



# OREGON OFFICE OF EMERGENCY MANAGEMENT

## EMERGENCY DECLARATIONS GUIDELINES for LOCAL ELECTED and APPOINTED OFFICIALS

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**May 2018**  
M E M O R A N D U M  
Oregon Military Department  
Office of Emergency Management

DATE: May 2018

TO: Local Elected and Appointed Officials

FROM: Andrew J. Phelps, Director

RE: Guidance on Emergency Declarations

The Office of Emergency Management (OEM) is providing the guidance in this booklet in order to assist and expedite the emergency and disaster declaration process. We have included descriptions of the types of information necessary for the Governor when considering a request for a state of emergency declaration or a request for federal assistance. You will also find legal references that authorize response to requests for disaster assistance.

County and city governing bodies should clearly identify who is authorized to declare a local emergency. It is recommended that each jurisdiction prepare a local draft declaration of emergency that need only be supplemented with essential information on actual impacts should a disaster occur. Appropriate documentation of the initial and projected impacts of an event is required in order to support a request to the Governor for state or federal assistance.

Local Emergency Program Managers and Coordinators are provided extensive training and are generally familiar with the appropriate processes to be followed. They also have access to OEM policy-level staff for questions you may have about the process.

A basic *County Request for State Assistance* document is included as Appendix A of this booklet to serve as a model for the format and information to include in a declaration request to the Governor.

Additional information is available on the OEM website:  
<http://www.oregon.gov/>



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## **INTRODUCTION**

During times of emergency or disaster the question "*Should we declare an emergency in our city-county?*" is sometimes heard, and the value and importance of doing so is sometimes overlooked. This guide helps to answer these very important questions to assist local elected and appointed public officials in successfully and knowledgeably executing their duties during an emergency or disaster.

- What does a declaration do?
- What is the benefit to community leaders in declaring a local emergency?
- What kind of a declaration should be made?
- What should be requested of the Governor?
- What kind of state and/or federal declarations could assist our community?

The answers to these questions depend on a number of factors, such as:

- Scope and magnitude of the event;
- Impact of damage and losses;
- Ability of local jurisdictions to respond;
- Economic health of the area affected;
- Current status of the local government budget;
- Timeframe before the next budget cycle;
- Outlook for known threats to the community until the new budget cycle begins; and
- Number and magnitude of emergencies the jurisdiction has already experienced since the beginning of the last budget period.

## **TYPES OF DECLARATIONS**

This document will address three levels of declarations and the most common ones associated with disasters or emergencies:

- Local
- State
- Federal

Due to the sovereign nation status of Oregon's nine federally recognized Tribal Nations, not all declarations or processes identified herein may be applicable.



## **LOCAL DECLARATIONS**

Based on local ordinances and state statutes, a local declaration can allow a city or county governing body flexibility in managing resources under emergency conditions such as:

- Diverting funds and resources appropriated for other purposes in order to meet immediate needs.
- Authorizing activation of local emergency operations plans and implementation of extraordinary protective measures.
- Initiating mutual aid and cooperative assistance agreements, and receiving resources from other organizations or individuals.
- Providing specific legal protection for actions initiated under emergency conditions.
- Setting the stage for requesting state and/or federal assistance to augment local resources and capabilities.
- Raising public awareness and encouraging the community to become involved in protecting their resources.

***The declaration of a local emergency can be the first step in requesting state resources from the Governor. Local requests for state assistance must include:***

- The type of emergency or disaster;
- The location(s) affected;
- Deaths, injuries, population still at risk;
- The current emergency conditions or threat;
- An initial estimate of the damage and impacts;
- Specific information about the assistance being requested; and
- Actions taken and resources committed by local governments (city and county).

OEM will assist local officials in developing and reviewing declarations and requests that would provide appropriate essential assistance in a timely manner.

## **STATE DECLARATIONS**

There are several different types of State level declarations of emergency. Depending on the emergency or circumstances, the Governor and different State agencies have authorities or responsibilities under the below listed Oregon Revised Statutes (ORS).

