



FEMA

October 29, 2016

Mr. Kim Stenson, Director
South Carolina Emergency Management Division
2779 Fish Hatchery Road
West Columbia, SC 29172

County Council of Beaufort County
Office of the County Administrator
Administration Building
Beaufort County Government-Robert Smalls Complex
Attn: Gary Kubic, County Administrator
100 Ribaut Road
Post Office Drawer 1228
Beaufort, SC 29901-1228

Reference: Beaufort County Request for Approval of Private Property Debris Removal (PPRD) under FEMA-4286-DR-SC.

Dear Mr. Stenson and Mr. Gary Kubic:

This letter is in response to your letter of October 12, 2016 and the additional supporting documentation submitted by Beaufort County through October 28, 2016. The letter requested Private Property Debris Removal (PPDR) from private roads and right-of-ways under FEMA's Public Assistance program for Beaufort County.

FEMA has reviewed the following submitted documents: the Governor's Executive Order No 2016-39 declaring a State of Emergency for South Carolina; Proclamation No. 2016/14 proclaiming a local public health emergency/state of emergency by the Chairman of the County Council of Beaufort County; Beaufort County, South Carolina Ordinance §22-28; and Resolution 2016/19, a Certificate of Resolution of Beaufort County. Subject to the terms and conditions as set out below, I approve the hurricane-generated private property debris removal (PPRD) under FEMA-4286-DR-SC from private roads and right-of-ways specifically requested by Beaufort County.

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As the Governor has made clear in Executive Order No 2016-39, the debris generated by Hurricane Matthew created a state of emergency for South Carolina. Beaufort County declared a local public health emergency/state of emergency and indicated that the resulting debris was an immediate threat to the public at large and authorized and required the County Administrator to immediately remove debris from private roads and rights-of-way. Beaufort County also submitted their local Ordinance §2228-5-211 which establishes its authority to issue proclamations and regulations during an emergency. Beaufort County also submitted their Resolution 2016/19, a Certificate of Resolution of Beaufort County which ratifies and endorses the Proclamation No. 2016/14 authorizing and requiring immediate debris removal from private roads and rights-of-way. (In satisfaction of 44 CFR 206.221(c); 44 CFR 206.223(a)(3); 44 CFR § 206.224(a) and 44 CFR 206 .225(a)(3)).

Terms and conditions of this approval:

1. This approval is limited to the removal of hurricane-caused debris from private roads and rights-of-way.
2. This approval requires that Beaufort County provide a full and complete roster of all private roads onto which it enters to remove debris under this authority as a mandatory inclusion with its project worksheet (PW). All PPDR will be pursuant to a separate project worksheet (PW) (not included with other Cat A projects). This necessitates tracking debris accordingly and so noted on load tickets and other documentation.
3. This approval requires that Beaufort County utilize, and cause to be completed, the submitted Right of Entry (ROE) before it enters upon any private roads and right-of-ways where ownership can be ascertained. This ROE form requires: the signature of the property owner; the documentation relating to insurance coverage, proceeds and settlements; and the property owner's indemnification of the Federal Government. This approval requires the completion of the ROE and the ROE submitted to FEMA for approval, prior to debris removal.
4. Where ownership of the private roads and right of way cannot be timely ascertained through reasonable efforts, Beaufort County has provided a hold harmless agreement by a supplement to its PPDR request, dated October 28, 2016.
5. To avoid potential duplication of benefits under Section 312 of the Stafford Act (42 U.S.C. §5155), I further require Beaufort County to assist the federal government in recovering any insurance proceeds after a reasonable search of records and a reasonable effort to ascertain from the property owners any insurance proceeds that they may have been paid for such debris removal under this program.

Confirmation that these additional documentation requirements have been met will be provided by the Infrastructure Branch Director for FEMA-4286-DR-SC and will constitute approval for PPDR on these specifically listed private roads and right-of-ways. Any areas where private property debris removal is in the public interest will be considered on a case-by-case basis. Any

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such request for PPDR must be submitted for consideration within 90 days of the date of this letter.

Please note that the following items are **not approved** for private property debris removal under the Public Assistance Program:

- Debris from vacant lots, forests, heavily wooded areas, unimproved property, and unused areas;
- Debris on agricultural lands used for crops or livestock;
- Concrete slabs or foundations-on-grade;
- Reconstruction debris consisting of materials used in the reconstruction of disaster-damaged improved property; and
- Debris from commercial properties such as hotels, apartments, condos, and their parking lots.

Please note that any contracts entered into for debris removal must comply with the requirements of 2 C.F.R. § 200.317 et seq. If there is a failure to comply with any required Federal, State and local laws, regulations and permits required for debris removal activities, FEMA funding will be jeopardized.

Finally, as you work to remove the debris caused by the October 2016, Hurricane Matthew, I trust you will remain mindful of any environmentally sensitive areas and any historic properties affected and consult the appropriate state and federal authorities if you need assistance.

Should you have any questions or require additional information, please contact Timothy Eton, Infrastructure Branch Director for FEMA-4286-DR-SC at (832) 851-4497.

Sincerely,



W. Michael Moore
Federal Coordinating Officer
Disaster Recovery Manager
FEMA-4286-DR-SC