

TEXAS

DISASTER MITIGATION PROGRAMS



Good morning and thank you for coming

My name is Hildy Soper and I am the Mitigation Grants Officer for the Texas Division of Emergency Management.

This morning I am going to concentrate on post disaster activities.

TEXAS DISASTER FACTS

Major disaster declarations 1953-2008

| # | Principal Cause | % |
|----|--------------------------|-----|
| 41 | Flood | 48 |
| 16 | Tornado | 19 |
| 22 | Hurricane/Tropical Storm | 26 |
| 5 | Freezing Weather/Hail | 6 |
| 1 | Wildfire | 1 |
| 85 | | 100 |

This is up to and including Hurricane Ike. We have had 85 Presidential disaster declarations in Texas since 1953 – these 85 disaster declarations over a period of 55 years are why your post disaster knowledge is so important.

TEXAS

POST DISASTER ACTIVITIES



After a disaster strikes, depending on your proximity to the event you could see the first wave of emergency first responders, followed closely by utility repair crews, debris removal crews, city and county personnel identifying your damages, and your citizens working to restore their lives and protect their property. In the middle of all of that activity, with the same goal of restoring and hardening your community, there will be a combination of public assistance and other grant programs – with rapidly approaching deadlines you must be aware of. The first funding to arrive after a disaster is the public assistance program.

PUBLIC ASSISTANCE

- ❖ FEMA
- ❖ STATE
- ❖ LOCAL OFFICIALS

PA is a working relationship between FEMA, State, and Local officials. The local role is critical in many aspects of this relationship. The Stafford Act intended that Federal assistance be supplemental to local and State efforts and resources. When a disaster occurs the local government responds to the best of their ability – once they are or will be overwhelmed they may request assistance from the State. If it is evident that the situation is or will be beyond the combined capabilities of the local and State resources the Governor may request a federal disaster declaration and the federal assistance associated with the declaration.

PUBLIC ASSISTANCE

- ❖ **Only available in the event of a Federal disaster declaration**

- ❖ **75 Federal – 25 local split**

- ❖ **Categories**

- A- Debris removal

- B- Emergency Protective Measures

- C- Roads and bridges

- D- Water Control Facilities

- E- Buildings and equipment

- F- Utilities

- G- Parks, Recreation Facilities, and other items

The current Texas threshold for a federal declaration is \$26,898,948 mil (1.29 per capita), the county declaration threshold is \$3.23 per capita in damages. These numbers are based on the 2000 census which has our population at about 20 million and the last numbers I saw put us around 27 million today which means our damage threshold for a federal declaration will go up dramatically at the next census.

The first helping hand for the declared area will be category B – Emergency protective Measures followed closely by category A – debris removal. Based on the preliminary damage assessments (PDA's) of the damaged areas, the state will then request the permanent restoration of infrastructure categories C thru G for all eligible counties as they are identified. When a disaster is very large as in Ike the 75/25 split may change – in Ike category A and B – are at 100% federal, and categories C thru G are at 90% federal.

For the individual project worksheets - FEMA makes all of the decisions concerning the large project PW' expenditures for PA. The cost delineation for small project/large project is currently \$63,200. All large projects are audited. In Texas FEMA writes all PW's but the applicant can write their own small project PW's and submit them for the validation process. By the way PA can also be used for demolition in buy out projects based on public health and safety – if you are planning a buy out of substantially damages homes ask for the demolition as a PA project. All projects must be related to the disaster.

PUBLIC ASSISTANCE

Eligible Sub-applicants

- ❖ State level agencies
- ❖ Local communities
- ❖ Private Nonprofits
- ❖ Indian Tribal Governments

Who does PA apply to – do not overlook your schools or private Non-profits such as hospitals – develop a communication list for them because they are an important part of any community and are not always contacted with the assistance they need.

PUBLIC ASSISTANCE

If you are declared make sure to submit the RPA (request for public assistance) within 30 days from the date your jurisdiction is declared.

Once you are declared the first of several deadlines you will encounter during recovery, are established. The applicant's briefing is scheduled to explain the PA program eligibility and requirements which sets the 30 day deadline for the Request for Public Assistance (RPA) . This is also the best opportunity to complete and submit the RPA form. Rule of Thumb: if you are declared always submit the RPA – there is no requirement to request projects if you have no damages but some of your cities and counties are very large and damages not discovered until after the 30 day deadline cannot be submitted without the RPA on file. **IF YOU DO NOT SUBMIT THE RPA YOU WILL NOT RECEIVE PUBLIC ASSISTANCE**

Whenever possible we present the Hazard Mitigation Grant Program at the same briefings because mitigation issues are often discovered during the PA process and may not be eligible for the PA 406 mitigation. The PA (406 mitigation) and HMGP (404 mitigation) relationship can be somewhat confusing because they are both provisions of the Stafford Act and occur simultaneously at this point – the primary difference is that PA 406 mitigation is limited to infrastructure damaged in the declared event – HMGP 404 mitigation does not have that restriction.

