

Snow Assistance and Severe Winter Storm Policy

Agency Name: Department of Homeland Security
Office: Federal Emergency Management Agency (FEMA)

Objectives: The Snow Assistance and Severe Winter Storm Policy provides the procedures and criteria FEMA uses to make its recommendations to the President after a State Governor requests a declaration following a snowstorm. The criteria in the Snow Assistance and Severe Winter Storm Policy are used by FEMA solely for consideration in making its recommendations to the President and do not limit the ability of the President

In the revised policy, FEMA makes three major changes. First, FEMA's 1999 Snow Assistance Policy evaluated requests for snow assistance under both the criteria for an "emergency" declaration under 44 CFR 206.35, as well as a request for a "major disaster" declaration under 44 CFR 206.36. However, the Stafford Act, 42 U.S.C. 5122, and FEMA regulations, 44 CFR 206.2(a)(17), expressly include "snowstorm" in the definition of a "major disaster." By comparison, FEMA regulations define "emergencies" as those types of events that do not qualify under the definition of a major disaster. In this revised policy, snowstorm events will be considered by FEMA for major disaster declarations under 44 CFR 206.36, consistent with the Stafford Act and FEMA regulations. As discussed below, in response to comments received on the July 2008 proposed policy, this final Snow Assistance Policy does not include the limitation proposed in 2008 that FEMA would only make recommendations for major disaster declarations for snow events.

Second, under FEMA regulations, FEMA may find that a State or community is eligible for financial assistance for snow or blizzard conditions only where the storm results in "record or near record" snowfall for that area, as determined by official government records. See 44 CFR 206.227. Under the prior policy, for a county to have "record or near record" snowfall, at least one National Oceanic and Atmospheric Administration (NOAA) station within that county was required to receive a snowfall at a historical record or a near record (within 10 percent of record) snowfall level. Because most counties have multiple NOAA stations, the station with the lowest historical snowfall record was compared to the highest event snowfall to determine the county's eligibility for a snow assistance emergency declaration. Under this revised policy, FEMA compares the highest current event snowfall reported by the National Weather Service (NWS) to the highest National Climatic Data Center (NCDC) historical record in a county to determine if the snowfall event exceeds or is near a true record for a county.

Finally, under this revised policy, States are now required to submit an estimate of eligible Public Assistance costs (estimate of Public Assistance divided by county and State populations, respectively) including snow assistance costs for a 48-hour period that meet or exceed the county and statewide per capita cost threshold. Snow assistance costs are included only for those areas that meet the record, near record, or contiguous county criteria of this revised policy. For major disaster declarations, per capita costs are used as an indicator of the State or county capability of responding to the event. This information was not required under the previous snow policy. While this requirement is new to FEMA's Snow Assistance Policy, an estimate of damages is a normal requirement for all States requesting a major disaster declaration. See 44 CFR 206.36 and 44 CFR 206.48. The Governor must also direct the execution of the State emergency plan and the State must demonstrate that the capabilities of the State to effectively respond to the event are or will be exceeded.

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**.

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. 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.

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.

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.

View the *Federal Register* announcement at: <http://edocket.access.gpo.gov/2009/E9-26817.htm>