



STATE OF VERMONT
JOINT FISCAL OFFICE

MEMORANDUM

To: James Reardon, Commissioner of Finance & Management
From: Nathan Lavery, Fiscal Analyst
Date: March 26, 2012
Subject: JFO #2553, 2554

No Joint Fiscal Committee member has requested that the following items be held for review:

JFO #2553 – \$17,091,333 grant from the Federal Emergency Management Agency to the Vermont Department of Public Safety. This grant will be used to provide pass through funding to towns for hazard mitigation projects. **Two limited service positions are associated with this request.** These positions will assist towns in the preparation of applications to FEMA.

[JFO received 2/24/12]

JFO #2554 – \$10,000 grant from Google, Inc. to the Vermont Department of Libraries. This grant will be used to cover the cost of installing 100 donated computers at Vermont public libraries. Examples of such covered costs include shipping and software installation.

[JFO received 2/24/12]

The Governor's approval may now be considered final. We ask that you inform the Secretary of Administration and your staff of this action.

cc: Keith Flynn, Commissioner
Martha Reid, State Librarian



STATE OF VERMONT
JOINT FISCAL OFFICE

MEMORANDUM

To: Joint Fiscal Committee Members
From: Nathan Lavery, Fiscal Analyst
Date: February 29, 2012
Subject: Grant Requests

Enclosed please find two (2) items that the Joint Fiscal Office has received from the administration. Two (2) limited service position requests are included among these items.

JFO #2553 – \$17,091,333 grant from the Federal Emergency Management Agency to the Vermont Department of Public Safety. This grant will be used to provide pass through funding to towns for hazard mitigation projects. **Two limited service positions are associated with this request.** These positions will assist towns in the preparation of applications to FEMA.
[JFO received 2/24/12]

JFO #2554 – \$10,000 grant from Google, Inc. to the Vermont Department of Libraries. This grant will be used to cover the cost of installing 100 donated computers at Vermont public libraries. Examples of such covered costs include shipping and software installation.
[JFO received 2/24/12]

Please review the enclosed materials and notify the Joint Fiscal Office (Nathan Lavery at (802) 828-1488; nlavery@leg.state.vt.us) if you have questions or would like an item held for legislative review. Unless we hear from you to the contrary by March 16 we will assume that you agree to consider as final the Governor's acceptance of these requests.



State of Vermont
 Department of Finance & Management
 109 State Street, Pavilion Building
 Montpelier, VT 05620-0401

Agency of Administration

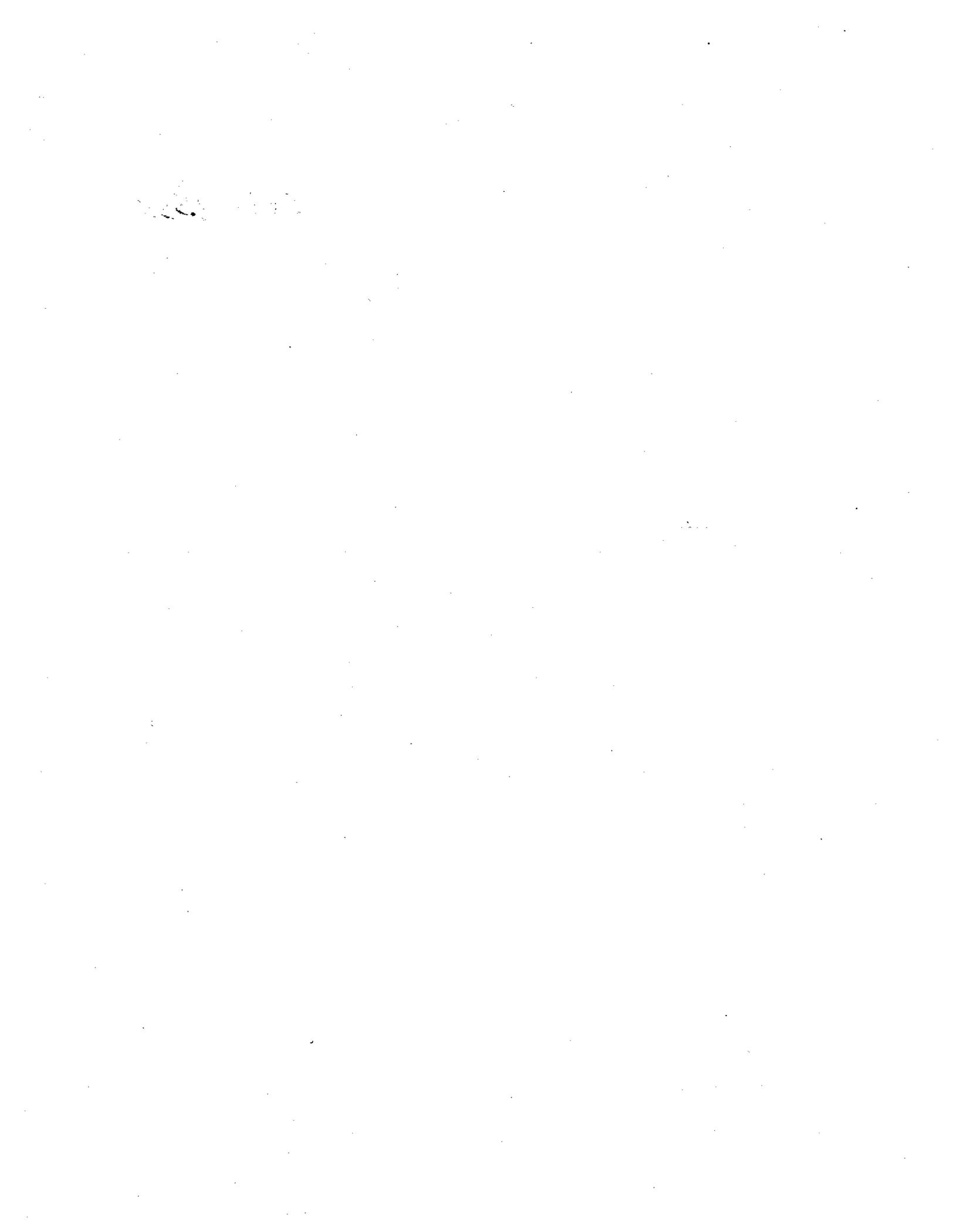
[phone] 802-828-2376
 [fax] 802-828-2428

JFO 2553

**STATE OF VERMONT
 FINANCE & MANAGEMENT GRANT REVIEW FORM**

| | | | | | |
|---|--------------|--|--------------------------------|--------------|----------------------|
| Grant Summary: | | Pass-thru financial assistance from Federal Emergency Management Agency (FEMA) for hazard mitigation projects in towns and agencies in all Vermont counties. | | | |
| Date: | | 2/2/2012 | | | |
| Department: | | Department of Public Safety - Vermont Emergency Management (VEM) | | | |
| Legal Title of Grant: | | Hazard Mitigation Grant Program | | | |
| Federal Catalog #: | | 97.039 | | | |
| Grant/Donor Name and Address: | | U.S. Dept of Homeland Security/FEMA Region I, Boston, Mass. | | | |
| Grant Period: | | From: | To: | | |
| | | 2/1/2012 | 6/30/2014 | | |
| Grant/Donation | | 17,091,333 | | | |
| | SFY 1 | SFY 2 | SFY 3 | Total | Comments |
| Grant Amount: | \$48,326 | \$8,521,503 | \$8,521,504 | \$17,091,333 | |
| Position Information: | | # Positions | Explanation/Comments | | |
| | | 2 | Emergency Mnaagement Planner I | | |
| Additional Comments: | | | | | |
| | | | | | |
| Department of Finance & Management | | | | | (Initial) DP 2/2/12 |
| Secretary of Administration | | | | | (Initial) RC 2/14/12 |
| Sent To Joint Fiscal Office | | | | | Date 2/22/12 |





STATE OF VERMONT REQUEST FOR GRANT ACCEPTANCE (Form AA-1)

BASIC GRANT INFORMATION

| | | | |
|--|---------------------------------|----------|----------------------|
| 1. Agency: | | | |
| 2. Department: | Public Safety | | |
| 3. Program: | Emergency Management | | |
| 4. Legal Title of Grant: | Hazard Mitigation Grant Program | | |
| 5. Federal Catalog #: | 97.039 | | |
| 6. Grant/Donor Name and Address: U.S. Dept. of Homeland Security/FEMA Region I 99 High St, Sixth Floor Boston, MA 02110-2132 | | | |
| 7. Grant Period: | From: | 2/1/2012 | To: 6/30/2014 |
| 8. Purpose of Grant: The Hazard Mitigation Grant Program provides States and local governments financial assistance to implement measures that will permanently reduce or eliminate future damages and losses from natural hazards through safer building practices and improving existing structures and supporting infrastructure. | | | |
| 9. Impact on existing program if grant is not Accepted: This funding is essential for communities afflicted by the 2011 Spring floods and Tropical Storm Irene. The funding will help those communities mitigate future risk from natural disasters. The State of VT has currently been "locked-in" to receive \$16,294,531 for hazard mitigation projects and \$796,802 for grant administration costs. | | | |

10. BUDGET INFORMATION

| | SFY 1 | SFY 2 | SFY 3 | Comments |
|----------------------------|-----------------|--------------------|--------------------|--------------------------------------|
| Expenditures: | FY 2012 | FY 2013 | FY 2014 | |
| Personal Services | \$40,326 | \$176,292 | \$176,293 | Planner positions |
| | | | | computers, |
| | | | | mileage, |
| Operating Expenses | \$8,000 | \$35,000 | \$35,000 | indirect |
| | | | | rate |
| Grants | \$ | \$8,310,211 | \$8,310,211 | |
| Total | \$48,326 | \$8,521,503 | \$8,521,504 | |
| Revenues: | | | | |
| State Funds: | \$ | \$ | \$ | |
| Cash | \$ | \$ | \$ | |
| In-Kind | \$ | \$ | \$ | |
| Federal Funds: | \$ | \$ | \$ | |
| (Direct Costs) | \$48,326 | \$8,521,503 | \$8,521,504 | |
| (Statewide Indirect) | \$ | \$ | \$ | |
| (Departmental Indirect) | \$ | \$ | \$ | |
| Other Funds: | \$ | \$ | \$ | |
| Grant (source Local Match) | \$ | \$2,715,755 | \$2,715,755 | requires 25% match on the mitigation |

STATE OF VERMONT REQUEST FOR GRANT ACCEPTANCE (Form AA-1)

| | | | | |
|--------------------------|------------|----------------|--------------|----------|
| | | | | projects |
| Total | \$48,236 | \$11,237,258 | \$11,237,259 | |
| Appropriation No: | 2140030000 | Amount: | \$17,091,333 | |
| | | | \$ | |
| | | | \$ | |
| | | | \$ | |
| | | | \$ | |
| | | | \$ | |
| | | | \$ | |
| | | Total | \$17,091,333 | |

PERSONAL SERVICE INFORMATION

11. Will monies from this grant be used to fund one or more Personal Service Contracts? Yes No
 If "Yes", appointing authority must initial here to indicate intent to follow current competitive bidding process/policy.

