



STATE OF VERMONT
JOINT FISCAL OFFICE

MEMORANDUM

To: Joint Fiscal Committee Members
From: Nathan Lavery, Senior Fiscal Analyst
Date: September 24, 2014
Subject: Grant Request #2704, #2705, #2706, #2707

Enclosed please find four (4) items that the Joint Fiscal Office has received from the administration. Two (2) limited service positions are associated with these requests.

JFO #2704 – One (1) limited service position in the Vermont Department of Health. This position will develop an improved reporting and analysis process for substance abuse prevention activities conducted by field staff and community partners. The position will assume responsibility for much of the federally required data collection work that field staff and community partners currently conduct, allowing them to focus on prevention activities. This position is 100% federally funded with additional Substance Abuse Prevention and Treatment Block Grant funds.

[JFO received 09/15/14]

JFO #2705 – \$1,269,582 grant from the Federal Emergency Management Agency to the Vermont Department of Public Safety. These funds will be used to provide Federal disaster assistance in response to the storms and flooding of April 2014 in Caledonia, Essex, Franklin, Lamoille, Orange, Orleans, and Washington Counties.

[JFO received 09/18/14]

JFO #2706 – \$50,000 grant from Chipotle Mexican Grill to the Vermont Department of Finance and Management. These funds will cover a portion of the cover costs associated with implementation and administration of new law that requires labeling of food produced from genetic engineering. The donated funds will be deposited in the Vermont Food Fight Fund.

[JFO received 09/18/14]

JFO #2707 – \$50,000 grant from the State Justice Institute to the Vermont Judiciary. These funds will be used to assess courthouse security in Vermont in accordance with Act 179 of 2014 (Sec. E.204.1). **Expedited review has been requested. Joint Fiscal Committee members will be contacted by October 8th with a request to waive the balance of the review period and accept this item.**

[JFO received 09/22/14]

Please review the enclosed materials and notify the Joint Fiscal Office (Nathan Lavery at (802) 828-1488; nlavery@leg.state.vt.us) if you have questions or would like an item held for legislative review. Unless we hear from you to the contrary by October 8 we will assume that you agree to consider as final the Governor's acceptance of these requests.



State of Vermont
 Department of Finance & Management
 109 State Street, Pavilion Building
 Montpelier, VT 05620-0401

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Agency of Administration

JFO 2705

**STATE OF VERMONT
 FINANCE & MANAGEMENT GRANT REVIEW FORM**

Grant Summary:	Federal disaster assistance for April 2014 storms and flooding				
Date:	9/9/2014				
Department:	Department of Public Safety				
Legal Title of Grant:	Disaster Grants - Public Assistance (Presidentially Declared Disasters)				
Federal Catalog #:	97.036				
Grant/Donor Name and Address:	Federal Emergency Management Agency				
Grant Period:	From: 4/15/2014		To: 4/15/2017		
Grant/Donation	\$1,269,582				
	SFY 1	SFY 2	SFY 3	Total	Comments
Grant Amount:	\$952,186	\$317,396	\$	\$1,269,582	

Position Information:	# Positions	Explanation/Comments
	0	

Additional Comments: Flagged page in grant package ties damage assessment worksheet to the AA1.

Has Vantage budget detail been reviewed and reconciled? Yes No (Analyst Initial)

Department of Finance & Management	<i>[Signature]</i> 9/10/14	(Initial)	Recommend Approval: DP 9-9-14
Secretary of Administration	<i>[Signature]</i> 09/11/14	(Initial)	
Sent To Joint Fiscal Office	9/17/14	Date	

RECEIVED
 SEP 18 2014
 JOINT FISCAL OFFICE



STATE OF VERMONT REQUEST FOR GRANT (*) ACCEPTANCE (Form AA-1)

