

House Fish, Wildlife and Water Resources Committee
House and Senate Natural Resources and Energy Committees
November 15, 2011
Vermont League of Cities and Towns Comments



Thank you for the opportunity to testify on the matter of work in the rivers in the wake of Tropical Storm Irene.

On August 29, we who were not personally affected woke to a devastated landscape all across the state, a landscape that was destroyed by the enormous power of our rivers, streams and mountain rivulets – something not seen in our lifetimes. Initially we did not go to the rivers; they came to us.

If you live in the Central Vermont area, you remember that your news that night came from WDEV working off a generator, taking updates from local folk – especially the Waterbury Town Manager – all night long as the rain pounded down.

When we woke up on August 29, all of our immediate impulses were to go help out. That first day, almost everyone in towns with damage went to help. And that first day, neighbors and people in the hills were the only people that could get to many places to volunteer alongside local selectboards and fire and rescue departments. What we saw was devastating. With rain in the forecast, that first day there was no warning to not breathe in the muck or to wear gloves, no caution about what was in the still raging rivers or against children working in the mud to help out.

We learned the Agency of Natural Resources (ANR) was flooded out as was Vermont Emergency Management. The governor requested a disaster declaration. The National Guard helicoptered in. Food got cooked, roadways got cleared, houses got mucked out, hands got held. People really were – and still are – amazing. VTrans started an assessment of damage to roads and bridges.

And amazingly, within a day or two, the ANR 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 “debris” and that conversation 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 (copies attached). Please remember that it took some time for that information to get to everyone who needed it.

As Irene Recovery Officer Neale Lunderville told us last week:

- approximately 1,400 residences had significant damage, including 433 mobile homes. Many of them ended up in the river.
- 225 municipalities had damage, 45 of them were severely damaged.
- 2,260 local road segments were damaged and 175 road segments were closed.
- 289 local bridges were damaged and 90 were closed.
- 963 culverts that have been reported were damaged and 335 were "closed".

The issues for towns were and are:

1. Removal of structures and debris that threatened infrastructure that had survived.
2. 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.
3. Rebuilding roads, bridges and culverts to restore access to residents, businesses, and travelling public.
4. Protecting homes and public investments from the next event and spring flooding yet to come.
5. Reimbursement from FEMA for enormous number of dollars spent on recovery and damage. Estimates for a local share *if* FEMA counts all local expenditures as eligible for reimbursement ranges from \$9,400,000 to \$26,000,000 to date. Many towns have borrowed in excess of their annual budgets to fund those repairs.
6. Potential fallout from relying on oral authorizations to work in the rivers as people's collective recollection of the emergency situation in August and September fades and second-guessing takes hold. We have already heard some of those recriminations take place.

We have one very strong recommendation going forward in the nature of taking the best from lessons learned. We urge the committee and the agency to develop a protocol for work in the rivers in emergency situations. There are protocols for stream geomorphic assessment on the Water Quality Division's website and statutes addressing imminent dangers but no "emergency protocol" to address the event as it happens or in the immediate wake of an event. 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 are eager to participate in such a discussion.

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