643, "Hurricane Katrina: Better Plans and Exercises Needed to Guide the Military's Response to Catastrophic Natural Disasters," May 15, 2006

GAO Report No. GAO-06-671R, "Wildland Fire Management: Update on Federal Agency Efforts to Develop a Cohesive Strategy to Address Wildland Fire Threats," May 1, 2006

GAO Report No. GAO-05-923T, "Wildland Fire Management: Timely Identification of Long-Term Options and Funding Needs is Critical," July 14, 2005

GAO Report No. GAO-05-147, "Wildland Fire Management: Important Progress Has Been Made, but Challenges Remain to Completing a Cohesive Strategy," January 14, 2005

DOD IG

DOD IG Report No. D-2008-130, "Approval Process, Tracking, and Financial Management of DOD Disaster Relief Efforts," September 17, 2008

DOD IG Report No. D-2007-0002, "Use of DOD Resources Supporting Hurricane Katrina Disaster," October 16, 2006

DOD IG Report No. D-2006-118, "Financial Management of Hurricane Katrina Relief Efforts at Selected DOD Components," September 27, 2006

Army Audit Agency

Army Audit Agency Report No. A-2007-0135-FFD, "Army Fund Accountability for Hurricane Katrina Relief Efforts," June 12, 2007

Naval Audit Service

Naval Audit Service Report No. N2007-0039, "Controls and Accountability Over Medical Supplies and Equipment-Hurricane Relief Efforts," June 1, 2007

Naval Audit Service Report No. N2007-0009, "Department of the Navy's Use of Hurricane Katrina Relief Funds," January 3, 2007

Air Force Audit Agency

Air Force Audit Agency Report No. F2007-0008-FD1000, "Hurricane Katrina Supplemental Funds Management," April 23, 2007

Air Force Audit Agency Report No. F2007-0003-FB1000, "Hurricane Katrina Federal Emergency Management Agency Reimbursements," November 20, 2006

Air Force Audit Agency Report No. F2006-0036-FDM000, "Air Force Support to Civil Authorities 145th Airlift Wing, Charlotte Air National Guard Base, North Carolina," March 2, 2006

Air Force Audit Agency Report No. F2006-0021-FCI000, "Air Force Support to Civil Authorities 146th Airlift Wing Channel Islands Air National Guard Base, California," January 31, 2006

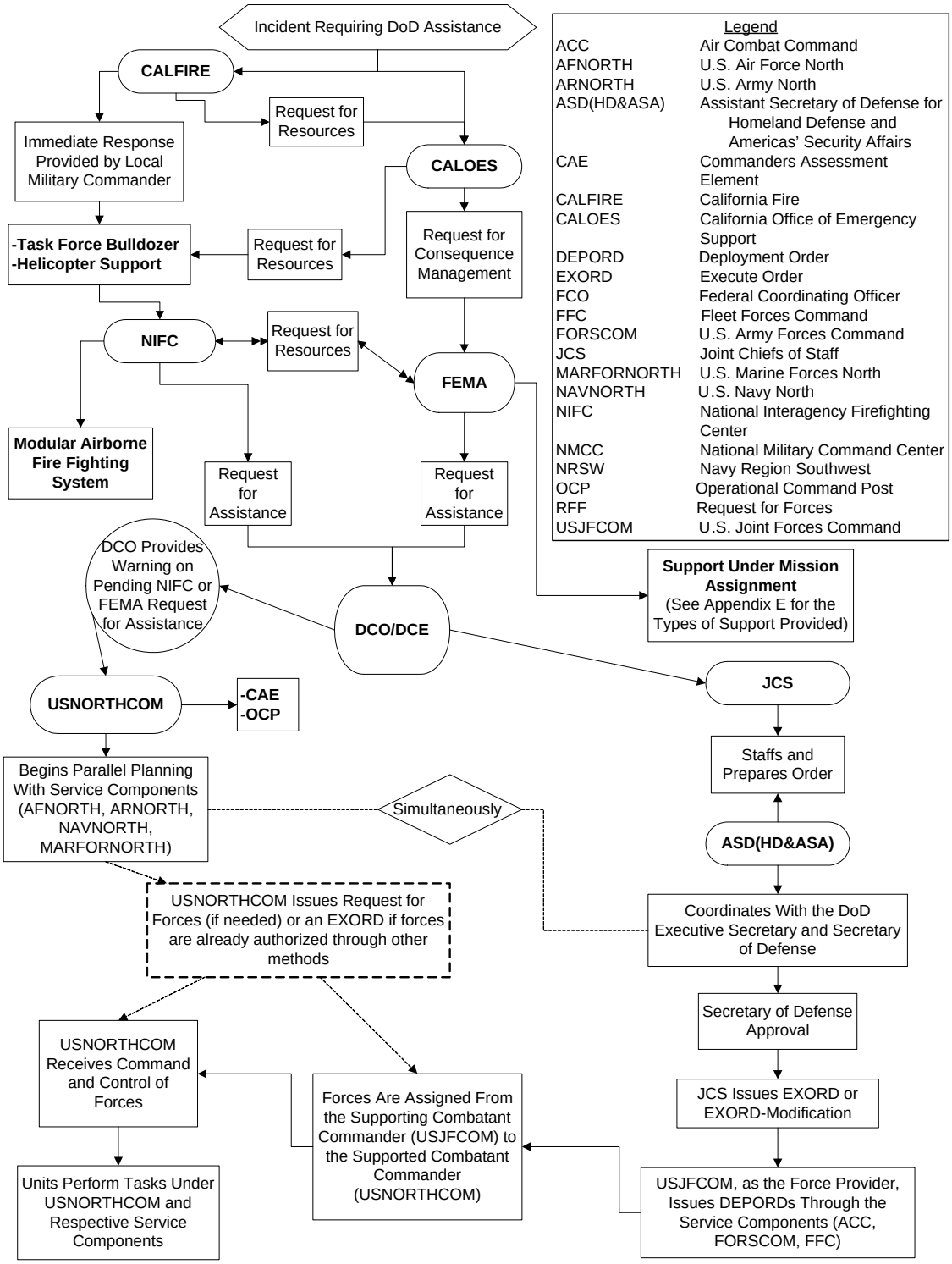
Air Force Audit Agency Report No. F2006-0013-FBM000, "Air Force Support to Civil Authorities 153rd Airlift Wing Air National Guard, Cheyenne Air National Guard, Wyoming," December 22, 2005

Appendix C. Emergency Support Functions

The National Response Plan established 15 Emergency Support Functions covering various categories of disasters. The National Response Framework slightly adjusted the titles of the functions. As shown in the chart, a primary agency has responsibility for each function. The National Response Plan also identified supporting agencies for each Emergency Support Function. DOD was a supporting agency on all 15 functions. This chart reflects the titles and primary agencies identified in the National Response Plan.

