



Federal Emergency Management Agency

Washington, D.C. 20472

1. **Date Signed:** August 17, 1999
2. **Response and Recovery Directorate Policy Number:** 9524.2
3. **Title:** Landslide Policy Relating to Public Facilities
4. **Purpose:** The attached policy is being renumbered to become part of the redesigned FEMA Public Assistance Policy publication system.
5. **Scope and Audience:** This policy applies to all disasters and is intended for Federal Emergency Management Agency (FEMA) personnel making eligibility determinations for the Public Assistance (PA) Program.
6. **Background:** This attached policy currently is under review. However, the review will not be completed prior to the supersession of the 1996 Policy and Guidance Compendium by the new compilation of PA Program policy. Because the policy is a critical document of the PA Program, it is being temporarily renumbered while the new document is being prepared and coordinated.
7. **Policy:** The policy is attached.
8. **Supersession:** Response and Recovery Directorate Policy No. 4511.300 A, EX, dated November 30, 1995, Landslide Policy Relating to Public Facilities is now renumbered as Response and Recovery Policy #9524.2.
9. **Authorities:** Robert T. Stafford Disaster Recovery and Emergency Assistance Act, as amended.
10. **Originating Office:** Infrastructure Division, Response and Recovery Directorate
11. **Signature:**

A handwritten signature in black ink, which appears to read "Lacy Suiter".

Lacy E. Suiter
Executive Associate Director
Response and Recovery Directorate

Distribution: Regional Directors, Regional and HQ RR Division Directors



Federal Emergency Management Agency

Washington, D.C. 20472

DATE: November 30, 1995

Response and Recovery Directorate Policy No. 4511.300 A, EX

TITLE: *Landslide Policy Relating to Public Facilities*

PURPOSE: To iterate FEMA policy on eligible and ineligible costs associated with the repair of public facilities that involve restoration of integral ground and slope and hill stabilization.

SCOPE AND AUDIENCE: This policy is intended to prescribe eligible and ineligible costs associated with the repair of public facilities that involve restoration of integral ground for FEMA Public Assistance managers, staff and public assistance applicants. This policy is effective immediately and is applicable to all projects for which a DSR for the areas addressed below has not yet been approved (papped).

BACKGROUND: In March 1984, a policy memorandum entitled, *Landslide Policy Relating to Public Facilities*, was issued by Samuel Speck, former Associate Director for State and Local Programs and Support, to all Regional Directors. In summary, policy was established that before a public facility involving a landslide could be restored, the following actions were to be taken:

- Evaluate the stability of the natural site and, if necessary, conduct a feasibility study to determine the practicability of replacing the facility at the original site;
- If the site is stable, the most cost-effective method of restoring the facility to its pre-disaster condition is eligible; and,
- If the site is unstable, the applicant is responsible for stabilizing the site. After the site is stabilized, the cost to restore the facility at the site is eligible.

Because of recent disasters that have caused landslides and road embankment failures, the Infrastructure Support Division initiated a review of the March 1984 FEMA policy. After review, FEMA policy on this subject remains substantially unchanged. This policy provides guidance and interpretation of sections 403, 406, 407 and 502 of the Stafford Act and applicable regulations under 44 CFR part 206 as they relate to eligible repair costs of public facilities that involve landslides.

POLICY: Generally, public assistance applicants are eligible for certain and specific facility and integral ground restoration costs, emergency protective measures and debris removal when landslides are involved. Only the ground necessary to physically support a facility is considered integral to its function. Slope or hill stabilization exceeds these limits and is not considered integral ground restoration.

Essential Assistance

Under sections 403 and 502 of the Stafford Act, emergency protective measures to stabilize slopes and hills that were damaged by a disaster may be eligible only if necessary to eliminate or lessen immediate threats to life, public health, safety, or significant additional damage to improved public or private property. Technical investigations may be eligible to determine appropriate engineering methods for reducing the immediate threats. Examples of eligible emergency protective measures which eliminate immediate threats to life and property caused by landslides include: excavation at the head of the sliding mass to reduce the driving force; filling or buttressing at the toe of the potential sliding mass (e.g. gabions, rock toes, cribwalls, binwalls, etc.); and, construction of subsurface drainage to lessen the pore-water pressure along the potential sliding surface. In accordance with 44 CFR 206.204, emergency work must be completed within six months of the disaster (plus approved extensions).

Repair, Restoration, and Replacement of Damaged Facilities

Under section 406 of the Stafford Act, damaged or destroyed public facilities and the related integral ground mass are eligible for restoration. Before funding to restore the facility at the original site is approved, the stability of the site must be ascertained. The Regional Director may approve a geotechnical study that should be limited in scope (site investigation, borings, etc.) to determine 1.) the stability of the site before restoration of the facility; and, 2.) the stability of the site after restoration (conceptually) of the facility.

- If the site is found to be stable, the cost to restore the facility at the original site (including integral ground restoration) is eligible.
- If the site is found to be unstable and the instability was exclusively caused by the disaster, the cost to restore the facility at the original site (including integral ground restoration) is eligible.
- If the site is found to be unstable due to an identified, pre-existing condition (e.g. a deep-seated slip-plane), the applicant is responsible for stabilizing the site. Once the site has been stabilized, the cost to restore the facility at the original site is eligible.

Permanent earth repair that is not integral to the restoration of a public facility on a stable site is not eligible for reimbursement. In accordance with 44 CFR 206.204, permanent work must be completed within 18 months of the disaster (plus approved extensions).

An applicant may choose to apply for funding under the section 404 Hazard Mitigation Grant Program to stabilize a site which is unstable due to an identified, pre-existing condition or to relocate the original structure to a more stable area. Projects must meet program eligibility criteria of 44 CFR 206, Subpart N. The State, as grantee, prioritizes and selects projects for funding under this program.

Debris Removal

Under sections 407 and 502 of the Stafford Act, removal of landslide debris from public or private property when it is necessary to eliminate immediate threats to life, public health, and safety; or, significant damage to improved public or private property; or, ensure economic recovery of the affected community to the benefit of the community at large is an eligible cost. In accordance with 44 CFR 206.204, debris clearance must be completed within six months of the disaster (plus approved extensions).

KEY WORDS: Landslide, Integral Ground, Essential Assistance, Emergency Protective Measures, Facility Restoration, Stability and Debris Removal

SUPERSESION: This policy updates and replaces all relevant FEMA past policy memoranda on this subject, including a March 21, 1984, memorandum entitled, *Landslide Policy Relating to Public Facilities*, from Samuel Speck.

AUTHORITIES: Sections 403, 406, 407 and 502 of the Stafford Act, 44 CFR section 206

ORIGINATING OFFICE: Infrastructure Support Division, Response and Recovery Directorate

REVIEW DATE: December 1997

SIGNATURE:



William C. Tidball
Associate Director
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DISTRIBUTION: Regional Directors, Regional R&R Division Directors