BASIC GRANT INFORMATION				
1. Agency:				
2. Department:		Public Safety		
3. Program:		Emergency Management Homeland Security		
4. Legal Title of Grant:		Disaster Grants - Public Assistance (Presidentially Declared Disasters)		
5. Federal Catalog #:		97.036		
6. Grant/Donor Name and Address: Federal Emergency Management Agency				
7. Grant Period:		From: 4/15/2014	To: 4/15/2017	
8. Purpose of Grant: To provide Federal disaster assistance for emergency work and the repair/replacement of disaster damaged facilities during the April 2014 severe storms and flooding in Caledonia, Essex, Franklin, Lamoille, Orange, Orleans, and Washington Counties.				
9. Impact on existing program if grant is not Accepted: Eligible State, Local and Non-profit agencies may have to bear the full cost of disaster related expenses. Budget information below is based on Preliminary Damage Assessment.				
10. BUDGET INFORMATION				
	SFY 1 FY 2015	SFY 2 FY 2016	SFY 3 FY	Comments
Expenditures:				
Personal Services	\$18,750	\$6,250	\$	DEMHS PA Staff Time
Operating Expenses	\$	\$	\$	
Grants	\$1,250,832	\$416,944	\$	Subgrants to AOT, Locals, Public Non-Profit Utilities
Total	\$1,269,582	\$423,194	\$	\$1,692,776
Revenues:				
State Funds:	\$	\$	\$	
Cash	\$158,698	\$52,899	\$	ERAF \$211,597
In-Kind	\$	\$	\$	
Federal Funds:	\$	\$	\$	
(Direct Costs)	\$952,186	\$317,396	\$	\$1,269,582
(Statewide Indirect)	\$	\$	\$	
(Departmental Indirect)	\$	\$	\$	
Other Funds:	\$	\$	\$	\$211,597
Grant (source)	\$158,698	\$52,899	\$	Subgrant Match 5
Total	\$1,269,582	\$423,194	\$	\$1,692,776
Appropriation No:	2140031000 Fund 22005	Amount:	\$1,269,582	
	2140031000 Fund 21555		\$211,597	

SEP 04 2014

STATE OF VERMONT REQUEST FOR GRANT (*) ACCEPTANCE (Form AA-1)

			\$
			\$
			\$
			\$
			\$
		Total	\$1,481,179

Has current fiscal year budget detail been entered into Vantage? Yes No *Not available*

PERSONAL SERVICE INFORMATION

11. Will monies from this grant be used to fund one or more Personal Service Contracts? Yes No
 If "Yes", appointing authority must initial here to indicate intent to follow current competitive bidding process/policy.

Appointing Authority Name: _____ Agreed by: _____ (initial)

12. Limited Service Position Information:	# Positions	Title
Total Positions		

12a. Equipment and space for these positions: Is presently available. Can be obtained with available funds.

13. AUTHORIZATION AGENCY/DEPARTMENT

I/we certify that no funds beyond basic application preparation and filing costs have been expended or committed in anticipation of Joint Fiscal Committee approval of this grant, unless previous notification was made on Form AA-1PN (if applicable):	Signature: <i>Francis J. Dumont</i>	Date: <i>8/19/14</i>
	Title: Commissioner/Deputy Commissioner	
	Signature: _____	Date: _____
	Title: _____	

14. SECRETARY OF ADMINISTRATION

<input checked="" type="checkbox"/> Approved:	_____ (Secretary or designee signature)	Date: <i>8/19/14</i>
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15. ACTION BY GOVERNOR

<input checked="" type="checkbox"/> Accepted	_____ (Governor's signature)	Date: <i>8/19/14</i>
<input type="checkbox"/> Rejected		

16. DOCUMENTATION REQUIRED

Required GRANT Documentation	
<input type="checkbox"/> Request Memo <input type="checkbox"/> Dept. project approval (if applicable) <input type="checkbox"/> Notice of Award <input type="checkbox"/> Grant Agreement <input type="checkbox"/> Grant Budget	<input type="checkbox"/> Notice of Donation (if any) <input type="checkbox"/> Grant (Project) Timeline (if applicable) <input type="checkbox"/> Request for Extension (if applicable) <input type="checkbox"/> Form AA-1PN attached (if applicable)

PETER SHUMLIN
Governor



State of Vermont
OFFICE OF THE GOVERNOR

**REQUEST FOR PRESIDENTIAL DISASTER DECLARATION
GOVERNOR'S REQUEST COVER LETTER
MAJOR DISASTER OR EMERGENCY**

May 21, 2014

The Honorable Barack Obama
President of the United States
The White House
Washington, D. C.

