



# **State of Nebraska Hazard Mitigation Grant Program**

**For FEMA 4156-DR-NE**

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# **Administrative Plan**

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**Nebraska Emergency Management Agency**

*Al Berndt, Governor's Authorized Representative*

*(FEMA 4156-DR-NE Plan)*

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## Definitions

**Activity:** Any mitigation measure, project, or action proposed to reduce risk of future damage, hardship, loss or suffering from disasters. Activities include both plans and projects.

**Activity Completion Date:** The date by which a sub grantee must complete an activity funded under a HMGP grant. Individual sub grant activity completion dates fall under the overall HMGP program grant to the State. The last activity completion date sets the period of performance for the HMGP program grant.

**Activity Completion Timeframe (ACT):** This is the sub grant equivalent of a period of performance. It is the period of time during which the sub grantee is expected to complete activities including plans, and liquidate HMGP program funds. HMGP program guidance limits individual activity completion timeframes to three years. ACTs apply to disasters prior to June 2013.

**Acquisition:** Generally, FEMA funded property acquisition projects consist of a community purchasing flood prone structures from willing sellers and either demolishing the structures or relocating the structures outside of the flood plain. Purchased properties are then maintained for open space purposes for perpetuity in order to restore and or conserve the natural flood plain functions.

**Applicant:** Any State agency, local government, Political subdivision, eligible tribal or native government/organization, or eligible non-profit organization submitting an application for assistance under the Hazard Mitigation Grant Program. An applicant is also referred to as a sub-grantee.

**Application:** The initial request for HMGP funding, as outlined in §206.436 of 44 CFR.

**Application Period:** For disasters declared on or after February 26, 2002, the 12 month period from the date of declaration that the State has to identify activities and submit its applications to FEMA (44 CFR §206.436(d)). The application period is important because scope of work changes cannot be made after the application period expires. No new activities or activities that have not been pre-identified and submitted during the application period can be considered after the application period expires. The Regional Administrator may extend the application period by 30-day increments, not to exceed 180 days. The application period does not affect FEMA's 24-month obligation deadline.

**Biggert Waters Flood Insurance Reform Act 2012:** Current Federal legislation regarding the National Flood Insurance Program which requires changes to how the program is administered and how flood maps and policies are interpreted.

**Cost Overrun:** A cost overrun is an unanticipated increase in the cost of performing the specified objectives of an activity. Guidance on cost overruns can be found at 44 CFR §206.438(b).

**Cost Under run:** A cost under run is an unanticipated decrease in the cost of performing the specified objectives of an activity. Cost under runs can be used to offset cost overruns for other HMGP activities within the same disaster. Cost under runs cannot be applied to new activities if the application period has expired.

**Duplication of Benefits:** Section 312 of the Stafford Act requires the President, in consultation with the head of each Federal agency administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as a result of a major disaster or emergency, shall assure no such person, business concern, or other entity will receive such assistance with respect to any part of such loss as to which he has received financial assistance under any other program or from insurance or any other source.

**Equipment:** Any tangible, non-expendable, personal property having a useful life of more than one year and an acquisition cost of \$5,000 or more per unit.

**FEMA/State Agreement:** A formal legal document stating the understandings, commitments, and binding conditions for assistance applicable as a result of a disaster declared by the President.

**Grant:** An award of financial assistance. The Federal share of HMGP equals 15% of the total cost of disaster assistance outlays.

**Grant application:** Means the request to FEMA for HMGP funding, as outlined in § 206.436, by a State or tribal government that will act as grantee.

**Grantee:** The entity to whom a grant is awarded and which is accountable for expending the funds provided. The Grantee is the entire legal entity, even if only a particular component of the entity is designated in the grant award document. For the purposes of this plan, except as noted in §206.431 of 44 CFR, the State is the grantee.

**Governor's Authorized Representative (GAR)/Alternate Governor's Authorized Representative (ALT GAR):** Is appointed by and represents the Governor in all activities related to implementing Public Law 93-288 as amended and in ongoing State disaster/emergency preparedness, response and hazard mitigation activities defined in the State Emergency Operations Plan (SEOP) and Hazard Mitigation Plans.

**Governor's Disaster Recovery Task Force (GDRTF):** A team of personnel comprised of appropriate NEMA staff and technical experts from other State, local, tribal, and federal agencies, all with decision making authority or contact with their agency decision makers. The GDRTF is chaired by the SHMO. The purpose of the GDRTF is to review, prioritize, and recommend selection of HMGP projects submitted by eligible applicants. Agency members will also assist with developing and reviewing the State Hazard Mitigation Plan.

**Hazard Mitigation:** Any cost-effective measure that will reduce the potential for damage from a natural disaster event, or any sustained action taken to reduce or eliminate long-term risk to life and property from a disaster.

**Hazard Mitigation Assistant Specialist (HMA Specialist):** The FEMA employee responsible for coordination post-disaster hazard mitigation activities with other government agencies at all levels.

**Hazard Mitigation Plan:** Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act as amended by §104 of the Disaster Mitigation Act of 2000 requires a State Hazard Mitigation Plan as a condition of receiving disaster assistance funds, excluding assistance provided pursuant to emergency provisions. To obtain Federal assistance each State, local, and tribal government must prepare a hazard mitigation plan with sections that include: a description of the planning process; an assessment of natural hazard risks; a description and analysis of hazard management policies, programs, and capabilities; a list of mitigation goals, objectives, and strategies to reduce or eliminate vulnerability; and a method to implement, monitor, evaluate, maintain, and update the mitigation plan.

**Hazard Mitigation Grant Program (HMGP):** The program authorized under §404 of the Stafford Act, which provides funding for certain mitigation measures identified through the evaluation of hazards conducted under Section 322 of the Disaster Mitigation Act of 2000.

**Hazard Mitigation Survey Team:** The FEMA/State/Local survey team activated following disasters to identify immediate mitigation opportunities and issues to be addressed in the Section 322 Hazard Mitigation Plan.

**In Accordance With (IAW):** An acronym used throughout the document to show compliance to a referenced authority.

**Incident Command System (ICS):** The Management concept that can be used to manage almost any event.

**Local/Tribal Mitigation Plan:** The plan required from local and tribal governments as a condition of receiving a project grant under the Hazard Mitigation Grant Program.

**Local Zoning:** Regulation of land use within its jurisdiction is normally a function of local government. In some cases, the local government may have already adopted land use regulations or zoning prior to a major disaster or emergency. Modification or updating based on current maps and model regulations may be necessary. Some remapping may be required. The existing land use regulation should be adequate to cope with the identified hazards, if properly enforced.

**Management Costs:** Any indirect costs, administrative expenses, and any other expenses not directly chargeable to a specific project that are reasonably incurred by a grantee or sub grantee in administering and managing a PA or HMGP grant award. For HMGP, management cost funding is provided outside of Federal assistance limits defined at 44 CFR §206.432(b).

**National Flood Insurance Reform Act and Disaster Assistance (NFIRDA):** Requires recipients for Federal Disaster Assistance for flood damage to real and or personal property to purchase and maintain flood insurance coverage if they want to remain eligible for federal flood disaster assistance.

**Period of Performance:** For the overall program grant this is the period of time during which the Grantee is expected to complete activities and obligate HMGP program funds. A grantee may not expend FEMA funds after the expiration of the specified period of performance unless that period is extended by FEMA. The grantee has up to 90 days following the expiration of the period of performance to liquidate valid expenditures made in the performance period. For HMGP, the last activity completion date sets the end date for the overall HMGP program grant.

**Pre Identified Activity:** A proposed activity that has been approved by the Grantee and has been forwarded to FEMA to approve should funds become available as a result of withdrawn sub grant applications or reductions in scopes of work. These applications must be prioritized and submitted within the application period and must note that they are to be held in reserve in the event of a reduced scope of work in another activity or a withdrawn activity. Applications for pre-identified activities must be complete, including benefit cost analysis, before they are submitted to FEMA.

**Preliminary Damage Assessment (PDA):** A survey to determine the magnitude and impact of damage caused by a disaster. The PDA is the basis for estimating total disaster related damage and evaluating the need to request a Presidential disaster declaration. The PDA is generally conducted jointly with FEMA, NEMA, and technical representatives from appropriate State agencies. The team also identifies immediate mitigation opportunities and issues to be addressed.

**Program Income:** Any gross income received by the sub-grantee directly generated by the grant supported activities or earned as a result of the grant agreement during the grant period. *During the grant period* is the time between the effective date of award and the ending date (close-out) of the award reflected in the final FEMA financial report.

**Project:** Any mitigation measure, project, or action proposed to reduce risk of future damage, hardship, loss, or suffering from disasters. The term “project” is used interchangeably with the term “measure.”

**Private Non Profit Organizations (PNP):** Any non government agency or entity that currently has: 1) an effective ruling from the Internal Revenue Service granting tax exemptions under section 501 (c), (d), or (e) of the Internal Revenue Code of 1954; and 2) Articles of Incorporation and by-laws filed with the State of Nebraska.

**Public Utility:** An organization formed for a public purpose whose direction and funding is provided by one or more political subdivisions of the State. All electric power facilities in Nebraska are political subdivisions of State or local government.

**Regional Administrator (RA):** The representative from FEMA Region VII who is responsible for approving the State Hazard Mitigation Plan and the State’s Administrative Plan for implementing the HMGP.

**Scope of Work:** The specific goal, purposes and result of an approved mitigation activity, including the activity objectives, budget, activity completion date, and the period of availability of funds.

**Span of Control:** Span of Control is the "Golden Rule" of ICS, and it determines how many organizational elements can be directly managed by a single individual.

**State Hazard Mitigation Plan (SHMP):** Must be approved by FEMA in order for States to be eligible to receive Stafford Act assistance, excluding emergency assistance. The Hazard Mitigation Plan required under section 322 of the Stafford Act as a condition of receiving Federal disaster assistance under PL. 93-288, as amended. The plan is the basis for the identification of measures to be funded under section 404.HMGP funding is based on fifteen (15) percent of the total estimated eligible Federal disaster assistance. This plan demonstrates the State’s goals, priorities, and commitment to reduce risks from natural hazards and serves as a guide for State and local decision makers as they commit resources to reducing the devastating effects of natural hazards.

**State Hazard Mitigation Officer (SHMO):** The representative of State government who is the primary point of contact in planning and implementing pre- and post-disaster mitigation programs and activities authorized under the Stafford Act. The State Hazard Mitigation Officer is Mary Baker.

**State Land Use Regulations:** For State-owned properties outside of a local jurisdiction, the responsible State agency adopts and enforces land use regulations. In some cases, these State regulations may serve as model regulations for local governments, which are responsible for regulating land use within corporate limits

**Sub-grant:** An award of financial assistance under a grant by the grantee to an eligible sub-grantee. HMGP activities are sub-grants.

**Sub-grantee:** The government or legal entity to which a sub-grant is awarded and is accountable to the grantee for the use of the funds provided. A sub-grantee can be a State agency, local government, private non-profit organization, Indian Tribe or authorized tribal organization, or organization (not Nebraska Native corporations with ownership vested in private individuals) as outlined in Section §206.434 of 44 CFR.

**Supplement:** Means an amendment to the hazard mitigation application to add or modify one or more mitigation measures.

**Void Activity:** An activity application that has been submitted by the State to FEMA and is withdrawn before funds are awarded.

**Voluntary Acquisition Program:** City, county or other government entities make offers to purchase flood plain property on a willing buyer-willing seller basis. If the seller rejects the offer the government entity will not force sale by eminent domain or other measures.

**Withdrawn Activity:** A sub-grant that has been submitted by the State and awarded funds by FEMA, but is withdrawn by the State and will not be implemented

## Acronyms

BCA – Benefit Cost Analysis	MOU - Memorandum of Understanding
BCR – Benefit Cost Ratio	NEMA - Nebraska Emergency Management Agency
B/FO - Business/Fiscal Officer	NEPA–National Environmental Policy Act
CAP - Community Assistance Program	NFIP - National Flood Insurance Program
CFR - Code of Federal Regulations	NG&PC - Nebraska Game and Parks Commission
CFSA - Consolidated Farm Service Agency	NOAA - National Oceanic and Atmospheric Administration
CRS - Community Rating System	NRCS - Natural Resources Conservation Service
DDT – Data Documentation Template	NRD - Natural Resources District
DED - Department of Economic Development	NWS - National Weather Service
DNR - Department of Natural Resources	PA – Public Assistance
DOI - Department of Interior	PDM – Pre Disaster Mitigation Grant
EMA - Emergency Management Assistance/Agency	PIO - Public Information Officer
FAR – Federal Acquisition Regulations	PW - Project Worksheet
FCO - Federal Coordinating Officer	RA - FEMA Regional administrator
FEMA - Federal Emergency Management Agency	SA – Sub-Grant Application (PW)
FHWA - Federal Highway Administration	SBA - Small Business Administration
FIA - Federal Insurance Administration	SCO - State Coordinating Officer
FIRM - Flood Insurance Rate Map	SEOP - State Emergency Operations Plan
FMA - Flood Mitigation Assistance	SFHA - Special Flood Hazard Area
GAR - Governor's Authorized Representative	SHMO - State Hazard Mitigation Officer
GDRTF – Governors Disaster Relief Task Force	SHMT - State Hazard Mitigation Team
HMA – Hazard Mitigation Assistance	SHPO - State Historical Preservation Officer
HMA SPECIALIST– Hazard Mitigation Assistance Specialist	SOW – Statement of Work
HMGP - Hazard Mitigation Grant Program	SPOC – Sub grantee Point of Contact
IA – Individual Assistance	URA - Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
ICS – Incident Command System	USACE - US Army Corps of Engineers
IHMT - Interagency Hazard Mitigation Team	USDA - US Department of Agriculture
IHP – Individual and Households Program	USGS - US Geological Survey
JFO – Joint Field Office	
LEOP - Local Emergency Operations Plan	

## Introduction

### **Purpose (§206.437(b) (1))**

The purpose of this Administrative Plan is to establish the organization, policies and procedures to be used by the Nebraska Emergency Management Agency (NEMA) in administering and managing the Section 404 Hazard Mitigation Grant Program (HMGP) under Section 404 of Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (42 U.S.C. et seq) as implemented by 44 CRF Part §206 and the Disaster Mitigation Act of 2000 (DMA 2000) Section 322.. This plan explains how the Governor's Disaster Recovery Task Force (GDRTF) and NEMA interact to provide the Hazard Mitigation Grant Program to the citizens of the State of Nebraska. This plan was designed to support the Hazard Mitigation Grant Program for the most current open disaster.

### **Authorities and References:**

#### **Federal**

This Administrative Plan is established under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended, and Related Authorities:

- The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288 as well as subsequent amendments
- Title 44 Code of Federal Regulations (CFR), Emergency Management and Assistance
- Executive Order 11988, Floodplain Management
- Executive Order 11990, Protection of Wetlands
- Executive Order 12612, Federalism
- Executive Order 12699, Seismic Safety of Federal and Federally Assisted or Regulated new Building Construction
- Executive Order 12898, Environmental Justices in Minority Populations and Low-Income Populations
- Single Audit Act Amendments of 1996
- National Environmental Policy Act (NEPA), PL 91-190, as amended
- National Endangered Species Act of 1973, as amended
- US Army Corps of Engineers, Clean Water Act, Section 404
- Americans with Disabilities Act (ADA)
- National Historic Preservation Act (NHPA)
- Freedom of Information Act
- 2 CFR 220, (OMB Circular A-21) Cost Principals for Educational Institutions
- 2 CFR 225, (OMB Circular A-87) Cost Principals for State and Local Governments
- OMB Circular A-102, Uniform Administrative Requirements for Grants and Cooperative Agreements
- 2 CFR 215, (OMB Circular A-110) Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations
- 2 CFR 230, (OMB Circular A-122) Cost Principals for Non-Profit Organizations
- OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations
- Assurances submitted with the SF 424, Application for Federal Assistance
- Money and Finance: Treasury Regulations 31 CFR Part §205.6 Funding Techniques
- FEMA/State Agreement
- Statement of Policy Per Memorandum and Letters of Correspondence
- FEMA Mitigation BCA Toolkit
- Hazard Mitigation Assistance Unified Program Guidance 2013, July 14, 2013
  - Nebraska disasters 4156
- State and Local Mitigation Planning How-To Guides (FEMA 386 1 thru 9)
- State Multi-Hazard Mitigation Planning Guidance under Disaster Mitigation Act of 2000 Blue Book FEMA January 2008
- Biggert Waters Flood Insurance Reform Act of 2012
- Sandy Recovery Improvement Act of 2013

## **State**

State authorities or references are incorporated as follows:

- Reissue Revised Statutes of Nebraska, 1943 (RRS) Section 81-829.31, Sections 81-829.36 to 81-829.75, Nebraska Emergency Management Act.
- State Emergency Operations Plan (SEOP) February 2, 2009 can be found at. [http://www.nema.ne.gov/index\\_html?page=content/operations/opp\\_plan\\_home.html](http://www.nema.ne.gov/index_html?page=content/operations/opp_plan_home.html)
- Nebraska Statutes governing the State Floodplain Management Program, RRS 31-1001 to 31-1023
- State of Nebraska Hazard Mitigation Plan, Revised April 25, 2008 can be found at. [http://www.nema.ne.gov/index\\_html?page=content/operations/hazmit\\_plan\\_home.html](http://www.nema.ne.gov/index_html?page=content/operations/hazmit_plan_home.html)
- Local Government Emergency Operating/Contingency Plans

## **Administrative Plan Implementation**

Requirements for the Hazard Mitigation Grant Program (HMGP) Administrative Plan (hereafter called the HMGP Admin Plan) are established under Chapter 44, Code of Federal Regulations §206.437. Under these requirements, the State must submit the Plan to the FEMA Regional Administrator (RA) for approval. This plan provides procedures in which funds made available through the Hazard Mitigation Grant Program (HMGP) will be administered. For each presidential disaster, NEMA will amend this Plan to address specific issues related to that disaster. All Nebraska Communities are eligible to participate in the Hazard Mitigation Grant Program but priority is first given to those communities located in the declared disaster area and communities that participate in the NFIP Program.

## **Development, Maintenance, Coordination and Implementation**

The Plan is implemented after a federal declared disaster where HMGP funds are made available to the State. The Plan is used in support of the Nebraska State Response Plan by establishing the procedures for administering the Hazard Mitigation Grant Program (HMGP) (Section 404 of the Stafford Act). The State Hazard Mitigation Officer (SHMO), is assigned to Response & Recovery Section in the Nebraska Emergency Management Agency (NEMA) and administers the HMGP. The Adjutant General of Nebraska has the overall responsibility for the HMGP. The SHMO maintains the HMGP Admin Plan, which is reviewed and updated, as necessary, following each major disaster declaration. Updates, amendments, or plan revisions required to meet current policy guidance or changes in the administration of the HMGP will be made as required. Revisions will be forwarded to the FEMA RA for approval.

This plan covers all disasters through date of publication and in concurrence with the current FEMA Hazard Mitigation Assistance Unified Guidance, 2013. At a minimum, NEMA will prepare any updates, amendments, or plan revisions required to meet current policy guidance or changes in administration of the HMGP.

**Staffing Requirements & Responsibilities [44 CFR §206.437(b) (3)] [44 CFR §206.437(b) (4) (i)]**

NEMA maintains a full time staff of one Program Specialist I, working in the capacity of the State Hazard Mitigation Officer (SHMO) under the direct supervision of the Response and Recovery Section’s Unit and Section Supervisor. In the event of a disaster resulting in a significant amount of Hazard Mitigation Grant Program (HMGP) funding available to the state, sufficient staff will be hired, trained and employed through the State Department of Administrative Services (DAS) to manage the program dependent upon the scope of the disaster subject to authorization by the Governor’s Office. The following table is utilized to identify minimum desired staffing requirements dependent upon the total disaster scope and project needs. This table is the basis for a Hazard Mitigation Grant Program (HMGP) project for State Management Costs.

<b>Small Disaster (&lt;\$1.5 million HMGP funds)</b>	<b>Medium Disaster (\$1.5 - \$10 Million HMGP funds)</b>	<b>Large Disaster (&gt; \$10 Million HMGP funds)</b>
<b>1 - Program Specialist (SHMO)</b>	<b>1 - Program Specialist (SHMO)</b>	<b>1 - Program Specialist (SHMO)</b>
<b>1 – Mitigation Specialist</b>	<b>1 – Mitigation Specialist</b>	<b>1 – Mitigation Specialist</b>
<b>1 – Staff Assistant</b>	<b>2 – Administrative Assistants</b>	<b>3 – Administrative Assistants</b>
		<b>1 – Fiscal Technician</b>

**State and Local Government Responsibilities**

**State Government**

Prepare and submit, in accordance with the FEMA/State Agreement and Section 322 of the Stafford Act, a State Hazard Mitigation Plan or update to an existing plan;

Review local hazard mitigation plans to determine possible updates, and to identify potential projects;

Appoint a State Hazard Mitigation Officer to serve as the responsible individual for all matters related to the HMGP;

Follow up with State agencies and local governments to ensure that appropriate hazard mitigation actions are taken;

Ensure that the activities, programs and policies of all State agencies related to hazard evaluation, vulnerability, and mitigation are coordinated and contribute to the overall lessening or avoiding of vulnerability to natural or man-made hazards;

Serve as the Grantee for all funds under the HMGP;

Determine the priorities for funding;

Have on file an approved administrative plan for the HMGP.

**Local Government**

Appoint a Local Hazard Mitigation Officer, if appropriate;

Participate on Hazard Mitigation Survey Teams and Interagency Hazard Mitigation Teams, as appropriate.

Review local hazard mitigation plan to identify possible projects for funding and to determine if an update is needed.

*Specific roles and responsibilities for coordinating and implementing the 404 Hazard Mitigation Grant Program is assigned to NEMA staff as follows:*

**Governor's Authorized Representative (GAR):** The individual selected by the Governor of the State of Nebraska to represent him/her in activities related to the implementation of the Stafford Act. The GAR is empowered to execute on behalf of the State all necessary documents for disaster assistance, including approval of sub-grants.

**Alternate Governor's Authorized Representative (AGAR):** The individual selected by the GAR to be the alternate GAR representative, who is similarly empowered in the absence of the acting GAR.

The GAR will:

- Approve project type and priority for each disaster using the Nebraska Hazard Mitigation Strategy in coordination with the SHMO.
- Recommend projects for FEMA approval.
- Be responsible for verifying that applicant's project(s) meet all the Federal requirements and are compliant with all applicable laws and regulations.
- Maintain financial records to include availability, obligation, and expenditures of HMGP funds.
- Ensure that the State HMGP is in compliance with the administrative requirements of 44 CFR Parts 13 and 206.
- Ensure both the State as the grantee and the sub grantees are in compliance with the audit requirements of 44 CFR Part 14.
- Process requests for reimbursement of funds based on documentation supplied by applicants.
- Review requests for project cost overruns, and if justified, forward to FEMA with a recommendation.
- Review and forward appeals within sixty days to FEMA, along with supporting documentation, and a recommendation.
- Be responsible for the Section 404 Hazard Mitigation Program (HMGP) and for development and maintenance of this plan.
- As the designated State Disaster Coordinator and in accordance with responsibilities outlined in the State disaster law, appoints State agency representatives to the State Hazard Mitigation Team (SHMT).
- Advises the Governor on the development, implementation and progress of the hazard mitigation program. Oversees the process governing the identification and selection of the Section 404 Hazard Mitigation Grant projects.
- Appoints the State Hazard Mitigation Officer (SHMO) to serve as the point of contact for all matters relating to hazard mitigation planning, grant administration and implementation.

**State Hazard Mitigation Officer (SHMO): (§206.437(b) (2))** The Governor's Authorized Representative (GAR) designates the SHMO. The SHMO has overall management responsibility for the program and is the state official who is ultimately responsible for ensuring that the state properly implements the Hazard Mitigation Grant Program as authorized under the Presidential Disaster Declaration. The SHMO is the primary point of contact with FEMA, other Federal agencies, and local governments in mitigation planning and implementation of the mitigation programs and activities required under the Stafford Act. The GAR has authorized the SHMO to perform all functions necessary to administer the HMGP including but not limited to: financial requests, project submittals and amendment requests. In this regard, the SHMO will monitor the activities of the Project Manager and lead the State Hazard Mitigation Team (SHMT).

- Ensure the Administration Plan is updated and outlines how the state will administer the Hazard Mitigation Grant Program.
- Ensure that the Nebraska Hazard Mitigation Strategy is current and identifies potential hazard mitigation projects, as well as establishes priorities among those projects and initiatives.
- Implement the mitigation strategy for reducing the losses identified through State and local planning efforts. This includes the development of the state methodology for prioritizing and selecting the mitigation measures to be funded.
- Notify potential applicants of the availability of programs (HMGP & PDM) and provide technical assistance and appropriate materials on elements of the programs.
- Assist in preparing project applications, ensure applications are entered in the National Emergency Management Information System, NEMIS, ensure applications are complete and are submitted in a timely fashion to the FEMA Regional Administrator, RA.
- Ensure compliance with laws and regulations in the distribution of financial assistance to eligible sub-grantees by the technical assistance staff.

- Ensure approved projects are monitored.
- Ensure that appropriate state agencies, federal agencies and representation from local agencies are on the State Hazard Mitigation Team and are involved as necessary with the hazard mitigation process.
- Ensure that all funded projects are consistent with the State Hazard Mitigation Plan.
- Ensure participation of the appropriate local agencies in the administration and implementation of the Section 404 Hazard Mitigation Grant Program and the development of local Mitigation Plans. Local governments must have a FEMA approved mitigation plan in order to be eligible to receive project funding through the HMGP.
- Coordinate with the GAR on all policy and regulatory issues. Review and make appropriate recommendation to the GAR regarding priority of project type, appeals, cost overruns/under-runs and all other program issues.
- Review and update the State Mitigation Plan and ensure that the planning process includes ongoing coordination with other State agencies, appropriate federal agencies, interested groups, and be integrated to the extent possible with other ongoing State planning efforts as well as other FEMA programs and initiatives.
- Coordinates the development and implementation of this plan and other State Hazard Mitigation plans.
- Coordinates activities of the SHMT to accomplish the program objectives of Sections 404 and 322.
- Serves as the responsible individual for compliance with Section 322 and for Section 404 Hazard Mitigation Grant Program (HMGP) grants management.
- Coordinates with the Public Assistance Officer. Assists with the implementation of Public Assistance 406 Mitigation program. Coordinating with State and Federal officials to ensure they understand the involvement of the Hazard Mitigation effort in the Public Assistance Program.
- Provide technical assistance to local governments in the development of mitigation planning efforts (44 CFR Section 201).
- Identify and notify potential Sub-grant applicants as to the availability of the grant programs. This includes publication of information concerning the application process, program eligibility and key deadlines.
- Provides leadership for the involvement of other State agencies and local governments in the plan and grant development process and the subsequent implementation, monitoring and updating of the plan. Advises the Governor's Disaster Recovery Task Force concerning the HMGP.
- Conducts hazard analyses to identify frequency, magnitude and location of hazard occurrences. Coordinate with appropriate technical agencies. Develops and implements a process for identifying potential hazard mitigation projects and for setting priorities among those projects. Coordinates with the GAR on policy and regulatory issues. Reviews and makes appropriate recommendations to GAR regarding appeals, cost overruns, and other program issues.
- Conducts mitigation training for team members as well as local officials. If necessary to pursue a mitigation objective, may request technical assistance and/or support from Federal Emergency Management Agency (FEMA) and other Federal agencies.
- Implement departmental procedures to monitor the status of approved projects, for processing extension requests and appeals, processing amendments, setting and monitoring activity completion timeframes for Sub grants and for closing out completed projects.
- Monitor sub grantee accounting systems to meet requirements of 44CFR parts 13 & 14.
- Ensure compliance with 44 CFR Part 13 and 206 2 CFR 225, and OMB Circulars A-87, A-102 and A-133, as they relate to the Hazard Mitigation Grant Program.
- Coordinate with the NEMA Fiscal/Budget Officer on all financial matters.
- Conduct site visits to monitor progress and provide technical assistance and monitor all inspection activities.
- Review and examine vendor uses to determine adequacy of services and compliance with state and federal rules, regulations and procedures.

- Perform budget reviews to determine cost/service appropriateness of each item and proper cost of each budget category.
- Examine documents to determine that expenditures are charged against correct appropriation accounts and that expenditures fall within the intent of the appropriation, the law, and are in the form in which the account was established.
- Provide assistance and information in the preparation of quarterly reports.
- Provide instruction to hazard mitigation staff on HMGP Program audit process, including file management and requirements.
- Develop, with assistance from the GDRTF, Nebraska-specific guidance for applicants.
- Gather, reconcile and prepare financial and program data pertaining to budgetary control, state and federal cost reports, personnel services and non-appropriated funds.
- Examine expenditures for propriety and reasonableness.
- Compose correspondence as necessary for areas of responsibility.
- Review current federal and state regulations concerning mitigation programs so as to maintain currency of knowledge and standards, which are necessary to the performance of sub-grantee review.
- Initiates duplication of benefits searches as it relates to acquisition, and elevations associated with the buyout process. Improves the integrity of reporting processes through meetings and various reporting mechanisms, as needed with state local and federal partners.
- Prepares and coordinates the review of appropriate programs, including but not limited to, review of annual reports, quarterly monitoring of work progress, review of quarterly reports received from the sub grantees.
- Provide technical assistance to sub-grantees through site visits, written correspondence and telephonic means.
- Explain to sub-grantees the purpose of and the procedures and obligations involved in a review.
- The SHMO in coordination with the Governor's Task Force will determine priorities for funding. This determination must be made in conformance with 44 CFR §206.435.

### **Mitigation Specialist:**

The Mitigation Specialist is responsible for program coordination and implementation. In addition to assisting the State Hazard Mitigation Officer in all aspects of mitigation, is a member of the State Hazard Mitigation Team. There will be one Mitigation Specialist for disasters with \$1.5 Million in HMGP funds and greater.

