



OFFICE OF THE GOVERNOR

January 25, 2014

RICK PERRY
GOVERNOR

The Honorable Barack Obama
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Through: Mr. George A. Robinson
Regional Administrator
FEMA Region 6
Denton, Texas

RE: APPEAL OF DENIAL FOR PRESIDENTIAL DISASTER DECLARATION

Dear Mr. President:

Under the provisions of Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 and implemented by 44 CFR § 206.36, I am appealing your denial of my request that you declare a major disaster for the State of Texas as a result of the historic flooding event in Travis, Caldwell and Hays counties beginning on October 30, 2013, and continuing through November 16, 2013. Specifically, this is an appeal of the denial of a major disaster for Individual Assistance (IA), such as all eligible programs under the Individual and Household Programs (IHP), including Transitional Sheltering Assistance (TSA), Other Needs Assistance (ONA), Disaster Legal Services, Disaster Supplemental Nutrition Assistance Program, Disaster Unemployment Assistance and Crisis Counseling.

In response to the situation, I took action under state law by declaring a state of emergency on December 12 for multiple counties in Central Texas, including Caldwell, Hays and Travis counties, and directing the execution of the State Emergency Plan in accordance with Section 401 of the Stafford Act. On December 12, I requested a Presidential Emergency Declaration for Caldwell, Hays and Travis counties, which, on December 20, you approved FEMA-4159-DR to implement necessary Public Assistance (PA) including all categories of assistance and statewide hazard mitigation. Freestone County was later added to the PA declaration. On December 26, you issued a denial of IA programs.

On October 30, an upper level disturbance, a cold front and deep tropical moisture converged over south central Texas. The heavy rain threat was enhanced by remnants of weakening Tropical Storm Raymond in the Eastern Pacific. Severe thunderstorms flooded watersheds in Caldwell, Hays and Travis counties.

In less than 24 hours, rainfall totals in the three-county area reached more than 12 inches, causing watershed basins to overflow and dumping massive amounts of water into creeks in the area. Rainfall amounts exacerbated the situation created by a similar storm two weeks earlier.

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Various creeks and rivers overflowed, including: the Blanco River, Wood Creek, Onion Creek, Bull Creek, Williamson Creek, Slaughter Creek, Walnut Creek, the Colorado River and the San Marcos River. There were other minor flooding events across Central and Eastern Texas.

This incident caused six confirmed fatalities and numerous injuries. Flooding caused widespread damage to homes, businesses and public infrastructure across the state, resulting in the need for significant debris removal operations, which continue today.

Extensive search and rescue operations began early on October 31 and continued for several days. The last missing person was recovered from a submerged vehicle on November 12. Although authorities knew the victim's location, waters in the river were too treacherous to attempt recovery until days later.

Critical infrastructure facilities, such as water treatment plants, roads and bridges, were also damaged. Public water systems, including lift stations, were offline due to water line damage for which personnel rerouted systems to restore service.

Several roads and bridges were closed due to damages and the River Road Plantation Bridge in Travis County remains closed until extensive repairs can be made to the infrastructure.

Significant debris removal operations continue to be necessary. This includes curbside removal of damaged housing materials and contents, as well as vegetative debris removal, carcass removal and vehicle recovery.

Preliminary estimates of damages to public infrastructure and the amount of assistance needed for debris removal and emergency protective measures under the Stafford Act indicate damages in excess of \$48 million.

Several other counties experienced flooding, storm damage and tornadoes (touchdown in Bridge City, Texas) and received similar damages on a smaller scale. These counties, which did not meet the damage threshold during preliminary assessments, include Bell, Guadalupe and Williamson counties.

The majority of residential and commercial damage centered on the Onion Creek area of the City of Austin in Travis County. Onion Creek reached a historic crest at 40 feet, overflowing and causing severe damage to entire neighborhoods. The previous record was set in 1869 and 1921 at 38 feet. The last major flood in this area was in 2001 when the creek reached 36.5 feet.

Flood gauges were damaged by raging waters, causing limited warning and catching residents and officials off guard. Some flooding occurred outside the normal floodplain and the rapid rise in the creek occurred overnight when most residents were asleep. Residents were cut off from evacuation routes by rapidly rising water. Most evacuations occurred after flooding caused significant damage to homes and vehicles. Many residents were rescued from roofs and car tops.

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The residents in the Onion Creek area and the rural areas of Hays and Caldwell counties, in addition to residing in an area with lower household income, are severely underinsured and uninsured.

Travis County EMS evacuated 625 homes. Several shelters opened for flood victims and remained open until November 15, the same day the Austin Police Department returned to normal activities in the affected neighborhoods.

Several elementary schools closed due to impassable roads and power outages. More than 3,800 homes experienced power outages.

