

# Committee on Oversight and Government Reform



## FEMA Reform

5 April 2017



## Livingston Parish Testimony



**Mark Harrell**

**Livingston Parish**

**Office of Homeland Security  
and Emergency Preparedness**

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**House of Representatives**

COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM  
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March 27, 2017

Mr. Mark Harrell  
Emergency Coordinator  
Livingston Parish  
Office of Homeland Security and Emergency Preparedness  
20355 Government Blvd  
Suite D/PO Box 1060  
Livingston, LA 70754

Dear Mr. Harrell:

The Committee on Oversight and Government Reform hereby requests your testimony at a hearing titled "Oversight of the Federal Emergency Management Agency's Response to the **Baton Rouge Flood Disaster**: Part II" on **Wednesday April 5, 2017, at 9:30 a.m.** in room 2154 of the Rayburn House Office Building.

This hearing will serve as a follow-up to the Committee's September 9, 2016, hearing on Federal Emergency Management Agency's response to the August 2016 flood disaster in **Baton Rouge, Louisiana**. Specifically, this hearing will provide an opportunity for witnesses to update the Committee on recovery efforts and describe actions taken to address the areas of improvement identified in the September 2016 hearing. The Committee will also examine the effectiveness of temporary housing assistance programs in Baton Rouge, including manufactured housing units and the Shelter at Home program.

The enclosed Witness Instruction Sheet provides information for witnesses appearing before the Committee. In particular, please note the procedures for submitting written testimony at least two business days prior to the hearing. Please contact the Committee by March 29, 2017, to confirm your attendance. If you have questions, please contact Mike Howell of the Majority staff at (202) 225-5074 or Kapil Longani of the Minority staff at (202) 225-5051.