PUBLIC ASSISTANCE

PAC Crew Leader tasks:

- **Schedule Kickoff meetings to:**
 - Address the applicants specific needs
 - Develop projects
 - Obtain the appropriate technical assistance
 - Review the projects for compliance with program regulations, laws, and policies
 - Identify and review any Special Considerations
 - Assign Project or Technical Specialists as needed by the applicant

Once your RPA is filed a PAC Crew Leader is assigned to conduct the kickoff meeting. The PAC leader is your “customer service rep” for the program. The kickoff meeting is to clarify the program and address the applicants specific needs and date of the meeting sets a new deadline – all damaged facilities must be identified and reported to FEMA within 60 days. This does not mean that the worksheets must all be written - only that the damages are reported. For the individual project worksheets - FEMA writes all of the large project PW’s for PA. The cost delineation for small project/large project is currently \$63,200. All large projects are audited. In Texas FEMA writes all PW’s but the applicant can write their own small project PW’s and submit them to the PAC for the validation process. By the way PA can also be used for demolition in buy out projects based on public health and safety – if you are planning a buy out of substantially damages homes ask for the demolition as a PA project. Remember that all PA projects must be related to the disaster and reported within 60 days from the kickoff meeting.

PUBLIC ASSISTANCE

- ❖ Briefings are held in the declared Counties
 - 30 days to file the Request for Public Asst.
- ❖ Kickoff meeting sets the second deadline -
 - 60 days to identify all damages to FEMA.
- ❖ All permanent work projects must be completed within 18 months from approval.
- ❖ 406 Mitigation – ask for it.

To review: The briefing starts the 30 day clock to file the RPA.

The kickoff meeting starts the 60 day clock for identifying and reporting your damages to FEMA. This does not mean that all of the PW must be written but it does mean that all damages must be identified and reported – this is also the best opportunity to identify your potential 406 mitigation projects under the PA program - keep in mind that damage repair, replacement and maintenance are not eligible under the HMGP.

PW approval starts the 18 months clock to complete your project - this may sometimes be extended depending on issues in a project. FEMA is getting better at offering the 406 mitigation but the responsibility for asking for it is on the local jurisdiction. So when you identify your damages – if building it back like it was is not the answer ask for 406 mitigation.

PUBLIC ASSISTANCE

Applicant tasks:

- ❖ Abide by the program requirements
- ❖ Request inspections and changes in PW's when indicated during the grant process.
- ❖ Make sure those changes are approved before acting.
- ❖ Appeal decisions when necessary
- ❖ 406 Mitigation – ask for it.

It goes without saying that the applicant is required to abide by the program requirements for project management, documentation, environmental, historical, etc.

But it is important to remember that writing the PW is not the end of the story - other tasks that help insure a successful public assistance program for a community are:

Work with your state project officer and request inspections and changes as needed for anything outside the current scope of work such as engineering requirements, increased costs, unexpected environmental issues, etc.

Make very sure you have an approval in hand for those changes before you act.

Don't be afraid to appeal FEMA decisions – consult with your state project officer at every step.

FEMA is getting better at offering the 406 mitigation but the responsibility for asking for it is on the local jurisdiction. So when you identify your damages – if building it back like it was is not the answer ask for 406.

PUBLIC ASSISTANCE SECTION 406 MITIGATION

- ❖ **Max of 100% of the Federal PA cost to repair**
- ❖ **Funds add-on to PA projects that reduce or eliminate future losses (mitigation)**
- ❖ **Improved projects**
- ❖ **Upgrades to meet codes**

This is 406 mitigation. When building it back the way it was is not the best answer because it will continue to fail in similar disasters - 406 mitigation is one tool that local communities can use and it is the same 75/25 split as HMGP with no selection or competition process for the local jurisdiction – because Ike was so large my understanding is when C-G went to 90% so did 406 mitigation – as a side note of personal interest to me, 406 is direct federal spending and it increases HMGP by 15% of the federal cost of the 406 mitigation total which is another win for the State. So what can you do to get this program working for your jurisdiction – the local applicants must ask for it do not rely on 406 mitigation being offered. Know when the your PA projects are being evaluated and be there. Do not miss your local briefings which are scheduled after your County is declared for PA. A sidenote - PA projects repairing infrastructure are required to meet building codes, only if the building codes are in place at the time of the disaster. For example if you are declared for PA and your jurisdiction has a building code that says all new schools must have a shelter – if your school was destroyed like the school in Eagle Pass – the replacement school would be built with a shelter. Also know that if the PA 406 mitigation is denied as not being cost effective it will normally also not be a cost effective project for HMGP or PDM. If you feel you were denied incorrectly ... enlist state help and appeal. Remember the purpose of 406 is to improve your community by reducing your future damages from other similar events.

PUBLIC ASSISTANCE SECTION 406 MITIGATION

In the 2007 edition of the Stafford Act,
there is a statement in the
programmatic PA guidance to
address repetitive loss issues.

