

SECTION 5 – COORDINATION OF LOCAL MITIGATION PLANNING

Local Funding And Technical Assistance	
<i>Requirement §201.4(c)(4)(i) [The section on the Coordination of Local Hazard Mitigation Planning must include a] description of the State process to support, through funding and technical assistance, the development of local mitigation plans.</i>	
Element	<i>A. Does the new or updated plan provide a description of the State process to support, through funding and technical assistance, the development of local mitigation plans?</i>
	<i>B. Does the new or updated plan describe the funding and technical assistance the State has provided in the past three years to assist local jurisdictions in completing approvable mitigation plans?</i>

A. Description of State Process to Support Development of Local Plans

Through the FEMA PDM-C grants, administered through MEMA, Maine’s counties and towns received funding for researching and developing their Hazard Mitigation Plans. While not *direct* funding, the State’s 800 number, EOC space for meetings, and staff travel time all made it easier and less expensive for the local municipalities to get information and technical assistance.

Providing technical assistance to the towns and counties is greatly affected by distances and weather conditions. It requires a day of driving to travel the miles between the towns of Kittery (York County) and Fort Kent (Aroostook County). However, as previously documented in the Summary of Meetings table in the Appendix, representatives from the State and FEMA have provided technical assistance by driving to all sixteen counties and all corners of Maine, quite literally to the furthest points east, south, north and west. This effort paid off, as demonstrated in the table of approved FEMA plans contained in Section 2.

Additional face-to-face meetings occurred monthly when the County Directors met in the EOC at MEMA. Time on the agenda was often used to update information relevant to both the local and state plans. On other occasions, individual County Directors or town representatives came to the MEMA offices, often for several hours at a time, to review the requirements, get contact information, or revise their work-in-progress.

When travel or meetings are not possible, emails and telephone conference calls (TELCOMs) are used extensively to answer questions ranging from mapping hazards to writing narratives.

A combination of mail, email, and FEMA Website calendar notices are used to inform the 489 towns and 16 County Directors, respectively, of the FEMA “Grant Development and Cost Benefit Workshops.”

Lastly, TELCOMs between FEMA, MEMA, Counties, consultants and local officials assure that all parties are getting the same information in real time. Topics range widely from TELCOMs used for planning, alerting and State response during a disaster, to narrative descriptions to mapping to documentation. This clarified plan requirements as well as minimized travel.

B. Description of Funding and Technical Assistance, Last Three Years

Appendix A includes a summary of key meetings, conferences and workshops that were held during the past three years. A number of counties are now beginning to update their plans.

With the exception of Kennebec County, the county seats of all other counties are at least an hour's distance from the MEMA offices in Augusta. As gas prices continue to rise, it is anticipated that more and more meetings will be conducted through the use of conference calls and, where available, video conferences. On a number of occasions, selectmen or town managers from small towns were set up with a computer at MEMA in order to have both the equipment and the technical assistance.

To provide technical assistance on a broader scope, an annual schedule of workshops was delivered throughout the state. Despite the distances, it was rare that a county did not receive at least one workshop per year. In 2008 and 2009, when the State received multiple declarations, a number of the hardest hit counties received multiple workshops.

Technical assistance was also steadily available through FEMA Disaster Assistance Employees (DAEs). Depending on their areas of expertise, they have been deployed in Maine to assist in project identification, planning guidance, hazard analysis and/or to provide additional technical information, such as the workshops on geo-synthetics.

Local Plan Integration	
<i>Requirement §201.4(c)(4)(ii) Local Plan Integration. [The section on the Coordination of Local Mitigation Planning must include a] description of the State process and timeframe by which the local plans will be reviewed, coordinated, and linked to the State Mitigation Plan.</i>	
Element	<i>A. Does the new or updated plan provide a description of the process and timeframe the State established to review local plans?</i>
	<i>B. Does the new or updated plan provide a description of the process and timeframe the State established to coordinate and link local plans to the State Mitigation Plan?</i>

A. Description of Process and Timeframe to Review Local Plans

Between 2004 and 2007, State and counties were writing their plans concurrently, so the processes for review were truncated. The State had no criteria other than FEMA's crosswalk for reviewing the local plans. Wherever possible and to optimize time, the State reviews were combined with the "technical assistance" meetings and phone calls as described in the previous paragraphs, so local plans could go directly to FEMA upon completion.