Emergency Support Functions and Their Primary Agencies		
	Emergency Support Function Title	**Emergency Support Function Primary Agency**
1	Transportation	Department of Transportation
2	Communications	Department of Homeland Security/Information Analysis and Infrastructure Protection/National Communications System
3	Public Works and Engineering	Department of Defense/U.S. Army Corps of Engineers/ Department of Homeland Security/Emergency Preparedness and Response/FEMA
4	Firefighting	Department of Agriculture/U.S. Forest Service
5	Emergency Management	Department of Homeland Security/Emergency Preparedness and Response/FEMA
6	Mass Care, Housing, and Human Services	Department of Homeland Security/Emergency Preparedness and Response/FEMA/The American Red Cross
7	Resource Support	General Services Administration
8	Public Health and Medical Services	Department of Health and Human Services
9	Urban Search and Rescue	Department of Homeland Security/Emergency Preparedness and Response/FEMA
10	Oil and Hazardous Materials Response	Environmental Protection Agency/Department of Homeland Security/U.S. Coast Guard
11	Agriculture and Natural Resources	Department of Agriculture/Department of the Interior
12	Energy	Department of Energy
13	Public Safety and Security	Department of Homeland Security/Department of Justice
14	Long-Term Community Recovery and Mitigation	Department of Agriculture/Department of Commerce/Department of Health and Human Services/Department of Homeland Security/Emergency Preparedness and Response/FEMA/Department of Housing and Urban Development/Department of the Treasury/Small Business Administration
15	External Affairs	Department of Homeland Security/Emergency Preparedness and Response/FEMA

Appendix D. Defense Support of Civil Authorities Approval and Performance Process



Appendix E. 2007 Mission Assignments

DOD received a total of 19 unique mission assignments from FEMA during the 2007 southern California wildland fires. FEMA amended most of the assignments to cancel, extend, or revise the mission. The mission assignments shown below include the 19 original mission assignments (those ending in the format "DoD-xx") and the amendments to the original mission assignments (those ending in the format "DoD-xx-xx"). We grouped the requests into nine general capabilities below.

Capability Needed	Date of Receipt	Mission Assignment (MA) Number	Description of Request	Cost (Dollars)
DCO/DCE	10/23/2007	7220SU-CA-DoD-01	Activate/deploy DCO/DCE with supporting staff elements (Regional Emergency Preparedness Liaison Officers and Service Emergency Preparedness Liaison Officers) and additional planners as required.	75,000
	10/23/2007	3279EM-CA-DoD-01	Activate/deploy DCO/DCE with supporting staff elements and additional planners as required.	75,000
	10/25/2007	1731DR-CA-DoD-03	Activate/deploy DCO/DCE with supporting staff elements and additional planners as required.	750,000
FOSA[1]	10/23/2007	7220SU-CA-DoD-02	Provide FOSA to support distribution of supplies and equipment. Required 10/23/2007 for 60 days.	100,000
	10/30/2007	7220SU-CA-DoD-02-01	De-obligate $100,000 and close mission. This MA was not used; it was replaced by post-declaration MA 1731DR-CA-DoD-05.	(100,000)
	10/23/2007	3279EM-CA-DoD-02	DoD to provide FOSA at March ARB. Required 10/23/2007 for 60 days.	100,000
	10/26/2007	1731DR-CA-DoD-05	DoD continues to provide FOSA at March ARB. Support is for up to 60 days.	100,000
Cots for Shelters	10/24/2007	7220SU-CA-DoD-03	Deliver 10,000 cots (on loan) to Qualcomm, Del Mar, and other shelters (no later than midnight on 10/22/2007) as requested via San Diego OES.	50,000
	10/24/2007	3279EM-CA-DoD-04	DoD to deliver 10,000 cots to Qualcomm, Del Mar, and other shelters as requested via San Diego OES.	50,000
Transport of MERS Unit[2]	10/24/2007	3279EM-CA-DoD-03	Provide strategic transport to and from San Diego area of operations. Include monies for round trip. Pick-up location is Denton, Texas.	400,000
	10/24/2007	3279EM-CA-DoD-03-01	Amend to de-obligation and close MA.	(400,000)
	12/4/2007	3279EM-CA-DoD-03-02	Provide funding to reimburse DoD/USTRANSCOM for expenses incurred prior to closing the MA. MERS was not deployed to San Diego for use at Qualcomm. USTRANSCOM flew mission to Ft. Worth to pick up MERS prior to closing the MA and incurred the expenses, resulting in the request for reimbursement.	45,653.20
MASF[3,4]	10/24/2007	3279EM-CA-DoD-05	USNORTHCOM to conduct preliminary planning preparatory to providing aircraft, equipment, and personnel support for strategic patient movement.	50,000
	10/26/2007	3279EM-CA-DoD-05-01	Cancel 3279EM-CA-DoD-05. Will re-create with more detail under declaration.	(50,000)
	10/27/2007	1731DR-CA-DoD-07	DoD to provide transportation support to move hospitalized patients. This mission replaces 3279EM-CA-DoD-05.	225,000
	10/28/2007	1731DR-CA-DoD-07-01	Cancel MA, which was submitted as DFA mission; should have been FOS.	(225,000)

Note: See the footnotes at the end of the appendix.

