

Hurricanes Katrina and Rita FEMA-DR-1603/1607-LA Information Sheet #007

CEMETERIES

Floodwaters associated with Hurricanes Katrina and Rita exposed human remains and dislodged caskets, vaults, and mausoleums in a number of cemeteries located in the disaster-affected parishes of Louisiana. This information sheet provides guidance on evaluating the eligibility of costs for funding under the Public Assistance Program. Human remains, caskets, vaults, and mausoleums may be found on cemetery property or outside of cemetery property. Eligibility evaluations should take account of where human remains and other cemetery-derived items are found, legal responsibility, and legal ownership of cemeteries, mausoleums, markers, and other cemetery-derived items. There are a significant number of unmarked human burial sites in Louisiana. Field personnel should be aware that Louisiana state law establishes the disturbance of unmarked human burial sites as an unlawful act. In addition, because of the historical nature of cemeteries, it is essential that any undertaking comply with the provisions of Section 106 of the National Historic Preservation Act.

When human remains or apparent human remains are found, cease work, record the location of the remains, and contact the State Recovery Team (225-267-2603 or 2604 or 2633) or 911 to report the finding.

The Department of Health and Human Services was mission assigned by FEMA to accomplish identification and mortuary affairs to support the State of Louisiana. The task includes, but is not limited to, recovery, storage, transport, disposition, and identification of human remains. If the parish opts not to request assistance through the mission assignment, grant assistance is available for some costs through the Public Assistance program.

Costs, such as debris removal, also may be eligible for governmental entities under the Public Assistance program.

Private and Private Nonprofit (PNP) cemeteries are not eligible applicants under the Public Assistance program; and Public Assistance funding may not be used for interment in private or PNP cemeteries.

Situation #1 – Human Remains, Caskets, Vaults, and Mausoleums Found on Cemetery Property

- Publicly owned cemeteries that are active and maintained:

- Work necessary to restore non-privately owned aspects of a cemetery to pre-disaster condition may be eligible for Public Assistance funding when the cemetery is the legal responsibility of an eligible applicant. Eligible work may include casketing, re-interment of human remains, and austere markers.
- Vaults may be repaired or replaced, whichever is the more cost effective, as long as vaults are required under State or local laws or regulations.
- Privately owned displaced mausoleums that are structurally sound may be restored to their original location. Displaced mausoleums that are not structurally sound, or for which movement to original locate is not cost effective, should be rendered safe and secure or removed as debris.
- Privately and PNP owned cemeteries that are active and maintained:
 - PA Program funding is not available for active cemeteries that are privately or PNP owned. Woody debris and construction/demolition debris that may have blown or floated onto cemetery property may be eligible under debris removal provisions for local government.
 - Public Assistance funding cannot be provided for interments in privately and PNP owned cemeteries.
 - Removal of human remains and other cemetery-derived items to an off-site location may be considered as eligible for Public Assistance funding in accordance with FEMA policies regarding work on private property in instances where an eligible applicant has legal responsibility and can demonstrate that the removal is necessary to eliminate an immediate threat to public health and safety. In these cases, re-interment of the removed human remains in a publicly owned cemetery also may be eligible.
- Abandoned Cemeteries
 - If a governmental entity establishes legal responsibility for the human remains and/or the cemetery, costs may be eligible for Public Assistance funding.
 - Handling of other cemetery-derived items (i.e., empty caskets, vaults, and mausoleums) found in abandoned cemeteries should generally be considered as not eligible for Public Assistance funding unless an eligible applicant can establish the presence of an immediate threat to public health and safety from these items. If an immediate threat is present, the eligible applicant should consider alternatives to eliminate the immediate threat and select the most cost-effective alternative.

Situation #2 – Human Remains, Caskets, Vaults, and Mausoleums Found Outside of Cemetery Property

- Public Property
 - Human remains should be removed by the coroner or other responsible party. If costs are not paid through the mission assignment mechanism, they may be eligible through the Public Assistance program.
 - The movement of empty caskets, vaults, and structurally sound mausoleums found on public property or public rights-of-way may be eligible for Public Assistance funding.
 - They should be returned directly to the originating cemetery in cases where the originating cemetery can be readily identified, is ready to accept them and render them safe and secure, and the return is cost effective. If they are not structurally sound, the originating cemetery will not accept them, or the return is not cost-effective, they may be handled as eligible debris.
 - When the originating cemetery cannot be readily identified or is abandoned, eligible work under the Public Assistance program would include pick-up and disposal.
- Private Property
 - Removal of human remains by an eligible applicant with legal responsibility may be eligible for reimbursement under the Public Assistance program if performed in compliance with state and local regulations and in compliance with FEMA policies regarding actions on private property.
 - Removal of empty caskets, vaults, and mausoleums may also be considered as eligible for Public Assistance funding when performed by an eligible applicant with legal responsibility, where the removal is necessary to eliminate an immediate threat to public health and safety.

Project Worksheet Documentation:

- Only governmental entities are eligible Applicants and the work must be their legal responsibility.
- Eligible work performed to eliminate an immediate threat to public health and safety should be documented as emergency work (Category A or B, as appropriate).
- Eligible work to restore government owned aspects of an eligible cemetery to pre-disaster condition should be documented as permanent work (Category G).

- In the performance of work, applicants must comply with State and local laws and regulations pertaining to the handling and interment of human remains.
- Special considerations need to be identified and resolved. These include floodplain management, insurance, and other Federal laws and regulations, including the National Historic Preservation Act and the National Environmental Policy Act. Should FEMA determine that an eligible cemetery is historic, all eligible work should conform to the “Guidelines for Evaluating and Registering Cemeteries and Burial places” established by the National Park Service.

Note for Project Officers and Public Assistance Coordinators:

References: Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, 44 CFR Part 206, and FEMA documents: DSG #3, DSG #6, DSG #7, FEMA Policies 9523.13, 9523.14, and 9521.3.

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Because this document is not exhaustive, either in topics or in detail, information should be verified with FEMA Public Assistance Program officials before becoming the basis for decision making.