Private Property and Commercial Debris Removal Process

DR-4663-KY
Agenda

- Define PPDR
- Types of PPDR
- PPDR Eligibility Requirements
- PPDR Request
- Commercial Property Request
- Demolition (Private and Commercially Structures)
Define PPDR

When debris on private property is so widespread that it threatens public health and safety or the economic recovery of a community, FEMA may provide PA funding for debris removal from private property.
Debris Removal from Private Residential Property

- Debris removal from residential property is usually not in the public interest because the debris does not typically present an immediate health and safety threat to the general public.

- If the incident generates debris quantities and/or types of debris on residential property that is so widespread or of such magnitude that it creates an immediate threat to public health and safety, debris removal may be in the public interest.
Debris Removal from Private Roads

- Roads that are not owned or operated by or otherwise the legal responsibility of a Federal, State, or Local entity

- If the public has unrestricted access (no locks, gates, or guards) and frequently uses the private road, then removal and disposal of the debris, including debris placed at the curbside by residents, is in the public interest
PPDR Requirements

Legal Responsibility & 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 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 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 make a determination 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.

- Specific legal requirements for declaring the existence of a threat to public health and safety
To determine if removal of debris from private residential property is in the public interest, the Applicant must demonstrate the immediate threat to public health and safety:

- Whether the debris is located in open areas accessible to the public;
- Volume and height of debris;
- Number of houses and blocks with large volume of debris; and
- Amount of the public population affected.
Request of PPDR

- Applicants must provide a written request through the Commonwealth to FEMA addressing:
  - Legal authority and Indemnification
  - Public Interest
  - Identifying the specific properties or areas of properties where it will be conducting PPDR.

- With the exception of debris removal from commercial property, the Applicant does not need to wait for FEMA approval to start work.
PPDR Approval Process

Once the request is received, FEMA engages with the Recipient and Applicant to review the request and conduct any site validation/inspections.

For the Applicant to receive PA funding, FEMA must determine that the work at each property is eligible.

Once eligibility has been determined, a response to the Applicant’s request will be provided by FEMA in conjunction with the Commonwealth
Removal of debris from commercial properties, such as industrial parks, golf courses, cemeteries, apartments, condominiums, agricultural property, and trailer parks, is generally not eligible because commercial enterprises are expected to retain insurance that covers debris removal.

As a reminder, in large commercial areas such as shopping centers, industrial, manufacturing facilities and other clearly commercial areas that are easily identified, the debris removal remains the responsibility of the commercial entities, and FEMA will not allow reimbursement for that debris removal.
Request for Commercial Debris Removal

- Applicants must provide a written request through the State to FEMA addressing:
  - Legal authority and Indemnification
  - Public Interest
  - Identifying the specific properties or areas of properties where it will be conducting Debris Removal.
  - Cost justification – fencing versus demolition by government
- The Applicant must wait for FEMA approval to start work.
- The Approval Process is the same as for PPDR
Environmental Considerations for Debris Removal

- PPDR will have no effect or limited effect on natural resources or historic properties if implemented as specified in this guidance. FEMA Environmental and Historic Preservation (EHP) will not need to review the PPDR location prior to the start of debris removal if these general guidelines are adhered to.
  - Transport and disposal to existing licensed solid waste facilities or landfills, including any temporary and KYDEP pre-approved locations
  - Physical structures, including those damaged structures, are not affected
  - Ground disturbance is minimal and in-ground elements are left in place
  - Limit heavy equipment to existing rights-of-way or hardened surfaces
  - PPDR is prohibited in federally protected critical habitats for any threatened or endangered species. Is also prohibited from any waterways, lakes, stream, ponds, or other natural features, without prior consultation and approval from FEMA
DEMOLITION
Demolition of Private Structures

- Emergency demolition of structures located on private property may be eligible when partial or complete collapse is imminent, and that collapse poses an immediate threat to the general public.