Capability Needed	Date of Receipt	Mission Assignment (MA) Number	Description of Request	Cost (dollars)
MASF (cont.)	10/28/2007	1731DR-CA-DoD-08	Provide support to move hospitalized patients. Capability is to be pre-staged at March ARB to reduce response time.	225,000
	10/28/2007	1731DR-CA-DoD-08-01	Cancel MA and de-obligate per discussions between DoD and FEMA National Response Coordination Center.	(225,000)
	11/19/2007	1731DR-CA-DoD-08-02	Amend to provide funding as FOS mission in the amount of $200,000 to reimburse DoD for pre-staging MASF capability at March ARB. Additional funding is provided for DFA under a separate MA (1731DR-CA-DoD-11).	200,000
	11/19/2007	1731DR-CA-DoD-11	Provide funding as DFA mission for $200,000 to reimburse DoD for pre-staging the MASF at March ARB. Funding is provided as FOS under separate MA (1731DR-CA-DoD-08).	200,000
Aerial Imaging[3]	10/24/2007	1731DR-CA-DoD-01	Remote Sensing Imagery Support	1
	10/25/2007	1731DR-CA-DoD-01-01	Amend and de-obligate per [FEMA representative]	(1)
	10/25/2007	1731DR-CA-DoD-02	DoD/USNORTHCOM will conduct FMV [aerial imaging] flights in support of the wildfires.	1
	10/25/2007	1731DR-CA-DoD-04	FMV [aerial imaging] capability for incident awareness and assessment. Provide aerial imagery of fire area.	606,000
DOD Representation at Multi Agency Coordination Center	10/27/2007	1731DR-CA-DoD-06	DoD representation and interface with the Multi-Agency Coordination Center needed for decisions currently being made without DoD consult.	20,000
Remove Stuck Bulldozer[5]	11/3/2007	1731DR-CA-DoD-09	Provide resources to extract a D9 bulldozer stuck in the ground along a fire line.	3,000
FOSA for Mobile Homes	11/14/2007	1731DR-CA-DoD-10	Provide FOSA at a location to be approved by FEMA. Will provide space for approximately 105 mobile homes for up to 6 months, from November 26, 2007, to February 28, 2008, with review at February 1, 2008, if a 3-month extension is needed until May 31, 2008.	250,000
	11/16/2007	1731DR-CA-DoD-10-01	Amend MA to state initial length of time for this mission is 60 days, with anticipated extensions up to a total of 6 months. Funding is reduced by $150,000 to reflect the projected cost estimate of $16,000 per month.	(150,000)

ARB	Air Reserve Base
DCE	Defense Coordinating Element
DFA	Direct Federal Assistance
FMV	Full Motion Video
FOS	Federal Operational Support
FOSA	Federal Operational Staging Area
MA	Mission Assignment
MASF	Mobile Aeromedical Staging Facility
MERS	Mobile Emergency Response Support
OES	Office of Emergency Services
USTRANSCOM	U.S. Transportation Command

[1]FEMA cancelled 7220SU-CA-DoD-02 before DOD took any action. The mission was replaced under disaster declaration by mission 1731DR-CA-DoD-05.

[2]FEMA cancelled 3279EM-CA-DoD-03 because the aircraft sent to Texas to transport the Mobile Emergency Response Support unit was delayed, causing the Mobile Emergency Response Support unit to choose to drive to the San Diego area instead. FEMA later amended the mission assignment to provide funding to USTRANSCOM, because the aircraft intended to transport the Mobile Emergency Response Support unit was already on the way to Texas before the mission was cancelled.
[3]FEMA cancelled 1731DR-CA-DoD-01, 1731DR-CA-DoD-04, and 1731DR-CA-DoD-07 before DOD took any action.
[4]FEMA and DOD cancelled 1731DR-CA-DoD-08. FEMA later amended the mission assignment to provide funding to DOD because DOD had actually positioned instead of only planning for the Mobile Aeromedical Staging Facility before the mission was cancelled.
[5]FEMA cancelled 1731DR-CA-DoD-09. The DCO rejected this mission because of the high level of risk involved.

Appendix F. DOD Corrective Actions Resulting From the 2007 California Wildland Fires

DOD has made a number of improvements based on lessons learned from the 2007 southern California wildland fires. Also, DOD has taken various actions to mitigate the inefficiencies identified during previous events, including some issues we discussed in this report. The areas where corrective actions have been implemented are discussed below.

Emergency Preparedness Liaison Officer Permanently Assigned to NIFC

DOD has permanently assigned an Air Force Emergency Preparedness Liaison Officer to NIFC. During the 2007 southern California wildland fires, the Emergency Preparedness Liaison Officer provided valuable liaison support between DOD and NIFC. The assignment is an example of effective measures DOD took to improve coordination with NIFC.

Assignment of a Liaison Officer to the Geographic Area Coordination Center During the 2007 Southern California Wildland Fires

During the 2007 southern California wildland fires and based upon situational need, DOD provided a liaison officer to the southern California Geographic Area Coordination Center. The liaison officer provided a critical coordination function between NIFC and DOD. DOD plans to continue to provide a liaison to the Geographic Area Coordination Center or other applicable civil authorities based upon situational needs.

Improvements to Defense Support of Civil Authorities Support Implemented by Marine Corps Installations West

Marine Corps Installations West made improvements to disaster response based upon its lessons learned from the 2007 southern California wildland fires. Marine Corps Installations West enhanced guidance available in the execution orders to include detailed information about immediate response and required responders to conduct a cost, appropriateness, readiness, risk, legality, and lethality analysis before providing support. Marine Corps Installations West also entered into a mutual aid agreement with CAL FIRE to better integrate military assets into local firefighting agencies. Additionally, Marine Corps Installations West created a draft memorandum for mutual support with the I Marine Expeditionary Force and a new standard operating procedure for the Marine Corps Installations West crisis action team.

USNORTHCOM Adaptation of the Situational Awareness Team

USNORTHCOM has revised implementation of the Command Assessment Element, which is now called the USNORTHCOM Situational Awareness Team. During the 2007 response, the team did not have optimal coordination with other DOD responders in the area. As a result of lessons learned from the 2007 southern California wildland fires, the team is more scalable and is sent out with specialized personnel tailored for the needs of the incident. The USNORTHCOM Situational Awareness Team provides situational awareness to USNORTHCOM and can also augment the DCO staff.

Tailoring of Incident Aerial Imaging Assets

USNORTHCOM tailored incident awareness and assessment assets based on overall usefulness during the 2007 southern California wildland fires. USNORTHCOM discontinued the use of the Navy P-3 aircraft for incident awareness because of limited effectiveness.

Conclusion

DOD should continue to focus on improving civil support based on lessons learned. Although every response will be different, DOD should continue to develop and improve procedures and policies to avoid duplicating past mistakes. The areas discussed above, as well as improvements identified in previous audits, demonstrate that DOD is taking the initiative to provide more effective civil support.

Joint Staff Comments

THE JOINT STAFF
WASHINGTON, DC

Reply ZIP Code:
20318-0300

DJSM 30493-09
03 September 2009

MEMORANDUM FOR THE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE

Subject: DOD Civil Support During the 2007 and 2008 California Wildland Fires

1. Thank you for the opportunity to comment on the draft report concerning DOD support during the 2007 and 2008 Southern California fires.[1] The Joint Staff nonconcurs with its recommendations as written and provides the enclosed comments for consideration.

