



COMMONWEALTH of VIRGINIA

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October 20, 2006

Mr. Thomas M. Majusiak
Director, Response & Recovery
Federal Emergency Management Agency
Region III
One Independence Mall, Sixth Floor
614 Chestnut Street
Philadelphia, PA 19106-4404

RE: Acacia Lodge No.16 A.F. & A.M. – Tropical Storm and Flooding Disaster of June 2006
FEMA-1655-DR-VA

Dear Mr. Majusiak:

The Virginia Department of Emergency Management has received an appeal to the declination from the Federal Emergency Management Agency (FEMA) with respect to the Request for Public Assistance application submitted on behalf of Acacia Lodge No. 16 A.F. & A.M. The Lodge was deemed ineligible as an applicant under the Public Assistance Program for the following reasons:

“The primary purpose of the lodge was originally a mill building used as a meeting hall, and the lodge had also indicated the facility was used as a community center. FEMA stated that the term “community center” is popularly used to describe a wide variety of facilities, many of which are not eligible for assistance under the Stafford Act. In assessing eligibility of a community center, the building must be specifically designated and established as a community center. As a general rule, a facility that was not founded as a community center would not be an eligible community center.”

The Acacia Lodge respectfully disagrees citing that neither the Stafford Act, which establishes the definition of a “private non-profit,” nor any FEMA regulation that stipulates eligibility for assistance, requires that a community center be constructed initially for that purpose. The building that is the subject of the assistance application is more than 100 years old; was originally constructed and used as a mill on Pope’s Head Creek; and was ultimately moved to its current location in the early 1900’s. It has been previously noted that this facility has been used as a public meeting center continuously since that time including use by the Acacia Masonic Lodge, the government of the Town of Clifton, the Clifton Boy Scouts, the Clifton Lions Club, and other community organizations.

We recognize that under RR Policy #9521.1, Community Center Eligibility, “established ... refers to the purpose for which a facility is instituted. This should be determined by reviewing the organization’s (pre-disaster) charter by laws and amendments or other well-documented evidence of longstanding routine (day to day) use of such facility as a community center.”

“... to Protect People, Property, and Our Communities”

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The Acacia Lodge points out that adaptive use are a well accepted concept. The significance of the Lodge's current use should bear more merit as an overall decision making factor of eligibility versus allowing the original use of more than 100 years ago to carry the weight, especially for a facility of such long standing. The current use would be more practicable and take precedence. The Lodge takes the stance that the logical concept of this position would disqualify them from disaster assistance eligibility for any historic structure that has been preserved and used for a purpose different from its original one, including the U.S. Vice President's residence and the Town Hall of the Town of Clifton.

The second reason for ineligibility noted by FEMA was: "In order to be eligible for Public Assistance, PNP facilities must be used primarily for an eligible purpose cited in RR Policy #9521.3 Private Nonprofit (PNP) Eligibility. Eligible PNP facilities are educational facilities (requiring accreditation), utilities, irrigation, emergency, medical, custodial care, and facilities that provide essential governmental services to the general public. FEMA's position is that the Lodge does not own or operate a facility that falls into any of these categories; therefore, they are not eligible for Public Assistance as a Private Non-Profit organization."

The prospective applicant insists that essential governmental services are provided 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. In addition, the Lodge provides a photographic museum of persons of historical interest to the Clifton community. The Acacia Lodge advises that they provide governmental-type services by being one of the supporting facilities named by the United States Department of the Interior in its designation of the Town of Clifton as a National Historical District.

The Virginia Department of Emergency Management respectfully requests that the observations submitted by the Acacia Masonic Lodge be reconsidered in determining its eligibility as an applicant under the Public Assistance Program for disaster relief under Disaster 1655. We appreciate your consideration of this matter.

Sincerely,



Michael M. Cline

Governor's Authorized Representative

MMC/nd

Attachments

cc: Mr. William J. Baumbach, II, Building Committee Chairman
Mayor, Town of Clifton
Honorable Scott Call
Governor Tim Kaine
Congressman Tom Davis
Delegate Tim Hugo
Senator Jay O'Brien