In 2009, MEMA developed a guide for the preparation of hazard mitigation plans so that as county and other plans are updated, they will follow the same format, thus allowing better coordination between local plans and the State Plan.

B. Description of Process and Timeframe to Coordinate and Link Local Plans to the State Mitigation Plan

The November 1, 2004 approval deadline of all the Plans overshadowed the highly desirable goal, and logic, of linking them to one another. To meet the deadline, and to maximize resources, the State focused its attention on two key efforts: first, to revise the State Plan for approval before deadline and second, to provide technical assistance as requested by the towns and counties to also attain approval.

As part of the planning process used to prepare this Plan, MEMA reviewed each county plan by hazard priority in order to link (connect) them to the State Plan, that is, to reconfirm that the goals and objectives of these local plans (previously reviewed by MEMA) closely track those of the State's Plan. Furthermore, because MEMA was closely involved in the preparation of the county plans there was consistency in the manner in which the risk assessments were done. Information in local plans that supplements and/or improves the accuracy and common knowledge base will be added to the State Plan.

Prioritizing Local Assistance

*Requirement §201.4(c)(4)(iii): **Prioritizing Local Assistance.** [The section on the Coordination of Local Mitigation Planning must include] criteria for prioritizing communities and local jurisdiction that would receive planning and project grants under available funding programs, Which should include consideration for communities with the highest risks, repetitive loss properties, and most intense development pressures.*

Further, that for non-planning grants, a principal criterion for prioritizing grants shall be the extent to which benefits are maximized according to a cost benefit review of proposed projects and their associated costs.

Requirement §201.4(d): (The) Plan must be reviewed and revised to reflect changes in development, progress in statewide mitigation efforts, and changes in priorities...

Element	<i>A. Does the new or updated plan provide a description of the criteria for prioritizing those communities and local jurisdictions that would receive planning and project grants under available mitigation funding programs?</i>
	<i>B. For the new or updated plan, do the prioritization criteria include, for non-planning grants, the consideration of the extent to which benefits are maximized according to a cost benefit review of proposed projects and their associated costs?</i>
	<i>C. For the new or updated plan, do the criteria include considerations for communities with the highest risk?</i>
	<i>D. For the new or updated plan, do the criteria include considerations for repetitive loss properties?</i>
	<i>C. For the new or updated plan, do the criteria include considerations for communities with the most intense development pressure?</i>

A. Description of Criteria for Prioritizing Jurisdictions that Would Receive Planning and Project Grants

Since it was a federal requirement (DMA 2000) to have hazard mitigation plans, all 16 Maine counties were notified of the funding that was available in federal fiscal years 2002 and 2003 for developing their plans. Over the planning period, a benchmark cost for writing the plans was established and the funds were fairly evenly distributed among the counties.

The criteria for project grants are much more specific and are spelled out in the Administrative Plan that is at the end of this section. Re-approved in January, 2010, and revised for inclusion in this Plan, it clearly identifies:

- All projects must have a benefit/cost ratio of at least one
- Eligibility
- Applicant notification
- Project identification
- Application procedures
- Review, ranking and selection of projects
- Project management, including closeout

Note: While originally written with HMGP grants in mind, the criteria in the Administrative Plan is being re-written in 2010 as a Hazard Mitigation Assistance (HMA) Administration Plan to apply to the FMA, PDM, RFC and SRL programs as well.

B. Consideration of Cost Benefit Analysis

The cost benefit criteria is heavily stressed in the following ways:

- it is stressed in all field work and technical assistance meetings
- it is stressed in mailings to towns announcing new rounds of hazard mitigation funding
- it is stressed in MEMA's "Grant Development Workshops"
- It is stressed in MEMA's brochures and handouts
- It has been prominent on the YES/NO eligibility page on MEMA's web site for five years

C. Consideration of Communities with Highest Risk

See Section 7.B 2, page 5-12.

