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# NEWS CLIPS

SOUTH CAROLINA-DR-4241

Monday, March 7, 2016

## Issues:

- None.

## Summary:

- Coverage of issues surrounding repair of private Dams and regulation of building near waterways. Old Mill re-opening celebration coverage. SC legislative assistance to agricultural businesses.

## Analysis:

- None
- 

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## [Builders press to reduce buffers on Lexington County streams, ponds \(The State\)](#)

100-foot natural area required should be cut in half, builders say

County public works officials suggest no change

Final say up to nine County Council members

By Tim Flach

LEXINGTON COUNTY, SC - Builders are pressing Lexington County officials again to let homes, shops and offices be placed closer to many streams and ponds.

They want to relax a ban on development within 100 feet of waterways, a standard adopted in 2008 to lessen pollution from erosion.

A 50-foot natural area along streams and ponds is adequate, builders say.

Anything larger is costly environmental overkill, said Earl McLeod, executive director of the Building Industry Association of Central South Carolina.

Large swaths of landscape around streams and ponds provide protection that is “marginal at best” while driving up the cost of development by reducing site use, he said.

“It’s not a savior of water quality,” McLeod said.

Buffer areas allow trees, bushes and other greenery to filter the flow of dirt, fertilizer and other material from lawns, forests and roads into streams and ponds.

The new push from builders for smaller buffers comes after county public works recommended sticking with the larger size to help meet clean water goals.

Some County Council members see larger buffers as added protection from flood damage, particularly after several streams overflowed during record rain Oct. 4.

“I’m at a loss to discuss lesser setbacks,” Council chairman Todd Cullum of Cayce said. “It’s incredible to think about that with what this county experienced.”

The nine council members have the final say on any change.

Builders can seek exemption from the buffer requirement on a case-by-case basis when terrain makes it impractical.

“There’s some flexibility built in if the situation warrants it,” Councilman Johnny Jeffcoat of Irmo said.

Builders estimate the 100-foot buffer plan removes 8,400 acres from possible development countywide. That puts about 13 square miles – just under 2 percent of the 758-square-mile county – off-limits for homes, stores and offices.

The county plan mirrors what federal officials set separately along Lake Murray and the lower Saluda River. Buffers became part of the strategy to reduce erosion after county officials concluded that silt fences – stretches of black plastic – collapse too often.

## **Unclear when broken SC roads over dams will be fixed (The State)**

Roads atop broken dams still out five months after flooding

Private dam owners grappling with how to pay for repairs

More than 14,000 Richland drivers must take detours around roads

COLUMBIA, SC- Business at Steve Peter's gas station on Wilson Boulevard has dropped 90 percent since the road atop Lake Elizabeth Dam was washed out during the historic flood in October.

Nearly 8,000 drivers a day take a detour and no longer pass the filling station near the Hard Scrabble Road intersection.

Steve Peter owns EZ Xpress convenience store and gas station on Wilson Boulevard/U.S. 21 adjacent to where the road was damaged during the flood. Peter says he's lost 90 percent of his business since the road closure and detour. Gerry Melendez gmelendez@thestate.com

"We were depending on the highway traffic," Peter said.

The flooding washed out hundreds of roads across South Carolina, the majority of which have been reopened. But it is unknown when 23 S.C. roads, including 11 in Richland County, over failed privately owned dams will reopen. More than 14,000 drivers in Richland County have to find new routes because of broken roads over failed dams.

Dam owners, in many cases homeowners associations, are grappling with how to raise money to make repairs. None of the failed dams regulated by the S.C. Department of Health and Environmental Control have submitted repair permit applications, according to the agency.

Meanwhile, the S.C. Department of Transportation says repairing the dams is not the roads agency's responsibility.

The state budget likely will not include any public money for the private dams.

However, Richland leaders are considering creating special tax districts to raise money for the repairs.

### **Limited funding sources**

Many of the washed out roads atop failed dams are just northeast of Columbia.

Five closed roads in the Arcadia Lakes area went across dams: Arcadia Lakes Drive, Arcadia Lakes Drive East, Eastshore Road, Overcreek Road and Shorebrook Drive.

Rockbridge Road also was broken during the flooding, but because it was a bridge — not a dam — the state Department of Transportation is working to replace it. The new bridge is expected to be complete by June 15.

The broken section of Arcadia Lakes Drive East, which runs over the Cary Lake dam, has isolated about 15 residents. They have been forced to use a makeshift road extending a driveway onto a nearby street to get in and out.

