

Senate Natural Resources and Energy  
Issues Related To Tropical Storm Irene  
*January 6, 2012*  
*VT League of Cities and Towns Comments*



Thank you for the opportunity to testify regarding issues related to Tropical Storm Irene.

We woke to a devastated landscape on August 29 after listening to the pounding rain and rush of water all night. It was a landscape destroyed by the enormous power of our rivers, streams and mountain rivulets.

According to the Irene Recovery Report, "initially, 13 communities were isolated as all roads leading in and out of town were impassible. On the Town Highway System, more than 2000 road segments – and more than 200 bridges – were closed in the days after Irene. More than 1000 culverts were washed out or damaged. As soon as the waters subsided, local road crews and private contractors rushed to make emergency repairs and render critical roads passable. Due to their tireless work, only 21 road segments and 43 town bridges remain closed or impassable".

Within a day or two of the storm, Agency of Natural Resources rivers engineers started visiting towns to discuss what to do about the "debris" - homes, trees, propane tanks, bridges, roads and more - in the river. FEMA also arrived to discuss the definition of "debris" a conversation that has yet to be resolved. By September 6, there was guidance for towns seeking authorization to work in the rivers and those authorizations were emergency and oral. On October 7, the agency issued new guidance requiring written authorization to work in the rivers. It took some time for that information to get to everyone who needed it.

In addition to destroyed infrastructure is the terrible damage that private individuals sustained to their homes, businesses and livelihoods. In the same breath we must reiterate the herculean efforts Vermonters went to to help their neighbors and fellow Vermonters, known to them or not. Volunteers from all over the state, indeed the country, pitched in to help towns recover. Those efforts at all levels continue. As sorry as we are to see Neale Lunderville leave his post as Irene Recovery Officer – he was everywhere, clear on his mission, moved mountains to spur recovery and tirelessly devised solutions to resolve intractable problems – we are delighted that Sue Minter will be filling that position, carrying on with a like passion for getting the job done.

A host of issues have been raised in the wake of Irene, many of them directly affecting the ways in which towns conduct their business. The Property Law Committee, initiated by the VT Bar Association and President Pro Tempore of the Senate investigated a number of these issues and has recommendations regarding many of them in its "Post Irene Property Law Task Force Report". Local officials and VLCT staff served on a number of that group's subcommittees. The Irene Recovery Office "Irene Recovery Report", being released today also includes recommendations for legislation, which were written with consultation from local officials. The Agency of Commerce and Community Development is taking the Community Recovery Tour around the state to hear from affected towns, volunteers and victims about what worked and what did not, where help was needed and where it was found. The Vermont Emergency Management Department held "after action meetings" around the state and will have a report

addressing their findings. Our own inquiries of member local officials have resulted in many recommendations for action, the most pressing of which are provided below.

Please note that VLCT is committed to acting in partnership with state agencies and regional

1. Abate state education property taxes for communities hit by flooding damage incurred during federally declared disaster events. (*This legislation is being acted on in the first weeks of the session, H. 461*).
2. Extend the December 1 payment date to the Education Fund for communities hit by flooding damage. (*This legislation is being acted on in the first weeks of the session*).
3. Taking lessons learned in repairing Vermont's transportation network after Tropical Storm Irene, VTrans should work with all state permitting agencies, especially the Agency of Natural Resources and Division of Historic Preservation, to expedite the permitting process, reduce costs and time delays associated with that process and tailor it to the size and impact of a project.

In addition, the following issues are outstanding for municipalities.

1. Removal of structures and debris that threaten infrastructure that has survived.
2. Rebuilding local roads, bridges and culverts to restore permanent access to residents, businesses and travelling public.
3. Protecting homes and public investments from the next event and spring flooding yet to come.
4. Assuring that municipalities have emergency management networks that include neighboring towns and those most likely to have physical access in an extended emergency such as Tropical Storm Irene.
5. Recovery of gravel that washed into the rivers in order to repair roads and infrastructure and to recover a substantial lost investment for spring repairs.
6. Reimbursement from FEMA for dollars spent on recovery and damage. Estimates for a local share *if* FEMA deems all local expenditures eligible for reimbursement, are estimated to be \$71,676,000. Across the state municipalities do not anticipate reimbursement from federal or state programs for \$20,000,000. Many towns have borrowed many times in excess of their annual budgets to fund repairs.
7. Maximizing funds available from the FEMA Hazard Mitigation Grants Program to assist in home buyouts, building flood proofing, stream bank erosion control, planning for resiliency in future events.

8. Providing for municipalities not currently in the National Flood Insurance Program (NFIP) to adopt flood hazard bylaws, whether or not a municipal plan is in place. Currently, for a variety of reasons, 38 towns are not participants in the NFIP. Several of those towns do not have current municipal plans and a few do not have plans at all.

9. Providing a mechanism for municipal zoning administrators to issue permits for work on damaged structures in flood plains in conformance with flood plain bylaws without having to wait for a 30-day period for comment from the Agency of Natural Resources.

10. Revise abatement statute to clarify that a board of civil authority may abate taxes, interest or collection fees.

We urge the committee and the Agency of Natural Resources to develop a reasonable protocol for work in the rivers in emergency situations, when communications may be cut off and people are displaced, as was the case with Irene. That protocol would be adopted in the next few months, distributed widely to municipalities, road crews and selectboards, regional commissions emergency management and VTrans staff. It would be simple and clear. It would include the names of the river engineers and contact information including cell phones. The time to address such a protocol is now, before we face a similar situation again.

We welcome the opportunity to work with the legislature on all the issues that have been raised by the weather, storms and flooding in 2011.

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