



GOVERNOR GREG ABBOTT

March 23, 2020

The Honorable Donald Trump
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Through: Regional Administrator Tony Robinson
FEMA Region 6
Denton, TX

RE: Request for Presidential Disaster Declaration — Major Disaster

Dear Mr. President:

Pursuant to 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 44 CFR § 206.36, I have determined that the current coronavirus 2019 (COVID-19) incident is of such severity and magnitude that effective response is beyond the capabilities of the state and affected local governments, and that supplementary federal assistance is necessary to save lives, to protect property, public health, and safety, and to lessen or avert the threat of a larger disaster. I, therefore, respectfully request a major disaster declaration for the State of Texas as a result of COVID-19 under the Stafford Act and its implementing regulations, and I specifically request Individual Assistance Crisis Counseling and Public Assistance Category B (Emergency Protective Measures) including Direct Federal Assistance for all 254 counties in Texas.

In response to the global and statewide COVID-19 pandemic, I have taken the appropriate action under state law by directing the execution of the state's emergency management plan and by declaring a state of disaster on March 13, 2020, for all 254 Texas counties. On March 19, the Commissioner of the Texas Department of State Health Services issued a "public health disaster" for the first time in Texas in over 100 years.

As of March 23, Texas has 352 confirmed cases of COVID-19 throughout the state with eight resulting casualties. Based on current patterns, COVID-19 will continue to spread. Texas is

enacting strong measures to slow this inevitable spread, but we are quickly experiencing a significant rise in the number of confirmed cases.

In response to this pandemic, I have issued multiple executive orders, in accordance with guidelines from your administration and the Centers for Disease Control and Prevention (CDC) to mitigate the spread of COVID-19 in Texas. These include mandatory avoidance of social gatherings of more than 10 people; mandatory avoidance of dine-in eating and drinking at bars or restaurants, and of gyms or massage establishments; prohibition on non-critical visits to nursing homes, retirement or long-term care facilities; and the temporary closure of in-person school operations. I have also issued multiple waivers of state law to remove barriers limiting the response to this pandemic. On March 17, I activated the Texas National Guard to be prepared to assist with response efforts for COVID-19.

The number of local disaster declarations is significant, and represents a clear picture of the breadth of this disaster in Texas. As of March 23, over 466 jurisdictions have submitted local disaster declarations. We know this number will continue to rise.

The state is faced with many issues to overcome, including a shortage of personal protective equipment (PPE), needed medical equipment, testing supplies, and more. As the number of those that contract COVID-19 increases, we are faced with shortages of hospital beds, medical equipment, and a healthy and adequate cadre of medical personnel.

The size of our state and its population increases our risk. The estimated U.S. Census Bureau population of Texas in 2019 was 28,995,881. Even a small infected percentage can be overwhelming. We have a significant number of Texans over 60, with U.S. Census Bureau data providing that 12.6 percent of the Texas population is age 65 or older. This is over 3.6 million people in the highest risk category. There are also many rural Texans with limited healthcare options who are already affected by COVID-19. For example, Shackelford County was forced to close their one medical clinic due to a lack of PPE. This could continue to occur in areas of the state with limited medical care resources as COVID-19 spreads to those communities.

Texas state agencies alone have far exceeded the \$5 million allowed through the Emergency Declaration. With over \$21 million in costs and an additional \$30 million in current purchase orders, the state has spent or obligated over \$50 million in expenses as of March 21.

There are multiple cases that show the costs and unmet needs as a result of COVID-19. As an example, anticipating the needs of Texans during this pandemic event, the Feeding Texas network of food banks would need an additional \$73 million to meet the anticipated increase in demand over the next three months due to COVID-19.

The true costs of this disaster are unknown and will take years to determine, but the economic impacts of COVID-19 have already begun. Local jurisdictions are losing tax revenue. Businesses are losing revenue, employees are out of work, and hourly staff are being laid off.

