

# **Appendix K: Admin Plan**

**HAZARD MITIGATION GRANT PROGRAM ADMINISTRATIVE PLAN**

Contact: Matthew Wall, Hazard Mitigation Program Manager  
(804) 897-6500, ext. 6541

**PURPOSE**

This appendix establishes the procedures for administration of the Hazard Mitigation Grant Program (HMGP) and for project management of the mitigation measures to be funded under Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (the Act) as amended. It also establishes an independent grant program for hazard mitigation and is closely tied to the post-disaster hazard mitigation plan required by Section 409 of the Act as a condition of assistance. The Section 409 Plan is a critical component in the identification of mitigation measures and recommendations that could benefit from the grant program.

**ORGANIZATION**

- A. In compliance with 44 CFR 206.437 (b) (1), The Virginia Department of Emergency Management is the state agency responsible for the program administration. The Governor appoints a Governor's Authorized Representative who then employs a State Hazard Mitigation Officer (SHMO) {per 44 CFR 206.437 (b) (2)} (see Appendix 1). The SHMO and the Hazard Mitigation staff coordinates with the State Hazard Mitigation Committee to manage the Hazard Mitigation Grant Program (HMGP).
  
- B. The following state agencies will designate representatives on the State Hazard Mitigation Committee and participate in the State Hazard Mitigation Program. Other state agencies may be requested to provide a representative to the State Hazard Mitigation Committee should the risk assessment or a disaster impact on their area of responsibility.
  - 1. Department of Environmental Quality.
  - 2. Department of Agriculture and Consumer Services.
  - 3. Department of Transportation.
  - 4. Department of Health.
  - 5. Department of Conservation and Recreation
    - a. Floodplain Management Program
    - b. State Parks Division
  - 6. Department of Forestry.
  - 7. Department of Mines, Minerals and Energy.
  - 8. Department of Housing and Community Development.
  - 9. Department of Historic Resources.
  - 10. State Corporation Commission (Bureau of Insurance).

11. Department of General Services
12. State Universities
13. Attorney General's Office

## **CONCEPT OF OPERATIONS**

- A. Prior to a disaster declaration, the State Hazard Mitigation Officer (SHMO) will participate in the disaster declaration process by coordinating the state hazard mitigation part of the federal/state Preliminary Damage Assessment (PDA) process. Other state agency and Virginia Department of Emergency Management (VDEM) reservist personnel will be trained to perform in-the-field PDA duties by the Recovery and Mitigation Division. Staffing requirements will be determined following each declaration, based on the scope and magnitude of the disaster and available budget resources – 44 CFR 206.437 (b) (3). (See Appendix 1.)
- B. Following a major disaster declaration by the President authorizing hazard mitigation assistance, a FEMA/State Agreement will outline the 75/25 cost-share provision of the Hazard Mitigation Grant Program. The agreement will further state that the nonfederal share may exceed the federal share and may be a combination of state, local, and private funding.
- C. The State Coordinating Officer (SCO) will submit a Letter of Intent to the Regional Administrator indicating that the state intends to access funds under section 404 of the Stafford Act (HMGP). The letter of intent shall be transmitted within 60 days of the declaration. The Letter of Intent may not be required if the disaster declaration request to the President from the Governor includes a request for Hazard Mitigation.
- D. The SHMO, in consultation with the SCO, representatives of other state agencies (see above) and the Deputy Federal Coordinating Officer - Mitigation (DFCOM), will develop a written mitigation strategy that identifies mitigation opportunities and establishes priorities for funding. The strategy document will receive the endorsement of the SCO and the Federal Coordinating Officer (FCO). This document, once endorsed, will be added as an update to the State Hazard Mitigation Plan.
- E. The SHMO will continue administration of the Hazard Mitigation Grant Program after the Joint Field Office (JFO) closes. The number and size of projects under development will determine the staffing. Under certain circumstances such that a disaster event exceeds the capabilities of the State to implement any mitigation function, the State may, through FEMA, contract assistance.
- F. Identification and Notification of Potential Applicants {per 44 CFR 206.437 (b) (4i)}
  1. Identification
    - a. Eligible applicants anywhere in the State may apply for HMGP grants following a declaration of disaster. Applications are not limited to declared localities, or the hazard for which the disaster was declared. Priority will be given to the declared localities depending on the nature and extent of the disaster.