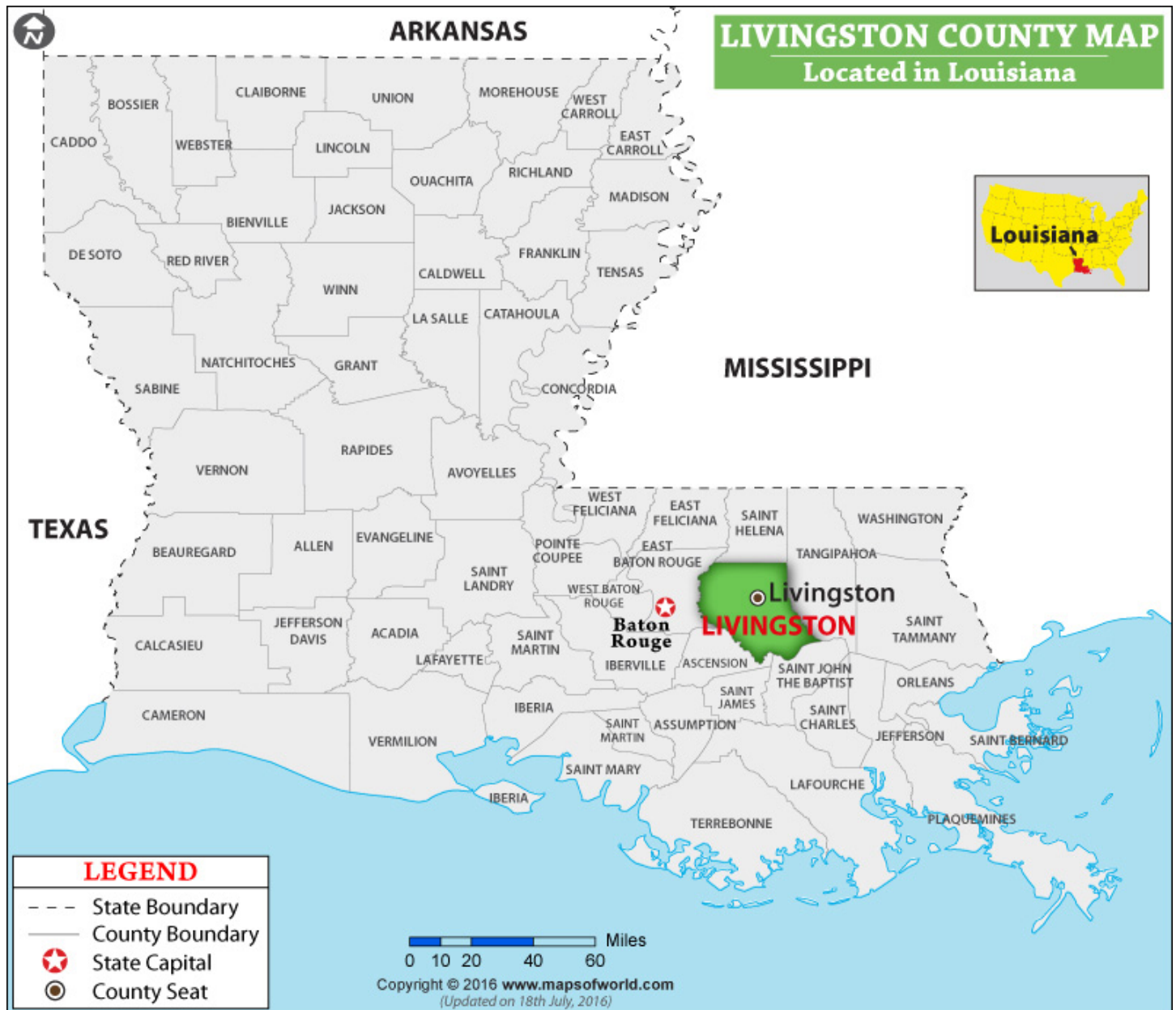
Sincerely,

  
Jason Chaffetz  
Chairman

  
Elijah E. Cummings  
Ranking Member

Enclosures

# Location

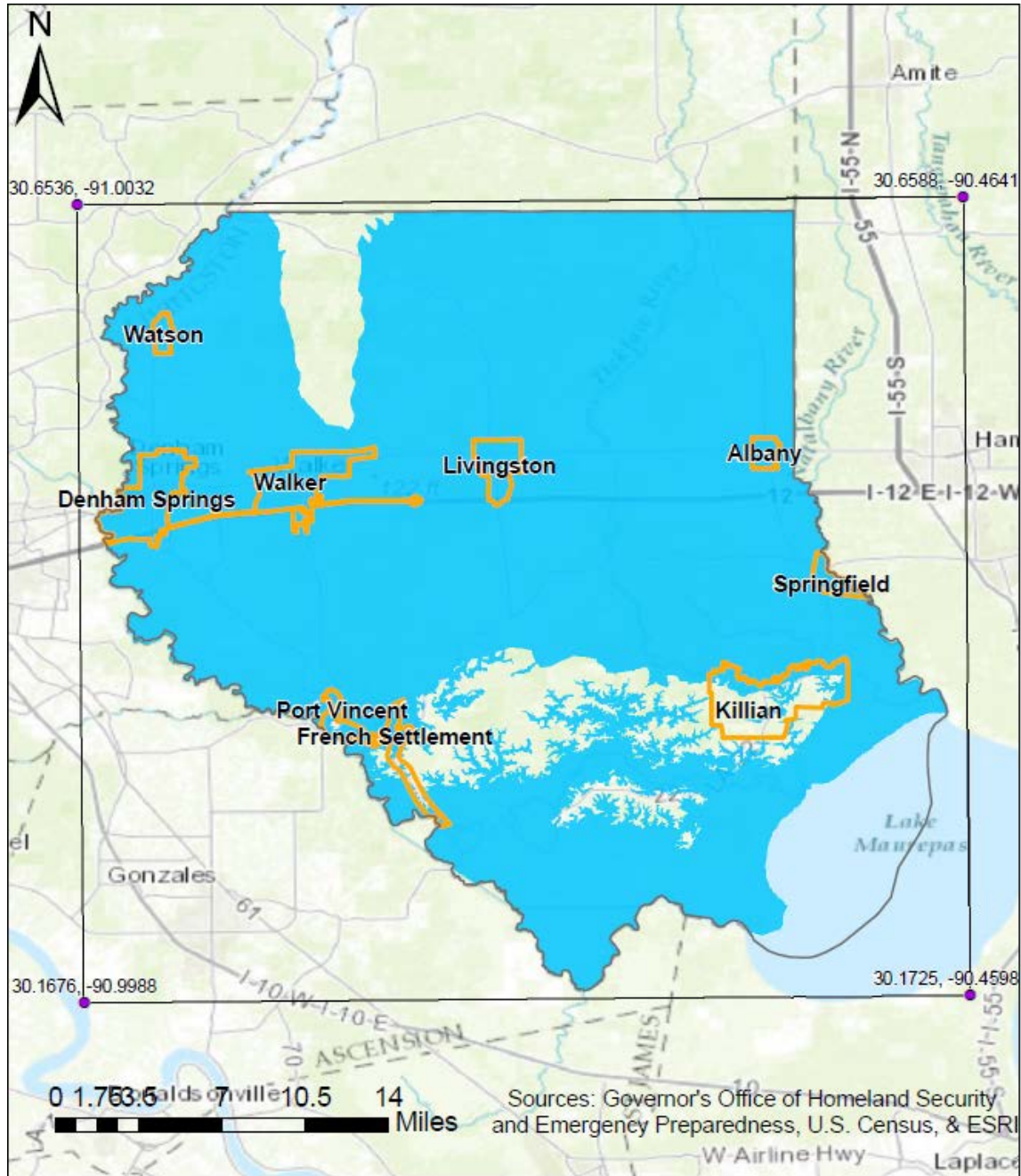



**703 square miles within the Parish**


**- 648 square miles of land**

**- 55 square miles of water**

# Livingston - August 2016 Flood Impact Assessment



 Reported Flooding

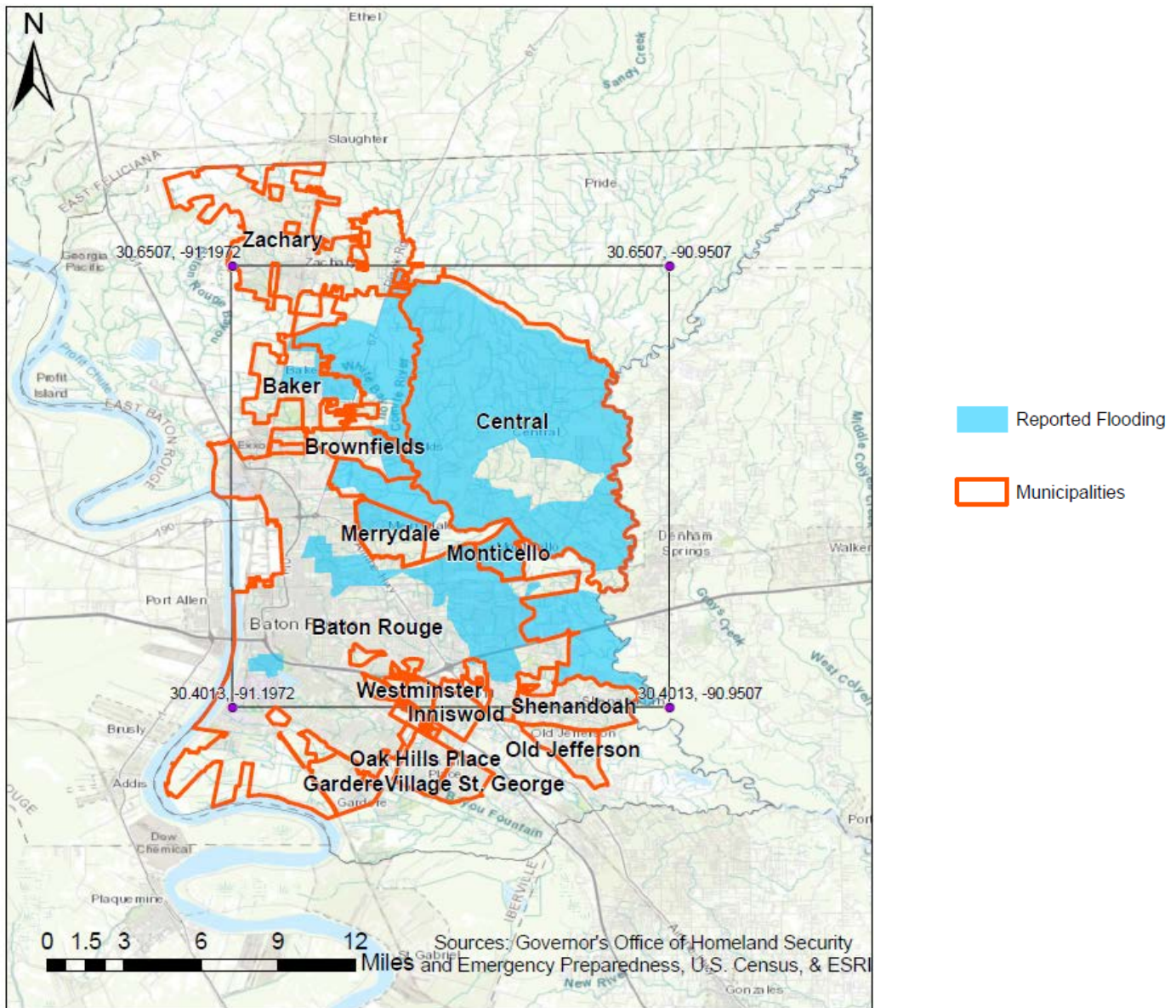
 Municipalities



# Livingston

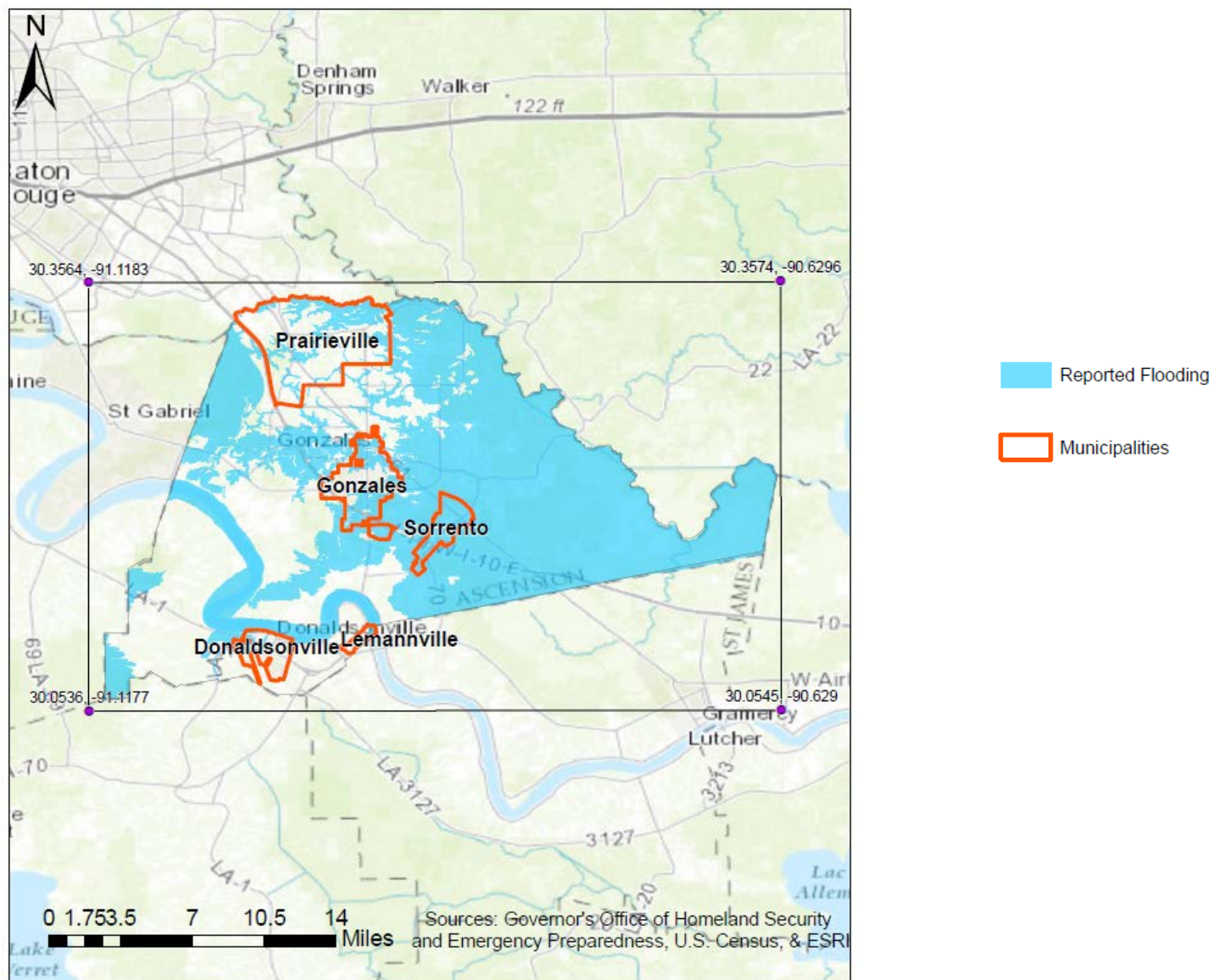
Population		Housing	
Total	Affected	Total	Affected
128,026	120,544	50,128	47,263
Population Affected Outside of Flood Zones		Housing Affected Outside of Flood Zones	
52,565		19,406	
Percentage of Population Affected			
94%			
Businesses			
Total		Affected	
1,546		1,527	
Businesses Affected Outside of Flood Zones			
685			
Economic Impact			
\$800,000,000.00			
Employees Impacted			
18,000+			
Education			
Schools		Students	
Total	Affected	Total	Affected*
43	18	25,295	5,000 directly 4,300 indirectly
Total Cost for Repairs and Rebuilds			
\$46,339,513.00			
Number of Students Lost			
578			
Estimated Negative Budget Impact			
\$4,000,000.00			
Projected Lay-Offs due to Decreased Enrollment			
42			

