

August 8, 2006

U.S. House of Representatives
Committee of Financial Services
2129 Rayburn House Office Building
Washington, D.C. 20515

Michael G. Oxley, OH, Chairman
Committee Members

Mr. Oxley,

Thank you for allowing me to testify on the current flooding issues and concerns.

My name is Sam Smith and I live in Middletown Twp. Bucks Co., Pa. My home is situated in the Neshaminy Watershed adjacent to, and a part of, the Delaware River Watershed. I was not affected by the recent flooding, though there was flooding in our area. My home was elevated out of harms way in 2003 as a part of the Neshaminy Watershed Supplemental Plan of Work. (PL-83-566)

Prior to Hurricane Floyd (Sept. 16, 1999), residents from all the various communities along the lower Neshaminy Creek, banded together and formed an association to convince our County Commissioners of the need to reduce flood damages and re-look at an existing, but dormant flood control project. A new, updated study was commissioned at the end of 1996 by Bucks County and the Dept. of Agriculture, NRCS.

I was selected as a Steering Committee member to search for alternatives to reduce flood damages. After the completion of the study (2002), I was on the advisory board to help with the mechanics of the plan, as well as working with the lead engineering firm to make enhancements to some of the details that needed more resolution.

Our home was flooded during Hurricane Floyd, and a second building on the property (cottage) was flooded again on Fathers Day, June 2001 by tropical storm Allison. The night before I had just put the last piece of trim up in the kitchen to finish the repairs from Floyd. My family and I were out of home for over five months and the cottage was un-useable for three years. I can't begin to tell you the stress and burden we endured during that period. To this day we still seem to be putting pieces of our lives back together. The Red Cross, God bless them, put us up in a hotel for four weeks, and gave us food vouchers for a local diner for the same time.

I signed a waiver with the NFIP adjuster to have all work done by contractors for a 10% increased return on the claim. Unfortunately, you couldn't find a qualified contractor anywhere because of circumstances. So my wife, kids and I did all the muck out and demolition necessary to begin the sanitizing and drying process. It took eight weeks to dry to the proper level of moisture by core testing. FEMA gave us \$1,000 for living

expenses and estimated that the repairs could be complete within four weeks. I spent 3 and 1/2 hours on hold trying to get through on the FEMA hotline so I could return the money, but the girl stationed in Texas couldn't tell me where to send it. We used the money to extend our stay at the hotel by two weeks.

Soon, hotel and diner costs were exhausting our financial resources. My wife and I improvised a plan to get back in the house. We set-up a table in the basement with a microwave and coffee pot; I temporarily installed a washbasin in the kitchen for dishes and rigged the flooded boiler back into service for heat and hot water. The kids and pets couldn't come home because of unsafe conditions but by Christmas the contractor we finally hired had the outside of the walls back together and insulation was in, so we managed climbing a ladder to the upstairs bed and bathroom. By the end of February there was enough of the house pieced back together that we brought the kids home and the pets a month or so later.

There was a FEMA mitigation period after Floyd for buy-outs. Our house did not meet the 50% damage requirement and was not eligible. Damages sustained during Floyd were estimated at \$108,000 on the house and the cottage was an additional \$60,000. There was no payout on the cottage even though the premiums were being paid. The insurance writer failed to write two separate policies and the NFIP declined payment. I asked them to return the premiums and their comment was to take them to Federal Court in Philadelphia. Likewise was our option to appeal the payout figure of < \$60,000 on our home, which was approximately sixty cents on the dollar.

The house elevation took place in April of 2003. We were again out of home for eight weeks, though under far better circumstances. Now that we are elevated, I still watch the weather channel as intensely as I used to prior to a large rain event, the same emotions always come rushing back but the fear of losing everything is slowly dissipating. The negative impacts of being elevated are far outweighed by the positive ones. I've claimed back a certain peace of mind. If we wanted to sell our home we could do so with a clear conscious. After ten years and hundreds of meetings, seminars and the like, I'm able to look forward to living my life again.

There are two issues that I would like to comment on at the hearing:

- 1.) At a steering committee meeting that occurred in 2000, Jeff Mahood (environmental specialist) of the NRCS made mention of fact that it would take FEMA up to five years to adopt the new floodplain values established by the ongoing study and incorporate them into the NFIP rate maps. I didn't put too much thought into it at the time; however, it is clearly a fundamental problem that is costing huge amounts of money and grief.

