

STATE OF NEBRASKA
ADMINISTRATIVE PLAN
FOR THE
HAZARD MITIGATION GRANT PROGRAM

For FEMA 1779-DR-NE and All Prior
Disaster Declarations



Nebraska Emergency Management Agency

Al Berndt, Governor's Authorized Representative

(Supersedes the FEMA 1674-DR-NE Plan and FEMA 1706 DR-NE Plan)

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A. PURPOSE

This plan describes the organization, management, policies and procedures which will be used by the Nebraska Emergency Management Agency to administer the post-disaster Hazard Mitigation Grant Program (HMGP) under Section 404 of Public Law 93-288, as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988 (42 U.S.C. et seq.) as implemented by 44 CFR Part 206 and the Disaster Mitigation Act of 2000 (DMA 2000), Section 322. This plan was designed to support the Hazard Mitigation Grant Program for all current open disasters.

B. AUTHORITIES AND REFERENCES

1. Federal

- a. The Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288 as well as subsequent amendments
- b. Title 44 Code of Federal Regulations (CFR); 2 CFR Parts 215 (A-110), 220 (A-21), 230 (A-122), 225 (A-87); Federal Acquisitions Regulations (FAR) Subpart 32.1
- c. National Environmental Policy Act (NEPA); National Historic Preservation Act (NHPA)
- d. Executive Order 11988, Floodplain Management, Executive Order 11990, Protection of Wetlands; Executive Order 12898, February 1994, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- e. Single Audit Act of 1996 and OMB Circular A-133; OMB Circular A-94
- f. FEMA 345/October 1999 Hazard Mitigation Grant Program Desk Reference and related policies and procedures as applicable
- g. State Multi-Hazard Mitigation Planning Guidance Under the Disaster Mitigation Act of 2000 Blue Book FEMA January 2008; Local Multi-Hazard Mitigation Planning Guidance FEMA July 2008; Tribal Multi-Hazard Mitigation Planning Guidance; Mitigation How-to Guides
- h. FEMA 317, October 1998 Property Acquisition Handbook for Local Communities; FEMA 361 Design and Construction Guidance for Community Safe Rooms August 2008; FEMA 320 Taking Shelter from the Storm: Building a Safe Room for your Home or Small Business August 2008
- i. 2009 Hazard Mitigation Assistance (HMA) Guidance
- j. Benefit Cost Analysis (BCA) Toolkit

2. State

- a. Reissue Revised Statutes of Nebraska, 1943 (RRS) Section 81-829.31, Sections 81-829.36 to 81-829.75, Nebraska Emergency Management Act.
- b. State Emergency Operations Plan (SEOP) August 24, 2005, change 1 August 15, 2006.
- c. Nebraska Statutes governing the State Floodplain Management Program, RRS 31-1001 to 31-1023.

- d. State of Nebraska Hazard Mitigation Plan, Revised April 25, 2008.
- e. Local Government Emergency Operating/Contingency Plans

C. DEFINITIONS AND ACRONYMS

1. Definitions

- a. **Activity:** Any mitigation measure, project, or action proposed to reduce risk of future damage, hardship, loss or suffering from disasters. Activities include both plans and projects.
- b. **Activity Completion Date:** The date by which a subgrantee must complete an activity funded under a HMGP grant. Individual subgrant activity completion dates fall under the overall HMGP program grant to the State. The last activity completion date sets the period of performance for the HMGP program grant.
- c. **Activity Completion Timeframe:** This is the subgrant equivalent of a period of performance. It is the period of time during which the subgrantee is expected to complete activities including plans, and liquidate HMGP program funds. HMGP program guidance limits individual activity completion timeframes to three years.
- d. **Acquisition:** Generally, FEMA funded property acquisition projects consist of a community purchasing flood prone structures from willing sellers and either demolishing the structures or relocating the structures outside of the flood plain. Purchased properties are then maintained for open space purposes for perpetuity in order to restore and or conserve the natural flood plain functions.
- e. **Applicant:** Political subdivision, local government, Indian tribe and tribal organization, or eligible private nonprofit organization, as defined in Subpart H of this regulation, submitting an application to the Governor's Authorized Representative (GAR) for assistance under the Hazard Mitigation Grant Program.
- f. **Application Period:** For disasters declared on or after February 26, 2002, the 12 month period from the date of declaration that the State has to identify activities and submit its applications to FEMA (44 CFR 206.436(d)). The application period is important because scope of work changes cannot be made after the application period expires. No new activities or activities that have not been pre-identified and submitted during the application period can be considered after the application period expires. The Regional Administrator may extend the application period by 30-90 day increments, not to exceed 180 days. The application period does not affect FEMA's 24-month obligation deadline.
- g. **Cost-Overrun:** A cost overrun is an unanticipated increase in the cost of performing the specified objectives of an activity. Guidance on cost overruns can be found at 44 CFR 206.438(b).
- h. **Cost Underrun:** A cost underrun is an unanticipated decrease in the cost of performing the specified objectives of an activity. Cost underruns can be used to offset cost overruns for other HMGP activities within the same disaster. Cost underruns cannot be applied to new activities if the application period has expired.
- i. **Duplication of Benefits:** Section 312 of the Stafford Act requires the President, in consultation with the head of each Federal agency administering any program providing financial assistance to persons, business concerns, or other entities suffering losses as a

result of a major disaster or emergency, shall assure no such person, business concern, or other entity will receive such assistance with respect to any part of such loss as to which he has received financial assistance under any other program or from insurance or any other source.

- j. Federal Hazard Mitigation Officer (FHM O): The FEMA employee responsible for coordination post-disaster hazard mitigation activities with other government agencies at all levels.
- k. FEMA/State Agreement: A formal legal document stating the understandings, commitments, and binding conditions for assistance applicable as a result of a disaster declaration by the President.

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.

- m. Grant Award: Means total of Federal and non-Federal contributions to complete the approved scope of work. For HMGP the grant refers to the overall HMGP for a disaster.
- n. Grantee: 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 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.
- o. Governor's Authorized Representative (GAR)/Alternate Governor's Authorized Representative (ALT GAR): The individual selected by the Governor to represent him in activities related to the implementation of PL 93-288 as amended and in ongoing State disaster/emergency preparedness, response and hazard mitigation activities defined in the State Emergency Operations Plan (SEOP) and Hazard Mitigation Plans.
- p. Hazard Mitigation: Any action taken to reduce or eliminate the long-term risk to human life and property from natural hazards.
- q. Hazard Mitigation Survey Team: The FEMA/State/Local survey team activated following disasters to identify immediate mitigation opportunities and issues to be addressed in the Section 322 Hazard Mitigation Plan.
- r. Local Zoning: Regulation of land use within its jurisdiction is normally a function of local government. In some cases, the local government may have already adopted land use regulations or zoning prior to a major disaster or emergency. Modification or updating based on current maps and model regulations may be necessary. Some remapping may be required. The existing land use regulation should be adequate to cope with the identified hazards, if properly enforced.
- s. 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.

- t. Measure: Any mitigation measure, project, or action proposed to reduce risk of future damage, hardship, loss or suffering from disasters. The term "measure" is used interchangeably with the term "project" in the regulations.
- u. Period of Performance: For the overall program grant this is the period of time during which the Grantee is expected to complete activities and obligate HMGP program funds. A grantee may not expend FEMA funds after the expiration of the specified period of performance unless the period is extended by FEMA. The grantee has up to 90 days following the expiration of the period of performance to liquidate valid expenditures made in the performance period. For HMGP, the last activity completion date sets the end date for the overall HMGP program grant.
- v. Pre-Identified Activity: A proposed activity that has been approved by the Grantee and has been forwarded to FEMA to approve, should funds become available as a result of withdrawn subgrant applications or reductions in scopes of work. These applications must be prioritized and submitted within the application period and must note that they are to be held in reserve in the event of a reduced scope of work in another activity or a withdrawn activity. Applications for pre-identified activities must be complete, including benefit cost analysis, before they are submitted to FEMA.
- w. Public Utility: An organization formed for a public purpose whose direction and funding are provided by one or more political subdivisions of the State. All electric power facilities in Nebraska are political subdivisions of State or local government.
- x. Scope of Work: The specific goal, purposes and result of an approved mitigation activity, including the activity objectives, budget, activity completion date, and the period of availability of funds.
- y. Section 322 Hazard Mitigation Plan: The Hazard Mitigation Plan required under section 322 of the Stafford Act as a condition of receiving Federal disaster assistance under PL. 93-288, as amended. The plan is the basis for the identification of measures to be funded under section 404.
- z. State Administrative Plan for the Hazard Mitigation Grant Program: The plan developed by the State to describe the procedures for administration of the Hazard Mitigation Grant Program.
- aa. State Hazard Mitigation Officer (SHMO): The representative of State government who is the primary point of contact with FEMA, other Federal agencies and local units of government in the planning and implementation of pre and post-disaster mitigation programs and activities required under the Stafford Act. The SHMO is Jennifer Williams.
- bb. State Land Use Regulations: For State-owned properties outside of a local jurisdiction, the responsible State agency adopts and enforces land use regulations. In some cases, these State regulations may serve as model regulations for local governments, which are responsible for regulating land use within corporate limits.
- cc. Subgrant: An award of financial assistance under a grant by a Grantee to an eligible Subgrantee. HMGP activities are subgrants
- dd. Subgrantee: 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 organization, or Indian tribe.

- ee. Supplement: A supplement is a submission to FEMA from the State to add or modify one or more HMGP projects. It may also be termed a project amendment.
- ff. Void Activity: An activity application that has been submitted by the State to FEMA and is withdrawn before funds are awarded.
- gg. Voluntary Acquisition Program: City or county governments make offers to purchase flood plain property on a willing buyer-willing seller basis. If the seller rejects the offer government will not force sale by eminent domain or other measures.
- hh. Withdrawn Activity: A subgrant that has been submitted by the State and awarded funds by FEMA, but is withdrawn by the State and will not be implemented.

2. Acronyms

BCA – Benefit Cost Analysis
B/FO - Business/Fiscal Officer
CAP - Community Assistance Program
CFR - Code of Federal Regulations
CFSA - Consolidated Farm Service Agency
CRS - Community Rating System
DDT – Data Documentation Template
DED - Department of Economic Development
DNR - Department of Natural Resources
DOI - Department of Interior
EMA - Emergency Management Assistance/Agency
FAR – Federal Acquisition Regulations
FCO - Federal Coordinating Officer
FEMA - Federal Emergency Management Agency
FHMO - Federal Hazard Mitigation Officer
FHWA - Federal Highway Administration
FIA - Federal Insurance Administration
FIRM - Flood Insurance Rate Map
FMA - Flood Mitigation Assistance
GAR - Governor's Authorized Representative
HMA – Hazard Mitigation Assistance
HMG – Hazard Mitigation Grant
HMGP - Hazard Mitigation Grant Program
IA – Individual Assistance
IHMT - Interagency Hazard Mitigation Team
IHP – Individual and Households Program
JFO – Joint Field Office
LEOP - Local Emergency Operations Plan
MOU - Memorandum of Understanding
NEMA - Nebraska Emergency Management Agency
NEPA – National Environmental Protection Agency
NFIP - National Flood Insurance Program
NG&PC - Nebraska Game and Parks Commission
NOAA - National Oceanic and Atmospheric Administration
NRCS - Natural Resources Conservation Service
NRD - Natural Resources District
NWS - National Weather Service
PA – Public Assistance
PDM – Pre Disaster Mitigation Grant
PIO - Public Information Officer

PW - Project Worksheet
RA - FEMA Regional administrator
SBA - Small Business Administration
SCO - State Coordinating Officer
SEOP - State Emergency Operations Plan
SFHA - Special Flood Hazard Area
SHMO - State Hazard Mitigation Officer
SHMT - State Hazard Mitigation Team
SHPO - State Historical Preservation Officer
SOW – Statement of Work
SPOC – Subgrantee Point of Contact
URA - Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970
USACE - US Army Corps of Engineers
USDA - US Department of Agriculture
USGS - US Geological Survey

D. RESPONSIBILITIES

1. Governor's Authorized Representative (GAR)/Alternate Governor's Authorized Representative (ALT GAR)
 - a. Responsible for the Section 404 Hazard Mitigation Grant Program (HMPG) and for development and maintenance of this plan.
 - b. Appoints the State Hazard Mitigation Officer (SHMO) to serve as the point of contact for all matters relating to hazard mitigation planning and grant administration and implementation.
 - c. As the designated State Disaster Coordinator, and in accordance with responsibilities outlined in the State disaster law, appoints State agency representatives to the State Hazard Mitigation Team (SHMT).
 - d. Advises the Governor on the development, implementation and progress of the hazard mitigation program. Oversees the process governing the identification and selection of the Section 404 Hazard Mitigation Grant projects. Serves as the co-chair of the Governor's Disaster Recovery Task Force.
2. State Hazard Mitigation Officer
 - a. Coordinates the development and implementation of this plan and other State Hazard Mitigation plans.
 - b. Coordinates activities of the SHMT to accomplish the program objectives of Sections 404 and 322.
 - c. Serves as the responsible individual for compliance with Section 322 and for Section 404 Hazard Mitigation Grant (HMG) grants management. Coordinates with the Public Assistance Officer. Assists with the implementation of Public Assistance 406 Mitigation program.
 - d. Identify and notify potential HMG applicants as to the availability of the program. This includes publication of information concerning the application process, program eligibility and key deadlines.