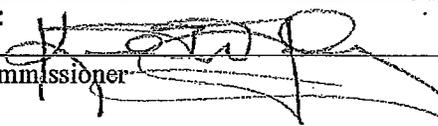
Appointing Authority Name: _____ Agreed by: _____ (initial)

| | | |
|--|--------------------|--------------------------------|
| 12. Limited Service Position Information: | # Positions | Title |
| | 2 | Emergency Management Planner I |
| | | |
| | | |
| Total Positions | 2 | |

12a. Equipment and space for these positions: Is presently available. Can be obtained with available funds.

13. AUTHORIZATION AGENCY/DEPARTMENT

I/we certify that no funds beyond basic application preparation and filing costs have been expended or committed in anticipation of Joint Fiscal Committee approval of this grant, unless previous notification was made on Form AA-1PN (if applicable):

| | |
|---|---------------|
| Signature:  | Date: 11/7/12 |
| Title: Commissioner | |
| Signature: | Date: |
| Title: | |

14. ACTION BY GOVERNOR

| | | |
|---|------------------------|-------|
| <input type="checkbox"/> Check One Box: Accepted | | |
| <input type="checkbox"/> Rejected | (Governor's signature) | Date: |

15. SECRETARY OF ADMINISTRATION

| | | |
|---|-------------------------------------|-------|
| <input type="checkbox"/> Check One Box: Request to JFO | | |
| <input type="checkbox"/> Information to JFO | (Secretary's signature or designee) | Date: |

16. DOCUMENTATION REQUIRED

Required GRANT Documentation

STATE OF VERMONT REQUEST FOR GRANT ACCEPTANCE (Form AA-1)

| | |
|---|---|
| <input type="checkbox"/> Request Memo | <input type="checkbox"/> Notice of Donation (if any) |
| <input type="checkbox"/> Dept. project approval (if applicable) | <input type="checkbox"/> Grant (Project) Timeline (if applicable) |
| <input type="checkbox"/> Notice of Award | <input type="checkbox"/> Request for Extension (if applicable) |
| <input type="checkbox"/> Grant Agreement | <input type="checkbox"/> Form AA-IPN attached (if applicable) |
| <input type="checkbox"/> Grant Budget | |

End Form AA-1

**Dept. of Public Safety
Administration Division
Grants Management Unit**

Memo

To: David Beatty
From: Tracy O'Connell *TO*
Date: 01/09/2012
CC: file
Re: Request for Grant Acceptance

Attached you will find a Request for Grant Acceptance for the Hazard Mitigation Grant Program received from FEMA. This AA-1 is for Disaster #s 1995, 4001, and 4022.

Please note, we have not received official award documents yet. We have only received "lock-in" letters from FEMA, which estimate the amount of funding we will receive for the Disasters related to the 2011 Spring floods and Tropical Storm Irene. The current estimate for projects is at \$16,294,531, however, the amount is expected to climb to \$23mil+.

A portion of the State Management Costs will be used to fund two new limited service positions for Emergency Management. These positions will be classified as Emergency Management Planner I. We would like these positions established as soon as possible, as they are needed to help the local communities prepare their respective applications for the Hazard Mitigation projects.

If you have any questions, please contact me at 802-241-5574 or foconnel@dps.state.vt.us. Additionally, Michael Clasen is aware of the importance of this Grant Acceptance since he sits on the Hazard Mitigation Grant Program Selection Committee.

Thank you.

U.S. Department of Homeland Security
FBMA Region I
99 High Street
Boston, MA 02110



FEMA

DEC 1 3 2011

October 26, 2011

Mr. Michael O'Neil
Director
Vermont Emergency Management Agency
103 South Main Street
Waterbury, VT 05671

Re: Initial 30 Day Estimated Ceiling
FEMA-4001-DR-VT
Hazard Mitigation Grant Program

Dear Director O'Neil:

Under Section 404 of the Stafford Act, as amended, 75% Federal funding is authorized for hazard mitigation measures. As a condition of receiving Federal disaster assistance, measures must be cost-effective, environmentally acceptable and be consistent with the strategies and recommendations identified in your State Hazard Mitigation Plan. Funding for mitigation projects under the Hazard Mitigation Grant Program (HMGP) is based on 15% of the estimated aggregate amount of grants made under the Stafford Act.

An initial estimate of \$768,891 in Federal funding may be available for the HMGP under FEMA-DR-4001-VT. A breakdown of funding is listed below:

| | |
|--------------------------------|-----------|
| 5% COST PROJECTS | \$ 38,445 |
| 7% COST PROJECTS | \$ 53,822 |
| REGULAR PROJECTS | \$676,624 |
| INITIAL ESTIMATE FOR STARTUP | \$768,891 |
| STATE MANAGEMENT COST PROJECTS | \$ 37,599 |

This calculation is based on the best available data and will be refined as the disaster assistance programs are processed. Please use these estimates for planning purposes when identifying projects to be cost shared under this event. Please note that this estimate may decrease at the 3 OR 6 month review.

Final applications or amendments for new mitigation projects must be submitted to the FEMA Hazard Mitigation Division by July 8, 2012. Please forward an SF-424 to cover the funding request. If you have any questions, please contact me.

Sincerely,

Michael Goetz
Acting Division Director
Mitigation Division

cc: Stephanie Leydon, FBMA Region I
Ray Doherty, VEM

U.S. Department of Homeland Security
FEMA Region I
99 High Street
Boston, MA 02110



FEMA

DEC 13 2011

DEC 13 2011

October 31, 2011

Mr. Michael O'Neil
Director
Vermont Emergency Management Agency
103 South Main Street
Waterbury, VT 05671

Re: Initial 30 Day Estimated Ceiling
FEMA-1995-DR-VT
Hazard Mitigation Grant Program

Dear Director O'Neil:

Under Section 404 of the Stafford Act, as amended, 75% Federal funding is authorized for hazard mitigation measures. As a condition of receiving Federal disaster assistance, measures must be cost-effective, environmentally acceptable and be consistent with the strategies and recommendations identified in your State Hazard Mitigation Plan. Funding for mitigation projects under the Hazard Mitigation Grant Program (HMGP) is based on 15% of the estimated aggregate amount of grants made under the Stafford Act.

An initial estimate of \$999,048 in Federal funding may be available for the HMGP under FEMA-DR-1995-VT. A breakdown of funding is listed below:

| | |
|--------------------------------|-----------|
| 5% COST PROJECTS | \$ 49,952 |
| 7% COST PROJECTS | \$ 69,933 |
| REGULAR PROJECTS | \$879,163 |
| INITIAL ESTIMATE FOR STARTUP | \$999,048 |
| STATE MANAGEMENT COST PROJECTS | \$ 48,853 |

This calculation is based on the best available data and will be refined as the disaster assistance programs are processed. Please use these estimates for planning purposes when identifying projects to be cost shared under this event. Please note that this estimate may decrease at the 3 OR 6 month review.

Final applications or amendments for new mitigation projects must be submitted to the FEMA Hazard Mitigation Division by June 15, 2012. Please forward an SF-424 to cover the funding request. If you have any questions, please contact me.

Sincerely,

Michael Goetz
Acting Division Director
Mitigation Division

cc: Stephanie Leydon, FEMA Region I
Ray Doherty, VEM



FEMA

NOV 13 2011

November 10, 2011

Mr. Michael O'Neil
Director
Vermont Emergency Management Agency
103 South Main St.
Waterbury, VT 05671

Re: Initial 30 Day Estimated Ceiling
FEMA-4022-VT
Hazard Mitigation Grant Program

Dear Director O'Neil:

Under Section 404 of the Stafford Act, as amended, 75% Federal funding is authorized for hazard mitigation measures. As a condition of receiving Federal disaster assistance, measures must be cost-effective, environmentally acceptable and be consistent with the strategies and recommendations identified in your State Hazard Mitigation Plan. Funding for mitigation projects under the Hazard Mitigation Grant Program (HMGP) is based on 15% of the estimated aggregate amount of grants made under the Stafford Act.

An initial estimate of \$14,526,592 in Federal funding may be available for the HMGP under FEMA-DR-4022-VT. A breakdown of funding is listed below:

| | |
|--------------------------------|--------------|
| 5% COST PROJECTS | \$ 726,330 |
| 7% COST PROJECTS | \$ 1,016,861 |
| REGULAR PROJECTS | \$12,783,401 |
| INITIAL ESTIMATE FOR STARTUP | \$14,526,592 |
| STATE MANAGEMENT COST PROJECTS | \$ 710,350 |

This calculation is based on the best available data and will be refined as the disaster assistance programs are processed. Please use these estimates for planning purposes when identifying projects to be cost shared under this event. Please note that this estimate is based on an initial approximation of public assistance and individual assistance damages that need to be verified, therefore, the estimate may decrease at the 3 OR 6 month review.

In accordance with 44 CFR 207.5 (b)(1), FEMA is providing the following preliminary look-in for Stafford Act section 324 management costs. The preliminary look-in is based on the 30-day estimate of Public Assistance, Individual Assistance and Hazard Mitigation Grant Program costs for DR-4022-VT.

Preliminary Lock-in for Hazard Mitigation State Management cost is \$ 710,350
25 Percent of Lock-in for Hazard Mitigation State Management cost is \$ 177,588

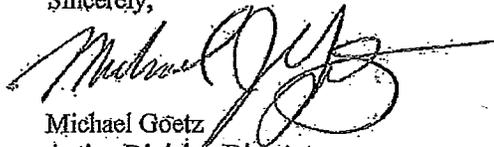
Pursuant to 44 CFR 207.6 (a) the grantee or sub grantee must use management cost funds provided under this part in accordance with §13.22 of this chapter and only for costs related to administration of the HMGP, respectively. All charges must be properly documented in accordance with § 207.8(f). (b) Indirect

costs may not be charged directly to a project or reimbursed separately, but rather are considered to be eligible management costs under this part. (c) Activities and costs that can be directly charged to a project with proper documentation are not eligible for funding under this part.

Pursuant to 44 CFR 207.7 (b) and (c) grantees must amend State Administration plans to include procedures for sub grantee management cost amounts or percentage determination, pass through, closeout, and audit; and submit initial management cost funding request (via project worksheet or project narrative) before any section 324 management costs can be obligated.

Final applications or amendments for new mitigation projects must be submitted to the FEMA Hazard Mitigation Division by September 02, 2012. Please forward an SF-424 to cover the funding request. If you have any questions, please contact Stephanie Leydon, at 617-956-4766.