- Maintain a computer management system for hazard mitigation activities, products, and the planning initiative. Maintain computer files for grant and sub grant activities, or ensure that the technical support is maintaining such computer files.
- Notify potential applicants of the availability of programs (HMGP & PDM) and provide technical assistance and appropriate handout materials on elements of the programs.
- Provide technical assistance to local governments in the development of mitigation planning efforts.
- Coordinate with State and Federal officials to ensure that they understand the involvement of the Hazard Mitigation effort in the Public Assistance program.
- Provide technical assistance to potential applicants and/or eligible sub-grantee in developing and submitting applications and in completing projects.
- Implement departmental procedures to monitor the status of approved projects, for processing extension requests and appeals, processing amendments, and for closing out completed projects.
- Coordinate with the technical support staff in monitoring sub grantee accounting systems to meet requirements of 44CFR parts 13 and 14.
- Coordinate with the NEMA Budget/Fiscal Office as necessary.
- Conduct site visits to monitor progress and provide technical assistance.
- Review and examine vendor uses to determine adequacy of services and compliance with state and federal rules, regulations and procedures.
- Perform budget reviews to determine cost/service appropriateness of each item and proper cost of each budget category.

- Examine documents to determine that expenditures are charged against correct appropriation accounts and that expenditures fall within the intent of the appropriation, the law, and are in the form in which the account was established.
- Assist the State Hazard Mitigation Officer in conducting mitigation conferences and/or public meetings.

**Technical Support (Administrative Assistant):**

A technical support staff member would be a member of the SHMT responsible for assisting the State Hazard Mitigation Officer (SHMO) and Mitigation Assistant in all technical aspects of administration of the mitigation program if the disaster is of sufficient size that a specialist is required. There will be at least one administrative assistant and may be more depending on the size of the disaster. When multiple Technical support members are employed, the I.C.S. will be followed regarding span of control. In addition, this is professional work involving program and financial reviews of sub-grantee. Examples of work performed in addition to assisting the SHMO include, but is not limited to:

- Conduct on-site reviews of sub-grantee program operations and activities and financial records and report significant findings.
- Provide training and education on the Hazard Mitigation Grant Program (HMGP) for mitigation staff, NEMIS training, benefit cost analysis software training and data management specific to HMGP projects.
- Review Benefit Cost Analysis (BCA) on hazard mitigation projects
- Review project proposals and data against FEMA requirements
- Research Code of Federal Regulations, FEMA policy memos, management of state eligibility and terrorism mitigation projects.
- Provide technical assistance to local governments on the planning requirement of 44 CFR Section 201.
- Provide technical assistance to HMGP applicants and hazard mitigation staff.
- Provide assistance and information in the preparation of quarterly reports.
- Provide instruction to hazard mitigation staff on HMGP Program audit process, including file management and requirements.
- Develop, with assistance from the SHMT, Nebraska-specific guidance for applicants.
- Perform budget reviews to determine cost/service appropriateness of each item and proper cost of each budget category.
- Examine documents to determine that expenditures are charged against correct appropriation accounts and that expenditures fall within the intent of the appropriation, the law, and are in the form in which the account was established.
- Gather, reconcile and prepare financial and program data pertaining to budgetary control, state and federal cost reports, personnel services and non-appropriated funds.
- Examine expenditures for propriety and reasonableness.
- Compose correspondence as necessary for areas of responsibility.
- Review current federal and state regulations concerning mitigation programs so as to maintain currency of knowledge and standards, which are necessary to the performance of sub-grantee review.
- Provide technical assistance to sub-grantees through site visits, written correspondence and telephonic means.
- Explain to sub-grantees the purpose of and the procedures and obligations involved in a review.

### **Fiscal Technician**

For larger disasters a Financial Technician(s) will be assigned. The Financial Technician is responsible for assisting the State Hazard Mitigation Officer (SHMO) and Mitigation Assistant in all aspects of the financial administration of the mitigation program and is a member of the SHMT. Examples of work performed in addition to assisting both the SHMO and Mitigation Specialist includes, but is not limited to:

- Perform budget reviews to determine cost/service appropriateness of each item and proper cost of each budget category.
- Examine documents to determine that expenditures are charged against correct appropriation accounts and that expenditures fall within the intent of the appropriation, the law, and are in the form in which the account was established.
- Gather, reconcile and prepare financial and program data pertaining to budgetary control, state and federal cost reports, personnel services and non-appropriated funds.
- Examine expenditures for propriety and reasonableness.
- Provide financial management support to the Hazard Mitigation staff.
- Maintain financial and automated databases necessary to monitor funds to support recovery efforts.
- Informs management of areas of concern as it relates to problems associated with project funding.
- Maintain controls and reporting systems to fully support management decision-making and achieve the objectives of the SHMO.
- Be knowledgeable of 44 CFR Part 13, and OMB Circulars A-87, A-102 and A-133, as they relate to the Hazard Mitigation Grant Program.
- Performs a variety of initiation and monitoring duties.
- Monitors NEMIS as necessary to ensure over-obligation does not occur.
- Initiates duplication of benefits searches as it relates to acquisition, and elevations associated with the buyout process. Improves the integrity of reporting processes through meetings and various reporting mechanisms, as needed with state local and federal partners.
- Prepares and coordinates the review of appropriate programs, including but not limited to, review of annual reports, quarterly monitoring of work progress, review of quarterly reports received from the sub grantees.

### **Staff Assistant**

This employee performs skilled typing and complex clerical work that requires the application of independent judgment. The work involves skilled typing of a variety of materials in final form and responsibility for format, charts and tables. The individual provides secretarial service for one or more individuals. Work involves making independent decisions concerning the procedure or process to be followed and the actions to be taken. Examples of tasks performed include, but are not limited to:

- Supervise and participate in the receipt and processing of correspondence; the preparation coding and typing of personnel, purchasing, supply, and financial and other documents; and the checking and posting of program transactions.
- Organize work and coordinate workflow; establish priorities, set deadlines and review work for adequacy, accuracy, timeliness and conformance with instructions and standard practice.
- Receive visitors and answer calls, ascertain purpose of calls and visits, and furnish information from knowledge of agency policies, rules and procedures.
- Perform a variety of supportive duties, set up and maintain files for the unit, make appointments and arrange travel and accommodations; maintain confidential files.
- Receive, open, log, sort and distribute mail, compose and/or type letters in reply; supervise the dispatch of outgoing mail.
- Compose and type correspondence and inter-office mail.
- Prepare and type a variety of materials that include standardized and statistical reports that involve selection and verification of data and establishment of appropriate format.
- Order supplies, maintain equipment and supply inventory.
- Operate standard office equipment.

**State Public Assistance Officer**

- Manage Public Assistance (PA) programs.
- Responsible for damage assessment as well as providing technical assistance and guidance to applicants for Public Damage Assistance.
- Collaborate with the SHMO in the management and administration of the HMP.
- During major disaster response and recovery operations provide technical assistance to potential HMPG applicants.
- Responsible for following hazard mitigation functions:
  - Assists in assessing eligibility of projects and sub grantees.
  - Briefs potential applicants concerning assistance available.

**State Hazard Mitigation Team**. The State Hazard Mitigation Team (SHMT) is appointed by the GAR. Composition of the team will depend on type and location of disaster as well as scope of recovery required. Determination of staffing requirements and sources of staff necessary for administration of the program will be made during early phases of each disaster by the GAR in coordination with the SHMO. Support staff requirements will also be considered at that time. Therefore organizational information and staffing scheme cannot be provided in advance.

- In response to FEMA 4156-DR-NE and prior disasters, the SHMO is the coordinator for all HMGP activities for these disasters.
- In conformance with Section 322 of the Disaster Mitigation Act of 2000; the State has submitted a standard State Mitigation Plan that conforms with 44 CFR Part 201. The plan was approved by the Federal Emergency Management Agency (FEMA) Region VII on April 25, 2011 and will be in effect for three years from the approval and is currently under review.
- Evaluate hazards, identify strategies, provide technical assistance, coordinate resources and implement measures that will reduce the vulnerability of people and property to damage from hazards.
- Support the coordination of the Section 404 HMPG as follows:
  - Identification and selection of HMGP projects that are consistent with the Section 322 Hazard Mitigation Plan.
  - Make recommendations concerning eligibility, project criteria, procedures and priorities.
  - Individual SHMT agencies will conduct environmental and floodplain management reviews in accordance with agency statutory responsibilities.
  - Individual agencies as required will provide technical assistance to sub grantees.

**Governor’s Disaster Recovery Task Force (GDRTF)** The Governor’s Disaster Recovery Task Force (GDRTF) was established by Governor’s Executive Order 94-3, January 19, 1994 and is composed of multiple State agencies. The SHMO has sole responsibility to administer the HMGP and is co-chair of the GDRTF. This allows the SHMO to have visibility and best apply the HMGP in concert with fellow state agencies responsible for Grant programs under their authorities. The GDRTF has the ability to assist in providing technical assistance to the SHMO as requested. Functions are as follows:

- Insure disaster relief and recovery operations are efficiently coordinated between all agencies.
- The Task Force will make a detailed examination of all features of State recovery efforts including hazard mitigation grant projects with emphasis on the efficient utilization of the resources made available by the Federal supplementary appropriations.
- DNR and NEMA will jointly co-chair the Task Force.

A list of GDRTF agency members is provided in Appendix A. Other State, federal and local agencies may be asked to participate as the need arises.

**State Historic Preservation Office (SHPO):** The SHPO is responsible for:

- Surveying State historic resources
- Providing data on historic sites
- Providing technical assistance
- Ensuring compliance with preservation procedures and processes
- Assists in procuring preservation funding, as available.

## **Procedures [44 CFR §206.437(b) (4)]**

As a result of a local emergency the State is available to assist with Preliminary Damage Assessments (PDA's). Upon a Federal disaster declaration, the State Mitigation Staff will meet, at a minimum, with the affected counties to discuss program availability and determine possible interest in mitigation activities. Native American Tribes County, Local, Regional Emergency Managers, Natural Resources Districts, Public Power Districts and other entities are provided Mitigation Packets to solicit potential projects from their affected jurisdictions including eligible private non-profit organizations.

## **Applicants Identification/Notification [44 CFR §206.437(4) (i) and (ii)]**

- The NEMA Hazard Mitigation Assistance Program exists in an effort to provide resources and assistance for mitigation activities within the State of Nebraska. The HMGP is one vehicle the State administers in an effort to accomplish successful mitigation activities to strengthen Nebraska's resistance to hazards. This is a continual effort to identify and provide recourses. The procedures below outline various methods that are deployed at time of disaster to notify potential applicant of available funding under the HMGP;
- As part of the request for a presidential declaration the governor will request the Hazard Mitigation Grant Program for the entire state or just the impacted counties. Once a presidential disaster is declared, the SHMO will consult with the GAR/AGAR, State Operations Officer, and/or the Hazard Mitigation Assistance Specialist to identify impacted jurisdictions that may have potential projects as identified during the PDA's.
- The State Mitigation Staff will meet, at a minimum, with the affected counties to discuss program availability and determine possible interest in mitigation activities. County, Local, Regional Emergency Managers, Natural Resources Districts, Public Power Districts, Tribes and other entities are provided an information packet to solicit potential projects from their affected jurisdictions including eligible private non-profit organizations.
- The State will be available to participate in public or town meetings to provide information on the Hazard Mitigation Grant Program and to answer questions.
- Basic information on the HMGP will be disseminated to local governments, private non-profits, and Native American Tribes at the Public Assistance briefings. The SHMO will provide an overview of the program and provide an information packet with contact information. Interested applicants may obtain detailed information or technical assistance upon request.
- This Plan shall serve as one way of notification of availability of funds and project solicitation under disaster declaration FEMA 4156-DR-NE, and shall be posted on agency website for public availability.
- Hazard mitigation information will be disseminated at Public Assistance Applicants briefings.
- The SHMO will coordinate with the Hazard Mitigation Assistance Specialist (HMA SPECIALIST) in the preparation of a general announcement of the availability of the Section 404 program funding during a public assistance applicant's briefing. The announcement will be designed to create an "awareness" of the program with further detailed information being available upon request.
- The SHMO and NEMA Public Information Officer (PIO) may prepare a press release that describes the HMGP. The objective will be to ensure that potential applicants are provided information on the application process, HMGP eligibility and key deadlines.
- The SHMO will be the point of contact for applicants to obtain additional details relative to the Section 404 program. The SHMO will also be responsible for determining the scope of the Section 404 outreach effort through the media. Additional Section 404 briefings may be announced at that time.
- The SHMO will meet with the HMA SPECIALIST as required during the process to discuss the anticipated range and types of projects under consideration. A detailed program briefing for potential applicants may be scheduled, if appropriate. The briefing will include:

- Section 404 program overview
  - Applicant eligibility
  - Application process
  - Project selection
  - Project management
  - Available technical assistance
- Notification will be provided by email or letter to the following entities: County, Regional, and Local Emergency Managers, Natural Resources Districts, Public Power Districts, Native American Tribes and other entities who have expressed interest in the program, entities known to have a potential mitigation opportunity, and entities with an approved local mitigation plan meeting the requirements of Section 322.
  - The SHMO will conduct workshops (in areas where they may be appropriate) to assist local governments with a better understanding of the HMGP and PDM. The workshops will include a Section 404 Hazard Mitigation Grant Program overview, applicant eligibility, the application process, project selection, project management, and the type of technical assistance that is available. Technical workshops can also be conducted, as needed, to assist an applicant with completing a project application.
  - The SHMO will review the State Mitigation Plan for potential project types and stacked applications.
  - Full applications will be forwarded to applicants meeting the criteria set by the GDRTF. The full application package will include: an application, eligibility requirements, eligible project types, milestones, assurances, sample forms, sample resolutions, and key deadlines.
  - The State must submit all HMGP project applications and funding requests to FEMA within 12 months of date of the disaster declaration. The State may request the Regional Administrator to extend the application time limit by 30 to 90 day increments, not to exceed a total of 180 days. The State must submit justification with written request for an extension on the application submission time limit. Per 44 CFR Part §206.436; FY2013 HMA Unified Guidance Part IX A.6 (page 78) and FY2011 HMA Unified Guidance Part VII A.6 (page 53).

As part of the full application, local governments, private non-profits, and Native American Tribes will be required to submit the following: a completed SF 424 Application for Federal Assistance, SF 424D Assurances for Construction Programs/424B Assurances for Non Construction Programs (if appropriate), identification of the source, items, and value of items or resources that will be used for the non-federal match (i.e. in-kind) as identified in the scope of work, budget, program assurances, measurable milestones, designation of an authorized agent, a maintenance agreement, Federal tax number and a copy of an Internal Revenue Service (IRS) ruling letter (the tax exempt certificate) or State Certification, under State Law, of nonprofit status, articles of incorporation (if applicable), grant agreement articles, completed and Environmental and Historical Review Information, property site information (if applicable), and Cost/Benefit Questionnaires.

### **Application Procedures 44 CFR §206.436**

- Upon the notification of available funding eligible applicants will contact the SHMO to develop eligible applications. This will help the State in determining the types of projects being requested.

Projects may be submitted only by those political subdivisions, state agencies, and local governments who have an approved hazard mitigation plan. The exception is applications being submitted for the 7% Planning Funds to develop a plan. (See Eligible Activities). The applicants will need to submit their completed applications by the deadline established by the State. In turn the State has one year from the date of the approved disaster declaration to submit those applications receiving favorable consideration by the Governor's Disaster Recovery Task Force. The application period is important because scope of work changes cannot be made after the application period expires. The Regional administrator (RA) may extend the application period by 30-90 day increments, not to exceed 180 days.

- Information required for each project shall include the following:
  - Name of Sub-grantee,
  - State or Local contact person for the project,
  - Location for the project, with the latitude and longitude of the potential project site,
  - Detailed description of the project,
  - Line item cost estimate for the project,
  - An analysis of the measures cost effectiveness (BCA) and substantial risk reduction, consistent with 44 CFR 206.434 (c). BCA procedures are governed by Office of Management and Budget (OMB) Circular A-94, *Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs*.
    - Completed Project applications must be returned to NEMA within the application deadline for prioritization and include a benefit cost analysis reflecting a benefit cost ratio of 1:0 or greater. BCA's must include supporting documentation of both costs and benefits.
  - Completed applications must be returned to NEMA within the application deadline for prioritization. State mitigation staff reviews the applications for completeness and evaluates the benefit cost ratio (BCR) utilizing FEMA's Benefit Cost Analysis (BCA) Module. This tool is obtainable from FEMA's BCA toolkit for technical assistance in developing BCA's or you may contact the SHMO or the BCA Helpline. The BCA Technical Assistance Helpline can be reached from 9 am - 5 pm (ET) Monday through Friday via a toll-free number: 1-866-222-3580 or e-mail: [bchelpine@dhs.gov](mailto:bchelpine@dhs.gov). Or visit <http://www.fema.gov/government/grant/bca.shtm>
    - NEMA will only consider applications from Applicants and sub-applicants that use a FEMA-approved methodology to conduct the BCA. Using FEMA-approved software will ensure that all calculations are prepared in accordance with OMB Circular A-94 and FEMA-standardized methodologies. FEMA provides software (BCA Version 4.5.5 or 4.8), written materials, and training that facilitate the process of preparing a BCA. BCA Version 4.5.5 and 4.8 are the only FEMA-provided software that may be used to conduct a BCA. BCA Version 4.5.5 & Version 4.8 are available from the appropriate FEMA Regional Office or from the BCA Technical Assistance Helpline <http://www.bchelpine.com/>
    - A non-FEMA BCA methodology may be used only when it addresses a non-correctable flaw in the FEMA-approved BCA methodologies or proposes a new approach that is unavailable using FEMA BCA software. Non-FEMA BCA methodologies may be utilized only if FEMA approves the methodology prior to submission of the application to FEMA. The Applicant/sub-applicant must verify that FEMA has reviewed and approved the alternative BCA software or methodology by providing an e-mail or letter signed and dated by FEMA.
  - Mitigation projects must be cost effective to be eligible for HMA funding as demonstrated by a FEMA-validated BCA. A BCA evaluates the future benefits (projected losses avoided) of the project in relation to the project costs. This evaluation results in a Benefit-Cost Ratio (BCR). If the future benefits are equal to or greater than the cost, then the BCR is equal to or greater than 1.0 and a proposed activity is considered cost effective. If the benefits are less than the cost, then the BCR is less than 1.0 and the proposed activity is not considered cost effective. Only project sub-applications with a BCR of 1.0 or greater will be considered for HMA funding. For purposes of performing the BCA, the total cost must include annual maintenance costs for the proposed mitigation activity even though maintenance costs are not eligible project costs
- Work schedule/milestones and associated activity completion dates for each project activity,
- Justification for selection,
- Alternatives considered and documented,
- Environmental information consistent with 44 CFR Part 9, Flood Management and Protection of Wetlands, and 44 CFR Part 10, Environmental Considerations; and
- Appropriate certification that matching funds will be made available.
- The State will complete the application for Federal Assistance Form SF 424 (Appendix D, Attachment 2).
- The Construction Programs Assurances Standard Form 424D (4-88) will be completed by the applicant's representative at the request of the State after the project has been approved by FEMA. (See Appendix C, Attachment 2).

Applicants will be responsible to secure all necessary approvals, clearances, permits, etc., prior to the beginning of work. This would include Corps of Engineers 404 permits, State Historical Preservation Office approvals, etc.

### **Determining Applicant Eligibility [44 CFR §206.437(b) (4) (iii)]**

The following entities are eligible to apply for Hazard Mitigation Grant Program (HMGP) funding: State Agencies, Local Governments, Political subdivisions, Private non-profit organizations or institutions that own or operate a private non-profit facility as defined in 44 CFR §206.221(e); and Indian Tribes or authorized tribal organizations.

Private non-profit facility means any private non-profit educational, utility, emergency medical, or custodial care facility, including a facility for individuals who are elderly or disabled, and other facility providing essential governmental services to the general public, and such facilities on Indian reservations, according to CFR §206.221 (e).

Each nonprofit applicant must provide either:

- 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, as amended; or
- State certification, under State law, of non-profit status.

Native American Indian Tribes or authorized tribal organizations shall provide appropriate tribal identification number or other proof of eligibility.

Nebraska Emergency Management will contact each of the Native American Tribes to inform them of potential projects in their area. Also the state will contact the local emergency management coordinator within the reservation, Bureau of Indian Affairs and each of the four Native American Tribes located in Nebraska to be included in the process. The State Hazard Mitigation Team meetings are used to coordinate projects of other State Agencies.

### **Project Eligibility [44 CFR §206.434(c)]**

For project eligibility under the HMGP, the following criteria must be met:

- During disaster recovery operations, efforts will be made to inform other potential applicants of the grant program. The HMGP cannot be used to duplicate the programs of other Federal agencies, except under unusual circumstances {44 CFR Part §206.434 (g)}. The SHMO with the assistance of the SHMT will initiate a notification program to insure all potential sub-grantees receive HMGP information.
- To be eligible for the Hazard Mitigation Grant Program, a project application must show the project complies with the requirements listed below. Guidance for applicants, checklists, and other information are provided in Appendix B, Attachments Section. Guidance for HMGP Acquisition Projects is listed in Appendix E
  - Be in conformance with the State Mitigation Plan and local mitigation plan approved under 44 CFR Part 201.
  - Have a beneficial impact upon the designated disaster area, whether or not located in the designated area.
  - Be in conformance with 44 CFR part 9, Floodplain Management and Protection of Wetlands, and 44 CFR part 10, Environmental Considerations.
  - Solve a problem independently or constitute a functional portion of a solution where there is assurance that the project as a whole will be completed. Projects that merely identify or analyze hazards or problems are not eligible. This does not preclude funding a study or analysis, as long as mitigation measure(s) actually result from the study or analysis and are part of the total project. The study and project can be done in phases.
  - Be cost effective and substantially reduce the risk of future damage, hardship, loss, or suffering resulting from a major disaster. The grantee must demonstrate this by documenting that the project:
  - Addresses a problem that has been repetitive, or a problem that poses a significant risk to public health and safety if left unsolved.
  - Will not cost more than the anticipated value of the reduction in both direct damages and subsequent negative impacts to the area if future disasters were to occur. Both costs and benefits will be computed on net present value basis.

- Has been determined to be the most practical, effective, and environmentally sound alternative after consideration of a range of options. If possible, applicants should conduct or arrange for environmental and floodplain management reviews wherever necessary.
- Contributes, to the extent practicable, to a long-term solution to the problem it is intended to address.
- Considers long term changes to the areas and entities it protects, and has manageable future maintenance and modification requirements. (The maintenance costs may not be included in the cost of the grant application; the applicant shall assure that it can/will provide maintenance, as appropriate, following completion of the project).
- Applicant participates in the NFIP. Federal grants cannot be given for acquisition or construction purposes if the site is located in a designated special flood hazard area which has been identified by the director for at least one year and the community is not participating in the NFIP. However; if a community qualifies for and enters the NFIP during the six month period following the major disaster declaration, a grant application may be considered by the State.

Projects may be of any nature that will result in protection to public or private property. Eligible projects include, but are not limited to:

- Structural hazard control or protection projects,
- Construction activities that will result in protection from hazards,
- Retrofitting of facilities,
- Property acquisition or relocation, as defined in 44 CFR §206-434 (e),
- Development of State or local mitigation standards,
- Development of comprehensive mitigation programs with implementation as an essential component,
- Development or improvement of warning systems,
- Dead-end Storm Structures,
- Replacement of Conductors to T-2 Conductors,
- Overhead to Underground Power Lines.

**Planning-** The State May utilize up to 7% of the HMGP grant to be used to develop State, tribal and/or local mitigation plans, multi-hazard multi jurisdictional mitigation plans. The plan must be adopted by the participating local jurisdiction(s) and submitted to FEMA Region VII for formal review and approval. Multi-jurisdictional plans are the most desirable plans to be submitted rather than single jurisdictional plans (For further information about the plans see 44 CFR Part 201).

**5% Initiative** – The State may use up to 5% of the HMGP funding available for projects that are difficult to evaluate under traditional cost effectiveness criteria. These projects must still conform to the State Hazard Mitigation Plan and include a narrative that describes the benefits of the project. These types of projects include but are not limited to:

- Generators for public critical facilities
  - NOAA Weather Radios
  - Hazard Warning Systems
  - Education/Public awareness programs with mitigation as the central feature
- 
- For Presidential major disaster declarations due to tornadoes and high winds, an additional 5% of the Grantee’s HMGP ceiling may be used to fund hazard mitigation measures (e.g., warning systems & storm shelters) to address the unique hazards posed by tornadoes.

(Projects funded through these initiatives are determined on a case by case basis by the GDRTF.)

## **Environmental/Floodplain Management Review [44 CFR §206.437(b) (4) (IV) 44CFR Part 9 &10]**

NEMA staff will coordinate with the State Historical Preservation Office (SHPO), Nebraska Game and Parks commission and the United States Fish and Wildlife to identify any historic and/or environmental concerns for acquisition/demolition or other construction projects. Successful completion of environmental review requires the full participation of all of the HMGP partners, applicants, State agencies and FEMA. Applicants of construction type projects are responsible for all environmental documentation in accordance with the requirements of the National Environmental Policy Act (NEPA) and Executive Orders including Environmental Assessments, if required, and all necessary permits from local, state, and federal agencies, including the USACE, United States Army Corp of Engineers.

In support of the National Environmental Policy Act (NEPA) and to expedite FEMA's environmental review, applicants and the State will coordinate the following roles:

- Consult the appropriate agencies during the planning stages.
- Consider the viable alternatives to the proposed project, particularly when environmental issues or impacts are identified.
- Provide thorough and accurate information regarding details of projects, and environmental issues or resources in the project area.
- Ensure the applicant informs the public of the proposals and informs FEMA of potentially controversial issues or interested parties.
- Will coordinate floodplain reviews with appropriate agencies.

In addition, the applicant and State will gather and review factual information, resource maps, and comments from relevant environmental agencies and the public that addresses the environment in the project area, to include:

- Previously undisturbed land that may be affected
- Waterways, floodplains/floodways, potential wetland areas, and water quality
- Vegetated areas or areas of habitat threatened or endangered species
- Archeological, historical, or cultural resources
- Hazardous and toxic materials
- Other natural areas that may be impacted such as groundwater aquifers, wild or scenic rivers, prime or important farmland
- Low income and minority populations and socio-economic concerns

Examples of environmental issues: Aquatic and Terrestrial Biotic Resources, Archeological or Cultural Resources, Floodplain/Floodway, Hazardous Materials, Historic Structures, Hydrology/Hydraulics, Land Use/Development Patterns, Local Economy, Low Income or Minority Populations, Prime Farmland, Slopes and Soils, Special Status Natural Areas, Threatened and Endangered Species, Water Quality, and Wetlands.

Applicants will be responsible to secure all necessary approvals, clearances, etc., prior to the beginning of work. This would include but not limited to United State Army Corps of Engineers 404 permits, State Historical Society clearances, Nebraska Game and Parks Commission, US Fish and Wildlife Services, etc.

## **Project Priorities and Selection [44 CFR §206.437(b) (4) (v)]**

- If it is necessary to select from a range of projects due to funding or other constraints, the GAR/SHMO and the GDRTF will evaluate and prioritize all eligible applications. This ranking will be in accordance with the established criteria for funding of projects, known as the “state priorities”.
- Once complete applications have been received, the GAR & SHMO determine which projects will be forwarded to FEMA with a recommendation for approval. After the projects are selected at the State level, the State Eligibility Review is completed. This review ensures compliance with minimum project criteria as set forth in 44 CFR §206.434.
- The SHMO will be responsible for verifying that an applicant’s project is complete and eligible prior to submission to FEMA.
- The State will formally submit project applications with a recommendation for funding. The submission letter will certify that the state staff has reviewed the application for completeness and eligibility and the State will recommend a level of NEPA review.
- In order for the State to fully utilize the funds made available under the HMGP for the disaster, the State will submit additional (stacked) proposed HMGP project applications during the open application process that exceeds the established lock-in funding amount. The additional or stacked projects must meet all the HMGP eligibility requirements and may be funded at a later date should a cost under-run, withdrawal, or denial of other proposed projects occur.
- Project Selection
  - Priorities ranked as follows:
    - Measures that, if not taken, will have a detrimental impact such as potential loss of life, loss of essential services, damage to critical facilities, or economic hardship,
    - Measures that have the greatest potential impact on reducing future disaster losses,
    - Measures that best fit within an overall plan for development and/or hazard mitigation in the community, disaster area, or the State as a whole,
    - Priority will be given to those counties declared in the disaster area with all others receiving second priority.
- Governor's Disaster Recovery Task Force will review HMGP projects before these projects are submitted to FEMA.
- Application Approval Process
  - Two copies of the application are submitted to the Nebraska Emergency Management Agency, Attention: State Hazard Mitigation Officer, 2433 NW 24<sup>th</sup> Street, Lincoln, NE 68524-1801 for review. One copy is kept in a project file with NEMA and the other forwarded to FEMA.
  - After NEMA review, applications will be sent to the appropriate State agency for environmental and floodplain management review, if necessary. These reviews will be conducted in accordance with agency statutory and technical authorities for environmental and floodplain management.
  - Processed applications will be sent to the Regional administrator of FEMA Region VII for final review.

## **Project Monitoring/Evaluation and Technical Assistance [44 CFR §206.437(b) (4) (vii) 44 CFR §206.437(b) (4) (x)]**

*“The State serving as grantee has primary responsibility for project management and accountability of funds as indicated in 44 CFR part 13. The State is responsible for ensuring that sub-grantees meet all program and administrative requirements.”*

Upon notification of project approval from FEMA, the grantee will notify the sub-grantee with an award letter and will provide the sub-grantee with appropriate information on Section 404 HMGP requirements and State policy and grant management in accordance with 44 CFR 13, as outlined in Appendix C.

