**REQUEST FOR PRESIDENTIAL DISASTER DECLARATION**

**COVER LETTER**

**MAJOR DISASTER**

June 16, 2023

# The Honorable Joseph R. Biden

President of the United States

The White House

Washington, D.C. 20500

Through: Mr. Thomas C. Sivak, Regional Administrator

FEMA Region V

 536 South Clark Street, 6th Floor

 Chicago, Illinois 60605

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 Michigan and activate the Public Assistance (PA) program for Debris Removal (Category A), Emergency Protective Measures (Category B), and Permanent Work (Categories C-G) in response to widespread, severe, and repeated flooding that struck the counties of Baraga, Gogebic, Houghton, Iron, Marquette, and Ontonagon, between April 10, 2023 and May 14, 2023.

The flooding across the west-central Upper Peninsula of Michigan overwhelmed storm water and sewer systems, burst earthen dams, caused culverts and embankments to fail, washed out roads, caused sinkholes, and deposited debris and silt on roadways. It impacted drinking water systems, and disaster survivors faced sporadic power outages during the incident period. The flooding was caused by a much above-normal (>200 percent) snow water equivalent (which describes how much water is contained in the snowpack) released due to a rapid snowmelt after April 10, followed by a slow-moving, late-season winter storm with heavy rain and snowfall across Northern Michigan between April 29th and May 2nd. As river levels were already elevated, additional flooding occurred across many of the same areas that were impacted earlier in April.

The conditions for the repeated flooding were set up by several rounds of heavy precipitation received in the Upper Peninsula between the months of November to April, which were in the top 10 wettest six-month periods on record for the state. Four counties in the Upper Peninsula experienced their wettest six-month periods on record, with several others in the top 5 wettest on record. A majority of the Upper Peninsula was also between 100 and 150 percent above the mean for accumulating snowfall over the winter months, with the Marquette Observed Climate Station recording a record snow depth of 44 inches on April 1st, and its overall fourth snowiest winter on record at 265.1 inches total through May 28th. Well above-normal snowpack was present through the first week of April, with widespread snow depth values of 20 to 39 inches with corresponding snow water equivalent values of 6 to 12 inches.

Most of the existing snow was then melted during a week with recorded high temperatures in the upper 60s to lower 80s, representing daily average temperatures between 15°F and 30°F above seasonal normal. The quick loss to the snowpack and several inches of melted water caused excessive runoff and the first instances of extensive flooding. This was followed by widespread rainfall with amounts of around one inch of water falling across the Upper Peninsula between April 15th and April 17th. After an additional ten days of damp and dreary weather, a major late-season snowstorm occurred, increasing the monthly average streamflow in the impacted area to much above normal levels.

The month of May also began with another significant winter storm with widespread precipitation amounts of three to eight inches between April 29th and May 2nd. This heavy precipitation fell as a mixture of rain and snow. Higher elevation locations near Lake Superior received record-breaking snowfall amounts that delayed runoff and prolonged flooding impacts. At the National Weather Service (NWS) office in Marquette, 28.7 inches of snow fell between April 30th and May 2nd, which amounted to 5.15 inches of liquid. Snowmelt began quickly after this storm, as temperatures warmed into the 50s and 60s by May 4th with overnight lows remaining above freezing and additional light rainfall occurring. Antecedent conditions combined with the significant warm-up and the late-season winter storm resulted in widespread flooding across the Upper Peninsula of Michigan again. Additional information on the weather conditions that led to the repeated and widespread flooding damages during the incident period can be found in Attachment 4.

Due to the extensive and timely efforts of the local jurisdictions in responding to this disaster, no fatalities and only minimal injuries were sustained by individuals in the impacted areas. The lack of widespread injuries and fatalities can be attributed to strong efforts by local jurisdictions to maintain emergency services to the highest extent possible and disseminating emergency public information that alerted residents to actual and impending flood hazards, and steps they should take to protect themselves.

