



FEMA

October 13, 2004

MEMORANDUM FOR: Public Assistance Staff
THROUGH: 
Steven N. Glenn, Infrastructure Branch Chief
FROM: Valerie Rhoads, Public Assistance Officer 
SUBJECT: Disaster-Specific Guidance #13
Public Assistance Program
FEMA-1539/1545/1551/1561-DR-FL
Permanent Restoration of Improved Beaches

ISSUE: Storm surge or wind and wave action from the declared event caused severe erosion and loss of sand to public beaches. In some cases there was widespread dispersion of the sand from the beaches to roads and other improved public and private property. This guidance discusses the eligibility of costs related to the permanent repair of the beaches and the reclamation of displaced sand for use in effecting those permanent repairs.

GUIDANCE:

- A. Eligibility of Facility. Pursuant to 44 CFR §206.226(j), a beach may be eligible for permanent repairs when that beach has been improved and regularly maintained in an improved condition (an "engineered and maintained beach"). Only an engineered and maintained beach satisfies the definition of Improved Property under §206.221(d) and is, therefore, eligible as a Public Facility under the meaning of §206.221(h). Repairs to the facility must be the legal responsibility of an eligible applicant.

FEMA considers an engineered and maintained beach as:

1. A beach that was constructed by the placement of imported sand, of proper grain size, to a designed elevation, width, and slope; and
2. A beach that is maintained on a scheduled basis that involves periodic renourishment with imported sand.

To establish eligibility for permanent work assistance on an engineered and maintained beach the applicant must provide:

1. Designs, plans, and as-builts for the original nourishment;
2. Designs, plans, and as-builts for the most recent renourishment;
3. A scripted methodology for maintenance and renourishment;
4. Records of maintenance actually performed; and
5. Pre- and post-storm profiles that extend to at least the depth of closure of the improved design.

- B. Restoration of Facility. When an eligible applicant has sustained damage to an eligible engineered and maintained beach (the “eligible facility”), it may restore that eligible facility to its pre-disaster design and function through the placement of new or reclaimed sand of conforming quality, grain size and other distinguishing features specified for that facility. The replacement sand may be imported or reclaimed locally from the public and private property onto which the sand was displaced by the disaster event.
- C. Eligibility of Sand Reclamation. Reclamation of displaced sand for use in effecting permanent repairs to an engineered and maintained beach may be eligible when such measure is cost-effective, reasonable with respect to cost, and is not prohibited or made impractical by environmental or other reasons. Reclamation of displaced sand may be considered cost-effective when it is the least-cost alternative to all means of obtaining suitable sand necessary to effect the permanent repairs to the damaged eligible facility. In comparison to the cost of importing sand, local sand reclamation may be the most economical and cost-effective means of obtaining sufficient amounts of sand to restore an eligible facility.
- D. Reclamation of Sand from Public Property. Sand recovered from public property, including roadways and public rights-of-way, is often the best and primary source of replacement sand for an eligible facility. Sand reclaimed from public property for use as replacement sand for an eligible facility must conform to the quality, grain size and other distinguishing features specified for the eligible facility. Reclamation of sand from public property that does not meet the design specifications of the eligible facility being restored, may be properly disposed of or used for other purposes. If the sand is disposed of, sifting is not an eligible expense.
- E. Reclamation of Sand from Private Property. Sand that conforms to the quality, grain size and other distinguishing features specified for the eligible facility being restored may be reclaimed from private property and replaced on the eligible facility. Eligible expenses include the cost-effective and reasonable costs, as defined in paragraph C above, to pick-up, clean (sift or screen) and replace the sand at the eligible facility. Reclamation of sand from private property that does not meet the design specifications of the eligible facility being restored, or exceeds the quantity of sand required to restore the facility to pre-disaster design, is ineligible for FEMA assistance. Reclamation of sand from private property is subject to the aforementioned and following limitations:
1. The eligible applicant must first obtain permission from the private property owner for the reclamation of the sand and obtain a right-of-entry and a hold harmless agreement that indemnifies the Federal government from any and all claims of loss resulting from such reclamation.
 2. Nothing contained herein is meant to give consent to removal of debris from private property. Vegetative, construction and demolition (C & D), or other debris that would otherwise have been the legal responsibility of the owner of the private property from which the sand was reclaimed, is not eligible for disposal under the Public Assistance Program.

- F. Coordination. Requests for permanent restoration of engineered and maintained beaches and reclamation of sand from public and private property and replacement on engineered facilities must be coordinated with the Public Assistance Coordinator, the FEMA Beach Specialist, the applicant, and State and Federal environmental agencies such as the Florida Department of Environmental Protection and the United States Fish and Wildlife Service.