By Neal Goswami

Vermont Rep. Peter Welch said he "will stand shoulder-to-shoulder with the folks in Bennington to reverse FEMA's decision" announced last week that could leave local taxpayers on the hook for $4 million is emergency river work after Tropical Storm Irene hit last August.

Town officials said last week that the Federal Emergency Management Agency has ruled that "emergency protective measures" completed in the days and weeks immediately following the Aug. 28 storm to ensure no further damage or erosion in the Roaring Branch are ineligible for reimbursement by the agency.

The storm dropped excessive rain on the area, creating raging flood waters in local rivers. The swift-moving water in the Roaring Branch, like other rivers, eroded the banks and brought earth, trees and other debris down river. Some debris became lodged under bridges, threatening several spans in Bennington. The force of the river also redirected the river channel and impacted levees, putting some homes and businesses at risk. Immediate work was required to ensure safety, according to town officials.

Shortly after the storm, the Select Board signed off on seeking a $5 million line of credit from People's United Bank so emergency protective work could begin. Town officials said they knew there was a risk that funding may not be available for the $4 million worth of work done inside the river, including removing sediment and debris, armoring the bank and stabilizing a levee.

But, after reviewing FEMA materials and meeting with FEMA representatives, Bennington Town Manager Stuart A. Hurd said town officials were confident that FEMA would cover at least part of the bill.

On Monday, Welch, a Democrat, said he will work with the state's two U.S. senators to help the town receive funding for the work.

"We're going to support an appeal to FEMA. Our view is that FEMA has authority under the emergency protective measures provisions to compensate Bennington for the work it did. That work was necessary. It had to be done promptly," he said. "We were all anticipating further storms after Irene, so Bennington acted promptly. It did the work well. It's not free. It's got to be paid for, and emergency protective measures are about taking immediate action."

Bennington Planning Director Daniel Monks said state officials have been told that FEMA's ruling appears to be an inter-agency battle between FEMA and the Natural Resource Conservation Service, part of the U.S. Department of Agriculture. Monks said the work, totaling $3.98 million, is eligible for reimbursement by FEMA under federal statute, but FEMA has an agency policy that NRCS should cover such expenses.

According to Monks, the NRCS had no funding when Tropical Storm Irene hit late last August, ruling the group out as an option for the town to seek assistance from. Additionally, NRCS will not reimburse for work already completed, according to Monks.

Welch said that issue needs to be further explained by FEMA officials if it is the reason for rejecting funding for the work in Bennington. "The denial by FEMA is pretty puzzling where they are suggesting that there was another program and another agency that could help, because it clearly couldn't," he said.

Welch said his office has not had to work with FEMA before on disaster funding. However, he said he has heard of "nightmare" stories from other disasters around the country. He said the Vermont congressional delegation will be working to ensure Bennington taxpayers are reimbursed.

"This will be a body blow to the taxpayers and Bennington is working hard and struggling to pay bills, and they didn't ask for this storm. FEMA needs to step up," he said. "We're literally just assessing what steps we can take. We'll do whatever it takes."