



TDEM
THE TEXAS A&M UNIVERSITY SYSTEM

March 11, 2020

David Bibo
Acting Associate Administrator
Office of Response and Recovery
Federal Emergency Management Agency
500 C Street SW
Washington, DC 20472

Through: George A. Robinson
Regional Administrator
FEMA Region 6
800 North Loop 288
Denton, Texas 76209

Dear Mr. Bibo,

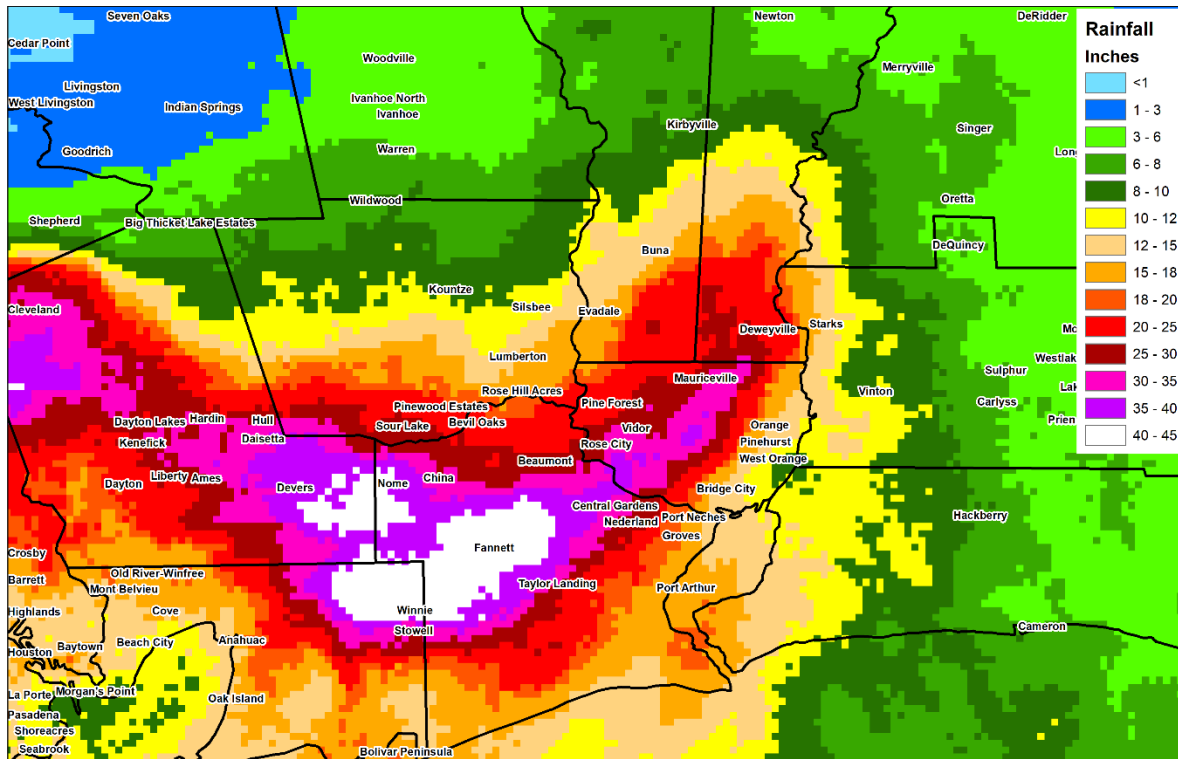
Under the provisions of Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5 121-5207 and implemented by 44 CFR § 206.36, on behalf of the survivors of Chambers, Hardin, Harris, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Newton, and Orange Counties, I request that you reconsider your denial for the addition of the Public Assistance program to Major Disaster Declaration DR-4466-TX for the state of Texas.

Tropical Storm Imelda

On September 17, 2019 through September 19, 2019, a little over two years since the catastrophic effects of Hurricane Harvey, southeast Texas was targeted once again by devastating rain and flooding. By all accounts, Tropical Storm (TS) Imelda is the fifth wettest tropical cyclone in the United States mainland, producing larger rain totals than TS Allison (DR-1380), Hurricane Georges (DR-1249), and Hurricane Florence (DR-4393). As of January 8, 2020, NOAA's National Centers for Environmental Information (NCEI) estimates TS Imelda to be a \$5 billion disaster, \$3.4 billion more than Hurricane Dorian (DR-4464), respectively¹.