In addition to the commuting inconvenience, home owners on the lakes could see a hefty financial burden in repairing the dams.

The estimated cost to rebuild the dams could range from \$500,000 to more than \$1 million, said Erich Miarka of the Gills Creek Watershed Association.

Dividing \$500,000 among 50 or so homeowners in an association on a lake would mean a cost of \$10,000 per homeowner.

"We are aware of limited potential funding sources for dam repairs," said Cassandra Harris, spokeswoman for the S.C. Department of Health and Environmental Control.

The Federal Emergency Management Agency will not give private homeowners associations money to rebuild their dams, Miarka said.

Some of the homeowner associations have tried to get loans through the Small Business Administration, but were turned down because of issues with putting up collateral, Miarka said. Some of those associations are reapplying, he said.

S.C. Rep. Beth Bernstein, D-Richland, has sponsored a bill to create special tax districts to levy taxes on local homeowners for dam repairs.

“Our intention is not to create an additional tax burden on the homeowner, but to provide a revenue stream for the repairs,” Bernstein said.

Richland County Council also agreed this week to look into using special purpose tax districts to raise money to repair the privately owned dams.

Dam owners cannot count on any state tax money because the S.C. House budget-writing panel included nothing in the state’s \$7.5 billion general fund budget for repairs.

However, the panel set aside \$40 million for a grant program for S.C. farmers who lost crops and money because of the flooding.

House Ways and Means Chairman Brian White, R-Anderson, does not expect any public money being spent in the state budget for repairs to private dams when the full S.C. House considers spending later this month.

A House proposal to create a \$25 million loan program for dam owners filed in January has gone nowhere.

However the House budget panel did approve DHEC’s request for \$661,500 for added dam-safety staff.

### **‘Let’s get it fixed’**

Those who often drive on top of the dams say they want to see the roads repaired.

“Let’s get it fixed,” said Joe Sutcliffe who lives about 15 minutes from Wilson Boulevard and often uses the highway.

Sutcliffe wants officials to do whatever they can to get the road repaired — even if that means putting in a bridge over Lake Elizabeth.

“Let it become a creek like the good Lord made it,” Sutcliffe said.

Once the dam owner decides to repair or abandon the dam, the Department of Transportation will analyze the waterway to determine the appropriate type of structure to be used to repair the road, said Andy Leaphart, deputy secretary for engineering at the agency.

“Since (the Department of Transportation) is using these dams as a foundation for the road, they should be taking a more active role in rebuilding or at least in renovating ... the dams so they can get these roads back,” Miarka said.

But the Department of Transportation does not own or maintain the dams, Leaphart said. The roads or bridges on or adjacent to dams are there by easement, or legal permission to build a road across their property, he said. To assist dam owners seeking to repair their structures, DHEC has expedited the permitting process, Harris said. “The time to complete a repair is unique to each dam and depends on numerous factors, including the complexity of the repair,” she said.

The environmental agency is working with dam owners to provide technical assistance so they can make final decisions on the future of their dams and start repairs, Harris said.

The flood has sparked some lawsuits against dam owners by downstream property owners who say their property was damaged when dams failed. Because of pending lawsuits, Tom Teuber, president of the Upper Rockyford Lake Homeowners Association, and Karen Jones, director of the Lake Elizabeth association, said they cannot comment on dam repairs.

During October’s flooding, John Fogle, who lives on Wilson Boulevard, said he could not see the guard rail because water from Lake Elizabeth flooded over the dam.

Now, the road has crumbled. A paddle boat, roll-cart trash bin and piece of a vehicle all sit in the dried up woods downstream of the dam.

If there were a timeline for when the road would be repaired, Fogle said his anxiety level would go down.

“I just don’t see any solution on the rise.”

## **Leitner: SC needs to regulate, hold dam owners responsible (The State)**

SC House panel rejected plan to strengthen South Carolina’s anemic dam-safety law because they didn’t want to burden dam owners

‘Burden’ is what broken dams placed on homeowners throughout Columbia & downstream in October floods  
Legislature needs to strengthen existing law, not weaken it

Jean Leitner Guest Columnist

Columbia, SC - Members of the House Agricultural Subcommittee, we are told, gutted Speaker Jay Lucas’ bill to strengthen South Carolina’s dam-safety law because they didn’t want to burden the owners of dams that fall under state regulation.