D. Consideration for Communities with Repetitive Loss Properties

Communities with repetitive loss properties are being identified in the revised versions of the relevant County Hazard Mitigation Plans. Potential projects that meet the new BCA, and where communities are willing to apply on behalf of the owners, usually score well with the Review Council and are forwarded to FEMA for funding.

E. Consideration for Communities with Most Intense Development Pressure

In considering which communities need the most assistance, the strategy is to examine those jurisdictions with the most repetitive damages as evidenced by declarations, public assistance records and grant requests.

**State of Maine
HAZARD MITIGATION ADMINISTRATIVE PLAN**

(Public Law 93-288, Section 404)

Prepared by

**Maine Emergency Management Agency
Department of Defense, Veterans, and
Emergency Management**

For Disaster Declaration 1852

**Revision 6
FEMA Approved – 19 January 2010**

1. INTRODUCTION

A. PURPOSE

The State Administration Plan outlines how the State of Maine will administer the Hazard Mitigation Grant Program.

B. AUTHORITIES AND REFERENCES

The State will comply with the following:

- 1) Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288), as amended, Section 404 and 409 and the Disaster Mitigation Act of 2000, section 322.
- 2) FEMA Regulations, 44 CFR, Part 206, Subparts M and N.
- 3) FEMA Regulations, 44CFR, Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.
- 4) Executive Order 12612, Federalism.
- 5) Single Audit Act of 1984, as amended.

C. DEFINITIONS

- 1) "Application" means the formal request for funding, submitted to FEMA by the state of Maine.
- 2) "Governor's Authorized Representative (GAR)" means the individual designated by the governor to represent the State in activities related to the implementation of Public Law 93-288, the Robert T. Stafford Disaster Relief and Emergency Assistance Act, and in ongoing State disaster/emergency preparedness, response and hazard mitigation activities.
- 3) "Grant" means an award of financial assistance.
- 4) "Grantee" means a government to which a grant is awarded and which is accountable for use of the funds provided. The Grantee is the entire legal entity even if only a particular component of the entity is designated in the grant award document. The State is the Grantee except as noted.
- 5) "Hazard Mitigation Plan" (HMP) means a plan prepared by the state, or a local or tribal governments as a condition of receiving federal hazard mitigation funds under Section 322 of the Robert

T. Stafford Disaster Relief and Emergency Assistance Act, as amended by Section 104 of the Disaster Mitigation Act of 2000 (DMA2000).

- 6) "Interagency Hazard Mitigation Team (IHMT)" means the mitigation team that is activated following declared disasters.
- 7) "ME EMA" means Maine Emergency Management Agency.
- 8) "Project" means hazard mitigation projects that meet Stafford Act guidelines, proposed by eligible applicants to reduce risk of future damage, hardship, loss or suffering from disasters. The terms "project" and "measures" are used interchangeably.
- 9) "State Hazard Mitigation Officer (SHMO)" means the individual designated by the Governor and the one who is responsible for all matters related to the Section 404 Hazard Mitigation Grant Program, and all other State of Maine FEMA-funded hazard mitigation programs.
- 10) "State Hazard Mitigation Program" means the ongoing program that coordinates efforts of local, State and Federal agencies to reduce the threat to people and property from natural and technological hazards.
- 11) "State Hazard Mitigation Review Council" means the State Hazard Mitigation Officer and her/his appointed panel. The Council represents appropriate State agencies and other representatives who assist the SHMO in identifying and ranking potential projects.
- 12) "Sub grant" means a grant award of financial assistance to an eligible Sub grantee.
- 13) "Sub grantee" means the government or other legal entity to which a Sub grant is awarded and which is accountable to the Grantee for the use of the funds. Sub grantees may be a State agency, local government, private nonprofit organization, or Native American Nation.

2. RESPONSIBILITIES

A. State Government

- 1) 44 CFR, Part 206, Subpart N, Section 206.433 a-c states:
 - 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 sub grantees within the state Government.
 - b. *Priorities.* The state will determine priorities for funding. This determination must be made

in conformance with Section 206.435.