¹ <https://www.climate.gov/news-features/blogs/beyond-data/2010-2019-landmark-decade-us-billion-dollar-weather-and-climate>

Imelda Radar Derived Storm Total Rainfall



As you can see from the table below, Texas holds four of the top five spots of highest rain totals produced from tropical cyclones on our mainland US with two events occurring a mere two years apart.

Precipitation			Storm	Location
Rank	mm	in		
1	1538.7	60.58	Harvey 2017	Nederland, Texas
2	1219	48	<u>Amelia 1978</u>	Medina, Texas
3	1148	45.2	<u>Easy 1950</u>	Yankeetown, Florida
4	1143	45	<u>Claudette 1979</u>	Alvin, Texas
5	1096	43.31	Imelda 2019	Jefferson County, Texas

The repeated onslaught of flooding and record breaking catastrophic events has left Texas with an incredibly arduous task of long term recovery. Dating back to 2015, the Southeast corner of Texas has received seven disaster declarations including DR-4223, DR-4245, DR-4266, DR-4269, DR-4272, DR-4332 (Hurricane Harvey), and DR-4466 (Individual Assistance). Survivors living in Chambers, Hardin, Harris, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Newton, and Orange Counties have exhausted all resources, financially and mentally, and desperately need the Public Assistance add-on to achieve the goal of long term recovery and resiliency in the region.

Hurricane Harvey – Ongoing Impact on Texas

As mentioned above, all of the counties requesting Public Assistance resulting from TS Imelda are re-impacted Hurricane Harvey counties. When Hurricane Harvey made landfall in Texas Aug. 25, 2017, as a Category 4 hurricane, it became the first major hurricane to strike southern Texas since Celia in 1970. It kicked off a historically destructive 2017 storm season for the Caribbean and the southern U.S. Causing about \$125 billion in damage, Harvey ranks as the second-most costly hurricane to hit the U.S. mainland since 1900.

As of March 1, 2020, there are 1,400 Public Assistance projects still pending obligation across the entire DR-4332 Hurricane Harvey disaster, many of these pending with FEMA for action. Rough projections show it will take another 30 months for the remaining projects to be obligated, which total well over \$1.3 billion. As stated, these figure span across the entire affected area impacted by Hurricane Harvey, but many of the counties being requested in this appeal letter were the hardest hit.

The table below show the amount of Public Assistance funding obligated in each of the ten requested counties versus the amount of projected funding for unobligated projects.

County	Obligated	Unobligated
Chambers	\$ 927,380,591.55	\$ 6,261,136.73
Hardin	\$ 16,109,096.46	\$ 17,148,636.48
Harris	\$ 681,673,932.14	\$ 1,013,952,849.14
Jasper	\$ 2,501,402.66	\$ 8,562.58
Jefferson	\$ 115,528,565.75	\$ 185,340,465.76
Liberty	\$ 8,671,581.05	\$ 1,722,098.37
Matagorda	\$ 9,604,499.12	\$ 2,515,233.87
Montgomery	\$ 3,047,141.30	\$ 44,455,676.17
Newton	\$ 5,631,834.70	\$ 1,036,000.00
Orange	\$ 80,799,742.16	\$ 27,737,005.52
Total	\$ 1,850,948,386.89	\$ 1,300,177,664.62

Financial Impact from Disasters

The ten counties impacted by TS Imelda have been under mental and financial stress and hardship in almost consecutive years since 2015. The table below shows a timeline of federal disaster declarations impacting this region of the state. Of note, some of these disasters did not directly impact the ten counties requesting Public Assistance resulting from TS Imelda, but the overall impact to the state of Texas remains from these disasters as well.

Disaster Number	Declaration Year	Total Individual & Household Program Dollars Approved	Total Public Assistance Grant Dollars Obligated
DR-4223	2015	\$57,439,397.63	\$165,508,048.05
DR-4345	2015	\$18,608,796.05	\$42,678,604.29
DR-4255	2016	N/A	\$24,259,574.13
DR-4266	2016	\$21,144,461.52	\$31,967,332.92
DR-4269	2016	\$62,683,456.32	\$38,716,064.23
DR-4272	2016	\$40,647,560.21	\$62,125,336.23
DR-4332	2017	\$1,656,894,979.68	\$2,060,028,789.38
DR-4377	2018	\$30,651,039.60	N/A
DR-4416	2019	N/A	\$41,975,655.71
DR-4454	2019	\$12,815,297.87	N/A
DR-4466	2019	\$68,619,769.58	N/A
	Total	\$1,969,504,758.56	\$2,467,259,404.94

* Highlighted rows represent disasters including TS Imelda affected counties

The financial burden from these events is overwhelming. Since 2015, Texans have borrowed over \$2.5 billion from the Small Business Association, filed numerous National Flood Insurance claims, received \$1.4 billion from Individual Assistance (average payout to registrant being \$2,075), and paid over \$196 million as the cost share for Public Assistance.