- ORS 401.165: Declaration of State of Emergency
- ORS 476.510: Emergency Conflagration Act
- ORS 433.441: Proclamation of Public Health Emergency
- ORS 536.740: Drought Declaration
- ORS 823.012: ODOT Emergency Waivers
- ORS 176.775: Energy Resource Emergency
- ORS 561.510: Emergency Quarantine Order

### **ORS 401.165: Declaration of State of Emergency**



The Governor can declare a state of emergency under authority granted in ORS Chapter 401. Under a declaration, the Governor has complete authority over all state agencies and has the right to exercise, within the area designated in the proclamation, all police powers vested in the state by the *Oregon Constitution*.

Under extreme circumstances, a Governor's declaration provides authority for the Governor to suspend provisions of any order or rule of any state agency if the Governor determines and declares that strict compliance with the provisions of the order or rule would in any way prevent, hinder, or delay mitigation of the effects of the emergency.

It also provides for the authority to direct state agencies to utilize and employ state personnel, equipment, and facilities for activities designated to prevent or alleviate actual or threatened damage due to the emergency. This includes the National Guard. It specifies that the Governor may direct the agencies to provide supplemental services and equipment to local governments to restore any services in order to provide for the health and safety of citizens of the affected area.

A state of emergency is usually enacted by a Governor's Executive Order, which establishes directions to, and expectations of state agencies to use available resources to assist local communities and alleviate disaster conditions.

### ORS 476.510: Emergency Conflagration Act

The Office of State Fire Marshal assists and supports Oregon fire services during major emergency operations through the Conflagration Act, which can be invoked only by the Governor. The Act authorizes the movement and utilization of "firefighting assets in response to a fire, a heightened danger of fire, or a significant reduction in available firefighting resources." It is *used only for fires that involve or threaten life and structures*.

To determine if the Conflagration Act should be invoked, the local fire chief and county fire defense chief assess incident status with the following questions in mind:

- Are there structure fires not controlled due to sheer size and/or speed of the fire?
- Is a wildland fire threatening structures?
- Have all local and mutual aid resources been depleted?
- Would mobile support resources be effective?

If the answers are yes, then the county fire defense chief notifies the State Fire Marshal through the Oregon Emergency Response System. The State Fire Marshal discusses the situation with the county fire defense chief, and then decides if the situation warrants implementation of the Conflagration Act. Once decided, the State Fire Marshal notifies the Governor, who authorizes the act to be invoked.

For more information, see:

<https://www.oregon.gov/osp/programs/sfm/Pages/Emergency-Mobilizations.aspx>



## ORS 433.441: Proclamation of Public Health Emergency

A Proclamation of Public Health Emergency may be issued by the Governor at request of the State Public Health Director (Oregon Health Authority). This Proclamation was issued during the H1N1 influenza outbreak. It provides for:

- (2)(a) “Close, order the evacuation of, or the decontamination of any facility...”
- (2)(b) “Regulate by any means necessary the use, sale or distribution of food, fuel, medical supplies, and medicines or other goods and services.”
- (2)(d) “Control or limit ingress/egress... any public area...” (social distancing)

## ORS 536.740: Drought Declaration

Oregon relies upon two inter-agency groups to evaluate water supply conditions, and to help assess and communicate potential drought-related impacts. The Water Supply Availability Committee (WSAC) is a technical committee chaired by the Water Resources Department. The other group—the Drought Readiness Council—is a coordinating body of state agencies co-chaired by the Water Resources Department and the Office of Emergency Management.

Counties that are considering requesting drought declarations from the Governor now have additional tools to help during the process. Before requesting a drought declaration under Oregon Revised Statute (ORS) 536, counties should declare a drought at the local level and provide a copy of the resulting declaration. To make a request, counties should include a narrative that describes specific observed or anticipated impacts to agricultural and livestock, natural resources, recreational, tourism, or other related economies and systems. The request should also include the actions the county has taken or plans to take to anticipate or mitigate effects of the drought.

For more information, see the Drought Incident Annex of the State Emergency Operations Plan.