Provide sub grantee with technical support to ensure all program and administrative requirements are in accordance with federal and state directives.

Monitor compliance and work progress on projects by conducting meetings, site visits, written correspondence, telephonic coordination and reviewing quarterly reports.

## Funding and Grants Management

The cost share formula is the Federal share shall not exceed 75% of the total project grant awarded; a non-federal match of 25% will be provided.

- Non-federal documentation will include, but not limited to: Agency, Authorized Agent, funding type (i.e. cash, in-kind, equipment, materials, etc.), funds availability date, and fund commitment resolution or commitment letter.
- During the course of an HMGP operation the:
  - State (grantee) is required to provide quarterly progress reports to the Regional administrator of FEMA Region VII.
  - Applicants (sub grantees) are required to provide quarterly reports to NEMA, indicating the percent of the project that is complete, status of project and completion date for each milestone or measure funded, using the provided form found in Appendix C, Attachment 4. This must begin within 15 days after the end of the first federal quarter following the initial grant award and must be submitted each quarter thereafter until the project is officially closed.
    - The grantee will then have 15 days to compile data from the sub grantees quarterly report submission (see Appendix D, Attachment 3). The grantee quarterly reports are due to FEMA 30 days after the end of each quarter. Grantee reports may be submitted via e-mail. Sub grantee reports may be submitted to NEMA via email as long as all the necessary signatures have been captured. The quarters follow the federal fiscal year rather than by calendar year.

2 <sup>nd</sup> Quarter	January 1 To March 31	<b>Due to NEMA</b>	April 15	<b>Due to FEMA</b>	April 30th
3 <sup>rd</sup> Quarter	April 1 To June 30	<b>Due to NEMA</b>	July 15	<b>Due to FEMA</b>	July 30th
4 <sup>th</sup> Quarter	July 1 To September 30	<b>Due to NEMA</b>	October 15	<b>Due to FEMA</b>	October 30th
1 <sup>st</sup> Quarter	October 1 To December 31	<b>Due to NEMA</b>	January 15	<b>Due to FEMA</b>	January 30th

- For Disasters 4156 and newer NEMA will be establishing the activity completion timeframes for individual sub grants. NEMA will approve for Activity Completion Timeframe (ACT) extensions, as long as they do not go beyond the established Period of Performance (POP) of the Grant. Timeframe extensions will be noted in the quarterly progress reports. NEMA will ensure that all approved activities are completed by the end of the POP by means of (but not limited to) Quarterly reports, inspections and Site Visits. For additional guidance see HMA Unified Guidance FY2013.

The State staff will review proposed project budget and determine items that are eligible project costs.

Spreadsheets will be maintained for each approved project to track appropriate cost share and expenses by line item.

Upon receipt of project approval from FEMA, the State will provide the following to the sub-grantee;

- Award letter from NEMA that includes;
  - Copy of the FEMA approval letter,
  - State/Local Agreement,
  - Funds Authorization
- Dependant on the type of project, additional guidance may be provided such as;
  - Hazard Mitigation Assistance Unified Program Guidance FY2013
  - Use of Increased Cost of Compliance (ICC), for flood insured properties,
  - Guidance for demolition of acquired properties,
  - FEMA 386 series – State and Local Mitigation Planning How to Guide,
  - Any other guidance available that assists in the performance of the grant.
  - FEMA 361 – Design and Construction Guidance for Community Safe Rooms, Second Edition 2008.

## Management Costs

For all Major Disaster Declarations on or after November 13, 2007 NEMA is the responsible agency to ensure consistency with and implementation of Section 324 of the Stafford Act and 44 CFR part 207. Management costs are defined as any indirect costs, any administrative expenses and any other expenses not directly chargeable to a specific project that are reasonably incurred by a grantee or sub grantee in administering and managing an HMGP grant award.

NEMA, as the grantee, has determined that no pass-through of management costs will be provided to the sub-grantees. Direct administrative costs incurred by a sub-grantee that can be identified to a specific project such as inspections, construction oversight, working with home owners may be included in the project budget.

FEMA determines HMGP management cost lock-ins at the rate of 4.89% of the Federal share of projected eligible program costs under each major disaster declaration. Management cost lock-ins are determined at 30 days, 6 months, and 12 months from date of declaration or after the HMGP over all grant ceiling is established, whichever is later. Management costs will not exceed 20 million dollars for a single declaration except as described in 44 CFR §207.5 (d & e).

Upon notification of the preliminary management costs lock-in amount, NEMA will submit a project narrative to request initial funding, up to 25%, to the Regional Administrator. An interim funding request may be submitted at 6 months to the Regional Administrator when a bona-fide need for an additional 10% (no more than) obligation of funds is justified. Upon notification of the final lock-in amount NEMA must submit a final management cost funding request to the Regional Administrator with all supporting documentation attached.

No later than 120 days after the date of declaration, documentation will be submitted to support costs and activities for which the projected lock-in management cost funding will be used. In extraordinary circumstances, FEMA may approve a request by NEMA to submit support documentation after the 120 days. Documentation will include a description of activities, personnel requirements, and other costs for which NEMA will use management cost funding. Documentation will also include NEMA's plan for expending and monitoring the funds provided; ensuring sufficient funds are budgeted for grant closeout.

NEMA may justify in writing to the Regional Administrator, any requests to change the amount of the lock-in or the cap, extend the time period before lock-in, or request an interim obligation of funding at the time of the 6-month lock-in adjustment in accordance with 44 CFR §207.5 (d & e).

NEMA has primary responsibility for grants management activities and accountability of funds provided for management costs related to administration of the HMGP as required by 44 CFR, part 13, especially §13.20, § 13.22, and §13.36 and will ensure all charges will be properly documented.

For major disaster declarations, NEMA may expend management cost funds for allowable costs for a maximum of 8 years from the date of the major disaster declaration or 180 days after the established performance period for the HMGP, whichever is sooner. The period of availability may be extended only at the written request of NEMA, with the recommendation of the Regional Administrator, and with the approval of the Chief Financial Officer. Extension requests by NEMA must include a justification and demonstrate that there is work in progress that can be completed within the extended period of availability. In no case will an extended period of availability allow more than 180 days after the expiration of any performance period extensions approved under the HMGP for project completion. Reporting requirements, closeout, audit requirements, and document retention will be in compliance with procedures as outlined in this plan.

### **Requests for Advance/Reimbursement [44 CFR §206.437(b) (4) (VI)]**

NEMA does not entertain requests for advance, as they are in conflict with the normal claims process since the State has given up assets in anticipation of goods or services being rendered at a later date. The State therefore follows the reimbursement process:

A modified SF Form 270, Request for Reimbursement, will be used internally by NEMA for processing fund requests through the fiscal office.

General principles for processing Requests for Funds are as follows:

- Check the supporting documentation (property list, invoices, etc.) for validity and eligibility.
- Check for mathematical accuracy.
- Prepare modified SF 270 Form.
- Forward to NEMA Fiscal Office for processing.
- Copy all documents to project file.
- Concurrence by SHMO or other authorized HMGP personnel prior to fiscal request for reimbursement of the claims.
- SHMO or other authorized HMGP personnel notifies sub-grantee of reimbursement when processed by fiscal office.

### **Cost Overruns [44 CFR §206.437 (b) (4) (viii)]**

Cost overruns are defined as additional funds necessary to complete the Statement of Work as specified in the HMGP application. Immediately upon recognition that the original scope of work approved and funded cannot be accomplished with the grant funds allocated, the grant administrator through the authorized representative of the sub grantee must submit a request for additional funds with the appropriate justification and documents to the SHMO. Upon receipt, the SHMO will review the documents, complete a new BCA and make an agency determination. If the request is justifiable, the SHMO will forward the request, with the State's recommendation, to the FEMA Regional Administrator. If the cost overrun is not justifiable the SHMO will deny the request. In no case will the total amount obligated to the State exceed the funding limits set forth in 44 CFR §206.432(b).

### **Appeals Process [44 CFR §206.437 (b) (4) (ix)]**

All sub-grantee appeals to FEMA decisions will be administered in accordance with 44 CFR §206.440.

All appeals will be processed through the Nebraska of Emergency Management Agency (NEMA). Appeals will contain documentation that justifies the request for reconsideration, monetary figures in dispute, and provisions in Federal law, regulation, or policy with which the applicant believes the initial action was inconsistent. Appeals must be submitted in writing through NEMA to FEMA Region VII. All second appeals will be sent through NEMA to the Associate Administrator for Mitigation in Washington D.C. via the FEMA Region VII office.

An appeal must be made within 60 days of the applicant's receipt of FEMA's denial decision. NEMA will forward any appeal from the applicant or sub-grantee with a written recommendation to the Regional Administrator within 60 days of receipt.

NEMA will notify the sub-grantee of all decisions in writing.

**Administrative Requirements [44CFR 206.437(b) (4) (xi)]**

*NEMA has primary responsibility for project management and accountability of funds in compliance with 44 CFR, Parts 13 and 206. Sub Grantee Packet in Appendix C outlines the procedures upon which NEMA administers the Grant Program.*

**Benefit Cost Analysis**

Benefit Cost Analysis (BCA) must be completed for all projects excluding “set-aside” initiative projects which will have a narrative that indicates that there is a reasonable expectation that future damage or loss of life or injury will be reduced or prevented by the activity. Only projects with a benefit to cost ratio of at least 1 will meet the minimum eligibility criteria. NEMA will provide documented methodology if the recommended FEMA module is not utilized. Methodology used must be consistent with FEMA models and be approved in advance by FEMA.

**Duplication of Benefits**

The State Hazard Mitigation staff will request Duplication of Benefits (DOB) information for each homeowner included in acquisition type projects. A preliminary duplication of benefits request is submitted to FEMA. After additional information and insurance coverage information is available, the State hazard mitigation staff submits an official DOB request.

**Submission to FEMA**

Upon completion of the BCA, Benefit Cost Analysis, SHPO coordination, environmental review, and State eligibility review/certification, projects will be submitted to FEMA Region VII for final review and determination.

**Project Implementation**

NEMA will notify applicants of the FEMA determination. Applicants are required to develop a local administrative plan as part of their application that includes milestones.

During the project implementation phase, NEMA staff will coordinate closely with project sub-grantees to ensure the project is implemented according to the approved statement of work and in compliance with State and Federal requirements.

**Program Income**

Sub-grantees are encouraged to earn income to defray program costs. The same guidelines for grantee (State) program income as outlined in 44 CFR §13.25 will be used for sub-grantees funded through the 404 HMGP. Program income may be added to the funds committed to a sub-grantee and will be used for the purpose and under the conditions of the grant agreement, when approved by the State and FEMA. All project income must be accounted for upon project close out with NEMA by the Sub-grantee.

## Closeouts

### Sub-grant Closeout

- Upon Sub-grant completion, the Sub-grantee (applicant) shall notify the State in writing that the Sub-grant has been completed in compliance with the approved Scope of Work (SOW) and will submit all required documentation. In addition; the State requires that all applicants submit a detailed final close out report. This report shall include, but is not limited to; date of disaster declared, application and grant approval dates, any amendment information as it applies, local match information, timeline of key milestones, all pertinent financial information and a copy of the applicant's checkbook as it applies to the life of the grant. Additionally, expenditures have been documented and are consistent with the SF-424A or SF-424C and all program income has been deducted from total project costs as specified in the 44 CFR Section §13.25(g)(1).
- The Grantee will review the sub grantee closeout package and will ensure that:
  - Each sub grant has been completed in compliance with the approved SOW and project timeframe. The Grantee must conduct a site visit/inspection or collect photographs for a project sub grant to ensure the approved SOW was completed (Acceptance of photographs in lieu of site visits will be made at the discretion of the SHMO);
  - Each sub grant has been completed in compliance with all environmental or other conditions attached to it;
  - Actual expenditures have been documented as demonstrated by SF-424A and/or C;
  - For projects involving structures, the work was performed in accordance with all required permits and applicable building codes and the sub-grantee has provided a letter from an appropriately registered professional engineer or architect to certify the integrity of the structure, as modified or protected by the approved project;
  - For projects involving an insurable facility, the required hazard insurance (e.g., NFIP) has been secured;
  - Geospatial coordinates, in the form of latitude and longitude with an accuracy of +/- 20 meters (64 feet), have been provided for the project.
  - For minor localized flood reduction, hazardous fuels reduction, and soil stabilization projects, an accurate recording of the official acreage, using open file formats geospatial files (i.e., shape-files), has been submitted. For geo-coding resources, see the HMA Unified Guidance FY2013 part VII D.1;
  - For plans, a final copy of the FEMA-approved and community-adopted plan has been submitted.
  - The SHMO will ensure that all claims and costs were eligible and that work performed was in compliance with the approved project application; that all eligible funds have been paid to the sub grantee; that all work was completed according to FEMA requirements; that all costs were incurred as the result of eligible work; that all work was completed in accordance with provisions of the FEMA-State and State local agreements; that all payments were made according to Federal and State legal and regulatory requirements; that no bills are outstanding; and that no further requests for funding will be made for the project.
  - The SHMO will consult with the state fiscal officer to verify that programmatic and fiscal expenditure reports are consistent and in concurrence;
  - For closeout of property acquisition and structure demolition or relocation projects, the Grantee will ensure compliance with 44 CFR Part 80, HMA Unified Guidance FY2013 Part VII D.1 & Addendum Parts A.13 & 15.
  - For closeout of mitigation reconstruction projects, the Grantee will ensure compliance with HMA Unified Guidance FY2013 Part VII D.1 and Addendum D.9.
  - For closeout of structure elevations the Grantee will ensure compliance with HMA Unified Guidance FY2013 Part VII D.1 & Addendum Part E.6.
  - For closeout of Safe Room projects, the Grantee will ensure compliance with closeout requirements noted in HMA Unified Guidance FY2013 Part VII D.1 & Addendum Part C.3.9.
- Grantees should close out sub grants as activities are completed. As Grantees close out sub grants, the Grantee will submit de-obligation requests to FEMA as cost under-runs are identified and ensure the correct final amount is recorded for the final sub grant costs.
- After the review is completed a close-out letter will be sent to FEMA Region VII recommending the project be closed. This process should occur within 90 days from the project completion. The sub grantee is required to keep records for at least 3 years from the submission date of its final expenditure report in accordance with 44CFR §13.42 and the State of Nebraska laws and procedures.

## Grant Closeout

The Grantee has up to 90 days following the expiration of the grant POP to liquidate valid expenditures incurred during the POP. Cost under runs remaining after the POP expiration date must be reported to FEMA for de-obligation. The closeout process for the Grantee involves the following steps:

- The Grantee ensures all sub grants have been closed out; as mentioned in the previous section;
- The Grantee reconciles/adjusts sub grant costs, ensures that non-Federal share costs are documented, and that all costs submitted are eligible according to the FEMA-approved SOW;
- The Grantee receives and processes cost adjustments or returns unobligated funds to FEMA through the fiscal office via SMARTLINK. Final payment is made to the Grantee accordingly;
- The Grantee submits a closeout letter to FEMA through the Governor’s Authorized Representative (GAR) with supporting documentation, including:
  - Statement that SOW(s) have been completed as approved and all EHP requirements have been satisfied,
  - SF-425, (Federal Financial Report)
  - Final Program Progress Report,
  - State Final Financial Status Report,
  - SF-270, Request for final reimbursement or request for de-obligation of unused funds, as applicable;
  - FEMA Form 20-18, Report on Government Property, if applicable.

The Grantee notifies FEMA that the grant is ready for final closeout in accordance with 44 CFR §13.50.

The Grantee maintains the complete grant closeout records file for at least 3 years from the submission date of its single or last expenditure report in accordance with 44 CFR Part §13.42.

## Audit Requirements [44 CFR §206.437(b) (4) (xi) and (xii)]

44 CFR 14, Administration of Grants; Audits of State and Local Governments, requires all sub-grantees expending \$500,000 or more in a year in Federal assistance to have an audit conducted in accordance with the OMB Circular No. A-133 Audits of States, Local Governments, and Non-Profit Organizations.

- *Audit Required.* Non-Federal entities that expend \$500,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year in accordance with the provisions of this part.
- *Single audit.* Non-Federal entities that expend \$500,000 or more in a year in Federal awards shall have a single audit conducted in accordance with 44 CFR §14.2 except when they elect to have a program-specific audit conducted in accordance with paragraph (c) of Subpart B—Audits.
- Uniform audit requirements as set forth in 44 CFR Part 14 apply to all grant assistance provided under this plan. FEMA may elect to conduct a Federal audit on the disaster assistance grant or on any of the sub-grants.
- Audit of NEMA and sub grantees will be conducted in accordance with 44 CFR Part 14, (Circular A-133). Audits will be organization wide and may be conducted annually or biannually.
- The audit of NEMA will be conducted by the Nebraska Auditor of Public Accounts. Audits of sub grantees will be conducted as specified in 44 CFR Part 14.
- NEMA will determine whether sub grantees have met the audit requirements by:
  - Maintaining records of all sub-grantees provided \$500,000 or more in disaster assistance funds.
  - Notifying those named sub-grantees, in writing, that certification is required to show either that \$500,000 or more was, or was not received by the sub-grantee, during the fiscal year of the sub-grantee.

NEMA will review, or contract for review, the audits of sub grantees as they are submitted. Discrepancies involving State and/or FEMA funds will be resolved by NEMA staff.

- NEMA is required to determine whether the sub grantee spent Federal Assistance Funds in accordance with applicable laws and regulations. This determination will be made by a review of the claims, vouchers and other documentation submitted by the sub grantee to NEMA as well as the review of the audit report.
- Audit reports of NEMA will be provided to FEMA. Reports of sub grantees will be retained at NEMA.

General audit requirements in OMB Circular No. A-133 will be adhered to by NEMA as well as sub-grantees receiving FEMA Hazard Mitigation grant awards.

- The State will ensure that appropriate corrective action be taken within 6 months if there is evidence of non-compliance. The State will provide a letter to FEMA.
- Nebraska Emergency Management Agency will notify the sub grantee by letter of the date and time an audit visit will be held.
- The sub grantee is to provide an area appropriate for viewing project files, invoices, titles, etc., as deemed adequate.

**Quarterly Reports [44 CFR §206.437(b) (4) (xiii)]**

Quarterly reports are required from each sub grantee 15 days after the end of each federal quarter to report financial expenditures and project status (see Appendix C). Quarterly reports will be summarized by NEMA and provided to FEMA no later than 30 days after the end of each federal quarter. A sample copy of the quarterly report is provided in Appendix F.

2 <sup>nd</sup> Quarter	January 1 To March 31	<b>Due to NEMA</b>	April 15	<b>Due to FEMA</b>	April 30th
3 <sup>rd</sup> Quarter	April 1 To June 30	<b>Due to NEMA</b>	July 15	<b>Due to FEMA</b>	July 30th
4 <sup>th</sup> Quarter	July 1 To September 30	<b>Due to NEMA</b>	October 15	<b>Due to FEMA</b>	October 30th
1 <sup>st</sup> Quarter	October 1 To December31	<b>Due to NEMA</b>	January 15	<b>Due to FEMA</b>	January 30th

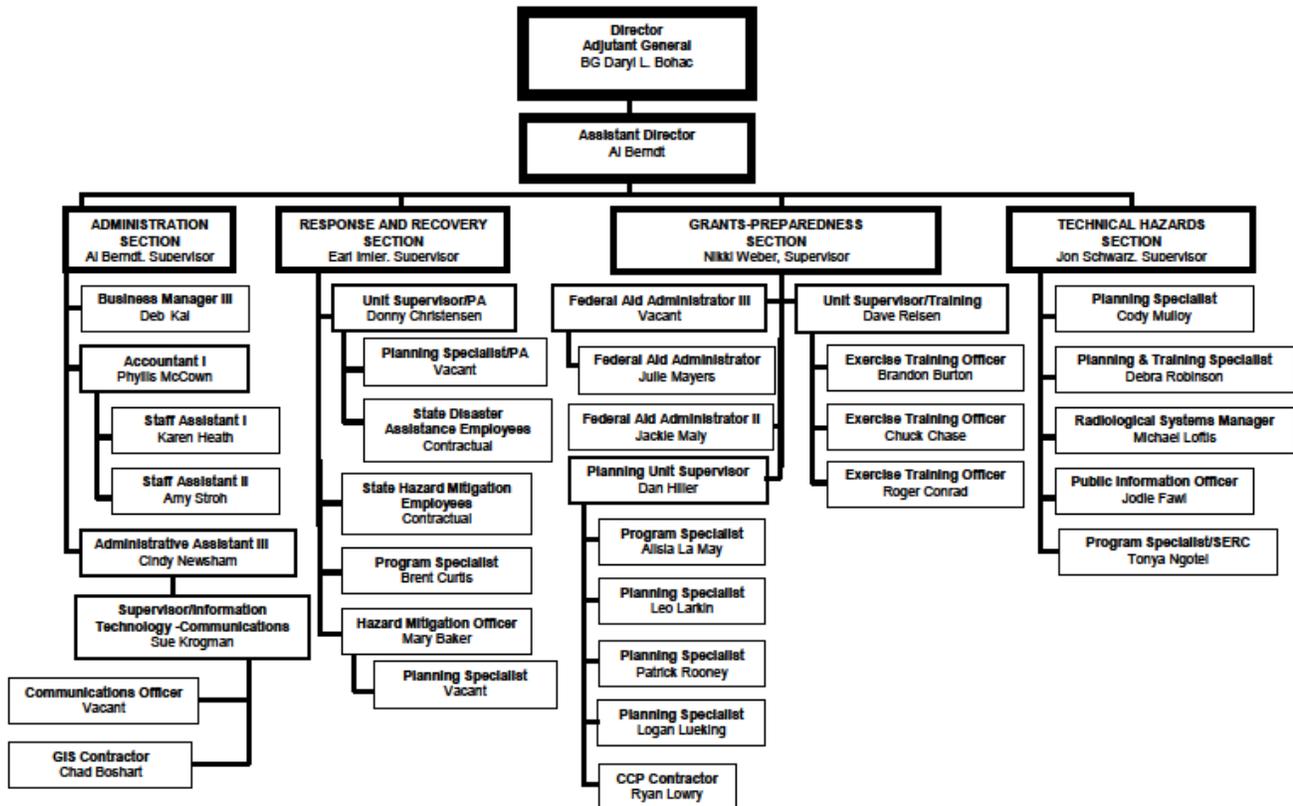
# Appendix A

## NEMA Agency Members

**Attachment 1** NEMA Agency members (Organization Chart)

**Attachment 2** Governors Disaster Recovery Task Force

**NEBRASKA EMERGENCY MANAGEMENT AGENCY**



Updated: January 2014

**Core Governor's Disaster Recovery Task Force (GDRTF)**

*Established by Governor's Executive Order 94-3, January 19, 1994 the Task Force is composed of the following State agencies:*

Nebraska Emergency Management Agency (NEMA),  
Nebraska Department of Natural Resources (DNR),  
Department of Health and Human Services (DHHS),  
Department of Economic Development (DED),  
Department of Environmental Quality (DEQ),  
Department of Agriculture,  
Department of Labor,  
Department of Administrative Services,  
Nebraska Game and Parks Commission,  
Nebraska Department of Roads (DOR) and  
State Historical Preservation Office.

*The Selected Federal agencies also support and participate in the activities of the Task Force.*

US Army Corps of Engineers (USACE),  
USDA Emergency organizations,  
US Department of Housing and Urban Development,  
National Weather Service,  
Environmental Protection Agency

# Appendix B

## Applicable Applications

**Attachment 1** Project Application Hazard Mitigation Grant Program

**Attachment 2** Planning Hazard Mitigation Grant Program

**FORMS, RECORDS AND RELATED PROCEDURES FOR ALL HAZARD MITIGATION GRANT PROJECTS**

- Attachment 1, Application for all Hazard Mitigation Grant projects. The form may be reproduced locally and may be requested electronically. To insure Hazard Mitigation Grant project eligibility criteria are met review the following points and fill out as completely as possible.
- Applicant Checklist for Hazard Mitigation Grant projects prior to submission to the State.
  - The project conforms to the State Hazard Mitigation Plan required under Section 322.
  - The project benefits the area declared under the declaration, whether or not located within the actual affected area.
  - The project solves a problem independently or constitutes a functional portion of a solution where there is assurance that the project as a whole will be completed.
  - The project solves a repetitive problem or one that poses a significant risk to public health and safety if left unsolved.
  - The project will not cost more than the anticipated value of the reduction in both direct damages and the subsequent negative impacts to the area if future disasters were to occur.
  - Both costs and benefits will be computed on a net value basis. Using a FEMA approved Benefit Cost Analysis method. BCA Software can be provided upon request.
  - The project is most practical, effective and environmentally sound alternative after consideration of a range of options.
  - The project contributes, to the extent practical, a long-term solution to the problem it is intended to address.
  - The project considers long term changes to the area and entities that it protects, and has manageable future maintenance and modification requirements. (The costs for such may not be included in the cost of the grant application; the applicant shall assure that it can/will provide maintenance, as appropriate following completion of the project.)
  - The project does not require Section 404 funding to substitute for or replace funding that is available under other Federal authorities, such as the US Army Corps of Engineers and/or the USDA Natural Resources Conservation Service except under limited circumstances in which there are extraordinary threats to lives, public health or safety or improved property.
  - The project is in compliance with local and/or multi-jurisdictional all hazards plan.
  - The proposed activity in compliance with applicable local ordinances and standards.
  - The proposed activity is in compliance with state and federal regulations and legislation.
  - Proposed construction activity is in a community that participates in good standing with the NFIP program.
  - Once a Hazard Mitigation Grant Project is approved and citation of funds is received by NEMA then the State-Local Contractual Agreement and the applicable Assurances form(s) are executed.



**NEBRASKA EMERGENCY MANAGEMENT  
AGENCY  
Hazard Mitigation Grant Program (HMGP)  
Project Application**

**What is the Hazard Mitigation Grant Program?**

Authorized under Section 404 of the Stafford Act, the Hazard Mitigation Grant Program (HMGP) administered by the Federal Emergency Management Agency (FEMA) provides grants to States and local governments to implement long-term mitigation measures after a major disaster declaration. The purpose of the program is to reduce loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster.

**How much funding is available?**

HMGP can provide up to 15% percent which is calculated from the total amount of disaster assistance from both the Public Assistance (PA) and the Individual and Households Program (IHP). Once PA and IHP totals are estimated, FEMA determines the available HMGP funding. This funding can then be broken down into three types of project applications; 1) 7% Planning (does not have to demonstrate cost effectiveness, 2) 5% Initiative (does not have to demonstrate cost effectiveness) and 3) Regular (remaining percentage; must demonstrate cost-effectiveness). Examples of these project application types can be found within the administrative plan. All projects are cost shared at 75% federal funding and a 25% local match is required.

**Completing the HMGP Application:**

This application will enable you to compete in the state-wide competitive "post disaster" Hazard Mitigation Grant Program.

This application is designed to capture the necessary information to meet program requirements. You're encouraged to take your time, read through the questions carefully and provide as much detail as possible. This will enable the process to be the most efficient.

You may obtain an electronic copy of the following application by contacting the State Hazard Mitigation Officer by phone at (402) 471-7185 or by e-mail at [mary.baker@nebraska.gov](mailto:mary.baker@nebraska.gov) .

## NEBRASKA EMERGENCY MANAGEMENT AGENCY Hazard Mitigation Grant Program (HMGP) PROJECT APPLICATION

**I. Applicant Information**

Date: \_\_\_\_\_ ● New Application      ● Revised Application

- A. Multi-Hazard Local Mitigation Plan (LMP) Status: Select...  
IF Approved:  
 a) Plan Type: Select...  
 b) Date of Approval by FEMA: \_\_\_\_\_  
 c) Provide the location in the LMP (Section and Page Number(s)) that demonstrates the proposed project is in conformance with the LMP: \_\_\_\_\_  
 d) Describe how the proposed project conforms with the LMP: \_\_\_\_\_
- B. Project Title: \_\_\_\_\_  
 Name of Applicant: \_\_\_\_\_ County or Counties: \_\_\_\_\_
- C. Applicant Type: Select... Type of Application: Select...

Private Non-Profit entities must meet the criteria defined in 44 CFR 206.221(e).  
 Attach a copy of an Internal Service Revenue (IRS) ruling letter that grants tax exemption under Section 501 (c), (d), or (e), or a State certification under State law, of non-profit status.  If an educational facility, attach a copy of the facility admission policy.

