

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 of disinterred human remains and cemetery derived items under the Public Assistance (PA) Program.

Since human remains, caskets, vaults, and mausoleums may be found in many locations (on or off cemetery property), eligibility evaluations must take account of where they are found, who has legal responsibility for them, and who has legal ownership of cemeteries, mausoleums, markers, and other cemetery-derived items. 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.

Field staff should be aware that there are a significant number of unmarked human burial sites in Louisiana. When human remains or apparent human remains are found, cease work, record the location of the remains, and contact the local coroner or 911 to report the finding. Please note that Louisiana state law establishes the disturbance of unmarked human burial sites as an unlawful act.

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 PA Program.

Other associated costs, such as debris removal, may also be eligible for governmental entities under the PA Program.

Private and Private Nonprofit (PNP) cemeteries are not eligible applicants under the PA Program, and PA funding may not be used for interment in or restoration of private or PNP cemeteries.

Definitions

Public Cemetery – a cemetery owned and operated by an eligible governmental entity. Abandoned private cemeteries may be considered public if a governmental entity

assumes permanent legal responsibility for the cemetery, including its operation and maintenance.

Private Cemetery – a cemetery owned and operated by a private nonprofit or private for profit entity.

Human Remains (HR) – a human body or portion of a human body, including skeletal remains.

Cemetery Derived Items – caskets, vaults, mausoleums, headstones, grave markers, etc.

Eligibility Determination

The attached flow chart is to be used to determine the party responsible for cemetery-related work and the eligibility of reinterment and cemetery restoration.

- Determine the location where the HR or cemetery derived items was found.
- Identify the HR and/or the cemetery derived items. Only costs for the minimum identification means necessary will be eligible. If HR or cemetery derived items cannot be identified by minimal means, prior approval from FEMA for use of more extraordinary processes must be obtained on a case-by-case basis. *In no case will DNA identification of disinterred HR be eligible for FEMA funding.*
- The cost of an eligible Applicant to recasket HR in an austere casket is included in the eligible work associated with identifying and returning the HR to the appropriate cemetery.
- The costs of an eligible Applicant to reinter HR in a public cemetery, with an austere marker, may be eligible. The cost to reinter in a vault, whether repaired or replaced, may be eligible only if required by state or local law or regulation.
- Eligible costs of an eligible Applicant to return HR or cemetery derived items to a private cemetery are limited to delivering the HR or items to the cemetery's normal receiving location. FEMA funding will not be provided to the private cemetery for reinterment or restoration of any cemetery derived items.

Project Worksheet Documentation:

- 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.

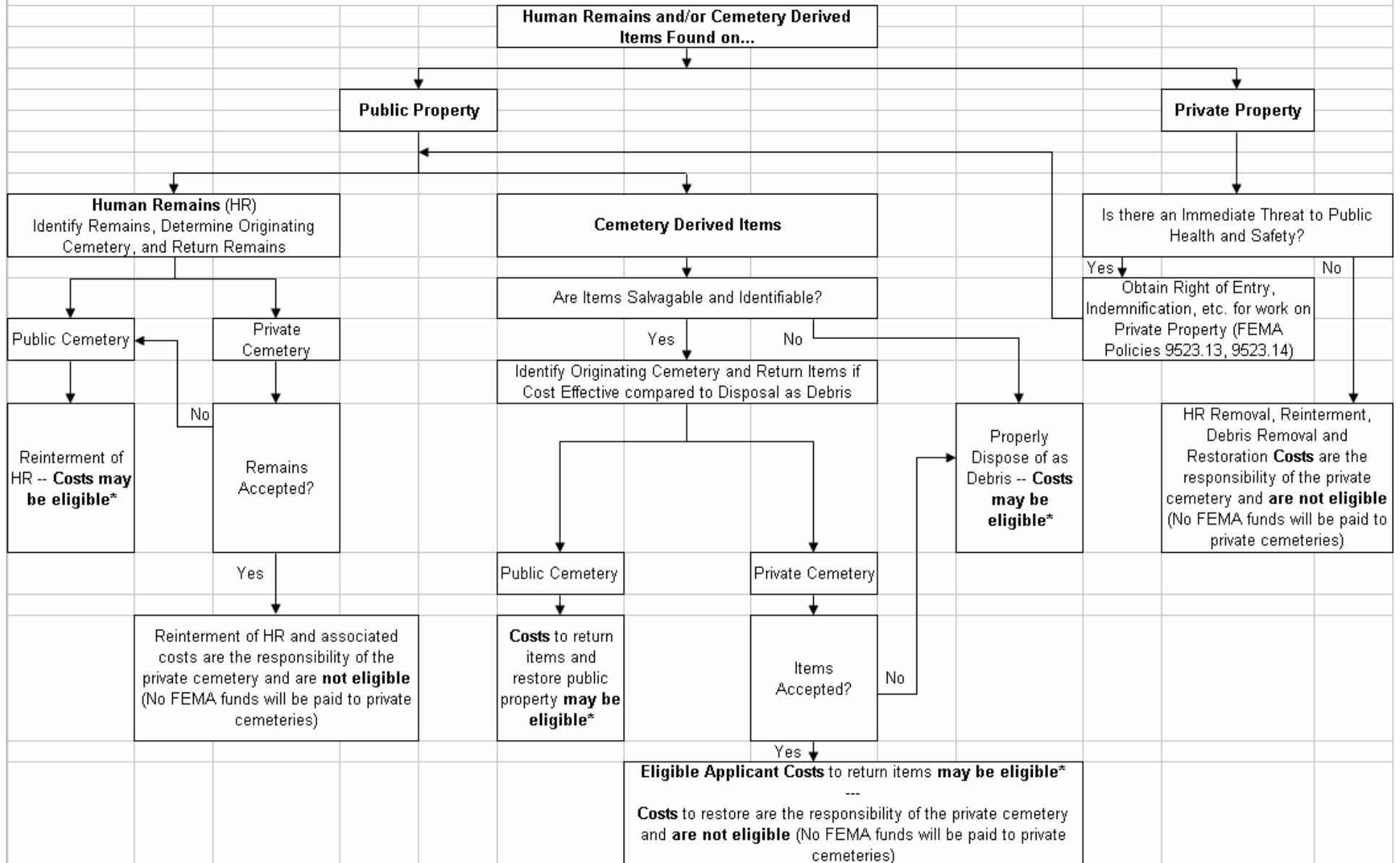
References

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

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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.

CEMETERY-RELATED WORK



* In addition, costs of eligible Applicant to remove HR and/or cemetery derived items from public or private property may be eligible