2. The Joint Staff point of contact is [redacted]

Bruce E. Grooms

B. E. GROOMS
RADM, USN
Vice Director, Joint Staff

Enclosure

Reference:
1 DOD(IG) Draft Report dated July 1, 2009, "DoD Civil Support During the 2007 and 2008 California Wildland Fires," Project No. D2008-D000CG-0246.000

ENCLOSURE

DOD Civil Support During the 2007 and 2008 California Wildland Fires

1. Joint Staff comments to DOD(IG) recommendations are found in the bold text below.

a. General comment: **Overall, it is the Joint Staff position that adequate doctrine and policy exist for the recommendations being addressed below (with the exception of recommendation B.1.b). The issue is compliance with existing doctrine and policy.**

b. **If additional guidance is to be issued, it will be focused on complying with current doctrine and policy. Additional guidance can be incorporated when Joint Publication 3-28, "Civil Support," 14 September 2007, undergoes an update in FY 09-FY 10.**

2. Comments

a. In section that reads: B.1. We recommend that the Chairman, Joint Staff:

(1) Issue procedures that require all mission assignments not generated at the Joint Field Office and Regional Defense Coordinating Officer level to be staffed and coordinated at the Defense Coordinating Officer level to ensure appropriate personnel involved in operations will be consulted prior to the acceptance of a mission assignment, conditions permitting.

(2) **Comment: Joint Publication 3-28 provides adequate, overarching, guidelines and principles concerning the Request for Assistance (RFA) / Mission Assignment (MA) process. Specifically, concerning MAs not generated at the JFO, JP 3-28 states (page II-3), "In all cases, the supported CCDR and the affected DCO must be notified to limit redundant coordination of resources." This notification, accomplished through the Joint Staff to the supported combatant command, is the coordination necessary to ensure appropriate personnel involved in the operation are consulted prior to the acceptance of a mission assignment. The procedures are clearly outlined in the doctrine, they must be followed.**

(3) Increase information on legality and surveillance by DoD assets as part of training and exercises for personnel validating, processing, and performing Defense Support to Civil Authorities missions.

(4) **Comment: On 13 July 2009, Commander, USNORTHCOM submitted a memorandum/request to the Secretary of Defense requesting**

Enclosure

Final Report Reference

broader authorities to conduct IAA missions supporting USNORTHCOM operational preparation of the environment (OPE) and operational planning in anticipation of requests for DOD support associated with catastrophic event(s). Commander, USNORTHCOM is specifically requesting an exemption from the DOD (Foreign Intelligence) FI and (Counter Intelligence) CI guidance limitations to enable utilization of IAA assets and capabilities for missions in support of the DSCA EXORD. If granted, approval guidance will be incorporated as a reference to the DSCA EXORD to facilitate OPE and operational planning in anticipation of requests for DOD support for catastrophic events, prior to an approved RFA or Mission Assignment.

(6) Revise Joint Publication 3-28, "Civil Support," September 14, 2007, to specifically state the events that trigger the Defense Coordinating Officer's handoff of DoD forces responding to an incident. Revised

(7) **Comment: The Joint Staff does not concur with detailing events and triggers within joint doctrine for DCO handoff of DOD forces responding to an incident. Command and control of DOD forces OPCON to the COCOM, to include the "handoff" of forces within the command, remains a CCDR's decision.**

(8) **Joint Publication 3-28 provides overarching guidelines and principles to assist commanders and their staffs in planning and conducting joint civil support operations. The Joint Publication provides guidance for the exercise of authority by combatant commanders and other joint force commanders and prescribes joint policy for operations, education, and training. The Joint Publication provides military guidance for use by the Services in preparing their appropriate plans. The Joint Publication is authoritative in nature and should be followed when possible, but also allows combatant commanders to deviate in extreme circumstances.**

b. In section that reads: C.1. We recommend that the Chairman, Joint Staff specify the roles and responsibilities of the Defense Coordinating Officer as they pertain to disaster assistance and support for civil authorities. Revised

(1) **Comment: Joint Publication 3-28 provides more than adequate guidance concerning the roles and responsibilities of the DCO.**

(2) **That guidance can be found in Chapter II (DOD Operational Environment), Section 4 (Roles and Responsibilities) and Section 5 (Command and Control).**

Under Secretary of Defense (Comptroller)/Chief Financial Officer Comments

OFFICE OF THE UNDER SECRETARY OF DEFENSE
1100 DEFENSE PENTAGON
WASHINGTON, DC 20301-1100

COMPTROLLER

JUL 28 2009

MEMORANDUM FOR PROGRAM DIRECTOR, ACQUISITION AND CONTRACT MANAGEMENT SERVICE, OFFICE OF INSPECTOR GENERAL, DEPARTMENT OF DEFENSE

SUBJECT: DoD OIG Draft Audit Report D2008-D000CG-0246.000, "DoD Civil Support During the 2007 and 2008 California Wildland Fires," July 1, 2009

This memorandum is in response to the subject draft audit report provided to this office for review and comment. Upon review of the draft report, we concur with the Office of Inspector General, Department of Defense recommendation. Our detailed response to the report findings and recommendations is outlined in the attachment.

The Department appreciates the opportunity to comment on the subject report. My staff point of contact on this matter is [redacted] who can be contacted by telephone at [redacted] or e-mail at [redacted]

Mark E. Easton
Deputy Chief Financial Officer

Attachment:
As stated

Draft Report on DoD Civil Support During the 2007 and 2008 California Wildland Fires (Project No. D2008-D000CG-0246.000)

The Department of Defense Office of the Inspector General recommended that the Under Secretary of Defense (Comptroller)/Chief Financial Officer:

RECOMMENDATION B2: Issue policy requiring that units deployed to U.S. Northern Command in response to a mission assignment report financial matters of the support through U.S. Northern Command until the unit identifies that a final request has been submitted, regardless of when the unit redeploys from U.S. Northern Command. The policy should also include controls that will require reimbursement requests to be reviewed by a component familiar with the original request for assistance so that chargebacks resulting from reimbursement requests that are not within the scope of the original request can be reduced.