Be very aware of this new guidance. Based upon the Interim Final Rule published for Public Assistance, the formula for public assistance federal/local share is reversed for damaged facilities that qualified for 406 mitigation where such mitigation was not undertaken.

A facility that has been damaged more than once in a 10 year period by the same type of event and has not had appropriate mitigation measures applied – the Federal share for repair of that facility can be reduced to not less than 25%. If the cost to mitigate was more than 100% of the cost to repair or the loss frequency was such that the proposed improvement was not cost effective – that project was not eligible for 406 and would not be vulnerable to formula reversal. Those eligible 406 projects that were rejected by the applicant because of the additional match would now be subject to formula reversal which would be much more costly than the additional match.

This is another reason for requesting 406 mitigation.

PA POINT OF CONTACT:

Mr. Riley Kyle

Texas Division of Emergency
Management

512-424-2876

Blackberry 512-468-6183

riley.kyle@txdps.state.tx.us

The State contact for PA is Riley Kyle from DEM recovery.

Emergency Watershed Protection (EWP) Program

United States Department of Agriculture
Natural Resources Conservation Service

During the same time PA arrives another set of boots on the ground will be the NRCS with the Emergency Watershed Program. The EWP program was created by Congress to respond to emergencies and help reduce imminent threats to life and property caused by natural disasters. The USDA NRCS is responsible for administering the program. This is not an annual appropriation program it is event funded and in large disasters such as Ike NRCS may be allocated a sum of money in advance, but the funding in this grant is unusual and a moving target largely based on requests submitted as needed.

EWP technical and financial assistance may be available when the following declarations are made:

- Secretary of Agriculture Declaration of Drought only
- Presidential Disaster Declaration
- Governor's State of Emergency Declaration
- Local Disaster Declaration by the NRCS State Conservationist

This is when is EWP available.

The unusual item here is the Local Disaster Declaration by the NRCS State Conservationist which is based on:

- Request for assistance from Governor followed by
- Request for EWP assistance from Sponsors – this is a written request to the NRCS

EWP Request for Assistance

Written request to the NRCS State Conservationist within 60 days of disaster Assistance needed, including:

- Nature of problem, location and scope
- Commitment of sponsor to provide:
 - a) Land rights
 - b) Permits
 - c) O & M
- Statement indicating that funds have either been exhausted or are insufficient to provide adequate relief

In addition to the Request for Assistance from the Governor, a request from the Sponsor is required and includes this information.

EWP - NRCS

Sponsors can be:

- Public agency of a State, City, County, Tribal government, or conservation district providing:
 1. Land rights and permits
 2. Local cost share
 3. Operation & Maintenance (O&M)

Who are the sponsors submitting the request for assistance - in NRCS speak a sponsor is the applicant and once again they are our state, city, and county governments, and NRCS also included conservation districts. In addition to these – additional sponsors could be levee districts, irrigation districts, and drainage districts if they are chartered under state laws. Individuals are not eligible, however, if an eligible sponsor has a legal interest or responsibility for the values threatened by the emergency, can obtain the required land rights and permits, and is capable of carrying out the operation and maintenance of the project, then they may apply for the project even if it is on private land.

The implementation of work can be through local contracts, the sponsor's equipment and personnel, and if the sponsor does not have the capability use either of these options , the work can also be done by Federal Contract.

EWP Assistance

- Urgent and Compelling – Exigency
- Emergency – Nonexigency

There are two types of assistance – I can't pronounce the NRCS words but here is what it boils down to – urgent and compelling involves a clear threat to life and property requiring an immediate response and the emergency category – involves situations where the damage to life or property is high enough to constitute a continued hazard but it is not an immediate threat to life and property – while not requiring immediate action these projects should be completed as soon as possible – which NRCS considers to be within 220 days from the date work begins – as in all grants this is not a hard fast rule due to often limited supplies of labor and materials.

EWP - NRCS

- NRCS can pay up to 75%/ 25% local
- Projects must reduce the threats to life and property for more than one person
- Work must be economically, socially, and environmentally defensible and sound from an engineering standpoint.
- All projects must be related to sudden watershed impairment and erosion control

High points of the program are similar to the other programs we are looking at today – with the same split, cost effective, and compliance with NEPA, Endangered Species, Water Pollution, and all of the Federal environmental and historic acts.

EWP - NRCS

**Cost-share for Limited Resource Areas
can be up to 90%**

**Must meet all three of the following
conditions:**

- **Housing values are less than 75 percent of the State housing value average.**
- **Per capita income is 75 percent or less than the national per capita income.**
- **Unemployment is at least twice the U.S. average over the past three years based upon the annual unemployment figures.**

There is a “small and impoverished” provision to assist communities with these three conditions. This can be very important to small communities with localized disasters so it is important that they know the program exists.

EWP Eligible Activities

Assistance of measures that:

Reduce threats to life or property from a watershed impairment, including sediment and debris removal in floodplains and uplands

Provide protection from additional flooding or soil erosion by retarding runoff

Remove debris that would affect runoff or erosion

Restore the hydraulic capacity to the natural environment to the maximum extent practical

Are economically, socially, and environmentally defensible and technically

Eligible activities include a number of important things – notice erosion, that can be a very big need and in some cases an immediate emergency.