# East Baton Rouge - August 2016 Flood Impact Assessment



Population		Housing	
Total	Affected	Total	Affected
445,967	121,729	189,596	49,540
Population Affected Outside of Flood Zones		Housing Affected Outside of Flood Zones	
69,716		28,069	
Percentage of Population Affected			
27%			
Businesses			
Total		Affected	
9,758		1,899	
Businesses Affected Outside of Flood Zones			
1,473			

# Ascension - August 2016 Flood Impact Assessment



Population		Housing	
Total	Affected	Total	Affected
107,215	80,592	39,678	30,717
Population Affected Outside of Flood Zones		Housing Affected Outside of Flood Zones	
N/A		N/A	
Percentage of Population Affected			
75%			
Businesses			
Total		Affected	
1,855		387	
Businesses Affected Outside of Flood Zones			
N/A			



# Committee on Oversight and Government Reform

## Livingston Parish

### Mark Harrell Testimony

#### 1. Information Sharing

A. The Parish has met continuous resistance in obtaining individual assistance applicants information during the recovery process, however, it is provided to the Parish during Hazard Mitigation Grant Program (HMGP) projects. This information could assist the Parish in expediting recovery aid available to applicants from Parish resources as well as non-profit organizations.

During a major disaster event it is critical that Local (Parish) Emergency Managers have immediate access to any/all available information that is requested. Delays in obtaining accurate and current information only hinders the initial response effort and can result in additional loss.

B. The Parish is recommending that all local emergency managers be given read-only access to disaster systems, such as EMMIE (Emergency Management Mission Integrated Environment) and any other systems that may be developed for tracking project worksheets (PWs) and their progress. We are requesting that each EM have country-wide filtering rights within the read-only system in order to assist with eligibility guidance and have a better understanding of what is needed in each PW.

#### 2. Hazard Mitigation

Hazard mitigation, as defined by FEMA, is the effort to reduce loss of life and property by lessening the impact of disasters. It is the only phase of emergency management specifically dedicated to breaking the cycle of damages, loss of life and property. In order to break this cycle, FEMA offers federal assistance in the form of grant programs, such as the Hazard Mitigation Grant Program, the Flood Mitigation Assistance program and the Pre-Disaster Mitigation program. All of these programs are focused on eliminating the loss of life and lessening damages to property – due to natural hazards.