## ORS 823.012: ODOT Emergency Waivers

A temporary Emergency Waiver may be issued by the Motor Carrier Division Director or the Director of the Oregon Department of Transportation (ODOT). The suspension of certain highway regulations, based on an emergency, may remain in effect for up to 72 hours without a formal Governor’s declaration. Specific regulations to which this applies are:

- Vehicle Registration
- Tax
- Size and Weight
- Drivers Hours

Emergency Waivers were issued during the 2014 and 2015 wildfires specifically to allow for



additional drivers hours for the delivery of aviation fuel to various airports being used as fueling points by state and federal wildland firefighting assets.

### ORS 176.775: Energy Resource Emergency

This type of emergency may apply to gasoline, diesel, oil, natural gas, electricity, etc. An Energy Resource Emergency for a petroleum event may be declared by the Governor at the request of the Director of the Oregon Department of Energy.

1. In the event of a severe and long-term fuel disruption regardless of the cause, ODOE's Director may recommend the Governor declare an Energy Resource Emergency if the following criteria are met:
  - Emergency and essential service providers unable to obtain fuel at any price.
  - Market forces, voluntary fuel conservation, and/or mandatory fuel conservation measures fail to provide for adequate and equitable distribution of fuel.
2. An Energy Emergency Declaration allows the ODOE Director to:
  - Issue Mandatory Fuel Conservation measures to reduce petroleum consumption by all governmental agencies and political subdivisions in the state and
  - Implement the Fuel Allocation Program.
3. If fuel allocation becomes necessary, ODOE would administer the state's Fuel Allocation Program. The first step is to designate the Set-Aside Volume. The Set-Aside Volume is the amount of fuel ODOE will request from the state's petroleum industry partners (oil companies) to designate solely to support Oregon's response and recovery efforts.
4. ODOE allocates fuel to the state's priority users performing mission critical functions to preserve life and restore critical infrastructure. This includes:
  - ESF Primary State Agencies
  - 36 County Emergency Management Agencies
  - Nine Tribal Nations
5. Odd/Even Fuel Allocation - During a fuel supply shortage situation, the need for a method to alleviate potentially long lines at retail service stations may arise. ODOE could implement the Odd/Even Fuel Allocation Measure for the public. This measure is designed to help space purchases of gasoline and aids in its equitable distribution.

### ORS 561.510: Emergency Quarantine Order

ORS 561.510 provides the Director of the Oregon Department of Agriculture (ODA) with broad quarantine authorities. There are two additional statutes which also apply:





ORS 596.392(3) and (4) - Authority of department relating to disease control, and  
ORS 596.402 - Authority to summarily quarantine areas

An emergency quarantine order may be issued by the ODA Director when an animal is found to be diseased, and/or suspected to be infected with a disease. The order may prohibit movement of specific animals, all animals on a specific property, or all animals or animal products within a designated quarantine area.

Emergency quarantine areas were most recently established in the 2014/2015 winter for diagnosed cases of Avian Influenza in two Oregon counties.

## **FEDERAL DECLARATIONS**

As with state declarations, there are various forms of federal emergency declarations available. They generally fall into one of three main categories:

- Presidential
- Secretarial
- Agency

### **Presidential Declarations**

Probably the most familiar, but not the most common, disaster assistance programs are those provided under a Presidential declaration of Emergency or Major Disaster via the ***Robert T. Stafford Emergency Relief and Disaster Assistance Act, P.L. 93-288***, as amended. These Presidential declarations can provide funding and/or technical assistance from numerous federal agencies under the coordination of the Federal Emergency Management Agency (FEMA). The Stafford Act provides resources to assist states in expediting aid, assistance, and emergency services, and reconstructing and rehabilitating devastated areas.

There are two types of Presidential Declarations:

- ***“Emergency”*** means any occasion or instance for which, in the determination of the President, Federal assistance is needed to supplement State and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.”
- ***“Major disaster”*** means any natural catastrophe... or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act to supplement the efforts and available resources of States, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby. “

The process for implementing federal emergency response under the Stafford Act is



outlined in the *National Response Framework*. Legal details for implementing the provisions of the Stafford Act are contained in the *Code of Federal Regulations, Title 44*. Some Stafford Act disaster assistance programs have a cost-share, often 75% federal and 25% non-federal. The non-federal match may be either hard (cash) or soft (in-kind, such as volunteer hours) or a combination of the two.