Recognized Indian Tribe or Organization Tribal Identification Number: \_\_\_\_\_  
 Attach proof of tribal eligibility

- D. Federal Tax ID #: \_\_\_\_\_ DUNS #: \_\_\_\_\_ NIS #: \_\_\_\_\_ FIPS #: \_\_\_\_\_  
 E. State Legislative District(s): \_\_\_\_\_ Congressional District(s): \_\_\_\_\_  
 F. Is the Community/Communities in good standing with the National Flood Insurance Program:  Yes  No
- G. Point of Contact:  
 Mr.  Ms.  Mrs.      First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_  
 Title: \_\_\_\_\_ Organization: \_\_\_\_\_ Street Address: \_\_\_\_\_ City: \_\_\_\_\_  
 State: NE Zip Code: \_\_\_\_\_ Ph: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_
- H. Alternate Point of Contact:  
 Mr.  Ms.  Mrs.      First Name: \_\_\_\_\_ Last Name: \_\_\_\_\_  
 Title: \_\_\_\_\_ Organization: \_\_\_\_\_ Street Address: \_\_\_\_\_ City: \_\_\_\_\_  
 State: NE Zip Code: \_\_\_\_\_ Ph: \_\_\_\_\_ Fax: \_\_\_\_\_ E-mail: \_\_\_\_\_

I. Estimated Funding:

Federal 75%	Non-Federal 25%	Applicant %	Other %	Total 100%
_____	_____	_____	_____	_____

**II. Detailed Description of the Proposed Project**

- A. Describe the problem to be mitigated: \_\_\_\_\_
- B. Provide a detailed description of the proposed project: \_\_\_\_\_
- C. Does the project conform to the State and Local mitigation goals and/or plans? \_\_\_\_\_  
Explain (Cite location in plan(s) to support your answer): \_\_\_\_\_
- D. Will the proposed mitigation measure provide an independent solution to the problem? \_\_\_\_\_ Explain: \_\_\_\_\_
- E. How does the proposed mitigation measure address a repetitive problem or a problem that poses a significant risk to public health and safety if left unresolved?  
Explain: \_\_\_\_\_
- F. Provide a narrative that demonstrates that there is a reasonable expectation that future damage or loss of life or injury will be reduced or prevented by the proposed mitigation measure:
- G. Discuss the negative impacts on the area if the proposed project is not approved: Explain:
- H. Describe damage caused by previous and current disasters and associated costs: \_\_\_\_\_
- I. Hazards to be Mitigated/Level of Protection

1. Select the type(s) of hazards the proposed project will mitigate:

- |   |  |   |  |
|---|--|---|--|
| <input type="checkbox"/> Agricultural     | <input type="checkbox"/> Drought       | <input type="checkbox"/> Earthquake           | <input type="checkbox"/> Flooding      |
| <input type="checkbox"/> Land Subsistence | <input type="checkbox"/> Mud/Landslide | <input type="checkbox"/> Severe Winter Storms | <input type="checkbox"/> Thunderstorms |
| <input type="checkbox"/> Terrorism        | <input type="checkbox"/> Tornado       | <input type="checkbox"/> Wildfires            |  |

2. Fill in the number of people and amount of property protected by the project:

Number of People: \_\_\_\_\_

Number of Residential Properties: \_\_\_\_\_ Value of Residential Properties: \$ \_\_\_\_\_

Number of Commercial Properties: \_\_\_\_\_ Value of Commercial Properties: \$ \_\_\_\_\_

Number of Public Properties : \_\_\_\_\_ Value of Public Properties: \$ \_\_\_\_\_

Value of Public Infrastructure \$ \_\_\_\_\_

**Total Number of Properties: \_\_\_\_\_ Total Value of Structures: \$ \_\_\_\_\_**

3. Provide the level of protection the proposed project will provide the total number of properties. (i.e. “23 structures protected against the 100-year (1%) flood” or “1 structure will have near absolute protection against 250 mph wind speeds”).

List data in Flood Levels (10, 25, 50, 100, etc) or wind speeds (mph).

\_\_\_\_\_ Structure(s) protected against the \_\_\_\_\_ year flood

\_\_\_\_\_ Structures will have near absolute protection against \_\_\_\_\_ mph wind speeds

4. The proposed project will provide protection against the hazard(s) specified above for \_\_\_\_\_ years.

Please explain the methodology used to determine the useful life of the project. (You can check the FEMA-standard for most project types which is located on the Mitigation BCA Toolkit) \_\_\_\_\_

5. In lieu of a Benefit Cost Analysis (BCA), explain how the mitigation measure will be cost effective (COST EFFECTIVENESS NARRATIVE):



**If yes**, additional flood mitigation measures should be considered due to the risk of overtopping or failure of the structure. Precautions to protect lives and minimize damages in these areas are critical. Please provide a narrative to describe what measures have been considered or taken to address the risk of overtopping or failure of the structure:

\_\_\_\_\_

D. Attach City or County Map with Project Site and Photographs (These are examples of the types of maps that can be used; additional space is provided to specify additional maps or references included in the application.) Check the appropriate boxes to indicate the attached maps

- Attached copy of a city or county scale map (large enough to show the entire project area) with the project site and structures marked on the map.
- Attached USGS 1:24,000 topographical map with project site marked on the map.
- For acquisition or elevation projects, include a copy of the Parcel Map (Tax Map, Property Identification Map, etc.) with each property in the project clearly marked on the map. Use SAME ID as used on the Individual Housing Data Sheet.
- Attached are overview photographs. The photographs should be representative of the project area, including any relevant streams, creeks, rivers, etc. and drainage areas which affect the project site or will be affected by the project.
- For State Historical Preservation Officer's review, please attach two photographs of the properties at opposing angles so they may determine whether it is of historical value.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Attach a copy of each site photograph here  
(Use additional pages as needed)

CLEARLY LABEL EACH PHOTO

## HMGP Property Site Inventory Form (PSI)

*Use one page for each property*

<b><u>Owner Information</u></b>	
First Name: _____	Last Name: _____ Co-Owner: _____
Property Address: _____	
City: _____	State: <u>Nebraska</u> Zip Code: _____ County: _____
Title Holder Post Mitigation (community undertaking project): _____	
<b><u>Mitigation Property Site Action:</u></b> <u>Select...</u>	<b><u>Mitigation Property Site Comments:</u></b> _____
<b><u>Property Information:</u></b>	
Age of Structure (year built): _____	Type of Residence: <u>Select...</u>
Pre-Event Fair Market Value: _____	Structure Type: <u>Select...</u>
Parcel Number: _____	Foundation Type: <u>Select...</u>
Property Tax Id: _____	Basement: <u>Select...</u>
Latitude: _____	Base Flood Elevation: _____
Longitude: _____	First Floor Elevation: _____
SHPC Cleared: <input checked="" type="radio"/> <u>Select...</u>	Number of feet the lowest floor elevation of the structure is being raised above Base Flood Elevation (Only applicable when Property Action is Elevation): _____
SHPC Cleared Date: <input checked="" type="radio"/> _____	Damage Category: <u>Select...</u>
Benefit Cost Analysis: <input type="checkbox"/> Yes <input type="checkbox"/> No	Post Mitigation Property Use: _____
Performed By Whom: _____	If commercial property what is the primary usage, explain below in comments.
Benefit Cost Ratio: _____	
Total Square Feet of Living Space: _____	
Average cost per square foot for residential & commercial construction in the community: _____	
<b><u>National Flood Insurance Program Information:</u></b>	
Flood Source: <u>Select...</u>	Structure Located in: <u>Select...</u>
<p>Note: An NFIP repetitive loss structure is defined as building with 2 or more insured losses greater than \$1,000 within a 10-year period.</p>	
Repetitive Loss Structure: <u>Select...</u>	<input type="checkbox"/> 2-3 Insured Losses Cumulatively < building fair market value <input type="checkbox"/> 2-3 Insured Losses Cumulatively > building fair market value <input type="checkbox"/> 4 or more losses since 1978 <input type="checkbox"/> Not Applicable
Repetitive Loss Number: _____	
NFIP Policy Number: <input checked="" type="radio"/> _____	Insurance Policy Provider: <input checked="" type="radio"/> _____
Is there a Flood Insurance Rate Map (FIRM) available? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Is the property site marked on the map? <u>Select...</u>	
<b><u>Flood Zone Designation</u></b>	
<input type="checkbox"/> VF or V 1-30	<input type="checkbox"/> C or X (un-shaded) <input type="checkbox"/> AE or A-130 <input type="checkbox"/> AO or AH
<input type="checkbox"/> B or X (shaded) <input type="checkbox"/> Floodway	<input type="checkbox"/> A (no base flood elevation given)
<b><u>FIRM Community Information</u></b>	<b><u>Map Specific Information for Selected Community</u></b>
Community: _____	Panel Number: _____ Date: _____
<b><u>Legal Description:</u></b> <input checked="" type="radio"/> _____	
<b><u>Comments:</u></b> _____	
<p><input checked="" type="radio"/> (This information is not required until the project is approved, but would be helpful if you can provide it at the time of application.)</p>	

### For Wind/Tornado Safe Room Applicants Only

In accordance with FEMA policy, all community Wind/Tornado Safe Rooms must meet FEMA publication 361 in order to receive federal funds. The FEMA 361, *Design and Construction Guidance for Community Wind/Tornado Safe Room* publication may be found at <http://www.fema.gov/fima/fema361.shtm>.

1. Describe preliminary plans for the Wind/Tornado Safe Room area (Include floor plan sketch of proposed project):
2. Who will be the primary occupants to take shelter? (i.e. campers, residents without basements, etc.) Please explain:
3. Occupancy: (indicate approximate occupancy of building during each hour of the day)

12 AM – 1 AM <input type="text"/>	1 AM – 2 AM <input type="text"/>	2 AM – 3 AM <input type="text"/>	3 AM – 4 AM <input type="text"/>	4 AM – 5 AM <input type="text"/>	5 AM – 6 AM <input type="text"/>	6 AM – 7 AM <input type="text"/>	7 AM – 8 AM <input type="text"/>
8 AM – 9 AM <input type="text"/>	9 AM – 10 AM <input type="text"/>	10 AM – 11 AM <input type="text"/>	11 AM – 12 PM <input type="text"/>	12 PM – 1 PM <input type="text"/>	1 PM – 2 PM <input type="text"/>	2 PM – 3 PM <input type="text"/>	3 PM – 4 PM <input type="text"/>
4 PM – 5 PM <input type="text"/>	5 PM – 6 PM <input type="text"/>	6 PM – 7 PM <input type="text"/>	7 PM – 8 PM <input type="text"/>	8 PM – 9 PM <input type="text"/>	9 PM – 10 PM <input type="text"/>	10 PM – 11 PM <input type="text"/>	11 PM – 12 AM <input type="text"/>

4. Include a narrative on the location and the number of occupants that will use the Wind/Tornado Safe Room during normal and adverse weather conditions.
5. Will the proposed Wind/Tornado Safe Room be an addition to an existing building?  
 Yes (complete question a)     No (complete question b)

**a. Complete the following information for the existing building/proposed Wind/Tornado Safe Room:**

Longest Width:	<input type="text"/>	Size/Square Footage:	<input type="text"/>
Longest Length:	<input type="text"/>	Will the Wind/Tornado Safe Room area be above or below ground?	<input type="checkbox"/> Above Ground <input type="checkbox"/> Below Ground
Construction Date:	<input type="text"/>	Number of Stories:	<input type="text"/>
Describe the current building configuration (also attach a sketch):			

**b. Complete the following information for the proposed structure:**

Longest Width:	<input type="text"/>	Longest Length	<input type="text"/>
Structure Size/Square Footage: Proposes Wind/Tornado Safe Room Area Square Footage:	<input type="text"/>	Will the Wind/Tornado Safe Room area be above or below ground?	<input type="checkbox"/> Above Ground <input type="checkbox"/> Below Ground
Construction Type:	<input type="text"/>	Number of Stories:	<input type="text"/>

6. Estimated Completion Date for Design (mo/yr):  Construction (mo/yr):
7. Estimated Yearly Maintenance Cost:
8. Preliminary Project Cost Estimate for Wind/Tornado Safe Room Area (amount to be included in application (fed + non-fed)-do not include estimated costs for optional amenities that the City will fund separately): \$
9. What Flood Zone the building is in: (include copy of FIRMette) indicating location of the building – If the building is in the floodplain the elevation of a Wind/Tornado Safe Room must be built at the 100 year plus 1 foot or to the 500 year level, whichever is higher:



**V. Scope of Work/Budget**

In this section, provide the details of all costs of the project. As this information is used for the Benefit-Cost Analysis, reasonable cost estimates are essential. As administrative costs are calculated on a sliding scale, **do not** include this in the budget. **Do not include contingency costs in the budget.**

**A. Materials**

Item	Quantity	Unit of Measure	Cost per Unit	Total Cost
		Select...	\$	\$
		Select...	\$	\$
		Select...	\$	\$
		Select...	\$	\$
		Select...	\$	\$

**B. Labor (Include equipment costs)**

Description	Hours	Rate	Cost
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$

**C. Fees Paid (Include any other costs associated with the project)**

Description of Task	Hours	Rate	Cost
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$

Totals	
<b>A. Materials</b>	\$
<b>B. Labor</b>	\$
<b>C. Fees Paid</b>	\$
<b>Grand Total (Total Project Costs):</b>	\$

**D. Provide a budget narrative for the proposed project: \_\_\_\_\_**

**V. Scope of Work/Budget continued**

E. **Funding Sources** (round figures to the nearest dollar) the maximum FEMA share for a HMGP project is 75%. The other 25% must be paid by the local sponsor. Note: You cannot match federal funds with federal funds; the only exception is Community Development Block Grant (CDBG) funding.

Funding Sources	Funding Amount	Percentage of Total Cost
Federal Share (Estimated FEMA Share)	\$	75%
Non-Federal Share (See below for required details to document)	\$	25%
TOTAL Proposed Project Cost	\$	100%

**Non-Federal Share Information:** (Use Source 1, additional source space is available if multiple sources are contributing to the proposed project (Source 2 and Source 3)).

**Match Assurance:** You must provide a letter or resolution from each source committing to their share(s) of the non-federal funding.

Description	Source 1	Source 2	Source 3	Comments (Specify Other Source)
1. Source Agency:	<u>Local Agency Funding</u>	<u>Select...</u>	<u>Select...</u>	
2. Source Name of Non-Federal Share				
3. Type of Non-Federal Share:	<u>Cash</u>	<u>Select...</u>	<u>Select...</u>	

F. **Project Work Schedule:** List the major milestones and timeframes for this project:  
**Example:**  
**Description: Demolition of 6 structures and removal of debris** Timeframe: **1 month**

Milestone	Timeframe Enter Number of Month(s)
1. Description: <u>Initial Grant Agreement Process</u>	_____ month(s)
2. Description: _____	_____ month(s)
3. Description: _____	_____ month(s)
4. Description: _____	_____ month(s)
5. Description: _____	_____ month(s)
6. Description: _____	_____ month(s)
7. Description: _____	_____ month(s)
8. Description: _____	_____ month(s)
9. Description: _____	_____ month(s)
10. Description: _____	_____ month(s)
11. Description: _____	_____ month(s)
12. Description: _____	_____ month(s)
13. Description: _____	_____ month(s)
14. Description: _____	_____ month(s)
15. Description: _____	_____ month(s)

**VI. Environmental Documentation**

The applicant **must** provide certain environmental documentation to the State before the State and FEMA can adequately review any proposed project. Some projects require specific documentation depending upon the project type and its potential effects on the physical, biological and built environment. The following sections will help ensure you provide the necessary documentation for the project you are proposing. Each of the sections below will begin with a specific question, in which you will provide either a Yes, No, or Not Known response. In each section, if you select Yes or Not Known for any of the answers, please indicate why in the comments section provided and any information about this project that could assist NEMA and FEMA in its review.

**A. National Historic Preservation Act – Historical Buildings and Structures**

1. Does your project affect or is it in close proximity to any buildings or structures 50 years or more in age? Select...

If yes, you must confirm that you have provided the following:

- The property address and original date of construction for each property affected (unless this information is already noted in the Properties section),
- A minimum of two color photographs showing at least three sides of each structure (Please label the photos accordingly),
- A diagram or USGS 1:24,000 scale quadrangle map displaying the relationship of the property(s) to the project area.

To help FEMA evaluate the impact of the project, please indicate below any other information you are providing:

- Information gathered about potential historic properties in the project area, including any evidence indicating the age of the building or structure and presence of buildings or structures that are listed or eligible for listing on the National Register of Historic Places or within or near a National Register listed or eligible historic district. Sources for this information may include the State Historic Preservation Officer, and/or the Tribal Historic Preservation Officer (SHPO/THPO), your local planning office, historic preservation organization, or historical society.
- Consideration of how the project design will minimize adverse effects on known or potential historic buildings or structures, and any alternatives considered or implemented to avoid or minimize effects on historic buildings or structures. Please address and note associated costs in your project budget.
- For Acquisition/demolition projects affecting historic buildings or structures, have you provided any data regarding the consideration and feasibility of elevation, relocation, or flood proofing as alternatives to demolition?
- List all Supporting Documentation Attached pertaining to Historic Buildings or Structures:
  1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_

**VI. Environmental Documentation Continued**

Additional Comments regarding Historic Buildings and Structures: \_\_\_\_\_

**B. National Historic Preservation Act – Archeological Resources**

1. Does your project involve disturbance of ground? Select...

If yes, you must confirm that you have provided the following:

- A description of the ground disturbance by giving the dimensions (area, volume, depth, etc.) and location
- The past use of the area to be disturbed, noting the extent of previously disturbed ground.
- A USGS 1:24,000 scale or other site map showing the location and extent of ground disturbance.

To help FEMA evaluate the impact of the project, please indicate below any other information you are providing:

- Any information about potential historic properties, including archeological sites in the project area. Sources of this information may include SHPO/THPO, and/or the Tribes cultural resources contact if no THPO is designated. Include, if possible, a map showing the relation of any identified historic properties to the project area.
- List all Supporting Documentation Attached pertaining to Archeological Resources:
  - 1. \_\_\_\_\_
  - 2. \_\_\_\_\_
  - 3. \_\_\_\_\_
- Additional Comments regarding Historic Buildings and Structures: \_\_\_\_\_

**C. Endangered Species Act and Fish and Wildlife Coordination Act**

1. Are federally listed threatened or endangered species or their critical habitat present in the area affected by the project? Select...

If yes, you must confirm that you have provided the following:

- Information you obtained to identify species in or near the project area. Provide the source and date of the information cited.

To help FEMA evaluate the impact of the project, please indicate below any other information you are providing:

- Any request for information and associated response from the United States Fish and Wildlife Service (USFWS) or the Nebraska Game and Parks Commission, regarding potential listed species present and potential of the project to impact those species.

**VI. Environmental Documentation Continued**

- List all Supporting Documentation Attached pertaining to the Endangered Species Act and Fish and Wildlife Coordination Act:
1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_

- Additional Comments regarding Endangered Species Act and Fish and Wildlife Coordination Act:

2. Does your project remove or affect vegetation? Select...

If yes, you must confirm that you have provided the following:

- Description of the amount (area) and type of vegetation to be removed or affected.
- A site map showing the project area and the extent of vegetation affected
- Photographs or digital images that show both the vegetation affected and the vegetation in context of its surroundings

To help FEMA evaluate the impact of the project, please indicate below any other information you are providing:

- List all Supporting Documentation Attached pertaining to Vegetation:
1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_

- Additional Comments regarding vegetation: \_\_\_\_\_

3. Is your project in, near (within 200 feet), or likely to affect any type of waterway or body of water?  Yes  No  Not Known
4. Does the project impact the South Platte, North Platte or Platte River?  Yes  No

The area of concern is from the Nebraska/Wyoming and the Nebraska/Colorado state lines to Chapman, NE. With any new project causing a rise or depletion to the target area project applications will be required to follow the Platte River Recovery and Implementation Program; the objective of which is to reduce target flow shortages. All offset measures shall be constructed and operated or implemented so that they do not cause additional shortages to either target flows or state-protected flows.

If yes, and project is not within an existing building, you must confirm that you have provided the following:

- A USGS 1:24,000 scale quadrangle map showing the project activities in relation to all nearby water bodies (within 200 feet).
- Any information about the type of water body nearby including: its dimensions, the proximity of the project activity to the water body, and the expected and possible changes to the water body, if any. Identify all water bodies regardless whether you think there may be an effect.

**VI. Environmental Documentation Continued**

- A photograph or digital image of the site showing both the body of water and the project area.

To help FEMA evaluate the impact of the project, please indicate below any other information you are providing:

- Evidence of any discussions with the US Fish and Wildlife Service (USFWS), and/or the Nebraska Game and Parks Commission concerning any potential impacts if there is the potential for the project to affect any water body.
- List all Supporting Documentation Attached pertaining to Waterway or Water Body:
1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_
- Additional Comments regarding Waterway or Water Body near your project: \_\_\_\_\_

D. Clean Water Act, Rivers and Harbors Act, and Executive Order 11990 (Protection of Wetlands)

1. Will the project involve dredging or disposal of dredged material, excavating, adding fill material or result in any modification to water bodies or wetlands designated as "waters of the U.S." as identified by the US Army Corps of Engineers or on the National Wetland Inventory?  Yes  No  Not Known

If yes, you must confirm that you have provided the following:

- Documentation of the project location on a USGS 1:24,000 scale topographic map or image and a copy of National Wetlands Inventory map or other available wetlands mapping information.

To help FEMA evaluate the impact of the project, please indicate below any other information you are providing:

- Request for information and response letter from the US Army Corps of Engineers and/or State resource agencies regarding the potential for wetlands, and applicability of permitting requirements
- Evidence of alternatives considered to eliminate or minimize impacts to wetlands.
- List all Supporting Documentation Attached pertaining to Water Bodies or Wetlands
1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_
- Additional Comments regarding Water Bodies or Wetlands for your project: \_\_\_\_\_

**VI. Environmental Documentation Continued****E. Executive Order 11988 (Floodplain Management)**

1. Does a Flood Insurance Rate Map (FIRM), Flood Hazard Boundary Map (FHBM), hydrologic study, or some other source indicate that the project is located in or will affect a 100 year floodplain, a 500 year floodplain if a critical facility, an identified regulatory floodway, or an area prone to flooding?  Yes  No  Not Known

If Yes, please indicate in the comments section below any documentation to identify the means or the alternatives considered to eliminate or minimize impacts to floodplains (See the 8 step process found in 44 CFR Part 9.6.) to help FEMA evaluate the impact of the project.

Comments regarding Executive Order 11988 (Floodplain Management): \_\_\_\_\_

2. Does the project alter a watercourse, water flow patterns, or a drainage way, regardless of its floodplain designation?  Yes  No  Not Known

If Yes, please indicate below any other information you are providing to help FEMA evaluate the impact of the project:

Hydrologic/hydraulic information from a qualified engineer to demonstrate how drainage and flood flow patterns will be changed and to identify down and upstream effects

Evidence of any consultation with US Army Corps of Engineers (may be included under Part D of the Environmental Information).

Request for information and response letter from the State water resource agency, if applicable, with jurisdiction over modification of waterways

List all Supporting Documentation Attached pertaining to Altering Watercourse, Water Flow Patterns, or Drainage Ways:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Additional Comments regarding altering Watercourse, Water Flow Patterns, or Drainage Way for your project: \_\_\_\_\_

**F. Farmland Protection Policy Act**

3. Will the project convert more than 5 acres of "prime or unique" farmland outside city limits to a non- agricultural use?  Yes  No  Not Known

List all Supporting Documentation Attached pertaining to the Farmland Protection Policy Act:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Additional Comments regarding the Farmland Protection Policy Act and your project: \_\_\_\_\_

**VI. Environmental Documentation Continued****G. RCRA and CERCLA (Hazardous and Toxic Materials)**

1. Is there a reason to suspect there are contaminants from a current or past use on the property associated with the proposed project?  Yes  No  Not Known

If Yes, please indicate below any other information you are providing to help FEMA evaluate the impact of the project:

- Comments and any relevant documentation
- Results of any consultations with State or local agency to obtain permit with requirements for handling, disposing of or addressing the effects of hazardous or toxic materials related to project implementation
- List all Supporting Documentation Attached pertaining to Hazardous and Toxic Materials:
1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
- Additional Comments regarding Hazardous and Toxic Materials and your project: \_\_\_\_\_

2. Are there any studies, investigations, or enforcement actions related to the property associated with the proposed project?  Yes  No  Not Known

If Yes, please indicate below any other information you are providing to help FEMA evaluate the impact of the project:

- Comments and any relevant documentation
- Results of any consultations with State or local agency to obtain permit with requirements for handling, disposing of or addressing the effects of hazardous or toxic materials related to project implementation
- List all Supporting Documentation Attached pertaining to Studies, Investigations, or Enforcement Actions
1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
- Additional Comments regarding Studies, Investigations, or Enforcement Actions related to your project: \_\_\_\_\_

3. Do any project construction or operation activities involve the use of hazardous or toxic materials?  Yes  No  Not Known

If yes, please indicate below any other information you are providing to help FEMA evaluate the impact of the project:

- Comments and any relevant documentation.

**VI. Environmental Documentation Continued**

- Results of any consultations with State or local agency to obtain permit with requirements for handling, disposing of or addressing the effects of hazardous or toxic materials related to project implementation.
- List all Supporting Documentation Attached pertaining to Hazardous and Toxic Materials:
  - 1. \_\_\_\_\_
  - 2. \_\_\_\_\_
  - 3. \_\_\_\_\_
- Additional Comments regarding Hazardous and Toxic Materials related to your project: \_\_\_\_\_

4. Do you know if any of the current or past land-uses of the property affected by the proposed project or of the adjacent properties are associated with hazardous or toxic materials?  Yes  No  Not Known

If Yes, please indicate below any other information you are providing to help FEMA evaluate the impact of the project:

- Comments and any relevant documentation.
- Results of any consultations with State or local agency to obtain permit with requirements for handling, disposing of or addressing the effects of hazardous or toxic materials related to project implementation.
- List all Supporting Documentation Attached pertaining to Current or Past Land Uses:
  - 4. \_\_\_\_\_
  - 5. \_\_\_\_\_
  - 6. \_\_\_\_\_
- Additional Comments regarding current or past land uses related to your project: \_\_\_\_\_

**H. Executive Order 12898, Environmental Justice for Low Income and Minority Populations**

1. Are there low income or minority populations in the project's area of effect or adjacent to the project area?  Yes  No  Not Known

If yes, you must confirm that you have provided the following:

- Description of any disproportionate and adverse effects to these populations.

To help FEMA evaluate the impact of the project, please indicate below any other information you are providing:

- Description of the population affected and the portion of the population that would be disproportionately and adversely affected. Please include specific efforts to address the adverse impacts in your proposal narrative and budget.

**VI. Environmental Documentation Continued**

List all Supporting Documentation Attached pertaining to Executive Order 12898 & your project:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Additional Comments regarding Executive Order 12898: \_\_\_\_\_

**I. Other Environmental/Historic Preservation Laws or Issues**

1. Are there other environmental/historic preservation requirements associated with this project that you are aware of?  Yes  No

If yes, please provide a description of the requirements, issues or public involvement effort: \_\_\_\_\_

2. Are there controversial issues associated with this project?  Yes  No  Not Known

If yes, please provide a description of the requirements, issues or public involvement effort: \_\_\_\_\_

3. Have you conducted any public meeting or solicited public input or comments on your specific proposed mitigation project?  Yes  No

If yes, please provide a description of the requirements, issues or public involvement effort: \_\_\_\_\_

List all Supporting Documentation Attached pertaining to Other Environmental/Historic Preservation Issues:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

Additional Comments regarding other Environmental/.Historic Preservation Issues: \_\_\_\_\_

**J. Summary and Cost of Potential Impacts**

1. Having answered the questions in parts A. through I., have you identified any aspects of your proposed project that have the potential to impact environmental resources or historic properties?  Yes  No

If yes, you must confirm that you have:

Evaluated these potential effects and provided the materials required in Parts A through I that identify the nature and extent of potential impacts to environmental resources and/or historic properties.

Consulted with appropriate parties to identify any measures needed to avoid or minimize these impacts.

**VI. Environmental Documentation Continued**

- Considered alternatives that could minimize both the impacts and the cost of the project.
- Made certain that the costs of any measures to treat adverse effects are realistically reflected in the project budget estimate.
- List all Supporting Documentation Attached pertaining to potential impacts:
1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_
- Please enter additional Comments here: \_\_\_\_\_

**VII. Maintenance Schedule and Associated Costs**

- A. Provide a maintenance schedule including cost information: \_\_\_\_\_
1. Identify entity that will perform any long-term maintenance: \_\_\_\_\_
  2. If the entity/responsibly party for regular long-term maintenance is different than the entity signing and certifying this application, please attach a letter from the entity accepting performance responsibility. Check the appropriate box below:
 

Yes, letter is attached from responsibly entity/party identified above.

No a maintenance letter is not attached. If FEMA approves this application, the entity certifying this application is responsible for long-term maintenance for the proposed mitigation project.
  3. Additional Maintenance Comments: \_\_\_\_\_

**VIII. Alternative Actions (This application will not be reviewed if this section is incomplete)**

- A. It is important to demonstrate that you have balanced engineering feasibility, cost, and avoidance of adverse environmental impacts considering a range of reasonable alternatives. The section below will help you document the process in which you have selected the most feasible alternative. Describe the **process** you used to decide that this project is the best solution to the problem. Below are some sample questions to consider as you write your narrative in the following comments section:
- Have you considered the risks to critical facilities and structures and benefits to be obtained by mitigating this vulnerability?
  - Have you considered those areas or projects that present the greatest opportunities given the current situation and interest in your community?
  - Are you addressing a symptom or the source of the problem? Addressing the source of the problem is a long-term solution which provides the most mitigation benefits.

**VIII. Alternative Actions continued**

- o If impacts to the environmental/historic preservation, natural, cultural, or historic resources have been identified, explain how your alternatives and proposed project avoid, minimize, or mitigate these impacts.

Process in which the proposed project was determined the best solution to the problem: All of the environmental and cultural impacts were considered during the decision process in developing this projects scope of work. Appropriate coordination has taken place with the US Fish and Wildlife, Nebraska Game and Parks, and the Nebraska State Historical Society. An evaluation parameters form was completed to assess the potential of threatened or endangered species being affected by the project. The proposed project was selected.....complete this sentence.....

B. You are required to show at least two alternatives to the project you are proposing, one as a default is a “No Action Alternative”. List two feasible alternative projects to mitigate the hazards faced in the project area.

1. **No Action Alternative**

Provide discussion of the impacts on the project area if no action is taken: \_\_\_\_\_

2. **Other Feasible Alternative:** \_\_\_\_\_

Discuss viable and practicable alternatives to the project including scope of work, engineering details (if applicable), estimated budget and the impacts of this alternative.

a. Other Feasible Project Description and Scope of Work

Describe, in detail, the proposed project. Also, explain how the proposed project will solve the problem(s) and/or provide protection from the hazard(s). \_\_\_\_\_

b. Other Feasible Project Location

- Attach a map or diagram showing the alternative site in relation to the proposed project site.
- Photographs of alternative site

Attach copy of each site photograph here  
(Use additional pages as needed)

CLEARLY LABEL EACH PHOTO

**VIII. Alternative Actions Continued**

- c. Funding Sources (round figures to the nearest dollar) the maximum FEMA share for a HMGP project is 75%. The other 25% must be paid by the local sponsor. Note: You cannot match federal funds with federal funds; the only exception is Community Development Block Grant (CDBG).