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Events that often provide jurisdictions and businesses with a significant source of revenue have continued to be cancelled. The popular South by Southwest (SXSW), the Houston Livestock Show and Rodeo, and major sporting events in metropolitan cities such as Austin, Dallas, Houston, and San Antonio have been canceled. Coastal areas such as those in the Rio Grande Valley who depend on tourism during the traditional spring break time of year have also suffered.

Texas receives more disaster declarations than any other state in the nation and is still recovering from Hurricane Harvey and the subsequent four major disasters, of which the last is Tropical Storm Imelda. The constant bombardment of disasters places Texas at an economic disadvantage to combat the spread of this pandemic. The State of Texas is doing everything necessary to fight COVID-19, but the resources of the federal government are needed.

In closing, pursuant to 44 CFR § 206.36 (Major Disaster), this incident is of such severity and magnitude that an effective response is beyond the capabilities of the state and affected local governments, and supplementary federal assistance is necessary to save lives, to protect property, public health, and safety, and to lessen or avert the threat of a larger disaster.

The State of Texas is specifically requesting a major disaster declaration for Individual Assistance Crisis Counseling and Public Assistance Category B (Emergency Protective Measures) including Direct Federal Assistance for all 254 Texas counties.

As the pandemic continues to evolve, I reserve the right to amend this request to include additional FEMA programs.

I have designated Chief Nim Kidd as the Governor's Authorized Representative (GAR) and Suzannah Jones and Mike Miller as Alternate GARs. Nim Kidd is designated as the State Coordinating Officer (SCO) and Suzannah Jones is designated as the Deputy State Coordinating Officer (DSCO) for this request. Chief Kidd will work with the Federal Emergency Management Agency and will provide further information and justification on my behalf.

Sincerely,

A handwritten signature in black ink that reads "Greg Abbott". The signature is written in a cursive, flowing style.

Greg Abbott
Governor

GA:mhk

Enclosure: OMB No. 1660-0009/FEMA Form 010-0-13

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency
REQUEST FOR PRESIDENTIAL DISASTER DECLARATION
MAJOR DISASTER OR EMERGENCY

OMB Control Number 1660-0009
Expires 09/30/2019

1. Request Date Mar 23, 2020

Burden Disclosure Notice

Public reporting burden for this form is estimated to average 9 hours per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting the form. This collection of information is required to obtain a benefit. You are not required to respond to this collection of information unless it displays a valid OMB control number. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, Paperwork Reduction Project (1660-0009). **NOTE: Do not send your completed form to this address.**

Completion of this form including applicable attachments satisfies legal requirements for emergency and major disaster declaration requests under 42 U.S.C. §§ 5170 and 5191, respectively, as implemented at 44 C.F.R. §§ 206.35 and 206.36. Failure to use this form may result in a failure to meet these requirements and/or a delay in processing the request.

2a. Name of State (as defined in Stafford Act 102, 42 U.S.C. § 5122) or Indian tribal government requesting declaration. Texas	2b. Population (as reported by 2010 Census) or estimated population of Indian tribal government's damaged area(s). <u>25,145,561</u>
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3. Governor's or Tribal Chief Executive's Name Greg Abbott	4. Designation of State or Tribal Coordinating Officer upon declaration (if available) and phone number W. Nim Kidd (512) 424-2436
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5. Designation of Governor's Authorized Representative or Tribal Chief Executive Representative upon declaration (if available) and phone number
 W. Nim Kidd (512) 424-2436

6. Declaration Request For: Major Disaster (Stafford Act Sec. 401) Emergency (Stafford Act Sec. 501 (a))

7. Incident Period: Beginning Date Jan 20, 2020 End Date _____ or Continuing

If requesting a "continuing" incident period, enclose an official statement from a qualified Federal Government agency acknowledged as a national authority in a specific incident field (e.g., United States Geological Survey for seismic incidents, the National Weather Service for flooding).