Through: Mr. Paul Ford
Acting Regional Administrator
FEMA Region I
99 High Street
Boston, MA 02110

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 (Stafford Act), and implemented by 44 CFR § 206.36, I request that you declare a Major Disaster for the State of Vermont as a result of flooding which occurred in Vermont from April 15 through April 18, 2014.

Beginning on April 15, 2014, there was widespread flooding, due to the combination of a moderate to heavy rainfall and rapid snow melt of an abnormally high snowpack, across a large portion of central and northern Vermont, with the greatest impacts in Caledonia, Essex, Franklin, Lamoille, Orange, Orleans and Washington counties.

There were concentrated areas of major and flash flooding that washed out roads, culverts and caused significant structural flooding in the above-mentioned counties. Although in counties not covered by this request, the lake level of Lake Champlain exceeded the 100 foot flood stage on April 17, rising more than five feet since the end of March, and eventually peaked at 100.5 feet on April 21, causing some structure flooding of lakeshore homes and seasonal camps.

The meteorological factors and precursors for this incident are more fully described in the **attached memorandum of April 28, 2014 ("Weather Summary for the Spring Flooding across Vermont – April 15-18th, 2014")** from Scott Whittier, Warning Coordination Meteorologist for the NOAA/National Weather Service based in Burlington, Vermont.

The National Weather Service placed all of Vermont under Flood Watch from April 14 through the evening of April 16. The Vermont Division of Emergency Management and Homeland Security created an incident in DisasterLan, "Riverbank Flooding 2014", on Tuesday, April 14. Vermont's State Emergency Operations Center (SEOC) was activated at Partial Activation level as of 1900 on Tuesday, April 15 and was staffed through the night and throughout the day shift on April 16. Early in the morning on April 16, the National Weather Service reported that most rivers around Vermont were already receding and expected to drop below flood stage later in the day. However, wintry conditions prevailed that morning, with snow and icy spots presenting travel challenges in many areas.

