



# FEMA

## FP 010-4

### OFFICE OF RESPONSE AND RECOVERY POLICY

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#### I. TITLE: **Pre-Disaster Emergency Declaration Requests**

II. DATE: May 18, 2012

#### III. PURPOSE:

To outline the criteria FEMA will use to evaluate a State's request to declare an emergency in advance of the impact of an incident that threatens such destruction as could result in a major disaster.

#### IV. SCOPE AND EXTERNAL AUDIENCE:

This policy applies to any gubernatorial request to the President for an emergency declaration in advance or anticipation of the impact of an incident that threatens such destruction as could result in a major disaster, and is effective upon the date of issuance. This policy applies to pre-disaster emergency declaration requests from all States (as defined by the Stafford Act, to include territories and the District of Columbia, 42 U.S.C. §5122(4)). Any references to "tribal," "Indian tribe," and "Tribe(s)" in this policy mean federally recognized Indian tribes published in the Federal Register pursuant to the Federally Recognized Tribes List Act of 1994, 25 U.S.C. § 479a and 479a-1.

#### V. AUTHORITY:

Title V of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5191-5193, as amended, and implementing regulations at 44 C.F.R. Part 206, Subparts B and C.

#### VI. POLICY:

A. States immediately threatened by any natural (for major hurricanes and typhoons, see Section VI(B)) or man-made incident that threatens such destruction as could result in a major disaster (except fires, for which assistance is provided through the Fire Management Assistance Grant program under Section 422 of the Stafford Act as implemented in 44 C.F.R. Part 204) will be considered for an emergency declaration when the State request complies with requirements set forth in 44 C.F.R. § 206.35 and FEMA determines the following three requirements have been met:

1. A Federal government agency acknowledged as a national authority in a specific incident field (e.g., United States Geological Survey for seismic incidents, National Oceanic and



### OFFICE OF RESPONSE AND RECOVERY POLICY

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Atmospheric Administration for tsunamis, the Nuclear Regulatory Commission for nuclear power plants, or the Department of Homeland Security for acts of terrorism) determines or affirms that a potential major disaster is imminent, AND:

2. The Governor has taken appropriate action under State law and directed execution of the State emergency plan AND:

3. Either:

a. Direct Federal Assistance (DFA) (e.g., personnel, equipment, supplies; but not including pre-positioning of assets) is needed to meet critical emergency protection requirements before impact are beyond the capability or capacity of state and affected tribal and/or local governments.

OR

b. The appropriate state, tribal, or local governments have issued evacuation orders for three or more counties/parishes or tribal areas, OR any geographical area with a combined population of more than 100,000 individuals.

["Evacuation Orders" for the purpose of this policy must be the highest level of authority vested in the appropriate state, tribal, or local authorities to give such orders. This means such orders should be mandatory where that authority is available.

"Individuals" for the purpose of this policy includes permanent residents, seasonal visitors, or any other person that otherwise requires evacuation, sheltering, or Mass Care Services at the time of the request.]

B. States immediately threatened with impact from a major hurricane or typhoon (equivalent of category 3, 4, and 5 on the Saffir-Simpson scale) will be considered for an emergency declaration when, the State request complies with requirements set forth in 44 C.F.R. § 206.35 and FEMA determines the following three requirements have been met:

1. The National Weather Service or a Joint Typhoon Warning Center has issued a hurricane or typhoon watch or warning forecasting that a major hurricane or typhoon will impact the State, or portion thereof AND:

2. The Governor has taken appropriate action under State law and directed execution of the State emergency plan AND:



## OFFICE OF RESPONSE AND RECOVERY POLICY

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3. Either:

- a. DFA (e.g., personnel, equipment, supplies; but not including pre-positioning of assets) is needed to meet critical emergency protection requirements before impact are beyond the capability or capacity of state and affected tribal and/or local governments.

OR

- b. The appropriate state, tribal, or local governments have issued evacuation orders for three or more counties/parishes or tribal areas, OR any geographical area with a combined population of more than 100,000 individuals.

["Evacuation Orders" for the purpose of this policy must be the highest level of authority vested in the appropriate state, tribal, or local authorities to give such orders. This means such orders should be mandatory where that authority is available.

"Individuals" for the purpose of this policy includes permanent residents, seasonal visitors, or any other person that otherwise requires evacuation, sheltering, or Mass Care Services at the time of the request.]

- C. Assistance that may be made available for a pre-disaster emergency declaration is limited to Category B, Emergency Protective Measures. As warranted by the circumstances, pre-disaster emergency declarations may be limited to DFA. Assistance may also be limited to a certain activity (i.e., sheltering or evacuation activities).
- D. Consistent with 44 CFR 206.35(e), pre-disaster emergency declarations are not intended to preempt the authorities of other Federal agencies. In making its recommendation, FEMA will consider the availability of assistance from other Federal agencies to meet the needs of the impacted state, tribal and local governments.
- E. Host-State and Tribe Provision. FEMA may reimburse host-States and host-Tribes for eligible costs incurred for evacuation and sheltering support provided to evacuees from an impacted and declared State or Tribe in accordance with 44 C.F.R. § 206.223(a)(2) and Recovery Policy 9523.18, Host-State Evacuation and Sheltering Reimbursement (Jul. 23, 2010).



# FEMA

## FP 010-4

### OFFICE OF RESPONSE AND RECOVERY POLICY

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- F. Within-State and tribal jurisdictions that are not expected to be directly impacted by the event but will be providing sheltering activities for the jurisdictions with evacuations can be requested as part of the emergency declaration. These jurisdictions, and the activities to be carried out in them, should be clearly articulated in the State's request.
- G. The federal share for assistance provided under a pre-disaster emergency declaration, shall be not less than 75 percent of the eligible costs pursuant to Section 503 of the Stafford Act, 42 U.S.C. § 5193, as amended.
- H. All emergency and major disaster declarations are made solely and exclusively by the President of the United States. This policy in no way obligates the President to either approve or disapprove any declaration request.

**VII. RESPONSIBLE OFFICE:** Office of Response and Recovery

**VIII. SUPERSESSION:** This policy supersedes and replaces Disaster Assistance Policy (Interim) 1001, *Pre-Disaster Emergency Declaration Requests* (Jul. 18, 2007).

**IX. REVIEW DATE:** Three years from the date of publication.

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