

Storm surge of a
Category 4 Hurricane

Storm Surge

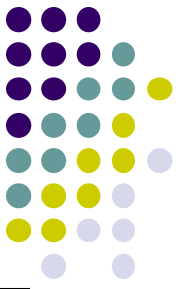


I-10









After the Storm Surge . . .

- Estimates of 15,000 – 20,000 livestock strayed/stranded in 3 counties
- Major Disaster Declaration for Category B – Emergency Protective Measures
- Fences down . . . livestock not identifiable
- Livestock congregating on I-10
- State submits ARF for federal assistance 3 times, denied twice and 3rd ARF was withdrawn



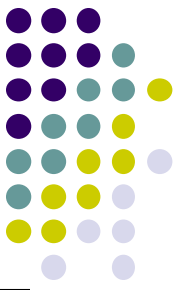
Denial for Federal Assistance

- Livestock were owned by individuals, not eligible applicants under FEMA Public Assistance
- State request on ARF did not clearly indicate threat to “Human lives or Safety”
- Not under statutory authority of any federal agency

Appeal Decision Summary



- A review of USDA regulatory authorities is in agreement that no reimbursement is available
- Free roaming livestock created a threat to public safety by congregating on public roadways
- State mitigated the hazard to public safety by securing and holding livestock
- State submitted documentation for expenses incurred
- Funding is eligible as Under Category B - Emergency Protective Measure per 44 CFR (threat to human life or safety)



44 CFR § 206.225 Emergency Work

§ 206.225

Emergency work.

(a) General. (1) Emergency protective measures to save lives, to protect public health and safety, and to protect improved property are eligible.

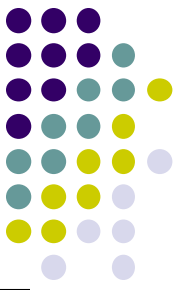
(2) In determining whether emergency work is required, the Regional Administrator may require certification by local State, and/or Federal officials that a threat exists, including identification and evaluation of the threat and recommendations of the emergency work necessary to cope with the threat.

(3) In order to be eligible, emergency protective measures must:

(i) Eliminate or lessen immediate threats to live, public health or safety; or

(ii) Eliminate or lessen immediate threats of significant additional damage to improved public or private property through measures which are cost effective.

↑
“improved” applies
to both public and
private property



Lessons Learned

1. States should perform emergency work themselves if possible, look to EMAC second, Federal third
2. Documentation must show work and expenses were incurred by an “Eligible Applicant” for reimbursement under PA.
3. Requestor should specify the mitigation of a threat to public health and/or safety (e.g. “*cattle are wandering on the I-10 at MMs 32 – 50*”)
4. Preparedness begins with the individual . . .