EWP Eligible Activities

Measures must also:

- Provide immediate, adequate, and safe relief from the hazard
- Be limited to only those measures/ practices necessary to reduce applicable threats to a stable condition and which approximate the conditions that existed before the impairment of the watershed
- Be completed within 220 days of funding

Those eligible activities must also meet these requirements

EWP Ineligible Activities

- Assistance on Federal lands
- Recovery assistance to a site more than twice in any 10-year period
- Perform operation and maintenance
- Solve problems that existed prior to the disaster
- Work on levee projects where a stream has drainage area greater than 400 square miles

Notice the 10 year period for more than two assistance projects – sound familiar – this is the same provision in the PA final rule. In all of your disaster infrastructure repair grants maintenance and pre-existing conditions are excluded.

EWP Ineligible Activities

- Increase the pre-disaster capacity of a channel
- Repair coastal erosion
- Landscaping
- Remove sediment from reservoirs or basins
- Drill or modify wells, construct pipelines, install irrigation equipment or purchase portable equipment
- Repair conservation practices that are eligible under ECP
- Rebuild roads or bridges, or replace culverts

Another common category of ineligible projects in most grants are those items covered in other grant programs such as coastal erosion, or large levee projects mentioned on the previous slide. Rule of thumb on this grant is that you cannot treat anything between the white lines on the road.

EWP High Points

- Available in Federal, State or Local Disasters
- Immediate as well as Emergency projects
- DSR is the governing document and must be submitted within 60 days of disaster
- High level of assistance and broad state coverage

I have just touched the surface but, this is an amazing program and is gaining in activity as more jurisdictions learn about it. This group will help you through every step of the process from creating your application to implementing the project – including the environmental and technical issues.

EWP – NRCS Point of Contact

Mr. Eric Daniels

Program Manager

USDA NRCS

101 South Main

Temple, Texas 76501

254-742-9821

eric.daniels@tx.usda.gov

One other thing – in speaking with Eric – he told me that they have USDA/NRCS people in almost every county in Texas – I would recommend that you contact the Temple office to identify your local USDA/NRCS representatives.

TDRA State Disaster Grant

- ❖ Only available to non-entitlement jurisdictions with populations of:
 - Less than 50,000 for a city, or
 - Less than 200,000 for a county.

- ❖ State funds (not Federal) can be used for match.

Section 6

The Office of Rural Community Affairs or ORCA has now changed their name to the Texas Department of Rural Affairs or TDRA. A great many HMGP projects use regular TDRA funds to provide the 25% match because it is considered State funds, not Federal funds. Examples of **eligible** disaster relief activities include: assistance with matching requirements associated with FEMA Public Assistance (PA), Hazard Mitigation Grant Program (HMGP), NRCS, TxDOT or other aid programs; demolition, clearance, and/or reconstruction of damaged property posing an immediate threat to public safety; emergency reconstruction of essential water, sewer, utilities, electrical, drainage, roads, housing, and other facilities; the funds can be used for some other items but consider them last resort funds. No planning requirements.

TDRA State Disaster Grants

- ❖ Available in Federal or State declared disasters.
- ❖ Is a reimbursement program, that pays upon presentation of receipt.
- ❖ During Federal disasters—pays 25% of total cost.
- ❖ During State disasters—pays 100% of total cost.
- ❖ Max of \$350,000 per county total per disaster.

Disaster Relief Fund activities address emergency situations that have received an official disaster status declaration, either by the Governor of Texas or the President of the U.S. Disaster Relief applications must be submitted no later than **12 months** from the declaration date. THIS IS A FIRST COME FIRST SERVE GRANT PROGRAM. THE COUNTY IS THE APPLICANT AND ONLY ONE APPLICATION PER COUNTY IS ALLOWED – SO ALL OF THE INVOLVED JURISDICTIONS MUST BE ON BOARD. Regular CDBG funding requires 51% of the funding must benefit low to moderate income. Unlike the regular CDBG funds there is no low to moderate income requirement on the Disaster Relief.

TDRA State Disaster Grants

❖ IKE Supplemental CDBG Funds

Cannot be used for
match in PA or HMGP

Unlike the regular TDRA funds the current Ike Community Development Block Grants (CDBG) supplemental funding being distributed through TDRA has been restricted by congress from being used as match for any other federal funding program – this includes both PA and HMGP.

**TDRA POINT OF CONTACT:
DISASTER RELIEF**

Mr. Gus Garcia

Texas Department of Rural Affairs

512-936-7876

gus.garcia@tdra.state.tx.us

[website: www.orca.state.tx.us](http://www.orca.state.tx.us)

For up to date information check the TDRA website. Program contact is Gus Garcia, who by the way is a member of the SHMT. This is not an error the website is still under ORCA – the e-mails did change.