- c. *Hazard Mitigation Officer.* The State must appoint a Hazard Mitigation Officer, as required under 44 CFR part 206, Subpart M, who serves as the responsible individual for all matters related to the Hazard Mitigation Grant Program.
- c. *Administrative Plan.* The State must have an approved administrative plan for the Hazard Mitigation Grant Program in conformance with Section 206.437.

- 2) ME EMA, within the Department of Defense, Veterans and Emergency Management (DVEM), is designated to administer all Hazard Mitigation Programs including Section 404 programs as defined in this plan.
- 3) The SHMO, within ME EMA, is designated to manage activities of the State Hazard Mitigation Team and is responsible for project management.
- 4) The State Hazard Mitigation Team members are designated by the appropriate Directors or Commissioners of State Agencies having hazard mitigation expertise and responsibilities. State agencies represented on the State Hazard Mitigation Team are listed in Appendix B to this plan.

B. Local / County Government

The jurisdiction's Chief Executive Officer will designate the point(s) of contact on all matters related to the application.

3. FUNDING

- A. The federal share of any selected FEMA 404 project will not exceed 75% of the total project cost. The total federal funds available will not exceed 15% of the Federal share of the FEMA estimate of total damage.
- B. The Non-Federal [local] share may exceed the Federal share and may be a combination of other State, local or private funding. The local share may be composed of local government generated revenue, private sector resources, and/or other grant money that law or regulation does not prohibit for this purpose. Any specific requirements for cost-share will be established in FEMA-State Agreements.

4. ELIGIBILITY REQUIREMENTS

The State of Maine's eligibility requirements conform to or exceed Federal standards. Federal definitions are used to determine eligibility.

- A. Eligible Grant Applicants are:

- 1) State and local units of government
- 2) Private nonprofit organizations or institutions that own or operate a private nonprofit facility as defined in 206.221 (e) 44 CFR
- 3) Native American Nations and tribal organizations
- 4) All applicants must be participating in a FEMA approved Hazard Mitigation Plan and in good standing with the National Flood Insurance Program.

B. Eligible Grant Projects must:

- 1) Solve the problems they are intended to address
- 2) Conform to the State and Local Hazard Mitigation Plans
- 3) Address a problem that has been repetitive, or a problem that poses a significant risk to health and safety if left unsolved
- 4) Have a cost to benefit ratio of at least 1.0
- 5) Be the most practical, effective and environmentally sound alternative among a range of alternatives that have been considered
- 6) Contribute, to the extent practicable, to a permanent or long-term rather than temporary or short-term solution to the problem that it is intended to address and avoid unintended consequences
- 7) Have a direct beneficial impact upon the designated disaster area, whether or not the project is located in the designate area (IAW 44 CFR 206.434[c][2]) and benefit the community rather than an individual
- 8) Meet all local, state and federal codes, standards, and regulations applicable to the locale.

5. PROJECT IDENTIFICATION

A. List of Projects

Potential Hazard Mitigation projects have been identified and are contained in each local and multi-jurisdictional hazard mitigation plans that have been approved by FEMA. These projects can be updated at any time by the communities through notification of the SHMO and local EMA Director.

B. Public Damage Assessment (PDA) Teams

In addition to the projects already identified in the FEMA-approved local hazard mitigation plans, information acquired during Preliminary Damage Assessments (PDAs) may highlight additional projects. Prior to fieldwork, PDA teams will be briefed on HMGP project eligibility requirements. The PDA teams will forward potential projects directly to the SHMO and not to potential applicants.

6. APPLICANT NOTIFICATION

A. Public Assistance Briefings

The State will coordinate the presentation of information on the Hazard Mitigation Grant Program at Public Assistance and Applicant's Briefings. **The intent of Applicant Briefings is to create an early awareness of 406 and 404 Mitigation opportunities.**

B. Notice to Potential Applicants

When sufficient funding is available for the Hazard Mitigation Grant Program (HMGP) to warrant the solicitation of new applications, an invitation to apply will be sent to the chief elected official of each community and the County Emergency Management Directors in Maine. The State will solicit projects already developed and ranked by the communities in the FEMA-approved Hazard Mitigation Plans.