Preliminary Damage Assessment Validation by County

Joint Preliminary Damage Assessments (PDAs) started in Texas shortly after heavy rains and flooding stopped and continued through December, but validation of the damages has been controversial. The state and FEMA are millions of dollars apart in terms of the claims being validated. During this process challenges include disconnects concerning Obtain and Maintain (O&M) requirements, incorrect insurance application, NFIP data being unavailable on government buildings, and lengthy delays in receiving PDA results.

Texas jurisdictions identified damages in excess of \$120 million while FEMA certified only \$18.3 million. These communities are experienced with PDAs, going through the process repeatedly during the last five years. However, the PDA process which took place after TS Imelda was new for all parties involved – TDEM, FEMA, and locals. The months of time that passed after PDAs with no results and explanations were difficult. The inability of FEMA to provide data regarding NFIP and O&M in relation to government buildings is frustrating. The level of documentation requested was similar to what is required to formulate project worksheets after a declaration is granted, not for assessing damages in order to meet thresholds. These factors have left the state and local jurisdictions confused as to how the request for Public Assistance was denied.

In support of this appeal, local jurisdictions provide additional information to support response cost and clarified damage estimates related to public infrastructure. Due to the amount of information received, TDEM has create a public folder to share this information with our FEMA partners.

This information at <https://tdemstorage.dps.texas.gov/file/sharing/63mO96aq8>.

Below, please find the county-by-county breakdown of the damage claims and validations received through the PDA process and examples of where disconnects have occurred. Information found in the link above supports claims outlined under the counties where additional information has been received.

Chambers County

FEMA validated damages - \$2,037,314.94

1. Chambers County contests the FEMA validation of their damage claims, specifically FEMA Category C claims, due to limited understanding or explanation for how FEMA arrived at their estimates.
2. See Appendix A – Chambers County for road repairs, material quantities, and invoice records.

Hardin County

FEMA validated damages - \$150,703.57

1. Hardin County has submitted damage claims of \$203,701.38 and are contesting the FEMA validated amounts due to limited understanding or explanation for how FEMA arrived at their estimates.

Harris County

FEMA validated damages - \$2,506,313.76

1. Harris County contests the validated amount due to limited understanding or explanation for how FEMA arrived at their estimates.
2. City of Houston has provided additional damages exceeding \$5 Million to add to the PDA total. See appendix B – Harris County for detailed invoices and damage claims per category of work.

Jasper County

FEMA validated damages - \$52,073.80

1. Jasper County has not contested the FEMA validation received.

Jefferson County

FEMA validated damages - \$5,726,369.74

1. Jefferson County is contesting the validated amount. Jefferson submitted claims upwards of \$15.9 million, which are detailed in Appendix C - Jefferson County.
2. TDEM received the following from the city of Beaumont – *"We've submitted ours (damages) multiple times and the numbers haven't changed as I mentioned in my last email. It's about \$13 million for the city and associated agencies but FEMA is only giving us a small fraction of that. We definitely want to keep contesting."*
3. Hamshire-Fannett ISD submitted damage cost claims upwards of \$16 million and received a FEMA validation of zero. The ISD contests this total.

Liberty County

FEMA validated damages - \$334,675.37

1. Liberty County has not contested the FEMA validation received.

Matagorda County

FEMA validated damages - \$11,000.00

1. Matagorda County has not contested the FEMA validation received.

Montgomery County

FEMA validated damages - \$999,330.00

1. Montgomery County has not contested the FEMA validation received.

Newton County

FEMA validated damages - \$51,352.95

1. Newton County has not contested the FEMA validation received.

Orange County

FEMA validated damages - \$4,646,935.47

1. Orange County contests the FEMA validation due to limited understanding or explanation for how FEMA arrived at their estimates.

Disaster Declaration Factors

When evaluating requests for major disasters and making recommendations to the President of the United States, FEMA considers the following factors: estimated cost of the assistance, the localized Impact, insurance coverage in force, hazard Mitigation, recent multiple disasters, and other federal agency assistance programs (<https://www.fema.gov/disaster-declaration-process>). Based on this criteria, Texas not only qualifies for PA, but deserves it. The information below outlines considerations for each specific declaration factor.