**TDRA POINT OF CONTACT:
CDBG IKE SUPPLEMENTAL FUNDING**

Ms. Heather Legrone
Disaster Recovery Infrastructure Manager

Texas Department of Rural Affairs

512-936-6727

heather.lagrone@tdra.state.tx.us

Heather Legrone is the contact for the CDBG supplemental funding.



Now lets talk about the big grant. All of the grants we have discussed so far a subject to the availability of appropriations and range from 10 million to 100 million a year – nationwide - or in the case of NRCA on an as needed basis. Since the year 2000 – HMGP has provided over 751 million dollars for Texas alone.

TEXAS DISASTERS SINCE 2000

Since 2000 there have been 15
disasters.

10 Storms

4 Hurricanes

1 Wildfire

Whether you believe in global warming or not 15 disasters in 9 years is why the Hazard Mitigation Grant Program is so important. 2004 was the only year without a disaster. While we are still reeling from Ike we have had no new disasters so far in 2009.

HMGP FUNDING

\$750,935,697

Those 15 disasters translated to \$750,935,697 in HMGP funds for mitigation projects in Texas – with no competition with other states as in FMA, PDM, SRL and RFC..

HAZARD MITIGATION GRANT PROGRAM

- ❖ Available in the event of a Federal Disaster Declaration
- ❖ 15% of total IA and PA federal spending
- ❖ 25 local/75 Federal cost share
- ❖ Available statewide, priority given to the declared area

So what is the Hazard Mitigation Grant Program? HMGP was created under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. Once HMGP is requested by an eligible State the amount of each grant (as set by congress) is equal to 15% of the direct federal spending in the disaster. That \$750 million would have been a little over \$850 million except in the Hurricane Rita grant the congress had reduced the percentage to 7.5%. The 15% has now been restored which made the Ike grant our largest at \$400 million. HMGP is competitive state wide only – the projects are scored and rated by the State Hazard Mitigation Team, selected by the Governor's Authorized Representative and submitted to FEMA for review and approval.

HMGP

- ❖ Federal funding cap estimated at 3, 6, and locked at 12 months
- ❖ NOI and application deadlines are set by the State – usually completed within 4-6 months from the disaster declaration
- ❖ The FEMA application deadline for the State is: declaration date + 12 months

The federal funding cap usually declines at each estimate because of insurance take outs and lower project costs than estimated. Another case where Ike is the exception due to continued federal efforts and the higher federal share for PA. The Notice Of Interest (NOI) and application deadlines for sub grantees are posted on our website, in the Texas register, and announced in a mailing to all Judges, Mayors, EMC's, and COG's in our database. Programmatic regulation requires a two stage application process – in Texas that is the NOI and application – NOI's are scored for probability select, review, correct and submit the State application to FEMA in one year – after that deadline we can not change existing projects or add any new projects. Even if your project is selected by the State – with the exception of the NEPA response letters - if your project officer requests corrections and they are not submitted in a timely fashion – your project will not be submitted to FEMA. Once again Ike is an exception - for the first time we have requested and been granted a six month extension on the application deadline.

BASIC DIFFERENCES: HMGP versus PDM

| HMGP | PDM |
|--|---|
| Funding based on a percentage of IA and PA disaster costs | Funding based on an annual Congressional appropriation |
| Sub-applications are restricted by State borders | Sub-applications are nation wide competitive |
| State selects eligible projects based on its mitigation strategy | State prioritizes and FEMA selects eligible projects based on a national evaluation process |

Since many of the projects are eligible for both HMGP and PDM – I wanted to give you a comparison of the two grants to help in the decision of where to submit your project – could be eligible under both ... HMGP is awarded to the State as the applicant – The State can then determine what areas of sub applicants are eligible to apply - In Texas when HMGP is available we make it available to the entire State with a preference given in the project selection process, to the declared area.

BASIC DIFFERENCES: HMGP versus PDM

| HMGP | PDM |
|--|---|
| If requested by FEMA, opportunity to provide greater technical information | Components should be complete at the time of submission |
| Non traditional mitigation may be funded through the 5% initiative | No 5% initiative is available |
| Cost overrun funding is allowable | No additional funding is available |

For HMGP the State has one year from the date of declaration to submit all projects to FEMA and FEMA has 2 years from the date of declaration to deny, approve and obligate the funds for the submitted projects. During that time information requests are exchanged. On bullet one under PDM – if your project application is not complete it may just be discarded at the national panel. If you have a non traditional project such as a warning system or public information campaign it may only be funded under the initiative (5% of the grant total) category limiting it to HMGP.

HAZARD MITIGATION GRANT PROGRAM

❖ Projects must:

- ❖ Solve a problem;
- ❖ Have a beneficial impact;
- ❖ Be cost effective;
- ❖ Substantially reduce future risk;
- ❖ Be environmentally sound;
- ❖ Conform with Local and State Mitigation Plans and Program Requirements.