- Clarification of Demolition versus Debris. If more than one wall of a structure is standing and not in immediate danger of collapsing, FEMA considers the removal of that structure to be demolition and not debris removal. Demolition is subject to additional requirements and must comply with FEMA PAPPG (V4) Chapter 7:II.U. Demolition of Private Structures.
Demolition Of Private Structures

- In some instances, restricting public access to an unsafe structure and the surrounding area, such as securing the area with a fence, is sufficient to alleviate the immediate threat and is more cost-effective than demolition. In these cases, demolition is ineligible.

- If a structure is condemned prior to the incident, emergency protective measures related to that structure are ineligible.
Certify that the structures are unsafe and pose an immediate threat to lives or public health and safety;

Provide documentation to confirm its legal authority and responsibility to enter private property and demolish privately-owned unsafe structures. This includes:

- Citation of the law, ordinance, code, or emergency powers for which it is exercising its legal authority to demolish privately-owned unsafe structures.
- The authority cited must be applicable to the structural condition representing the immediate threat and not merely the Applicant’s uniform level of services.

Confirmation that a legally authorized official of the Applicant has ordered the exercise of public emergency powers or other appropriate authority to enter onto private property

Indemnify the Federal Government and its employees, agents, and contractors
Demolition Approval Process

- Once the request is received, FEMA engages with the Recipient and Applicant to review the request and conduct any site validation/inspections.
- FEMA must determine that each property is eligible for demolition.
- Before FEMA will provide PA funding, the Applicant must provide confirmation that it satisfied all legal processes and obtained permission requirements from the property owners (rights-of-entry) and agreements to indemnify and hold harmless the Federal Government.
- Additionally, the Applicant must provide documentation to support that it obtained all necessary permits and complied with EHP requirements.
- Once eligibility has been determined by PA, a letter will be prepared sharing FEMA’s eligibility determination for each property.
Demolition Of Private Structures Eligible Work

If FEMA approves the demolition of private structures, eligible work associated with the demolition includes, but is not limited to:

- Capping wells; Pumping and capping septic tanks;
- Filling open below-grade structures, such as basements and swimming pools;
- Testing for hazardous materials;
- Securing utilities;
- Obtaining permits and licenses;
- Performing title searches.
- Overtime labor directly related to issuing these permits, licenses, and titles for facilities that are eligible for demolition is eligible.
Demolition-Ineligible Work

- Removal or covering of concrete pads and driveways except for structures in a FEMA-funded buyout program; and

- Removal of slabs or foundations that do not present a health or safety hazard, except for structures in a FEMA-funded buyout program through the Hazard Mitigation Grants Program (HMGP) (the removal of Substantially Damaged structures and associated facilities acquired through HMGP may be eligible as Category A, Debris Removal).
Demolition of Commercially Owned Structures

- Demolition of structures owned by commercial enterprises may include businesses, apartments, condominiums, and mobile homes in commercial trailer parks, are generally ineligible as it is expected that the commercial enterprises retain insurance that cover the cost of demolition.

- However, in very limited and extraordinary circumstances FEMA may provide an exception. In such cases, the Applicant must meet the requirements detailed in FEMA PAPPG (V4) Chapter 7: Approval Process.
  - Approval must be obtained prior to work beginning.
Duplication of Benefits

- The Applicant needs to work with private property owners to pursue and recover insurance proceeds and credit FEMA the Federal share of any insurance proceeds received.

- In some circumstances, FEMA may provide IA assistance to individuals for debris removal; consequently, FEMA PA staff coordinate closely with IA staff to ensure FEMA does not fund the same work under both programs.
Step 1: Authorized Applicant official (County) submit written statement to the State informing them that they want to request PPDR, CDR and/or Demo providing legal responsibility and indemnification

- Statement certifies the applicant has legal authority and responsibility to remove debris from private property
- Statement cites all applicable sources of authority (law, ordinance, code, contract, etc.)
- Statement indemnifies the U.S. for any claim arising from debris removal
Example of the PPDR Approval Request Letter

APPLICANT PPDR APPROVAL REQUEST LETTER
BETWEEN IS A SUGGESTED TEMPLATE for FEMA-DR-4630-KY
REQUEST TO CONDUCT PRIVATE PROPERTY DEBRIS REMOVAL
[THROUGHOUT THIS DOCUMENT, PLEASE REMOVE AND REPLACE ALL RED “EXPLANATORY” TEXT AS APPROPRIATE]