C. Special Briefings and Workshops

As necessary, detailed Hazard Mitigation Grant Program briefings or workshops will be scheduled in areas that have been most impacted. The briefings or workshops will describe eligible activities application procedures, benefit cost analysis, key deadlines, award and funding process and Sub grantee administrative requirements.

7. APPLICATION AND REVIEW PROCEDURES

A. Submission of Applications to the State

- 1) Application forms, ranking criteria and guidelines are available on line at the MEMA website. Additionally, informational materials and workshops will be provided. (See Appendix A)
- 2) Applications from sub grantees will be completed by the responsible community entity or private nonprofit organization and signed by the Chief Executive Officer of the jurisdiction or organization.
- 3) Applications must indicate that the work can be completed one year from the date of FEMA approval of the grant, i. e. the performance period. An exception may be granted to this

requirement if circumstances warrant.

- 4) Applications must include a detailed scope of work that matches the cost estimates of the project, including any administrative costs.
- 5) Sub grantee applicants must include written commitment to its cost share and to future maintenance.
- 6) **Applications must be submitted to the SHMO by 5:00PM** on the announced due date.

B. Review, Ranking and Selection of Projects

1) Review

The State Hazard Mitigation Grant Program Review Council reviews and recommends 404 grant projects to the SHMO for funding.

2) Ranking

The Council reviews and ranks each application based on ten criteria found on the State Ranking Sheet. (See Appendix A) This ranking will be in accordance with the criteria in Section IV B and 44 CFR Section 206.434 (c).

The proposed mitigation project:

- a. Will protect life and safety
- b. will protect primary residences, essential services and critical facilities
- c. will have the greatest potential for reducing future disaster losses and breaking the damage/repair cycle
- d. will comply with the community's flood plain ordinance
- e. is well-designed, well-organized, and demonstrates the technical capacity to undertake and successfully complete the proposed measures;
- f. indicates a degree of commitment and support by the community(ies) that it impacts (e.g. active participation, including financial, by local beneficiaries, public and private);
- g. accomplishes, where practical, multiple objectives or multi-purpose projects versus single purpose

projects, including environmental enhancement and economic recovery;

- h. complies with the Local and State Hazard Mitigation Plans
- i. encourages regional or multi-agency cooperation

- 3) Selection - Applications with Council scores of **70 or better** will be forwarded to FEMA. Applications with lower scores may be re-considered if the project and or application can be improved.

C. Notification of Decision to Applicants

Following selection of projects to be submitted to FEMA for 404 funding, the SHMO will notify each applicant of the decision, including their scores and Council comments.

D. Submission of Selected Projects to FEMA

- 1) The SMHO will ensure that program requirements are met and that each application contains the items listed in Appendix A and below:
 - a. A statement that the project meets all eligibility requirements as listed in Section IV
- 2) The SHMO will send a complete package of the highest scoring applications to FEMA. If not already submitted, the package will include SF 424 (Application for Federal Assistance) and a SF 424D (Assurance for Construction Programs) for each disaster.
- 3) The SF 424 must be signed by the GAR and forwarded to FEMA within 60 days of the disaster declaration. If this deadline cannot be met a request for extension shall be submitted to FEMA within 60 days.

8. PROJECT MANAGEMENT

A. Administration

- 1) All 404 mitigation funding approval for the Grantee and Sub grantee is based on 75-25 cost sharing provisions outlined in the FEMA-State Agreements or other published guidance. The Non-Federal share may exceed the Federal share and may be a combination of other State, Local or private funding.
- 2) Obligation of Federal funds will not take place until approval has been received for the project from FEMA.

3) A financial record keeping system will be implemented for the duration of the project and archiving. The Sub grantee will submit quarterly progress reports to the SHMO, beginning the first full quarter after receipt of the funding. These reports will describe the status and projected completion date of the project, and any problems affecting the completion date, scope, or cost, which could result in non-compliance with approved grant conditions. The SHMO will submit reports to FEMA as required. The final report will be a complete assessment of project accomplishment.