In response to this flood disaster, I took appropriate action under state law and directed the execution of the Michigan Emergency Management Plan on April 14th, in accordance with Section 401 of the Stafford Act, for the counties of Gogebic and Houghton. On the same day, under my authority as the Governor, I also declared a State of Emergency for the counties of Gogebic and Houghton, including the local political subdivisions located therein, and directed state departments and agencies to utilize all available resources necessary to assist the impacted counties and local political subdivisions in responding to and recovering from this disaster. The State Emergency Operations Center (SEOC) was activated on April 17th and remained operational until April 24th. I expanded the emergency declaration to include the counties of Alger, Baraga, Dickinson, Iron, Marquette, and Ontonagon on April 21st. On May 8th, in an abundance of caution, I requested an extension for submitting this request until June 16th because the relevant flooding event was ongoing, and the waters had not yet receded at that point. This extension request was granted by the Federal Emergency Management Agency (FEMA) on May 17th.

I must note that numerous state departments and agencies had already initiated response actions prior to the formal state emergency declaration in accordance with their assigned missions in the Michigan Emergency Management Plan. These actions included but were not limited to: providing direct assistance to the affected communities and to individuals; ensuring the safety of residents; assessing the damage and impacts to affected state facilities, infrastructure, and services under their stewardship; and taking appropriate actions to keep those affected facilities, infrastructure, and services operational.

The affected local governments also took appropriate action under state law in response to this disaster. Pursuant to the Emergency Management Act, No. 390 of the Michigan Public Acts of 1976, as amended, Michigan Compiled Laws (MCL) 30.410 (b), a total of seven counties declared a local “State of Emergency” in response to severe flooding affecting their jurisdictions. The counties that declared States of Emergency included:

* Houghton County on April 13, 2023,
* Gogebic County on April 14, 2023,
* Marquette County on April 16, 2023,
* Ontonagon County on April 16, 2023,
* Baraga County on April 18, 2023,
* Iron County on April 18, 2023, and
* Alger County (not included in this request) on April 20, 2023.

These jurisdictions implemented the response and recovery elements of their Emergency Operations Plans in a timely manner, in accordance with state law and associated administrative procedures. They also took other appropriate actions to cope with the situation, including but not limited to: marshaling required resources; issuing emergency warnings and public information; providing shelter to displaced residents; providing commodities to residents with disrupted utility services; clearing roadways and other public spaces of debris; and limiting access to flooded areas. The affected local governments performed all actions required of them by state law and procedure and dictated by incident circumstances. Their response was outstanding, given the severe nature of the flooding, and the significant threats to public health and safety created by flood-related conditions. Please refer to Attachment 2 for more detailed information pertaining to specific response and recovery actions taken by the state and the local jurisdictions included in this request.

The impacted counties have estimated that this disaster resulted in over $56 million in immediate response costs and damages to infrastructure and public facilities. While not all of these costs may be applicable for determining eligibility for reimbursement under the assistance programs outlined in the Stafford Act, they still represent the real impact of the disaster that these rural communities are facing and will struggle to recover from. Without significant assistance from the federal government, communities will suffer financial hardships for years as they attempt to recover from this disaster.

Damages to roadways and bridges constituted the most severe impact on public infrastructure. Many roadways in the affected counties were damaged or impassable, and many roads had to be closed across the disaster area. The local road commissions and the Michigan Department of Transportation (MDOT) engaged in emergency restorations of roadways and arranged barricades to restrict public access to closed roads immediately. MDOT is coordinating with local road agencies and the Federal Highway Administration (FHWA) regarding restoration of federal aid roads. Current local estimates of $12 million in costs are being vetted for eligible reimbursement under the FHWA Emergency Relief program. This is in addition to costs incurred for local roadways. Overall, initial damage assessments by local road agencies estimate approximately $45 million in costs for local non-federal aid roads.