- e. Provides leadership for the involvement of other State agencies and local governments in the plan and grant development process and the subsequent implementation, monitoring and updating of the plan. Advises the Governor's Disaster Recovery Task Force concerning the HMGP.
- f. Conducts hazard analyses to identify frequency, magnitude and location of hazard occurrences. Coordinate with appropriate technical agencies. Develops and implements a process for identifying potential hazard mitigation projects and for setting priorities among those projects. Coordinates with the GAR on policy and regulatory issues. Reviews and makes appropriate recommendations to GAR regarding appeals, cost overruns, and other program issues.
- g. Conducts mitigation training for team members as well as local officials. If necessary to pursue a mitigation objective, may request technical assistance and/or support from Federal Emergency Management Agency (FEMA) and other Federal agencies.
- h. The SHMO in coordination with the Governor's Task Force will determine priorities for funding. This determination must be made in conformance with 44 CFR 206.435.

3. State Public Assistance Officer

- a. Manage Public Assistance (PA) programs.
- b. Responsible for damage assessment as well as providing technical assistance and guidance to applicants for Public Damage Assistance.
- c. Support the SHMO in the management and administration of the HMP.
- d. During major disaster response and recovery operations provide technical assistance to potential HMPG applicants.
- e. Responsible for following hazard mitigation functions:
 - (1) Assists in determining eligibility of projects and subgrantees.
 - (2) Briefs potential applicants concerning assistance available.

4. State Hazard Mitigation Team

- a. Appointed by the GAR. Composition of the team will depend on type and location of disaster as well as scope of recovery required. Determination of staffing requirements and sources of staff necessary for administration of the program will be made during early phases of each disaster by the GAR in coordination with the SHMO. Support staff requirements will also be considered at that time. Therefore organizational information and staffing scheme cannot be provided in advance.
- b. In response to FEMA 1779-DR-NE and prior disasters, the SHMO is the coordinator for all HMGP activities for these disasters.
- c. In conformance with Section 322 of the Disaster Mitigation Act of 2000; the State has submitted a standard State Mitigation Plan that conforms with 44 CFR Part 201. The plan was approved by the Federal Emergency Management Agency (FEMA) Region VII on April 25, 2008 and will be in effect for three years from the approval.

- d. Evaluate hazards, identify strategies, provide technical assistance, coordinate resources and implement measures that will reduce the vulnerability of people and property to damage from hazards.
- e. Support the coordination of the Section 404 HMPG as follows:
 - (1) Identification and selection of HMG projects that are consistent with the Section 322 Hazard Mitigation Plan.
 - (2) Make recommendations concerning eligibility, project criteria, procedures and priorities.
 - (3) Individual SHMT agencies will conduct environmental and floodplain management reviews in accordance with agency statutory responsibilities.
 - (4) Individual agencies as required, will provide technical assistance to subgrantees.

5. Governor's Disaster Recovery Task Force

Established by Governor's Executive Order 94-3, January 19, 1994 the Task Force is composed of the following State agencies: Nebraska Department of Natural Resources (DNR), NEMA, Department of Health and Human Services, Department of Economic Development (DED), Department of Environmental Quality, Department of Agriculture, Department of Labor, Department of Administrative Services, Game and Parks, Department of Roads and Historical Society. Selected Federal agencies such as US Army Corps of Engineers (USACE), USDA emergency organizations, US Department of Housing and Urban Development, National Weather Service, and the Environmental Protection Agency also support and participate in the activities of the Task Force. Functions are as follows:

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

E. CONCEPT OF OPERATIONS

- 1. The HMGP is authorized by Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act as amended (PL 93-288), Section 322. Grants up to 75% Federal and 25% non-federal cost share may be made for projects approved by FEMA.
- 2. The total amount of funding available for hazard mitigation projects to be completed within the area of a Presidentially declared major disaster is based on funds derived from 15% of all FEMA disaster assistance (Individual Assistance (IA) plus Public Assistance (PA)) minus administrative costs, awarded for the disaster in question. Subgrant applications as defined in Section F, paragraph 1 of this plan can apply through NEMA for funding to accomplish potential projects.

3. Coordination of Section 322 Hazard Mitigation Plans development and implementation will be the responsibility of the State Hazard Mitigation Officer. Updated plans will include re-evaluation of the hazards and a re-assessment of existing mitigation capabilities resulting in new or additional mitigation recommendations.
4. Section 404 Administrative Plan will be reviewed by the GAR to assure compliance with law, implementing regulations and State policies. The GAR will update the plan, as needed, to reflect regulatory or policy changes as well as to improve program administration.
5. For disasters declared after November 1, 2004 a local government must have a mitigation plan approved in order to receive any FEMA mitigation grants. (including HMGP, Pre-Disaster Mitigation (PDM), Flood Mitigation Assistance (FMA), and Repetitive Flood Claims (RFC)).
6. The planning process as outlined in Section 322, and defined in 44 CFR Part 201 is provided below to guide in the mitigation planning process:
 - a. A Description of the Planning Process: The plan will document the planning process used to develop the plan, including how it was prepared, who was involved in the process, and how the public was involved. This process would include an opportunity for the public to comment on the plan during the drafting stage and prior to plan approval. By including neighboring communities, local and regional agencies involved in hazard mitigation activities this enables incorporation, if appropriate, of existing plans, studies, reports, and technical information into the plan. This also allows influence of public concerns to be incorporated into the plan.
 - b. Risk Assessment: The assessment will identify and describe the hazards likely to affect the area. This will include the location of the occurrence and the impact to the community and a list of all previous occurrences. A discussion should be included with the probability of future events. The plan will also provide a description of the jurisdictions vulnerabilities to the hazards described in the State Hazard Mitigation Plan. This description shall include an overall summary of each hazard and its impact on the community. All plans approved after October 1, 2008 must also address NFIP insured structures that have been repetitively damaged by floods.
 - c. A Mitigation Strategy: A description of mitigation goals to reduce or avoid long-term vulnerabilities from the identified hazards. The discussion should include how the goals were developed. The goals should be compatible with the goals the community has already identified in other community documents. The goals should correlate to the findings in the risk assessment. All local mitigation plans approved after October 1, 2008 must describe each jurisdiction's participation in the NFIP and must identify, analyze, and prioritize actions related to the continued compliance with the NFIP.
 - d. Coordination of Local Mitigation Planning: The plan should address how the group was formed and include which departments, groups, special interest groups, etc. were involved in the process. A mission statement and vision statement should be developed to describe the overall purpose of developing the plan. This will guide future leaders in reaching the goals established in the plan. These goals will and can be modified in future updates.

- e. Plan Maintenance Process: The local plan must be updated every five years. It is highly recommended that the group meet on a regular basis to ensure that the elements in the plan are still relevant and accurate. This is also a good time to develop the plan further; by updating and including zoning and building code changes, etc. After a disaster occurrence an update would be warranted to include any mitigation successes incurred or any failures. This may encourage a “rethinki ng” of priorities or changes in goals and objectives in the plan.
- f. Plan adoption and Assurances: The plan will document that the plan has been formally adopted by the governing body of the jurisdiction requesting approval of the plan. The adoption by the local governing body demonstrates the jurisdictions commitment to fulfilling the mitigation goals and objectives outlined in the plan. The adoption legitimizes the plan and authorizes responsible agencies to execute their responsibilities.

The State encourages multi-jurisdictional mitigation plans to cover wider geographic areas. This could be accomplished by developing a plan that covers a Natural Resources District (NRD) which covers many counties or a multiple county plan that covers a regional area.

For further information on the requirements see 44 CFR 201 ; and the State and Local Mitigation Planning “How-to-Guides”. For more information, references and guides visit <http://www.fema.gov/plan/mitplanning/index.shtm>.

- 7. NEMA will be responsible for the administration of the Section 404 HMG process. This will be coordinated by the SHMO.
- 8. All funded projects must be consistent with the State Hazard Mitigation Plan. Projects must also be in accordance with procedures and priorities for the selection of mitigation measures. The GAR is responsible for project management and accountability of funds as indicated in 44 CFR Part 13. This includes the responsibility that subgrantees meet all program and administrative requirements.

In considering project eligibility, FEMA policy is to act with care to assure that, in carrying out its grant programs, it does so in a manner that protects, restores, and enhances the quality of the environment and avoids or minimizes adverse environmental consequences. Overarching goals of the FEMA programs are to achieve use of the environment without degradation, or undesirable and unintended consequences, preserve historic, cultural, and natural aspects of national heritage, and achieving a balance between resource use and development within the sustained carrying capacity of the ecosystem involved. The National Environmental Policy Act (NEPA) provides a convenient vehicle for ensuring FEMA’s environmental policies are incorporated into project development. The environmental documentation included in Section VI of the project application (Appendix 1, Attachment 1) provides the information necessary to demonstrate that these requirements are met during application development.

- 10. During the course of an HMGP operation the State (grantee) is required to provide quarterly progress reports to the Regional administrator of FEMA Region VII. Applicants (subgrantees) are required to provide quarterly reports to NEMA, using the provided form found in Appendix 1, Attachment 9, within 15 days after the end of the first federal quarter following the initial grant award and must be submitted each quarter thereafter until the project is officially closed. The grantee will then have 15 days to compile data from the

subgrantees quarterly report submission (see Appendix 1, Attachment 8). The grantee quarterly reports are due to FEMA 30 days after the end of each quarter. Grantee reports may be submitted via e-mail. Subgrantee reports may be submitted to NEMA via email as long as all the necessary signatures have been captured. The quarters follow the federal fiscal year rather than by calendar year.

2 nd Qtr. January - March	Due April 15 th to NEMA	Due April 30 th to FEMA
3 rd Qtr. April – June	Due July 15 th to NEMA	Due July 30 th to FEMA
4 th Qtr. July – September	Due October 15 th to NEMA	Due October 30 th to FEMA
1 st Qtr. October – December	Due January 15 th to NEMA	Due January 30 th to FEMA

F. HAZARD MITIGATION GRANT PROGRAM COORDINATION

1. Eligible Applicants:

The following entities are eligible to apply for the HMPG:

- a. Political subdivisions, State agencies and local governments.
- b. Private non-profit organizations as defined in 44 CFR Part 206.221 (e).
- c. Indian tribes and tribal organizations.

2. Minimum Project Eligibility Criteria

During disaster recovery operations, efforts will be made to inform other potential applicants of the grant program. The HMGP cannot be used to duplicate the programs of other Federal agencies, except under unusual circumstances (44 CFR Part 206.434 (g)). The SHMO with the assistance of the SHMT will initiate a notification program to insure all potential subgrantees receive HMG information.