Local IA damage assessments were conducted for Caldwell, Hays and Travis counties. Results from these assessments initiated a request for a joint state/FEMA/Small Business Administration (SBA) IA damage assessment, which was conducted November 8-10. This joint IA damage assessment for homes in Travis, Caldwell and Hays counties resulted in a finding that 858 homes were impacted. This includes 82 affected, 169 with minor damage, 469 with major damage and 138 destroyed.

While 287 of the 607 homes that were destroyed or suffered major damage were uninsured, interviews with homeowners indicated that a significant number of those with flood insurance did not carry contents insurance. In addition, about 20 percent of the area consists of rental homes. Most of these are not insured for contents.

We strongly believe that the number of underinsured homes that were destroyed or withstood major damage, including those uninsured, is more than 400. More than 75 private businesses/nonprofit organizations sustained damage, with more than 25 of these having damages classified as major or destroyed. In addition, 70 recreational vehicles (RV) were destroyed in an RV park in Caldwell County.

Long-term recovery planning started with initial meetings on November 13. A Long-term Recovery Committee has been established and is coordinating a program to handle the unmet needs of the victims. Voluntary Organizations Active in Disasters (VOADs) provided such things as clothing, house-in-a-box and rental assistance.

The Austin Disaster Relief Network reported that 492 families requested assistance. Of those families, 220 are currently being supported, leaving 272 still requesting assistance. These families consist of homeowners who are underinsured or have no insurance. It also includes owners and renters.

There has been a large response from the VOAD community and other charitable organizations. The American Red Cross, Texas Baptist Men and the United Methodist Church, as well as others, have provided assistance to flood survivors and continue to work with local jurisdictions.

This event did not make national news and has only been covered minimally in television markets outside of Austin. While the Austin area is well known across the nation, it is important to remember that it is ranked by the Census Bureau as the nation's 35th largest metropolitan area

behind San Jose and Indianapolis. It is not a major television market. As a result, the VOADS are reporting limited donations.

SBA declared the area eligible for Disaster Loan Assistance. SBA, as of January 3, 2014, provided 103 applications for homes, receiving 88, approving 30 and declining 39 (18 withdrawn). Total funding provided to date for individuals is only \$1,244,880.

The City of Austin and Travis County are working to set aside money for home buyouts and relocation assistance. The buyouts are only expected to cover an estimated 160 of the 607 homes that received major or destroyed designations.

The following information is furnished on the nature and amount of state and local government resources that have been used to alleviate the conditions of this disaster:

- Texas Search and Rescue, a nonprofit search and rescue and disaster response team, mobilized in Caldwell County to assist in search and rescue and incident management duties, coordinating resource requests and obtaining technical specialists for specific operational guidance.
- The Texas Department of Public Safety (DPS) provided an aircraft to assist in one hoist rescue. DPS deployed a mobile disaster unit to Central Texas to issue replacement Texas driver licenses and identification cards to victims who lost those documents in the floods. State troopers continue to assist in impacted areas.
- Texas Military Forces provided seven high-profile vehicles (HPVs) with 18 personnel to support flooding in Central Texas. They activated two UH60 helicopters with hoists. An additional Transportation Force Package consisting of 10 HPVs and 32 personnel was activated by the governor to respond to flooding in Southeast Texas.
- The Texas Animal Health Commission provided two personnel to assist with deceased domestic animals and provided information on disposal locations to the public.
- 2-1-1 Texas, a program managed by the Texas Health and Human Services Commission, provided information and referral services in Texas, monitored school openings and closures, and continues to provide information to callers as needed.
- The Texas Department of Transportation (TxDOT) provided crews from the Austin district to assist Caldwell County with repairs to a washed-out culvert. TxDOT crews continue with clean-up operations in Waco, Austin, San Antonio, Houston and Beaumont.

Over the past 12 months, Texas has experienced numerous events requiring response activities, including:

- October 23, 2012: A local state of disaster declared for Concho County for excessive rain and flooding. A PA damage assessment for the county was \$62,894.68.