[LOCALITY LETTERHEAD WITH ALL CONTACT INFORMATION]

[MNTH XX, 20XX]
Mr. John Brogan
Federal Coordinating Officer
Federal Emergency Management Agency
FEMA-DR-4630-KY Joint Field Office
100 Mainstream Parkway
Frankfort, KY 40601-6120

Thoughts
Michael E. Donnelly
Governor’s Authorized Representative
FEMA-DR-4630-KY
Kentucky Emergency Management
100 Mainstream Parkway
Frankfort, KY 40601-6120

Subject: FEMA-DR-4630-KY Authorization to Conduct Debris Removal from Non-Commercial Private Property in [TOWN/CITY/COUNTY]

Dear Federal Coordinating Officer Brogan,

Pursuant to the terms and conditions of the Stafford Act, 42 U.S.C. Section 5121 et seq., FEMA Regulations as published in 44 C.F.R. Sections 206.232 - 206.234, the FEMA Public Assistance Program and Policy Guide FP 104-009-2 Version 4, June 1, 2020, and the FEMA Public Assistance Policy Manual (March 1, 2021), the [TOWN/CITY/COUNTY] hereby requests FEMA approve [IF DPA IS REQUESTED, ADD “AND ARRANGE FOR”] the removal of debris from private property in [TOWN/CITY/COUNTY], caused by severe storms, straight line winds, and tornadoes on December 10-11, 2021 (hereinafter “the event”).

Determination of Public Interest

[TOWN/CITY/COUNTY] has determined that it is in the public interest to have event-caused debris removed from private property in order to [INSERT AS APPROPRIATE, “ELIMINATE DANGEROUS TO LIFE, PUBLIC HEALTH AND SAFETY,” “AND/OR Eliminate Threats of Significant Damage to Improved Property,” “AND/OR Ensure Economic Recovery of the Affected Community,” TO THE BENEFIT OF THE COMMUNITY AT LARGE.”] We understand that the final public interest determination will be made by FEMA. [IF DPA IS REQUESTED, ADD “DUE TO THE SEVERITY AND EXTENT OF THE DAMAGE FROM EVENT, [TOWN/CITY/COUNTY] IS UNABLE TO PERFORM OR CONTRACT TO PERFORM THIS WORK IN A TIMELY MANNER.”]

Documentation of Legal Responsibility

In accordance with 44 C.F.R. Section 206.223(a) and Public Assistance Program and Policy Guide FP 104-009-2, to be eligible for FEMA Public Assistance funding, we understand that the [TOWN/CITY/COUNTY] must have the legal authority and responsibility to perform the work at issue in the public interest which, in this case, involves the removal of tornado-generated debris from private property. As noted above, the damage caused by the event in [TOWN/CITY/COUNTY] was extensive. As a result of (CHOOSE APPROPRIATE: “MY EXECUTIVE ORDER AS OFFICIAL TITLE DATED MONTH XX, 20XX” OR “A MEETING OF THE [TOWN/CITY/COUNCIL BOARD OF SUPERVISION/COMMUNITY COURT ETC.] ON MONTH XX, 20XX” (Attachment A), the following determinations have been made:

1. Removal of event-caused debris from residential private property is necessary and in the public interest to eliminate immediate threats to life, public health and safety as determined by [THE GOVERNOR OR CO-ORTHODOR/LOCAL DEPARTMENT OF PUBLIC HEALTH] [DECISION OF A [ITELE, ETC.], [DISASTER-RELATED PUBLIC HEALTH EMERGENCY],] dated [MONTH XX, 20XX] (Attachment B).

2. Upon the basis of the Commonwealth of Kentucky, local officials and opinions of the Attorney General [PROVIDE CITATIONS], as attached, [THE TOWN/CITY/COUNTY] has the authority and legal responsibility to secure private property to perform debris removal when it is found to pose an immediate threat to life, public health, and safety (Attachment C).