To be eligible for the Hazard Mitigation Program, a project application must show the project complies with the requirements listed below. Guidance for applicants, checklists, and other information are provided in Appendix 1, Attachments Section. Guidance for HMG Acquisition Projects is listed in Appendix 2.

- a. Be in conformance with the State Mitigation Plan and local mitigation plan approved under 44 CFR Part 201;
- b. Have a beneficial impact upon the designated disaster area; whether or not it's located in the designated area;
- c. Be in conformance with 44 CFR Part 9 floodplain management and protection of wetlands, and 44 CFR Part 10 environmental considerations;
- d. Solve a problem independently or constitute a functional portion of a solution where there is assurance that the project as a whole will be completed. Projects that merely identify or analyze hazards or problems are not eligible. This does not preclude funding a study or analysis, as long as mitigation measure(s) actually result from the study or analysis and are part of the total project. The study and project can be done in phases.

- e. Be cost-effective and substantially reduce the risk of future damage, hardship, loss, or suffering resulting from a major disaster. The grantee must demonstrate this by documenting that the project: addresses a problem that has been repetitive or a problem that poses a significant risk to public health and safety if left unsolved.
- f. Will not cost more than the anticipated value of the reduction in both direct damages and subsequent negative impacts to the area if future disasters were to occur. Both costs and benefits will be computed on a net present value basis.
- g. Has been determined to be the most practical, effective and environmentally sound alternative after consideration of a range of options. If possible, applicants should conduct or arrange for environmental and floodplain management reviews.
- h. Contributes, to the extent practicable, to a long-term solution to the problem it is intended to address.
- i. Considers long term changes to the areas and entities it protects, and has manageable future maintenance and modification requirements. (The maintenance costs may not be included in the cost of the grant application; the applicant shall assure that it can/will provide maintenance, as appropriate, following completion of the project).
- j. Applicant participates in the NFIP. Federal grants cannot be given for acquisition or construction purposes if the site is located in a designated special flood hazard area which has been identified by the director for at least one year and the community is not participating in the NFIP. However; if a community qualifies for and enters the NFIP during the six month period following the major disaster declaration, a grant application may be considered by the State.

(Consult Appendix 1, Attachment 1 for the project application. Acquisition/relocation information is contained in Appendix 2.)

3. Eligible Activities

- a. Five Percent Initiative Projects: the State may utilize up to 5% of total HMGP funds for non-technically proven projects that would not normally be funded under the program. These projects do not require a traditional benefit cost analysis be performed for submittal to FEMA. In lieu of a benefit cost analysis, a narrative should be provided that identifies the mitigation benefits and indicates that there is a reasonable expectation that future damage or loss of life or injury would be reduced or prevented from the identified project request for funding. Projects may be used for, generators for public critical facilities, NOAA Weather Radios, hazard warning systems, education/public awareness programs with mitigation as the central feature. Projects funded through this initiative are determined on a case by case basis by the Governor's Disaster Recovery Task Force.
- b. Seven Percent Planning Projects: the State may utilize up to 7% of total HMGP funds for multi-hazard mitigation plans. The plan must be adopted by the participating local jurisdiction(s) and then submitted to FEMA Region VII for formal review and approval. Multi-jurisdictional plans are the most desirable plans to be submitted rather than single jurisdictional plans. (For further information about the plans see 44 CFR Part 201 and Mitigation Planning Documents referenced in section B of this plan)

4. Types of Projects

Except as provided in Section E Paragraphs 3, a, and b, above any application for a project must include a benefit cost analysis reflecting a benefit cost ratio of 1:1 or greater. BCA's must include supporting documentation of both costs and benefits either using FEMA's Data Documentation Template (DDT) obtainable from FEMA's BCA toolkit or similar document to fulfill documentation requirements; projects may be of any nature that will result in protection to public or private, or non-profit facilities per the following examples:

- a. For power utilities, construction of five -pole, guyed, deadend storm structures to limit cascade failure, replacement of radio feed with loop feed or enhancing a loop feed by adding an additional feed, replace conductors with T-2 conductors, and placing lines underground.
- b. Small structural hazard control or protection projects.
- c. Construction activities that will result in protection from hazards, such as construction of Safe Rooms.
- d. Acquisition or relocation.
- e. Development or improvement of warning systems.
- f. Development of comprehensive hazard mitigation programs with implementation as an essential component.
- g. Retrofitting of facilities.
- h. Development of State and local mitigation standards.

5. Notification of Potential Applicants

The NEMA Hazard Mitigation Assistance Program exists in an effort to provide resources and assistance for mitigation activities within the State of Nebraska. The HMGP is one vehicle the State administers in an effort to accomplish successful mitigation activities to strengthen Nebraska's resistance to hazards. This is a continual effort to identify and provide recourses. The procedures below outline various methods that are deployed at time of disaster to notify potential applicant of available funding under the HMGP;

- a. This Plan shall serve as one way of notification of availability of funds and project solicitation under disaster declaration FEMA 1779-DR-NE and prior. Plan shall be posted on agency website for public availability,
- b. Hazard mitigation information will be disseminated at Public Assistance Applicants briefings.
- c. The SHMO will coordinate with the Federal Hazard Mitigation Officer (FHMO) in the preparation of a general announcement of the availability of the Section 404 program funding during a public assistance applicant's briefing. The announcement will be designed to create an "awareness" of the program with further detailed information being available upon request.
- d. The SHMO and NEMA Public Information Officer (PIO) may prepare a press release that describes the HMGP. The objective will be to ensure that potential applicants are provided information on the application process, HMGP eligibility and key deadlines.

The SHMO will be the point of contact for applicants to obtain additional details relative to the Section 404 program. The SHMO will also be responsible for determining the scope of the Section 404 outreach effort through the media. Additional Section 404 briefings may be announced at that time.

- e. The SHMO will meet with the FHMO as required during the process to discuss the anticipated range and types of projects under consideration. A detailed program briefing for potential applicants may be scheduled, if appropriate. The briefing will include:
 - * Section 404 program overview
 - * Applicant eligibility
 - * Application process
 - * Project selection
 - * Project management
 - * Available technical assistance
- f. Notification will be provided by email or letter to the following entities: County/Regional Emergency Managers, Natural Resources Districts, Public Power Districts, other entities who have expressed interest in the program, entities known to have a potential mitigation opportunity, and entities with an approved local mitigation plan meeting the requirements of Section 322.

6. Application Procedures

- a. Upon the notification of available funding eligible applicants will contact the SHMO to develop eligible applications. This will help the State in determining the types of projects being requested.
- b. Projects may be submitted only by those political subdivisions, State agencies, and local governments who have an approved hazard mitigation plan. The exception, are applications being submitted for the 7% Planning Funds to develop a plan. See Eligible Activities F.3.b. The applicants will need to submit their completed applications by the deadline established by the State. In turn the State has one year from the date of the approved disaster declaration to submit those applications receiving favorable consideration by the Governor's Disaster Recovery Task Force. The application period is important because scope of work changes cannot be made after the application period expires. The Regional administrator (RA) may extend the application period by 30-90 day increments, not to exceed 180 days.
- c. Information required for each measure shall include the following:
 - (1) Name of Subgrantee,
 - (2) State or Local contact person for the measure,
 - (3) Location for the project, with the latitude and longitude of the potential project site,
 - (4) Detailed description of the measure,
 - (5) Line item cost estimate for the project,

- (6) Except as provided in Section E Paragraphs 3, a, and b, above an analysis of the measures cost effectiveness (BCA) and substantial risk reduction, consistent with 44 CFR 206.434 (c).

Project applications must include a benefit cost analysis reflecting a benefit cost ratio of 1:1 or greater. BCA's must include supporting documentation of both costs and benefits either using FEMA's Data Documentation Template (DDT) obtainable from FEMA's BCA toolkit or similar document to fulfill documentation requirements; for technical assistance in developing BCA's you may contact the SHMO or the BCA Helpline. The BCA Technical Assistance Helpline can be reached from 9 am - 5 pm (ET) Monday through Friday via a toll-free number: 1-866-222-3580 or e-mail: bchelpine@dhs.gov. Or visit <http://www.fema.gov/government/grant/bca.shtm#2> .

- (7) Work schedule/milestones and associated activity completion dates for each project activity,
- (8) Justification for selection,
- (9) Alternatives considered and documented,
- (10) Environmental information consistent with 44 CFR Part 9, Flood Management and Protection of Wetlands, and 44 CFR Part 10, Environmental Considerations; and
- (11) Appropriate certification that matching funds will be made available.
- (12) The State will complete the application for Federal Assistance Form SF 424 (Appendix 1, Attachment 6).
- (13) The Construction Programs Assurances Standard Form 424D (4-88) will be completed by the applicants representative at the request of the State after the project has been approved by FEMA. (See Appendix 1, Attachment 4).

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

7. Project Selection

a. Priorities ranked as follows:

- (1) Measures that, if not taken, will have a detrimental impact such as potential loss of life, loss of essential services, damage to critical facilities, or economic hardship;
- (2) Measures that have the greatest potential impact on reducing future disaster losses;

- (3) Measures that best fit within an overall plan for development and/or hazard mitigation in the community, disaster area, or State.
 - (4) Priority will be given to those counties declared in the disaster area with all others receiving second priority.
- b. Governor's Disaster Recovery Task Force will review all HMG projects before these projects are submitted to FEMA. (See paragraph D5.)
- c. Application Approval Process
- (1) Two copies of the application are submitted to the Nebraska Emergency Management Agency, Attention: State Hazard Mitigation Officer, 1300 Military Road, Lincoln, NE 68508-1090 for review. One copy is kept in a project file with NEMA and the other forwarded to FEMA.
 - (2) After agency review, applications will be sent to the appropriate State agency for environmental and floodplain management review, if necessary. These reviews will be conducted in accordance with agency statutory and technical authorities for environmental and floodplain management.
 - (3) Processed applications will be sent to the Regional administrator of FEMA Region VII for final review.

8. Project Management

The SHMO shall function as the Grantee representative responsible for project management and accountability of funds in accordance with the Authorities and References listed in paragraph B.1. All applicants will be notified of their project approval. If necessary, subgrantees (applicants) will be required to attend a detailed briefing to discuss State contract procedures and requirements. Project management will conform to the following criteria:

a. Funding Management:

- (1) FEMA assistance under Section 404 will not exceed fifteen percent (15%) of the estimated aggregate amount of grants to be made (less any associated administrative costs) for major disaster declarations as outlined at 44 CFR part 206.432.

HMGP funding is allocated using a "sliding scale" formula based on the percentage of the funds spent on Public and Individual Assistance programs for each Presidentially declared disaster. For States with a Standard Mitigation Plan, the formula provides 15% of the first \$2 Billion of estimated aggregate amounts of disaster assistance; 10% for the next portion of amounts between \$2 billion and \$10 billion; and 7.5% for the next portion of amounts between \$10 billion and \$35.333 billion.
- (2) All mitigation approved under the grantee and subgrantee will be based upon the cost sharing provisions outlined in the FEMA-State Agreement for the disaster.

In accordance with PL 103-181 this normally will be 75/25%. The non-Federal share for the duration of the disaster recovery may exceed the Federal share and be a combination of State, local or private funding sources as approved by the Governor acting through the GAR.