Sincerely,



Michael Goetz
Acting Division Director
Mitigation Division

cc: Stephanie Leydon, FEMA Region 1
Ray Doherty, VBMA

encl

STATE OF VERMONT
Joint Fiscal Committee Review
Limited Service - Grant Funded
Position Request Form

This form is to be used by agencies and departments when additional grant funded positions are being requested. Review and approval by the Department of Human Resources must be obtained prior to review by the Department of Finance and Management. The Department of Finance will forward requests to the Joint Fiscal Office for JFC review. A Request for Classification Review Form (RFR) and an updated organizational chart showing to whom the new position(s) would report must be attached to this form. Please attach additional pages as necessary to provide enough detail.

Agency/Department: Department of Public Safety Date: 1/18/2011

Name and Phone (of the person completing this request): Phyllis Martin, 241-5392

Request is for:

- Positions funded and attached to a new grant.
 Positions funded and attached to an existing grant approved by JFO # _____

1. Name of Granting Agency, Title of Grant, Grant Funding Detail (attach grant documents):
Hazard Mitigation Grant Program / FEMA (Request for Grant Acceptance attached)

2. List below titles, number of positions in each title, program area, and limited service end date (information should be based on grant award and should match information provided on the RFR) position(s) will be established only after JFC final approval:

| <u>Title* of Position(s) Requested</u> | <u># of Positions</u> | <u>Division/Program</u> | <u>Grant Funding Period/Anticipated End Date</u> |
|--|-----------------------|----------------------------------|--|
| Emergency Management Planner 1 - 2 positions | | DPS/Vermont Emergency Management | 2/1/12 - 6/30/2014 |

*Final determination of title and pay grade to be made by the Department of Human Resources Classification Division upon submission and review of Request for Classification Review.

3. Justification for this request as an essential grant program need:

Positions necessary to support local hazard mitigation efforts after Tropical Storm Irene

I certify that this information is correct and that necessary funding, space and equipment for the above position(s) are available (required by 32 VSA Sec. 5(b)).

[Signature] _____ Date 1/20/12
 Signature of Agency or Department Head

[Signature: Molly Paul] _____ Date 2/7/12
 Approved/Denied by Department of Human Resources

[Signature] _____ Date 2/13/12
 Approved/Denied by Finance and Management

[Signature] _____ Date 2/14/12
 Approved/Denied by Secretary of Administration

Comments:

FEB 08 2012

Department of Public Safety
Routing Sheet for Commissioner's Signature

Prepared by: Date:

Type of Document Requiring Commissioner's Signature:

- Grant Application (Federal or Non-Federal)
- Subgrant Agreement or Amendment
- Contract
- Report
- Invoice
- Other (please explain)

Brief Description of the Document Requiring Signature:

This form is to notify the JFO that DPS would like to receive grant funds for the Hazard Mitigation Grant Program. This funding is tied to 2011 Spring Floods and Tropical Storm Irene. These funds will be awarded to DPS for projects that will help communities mitigate future risk from disasters. These funds will also be used to establish two new limited service employees for Emergency Management. These employees will be assisting the communities with their applications and projects.

Approved by Division Director: Date:

Approved by Administration: Date:

Once the Commissioner has signed, please return this document to:

- Preparer
- Administration
- Other (please specify)

Request for Classification Action
New or Vacant Positions
EXISTING Job Class/Title ONLY
Position Description Form C/Notice of Action
For Department of Personnel Use Only

| | | |
|---|---------------------------|-----------------------|
| Notice of Action # _____ | | Date Received (Stamp) |
| Action Taken: _____ | | |
| New Job Title _____ | | |
| Current Class Code _____ | New Class Code _____ | |
| Current Pay Grade _____ | New Pay Grade _____ | |
| Current Mgt Level _____ B/U _____ OT Cat. _____ EEO Cat. _____ FLSA _____ | | |
| New Mgt Level _____ B/U _____ OT Cat. _____ EEO Cat. _____ FLSA _____ | | |
| Classification Analyst _____ | Date _____ | Effective Date: _____ |
| Comments: _____ | | Date Processed: _____ |
| Willis Rating/Components: | Knowledge & Skills: _____ | Mental Demands: _____ |
| | Working Conditions: _____ | Accountability: _____ |
| | Total: _____ | |

Position Information:

Incumbent: **Vacant or New Position**

Position Number: Current Job/Class Title:

Agency/Department/Unit: GUC:

Pay Group: Work Station: Zip Code:

Position Type: Permanent Limited Service (end date)

Funding Source: Core Sponsored Partnership. For Partnership positions provide the funding breakdown (% General Fund, % Federal, etc.)

Supervisor's Name, Title and Phone Number:

Check the type of request (new or vacant position) and complete the appropriate section.

New Position(s):

a. **REQUIRED:** Allocation requested: Existing Class Code Existing Job/Class Title:

b. Position authorized by:

2 positions requested

- Joint Fiscal Office – JFO # Approval Date:
- Legislature – Provide statutory citation (e.g. Act XX, Section XXX(x), XXXX session)
- Other (explain) -- Provide statutory citation if appropriate.

Vacant Position:

- a. Position Number:
- b. Date position became vacant:
- c. Current Job/Class Code: Current Job/Class Title:
- d. REQUIRED: Requested (existing) Job/Class Code: Requested (existing) Job/Class Title:
- e. Are there any other changes to this position; for example: change of supervisor, GUC, work station? Yes No If Yes, please provide detailed information:

For All Requests:

1. List the anticipated job duties and expectations; include all major job duties: 1)Conduct detailed reviews of draft local mitigation plans and provide suggestions for improvement in accordance with FEMA requirements
- 2)Assist towns and Regional Planning Commissions with local mitigation plan development in accordance with FEMA requirements
- 3)Assist the SHMO in the preparation and review of grant proposals for the state project selection committee, accounting for all required documentation and benefit-cost analysis
- 4)Prepare quarterly and final reports for FEMA in connection with PDM, FMA and HMGP projects and planning initiatives; maintain and organize project files
- 5) Provide extension request justifications to FEMA for mitigation grant extensions
- 6)Complete detailed financial reconciliation and close-out reports for completed mitigation projects
- 7)Provide technical assistance to towns and Regional Planning Commissions for mitigation grant applications and/or benefit-cost analysis (BCA)
- 8)Assist the State Hazard Mitigation Officer with updates of the State Hazard Mitigation Plan
- 9)Participate in the HMA National Review, Mitigation Summit and regional mitigation conferences, including assisting the SHMO in preparing presentations and proposals
- 10)Attend interagency meetings regarding proposed mitigation projects and/or policy and planning initiatives
- 11)Attend public meetings at the town level to respond to questions and provide information on the mitigation grant programs
- 12)Assist the SHMO with special project and planning initiatives and research as needed
- 13) Assist staff members of VEM Planning division with tasks as needed

2. Provide a brief justification/explanation of this request: A Limited Service position request was submitted 1/18/11 to create two EM Planner 1 positions. The administration of the Hazard Mitigation Grant Program resulting from the impact of Tropical Storm Irene requires a capability more than twenty times the previous disaster funding experience. This produces at least that many more applications for which technical assistance to local jurisdictions is needed, support to the state hazard mitigation committee and monitoring of successful grant implementation. These tasks are expected to be performed for at least the next three years.

3. If the position will be supervisory, please list the names and titles of all classified employees reporting to this position (this information should be identified on the organizational chart as well). n/a

Personnel Administrator's Section:

4. If the requested class title is part of a job series or career ladder, will the position be recruited at different levels? Yes No

5. The name and title of the person who completed this form: Ross Nagy, Deputy Director

6. Who should be contacted if there are questions about this position (provide name and phone number):
Ross Nagy, (800) 347-0488

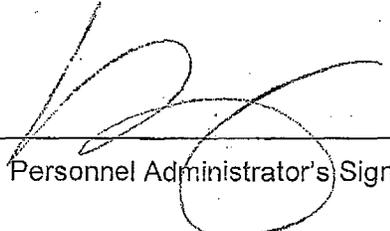
7. How many other positions are allocated to the requested class title in the department: 1

8. Will this change (new position added/change to vacant position) affect other positions within the organization? (For example, will this have an impact on the supervisor's management level designation; will duties be shifted within the unit requiring review of other positions; or are there other issues relevant to the classification process.) NA

** 2 positions requested*

Attachments:

- Organizational charts are **required** and must indicate where the position reports.
- Class specification (optional).
- For new positions, include copies of the language authorizing the position, or any other information that would help us better understand the program, the need for the position, etc.
- Other supporting documentation such as memos regarding department reorganization, or further explanation regarding the need to reallocate a vacancy (if appropriate).



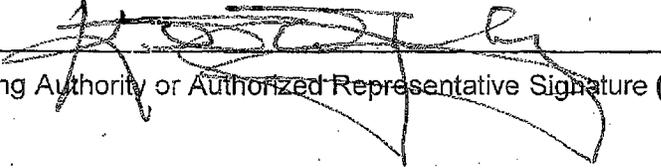
Personnel Administrator's Signature (required)*

