

Unified Public Assistance Project Decision Team  
Eligibility Decision  
Decision Date: May 22, 2009

Dispute #: 76  
Subgrantee: City of Westlake  
DR: 1607  
PW(s): 1601  
Project: Hanging Limbs

Description of Dispute

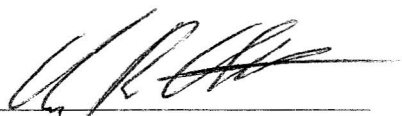
Determine eligible cuts and cost cut for limb hangers.

Unified PAPDT Decision

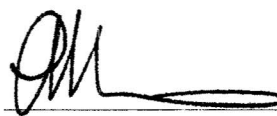
The applicant has appealed the determination in accordance with FEMA's appeal process described in Title 44 C.F.R, §206.206. Accordingly, no determination will be made by the Unified PAPDT.

The PAPDT notes the applicant's eligibility dispute related to the reduction by 70.3% to the total counts of hangers removed by bucket truck/machine (\$80/tree) and hangers removed by climbing (\$80/limb). The decision for the reduction was based on the standard cycle count, completed over a period of eight days, with a sample size that represented approximately 10% of the city. This caused a shortfall of over \$2.2 million. The applicant has since undergone another site validation as part of a 2<sup>nd</sup> appeal fact finding effort where the contracted arborist's opinion was that 64% of the identified limb cuts appeared to be eligible based on his interpretation of the age of the cuts. 70% was needed to allow for full restitution. A 3<sup>rd</sup> validation is being planned for another area of the city. Applicant site inspection concerns: poor coordination with city; lack of proper equipment of inspection team (no way to access trees ie bucket truck); questionable qualifications of arborist; it's been over 3 years making it very difficult for one person to determine if a cut was made during the few months after Rita or another time.

The PAPDT will ensure the applicant's position is brought forward to the appropriate officials responsible for the appeal determination under Title 44 C.F.R. §206.206.



Charles R. Axton  
FEMA Lead  
Unified PA Project Decision Team



Mark DeBosier  
Acting Assistant Deputy Director  
Disaster Recovery

- Concur
- Non-Concur