- b. Upon declaration of the disaster, the SHMO and Hazard Mitigation staff, in consultation with the DFCOM, will participate in the PDA process for early indications of possible hazard mitigation opportunities. The state/federal Hazard Mitigation staff may conduct hazard mitigation surveys immediately after a disaster is declared. The SHMO and DFCOM will coordinate with the state and FEMA staff in the initial assessments. They will also try to obtain a preliminary estimate of available program funds.
- c. Based on the damage surveys and the goals and objectives set forth in the State Hazard Mitigation Plan, the SHMO will create an initial mitigation strategy report. The report will be written within 30 days of the declaration and will outline a strategy to identify and implement mitigation opportunities for the disaster-stricken areas. This initial strategy will aid in determining the final disaster strategy in cases where the disaster requires more time to determine impact and needs.
- d. The SHMO will review and revise, if necessary, the existing State Hazard Mitigation (409) Plan for potential applications of Section 404 funding.
- e. The SHMO and Hazard Mitigation staff will identify potential applications. The mechanism for establishing funding priorities will be the mitigation strategy.
- f. Potential applicants will continue to expand as recovery efforts progress and the Mitigation Strategy for the current disaster is developed.

## 2. Notification

- a. Based on the particulars of the disaster, a joint FEMA/VDEM press release describing the program may be developed and issued. It will include a point of contact for obtaining additional program details; and may include an announcement of Section 404 briefings to be held in the areas.
- b. The SHMO and Hazard Mitigation staff may also participate in briefings for applicants for the infrastructure program (406) and in training sessions for the inspectors in both the infrastructure (406) and human services (408) programs. The purpose of these activities is to alert all disaster assistance personnel and potential assistance applicants to be aware of possible mitigation opportunities. This briefing is only to generate awareness of the program, not give a detailed overview.

## 3. Specific Mitigation Briefing {per 44 CFR 206.437 (b) (4ii)}

- a. The SHMO and Hazard Mitigation staff may also conduct specific mitigation briefings for potential applicants (local officials, citizens, or communities). The briefing will include:
  - 1. General overview of mitigation programs including mitigation opportunities under federal Disaster Assistance Sections 404 and 406.

2. Specific information about 404 HMGP including:

- a) Eligibility.
- b) State mitigation priorities.
- c) The application process.
- d) The selection process.
- e) Project management.
- f) Technical assistance.
- g) Nature of funding.
- h) Key deadlines.

3. During the briefing, potential applicants will be given a “Pre-Application Package” consisting of the following:

- a) HMGP regulations and guidelines, including eligibility criteria, types of projects, key deadlines, and a contract for additional information.
- b) Pre-application form (HMGP).
- c) State identified priorities.

b. The SHMO and Hazard Mitigation staff will notify potential applicants about the mitigation briefing(s) via direct contact and through the public media.

G. Pre-application Procedures {per 44 CFR 206.437 (b) (4ii)}

1. Potential applicants will have at least 15 days following the date of the HMGP specific briefing to notify the SHMO of their interest in applying for a grant and designate an individual as the “Sub-grantee’s Authorized Representative” to administer the grant program at the local level. The deadline for notification of interest will be set by the SHMO and published at the briefing. The applicants shall submit a completed HMGP Pre-application form as notification. The time limitation may be extended by the SHMO when justified and requested in writing by the applicant.
2. Upon receipt of the above-mentioned forms, the SHMO, in coordination with the State Hazard Mitigation staff, will perform an eligibility review and notify potential applicants via written correspondence of their eligibility status.
  - a. Those applicants whose pre-applications were deemed eligible will receive a letter of eligibility with the Application Form and other pertinent information enclosed.

- b. Those applicants whose pre-applications were determined ineligible will be offered technical assistance/advice regarding how to achieve program eligibility.
  - 1. Technical assistance to potential applicants will be based on need and availability of personnel. If required technical assistance is not resident at the State level, such assistance will be requested from FEMA {per 44 CFR 206.437 (b) (4x)}.
  - 2. Submission dates and response times will be included in all applicant notices, briefings and requests for additional information.

H. Application Procedures {per 44 CFR 206.437 (b) (4ii)}

- 1. The SHMO will have the primary responsibility for ensuring that all applications are properly completed. Each application must contain the following information.
  - a. Name of Subgrantee.
  - b. State or local contact for the project.
  - c. Location of the project.
  - d. Description of the project/ (Scope of Work).
  - e. Line-item project budget
    - 1. Must show local match
  - f. Analysis of the projects cost effectiveness and substantive risk reduction, consistent with Section 206.434 of Federal 404 Regulations.
  - g. Work schedule and maintenance agreement.
  - h. Justification for selection.
  - i. Alternatives considered.
  - j. Environmental information consistent with CFR 9, Flood Management and Protection of Wetlands, and CFR 10, Environmental Considerations, and comply with Executive Order 12898, Environmental Justice.
  - k. Historic information consistent with local, state, and federal historic preservation guidelines.
  - l. Prioritization plan if necessary.
  - m. Disk including the electronic version of the completed HMGP application form.
  - n. All applicable maps of project locations.