Jean Leitner

My family and I know something of the burden born by property owners and so many others since the floods of October — the floods that initially shone a light on just how weak our state’s dam-safety program is.

In the pre-dawn hours of Oct. 4, heavy rains and a major dam failure upstream of us sent water pouring through our neighborhood and into our home. My family and I are incredibly fortunate as flood victims go. As heavy as it is, our burden is light compared to so many others. Our home is repairable, and we hope to be able to return sometime this spring. Many owners are stuck in limbo, working to figure just how much financial burden if any they can manage to absorb in order to repair and keep their homes.

#### [SC lawmakers hesitant to crack down on dam owners after flood](#)

Some homes are already lost. Some were driven from homes that they rented and thus have no power to even consider putting back together. Countless lives were endangered. People fled their homes, many in the dark, many with children and other vulnerable family members in tow. Worst of all, lives were lost, across the Columbia area and just downstream of us. It’s a miracle, considering the currents I witnessed, that the tragic loss of life was not even higher. The urgency immediately following this disaster is mostly past, but many will carry the burden of its effects on their families, homes, neighbors and communities for a long time to come. It was in the wake of this disaster that we learned that South Carolina’s dam-safety program is currently ranked second worst in the nation. Nearly 50 regulated dams failed in the state. Many of them were known to not meet safety standards and to be in need of repair.

We need a common-sense response to the October disaster to improve the safety of South Carolina’s dams.

The good news is that we have an opportunity to change our poor safety record. And the House Agriculture Subcommittee’s response is to make our current law and regulations even weaker? Really?

Rep. Russell Ott said he didn’t want a knee-jerk reaction to the flooding. Then he embraced just that. How else can one describe the unanimous subcommittee vote to arbitrarily raise the minimum height by five feet for a dam to be covered by our already-weak dam-safety program? How else can one describe the plan to strip dam-safety officials of the ability to follow up on citizens’ complaints of potentially failing dams with inspection? Failing dams that may threaten downstream life and property.

#### [State rarely sanctioned dam owners before historic flood crumbled structures](#)

We need a common-sense response to the October disaster to improve the safety of South Carolina’s dams. The bill introduced by Speaker Lucas provides such a response. It would make dam owners responsible for having their dams inspected by qualified engineers and require dam owners to repair dams that are not up to safety standards. The bill would require owners of high-hazard dams to provide financial assurance so those dams can be either repaired or removed by the state if they do not make improvements themselves to meet safety standards. These and other improvements in the law are consistent with standards recommended by the Association of State Dam Safety Officials and would make South Carolina a safer place for families and businesses.

South Carolina’s citizens have shown great strength and resiliency in their collective response to the historic floods of October. It is now time for the Legislature to show its strength by overcoming the poorly conceived changes to this legislation approved by the House subcommittee. Our legislators must seize the opportunity this session to move South Carolina up from the bottom of the nation’s dam-safety programs and better protect the people they were elected to represent.

Ms. Leitner is a life-long Columbian who lives in the Gills Creek watershed; contact her at kirbyand [jean@earthlink.net](mailto:jean@earthlink.net).

## **Flood-ravaged farmers hoping state aid comes in time to plant (Times & Democrat)**

GENE ZALESKI T&D Staff Writer

Danny McAlhaney has been farming for 25 years.

Last year is one he won't soon forget.

The Orangeburg County farmer lost most of his peanut crop and soybean crop in the historic October floods.

"It has been bad before with drought but you usually can make it up because one crop will do bad and usually the other one kind of holds its own," McAlhaney said. "But when you lose everything, you don't have anything to work with."

McAlhaney joined more than 100 farmers and those with agricultural interests recently at the Orangeburg-Calhoun Technical College Roquemore Auditorium to receive an update on state and federal aid opportunities for farmers ravaged by the floods. The event was sponsored by the Orangeburg and Calhoun County Farm Bureaus.

The October floods submerged many fields in The T&D Region, damaging crops and preventing farmers from harvesting their produce.

But some help may be on the way.

The S.C. House Ways and Means Committee Feb. 11 unanimously approved legislation that would allow farmers to receive up to \$40 million in state aid to stay afloat. The entire House voted 95-6 to pass the bill Feb. 25. The legislation is now in the Senate.

The bill would allow farmers to apply for grants of up to \$100,000 each. The grants could equal 20 percent of a farmer's total loss.