Funding Sources for the ALTERNATIVE Project	Funding Amount	Percentage of Total Cost
Federal Share (Estimated FEMA Share)	\$	%
Non-Federal Share (See below for required details to document)	\$	%
<b>TOTAL Estimated Alternative Project Cost</b>	<b>\$</b>	<b>100%</b>

**Non-Federal Share Information** (Use Source 1, additional source space is available if multiple sources would contributing to the alternative project (Source 2).

Description	Source 1	Source 2	Comments (Specify Other Source)
4. Source Agency:	Select...	Select...	
5. Source Name of Non-Federal Share			
6. Type of Non-Federal Share:	Cash	Select...	

- d. Impacts of Other Feasible Alternative Project

Discuss the impact of this alternative on the project area. Include comments on these issues: Environmental Justice; Endangered Species; Wetlands; Hydrology (Upstream and Downstream Impacts); Floodplain/Floodway; Historic Issues; Hazardous Materials. \_\_\_\_\_

**IX. Approval Stipulations:**

**1. If the proposed project receives FEMA approval:**

- a. And the federal share of less than \$1,000,000.00, does the Applicant or State desire a press release for the project?

Applicant:  Yes       No       Not Applicable     No Preference  
 State:  Yes       No       Not Applicable

- b. Does the applicant or State desire FEMA to notify the appropriate Congressional offices?

Applicant:  Yes       No  
 State:  Yes       No

**X. Certifications:**

To the best of my knowledge and belief, all data in this application is true and correct. The governing body of the applicant has duly authorized this document, and hereby applies for assistance documented in this application. By signing this document you will act as the applicant's agent in the performance of this grant. Also, the applicant understands that construction on the project may not proceed until FEMA approval is granted.

\_\_\_\_\_  
Typed name of Authorized Representative/Applicant Agent

\_\_\_\_\_  
Title

(\_\_\_\_) \_\_\_\_\_ -  
\_\_\_\_\_  
Telephone Number

\_\_\_\_\_  
Signature of Authorized Representative/Applicant Agent

\_\_\_\_\_  
Date Signed

***\*\*Is appropriate certification (a letter or resolution) included with your application that matching funds will be available to fund the non-federal share of the proposed project?***

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**NEBRASKA EMERGENCY MANAGEMENT  
AGENCY  
Hazard Mitigation Grant Program (HMGP)  
Planning Application**

### **What is the Hazard Mitigation Grant Program?**

Authorized under Section 404 of the Stafford Act, the Hazard Mitigation Grant Program (HMGP) administered by the Federal Emergency Management Agency (FEMA) provides grants to States and local governments to implement long-term mitigation measures after a major disaster declaration. The purpose of the program is to reduce loss of life and property due to natural disasters and to enable mitigation measures to be implemented during the immediate recovery from a disaster.

### **How much funding is available?**

HMGP can provide up to 15% percent which is calculated from the total amount of disaster assistance from both the Public Assistance (PA) and the Individual and Households Program (IHP). Once PA and IHP totals are estimated, FEMA determines the available HMGP funding. This funding can then be broken down into three types of project applications; 1) 7% Planning (does not have to demonstrate cost effectiveness, 2) 5% Initiative (does not have to demonstrate cost effectiveness) and 3) Regular (remaining percentage; must demonstrate cost-effectiveness). Examples of these project application types can be found within the administrative plan. All projects are cost shared at 75% federal funding and a 25% local match is required. This application falls under the 7% Planning application. In order to be eligible for the HMGP regular or 5% initiative projects (and other FEMA funded mitigation activities), you must have a FEMA-approved State and local mitigation plan.

### **Mitigation Plan Requirements:**

The outcome of a mitigation planning Sub-grant award must be a FEMA approved hazard mitigation plan that complies with the requirements of 44 CFR Part 201. Hazard mitigation plans must be reviewed, adopted by the jurisdiction, and FEMA-approved before the end of the activity completion timeframe.

### **Mitigation Plan Resources:**

FEMA has developed guidance materials to assist State and local officials in the development of mitigation plans, and to assist State and FEMA staff in review of mitigation plans. These materials are specifically linked to the requirements of 44 CFR Part 201. You may obtain these resources online by following the link below or by contacting the State Hazard Mitigation Officer. [http://www.fema.gov/plan/mitplanning/planning\\_resources.shtm](http://www.fema.gov/plan/mitplanning/planning_resources.shtm).

### **Completing the HMGP Application:**

This application will enable you to compete in the state-wide competitive “post disaster” Hazard Mitigation Grant Program. This application is designed to capture the necessary information to meet program requirements. You’re encouraged to take your time, read through the questions carefully and provide as much detail as possible. This will enable the process to be the most efficient.

You may obtain an electronic copy of the following application by contacting the State Hazard Mitigation Officer at (402) 471-7185 or by e-mail at [mary.baker@nebraska.gov](mailto:mary.baker@nebraska.gov).

## NEBRASKA EMERGENCY MANAGEMENT AGENCY Hazard Mitigation Grant Program (HMGP) PLANNING APPLICATION

**I. Applicant Information**

Date: \_\_\_\_\_  New Application  Revised Application

J. Name of Applicant: \_\_\_\_\_

K. Multi-Hazard Local Mitigation Plan Type: Select...

L. Point of Contact:

Mr.  Ms.  Mrs.

First Name: \_\_\_\_\_

Last Name: \_\_\_\_\_

Title: \_\_\_\_\_ Organization: \_\_\_\_\_

Street Address: \_\_\_\_\_ City: \_\_\_\_\_

State: Nebraska

Zip Code: \_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Fax: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ E-mail Address: \_\_\_\_\_

M. Alternate Point of Contact:

Mr.  Ms.  Mrs.

First Name: \_\_\_\_\_

Last Name: \_\_\_\_\_

Title: \_\_\_\_\_ Organization: \_\_\_\_\_

Street Address: \_\_\_\_\_ City: \_\_\_\_\_

State: Nebraska

Zip Code: \_\_\_\_\_

Telephone: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_

Fax: (\_\_\_\_\_) \_\_\_\_\_ - \_\_\_\_\_ E-mail Address: \_\_\_\_\_

**II. Estimated Funding (Cost Shares): Please fill in the percentages and the dollar amounts requested for funding your plan.**

Federal %	Non-Federal %	Applicant %	Other %	Total 100%
\$ _____	\$ _____	\$ _____	\$ _____	\$ _____

**III. Community Profile Information:**

Community Name:		Is FIRM OR FHBM available?	<input type="checkbox"/> Yes <input type="checkbox"/> No
County Name:		Community Participates in NFIP:	<input type="checkbox"/> Yes <input type="checkbox"/> No
FIPS Code:		Community Identification Number (CID):	
Federal Tax ID Number:		State Legislative District:	
DUNS Number:		US Congressional District:	

For multi-jurisdictional plans, the community profile information above is required for the applicant only.

Please list jurisdiction(s) to be covered by the plan for multi-jurisdictional plans, please separate jurisdictions with a semi-colon (example, Lancaster County; City of Lincoln): \_\_\_\_\_

*A special note for those multi-jurisdictional plans: when identifying the jurisdictions to be included in the proposed plan consideration should be given to school districts, rural water districts, and special districts, etc.*

**IV. Scope of Work Narrative:**

This planning application must describe the development of a hazard mitigation plan that complies with FEMA's regulatory requirements in 44 CFR Part 201. The scope of work should explain the objectives, methodology, feasibility, outcomes, timeline, milestones, resources, deliverables, and benefits of, as well as reasons for, the proposed planning activity.

A. Is this planning application an:

- Initial hazard mitigation plan  
 Update to an existing hazard mitigation plan

Note: An existing FEMA-approved hazard mitigation plan must meet Local Plan Update Guidance and resubmitted for FEMA-approval within 5 years to be eligible for HMGP project grant funding.

- B. Provide a narrative to explain the plan development process (i.e. hazard identification and risk assessment to result in identified mitigation activities) meeting compliance with the regulatory requirements in 44 CFR Part 201. The narrative should also describe how the planning activity will benefit constituents, identify the staff and resources needed to develop the plan, and describe the applicant's ability to provide the resources: \_\_\_\_\_
- C. Describe what jurisdictions/areas (i.e. watershed boundaries) are to be covered by the plan including the population to be covered (geographical area(s)) by the plan: \_\_\_\_\_
- D. Describe the staff and resources needed to implement this mitigation activity and the applicant's ability to provide these resources: \_\_\_\_\_
- E. List additional comments or attachments provided in support of the proposed planning activity, as applicable:
- Attachment 1: \_\_\_\_\_
- Attachment 2: \_\_\_\_\_
- Attachment 3: \_\_\_\_\_
- Attachment 4: \_\_\_\_\_
- Comments: \_\_\_\_\_

**V. Budget:**

In this section, provide the details of all costs of the plan. As administrative costs are calculated on a sliding scale, do not include these in the budget. **Do not include contingency costs in the budget.**

**A. Materials**

Item	Quantity	Unit of Measure	Cost per Unit	Total Cost
		Select...	\$	\$
		Select...	\$	\$
		Select...	\$	\$
		Select...	\$	\$
		Select...	\$	\$

**B. Labor (Include equipment costs)**

Description	Hours	Rate	Cost
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$

**C. Fees Paid (Include any other costs associated with the plan)**

Description of Task	Hours	Rate	Cost
		\$	\$
		\$	\$
		\$	\$
		\$	\$
		\$	\$

Totals	
<b>A. Materials</b>	\$
<b>B. Labor</b>	\$
<b>C. Fees Paid</b>	\$
<b>Grand Total (Total Project Costs):</b>	\$

**D. Provide a budget narrative for the proposed plan: \_\_\_\_\_**

**VI. Funding Sources** (round figures to the nearest dollar) the maximum FEMA share for a HMGP project is 75%. The other 25% must be paid by the local sponsor. Note: You cannot match federal funds with federal funds; the only exception is Community Development Block Grant (CDBG) funding.

Funding Sources	Funding Amount	Percentage of Total Cost
Federal Share (Estimated FEMA Share)	\$	%
Non-Federal Share (See below for required details to document)	\$	%
TOTAL Proposed Planning Cost	\$	100%

**Non-Federal Share Information:** (Use Source 1, additional source space is available if multiple sources are contributing to the proposed project (Source 2 and Source 3)).

**Match Assurance:** Must provide letters or resolutions from each source committing to their share(s) of the non-federal funding.

Description	Source 1	Source 2	Source 3	Comments (Specify Other Source)
7. Source Agency:	<u>Select...</u>	<u>Select...</u>	<u>Select...</u>	
8. Source Name of Non-Federal Share				
9. Type of Non-Federal Share:	<u>Select...</u>	<u>Select...</u>	<u>Select...</u>	

- A. **Plan Work Schedule: List the major milestones and timeframes for this plan:**  
**Example: Description:** Conduct kick-off meeting to define the goals and objectives of the planning process. **Note:** Ensure the work schedule accommodates sufficient time for the State and FEMA reviews, possible revisions, and subsequent reviews prior to formal adoption for approval, and if applicable, multiple jurisdictions' coordination.

Milestone	Timeframe Enter Number of Days and Month(s)
16. Description: _____	_____ days _____ month(s)
17. Description: _____	_____ days _____ month(s)
18. Description: _____	_____ days _____ month(s)
19. Description: _____	_____ days _____ month(s)
20. Description: _____	_____ days _____ month(s)
21. Description: _____	_____ days _____ month(s)
22. Description: _____	_____ days _____ month(s)
23. Description: _____	_____ days _____ month(s)
24. Description: _____	_____ days _____ month(s)
25. Description: _____	_____ days _____ month(s)
26. Description: _____	_____ days _____ month(s)
27. Description: _____	_____ days _____ month(s)
28. Description: _____	_____ days _____ month(s)
29. Description: _____	_____ days _____ month(s)
30. Description: _____	_____ days _____ month(s)

**VII. Certifications:**

To the best of my knowledge and belief, all data in this application is true and correct. The governing body of the applicant has duly authorized this document, and hereby applies for assistance documented in this application. By signing this document you will act as the applicant’s agent in the performance of this grant. Also, the applicant understands that no development of the plan may proceed until FEMA approval is granted.

Typed name of Authorized Representative/Applicant Agent	Title
	(      )      -
	Telephone Number
Signature of Authorized Representative/Applicant Agent	Date Signed

**\*\* Is appropriate certification (a letter or resolution) included with your application that certifies matching funds will be available to fund the non-federal share of the proposed plan?**

# Appendix C

## Sub Grantee Award Documents

- Attachment 1.** Sample Sub grantee Grant Agreement
- Attachment 2.** Construction Assurances Form to be submitted with Grant Agreement on all construction projects
- Attachment 3.** Non- Construction Assurances Form for all non construction awards
- Attachment 4.** Sample Sub grantee Grant Monitoring Forms  
(i.e. Quarterly Report, reimbursement Request Form, and Extension Request Form)
- Attachment 5.** Sample FEMA Award Letter
- Attachment 6.** Certifications Regarding Lobbying; Debarment, Suspension & other Responsibilities
- Attachment 7.** Disclosure of Lobbying Activities

**GRANT AGREEMENT****between****Nebraska Emergency Management Agency (NEMA)****and****Sub-grantee****PROJECT TITLE:****GRANT AGREEMENT NO:****PROJECT NO:****FEDERAL TAX ID#:****SCOPE OF WORK**

This Grant Assistance Agreement (AGREEMENT) is to provide (SUBGRANTEE) with federal assistance from the NAME OF GRANT PROGRAM funds for the above-referenced mitigation grant. The federal share shall not exceed \$XXX or 75% of actual allowable project costs, whichever is less. The SUBGRANTEE shall provide at least \$XXX (25%) through local non-federal (cash and/or in-kind) sources for actual allowable project costs. These funds are to assist the SUBGRANTEE with completing the approved scope of work in accordance with the work schedule, milestones, and scope of work that was submitted to and approved by the Nebraska Emergency Management Agency (NEMA) and the Federal Emergency Management Agency (FEMA). Any changes to the approved scope of work and/or amount budgeted must be submitted to and approved by NEMA prior to executing the changes. The SUBGRANTEE is required to obtain all necessary permits before construction begins.

**AGREEMENTS**

NEMA will provide financial oversight and management in the role of GRANTEE based on the grant guidance, the grant financial guide and all other applicable State and federal guidelines. The GRANTEE will provide technical assistance and direction to the SUBGRANTEE on programmatic and financial requirements. The GRANTEE will provide all appropriate documents and forms and make payments to the SUBGRANTEE to complete the approved scope of work.

The GRANTEE is responsible for monitoring SUBGRANTEE activities to provide reasonable assurance that the SUBGRANTEE administers federal awards in compliance with federal and State requirements. Responsibilities include the accounting of receipts and expenditures, cash management and the maintaining of adequate financial records.

Additionally, the SUBGRANTEE will be monitored quarterly by the GRANTEE to ensure that the program goals, objectives, timelines, budgets, and other related program criteria are being met. Monitoring will be accomplished through a combination of quarterly reporting, reviewing of expenditures for reimbursement, and when necessary; on-site monitoring. Monitoring will involve the review and analysis of the financial, programmatic, and administrative issues relative to the program, and will identify areas where technical assistance and other support may be needed.

The SUBGRANTEE will pass appropriate resolutions to assure NEMA that it is participating, and will continue to participate, in the National Flood Insurance Program, if mapped.

The SUBGRANTEE and the SUBGRANTEE's AUTHORIZED REPRESENTATIVE agree to provide all supervision, inspection, accounting, and other services necessary to complete the scope of work from inception to closeout with the requirements set forth below.

### I. ACTIVITY COMPLETION TIMEFRAME

The approved activity completion timeframe for this grant is from DDMMYYYY *through* DDMMYY. All work must be completed prior to the performance period ending. The SUBGRANTEE shall not incur costs or obligate funds for any purpose pertaining to the operation of the project, program, or activities beyond the expiration date of the activity completion timeframe, or the period of performance, whichever comes sooner.

If a time extension is needed it must be requested at least 75 days prior to the activity completion timeframe end date. All requests must be supported by adequate justification submitted to NEMA in order to be processed. This justification is a written explanation of the reason or reasons for the delay; an outline of remaining funds available to support the extended activity completion timeframe; and a description of performance measures necessary to complete the project. Without the justification, extension requests will not be processed.

### II. AUTHORITIES AND REFERENCES.

The SUBGRANTEE shall comply with all applicable laws, regulations and policies as defined in the State of Nebraska Hazard Mitigation Administrative Plan. A non-exclusive list of laws and regulations commonly applicable to FEMA grants follows hereto for reference only.

- OMB Circular A-102 – Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments as implemented in 44 CFR Part 13
- Title 2 CFR Part 225 (OMB Circular A-87) – Cost Principles for State and Local Governments
- OMB Circular A-133 – Audits of States, Local Governments, and Non-Profit Organizations
- Robert T. Stafford Disaster Assistance and Emergency Relief Act (Stafford Act), 42 U.S.C. 5133, as amended by Section 102 of the Disaster Mitigation Act of 2000 (DMA)
- Title 44 of the Code of Federal Regulations (CFR)
- SUBGRANTEE's application that was received and approved by NEMA and FEMA
- State of Nebraska Administrative Plan for the Hazard Mitigation Grant Program

### III. GRANT MANAGEMENT SYSTEM

To ensure that federal funds are awarded and expended appropriately, the SUBGRANTEE will establish and maintain a grant management system. The standards for SUBGRANTEE organizations stem from the Office of Management and Budget's (OMB) Uniform Administrative Requirements and Cost Principles. State, local and tribal organizations must follow the uniform administrative requirements standards in OMB Circular A-102, and cost principle standards in OMB Circular A-87. These standards combined with the audit standards provided within OMB Circular A-133, plus the requirements of the federal Cash Management Improvement Act constitute the basis for all policies, processes and procedures set forth in this grant management system for the SUBGRANTEE.

The SUBGRANTEE's grant management system must:

- Include internal controls based on the American Institute for Certified Public Accountant's (AICPA) definitions and requirements in the government-wide administrative requirements and cost principles
- Include a chart of accounts that includes a separate cost center, fund, or accounting codes for each federal grant or program
- Be in compliance with the Cash Management Improvement Act (CMIA), good business processes and Generally Accepted Accounting Principles (GAAP)
- Include procedures to minimize federal cash on hand
- Include the ability to track expenditures on a cash or accrual basis
- Include the ability to track expenditures in both financial and program budgets
- Include procedures to document all grant-related expenditures
- Include procedures to ensure expenditures are eligible and allowable
- Include the ability to fulfill government-required financial reporting forms

### IV. PROCUREMENT

This agreement requires that all procurement is executed by the SUBGRANTEE. Procurement standards must be in accordance with the written adopted procedures of the SUBGRANTEE, provided that the local procurement standards conform to applicable State and Federal law and the standards identified in the 44 CFR. The SUBGRANTEE will ensure that every purchase order or other contract includes any clauses required by Federal statutes and executive orders and their implementing regulations.

### V. AUDIT

SUBGRANTEE must comply with the requirements of the Single Audit Act Amendments of 1996 and the Office of Management and Budget (OMB) Circular A-133. Reference: Catalog of Federal Domestic Assistance (CFDA) Number: XXX

## **VI. PAYMENT REQUEST PROCESS**

Payments to SUBGRANTEEs are based on eligible expenditures that are specifically related to the approved grant budget and scope of work. SUBGRANTEEs can request **Reimbursement** for allowable expenditures already paid at anytime during the activity completion timeframe.

Payments shall be limited to the documented cash requirements submitted by the SUBGRANTEE. The SUBGRANTEE must submit a completed Payment Request Form and provide supporting documentation of eligible project costs to receive payment of funds.

Reimbursement requests must include payment verification (i.e. paid invoices, receipts, payroll records with personnel activity reports, cancelled checks, general ledger print outs, etc.).

Payment of funds will not be made to a SUBGRANTEE until NEMA has this grant agreement signed and on file.

## **VII. Match Verification**

The maximum federal share to this mitigation grant cannot exceed 75% of eligible grant expenditures. Therefore, the matching funds (cash and in-kind) must be at least 25% of eligible grant expenditures. The subgrantee is responsible for submitting proof of the local **non-federal** match that was used for their mitigation grant to NEMA. Expenditures must be in accordance with the approved scope of work and budget and in accordance with the 44 Code of Federal Regulations (CFR), Section §13.24, “Matching or cost sharing”

Cash match can be money contributed to the subgrantee by the subgrantee, other public agencies and institutions, private organizations and individuals as long as it comes from a non-federal source. Cash spent must be for allowable costs in accordance with the SUBGRANTEE’s approved scope of work and budget and must be applicable to the period to which the cost sharing or matching requirement applies.

In-kind match must comply with the requirements of the 44 CFR, Section §13.24 (matching or cost sharing). The value of in-kind contributions is also applicable to the period to which the cost sharing or matching requirement applies. The in-kind match provided must be documented by the third party contributing the in-kind services. The in-kind match must be specifically stated in the SUBGRANTEE’s scope of work and budget before in-kind match will be allowed to match any mitigation grant. Documentation can be a letter (on letterhead) from the third party stating the scope of their work, what is being contributed as it relates to the scope of work, the value, a statement to the effect that the value is normally charged, and a statement that the value is being waived on behalf of the subgrantee to meet the matching requirements to the sub-grantee’s mitigation grant or a spreadsheet detailing in-kind contributions certified by the Authorized Representative.

If the local match is insufficient to satisfy the local match requirements for receiving all available federal funds, the awarded federal funds will be reduced accordingly so as not to exceed the maximum federal share allowed under this award.

## **VIII. REPORTING REQUIREMENTS**

The mitigation grant requires quarterly programmatic and financial reporting and progress relative to the approved scope of work. SUBGRANTEES are required to complete the quarterly progress report forms that are provided by NEMA and submit them by the 15<sup>th</sup> day following each federal fiscal quarter. (See administrative plan for specific date.)

### **WAIVERS**

No conditions or provisions of this AGREEMENT can be waived unless approved by NEMA and the SUBGRANTEE, in writing. Unless otherwise stated in writing, NEMA's failure to insist upon strict performance of any provision of this AGREEMENT, or to exercise any right based upon a breach, shall not constitute a waiver of any right or obligation specified under this AGREEMENT.

### **AMENDMENTS AND MODIFICATIONS**

This AGREEMENT may be amended or modified in reference to the grant funds provided, administrative procedures, or any other necessary matter, but not to take effect until approved, in writing, by NEMA and the SUBGRANTEE.

### **COMPLIANCE, TERMINATION AND OTHER REMEDIES**

Unless otherwise stated in writing, NEMA requires strict compliance by the SUBGRANTEE and its authorized representative(s) with the terms of this AGREEMENT, and the requirements of any applicable local, state and federal statute, rules, regulations; particularly those included in the Assurances attached to this grant agreement.

NEMA may suspend or terminate any obligation to provide funding or demand return of grant funds, following notice from NEMA, if the SUBGRANTEE fails to meet any obligations under this AGREEMENT or fails to make satisfactory progress toward administration or completion of said project.

The SUBGRANTEE understands and agrees that NEMA may enforce the terms of this AGREEMENT by any combination or all remedies available to NEMA under this AGREEMENT, or under any other provision of law, common law, or equity.

### **INDEMNIFICATION**

1. It is understood and agreed by NEMA and the SUBGRANTEE and its agents that this AGREEMENT is solely for the benefit of the parties to this grant and gives no right to any other party.

2. The SUBGRANTEE, on behalf of itself and its successors and assigns, agrees to protect, save, and hold harmless NEMA and the State of Nebraska, and their authorized agents and employees, from all claims, actions, costs, damages, or expenses of any nature whatsoever by reason of the negligent acts, errors, or omissions of the SUBGRANTEE or its authorized representative, its contractors, subcontractors, assigns, agents, licensees, arising out of or in connection with any acts or activities authorized by this AGREEMENT. The SUBGRANTEE's obligation to protect, save, and hold harmless as herein provided shall not extend to claims or causes of action for costs, damages, or expenses caused by or resulting from the negligent acts, errors, or omissions of NEMA, the State of Nebraska, or any of their authorized agents or employees.
3. The SUBGRANTEE further agrees to defend NEMA, the State of Nebraska, and their authorized agents and employees against any claim or cause of action, or to pay reasonable attorney's fees incurred in the defense of any such claim or cause of action, as to which the SUBGRANTEE is required to protect, save, or hold harmless said parties pursuant to paragraph 2 of this part. The SUBGRANTEE's obligation to defend, or to pay attorney's fees for the defense of such claims or causes of action as herein provided, shall not extend to claims or causes of action for costs, damages, or expenses caused by or resulting from the negligent acts, errors, or omissions of NEMA, the State of Nebraska, or any of their authorized agents or employees.

### **ACKNOWLEDGMENTS**

The SUBGRANTEE shall include, in any public or private release of information regarding the project, language that acknowledges the funding contribution through NEMA by FEMA.

### **INDEPENDENT CONTRACTOR STATUS OF APPLICANT**

The SUBGRANTEE, its officers, employees, agents and council members shall all perform their obligations under this AGREEMENT as an independent contractor and not in any manner as officers, employees or agents of NEMA or the State of Nebraska. All references herein to the SUBGRANTEE shall include its officers, employees, city council/board members, and agents.

### **RESPONSIBILITY FOR PROJECT**

While NEMA undertakes to provide technical assistance to the SUBGRANTEE and its authorized representative in the administration of the project, said project remains the sole responsibility of the applicant in accomplishing grant objectives and goals. NEMA undertakes no responsibility to the SUBGRANTEE, or any third party, other than what is expressly set out in this AGREEMENT.



**ASSURANCES - CONSTRUCTION PROGRAMS**

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

**NOTE:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

Previous Edition Usable

Authorized for L production

Standard Form 424D (Rev. 7-97)  
Prescribed by OMB Circular A-102

- Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
  - Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
  - Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
  - Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
  - Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
  17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
  18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
  19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

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Signature of Authorized Certifying Official

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Title of Authorized Certifying Official

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Applicant Organization

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Date Submitted

**ASSURANCES - NON-CONSTRUCTION PROGRAMS**

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As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
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7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

- 9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
- 10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
- 11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
- 12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
- 13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
- 14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
- 15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
- 16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
- 17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
- 18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

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Signature of Authorized Certifying Official

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Title of Authorized Certifying Official

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Applicant Organization

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Date Submitted

*These forms are copies of the Electronic (Excel) Project Monitoring Forms – To obtain an electronic copy please refer to the attachment or contact the Nebraska Emergency Management Agency State Hazard Mitigation Office (402) 471-7185.*

State of Nebraska Hazard Mitigation Grant Program Subgrantee Quarterly Progress Report				
SUBGRANT AND SUBGRANTEE INFORMATION				
Grant (Disaster) Number:		Reporting Period		Report Date
Subgrant (Project) Number:				
Project Title:				
Project Description:				
SUBGRANTEE POINT OF CONTACT INFORMATION				
Name:		Title:		
Phone Number:		Email:(alt POC)		
PROJECT COSTS				
Select Cost Code:	(1) Cost Unchanged			
	Total Project	Federal Share	Non-Federal Share	Subgrantee Administrative Allowance
Total Amount Awarded:				
Total Amount Requested to Date:				
Total Amount Received to Date:				
Total Reimbursement Request This Quarter (See Reimbursement Request Form)				
APPROVED WORK SCHEDULE (PROVIDED IN APPLICATION)				
Select Overall Status Code:	(1) On Schedule			
Percentage Complete:				
Activity Completion Due Date:				
Revised Activity Completion Due Date (If applicable):				
Milestone Description	Approved Application Timeframe	Select Milestone Status Code	Due Date	Actual Completion Date
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				

**Provide a brief explanation of project activities to date; include any delays or cost changes that would affect project completion.**

**If delays have been encountered, please select from the list below whether an extension is anticipated. Please note, selection does not guarantee an extension approval will be granted. All funds incurred after the approved activity completion due date are unallowable. See extension worksheet for further details.**

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Signature (Authorized Representative)

Date

*By signing, you certify that all information above is true and correct.*

*These forms are copies of the Electronic (Excel) Project Monitoring Forms – To obtain an electronic copy please refer to the attachment or contact the Nebraska Emergency Management Agency State Hazard Mitigation Office (402) 471-7185*

State of Nebraska Hazard Mitigation Grant Program Reimbursement Request Form				
SUBGRANT AND SUBGRANTEE INFORMATION				
Grant (Disaster) Number:	0	Select Payment Request	Partial	
Subgrant (Project) Number:	0	Payment Request #	1	
Project Title:	0			
Project Description:	0			
SUBGRANTEE POINT OF CONTACT INFORMATION				
Name:	0	Title:	0	
Phone Number:	-	Email:	-	
PROJECT COSTS				
Select Cost Code:	(1) Cost Unchanged			
Justification for Change:				
	Total Project Amount	Federal Share Amount	Non-Federal Share Amount	Subgrantee Administrative Allowance
Total Amount Awarded:				
Total Amount Requested to Date:				
Total Amount Received to Date:				
Total Reimbursement Request:				

Signature (Authorized Representative)

Date

*By signing, you certify that all information above is true and correct and that all reported costs have been incurred in compliance with federal laws and local procurement policies and payment request has not been previously requested*

\*\*\*\*FORM MUST BE SIGNED & DATED\*\*\*\*

\* Request for Reimbursement must include payment verification (i.e. paid invoices, receipts, payroll records with personnel activity reports, cancelled checks, general ledger printouts, ect.)