DoD RESPONSE: Concur. The Office of the Secretary of Defense (Comptroller) (OUSD(C)) will issue guidance requiring all Components, tasked by U.S. Northern Command (USNORTHCOM) to provide support/assistance to the Federal Emergency Management Agency, coordinate their reimbursement requests with USNORTHOM, or their designee, and regularly report financial information to USNORTHCOM, or their designee, until the mission assignment has been closed.
Estimated Completion Date: September 30, 2009

U.S. Northern Command Comments

UNITED STATES NORTHERN COMMAND

JUL 30 2009

MEMORANDUM FOR DEPUTY INSPECTOR GENERAL FOR AUDITING OFFICE OF THE INSPECTOR GENERAL DEPARTMENT OF DEFENSE

FROM: Inspector General, USNORTHCOM
250 Vandenberg St., Ste. B016
Peterson AFB CO 80914-3804

SUBJECT: DOD IG Draft Report Civil Support During the 2007 and 2008 California Wildland Fires (Project No. D2008-D000CG-0246.000)

1. Attached is the USNORTHCOM response to DOD Civil Support During the 2007 and 2008 California Wildland Fires (Project No. D2008-D000CG-0246.000).

2. The Command's response for the follow-up recommendations is at attachment one. Our point of contact is [redacted]

WILLIAM A. MORGAN
Colonel, USAF

Attachment:
USNORTHCOM Response

DETER PREVENT DEFEAT

Final Report Reference

DOD IG DRAFT REPORT – DATED JULY 1, 2009
(Project No. D2008-D000CG-0246.000)

DOD Civil Support During the 2007 and 2008 California Wildland Fires

USNORTHCOM Comment to the DOD IG Recommendations

RECOMMENDATION B.1: We recommend that the Chairman, Joint Staff:

a. Issue procedures that require all mission assignments not generated at the Joint Field Office and Regional Defense Coordinating Officer level to be staffed and coordinated at the Defense Coordinating Officer level to ensure appropriate personnel involved in operations will be consulted prior to the acceptance of a mission assignment, conditions permitting.

b. Increase information on legality and surveillance by DOD assets as part of training and exercises for personnel validating, processing, and performing Defense Support to Civil Authorities missions.

c. Revise Joint Publication 3-28, "Civil Support," September 14, 2007, to specifically state the events that trigger the Defense Coordinating Officer's handoff of DOD forces responding to an incident.

Revised

USNORTHCOM RESPONSE: Non Concur; (Critical comment) Chairman, Joint Staff recommendation B.1.c. should be removed because Joint doctrine provides broad overarching guidance based on proven fundamental principles. These principles help guide the employment of forces in coordinated and integrated actions towards a common objective but they should not direct specific detailed actions and thus hamper the initiative of the Commander. Providing specific trigger points are inappropriate for inclusion in joint doctrine.

RECOMMENDATION B.2: We recommend that the Under Secretary of Defense (Comptroller)/DOD Chief Financial Officer issue policy requiring that units deployed to U.S. Northern Command in response to a mission assignment report financial matters of the support through U.S. Northern Command until the unit identifies that a final request has been submitted, regardless of when the unit redeploys from U.S. Northern Command. The policy should also include controls that will require reimbursement requests to be reviewed by a component familiar with the original request for assistance so that chargebacks resulting from reimbursement requests that are not within the scope of the original request can be reduced.

USNORTHCOM RESPONSE: Concur.

Final Report Reference

RECOMMENDATION B.3: We recommend that the Commander, U.S. Northern Command:

a. Review existing processes to ensure that U.S. Northern Command's methods for obtaining situational awareness and command and control of DOD assets required during civil support are necessary to complete the mission and are obtained in the most efficient and cost-effective manner.

b. Request funds as part of the normal annual budget that can be distributed to DOD assets used by U.S. Northern Command to perform situational awareness for civil support missions.

c. Update the effective version of U.S. Northern Command Concept Plan, "Defense Support of Civil Authorities," to reflect the language of the revised Joint Publication 3-28 "Civil Support," as discussed in recommendation B.1.c.

Revised and renumbered Recommendation B.3.d.

USNORTHCOM RESPONSE: B.3.a: Concur. B.3.b: Concur. B.3.c: Non Concur: (Substantive comment) Commander, U.S. Northern Command recommendation B.3.c. should read, "Update the effective version of U.S. Northern Command Concept Plan, "Defense Support of Civil Authorities," to reflect factors, such as size of DOD forces and dispersion of forces, that influence the decision process on when to transition C2 of forces from the DCO to a Task Force or Joint Task Force Commander." This will reflect the deletion of JS recommendation B.1.c. and retain the flexibility of the CCDR and operational commanders during operations.

Additionally, we added Recommendations B.3.c and B.3.e.

RECOMMENDATION C.1: We recommend that the Chairman, Joint Staff specify the roles and responsibilities of the Defense Coordinating Officer as they pertain to disaster assistance and support for civil authorities.

USNORTHCOM RESPONSE: Concur.

RECOMMENDATION C.2: We recommend that the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs issue new policy or update DOD Directives 3025.1, "Military Support to Civil Authorities," January 15, 1993, and 3025.15, "Military Assistance to Civil Authorities," February 18, 1997, or other appropriate directives to:

a. Require units preparing for immediate response, acting in anticipation of a mission assignment, or providing mutual aid to report their actions to the Defense Coordinating Officer or the Geographic Combatant Commander if the support could coincide with other civil support.

b. Clarify the evaluation requirements for units conducting immediate response to

document the validation of the request for assistance using the cost, appropriateness, readiness, risk, legality, and lethality analysis, time permitting.

c. Provide a uniform time frame for reporting immediate response.

d. Require Services to develop plans, guidance, or agreements with civil authorities regarding the disengaging of DOD resources providing immediate response and transitioning the support back to civil authorities.

e. Emphasize the requirement that units providing immediate response support supplement verbal requests with written documentation and clarify what information should be contained in the written request.

USNORTHCOM RESPONSE: Concur.

Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs Comments

OFFICE OF ASSISTANT SECRETARY OF DEFENSE
2600 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-2600

HOMELAND DEFENSE
& AMERICAS' SECURITY AFFAIRS

AUG 0 6 2009

MEMORANDUM FOR THE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE, ATTN: PROGRAM DIRECTOR, ACQUISITION AND CONTRACT MANAGEMENT

SUBJECT: DoD Civil Support During the 2007 and 2008 California Wildland Fires (Project No. D2008-D000CG-0246.000)

Thank you for the opportunity to review the DoD Inspector General's Report on DoD Civil Support during the 2007 and 2008 California Wildland Fires.