4) Roles and responsibilities

a. Sub grantee (applicant)

- i. Insures that all work complies with local, state and federal codes, specifications and standards
- ii. Implements monitoring procedures and submits quarterly progress reports to the SHMO as directed at the time grant is awarded
- iii. Maintains financial records and receipts to document all expenditures connected with the project

b. Grantee (State/SHMO):

- i. Is responsible for overall grant administration
- ii. Serves as Project Manager; overseeing project from conception through completion.
- iii. Monitors and evaluates project, adherence to work schedule and budget, reviews all documents leading to project completion
- iv. Maintains financial records and progress reports documenting how funds were distributed to Sub grantee(s). Reviews and submits quarterly reports to FEMA as required
- v. Provides technical assistance to Sub grantees as necessary
- vi. Assures necessary interagency coordination on all aspects of the Program

c. Governor's Authorized Representative (GAR).

- i. Certifies that all claims and costs are eligible and in compliance with provisions of the FEMA/State Agreement. Submits claims to the Regional Director for payment.

B. Financial Administration

1) ME EMA is the Grantee for project financial administration in accordance with 44 CFR, Part 13. Sub grantee(s) (applicants) are accountable to the Grantee for funds that have been awarded.

2) Allowable costs associated with administering the program are authorized in accordance with Section 206-439, 44 CFR and the new 44 CFR Part 207 Part III D.1.3. Management costs will not be passed through to sub grantees. The 4.8% management costs will be used for additional technical assistance and shown as separate line items approved by the GAR.

3) Reimbursement

a. The Grantee and Sub-grantee will establish reasonable procedures to ensure timely payment of the funds

b. The Grantee will pay Sub grantees on a reimbursement basis. Upon receipt and review of invoices and project status reports funds will be drawn down

c. Only up to 80% of the federal share will be paid until after the project is completed and meets inspection in accordance with the FEMA "Record of Environmental Consideration" and the "Project Review and Conditions Status."

d. Final federal share will be paid after: project completion, successful inspection, and all required forms and reports have been signed and received.

4) Audit Requirements

a. State Audit

i. The Grantee, and each Sub grantee, that receives \$25,000 or more in federal financial assistance, shall have audits made in accordance with 44 CFR Part 14

ii. The GAR shall assure that these audits are

performed on a timely basis

- iii. The GAR shall review audits completed for the Grantee and Sub grantees. If adverse findings are reported, the GAR shall assure that appropriate action is taken and report that action to FEMA
- iv. The GAR shall provide a copy of all audits performed on Section 404 projects to the FEMA Inspector General.

b. Federal Audit

FEMA may elect to conduct a federal audit of the Section 404 Grant or on any of the sub grants

C. Appeals

1) Applicant Responsibility

- a. The applicant may appeal a decision on applications for mitigation grants
- b. The appeal will be submitted in writing and contain sufficient information to warrant reconsideration by the GAR
- c. Appeals must be submitted to the GAR within 60 days from the date of the action being appealed

2) GAR Responsibility

- a. The GAR may, on behalf of an applicant or the state, appeal any FEMA determination of federal assistance. Local appeals must be submitted in writing through the GAR.
- b. The GAR appeal shall be in writing and submitted to FEMA within 60 days from the date of the action being appealed.

D. Cost Overruns

- 1) Before work is done, that might incur cost overruns, sub grantee must notify SHMO in writing and provide legitimate rationale.
- 2) The SHMO and GAR evaluate every cost overrun and when justified, and funds are available, may approve an additional

amount if it meets the cost/benefit criteria. Cost overruns will be approved only when grant funds are available

- 3) The SHMO will forward cost overruns exceeding 10% of project cost to the FEMA Regional Director for appropriate action

E. Project Closeout

- 1) When all final inspections and reports are complete and payments of funds have been disbursed, the project is closed.
- 2) The GAR determines eligible administrative allowance and requests reimbursement from FEMA.
- 3) MEMA will document the closeout and send FEMA a letter requesting project closeout, and no further disbursements will be made.

9. PLAN REVIEW

To ensure compliance and implementation of new local, state and federal laws, policies and regulations, this plan will be reviewed annually, or at the time of disaster declarations or program administration changes. The State will then submit it to FEMA Region I for approval.