- (3) A record keeping and financial system, based upon the approved applications and work schedule/milestones of the project(s), will be implemented for the duration of the Section 404 project. Progress reports will be submitted to FEMA through NEMA each quarter after receipt of funding until the project has been closed.
- (4) A final report will be prepared upon the completion of the project(s) and include a thorough assessment of all project accomplishments.
- (5) Federal Section 404 funds will be received from FEMA as each project is approved. These funds will be Smartlinked to NEMA.
- (6) Subgrantees are solely responsible for securing matching funds of the total project costs. Neither costs nor the values of third party in-kind contributions may count towards satisfying a cost sharing agreement if they have been or will be counted towards satisfying a cost sharing or matching requirement of another Federal grant agreement or any other award of Federal funds.

b. Contractual Agreement (See Appendix 1, Attachment 2)

Contractual agreements between the applicants and the State for release of Federal funds will proceed as follows:

- (1) When a State agency is named as the subgrantee, a memorandum of understanding will be drafted between NEMA and the subgrantee. The State agency receiving Section 404 funding will be responsible for securing non-Federal cost share of the total project cost. All contractual obligations and permits required for administering the project will rest with the subgrantee.
- (2) When a county, municipality, private non-profit organization, or tribal organization is named as the subgrantee, a Municipal Agreement will be entered into between the State and the subgrantee. The agreement will ensure that a subgrantee complies with all State and Federal regulations when selecting a contractor and in performance of the contracted work and services. Upon State approval of the agreement, funds will be released to the subgrantee. Terms of the agreement include the following see Appendix 1, Attachment 2 for an example:
 - (a) A Scope of Work will be prepared by the applicant defining the work and/or services to be performed under the agreement.
 - (b) The approved activity completion timeframe will be the timeline FEMA will expect the project to be completed. If a project warrants a longer period of performance it will be necessary to provide justification to the SHMO for any extension.

- (c) The subgrantee will designate a person to sign the agreement via a sealed corporate resolution. This person may be the Subgrantee Point of Contact (SPOC) or any other person deemed qualified by the municipality. This person will be the Authorized Representative for the grant. Subgrantee will also indicate the availability of funds to be used for the local match.
- (d) The subgrantee must adhere to State nondiscrimination and equal opportunity policies.
- (e) The subgrantee is responsible for securing all permits, easements, and land rights prior to performing the project.
- (f) The State will reimburse the subgrantee for up to 75% of the total project cost (Federal Share) upon receipt and approval of invoices. Evidence of funding expenditure (i.e. invoices, canceled checks, and billing receipts) must accompany the invoices.
- (g) A 15% retainage of the Federal Section 404 cost share funds may be withheld by the State to ensure completion of the project on the decision of the GAR. If appropriate this 15% retainage will be reimbursed as the final payment to the subgrantee at the completion of the project.

c. Project Monitoring/Documentation

Grantees and subgrantees must maintain records that adequately identify all expenditures relating to the approved project (i.e., bids, contracts, receipts, proof of payment, payrolls, etc.). Records must also be maintained to identify all costs incurred during administration of the program.

- (1) Fiscal control and accounting procedures of the State, as well as its subgrantees must be sufficient to:
 - (a) permit preparation of reports required under the grant;
 - (b) permit the tracing of funds to a level of expenditures adequate to establish that such funds have not been used in violation of the restrictions and prohibitions of applicable statutes;
 - (c) provide accurate, current and complete disclosure of the financially assisted activities.
- (2) Effective control and accountability must be maintained for all grant and subgrant activities. Grantees and subgrantees must assure that approved activities are implemented and contributions documented for the sole purpose(s) authorized.

d. Payment of Claims

- (1) The subgrantee shall submit a summary of actual eligible costs incurred to the SHMO. This summary will show whether the request for payment is for partial completion or the final billing. Each summary will show the total approved amount of the project, any previous Federal funds received and the current amount requested. A sample reimbursement request is shown as Appendix 1,

Attachment 9. Also see Attachment 3 for State Financial Analysis form to be filed by the SHMO as a request for State treasury to process payment.

- (2) The request will be reviewed by the SHMO and forwarded with recommendation to the GAR for approval of payment.
- (3) The SHMO shall certify that reported costs were incurred in the performance of eligible work, that the approved work has been completed, that the project is in compliance with the provisions of the hazard mitigation procedures and all applicable laws and regulations, and that all requirements and assurances have been met.
- (4) Final payment on a project will require complete report of actual eligible costs incurred submitted to the SHMO. A final inspection must be completed by NEMA or an authorized agent, unless a photo or like documentation can be provided to NEMA as proof the work has been completed.
- (5) Payment of the matching share of the costs submitted will be made at the same time as either the partial federal or final federal payment.
- (6) Reimbursement payments in excess of \$75,000 will be made electronically. An ACH enrollment form is shown in Appendix 1, Attachment 8.

e. Advances

- (1) Federal funds will not be advanced by the Grantee Agency on work that has not been completed.
- (2) Federal funds may be paid towards partial completion of projects with the proper documentation. For further information please refer to 44 CFR Part 13.21.

f. Progress Reports

- (1) All subgrantees are required to submit a quarterly status report to the SHMO on all approved projects that have not had final (Federal or other share) payment made. The SHMO will notify subgrantees when the first report is due. Reports are due the 15th day of the month following the end of the quarter on the following schedule until the project is completed. An example of the required quarterly report form is shown in Appendix 1 Attachment 9. The subgrantee will provide all the information contained in the report, such as any change in authorized agent, status of the project, change in cost status, percentage of project completion and the anticipated completion date for the project using the progress report provided by NEMA and shown an example of in Appendix 1, Attachment 9.

2 nd Qtr.	January - March	Due April 15 th to NEMA	Due April 30 th to FEMA
3 rd Qtr.	April – June	Due July 15 th to NEMA	Due July 30 th to FEMA
4 th Qtr.	July – September	Due October 15 th to NEMA	Due October 30 th to FEMA
1 st Qtr.	October – December	Due January 15 th to NEMA	Due January 30 th to FEMA

(2) Construction progress reports shall include:

- (a) on-site technical inspections, if appropriate;
- (b) amount of federal funds received;
- (c) certified percentage-of-completion data;
- (d) estimate of additional costs; and
- (e) expected completion date,
- (f) Property acquisition information, if applicable.

Subgrantees shall submit data by letter or e-mail to jen.williams@nebraska.gov.

- (3) The GAR will compile data from subgrantee reports on all open projects and submit to the RA by the 30th of January, April, July and October. The submission date for the first quarterly report will be negotiated between the GAR and RA.
- (4) The report to the RA will describe the status of those projects on which a final payment has not been made. It will outline any problems, delays or extraordinary circumstances expected to result in noncompliance with the approved grant specifications.
- (5) The GAR will report, in the quarterly report, any conditions that may have a significant impact upon the grant activity/completion. The following types of conditions should be reported.
 - (a) problems, delays or adverse conditions, which will materially impair the ability to meet the objective of the HMGP project. This should include a statement of the action taken, or contemplated, and assistance needed to resolve the situation.
 - (b) favorable developments, which enable meeting time schedules/milestones and/or objectives sooner or at a less cost than anticipated, or, producing more beneficial results than originally planned.
- (6) The GAR will report any cost deviations on projects with cost overruns/underruns.
- (7) The GAR may waive, if subgrantee can provide reasonable explanation within a written request, progress reports from subgrantee when not needed.
- (8) The GAR may extend a report due date from subgrantee under extenuating circumstances provided the progress reporting obligations to the RA can still be met.

g. Allowable Costs

- (1) State Management Costs applications for disasters declared prior to November 13, 2007 will not be pursued by NEMA.
- (2) Grantee Administrative Allowance (Disasters 1517-1721)

For HMGP Declarations prior to November 13, 2007, administrative cost funding shall be in accordance with §207.9. An allowance will be provided to the State to cover the extraordinary costs incurred by the State for preparation of applications, quarterly reports, final audits, and related field inspections by State employees, including overtime pay, per diem and travel expenses, but not including regular time for such employees. The allowance will be based on a percentage of total assistance provided all subgrantees in the State:

- (a) For the first \$100,000 of total assistance provided, three percent of such costs;
- (b) For the next \$900,000, two percent of such costs;
- (c) For the next \$4,000,000, one percent of such costs;
- (d) For those costs over \$5,000,000, one-half percent of such costs.

- (3) Subgrantee Administrative Allowance (Disasters 1517 and 1721)

Necessary costs of requesting, obtaining, and administering the Hazard Mitigation Subgrant will be covered by an allowance which is based on percentage of total net eligible costs for an applicant:

- (a) For the first \$100,000 of net eligible costs, three percent of such costs;
- (b) For the next \$900,000, two percent of such costs;
- (c) For the next \$4,000,000, one percent of such costs;
- (d) For those costs over \$5,000,000, one-half percent of such costs.

These costs will be added to each subgrant by FEMA at the time of approval. The Subgrantee administrative allowance will be shown on the Project Management Report provided with the project approval letter. These costs may be made in partial payments or the final payment. Final discretion will be left to the Recovery Division.

- (4) Non-Direct Management Costs (Disasters 1739-1779)

- (a) Non-Directly Chargeable Management Costs are defined as Management Costs including indirect costs, administrative expenses and any other expenses not directly chargeable to a specific project that are reasonably incurred by the state or sub-grantee in administering and managing the HMGP grant award. NEMA is the responsible agency for requesting and administering HMGP management costs provided under 44 CFR Part 207 and ensuring

such costs are implemented in accordance with all Federal government requirements as outlined under Section B in this plan.

Non-Direct Management Costs are limited to costs related to the administration of the HMGP and will be properly documented in accordance with 44 CFR §207.8(f) and 13.22. These management costs are based on a 4.89 percentage rate of the Federal share of projected eligible program costs for financial assistance pursuant to sections 404 of the Stafford Act 42 U.S.C. 5170c, but not including direct Federal assistance. FEMA issues preliminary, interim and final management costs lock in notices.

(b) The dollar amount provided to the Grantee for management costs for a single declaration shall not exceed \$20,000,000, except as described in §207.5(d) and (e).

(c) Upon notification of the preliminary lock-in amount for HMGP management costs based on the Federal share of the projected eligible program costs for financial assistance at that time, 120 days of the date of declaration, the Grantee will submit an initial management cost funding request to the FEMA Region VII Regional Administrator. If extraordinary circumstances exist, FEMA may approve a request by the Grantee to submit support documentation after 120 days. This initial request will provide an estimate of the total cost for all applicable non-directly chargeable management and administrative expenditures over the anticipated HMGP performance period through closeout and final financial reporting. This request will be developed in the form of a spending plan and budget estimate and submitted using an HMGP project narrative, as directed in §207.7(c)(2). This request will include:

1.Consistent with this State Administrative Plan, a description of activities, personnel requirements, and other costs for which the Grantee will use non-direct management cost funding provided under this part;

2.Consistent with this State Administrative Plan, the Grantee's plan for expending and monitoring these funds and ensuring sufficient funds are budgeted for grant closeout; and

3.A statement providing clarification that the Grantee Agency will provide 0% for pass-through funds to subgrantees for non-directly chargeable management costs provided under Part 207.

4.FEMA will work with Grantee to approve or reject this request within 30 days of FEMA receipt. If rejected, Grantee will have 30 days to resubmit the request for reconsideration and approval.

(d) The Grantee may request to change the amount of the lock-in or the cap or extend the time period before the lock-in with the review and approval of the FEMA Regional Administrator and the FEMA Chief Financial Officer, as described in §207.5(d) and (e).

- (e) Non-Direct Management and Administrative Costs - Interim Funding Request.

If Grantee can justify a bona fide need for an additional obligation of management cost funds at 6 months, the Grantee may submit a request to the Regional Administrator. Any interim obligations by FEMA must be approved by the Chief Financial Officer and will not exceed an amount equal to 10 percent of the 6-month lock-in amount, except in extraordinary circumstances.

- (f) Non-Direct Management and Administrative Costs- Final Funding Request.

Upon notification of the final lock-in amount, Grantee must submit a final management cost funding request to the Regional Administrator. Any necessary revisions to supporting documentation must be attached to the final funding request.

(5) Program Budget for Direct Management Costs

- (a) Any costs that can be directly attributable to a project (at the Grantee or subgrantee levels) will continue to be added directly to the HMGP application. FEMA will continue to reimburse administrative or project management costs that can be properly documented and directly charged to an approved HMGP application.

1. Grantee. Grantee will develop and submit a Direct Management Cost funding request to the Regional Administrator. This request will provide an estimate of the total costs for all applicable directly chargeable management and administrative expenditures over the anticipated HMGP performance period. This request will be developed in the form of a spending plan and budget estimate and submitted via an HMGP project narrative, as described in §207.7(c)(2). This request will include a description of activities, personnel requirements, and other costs for which the Grantee will require direct management cost funding.