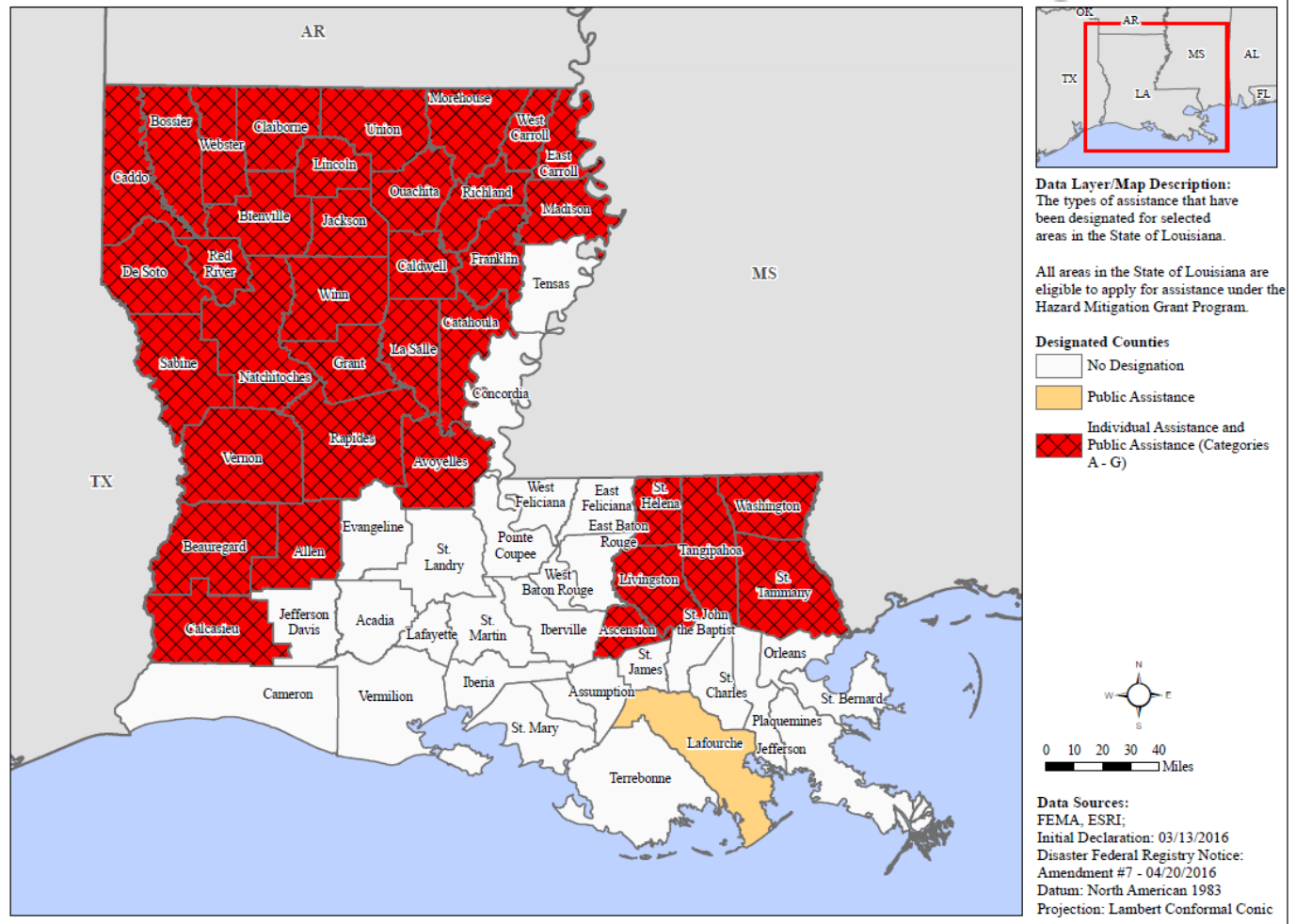
FEMA has, over the past few years, begun to promote “resiliency”. As a parish that understands mitigation, we know that resiliency is very similar to mitigation – if not the same thing. FEMA encourages community resiliency. In order for Livingston Parish and other communities to continue to build capacity and achieve self-sufficient/resilient communities, we need the ability to use mitigation funding to construct disaster storage facilities that are large enough to house disaster supplies. These are so desperately needed during and immediately following catastrophic events.

To that point, prior to 2009 – FEMA mitigation guidance allowed for new construction as an eligible use of funding. However, that ability was stripped with the new Hazard Mitigation guidance in 2009.

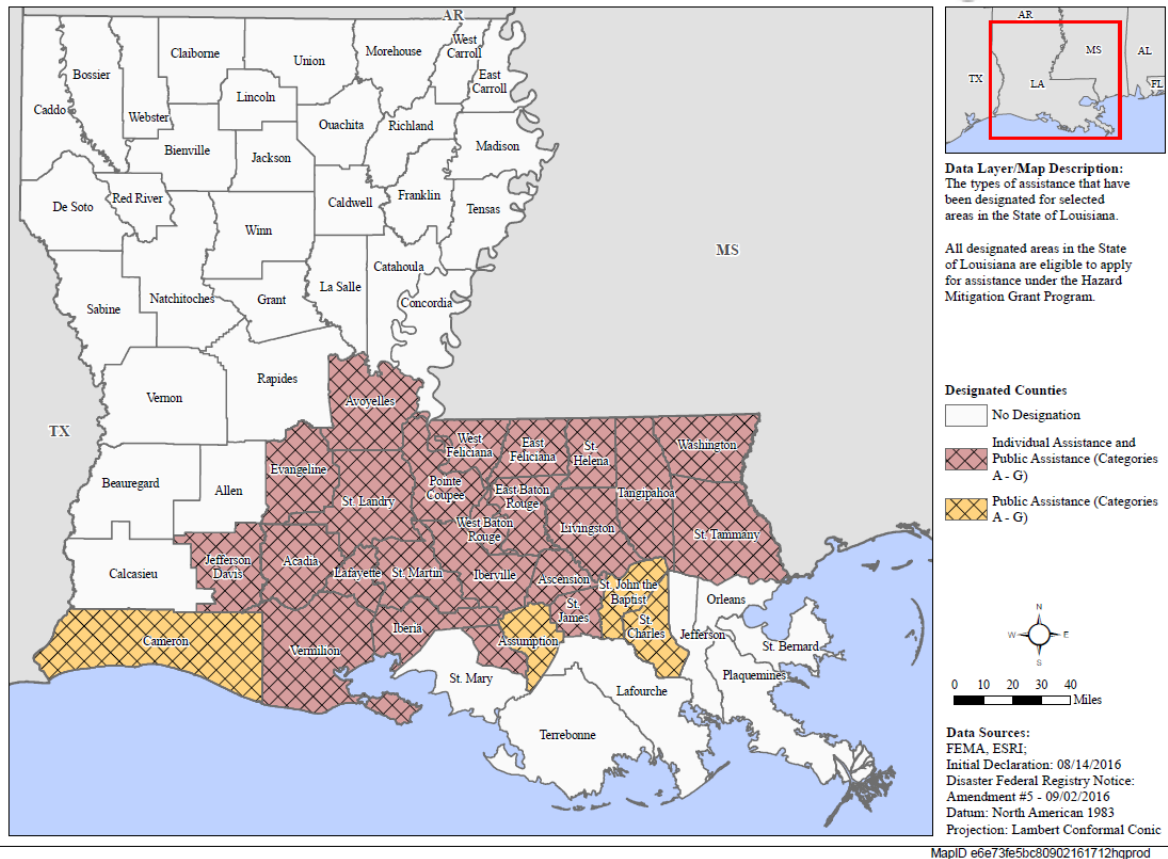
Mitigation measures that are funded by FEMA, through the Hazard Mitigation Assistance programs are intended to provide long-term or permanent solutions.