1/31/12
Date



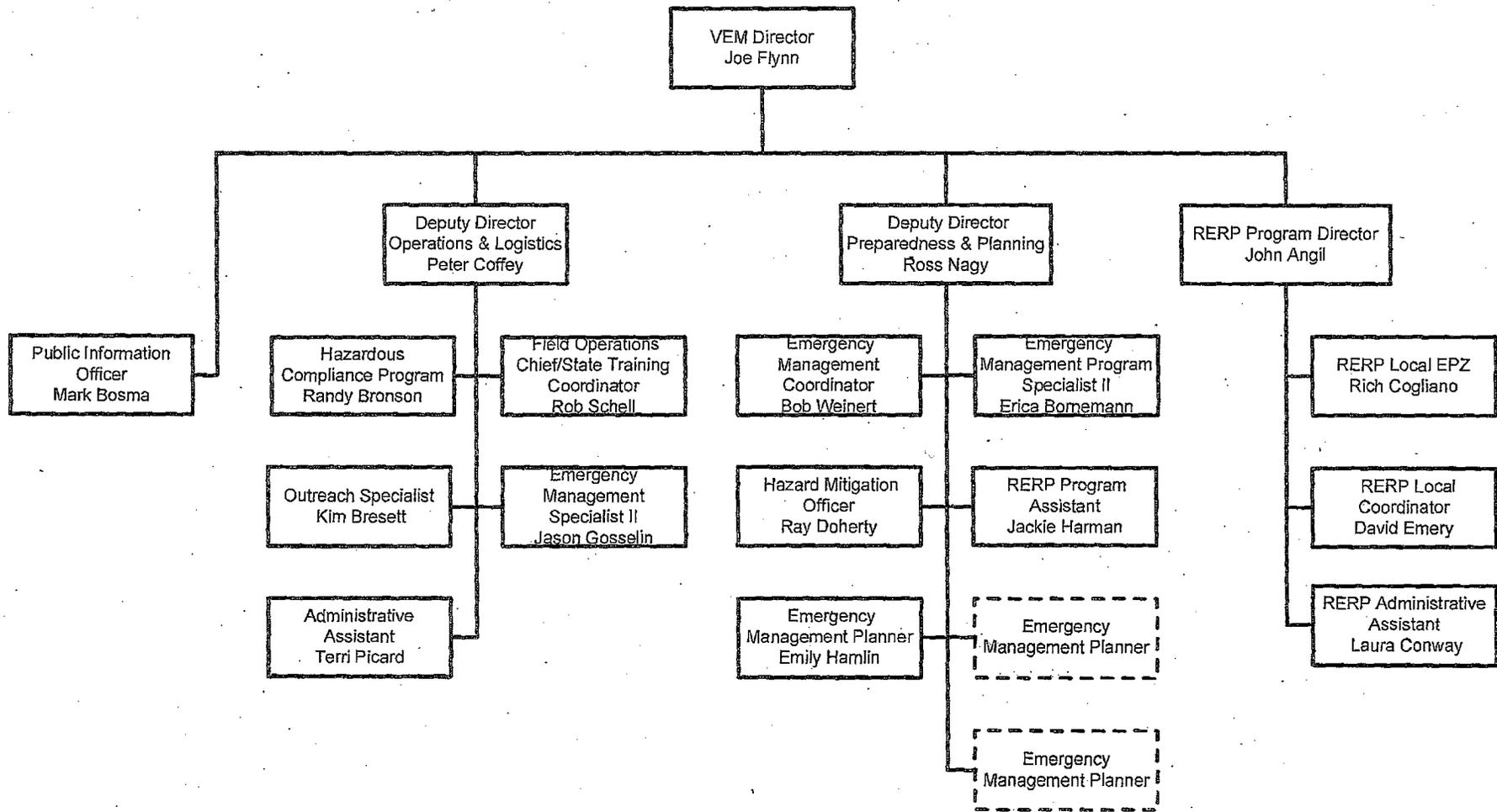
Supervisor's Signature (required)*

01-31-12
Date


Appointing Authority or Authorized Representative Signature (required)*


Date

* Note: Attach additional information or comments if appropriate.



VEM org Chart
January 24, 2012

STATE OF VERMONT REQUEST FOR GRANT ACCEPTANCE (Form AA-1)

| BASIC GRANT INFORMATION | | | | | |
|--|-----------------|---------------------------------|----------------------|--|--|
| 1. Agency: | | | | | |
| 2. Department: | | Public Safety | | | |
| 3. Program: | | Emergency Management | | | |
| 4. Legal Title of Grant: | | Hazard Mitigation Grant Program | | | |
| 5. Federal Catalog #: | | 97.039 | | | |
| 6. Grant/Donor Name and Address: U.S. Dept. of Homeland Security/FEMA Region I 99 High St, Sixth Floor Boston, MA 02110-2132 | | | | | |
| 7. Grant Period: | | From: 2/1/2012 | To: 6/30/2014 | | |
| 8. Purpose of Grant: The Hazard Mitigation Grant Program provides States and local governments financial assistance to implement measures that will permanently reduce or eliminate future damages and losses from natural hazards through safer building practices and improving existing structures and supporting infrastructure. | | | | | |
| 9. Impact on existing program if grant is not Accepted: This funding is essential for communities afflicted by the 2011 Spring floods and Tropical Storm Irene. The funding will help those communities mitigate future risk from natural disasters. The State of VT has currently been "locked-in" to receive \$16,294,531 for hazard mitigation projects and \$796,802 for grant administration costs. | | | | | |
| 10. BUDGET INFORMATION | | | | | |
| | SFY 1 | SFY 2 | SFY 3 | Comments | |
| Expenditures: | FY 2012 | FY 2013 | FY 2014 | | |
| Personal Services | \$40,326 | \$176,292 | \$176,293 | Planner positions | |
| Operating Expenses | \$8,000 | \$35,000 | \$35,000 | computers, mileage, indirect rate | |
| Grants | \$ | \$11,025,966 | \$11,025,966 | | |
| Total | \$48,326 | \$11,237,258 | \$11,237,259 | | |
| Revenues: | | | | | |
| State Funds: | \$ | \$ | \$ | | |
| Cash | \$ | \$ | \$ | | |
| In-Kind | \$ | \$ | \$ | | |
| Federal Funds: | \$ | \$ | \$ | | |
| (Direct Costs) | \$48,326 | \$8,521,503 | \$8,521,504 | | |
| (Statewide Indirect) | \$ | \$ | \$ | | |
| (Departmental Indirect) | \$ | \$ | \$ | | |
| Other Funds: | \$ | \$ | \$ | | |
| Grant (source Local Match) | \$ | \$2,715,755 | \$2,715,755 | requires 25% match on the mitigation | |

STATE OF VERMONT REQUEST FOR GRANT ACCEPTANCE (Form AA-1)

| BASIC GRANT INFORMATION | | | | | |
|--|----------|---------------------------------|----------------------|--|--|
| 1. Agency: | | | | | |
| 2. Department: | | Public Safety | | | |
| 3. Program: | | Emergency Management | | | |
| 4. Legal Title of Grant: | | Hazard Mitigation Grant Program | | | |
| 5. Federal Catalog #: | | 97.039 | | | |
| 6. Grant/Donor Name and Address: U.S. Dept. of Homeland Security/FEMA Region I 99 High St, Sixth Floor Boston, MA 02110-2132 | | | | | |
| 7. Grant Period: | | From: 2/1/2012 | To: 6/30/2014 | | |
| 8. Purpose of Grant: The Hazard Mitigation Grant Program provides States and local governments financial assistance to implement measures that will permanently reduce or eliminate future damages and losses from natural hazards through safer building practices and improving existing structures and supporting infrastructure. | | | | | |
| 9. Impact on existing program if grant is not Accepted: This funding is essential for communities afflicted by the 2011 Spring floods and Tropical Storm Irene. The funding will help those communities mitigate future risk from natural disasters. The State of VT has currently been "locked-in" to receive \$16,294,531 for hazard mitigation projects and \$796,802 for grant administration costs. | | | | | |
| 10. BUDGET INFORMATION | | | | | |
| | SFY 1 | SFY 2 | SFY 3 | Comments | |
| Expenditures: | FY 2012 | FY 2013 | FY 2014 | | |
| Personal Services | \$40,326 | \$176,292 | \$176,293 | Planner positions | |
| Operating Expenses | \$8,000 | \$35,000 | \$35,000 | computers, mileage, indirect rate | |
| Grants | \$ | \$8,310,211 | \$8,310,211 | | |
| Total | \$48,326 | \$8,521,503 | \$8,521,504 | | |
| Revenues: | | | | | |
| State Funds: | \$ | \$ | \$ | | |
| Cash | \$ | \$ | \$ | | |
| In-Kind | \$ | \$ | \$ | | |
| Federal Funds: | \$ | \$ | \$ | | |
| (Direct Costs) | \$48,326 | \$8,521,503 | \$8,521,504 | | |
| (Statewide Indirect) | \$ | \$ | \$ | | |
| (Departmental Indirect) | \$ | \$ | \$ | | |
| Other Funds: | \$ | \$ | \$ | | |
| Grant (source Local Match) | \$ | \$2,715,755 | \$2,715,755 | requires 25% match on the mitigation | |

RECEIVED
JAN 27 2012

STATE OF VERMONT REQUEST FOR GRANT ACCEPTANCE (Form AA-1)

| | | | | |
|--------------------------|------------|----------------|--------------|----------|
| | | | | projects |
| Total | \$48,236 | \$11,237,258 | \$11,237,259 | |
| Appropriation No: | 2140030000 | Amount: | \$17,091,333 | |
| | | | \$ | |
| | | | \$ | |
| | | | \$ | |
| | | | \$ | |
| | | | \$ | |
| | | | \$ | |
| | | Total | \$17,091,333 | |

PERSONAL SERVICE INFORMATION

11. Will monies from this grant be used to fund one or more Personal Service Contracts? Yes No
 If "Yes", appointing authority must initial here to indicate intent to follow current competitive bidding process/policy.

Appointing Authority Name: _____ Agreed by: _____ (initial)

12. Limited Service Position Information:

Positions

Title

2

Emergency Management Planner I

Total Positions

2

12a. Equipment and space for these positions:

Is presently available.

Can be obtained with available funds.

13. AUTHORIZATION AGENCY/DEPARTMENT

I/we certify that no funds beyond basic application preparation and filing costs have been expended or committed in anticipation of Joint Fiscal Committee approval of this grant, unless previous notification was made on Form AA-1PN (if applicable):

Signature:

Title: Commissioner

Date:

11/7/12

Signature:

Title:

Date:

14. ACTION BY GOVERNOR

Check One Box:
Accepted

Rejected

(Governor's signature)

Date:

2/22/12

15. SECRETARY OF ADMINISTRATION

Check One Box:
Request to JFO

Information to JFO

(Secretary's signature or designee)

Date:

02/14/12

16. DOCUMENTATION REQUIRED

Required GRANT Documentation

STATE OF VERMONT REQUEST FOR GRANT ACCEPTANCE (Form AA-1)

| | |
|---|---|
| <input type="checkbox"/> Request Memo | <input type="checkbox"/> Notice of Donation (if any) |
| <input type="checkbox"/> Dept. project approval (if applicable) | <input type="checkbox"/> Grant (Project) Timeline (if applicable) |
| <input type="checkbox"/> Notice of Award | <input type="checkbox"/> Request for Extension (if applicable) |
| <input type="checkbox"/> Grant Agreement | <input type="checkbox"/> Form AA-1PN attached (if applicable) |
| <input type="checkbox"/> Grant Budget | |

End Form AA-1

**Dept. of Public Safety
Administration Division
Grants Management Unit**

Memo

RECEIVED
JAN 2 2012

To: David Beatty
From: Tracy O'Connell *TO*
Date: 01/09/2012
CC: file
Re: Request for Grant Acceptance

Attached you will find a Request for Grant Acceptance for the Hazard Mitigation Grant Program received from FEMA. This AA-1 is for Disaster #s 1995, 4001, and 4022.

Please note, we have not received official award documents yet. We have only received "lock-in" letters from FEMA, which estimate the amount of funding we will receive for the Disasters related to the 2011 Spring floods and Tropical Storm Irene. The current estimate for projects is at \$16,294,531, however, the amount is expected to climb to \$23mil+.

A portion of the State Management Costs will be used to fund two new limited service positions for Emergency Management. These positions will be classified as Emergency Management Planner I. We would like these positions established as soon as possible, as they are needed to help the local communities prepare their respective applications for the Hazard Mitigation projects.

