FEMA
DISASTER ASSISTANCE POLICY

I. TITLE: Snow Assistance and Severe Winter Storm Policy

II. DATE: November 2, 2009

III. PURPOSE:

This policy describes the procedures and criteria FEMA uses to make its recommendations to the President after a State Governor requests a declaration following a snowstorm or severe winter storm. It also describes eligible work for snow events and severe winter storms.

IV. SCOPE AND AUDIENCE:

The policy is applicable to all declarations on or after the date of publication of this policy. It provides guidance to FEMA, State, and local personnel responsible for administering the Public Assistance Program, including applicants.

V. AUTHORITY:

Section 403 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207, 44 CFR §206.35, 44 CFR §206.36, 44 CFR §206.48, and 44 CFR §206.227.

VI. BACKGROUND:

On July 24, 2008, FEMA published a proposed revision of Response and Recovery Policy 9523.1 *Snow Assistance Policy* (dated November 10, 1998) in the *Federal Register* for review and comment. The final policy was published in the *Federal Register* on November 6, 2009, and is available online at http://www.gpoaccess.gov/fr/.

VII. POLICY:

A. Definitions:

1. Contiguous County means a county in the same State that shares a common border with a core county without geographic separation other than by a minor body of water, typically not exceeding one mile between the land areas of such counties.

2. Core County means a county that has a record or near record snowfall with public assistance costs that exceed the annually established countywide per capita impact indicator and is designated for snow assistance under a major disaster declaration.

3. Incident Period means the time span during which the disaster-causing incident occurs, e.g., approximately 6:00 p.m., January 5, 2007, through 8:00 a.m., January 7, 2007.

4. Near Record Snowfall means a snowfall that approaches, but does not meet or exceed, the historical record snowfall within a county as published by the National Climatic Data Center (NCDC). FEMA generally considers snowfall within 10 percent of the record amount to be a near record snowfall.

5. Record Snowfall means a snowfall that meets or exceeds the highest record snowfall within a county over a 1-, 2-, 3-day or longer period of time, as published by the NCDC.

6. Snow Assistance means assistance for all eligible activities under Category B, emergency protective measures (See Categories of Work in the Public Assistance Guide, FEMA 322, http://www.fema.gov/pdf/government/grant/pa/paguide07.pdf) related to a snowstorm, including snow removal, de-icing, salting, snow dumps, and sanding of roads and other eligible facilities, as well as search and rescue, sheltering, and other emergency protective measures.

7. Snowstorm means an event in which a State has record or near record snowfall in one or more counties, as determined by paragraph (e), and that overwhelms the capability of the affected State and local governments to respond to the event. While snowstorms will normally only receive Snow Assistance, other categories of supplemental Federal assistance may be designated for a snowstorm declaration as warranted.

8. Severe Winter Storm means an event that occurs during the winter season that includes one or more of the following conditions: snow, ice, high winds, blizzard conditions, and other wintry conditions; and that causes substantial physical damage or loss to improved property.

B. Snowstorm Declaration Criteria:

FEMA may recommend the declaration of a major disaster for a snowstorm that meets the following criteria. However, the criteria listed in this policy are solely for use by FEMA in making recommendations to the President and in no manner restricts the ability of the President, in his discretion, to declare emergencies or major disasters pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended.

1. County criteria. Each county included in a Governor's request for a declaration must have a record or near record snowfall, or meet the contiguous county criteria described in this

policy, and have estimated public assistance costs including snow assistance costs within a 48 hour period that equal or exceed the county per capita cost threshold required for a major disaster declaration, which is published annually in the *Federal Register*. See, e.g., 74 FR 51296 (October 6, 2009). The State must also demonstrate that the capabilities of the State to effectively respond to the event are or will be exceeded. An applicant may select a 48-hour period for estimating purposes, but use a different 48-hour period when submitting actual costs.

2. State criteria. In addition to the county criteria, a State must also meet the statewide per capita cost threshold required by 44 CFR §206.48(a)(1), based on eligible public assistance costs including the snow assistance costs it incurs within the prescribed 48-hour period.