Farmers have to prove they sustained a 40 percent loss, and the monies can only be used for direct crop inputs such as seeds, fertilizer and other expenses related to planting this year's crops.

The \$40 million in the proposed bill would come from state surpluses, so the money would not have to wait on the budget process.

Gov. Nikki Haley has said farmers shouldn't be treated differently than other flood-impacted businesses in South Carolina. She has said crop insurance should suffice, noting she's asked the federal government to expedite the insurance claims.

Agriculture officials, however, say even farmers who paid the most for insurance didn't recoup enough money to cover what it cost them to plant the crops.

Farmers were also hoping to receive about \$60 million from the federal government, but it was later discovered the federal monies may not be forthcoming.

South Carolina Farm Bureau President Harry Ott said state money is not guaranteed either.

"We are opening and knocking down every door we can find to get you as much assistance as we can," Ott said. If the bill passes the Senate, the board that would be created to evaluate applications and award grants would have 20 days to hold its first meeting.

"We would like to get this out of the Senate ahead of the budget," Ott said, noting the Senate debate over roads could impact getting agriculture relief on the agenda.

Ott said he believes Haley will sign the bill. If not, there will be enough votes to override the veto, he said.

"I believe if we get it to a vote, we win," Ott said, encouraging those in attendance to reach out to their senators. Farmers and agriculture officials are optimistic the monies will be forthcoming.

"It will be a long process," McAlhaney said. "Any time you deal with the government, don't expect it to be tomorrow. It may be at the end of the year before we get some of it, I imagine."

McAlhaney said he thinks he can get by with spring planting despite a delay in receiving the money.

"If we know we got it coming, I think we will start," he said. "We are restructuring a lot of debt. We are borrowing Peter to pay Paul. We owe suppliers so we are going to the bank to pay our suppliers and the bank will stretch us out 10 to 20 years to pay a little bit every year."

"Hopefully, this money that we got coming in will relieve some of that," McAlhaney said. "But we are going to have to sell some equipment because the way commodity prices are now, we are barely able to hold on, much less pay back debt."

Orangeburg County Clemson Extension Agent Jonathan Croft said McAlhaney's story is true across the county. "Most of them don't know what they are going to do right now," Croft said. "A lot of them are going to plant the same thing they have been planting, about the same acres. There probably will be a pretty big reduction on some farms in cotton."

Croft said those in the sales business are seeing inventory grow as many farmers are not purchasing seed.

“If things dry off, we can start planting corn in a few weeks,” he said, noting farmers are grateful for whatever assistance they can receive. “Hopefully that money will get their eventually. April won’t be too late. The sooner the better, but we will be glad to get it when we get it.”

Ott said the money would ideally be available in March, when corn planting begins, with the hope that supply stores are willing to extend short-term credit to farmers.

“The quicker we can get this bill signed and funded, the quicker we can get applications in and make some payments so that farmers have some money to put in their operations,” Ott said. “If we don’t get the crops planted in March, April and May, our window of opportunity closes again until next year. It is very important we get a timely response on the Senate side to get up and running.”

South Carolina Commissioner of Agriculture Hugh Weathers told farmers they need to befriend the right person.

“Last fall the person you needed to have the best relationship with was your crop insurance agent. Now the person you have to have the best relationship with is your banker to tell you what you qualify for and to put it in your operating plan for 2016,” Weathers said.

Last October’s torrential rains wiped out \$330 million in S.C. crops at harvest time. Farmers lost an additional \$45 million because they couldn’t plant winter crops in bogs, according to the state Department of Agriculture. The figures don’t include losses from last year’s spring freeze and summer drought.

Farmers essentially lost their entire inventory after incurring a year’s worth of expenses, leaving many unable to pay operating loans that were due Dec. 31. State officials say 30 percent of farm loans through the Farm Service Agency in South Carolina are already delinquent.

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## **Farm aid bill could help flood-stricken Pee Dee farmers (SCNOW)**

BY JOSHUA LLOYD Morning News [jlloyd@florencenews.com](mailto:jlloyd@florencenews.com)

FLORENCE, S.C. – A bill that passed the South Carolina House in late February could potentially place \$40 million in a farm aid fund for grants to state farmers who lost millions of dollars during October’s flooding. Torrential rains wiped out \$330 million worth of crops at harvest time, and agriculture officials estimate farmers lost an additional \$45 million because they couldn’t get in the fields to plant winter crops.