Only the Governor of a state may request a Presidential emergency or major disaster declaration, and this must be done within 30 days of the “end date” of an emergency or disaster. The process to do so is outlined below:

- County declaration(s) of emergency in place
- State declaration of emergency in place
- County Initial Damage Assessments (IDAs) completed and submitted to OEM
- OEM compiles all damage/impact information and determines if:
  - Each county has met their minimum federal threshold (for Public Assistance (PA)) in damages
  - The State of Oregon has met its minimum federal threshold in damages and impacts
  - The damage figures are sufficient to meet the federal PA threshold figures to request a joint local-state-federal Preliminary Damage Assessment (PDA) be conducted

If yes, a joint PDA is conducted and based on the findings, a recommendation is made to the Governor to request a Presidential Declaration and the types of federal assistance needed. *(See page 20 for detailed steps)*

### FEMA: Fire Management Assistance Grant Declaration

The Fire Management Assistance Grant (FMAG) is a FEMA program authorized under the Stafford Act specifically for wildland fires which meet certain criteria:

- State must meet/exceed fire cost thresholds
- Requested by Oregon State Forester via the Governor
  - Fire must be burning and out of control
  - Threatens to become major disaster
  - Lives and improved property threatened

An FMAG Declaration is authorized by the FEMA Regional Administrator and at his/her discretion may be pre-dated to the actual fire start date, rather than the date of request from the State of Oregon.

The grant is similar to the Public Assistance (PA) program under a Presidential declaration in that it provides 75% federal cost share reimbursement. Eligible firefighting costs may include:

- Expenses for field camps
- Equipment use



- Repair and replacement
- Tools
- Materials and supplies
- Mobilization and demobilization activities

## **SECRETARIAL DECLARATIONS**

### **U.S. Secretary Department of Agriculture**

The **Food Distribution Disaster Assistance Program** supplies USDA Foods to disaster relief organizations such as the American Red Cross, Oregon Food Bank and the Salvation Army for mass feeding or household distribution.

**Federal Drought Declarations** can be issued without a local or state request.

The Farm Service Agency (FSA) may request the Secretary to declare a **disaster for a natural hazard event for an Agricultural Sector** and does not require a Presidential declaration.

Some FSA programs can be made available *without* a determination by the U.S. Secretary of Agriculture. For example, the FSA Administrator may make emergency loans available to farmers with qualifying physical (not production) losses without an action by county or state government.

The following programs can also be activated by the FSA *without* a disaster declaration:

- Noninsured Assistance Program
- Emergency Conservation Program
- Emergency Haying and Grazing Assistance

The FSA has local offices throughout the state, usually co-located with the Oregon State University (OSU) Extension Service, and often with the Natural Resources Conservation Service (NRCS) and/or the local soil and water conservation district office. Encourage your Local Emergency Program Manager to develop a relationship with the local office of the FSA, NRCS, and OSU Extension.

More information on Farm Service Agency programs may be found via:

<http://www.fsa.usda.gov/FSA/>

### **Federal Highway Administration (FHWA)**

The FHWA Program called Emergency Relief (ER) helps pay for the repair of roads and bridges on federal aid highways and on non-federal aid roads on federal lands, which have been damaged by a natural disaster or catastrophic failure. Assistance through the ER Program can be rendered with or without a Presidential major disaster declaration. Authority for providing ER to states can be found at Title 23, USC, Section 125.



Highways are eligible for ER funds if:

- The highway is classed a major collector or above;
- The Governor declares a state of emergency in the affected county or counties. In some cases the Governor will make a state of emergency declaration strictly in order to request FHWA Emergency Relief;
- Estimated cost of repairs to FHWA eligible highways statewide due to the disaster total at least \$750,000; and
- There is a favorable finding of eligibility by FHWA.

Local government application for Emergency Relief is made through the Highway Division of the Oregon Department of Transportation (ODOT); it assists local road departments and public works agencies with application, preparation of necessary documentation, and in establishing funding and reimbursement mechanisms.