While all of these points are critical for the success of a project we have are also experiencing a continual increase in the thoroughness of the technical reviews on the BCA/engineering and environmental components. If your project must have any studies done to validate the underlying documentation - make the necessary studies part of the project. It is to late on so many levels, after the completion of the FEMA review, to go back and add the study to the project. **NOTE: if you include a study in the project and it is not selected and approved you will not be reimbursed for the study.**

All of the required items in your application must thoroughly explain each of these points.

For studies to support project some sources could be your river authorities, TxDOT, and developers required to provide water and stream studies for new subdivisions and shopping centers – in some cases they have done a lot of the studies you need for your project. Always touch base with your floodplain manager and building permits office.

HMGP – Eligible Applicants

- ❖ State agencies
- ❖ Local governments
- ❖ Federally recognized Indian Tribes
- ❖ Public Colleges and Universities
- ❖ Private Non-profits

Everybody that meets the eligibility requirements are at the table for this grant. When briefings are done in the declared areas PNP's are not contacted by DEM Mitigation, nor do they receive the mail out, they need to contact the local EMC and get the information on the grants and the briefings. It is also in the best interest of local governments to have them included in their contact information because many of the private non profits are important parts of your local community such as hospitals, charities, etc.

HMGP – Applicant Eligibility Requirements

- ❖ State and FEMA approved Mitigation Action Plan (MAP)
- ❖ Local emergency management plan at the basic level of approval
- ❖ Participating member in good standing with the NFIP

These are the eligibility requirements for both the applicant and the location of the project. The local emergency management plan is the basic plan and a number of annexes that are submitted to the preparedness section of DEM. If the project is located in a special flood hazard area and the applicant has been mapped, they must be participating in the NFIP and cannot be sanctioned in any way.

HMGP

- ❖ No project size limits
- ❖ Private non-profits are eligible applicants
- ❖ Initiative projects are eligible projects for a total of 5% of the grant

The project size limits are basically set by the size of the grant and the two year period of performance. Initiative projects are only eligible for 5% of the entire grant fund and are very competitive. The State does set some caps on the planning grants - \$150,000 for a new MAP and \$50,000 for an update.

HAZARD MITIGATION GRANT PROGRAM

***** ADMIN *****

IS NO LONGER
AVAILABLE IN HMGP

- ❖ Management - a separate line item in the cost breakdown and figured in the bca.
- ❖ State withholds the last 25% of reimbursements until the project is closed and audited

This is a big change in HMGP. There is no longer an admin amount paid at the end of the grant. While the admin category has been eliminated, indirect costs are now allowed. Management is a separate line item on the cost breakdown - 75/25 split – no more than 5% of the project total and considered in the bca – In PDM a common problem is the failure to request management costs – this will now be the same in HMGP. With this change the State will withhold the last 25% of the project reimbursements until the project is completed, closed, and audited. I will also tell you that the management category is closely reviewed by FEMA and requires itemizations like never before – they want to know number of people, hours, salaries, etc. Absolutely no 10% of any kind.

HAZARD MITIGATION GRANT PROGRAM

Types of Projects:

- ❖ Acquisition/demolition of hazard-prone properties.
- ❖ Small scale structural hazard control/protection projects;
- ❖ Retrofitting facilities (flood proofing, high wind, seismic, etc.);
- ❖ Individual safe room rebate program;

New changes in acquisition projects include, the “voluntary participation letter” now required with the application for a property to be considered, letters from TxDOT and the USACE concerning future roads, bridges and levees, a separate acquisition assurance, and follow up reports every 3 years assuring that the property remains open space.

Drainage projects have been the hardest to get funded due to the support documentation required on the BCA and the environmental issues.

The size of HMGP projects is limited by the amount of the grant – unlike PDM – HMGP has no set project size limits except the FEMA category limits for initiative and planning. As I mentioned before incentive projects such as warning systems and public information campaigns are limited to 5% of the total grant. Planning projects are limited to 7% of the entire grant. Regular projects are only limited by the size of the grant – the SHMIT will not give the entire pot to one jurisdiction.

HAZARD MITIGATION GRANT PROGRAM

Types of Projects (cont.):

- ❖ Elevation of structures above base flood elevations;
- ❖ Initiative projects (public awareness, enhanced warning capabilities, etc.); and
- ❖ Development of state and local mitigation plans.

While we can do initiative projects in this grant the initiative category is only 5% of the grant and is very competitive -- in some small grants such as the El Paso floods, Eagle Pass tornados, and Tropical Storm Erin – it is not enough to do much of a project. Also eligible under the planning grant is the development of local building codes.

HAZARD MITIGATION GRANT PROGRAM

Structural Project Showstoppers:

- ❖ Benefit Cost Analysis (at least 1:1)
- ❖ Environmental Assessment (structural)
- ❖ SHPO (State Historical Program Officer) Release
- ❖ Funds Available

Most of the project application failures come in structural projects from the BCA – your figures must be backed up by hard facts from studies, losses, etc. If the value of your project is to protect 15 houses from being flooded – FEMA will come back for the data to validate that statement – event water depths – downstream water heights – losses – etc. **FEMA will no longer consider any project applications that do not use a FEMA approved methodology to conduct the BCA.** There is a new BCA module that is much more user friendly. New instructions on the environmental are submitted to the sub grantee applicants upon completion of their review DO NOT SEND LETTERS IN ADVANCE WHEN YOU ARE ASSEMBLING YOUR APPLICATION – the new instructions are specific as to which agencies must be contacted and what must be sent to them – I can submit a project to FEMA with proof that the clearance was requested and send the reply letters to FEMA as they come in. SHPO will be required on almost everything we do.