3. Based upon “1” and “2” above [HERE AND THROUGHOUT, INSERT “1” IF EXECUTIVE ORDER, OR “WE” IF COUNCIL BOARD/ POLICE JURY, ETC.] have determined to exercise these authorities to secure private property.

4. [IF USING PARAGRAPH 5, BELOW, INSERT “TO THE EXTENT FEASIBLE”] before we initiate such debris removal on these private properties, we will have unconditional authorization to do so, either through the use of
Example of the PPDR Approval Request Letter

Rights of Entry with indemnity and prevention of duplication of benefits clauses signed by each property owner or, if that is not possible, through satisfactory action by or on the part of a Federal agency or an employee of the Federal Government in carrying out the provisions of the Stafford Act, are consistent with the Federal Emergency Management Agency policies.

To avoid duplication of benefits pursuant to section 312 of the Stafford Act (42 U.S.C. § 5155), the [TOWN/CITY/COUNTY] will obtain from the owner of the subject private property, a detailed and specific description relating to insurance coverage, proceeds and settlements and provide this to the [SPECIFIC APPROPRIATE COMMONWEALTH OR LOCAL EMERGENCY MANAGEMENT AGENCY]

Preprocurement

The [TOWN/CITY/COUNTY] affirms that any contract $999,199.99 for debris removal will comply with the requirements of 2 C.F.R. Part 226 and understands that a failure to comply with any required federal, state and local laws, regulations and permits necessary for initial performance of debris removal could jeopardize FEMA funding.

Contact

The [TOWN/CITY/COUNTY/PARISH] point of contact for this request for PPDR authorization is [NAME] who may be contacted at [PHONE NUMBER AND EMAIL ADDRESS] if you require additional information.

Affirmation of Authority

By affixing my signature hereon, I represent that I am duly authorized as [TITLE THAT GIVES AUTHORITY IN INDIVIDUAL CAPACITY OR ON BEHALF OF THE TOWN/CITY/COUNTY COUNCIL/FISCAL COURT] to make this request.

Sincerely,

[APPLICANT’S AUTHORIZED REPRESENTATIVE]
DEMONSTRATION REQUEST TEMPLATE
FEMA-DR-4630-KY

SUSSTED ELEMENTS FOR APPLICANT LETTER
PRE-APPROVAL REQUEST; DEMOLITION OF PRIVATELY OWNED RESIDENTIAL STRUCTURES AND RESULTING DEBRIS REMOVAL WHEN USING PRIVATE CONTRACTOR, FORCE ACCOUNT, OR DIRECT FEDERAL ASSISTANCE

[THROUGHOUT THIS DOCUMENT, PLEASE REMOVE ALL RED "EXPLANATORY" TEXT AND REPLACE AS APPROPRIATE]

BEGIN LETTER WITH:
[APPLICANT LETTERHEAD WITH ALL CONTACT INFORMATION]

[DATE]

John Briggs
Federal Coordination Officer
Federal Emergency Management Agency
FEMA-DR-4630-KY Joint Field Office
100 Minuteman Parkway
Frankfort, KY 40601-6120

Through:
Michael E. Dossert
Governor’s Authorized Representative
FEMA-DR-4630-KY
Kentucky Emergency Management
100 Minuteman Parkway
Frankfort, KY 40601-6120

Subject: FEMA-DR-4630-KY, Request to Conduct Demolition of Private Residential Structures and Removal of Resulting Demolition Debris in [TOWN/CITY/COUNTY]

Dear Federal Coordination Officer Briggs:

As a result of severe storms, straight line winds, and tornadoes on December 10-11, 2021 hereinafter “the event,” numerous privately-owned residential structures were irreversibly damaged and made unsafe. Therefore, pursuant to Section 402(b)(3) of the Stafford Act 42 U.S.C. 5170b, FEMA Regulations as published at 44 C.F.R. 206.215, and the FEMA Public Assistance Program and Policy Guide TP 104-009-2, the [TOWN/CITY/COUNTY] hereby requests FEMA approval to conduct demolition of certain privately-owned unsafe residential structures within [TOWN/CITY/COUNTY] which pose an immediate threat to life, public health, and safety in order to facilitate rehabilitation. The [TOWN/CITY/COUNTY] also requests approval for the subsequent removal of demolition debris and any eligible required post-demolition activity necessary to secure a safe site.