More information on Federal Highway Administration ER may be found via:

<http://www.fhwa.dot.gov/programadmin/erelief.cfm>

## **AGENCY DECLARATIONS**

### **U.S. Small Business Administration**

Small Business Administration (SBA) disaster loans can be made available to homeowners, renters, and businesses by means of a declaration by the SBA Administrator or the President. These low-interest loans are made to help disaster-affected persons and businesses recover. The interest rate varies depending on the availability of loans and other economic factors. Types of loans available are:

- Physical Disaster Loans - homeowners, renters, and businesses
- Economic Injury Disaster Loans - small businesses only  
These loans require data gathering by the local jurisdiction to support the request:
- Criteria for a physical disaster declaration are that in any county, a combination of at least 25 homes and businesses have each sustained uninsured losses of 40% or more of their pre-disaster fair market value;
- Criteria for an economic injury declaration are that at least five small businesses in the state have suffered substantial economic injury due to a sudden physical event, and there is not reasonable financial assistance available in the area.

SBA loans may also involve restructuring debt load at a lower interest rate. To be approved for an SBA loan, applicants must show the ability to repay the loan. More information on Small Business Administration disaster programs may be found via:

[http://www.sba.gov/disaster\\_recov/index.html](http://www.sba.gov/disaster_recov/index.html)



## U.S. Army Corps of Engineers (USACE)

USACE can assist state and local governments without a Presidential declaration to accomplish mitigation, response, and recovery, especially for the flood hazard. They are supplemental resource support to local and state government.

**All requests from local officials for USACE assistance must be made through OEM.**

OEM works with appropriate USACE officials and advises the Governor on how to proceed with the request. Most assistance requires a written request from the Governor.

Assistance to individual homeowners and businesses, including agricultural businesses, is not authorized. Also, USACE has no authority to reimburse local governments for the costs of local emergency response and recovery actions.

## Flood Control and Coastal Emergency Act (PL 84-99)

- Issued by the Chief of Engineers, acting for the Secretary of the Army
  - Flood fighting in urban and other non-agricultural areas under certain conditions
  - Technical assistance
  - Emergency water support and drought assistance
  - “Advance measures” assistance to prevent or reduce flood damage conditions of imminent threat of unusual flooding
  - Rehabilitation of eligible flood protection systems if damaged by a flood event
- These resources are directed at flood and coastal storm response such as:
  - Temporarily raising the elevation of existing levees with sandbags or by other means;
  - Strengthening and providing emergency repairs to levees and other flood control projects;
  - Evacuating people and assisting in search and rescue operations;
  - Providing materials and equipment, such as sandbags<sup>1</sup>, plastic sheeting, lumber, rock, and pumps, if USACE is actively participating in a flood fight<sup>2</sup>;
  - Providing twenty-four hour technical assistance during the event; and
  - Loaning equipment or emergency contracting of equipment.
- Under post-flood response, also known as "**Ten Day Authority**," USACE can assist in:
  - Removing logs, debris, and ice jams from drainage channels, bridge openings, water supply intakes, and sewer outfalls;
  - Removing debris as necessary to reopen vital transportation routes;
  - Assisting in the temporary restoration of critical public services or facilities;
  - Providing emergency water - this is limited to 30 days or up to the date of the Presidential declaration, whichever comes first;
  - Providing technical assistance; and

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1 Sandbags are only available to communities which have made a good faith effort to stock a supply prior to a flood, and only after mutual aid and/or state resources have been engaged.

2 If USACE is not actively participating in a flood fight, federal supplies may be furnished only if local resources are exhausted or will be exhausted; under such circumstances, supplies must be replaced in-kind or paid by local interests. All unused stock should be returned or reimbursed to the federal government at replacement cost.



- Assisting in identifying hazard mitigation opportunities.

"Ten Day Authority" requires Governor's request to both USACE and FEMA. Ten days begin with the Governor's request to FEMA for a joint Preliminary Damage Assessment (PDA) and ends after ten days or with receipt of a Presidential major disaster or emergency declaration, whichever comes first. Once the declaration has been made, USACE resources can continue to assist, but a non-federal cost-share begins, usually rate of 25%.