7b. Type of Incident (Check all that apply)

Drought Earthquake Explosion Fire Flood Hurricane Landslide Mudslide
 Severe Storm Snowstorm
 (rain, high water, wind-driven, rain, hail, lightning) (Must include Enclosure D: Historic and Current Snowfall Data) Straight-Line Winds
 Tidal Wave Tornado Tropical Depression Tropical Storm Tsunami Volcanic Eruption Winter Storm
 Other (please specify) Coronavirus Disease 2019 (COVID-19) pandemic

8. Description of damages (Short description of impacts of disaster on affected area and population). Include additional details in enclosed Governor's or Tribal Chief Executive's cover letter.

The number of positive COVID-19 cases is increasing exponentially and Texas is faced with shortages of resources, increased costs and vast economic impacts making federal assistance necessary to mitigate the severity of the pandemic. Local governments, non-profit organizations, the private sector and the state have exceeded their capabilities to manage response to COVID-19 and need federal assistance to respond quickly and eventually recover from this pandemic.

9. Description of the nature and amount of State and local or Indian tribal government resources which have been or will be committed. Include additional details in enclosed Governor's or Tribal Chief Executive's cover letter.

Numerous local jurisdictions and state agencies are in full response posture as they work to mitigate COVID-19. Over 460 jurisdictions have declared local disasters as their ability to respond overwhelms their capabilities. The State Operations Center activated to Level II (ESCALATED RESPONSE) at 8:00 am CDT on March 17, 2020, in response to the COVID-19 Public Health Emergency that began affecting Texans outside of the repatriation quarantine facilities, described in the sections above, on March 4, 2020 and significantly worsened in the days leading to March 13, 2020. Four gubernatorial executive orders have been issued with multiple waivers to remove barriers to addressing COVID-19. The National Guard was activated by the governor to support COVID-19 response. The commissioner for the Texas Department of State Health Services issued a public health disaster. Additional state agency actions and local impacts are described in the attached cover letter.

10. Joint Preliminary Damage Assessment*

Individual Assistance Dates Performed Requested _____ Start _____ End _____

Individual Assistance Accessibility Problems (Areas that could not be accessed, and why)
Crisis Counseling program requested. Due to the statewide nature of this event and the risks of further spreading the virus, Joint PDAs are not feasible.

Public Assistance Dates Performed Requested _____ Start _____ End _____

Public Assistance Accessibility Problems (Areas that could not be accessed, and why)
Category B (Emergency Protective Measures) including Direct Federal Assistance.
Due to the statewide nature of this event and the risks of further spreading the virus, Joint PDAs are not feasible.

11. Programs and Areas Requested

Individual Assistance N/A Individuals and Households Program Crisis Counseling Program Disaster Unemployment Assistance
 All Disaster Case Management Disaster Legal Services Small Business Administration (SBA) Disaster Assistance

For the following jurisdictions, specify programs and areas (counties, parishes, independent cities; for Indian tribal government, list tribe(s) and/or tribal area(s)) If additional space is needed, please enclose additional documentation).
Individual Assistance Crisis Counseling is requested in all Texas Counties.

For States, identify Federally-recognized Tribes in the requested counties (if applicable).

Please see **Enclosure A: Supplemental Information for Individual Assistance** for additional information in support of this request*.

*Not Required for Emergency Declaration Request

11. Programs and Areas Requested (Continued)

Public Assistance N/A Debris Removal (Category A) Emergency Protective Measures (Category B) Permanent Work (Categories C-G)* (not available for Emergency Declaration Requests)

For the following jurisdictions, specify programs and areas (counties, parishes, independent cities; for Indian tribal government, list tribe(s) and/or tribal area(s)). If additional space is needed or your request includes different categories of work for different jurisdictions; please enclose additional documentation.

Due to the global nature of this event, Public Assistance for the above programs is requested in all Texas Counties.

For States, identify Federally-recognized Tribes included in the requested counties (if applicable).

Please see **Enclosure B: Supplemental Information for Public Assistance** for additional information in support of this request*.