Determination of Public Interest

The [TOWN/CITY/COUNTY] has determined it is in the public interest to demolish and remove demolition debris from certain unsafe privately-owned residential structures damaged as a result of the above referenced event in order to (INSERT: “TO ELIMINATE IMMEDIATE THREATS TO LIFE, PUBLIC HEALTH AND SAFETY” OR “TO ELIMINATE THREATS TO SIGNIFICANT DAMAGE TO INSURED PROPERTY”). We have determined that such protection of the public cannot be met by any lesser remedy such as perimeter fencing. We understand that the final public interest determination necessary to authorize [TOWN/CITY/COUNTY] to reconstruct this area will be made by FEMA. FEMA has determined that "DUE TO THE SEVERITY AND EXTENT OF THE DAMAGE FROM EVENT, [TOWN/CITY/COUNTY] IS UNABLE TO SERVE PRIVATE CONTRACTORS TO PERFORM THIS WORK IN A TIMELY MANNER.

Documentation of Legal Responsibility:

In accordance with the above-mentioned FEMA law, regulations and policy, in order to be eligible for FEMA Public Assistance funding, we understand that the [TOWN/CITY/COUNTY] must have the legal responsibility to perform the work at issue. The work at issue includes existing private property to demolish privately-owned residential structures made unsafe by the December 10-11 severe storms, straight line winds, and tornadoes, removing demolition debris and completing any associated post-demolition work that is required. As noted above, the damage caused by the event was extensive. Therefore, as a result of [CHOOSE APPROPRIATE: "MY EXECUTIVE ORDER AS (OFFICIAL TITLE) DATED (MONTH) 202_ " OR "A MEETING OF THE [TOWN/CITY/COUNTY] COUNCIL/BOARD OF SUPERVISORS/COMMUNITY COURT/ETC.] ON (MONTH) 202_ "] [Attachment A], the following determinations have been made:


2. Under the laws of the Commonwealth of Kentucky and [THE TOWN/CITY/COUNTY, INCLUDING BUT NOT LIMITED TO PROVIDE CITATIONS], as attached [THE TOWN/CITY/COUNTY] has the authority and legal responsibility to enter private property to perform emergency demolition of unsafe structures, when found to pose an immediate threat to life, public health, and safety and such a circumstance is individually and properly certified by the [TOWN/CITY/COUNTY CONSENT AUTHORITY] (Attachment C).

3. Based upon "1." and "2." above, the [HERE AND THROUGHOUT, INSERT: "IT IS EXECUTIVE ORDER, OR "WE IF COUNCIL/COMMUNITY COURT/ETC.] have determined to exercise those authorities to enter onto private property to abate the declared public health and safety emergency by demolishing unsafe privately-owned residential structures, undertaking associated required post-demolition work including removing demolition debris from the private property.

4. FEMA verifies that before the [THE TOWN/CITY/COUNTY] initiates emergency demolition of unsafe, privately-owned structures pursuant to the above specified authorities, the [THE TOWN/CITY/COUNTY] shall have satisfied all the legal procedures relating to such actions by using the [THE TOWN/CITY/COUNTY] legal process for emergency demolition, which includes a determination and formal certification by the [LEGAL TOWN/CITY/COUNTY CONSENT AUTHORITY] that the structure is imminent danger of collapse and that the
Example of the Demo Approval Request Letter

1. This letter is to be submitted in accordance with the provisions of the Stafford Act, 42 U.S.C. § 5173(h), and the FEMA Program Operations Guide (POG) for the Federal Assistance Program (FAP). The letter must be submitted to the FEMA Regional Office (RBD) or the Office of Real Property Management (ORPM) for approval.

2. The demolition/debris removal activity must be conducted in accordance with applicable federal, state, and local laws, regulations, and permits. The applicant must ensure that all necessary permits and approvals are obtained before conducting the demolition/debris removal activity.