## **Rehabilitation Program**

This program is an exception in that local governments, such as diking and drainage districts, have a direct relationship with USACE. ***This program does not require local governments to go through OEM.*** It assists local governments to repair flood control structures damaged or destroyed by wind, wave, or water action to their pre-disaster condition if:

- The structure has a public sponsor;
- Has been properly maintained by the sponsor; and
- The proposed rehabilitation is cost-effective.

USACE can provide 100% federal funding if the water control structure, usually a levee, was built by USACE, and has since been properly maintained. It is an 80% federal and 20% non-federal cost-share if the levee or other structure meets USACE standards, but was locally built. The sponsor has 30 days to request rehabilitation assistance following a flood or coastal storm.

## **Advanced Measures**

Under this program USACE can conduct preventative work due to the prediction of unusual flooding. This may have applications for ice jam removal, snowmelt flooding, unusual flooding on the lower reaches of larger watersheds, etc. There must be an imminent threat to life or improved property. There must also be a reasonable assurance that the work can be completed in time to prevent or reduce damages, and the proposed work must be both technically feasible and cost-effective.

Types of assistance can include:

- Strengthening of federal and non-federal flood control structures;
- Construction of temporary levees to protect life and improved property;
- Channel clearance and/or dredging of federal projects to restore original design capacity
- Relieving the threat of flooding from possible dam failures by de-watering the impoundment, controlled breaching, or strengthening the structure.

Costs associated with removing a measure, or upgrading it to a permanent facility, are generally borne by the local or state government sponsor.



## Conditions of USACE Assistance

In many circumstances USACE assistance requires that the public sponsor agree to conditions similar to the following:

- Provide without cost to the United States all lands, easements, and rights-of-way necessary;
- Hold and save the United States free from damages due to the authorized work, exclusive of damages due to the fault or negligence of the United States or its contractor; and

If feasible, operate and maintain the emergency work or remove temporary work constructed by USACE or its contractor.

More information on USACE disaster programs may be found via:

<http://www.usace.army.mil/Emergency/Pages/home.aspx>

## **PROCESS FOR REQUESTING ASSISTANCE**

These guidelines are provided in accordance with provisions in ORS Chapter 401. They are intended as guidance related to situations that occur in local jurisdictions which require state or federal assistance.

Governor's state of emergency declarations are made at the request of a *county* governing body after determining that an emergency has occurred or is imminent. Cities must submit requests for assistance through the governing body of the county in which the majority of the city's property is located with the expectation that the county will first try to assist the city before asking the state for assistance.

Each event that is likely to result in a request for state or federal assistance must be evaluated to determine the nature and magnitude of the losses that have occurred or are imminent and to identify what local and state resources have been expended or applied to alleviate disaster conditions.

***If it appears that state or federal assistance may be needed to augment local resources, it is essential that the jurisdiction conduct a quick but accurate Initial Damage Assessment.***

The Local Emergency Program Manager or their designee coordinates this effort with OEM. It is recognized that circumstances may preclude the inclusion of all of the information listed below. However, an effort should be made to include as much as possible prior to requesting a Governor's declaration.

- Specify the area(s) of impact and describe the emergency situation as it exists within the



- impacted area(s).
- Describe the severity of the situation and the effect on lives, public health and safety, and property. Particular attention should be paid to special populations such as elderly or handicapped, who may be less able to manage on their own.
  - Identify and evaluate the severity and magnitude of impacts that have or are expected to occur in the following areas:
    - Public safety and emergency services, such as firefighting, law enforcement, hazardous materials response, emergency medical services and hospitals
    - Communication resources
    - Health and mental health services
    - Public infrastructure, including debris clearance, emergency response costs, transportation systems, dams and levees, public buildings and equipment, and public utilities such as water, sewer, electricity, etc.
    - Vital community businesses and private nonprofit organizations which provide essential services to the general public
    - Housing
    - Agriculture
  - To the extent possible, provide supporting documentation of damage, losses, costs, and impacts.
  - Identify the efforts local jurisdictions have taken to resolve the situation:
    - Has the local jurisdiction's governing body declared an emergency and implemented their emergency operations plan?
    - Has the local jurisdiction's emergency operations center been activated?
    - Has the local jurisdiction committed all available local resources to alleviate the emergency, such as mutual aid/cooperative assistance agreements?
  - Describe in as much specificity as possible disaster related unmet needs:
    - What local government resources or assets have been expended, resulting in shortfalls?
    - What situations exist that require assistance from state or federal resources?