The flooding also significantly disrupted community life in the impacted jurisdictions. One of the most significant impacts to the community were the effects of the flooding on road travel throughout the disaster area. Many segments of road and some bridges were or still are impassable due to damages and standing water, which increased emergency vehicle response times and prevented or complicated travel for commutes, business and commerce, and day-to-day or disaster recovery activities of residents. These disruptions are not only an inconvenience to the community but delay the return to a sense of normalcy. As the affected areas are very rural, detours can add many miles and a significant amount of time to any trip. For example, in the City of Wakefield, flooded and damaged roads caused a thirty-mile detour to keep the traveling public safe from washouts and other damages. The Houghton County Road Commission received several calls from residents that were not able to travel to dialysis and other critical medical appointments. Many roads were not passable for school busses and therefore children could not be picked up for their school days.

Multiple schools were closed for several days, and local jurisdictions reported over 150 private homes that sustained flood damages. The Small Business Administration (SBA) verified that at least 21 homes and businesses sustained major damages. In addition to damages to private property, utility services were impacted. Residents throughout the disaster area were confronted with repeated sporadic power outages. In the City of Wakefield in Gogebic County, residents also suffered from impacts to their water system, as a water main break cut off 17 homes from running water, and E. coli bacteria was identified in their water supply. In response, the municipality issued a Drinking Water Warning and Boil Water Advisory that stayed in effect for 12 days between April 26th and May 8th.

Although I am not requesting activation of the Individual Assistance (IA) program, I urge you to consider that the impacted jurisdictions are among the most socially vulnerable areas of the state. A variety of socio-economic factors illustrate that residents in the disaster area are particularly susceptible to the impacts of disasters and will face unique barriers to an effective recovery from this incident. For example, the disaster area has higher rates of poverty than the state of Michigan as a whole and the United States. Disproportionate percentages of the population have disabilities or are over 65 years of age. Elevated levels of residents rely on governmental assistance and retirement incomes, and there are high concentrations of residents that live in mobile homes or group quarters. While activation of the PA program will not provide direct benefits to disaster survivors, they do rely on the services that are provided and the infrastructure that is maintained by local units of government.

Federal assistance is critical to ensure that these public agencies can properly function and continue to support the communities they serve in their daily lives and recovery from this disaster. A detailed discussion of the socio-economic profile of the disaster area provides additional detail on how area residents are particularly vulnerable and would greatly benefit from federal assistance to their communities is included in Attachment 1.

This disaster is also causing significant emotional trauma for many in the affected communities. Memories are still fresh from Major Disaster FEMA-4831-DR, which impacted the western portion of the Upper Peninsula less than five years ago in June 2018. It was declared for the counties of Gogebic and Houghton, which are a part of this request again, and Menominee County. Marquette County, which was not included in Major Disaster FEMA-4831-DR, was impacted by severe flooding even more recently in July 2022, when local and state-level emergencies were declared. When the widespread flooding associated with this request occurred, the affected communities were still recovering from these prior incidents, which is particularly traumatizing for those that had already been impacted from the prior incidents and may now be suffering from repeat damages.

The response to this disaster by our partner voluntary relief organizations has been extensive and timely. Michigan 2-1-1, the Salvation Army, the American Red Cross, and Superior Watershed Partnership and Land Conservancy worked closely with local emergency managers to provide goods and support services to disaster survivors. Activities undertaken by these organizations and volunteers during the flood response and early phases of recovery included, but were not limited to:

* Responding to calls related to this disaster on the 2-1-1 hotline, registering needs of disaster survivors, and connecting callers to appropriate resources;
* Providing muck-out services to homes identified through the Michigan 2-1-1 call centers or by local jurisdictions; and
* Procuring and distributing personal care items and clean-up kits.

Additional information regarding volunteer assistance can be found in Attachment 2.

