U.S. Department of Homeland Security
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Washington, DC 20472

AUG 02 2009

FEMA

MEMORANDUM FOR: FEMA Regional Administrators
Regions I - X

ATTENTION: Disaster Assistance Division Directors

FROM: Elizabeth A. Zimmerman
Assistant Administrator
Disaster Assistance Directorate

SUBJECT: Disaster Assistance Fact Sheet 9580.204
Documenting and Validating Hazardous Trees, Limbs, and Stumps

The purpose of this memorandum is to announce the issuance of the attached final Disaster Assistance Fact Sheet 9580.204, *Documenting and Validating Hazardous Trees, Limbs, and Stumps*. This Fact Sheet provides guidance on the documentation required to obtain Public Assistance funding for the removal of hazardous trees, limbs, and stumps. It also describes the process FEMA will use to validate applicants' requests for reimbursement.

If you have any questions about this Fact Sheet, please contact Amanda Brown, Public Assistance Division, via email at Amanda.Brown@dhs.gov , facsimile (202) 646-3288, or phone (202) 646-3869.

Attachment

FEMA DISASTER ASSISTANCE

FACT SHEET

DAP 9580.204

Documenting and Validating Hazardous Trees, Limbs, and Stumps

Overview

Removal of hazardous trees, limbs, and stumps that present immediate threats to lives, public health and safety, or improved property and meet other eligibility criteria specified in the **Debris Management Guide, FEMA 325,** may be eligible for Public Assistance grant funding. The regulations governing FEMA's Public Assistance Program (Code of Federal Regulations, Title 44: Emergency Management and Assistance, Part 206, Subparts G (**Public Assistance Project Administration**) and H (**Public Assistance Eligibility**)) require States and local government applicants to provide documentation of costs and work performed to support requests for reimbursement from FEMA (44 CFR §206.202(b) (4), **Application procedures,** *Grantee*). The regulations also require States to monitor grant and subgrant supported activities such as debris removal and disposal operations. 44 CFR §206.205(b)(1), **Payment of claim**, *Large projects*, states: "The Grantee shall make an accounting to the RD [Regional Director, now Regional Administrator] of eligible costs for each approved large project. In submitting the accounting the Grantee shall certify that reported costs were incurred in the performance of eligible work… [and] that the approved work was completed." Additionally, 44 CFR §206.205(b)(2) states: "The RD shall review the accounting to determine the eligible amount of reimbursement for each large project and approve eligible costs. If a discrepancy between reported costs and approved funding exists, the RD may conduct field reviews to gather additional information."

This Fact Sheet provides guidance on the documentation applicants should provide in their requests for Public Assistance funding for removing hazardous trees, limbs, and stumps. It also describes the process FEMA will use in coordination with States and local government applicants to validate that eligible work was completed when a discrepancy between reported costs and eligible funding arises.

DOCUMENTING AND VALIDATING HAZARDOUS TREES, LIMBS, AND STUMPS

Documenting Hazardous Trees, Limbs, and Stumps

General

Applicants should provide documentation that directly supports their requests for Public Assistance funding and certification that they performed the work in accordance with FEMA eligibility criteria. The documentation may include photographs, maps, and other documents that show the location of the work on public rights-of-way, evidence of the immediate threat, and details of the work performed to remove the threat. If applicants perform the work, they should submit documentation of labor and equipment charges required to do the work, such as payroll records, applicant-owned equipment usage records, and equipment rental invoices. If applicants hire contractors to perform the work, the applicants should submit the contract and invoices to FEMA.

Applicants should separate costs for the removal of hazardous trees, limbs, and stumps from debris removal paid on a cubic yard or ton basis to avoid double payment, unless they can clearly show that costs for cutting are separate from costs to remove and dispose of the debris.

Specific eligibility criteria and documentation requirements for each item of work are provided below. Failure to provide sufficient documentation may jeopardize the applicant's request for Public Assistance funding.

Hazardous Trees

Eligibility Criteria: Trees that are leaning such that they are in an imminent state of falling over and trees with broken canopies may pose an immediate threat to life, public health, safety, and improved property. Trees should be six inches or larger in diameter, measured 4.5 feet above ground level.

Documentation: Applicants should submit a spreadsheet showing the number of trees cut and the size and location of each tree. The location should include the street/road name and GPS coordinates of each tree removed along public rights-of-way, and the property address and GPS coordinates of each tree removed from private property. Applicants may also provide photographs of the flush-cut trees and certify that the trees were six inches or larger in diameter, measured 4.5 feet above the ground.

DOCUMENTING AND VALIDATING HAZARDOUS TREES, LIMBS, AND STUMPS

Hazardous Limbs

Eligibility Criteria: Broken limbs two inches or larger in diameter measured at the point of break that pose an immediate threat to life, public health, or safety, or pose an immediate threat of significant damage to improved property, are eligible for removal.