If you have any questions, please contact me at 802-241-5574 or toconnel@dps.state.vt.us. Additionally, Michael Clasen is aware of the importance of this Grant Acceptance since he sits on the Hazard Mitigation Grant Program Selection Committee.

Thank you.

RECEIVED
JAN 27 2012



FEMA

DEC 18 2011

October 26, 2011

Mr. Michael O'Neil
Director
Vermont Emergency Management Agency
103 South Main Street
Waterbury, VT 05671

Re: Initial 30 Day Estimated Ceiling
FEMA-4001-DR-VT
Hazard Mitigation Grant Program

Dear Director O'Neil:

Under Section 404 of the Stafford Act, as amended, 75% Federal funding is authorized for hazard mitigation measures. As a condition of receiving Federal disaster assistance, measures must be cost-effective, environmentally acceptable and be consistent with the strategies and recommendations identified in your State Hazard Mitigation Plan. Funding for mitigation projects under the Hazard Mitigation Grant Program (HMGP) is based on 15% of the estimated aggregate amount of grants made under the Stafford Act.

An initial estimate of \$768,891 in Federal funding may be available for the HMGP under FEMA-DR-4001-VT. A breakdown of funding is listed below:

| | |
|-------------------------------------|------------------|
| 5% COST PROJECTS | \$ 38,445 |
| 7% COST PROJECTS | \$ 53,822 |
| REGULAR PROJECTS | \$676,624. |
| INITIAL ESTIMATE FOR STARTUP | \$768,891 |
| STATE MANAGEMENT COST PROJECTS | \$ 37,599 |

This calculation is based on the best available data and will be refined as the disaster assistance programs are processed. Please use these estimates for planning purposes when identifying projects to be cost shared under this event. Please note that this estimate may decrease at the 3 OR 6 month review.

Final applications or amendments for new mitigation projects must be submitted to the FEMA Hazard Mitigation Division by July 8, 2012. Please forward an SF-424 to cover the funding request. If you have any questions, please contact me.

Sincerely,

Michael Goetz
Acting Division Director
Mitigation Division

768,891 4001 DR
999,048 1995 DR
14,526,592 4022 DR
16,294,531 HM projects

cc: Stephanie Leydon, FEMA Region I
Ray Doherty, VEM



FEMA

October 31, 2011

DEC 18 2011

Mr. Michael O'Neil
Director
Vermont Emergency Management Agency
103 South Main Street
Waterbury, VT 05671

Re: Initial 30 Day Estimated Ceiling
FEMA-1995-DR-VT
Hazard Mitigation Grant Program

Dear Director O'Neil:

Under Section 404 of the Stafford Act, as amended, 75% Federal funding is authorized for hazard mitigation measures. As a condition of receiving Federal disaster assistance, measures must be cost-effective, environmentally acceptable and be consistent with the strategies and recommendations identified in your State Hazard Mitigation Plan. Funding for mitigation projects under the Hazard Mitigation Grant Program (HMGP) is based on 15% of the estimated aggregate amount of grants made under the Stafford Act.

An initial estimate of \$999,048 in Federal funding may be available for the HMGP under FEMA-DR-1995-VT. A breakdown of funding is listed below:

| | |
|-------------------------------------|------------------|
| 5% COST PROJECTS | \$ 49,952 |
| 7% COST PROJECTS | \$ 69,933 |
| REGULAR PROJECTS | \$879,163 |
| INITIAL ESTIMATE FOR STARTUP | \$999,048 |
| STATE MANAGEMENT COST PROJECTS | \$ 48,853 |

This calculation is based on the best available data and will be refined as the disaster assistance programs are processed. Please use these estimates for planning purposes when identifying projects to be cost shared under this event. Please note that this estimate may decrease at the 3 OR 6 month review.

Final applications or amendments for new mitigation projects must be submitted to the FEMA Hazard Mitigation Division by June 15, 2012. Please forward an SF-424 to cover the funding request. If you have any questions, please contact me.

Sincerely,

Michael Goetz
Acting Division Director
Mitigation Division

cc: Stephanie Leydon, FEMA Region 1
Ray Doherty, VEM



FEMA

DEC 13 2011

November 10, 2011

Mr. Michael O'Neil
Director
Vermont Emergency Management Agency
103 South Main St.
Waterbury, VT 05671

Re: Initial 30 Day Estimated Ceiling
FEMA-4022-VT
Hazard Mitigation Grant Program

Dear Director O'Neil:

Under Section 404 of the Stafford Act, as amended, 75% Federal funding is authorized for hazard mitigation measures. As a condition of receiving Federal disaster assistance, measures must be cost-effective, environmentally acceptable and be consistent with the strategies and recommendations identified in your State Hazard Mitigation Plan. Funding for mitigation projects under the Hazard Mitigation Grant Program (HMGP) is based on 15% of the estimated aggregate amount of grants made under the Stafford Act.

An initial estimate of \$14,526,592 in Federal funding may be available for the HMGP under **FEMA-DR-4022-VT**. A breakdown of funding is listed below:

| | |
|-------------------------------------|---------------------|
| 5% COST PROJECTS | \$ 726,330 |
| 7% COST PROJECTS | \$ 1,016,861 |
| REGULAR PROJECTS | \$12,783,401 |
| INITIAL ESTIMATE FOR STARTUP | \$14,526,592 |
| STATE MANAGEMENT COST PROJECTS | \$ 710,350 |

This calculation is based on the best available data and will be refined as the disaster assistance programs are processed. Please use these estimates for planning purposes when identifying projects to be cost shared under this event. **Please note that this estimate is based on an initial approximation of public assistance and individual assistance damages that need to be verified, therefore, the estimate may decrease at the 3 OR 6 month review.**

In accordance with 44 CFR 207.5 (b)(1), FEMA is providing the following preliminary lock-in for Stafford Act section 324 management costs. The preliminary lock-in is based on the 30-day estimate of Public Assistance, Individual Assistance and Hazard Mitigation Grant Program costs for **DR-4022-VT**.

Preliminary Lock-in for Hazard Mitigation State Management cost is \$ 710,350
25 Percent of Lock-in for Hazard Mitigation State Management cost is \$ 177,588

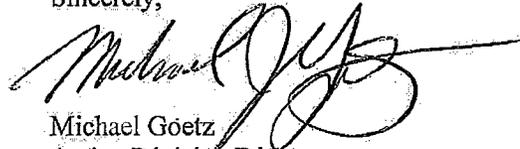
Pursuant to 44 CFR 207.6 (a) the grantee or sub grantee must use management cost funds provided under this part in accordance with §13.22 of this chapter and only for costs related to administration of the HMGP, respectively. All charges must be properly documented in accordance with § 207.8(f). (b) Indirect

costs may not be charged directly to a project or reimbursed separately, but rather are considered to be eligible management costs under this part. (c) Activities and costs that can be directly charged to a project with proper documentation are not eligible for funding under this part.

Pursuant to 44 CFR 207.7 (b) and (c) grantees must amend State Administration plans to include procedures for sub grantee management cost amounts or percentage determination, pass through, closeout, and audit; and submit initial management cost funding request (via project worksheet or project narrative) before any section 324 management costs can be obligated.

Final applications or amendments for new mitigation projects must be submitted to the FEMA Hazard Mitigation Division by September 02, 2012. Please forward an SF-424 to cover the funding request. If you have any questions, please contact Stephanie Leydon, at 617-956-4766.

Sincerely,



Michael Goetz
Acting Division Director
Mitigation Division

cc: Stephanie Leydon, FEMA Region 1
Ray Doherty, VEMA

encl



State of Vermont
Department of Public Safety

Grants Management Division

103 South Main Street
Waterbury, VT 05671
<http://dps.vermont.gov>

[Phone] 802-241-5000
[Fax] 802-241-5553
[tdd] 888-545-7598

February 2, 2012

To: David Beatty, Finance & Management Budget Analyst

From: Tracy O'Connell, Director of Grants Management

A handwritten signature in black ink, appearing to be "TO", written over the "From:" line.

Re: Supplemental information for Hazard Mitigation Grant Program AA-1

- Please see the attached Hazard Mitigation Grant Program (HMGP) solicitation which is posted on Vermont Emergency Management's website.
- Please see attached list of HMGP Priority Towns.
- These projects applications are reviewed by the State Hazard Mitigation Committee and are selected for recommendations for funding to FEMA. We anticipate the selection process will be completed in early March. Once FEMA receives the selections, they do another review. This review could take 4-8 weeks. Once FEMA's review is completed, they will issue award letters for each project. (Normally, I would create the AA-1 at this step). Once we receive the project award from FEMA (and AA-1 approval), we generate a Subgrant agreement for the projects.
- As far as State Management Costs, that is a separate application that we are currently working on. We hope to have an award for the State Management Costs within 30 days. This award will be used to fund the new Emergency Planner I limited service positions we requested.

Language from FEMA - Lock-in of HMGP Allocation

FEMA determines the allocation of HMGP funding available for a given disaster based on a percentage of the estimated total Federal assistance under the Stafford Act, excluding administrative costs for each Presidential major disaster declaration, as described in 44 CFR Section 206.432(b) and Part II A of this guidance. FEMA will estimate the amount of HMGP funding available at defined times following the disaster declaration. The HMGP estimated ceiling will be established initially within 90 days of the disaster declaration. It will be maintained until the first ceiling review at 6 months.

Six months after the disaster declaration, the estimated ceiling will be reevaluated and the lock-in ceiling will be established. The lock-in may reflect an increase or a decrease in the estimated ceiling. Subsequent reviews may result in an increase in the lock-in ceiling. The 6-month lock-in represents the minimum amount of HMGP funds available for a given disaster. Twelve months after the disaster declaration, a final review of the lock-in ceiling is conducted and the final amount of HMGP funds that will be available is calculated. The final lock-in amount may be greater than, but will not be less than, the lock-in ceiling calculated 6 months after the disaster declaration.

Please let me know if you have any additional questions.

Thank you,

Tracy



Vermont Emergency Management Department of Public Safety

Hazard Mitigation Grants Available for Irene Damage

Hazard Mitigation Grant Program (HMGP)

Mitigation Forms

HMGP Application (Excel)

Sample HMGP Letter

On Aug. 30, 2011, the state of Vermont received a Presidential disaster declaration (DR 4022-VT) to provide assistance to communities affected by tropical storm Irene. In addition to Public Assistance and Individual Assistance, there are federal mitigation funds available to all Vermont towns through the **Hazard Mitigation Grant Program (HMGP)**.

Vermont Emergency Management (VEM) is now accepting HMGP applications from towns and agencies in all Vermont counties in connection with the most recent disaster. The HMGP program is funded through the Federal Emergency Management Agency (FEMA) and is administered by Vermont Emergency Management. Federal funds are available to cover up to 75% of project costs; however, there is a 25% local match requirement that is the responsibility of the applicant.