C. Snowstorm Declaration Requests:

1. Within 30-days following a record snowstorm, the Governor shall submit a request for a snowstorm major disaster declaration that addresses the requirements of 44 CFR §206.36, 44 CFR §206.48, and this policy. A Governor's request for a snowstorm major disaster declaration and the Regional Administrator's Regional Summary, Analysis, and Recommendation shall cite "Snowstorm" as the incident type in the Governor's request. Furthermore, the Governor's request shall provide the following information:

a. Overview of the event;
b. Core and contiguous counties for which a snowstorm declaration is requested;
c. Date(s) of snowfall;
d. For each requested county, copies of event daily snowfall totals from NWS stations and historical record snowfall data from the National Climatic Data Center (NCDC), to maintain consistency of evaluation data to determine when a snowstorm reaches record or near record proportions;
e. A description of State and local resources activated in response to the event;
f. The extent of search and rescue operations performed and impacts to State and local government operations;
g. Any other localized impacts as described in 44 CFR §206.48(a)(2);
h. Total estimated eligible costs for each core and contiguous county, including the estimated snow assistance costs for a 48 hour period. The county per capita estimate of costs, which includes the estimated eligible costs incurred by State agencies working within each county, must meet or exceed the county per capita cost threshold; and
i. Total estimated statewide costs, which include the total of estimated eligible costs for all counties requested. The per capita estimate of statewide costs must meet the statewide per capita cost threshold in 44 CFR §206.48(a)(1).

2. The Regional Administrator of FEMA will evaluate the Governor's request and make appropriate recommendations to the FEMA Assistant Administrator of the Disaster Assistance Directorate. The Regional Summary, Analysis, and Recommendation (See Template at http://declarations.fema.net/) should include:

a. An overview of the snowstorm;
b. A summary of statewide and localized impacts;
c. A summary of State and local resources dedicated to alleviating the emergency, to include shelter information;
d. A comparison of actual event snowfall to the highest historical record snowfall for each county for which snow assistance is requested;
e. An identification of any extenuating circumstances.
f. The recommended Incident Period of the event and the Categories of Work recommended (See Public Assistance Guide, FEMA 322, page 66 at http://www.fema.gov/pdf/government/grant/pa/paguide07.pdf);
g. Confirmation that the Governor has taken appropriate action under State law and directed the execution of the State emergency plan, and that the Governor's request meets all statutory requirements;
h. An evaluation of statewide and localized impacts;
i. The type of assistance needed;
j. A recommendation on the Governor's declaration request based on the criteria in this policy; and
k. A list of the recommended counties that met the requirements for a declaration for snow assistance under this policy.

3. The FEMA Administrator may add counties to a snowstorm declaration after the President has issued the declaration. Requests for additional counties should meet the criteria for designation under paragraph (B) of this policy and include the documentation required under paragraph (C) of this policy. Such requests may be made within 30-days of the declaration, or the end of the incident period, whichever is later.

D. Use of Official Government Snowfall Data:

1. Current Snowfall Data. A Governor's request for a snowstorm major disaster declaration shall include snowfall amounts measured and published by the National Oceanic and Atmospheric Administration (NOAA) for the current snowstorm for each county for which snow assistance is requested. The NCDC, which is a part of NOAA, publishes snowfall data from measurements made by observers who are part of the National Weather Service (NWS), airport stations, and the NWS Cooperative Network. FEMA will rely primarily on snowfall measurements taken at NWS Cooperative Network Stations, but in cases where Cooperative

Network Stations do not exist or do not report, FEMA will accept snowfall measurements from other sources that have been verified by the NCDC or NWS. A Governor's request for a snowstorm major disaster declaration must include copies of all NCDC or NWS Cooperative Network Station reports published for the counties for which snow assistance is requested.

2. Historical Snowfall Records. FEMA accepts historical snowfall records maintained by NCDC. NCDC's website (See http://www.ncdc.noaa.gov/oa/ncdc.html) provides snowfall amounts recorded at NWS Cooperative Network Stations for single and multiple day events. If NCDC data are not available or do not reflect snowfall records through the previous year's snow season, such data should be obtained from regional NWS offices and provided as part of the Regional Summary, Analysis, and Recommendation.

E. Determining Record and Near Record Snowfalls:

The following criteria will be used to determine record or near-record snowfalls:

1. Current snowfall amounts under paragraph (D)(1) of this policy will be compared with the historical record snowfall amounts under paragraph (D)(2) of this policy for a like number of days without regard for the month in which the record snowfall or current event occurred.

2. For multiple day snowstorms, a county that meets the 1-day record or near record requirement on any one day, or the 2-day record or near record over two consecutive days, or the 3-day record or near record over three consecutive days, etc., will have met the record or near-record criteria for that county.

3. When data from multiple NWS Cooperative Network Stations exist within a county, the highest current event snowfall reported by the NWS within that county will be compared to the highest historical snowfall record for that county.

4. For counties that do not have NCDC or NWS historical record snowfall data, the historical record from the nearest NWS Cooperative Network Station in an adjacent county, even if located in an adjacent State, may be used for determining historical snowfall records.

5. If current event snowfall data under paragraph (D)(1) of this policy are not available from the NWS for a county, the nearest NWS Cooperative Network Station data from an adjacent county, even if located in an adjacent State, may be used.

