

DISASTER ASSISTANCE PROGRAMS

8574

(No. 49 February 2005)

The purpose of this section is to provide background information and guidelines for determining eligibility for federal assistance and to assure compliance with the various provisions of Public Law 93-288 (Robert T. Stafford Relief and Emergency Assistance Act).

PL 93-288 is implemented through Executive Order of the President by declaring a major disaster or an emergency and delegating major responsibilities under the act to the Director of FEMA. Most of these responsibilities have been further delegated to the FEMA Associate Director and Regional Director of FEMA. CDF indirectly communicates at this level with FEMA Region IX, Presidio of San Francisco.

Although state agencies are not eligible for state disaster assistance, the Natural Disaster Assistance Act (NDAA) enables money to be available for local and private entities. NDAA will not be covered in this handbook, but additional information can be obtained from the OES Disaster Assistance Division.

LEVELS

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FEDERAL LEVEL

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The Federal Emergency Management Agency (FEMA) is an executive agency that serves as a single point of contact within the federal government for a wide range of emergency management activities. One of these activities is governed by the Disaster Relief Act of 1974 (Stafford Act), Public Law 93-288, which has provisions and guidelines for federal assistance available to CDF for fires, floods, earthquakes, and other disasters and emergencies.

STATE LEVEL

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The Governor's Authorized Representative (GAR) handles all necessary documents for disaster assistance. The GAR is generally an OES employee and is the liaison to FEMA for CDF, and all other state agencies.

DEPARTMENT LEVEL

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CDF Cooperative Fire Services staff are authorized by the Director to represent CDF regarding matters related to federal disaster assistance.

QUALIFYING FOR FEDERAL AID

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To qualify for federal disaster assistance, the damage level to CDF facilities or roads must be extraordinary. The work must be required as a result of the major disaster, located within a Presidentially designated disaster area, and the legal responsibility of CDF. For example, a certain amount of grader work is usually necessary following each winter period. This work in itself may not be a proper charge to federal disaster funds. However, a complete road washout or bridge failure may qualify.

Assistance will not be provided under the Stafford Act when another federal agency has specific authority.

The key to working on FEMA projects is to identify the extent of damages and to keep good records of costs related to repair projects.

COST SHARING

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8574.2.1

FEMA cost sharing is subject to FEMA and state agreements. FEMA currently will reimburse a minimum of 75% of approved costs established under the Stafford Act.

DAMAGE IDENTIFICATION

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To record and document damages, a system of common names and numbers is used. Disaster activities carry a statewide PCA code. In addition, FEMA will assign a disaster number and individual projects will be assigned a Disaster Survey Report (DSR) number. DSRs define the scope of work and provide a quantitative estimate of the cost of the proposed work.

The disaster and DSR number will later be referenced to a FEMA damage survey number. Good recordkeeping requires cross referencing. Regions should notify Sacramento as soon as they become aware of significant damage to CDF facilities. In most cases this would be the day that damage occurs or as soon as it is discovered.

FEMA APPLICATION REQUIREMENTS

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1. To be eligible for assistance under the Act, a local agency must declare a local emergency within ten (10) days of the actual occurrence of a natural disaster and the declaration must be acceptable to the Director of OES, and/or the Governor must make a State of Emergency Proclamation. When a county has declared a local emergency based upon conditions which affect both incorporated and unincorporated territory of the county, it is not necessary for the cities to also declare the existence of a local emergency independently.
2. An incident period shall be defined by the Director of OES at the time of program implementation.
3. Prior to application approval by OES, Cooperative Fire Services staff should also submit a resolution designating an authorized representative. CDF's authorized representative is from Cooperative Fire Services staff and will be the central point of contact for OES and FEMA throughout the reimbursement process. In the event of a federal declaration of a major disaster or emergency, Cooperative Fire Services staff will submit a federal **Notice of Interest** (FEMA 90-49) within the specified federal application period.
4. After receipt of the application and the **List of Projects** (OES-95), OES will schedule a review of all submitted projects, which will be detailed on separate **DSRs** (OES-90s). Under normal circumstances, the state will complete **DSRs** (OES-90s) with cost estimates for an applicant agency within sixty (60) days from the date of the application.
5. Upon review of eligible costs, OES will send copies of the **DSRs** (OES-90s) and a computerized summary Project Listing of all approved costs to the applicant's authorized representative for review and approval. OES will send the completed application to the applicant's designated authorized representative for review and approval with an **Applicant Approval Form** (OES-96).
6. Upon receipt of an **Applicant Approval Form** (OES-96), OES will process an allocation for the state share of approved costs through the State Controller's Office. An authorized representative's signature on the approval form allows the state to process an allocation of funds. An applicant does not forfeit the right to a fair hearing or an appeal, by signing the **Applicant Approval Form**. A signed original **Applicant Approval Form** (OES 96) should be returned to OES within ten (10) days of receipt.

All CDF FEMA applications and correspondence are processed in Sacramento and forwarded to the OES Disaster Assistance Division.

Refer to the [3600](#) Accounting Procedures Handbook for more details.

TYPES OF WORK CATEGORIES

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FEMA divides the types of work that is eligible for Federal Disaster Assistance into the major categories of debris removal, emergency protective measures, and permanent work.