Once the local jurisdiction has conducted an IDA and a request for federal assistance is anticipated, the Director of the Office of Emergency Management may request the FEMA regional office to conduct a joint PDA. This involves a team of local, state, and federal personnel jointly validating the local IDA. Such an assessment will assist the Governor in determining whether federal assistance is necessary, and it could serve to support a request for a Presidential emergency or major disaster declaration.

The request and supporting information from local officials must be submitted to the Governor through the Director of the Office of Emergency Management as prescribed under ORS 401.165. If it is determined that local and state resources are insufficient to meet the needs of the area impacted, the Governor may submit a request to the President through the FEMA Regional Director or directly to a federal agency for assistance.

### ***PRESIDENTIAL DECLARATION EVALUATION FACTORS***

For all requests under the Stafford Act, FEMA will evaluate the severity, magnitude, and impact of the event, and will evaluate whether the impact appears to exceed state and local capabilities, and whether there are federal resources which may be appropriate to address severe, disaster related needs.





Some agencies may provide specific resources without the need for a Presidential declaration through existing emergency authorities. Considering all factors, FEMA will make a recommendation to the President.

### **Federal evaluation will focus on the following factors:**

#### **Threat to Life, Health, or Safety**

If there are significant threats to the lives, health, or safety of individuals that cannot be met with state, local, and /or voluntary organization resources, federal assistance may be warranted. For example, if critical facilities are affected such as water treatment or distribution, federal assistance might be necessary if state and local government cannot meet the emergency needs.

#### **Special Populations and Considerations**

Attention will be paid to special populations, such as the elderly or disabled, who might be more likely to face threats to life, health, and safety.

#### **Critical Facilities**

If critical facilities, such as hospitals, fire and police stations, water or sewage treatment facilities, etc. are seriously affected, and state and local government cannot adequately correct the problem or address the impacts, federal assistance may be warranted.

#### **Large Scale Disruptions of Normal Community Functions and Services**

If disruptions of normal community functions and services occur that threaten the well-being of an economic base of the community, and cannot be corrected with state or local assistance, federal assistance may be warranted.

#### **Technical Assistance**

There may be situations where there are not significant impacts, but states may need technical assistance, such as that provided by the U.S. Army Corps of Engineers.



*For more information on the assistance outlined in this guidebook, the following web links may prove helpful:*

Office of Emergency Management

<http://www.oregon.gov/OEM/>

OEM Disaster Assistance Page

<http://www.oregon.gov/oem/emresources/disasterassist/Pages/default.aspx>

Office of State Fire Marshal

<http://www.oregon.gov/OSP/SFM/>

Federal Emergency Management Agency

<http://www.fema.gov/>

Farm Service Agency

<http://www.fsa.usda.gov/FSA/>

U.S. Small Business Administration

[http://www.sba.gov/disaster\\_recov/index.html](http://www.sba.gov/disaster_recov/index.html)

U.S. Army Corps of Engineers

<http://www.usace.army.mil/Emergency/Pages/home.aspx>

Federal Highway Administration

<http://www.fhwa.dot.gov/programadmin/erelief.cfm>

Applied Technology Council <http://www.atcouncil.org>



**APPENDIX A: Sample County Request for State Assistance**

APR-07-2011 17:16

From:

Tot 915033737833356

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**DECLARATION OF EMERGENCY**

BEFORE THE COUNTY COURT  
FOR HARNEY COUNTY, OREGON

In the Matter of Declaring )  
A State of Emergency within )  
Harney County )

