



FEMA

MAR 25 2008

The Honorable Joe Donnelly
U.S. House of Representatives
Washington, DC 20515

Dear Representative Donnelly:

Thank you for your letter of February 15, 2008, co-signed by Representative Mark Souder, to the Department of Homeland Security's Federal Emergency Management Agency (FEMA). You requested that FEMA provide relevant information regarding its recent denial of Federal disaster assistance to the State of Indiana following severe storms and tornados of October 18, 2007. I appreciate your patience in awaiting this response.

In your letter, you encourage FEMA to ensure transparency and understanding of FEMA's decision-making process. As I am sure you are aware, Section 569a of the FY 2008 Omnibus Appropriations Act requires the Administrator of FEMA to submit to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives, and publish on the FEMA website, a report regarding that decision, which shall summarize damage assessment information used to determine whether to declare a major disaster. The report is due 30 days after the date that the President determines whether to declare a major disaster because of an event, and completion of any appeal.

In compliance with this mandate, on February 27, 2008, FEMA provided a report to Congress on the request for assistance made by Governor Mitch Daniels for the severe storms and tornados that occurred October 18, 2007. We subsequently followed up with your staff and provided them with a copy of the report as it contains Preliminary Damage Assessment Information collected by the Federal/State team that made assessments in the State following the event. Enclosed is a copy for your information. The reports will be posted to the FEMA website shortly. As you may be aware, FEMA's analysis of such information, including the Agency's recommendation to the President, is both deliberative and pre-decisional, as well as an executive communication; therefore, such analysis is not provided.

Representative Joe Donnelly

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I trust this information addresses your concerns. Should you have further questions, please have a member of your staff contact our Office of Legislative Affairs at (202) 646-4500.

Sincerely,

A handwritten signature in black ink, appearing to read 'C. Castillo', written in a cursive style.

Carlos J. Castillo
Assistant Administrator
Disaster Assistance Directorate

Enclosure

Indiana Severe Winter Storms – Denial of Appeal

Denied on January 4, 2008

On December 7, 2007, Governor Mitchell E. Daniels, Jr. appealed the denial of his request for a major disaster declaration due to severe storms and a tornado that impacted the State on October 18, 2007. The Governor had requested a declaration for Individual Assistance for three counties and Hazard Mitigation for all counties. During the period of October 24-26, 2007, joint Federal, State, and local Preliminary Damage Assessments (PDAs) were conducted in the requested counties and are summarized below. PDAs estimate damages immediately after an event and are considered, along with several other factors, are considered in determining whether a disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments, and that Federal assistance is necessary.¹

On January 4, 2008, the Governor's appeal for a major disaster declaration was denied based on the determination that the damage was not of such severity and magnitude as to be beyond the combined capabilities of the State, affected local governments, and voluntary agencies.²

Summary of Damage Assessment Information Used in Determining Whether to Declare a Major Disaster

Individual Assistance

- Total Number of Residences Impacted:³ 389
 - Destroyed - 51
 - Major Damage - 137
 - Minor Damage - 66
 - Affected - 135
- Percentage of insured residences:⁴ (51%)
- Percentage of low income households:⁵ (4%)
- Percentage of elderly households:⁶ (12%)
- Total Individual Assistance cost estimate: \$1,728,858

Public Assistance - (Not requested)

- Primary Impact: -
- Total Public Assistance Cost Estimate: -
- Statewide per capita impact:⁷ -
- Statewide per capita impact indicator:⁸ \$1.24
- Countywide per capita impact indicator:⁹ \$3.11

¹ The preliminary damage assessment (PDA) process is a mechanism used to determine the impact and magnitude of damage and resulting needs of individuals, businesses, public sector, and community as a whole. Information collected is used by the State as a basis for the Governor's request for a major disaster or emergency declaration, and by the President in determining a response to the Governor's request (44 CFR § 206.33).

² When a Governor's request for major disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (Stafford Act) is under review, a number of primary factors are considered

to determine whether assistance is warranted. These factors are outlined in FEMA's regulations (44 CFR § 206.48). The President has ultimate discretion and decision making authority to declare major disasters and emergencies under the Stafford Act (42 U.S.C. § 5170 and § 5191).

³ Degree of damage to impacted residences:

- Destroyed – total loss of structure, structure is not economically feasible to repair, or complete failure to major structural components (e.g., collapse of basement walls/foundation, walls, or roof);
- Major Damage – substantial failure to structural elements of residence (e.g., walls, floors, foundation), or damage that will take more than 30 days to repair;
- Minor Damage – home is damaged and uninhabitable, but may be made habitable in short period of time with repairs; and
- Affected – some damage to the structure and contents, but still habitable.

⁴ By law, Federal disaster assistance cannot duplicate insurance coverage (44 CFR § 206.48(b)(5)).

⁵ The presence of special populations, such as low-income, the elderly, or the unemployed may indicate a greater need for assistance (44 CFR § 206.48(b)(3)).

⁶ Ibid (44 CFR § 206.48(b)(3)).

⁷ Based on State population in the 2000 Census.

⁸ Statewide Per Capita Impact Indicator for FY08, *Federal Register*, October 1, 2007.

⁹ Countywide Per Capita Impact Indicator for FY08, *Federal Register*, October 1, 2007.