HAZARD MITIGATION GRANT PROGRAM-

Funds Projects, not Ideas

WHAT IS THE DIFFERENCE BETWEEN AN IDEA AND A PROJECT?

- ❖ Can you draw a dimensioned picture of a project

Knowing that you want to increase the drainage with a bigger culvert to prevent homes from flooding is not a project. Being able to say in a measurable portion of a drainage system that you want to put in two 10' concrete culverts to handle x amount of water moving at x cfs in a 10 year storm with x down stream effects is a project.

HMGF

Benefit Cost Analysis tips:

- ❖ Use the FEMA software
- ❖ Buyouts
- ❖ Supply the documentation

❖ bchelp@dhhs.gov or 866-222-3580

The project bca's are undergoing a more thorough evaluation than ever before – as I mentioned earlier use the FEMA software and versions older than 4.1 are not acceptable. On buy outs I recommend that you do a BCA on each individual home – you may then do one for the entire project – but first do one on each home. If the project experiences a change in the SOW such as acquiring fewer structures or a cost overrun on a structure – a new BCA will be required and it is much easier to do if you originally ran a bcr on each home.

Supply the back up documentation – 10 of 14 structural projects (for over 17 million dollars) in Rita were denied by FEMA due to lack of back up documentation verifying the numbers used in their BCA's and when we went back to the jurisdictions they did not have the proof to back up their numbers – We are talking about loss information – insurance payments & PA - loss of use such as roads – water heights - this must be documented. FEMA and their contractors must be able to take your verified loss information and recreate your benefit cost analysis – if they can't the project will be denied. This is a big area of concern and we are trying to find ways to help because there are no grants through this program for studies that do not result in a project and many of our jurisdictions that need the structural projects do not have the financial resources to fund these studies. Look for flood studies – your river authorities, TxDOT, local developers getting building permits, Flood Insurance Rate Map studies.

Another source of assistance could be Universities with engineering schools that may be able to offer assistance on some of your project needs as school training tools.

Acquisition Projects

Acquisition Project Showstoppers:

- ❖ **Voluntary Participation Letter**
- ❖ **Environmental Justice issues**
- ❖ **Cost Benefit Analysis (if not SD in FP/FW)**
- ❖ **SHPO**
- ❖ **Funds Available**
- ❖ **Land thereafter restricted to Open Space**

The voluntary participation letter is now required with the application, Environmental Justice has nothing to do with the environment. It has to do with disproportionate effects on a minority population – failure of the fair market value offered for a home being sufficient to purchase safe and sanitary housing (not equivalent) in the area creates an environmental justice issue. SHPO clearance is required and the buyout could involve an historical area creating special documentation requirements. New guidance requires that cost overruns on an individual house be justified with a new bca, and buying fewer properties is considered a change in the scope of work.

Acquisition Projects

OPEN SPACE DEED RESTRICTIONS

- ❖ Required after acquisition
- ❖ Program language 'no construction which will offer a substantial barrier to the flow of flood waters across the project' 'no construction which substantially covers the ground with impervious cover'
- ❖ Allowable uses: linear parks with sidewalks, driving ranges, lease to neighbors for gardens or RV parking, retention pond with no dam, campgrounds, nursery and tree farms, grazing and transferring to another state agency.
- ❖ State requires open-space recertification

RFC, PDM, SRL, and HMGP all require the open space deed restriction. In all cases we recommend that you request permission from the State for any projects you want to put in open space – the State, if in agreement, will get approval from FEMA. If you do the work first you could be required to remove it. They are pretty good at working with us on reasonable requests. The State checks open space compliance on completed projects on a regular basis – about 200 a year – new guidance requires that re-certification is made every three years on all previous buy outs.

HMGP

Be environmentally sound:

- ❖ All Federally funded projects must comply with NEPA and receive one of three environmental reviews:
 - ❖ Categorical Exclusion
 - ❖ Environmental Assessment
 - ❖ Full Environmental Impact Statement

Do your homework early on this – there is an independent study course called Historical and Environmental Compliance – it is IS-253 – available on the FEMA website or at EMI – We are also now requesting that applicants fill out the Record of Environmental Consideration (REC form) to help with the environmental review – pictures of the project area are important – take the time to do that .. It can make the difference in the amount of time it takes for approval.

Environment

- ❖ CATEX – 1. Office work, 2. Internal changes to existing structures, 3. Removal of structures from the floodplain, 4. Individual tornado safe rooms.
- ❖ Environmental assessment – uses existing catalogs of species and resources. Specific investigation may be required.
- ❖ Environmental Impact Statement – New surveys required

This is a brief breakdown. As I mentioned a new change in the environmental issues is that the sub-applicant does not send out the environmental letters to the agencies until their project is selected by the State and they are instructed on what information to send and who to send it to.

