

U.S. Department of Homeland Security
Federal Emergency Management Agency
Transitional Recovery Office
#1 Scine Court, Suite 109
New Orleans, Louisiana 70114



FEMA

November 6, 2006

Colonel Thomas Kirkpatrick
State Coordinating Officer
State of Louisiana
415 North 15th Street
Baton Rouge, LA 70802

RE: FEMA DR-1603-LA & DR-1607-LA
Eligibility Determination for Costs to Remove Trees Damaged by Beetle Infestation

Dear Colonel Kirkpatrick:

Your letter of September 6, 2006 requests consideration for funding to remove dead standing trees and dying trees killed as a result of beetle infestation primarily in the Parishes of Louisiana on the North Shores of Lake Pontchartrain. You stated that these trees, located on public property and rights of way, as well as on private property, "pose an immediate threat to vehicle traffic, pedestrian traffic, potential disruption of essential utility service in the affected areas, and significant damage to improved residential and commercial structures."

Included with your request were separate report documentation and research data from both the Louisiana Department of Transportation and Development (DOTD) and the United States Department of Agriculture – Forest Service (USDA). Those reports provide an overview of the types of beetles found during field inspections of damaged trees, generally how trees are affected by storms, how beetle damage occurs, and damaged tree survey data for the areas specified. The reports also describe how tree damage from beetle infestation can be influenced by mild winters, drought conditions, failure to remove insect host materials such as downed/dead pine materials, and tree predation by other insects that make pine trees susceptible to pine beetle infestation.

44 CFR 206.223(a)(1) states that in order for an item of work to be eligible for financial assistance the work must be "required as a result of the major disaster event." Further, 44 CFR 206.225(a)(3) requires that, to be eligible for FEMA assistance, emergency protective measures must:

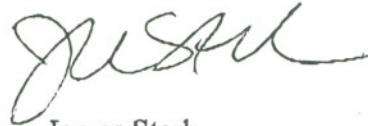
- (i) Eliminate or lessen immediate threats to life, public health or safety; or

- (ii) Eliminate or lessen immediate threats of significant additional damage to improved public or private property through measures which are cost effective.

After careful consideration of the information and research data provided by the state DOTD and the USDA, FEMA has determined that trees weakened or killed by beetle or other insect infestation do not satisfy FEMA's regulatory requirements under 44 CFR §206.223(a)(1) and 44 CFR §206.225(a)(3), and they are not considered to be debris resulting from the disaster.

Beetle infestation often results from stress caused by mild winters and drought conditions. Ongoing conditions in Louisiana make it very uncertain that the damages were the direct result of the declared disaster. Furthermore, in view of the fact that most of the affected trees identified in the survey data included with your request are located in forested areas along major highways, the unstable condition of the damaged trees does not rise to the level of an immediate threat to life, public health, safety, or improved property in the context of 44 CFR.

Sincerely,



James Stark
Director
Louisiana Transitional Recovery Office

c: John Connolly - PAO