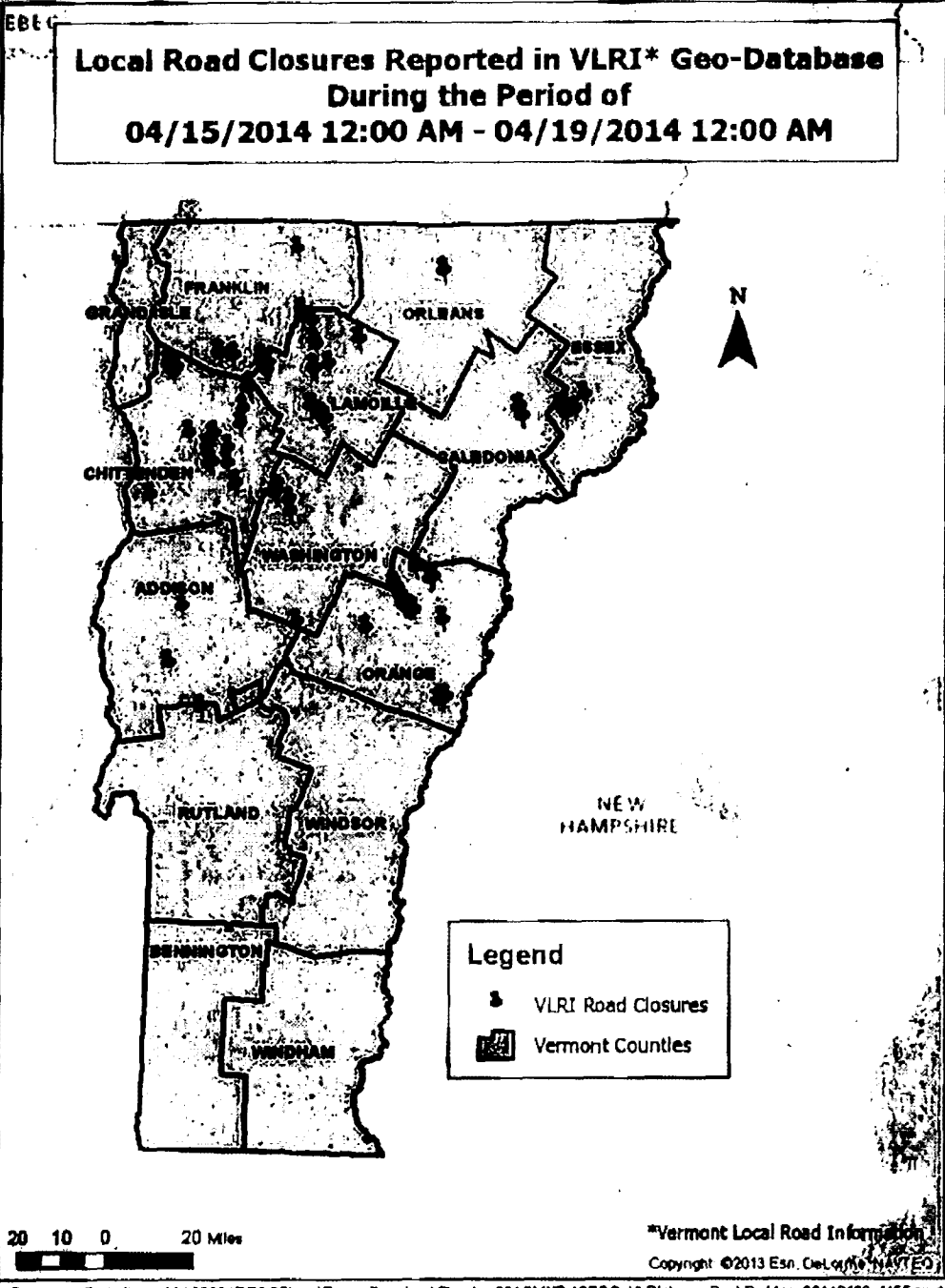
Many Vermont towns experienced significant damage. While only the seven northern counties of the state suffered damages in excess of the county thresholds, some damages were also reported in Chittenden, Addison, and Windsor counties.

Fortunately, no deaths or injuries were reported. The American Red Cross supported three families in Barton with lodging due to water in the basement of their apartments, provided lodging for a family in Leicester overnight, and opened a shelter in Lyndonville at the Lyndonville Fire Department which lodged six people overnight on April 15. Five swift water teams were staged or on standby, with Stowe Mountain Rescue forward deployed to Berlin. Stowe stood down at 0700 Wednesday, April 16th.

Dozens of roads were closed due to flooding starting on April 15, in communities including: Kirby and Sheffield in Caledonia County; Milton, Richmond, and St. George in Chittenden County (not requested); Enosburg, Fairfax, Fletcher, and Georgia in Franklin County; Johnson in Lamoille County; Charleston and Jay in Orleans County; and Duxbury in Washington County. With some exceptions such as Willow Lane in St. George, Cadreact Road in Milton, and Wilder Road in Duxbury, most roads were re-opened by the end of the incident period.

Twelve state roads were closed, and 58 communities reported transportation infrastructure damage. Rivers/waterbodies which were monitored during the event included: Otter Creek, Winooski River, Passumpsic River, Lamoille River, Mississquoi River, Connecticut River, and Lake Champlain.

Based on an on-the-ground assessment, I did not declare a State of Emergency but activated the State Emergency Operations Plan (SEOP) to facilitate the provision of state resources to support local response and recovery operations through the state multi-agency coordination system. The Division of Emergency Management and Homeland Security staff maintained situational awareness, hosted conference calls with State Support Functions and Emergency Management Directors, and issued press releases warning the public of the dangers of the high rivers and the potential for flash flooding. Military Support monitored the situation from the Operations Center at Camp Johnson, and the National Guard had their vibratory sandbag machines at the ready, in the event of a request from a town or agency.