2. Subgrantee. When requested by the Subgrantee, the direct costs associated with management and administration of the HMGP grant will continue to be included in the subgrantee's HMGP application as part of the project cost. The scope of work and/or budget must identify Management Costs as a part of the cost estimate portion of the HMGP application. The Subgrantee is not required to include management costs as a part of the scope of work and cost estimate. All Direct Management and Administrative costs included in an approved Subgrant will be monitored and closed out consistent with all other costs in accordance with the procedures delineated in this Administrative Plan.

(6) Management Cost Funding Oversight

- (a) General. The Grantee has primary responsibility for grants management activities and accountability of funds provided for management costs are required by 44 CFR Part 13, especially §13.20 and §13.36. The Grantee is responsible for ensuring that subgrantees meet all program and administrative requirements.
- (b) Period of Availability. The Grantee may expend management cost funds for allowable costs for a maximum of eight (8) years from the date of the Disaster Declaration or 180 days after the latest performance period of a non-management cost HMGP project narrative, whichever is sooner.
- (c) The period of availability may be extended only at the written request of the Grantee, with the recommendation of the Regional Administrator, and with the approval of the Chief Financial Officer. The Grantee must include a justification in its request for an extension, and must demonstrate that there is work in progress that can be completed within the extended period of availability. In no case will an extended period of availability allow more than 180 days after the expiration of any performance period extensions granted under HMGP for project completion. FEMA will deobligate any funds not liquidated by the Grantee in accordance with §13.23.
- (d) Reporting Requirements. The Grantee will provide quarterly progress reports on management cost funds to the Regional Administrator as required by the FEMA-State Agreement, §206.438(c), and §13.40.
- (e) Closeout. The Grantee has primary responsibility for the closeout tasks associated with both the program and subgrantee requirements. Complying with each program's performance period requirement, the Grantee must conduct final inspections for projects, reconcile Subgrantee expenditures, resolve negative audit findings, obtain final reports from subgrantees and reconcile the closeout activities of subgrantees with HMGP grant awards.
- (f) Audit requirements. Uniform audit requirements in §13.26 will apply to all assistance.
- (g) Document Retention. In compliance with State of Nebraska law and procedures and with §13.42, Grantee must retain records, including source documentation to support expenditures/costs incurred for management costs, for three (3) years from the date of submission of the final HMGP Financial Status Report to FEMA. The Grantee is responsible for resolving questioned costs that may result from audit findings during the 3 year record retention period and returning any disallowed costs from ineligible activities.

9. Project Close-out

The subgrantee (applicant) shall notify the State in writing once a project has been completed. In addition; the State requires that all applicants submit a detailed final close out report. This report shall include, but is not limited to; date of disaster declared, application and grant approval dates, any amendment information as it applies, local match information. Timeline of key milestones, all pertinent financial information and a copy of the

applicants checkbook as it applies to the life of the grant. This will cause a review of the documentation for all expenditures and reimbursements.

The SHMO will ensure that all claims and costs were eligible and that work performed was in compliance with the approved project application; that all eligible funds have been paid to the subgrantee; that all work was completed according to FEMA requirements; that all costs were incurred as the result of eligible work; that all work was completed in accordance with provisions of the FEMA-State and State local agreements; that all payments were made according to Federal and State legal and regulatory requirements; that no bills are outstanding; and that no further requests for funding will be made for the project.

Final site visits made to project area or photographs furnished by applicant during close out are required to ensure completion of project is in conformance with the project scope of work. Acceptance of photographs in lieu of site visits will be made at the discretion of the SHMO. In the case of buy-outs of floodway and floodplain property, the recording of the required restrictive covenants in the property documents are required to be submitted to FEMA and will be checked for accuracy. After the review is completed a close-out letter will be sent to FEMA Region VII recommending the project be closed. This process must occur within 90 days from the project completion. Official close-out by FEMA Region VII will terminate the process.

10. Audit Requirements

- a. Uniform audit requirements as set forth in 44 CFR Part 14 apply to all grant assistance provided under this plan. FEMA may elect to conduct a Federal audit on the disaster assistance grant or on any of the subgrants.
- b. Audit of NEMA and subgrantees will be conducted in accordance with 44 CFR Part 14, (Circular A-133). Audits will be organization wide and may be conducted annually or biannually.
- c. The audit of NEMA will be conducted by the Nebraska Auditor of Public Accounts. Audits of subgrantees will be conducted as specified in 44 CFR Part 14.
- d. NEMA will determine whether subgrantees have met the audit requirements by:
 - 1) Maintaining records of all subgrantees provided \$500,000 or more in disaster assistance funds.
 - (2) Notifying those named subgrantees, in writing, that certification is required to show either that \$500,000 or more was, or was not received by the subgrantee, during the fiscal year of the subgrantee.
- e. NEMA will review, or contract for a review, the audits of subgrantees as they are submitted. Discrepancies involving State and/or FEMA funds will be resolved by NEMA.
- f. NEMA is required to determine whether the subgrantee spent Federal Assistance Funds in accordance with applicable laws and regulations. This determination will be made by a review of the claims, vouchers and other documentation submitted by the subgrantee to NEMA as well as the review of the audit report.

- g. Audit reports of NEMA will be provided to FEMA. Reports of subgrantees will be retained at NEMA.

11. Appeals and Cost Overruns

a. Appeals

(1) Applicants

(a) The applicant for HMG, which has been denied, may elect to appeal the decision. The appeal shall be submitted, in writing, and contain sufficient additional information, beyond that submitted with the original application to warrant further reconsideration by the GAR. Appeals must be submitted to the GAR within 60 days from the date of action being appealed. The appeal shall contain documented justification supporting 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) Appeals by applicants for projects denied by FEMA will be submitted in accordance with 44 CFR Part 206.440.

(2) GAR

(a) The GAR may, on behalf of an applicant of the State, appeal any determination of eligibility for Federal assistance by FEMA. Local appeals of FEMA decisions must be submitted through the GAR. All appeals must be submitted in accordance with 44 CFR Part 206.440.

(b) Applicants must provide sufficient information to allow the GAR to determine the facts and the validity of the request.

(c) The GAR appeal shall be in writing and be submitted to FEMA within 60 days of the date of the action being appealed.

b. Cost Overruns

(1) Cost overruns normally fall into the following three categories:

(a) variations in unit prices;

(b) change in the scope of eligible work; or

(c) delays in timely starts or completion of eligible work.

(2) The final costs of approved work under a Section 404 project may, in some circumstances, exceed the approved cost estimates. In such cases, the applicant may request a modification of the original grant for approval of the additional costs.

(a) The subgrantee shall provide justification of the cost overrun by submitting documentation (invoices, daily activity reports, progress reports, etc.) for evaluation to the SHMO.

- (b) The SHMO will review the documentation and forward the request to the GAR with any additional information available regarding the project.
- (c) The GAR shall evaluate each cost overrun and, when justified, and funds are available, may make recommendations to the RA for final approval.
- (d) Cost overruns for a project(s) may be approved only when there are available funds under the same disaster declaration as the designated project(s) remaining. In no case will the total amount obligated to the State exceed the funding limits set forth in 206.432(b). It must be recognized that there may be multiple projects under the same disaster declaration and all of the funding under that disaster declaration may have already been disbursed for those other approved project(s).

12. Requests for Time Extensions

a. GAR Authority

- (1) FEMA guidance requires projects be completed within a maximum of three years from the date of approval for the project. When work cannot be completed within the approved activity completion timeframe of the delayed subgrant, the subgrantee may request a time extension within 75 days of approved activity completion date.
- (2) The subgrantee must specifically identify in writing the project(s), which cannot be completed on time and justify the delay to the GAR using the extension request form in Appendix 1, Attachment 9. The subgrantee must specify the date(s) by which work can reasonably be expected to be completed. A work schedule of the remaining tasks, per prior approved work schedule, to be completed will need to be included in the time extension request.
- (3) Time extensions will be evaluated and forwarded to FEMA no later than 60 days prior to the end of activity completion timeframe and will be considered on a project-by-project basis.

b. Regional Administrator

- (1) The request must be received by FEMA no later than 60 days prior to the expiration date of the activity completion timeframe. Failure to submit an extension request will result in a de-obligation of any funds not disbursed by the grantee within the approved activity completion timeframe.
- (2) Requests for time extensions shall be submitted by the GAR to the RA and shall include:
 - (a) Status of on-going activity; Percentage of completion; and Reviews required but not yet obtained.
 - (b) Reasons for the delay. A brief description of circumstances encountered in project non-completion.

(c) Project completion date. Identify the revised project completion date and ensure compliance with appropriate Program statute, regulation, and Grant Award Agreement Articles. Identify the objectives/milestones necessary to complete the project. Identify completion dates for each objective/milestone. Identify the date that an objective/milestone was completed.

(d) No change to the Statement of Work (SOW.) You must provide verification the project will be completed within the extended performance period without modifications to the approved SOW. A change to the approved SOW requires prior approval from FEMA. Any costs incurred as a result of an un-authorized SOW change will be disallowed.

(3) If the RA approves the request, the determination shall reflect the approved completion date and any other requirements the RA may determine necessary to ensure that the new completion date is met. If the RA denies the time extension request, the subgrantee, upon completion of the project, may be reimbursed for eligible actual costs incurred up to the latest approved completion date.

(4) No funds will be provided for those unfinished project milestones in the work schedule.

13. Inspections

- a. If necessary, the GAR is responsible for ensuring that qualified inspectors are available to assist the SHMO.
- b. All inspections will be scheduled by the SHMO. A local representative will accompany all inspectors at project sites.
- c. Projects may have random inspections performed to ensure compliance with this plan and all applicable federal regulations.
- d. Subgrantees must submit documentation on all work for which reimbursement is requested before the final inspection will be scheduled.

14. Financial Record Keeping

- a. The Budget/Fiscal Section of NEMA will be responsible for financial reporting and record keeping.
- b. The Budget/Fiscal Section of NEMA will establish a tracking system under the Grant/Project to track each approved project. This will be established for both Federal and State funds. Current information will be maintained by the Budget/Fiscal Section on the following:
 - (1) Approved Federal amount and required completed data.
 - (2) Name of subgrantee.
 - (3) Each payment (Federal, State and other) made by amount and date.
 - (4) Cumulative amount (Federal, State and other) paid towards a project.

- (5) Balance of approved amount.
 - (6) Date of Notice of Completion and final payment (Federal, State and other).
 - (7) Any additional funding approvals.
- c. The Budget Fiscal Officer (B/FO) will ensure that the GAR and SHMO receive a copy of the HMGP Tracking Report unless otherwise requested.
- d. The B/FO will prepare and submit all required financial reports to the RA.

15. Recovery of Overpayments

- a. When it is known, whether by review, inspection, audit or other means, that funds were disbursed to a subgrantee in an amount exceeding what was due to that subgrantee, these procedures will be initiated.
- (1) If additional payments of disaster assistance funds will be made to the subgrantee, the amount of the overpayment will be deducted from one or more of those subsequent payments. The GAR will provide appropriate documentation and explanation of this procedure, to the subgrantee.
 - (2) If there are no more payments due to the subgrantee, the GAR will request, in writing by certified letter, that the subgrantee return to the State of Nebraska, the entire amount of the overpayment. The letter will designate that checks or warrants will be made payable to the Treasurer of the State of Nebraska, in care of the Nebraska Emergency Management Agency.

The letter will further state that the subgrantee is required to respond within 30 days of receipt of the letter, by either remitting payment in full, or by presenting a plan for repayment of the full amount within a time-frame agreed upon by the GAR and the subgrantee.
 - (3) If, within the prescribed 30-day period, a subgrantee has not remitted the full amount due, nor proposed a plan for repayment that is agreeable to the GAR, the GAR will notify the subgrantee, in writing by certified letter, that the GAR will now seek the advice of the State Attorney General and establish procedures for collecting the amount due. The GAR will contact the Office of the State Attorney General, provided such documentation of the facts as necessary and required, and proceed as advised. The GAR will inform FEMA of this action.
 - (4) The Federal share of any recovery of overpayment received before the termination of the disaster funding period will be credited to the Military Department/NEMA Federal fund and account designated for the receipt and disbursement of Federal disaster funds. Appropriate documentation will be filed with the project records of NEMA, and copies will be provided to FEMA, if required.