- o. Assurance of project maintenance.
  - p. Other pertinent information if necessary.
    - 1. Completed property owner participation forms
    - 2. Property substitution list
  - q. Documentation of meeting local plan requirements
2. The date for submission of the application will be established by the SHMO. Applicants will have at least 60 days following receipt of the SHMO letter stating their eligibility. The SHMO may give extensions upon written request.
  3. Upon receipt of a project application, the SHMO and Hazard Mitigation staff will assign a Project Identification Number (PIN) to each application. The PIN will consist of the FEMA disaster number, the Federal Identification Processing System (FIPS) Code, and a project number.
  4. The SHMO will consult with appropriate state agency representatives on the State Hazard Mitigation Committee to review each application for eligibility in accordance with applicable regulations of the HMGP. The SHMO and Hazard Mitigation staff is responsible for obtaining any additional information necessary to make the determination and for notifying applicants of ineligible projects or proposed project status.
  5. In the event that several eligible projects are competing for limited funding, applications submitted to FEMA will be made in accordance with priorities established in the Mitigation Strategy and by the State Hazard Mitigation Committee.
  6. The SHMO is responsible for preparing a complete application, signed by the GAR, which must include a Standard Form (SF) 424, Applications for Federal Assistance, and SF 424D, Assurances for Construction Programs if appropriate, and a narrative statement to support the package being transmitted to FEMA.
  7. The application may be amended by the state to include measures identified subsequent to the initial application. All supplements identifying new mitigation measures to the application must be made within 90 days of FEMA approval of the Section 409 Mitigation Plan and must contain information as noted in the above section H.1.
  8. The SHMO will establish contact with all the Sub-grantee's Authorized Representatives and provide technical assistance and project management overview to the Sub-grantee's for the duration of the project. Technical expertise and guidance can be obtained through the SHMO, State Hazard Mitigation Committee, and Hazard Mitigation staff.
  9. Time limitations on applications may be extended by the FEMA Regional Administrator when justified and requested in writing by the GAR.
  10. The SHMO will notify the applicants and the DFCOM of funding requests.

I. Determining Eligibility {per 44 CFR 206.437 (b) (4iii)}

1. The following are eligible to apply for the Hazard Mitigation Program Grant:
  - a. A state agency, local government or university.
  - b. A private nonprofit organization that provides essential government services.
  - c. An Indian tribe or authorized tribal organization.
  - d. Applicant must have a FEMA approved Local Hazard Mitigation Plan (322)
2. The SHMO will determine eligibility of the applicant and that minimum program requirements are met by ensuring that each application contains:
  - a. A reference to the specific section of the State Hazard Mitigation Plan to which the proposed project relates.
  - b. A narrative describing how the project benefits the designated disaster area.
  - c. A completed environmental and historic review as required by FEMA {per 44 CFR 206.437 (b) (4iv)}.
  - d. NFIP participation requirement
  - e. Information sufficient to determine the extent to which the project will solve the problem it is intended to address and the status of any associated dependent or supporting projects.
  - f. Applicant should state compliance with all applicable federal, state and local codes.
    1. A brief history of previous occurrences of the problem the project addresses, including dates and impact of each occurrence or an analysis of projected potential damages if the hazard is not addressed.
    2. Documentation comparing the proposed project and a listing of influencing factors.
    3. An estimate of the effective life of the project and a listing of influencing factors.
    4. An analysis of any pertinent demographic and physical changes to the area or facility to be protected by the project and description of any future maintenance or modifications the project may involve.
    5. A cost analysis to determine whether the benefits to be gained are at least equal, if not greater than, the cost of the project.

J. Project Selection {per 44 CFR 206.437 (b) (4v)}

1. If it is necessary to select from a range of projects due to funding or other constraints, the SHMO, in consultation with the State Hazard Mitigation Committee using the State Hazard Mitigation Plan, will evaluate and prioritize all eligible applications. This ranking will be in accordance with the mitigation strategy established for the disaster and criteria in 44 CFR Sections 206.434(b) and 206.435(b) and (c) as follows:
  - a. Measures that best fit within an overall plan for development and/or hazard mitigation in the community, disaster area, or state.
  - b. Measures that, if not taken, will have a detrimental impact on the applicant, such as potential loss of life, loss of essential services, damage to critical facilities, or economic hardship on the community.
  - c. Measures that have the greatest potential impact on reducing future disaster losses.
  - d. Measures that are designed to accomplish multiple objectives, including damage reduction, environmental enhancement, and economic recovery.
2. The SHMO and State Hazard Mitigation Committee will take into consideration optimizing the total amount of funding available, including overmatching of federal funds with nonfederal funds, when developing this ranking.
3. The SHMO and State Hazard Mitigation Committee will also consider the level of interest and demonstrated degree of commitment of each applicant.