I'm not exactly sure when the information became available to FEMA but it was calculated within a month after Floyd that it was not a hundred year event by Walter Boles (Hydrologist) of the NRCS. That means he had the information available back in 1999. He perhaps hadn't completed all the details but it was certainly ready in 2000. To this day the new values have not been adopted.

Since we are spending well over 14 million dollars on a non-structural reduction of flood damages in the watershed, it is critical that all municipalities in the watershed adopt and comply with the storm water management act so that no increase of flooding occurs in the future. Isn't it absolutely ludicrous to allow building in the same floodplain that we are still in the process of trying to correct?

The average difference in flood plain elevations from the FEMA maps to the new values is approximately 30 inches. My home was flooded by 24 inches and it caused such havoc. My neighbor just put a 700 sq. ft. addition on his house, right in the flood plain because the township is required to use FEMA values even though they know better. The same township is approving development plans near floodplains and I witnessed a retention\detention basin adjacent to the 100 yr. floodplain by mere feet. Add 30 inches of water and the entire storm water plan has no value. In one instance, in a borough where houses are being lifted, the zoning officer told me he wouldn't issue the permits to elevate because the homes were being elevated higher than FEMA values. I had to go to the borough council for relief.

I have no idea how often this has occurred throughout the watershed over the last six years but we are throwing good money at bad. There must be a change in priority at FEMA to remedy this situation. If not, let the agencies that actually define floodplains regulate the maps so the people who need them have good information. Planning commissions can't possibly make good recommendations without the proper information. Good people are unknowingly being put in harms way by the agency that is supposed to protect them. Flooding and flood damage is being increased by the agency that is there to enforce the opposite.

One last example is from today, talking to Paul Lenher from Pennoni Engineering (215-345-4591). He told me that the FEMA rate map values at Stockton NJ. (alongside the Delaware River) are five feet below what the New Jersey- DEP has them calculated at. I don't know if or when those values may have been sent to FEMA. Consider that homes and businesses in Yardley and elsewhere along the Pennsylvania side of the Delaware River have already been lifted. Can you imagine spending \$150,000 of your own money for peace of mind and then find out you are still in the 100 yr. floodplain. If the New Jersey side of the river is 5 ft. over the rate maps then so is Pennsylvania.

- 2) The second issue to comment on is the ICC money (\$30,000) offered by the NFIP. It would seem advantageous to all concerned to consider a substantial increase. Given the right parameters and qualifying criteria it would make sense and be a win-win situation. The cost benefit ratio (1 to 1.4) from the Neshaminy Watershed Plan of Work shows that Federal dollars would be funded if there was a similar plan along the Delaware in place. Then consider that NFIP payouts in a floodplain are just a matter of when. This becomes a pay me now or pay me later scenario.

Currently, the NFIP requires that you elevate from the floodplain within, I believe, a two year period from having been flooded. I don't understand this stipulation but it is worthwhile to be pro-active and make it available any time if there is a history of flooding on the property. If a homeowner was interested in lifting his home in Yardley back in 2001 for a cost of half the value of the home, the NFIP paid out, say, \$100,000 or half the value of the home, wouldn't the NFIP have saved two times that amount by 2006 considering the payout values of today and of course the multiple flood events? Even if the flood events didn't occur, it is just a matter of time before one does and the money is recouped.

Many homes sit in the 50-year floodplain or less. A house where the first floor is flooded by six inches of water will have about the same claim as if it took four feet. Giving more incentive and ability to these types of homeowners to pay for an elevation will save taxpayers greatly in the long run and provide quick relief for the homeowners. Elevation costs on average are running over \$100,000 today, most homeowners can't afford to do it on their own. Is the NFIP going to pay out for elevations one time or floods forever?

It is obvious that the Delaware River watershed is in need of updated floodplain values along with insuring that all municipalities in the watershed are adhering to strict storm water guidelines. A study to search for alternatives to correct the issues at hand in such a large-scale area could take a very long time. Perhaps adopting the New Jersey-DEP values and an aggressive plan to enforce storm water management in region for the short term, as well as increased ICC funds, can offer property owners a way out quickly. Should a plan develop down the road that includes elevations, it could include reimbursement funds to those who have helped themselves. The next flood event would have significantly less impact with each and every home that is removed from the floodplain.

I thank you kindly for this opportunity.

A handwritten signature in black ink, appearing to read 'Samuel P. Smith', with a long horizontal flourish extending to the right.

Samuel P. Smith
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