



# FEMA

## DISASTER ASSISTANCE POLICY

**I. TITLE: Trees, Shrubs, and Other Plantings Associated with Facilities**

**II. DATE: JUL 18 2007**

**III. PURPOSE:**

To define ineligible work related to trees, shrubs, and other plantings, and limited eligibility for replacement of grass and sod, associated with facilities eligible for repair and restoration.

**IV. SCOPE AND AUDIENCE:**

This policy is applicable to all major disasters declared on or after its publication date. It is intended for Federal Emergency Management Agency (FEMA) personnel involved in making eligibility determinations under the Public Assistance Program.

**V. AUTHORITY:**

Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5121 – 5206, as amended, and Title 44 Code of Federal Regulations (CFR) §206, Subpart H.

**VI. BACKGROUND:**

This policy is intended to reduce the costs of Federal disaster assistance in a way that will not impact essential public services.

The treatment of trees and shrubs under the Public Assistance Program was discussed by the FEMA Inspector General in *Inspection Report I-01. Unintended Consequences: The High Cost of Disaster Assistance for Park and Recreational Facilities* (May 1996). The Inspector General recommended that tree and shrub replacement be excluded for “recreational facilities other than parks,” and earlier in the report he noted that there is “no documented rationale” for extending eligibility to trees and shrubs in any areas other than parks. In fact, it is not unusual for applicants to replace trees, shrubs, and other plantings in non-recreational areas after disasters, such as median strips in roadways and as landscaping for public buildings. The law and implementing regulations do not distinguish between a park and any other public building, structure or system; therefore, any revision to FEMA policy with respect to trees, shrubs, and other plantings must not only consider trees, shrubs, and other plantings in parks and other recreational facilities, but also landscaping connected with administrative buildings, utility



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sites, and other sites where trees, shrubs, and other plantings are an integral and maintained portion of the entire facility.

FEMA does not contest the importance of trees, shrubs, and other plantings, especially as a mitigation measure, but rather the validity for replacement under the Public Assistance Program. While FEMA acknowledges the economic and environmental benefits of replacing trees, shrubs, and other plantings, it has been determined that not providing assistance to replace trees, shrubs, and other plantings damaged or destroyed by a disaster, will not impact essential services.

### VII. POLICY:

Trees, shrubs, and other plantings are not eligible for replacement under Section 406 of the Stafford Act (Repair, Restoration, and Replacement of Damaged Facilities). Vegetative mitigation activities for the purpose of slope stabilization are reimbursable under the PA Program. Grass and sod replacement is only eligible when it is necessary to stabilize slopes and minimize sediment runoff. The replacement of grass and sod for purposes other than slope stabilization or minimization of sediment runoff is considered cosmetic and is not eligible for reimbursement.

This policy applies equally to recreational and non-recreational areas and facilities. It applies to any measure taken with respect to trees, shrubs, and other plantings, including but not limited to replacement, non-emergency removal for purposes of replacement, and remedial actions taken to abate disaster damage. It does not affect eligible debris removal and emergency measures that may be taken under Sections 403 and 407 of the Stafford Act, as amended.

**VIII. ORIGINATING OFFICE:** Disaster Assistance Directorate (Public Assistance Division)

**IX. SUPERSESSION:** This policy supersedes Response and Recovery Directorate Policy 9524.5 dated September 24, 1998, and all previous guidance on this subject.

**X. REVIEW DATE:** Five years from date of publication.

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