K. Project Management {per 44 CFR 206.437 (b) (4vii)}

1. The State, as the grantee, has primary responsibility for project management and accountability of funds as indicated in 44 CFR Part 13 and 206 and for ensuring that all program and administrative requirements are met as indicated in 44 CFR Part 13 and 206 and the HMA Unified Guidance as applicable to HMGP projects.
2. Progress Reports
  - a. The sub-grantee shall provide VDEM with quarterly reports and a final report on the progress of work set forth in the Scope of Services. The quarterly reports and final report shall contain the following components: (1) a narrative describing in detail the progress of the sub-grantee in fulfilling the provisions of the Scope of Services; (2) Reimbursement Requests {per 206.437 (b) (4vi)} as needed that itemize the expenses incurred by the sub-grantee, including separate columns for the federal, state and the sub-grantee's matching contribution to the total cost of services as reflected in the Project Budget; and (3) the schedule of specific project tasks with target completion dates and actual completion dates. The first quarterly report is due to VDEM at the end of the first complete quarter following the award of the grant.

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<u>Reporting Period</u>	<u>Report Due to VDEM</u>
January 1 – March 31	no later than April 15
April 1 – June 30	no later than July 15
July 1 – September 30	no later than October 15
October 1 – December 31	no later than January 15

- b. Sub-grantee quarterly reports for all active, approved projects will be used by VDEM to compile the required progress report for FEMA. This report will be submitted to the FEMA Regional Administrator no later than the last day of the month (January, April, July and October) immediately following each federal fiscal quarter.

3. Grantee Oversight

- a. VDEM has a project management guide that is distributed to all communities with a FEMA-Commonwealth grant.
- b. In conjunction with the project management guide, VDEM has instituted a monthly call policy and a quarterly site visit policy.
- c. VDEM also tries to coordinate quarterly meetings at each locality to review all updates and changes in the project.
- d. To reinforce federal and state partnership, FEMA Region III personnel have participated with VDEM in local site visits. VDEM reviews and updates their project oversight and documentation process.
- e. In the event of breach of the grant agreement by the sub-grantee, VDEM shall provide written notice to the sub-grantee specifying the manner in which the Agreement has been breached. If a notice of breach is given and the sub-grantee has not substantially corrected the breach within sixty (60) days of receipt of the written notice, VDEM shall have the right to terminate the Agreement. The sub-grantee shall be paid for no service rendered or expense incurred after receipt of the notice of termination, except such fees and expenses incurred prior to the effective date of termination that are necessary for curtailment of its work under the Agreement. Termination of this agreement can occur as an effect of one of two results: First, as a result of the proper completion and closeout of this project. Second, termination may occur as a result of *Termination for Convenience* or other termination as allowed or required by 44 CFR 13.44 for projects which cannot be completed as described in the FEMA-approved grant project application and the Scope of Services. Communication of this decision and information related to the project termination will be provided to the sub-grantee in coordination with FEMA through registered mail.

4. Time Extensions

- a. Requests for time of performance extension must be received in writing by VDEM within 75 days of termination date with reasons for requested time of performance extension and a revised Milestone Table. The request must include:

1. Federal HMGP Project Identification Number
  2. Reason(s) for the delay
  3. Original scheduled completion date
  4. New scheduled completion date
  5. Dates and provisions of any previous extensions
- b. Requests for extensions beyond the GAR's authority will be forwarded along with the GAR's recommendation to FEMA at least 60 days prior to the end of the project performance period.
5. Cost Overruns
- a. In the event that during the execution of work on an approved mitigation measure, actual project costs are exceeding the approved estimates, the sub-grantee shall advise the GAR in writing and furnish appropriate justification for the overrun.
  - b. The GAR shall evaluate each cost overrun. Those cost overruns which can be met without additional federal funds, or which can be met by offsetting cost under-runs on other projects, may be approved by the GAR so long as the full scope of work on all affected projects can still be accomplished. Requests that are not justified will be denied by the GAR.
  - c. For justifiable cost overruns which exceed previous federal obligations and require additional funds, the GAR shall submit a request with a recommendation to the FEMA Region III Administrator for a determination. The sub-grantee's justification for additional costs and other pertinent material shall accompany the request. Cost overruns can only be funded by identifying an equivalent cost underrun in a previously approved mitigation project under that same disaster assistance appropriation. Cost overrun notifications must be accompanied by a new BCA.
  - d. The Regional Administrator shall notify the GAR in writing of the determination and process a supplement, if necessary.
  - e. Problems or circumstances affecting project costs shall also be identified through the required quarterly progress reports.
6. Scope of Work Changes
- a. The sub-grantee will notify the GAR of any perceived change to the original scope of work if it becomes necessary, as soon as identified. This written notification must include:
    1. Federal HMGP Project Identification Number;
    2. Reason(s) for the change as supported by appropriate justification and any relevant documentation: e.g., photographs, standards, etc.;
    3. Estimate of additional cost;
    4. Original schedule and completion date;
    5. New projected schedule and completion date.