- (5) The Federal share of repayments received by NEMA after the termination of the disaster funding period will be returned to FEMA in the manner prescribed by FEMA.

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

1. Attachment 1, Application for all Hazard Mitigation Grant projects. The form may be reproduced locally and may be requested electronically. To insure Hazard Mitigation Grant project eligibility criteria are met review the following points and fill out as completely as possible.
Applicant Checklist for Hazard Mitigation Grant projects prior to submission to the State.
 - a. The project conforms to the State Hazard Mitigation Plan required under Section 322.
 - b. The project benefits the area declared under the declaration, whether or not located within the actual affected area.
 - c. The project solves a problem independently or constitutes a functional portion of a solution where there is assurance that the project as a whole will be completed.
 - d. The project solves a repetitive problem or one that poses a significant risk to public health and safety if left unsolved.
 - e. The project will not cost more than the anticipated value of the reduction in both direct damages and the subsequent negative impacts to the area if future disasters were to occur. Both costs and benefits will be computed on a net value basis. Using a FEMA approved method. BCA Software can be provided upon request.
 - f. The project is most practical, effective and environmentally sound alternative after consideration of a range of options.
 - g. The project contributes, to the extent practical, a long-term solution to the problem it is intended to address.
 - h. The project considers long term changes to the area and entities that it protects, and has manageable future maintenance and modification requirements. (the costs for such may not be included in the cost of the grant application; the applicant shall assure that it can/will provide maintenance, as appropriate following completion of the project.)
 - i. The project does not require Section 404 funding to substitute for or replace funding that is available under other Federal authorities, such as the Corps of Engineers and/or the USDA Natural Resources Conservation Service except under limited circumstances in which there are extraordinary threats to lives, public health or safety or improved property.
 - j.. The project is in compliance with local and/or multi-jurisdictional all hazards plan.
 - k. The proposed activity in compliance with applicable local ordinances and standards.
 - l.. The proposed activity is in compliance with state and federal regulations and legislation.
 - m. Proposed construction activity is in a community that participates in good standing with the NFIP program.
 - m. Once a Hazard Mitigation Grant Project is approved and citation of funds is received by this agency then the State-Local Contractual Agreement, Attachment 2 and the Assurances form Attachment 4 and/or 5 is executed.
2. Attachment 1a, HMGP Planning Grant Application
3. Attachment 2, Sample Subgrantee Grant Agreement
4. Attachment 3, Financial Analysis Form, submitted by SHMO/GAR to State Treasury for Payment
5. Attachment 4, Construction Assurances Form to be submitted with Grant Agreement on all construction projects
6. Attachment 5, Non- Construction Assurances Form for all non construction awards
7. Attachment 6, Request for Federal Assistance
8. Attachment 7, ACH Form for Electronic deposits on reimbursements made by State
9. Attachment 8, Sample FEMA Quarterly Report Form to be completed by Grantee
10. Attachment 9, Sample Subgrantee Grant Monitoring Forms (i.e. Quarterly Report, Reimbursement Request Form, and Extension Request Form)
11. Attachment 10, Sample Milestones for Project Application Development Reference
12. Attachment 11, W-9 Request for Taxpayer Identification Number and Certification



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

What is the Hazard Mitigation Grant Program?

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

How much funding is available?

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

Completing the HMGP Application:

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

You may obtain an electronic copy of the following application by contacting the State Hazard Mitigation Officer at (402) 471-7416 or jen.williams@nebraska.gov.

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

I. Applicant Information

Date: _____ New Application . Revised Application

- A. Multi-Hazard Local Mitigation Plan (LMP) Status: Select...
IF Approved:
 a) Plan Type: Select...
 b) Date of Approval by FEMA: _____
 c) Provide the location in the LMP (Section and Page Number(s)) that demonstrates the proposed project is in conformance with the LMP: _____
 d) Describe how the proposed project conforms with the LMP: _____

B. Project Title: _____
 Name of Applicant: _____ County or Counties: _____

C. Applicant Type: Select... Type of Application: Select...

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

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

- D. Federal Tax ID Number: DUNS Number:
 E. State Legislative District(s) Congressional District(s)
 F. Is the Community/Communities in good standing with the National Flood Insurance Program: Yes No

G. Point of Contact:
 Mr. Ms. Mrs. First Name: _____ Last Name: _____
 Title: _____ Organization: _____
 Street Address: _____ City: _____ State: Nebraska Zip Code: _____
 Telephone: (____) _____ - _____ Fax: (____) _____ - _____ E-mail Address: _____

H. Alternate Point of Contact:
 Mr. Ms. Mrs. First Name: _____ Last Name: _____
 Title: _____ Organization: _____
 Street Address: _____ City: _____ State: Nebraska Zip Code: _____
 Telephone: (____) _____ - _____ Fax: (____) _____ - _____ E-mail Address: _____

I. Estimated Funding:

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

II. Detailed Description of the Proposed Project

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

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

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

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

Number of People: _____	Value of Residential Properties: \$ _____
Number of Residential Properties: _____	Value of Commercial Properties: \$ _____
Number of Commercial Properties: _____	Value of Public Properties: \$ _____
Number of Public Properties : _____	Value of Public Infrastructure: \$ _____
Value _____	

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

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

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

_____ Structure(s) protected against the _____ year flood
 _____ Structures will have near absolute protection against _____ mph wind speeds

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

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

II. Detailed Description of the Proposed Project continued

5. Engineered Projects Only (e.g. Bank Stabilization, Small structural projects)

Note: A Letter of Map Revision (LOMR) may be needed on this type of project. Any changes to the Flood Insurance Rate Maps (FIRM) need to be reflected on the flood maps, which is accomplished through the LOMR process. The construction of this project may lower the 100-year flood elevation and thus, possibly lower the flood insurance rates for structures in the project area.

Attach to this page **ALL** engineering calculations used to determine the above level of protection. List all attachments below.

1. _____
2. _____
3. _____

III. Project Location

A. Site Address: (NOTE: If Acquisition, please use the Property Site Inventory Form)

1. City: _____ State: Nebraska Zip Code: _____
2. Latitude of project location (decimal degrees): _____ (This must be completed before project closeout)
3. Longitude of project location (decimal degrees): _____ (This must be completed before project closeout)
4. Latitude and Longitude verification: Select... Specify Other: _____
Please specify the following in the Lat/Long comments below:
For projection, indicate North American Datum (NAD) 83 or World Geodetic System (WGS) 84
For accuracy, indicate the value in Feet or Meters
When using street address, exclude P.O. boxes and 911 addresses
Lat/Long Comments: _____

B. FIRMette (Flood Insurance Rate Map (FIRM)) showing Project Site: (application will not be reviewed if FIRM is missing from attachments)

- Attach a copy of the FIRMette with the project site and structures marked.
A FIRMette is a paper copy of a user defined portion of a FIRM created from your computer. To make a FIRMette 1) Go to <http://msc.fema.gov> 2) Click on the 'FIRMette Tutorial' icon and follow instructions to create a FIRMette for your project location. (Note: If you wish to obtain a FIRM, they are typically available from your local floodplain administrator who may be located in the planning, zoning, or engineering office. Maps can also be ordered from the Map Service Center at (800) 358-9616, however it is strongly encouraged to use a FIRMette.)

Using the FIRMette, determine the flood zone(s) of the project site (Check all zones in the project area).

- NFIP Community Number: _____ Panel Number(s): _____
- | | | | |
|--|---|--|-----------------------------------|
| <input type="checkbox"/> VE or V 1-30 | <input type="checkbox"/> C or X (un-shaded) | <input type="checkbox"/> AE or A-130 | <input type="checkbox"/> AO or AH |
| <input type="checkbox"/> B or X (shaded) | <input type="checkbox"/> Floodway | <input type="checkbox"/> A (no base flood elevation given) | |

III. Project Location continued

C. **For construction projects only.** Is the proposed project location shown on the Flood Insurance Rate Map in an area protected from the 1% chance of annual occurrence flood by a levee or other flood control structure?

- Yes No

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

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

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

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

CLEARLY LABEL EACH PHOTO

HMGP Property Site Inventory Form (PSI)

Use one page for each property

Owner Information

First Name: _____ Last Name: _____ Co-Owner: _____
 Property Address: _____

 City: _____ State: Nebraska Zip Code: _____ County: _____
 Title Holder Post Mitigation (community undertaking project): _____

Mitigation Property Site Action: Select... **Mitigation Property Site Comments:** _____

Property Information:

Age of Structure (year built): _____	Type of Residence: <u>Select...</u>
Pre-Event Fair Market Value: _____	Structure Type: <u>Select...</u>
Parcel Number: _____	Foundation Type: <u>Select...</u>
Property Tax Id: _____	Basement: <u>Select...</u>
Latitude: _____	Base Flood Elevation: _____
Longitude: _____	First Floor Elevation: _____
SHPO Cleared: ☉ <u>Select...</u> t...	Number of feet the lowest floor elevation of the structure is being raised above Base Flood Elevation (Only applicable when Property Action is Elevation): _____
SHPO Cleared Date: ☉ _____	
Benefit Cost Analysis: <input type="checkbox"/> Yes <input type="checkbox"/> No	Damage Category: <u>Select...</u>
Performed: By Whom: _____	Post Mitigation Property Use: _____
Benefit Cost Ratio: _____	If commercial property what is the primary usage, explain below in comments.
Total Square Feet of Living Space: _____	
Average cost per square foot for residential & commercial construction in the community: _____	

National Flood Insurance Program Information:

Flood Source: Select... Structure Located in: Select...

Note: An NFIP repetitive loss structure is defined as building with 2 or more insured losses greater than \$1,000 within a 10-year period.

Repetitive Loss Structure: Select...

- 2-3 Insured Losses Cumulatively <=building fair market value
- 2-3 Insured Losses Cumulatively > building fair market value
- 4 or more losses since 1978
- Not Applicable

Repetitive Loss Number: _____

NFIP Policy Number: ☉ _____ Insurance Policy Provider: ☉ _____

Is there a Flood Insurance Rate Map (FIRM) available? Yes No

Is the property site marked on the map? Select...

Flood Zone Designation

VE or V 1-30 C or X (un-shaded) AE or A-130 AO or AH
 B or X (shaded) Floodway A (no base flood elevation given)

FIRM Community Information

Community: _____

Map Specific Information for Selected Community

Panel Number: _____ Date: _____

Legal Description: ☉ _____

Comments: _____

☉ (This information is not required until the project is approved, but would be helpful if you can provide it at the time of application.)