We encourage you to identify potential hazard mitigation sites in your communities and apply for funds under the HMGP grant program. Typical hazard mitigation projects would include: repair and mitigation of local roads and bridges, home acquisitions (buy-out), structural elevations or relocations, replacement of undersized culverts, remediation of stream bank erosion, etc. Project proposals need not be directly connected to flooding from the most recent disaster. If you have a larger project (i.e. greater than \$250,000) you may also consider applying for funds under the Pre-Disaster Mitigation (PDM) or Flood Mitigation Assistance (FMA) programs which are open to all Vermont communities and which can provide greater funding levels.

You may download the HMGP application from VEM's website at vem.vermont.gov or you may contact the State Hazard Mitigation Officer for an application.

Please note the following FEMA eligibility requirements:

- 1) Communities **must** have a FEMA approved and adopted local mitigation plan no later than the date that funds are awarded. Those towns lacking an approved plan should contact their local Regional Planning Commission for assistance.

http://vem.vermont.gov/mitigation/grants_4022

2) Communities **must** be participating in the National Flood Insurance Program (NFIP), if a special flood hazard area has been identified in the community. Please contact the Agency of Natural Resources state floodplain coordinator for additional information on applying for NFIP membership.

The application must be completed in full, including maps, list of alternative proposals, engineering plans, hydrology studies (if needed) and a full benefit-cost analysis (BCA) in the FEMA approved format. Applications submitted without the BCA are automatically disqualified. If you need help in completing the BCA, you may contact your local Regional Planning Commission. Some BCA assistance is also available from the state hazard mitigation officer and a FEMA representative if you make a prior appointment.

Deadline for HMGP applications: Friday, February 17, 2012. Applications will not be accepted past the deadline.

If you are unable to submit an application for the February deadline, you may submit an application for consideration in the March, 2012 HMGP round. These applications are due on Friday, March 16, 2012.

Please submit applications to:

Ray Doherty, State Hazard Mitigation Officer
Vermont Emergency Management
103 South Main Street
Waterbury, VT 05671
Tel: 802 241-5258 or E-mail: rdoherty@dps.state.vt.us

Applications should be submitted in hard copy (paper) format and also electronically as a PDF or scanned file.

Please note that HMGP funds are awarded on a competitive basis and all applications are subject to review and selection by the state mitigation project selection committee and FEMA. Of course, feel free to contact Vermont Emergency Management if you have any questions or concerns regarding HMGP or any other FEMA mitigation grant program.

Tracy OConnell

From: Ray Doherty
Sent: Wednesday, January 25, 2012 8:33 AM
To: Adam Lougee; Allsion Stori; Amanda Holland; Barbara Sondag; Bonnie Waninger; Brattleboro Clerk; Bruce Melendy; Catherine Dimitruk; Charles Baker; Chris Company; Clare Rock; Dan Senecal-Albrecht; David Snedeker; Dinah Reed; Ed Bove; Forest Cohen; Gregory Burke; Jackie Cassino; James Henderson; Jennifer Mojo; Joel Schwartz; John Bennett; John Broker-Campbell; Jonathan Williams; Julie Potter; Karen Horn; Kevin Geiger; Laurie Emery; Laurie Stillwell; Michael Batchner; Michele Boomhower; Michele Braun; Milly Archer; Ned Swanberg; Paul Luciano; Peg Elmer; Pete Fellows; Peter G. Gregory; Peter Keating; Phillip Picotte; Rick Hopkins; Rita Seto; Ross Nagy; Rutland RPC; Shannon ; Shaun Coleman; Steve Munroe; Steven Patterson; Sue Schreibman; Susan McMahon; Susan Sellew; Susan Sinclair; Thomas J. Kennedy; Tim Bouton; Alec Portalupi; Ann Karlene Kroll; Bill LaFerriere; Bob Rea; Cahoon, Barry; Cory Gustafson; Dave Burley; Harriet Johnson; Jennifer Hollar; Josh Hanford; Kari Dolan; Katherine McNamara; Larry Becker; Michael Clasen; Mike Kline; Nan Johnson; Noelle MacKay; Pat Ross; Peter Hack; Phil Keller; Ray Rossi; Rebecca Pfeiffer; Richard Verville; Rob Evans; Tracy OConnell; VHCB; VHCB; angela.magara@dhs.gov; Elaine McNeil; Mary Lover; Richard Downer; Wesley Parker (jwesley.parker@dhs.gov)
Cc: THAD.J.LEUGEMORS@saic.com; Lauren Turner; millisa.s.danner@saic.com
Subject: HMGP Priority Towns

All,

Here is a list of towns and organizations which have submitted Letters of Intent for HMGP, with the "priority" towns highlighted:

We have received Letters of Intent (LOI) in connection with the upcoming HMGP rounds from the following towns, agencies and organizations:

Arlington, Barre City, Belvidere, Bethel, Bolton, Braintree, Brattleboro, Bridgewater, Brookline, Bristol, Cabot, Cambridge/Jeffersonville, Chester, Chittenden Town, Clarendon, Danby, Duxbury, East Montpelier, Fairfield, Grafton, Granville, Groton, Halifax, Hancock, Hartford/White River Jct, Hubbardton, Huntington, Hyde Park, Jamaica, Johnson, Killington, Lamoille Planning Commission, Lincoln, Londonderry, Middlebury, Lyndon, Middlesex, Moretown, Montgomery, Middletown Springs, Newfane, Northfield, Orange, Pawlet, Pittsfield, Plainfield, Plymouth, Pomfret, Reading, Readsboro, Richmond, Ripton, Rochester, Rockingham/Bellows Falls, Royalton, Roxbury, Ryegate, Sharon, Springfield, Stockbridge, Stowe, Sunderland, Townshend, Wardsboro, Waterbury, Weathersfield, Wilmington, Windsor Town, Underhill, Westford, Westminster, Williamstown, Woodbury, Woodford, Woodstock, VT Law School, VT Agency of Agriculture, VT Department of Environmental Conservation (DEC), American Precision Museum (non profit), and the Southern Windsor County Regional Planning Commission.

If you see a town on this list that you believe should be a priority for HMGP application assistance, please let me know and I will ask our SAIC outreach staff to contact them. We are also working with FEMA JFO staff on outreach to towns submitting HMGP applications.

Sincerely,

Ray Doherty, State Hazard Mitigation Officer
Vermont Emergency Management
103 South Main Street

Waterbury, VT 05671
Tel (802) 241-5258 (office)
Fax (802) 241-5556
E-mail: rdoherly@dps.state.vt.us



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Electronic Code of Federal Regulations

e-CFR

TM

e-CFR Data is current as of January 31, 2012

Title 44: Emergency Management and Assistance

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PART 207—MANAGEMENT COSTS

Section Contents

[§ 207.1 Purpose.](#)

[§ 207.2 Definitions.](#)

[§ 207.3 Applicability and eligibility.](#)

[§ 207.4 Responsibilities.](#)

[§ 207.5 Determination of management cost funding.](#)

[§ 207.6 Use of funds.](#)

[§ 207.7 Procedures for requesting management cost funding.](#)

[§ 207.8 Management cost funding oversight.](#)

[§ 207.9 Declarations before November 13, 2007.](#)

[§ 207.10 Review of management cost rates.](#)

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 through 5206; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; Homeland Security Act of 2002, 6 U.S.C. 101; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; E.O. 13286, 68 FR 10619, 3 CFR, 2003 Comp., p. 166.

Source: 72 FR 57875, Oct. 11, 2007, unless otherwise noted.

§ 207.1 Purpose.



The purpose of this part is to implement section 324 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), 42 U.S.C. 5165b.

§ 207.2 Definitions.



Cap means the maximum dollar amount that may be provided to a grantee for management cost funds for a single declaration pursuant to §207.5(c) of this part.

Chief Financial Officer (CFO) is the Chief Financial Officer of FEMA, or his/her designated representative.

See 'Lock-in' on reverse

Cognizant Agency means the Federal agency responsible for reviewing, negotiating, and approving cost allocation plans or indirect cost proposals developed on behalf of all Federal agencies. The Office of Management and Budget (OMB) publishes a listing of cognizant agencies.

Grant means an award of financial assistance making payment in cash, property, or in kind for a specified purpose, by the Federal Government to an eligible grantee.

Grantee for purposes of this part means the government to which a Public Assistance (PA) or Hazard Mitigation Grant Program (HMGP) grant is awarded that is accountable for the use of 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. Generally, the State is the grantee. However, after a declaration, an Indian tribal government may choose to be a grantee, or may act as a subgrantee under the State for purposes of administering a grant under PA, HMGP, or both. When an Indian tribal government has chosen to act as grantee, it will also assume the responsibilities of a "grantee" under this part for the purposes of administering management cost funding.

Hazard Mitigation Grant Program (HMGP) means the program implemented at part 206, subpart N of this chapter.

HMGP lock-in ceiling means the level of HMGP funding available to a grantee for a particular disaster declaration.

HMGP project narrative refers to the request submitted for HMGP funding.

Indian tribal government is a Federally recognized governing body of an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist as an Indian tribe under the Federally Recognized Tribe List Act of 1994, 25 U.S.C. 479a. This does not include Alaska Native corporations, the ownership of which is vested in private individuals.

Indirect Costs means costs that are incurred by a grantee for a common or joint purpose benefiting more than one cost objective that are not readily assignable to the cost objectives specifically benefited.

Lock-in means the amount of management cost funds available to a grantee for PA or HMGP, respectively, for a particular major disaster or emergency, as FEMA determines at 30 days, 6 months, and 12 months or upon calculation of the final HMGP lock-in ceiling, whichever is later.

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

Project refers to a project as defined at §206.201(i) of this chapter for PA or eligible activities as defined at §206.434(d) of this chapter for HMGP.

Project Worksheet (PW) refers to FEMA Form 90–91, or any successor form, on which the scope of work and cost estimate for a logical grouping of work required under the PA program as a result of a declared major disaster or emergency is documented.

Public Assistance (PA) means the program implemented at part 206, subparts G and H of this chapter.

Regional Administrator is the head of a FEMA regional office, or his/her designated representative, appointed under section 507 of the Post-Katrina Emergency Management Reform Act of 2006 (Pub. L. 109–295). The term also refers to Regional Directors as discussed in part 2 of this chapter.

Stafford Act refers to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121–5206).

State is any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

Subgrantee means the government or other legal entity to which a grantee awards a subgrant and which is accountable to the grantee for the use of the funds provided. Subgrantees can be a State agency, local government, private nonprofit organization, or Indian tribal government.

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Electronic Code of Federal Regulations

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TM

e-CFR Data is current as of January 31, 2012

Title 44: Emergency Management and Assistance

PART 206—FEDERAL DISASTER ASSISTANCE

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Subpart N—Hazard Mitigation Grant Program

Source: 55 FR 35537, Aug. 30, 1990, unless otherwise noted.