<b>State of Nebraska Hazard Mitigation Grant Program Subgrantee Extension Request Form</b>					
<b>CONSIDERATIONS AND CRITERIA FOR REQUESTING A TIME EXTENSION</b>					
1	If unable to complete the project within the approved activity completion timeframe, the subgrantee must submit a formal written request for a time extension with justification to the State Hazard Mitigation Officer. Provided below are criteria which must be completed to facilitate the review of the extension request.				
2	This request must be received by FEMA no later than 60 days prior to the expiration of the activity completion timeframe; therefore requests must be submitted to NEMA within 75 days of the expiration.				
3	Requests for time extensions will be considered but will not be granted automatically and must be supported with adequate justification in order to be processed.				
4	Failure to submit an extension request will result in a de-obligation of any funds not disbursed by the grantee within the approved activity completion timeframe. A subgrantee/grantee may not expend FEMA funds after the expiration of the grant performance period unless an extension is approved by FEMA.				
5	The justification is a written explanation of the reason or reasons for the delay; an outline of the remaining project funds available to support the extended performance period; and a description of performance measures necessary to complete the project. Without adequate justification, extension requests will not be processed.				
7	Verification is required to ensure "NO CHANGE TO THE SCOPE OF WORK (SOW)". A change to the approved SOW requires prior approval from FEMA. Any costs incurred as a result of an un-authorized SOW change will be disallowed.				
<b>SUBGRANT AND SUBGRANTEE INFORMATION</b>					
SUBGRANT INFORMATION			SUBGRANTEE POINT OF CONTACT INFORMATION		
<b>Grant (Disaster):</b>			<b>Name:</b>		
<b>Subgrant (Project):</b>			<b>Title:</b>		
<b>Project Title:</b>			<b>Phone:</b>		
<b>Project Description:</b>			<b>Email:(Alt POC)</b>		
<b>(1) STATUS OF ON-GOING ACTIVITY</b>					
<b>Select Overall Status:</b>			<b>(1) On Schedule</b>		
<b>Percentage of Completion:</b>			<b>0%</b>		
<b>Identify any prior change requests submitted but not yet approved:</b>			<b>None</b>		
<b>(2) REASONS FOR DELAY</b>					
Provide a brief description below of circumstances encountered in project non-completion. For additional justification, provide a separate sheet and attach.					
<b>(3) PROJECT COMPLETION</b>					
<b>APPROVED WORK SCHEDULE (PROVIDED IN APPLICATION)</b>					
Milestone Description	Approved Application Timeframe	Milestone Status Code	Due Date	Revised Due Date (Requested)	Actual Completion Date
1					
2					
3					
4					

5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						

**REVISED WORK SCHEDULE (IF NECESSARY)**  
Identify additional objectives/milestones (and associated completion dates) necessary to complete the project.

	Milestone Description	Timeframe	
		Start Date	End Date
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			

Signature (Authorized Representative)		Date	
---------------------------------------	--	------	--

*By signing, you certify the project will be completed within the extended performance period without modifications to the approved statement of work and work will be completed in accordance with appropriate Program statute, regulation, and Grant Award Agreement Articles, if the extension is granted.*



FEDERAL EMERGENCY MANAGEMENT AGENCY <b>CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND                      OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS</b>	
<p>Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 44 CFR Part 18, "New Restrictions on Lobbying; and 28 CFR Part 17, "Government-wide Debarment and suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Federal Emergency Management Agency (FEMA) determines to award the covered transaction, grant, or cooperative agreement.</p>	
<p><b>1. LOBBYING</b></p> <p>A. As required by section 1352, Title 31 of the U.S. Code, and implemented at 44 CFR Part 18, for persons entering into a grant or cooperative agreement over \$100,000 as defined at 44 CFR Part 18, the applicant certifies that:</p> <p>(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement.</p> <p>(b) If any other funds than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or an employee of Congress, or employee of a member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities," in accordance with its instructions.</p> <p>(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall verify and disclose accordingly.</p> <p><input type="checkbox"/> Standard Form LLL, "Disclosure of Lobbying Activities" attached. (This form must be attached to certification if nonappropriated funds are to be used to influence activities.)</p>	<p>(b) Have not within a three-year period preceding this application been convicted of or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or perform a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;</p> <p>(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and</p> <p>(d) Have not within a three year period preceding this application had one or more public (Federal, State, or local) transactions terminated for cause or default; and</p> <p>B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.</p>
<p><b>2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)</b></p> <p>As required by Executive Order 12549, Debarment and Suspension, and implemented at 44 CFR Part 67, for prospective participants in primary covered transactions, as defined at 44 CFR Part 17, Section 17.510-A. The applicant certifies that it and its principals:</p> <p>(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;</p>	<p><b>3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)</b></p> <p>As required by the Drug-Free Workplace Act of 1988, and implemented at 44 CFR Part 17, Subpart F, for grantees, as defined at 44 CFR Part 17, Sections 17.515 and 17.620:</p> <p>A. The applicant certifies that it will continue to provide a drug-free workplace by:</p> <p>(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;</p> <p>(b) Establishing an on-going drug free awareness program to inform employees about:</p> <ul style="list-style-type: none"> <li>(1) The dangers of drug abuse in the workplace;</li> <li>(2) The grantee's policy of maintaining a drug-free workplace;</li> <li>(3) Any available drug counseling, rehabilitation, and employee assistance programs; and</li> <li>(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;</li> </ul>

(c) Making it a requirement that each employee to be engaged in the performance of the grant to be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employee in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to the applicable FEMA awarding office, i.e., regional office or FEMA office;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

8. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the award the grant:

Place of Performance (Street address, City, County, State, Zip code):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Check  if there are workplaces on file that are not identified here.

Section 17.620 of the regulations provide that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for FEMA funding. States and State agencies may elect to use a Statewide certification.

\_\_\_\_\_

FEMA Form 20-16C (BACK)

**DISCLOSURE OF LOBBYING ACTIVITIES**

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure)

Approved by OMB  
0348-0048

<p>1. Type of Federal Action:</p> <p><input type="checkbox"/> a. contract</p> <p>b. grant</p> <p>c. cooperative agreement</p> <p>d. loan</p> <p>e. loan guarantee</p> <p>f. loan insurance</p>	<p>2. Status of Federal Action:</p> <p><input type="checkbox"/> a. bid/offer/application</p> <p>b. initial award</p> <p>c. post-award</p>	<p>3. Report Type:</p> <p><input type="checkbox"/> a. initial filing</p> <p>b. material change</p> <p>For Material Change Only:</p> <p>year _____ quarter _____</p> <p>date of last report _____</p>
<p>4. Name and Address of Reporting Entity:</p> <p><input type="checkbox"/> Prime <input type="checkbox"/> Subawardee</p> <p>Ter. _____ if known:</p> <p>Congressional District, if known:</p>		<p>5. If Reporting Entity in No. 4 is Subawardee, Enter Name and Address of Prime:</p> <p>Congressional District, if known:</p>
<p>6. Federal Department/Agency:</p>	<p>7. Federal Program Name/Description:</p> <p>CFDA Number, if applicable: _____</p>	
<p>8. Federal Action Number, if known:</p>	<p>9. Award Amount, if known:</p> <p>\$ _____</p>	
<p>10. a. Name and Address of Lobbying Registrant (If individual, last name, first name, MI):</p>	<p>b. Individuals Performing Services (including address if different from No. 10a): (last name, first name, MI):</p>	
<p>11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</p>	<p>Signature: _____</p> <p>Print Name: _____</p> <p>Title: _____</p> <p>Telephone No.: _____ Date: _____</p>	
<p>Federal Use Only:</p>		<p>Authorized for Local Reproduction Standard Form 298 (Rev. 7/87)</p>

# Appendix D

## NEMA / FEMA FORMS

**Attachment 1** State Financial Analysis Form

**Attachment 2** Application for Federal Assistance (FORM SF-424)

**Attachment 3** Grantee Quarterly report Form

**Attachment 4** Examples of Milestones for Various Types of Hazard Mitigation Projects

(i.e. Acquisition, Utility Protective Measures, Safe Rooms, Critical Facilities, and Planning Projects)

**Attachment 5** ACH Enrollment Form

**Attachment 6** Request for Taxpayer Identification Number and Certification (W-9)



NEBRASKA EMERGENCY MANAGEMENT AGENCY

State Financial Analysis Form

GRANT / PROGRAM	Declaration/Disaster & Project(#)	AWARDING AGENCY
	FEMA-DR- -NE-	DHS-FEMA

PAYABLE TO (Applicant Sub-grantee):

ENTITY NAME: \_\_\_\_\_  
 ATTENTION: \_\_\_\_\_  
 MAILING ADDRESS: \_\_\_\_\_  
 CITY / STATE / ZIP: \_\_\_\_\_

FIPS # / SUB-GRANT ID	NIS(EDGE)# ID	FEDERAL EIN (VENDOR CODE)	SUBMITTAL DATE

	Local Share	State Share	Federal Share	Total
<b>Project Amt.</b>	\$		\$ -	\$
<b>Applicants Claim</b>	\$		\$ -	\$
<b>Adjustments</b>	\$		\$ -	
<b>Approved Cost</b>	\$		\$ -	\$
<b>Administrative</b>			\$ -	
<b>AMT Due Applicant</b>			\$ -	

<b>Reimbursed to Date</b>	\$		\$ -	\$
---------------------------	----	--	------	----

AWARD FFY: \_\_\_\_\_

Comments and Exceptions:

Project #  
Reimbursement

AWARD	Business Unit	AMOUNT
Federal award		\$ -
		\$ -
		\$ -
		\$ -

**AUTHORIZATION TOTAL:**

\$ -

^ Hazard Mitigation Officer

^ Response and Recovery Supervisor

^ Governor's Authorized Representative

**SF-424**

**APPLICATION FOR  
FEDERAL ASSISTANCE**

2. DATE SUBMITTED Applicant Identifier

3. DATE RECEIVED BY STATE State Application Identifier

4. DATE RECEIVED BY FEDERAL AGENCY Federal Identifier

1. TYPE OF SUBMISSION	
Application	Preapplication
<input type="checkbox"/> Construction	<input type="checkbox"/> Construction
<input type="checkbox"/> Non-Construction	<input type="checkbox"/> Non-Construction

**5. APPLICANT INFORMATION** Organizational Unit:

Legal Name	Department:
Organizational DUNS:	Division:
Address	Name and telephone number of person to be contacted on matters involving this application (give area code)
Street:	Prefix: <span style="float: right;">First Name:</span>
City:	Middle Name:
County:	Last Name:
State: <span style="float: right;">Zip Code:</span>	Suffix:
Country:	Email:
	Phone Number: <span style="float: right;">Fax Number:</span> (give area code) <span style="float: right;">(give area code)</span>

**6. FEDERAL EMPLOYER IDENTIFICATION NUMBER (EIN)**

<input type="text"/>	<input type="text"/>	-	<input type="text"/>						
----------------------	----------------------	---	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------	----------------------

**7. TYPE OF APPLICANT**

8. TYPE OF APPLICATION

New  Continuation  Revision

If Revision, enter appropriate letter(s) in box(es)

<input type="text"/>	<input type="text"/>
----------------------	----------------------

**9. NAME OF FEDERAL AGENCY**

**11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT**

**10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER**

CFDA TITLE

**12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.)**

**13. PROPOSED PROJECT:**

Start Date:  
End Date :

**14. CONGRESSIONAL DISTRICTS OF:**

- a. Applicant
- b. Project

**15. ESTIMATED FUNDING**

a. Federal	\$	.00
b. Applicant	\$	.00
c. State	\$	.00
d. Local	\$	.00
e. Other	\$	.00
f. Program Income	\$	.00
g. TOTAL	\$	.00

**16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?**

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON:

DATE:

b. NO.  PROGRAM IS NOT COVERED BY E.O. 12372 OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

**17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?**

Yes If "Yes," attach an explanation  No

**18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED.**

a. Name of Authorized Representative	b. Title	c. Telephone Number
d. Signature of Authorized Representative	e. Date Signed	

**INSTRUCTIONS FOR THE SF-424**

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

**PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.**

This is a standard form used by applicants as a required face sheet for pre-applications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:	Item:	Entry:
1.	Select Type of Submission.	11.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.
2.	Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).	12.	List only the largest political entities affected (e.g., State, counties, cities).
3.	State use only (if applicable).	13.	Enter the proposed start date and end date of the project.
4.	Enter Date Received by Federal Agency Federal identifier number: If this application is a continuation or revision to an existing award, enter the present Federal Identifier number. If for a new project, leave blank.	14.	List the applicant's Congressional District and any District(s) affected by the program or project
5.	Enter legal name of applicant, name of primary organizational unit (including division, if applicable), which will undertake the assistance activity, enter the organization's DUNS number (received from Dun and Bradstreet), enter the complete address of the applicant (including country), and name, telephone number, e-mail and fax of the person to contact on matters related to this application.	15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.	16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
7.	Select the appropriate letter in the space provided. A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School District I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) O. Not for Profit Organization	17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
8.	Select the type from the following list: <ul style="list-style-type: none"> <li>• "New" means a new assistance award.</li> <li>• "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.</li> <li>• "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. If a revision enter the appropriate letter:                              A. Increase Award      B. Decrease Award                              C. Increase Duration      D. Decrease Duration</li> </ul>	18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)
9.	Name of Federal agency from which assistance is being requested with this application.		
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.		

State of Nebraska Hazard Mitigation Grant Program Sub grantee Quarterly Progress Report				
SUBGRANT AND SUBGRANTEE INFORMATION				
Grant (Disaster) Number:		Reporting Period		Report Date
Sub grant (Project) Number:				
Project Title:				
Project Description:				
SUBGRANTEE POINT OF CONTACT INFORMATION				
Name:		Title:		
Phone Number:		Email:(alt POC)		
PROJECT COSTS				
Select Cost Code:	(1) Cost Unchanged			
	Total Project	Federal Share	Non-Federal Share	Sub grantee Administrative Allowance
Total Amount Awarded:				
Total Amount Requested to Date:				
Total Amount Received to Date:				
Total Reimbursement Request This Quarter (See Reimbursement Request Form)				
APPROVED WORK SCHEDULE (PROVIDED IN APPLICATION)				
Select Overall Status Code:	(1) On Schedule			
Percentage Complete:				
Activity Completion Due Date:				
Revised Activity Completion Due Date (If applicable):				
Milestone Description	Approved Application Timeframe	Select Milestone Status Code	Due Date	Actual Completion Date
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				

**Provide a brief explanation of project activities to date; include any delays or cost changes that would affect project completion.**

**If delays have been encountered, please select from the list below whether an extension is anticipated. Please note, selection does not guarantee an extension approval will be granted. All funds incurred after the approved activity completion due date are unallowable. See extension worksheet for further details.**

---

Signature (Authorized Representative)

Date

*By signing, you certify that all information above is true and correct.*

*These forms are copies of the Electronic (Excel) Project Monitoring Forms – To obtain an electronic copy please refer to the attachment or contact the Nebraska Emergency Management Agency State Hazard Mitigation Office (402) 471-7185*

## Sample Milestones for the Acquisition of Residential Structures

Project milestones should be included in the original project application and in each quarterly report until the project has been closed. Provided below are sample milestones for an acquisition project. The anticipated completion date of the project should be reflected by the project status below (On-schedule, delayed, completed, etc)

## Quarterly Report Performance Period Date

<b>Total Project Status</b>	<b>Description</b>
<input type="checkbox"/> On Schedule	Project approval date
<input type="checkbox"/> Suspended	
<input type="checkbox"/> Delayed	
<input type="checkbox"/> Canceled	
<input type="checkbox"/> Completed	

## Work Schedule (Milestones)

<b>#</b>	<b>Description</b>	<b>Anticipated Completion Date</b>	<b>Actual Completion Date</b>
1.	Develop and adopt flood buyout policy for community	1 month after project approval	
2.	Begin appraisal and title searches	2 months after project approval	
3.	Begin property closings	4 months after project approval	
4.	Contracting for demolition	8 months after project approval	
5.	Complete demolition for all projects	12 months after project approval	
6.	Payment of all bills related to the buyout & closeout site review with state scheduled	13 months after project approval	

Work schedule/milestones should be created and used as a tool to compare project performance with the goals and objectives established. Upon project approval, dates should be formed that reflect anticipated completion dates for each milestone included in the project application and should be included in each quarterly report. Unmet milestones should be explained with a justification or reasons for a possible delay.

**NOTE:** These are example milestones and reflect “typical” project timeframes. Milestones and anticipated completion dates should be determined on a case-by-case basis taking into consideration size of project, construction seasons, etc.

Sample Milestones for Improvements of Power Lines  
HMGP Project Type = 400.1 Utility Protective Measures (Electric, Gas, etc.)

Project milestones should be included in the original project application and in each quarterly report while the project is open. Provided below are sample milestones for an improvement of power lines. The milestones for the project should directly relate to the status of the project, which would be one of the five options as described below.

Quarterly report Performance Period Date

Total Project Status	Description
<input type="checkbox"/> On Schedule	Project approval date
<input type="checkbox"/> Suspended	
<input type="checkbox"/> Delayed	
<input type="checkbox"/> Canceled	
<input type="checkbox"/> Completed	

**Work Schedule (Milestones)**

#	Description	Anticipated Completion Date	Actual Completion Date
<b>A.</b>	<b>“Community to Community” (Section 1 of Project)</b>		
1.	Design Engineering		
2.	Right of Way Acquisition		
3.	Survey and Stake Structure		
4.	Requisition Materials		
5.	Construction		
6.	Settle Damages with land owners		
7.	Preparation of Reimbursement Request		
<b>B.</b>	<b>“Community to Community” (Section 2 of Project)</b>		
1.	Design Engineering		
2.	Right of Way Acquisition		
3.	Survey and Stake Structure		
4.	Requisition Materials		
5.	Construction		
6.	Settle Damages with land owners		
7.	Preparation of Reimbursement Request		
<b>C.</b>	<b>States Request for Closeout</b>		

Work schedule/milestones should be created to complement the projects goals and objectives and be used as a tool to compare performance with goals and objectives. Upon project approval, dates may be formed from the estimated days for each milestone and included in quarterly reports. Unmet milestones should be accompanied with a justification or reason for a possible delay.

Anticipated completion dates for the milestones identified above were not completed. A sample milestone exercise for this type of project would not allow an accurate display of the time needed to complete these actions. Each power pole project will vary depending on the power district, “sub-projects” involved, such as those indicated in the table for a stretch of line from community to community. Completion dates are formed when it is possible to get the line out of service to complete the work, depending on schedules of other projects, when the crews are available, weather, etc.

## Sample Milestones for a Tornado Safe Room Project

Project milestones should be included in the original project application and in each quarterly report while the project is open. Provided below are sample milestones for the construction of a Tornado Safe Room. The milestones for the project should directly relate to the status of the project, which would be one of the five options as described below.

## Quarterly Report Performance Period Date

Total Project Status	Description
<input type="checkbox"/> On Schedule	Project approval date
<input type="checkbox"/> Suspended	
<input type="checkbox"/> Delayed	
<input type="checkbox"/> Canceled	
<input type="checkbox"/> Completed	

## Work Schedule (Milestones)

#	Description	Anticipated Completion Date	Actual Completion Date
1.	Complete Site Survey (to determine Flood elevation for Design, Tornado/Wind Safe Room must be above 500-year flood event)	Approx 30-60 days	
2.	Complete Design	Approx 90-120 days	
3.	Start Construction	Approx 12 to 18 mo after proj approval	
4.	End Construction	Approx 12 to 18 mo after proj approval	
5.	Approval of Operations Plan/Emergency Kit	Approx 12-24 mo after proj approval	
6.	States Request for Closeout	Approx 12-24 mo after proj approval Approx 90 days	

Work Schedule/milestones should be created to complement the project goals and objectives and be used as a tool to compare performance with the goals and objectives. Upon project approval, dates may be formed from the estimated days for each milestone and included in quarterly reports. Unmet milestones should be accompanied with a justification or reason for a possible delay.

**NOTE:** These are only estimated time frames and sample milestones. The time frame for each milestone noted above, may vary due to time of year that the project or design is approved (i.e. season, and/or severe weather conditions.)

These milestones are general. We realize that many steps may not be included above however; this does not restrict the state/community from adding or eliminating various milestones within their applications

**Phase Project Approval**

**Phase I, Design**, this is funding to complete the architectural and engineering (design) of the Tornado/Wind Safe Room. This phase will be coordinated with FEMA to ensure the design is in accordance with the Design and Construction Guidance for Tornado/Wind Safe Rooms FEMA 361. No Construction may proceed until FEMA reviews and approves the design.

**Phase II, Construction**, FEMA will notify the Grantee in writing that the design was found acceptable, the approval may or may not include conditions. At this time funding will be released to complete the construction of the Tornado/Wind Safe Room.

## Sample Milestones for the Protection of a Wastewater Treatment Plant/Critical Facility

Project milestones should be included in the original project application and in each quarterly report while the project is open. Provided below are sample milestones for the Protection of the Wastewater Treatment Plant/Critical Facility. The milestones for the project should directly relate to the status of the project, which would be one of the five options as described below.

## Quarterly Report Performance Period Date

Total Project Status	Description
<input type="checkbox"/> On Schedule	Project approval date
<input type="checkbox"/> Suspended	
<input type="checkbox"/> Delayed	
<input type="checkbox"/> Canceled	
<input type="checkbox"/> Completed	

## Work Schedule (Milestones)

#	Description	Anticipated Completion Date	Actual Completion Date
1.	Feasibility/Engineering Study/Preliminary Design	Approx 3-6 mo	
2.	FEMA approval of alternative selected	Approx 30 days	
3.	Final Design	Approx 30 days	
4.	NEPA	Approx 90 days	
5.	Bid Letting/Award for Construction	Approx 45 days	
6.	Purchase of Land Easements (if required)	Approx 120 days	
7.	Required Permits obtained	Approx 60 days	
8.	Construction	Approx 6-12 mo	
9.	Preparation of Reimbursement Request	Approx 90 days	

Three years from start to finish should be the estimated maximum time needed to complete such projects, which would include any weather delays.

Work schedule/milestones should be created to complement the projects goals and objectives and be used as a tool to compare performance with the goals and objectives. Upon project approval, dates may be formed from the estimated days for each milestone and included in quarterly reports. Unmet milestones should be accompanied with a justification or reason for a possible delay.

**NOTE:** These are only estimated time frames and sample milestones. Several milestones could be completed simultaneously.

These milestones are general. We realize that many steps may not be included above however; this does not restrict the state/community from adding or eliminating various milestones within their applications.

Sample Milestones for Planning Projects

Project milestones should be included in the original project application and reflective in quarterly reports while the project is open. Provided below are sample milestones for mitigation planning projects. The milestones for the project should directly relate to the status of the project, which would be one of the five options as described below.

Quarterly Report Performance Period Date

<b>Total Project Status</b>	<b>Description</b>
<input type="checkbox"/> On Schedule	Project approval date
<input type="checkbox"/> Suspended	
<input type="checkbox"/> Delayed	
<input type="checkbox"/> Canceled	
<input type="checkbox"/> Completed	

Work Schedule (Milestones)

<b>#</b>	<b>Description</b>	<b>Anticipated Completion Date</b>	<b>Actual Completion Date</b>
1.	Development of Planning Committee		
2.	Risk Assessment		
3.	Development of Mitigation Strategies		
4.	Submission to FEMA for review prior to adoption		
5.	Monitoring, Evaluating and Adoption		
6.			
7.			
8.			
9.			
	States Request for Closeout		

Work schedule/milestones should be created to complement the projects goals and objectives and be used as a tool to compare performance with the goals and objectives. Upon project approval, dates may be formed from the estimated days for each milestone and included in quarterly reports. Unmet milestones should be companied with a justification or reason for a possible delay.

<b>STATE OF NEBRASKA SUBSTITUTE FORM W-9 &amp; ACH ENROLLMENT FORM</b>		<b>Return Form to the Requester.</b> (Rev. October 2013)
<b>Requester Information:</b>		
Agency:		Phone:
Name:		Fax:
Address:		E-mail:
<b>Substitute Form W-9:</b> (IRS Rev August 2013)		
Name (as shown on your income tax return):		
Business name/disregarded entity name, if different from above:		
Check appropriate box for federal tax classification:		
<input type="checkbox"/> Individual <input type="checkbox"/> Sole proprietor <input type="checkbox"/> C Corporation <input type="checkbox"/> S Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Trust/estate <input type="checkbox"/> Non-Profit Entity <input type="checkbox"/> Government (Local, State or Federal) <input type="checkbox"/> Limited Liability Company. Enter the tax classification (C = C Corporation, S = S Corporation, P = Partnership) _____ <input type="checkbox"/> Other (see instructions) _____		
Exemptions (see instructions): Exempt payee code (if any) _____		Exemption from FATCA reporting code (if any) _____
Address:		Remit Address (if different):
City, state, and ZIP code		City, state, and ZIP code
<b>Taxpayer Identification Number (TIN):</b>		
Social Security Number (SSN): _____		OR Employer Identification Number (EIN): _____
<b>Certification:</b>		
Under penalties of perjury, I certify that:		
1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and 2. I am not subject to backup withholding due to failure to report interest and dividend income, and 3. I am a U.S. citizen or other U.S. person (defined in the instructions), and 4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct. For additional instructions please refer to <a href="http://www.irs.gov/pub/irs-pdf/fw9.pdf">http://www.irs.gov/pub/irs-pdf/fw9.pdf</a> to obtain a copy of the IRS Form W-9 General Instructions.		
Signature of US Person: _____		Date: _____
Printed Name: _____		Contact Phone: _____
Comments or Business/Entity Notes:		
<b>ACH Enrollment:</b> (Rev. October 2013) <input type="checkbox"/> Initial Setup <input type="checkbox"/> Change		
<b>This information is REQUIRED to process payments. Without this information, your payment may be delayed.</b>		
Financial Institution Name:	Nine Digit Routing Number:	<input type="checkbox"/> Check here if the bank is outside of the United States.
Address:	Depositor Account Number:	<input type="checkbox"/> Check here if the following must be discussed with your entity: There are new processing requirements for electronic vendor payments that are being sent to a financial institution outside of the United States. If our payments to you are being forwarded from a U.S. financial institution to a financial institution in another country, please advise (identify who within your company).
City, state and ZIP code:	Type of Account: <input type="checkbox"/> Checking <input type="checkbox"/> Savings	
This account will be used for all payments by the State of Nebraska unless specified here: _____		
E-mail: _____ (Used for ACH payment notifications.)		
Vendor Signature:	<b>Attachment Required!</b> (Select and attach <b>one</b> of the following items for verification):	
Printed Name:	<input type="checkbox"/> Blank check (voided) or <input type="checkbox"/> Photocopy of a check	
Title:	<input type="checkbox"/> Letter or statement from your financial institution	
Date:	<input type="checkbox"/> Vendor Invoice or <input type="checkbox"/> Vendor Letter with ACH instructions	
<b>Internal Use Only:</b>		

An electronic version of this form may be obtained from NEMA.

State of Nebraska Substitute Form W-9

NEW	Internal Use Only
PP	
V	
VP	

Form **W-9**  
(Rev. October 2007)  
Department of the Treasury  
Internal Revenue Service

## Request for Taxpayer Identification Number and Certification

Give form to the requester. Do not send to the IRS.

Print or type See Specific Instructions on page 2.	Name (as shown on your income tax return)		
	Business name, if different from above		
	Check appropriate box: <input type="checkbox"/> Individual/Sole proprietor 1099 Reportable <input type="checkbox"/> Corporation Not 1099 Reportable <input type="checkbox"/> Partnership 1099 Reportable <input type="checkbox"/> Limited liability company. Enter the tax classification (D=disregarded entity, C=corporation, P=partnership) ▶ _____ 1099 Reportable <input type="checkbox"/> Exempt payee <input type="checkbox"/> Government - Not 1099 Reportable <input type="checkbox"/> 501 (c) - Not 1099 Reportable <input type="checkbox"/> Other (see instructions) ▶ _____		
	Address (number, street, and apt. or suite no.)		Requester's name and address (optional) State of Nebraska Administrative Services PO Box 94664 Lincoln NE 68509-4664
	City, state, and ZIP code		
List account number(s) here (optional)			

### Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on Line 1 to avoid backup withholding. For individuals, this is your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the Part I instructions on page 3. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN* on page 3.

**Note.** If the account is in more than one name, see the chart on page 4 for guidelines on whose number to enter.

Social security number
SSN OR EIN
Employer identification number

### Part II Certification

Under penalties of perjury, I certify that:

- The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me), and
- I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding, and
- I am a U.S. citizen or other U.S. person (defined below).

**Certification instructions.** You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the Certification, but you must provide your correct TIN. See the instructions on page 4.

<b>Sign Here</b>	Signature of U.S. person ▶	Date ▶
------------------	----------------------------	--------

Printed Name: \_\_\_\_\_ Contact Phone: \_\_\_\_\_

E-mail: \_\_\_\_\_

Comments or Business/Entity Notes:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Internal Use Only:

\_\_\_\_\_  
\_\_\_\_\_

## General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

### Purpose of Form

A person who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) to report, for example, income paid to you, real estate transactions, mortgage interest you paid, acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA.

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN to the person requesting it (the requester) and, when applicable, to:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding, or
3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income.

**Note.** If a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

**Definition of a U.S. person.** For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States,
- An estate (other than a foreign estate), or
- A domestic trust (as defined in Regulations section 301.7701-7).

**Special rules for partnerships.** Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax on any foreign partners' share of income from such business. Further, in certain cases where a Form W-9 has not been received, a partnership is required to presume that a partner is a foreign person, and pay the withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid withholding on your share of partnership income.

The person who gives Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States is in the following cases:

- The U.S. owner of a disregarded entity and not the entity,
- The U.S. grantor or other owner of a grantor trust and not the trust, and
- The U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

**Foreign person.** If you are a foreign person, do not use Form W-9. Instead, use the appropriate Form W-8 (see Publication 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

**Nonresident alien who becomes a resident alien.** Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must

attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.
4. The type and amount of income that qualifies for the exemption from tax.
5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

**Example.** Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity not subject to backup withholding, give the requester the appropriate completed Form W-8.