- b. The GAR will evaluate the proposed change(s) and, if necessary, ask FEMA to perform a technical engineering review.
    - c. The change request and GAR's recommendation will be submitted to FEMA after evaluation of all available information. If FEMA's engineering expertise is required, the GAR will defer recommendation to that agency.
7. Compliance Monitoring
  - a. As projects are identified "complete" either through contact with the sub-grantee, review of quarterly reports, or site visits, VDEM Mitigation staff prepare a Locality Reconciliation Form (see Enhanced Appendix 5) to help the sub-grantee prepare for the state's final site visit. Within this form, the sub-grantee is asked to verify receipt of funds and expenditure of non-federal match (see Enhanced Appendix 5). Concurrent with sending out the Local Financial Reconciliation form VDEM is scheduling the final site visit with the locality.
  - b. The site visit includes a site inspection for mitigation program compliance, a review of financial records, and a review of programmatic records. VDEM staff takes digital pictures of each mitigation project structure during the visit and any other relevant areas that will be benefited by the mitigation project. Documents gathered during the site visit, if not previously submitted to VDEM, include:
    - Digital photographs of mitigated structures, infrastructure, affected area;
    - Signed verification of financial reconciliation between VDEM and the sub-grantee;
    - Latitude and Longitude;
    - Documents produced as defined within the Scope of Work;
    - National Flood Insurance Program policy verification;
    - Elevation Certificates;
    - Copies of deeds and restrictions on those deeds and;
    - Other pertinent documents or information.
  - c. All acquisition projects will be monitored every three (3) years to ensure the integrity of the "open space in perpetuity" provisions of the HMGP.
8. The Sub-grantee, under the guidance of the State as Grantee, is responsible for the management of the individual project grants in accordance with applicable federal, state, and local regulations.
  - a. The Sub-grantee will designate an individual to serve as the "Sub-grantee's Authorized Representative." This individual will be responsible for administering the individual project grants.
  - b. Procurement of contractors and other goods and services by the Sub-grantee for the completion of approved projects will be in accordance with their own standard

procurement procedures, provided they are in compliance with applicable federal law and the standards found in the 44 CFR 13.36

- c. The Grantee and Sub-grantee will retain all “Project” records and documents for a period of three years after the completion of the project.
  - d. Uniform audit requirements as set forth in 44 CFR Part 14 apply to all projects under the Hazard Mitigation Grant program. FEMA may elect to conduct a federal audit on projects funded under this program.
  - e. FEMA, the Comptroller General of the United States, and the Commonwealth of Virginia, or their authorized representatives shall have the right of access to any records relevant to the grant or sub-grant for as long as the records are retained.
  - f. Sub-grantees will submit quarterly reports to the SHMO and Hazard Mitigation staff on the status and completion date of their projects in sufficient time to allow the GAR to compile a quarterly progress report for FEMA. These reports will identify any problem areas that may result in noncompliance with the approved grant conditions to include known or anticipated cost overruns.
  - g. The GAR will submit a request, with recommendation, to the FEMA Regional Administrator for cost overruns exceeding 10 percent of the approved project cost. The Regional Administrator will approve cost overruns under 10 percent as long as there is offsetting cost under runs on other projects within the same disaster. The Regional Administrator will notify the GAR in writing the final determination and process a supplement, if necessary. In no case will the total amount obligated to the state in Section 404 Grants exceed the limits of 20 percent of the total Federal Grant Assistance (excluding any associated administrative costs) provided under Sections 403, 406, 407, 408, 410, 411, 416, and 701 of the Stafford Act.
  - h. The GAR shall submit certification to the Regional Administrator of expenditures for each approved project upon its completion. With this submission, the GAR certifies that the reported costs were incurred in performance of eligible work, that the approved work was completed and that the project was completed in compliance with the provisions of the FEMA-State Agreement.
    1. The Sub-grantee will provide the GAR, through the SHMO, certification of the project completion in accordance with the specifications contained in the approved project application or project supplements.
    2. The SHMO and Hazard Mitigation staff will perform a final inspection of the individual projects to be performed to insure the completion of the project is in accordance with the specifications contained in the approved project application.
9. Allowable Costs
- a. General policies and guidelines for determining allowable costs are established in 44 CFR 13.22; detailed in OMB Circulars A-21, A-87, and A-122; and further defined in Title 2: Grants and Agreements, 2 CFR 220, 2 CFR 225, and 2 CFR 230 . Cost guidelines