Our comments to the DoD Inspector General's recommendations are enclosed with supporting justifications. Our point of contact for this action is [redacted], Defense Support of Civil Authorities, [redacted].

Theresa M. Whelan
Deputy Assistant Secretary of Defense
Homeland Defense Domains and
Defense Support of Civil Authorities

Attachments:
As Stated

Department of Defense Office of the Inspector General
Draft of Proposed Report
DoD Civil Support During the 2007 and 2008 California Wildland Fires
(Project #: D2008-D000cg-0246.000)

OASD(HD&ASA) Comments to DoD Inspector General Recommendations

The DoD Inspector General report titled, *DoD Civil Support During the 2007 and 2008 California Wildland Fires*, requires that OASD(HD&ASA) respond to Finding C: "DoD Policy for Civil Support," recommendation C.2 (page 30):

"C.2. We recommend that the Assistant Secretary of Defense for Homeland Defense and Americas' Security Affairs issue new policy or update DoD Directives 3025.1, "Military Support to Civil Authorities," January 15, 1993, and 3025.15, "Military Assistance to Civil Authorities," February 18, 1997, or other appropriate directives to:

Recommendation a: Require units preparing for immediate response, acting in anticipation of a mission assignment, or providing mutual aid to report their actions to the Defense Coordinating Officer or the Geographic Combatant Commander if the support could coincide with other civil support (page 30).

Proposed Response: Disagree.

Justification: There is existing guidance that addresses the three areas that the report recommends in paragraph C.2.a that DoD issue new policy or update current policy for each of the areas addressed:

1) Immediate Response:

- Deputy Secretary of Defense memorandum (dated April 25, 2005), titled, "Reporting Immediate Response Requests of Civil Authorities," directs that "...the military commander, or responsible DoD official of a DoD component or agency rendering such assistance, shall report the request, the nature of the response, and any other pertinent information through the chain of command to the National Military Command Center. Each level in the chain of command will make expeditious notification to the next higher authority." (TAB C)

- DoD Directive 3025.15, *Military Assistance to Civil Authorities*, paragraph 4.7.1, "As soon as practical, the DoD Component or Command rendering assistance shall report the fact of the request, the nature of the response, and any other pertinent information through the chain of command to the DoD Executive Secretary, who shall notify the Secretary of Defense, the Chairman of the Joint Chiefs of Staff, and any other appropriate officials." (TAB D)

- Chairman of the Joint Chiefs of Staff Standing Defense Support of Civil Authorities Execute Order (May 28, 2008), para. 10.J, Immediate Response: "Commanders or responsible DoD officials will report all actions and support provided through the appropriate chain of command to the National Military Command Center (NMCC) ...IAW Refs A [DoDD 3025.1] and F [Deputy Secretary of Defense memorandum], and provide a copy to the Geographic Combatant Commander." (TAB E)

2) Mutual Aid:

- Mutual aid and assistance is governed under title 42, United States Code § 1856(b): Under current policy DoD Directive 3025.1, *Military Support to Civil Authorities*, and DoD Directive 3025.15, *Military Assistance to Civil Authorities*, mutual aid is not DSCA This support is governed under title 42 and by DoD policy as an emergency management function in DoD Instruction 6055.06, *DoD Fire and Emergency Services Program*, paragraph 5.5.11: "Implement procedures to report F&ES [Fire and Emergency Services] activities using the National Fire Incident Reporting System (NFIRS)."

- Mutual aid is included as DSCA in the draft DoD Directive, 3025.dd, *Defense Support of Civil Authorities*, and will include guidance on the role of the Combatant Commander and Military Services with regard to reporting support provided under title 42.

3) Requests for Assistance:

- DoD Directive 3025.15, *Military Assistance to Civil Authorities*, paragraph 4.1, "The Department of Defense shall cooperate with and provide military assistance to civil authorities as directed by and consistent with applicable law, Presidential Directives, Executive orders, and this Directive." (TAB D)

- Chairman of the Joint Chiefs of Staff Standing Defense Support of Civil Authorities Execute Order (May 28, 2008), paragraph 1.G, "DoD provides DSCA as directed by

the President or SecDef in response to a PA [Primary Agency] request for assistance." (TAB E)

Recommendation b: Clarify the evaluation requirements for units conducting immediate response to document the validation of the request for assistance using the cost, appropriateness, readiness, risk, legality, and lethality analysis, time permitting.

Proposed Response: Disagree.

Justification: There is existing guidance that addresses the evaluation requirements for units conducting immediate response using the approved validation criteria in current Directive 3025.15, *Military Assistance to Civil Authorities*, paragraph 4.2, 4.7, and 4.7.1. (TAB D)

- DoD Directive 3025.15, *Military Assistance to Civil Authorities*, paragraph 4.2, "All requests by civil authorities for DoD military assistance shall be evaluated by DoD approval authorities against the following criteria." Subordinate paragraphs describe those criteria as: legality, lethality, cost, risk, appropriateness and readiness.

- DoD Directive 3025.15, *Military Assistance to Civil Authorities*, paragraph 4.7, "Requests for military assistance [see paragraph 4.2] should be made and approved in the following ways…" The following subordinate paragraph to 4.7, is 4.7.1, "Immediate Response."

Recommendation c: Provide a uniform time frame for reporting immediate response.

Proposed Response: Disagree.

Justification: Operational commanders direct reporting times.

Recommendation d: Require Services to develop plans, guidance, or agreements with civil authorities regarding the disengaging of DoD resources providing immediate response and transitioning the support back to civil authorities.

Proposed Response: Disagree.

Justification: Operational commanders should determine the appropriate time when support of civil authorities has achieved immediate response objectives, "to save lives, prevent

human suffering, mitigate great property damage under imminently serious conditions" (DoD Directive 3025.1) to disengage with civil authorities. This decision point should be discussed in operational guidance.

Recommendation e: Emphasize the requirement that units providing immediate response support supplement verbal requests with written documentation and clarify what information should be contained in the written request.

Proposed Response: Agree.

Justification: DoD Directive 3025.15, *Military Assistance to Civil Authorities*, paragraph 4.7.1, "Immediate Response," directs that "Civil authorities shall be informed that verbal requests for support in an emergency must be followed by a written request," and that "if the report does not include a copy of the civil authorities' written request, that request shall be forwarded to the DoD Executive Secretary as soon as it is available." (TAB D) The draft DoD Directive 3025.dd, *Defense Support of Civil Authorities*, will include language outlining the basic information for a request, such as requirement requested, time period support is required, and reimbursement information.