Documentation: Applicants should submit a spreadsheet containing the location of the trees, the number of limbs cut on each tree, and a certification that the limbs were two inches or larger in diameter. The location should include the name of the street/road and GPS coordinates for each tree or cluster of trees along public rights-of-way, and the street address or parcel number for hazardous limbs cut on private property. Applicants may also submit photographs to document the number of hazardous limbs cut. If the applicants contracted for the removal of hazardous limbs on a per-tree basis, the number of limbs cut per tree is not necessary.

Hazardous Stumps

Eligibility Criteria: Stumps that are 24 inches or larger in diameter measured 24 inches above the ground and have 50 percent or more of their root ball exposed are eligible for removal on a per-stump basis. Reimbursement for the removal of stumps measuring less than 24 inches in diameter will be based on the reasonable cubic yard prices for vegetative debris. Please see Disaster Assistance Policy DAP9523.11, *Hazardous Stump Extraction and Removal Eligibility*, for additional information on the estimated volume of various size stumps.

Documentation: Applicants should complete a *Hazardous Stump Worksheet*, found in Disaster Assistance Policy DAP9523.11. The Worksheet captures information on the number of hazardous stumps removed, hazardous stump location and size, and the quantity of fill material required to fill the resultant hole. Applicants that request reimbursement for force account labor and equipment should provide all of the above information except the sizes of the stumps removed.

The documentation requirements stated above only apply when applicants are collecting, hauling, and disposing of the debris. They do not apply during the emergency debris clearance phase when crews clear roads to provide emergency access to critical facilities.

Additional information on the eligibility of hazardous trees, limbs, and stumps can be found in Part I of FEMA's **Debris Management Guide, FEMA 325,** and in Disaster Assistance Policies DAP9523.11, *Hazardous Stump Extraction and Removal Eligibility*, and DAP9523.13, *Debris Removal from Private Property*.

DOCUMENTING AND VALIDATING HAZARDOUS TREES, LIMBS, AND STUMPS

Validating Eligible Work

FEMA, in coordination with the State and the applicant, may select a small sample of hazardous trees, limbs, and/or stumps to validate eligible scopes of work and eligible project funding if a discrepancy between documentation, work performed, and eligible funding exists. The validation process will include field visits to verify that the applicant performed work in accordance with FEMA eligibility criteria. FEMA will use the results of the validation process to determine eligible project funding.

FEMA, State, and Applicant Validation Team

The validation of work to remove hazardous trees, limbs, and stumps should be a coordinated and collective effort between FEMA, the State, and the applicant. Validation teams performing physical inspections should be comprised of representatives from FEMA, the State, and the applicant who are familiar with debris removal operations, FEMA policy and debris removal eligibility, and debris monitoring documentation practices. The validation teams should meet prior to conducting validations to identify expectations and objectives, and hold meetings as necessary to resolve issues. The validation teams should work to achieve consensus on validation determinations.

Validation Samples

FEMA, the State, and the applicant should select a sample of at least 500 work items to validate the applicant's request(s) for reimbursement. Separate validations should be conducted for hazardous trees, limbs, and stumps and for work performed on public and private property. Only one validation should be conducted for each scope of work selected for validation.

Interim Validations

FEMA may conduct interim validations before the completion of the debris removal operation as a quality control measure and to establish Public Assistance grant amounts for the applicable scope of work. The decision on whether or not to conduct an interim validation should be a joint decision between FEMA, the State, and the applicant. Interim validations should include a sample of at least 500 work items completed up to the date of validation. The results from any validation should apply exclusively to the scope of work that the applicant completed before FEMA conducted the validation. For example, an interim validation may occur 30 days after the applicant initiates a debris removal operation and focus on work performed during the first 30 days. FEMA may conduct a final validation for the remainder of the work after the applicant completes the debris removal operation. The final validation should include a sample of at least 500 work items completed after the date of the interim validation. The results from the first validation will be used to determine the eligible scope of work for

work and costs claimed during the first 30 days, and the final validation results will be applied to determine the eligible scope of work for the remaining work and associated costs claimed.

Documentation Requirements

The documentation for the validation process should include:

- names and affiliations of validation team members;
- date and locations of inspections;
- the number of hazardous trees, limbs, and stumps selected for validation;
- the debris removal load tickets or invoices for the hazardous trees, limbs, and stumps selected for validation;
- the validation results;
- name of the debris removal contractor that performed the work (if applicable);
- name of the applicant's debris monitor that provided oversight for the work claimed (if applicable); and
- rights of entries and indemnification agreements when the applicant performed work on private property.

Applying Validation Percentages to Determine Eligibility

FEMA will apply the percentage of the debris removal work that it validated to the applicant's total claim for reimbursement. However, FEMA will approve 100 percent funding for the applicable scope of work if it validates at least 80 percent of the sample of work items. Eligible funding for scopes of work validated at less than 80 percent will be based on the actual percentage of validated work.

Timeframe

FEMA should validate the removal of hazardous trees, limbs, and stumps within 45 days of project completion.

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8.2.09
Date