Unfortunately, this flood disaster is just the latest in a string of major incidents that have occurred in Michigan. Over the past 24 months before this disaster, Michigan has experienced twelve incidents (including this disaster) that resulted in the declaration of a State of Emergency or Disaster under the Emergency Management Act, No. 390 of the Michigan Public Acts of 1976, as amended. They include:

* The April 2023 emergency declarations for this disaster, which included the counties of Alger (not included in this request), Baraga, Dickinson (not included in this request), Gogebic, Houghton, Iron, Marquette, and Ontonagon;
* An October 2022 emergency declaration for a fire in Menominee County;
* An August 2022 emergency declaration for a water main break for the counties of Lapeer, Macomb, Oakland, and St. Clair.
* A July 2022 emergency declaration for flooding in Marquette County;
* A June 2022 emergency declaration for flooding in Mecosta County;
* A May 2022 emergency declaration for a tornado in Otsego County;
* A September 2021 emergency declaration for a hazardous materials leak in the counties of Monroe and Wayne;
* An August 2021 emergency declaration for severe weather in the counties of Branch, Hillsdale, and St. Joseph;
* An August 2021 emergency declaration for a fire in Menominee County;
* An August 2021 emergency declaration for severe thunderstorms in the counties of Macomb and Oakland;
* An August 2021 emergency declaration for thunderstorms in Oakland County; and
* A June 2021 emergency declaration for flooding and tornadoes in the counties of Huron, Ionia, Washtenaw, and Wayne.

The June 2021 flooding and tornado incident also resulted in a Major Disaster declaration FEMA-4607-DR, which made applicable Individual Assistance programs available in the counties of Macomb, Oakland, Washtenaw, and Wayne, and Public Assistance programs in the counties of Ionia and Wayne. The incident period for Major Disaster FEMA-4494-DR and Emergency EM-3455-MI, which were declared for Michigan in response to the Coronavirus pandemic, also covered the entire 24 months prior to this disaster.

In addition to these gubernatorial and presidentially declared emergencies and disasters, the affected local jurisdictions have experienced numerous smaller-scale incidents for which they did not seek a gubernatorial declaration or state assistance, but had significant local impacts to residents, businesses, public facilities and infrastructure, and essential services. Individually and collectively, these incidents created significant burdens for the affected local governments, requiring the expenditure of resources (physical and financial) which in many cases had to be diverted from other community programs and services.

Although Michigan has a Disaster and Emergency Contingency Fund under the Emergency Management Act, No. 390 of the Michigan Public Acts of 1976, as amended, for partial reimbursement of eligible public damage and response costs to counties and local political subdivisions, it has limited funding, which must be replenished every budget cycle by the Michigan Legislature. By state law, these funds can only be provided to eligible public entities and certain volunteer organizations supporting incident response operations. Over the last 24 months, local jurisdictions have submitted over $6 million in eligible costs for reimbursement under this program. However, these costs will not be fully compensated, as the law limits grant awards based on the population size and operating budgets of eligible jurisdictions.

To facilitate the needed assistance resulting from this disaster, a joint federal, state, and local Preliminary Damage Assessment (PDA) was requested on May 10th to survey the affected areas and assess damages and costs related to the PA program under the Stafford Act. FEMA representatives met with state and local officials at the Holiday Inn Express in the City of Houghton in the morning of Monday, May 22nd, for the PDA organizational/kick-off meeting. Field evaluations commenced after the meeting. Three PA assessment teams worked for the next four days verifying locally reported damage and impacts related to public infrastructure in the impacted communities.

The PDA verified and confirmed the extensive damage to public structures and facilities discussed earlier in this letter. The total amount of infrastructure assessed during the PDA in six counties totaled $45.1 million, as per the cost breakdowns provided by FEMA in Table A. While these damages were verified, approximately $36.8 million in damages were reduced or otherwise disallowed by the FEMA Region V PDA team.

The damages admitted into full consideration by the FEMA Region V PDA team total $8,372,607. The county with the largest share of these cost is Gogebic County with $2,410,490 in damages. This represents a per capita cost of $167.63 for each county resident, which exceeds the countywide per capita impact indicator of $4.44 established for fiscal year 2023 by a factor of 38. Ontonagon County also had very high cost per capita at $158.09, and the cost per capita calculated for the entire disaster area was $58.40.

The per capita cost for each assessed county exceeded those of any of the counties assessed for Michigan’s last Major Disaster that included an activation of the PA program: For Major Disaster FEMA-4607-DR, cost per capita were highest for Wayne County at $14.18, while for this disaster, even the lowest per capita cost of $26 for Marquette County exceeds that number by 50 percent. The unusually high per capita cost indicators for these rural counties with limited funds again illustrate the urgent need for federal assistance.