Prepared By: [redacted]

U.S. Marine Corps Comments

DEPARTMENT OF THE NAVY
OFFICE OF THE ASSISTANT SECRETARY
(INSTALLATIONS AND ENVIRONMENT)
1000 NAVY PENTAGON
WASHINGTON, D.C. 20350-1000

August 7, 2009

MEMORANDUM FOR NAVY INSPECTOR GENERAL (AUDIT AND COST MANAGEMENT)

SUBJECT: DODIG Draft Report "DOD Civil Support During the 2007 and 2008 California Wildland Fires" dated July 1, 2009 (Project No. N2008-D000CG-0246.000

ENCL: (1) USMC memo 7510 RFR-80 dtd 27 Jul 09

1. We have reviewed the draft DODIG Report and concur with comments provided in the enclosure.

2. Please contact [redacted] if you have further questions.

Dennis Biddick
Deputy Assistant Secretary of the Navy
Infrastructure Strategy and Analysis

DEPARTMENT OF THE NAVY
HEADQUARTERS UNITED STATES MARINE CORPS
3000 MARINE CORPS PENTAGON
WASHINGTON, DC 20350-3000

IN REPLY REFER TO:
7510
RFR-80
27 Jul 09

MEMORANDUM FOR ASSISTANT SECRETARY OF THE NAVY (INSTALLATION AND ENVIRONMENT)

Subj: DODIG DRAFT REPORT, "DOD CIVIL SUPPORT DURING THE 2007 AND 2008 CALIFORNIA WILDLAND FIRES," DATED JULY 1, 2009 (PROJECT NO. D2008-D000CG-0246.000)

Ref: (a) DODIG email of 6 July 2009

Encl: (1) Marine Corps official comments

1. In accordance with reference (a), the Marine Corps has reviewed the subject draft report and provides comments at the enclosure.

2. For questions regarding this response, you may contact [redacted]

C. K. DOVE
By direction of the
Commandant of the Marine Corps

Final Report Reference

DoDIG DRAFT REPORT - DATED JULY 1, 2009
Project No. D2008-D000CG-0246.000

"DoD Civil Support During the 2007 and 2008 California Wildland Fires"

UNITED STATES MARINE CORPS COMMENTS

1. In the report section "Findings C" it is noted that the DoD does not have policy that requires components to report preparation activities prior to acting under immediate response authority, in anticipation of a mission assignment, or under mutual aid.

Refer to the following excerpts:

(Page 26) "Also, DoD does not have policy that requires components to report preparation activities prior to acting under immediate response authority, in anticipation of a mission assignment, or under mutual aid." Revised

(Page 27) "Units are not required by DoD Directives 3025.1 and 3025.15, "Military Assistance to Civil Authorities," February 18, 1997, to report their actions to decision making authorities when preparing for immediate response or an anticipated request for assistance prior to initiating the support or when providing mutual aid."

In the Conclusion of the report, recommendation C.2(a) states:

"a. Require units preparing for immediate response, acting in anticipation of a mission assignment, or providing mutual aid to report their actions to the Defense Coordinating Officer or the Geographic Combatant Commander if the support could coincide with other civil support."

We agree that Recommendation C.2(a) is appropriate for preparations for receiving a mission assignment, but do not believe this policy could be achieved for immediate response or especially for mutual aid activity.

It is extremely important that any future policy is explicit in intent. Our DoD fire and emergency services departments enter into mutual aid agreements based on the authority to do so provided by Section 1856(a), Title 42, of the United States Code, with implementing instructions provided by DoD Instruction 6055.06 "Fire and Emergency Services Program". As such, our fire departments could be considered as taking "preparatory activity" for providing mutual aid on any given day that they

train or prepare to conduct fire fighting activity. We should prevent any policy from being established that would require such reporting. Even if specified that the reporting is only necessary when "support could coincide with other civil support", as the recommendation does, it may become problematic. It can be difficult to determine when a local response will escalate into a larger incident requiring multi-agency response, and more so the moment in time when our preparatory activity changes from 'in support of mutual aid' to 'in support of civil support', making it near impossible for commanders to adequately or fully comply with this reporting requirement.

2. Additional management comments:

a. Defense Coordinating Officers (DCOs) are not designated military commanders. As described in the 2008 Standing CJCS EXORD for Defense Support of Civil Authorities, a DCO's role is to serve as the single DOD point of contact for the FEMA Region and associated Federal Coordinating Officer (FCO) to review, validate and provide a recommendation with regards to a FEMA Request For Assistance (RFA). Prior to USNORTHCOM assumption of responsibilities, 5th U.S. Army and 1st U.S. Army designated Training Support Brigade Commanders with the collateral duty of being a DCO. As Brigade Commanders, the DCOS were screened and designated military commanders with significant staff resources to draw upon. In the current construct, DCOs are not screened and designated military commanders nor do they have significant staff resources in their five to seven person Defense Coordinating Element.

b. The Department of Defense policy for Immediate Response Authority applies to local commanders responding to local civilian authorities when imminently serious conditions exist. It is inaccurate to imply that this policy gives either the Combatant Commander (CCDR) or DCO command authority or dirlauth with a unit responding under Immediate Response. Per the CJCS EXORD for DSCA, the CCDR is informed of a unit responding under Immediate Response when the National Military Command Center is informed.

c. Although the DCO is the single point of contact in the Federal Joint Field Office (JFO), there is no restriction on installation commanders providing a liaison to local civilian Emergency Operation Center (EOC) during an incident.

Final Report Reference

DoDIG DRAFT REPORT - DATED JULY 1, 2009
Project No. D2008-D000CG-0246.000

"DoD Civil Support During the 2007 and 2008 California Wildland Fires"

d. Page i, paragraph "What We Found" and "Joint Staff Concern 2-Task Force Bulldozer", page 12, incorrectly identifies performance of Task Force Bulldozer as "Immediate Response". SOCAL Fires started on 20 October 2007. In the DODIG Report, Task Force Bulldozer performed activity on 26 Oct 2007. CDR USNORTHCOM issued FRAGO to USNORTHCOM EXORD establishing JOA within SOCAL on 23 Oct 2007. DSCA authority was "in effect" by 26 Oct 2007; Immediate Response (normally, not more than 72 hours) was no longer appropriate authority for independent DoD activity not under DSCA Authority.

