



VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT

RECOVERY AND MITIGATION DIVISION PUBLIC ASSISTANCE

9200 Arboretum Parkway, Suite 128 Richmond, VA 23236

Phone: (804) 327-8571/Fax: (804) 560-3536

FAX COVER SHEET

DATE: 1/23/07

TO: William Baumbach - Acacia Lodge

FAX NUMBER: 703-323-1939

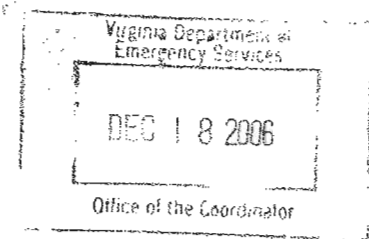
FROM: Dealia Walney PHONE# (804) 327-8571
(804) 840-7156

COMMENTS:

Attached is a copy of FEMA's determination
regarding your first appeal which has been
denied. Please review closely the
comments and decision made by FEMA
Dealia

Number of Pages, including cover: 5

U.S. Department of Homeland Security
Region III
One Independence Mall, Sixth Floor
615 Chestnut Street
Philadelphia, PA 19106-4404



FEMA

Nealia Dabney
c: Mark Slauter
Jim Keck

DEC 18 2006

Mr. Michael M. Cline
State Coordinator
Virginia Department
of Emergency Management
10501 Trade Court
Richmond, Virginia 23236-3713

Attention: Nealia Dabney

RE: FEMA-1655-DR-VA, Acacia Lodge No. 16
First Appeal, Request for Public Assistance

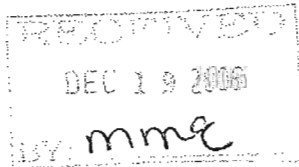
Dear Mr. Cline:

This responds to your October 20, 2006 correspondence submitting a first appeal on behalf of the Acacia Lodge No. 16, in Clifton, Virginia. The applicant disagrees with the Federal Emergency Management Agency's (FEMA) determination that the organization does not qualify as an eligible Private non-Profit (PNP) entity under the Public Assistance program.

The applicant submitted a Request for Public Assistance as a PNP applicant seeking grant funds to repair the lodge facility, which suffered damage during the flooding associated with Presidential disaster declaration 1655-VA. The Acacia Lodge No. 16 is owned and operated by the Ancient, Free and Accepted Masons of Virginia and the application for grant assistance was denied based on the determination that the entity was established as a private fraternal organization, and the lodge facility's primary use is for the purpose of the fraternity.

The appeal seeks reconsideration of the determination to deny the Request for Public Assistance. The applicant states that the lodge is principally a community center for meetings, and the building is available to the government of the Town of Clifton, the Clifton Boy Scouts, the Clifton Lions Club and other community organizations. Additionally, the lodge serves as a photographic museum of persons of historical interest to the Clifton community. The applicant states it further provides governmental-type services by being one of the supporting facilities named by the United States Department of Interior in its designation of the Town of Clifton as a National Historic District.

The Mason's of Acacia Lodge contributes to the Clifton community by providing meeting space to various civic groups. However, this is not the primary use of the facility, nor is it an eligible use as



www.fema.gov

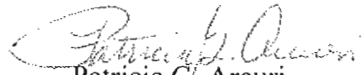
Mr. Michael M. Cline
Page 2

defined in Title 44 Code of Federal Regulations, Section 206.221, and FEMA Policy #9521.3 - Private Nonprofit Facility Eligibility.

Accordingly, the PNP applicant is not eligible to receive Public Assistance grant funds and the appeal must be denied. The detailed basis for my determination is contained in the enclosed appeal analysis.

If you have any questions, please contact me or call Mr. Thomas Majusiak, Director, Response and Recovery Division, at (215) 931-5502.

Sincerely,


Patricia G. Arcuri
Acting Regional Director

Enclosure

**First Appeal Analysis
FEMA-1655-DR-VA
Acacia Lodge No. 16
Ancient, Free and Accepted Masons of Virginia
Request for Public Assistance**

BACKGROUND

The Acacia Lodge No. 16, in Clifton, VA, is owned and operated by the Ancient, Free and Accepted Masons of Virginia. The lodge facility suffered flood damage as a result of storms and flooding during the period that resulted in presidential disaster declaration 1655-VA.

The Masons applied for a Request for Public Assistance from the FEMA Public Assistance grant award program as a Private Nonprofit applicant to repair their lodge facility.

In review of the application, FEMA Region III denied the application for assistance based on the applicant's Charter that the organization was established as a private fraternal organization and the facility's primary use is for the purpose of the fraternity.

The applicant also provides the lodge as a meeting place to community groups in the Clifton area. The review of uses of the lodge for these community groups determined that the use of the lodge by these community groups was neither the primary use of the facility, nor are these community uses considered essential government services as outlined in FEMA Policy #9521.3 *Private Nonprofit Facility (PNP) Eligibility*.

The applicant is appealing the determination of eligibility of the facility for FEMA Public Assistance.

BASIS OF THE APPEAL

The applicant states that the lodge is "principally a community center for meetings."

The basis of the Mason's appeal is that "the applicant provides essential governmental-type services to the general public by making the building available to the government of the Town of Clifton, the Clifton Boy Scouts, the Clifton Lions Club and other community organizations, and by providing a photographic museum of persons of historical interest to the Clifton community."

The applicant states it "further provides governmental-type services by being one of the supporting facilities named by the United States Department of Interior in its designation of the Town of Clifton as a National Historic District."

The Virginia Department of Emergency Management, the Grantee, requests that the application for public assistance be reconsidered in determining the facility's eligibility.

DISCUSSION AND ANALYSIS

FEMA Region III has again reviewed this application for Public Assistance and all related documentation including the applicant's web site, www.acacia16.org, as provided by the applicant and as requested by the grantee and the applicant.

44 CFR 206.221(e) defines PNP facility as private nonprofit educational, utility, emergency, medical, or custodial care facility including a facility for the aged, or disabled, or other facility providing essential governmental type services to the general public.

44 CFR 206.221(7) outlines that *Other essential government service facility* could include community centers that are open to the general public, and that provide essential government services to the general public as listed above and further defined in FEMA Policy #9521.3 *Private Nonprofit Facility (PNP) Eligibility* (7.B.4.).

The same policy directly lists as ineligible PNP facility use of conference facilities—Policy #9521.3 (7.B.5.h.).

While FEMA recognizes the use of the fraternity's lodge as a meeting place for various groups in their community, it is clearly evidenced by the documentation that the primary use of the lodge is as a facility for the Mason's fraternal organization which is not open to the general public. While its secondary use may be as community center for meetings, this use is not considered as providing an essential government service as defined by 44 CFR 206.221, and FEMA Policy #9521.3.

CONCLUSION AND RECOMMENDATION

While FEMA recognizes the Mason's of Acacia Lodge long-term contribution to the Clifton community by providing meeting space to various civic groups, this is not the primary use of the facility, nor is it an eligible use of the facility that would qualify the facility for FEMA grant award funding for repairs to the facility as defined in 44 CFR 206.221 and FEMA Policy #9521.3.

It is recommended that this appeal request for FEMA Public Assistance be denied.