As mentioned earlier in this letter, the biggest impact to public infrastructure was to roads and bridges (Category C), which accounted for $7,027,199 or 84 percent of all damages admitted by FEMA. The damages incurred in this category include many road and shoulder washouts, broken culverts, and asphalt damages. With $1,983,227 in damages, Houghton County was the most severely impacted county in this category. However, the counties of Gogebic and Marquette also incurred over $1.5 million in related damages. The six road commissions for the affected counties alone had over $6 million in total cost admitted, which is already devastating to the limited budgets of these agencies, yet still only covers a fraction of the true extent of damages they actually suffered. In addition to these damages, the over $12 million in damages reported by local jurisdictions related to the FHWA Emergency Relief program are still under review by state and federal stakeholders.

Category F (Public Utilities) was the next most impacted PA category and accounted for 8 percent of acknowledged damages at $658,093. Most of these costs were incurred in Gogebic County ($599,500), where significant disruptions to the water system of the City of Wakefield occurred, which are described earlier in this letter and in Attachment 2. While FEMA admitted almost $600,000 for these damages, the local jurisdiction estimates total costs of $1,996,000 for necessary repairs. Until these repairs are completed, 800 to 1,000 gallons of water are being lost per day through the ruptured line. This will be particularly problematic if repairs cannot be completed before winter, which typically begins early in the Upper Peninsula, when the discharged water will freeze. In Iron County, approximately $59,000 in admitted damages occurred due to floating debris that damaged a dock that protects the water intake at a hydro-power plant.

Additional damages were also registered for Category G (Parks and Recreation/Other; $380,000 in Iron County, five percent of total admitted damages) and for measures taken to eliminate immediate health and safety threats in Category B (Emergency Protective Measures, $307,315, four percent). With $223,468 in costs, Gogebic County shouldered the biggest share of expenditures in this category.

The large amount of damages submitted by local jurisdictions that were reduced during the PDA process (81 percent of all submitted cost) are a significant concern, as the majority of these costs still represent real damages that must be addressed by the affected communities. Of greatest concern is that many reductions were made related due to adherence to current codes and standards. According to FEMA’s PDA policy, costs for upgraded codes and standards during repair and restoration of infrastructure are potentially eligible for reimbursement under the PA program but will not be considered when compiling eligible cost during the PDA process.

The damages that FEMA unfortunately had to exclude under this policy are actual expenses that must be incurred by the impacted jurisdictions to restore their public infrastructure. These are not optional expenditures, as local cost estimates were based on binding requirements set forth in the Natural Resources and Environmental Protection Act (NREPA), No. 451 of Michigan Public Acts of 1994. This Michigan law protects the environment and natural resources of the state. The intent of the act is to prevent any unreasonable impact to, degradation of, or destruction of resources and to encourage their protection or enhancement. Upgrades to codes and standards are mandatory for repairs to be made. The Michigan Department of Environment, Great Lakes, and Energy (EGLE) will not issue necessary permits to repair damaged infrastructure unless these requirements are met.

Ultimately, rebuilding to satisfy NREPA requirements also ensures that infrastructure will be more resilient, and damages will be much less likely to occur during future disasters. This illustrates that the State of Michigan has taken steps to ensure our public infrastructure becomes more robust as we are working toward a climate resilient state and nation. However, not admitting these costs for PDA consideration – although they may ultimately be eligible for PA reimbursement – potentially creates a drastic financial hardship for some of the most socially vulnerable communities in our state (see Attachments 1 and 3).

Declaring a Major Disaster and activating the PA program for the impacted jurisdictions would ensure that they receive the support that is required to rebuild their infrastructure in a way that is not only consistent with NREPA requirements, but also follows FEMA’s National Resilience Guidance, which was only recently released in March 2023. This Guidance envisions a nation with resiliently built environments, economies, government and infrastructure systems, and a resilient society, people, and natural environment. If damages eligible for funding under the PA program are not applied to determining the cost impact of a disaster and federal assistance does not become available as a result, communities will struggle to realize the vision that FEMA outlined in the guidance.