To be eligible for a grant, each farm would have to be verified by Farm Service Agency, have suffered at least a 40 percent total crop loss in a county declared a disaster zone by the U.S. secretary of agriculture and sign an affidavit accurately stating their losses.

If the bill becomes law, farmers could apply for a maximum grant of \$100,000 and receive funds equal to 20 percent of the total crop loss.

Florence Republican Rep. Phillip Lowe, who also sits on the House Ways and Means Committee, said agriculture-business is one of top industries in South Carolina, so relieving farmers hurt by flooding is crucial for the state.

“If you ride through almost any of the small towns around here you’ll see the effects of it,” Lowe said.

“Farming has become more mechanized, but that flow of money coming from farming keeps those little towns alive. Without farms making money, the whole town dries up. There’s almost no manufacturing in those little cities.”

Lowe said many farmers couldn’t reap a profit from last year’s crop and weren’t able to handle their usual business with local supply stores and service providers. A shot of grant money to rural farmers may not get them completely out of the hole, he said, but it will at least get them started again.

“It’s a point of entry to that system where we know these farmers aren’t making a lot of money and we know they can’t be made whole,” Low said. “Giving somebody 20 percent of their losses isn’t going to get them out of the woodwork.”

Some of the crops hardest hit by the flood were soybean, peanuts and cotton.

Randy Willis grows corn and soybeans on 30 acres in eastern Florence County. He said the October flooding made a bad situation for small-time farmers even worse, so any type of financial help is a major plus.

“It was a tough year even before all that rain because of a drought and that late freeze early on in the year,” he said. “My corn crop was just about the weakest it’s ever been because of the drought and I lost about half my soybeans because of the rain. There was too much water for me to get a tractor in there so they just sat there and rotted out.”

Willis, whose primary crop is corn, considers his flood-related problems minor compared with other farmers in

the Pee Dee.

“Some of these fellas lost just about everything, especially the ones out near the river and who had any type of pond or creek near them,” he said. “It didn’t set me back too much but you drive down toward Lynches River and some them boys still got soy and cotton sitting in the field. They couldn’t get to them, probably still can’t.” South Carolina has more than 25,000 farms across nearly five million acres that generate billions of dollars each year.

Florence Democrat Rep. Roger Kirby has a lot of farming communities in his constituency. He said the House voted 95-6 in a bipartisan effort to help the state’s hurting farmers.

“A lot of these farmers lost about a year’s worth of production,” he said “Even with the best insurance, it comes nowhere close to covering the cost, much less allowing these people to make a profit and survive. We recognized they’re in critical condition right now and came together to help them.”

Both Lowe and Kirby said they’re optimistic about the bill’s future.

“There seems to be broad-based support for the legislation and we’re hopeful the governor will not fight us on this effort,” Kirby said. “We’re also hopeful that we can get these funds to the farmers as quickly as possible. Their needs are time sensitive.”

The \$40 million would come from the state’s general fund.

## **Old Mill festival celebrates volunteers who rebuilt after flood (The State)**

Lexington’s Old Mill was hit hard by October flood

Most businesses moved back in with help from volunteers

Sunday festival honored volunteers with food and activities

LEXINGTON COUNTY, SC

After months of rebuilding flood-damaged shops in the Old Mill on Lexington’s Main Street, business owners gave thanks to community volunteers with food, music and games Sunday.

About 2,000 volunteers banded together to help with repairs after the flood, according to Kevin Thumpston, pastor of Watershed Fellowship Church at Old Mill.

“We just want to say thank you to everybody that really helped out,” Thumpston said. “I think the whole community wanted to see us rally back and make it.”

Not everything is as it was before the flood, Thumpston said. Rainy Day Pal Books moved from the mill’s lower level to an upstairs spot, and a few businesses decided not to come back at all – but that allowed the church to double its space upon moving back in.

After a church service Sunday morning, festival-goers enjoyed free food, live music, inflatable carnival games and a dunking booth until 4 p.m.

Columbia resident Bill McGuire, 49, brought his 8-year-old twins Beckett and Will out to enjoy the activities.

“We’re out just to see the place back up and running,” he said. “It’s nice to see everybody out. It looks great – we were worried it wouldn’t be open for a long time. We’re happy to see it back.”

The Old Mill was built in the 1890s and was home of the Lexington Manufacturing Company. Repair work started as soon as flood waters receded.