**What is backup withholding?** Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

### Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,
2. You do not certify your TIN when required (see the Part II instructions on page 3 for details),
3. The IRS tells the requester that you furnished an incorrect TIN,
4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or
5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See the instructions below and the separate Instructions for the Requester of Form W-9.

Also see *Special rules for partnerships* on page 1.

## Penalties

**Failure to furnish TIN.** If you fail to furnish your correct TIN to a requester, you are subject to a penalty of \$50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

**Civil penalty for false information with respect to withholding.** If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a \$500 penalty.

**Criminal penalty for falsifying information.** Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

**Misuse of TINs.** If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

## Specific Instructions Name

If you are an individual, you must generally enter the name shown on your income tax return. However, if you have changed your last name, for instance, due to marriage without informing the Social Security Administration of the name change, enter your first name, the last name shown on your social security card, and your new last name.

If the account is in joint names, list first, and then circle, the name of the person or entity whose number you entered in Part I of the form.

**Sole proprietor.** Enter your individual name as shown on your income tax return on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name" line.

**Limited liability company (LLC).** Check the "Limited liability company" box only and enter the appropriate code for the tax classification ("D" for disregarded entity, "C" for corporation, "P" for partnership) in the space provided.

For a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Regulations section 301.7701-3, enter the owner's name on the "Name" line. Enter the LLC's name on the "Business name" line.

For an LLC classified as a partnership or a corporation, enter the LLC's name on the "Name" line and any business, trade, or DBA name on the "Business name" line.

**Other entities.** Enter your business name as shown on required federal tax documents on the "Name" line. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on the "Business name" line.

**Note.** You are requested to check the appropriate box for your status (individual/sole proprietor, corporation, etc.).

## Exempt Payee

If you are exempt from backup withholding, enter your name as described above and check the appropriate box for your status, then check the "Exempt payee" box in the line following the business name, sign and date the form.

Generally, individuals (including sole proprietors) are not exempt from backup withholding. Corporations are exempt from backup withholding for certain payments, such as interest and dividends.

**Note.** If you are exempt from backup withholding, you should still complete this form to avoid possible erroneous backup withholding.

The following payees are exempt from backup withholding:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
2. The United States or any of its agencies or instrumentalities,
3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,

4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
5. An international organization or any of its agencies or instrumentalities.

Other payees that may be exempt from backup withholding include:

6. A corporation,
7. A foreign central bank of issue,
8. A dealer in securities or commodities required to register in the United States, the District of Columbia, or a possession of the United States,
9. A futures commission merchant registered with the Commodity Futures Trading Commission,
10. A real estate investment trust,
11. An entity registered at all times during the tax year under the Investment Company Act of 1940,
12. A common trust fund operated by a bank under section 584(a),
13. A financial institution,
14. A middleman known in the investment community as a nominee or custodian, or
15. A trust exempt from tax under section 664 or described in section 4947.

The chart below shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 15.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 9
Broker transactions	Exempt payees 1 through 13. Also, a person registered under the Investment Advisers Act of 1940 who regularly acts as a broker
Barter exchange transactions and patronage dividends	Exempt payees 1 through 5
Payments over \$600 required to be reported and direct sales over \$5,000 <sup>1</sup>	Generally, exempt payees 1 through 7 <sup>2</sup>

<sup>1</sup>See Form 1099-MISC, Miscellaneous Income, and its instructions.

<sup>2</sup> However, the following payments made to a corporation (including gross proceeds paid to an attorney under section 6045(f), even if the attorney is a corporation) and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, and payments for services paid by a federal executive agency.

## Part I. Taxpayer Identification Number (TIN)

**Enter your TIN in the appropriate box.** If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN. However, the IRS prefers that you use your SSN.

If you are a single-member LLC that is disregarded as an entity separate from its owner (see Limited liability company (LLC) on page 2), enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

1

**Note.** See the chart on page 4 for further clarification of name and TIN combinations.

**How to get a TIN.** If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local Social Security Administration office or get this form online at *www.ssa.gov*. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at *www.irs.gov/businesses* and clicking on Employer Identification Number (EIN) under Starting a Business. You can get Forms W-7 and SS-4 from the IRS by visiting *www.irs.gov* or by calling 1-800-TAX-FORM (1-800-829-3676).

If you are asked to complete Form W-9 but do not have a TIN, write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

**Note.** Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

**Caution:** A disregarded domestic entity that has a foreign owner must use the appropriate Form W-8.

**Part II. Certification**

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if items 1, 4, and 5 below indicate otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). Exempt payees, see Exempt Payee on page 2.

**Signature requirements.** Complete the certification as indicated in 1 through 5 below.

**1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983.** You must give your correct TIN, but you do not have to sign the certification.

**2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983.** You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

**3. Real estate transactions.** You must sign the certification. You may cross out item 2 of the certification.

**4. Other payments.** You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

**5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and**

**pension distributions.** You must give your correct TIN, but you do not have to sign the certification.

<b>What Name and Number To Give the Requester</b>	
<b>For this type of account:</b>	<b>Give name and SSN of:</b>
1. Individual 2. Two or more individuals (joint account)  3. Custodian account of a minor (Uniform Gift to Minors Act) 4. a. The usual revocable savings trust (grantor is also trustee) b. So-called trust account that is not a legal or valid trust under state law 5. Sole proprietorship or disregarded entity owned by an individual	The individual The actual owner of the account or, if combined funds, the first individual on the account 1  The minor 2  The grantor-trustee 1  The actual owner 1  The owner 3
<b>For this type of account:</b>	<b>Give name and EIN of:</b>
6. Disregarded entity not owned by an individual 7. A valid trust, estate, or pension trust 8. Corporate or LLC electing corporate status on Form 8832 9. Association, club, religious, charitable, educational, or other tax-exempt organization 10. Partnership or multi-member LLC 11. A broker or registered nominee 12. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The owner  Legal entity 4  The corporation  The organization  The partnership  The broker or nominee  The public entity

1 List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

2 Circle the minor's name and furnish the minor's SSN.

3 You must show your individual name and you may also enter your business or "DBA" name on the second name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

4 List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see Special rules for partnerships on page 1.

**Note.** If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

**Secure Your Tax Records from Identity Theft**

Identity theft occurs when someone uses your personal information such as your name, social security number (SSN), or other identifying information, without your permission, to commit

fraud or other crimes. An identity thief may use your SSN to get a

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

Call the IRS at 1-800-829-1040 if you think your identity has been used inappropriately for tax purposes.

Victims of identity theft who are experiencing economic harm or a system problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

**Protect yourself from suspicious emails or phishing**

**schemes.** Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user

job or may file a tax return using your SSN to receive a refund, falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

If you receive an unsolicited email claiming to be from the IRS, forward this message to *phishing@irs.gov*. You may also report misuse of the IRS name, logo, or other IRS personal property to the Treasury Inspector General for Tax Administration at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at: *spam@uce.gov* or contact them at *www.consumer.gov/idtheft* or 1-877-IDTHEFT(438-4338).

Visit the IRS website at *www.irs.gov* to learn more about identity theft and how to reduce your risk.

### Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons who must file information returns with the IRS to report interest, dividends, and certain other income paid to you, mortgage interest you paid, the acquisition or abandonment of secured property, cancellation of debt, or contributions you made to an IRA, or Archer MSA or HSA. The IRS uses the numbers for identification purposes and to help verify the accuracy of your tax return. The IRS may also provide this information to the Department of Justice for civil and criminal litigation, and to cities, states, the District of Columbia, and U.S. possessions to carry out their tax laws. We may also disclose this information to other countries under a tax treaty, to federal and state agencies to enforce federal nontax criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism.

You must provide your TIN whether or not you are required to file a tax return. Payers must generally withhold 28% of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to a payer. Certain penalties may also apply.

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# Appendix E

## Considerations Regarding Acquisition of Floodplain Real Property

**ATTACHMENT 1** CONSIDERATIONS REGARDING ACQUISITION PROJECTS

**ATTACHMENT 2** EXAMPLE DEED RESTRICTIONS

**ATTACHMENT 3** VOLUNTARY PARTICIPATION AGREEMENT & RELOCATION APPLICANT DECISION TREE

**ATTACHMENT 4** DUPLICATION OF BENEFITS LETTER

**ATTACHMENT 5** ASSURANCES FOR ACQUISITION PROJECTS

**ATTACHMENT 6** DECLARATION & RELEASE FORM FOR ACQUISITION/DEMOLITION & RELOCATION PROJECTS

**CONSIDERATIONS REGARDING ACQUISITION OF FLOODPLAIN REAL PROPERTY**

- **References:**
  - 44 CFR Part §206.434
  - 44 CFR §80, FEMA Property Acquisition and Relocation for the Purpose of Open Space
  - Property Acquisition Handbook for Local Communities, FEMA 317, October 1998
  - FEMA 345/October 1999 Hazard Mitigation Grant Program Desk Reference
  - 44 CFR Parts 9, 10, and 13
  - OMB Circular A-133
- **Policy Guidance:**
  - Buyout HMG Project applications should address the following points:
    - All floodplain property sellers are voluntary participants in the acquisition and/or relocation of real property. Reference must be made that Acquisition and/or Relocation projects are voluntary. This must be clearly established in the project documents.
    - In accordance with 44 CFR Part §80, the following restrictive covenants shall be conveyed in the real property deed: (See Attachment 1 to Appendix 2)
      - The following restrictive covenants shall be conveyed in the deed to any property acquired, accepted, or from which structures are removed (hereafter called “the property”):
        - The property shall be dedicated and maintained in perpetuity for uses compatible with open space, recreational or wetlands management practices; and
        - No new structure(s) will be built on the property except as indicated below:
          - A public facility that is open on all sides and functionally related to a designated open space or recreational use;
          - A public rest room; or
          - A structure that is compatible with open space, recreational, or wetlands practices, which the Director approves in writing before the construction of the structure begins.
          - The premises shall remain in public ownership.
      - After completion of the project, no application for additional disaster assistance shall be made for any purpose with respect to the property to any Federal entity or source, and no Federal entity or source will provide such assistance.
      - The sub grantee accepts responsibility for monitoring and enforcing the deed restriction and/or easement language. Every three years the sub grantee will submit to FEMA through the State, a report certifying that the sub grantee has inspected the property within 30 days of the report and that the property continues to be maintained consistent with the provisions of the grant.
    - In general, allowable open space, recreational, and wetland management uses include parks for outdoor recreational activities, nature reserves, cultivation, grazing, camping (except where adequate warning time is not available to allow evacuation), temporary storage in the open of wheeled vehicles which are easily movable (except mobile homes), unimproved, pervious parking lots, and buffer zones.
    - Any structures built on the property according to the above paragraph (d) 1) of this section, shall be flood proofed or elevated to the Base Flood Elevation plus at a minimum one foot of freeboard.
    - In order to carry out the tasks associated with monitoring the open space requirement the State will have the right to enter the parcel, with notice to the parcel owner. Sub grantees may identify the open space nature of the property on local tax maps to assist with monitoring. Whether the sub grantee obtains full title or a conservation easement on the parcel the State must work with the sub grantee to ensure that the parcel owner maintains the property in accordance with the land use restrictions.

- Acquisition lands shall be managed in full compliance with all land use and floodplain management regulations.
- HMGP grants for acquisition of flood prone property cannot be made available in certain communities which do not participate in the National Flood Insurance Program (NFIP). Federal grants cannot be given for acquisition or construction purposes if the site is located in a designated special flood hazard area which has been identified by the Director for at least one year and the community is not participating in the NFIP. However, if the community qualifies for and enters the NFIP during the six-month period following the major disaster declaration, a grant application may be considered by the State. FEMA recommends that the States give priority to those communities that were participating in good standing in the NFIP before the disaster and are complying with NFIP requirements during reconstruction.
- Environmental Matters
  - To comply with the National Environmental Policy Act (NEPA), FEMA must conduct an environmental review of the proposed acquisition or relocation. Depending on the scope of the project, the review is documented in one of three forms:
    - A memorandum to the file indicating that the project is categorically excluded;
    - An Environmental Assessment (EA); or
    - An Environmental Impact Statement (EIS).
      - FEMA has published an amendment to its categorical exclusions (44 CFR Part 10) which excludes projects involving only the acquisition of properties and the demolition of structures from the need to perform an environmental assessment. Projects meeting this exclusion will generally require only a memorandum to the file, signed by the Regional Director, indicating the applicability of the categorical exclusion and compliance with other laws, such as the National Historic Preservation Act, the Endangered Species Act, and the Clean Water Act. FEMA and the State or applicant must coordinate with the State Historic Preservation Officer on all acquisition projects to ensure compliance with the Section 106 process. Projects involving actual structure relocation's or new site developments will require an EA or EIS.
      - In addition to the elements identified at 44 CFR Part §10.9 and §10.10, the environmental review document should contain descriptions of how the project meets the minimum requirements listed above, how the project was coordinated with other programs and agencies, and what the disposition of the property and structures will be. If the project involves the physical relocation of a structure to a new site, the environmental review should discuss the impacts to both the old site and the new one.
  - If a community is considering purchasing commercial or agricultural property, it should ensure that the owner provides information identifying what, if any, hazardous materials are on the property. The community should require the owner to remove hazardous materials and containers, before purchasing such properties. FEMA funds cannot be used to purchase contaminated property. The owner must certify that any contamination has been cleaned up to meet Federal and State standards before the community can purchase any interest (including an easement for development rights) in the property. When the community purchases an easement for development rights only, the seller must agree to indemnify FEMA and the community for any liability arising from contamination of the property.
    - For each property identified for acquisition, the sub grantee should establish and document a fair market value. The value must be derived from a reasonable methodology that has been consistently applied throughout the community, such as independent appraisals, opinions of value, or a formula based on tax assessments. FEMA should coordinate with the State and the sub grantee in their determination of whether the valuation should be based on pre- or post-flood market value. However, all appraisals for the HMGP project should be based on the same terms.

The sub grantee should ensure that all property owners are treated fairly and are offered an equitable package of benefits. During major disaster recovery when purchasing flood damaged property the sub grantee must make certain deductions from the established fair market value before making a purchase offer. However, in these situations FEMA offers the State the option of providing a credit to property owners with flood insurance. Thus, the sub grantee would

allow the property owner to retain an amount from the flood insurance claim settlement equal to up to five years of flood insurance premiums actually paid by the current property owner for a National Flood Insurance Policy for structure coverage. (Normally the sub grantee must deduct the entire flood insurance settlement awarded for structure repair from the purchase offer in accordance with duplication of benefits procedures.) The amount retained would be in no case greater than the amount paid as claim settlement for building damage to the property; nor would it be more than premiums actually paid by the property owner for structure (as opposed to contents) coverage for the preceding five year period.

- The sub grantee should inform each property owner of what it considers to be the fair market value of the property. The sub grantee may wish to set a time limit with the property owner for the validity of a purchase offer. If the current property owner purchased the flood-damaged property after the disaster declaration, then the community cannot offer the owner more than the post-flood fair market value, i.e. the amount paid by the current owner for the damaged property.
  - The sub grantee must conduct a title search for each property to ensure that there are no mortgages or liens outstanding at the time of sale. The Sub grantee Administrative Plan should include this stipulation.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) mandates that property owners receive just compensation for their property and relocation assistance from Federal acquisition programs. The URA also sets specific time limits and places other requirements on the acquiring agency. There are exceptions to the provisions of the URA, however, for voluntary transactions which meet the specific criteria found at 44 CFR Part 90. This exception requires that the acquiring agency (sub grantee) inform the property owner in writing:
  - That it will not use its power of condemnation to acquire the property in the event negotiations fail; and
  - What it believes to be the fair market value of the property.
    - Note: The Hazard Mitigation and Relocation Assistance Act of 1993 provides a special exemption for acquisition and relocation projects implemented as a result of the Midwest flood disasters of 1993. This means that for those particular disasters, the URA does not apply if the following criteria are met:
      - The purchasing agency (sub grantee) notifies the property owner in writing that it will not use its power of condemnation to acquire the property;
      - The project is carried out by or through a State or unit of general local government; and
      - Assistance is provided to the project through FEMA or another Federal agency in response to the disaster.
        - Although HMGP projects must meet the above criteria for voluntary programs, thus allowing an exception to URA provisions, FEMA recommends that the property owner and the sub grantee sign a Voluntary Transaction Agreement (Attachment 1). This ensures that the property owner understands that they are not automatically eligible for additional relocation benefits beyond the purchase price of the property.
- Mandatory URA Assistance for Displaced Tenants
  - Tenants who must relocate as a result of acquisition of their pre-flood housing are entitled to URA relocation benefits (such as moving expenses, replacement housing rental payments, and relocation assistance advisory services), regardless of the owner's voluntary participation. For details on these requirements, see 49 CFR Part 24, Subpart C.
  - A tenant displaced from a dwelling due to a FEMA funded acquisition project is entitled to rental assistance if:
    - That tenant occupied the displacement dwelling for 90 days preceding the negotiations for acquisition of the property; and
    - The tenant rents or purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the date he or she moves out of the original dwelling.
      - The amount of assistance the community must pay to the tenant is derived from 49 CFR Part 80. The URA states that an eligible displaced tenant is entitled to:
        - Reasonable out-of-pocket moving expenses; and

- Compensation for a reasonable increase in rent and utility costs incurred in connection with the relocation.
  - Compensation for rent increase shall be 42 times the amount which is obtained by subtracting the “base monthly rent” for the displacement dwelling from the monthly rent and average monthly cost of utilities for a comparable replacement dwelling, or the decent, safe, and sanitary replacement dwelling now occupied by the displaced person. The rental increase payment may not exceed a total of \$5,250. Communities may exceed this limit in extraordinary circumstances, if necessary to ensure that a displaced tenant will be able to obtain and retain a decent, safe, and sanitary comparable unit outside of the floodplain.
  - The “base monthly rent” for the displacement dwelling is the lesser of the average monthly cost for utilities plus the rent at the displacement dwelling as determined by the Agency, or 30% of the tenant’s (the URA regulations define tenant as any individual, family, partnership, corporation, or association) average gross household income.
  - A rental assistance payment may, at the sub grantee’s discretion, be disbursed in either a lump sum or in installments. However, if any HUD programs are providing partial funding for the project, rental assistance payments may not be disbursed in a lump sum.
  - If the tenant chooses to purchase a comparable replacement dwelling, he or she may apply the amount of rental assistance to which they would be entitled towards the down payment.
- Sub grantee Administrative Plan
  - Each community/sub grantee must develop a Local Administrative Plan that details the local level management of the HMGP. The sub grantee should work closely with the State Hazard Mitigation Officer to ensure that procedures and management systems are consistent with the State Administrative Plan. At a minimum the local Administrative Plan should include:
    - A copy of the adopted local ordinance which supports the efforts of the grant project.
    - The procedure and method to establish individual files for all participants in a buyout/relocation effort. Communication with all funding agencies to ensure that duplicate procedures are combined into one. For example, one filing system for all funding sources, if allowable.
    - The accounting procedures to request funds from the state, track budget expenditures, etc. If terms and conditions of the grant approval include the potential to generate program income, the sub grantee should develop a plan of action to ensure the generated income is processed in accordance with agency guidelines.
    - Staffing needs to accomplish project. If projected need is higher than the administrative award within the HMGP, the needed positions must be clearly outlined. For example: position description, budget needs, length of time, etc. Indication of community participation in other Emergency Management Programs. If yes, communities are cautioned against using staff funded under other Emergency Management programs for HMGP.
    - Development of the procedure and method to be used to determine the purchase price of a structure. The procedure should include any optional funds being offered to participants in the program and the method used to determine the base amounts. A strategy that outlines priority of offering. For example, homeowners in temporary housing should be prioritized for purchase first. Length of time purchase offer is available.
    - Procedure to avoid duplication of benefits that individuals or businesses may have received prior to implementation of the grant agreement.
    - A stipulation that homeowners must vacate the structure on or before the day the purchase agreement is signed. Establishment of a procedure to assist any tenants in the buyout program in their relocation.

- Development of appropriate deed language to ensure all restrictions are in accordance with this guidance (See Attachment 1). In addition, consider the purchase of Title Insurance with each home purchased.
  - A statement that public ownership of flood prone land is the intent of the program. Policy issued by FEMA Region VII states that no re-conveyance of land from public entity to private entity will be allowed.
  - A method to handle salvage value that is in accordance with federal and state regulations. A procedure to accomplish demolition of structures purchased. The procedure should adopt existing policies and regulations from agencies that support the demolition efforts. If the demolition will be funded with HMGP funds, payment will be withheld at FEMA for this activity until all clearances/permits are acknowledged. We recommend that the sub grantee request asbestos inspection for all buyout homes prior to purchase. The cost for removal or treatment of the asbestos could have a significant impact on the cost of the project. The fire department may be trained in inspection/removal procedures; check with local agencies.
  - A procedure to ensure historic structures will be protected until a mitigation decision is reached.
  - A procedure to ensure that all amendments to the scope of work will be done in accordance with grant regulations. Amendments include budget and performance.
  - A time line inclusive of goals and milestones that sets the projected close-out date for the project.
- Duplication of Benefits
    - In the administration of HMGP grants for property acquisition, FEMA and the grantee should avoid any duplication of benefits with other forms of assistance. FEMA's policy on duplication of benefits for individuals and families is mandated by Section 312 of the Stafford Act and is set forth in 44 CFR Part §206.191.
    - Financial payments paid to homeowners for structural repairs to the flooded property will be deducted from the pre-flood appraisal or the replacement housing payment if not used for the intended purpose. The types of grants that will be considered advances toward the purchase price or replacement housing payment if receipts cannot be provided indicating proceeds were used for intended purpose include:
      - FEMA's Individuals and Households Program (IHP)
    - The FEMA Individuals and Households Programs are designed to assist households so they may be safely housed and to cover necessary expenses and serious needs following the effects of a disaster. To be initially considered for any type of FEMA IHP assistance, the affected home must be a primary residence, the home must be located in the declared disaster area, and necessary expense or serious need must have occurred in the declared area, and the applicant must be a United States citizen, a non-citizen national, or a qualified alien.
    - Under the program there are two types of assistance, Housing Assistance (includes Temporary Housing, Repair, Replacement, and Permanent Housing Construction); and Other Needs Assistance (includes personal property, medical, dental, funeral, and other items).
      - National Flood Insurance Program (NFIP) Settlements NFIP deductions will be researched and figured for any homeowner involved in the buyout that received NFIP settlements for real property. Only real property settlements will be deducted unless the owner has already made repairs and can verify with receipts.
      - Small Business Administration
    - All loans for real property that have been disbursed prior to closing will be repaid to SBA, provided there are a balance of funds after all other

deductions. If there are any net proceeds after other lien holder deductions, these proceeds must be applied to the outstanding SBA loan. The proceeds will be applied until they are exhausted or the loan is paid off, whichever comes first.

- The procedure for preventing the duplication of primary provider benefits follows.
  - The sub grantee provides for the State and/or FEMA with a list of property owners who are participating in the property purchase program.
  - The sub grantee (with the advice and assistance of the State and FEMA) should establish the fair market value of the property.
  - The State and/or FEMA will inform the sub grantee of the amount of assistance (from primary providers) provided to each property owner as a result of the same event initiating the acquisition project.
  - If insurance payments (to include private insurance for wind damage and/or flood claims), IHP grants and/or other disaster assistance were awarded for the purpose of making repairs to a structure, the sub grantee must reduce the purchase offer by the amount of the awards. Reductions should not be taken, however, for repairs which the homeowner can show (with receipts) were actually made.
  - Property owners who have SBA loans are either required to repay the loan or roll it over to a new property at closing.
  - This procedure does not amount to the repayment of primary provider grant assistance (i.e. insurance settlements, etc.). The property owner may keep these benefits, but the Section 404 program cannot duplicate them by paying full pre-flood fair market value for the property. If the community is paying the post-flood fair market value of the property, no deductions for primary provider benefits are necessary.
  - The Duplication of Benefits process is a critical step in all buyout programs. The sub grantee makes the preliminary Duplication of Benefits Research Request which must be submitted to FEMA Region VII as shown in Attachment 3 this Appendix. The seller must sign the Disclosure form so that the information can be released.
  - After FEMA Region VII has received the request for duplication of benefits information a Settlement Sheet as shown in Attachment 4 will be prepared and mailed to the sub grantee (a copy of this form should also be provided to NEMA).
  - Disposition of Property
- Property Title and Re-conveyance
  - Depending upon the scope of the project, title to the property is treated in one of two ways:
  - Full title is acquired or accepted by a public entity (the community, a land trust organization, a State agency, etc); or
  - The sub grantee acquires all development rights to the property, with the original owner retaining only the right to make use of the property for farming or quiet enjoyment.
  - The sub grantee or other public property owner will seek the approval of the State grantee agency and the FEMA Regional Director before conveying ownership of the property to any other party. All development rights to the property must be retained by the sub grantee or other public entity. The FEMA Regional Director will only approve the transfer of properties that meet the criteria identified above.
  - Note: In situations where the community is only acquiring development rights to the property, they can provide the property owner an additional incentive to accept the offer by:

- Paying to physically relocate the damaged structure to a new site outside of the floodplain; or
  - Paying the pre-flood value of the structure and demolition and removal costs.
  - Deed Restriction and Applicant Responsibility
- As a condition of receiving the grant, the applicants (community and State) shall enter into an agreement with FEMA that assures:
  - The property acquired, accepted, or from which structures are removed must carry a permanent deed restriction providing that the property be maintained for open space, recreational, or wetlands management purposes only;
  - The deed restriction must also stipulate that no future disaster assistance for any purpose from any Federal source will be sought or provided with respect to the property (Insurance claims such as NFIP and Federal Crop Insurance are not considered disaster assistance);
  - The deed restriction must also stipulate that no new structures will be erected on the property other than a public facility that is open on all sides or is a rest room and is functionally related to open space (structures that are walled on all sides must meet NFIP minimum requirements);
  - In fee simple transactions, the deed restriction must also stipulate that the new titleholder must obtain approval of the State grantee agency and the FEMA Regional Director before conveying ownership of the property to another public entity. Property transfer to private citizens and corporations will NOT be approved. All development rights to the property must be retained by the sub grantee or other public entity.
  - The sub grantee shall ensure that all structures be removed from the property within 90 days of closing and disposed of in accordance with applicable laws. (The FEMA Regional Director can grant an exception to this requirement if extenuating circumstances exist); and
  - The sub grantee accepts responsibility for monitoring and enforcing the deed restriction and/or easement language.
    - Allowable open space uses can include, but are not limited to parks, nature preserves, cultivation, grazing, and unimproved, permeable parking areas.
    - The demolition and debris removal related to acquired structures may be eligible for reimbursement under FEMA's Infrastructure Support program if the structures represent a health and safety hazard. If costs of demolition do not qualify for Infrastructure Support, they can be cost-shared under the Section 404 program. If any parts of the structure are sold for salvage value, this amount is deducted from the total cost of the project.
    - The Sub grantee (or whoever holds legal title to the property) must provide for the continued maintenance (and costs of such) of the property once the initial debris removal, vegetative site stabilization, and new landscaping are complete.
    - The FEMA Regional Administrator may approve, on a case-by-case basis, the erection of structures which have not met the criteria above before commencement of construction. However, the structure must be constructed in compliance with the community's floodplain management ordinance, meet NFIP minimum requirements, and be compatible with open space uses and floodplain management policies and practices.
  - Typical questions and answers concerning features of property acquisition under HMGP procedures are included as Attachment 5.

## FEMA Model Deed Restriction

*Exhibit A is FEMA's Model Deed Restrictions that support 44 C.F.R. Part 80 requirements. Applications requesting mitigation assistance to acquire properties for open space purposes must include a copy of the deed restriction language proposed to meet these requirements.*

*The deed conveying the property to the locality must reference and incorporate Exhibit A (or equivalent name). Any variation from the model deed restriction can only be made with prior approval from FEMA's Office of Chief Counsel. Such requests should be made to the FEMA Regional Administrator through the relevant State or Tribal Office. Exhibit A shall be attached to the deed when recorded.*

### Exhibit A

In reference to the property or properties ("Property") conveyed by the Deed between [*property owner*] participating in the federally-assisted acquisition project ("the Grantor") and [the local government], ("the Grantee"), its successors and assigns:

WHEREAS, The Robert T. Stafford Disaster Relief and Emergency Assistance Act, ("The Stafford Act"), 42 U.S.C. § 5121 et seq., identifies the use of disaster relief funds under § 5170c, **Hazard Mitigation Grant Program ("HMGP")**, including the acquisition and relocation of structures in the floodplain;

WHEREAS, the mitigation grant program provides a process for a local government, through the State, to apply for federal funds for mitigation assistance to acquire interests in property, including the purchase of structures in the floodplain, to demolish and/or remove the structures, and to maintain the use of the Property as open space in perpetuity;

Whereas, [State or Tribe] has applied for and been awarded such funding from the Department of Homeland Security, Federal Emergency Management Agency ("FEMA") and has entered into a mitigation grant program Grant Agreement dated [date] with FEMA and herein incorporated by reference; making it a mitigation grant program grantee.