3. The purpose of the letter is to request approval for the proposed demolition/debris removal activity. The letter should provide a detailed description of the activity, including the location, scope, and expected duration.

4. The applicant must ensure that the demolition/debris removal activity is conducted in a safe and environmentally responsible manner. The applicant must comply with all applicable environmental regulations and standards.

5. The letter should include a description of the property to be demolished, including the location, size, and condition of the property.

6. The letter should include a description of the debris removal activity, including the method of removal, disposal, and post-construction cleanup.

7. The letter should include a budget for the demolition/debris removal activity, including all anticipated costs.

8. The letter should include a timeline for the demolition/debris removal activity, including start and end dates.

9. The letter should include a certification that all necessary permits and approvals have been obtained.

10. The letter should include a statement that the applicant has been notified of any potential environmental impacts associated with the demolition/debris removal activity.

11. The letter should include a statement that the applicant has been notified of any potential hazards associated with the demolition/debris removal activity.

12. The letter should include a statement that the applicant has been notified of any potential liability associated with the demolition/debris removal activity.

13. The letter should include a statement that the applicant has been notified of any potential legal issues associated with the demolition/debris removal activity.

14. The letter should include a statement that the applicant has been notified of any potential financial issues associated with the demolition/debris removal activity.

15. The letter should include a statement that the applicant has been notified of any potential health risks associated with the demolition/debris removal activity.

16. The letter should include a statement that the applicant has been notified of any potential safety issues associated with the demolition/debris removal activity.

17. The letter should include a statement that the applicant has been notified of any potential security issues associated with the demolition/debris removal activity.

18. The letter should include a statement that the applicant has been notified of any potential political issues associated with the demolition/debris removal activity.

19. The letter should include a statement that the applicant has been notified of any potential social issues associated with the demolition/debris removal activity.

20. The letter should include a statement that the applicant has been notified of any potential economic issues associated with the demolition/debris removal activity.

21. The letter should include a statement that the applicant has been notified of any potential legal and regulatory issues associated with the demolition/debris removal activity.

22. The letter should include a statement that the applicant has been notified of any potential environmental and safety issues associated with the demolition/debris removal activity.

23. The letter should include a statement that the applicant has been notified of any potential health and safety issues associated with the demolition/debris removal activity.

24. The letter should include a statement that the applicant has been notified of any potential financial and regulatory issues associated with the demolition/debris removal activity.

25. The letter should include a statement that the applicant has been notified of any potential economic and regulatory issues associated with the demolition/debris removal activity.

26. The letter should include a statement that the applicant has been notified of any potential legal and regulatory issues associated with the demolition/debris removal activity.

27. The letter should include a statement that the applicant has been notified of any potential environmental and safety issues associated with the demolition/debris removal activity.

28. The letter should include a statement that the applicant has been notified of any potential health and safety issues associated with the demolition/debris removal activity.

29. The letter should include a statement that the applicant has been notified of any potential financial and regulatory issues associated with the demolition/debris removal activity.

30. The letter should include a statement that the applicant has been notified of any potential economic and regulatory issues associated with the demolition/debris removal activity.

31. The letter should include a statement that the applicant has been notified of any potential legal and regulatory issues associated with the demolition/debris removal activity.

32. The letter should include a statement that the applicant has been notified of any potential environmental and safety issues associated with the demolition/debris removal activity.

33. The letter should include a statement that the applicant has been notified of any potential health and safety issues associated with the demolition/debris removal activity.

34. The letter should include a statement that the applicant has been notified of any potential financial and regulatory issues associated with the demolition/debris removal activity.

35. The letter should include a statement that the applicant has been notified of any potential economic and regulatory issues associated with the demolition/debris removal activity.

36. The letter should include a statement that the applicant has been notified of any potential legal and regulatory issues associated with the demolition/debris removal activity.

37. The letter should include a statement that the applicant has been notified of any potential environmental and safety issues associated with the demolition/debris removal activity.

38. The letter should include a statement that the applicant has been notified of any potential health and safety issues associated with the demolition/debris removal activity.