1. Estimated cost of assistance – The ten counties affected by Tropical Storm Imelda have a population of 5,134,546 people, representing approximately 20 percent of the population of Texas. The current Consumer Price Index, which is used by FEMA as an indicator for the disaster severity, for Texas is \$1.53. Based solely on the FEMA validation of damages of \$18,342,809.20 the Consumer Price Index for this event is \$3.57, 133 percent greater than the per capita amount, respectively. The burden of an additional \$2 per person is an incredible hurdle for any jurisdiction to overcome.

2. Localized Impact – Tropical Storm Imelda produced upwards of 40 inches of rain in certain areas of Texas heavily impacting Jefferson County and surrounding Jurisdictions. Ten counties are reporting damage claims as a result of the heavy rain and severe flooding, all of which is compounding previous major disasters in the area.
3. Insurance coverage in force – Several jurisdictions in east Texas are required by the Public Assistance program to Obtain and Maintain insurance coverage because of previously awarded grants. Insurance has been applied across the board and may have been deducted twice in many cases. TDEM repeatedly requested information regarding insurance and O&M reductions and have not received any information. TDEM is concerned that both O&M and insurance were applied to the same facilities.
4. Hazard Mitigation – Over \$330 million of hazard mitigation grant program funds have been distributed to the region impacted by TS Imelda. Texas is rebuilding bigger and stronger, but the impact of 40 inches of rain and significant flooding is far too devastating.
5. Recent Multiple Disasters – As documented throughout this letter and multiple previous requests, several counties impacted by TS Imelda have also received other PA declarations. Dating back to 2015, seven federal disaster declarations in southeast Texas have been granted due to the magnitude of the catastrophic events. We are working daily to recover, but the repeated onslaught of events localized to the region of east Texas has impacted critical facilities and depleted financial resources.
6. Other Federal Agency Assistance Programs – The damages incurred fall in the responsibility area of FEMA's Public Assistance program. These costs are not eligible under other programs.

Through FEMA's Individual Assistance program, Texans have been paid over \$68 million. Texans have been approved for over \$76 million in Small Business Association loans. Over \$716 million has been paid on claims to the National Flood Insurance Program. With over \$860 million approved for individuals in Texas, the \$18 million in public infrastructure damages certified by FEMA is inordinately low. This is only 2.1 percent of the combined costs for NFIP, IA and SBA. Proportionately for Hurricane Harvey, PA is estimated to be 35 percent of the combined NFIP, IA and SBA costs. In addition, Congress announced the approval of \$212 million in U.S. Housing and Urban Development's Community Development Block Grant funds, a program that is rare and generally only supplemented with funds in catastrophic disasters. Given the amount of money individuals have received and the inability of FEMA to provide data supporting O&M for government buildings, it is hard to reconcile only having \$18 million in public infrastructure damage certified by FEMA.

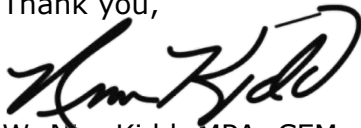
Texans are survivors. Texans are resilient. But, Texans are fatigued. The constant onslaught of record breaking storms are affecting our first responders, depleting our resources, and causing undue mental and financial stress to our locals. The addition of the FEMA Public Assistance to Major Disaster Declaration DR-4466-TX is necessary to achieve the goal of long term recovery in Texas.

Pursuant to 44 CFR § 206.36, this incident is of such magnitude and severity that effective response and recovery is beyond state and local capability, and supplementary federal assistance is necessary to enable our citizens and local governments a complete recovery from this disaster. The state of Texas is specifically requesting a designation to allow for Public Assistance Categories A through G to be added to Major Disaster Declaration DR-4466-TX for the following counties:

Chambers, Hardin, Harris, Jasper, Jefferson, Liberty, Matagorda, Montgomery, Newton and Orange counties.

Your favorable consideration of this request is appreciated. Please don't hesitate to contact me at 512-424-2436 with any questions.

Thank you,

A handwritten signature in black ink, appearing to read 'W. Nim Kidd', with a stylized flourish at the end.

W. Nim Kidd, MPA, CEM
Chief-Texas Division of Emergency Management
Vice Chancellor for Disaster and Emergency Services
Texas A&M University System

The following enclosures can be found by following this link to a TDEM Share site:

(<https://tdemstorage.dps.texas.gov/file/sharing/63mO96aq8>).

- Appendix A – Chambers County
- Appendix B – Harris County
- Appendix C – Jefferson County