Whereas, the Property is located in [*Village/City/County*], and [*Village/City/County*] participates in the National Flood Insurance Program ("NFIP") and is in good standing with NFIP as of the date of the Deed;

Whereas, the [*local government*], acting by and through the [*local government*] Board, has applied for and been awarded federal funds pursuant to an agreement with [State] dated [date] ("State-Local Agreement"), and herein incorporated by reference, making it a mitigation grant program sub-grantee;

WHEREAS, the terms of the mitigation grant program statutory authorities, Federal program requirements consistent with 44 C.F.R. Part 80, the Grant Agreement, and the State-local Agreement require that the Grantee agree to conditions that restrict the use of the land to open space in perpetuity in order to protect and preserve natural floodplain values;

Now, therefore, the grant is made subject to the following terms and conditions:

1. Terms. Pursuant to the terms of the [select mitigation grant program] program statutory authorities, Federal program requirements consistent with 44 C.F.R. Part 80, the Grant Agreement, and the State-local Agreement, the following conditions and restrictions shall apply in perpetuity to the Property described in the attached deed and acquired by the Grantee pursuant to FEMA program requirements concerning the acquisition of property for open space:

a. Compatible uses. The Property shall be dedicated and maintained in perpetuity as open space for the conservation of natural floodplain functions. Such uses may include: parks for outdoor recreational activities; wetlands management; nature reserves; cultivation; grazing; camping (except where adequate warning time is not available to allow evacuation); unimproved, unpaved parking lots; buffer zones; and other uses consistent with FEMA guidance for open space acquisition, Hazard Mitigation Assistance, Requirements for Property Acquisition and Relocation for Open Space.

b. Structures. No new structures or improvements shall be erected on the Property other than:

i. A public facility that is open on all sides and functionally related to a designated open space or recreational use;

ii. A public rest room; or

iii. A structure that is compatible with open space and conserves the natural function of the floodplain, including the uses described in Paragraph 1.a., above, and approved by the FEMA Administrator in writing before construction of the structure begins.

Any improvements on the Property shall be in accordance with proper floodplain management policies and practices. Structures built on the Property according to paragraph b. of this section shall be flood proofed or elevated to at least the base flood level plus 1 foot of freeboard, or greater, if required by FEMA, or if required by any State, Tribal, or local ordinance, and in accordance with criteria established by the FEMA Administrator.

c. Disaster Assistance and Flood Insurance. No Federal entity or source may provide disaster assistance for any purpose with respect to the Property, nor may any application for such assistance be made to any Federal entity or source. The Property is not eligible for coverage under the NFIP for damage to structures on the property occurring after the date of the property settlement, except for pre-existing structures being relocated off the property as a result of the project.

d. Transfer. The Grantee, including successors in interest, shall convey any interest in the Property only if the FEMA Regional Administrator, through the State, gives prior written approval of the transferee in accordance with this paragraph.

i. The request by the Grantee, through the State, to the FEMA Regional Administrator must include a signed statement from the proposed transferee that it acknowledges and agrees to be bound by the terms of this section, and documentation of its status as a qualified conservation organization if applicable.

ii. The Grantee may convey a property interest only to a public entity or to a qualified conservation organization. However, the Grantee may convey an easement or lease to a private individual or entity for purposes compatible with the uses described in paragraph (a), of this section, with the prior approval of the FEMA Regional Administrator, and so long as the conveyance does not include authority to control and enforce the terms and conditions of this section.

iii. If title to the Property is transferred to a public entity other than one with a conservation mission, it must be conveyed subject to a conservation easement that shall be recorded with the deed and shall incorporate all terms and conditions set forth in this section, including the easement holder's responsibility to enforce the easement. This shall be accomplished by one of the following means:

a) The Grantee shall convey, in accordance with this paragraph, a conservation easement to an entity other than the title holder, which shall be recorded with the deed, or

b) At the time of title transfer, the Grantee shall retain such conservation easement, and record it with the deed.

iv. Conveyance of any property interest must reference and incorporate the original deed restrictions providing notice of the conditions in this section and must incorporate a provision for the property interest to revert to the State, Tribe, or local government in the event that the transferee ceases to exist or loses its eligible status under this section.

2. Inspection. FEMA, its representatives and assigns including the State or Tribe shall have the right to enter upon the Property, at reasonable times and with reasonable notice, for the purpose of inspecting the Property to ensure compliance with the terms of this part, the Property conveyance and of the grant award.

3. Monitoring and Reporting. Every three years on [date], the Grantee (mitigation grant program sub-grantee), in coordination with any current successor in interest, shall submit through the State to the FEMA Regional Administrator a report certifying that the Grantee has inspected the Property within the month preceding the report, and that the Property continues to be maintained consistent with the provisions of 44 C.F.R. Part 80, the property conveyance, and the grant award.

4. Enforcement. The Grantee (mitigation grant program sub-grantee), the State, FEMA, and their respective representatives, successors and assigns, are responsible for taking measures to bring the Property back into compliance if the Property is not maintained according to the terms of 44 C.F.R. Part 80, the property conveyance, and the grant award. The relative rights and responsibilities of FEMA, the State, the Grantee, and subsequent holders of the property interest at the time of enforcement, shall include the following:

a. The State will notify the Grantee and any current holder of the property interest in writing and advise them that they have 60 days to correct the violation.

i. If the Grantee or any current holder of the property interest fails to demonstrate a good faith effort to come into compliance with the terms of the grant within the 60-day period, the State shall enforce the terms of the grant by taking any measures it deems appropriate, including but not limited to bringing an action at law or in equity in a court of competent jurisdiction.

ii. FEMA, its representatives, and assignees may enforce the terms of the grant by taking any measures it deems appropriate, including but not limited to 1 or more of the following:

a) Withholding FEMA mitigation awards or assistance from the State or Tribe, and Grantee; and current holder of the property interest.

b) Requiring transfer of title. The Grantee or the current holder of the property interest shall bear the costs of bringing the Property back into compliance with the terms of the grant; or

c) Bringing an action at law or in equity in a court of competent jurisdiction against any or all of the following parties: the State, the Tribe, the local community, and their respective successors.

5. Amendment. This agreement may be amended upon signatures of FEMA, the State, and the Grantee only to the extent that such amendment does not affect the fundamental and statutory purposes underlying the agreement.

6. Severability. Should any provision of this grant or the application thereof to any person or circumstance be found to be invalid or unenforceable, the rest and remainder of the provisions of this grant and their application shall not be affected and shall remain valid and enforceable.

*[Signed by Grantor(s) and Grantee, witnesses and notarization in accordance with local law.]*

Grantor's Signature \_\_\_\_\_

Date \_\_\_\_\_

Name (printed or typed) \_\_\_\_\_

Grantee's Signature \_\_\_\_\_

Date \_\_\_\_\_

Grantee's Name \_\_\_\_\_

Grantee's Title \_\_\_\_\_

Last Modified: Wednesday, 02-Jul-2008 13:17:32 EDT

O.M.B. No. 1660-0103 Expires August 31, 2011

DEPARTMENT OF HOMELAND SECURITY  
FEDERAL EMERGENCY MANAGEMENT AGENCY  
**Statement of Voluntary Participation for  
Acquisition of Property for Purpose of Open Space  
FEMA's Hazard Mitigation Assistance Programs**

THIS AGREEMENT is made and entered into this on *(date)* \_\_\_\_\_, by and between (name of Sub grantee) \_\_\_\_\_, hereinafter referred to as "Subgrantee," and (property owner) \_\_\_\_\_, hereinafter referred to as "Seller." The parties agree as follows:

1. Seller affirms that I/we own the property located at *(legal address)* \_\_\_\_\_, hereinafter referred to as "property."
2. Subgrantee has notified Seller that the Subgrantee may wish to purchase the referenced property, and, if Seller agrees to sell, Seller must permanently relocate from property.
3. Subgrantee has identified that the purchase offer valuation of the property as of *(date)* \_\_\_\_\_ is \$ \_\_\_\_\_, as determined by appropriate valuation procedures implemented by Subgrantee and based on FEMA acquisition requirements provided in 44 C.F.R. Part 80, and relevant program guidance as documented below (*e.g., Pre-Disaster Mitigation, Hazard Mitigation Grant Program, Flood Mitigation Assistance*). \_\_\_\_\_
4. Subgrantee has notified the Seller that **neither the State nor the Local Government will use its eminent domain authority to acquire the property for open-space purpose if the Seller chooses not to participate, or if negotiations fail.**
5. Subgrantee has notified Seller that if the Seller agrees to sell the property to the Subgrantee the transaction is voluntary and the Seller is not entitled to relocation benefits provided by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, which are available to property owners who must sell their properties involuntarily.
6. Subgrantee affirms that it has provided the notifications and explained the information described in the preceding paragraphs to the seller, and property identified above is not a part of an intended, planned, or designated project area where all or substantially all of the property within the area is to be acquired within specific time limits.
7. This Agreement shall expire on *(date of closing)* \_\_\_\_\_, unless Seller has voluntarily sold Property to the Sub grantee by that date.

_____	_____
Property Owner Signature	Date
_____	_____
Property Owner Signature	Date
_____	_____
Subgrantee's Authorized Agent Signature	Date

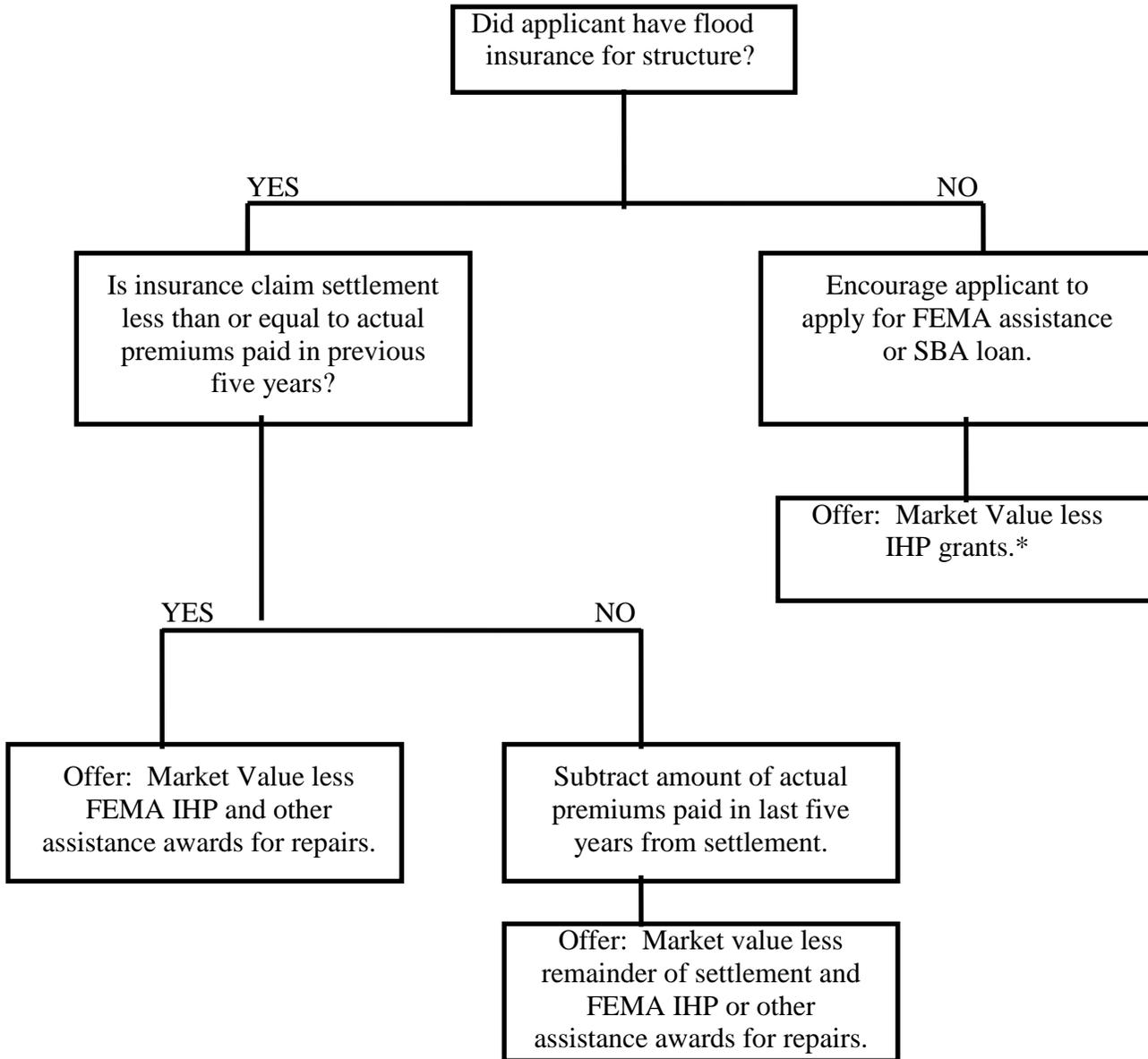
**PAPERWORK BURDEN DISCLOSURE NOTICE**

Public reporting burden for Property Owners Voluntary Participation Statement is estimated to average 1 hour per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the needed data and completing and submitting the form. You are not required to respond to this collection of information unless it displays a valid OMB control number. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC, 20472, and Paperwork Reduction Project (1660-0103). **Note: Do not send your completed form to this address.**

**FEMA Form 81-112, OCT 08**

**VOLUNTARY ACQUISITION AND RELOCATION  
APPLICANT ASSISTANCE DECISION TREE  
HOW TO DETERMINE PURCHASE OFFER**

**START**



(Date)

(Name)

Federal Emergency Management Agency  
Region VII, Mitigation Division, Attn.: DOB  
9221 Ward Parkway, Suite 200  
Kansas City, MO 64114

RE: Duplication of Benefits  
(Name)

Dear (Name):

The (Sub grantee/organization) is preparing to purchase several pieces of property. As part of the closure procedure, we are requesting that you review for benefits that the people have already received. This will prevent duplication of benefits. The disaster assistance award information will be used only for the purpose of avoiding duplication of benefits for a property acquisition project.

If you have any questions, feel free to contact me.

Sincerely,

(Name)  
(Title)

Enclosure

**BENEFITS DISCLOSURE FORM**

- 1. Name of Seller(s): \_\_\_\_\_
- 2. Address: \_\_\_\_\_
- 3. Current Phone # (day/evening): \_\_\_\_\_
- 4. Damaged Dwelling Address: \_\_\_\_\_
- 5. NFIP Policy #: \_\_\_\_\_
- 6. Insurance Company Name: \_\_\_\_\_
- 7. 5-Digit NFIP Company Code: \_\_\_\_\_
- 8. FEMA Control #: \_\_\_\_\_
- 9. Seller(s) Social Security #: \_\_\_\_\_
- 10. Damaged Dwelling Phone #: \_\_\_\_\_
- 11. Have there been any repairs to the structure since the flood? YES or NO
- 12. Appraisal Amount: \$\_\_\_\_\_

SELLER(s)

X \_\_\_\_\_

X \_\_\_\_\_

Witness:

\_\_\_\_\_

## Model Statement of Assurances for Property Acquisition Projects

SEND THIS STATEMENT OF ASSURANCES ATTACHED WITH THE PROJECT APPLICATION, OR SEND TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY AT THE TIME OF APPLICATION.

NOTE: If you have questions regarding any of these assurances, please consult the program guidance and contact the sponsoring agency.

Name of Project Sub-Applicant: \_\_\_\_\_  
State of Nebraska

As the duly authorized representative of the sub-applicant, I certify that the sub-applicant:

1. Will ensure that participation by property owners is voluntary. The prospective participants have been informed in writing that participation in the program is voluntary, that the Sub-applicant will not use its eminent domain authority to acquire their property for the project purposes should negotiations fail;
2. Will ensure each property owner will be informed, in writing, of what the Sub-applicant considers to be the fair market value of the property. The Sub-applicant will use the Model Statement of Voluntary Transaction to document this and will provide a copy for each property after award;
3. Will accept all of the requirements of the FEMA grant and the deed restriction governing the use of the land, as restricted in perpetuity to open-space uses. The Sub-applicant will apply and record a deed restriction on each property in accordance with the language in the FEMA Model Deed Restriction. The community will seek FEMA approval for any changes in language differing from the Model Deed Restriction.
4. Will ensure that the land will be unavailable for the construction of flood damage reduction levees and other incompatible purposes, and is not part of an intended, planned, or designated project area for which the land is to be acquired by a certain date;
5. Will demonstrate that it has consulted with the US Army Corps of Engineers regarding the subject land's potential future use for the construction of a levee system, and will reject future consideration of such use if it accepts FEMA assistance to convert the property to permanent open-space;
6. Will demonstrate that it has coordinated with its State Department of Transportation to ensure that no future, planned improvements or enhancements to the Federal aid systems are under consideration that will affect the subject property;
7. Will remove existing structures within 90 days of settlement;
8. Post grant award, will ensure that a property interested is conveyed only with the prior approval of the FEMA Regional Director and only to another public entity or to a qualified conservation organization pursuant to 26 CFR §1.170A-14;
9. Will submit every three years to the Grantee, who will then submit to the FEMA Regional Director, a report certifying that it has inspected the subject property within the month preceding the report, and that the property continues to be maintained consistent with the provisions of the grant. If the subject property is not maintained according to the terms of the grant, the Grantee and FEMA, its representatives, designated authorities, and assigns are responsible for taking measures to bring the property back into compliance; and

10. Will not seek or accept the provision of, after settlement, disaster assistance for any purpose from any Federal entity with respect to the property, and FEMA will not distribute flood insurance benefits for that property for claims related to damage occurring after the date of the property settlement.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the identified assurances and certifications.

\_\_\_\_\_  
Type Name of Authorized Agent Title

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date Signed

DEPARTMENT OF HOMELAND SECURITY FEDERAL EMERGENCY MANAGEMENT AGENCY <b>DECLARATION AND RELEASE</b>		<b>O.M.B. No. 1660-0002</b> Expires August 31, 2013	
<b>DECLARATION AND RELEASE</b>			
In order to be eligible to receive FEMA Disaster Assistance, a member of the household must be a citizen, non-citizen national or qualified alien of the United States. Please read the form carefully, sign the sheet and return it to the Inspector, and show him/her a current form of photo identification. Please feel free to consult with an attorney or other immigration expert if you have any questions.			
I hereby declare, under penalty of perjury that (check one):			
<input type="checkbox"/> I am a citizen or non-citizen national of the United States.			
<input type="checkbox"/> I am a qualified alien of the United States.			
<input type="checkbox"/> Print full name and age of minor child: I am the parent or guardian of a minor child who resides with me and who is a citizen, non-citizen national or qualified alien of the United States. Print full name and age of minor child: _____			
By my signature I certify that:			
* Only one application has been submitted for my household. * All information I have provided regarding my application for FEMA disaster assistance is true and correct to the best of my knowledge. * I will return any disaster aid money I received from FEMA or the State if I receive insurance or other money for the same loss, or if I do not use FEMA disaster aid money for the purpose for which it was intended.			
I understand that, if I intentionally make false statements or conceal any information in an attempt to obtain disaster aid, it is a violation of federal and State laws, which carry severe criminal and civil penalties, including a fine up to \$250,000, imprisonment, or both (18 U.S.C. §§ 287, 1001, and 3571).			
I understand that the information provided regarding my application for FEMA disaster assistance may be subject to sharing within the Department of Homeland Security (DHS) including, but not limited to, the Bureau of Immigration and Custom Enforcement.			
I authorize FEMA to verify all information given by me about my property/place of residence, income, employment and dependents in order to determine my eligibility for disaster assistance; and			
I authorize all custodians of records of my insurance, employer, any public or private entity, bank financial or credit data service to release information to FEMA and/or the State upon request.			
NAME (print)	SIGNATURE	DATE OF BIRTH	DATE SIGNED
INSPECTOR ID NO.	FEMA APPLICATION NO.	DISASTER NO.	
ADDRESS OF DAMAGED PROPERTY	CITY	STATE	ZIP CODE
<b>PRIVACY ACT STATEMENT</b>			
AUTHORITY: The Robert T. Stafford Disaster Relief and Emergency Assistance Act as amended, 42 U.S.C. § 5121 -5207 and Reorganization Plan No. 3 of 1978; 4 U.S.C. §§ 2904 and 2906; 4 C.F.R. § 206.2(a)(27); the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. 104-193) and Executive Order 13411. DHS asks for your SSN pursuant to the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3325(d) and § 7701(c) (1).			
PRINCIPAL PURPOSE(S): This information is being collected for the primary purpose of determining eligibility and administering financial assistance under a Presidentially-declared disaster. Additionally, information may be reviewed internally within FEMA for quality control purposes.			
ROUTINE USE(S): The information on this form may be disclosed as generally permitted under 5 U.S.C. § 552a(b) of the Privacy Act of 1974, as amended. This includes using this information as necessary and authorized by the routine uses published in DHS/FEMA - 008 Disaster Recovery Assistance Files System of Records (September 24, 2009, 74 FR 48763) and upon written request, by agreement, or as required by law.			
DISCLOSURE: The disclosure of information on this form is voluntary; however, failure to provide the information requested may delay or prevent the individual from receiving disaster assistance.			
<b>PAPERWORK BURDEN DISCLOSURE NOTICE</b>			
Public reporting burden for this data collection is estimated to average 2 minutes per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting this form. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 1800 South Bell Street, Arlington, VA 20598-3005, Paperwork Reduction Project (1660-0002) NOTE: Do not send your completed form to this address.			



## Appendix F

# FEMA -DR4156 – NE

## Concept of Operations

The Administrative Plan will be implemented in response to DR-4156-NE<sub>1</sub> declared November 26, 2013, as the result of Severe-severe Stormsstorms, Severe-severe Winter-winter Stormsstorms, Tornadoestornadoes, and

flooding. The Severe-severe storms, Tornadoestornadoes, and Flooding-flooding caused considerable damage throughout the declared areas; the incident period began October 2-6, 2013. The following counties were declared for Public Assistance: Adams, Dawes, Dixon, Greeley, Howard, Sheridan, Sioux, Thurston and Wayne County.

This section contains disaster specific information pertaining to DR-4156<sub>1</sub> declared November 26, 2013<sub>1</sub>, as it has been submitted to the FEMA Region VII Region Administrator and approved 44CFR paragraph 206.437(d).

A. Updates

B. Roles.

C. Disaster Priorities

D. Members of the SHMT

E. Anticipated Management costs

F. DR-4156-NE State Map

**A. Updates:**

1. There are no updates or revisions to the basic State Plan at this time that effect the administration of the program in this annex. The State of Nebraska is currently revising the State Plan, and it will be submitted to FEMA during Quarter 2 of 2014.

**B. Roles:**

The following people are assigned these roles and authorities in this disaster:

<b>GAR</b>	<b>Al Berndt</b>	<b>402-471-7410</b>
<b>Alt GAR</b>	<b>Cindy Newsham</b>	<b>402-471-7415</b>
<b>SCO</b>	<b>Earl Imler</b>	<b>402-471-7181</b>
<b>SHMO</b>	<b>Mary Baker</b>	<b>402-471-7185</b>

*Technical Support*                      *TBD (see note)*

*Financial Technician*                ~~\_\_\_\_\_~~ *TBD (see note)*

*Contract Services*                      *TBD (see note)*

Note: Roles to be decided are dependent upon the number and diversity of HMGP project applications. ~~and~~ itThe SHMO and GAR will determine if additional staff is required to properly manage the overall grant program.

## C. State Hazard Mitigation Program Priorities for FEMA-DR-4156-NE

### 1. 5% (Set Aside) Initiatives- Plus additional 5% Initiatives

Early hazard warning is essential to reducing potential injury and losses. ~~Reverse~~ This includes: ~~reverse~~ 911 systems and other early warning systems and equipment to improve warning notifications, mapping related to initiatives, GIS software and equipment, generators, etc.

### 2. 7% Planning

Up to 7% of the HMGP grant may be used to develop State, tribal and/or local mitigation plans to meet the planning criteria outlined in 44 CFR Part 201.

### 3. Protection of Critical Facilities

Protection of critical facilities, infrastructure and utility systems will minimize the vulnerability of the people, property, environment and economy of Nebraska and its communities from natural and manmade hazards.

### 4. Acquisition/Relocation or Demolition and Elevation of Flood Prone Properties

Elevation and Acquisition/demolition type projects will be considered as a priority. If this type of project is selected, adherence to Federal and State directives, including, but not limited to, the Hazard Mitigation Assistance Unified Guidance June 2010, will be required. Priority should be given to repetitive loss properties.

### 5. Community Safe Rooms, Safe Rooms for Schools and Public Buildings

Protecting school children from tornadoes continues to be one of the top initiatives for the State of Nebraska. The State Hazard Mitigation team determined construction of school safe rooms should always be an HMGP consideration. To design a successful safe room, the criteria provided in FEMA 361, *Design and Construction Guidance for Community Safe Rooms Second Edition 2008* and *Hazard Mitigation Assistance Unified Guidance July 12, 2013* must be followed.

Safe room space should contain the following safety type equipment: flashlights, fire extinguisher appropriate for use in a closed environment with human occupancy, first aid kits, battery operated NOAA weather radio, battery operated radio for commercial broadcasts, extra batteries, and the safe room operations plan. Safe room owners should refer to FEMA 361, Chapter 9 for other recommended equipment/supplies to assist in determining their specific needs.

## D. Core Nebraska State Hazard Mitigation Team members

<p>Steve Sulek (Administrator) Nebraska Department of Administrative Services (DAS) 301 Centennial Mall South, Mall Level PO BOX 94847 Lincoln, NE. 68509-4847 (402) 471-2401 <a href="mailto:steve.sulek@nebraska.gov">steve.sulek@nebraska.gov</a></p>	<p>Lara Huskey (Division Director) Department of Economic Development (DED) 301 Centennial Mall South PO BOX 94666 Lincoln, NE. 68509-4666 (402) 471-3759 <a href="mailto:lara.huskey@nebraska.gov">lara.huskey@nebraska.gov</a></p>
<p>Thomas Jensen (Division Administrator) Nebraska Department of Agriculture 3703 South 14<sup>th</sup> Street Lincoln, NE 68502-5399 (402) 471-8150 <a href="mailto:tom.jensen@nebraska.gov">tom.jensen@nebraska.gov</a></p>	<p>John Moeschen (Program Manager) United States Army Corps of Engineers (USACE) 8901 South 154<sup>th</sup> Street, Suite 1 Omaha, NE. 68138-3621 (402) 995-2417 <a href="mailto:john.l.moeschen@usace.army.mil">john.l.moeschen@usace.army.mil</a></p>
<p>Joe Francis (Associate Director) Nebraska Department of Environmental Quality (DEQ) 1200 "N" Street Suite 400 PO BOX 98922 Lincoln, NE. 68509-8922 (402) 471-6087 <a href="mailto:joe.francis@nebraska.gov">joe.francis@nebraska.gov</a></p>	<p>Al Berndt (Assistant Director (GAR)) Nebraska Emergency Management Agency (NEMA) 2433 NW 24<sup>th</sup> Street Lincoln, NE. 68524-1801 (402) 471-7410 <a href="mailto:al.berndt@nebraska.gov">al.berndt@nebraska.gov</a></p>
<p>Russ Wren (Coordinator) Nebraska Department of Health &amp; Human Services (DHHS) 301 Centennial Mall South PO BOX 95026 Lincoln, NE. 68509-5026 (402) 471-3438 <a href="mailto:russ.wren@nebraska.gov">russ.wren@nebraska.gov</a></p>	<p>Cindy Newsham (Alternate GAR) Nebraska Emergency Management Agency (NEMA) 2433 NW 24<sup>th</sup> Street Lincoln, NE. 68524-1801 (402) 471-7415 <a href="mailto:cindy.newsham@nebraska.gov">cindy.newsham@nebraska.gov</a></p>
<p>Tom Sands (Division Manager) Nebraska Department of Roads (NDOR) 1500 Highway 2 (Zip 68502) PO BOX 94759 Lincoln, NE. 68509-4759 (402) 479-4542 <a href="mailto:tom.sands@nebraska.gov">tom.sands@nebraska.gov</a></p>	<p>Earl Imler (Hazard Mitigation Supervisor) Nebraska Emergency Management Agency (NEMA) 2433 NW 24<sup>th</sup> Street Lincoln, NE. 68524-1801 (402) 471-7182 <a href="mailto:brian.podwinski@nebraska.gov">brian.podwinski@nebraska.gov</a></p>
<p>Craig Stover (Director) Nebraska Game and Parks Commission (NGPC) 2200 North 33<sup>rd</sup> Street Lincoln, NE. 68503-0370 (402) 471-5532 <a href="mailto:rex.amack@nebraska.gov">rex.amack@nebraska.gov</a></p>	<p>Mary Baker (SHMO) Nebraska Emergency Management Agency (NEMA) 2433 NW 24<sup>th</sup> Street Lincoln, NE. 68524-1801 (402) 471-7185 <a href="mailto:mary.baker@nebraska.gov">mary.baker@nebraska.gov</a></p>
<p>Robert Puschendorf (Deputy State Historic Preservation Officer (SHPO)) Nebraska Historical Society 1500 R Street PO BOX 82554 Lincoln, NE. 68501-2554 (402) 471-4769 <a href="mailto:bob.puschendorf@nebraska.gov">bob.puschendorf@nebraska.gov</a></p>	<p>Brian Dunnigan (Director) Nebraska Department of Natural Resources (NDNR) 300 Centennial Mall South Lincoln, NE, 68509-4676 (402) 471-2366 <a href="mailto:brian.dunnigan@nebraska.gov">brian.dunnigan@nebraska.gov</a></p>

### E. Anticipated Management Costs:

**1. Pass-Through Costs** The State of Nebraska, as the grantee, has determined that no management costs will be provided to the sub-grantees. Direct administrative costs incurred by a sub-grantee that can be identified to a specific project, such as inspections, construction oversight, and working with home owners, may be included in the project budget.

**2. Salaries, Travel & Per-Diem, Contract Services, Equipment, Supplies, and Miscellaneous**

Full Time State Employees (FTE's) are required to properly annotate their State of Nebraska Time and Leave Document (NEMA Form 1) to account for time charged to the management of the HMGP for this disaster. Charged time should be accounted for in 1/4 hour increments and the NEMA Form 1 must be annotated to indicate the total hours chargeable to this disaster's Management Cost. Eligible time includes assisting applicants in project/plan development, application review, site visits, inspections, processing reimbursements, updating appropriate data records, meeting with applicants, etc. Equipment and miscellaneous office supplies are all a part of the costs for the state to administer the grant.

### F. DR-4156-NE State Map

