

# Public Assistance: Category A - Debris Removal including Private Property Debris

The Federal Emergency Management Agency (FEMA) Public Assistance (PA) Program provides supplemental grant assistance to State, Local, Territorial, and Tribal (SLTT) governments, as well as certain private non-profit organizations. FEMA's [Public Assistance Program and Policy Guide \(PAPPG\), Version 4 \(PAPPG\)](#) provides comprehensive information regarding FEMA assistance and the eligibility requirements that SLTT governments must meet in order to receive the assistance. This Fact Sheet summarizes PA policy and provides key information to consider when planning for debris removal from public, privately owned, and commercial property.<sup>1</sup> Nothing in this fact sheet should be interpreted to constitute a waiver of compliance with applicable federal and SLTT government laws, ordinances, regulations, and executive orders.

## Debris Removal

### GENERAL ELIGIBILITY FOR DEBRIS REMOVAL

Debris includes, but is not limited to, vegetative debris, construction and demolition debris, sand, mud, silt, gravel, rocks, boulders, white goods, and vehicle and vessel wreckage.

Debris removal activities, such as clearance, removal, and disposal, may be eligible under Category A if they meet the following criteria:

- Must be in the public interest;
- Must eliminate immediate threat to lives, public health, and safety; and
- Must be a result of the declared incident.

### SPECIFIC DEBRIS ISSUES

Hazardous Limbs, Trees, and Stump Removal:

- FEMA updated PA policy (September 2022) to eliminate size requirements for the eligibility regarding removal of hazardous trees, limbs/branches, and stumps. FEMA still requires that Applicants retain, and provide when requested, documentation supporting the specifics of the immediate threat with the location and photograph or video documentation.<sup>2</sup>
- Eligible vegetative debris may include tree limbs, branches, stumps, or trees that are still in place, but damaged to the extent they pose an immediate threat. These items are ineligible if the hazard existed prior to the incident, or if the vegetative object/debris is in a natural area and does not threaten or extend over improved property or public-use areas, such as trails, sidewalks, or playgrounds.

<sup>1</sup> [Public Assistance Program and Policy Guide, Version 4](#) , FP-104-009-2, at 107 - 109 (June 1, 2020).

<sup>2</sup> [FEMA Simplifying the Public Assistance Program, Part 2](#) memo, issued: September 6, 2022.



**FEMA**

- FEMA will include as eligible debris removal work the removal of burned trees that pose an immediate threat to public health and safety or improved property as determined by the authority having jurisdiction, in coordination with a qualified individual.<sup>3</sup>

An applicant may utilize a cost per parcel of land approach or a separate tree removal contract which establishes a cost per tree. <sup>4</sup>

- Only those trees that are a threat to public health and safety or improved property or threaten the economic recovery of the community at large may be eligible under either approach.
- The Applicant will need to provide sufficient documentation to validate that the approach implemented was a cost-effective approach, or it may jeopardize PA funding.

#### Waterways:

- Debris deposited by the incident may obstruct a natural waterway (that is, a waterway that is not improved or maintained) or a constructed channel, including flood control works. In these cases, removal of the debris from the channel is eligible if the debris poses an immediate threat.

#### Right of Way (ROW):

- Removal of debris that has been placed on ROWs after a disaster incident occurs from commercial properties, such as industrial parks, golf courses, cemeteries, apartments, condominiums, and trailer parks due to a disaster is generally ineligible because commercial enterprises are expected to retain insurance that covers debris removal.
- In very limited, extraordinary circumstances, FEMA may provide an exception for such debris removal to be considered as eligible work, refer to Private Property Debris Removal (PPDR) on page 3 of this Fact Sheet.

### DEBRIS RELATED DOCUMENTATION

The Applicant needs to provide:

- Estimated debris quantities by type (for all uncompleted work);
- Quantities of debris removed, reduced, disposed, and recycled (by type) with load tickets to support quantities;
- Photographs of debris impacts, demonstrating an immediate threat to lives, or public health and safety, or a written justification for the debris removal as necessary for the community's economic recovery;
- Location of temporary reduction sites (including any applicable lease agreements) and permanent disposal sites;
- Copies of permits for reduction and disposal sites;
- Tower logs (required if contracted);
- Documentation to substantiate legal responsibility;
- The basis of the immediate threat determination;
- Location of debris (e.g., address / geographical coordinates); and
- Documentation to substantiate the debris was deposited by the incident and was not pre-existing (e.g., waterway soundings that show pre-and post-incident levels).