For Shelter Applicants Only

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

1. Describe preliminary plans for the shelter area (Include floor plan sketch of proposed project):
[REDACTED]
2. Who will be the primary occupants to take shelter? (i.e. campers, residents without basements, etc.) Please explain: [REDACTED]

3. Occupancy: (indicate approximate occupancy of building during each hour of the day)

12 AM – 1 AM [REDACTED]	1 AM – 2 AM [REDACTED]	2 AM – 3 AM [REDACTED]	3 AM – 4 AM [REDACTED]	4 AM – 5 AM [REDACTED]	5 AM – 6 AM [REDACTED]	6 AM – 7 AM [REDACTED]	7 AM – 8 AM [REDACTED]
8 AM – 9 AM [REDACTED]	9 AM – 10 AM [REDACTED]	10 AM – 11 AM [REDACTED]	11 AM – 12 PM [REDACTED]	12 PM – 1 PM [REDACTED]	1 PM – 2 PM [REDACTED]	2 PM – 3 PM [REDACTED]	3 PM – 4 PM [REDACTED]
4 PM – 5 PM [REDACTED]	5 PM – 6 PM [REDACTED]	6 PM – 7 PM [REDACTED]	7 PM – 8 PM [REDACTED]	8 PM – 9 PM [REDACTED]	9 PM – 10 PM [REDACTED]	10 PM – 11 PM [REDACTED]	11 PM – 12 AM [REDACTED]

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

a. Complete the following information for the **existing building/proposed shelter**:

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

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

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

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

V. Scope of Work/Budget

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

A. Materials

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

B. Labor (Include equipment costs)

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

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

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

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

D. Provide a budget narrative for the proposed project: _____

V. Scope of Work/Budget continued

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

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

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

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

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

F. **Project Work Schedule:** List the major milestones and timeframes for this project:
Example: Description: Demolition of 6 structures and removal of debris Timeframe: 30 days 1 month

Milestone	Timeframe
	Enter Number of Days and Month(s)
1. Description: _____	_____ days _____ month(s)
2. Description: _____	_____ days _____ month(s)
3. Description: _____	_____ days _____ month(s)
4. Description: _____	_____ days _____ month(s)
5. Description: _____	_____ days _____ month(s)
6. Description: _____	_____ days _____ month(s)
7. Description: _____	_____ days _____ month(s)
8. Description: _____	_____ days _____ month(s)
9. Description: _____	_____ days _____ month(s)
10. Description: _____	_____ days _____ month(s)
11. Description: _____	_____ days _____ month(s)
12. Description: _____	_____ days _____ month(s)
13. Description: _____	_____ days _____ month(s)
14. Description: _____	_____ days _____ month(s)
15. Description: _____	_____ days _____ month(s)

VI. Environmental Documentation

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

A. National Historic Preservation Act – Historical Buildings and Structures

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

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

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

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

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

3. _____

VI. Environmental Documentation Continued

Additional Comments regarding Historic Buildings and Structures: _____

B. National Historic Preservation Act – Archeological Resources

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

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

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

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

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

C. Endangered Species Act and Fish and Wildlife Coordination Act

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

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

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

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

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

VI. Environmental Documentation Continued

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

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

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

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

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

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

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

- Additional Comments regarding vegetation: _____

3. Is your project in, near (within 200 feet), or likely to affect any type of waterway or body of water? Yes No Not Known

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

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

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

VI. Environmental Documentation Continued

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

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

- Evidence of any discussions with the US Fish and Wildlife Service (USFWS), and/or the Nebraska Game and Parks Commission concerning any potential impacts if there is the potential for the project to affect any water body.

- List all Supporting Documentation Attached pertaining to Waterway or Water Body:
 1. _____
 2. _____
 3. _____

- Additional Comments regarding Waterway or Water Body near your project: _____

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

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

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

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

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

- Request for information and response letter from the US Army Corps of Engineers and/or State resource agencies regarding the potential for wetlands, and applicability of permitting requirements

- Evidence of alternatives considered to eliminate or minimize impacts to wetlands.

- List all Supporting Documentation Attached pertaining to Water Bodies or Wetlands
 1. _____
 2. _____
 3. _____

- Additional Comments regarding Water Bodies or Wetlands for your project: _____

VI. Environmental Documentation Continued

E. Executive Order 11988 (Floodplain Management)

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

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

Comments regarding Executive Order 11988 (Floodplain Management): _____

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

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

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

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

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

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

- 1. _____
- 2. _____
- 3. _____

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

F. Farmland Protection Policy Act

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

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

- 1. _____
- 2. _____
- 3. _____

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

VI. Environmental Documentation Continued

G. RCRA and CERCLA (Hazardous and Toxic Materials)

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

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

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

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

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

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

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

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

- Comments and any relevant documentation.

VI. Environmental Documentation Continued

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

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

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

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

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

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

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

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

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

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

VI. Environmental Documentation Continued

- List all Supporting Documentation Attached pertaining to Executive Order 12898 & your project:
 1. _____
 2. _____
 3. _____
- Additional Comments regarding Executive Order 12898: _____

I. Other Environmental/Historic Preservation Laws or Issues

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

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

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

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

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

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

- List all Supporting Documentation Attached pertaining to Other Environmental/Historic Preservation Issues:
 1. _____
 2. _____
 3. _____

- Additional Comments regarding other Environmental/.Historic Preservation Issues: _____

J. Summary and Cost of Potential Impacts

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

If yes, you must confirm that you have:

- Evaluated these potential effects and provided the materials required in Parts A through I that identify the nature and extent of potential impacts to environmental resources and/or historic properties.
- Consulted with appropriate parties to identify any measures needed to avoid or minimize these impacts.

VI. Environmental Documentation Continued

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

VII. Maintenance Schedule and Associated Costs

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

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

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

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

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

VIII. Alternative Actions continued

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

Process in which the proposed project was determined the best solution to the problem: _____

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

1. No Action Alternative

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

2. Other Feasible Alternative: _____

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

a. Other Feasible Project Description and Scope of Work

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

b. Other Feasible Project Location

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

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

CLEARLY LABEL EACH PHOTO

VIII. Alternative Actions Continued

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

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

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

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

d. Impacts of Other Feasible Alternative Project

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

IX. Approval Stipulations:

1. If the proposed project receives FEMA approval:

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

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

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

Applicant: Yes No
 State: Yes No

X. Certifications:

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

Typed name of Authorized Representative/Applicant Agent

Title

Telephone

() -
Number

Signature of Authorized Representative/Applicant Agent

Date Signed

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



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

What is the Hazard Mitigation Grant Program?

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

How much funding is available?

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

Mitigation Plan Requirements:

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

Mitigation Plan Resources:

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

Completing the HMGP Application:

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

You may obtain an electronic copy of the following application by contacting the State Hazard Mitigation Officer at (402) 471-7416 or by e-mail at jen.williams@nebraska.gov.

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

I. Applicant Information

Date: _____ New Application Revised Application

A. Name of Applicant: _____

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

C. Point of Contact:

Mr. Ms. Mrs. First Name: _____ Last Name: _____

Title: _____ Organization: _____

Street Address: _____ City: _____ State: Nebraska Zip Code: _____

Telephone: (_____) _____ - _____ Fax: (_____) _____ - _____ E-mail Address: _____

D. Alternate Point of Contact:

Mr. Ms. Mrs. First Name: _____ Last Name: _____

Title: _____ Organization: _____

Street Address: _____ City: _____ State: Nebraska Zip Code: _____

Telephone: (_____) _____ - _____ Fax: (_____) _____ - _____ E-mail Address: _____

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

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

III. Community Profile Information:

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

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

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

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

IV. Scope of Work Narrative:

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

A. Is this planning application an:

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

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

B. Provide a narrative to explain the plan development process (i.e. hazard identification and risk assessment to result in identified mitigation activities) meeting compliance with the regulatory requirements in 44 CFR Part 201. The narrative should also describe how the planning activity will benefit constituents, identify the staff and resources needed to develop the plan, and describe the applicant’s ability to provide the resources: _____

C. Describe what jurisdictions/areas (i.e. watershed boundaries) are to be covered by the plan including the population to be covered (geographical area(s)) by the plan: _____

D. Describe the staff and resources needed to implement this mitigation activity and the applicant’s ability to provide these resources: _____

E. List additional comments or attachments provided in support of the proposed planning activity, as applicable:

- Attachment 1: _____
- Attachment 2: _____
- Attachment 3: _____
- Attachment 4: _____

Comments: _____

V. Budget:

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

A. Materials

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

B. Labor (Include equipment costs)

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

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

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

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

D. Provide a budget narrative for the proposed plan: _____

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

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

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

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

Description	Source 1	Source 2	Source 3	Comments (Specify Other Source)
1. Source Agency:	Select...	Select...	Select...	
2. Source Name of Non-Federal Share				
3. Type of Non-Federal Share:	Select...	Select...	Select...	

A. **Plan Work Schedule: List the major milestones and timeframes for this plan:**

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

Milestone	Timeframe
	Enter Number of Days and Month(s)
1. Description: _____	_____ days _____ month(s)
2. Description: _____	_____ days _____ month(s)
3. Description: _____	_____ days _____ month(s)
4. Description: _____	_____ days _____ month(s)
5. Description: _____	_____ days _____ month(s)
6. Description: _____	_____ days _____ month(s)
7. Description: _____	_____ days _____ month(s)
8. Description: _____	_____ days _____ month(s)
9. Description: _____	_____ days _____ month(s)
10. Description: _____	_____ days _____ month(s)
11. Description: _____	_____ days _____ month(s)
12. Description: _____	_____ days _____ month(s)
13. Description: _____	_____ days _____ month(s)
14. Description: _____	_____ days _____ month(s)
15. Description: _____	_____ days _____ month(s)

VII. Certifications:

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

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

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

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

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

AGREEMENTS

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

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

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

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

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

I. ACTIVITY COMPLETION TIMEFRAME

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

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

II. AUTHORITIES AND REFERENCES.

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

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

III. GRANT MANAGEMENT SYSTEM

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

The SUBGRANTEE's grant management system must:

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

IV. PROCUREMENT

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

V. AUDIT

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

VI. PAYMENT REQUEST PROCESS

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

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

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

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

VII. Match Verification

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

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

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

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

VIII. REPORTING REQUIREMENTS

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

WAIVERS

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

AMENDMENTS AND MODIFICATIONS

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

COMPLIANCE, TERMINATION AND OTHER REMEDIES

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

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

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

INDEMNIFICATION

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

2. The SUBGRANTEE, on behalf of itself and its successors and assigns, agrees to protect, save, and hold harmless NEMA and the State of Nebraska, and their authorized agents and employees, from all claims, actions, costs, damages, or expenses of any nature whatsoever by reason of the negligent acts, errors, or omissions of the SUBGRANTEE or its authorized representative, its contractors, subcontractors, assigns, agents, licensees, arising out of or in connection with any acts or activities authorized by this AGREEMENT. The SUBGRANTEE's obligation to protect, save, and hold harmless as herein provided shall not extend to claims or causes of action for costs, damages, or expenses caused by or resulting from the negligent acts, errors, or omissions of NEMA, the State of Nebraska, or any of their authorized agents or employees.

3. The SUBGRANTEE further agrees to defend NEMA, the State of Nebraska, and their authorized agents and employees against any claim or cause of action, or to pay reasonable attorney's fees incurred in the defense of any such claim or cause of action, as to which the SUBGRANTEE is required to protect, save, or hold harmless said parties pursuant to paragraph 2 of this part. The SUBGRANTEE's obligation to defend, or to pay attorney's fees for the defense of such claims or causes of action as herein provided, shall not extend to claims or causes of action for costs, damages, or expenses caused by or resulting from the negligent acts, errors, or omissions of NEMA, the State of Nebraska, or any of their authorized agents or employees.