6. A county that does not receive a record or near record snowfall, but is contiguous to a county that does receive a record or near record snowfall, may be designated for snow

assistance if the county has current event snowfall that meets or exceeds the current event snowfall of a county, to which it is contiguous, that has record or near record snowfall. This comparison is based on the highest current event snowfall received by each county as reported by the NWS under paragraph (D)(1) of this policy.

7. Counties that experience snowfalls occurring over a period exceeding three consecutive days that do not reach record or near-record snowfalls during a 3-day period, and for which there are no historical snowfall records for a period exceeding 3 days with NCDC or NWS, will be considered for a major disaster declaration on a case-by-case basis.

F. Eligible Period of Assistance:

1. Snow assistance is available for all eligible costs incurred over a continuous 48-hour period. Applicants may select a 48-hour period during which the highest eligible costs were incurred. Once costs are submitted for the chosen 48-hour period that selected 48-hour period cannot be changed.

2. The FEMA Assistant Administrator of the Disaster Assistance Directorate may extend the eligible time period of assistance by 24 hours in counties where snowfall quantities greatly exceed record amounts. To be eligible for a time extension, the current event snowfall must exceed the historical record snowfall by at least 50 percent. The time period will be extended 24 hours for each designated county that meets this 50 percent criterion.

3. Different applicants in the same designated county may use different 48-hour periods. However, all agencies or instrumentalities of a local government must use the same 48-hour time period.

4. A State agency, such as a Department of Transportation, that provides snow assistance in multiple locations throughout the State, may use different 48-hour periods.

G. Eligible Applicants:

Entities that meet the applicant eligibility, 44 CFR §206.222, and are performing work that meets the requirements of general work eligibility, 44 CFR §206.223, are eligible for snow assistance.

H. Eligible Work

Eligible work, under Category B, emergency protective measures, as described in the Public Assistance Guide, FEMA 322, (http://www.fema.gov/pdf/government/grant/pa/paguide07.pdf) includes snow removal, snow dumps, de-icing, salting, and sanding of roads and other facilities

essential to eliminate or lessen immediate threats to life, public health, and safety. In addition, activities related to the snowstorm such as search and rescue, sheltering, and other emergency protective measures are eligible work. Other categories of work may be eligible under a snowstorm declaration where appropriate.

I. Eligible Costs

FEMA will provide snow assistance during the 48-hour period for the overtime but not the straight time cost of the applicant's regularly-employed personnel. The cost of contract labor (including temporary hires who perform eligible emergency work) is an eligible cost, as are the costs for equipment and materials used in the performance of eligible work. If applicants award contracts for periods greater than the eligible period of assistance, eligible funding will be limited to the costs incurred during the eligible period of assistance. The same pro-rata method for calculating eligible funding applies to all other eligible snow assistance costs.

J. Insurance

It is the responsibility of an applicant to notify the Regional Administrator of FEMA, through the State, of any actual or anticipated proceeds from insurance covering snow removal or other snow assistance costs. FEMA will deduct the actual or anticipated amount of snow removal or other snow assistance cost insurance proceeds from policies in force at the time of the snowfall.

K. Severe Winter Storm Declarations

1. Severe Winter Storm declaration requests must satisfy the requirements of 44 CFR §206.36 and 44 CFR §206.48, but are not required to meet the record or near record snowfall requirements described under paragraph (E) of this policy. However, FEMA will not include snow removal costs when calculating the per capita cost impacts for a severe winter storm declaration unless the county qualifies for snow assistance under paragraph (E) of this policy.

2. In a major disaster declaration for a Severe Winter Storm, snow removal costs are not eligible for FEMA assistance if the county does not meet the requirements for snow assistance under paragraph (B) of this policy. A limited level of snow removal incidental to disaster response may be eligible for assistance. Generally, snow removal that is necessary to perform otherwise eligible emergency work is eligible. For example, snow removal necessary to access debris or to repair downed power lines is eligible, while normal clearance of snow from roads is not eligible.

3. A Governor's request for a major disaster declaration as a result of a Severe Winter Storm, and the Regional Administrator's Regional Summary, Analysis, and Recommendation, shall cite "Severe Winter Storm" as the incident type.

4. The procedures for requesting and evaluating a Severe Winter Storm declaration will follow the same process as any request for a major disaster declaration as outlined in 44 CFR part 206 subpart B.

5. The evaluation of current and historical snowfall data for the designation of snow assistance, if warranted, will follow the same procedures as described for snow assistance in this policy.

VIII. RESPONSIBLE OFFICE: Office of Response and Recovery, Recovery Directorate (Public Assistance Division).

IX. SUPERSESSION: This policy supersedes Response and Recovery Policy 9523.1 *Snow Assistance Policy*, dated November 10, 1998, and all previous guidance on this subject.

X. REVIEW DATE: This policy does not automatically expire, but will be reviewed 3 years after the date of publication.

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