- November 12, 2012: A local state of disaster declared for the City of Marlin resulting from a failure of the local water system. The water production rate diminished to approximately 25 percent of normal capacity.
- December 25, 2012: A local state of disaster declared for Houston County for tornado activity and severe thunderstorms. Six structures were affected. A PA damage assessment for the county showed approximately \$135,000 in damages to the local utility co-op.
- April 17, 2013: A Presidential Disaster declared (DR and EM) for the West Fertilizer Plant explosion. Preliminary damage assessments (PDAs) are in excess of \$35 million. Project worksheet (PW) coordination is ongoing.
- May 15, 2013: A local state of disaster declared in North Texas for a severe outbreak of tornadoes, resulting in numerous fatalities and damage to over 100 homes and businesses. PA damages exceeded \$1.4 million.
- May 23, 2013: A local state of disaster declared in Kent County for severe storms with large hail damaging five homes.
- May 25-27, 2013: A local state of disaster declared for the City of San Antonio and Bexar County for severe flooding damaging over 200 homes and three businesses with an estimate of over \$7 million in damage to infrastructure.
- June 14-15, 2013: A local state of disaster declared for the City of Eagle Pass and Maverick County for severe flooding damaging over 300 homes and causing over \$6 million in damage to local infrastructure.
- July 14-16, 2013: A local state of disaster declared for Callahan County for severe flooding causing over \$500,000 in infrastructure damage.
- July 14-17 2013: A local state of disaster declared for Eastland County for severe flooding causing over \$80,000 in infrastructure damage.
- September 11-13, 2013: A local state of disaster declared for the City of El Paso and El Paso County for severe flooding damaging 37 homes and causing over \$1.3 million in infrastructure damage.
- October 13, 2013: A local state of emergency declared for the City of Turkey and Hall County for severe flooding causing extensive damage to roads and bridges.
- December 5, 2013: The governor issued a proclamation for a winter storm that affected over 140 of the 254 Texas counties and resulted in significant damages and emergency cost in 14 North Texas counties.

- Ongoing: The Governor of Texas continues to renew a Statewide Drought Proclamation in effect for the past 36 months. The proclamation states that drought conditions have reached historic levels and continue to pose an imminent threat to public health, property and the economy. The April 2013 proclamation includes 240 of the 254 counties in Texas. These 240 counties have a combined population of 24,637,554 and cover a total of 255,689 square miles.
- Ongoing: The U.S. Department of Agriculture has issued multiple agricultural drought declarations over the last 24 months including all 254 Texas counties.

In addition to these recent events, Texas is still recovering from the 2011 wildfires, the worst in Texas history, receiving two presidentially declared disasters (DR 4029 and DR 1999). Wildfires at Livermore Ranch in West Texas resulted in a Fire Management Assistance Grant in 2012.

The following information provides detailed information on the impacted population:

	Average of Persons Below Poverty Level**	Median Household Income**	Percent Elderly**	Percent Pre-Disaster Unemployment*
National Average	14.3%	\$52,762	13.7%	7.4%
State Average	15.8%	\$48,259	10.5%	6.4%
Caldwell County	20.7%	\$43,136	12.6%	7.7%
Hays County	16.4%	\$58,247	9.2%	5.7%
Travis County	16.6%	\$55,452	7.8%	5.4%
Williamson County	6.3%	\$71,346	9.6%	5.6%

*Bureau of Labor Statistics

**Census Bureau

The decision to grant a major declaration includes consideration of the monetary damages to housing based on a statewide threshold that is based on population, which for Texas is quite large. It also includes things such as the disaster's impact on affected areas, available resources, extent and type of insurance and the demographics of the affected area.

The hardest hit area of Onion Creek consists of working families who, according to a Census Bureau report, have a median household income below \$40,000 — well below the state and national average. There was also damage in rural areas of Hays and Caldwell counties with similar characteristics. Again, residents in these areas are severely underinsured and uninsured.

As you walk though these areas, even now, two and a half months after the flood, there is still extensive debris from damaged personal property, vegetative debris and damaged housing

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elements. While state and local officials, as well as VOADs, have been assisting, recovery for these people is still a long way off.

While these communities are valiantly striving to recover, they are in desperate need of significant resources, beyond local, regional and state capabilities. This disaster has caused major disruption to the lives of these residents. Recovery will be a long and difficult process.

It is often those with the least who are impacted the most during a disaster. The inability of the hardest hit survivors to receive assistance under the denied programs will seriously impair the ability of those survivors to recover. The state, the local jurisdictions, the private sector and many organizations continue to support these areas to the best of their abilities. Assistance is still needed. Due to the number of disasters in Texas and the ongoing efforts to support them, recovery assistance in the State of Texas is severely strained.

Enclosed you will find 72 pieces of correspondence that I or other Texas officials received asking for this appeal. I would, like those survivors, argue that this is a devastating event and that this community and its citizens need the additional programs being requested.

Therefore, pursuant to 44 CFR §206.36, this incident is of such magnitude and severity that effective response is beyond state and local capability and supplementary federal assistance is necessary to save lives, protect property, public health and safety, and lessen the impact of the disaster. I am specifically appealing your denial of my request for a major disaster declaration for IA and request that you grant the all eligible programs under IHP, including TSA, ONA, Disaster Legal Services, Disaster Supplemental Nutrition Assistance Program, Disaster Unemployment Assistance and Crisis Counseling.

Sincerely,

A handwritten signature in black ink that reads "RICK PERRY". The letters are in all caps and have a cursive, slightly slanted style. The "R" is particularly large and loops around the "I".

Rick Perry
Governor

RP:dzp

Enclosures