**RESOLUTION # 2011-04**

This matter comes before the Harney County Court at an emergency meeting on April 7, 2011 involving a disaster situation created by flooding of the Silvies River throughout the county; and

WHEREAS, the County of Harney, having exhausted all their resources; and

WHEREAS, the emergency situation appears to be of such a magnitude and severity, with the likelihood of continuing flooding for the next several days, that it is beyond the County's response capability; now, therefore

BE IT RESOLVED that the County Court, under the emergency powers granted by ORS 401.305, 401.309, and 401.065 declare that a "State of Emergency" exists within Harney County due to the fact that local resources are depleted and request the Governor declare Harney County a disaster area. Further, the Harney County Office of Emergency Management and Sheriffs Department are hereby directed to take all necessary steps authorized by law to secure the persons and property of the citizens of Harney County. State assistance is requested immediately and includes the following:

- Manpower
- Sand bagging machine
- High capacity water pumps

DATED this 7th day of April, 2011.

HARNEY COUNTY COURT

\_\_\_\_\_  
Judge

\_\_\_\_\_  
Commissioner

\_\_\_\_\_  
Commissioner

Forward to Oregon Emergency Management Office at 6:00 p.m. on April 2011.



## ***APPENDIX B - Wildfire Declarations\****

CONFLAGRATION DECLARATION	DECLARATION of STATE of EMERGENCY	FIRE MANAGEMENT ASSISTANCE GRANT DECLARATION	FEDERAL DECLARATION of EMERGENCY	PRESIDENTIAL MAJOR DISASTER DECLARATION
Governor declares at the request of the Oregon State Fire Marshal (upon receiving the request from local authorities)	Governor declares at the request of a county or upon determining emergency has occurred or is imminent	FEMA Regional Administrator approves FMAG upon request by State Forester when fire or fire complex threatens such destruction as would constitute a major disaster; must meet cost threshold	President declares when disaster has caused damage of such severity that it is beyond combined capabilities of state and local governments to respond	President declares when disaster has caused damage of such severity that it is beyond combined capabilities of state and local governments to respond; must meet cost threshold
Provides structural protection through task forces mobilized from fire-fighting forces around the state when the ability to fight a fire exceeds local capabilities and threat to life and structure exists	Provides Governor with broad authority; authority can be limited within the declaration ( <i>see, for example, "Op Plan Smokey" declaration which limits applicability to Oregon National Guard</i> )	Criteria used to evaluate threat: <ol style="list-style-type: none"> <li>1. Threat to lives and improved property, critical facilities / infrastructure, watershed</li> <li>2. Availability of state / local firefighting resources</li> <li>3. High fire danger conditions</li> <li>4. Potential major economic impact</li> </ol>	Depending upon request and rules, assistance can be applied to debris removal and emergency protective measures, may provide direct federal assistance	Depending upon request and rules, assistance can be applied to debris removal, emergency protective measures and infrastructure (government or certain private non-profit), hazard mitigation assistance, and very rarely individual assistance to homeowners and renters for non or under insured loss of primary residence and essential personal property
State of Oregon reimburses local fire-fighting forces for expenses when mobilized under a Conflagration Declaration	Financial responsibility for actions depends upon terms of declaration	Federal cost share is 75% of eligible costs incurred (costs of equipment and supplies, labor, travel and per diem, temporary repairs, etc)	Federal cost share is 75% of eligible costs not covered by FMAG	Federal cost share is 75% of eligible costs not covered by FMAG
ORS 476.510 <i>et seq</i>	ORS 401.165 <i>et seq</i>	Robert T Stafford Disaster Relief and Emergency Assistance Act	Robert T Stafford Disaster Relief and Emergency Assistance Act	Robert T Stafford Disaster Relief and Emergency Assistance Act



## **\* CAVEATS and ADDITIONAL INFORMATION**

- \* Many of these rules apply only when a fire has occurred on PROTECTED LANDS
- \* The information contained in this document is simplified—exceptions and nuances often apply
- \* For more information on federal disaster rules and regulations, please see [DisasterAssistance.gov](http://DisasterAssistance.gov)