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not covered in these referenced OMB Circulars are set forth in 44 CFR Part 206, Subpart N, Section 206.439. All Grantee and Sub-grantee accounting procedures must conform with generally accepted accounting principles (GAAP).

10. The State will retain the entire amount of the management cost allocation made available for major declaration as it is assumed that the majority of the subgrantee costs will be captured in the Project Application Scope of Work and Budget process. One hundred percent (100%) of all federal Management Cost funds available shall be kept at the State level with no pass-through funds being allocated to the Subgrantee. {per 206.437 (b) (4xiv)}.
11. State management costs for personnel assigned to administer the Hazard Mitigation Grant program in the Joint Field Office (JFO) may be eligible when approved by the Regional Administrator. The staffing for the DFO and for the continuing management of the Hazard Mitigation grants must be submitted within five days of the opening of the DFO.
12. The salaries for continuing management of the Hazard Mitigation grants must be approved in advance by the Regional Administrator. The state must submit a staffing plan in advance of the requirement.
13. Appeals {per 206.437 (b) (4ix)}
  - a. The grantee may appeal any determination made related to federal assistance. Appeals will be filed in accordance with 44 CFR 206, Subpart N – Hazard Mitigation Grant Program.
  - b. An applicant or sub-grantee may file, with the grantee, an appeal of any determination previously made related to federal assistance for an applicant or sub-grantee.
  - c. Appeals filed by applicants or sub-grantees must be in writing and supported by sufficient documentation (new and compelling information) justification to allow the GAR to make a determination of validity and make a decision on the first appeal
14. After review by the SHMO and GAR, if the appeal appears valid, the letter will be processed and forwarded to FEMA for review and determination.
15. If the SHMO, GAR, or FEMA deny the appeal, the actions outlined above in paragraphs 2 and 3 above will apply to any second appeal. The second appeal should include new or expanded information to support the need for a second appeal. The second appeal must be made within 60 days of the decision. The decision on the second appeal, whether made by the SHMO, GAR, or FEMA is final.
16. Technical Assistance
  - a. Upon receipt of a FEMA Award letter, the State Mitigation Branch Director or SHMO, and the VDEM mitigation program staff compile an award package. This package includes an award letter from the Governor’s Appointed Representative, a contract document, and a copy of 44 CFR parts 13 and 206. VDEM in the award letter references these documents and the sub-grantee’s obligation to comply, as does VDEM, with all administrative requirements of the *Code of Federal Regulations*. The sub-grantee is directed to review all documents and return the executed contract document along with a

revised project implementation schedule within 30 days of receipt of the award package. [206.437(b)(4)(xi)].

- b. Upon receipt of the executed award package, the VDEM mitigation project specialist assigned to the management of the sub-grant, conducts a project implementation meeting at the office of the project sponsor. At this meeting, all aspects of project implementation are discussed. The sponsor is provided with copies of quarterly report and financial reimbursement forms. In addition, a field site visit may be conducted to familiarize the VDEM mitigation project specialist with the project specifics.
- c. The VDEM mitigation staff has developed many different training workshops and presentations. VDEM can develop or present an already created session on many mitigation project development and implementation topics at the request of the subgrantee.

## **AUTHORITIES AND REFERENCES**

### **A. Federal**

1. Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288, as amended, Sections 404 and 409).
2. Public Law 93-234, as amended, Flood Disaster Protection Act of 1983.
3. Single Audit Act Amendment of 1996.
4. FEMA Regulations, 44 CFR, Part 206, Subparts M and N.
5. FEMA Regulations, 44 CFR, Part 13, Uniform Administration Requirements for Grants and Cooperative Agreements to State and Local Governments.
6. FEMA Regulations, 44 CFR, Part 14, Administration of Grants: Audits of State and Local Governments.
7. Executive Order 11988, Floodplain Management.
8. Executive Order 11990, Protection of Wetlands.
9. Executive Order 12612, Federalism.
10. Executive Order 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction.
11. Executive Order 12898, Environmental Justice.
12. Office of Management and Budget Memorandum, Nonstructural Flood Protection Measures and Flood Disaster Recovery, July 10, 1980.