Livingston Parish is the **ONLY** parish in the State of Louisiana that has been impacted by Disasters 4263 (March 2016 Flood), 4277 (August 2016 Flood) and 4300 (February 2017 Tornadoes).

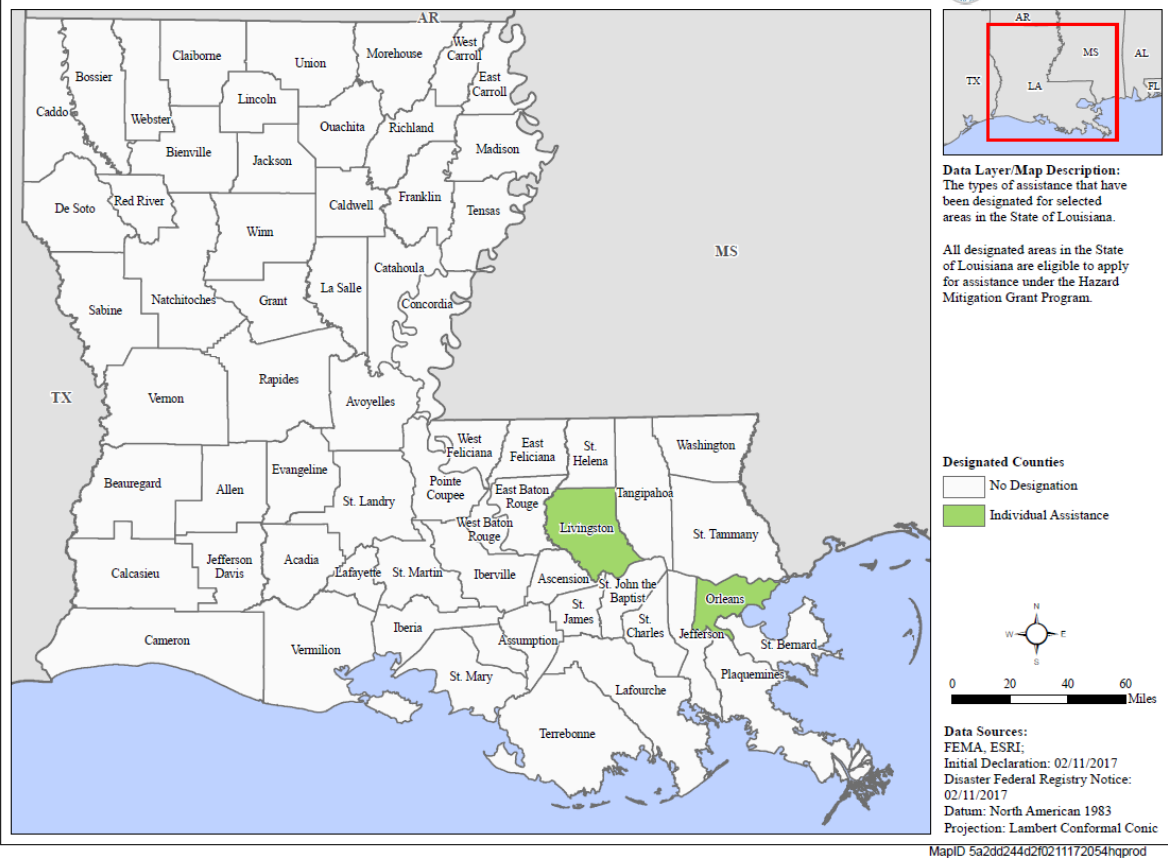
### FEMA-4263-DR, Louisiana Disaster Declaration as of 04/20/2016



## FEMA-4277-DR, Louisiana Disaster Declaration as of 09/02/2016



## FEMA-4300-DR, Louisiana Disaster Declaration as of 02/11/2017



**I am asking you, the members of this committee, to revise the Stafford Act and direct FEMA to update the Hazard Mitigation Assistance program guidance to allow communities the ability to apply for new construction funding. Specifically, to construct new code compliant (building and flood plain) structures that can be used to support the response and recovery efforts of communities facing disasters. We also ask that you consider allowing the use of HMGP funding for the purchase of commodities, such as Meals Ready to Eat (MREs), water, cots, blankets, tarps, etc.**

**Initially, hazard mitigation funding should only be made available to those parishes affected by the disaster. Only once spending efforts are exhausted by the affected parishes should those funds be offered to non-affected parishes.**

### **3. Regional/FCO Authority**

A. In the "National Response Framework" produced by the US Department of Homeland Security (DHS) it states, on page 47, "Incidents are typically managed at the lowest possible geographic, organizational, and jurisdictional level." The Federal Coordinating Officer (FCO) should be allowed to make decisions on the ground that he or she deems prudent to produce a rapid response and transition to recovery without having to ask permission from FEMA Headquarters. No war run from Washington has ever been very successful, give the field leaders the ability to fight the war from their perspective in the field, on the ground, where the action is taking place. A few examples:

1. The FCO should have the authority to waive certain requirements in disaster areas during the response period that impede Category A (Emergency Debris Removal) and Category B (Emergency Protective Measures) activities.
2. The FCO should be able to reasonably determine cost effectiveness in the field to justify decisions. Housing options include raising the amount of the Sheltering and Temporary Essential Power (STEP) program or improving the quality of work to permanent. Doing so would cost less money than temporary manufactured housing units (MHUs). However, the FCO was not allowed to revise the spending of tax payer dollars on a more cost effective, viable option.

