



FEMA

RP9524.5

RECOVERY POLICY

- I. **TITLE:** **Trees and Plantings Associated with Eligible Facilities**
- II. **DATE OF ISSUANCE:** **September 4, 2013**
- III. **PURPOSE:** To provide guidance on eligible and ineligible work related to trees, shrubs, and other plantings, including limited eligibility for replacement of grass and sod associated with facilities eligible for repair and restoration.
- IV. **SCOPE AND EXTERNAL AUDIENCE:** This policy applies to all major disasters declared on or after the date of publication of this policy. It will continue in effect until three years after its date of issuance. If rescinded or superseded, this policy will continue to apply to all emergencies and major disasters declared between the date in Paragraph II and the date it is rescinded or superseded. The policy is intended for all personnel involved in the administration of the Public Assistance Program.
- V. **AUTHORITY:** Section 406, **Repair, Restoration, and Replacement of Damaged Facilities** 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 – Public Assistance Eligibility.
- VI. **POLICY:**
- A. **Eligible Costs:** Generally, plantings such as trees, shrubs, and other vegetation are not eligible for replacement under Section 406 of the Stafford Act (Repair, Restoration, and Replacement of Damaged Facilities). There are limited instances where plantings are eligible for replacement:
1. Grass and sod replacement if it is an integral part of the repair or replacement of the eligible recreational facility (e.g. publicly owned football, soccer, and baseball fields, etc.),
 2. Plantings when they are part of the restoration of an eligible facility for the purposes of stabilizing slopes (including dunes on eligible improved beaches), erosion control, or minimizing sediment runoff, and
 3. Plantings required for the mitigation of environmental impacts, such as impacts to wetlands or endangered species habitat. Examples include projects that fill wetlands and where the regulatory agency requires planting of wetland vegetation



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as a method of compensation, projects that affect endangered species or migratory bird habitat where vegetation planting is a condition to reduce impacts on protected species, or projects that require vegetation planting for slope or dune stabilization. Eligibility of these plantings is limited to plantings that are required under a Federal, State, Tribe, or local government code or regulation.

B. Ineligible Costs: Examples of plantings ineligible for replacement include, but are not limited to:

1. Replacement of dead or dying trees, shrubs, and other vegetation,
2. Plantings for mitigation of environmental impacts that are not a Federal, State, Tribe, or local government permit requirement, and
3. Replacement that is not directly associated with the primary function of the facility, but rather for cosmetic or aesthetic purposes.

C. This policy 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.

VII. RESPONSIBLE OFFICE: Recovery Directorate (Public Assistance Division).

VIII. SUPERSESSION: For all disasters declared after the date of issuance in Paragraph II, this policy supersedes DAP 9524.5, Trees, Shrubs, and Other Plantings Associated with Facilities, dated July 18, 2007, and all previous guidance on this subject.

IX. REVIEW DATE: This policy will be reviewed 3 years from the date of issuance in accordance with Directive 112-12.

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Recovery Directorate