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*Sue Minter, Irene Recovery Officer*

July 10, 2012

Nick Russo  
Federal Coordinating Officer  
FEMA-4022-DR-VT  
Joint Field Office  
128 Lakeside Avenue  
Burlington, Vermont 05401

Dear Nick:

I am writing to follow up on the meeting held at the JFO on June 29th to discuss debris management and emergency response work following TS Irene. We appreciate your willingness to review this matter with the state and local partners, as well as with our federal partners -- the Natural Resources Conservation Service and the Army Corps of Engineers.

As you know, Dr. Roy Schiff presented expert analysis and opinion that the town of Bennington (among other Vermont communities) was forced to respond quickly to remove extensive debris from the river in order to re-establish a river channel, and protect life and safety for residents of the town. Swift and effective response was critical with TS Lee bearing down soon after Irene. For Bennington, which has been subjected to repetitive flooding, some 500,000 cubic yards of rocks and sediment had to be removed as quickly as possible. We learned that the town contacted federal partners -- both NRCS and ACOE -- promptly after Irene, but was told that accessing either program would take months at best. In response, the town of Bennington did what they had to do. They engaged in emergency protective measures to re-establish a channel in the river and protect their citizens from another potential catastrophic event. Their work has been adequately documented and should be eligible for FEMA PA Category B assistance. 44 C.F.R. § 206.224 (a)(1) (allowing reimbursement for debris removal where undertaken to eliminate immediate threats to life, public health, and safety; or eliminate immediate threats of significant damage to improved public or private property).

FEMA agreed at a meeting in March to review debris management issues on a case-by-case basis. FEMA personnel have visited and reviewed the Bennington site on multiple occasions. The town has supplied substantial documentation of its activities and the basis for its decision to act. The town and state now await a formal response from FEMA. Our expectation is that a Project Worksheet will be developed to reimburse the town for its Emergency Response. We are hopeful that the resolution of the Bennington situation will set a course for swift resolution of outstanding debris issues in other communities. If FEMA concludes that, for any reason it is not otherwise able to reimburse for the emergency response work in Bennington, we request Disaster Specific Guidance for TS Irene in response to the special circumstances associated with this storm and the resulting erosion flood.



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At the conclusion of our June 29 meeting you stated that FEMA would write the project worksheet for Bennington on the week of July 9<sup>th</sup>. It is our expectation that you will be able to adhere to this commitment. Continued delay will cause ongoing fiscal challenges to Bennington, and other towns similarly situated. Disaster-related loans are coming due; town budgets are strapped. As you know, our Congressional delegation (copied here) is aware of this matter and also concerned that this issue be resolved quickly.

We look forward to your response and thank you for your prompt attention to this request.

Sincerely,



Susan Minter  
Irene Recovery Office

cc: Jason Jackson, FEMA  
David Mears, Commissioner, DEC  
Vermont Congressional Delegation