FEMA's "Tool Bag:" FEMA Headquarters dictates the allowable resources in each disaster; again, we ask that all options are afforded to the FCO/Regional Administrator. Numerous options are available in 44 CFR that Headquarters does not make available to the applicants through their "Tool Bag."



#### **4. MHU Program**

A. The current MHU (Manufactured Housing Unit) program is **flawed** and is very costly to the government and tax payers. The average cost to have a MHU delivered and set up for each applicant is \$150,000. This does not include the man hours of federal, state and local employees needed in the process. A suggested alternative would be for FEMA to provide the local governments with the funding, such as Block Grants, as each homeowner is deemed eligible to make the process more effective and timely.

B. As of today, FEMA still has not completed its MHU initiative in Livingston Parish. There are 1,543 MHUs placed within the Parish in the seven (7) months since the disaster.

C. First Responder Agencies throughout the Parish needed a housing solution in order to properly and effectively serve and protect its citizens. Because of FEMA's inability to carry out this initiative in a timely manner, the Sheriff had to establish a housing location to be made available to all First Responder Agencies in need. He was able to expedite this and establish the site at a much lower cost and in a more timely manner than FEMA would have. It cost the Sheriff approximately \$2,800,000.00 to set up twenty-five (25) units, including establishing a usable site. Using the average cost of \$150,000.00 per unit it would have cost FEMA \$3,750,000.00 for the purchase of the MHUs alone. In light of the recent attacks on LEOs (law enforcement officers), such as the Baton Rouge attack on July 17, 2016, and the civil unrest around the country, it was determined that the level of safety protection needed for LEOs and their families in MHU parks could not be provided. FEMA has denied reimbursing the Sheriff's Office for the first responder housing even though they would have provided housing at a much higher cost.

#### **5. First Responder Agencies/Cost Share**

FEMA needs to address its Public Assistance Grant process to be more supportive of first responder agencies. During an incident, first responder agencies will be reimbursed for eligible expenses incurred in response to a disaster. Often in an event, first responder agencies from neighboring jurisdictions will provide support to assist and maintain operational capacity in the affected jurisdiction.

For example, in Disaster 4277, Livingston Parish Sheriff's Office's (LPSO's) capacity to respond to emergency issues related to the event was diminished because 30% of the deputies were directly affected by the flood. Sheriff's Offices from neighboring jurisdictions responded to help and in the process incurred expenses. Even though these agencies were providing essential assistance in the designated disaster area, the work performed was not considered an activity "eligible" under the FEMA Public Assistance program. FEMA does not consider that agency an "eligible applicant," because they are not from the affected jurisdiction. The affected agency who received the assistance is an "eligible applicant" and must reimburse the assisting agency prior to requesting reimbursement. However, this is difficult as the affected agency has incurred numerous expenses thus far. This issue centers around the non-federal cost share. Generally speaking, the assisting agency is willing to absorb that cost share in order to support the fellow agency, understanding the difficulty of the event and other financial impacts on the receiving agency.

Possible solutions would include either allow the assisting agency to be an eligible applicant or to allow the receiving agency to treat the in-kind donations as the cost share supporting their PWs. The Stafford Act does not prohibit either of these approaches, but FEMA has been unwilling to apply the common sense approach to the issue. In either case, the cost to the Federal Government does not change, but by adopting one of the proposed solutions greatly reduces the burden on the local community and will expedite recovery.

## 6. NFIP and Schools

Section 406(d) of the Stafford Act requires a \$500,000.00 reduction to facilities that are in a Special Flood Hazard Area that did not maintain flood insurance. This is especially detrimental to our schools that have multiple buildings on one campus. It is essential that our damaged schools be restored in order for the community to fully recover. For Katrina/Rita, in the 2008 Consolidated Appropriations Act, Congress added a provision that limited the deduction for educational facilities to one reduction per campus. Previously, for example, if a school had four (4) buildings on a campus each would be subject to the \$500,000.00 deduction, and that is too great a burden for these school systems to endure. We encourage Congress to look at similar relief for this flooding event, which is being classified as a one thousand year event and affected areas of the Parish, like our schools, that no one anticipated would flood. **If this section in the Stafford Act is not waived, it will bankrupt the Livingston Parish Public School system, which is a top ten performing school system in the State.**

## 7. Public Assistance

A. **\*\*IMMEDIATE ATTENTION NEEDED\*\*** FEMA staff are resisting its own policy. FEMA employees tasked with writing Project Worksheet (PW) are coming into the Parish with old versions of its guidance to write current PWs. They have used these older versions to deny eligibility that is allowable in the current guidance. According to a FEMA Region 6 representative, at a Baton Rouge Joint Field Office (JFO) meeting with Parish representatives and the Parish's licensed engineering firm, stated that FEMA will only approve repairs of visual damage. Our licensed engineer has supporting documentation providing evidence of sub-surface damage as well as visually observable damage. Federal Policy 104-009-2/January 2016, page 132, shows that FEMA uses the applicant's cost estimation if the estimate is prepared by a licensed professional engineer or other professional cost estimator who certifies that the estimate is prepared in accordance with industry standards and based on reasonable unit costs for each component of the scope of work and not a lump sum amount.