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<sup>3</sup> According to the International Society of Arboriculture, only a Registered Professional Forester, an individual with a Tree Risk Assessment Qualification (TRAQ), or a Certified Arborist may perform hazard tree assessment; however, the authority having jurisdiction of the geographic location, will make the determination regarding recognition of individuals qualified to make the determination.

<sup>4</sup> [FEMA Public Assistance Wildfire Policy Guidance Memo](#), issued: Oct. 17. 2022. The memo is applicable for all hazards and declared incidents on or after the date issued.

## Private Property Debris Removal (PPDR)

The guidance stated above regarding Debris Removal applies to debris removal from private property. The following content provides further detail on the additional requirements for conducting debris removal from private property.

Debris removal from private property is the responsibility of the property owner. Based on the severity of the impact of an incident and whether debris on private property is so widespread that it threatens public health and safety or the economic recovery of the community, FEMA may determine that PPDR is eligible under the PA Program. PPDR is a sub-component of broader debris removal issues.

In large commercial areas, such as shopping centers, industrial or manufacturing facilities, and other clearly commercial areas that are easily identified, debris removal remains the responsibility of the commercial entities, and FEMA will not allow reimbursement for that debris removal. Commercial property owners are not permitted to push or otherwise deposit debris from commercial property in the public rights-of-way (ROWS).

For FEMA to decide if either commercial debris removal or debris removal from private property is eligible the following criteria needs to be met:

- Must be in the public interest, not merely benefiting an individual or a limited group of individuals;
- Must eliminate immediate threat to lives, public health, and safety; and
- Must be a result of the declared incident and within the designated area.

### ELIGIBILITY DETERMINATION PROCESS

FEMA's pre-approval of PPDR is not required for the applicant to begin work on PPDR (inclusive of both privately owned residential and commercial property); however, for the applicant to receive PA funding, FEMA must determine that the work is eligible.

- The applicant must notify FEMA that PPDR will be conducted and the type of property on which the PPDR is being conducted (e.g., privately-owned residential or commercial property) as soon as the applicant decides to implement a PPDR mission.
- The applicant must submit written documentation to FEMA identifying the specific properties or areas of properties where PPDR activities occurred and must include sufficient documentation that demonstrates that the applicant has legal authority and responsibility to perform PPDR, indemnifies the United States for any claim arising from the debris removal, and that the PPDR was in the public interest.
- It is the responsibility of the applicant to provide sufficient documentation to show the work is eligible for PA funding. FEMA will evaluate the submission and provide a response specifying any properties or area of properties for which it determines the work eligible for debris removal, and for which reimbursement will be considered.
- When evaluating PPDR funding requests, FEMA will consider if the incident generates debris in quantities and/or types on residential or commercial property that is so widespread or of such magnitude that it creates a threat to public health and safety or improved property.
  - FEMA may also the percentage of homes destroyed in the community or census designated area, community density, watershed exposure, the fire hazard severity zone (FHSZ) of the area, and the cost of hazardous debris removal.<sup>5</sup>

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<sup>5</sup> As determined by the Center for Disease Control Social Vulnerability Index (SVI) or other, such as the Census' Community Resilience Estimates, or State-provided Demographic Data. See [Social Vulnerability Index | Data | Centers for Disease Control and Prevention \(cdc.gov\)](#); FHSZ data is currently only available for the State of California. Current maps can be accessed at the following web address, [Fire Hazard Severity Zones Maps \(ca.gov\)](#).

## DOCUMENTATION

In addition to the guidance regarding debris related documentation stated on previous pages, the following apply to PPDR (both privately-owned and commercial property). FEMA only approves PA funding for PPDR if the applicant demonstrates all the following conditions are met and provides sufficient documentation:

- **Legal Authority and Indemnification**, FEMA accepts a written statement from an authorized applicant official that:
  - Certifies the applicant has legal authority and responsibility to remove debris from private and/or commercial property;
  - Cites all applicable sources of authority (law, ordinance, code, contract, etc.); and
  - Indemnifies the United States for any claim arising from the debris removal.
- **Public Interest**. The applicant must demonstrate that the PPDR was in the public interest. This includes:
  - The basis for the determination that removing the debris from the private property locations requested was in the public interest. The determination must be made by the State, Territorial, Tribal, county, or municipal government's public health authority or other public entity that has legal authority to decide that disaster-generated debris on private property constitutes an immediate threat to life, public health, or safety, or to the economic recovery of the community at large, such determination is subject to FEMA's review and acceptance.
  - Provide information regarding the established, specific legal requirements for declaring the existence of the threat to public health and safety from debris on private property.