13. Interagency Agreement for Non-Structural Damage Reduction, December 15, 1980 as updated September 30, 2001.

14. Title 2: Grants and Agreements:

- a. Cost Principles for Educational Institutions - 2 CFR 220 as of October 22, 2009
- b. Cost Principles for State, Local, and Indian Tribal Governments – 2 CFR 225 as of October 22, 2009
- c. Cost Principles for Non-Profit Organizations – 2 CFR 230 as of October 22, 2009

B. State

- 1. Commonwealth of Virginia Emergency Services and Disaster Law of 2000, as amended.
- 2. Code of Virginia, Title 10.1, Chapter 6, Article 1.1, Section 10.1-603.1 through 10.1-603.8: Flood Prevention and Protection Assistance Fund.
- 3. Code of Virginia, Title 10.1, Chapter 6, Article 6, Sections 10.1-658 and 10.1-659.
- 4. Commonwealth of Virginia Emergency Operations Plan, Basic Plan, as amended.
- 5. Commonwealth of Virginia Emergency Operations Plan, Support Annex 3: Standard and Enhanced Hazard Mitigation, July 2008
- 6. Virginia Department of Emergency Management website, Recovery Center, Hazard Mitigation located at [www.vaemergency.com/recovery/mitigation](http://www.vaemergency.com/recovery/mitigation)

## **DEFINITIONS**

Applicant – A state agency, local government, or eligible private nonprofit organization, Indian tribes, or authorized tribal organizations submitting an application to the GAR for assistance under the Hazard Mitigation Grant Program. An applicant becomes a sub-grantee upon receipt of financial assistance.

Application – Refers to the initial request for Section 404 funding, as outlined in Section 206.436 of Federal 404 Regulations.

CFR – Code of Federal Regulations.

Declaration – An announcement of a Presidential determination that a natural catastrophe or other occasion or instance has occurred which requires federal assistance to supplement the Commonwealth and local efforts and resources to alleviate the damage, loss, hardship, or suffering caused thereby.

FEMA – Federal Emergency Management Agency.

FEMA-State Agreement – A formal legal document stating the understandings, commitments, and binding conditions for assistance applicable as the result of the major disaster or emergency declared by the President.

Governor’s Authorized Representative (GAR) – The individual empowered by the Governor to represent him/her in activities related to the implementation of Public Law 93-288 and in ongoing state disaster/emergency preparedness, response, and hazard mitigation activities.

Grant – An award of financial assistance. The total amount eligible for the grant shall be based on 15 percent of the estimated total federal assistance provided under Sections 403, 406, 408, 410, 416, and 601 of the Stafford Act.

Grantee – The government to which a grant is awarded and which is accountable for use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designed in the grant award document. For purposes of this plan, the Commonwealth of Virginia is the grantee.

Hazard Mitigation - Any action taken to reduce or eliminate the long-term risk to life and property from natural or technological hazards. Any cost-effective measure that will reduce the potential for damage to a facility from a disaster event.

Hazard Mitigation Grant Program (HMGP) – The program authorized under Section 404 of the Act which may provide funding for certain mitigation measures identified through the evaluation of hazards conducted under Section 409 of the Act.

Hazard Mitigation Plan – The results of a systematic evaluation of the nature and extent of vulnerability to the effects of natural hazards present in society including the actions needed to minimize future vulnerability to hazards, as required under Section 409 of the Act.

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Hazard Mitigation Plan Update – An update to the existing hazard mitigation plan, which may be accomplished either by updating the status of mitigation actions with the existing plan, or by expanding the existing plan to address additional hazards or mitigation issues.

Measure – A term used interchangeably with the term “project” to identify any mitigation action taken or proposed to reduce risk of future damage, hardship, loss, or suffering resulting from disasters.

Major Disaster – Any natural catastrophe, including any hurricane, tornado, storm, flood, high-water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, which, in the determination of the President of the United States is, or thereafter determined to be, of sufficient severity and magnitude to warrant major disaster assistance under the Stafford Act (P.L. 93-288 as amended by P. L. 100-707) 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 and is so declared by the President.

Mitigation Strategy – A document developed immediately after the disaster declaration by the State Hazard Mitigation Officer, in consultation with the State Coordinating Officer that identifies mitigation priorities for the 404 Hazard Mitigation Grant Program and for other hazard mitigation activities implemented in the declared area(s).