§ 206.430 General.

This subpart provides guidance on the administration of hazard mitigation grants made under the provisions of section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5170c, hereafter Stafford Act, or the Act.

[59 FR 24356, May 11, 1994]

§ 206.431 Definitions.

Activity means any mitigation measure, project, or action proposed to reduce risk of future damage, hardship, loss or suffering from disasters.

Applicant means a State agency, local government, Indian tribal government, or eligible private nonprofit organization, submitting an application to the grantee for assistance under the HMGP.

Enhanced State Mitigation Plan is the hazard mitigation plan approved under 44 CFR part 201 as a condition of receiving increased funding under the HMGP.

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.

Grant award means total of Federal and non-Federal contributions to complete the approved scope of work.

Grantee means the government to which a grant is awarded and which is accountable for the use of 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. Generally, the State for which the major disaster is declared is the grantee. However, an Indian tribal government may choose to be a grantee or it may act as a subgrantee under the State. An Indian tribal government acting as a grantee will assume the responsibilities of a "state", under this subpart, for the purposes of administering the grant.

Indian Tribal government means any Federally recognized governing body of an Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist as an Indian Tribe under the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a. This does not include Alaska Native corporations, the ownership of which is vested in private individuals.

Local Mitigation Plan is the hazard mitigation plan required of a local government acting as a subgrantee

as a condition of receiving a project subgrant under the HMGP as outlined in 44 CFR 201.6.

Standard State Mitigation Plan is the hazard mitigation plan approved under 44 CFR part 201, as a condition of receiving Stafford Act assistance as outlined in §201.4.

State Administrative Plan for the Hazard Mitigation Grant Program means the plan developed by the State to describe the procedures for administration of the HMGP.

Subgrant means an award of financial assistance under a grant by a grantee to an eligible subgrantee.

Subgrant application means the request to the grantee for HMGP funding by the eligible subgrantee, as outlined in §206.436.

Subgrantee means the government or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of the funds provided. Subgrantees can be a State agency, local government, private non-profit organizations, or Indian tribal government as outlined in §206.433. Indian tribal governments acting as a subgrantee are accountable to the State grantee.

Tribal Mitigation Plan is the hazard mitigation plan required of an Indian Tribal government acting as a grantee or subgrantee as a condition of receiving a project grant or subgrant under the HMGP as outlined in 44 CFR 201.7.

[67 FR 8852, Feb. 26, 2002, as amended at 74 FR 47482, Sept. 16, 2009; 74 FR 60214, Nov. 20, 2009]

§ 206.432 Federal grant assistance.

(a) *General.* This section describes the extent of Federal funding available under the State's grant, as well as limitations and special procedures applicable to each.

(b) *Amounts of Assistance.* The total Federal contribution of funds is based on the estimated aggregate grant amount to be made under 42 U.S.C. 5170b, 5172, 5173, 5174, 5177, and 5183 of the Stafford Act for the major disaster (less associated administrative costs), and shall be as follows:

(1) *Standard percentages.* Not to exceed 15 percent for the first \$2,000,000,000 or less of such amounts; not to exceed 10 percent of the portion of such amounts over \$2,000,000,000 and not more than \$10,000,000,000; and not to exceed 7.5 percent of the portion of such amounts over \$10,000,000,000 and not more than \$35,333,000,000.

(2) *Twenty (20) percent.* A State with an approved Enhanced State Mitigation Plan, in effect before the disaster declaration, which meets the requirements outlined in §201.5 of this subchapter shall be eligible for assistance under the HMGP not to exceed 20 percent of such amounts, for amounts not more than \$35.333 billion.

(3) The estimates of Federal assistance under this paragraph (b) shall be based on the Regional Administrator's estimate of all eligible costs, actual grants, and appropriate mission assignments.

(c) *Cost sharing.* All mitigation measures approved under the State's grant will be subject to the cost sharing provisions established in the FEMA-State Agreement. FEMA may contribute up to 75 percent of the cost of measures approved for funding under the Hazard Mitigation Grant Program for major disasters declared on or after June 10, 1993. FEMA may contribute up to 50 percent of the cost of measures approved for funding under the Hazard Mitigation Grant Program for major disasters declared before June 10, 1993. The non-Federal share may exceed the Federal share. FEMA will not contribute to costs above the Federally approved estimate.

[55 FR 35537, Aug. 30, 1990, as amended at 59 FR 24356, May 11, 1994; 67 FR 8853, Feb. 26, 2002; 67 FR 61515, Oct. 1, 2002; 69 FR 55097, Sept. 13, 2004; 72 FR 61750 Oct. 31, 2007; 74 FR 47482, Sept. 16, 2009]

§ 206.433 State responsibilities.

(a) *Grantee.* The State will be the Grantee to which funds are awarded and will be accountable for the use of those funds. There may be subgrantees within the State government.

(b) *Priorities.* The State will determine priorities for funding. This determination must be made in conformance with §206.435.

(c) *Hazard Mitigation Officer.* The State must appoint a Hazard Mitigation Officer who serves as the responsible individual for all matters related to the Hazard Mitigation Grant Program.

(d) *Administrative plan.* The State must have an approved administrative plan for the Hazard Mitigation Grant Program in conformance with §206.437.

[55 FR 35537, Aug. 30, 1990, as amended at 72 FR 61750, Oct. 31, 2007]

§ 206.434 Eligibility.

(a) *Applicants.* The following are eligible to apply for the Hazard Mitigation Program Grant:

(1) State and local governments;

(2) Private nonprofit organizations that own or operate a private nonprofit facility as defined in §206.221 (e). A qualified conservation organization as defined at §80.3(h) of this chapter is the only private nonprofit organization eligible to apply for acquisition or relocation for open space projects;

(3) Indian tribes or authorized tribal organizations and Alaska Native villages or organizations, but not Alaska native corporations with ownership vested in private individuals.

(b) *Plan requirement.* (1) Local and Indian Tribal government applicants for project subgrants must have an approved local or Tribal Mitigation Plan in accordance with 44 CFR part 201 before receipt of HMGP subgrant funding for projects.

(2) Regional Administrators may grant an exception to this requirement in extraordinary circumstances, such as in a small and impoverished community when justification is provided. In these cases, a plan will be completed within 12 months of the award of the project grant. If a plan is not provided within this timeframe, the project grant will be terminated, and any costs incurred after notice of grant's termination will not be reimbursed by FEMA.

(c) *Minimum project criteria.* To be eligible for the Hazard Mitigation Grant Program, a project must:

(1) Be in conformance with the State Mitigation Plan and Local or Tribal Mitigation Plan approved under 44 CFR part 201; or for Indian Tribal governments acting as grantees, be in conformance with the Tribal Mitigation Plan approved under 44 CFR 201.7;

(2) Have a beneficial impact upon the designated disaster area, whether or not located in the designated area;

(3) Be in conformance with 44 CFR part 9, Floodplain Management and Protection of Wetlands, and 44 CFR part 10, Environmental Considerations;

(4) 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;

(5) 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:

(i) Addresses a problem that has been repetitive, or a problem that poses a significant risk to public health and safety if left unsolved,

(ii) 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,

(iii) Has been determined to be the most practical, effective, and environmentally sound alternative after consideration of a range of options,

(iv) Contributes, to the extent practicable, to a long-term solution to the problem it is intended to address,

(v) Considers long-term changes to the areas and entities it protects, and has manageable future maintenance and modification requirements.

(d) *Eligible activities*—(1) *Planning*. Up to 7% of the State's 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.

(2) *Types of projects*. Projects may be of any nature that will result in protection to public or private property. Activities for which implementation has already been initiated or completed are not eligible for funding. Eligible projects include, but are not limited to:

(i) Structural hazard control or protection projects;

(ii) Construction activities that will result in protection from hazards;

(iii) Retrofitting of facilities;

(iv) Property acquisition or relocation, as defined in paragraph (e) of this section;

(v) Development of State or local mitigation standards;

(vi) Development of comprehensive mitigation programs with implementation as an essential component;

(vii) Development or improvement of warning systems.

(e) *Property acquisitions and relocation requirements*. Property acquisitions and relocation projects for open space proposed for funding pursuant to a major disaster declared on or after December 3, 2007, must be implemented in accordance with part 80 of this chapter. For major disasters declared before December 3, 2007, a project involving property acquisition or the relocation of structures and individuals is eligible for assistance only if the applicant enters into an agreement with the FEMA Regional Administrator that provides assurances that:

(1) The following restrictive covenants shall be conveyed in the deed to any property acquired, accepted, or from which structures are removed (hereafter called in section (d) the property):

(i) The property shall be dedicated and maintained in perpetuity for uses compatible with open space, recreational, or wetlands management practices; and

(ii) No new structure(s) will be built on the property except as indicated below

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

(B) A rest room; or

(C) A structure that is compatible with open space, recreational, or wetlands management usage and proper floodplain management policies and practices, which the Administrator approves in writing before the construction of the structure begins.

(iii) After completion of the project, no application for additional disaster assistance will 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.

(2) 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, previous parking lots, and buffer zones.

(3) Any structures built on the property according to paragraph (d)(1) of this section, shall be

floodproofed or elevated to the Base Flood Elevation plus one foot of freeboard.

(f) *Duplication of programs.* Section 404 funds cannot be used as a substitute or replacement to fund projects or programs that are available under other Federal authorities, except under limited circumstances in which there are extraordinary threats to lives, public health or safety or improved property.

(g) *Packaging of programs.* Section 404 funds may be packaged or used in combination with other Federal, State, local, or private funding sources when appropriate to develop a comprehensive mitigation solution, though section 404 funds cannot be used as a match for other Federal funds.

[55 FR 35537, Aug. 30, 1990, as amended at 59 FR 24356, May 11, 1994; 67 FR 8853, Feb. 26, 2002; 67 FR 61515, Oct. 1, 2002; 69 FR 55097, Sept. 13, 2004; 72 FR 61750 Oct. 31, 2007; 74 FR 47483, Sept. 16, 2009]

§ 206.435 Project identification and selection criteria.

(a) *Identification.* It is the State's responsibility to identify and select eligible hazard mitigation projects. All funded projects must be consistent with the State Mitigation Plan. Hazard Mitigation projects shall be identified and prioritized through the State, Indian tribal, and local planning process.

(b) *Selection.* The State will establish procedures and priorities for the selection of mitigation measures. At a minimum, the criteria must be consistent with the criteria stated in §206.434(c) and include:

(1) Measures that best fit within an overall plan for development and/or hazard mitigation in the community, disaster area, or State;

(2) Measures that, if not taken, will have a severe detrimental impact on the applicant, such as potential loss of life, loss of essential services, damage to critical facilities, or economic hardship on the community;

(3) Measures that have the greatest potential impact on reducing future disaster losses;

(c) *Other considerations.* In addition to the selection criteria noted above, consideration should be given to measures that are designed to accomplish multiple objectives including damage reduction, environmental enhancement, and economic recovery, when appropriate.