39. The letter should include a statement that the applicant has been notified of any potential financial and regulatory issues associated with the demolition/debris removal activity.

40. The letter should include a statement that the applicant has been notified of any potential economic and regulatory issues associated with the demolition/debris removal activity.
PPDR, CDR and Demo Approval Request Process

Step 2: State will review the written request and if in agreement, the State will forward a letter of concurrence to the FEMA Debris Task Force Lead
Example of the State Concurrence Letter

February 21, 2022

John Brogan
FEMA Emergency Management Agency Federal Coordinating Officer
FEMA-DR-4050-KY Joint Field Office
657 Chasepoint Avenue
Frankfort, KY 40601

Subject: Request for Authorization to Conduct Debris Removal from Rights of Way of Private Roads in Kentucky

Dear Federal Coordinating Officer Brogan:

Pursuant to the terms and conditions of the Stafford Act, 42 U.S.C. Section 5121 35 sec., Federal Emergency Management Agency (FEMA) regulations published at 44 CFR Sections 205.222 – 205.244, the FEMA Public Assistance Program and Policy guide PA 104-099-2 Version 4, June 1, 2020, and the FEMA Public Assistance Debris Removal Guidance, March 11, 2021, the [Name] County, [Name] County, [Name] County, and [Name] County request [FEMA] approval for the removal of debris from certain private road rights of way (ROWs) in [Name] County, [Name] County, and [Name] County. This debris is the result of severe storms, straight line winds, and tornadoes of December 30 – 31, 2021.

The request is in the public interest to have the storm-caused debris removed from the certain private roads ROWs, and that removal of this debris is necessary to eliminate immediate threats to public health and safety, eliminate threats of significant damage to improved property and ensure economic recovery of the county and to the benefit of the community at large.

The county’s request documents the legal responsibilities and authorities of the county. Marshall County has identified its limitations and furthermore certifies that it indemnifies the Federal Government and its employees, agents, contractors, and subcontractors from any claims arising from debris removal.

The Commonwealth concurs with [Name] County and urges FEMA to approve its request to remove debris from certain private roads ROWs. Thank you for your consideration of this matter.

Sincerely,

[Signature]

Michael E. Dossett
Governor’s Authorized Representative

Cc: Jeremy Sickles
Stephanie Robey
Jim Gray
Travis Mayo
Step 3: IBD and Debris Task Force Lead confirm that the request packet contains all the necessary documents needed in order to move to the next phase. Debris Task Force Lead will forward the packet to Environmental and Historic Preservation (EHP) for review.

Documentation included in the Request:
- Addresses of properties needing PPDR, CDR and/or Demo along with GPS coordinates of the properties
- Verification of ownership for each property
- Photos showing immediate threat to public interest
- Right of Entry from homeowner allowing ingress and egress of the property
- Insurance obtained from the owner to prevent DOB
Example of Right of Entry

RIGHT OF ENTRY ("ROE") ONTO PRIVATE PROPERTY FOR DEBRIS REMOVAL AND/OR DEMOLITION DISASTER ASSISTANCE (FEMA-XXX-DR-KY)

Ownership Interest’s Grant of Right of Entry for Debris Removal and/or Demolition Activities

The undersigned hereby certifies in writing that he/she [ sic] is (are) the (are) 

Property Owner(s) with authority to grant access to the property at (Address) 

The undersigned is the authorized agent of the Property Owner(s) at the above address. 

The Property Owner(s)’ agent authorizes the Town/City/County (name) and the Commonwealth of Kentucky and the United States of America, their respective agents, successors and assigns, contractors and subcontractors collectively, the “Government/Contractors” to have the right of access and to enter the property above specified for purposes of performing debris removal as it is a public health and safety threat and/or for demolishing structures (local authorities have determined through due process to be unsafe) because of the declared major disaster, FEMA-4650-DR-KY/3575-BM-KY. 

Government/Contractors will perform the following work (check):

[ ] Remove debris from the Property.
[ ] Demolish the unsafe and condemned structures on the Property and remove the demolition debris.