Indemnification for Debris Removal Activity

I do not anticipate the need for debris removal.

I anticipate the need for debris removal, which poses an immediate threat to lives, public health and safety. Pursuant to Sections 403 and 407 of the Stafford Act, 42 U.S.C. §§ 5170b & 5173, the State or Indian tribal government agrees to indemnify and hold harmless the United States of America for any claims arising from the removal of debris or wreckage for this disaster. The State or Indian tribal government agrees that debris removal from public and private property will not occur until the landowner signs an unconditional authorization for the removal of debris.

Request for Direct Federal Assistance

I do not request direct Federal assistance at this time.

I request direct Federal assistance for work and services to save lives and protect property, and:

a. I request the following type(s) of assistance:
Emergency protective measures

b. List of reasons why State and local or Indian tribal government cannot perform, or contract for, required work and services. The ability to access needed resources (e.g. medical and other) are near impossible without federal assistance. Due to the nationwide (and global) nature of this event and a scope that may not be realized for years to come, we are requesting that this process be expedited to enable Texans to address unmet needs as quickly as possible in order to mitigate severe outcomes as best possible. The high population and large area of Texas make response to a statewide event a major challenge.

c. In accordance with 44 C.F.R. § 206.208, the State or Indian tribal government agrees that it will, with respect to direct Federal assistance: (1) Provide without cost to the United States all lands, easements, and rights-of-ways necessary to accomplish the approved work; (2) Hold and save the United States free from damages due to the requested work, and shall indemnify the Federal Government against any claims arising from such work; (3) Provide reimbursement to FEMA for the non-Federal share of the cost of such work in accordance with the provisions of the FEMA-State or FEMA-Tribe Agreement ; and (4) Assist the performing Federal agency in all support and local jurisdictional matters.

Request for Snow Assistance

N/A I request snow assistance.

Snow assistance for the following jurisdictions (Specify counties, independent cities or tribes and/or tribal areas).

Please see **Enclosure D: Historic and Current Snowfall Data** for additional information in support of this request*.

*Not Required for Emergency Declaration Request

11. Programs and Areas Requested (Continued)

Hazard Mitigation* Statewide **OR**

For the following specific counties, parishes, independent cities or tribes and/or tribal areas.

12. Mitigation Plan Information*

a. Mitigation Plan Expiration Date October 2023 b. Type of Plan Enhanced Standard

13. Other Federal Agency Programs

I do not anticipate requirements from Other Federal Agencies I do anticipate requirements from Other Federal Agencies

Please see **Enclosure C**: Requirements for Other Federal Agency Programs for additional information in support of this request*.

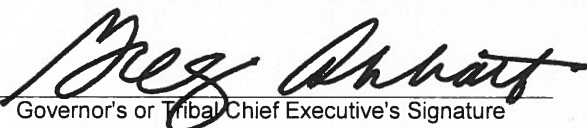
14. Findings and Certifications

I certify the following:

- a. I have determined that this incident is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local government or Indian tribal government and that supplementary federal assistance is necessary.
- b. In response to this incident, I have taken appropriate action under State or tribal law and have directed the execution of the State or Tribal Emergency Plan on Mar 13, 2020 in accordance with the Stafford Act.
- c. The State and local governments, or Indian tribal government will assume all applicable non-Federal share of costs required by the Stafford Act.

15. List of Enclosures and Supporting Documentation

- Cover Letter Enclosure A (Individual Assistance)* Enclosure B (Public Assistance)*
- Enclosure C (Requirements for Other Federal Agency Programs) Enclosure D (Historic and Current Snowfall Data)
- Additional Supporting Documentation _____


Governor's or Tribal Chief Executive's Signature

3/23/20
Date

If anyone except the Governor or Tribal Chief Executive signs this document, please provide the documentation that establishes that this individual has the legal authority to act on behalf of the Governor or Tribal Chief Executive.

*Not Required for Emergency Declaration Request