I also urge you to take into consideration that in the two affected counties of Gogebic and Houghton, over $27 million were obligated to fund permanent work under Categories C through G of the PA program following Major Disaster FEMA-4381-DR in 2018. This funded repairs to public structures that elevated them to the applicable current codes and standards, which created stronger and more durable infrastructure systems, and included appropriate improvements to mitigate potential damages from future disasters. Presumably damages from this incident were significantly reduced through use of the PA program in combination with adherence to these building and construction codes, but also through the noteworthy dedication to hazard mitigation that the impacted jurisdictions have shown.

Recognizing their responsibility to make their communities as disaster resilient as possible, all counties included in this request maintain current and FEMA-approved hazard mitigation plans, as does the State of Michigan. They have collectively invested over $4 million in flood-related hazard mitigation activities through 47 Hazard Mitigation Assistance (HMA) projects. Twenty-nine of these projects were physical improvements, and 18 were planning-related. Collectively, these projects have resulted in over $10 million in estimated avoided damages to date. An additional eight projects at a total cost of over $3 million are currently ongoing. The commitment of the impacted communities to mitigate risks from flooding and other hazards, and the repairs and upgrades to infrastructure that had to be made following Major Disaster FEMA-4381-DR, undoubtedly reduced the damages that were incurred during this incident.

However, the jurisdictions in the disaster area do not have the financial resources available to recover from this unique flood disaster without receiving supplemental assistance from the federal government. The State of Michigan can provide limited financial assistance to help offset the cost-share for Public Assistance, but it does not have funding to address all losses without federal aid. State law mandates that the Michigan Disaster and Emergency Contingency Fund be capped at $10 million and that grants awarded to individual jurisdictions do not exceed between $250,000 and $1 million, depending on population size. This cannot adequately cover the damages incurred during this disaster.

Therefore, I have determined that this incident is of such severity and magnitude that effective recovery is beyond the capabilities of the State of Michigan and the affected local governments, and that supplemental federal relief assistance is necessary. I am specifically requesting activation of the Public Assistance (PA) program, including Debris Removal (Category A), Emergency Protective Measures (Category B), and Permanent Work (Categories C-G), for the counties listed in this request. I further request activation of the Hazard Mitigation Grant Program (HMGP) for all counties within the state. Preliminary estimates of the types and amount of Public Assistance admitted under the Stafford Act are tabulated in Enclosure B.

Attachment 1, “Socio-economic Profile of the Affected Counties” provides an overview of the demographics and economic status for the disaster area. Information regarding the nature and amount of local, nongovernmental, and state resources that have been or will be used to alleviate the conditions of this disaster can be found in Attachment 2, “Significant Local and State Response and Recovery Actions.” Maps and damage photographs can be found in Attachment 3, “Supporting Maps and Photographs.” Additional information from the NWS regarding the weather conditions that caused this disaster is available under Attachment 4, “Weather-related information.”

I certify that for this Major Disaster, the state and local governments will assume the applicable non-federal share of 25 percent of eligible costs required by the Stafford Act.

I have designated Inspector Michele Sosinski of the Michigan State Police, Emergency Management and Homeland Security Division (MSP/EMHSD), as the State Coordinating Officer for this request. She will work with FEMA on recovery program implementation and may provide further information or justification on my behalf.

Thank you for your consideration.

Sincerely,

Gretchen Whitmer

Governor

Attachments and Enclosures:

Attachment 1 – Socio-economic Profile of the Affected Counties

Attachment 2 – Significant Local and State Response and Recovery Actions

Attachment 3 – Supporting Maps and Photographs

Attachment 4 – Weather-related information

OMB No. 1660-0009/FEMA Form 010-0-13
Enclosure A – Individual Assistance (Not applicable to this request)
Enclosure B – Public Assistance
Enclosure C – Requirements for Other Federal Agency Programs
Enclosure D –Historic and Current Snowfall (Not applicable to this request)