

**GEORGIA EMERGENCY MANAGEMENT
AND HOMELAND SECURITY AGENCY**

Nathan Deal
Governor



Jim Butterworth
Director

October 31st, 2016

Honorable Albert J. Scott
Chairman
Chatham County Commission
Post Office Box 8181
Savannah, Georgia 31412

RECEIVED

OCT 31 2016

**CHATHAM COUNTY
MANAGER'S OFFICE**

Dear Chairman Scott:

Please see the attached response to your request dated October 18th, 2016, to receive Category A funding for debris removal of debris inside gated communities and on private roads which resides on or near the street and sidewalk. The Federal Emergency Management Agency (FEMA) has denied this request. The attached letter spells out their decision making process.

Chatham County has the right to appeal this decision. In accordance with FEMA's Public Assistance Program and Policy Guide dated January 2016, any appeal made by the County must be received by the Georgia Emergency Management and Homeland Security Agency (GEMHSA) within 60 days of your receipt of this letter.

The point of contact at this office is the undersigned at (404) 290-1983.

Sincerely,

Charles Dawson
Director of Public Assistance

Cc: Dennis Jones
Interim Director, Chatham EMA
Clint Perkins
Deputy State Coordinating Officer
Kristen Higgs
Field Coordinator, GEMHSA



FEMA

U.S. Department of Homeland Security
FEMA-4284-DR-GA
FEMA State Joint Field Office
14045 Abercorn St.
Savannah, GA. 31419

October 29, 2016

Mr. Charles Dawson
Director of Public Assistance
Georgia Emergency Management and Homeland Security Agency
959 E. Confederate Ave SE, Bldg. # 5
Atlanta, GA 30316

Re: Request for Private Property Debris Removal Chatham County

Dear Mr. Dawson:

This is in response to your October 19, 2016, letter transmitting Chatham County's (Applicant) request for authorization/approval from the Federal Emergency Management Agency (FEMA) to perform Private Property Debris Removal from roadways within private gated communities.

Generally, debris removal from private property is not eligible as it is the responsibility of the individual property owner and not the legal responsibility of a local government. In limited circumstances, when debris on private property is so widespread that it threatens public health and safety or the economic recovery of the community, debris removal from private property may be eligible for reimbursement if legal requirements are also met.

According to Title 44 Code of Federal Regulations (CFR) § 206.224 (b), debris removal from private property must be in the public interest. Title 44 CFR § 206.224 (a), defines debris removal as being in the public interest when it is necessary to (1) Eliminate immediate threats to life, public health, and safety; or (2) Eliminate immediate threats of significant damage to improved public or private property; or (3) Ensure economic recovery of the affected community to the benefit of the community at large.

FEMA's *Public Assistance Program and Policy Guide* (PAPPG), FP-104-009-2, states that FEMA evaluates whether the impacts of debris on private property affect the general public in that community and whether the Applicant has legal authority to perform the work. The PAPPG further states that the Applicant must submit a written request including:

- An official determination that disaster-generated debris in these designated area constitutes an immediate threat to life, public health, or safety, or to the economic recovery of the community at large along with the basis for the determination that removing the debris from these areas is in the public interest. The debris must be so widespread that the removal is in the public interest and not merely benefiting an individual or a limited group of individuals within the community.

- Documentation supporting the Applicant's legal authority and responsibility to remove the debris, including confirmation that it satisfied all of its legal processes and obtained permission requirements. This includes citation of the law, ordinance, code, or emergency powers for which it is exercising its legal authority to remove debris from private property. The authority cited must be applicable to the condition representing the immediate threat and not merely the Applicant's uniform level of services. Typically, solid waste disposal ordinances are part of an Applicant's uniform level of services and not a justification for entering private property to remove disaster-related debris.

The Applicant did not provide all required information. Nonetheless, upon receipt of the Applicant's request, FEMA coordinated with the Georgia Emergency Management and Homeland Security Agency (GEMHSA) and the Applicant to conduct site inspections at each of the private gated communities identified in the letter request while FEMA worked with GEMHSA and the Applicant to obtain the legal documentation required for FEMA to evaluate whether all legal requirements were met.

FEMA documented its observations with photographs at each site (Attachment 1) and estimated the following quantities of debris in each private gated community:

- Autumn Lake – 175 cubic yards (CY)
- Causton Bluff – 2,000 CY
- Dutch Island – 6,130 CY
- Emerald Point – 500 CY
- The Enclave – 466 CY
- Forest Cove – 1,327 CY
- Long Point – 4,500 CY
- Modena Island – 2,200 CY
- Mosswood – 225 CY
- Oak Pointe – less than 50 CY
- River's Edge – 629 CY
- Sapphire Island – 60 CY
- Scarborough Cove – 125 CY
- South Harbor – 600 CY
- Stonebridge – 10 CY
- The Landings – 4,000 CY (debris was successfully being removed and chipped)
- Turner's Cove – 10 CY
- Winterberry – 160 CY
- Woodlands – 1 tree
- Wylly Island – 359 CY

As demonstrated by the information summarized above and the photographs and site notes in Attachment 1, the quantities of debris and locations of the debris within these private gated communities are not impacting the community at large. These visual inspections also revealed that the roads were passable for vehicles and the majority of the debris was stacked neatly along the private rights of way. Based on these observations, the Applicant has not substantiated that debris removal from the identified private gated communities meets the requirement of being in the public interest. The amount of debris within these private gated communities was well within the ability of the homeowners and or Home Owner Associations to remove and costs incurred may be covered by homeowner's insurance. FEMA is legally prohibited from duplicating benefits from other sources.

Based on the available information, FEMA cannot approve or support the Applicant's request to remove the debris from these private gated communities. Please inform the Applicant of this decision and its right to appeal pursuant to 44 CFR § 206.206. If the Applicant chooses to appeal, it must also provide all of the information and documentation required as detailed in pages 53-55 of the PAPPG.

If you have any questions, please contact Paul Wilson, Infrastructure Branch Director DR-4284, at 912-920-5809.

Sincerely,

A handwritten signature in black ink, appearing to read "W. Riley", is written over the printed name.

Warren Riley
Federal Coordinating Officer
FEMA-4284-DR-GA