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State Support Function Agencies assisted with response and recovery throughout the incident period. The Agency of Transportation (AOT) sent representatives to the SEOC, monitored the situation every day from the Transportation Operations Center, and made swift repairs to closed roads and serious washouts. Not only was there damage to local infrastructure, but AOT estimates approximately \$400,000 in damage to highways on the Federal Highway Administration system, including \$200,000 of road damage in Fletcher, Vermont in Franklin County.

The National Weather Service provided timely and relevant information on the weather throughout the incident period that was essential to response operations.

As of mid-afternoon on April 17, flood warnings remained in effect for parts of Rutland, Lamoille, Orleans, and Franklin counties.

I requested a joint preliminary damage assessment for Caledonia, Essex, Lamoille, and Orange Counties on April 22, and sent an addendum requesting to add Franklin, Orleans, and Washington Counties on April 25. The Preliminary Damage Assessment (PDA) teams were composed of local, state and federal representatives. The PDA was completed on May 14, 2014.

Based on the results of the PDA, the majority of the damage incurred in this event was to roads and culverts. Statewide, \$1,206,504 (i.e. 71% of the estimated damages surveyed in PDAs) was Categories C; \$420,352 (i.e. 25%) was Category G (rail damage in Orange and Orleans Counties); and \$65,920 (i.e. 4%) was Category B. Although the impact of this incident is widespread with damages reported in 10 of 14 counties, of which we believe that at least all seven exceeded their county damage thresholds. To date, we are not aware that any of the damaged infrastructure is covered by insurance.

FEMA's PDA tally for Washington County was \$149,970, which is \$58,399 shy of the county threshold of \$208,399. Please note in Exhibit B that we believe the eligible damages for Washington County are \$241,458, i.e. \$33,089 above the county threshold. Accordingly, we are including Washington County in this declaration request. The basis for this is as follows: All reported damages in Washington County occurred in the town of Duxbury. In the case of the culvert on Wilder Road, which has been repetitively damaged in previous storms, the PDA damage estimate did not take account of an existing hydraulic study by AOT calling for culvert upsizing, or of the Vermont Stream Alteration General Permit requirements for a culvert which will meet bank full width and pass debris.

In writing up the Wilder Road (Location 1) damages, FEMA's Project Specialist captured the damages as follows: "Due to high velocity flows a 60 in D x 42 L FTCMP washed out, resulting in the washout of approx. 10 FT. L x 8 FT W x 8 FT D Inlet/outlet Wing Walls, scouring of avel road (*sic*) scoured approximately 40 FT L x 22 FT W x 3 FT D (including road shoulders) and washout of 40 LF of guardrail." The total assigned cost estimate for replacement was \$20,187. This is grossly insufficient to accomplish replacement in accordance with applicable codes and standards.

This is a structure that has failed at least twice before. A few years ago, the Town of Duxbury applied unsuccessfully for a competitive 2013 Town Highway Grant from AOT to upgrade this culvert, based on a March 1, 2013, hydraulics study conducted by an AOT Project Engineer, to a hydraulically-appropriate 12'x7' concrete box, at an estimated cost of \$195,000. They did not get the grant in 2013 because of lack of available program funding.

In an attempt to lower cost of replacing the culvert in a hydraulically adequate manner, the town's contracted engineer has now proposed a 12'7" x 7'5" aluminum pipe-arch culvert, which would have an estimated total cost of only \$111,675.

Vermont Agency of Natural Resources River Engineer Patrick Ross writes:

"... in this case FEMA is actually ignoring all Vermont Standards. The town of Duxbury had an AOT Hydraulics Study done on this site (pre-flood), that study recommended a larger structure than would be required to meet the minimum ANR General Permit standard... I believe in most cases currently our hydraulic structure size criteria is very close, that is, AOT and ANR. Personally, I think it would be hard for FEMA to ignore the VT Standards on this one with an AOT H&H study in hand...

...if the PDA limit was met for Washington County – Wilder Road culvert would clearly be more than 50% damaged and FEMA would require an AOT H&H study for replacement options. The cost of any of the replacement option meeting VT Standards would dwarf that of the in-kind replacement."