FEMA further divides types of work performed into the following specific work categories:

- Category A: Debris Removal
- Category B: Emergency Protective Measures
- Category C: Road System Repairs
- Category D: Water Control Facilities
- Category E: Buildings and equipment
- Category F: Public Utility Systems
- Category G: Other

FEMA has separated all work into two main groupings: emergency and permanent.

Emergency Work

Emergency work is that which must be done immediately to save lives, to protect public health and safety, and to protect property. Emergency work may be required to provide temporary facilities to restore essential public services. Emergency work includes Category A (debris clearance) and Category B (protective measures).

When immediately necessary and no lesser emergency work is feasible, permanent restorative work on facilities damaged or destroyed by a disaster or emergency may be expedited as emergency work. Compliance with codes, specifications, and standards applicable to permanent restoration work is not necessary for emergency work.

For example, emergency work to prevent the immediate failure of a CDF bridge is quite different from an emergency response to an incident by an engine strike team. Both require CDF documentation, but preparation will often be by separate individuals.

Permanent Work

When a state of emergency has been proclaimed and circumstances are such that permanent restoration of a facility can be quickly accomplished, or when no practical emergency alternative is available, eligible work should be considered under permanent restoration categories. Permanent work includes the repair, restoration, reconstruction or replacement of eligible facilities, including roads, water control facilities, public buildings, and public utilities.

The repair or restoration work must be of a permanent nature. Reimbursement for the repair or restoration of eligible public facilities shall be based on the design of the facilities as they existed immediately prior to the disaster, and in conformity with current codes, specifications, and standards, enacted and in effect at the time immediately preceding the disaster event. Any costs associated with betterment of the facility must be contributed by the local agency. Permanent work does not fall under the Emergency Work criteria. FEMA makes final determination of all work categories.

REPLACEMENT OF PUBLIC FACILITIES

8574.4.2

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OES will approve funding for the replacement of a public facility, provided the following criteria are met:

1. The costs to repair disaster damages to the public facility exceed fifty percent (50%) of the total cost of constructing a replacement facility and it is not feasible to repair the damaged facility.
2. The damaged facility cannot be restored or repaired in such a manner that the facility can perform the function for which it was being used immediately prior to the disaster.
3. If OES authorizes replacement of a public facility, the local agency may increase the square footage of the facility replaced, but the cost of the betterment of the facility, to the extent that it exceeds the cost of repairing or restoring the damaged or destroyed facility, shall be borne and contributed by the local agency.
4. Funding for a public facility which is replaced through a grant of state assistance shall be based on the cost to replace the pre-disaster capacity of the pre-disaster facility, with allowances for current codes, standards, and specifications.

DOCUMENTATION REQUIREMENTS

8574.5

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Units should prepare full FC-40 billing packages by county. (FEMA does not recognize CDF region or unit boundaries.) FEMA requires original or carbon documents; no photocopies are acceptable.

Although not every disaster activity becomes a FEMA claim, thorough documentation should be prepared with anticipation that a FEMA claim will be submitted.

LOCAL GOVERNMENT DAMAGE CLAIMS

8574.6

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CDF is not responsible for completing exhibits for damage and for requests for federal disaster assistance on behalf of local government. Local government entities which experience damage normally coordinate such matters with the respective county office of emergency services. Any departure from these procedures would require OES approval and should be discussed beforehand with Cooperative Fire Services staff. (For further information see the [3600 Accounting Procedures Handbook](#).)

DISASTER FIELD OFFICES

8574.7

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Depending on the specific needs presented by the disaster, FEMA may establish one or more disaster field offices (DFO). These offices operate in close coordination with the GAR.

The disaster field offices serve as community contact points for disaster victims. A responsible Sacramento OES staff person coordinates activities with disaster field offices as well as with the GAR at the Office of Emergency Services.

FEMA inspection teams obtain damage site information from CDF exhibits and make field inspections. The inspection team will fill out Damage Survey Reports (DSR) that become the official reporting document of the damage. The DSR establishes the scope of the project, authorized level of expenditure, and assigned work category. The offices close once the process is completed, and personnel then shift to OES headquarters in Sacramento.

REPAIR WORK LEVEL

8574.8

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FEMA will only reimburse repair costs for a damaged facility to restore it to its condition before damage. A single-lane bridge must be replaced with a single-lane bridge and not something larger. With FEMA approval, a larger bridge can be put in -- but reimbursement will be only for the cost of a single-lane bridge. Any change in the scope of work as described in the FEMA DSR must be approved by FEMA prior to starting work. Do not exceed limits shown on the FEMA damage survey report without Sacramento approval.

FEMA inspectors will accompany regional civil engineers to the damage sites listed on the CDF exhibit reports. These inspections may reduce, increase, or reject our original estimates. Following FEMA approval Sacramento engineering will give approval on permanent work projects. Field units are responsible for keeping accurate and complete records of all activities and expenditures.

INSURANCE

8574.9

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FEMA requires that damage recovery dollars from insurance claims must be deducted from the amount of our claim. In many cases the state has no insurance carrier per se, but is self-insured. Insurance generally applies only to buildings and vehicles.

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