Environment

**Complying with Environmental concerns
is not anti-growth, and not impossible,
but it does add**

- ❖- Time
- ❖- Complexity
- ❖- Costs

To projects

Take this into consideration when planning your projects. The rule of thumb is that if you turn new dirt you will need some level of environmental assessment. The REC form is your best tool to transmit environmental information to FEMA – never answer with a yes or no – always put your source of information in the comments section.

Environment

After Studies:

Assess Findings

- ❖ -common or available elsewhere
- ❖ -unique
- ❖ -downstream effects

Project Additions to mitigate effects

- ❖ -relocate project or resource
- ❖ -record or catalog
- ❖ -modify project

Sometimes even with an allowed project, costs increase to unsustainable levels.



Are the applications signed by the highest elected official (Judge, Mayor or CEO) – if not I must have a copy of the resolution giving the person signing the documents the power to encumber the jurisdiction for the amount of the grant. Make sure you are using the latest application forms from our website. Project description – is it clear (have several people unfamiliar with the project read it and tell you what the project is), project location – be sure the FIRM, with panel information, has the project location identified and is attached, budget - broken down in major categories with no contingency or cost plus items and remember management is a separate line item, milestones – at least two per quarter in an easily understood format beginning with “upon approval” – environmental are your NEPA letters attached, at least 2 alternative actions are required and under described in many of the applications – maintenance – again overlooked and FEMA must know who will be responsible for the maintenance of the project and what it will cost – by the way if there is an additional cost the cost must be reflected in the after mitigation portion of the BCA. Photos – the more the merrier – they are very effective tools.

HMGP POINT OF CONTACT:

Ms. Hildy Soper

Texas Division of Emergency
Management

512-424-2454

hildy.soper@txdps.state.tx.us

If you have a NOI and would like a review prior to a disaster send it electronically to me and I will review the NOI for completeness, eligibility, and make any recommendations I feel would be beneficial. We do not hold onto them so a review is not considered submitted – once the NOI period opens you must submit the NOI to our office by the deadline. But – it helps to prepare NOI's when it is quiet.

ADDITIONAL INFORMATION:

DEM WEBSITE FOR HMGP GRANT FORMS

<http://www.txdps.state.tx.us/dem/pages/downloadableforms.htm#mitigation>

BCA HELPLINE 866-222-3580 (toll free)

**bchelp@dhhs.gov to download the
4.1.3 bca kit <http://www.bchelp.com>**

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

You must register to download the 4.1.3 bca kit so that they may notify you when the new version 4.5 is available in June.

MITIGATION CONTACT LIST

Greg Pekar
Mitigation Administrator
State Hazard Mitigation
Officer
512-424-2429
Gregory.Pekar@txdps.state.tx.us

Hildy Soper
Mitigation Grants Officer
512-424-2454
Hildy.Soper@txdps.state.tx.us

John Gaete
Mitigation Plans Officer
512-424-2397
John.Gaete@txdps.state.tx.us

Mildred Reno
Mitigation Specialist (RFC)
512-424-2428
Mildred.Reno@txdps.state.tx.us

Thomas Le Blanc
Mitigation Specialist
512-424-7501
Thomas.LeBlanc@txdps.state.tx.us

Eileen Whitaker
Mitigation Specialist
512-424-2423
Eileen.Whitaker@txdps.state.tx.us

Carolyn Looney
Mitigation Specialist (PDM)
512-424-5683
Carolyn.Looney@txdps.state.tx.us

Maureen Donnelly
Mitigation Specialist
512-424-5489
Maureen.donnelly@txdps.state.tx.us

Ben Buchanan
Mitigation Specialist
512-424-5478
Benjamin.buchanan@txdps.state.tx.us

Megan Leitsinger
Mitigation Specialist
512-424-5684
megan.leitsinger@txdps.state.tx.us

Houston - Shirley Mayes
Mitigation Specialist
713-967-7010
Shirley.Mayes@associates.dhs.gov

Houston - Lamance Woods
Mitigation Specialist
713-967-7014
Lamance.woods@associates.dhs.gov

Doug Rowell
Mitigation Specialist
713-967-7015
walton.rowell@associates.dhs.gov

While I have never been so popular I guarantee you that I do not do this alone – our fearless leader is Greg Pekar is the State Hazard Mitigation Officer (SHMO) – He is the mitigation liaison between FEMA and the State. I am the mitigation grants officer and John Gaete is the mitigation plans officer, Mildred Reno is the financial specialist and she handles the RFC grant, Thomas Le Blanc does our GIS and success stories – Eileen Whitaker does payments and LPDM (earmarks) - Carolyn Looney does PDM – Megan Leitsinger does special projects – and Shirley Mayes, Doug Rowell, and Lamance Woods are in the Houston office – with the exception of Greg we are all project officers.