National Flood Insurance Program (NFIP) - The NFIP is a Federal program enabling property owners in participating communities to purchase insurance as a protection against flood losses in exchange for State and community floodplain management regulations that reduce future flood damages. Participation in the NFIP is based on an agreement between communities and the Federal Government. If a community adopts and enforces a floodplain management ordinance to reduce future flood risk to new construction in floodplains, the Federal Government will make flood insurance available within the community as a financial protection against flood losses. This insurance is designed to provide an insurance alternative to disaster assistance to reduce the escalating costs of repairing damage to buildings and their contents caused by floods.

Natural Disaster – Any non-man made catastrophe, including hurricane, tornado, storm high water, wind driven, tidal wave, tsunami, seiche, earthquake, volcanic eruption, landslide, mudslide, snowstorm, fire, or drought.

Pre-application Form – A standard form which provides basic details about the applicant, description of the project and estimated cost. The form is used to initially screen the potential projects for eligibility for the Hazard Mitigation Grant Program.

Private, Nonprofit Organization – Any nongovernmental agency or entity that currently has

- a. An effective ruling letter from the U.S. Internal Revenue Service granting tax exemption under Section 501(c), (d), or (e) of the Internal Revenue Code of 1954 or
- b. Satisfactory evidence from the state that the organization or entity is a nonprofit one organized or doing business under state law.

Project – Used interchangeably with the term “measure.”

Regional Administrator – The administrator of the regional office (Region III) of FEMA, or his/her designated representative.

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Section 409 Hazard Mitigation Plan – The State Hazard Mitigation Plan that is required as a condition of receiving federal disaster assistance under Section 409 of Public Law 93-288, as amended. The Section 409 Plan is the basis for the identification of measures to be funded under Section 404. The State Hazard Mitigation Plan is also an annex of the State Emergency Operations Plan and is promulgated to all state agencies and local governments.

Section 409 Projects – Projects proposed by eligible applicants through the State Hazard Mitigation Officer and Team to FEMA for implementation following a Presidential Disaster Declaration.

Standards – Codes or considerations required for the construction or modification of facilities, to include legal requirements for additional features. Such standards may be different for new construction, repair, or maintenance.

State Administrative Plan for the Hazard Mitigation Grant Program – This plan, developed by the state, which describes the procedures for administration of the Hazard Mitigation Grant Program.

State Hazard Mitigation Officer (SHMO) – The individual designated by the GAR as the responsible individual on all matters related to the Section 404 Hazard Mitigation Grant Program, the Section 409 Hazard Mitigation Planning Program, and the coordinated State Hazard Mitigation Planning Program.

State Hazard Mitigation Plan – As an annex to the State Emergency Operations Plan, the hazard mitigation plan is used as a means of identifying natural and assessing risks across the state. It is also the means of identifying and assessing hazard mitigation opportunities that will reduce the threat to people and property. Following Presidentially declared disasters; this plan will coincide with the Section 409 Plan and fall under its authorities and responsibilities.

State Hazard Mitigation Program – An ongoing program involving a coordinated effort of most state agencies to reduce the risks to people and property from natural hazards. During and following periods of Presidentially-declared disasters, this program will coincide with activities required under Sections 404 and 409 of Public Law 93-288 and the associated FEMA federal regulations. Further, this program will comply with the strategies and objectives specified in the State Hazard Mitigation Plan.

State Hazard Mitigation Committee – A group of individuals appointed by the directors of state agencies with hazard mitigation responsibilities or programs who will assist with hazard mitigation activities related to Sections 404 and 409 of Public Law 93-288 and to other ongoing activities of the state Hazard Mitigation Program.

Sub-grant – An award of financial assistance under a grant by the Grantee to an eligible Sub-grantee. The Sub-grant is a cost-share award providing 75 percent of the estimated costs of a hazard mitigation project from federal sources. The state, the local government, the Subgrantee, or other source may provide the 25 percent nonfederal share.

Sub-grantee – The government or other legal entity to which a Sub-grant is awarded and which is accountable to the Grantee for the use of the funds provided. Sub-grantees can be a state agency, a local unit of government, a private nonprofit organization that provides essential government services, or Indian tribe as outlined in Section 206.433 of Section 404 Federal Regulations.

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Supplement – The request that the state submits to FEMA to add or modify measure(s) for which Section 404 funding is requested, as outlined in Section 206.436. The application plus all supplements identify the total number of measures for which funding is requested.

VDEM – Virginia Department of Emergency Management.

Virginia Uniform Statewide Building Code - The Virginia Uniform Statewide Building Code (USBC) contains the building regulations that must be complied with when constructing a new building or structure or an addition to an existing building, maintaining or repairing an existing building, or renovating or changing the use of a building or structure.

**44 CFR 206.437 (b)(2) & (3) HAZARD MITIGATION FLOW CHART FOR JFO**