[55 FR 35537, Aug. 30, 1990, as amended at 66 FR 8853, Feb. 26, 2002; 68 FR 63738, Nov. 10, 2003]

§ 206.436 Application procedures.

(a) *General.* This section describes the procedures to be used by the grantee in submitting an application for HMGP funding. Under the HMGP, the State or Indian tribal government is the grantee and is responsible for processing subgrants to applicants in accordance with 44 CFR part 13 and this part 206. Subgrantees are accountable to the grantee.

(b) *Governor's Authorized Representative.* The Governor's Authorized Representative serves as the grant administrator for all funds provided under the Hazard Mitigation Grant Program. The Governor's Authorized Representative's responsibilities as they pertain to procedures outlined in this section include providing technical advice and assistance to eligible subgrantees, and ensuring that all potential applicants are aware of assistance available and submission of those documents necessary for grant award.

(c) *Hazard mitigation application.* Upon identification of mitigation measures, the State (Governor's Authorized Representative) will submit its Hazard Mitigation Grant Program application to the FEMA Regional Administrator. The application will identify one or more mitigation measures for which funding is requested. The application must include a Standard Form (SF) 424, Application for Federal Assistance, SF 424D, Assurances for Construction Programs, if appropriate, and a narrative statement. The narrative statement will contain any pertinent project management information not included in the State's administrative plan for Hazard Mitigation. The narrative statement will also serve to identify the specific mitigation measures for which funding is requested. Information required for each mitigation measure shall include the following:

- (1) Name of the subgrantee, if any;
- (2) State or local contact for the measure;
- (3) Location of the project;
- (4) Description of the measure;
- (5) Cost estimate for the measure;
- (6) Analysis of the measure's cost-effectiveness and substantial risk reduction, consistent with §206.434 (c);
- (7) Work schedule;
- (8) Justification for selection;
- (9) Alternatives considered;
- (10) Environmental information consistent with 44 CFR part 9, Floodplain Management and Protection of Wetlands, and 44 CFR part 10, Environmental Considerations.

(d) *Application submission time limit.* The State's application may be amended as the State identifies and selects local project applications to be funded. The State must submit all local HMGP applications and funding requests for the purpose of identifying new projects to the Regional Administrator within 12 months of the date of disaster declaration.

(e) *Extensions.* 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 grantee must include a justification in its request.

(f) *FEMA approval.* The application and supplement(s) will be submitted to the FEMA Regional Administrator for approval. FEMA has final approval authority for funding of all projects.

(g) *Indian tribal grantees.* Indian tribal governments may submit a SF 424 directly to the Regional Administrator.

[67 FR 8853, Feb. 26, 2002]

§ 206.437 State administrative plan.

(a) *General.* The State shall develop a plan for the administration of the Hazard Mitigation Grant Program.

(b) *Minimum criteria.* At a minimum, the State administrative plan must include the items listed below.

- (1) Designation of the State agency will have responsibility for program administration;
- (2) Identification of the State Hazard Mitigation Officer responsible for all matters related to the Hazard Mitigation Grant Program
- (3) Determination of staffing requirements and sources of staff necessary for administration of the program;
- (4) Establishment of procedures to:
 - (i) Identify and notify potential applicants (subgrantees) of the availability of the program;
 - (ii) Ensure that potential applicants are provided information on the application process, program eligibility and key deadlines;

- (iii) Determine applicant eligibility;
- (iv) Conduct environmental and floodplain management reviews;
- (v) Establish priorities for selection of mitigation projects;
- (vi) Process requests for advances of funds and reimbursement;
- (vii) Monitor and evaluate the progress and completion of the selected projects;
- (viii) Review and approve cost overruns;
- (ix) Process appeals;
- (x) Provide technical assistance as required to subgrantee(s);
- (xi) Comply with the administrative and audit requirements of 44 CFR parts 13 and 206;
- (xii) Provide quarterly progress reports to the Regional Administrator on approved projects.
- (xiii) Determine the percentage or amount of pass-through funds for management costs provided under 44 CFR part 207 that the grantee will make available to subgrantees, and the basis, criteria, or formula for determining the subgrantee percentage or amount.

(c) *Format.* The administrative plan is intended to be a brief but substantive plan documenting the State's process for the administration of the Hazard Mitigation Grant Program and management of the section 404 funds. This administrative plan should become a part of the State's overall emergency response or operations plan as a separate annex or chapter.

(d) *Approval.* The State must submit the administrative plan to the Regional Administrator for approval. Following each major disaster declaration, the State shall prepare any updates, amendments, or plan revisions required to meet current policy guidance or changes in the administration of the Hazard Mitigation Grant Program. Funds shall not be awarded until the State administrative plan is approved by the FEMA Regional Administrator.

[55 FR 35537, Aug. 30, 1990, as amended at 55 FR 52172, Dec. 20, 1990; 72 FR 57875, Oct. 11, 2007; 74 FR 15352, Apr. 3, 2009]

§ 206.438 Project management.

(a) *General.* 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 subgrantees meet all program and administrative requirements.

(b) *Cost overruns.* During the execution of work on an approved mitigation measure the Governor's Authorized Representative may find that actual project costs are exceeding the approved estimates. Cost overruns which can be met without additional Federal funds, or which can be met by offsetting cost underruns on other projects, need not be submitted to the Regional Administrator for approval, so long as the full scope of work on all affected projects can still be met. For cost overruns which exceed Federal obligated funds and which require additional Federal funds, the Governor's Authorized Representative shall evaluate each cost overrun and shall submit a request with a recommendation to the Regional Administrator for a determination. The applicant's justification for additional costs and other pertinent material shall accompany the request. The Regional Administrator shall notify the Governor's Authorized Representative in writing of the determination and process a supplement, if necessary. All requests that are not justified shall be denied by the Governor's Authorized Representative. In no case will the total amount obligated to the State exceed the funding limits set forth in §206.432(b). Any such problems or circumstances affecting project costs shall be identified through the quarterly progress reports required in paragraph (c) of this section.

(c) *Progress reports.* The grantee shall submit a quarterly progress report to FEMA indicating the status and completion date for each measure funded. Any problems or circumstances affecting completion dates, scope of work, or project costs which are expected to result in noncompliance with the approved

grant conditions shall be described in the report.

(d) *Payment of claims.* The Governor's Authorized Representative shall make a claim to the Regional Administrator for reimbursement of allowable costs for each approved measure. In submitting such claims the Governor's Authorized Representative shall certify that reported costs were incurred in the performance of eligible work, that the approved work was completed and that the mitigation measure is in compliance with the provisions of the FEMA-State Agreement. The Regional Administrator shall determine the eligible amount of reimbursement for each claim and approve payment. If a mitigation measure is not completed, and there is not adequate justification for noncompletion, no Federal funding will be provided for that measure.

(e) *Audit requirements.* Uniform audit requirements as set forth in 44 CFR part 13 apply to all grant assistance provided under this subpart. FEMA may elect to conduct a Federal audit on the disaster assistance grant or on any of the subgrants.

[55 FR 35537, Aug. 30, 1990, as amended at 74 FR 15352, Apr. 3, 2009]

§ 206.439 Allowable costs.

(a) General requirements for determining allowable costs are established in 44 CFR 13.22. Exceptions to those requirements as allowed in 44 CFR 13.4 and 13.6 are explained in paragraph (b) of this section.

(b) Administrative and management costs for major disasters will be paid in accordance with 44 CFR part 207.

(c) *Pre-award costs.* FEMA may fund eligible pre-award planning or project costs at its discretion and as funds are available. Grantees and subgrantees may be reimbursed for eligible pre-award costs for activities directly related to the development of the project or planning proposal. These costs can only be incurred during the open application period of the grant program. Costs associated with implementation of the activity but incurred prior to grant award are not eligible. Therefore, activities where implementation is initiated or completed prior to award are not eligible and will not be reimbursed.

[72 FR 57875, Oct. 11, 2007, as amended at 72 FR 61750, Oct. 31, 2007]

§ 206.440 Appeals.

An eligible applicant, subgrantee, or grantee may appeal any determination previously made related to an application for or the provision of Federal assistance according to the procedures below.

(a) *Format and Content.* The applicant or subgrantee will make the appeal in writing through the grantee to the Regional Administrator. The grantee shall review and evaluate all subgrantee appeals before submission to the Regional Administrator. The grantee may make grantee-related appeals to the Regional Administrator. The appeal shall contain documented justification supporting the appellant's position, specifying the monetary figure in dispute and the provisions in Federal law, regulation, or policy with which the appellant believes the initial action was inconsistent.

(b) *Levels of Appeal.* (1) The Regional Administrator will consider first appeals for hazard mitigation grant program-related decisions under subparts M and N of this part.

(2) The Assistant Administrator for the Mitigation Directorate will consider appeals of the Regional Administrator's decision on any first appeal under paragraph (b)(1) of this section.

(c) *Time Limits.* (1) Appellants must make appeals within 60 days after receipt of a notice of the action that is being appealed.

(2) The grantee will review and forward appeals from an applicant or subgrantee, with a written recommendation, to the Regional Administrator within 60 days of receipt.

(3) Within 90 days following receipt of an appeal, the Regional Administrator (for first appeals) or Assistant Administrator for the Mitigation Directorate (for second appeals) will notify the grantee in writing of the disposition of the appeal or of the need for additional information. A request by the Regional Administrator or Assistant Administrator for the Mitigation Directorate for additional information will include a date by which the information must be provided. Within 90 days following the receipt of the

requested additional information or following expiration of the period for providing the information, the Regional Administrator or Assistant Administrator for the Mitigation Directorate will notify the grantee in writing of the disposition of the appeal. If the decision is to grant the appeal, the Regional Administrator will take appropriate implementing action.

(d) *Technical Advice.* In appeals involving highly technical issues, the Regional Administrator or Assistant Administrator for the Mitigation Directorate may, at his or her discretion, submit the appeal to an independent scientific or technical person or group having expertise in the subject matter of the appeal for advice or recommendation. The period for this technical review may be in addition to other allotted time periods. Within 90 days of receipt of the report, the Regional Administrator or Assistant Administrator for the Mitigation Directorate will notify the grantee in writing of the disposition of the appeal.

(e) *Transition.* (1) This rule is effective for all appeals pending on and appeals from decisions issued on or after May 8, 1998, except as provided in paragraph (e)(2) of this section.

(2) Appeals pending from a decision of an Assistant Administrator for the Mitigation Directorate before May 8, 1998 may be appealed to the Administrator in accordance with 44 CFR 206.440 as it existed before May 8, 1998.

(3) The decision of the FEMA official at the next higher appeal level shall be the final administrative decision of FEMA.

[63 FR 17111, Apr. 8, 1998]

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