A properly written Project Worksheet for Wilder Road will show eligible damages of at least \$111,675. Accordingly, we believe that Washington County's eligible damages are as shown in Enclosure B, exceeding the county threshold.

Even if FEMA does not concur that the cost of upgrading the culvert on Wilder Brook Road (Location 1) is eligible as required by codes and standards, **I request that the Town of Duxbury be included based on extraordinary localized impact.**

Duxbury is a tiny community, with a 2010 census population of 1,337. Duxbury has incurred extensive road damage in several disasters since 2011. During DR1995 in May 2011, federal PA share in Duxbury was \$669,931. Then, during DR4022, Tropical Storm Irene in August 2011, federal share in Duxbury was another \$629,595. In DR4140, the flash flooding of June-July 2013, Duxbury incurred another \$47,146 of federal share. Even if eligible damages in Duxbury from the April 15-18, 2014, event were "only" \$149,970, that still represents \$112.17 per capita. Further, *the cumulative impact of federally declared disasters on the public infrastructure of this one little town since 2011 add up to \$1,119 per capita.*

In the nearly three years since Tropical Storm Irene in August 2011 (DR4022), Vermont has experienced four more presidentially declared major disasters: DR4066 (flooding in May 2012), DR4120 (flooding in May 2013), DR4143 (flooding in June-July, 2013), and DR4163 (an ice storm in December 2013). To put this April event in the context of other recent flooding events, it appears to be roughly twice the magnitude of DR4066, roughly analogous in size to DR4120, and approximately half the size of DR4140. To date, the

federal shares obligated for these recent disasters statewide are: \$207,085,357.36 for DR-4022, \$976,893.54 for DR-4066, \$1,775,817.48 for DR-4120, \$5,146,870.19 for DR-4040, and \$228,875.22 for DR-4163.

It should be further noted that many of the towns hit by this event are already challenged by the financial burden of local share for costs associated with the DR4163 December 2013 ice storm, which was declared for the northern seven counties of the state, including five of the seven counties (Caledonia, Essex, Franklin, Lamoille, and Orleans) covered in this request.

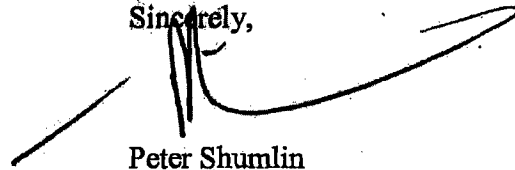
This series of disasters, piled on top of the ongoing recovery efforts associated with DR4022 (Tropical Storm Irene, from which there remain over one hundred open large Project Worksheets) continue to severely stress local and state resources.

Some of the hardest hit towns (all of which have been hit by one or more other disasters in the past three years) include: in Caledonia County, the little town of Barnet, with 1,690 people, had damages of \$50 per capita, and the town of Kirby, with 456 people, had damages of \$105 per capita. In Franklin County, the town of Montgomery, population 992, which was hard hit by the December ice storm, had damages of \$102 per capita. In Lamoille County, the town of Johnson, population 3,274, hard hit in May 2011 and again in December 2013, had damages of \$63 per capita. And in Orange County, the town of Thetford, population 2,612, had damages of \$24 per capita.

The infrastructure costs of the April 15-18 flooding are beyond the financial capabilities of the impacted communities, and well beyond the financial resources of the State's Emergency Relief and Assistance Fund (ERAF) as budgeted by the Vermont legislature.

In light of these impacts, I ask that you declare a major Public Assistance and 404 Hazard Mitigation disaster for this event. Thank you for your continuing support of Vermonters as we endeavor to recover from an increasingly alarming succession of major flood disasters.

Sincerely,



Peter Shumlin
Governor, State of Vermont

Enclosures

- A: N/A (Individual Assistance not requested)
- B: Public Assistance
- C: Requirements for Other Federal Agency Programs
- OMB No. 1660-0009/FEMA Form 010-0-13
- D. Weather Summary for the Flooding of April 15-18, 2014.