Sections d. and e. were subsequently redacted by the Marine Corps.

e. Page 29, paragraph "Helicopter Assets Deployed by the U.S. Marine Corps." Helicopters were initially deployed under the F&ES Program-based MOU signed by MCI WEST. 5 helicopters were eventually deployed to Northern California to support WFF operations under USNORTHCOM DSCA authority. Helicopters in SOCAL continued to support local WFF requirements under F&ES Program MOA authority.

f. Page 29, "Liaison Support by Installation Commanders." Installation Commanders can provide Liaison Officers to Local Civil Authorities ISO Immediate Response and F&ES Program employed assets. However, Installation Liaison Officers should not be engaged with the DCO, the RRCC, the JTF, or any other element of the Joint Command architecture. The appropriate liaison element to CDR USNORTHCOM's DSCA, is the MARFORNORTH (Service Component Command) representative.

U.S. Marine Corps Action Officer Followup Comments

The Marine Corps appreciates the opportunity for continued dialogue concerning the Department of Defense Office of Inspector General (DODIG) Report on DoD Civil Support During the 2007 and 2008 California Wildland Fires, Project No. D2008-D0008-D000CG-0246.000. Additionally, the Marine Corps agrees that the pre-9/11 DoD Directives 3025.1 and 3025.16 need to be updated in order to provide decision makers with information on all actions conducted in support of disaster relief operations. We look forward to our coordinated effort in refining the proposed recommendations so that we can provide the necessary guidance to commanders for supporting domestic operations without negatively impacting on the responsibility of the military services to man, train and equip military forces to defend the Nation.

Understanding how the Department of Defense (DoD) provided support during the 2007 and 2008 California Wildland Fires requires an understanding of the authorities and policies under which DoD support is provided. When an incident occurs in the Continental United States that requires Federal support, Commander United States Northern Command (CDRUSNORTHCOM) is responsible for leading the military forces that the Secretary of Defense has directed to support the Federal response either under the Stafford Act or in accordance with the Economy Act. Incidents occur frequently at the local level and do not require Federal assistance, but may temporarily overwhelm local civilian authorities. Local military commanders may respond to requests from local domestic civil authorities in accordance with DoD's policy for Immediate Response or under the authority delegated by Title 42, section 1856a. Understanding the distinction between a local incident involving local military commanders and local civilian officials verses a Federal response involving the combatant commander is essential to understanding how DoD provides support to domestic operations. The purpose of Title 42, section 1856a and the Immediate Response policy is to provide local commanders the ability to respond at the local level and if need be, receive support from local authorities, not to give CDRUSNORTHCOM the authority to respond to an incident prior a directed Federal response.

The Deputy Secretary of Defense Memorandum on Reporting Immediate Response Requests from Civil Authorities dated April 25, 2005 and the SECDEF approved Standing CJCS EXORD for Defense Support of Civil Authorities provides the necessary guidance to commanders for reporting Immediate Response. The purpose of the DEPSECDEF Memo was to clarify the reporting chain for Immediate Response and the NMCC's responsibility for notifying the senior DoD leadership. Subsequently the CJCS EXORD established the requirement to provide a copy of Immediate Response reports to the geographic combatant commander. It is the prerogative of CDRUSNORTHCOM to inform the DCO. Requiring local commanders to report Immediate Response request to the DCO goes against the intent of the April 25, 2005 DEPSECEF Memo by establishing an additional reporting chain and creates confusion over the purpose of the required reporting.

Since the 2007 – 2008 Wild Fires, as a prudent planning practice the Marine Corps has strongly encouraged its installation commanders to be proactive and engage local civilian authorities in planning to provide mutual support and being prepared to respond to

request for immediate assistance. Requiring commanders to report to the DCO anytime that they are preparing to respond to a local request establishes a reporting link to the DCO and implies that the DCO has DIRLAUTH with the local commanders when he/she does not. The current reporting process was intentionally kept simple in order facilitate the successful notification to SECDEF. Injecting additional reporting requirements risks providing a timely response to SECDEF. Instead, the focus should be on educating commanders at every level on the reporting requirements and following the direction in both the DEPSECDEF Memo and CJCS EXORD for DSCA. Policy revision is not necessary; compliance with existence policy will satisfy the requirement.

The Marine Corps concurs with the recommendation to codify and define the roles and responsibilities of the DCO. Per the CJCS EXORD for DSCA, the DCO serves as the single DOD point of contact for the applicable FEMA Region and the Federal Coordinating Officer for requesting assistance from DoD. Additionally Joint Publication 3-28 states: "The co-location of the JTF command element will not replace the requirement for a DCO/DCE as part of the JFO coordination staff and the JTF command element will not coordinate requests for assistance." Additionally, JP 3-28 states, "When requested, DOD normally will deploy a regionally-assigned DCO to the JFO in order to assist the FCO in coordinating DOD support, as required. A defense coordinating element (DCE) consisting of appropriate staff elements and military liaison officers (LNOs) may also be requested to assist the DCO in facilitating and coordinating potential DOD support." The Marine Corps recognizes that it is within the authority of the combatant commander to designate a JTF Commander. What is not clear, is how a DCO with his/her 5-7 persons DCE would command a JTF and perform the DCO's primary responsibilities in the JFO in the initial critical hours following an incident. For example, it is questionable that in OEF/OIF DOD would designate a JTF CDR as a NATO LNO -- duties taking him away from his command responsibilities.

The DCO does not have command authority over military forces that respond to a request for assistance under DoD's Immediate Response Authority or in accordance with DoD Instruction 6055.6, DoD Fire and Emergency Services. Additionally, it is within the authority of an installation commander to provide a liaison to a local civilian Emergency Operations Center (EOC) during and incident. If the scale of an incident requires a Federal response and the establishment of a Joint Field Office (JFO), Marine Forces North will provide a Marine liaison to the DCO to provide advice on the employment of USMC capabilities and to represent the Marine Corps. USMC communication and coordination with the DCO will be via Marine Forces North in order to support the chain of command and facilitate the flow of accurate information in both the CCDR's and Service chain of commands.

Retract comments in paragraphs 2.d .and 2.e. of the Marine Corps' initial comments. MCI-West and II MEF provided helicopters and support to Task Force Bulldozer under Immediate Response Authority, not a mutual aid agreement.

The Marine Corps point of contact for Defense Support of Civil Authorities policy is [redacted]

Inspector General
Department of Defense