B. When a road is inundated for any significant length of time, damage to the roadway paving, base and sub-base will occur; and this is well documented. The Federal Highway Administration (FHWA) explains the extreme importance of drainage and the effects of saturation on roads and provides volumes of information on the subject. A good example is the FHWA document titled "Geotechnical Aspects of Pavements Reference Manual," Chapter 7. American Association of State Highway and Transportation Officials (AASHTO) also outlines the detrimental effects of flooding on the structural integrity of pavement systems as follows:

- Water in the asphalt surface can lead to moisture damage, modulus reduction (strength), and loss of tensile strength. Saturation can reduce the dry modulus of the asphalt by as much as 30% or more.
- Added moisture in unbound aggregate base and sub-base is anticipated to result in a loss of stiffness on the order of 50% or more.
- Modulus reduction (strength) of up to 30% can be expected for asphalt-treated base and increase erosion susceptibility of cement or lime treated bases.
- Saturated fine-grain roadbed soil could experience modulus reductions (strength) of more than 50%.

I hope that we can agree that all roads subjected to prolonged flooding would be considered damaged in Disaster 4277.

C. The next challenge will require all parties to work together to come up with a reasonable and economical methodology to quantify and place a value on the damage that occurred to the roads. An additional problem local governments face is attempting to use post-flood testing and analysis to estimate the damage because of a lack of base line comparison. This is not information that municipalities or state agencies typically have available.

Livingston Parish has been maintaining their roads to some degree since they were formed in 1832. However, in 1997 the residents of Livingston Parish passed a one (1) cent sales tax that was dedicated to maintenance of roads, bridges and related drainage. In the last 20 years Livingston Parish has spent more than \$200,000,000.00 of these tax funds on the maintenance of our roads, bridges and related drainage. This is significant when you compare Livingston Parish to other parishes and counties of similar size and population.

The condition of the roads that were damaged by FEMA Disaster 4277 varied greatly. Some roads were in the process of being re-paved as part of the Parish's maintenance program when the catastrophic flood occurred and some were near the end of their useful life and were schedule to be re-constructed in 2017. The condition of the roads that were damaged varied from one end of the spectrum to the other.

## **8. Individual Assistance (IA)**

In the "National Incident Management System (NIMS) Training Program, produced by the US Department of Homeland Security (DHS), it states on page 2, "A basic premise of NIMS is that all incidents begin and end locally. The Federal Government supports State, tribal, and local authorities when their resources are overwhelmed or anticipated to be overwhelmed. The intention of the Federal Government in these situations is not to command the response, but rather to support the affected State, tribal, and local authorities." In recent disasters, FEMA has self-deployed its assets without a request from the State, tribal, and local authorities, violating its own management policy.

## **9. Re-interment Eligibility in IA or PA**

The Parish had approximately 300 caskets displaced as a result of the recent flood. There are 160+ caskets remaining for re-interment through Individual Assistance. We are requesting a change in policy to allow for the option of re-interment costs to be FEMA reimbursement eligible through IA (Individual Assistance) or PA (Public Assistance). It was only allowed under IA during Disaster 4277 but the process would have been more efficient had it been reimbursable through PA. This is due to the enormity of the damage/displacement and the amount/difficulty of the paperwork process required for citizen applicants through IA. PA would have been more cost effective and timely, if the FCO were allowed discretion while in the field.



# Mark Harrell

## Biography

5 April 2017

I, Mark Harrell, was the Director of the St. Helena Parish Office of Homeland Security and Emergency Preparedness for four years. I ran the Emergency Operations Center (EOC) for Hurricane Gustav and DR1668. Also during that time, I assisted Livingston Parish and Washington Parish in several incidents. I taught all first responders in St. Helena Parish ICS 100, 200, 700 and 800; and, was responsible for the facilitation of FEMA Disaster Public Assistance (PA), and DHS grant funding, including the State Homeland Security Program (SHSP), Emergency Management Performance Grant (EMPG), Hazard Mitigation Grant Program (HMGP), as well as State grant funding, including the Louisiana Government Assistance Program (LGAP), Community Development Block Grant (CDBG) and the Capital Outlay Program.

I went to work for the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) where I responded to most incidents statewide including the flooding in GOHSEP Region 7, tornados in Regions 5 and 8, a major hazmat fire in Region 2 and the BP Oil Spill. Most recently, I responded to the Mississippi River flooding, assisting Vidalia and Concordia Parish in their response. I was also GOSHEP's Problem Resolution Officer for a year, where I assisted in resolving grant and mitigation issues as well as public assistance and political matters.

Currently, I am the Director of the Livingston Parish Office of Homeland Security and Emergency Preparedness. In this role, I ensure that all emergency essential personnel have completed all mandatory ICS courses and are provided training and exercises in preparation of any emergency activations of the EOC. I also respond, when necessary or requested, to any emergencies parish or statewide and am, again, responsible for the facilitation of FEMA Disaster PA, and DHS grant funding, including SHSP, EMPG, HMGP, as well as State grant funding, including LGAP, CDBG and the Capital Outlay Program.