For Deconstruction hung Mortgage and Insurance Adjuster Information

The Property Owner(s)’ agent certifies that no mortgages exist on said property.

The Property Owner(s)’ agent certifies that no insurance exists and the adjustor has inspected the property.

For Deconstruction, Other Liens/Encumbrances on the Property

The Property Owner(s)’ agent certifies that no other liens or encumbrances exist on said property.

Government Not Obligated: No Expense Except For Insurance Proceeds

The Property Owner(s)’ agent understands that this Right of Entry does not obligate the Government/Contractors to provide any grants or insurance proceeds. Any costs associated with the work performed will be the responsibility of the Property Owner(s). 

Government Indemnified and Held Harmless

The Property Owner(s)’ agent agrees to indemnify and hold harmless the Government/Contractors for any damage of any type whatsoever to the above described property or to personal property and fixtures situated thereon, or for bodily injury

Release of Insurance Information

If insured, the Property Owner(s)’ agent certifies in (Company) to release information relating to coverage and payment for debris removal and demolition activities (Claim # _______ Policy # _______ to the Town/City/County/Commonwealth agency identified hereinabove.

Acknowledgment of Prohibition on Fraud, Intentional Misstatements

The Property Owner(s)’ agent understands that an individual who fraudulently or misleadingly makes any false statement or any false statement is subject to the following penalties, including civil penalties, imprisonment for not more than five years, or both, as provided under 18 USC § 1001.

Signature(s) Witnesses Required Only If Demolition

Property Owner(s) or Authorized Agent – Mortgagor/Lien Holder(s) If Demolition

For the considerations and purposes set forth above, I/we hereby set out my/our hand(s) and seal(s) this ______ day of ______.

Witness 1

Signature

Witness 2

Signature

Additional Information

 Printed: Property Owner(s)/Authorized Agent: Current Address and Telephone Number: S-13

 ALSO, IF DEMOLITION: Owner(s)/Authorized Agent: Current Address and Telephone Number: S-13

Printed: Mortgage Holder/Authorized Agent: Current Address and Telephone Number: S-13

Printed: Other Lien Holder(s)/Authorized Agent: Current Address and Telephone Number: S-13

Page 1 of 2

Page 2 of 2

Federal Emergency Management Agency 31
### Example of Photos w/ GPS Locations

<table>
<thead>
<tr>
<th>Road Name</th>
<th>Location Lat</th>
<th>Location Long</th>
<th>Link to Photo</th>
<th>Approx Street</th>
</tr>
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PPDR, CDR and Demo Approval Request Process

Step 4: Environmental Planning and Historic Preservation (EHP) reviews the packet, confirms that there are no concerns, and routes it back to the Debris Task Force Lead.
Step 5: The Debris Task Force Lead forwards the completed packet to OCC for review.
PPDR, CDR and Demo Approval Request Process

Step 6: OCC reviews the request,

- If the packet is complete, the IBD and Debris Task Force Lead will complete a second review of the packet.
- If there are areas of concern, then the Debris Task Force Lead and the Applicant’s Attorney will be notified.

After the concerns have been addressed, the packet will be returned to OCC for a second review.
Step 7: After OCC’s second review, the completed request packet will be forwarded to the IBD. The IBD will confirm that the request is ready for the next phase, which is the drafting of the approval letter. OCC will be notified.
PPDR, CDR and Demo Approval Request Process

Step 8: OCC will draft the approval letter and forward directly to the FCO. The FCO will sign the approval letter and will send the letter to the IBD.
PPDR, CDR and Demo Approval Request Process

Step 9: The IBD will forward the signed approval letter to the Debris Task Force Lead and the Debris Task Force Lead will include the approval letter with the completed packet and move the packet to the next phase, which is the Completed Lane Approved PPDR Packet.
QUESTIONS??

DEBRIS CONTACTS:

- Jessica Mitchell, KYEM, jessica.a.mitchell36.nfg@army.mil, (502) 607-5762
- Ryan Hembree, KYEM, ryan.a.hembree2.nfg@mail.mil, (502) 607-5763