ACKNOWLEDGMENTS

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

INDEPENDENT CONTRACTOR STATUS OF APPLICANT

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

RESPONSIBILITY FOR PROJECT

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

Nebraska Emergency Management Agency STATE FINANCIAL ANALYSIS HAZARD MITIGATION				
Declaration Number:		State of Nebraska	Project Application Number	
FEMA-	-DR-NE			Mark Appropriate Items:
				<input type="checkbox"/> Partial Claim
				<input type="checkbox"/> Final Claim
Applicant Subgrantee:				
	Local Share	Federal Share	Total	
PROJECT AMOUNT	\$ -	\$ -		
REIMBURSED TO DATE	\$ -	\$ -		
APPLICANTS CLAIM	\$ -	\$ -		
NET ADJUSTMENTS (+/-)	\$ -	\$ -	\$ -	
APPROVED COSTS	\$ -	\$ -	\$ -	
ADMINISTRATIVE				
AMOUNT DUE APPLICANT		\$ -	\$ -	
Comments and Exceptions:				
FEDERAL SHARE 75%, LOCAL SHARE 25% AND ADMINISTRATIVE ALLOWANCE				
Federal ID#:				
<i>All supporting documentation is on file in the Office of the Nebraska Emergency Agency and/or with the applicant.</i>				
State Hazard Mitigation Officer		Governor's Authorized Representative		Date

ASSURANCES - CONSTRUCTION PROGRAMS

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

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

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

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

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

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

NATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
LICANT ORGANIZATION	DATE SUBMITTED

ASSURANCES - NON-CONSTRUCTION PROGRAMS

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

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
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8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

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

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

Standard Form 424B (Rev. 7-97) Back

Version 7/03

**APPLICATION FOR
FEDERAL ASSISTANCE**

1. TYPE OF SUBMISSION: Application		2. DATE SUBMITTED	Applicant Identifier
<input type="checkbox"/> Construction	Pre-application	3. DATE RECEIVED BY STATE	State Application Identifier
<input type="checkbox"/> Non-Construction	<input type="checkbox"/> Construction	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier
	<input type="checkbox"/> Non-Construction		
5. APPLICANT INFORMATION			
Legal Name:		Organizational Unit:	
Organizational DUNS:		Department:	
Address:		Division:	
Street:		Name and telephone number of person to be contacted on matters involving this application (give area code)	
City:		Prefix:	First Name:
County:		Middle Name	
State:		Last Name	
Zip Code	Suffix:		
Country:		Email:	
6. EMPLOYER IDENTIFICATION NUMBER (EIN):		Phone Number (give area code)	Fax Number (give area code)
□□-□□□□□□□□			
8. TYPE OF APPLICATION:		7. TYPE OF APPLICANT: (See back of form for Application Types)	
<input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision		Other (specify)	
If Revision, enter appropriate letter(s) in box(es) (See back of form for description of letters.)		9. NAME OF FEDERAL AGENCY:	
Other (specify) <input type="checkbox"/> <input type="checkbox"/>			
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:	
TITLE (Name of Program):		□□-□□□□	
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.):			
13. PROPOSED PROJECT		14. CONGRESSIONAL DISTRICTS OF:	
Start Date:	Ending Date:	a. Applicant	b. Project
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
a. Federal	\$.00	a. Yes. <input type="checkbox"/> THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON	
b. Applicant	\$.00	DATE:	
c. State	\$.00	b. No. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372	
d. Local	\$.00	<input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
e. Other	\$.00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?	
f. Program Income	\$.00	<input type="checkbox"/> Yes If "Yes" attach an explanation. <input type="checkbox"/> No	
g. TOTAL	\$.00		
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.			
a. Authorized Representative			
Prefix	First Name	Middle Name	
Last Name		Suffix	
b. Title		c. Telephone Number (give area code)	
d. Signature of Authorized Representative		e. Date Signed	

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Standard Form 424 (Rev.9-2003)
Prescribed by OMB Circular A-102

INSTRUCTIONS FOR THE SF-424

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

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

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

Item:	Entry:	Item:	Entry:
1.	Select Type of Submission.	11.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.
2.	Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).	12.	List only the largest political entities affected (e.g., State, counties, cities).
3.	State use only (if applicable).	13.	Enter the proposed start date and end date of the project.
4.	Enter Date Received by Federal Agency Federal identifier number: If this application is a continuation or revision to an existing award, enter the present Federal Identifier number. If for a new project, leave blank.	14.	List the applicant's Congressional District and any District(s) affected by the program or project
5.	Enter legal name of applicant, name of primary organizational unit (including division, if applicable), which will undertake the assistance activity, enter the organization's DUNS number (received from Dun and Bradstreet), enter the complete address of the applicant (including country), and name, telephone number, e-mail and fax of the person to contact on matters related to this application.	15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.	16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
7.	Select the appropriate letter in the space provided. A. State B. County C. Municipal D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School District I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify) O. Not for Profit Organization	17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
8.	Select the type from the following list: • "New" means a new assistance award. • "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. • "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. If a revision enter the appropriate letter: A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration	18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)
9.	Name of Federal agency from which assistance is being requested with this application.		
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.		

STATE TREASURER ACH ENROLLMENT FORM

<p>Mail or Fax to:</p> <p style="margin-left: 40px;">DAS Accounting Attn: Dee Ward PO Box 94664 Lincoln, NE 68509-4664 Phone: 402-471-0603 Fax: 402-471-0887</p> <p style="text-align: center;"> <input type="checkbox"/> New <input type="checkbox"/> Change </p>	<p>If you have an questions when completing this form, please contact the State Treasurer's Office:</p> <p style="margin-left: 40px;">State Treasurer Attn: Treasury Management Rm. 2003, State Capitol Lincoln, NE 68509 Phone: 402-471-2455 Fax: 402-471-0816</p> <p style="text-align: right;"> <input checked="" type="checkbox"/> CTX or CCD+ </p>
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<p>The information below should be completed by the vendor. If there are any questions, please contact the State Treasurer's Office at 402-471-2455</p>	<p>It is the Financial Institution's responsibility to assure the accuracy of the following banking information. If there are any questions, please contact the State Treasurer's Office at 402-471-2455</p>
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<p><u>Vendor Information</u></p> <p>Name: _____</p> <p>Address: _____</p> <p>_____</p> <p>Federal Tax ID #: _____</p> <p>Contact Person: _____</p> <p>Phone #: _____</p> <p>Fax #: _____</p> <p>May this authorization be used for? (check one)</p> <p><input type="checkbox"/> All payments by the State of Nebraska</p> <p><input type="checkbox"/> Only payments listed below:</p> <p style="margin-left: 40px;">Nebraska Emergency Management Agency</p>	<p><u>Financial Institution Information</u></p> <p>Name: _____</p> <p>Address: _____</p> <p>_____</p> <p>ACH Coordinator: _____</p> <p>Phone #: _____</p> <p>Fax #: _____</p> <p>Nine Digit Routing Transit #: _____</p> <p>Depositor Account #: _____</p> <p>Depositor Account Title: _____</p> <p>Type of Account: <input type="checkbox"/> Checking <input type="checkbox"/> Savings</p>
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It is the responsibility of the state vendor to obtain the ACH payment related remittance information from their financial institution. The State of Nebraska sends this information through the ACH network with the payment to your financial institution. Please contact the ACH department at your financial institution regarding the services your bank provides to obtain the payment information.

<p>(Please Print or Type – Signature Required)</p> <p>Vendor Signature: _____</p> <p>Name: _____</p> <p>Title: _____</p> <p>Date: _____</p>	<p>(Please Print or Type – Signature Required)</p> <p>Bank Signature: _____</p> <p>Name: _____</p> <p>Title: _____</p> <p>Date: _____</p>
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State of Nebraska Hazard Mitigation Grant Program Subgrantee Quarterly Progress Report				
SUBGRANT AND SUBGRANTEE INFORMATION				
Grant (Disaster) Number:		Reporting Period	Report Date	
Subgrant (Project) Number:				
Project Title:				
Project Description:				
SUBGRANTEE POINT OF CONTACT INFORMATION				
Name:		Title:		
Phone Number:		Email:		
PROJECT COSTS				
Select Cost Code:				
	Total Project	Federal Share	Non-Federal Share	Subgrantee Administrative Allowance
Total Amount Awarded:				
Total Amount Requested to Date:				
Total Amount Received to Date:				
Total Reimbursement Request This Quarter				
APPROVED WORK SCHEDULE (PROVIDED IN APPLICATION)				
Select Overall Status Code:				
Percentage Complete:				
Activity Completion Due Date:				
Revised Activity Completion Due Date (If applicable):				
Milestone Description	Approved Application Timeframe	Select Milestone Status Code	Due Date	Actual Completion Date
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				
Provide a brief explanation of project activities to date; include any delays or cost changes that would affect project completion.				
If delays have been encountered, please select from the list below whether an extension is anticipated. Please note, selection does not guarantee an extension approval will be granted. All funds incurred after the approved activity completion due date are unallowable. See extension worksheet for further details.				

Signature (Authorized Representative)

Date

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

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

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

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

State of Nebraska Hazard Mitigation Grant Program Subgrantee Extension Request Form	
CONSIDERATIONS AND CRITERIA FOR REQUESTING A TIME EXTENSION	
1	If unable to complete the project within the approved activity completion timeframe, the subgrantee must submit a formal written request for a time extension with justification to the State Hazard Mitigation Officer. Provided below are criteria which must be completed to facilitate the review of the extension request.
2	This request must be received by FEMA no later than 60 days prior to the expiration of the activity completion timeframe, therefore requests must be submitted to NEMA within 75 days of the expiration.
3	Requests for time extensions will be considered but will not be granted automatically and must be supported with adequate justification in order to be processed.
4	Failure to submit an extension request will result in a de-obligation of any funds not disbursed by the grantee within the approved activity completion timeframe. A subgrantee/grantee may not expend FEMA funds after the expiration of the grant performance period unless an extension is approved by FEMA.
5	The justification is a written explanation of the reason or reasons for the delay; an outline of the remaining project funds available to support the extended performance period; and a description of performance measures necessary to complete the project. Without adequate justification, extension requests will not be processed.
7	Verification is required to ensure "NO CHANGE TO THE SCOPE OF WORK (SOW)". A change to the approved SOW requires prior approval from FEMA. Any costs incurred as a result of an un-authorized SOW change will be disallowed.

SUBGRANT AND SUBGRANTEE INFORMATION

SUBGRANT INFORMATION		SUBGRANTEE POINT OF CONTACT INFORMATION	
Grant (Disaster):		Name:	
Subgrant (Project):		Title:	
Project Title:		Phone:	
Project Description:		Email:	

(1) STATUS OF ON-GOING ACTIVITY

Select Overall Status:	
Percentage of Completion:	
Identify any prior change requests submitted but not yet approved:	

(2) REASONS FOR DELAY

Provide a brief description below of circumstances encountered in project non-completion. For additional justification, provide a separate sheet and attach.

(3) PROJECT COMPLETION

APPROVED WORK SCHEDULE (PROVIDED IN APPLICATION)

Milestone Description	Approved Application Timeframe	Milestone Status Code	Due Date	Revised Due Date (Requested)	Actual Completion Date
1					
2					
3					
4					
5					
6					
7					
8					
9					
10					

REVISED WORK SCHEDULE (IF NECESSARY)

Identify additional objectives/milestones (and associated completion dates) necessary to complete the project.

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

Signature (Authorized Representative) _____ Date _____

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

Sample Milestones for the Acquisition of Residential Structures

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

Quarterly Report Performance Period Date

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

Work Schedule (Milestones)

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

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

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

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

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

Quarterly report Performance Period Date

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

Work Schedule (Milestones)

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

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

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

Sample Milestones for a Tornado Shelter Project

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

Quarterly Report Performance Period Date

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

Work Schedule (Milestones)

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

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

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

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

Phase Project Approval

Phase I, Design, this is funding to complete the architectural and engineering (design) of the shelter. This phase will be coordinated with FEMA to ensure the design is in accordance with the Design and Construction Guidance for Community Shelters FEMA 361. No Construction may proceed until FEMA reviews and approves the design.

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

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

Quarterly Report Performance Period Date

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

Work Schedule (Milestones)

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

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

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

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

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

Sample Milestones for Planning Projects

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

Quarterly Report Performance Period Date

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

Work Schedule (Milestones)

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

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

Form **W-9**
(Rev. January 2005)
Department of the Treasury
Internal Revenue Service

**Request for Taxpayer
Identification Number and Certification**

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

Print or type
See Specific Instructions on page 2.

Name (as shown on your income tax return)	
Business name, if different from above	
Check appropriate box: <input type="checkbox"/> Individual/ Sole proprietor <input type="checkbox"/> Corporation <input type="checkbox"/> Partnership <input type="checkbox"/> Other ▶	
<input type="checkbox"/> Exempt from backup withholding	
Address (number, street, and apt. or suite no.)	Requester's name and address (optional)
City, state, and ZIP code	
List account number(s) here (optional)	

Part I Taxpayer Identification Number (TIN)

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

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

Social security number
OR
Employer identification number

Part II Certification

Under penalties of perjury, I certify that:

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

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

Sign Here

Signature of U.S. person ▶

Date ▶

Purpose of Form

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

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

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),
2. Certify that you are not subject to backup withholding,
- or
3. Claim exemption from backup withholding if you are a U.S. exempt payee.

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

For federal tax purposes you are considered a person if you are:

- An individual who is a citizen or resident of the United States,
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States, or

• Any estate (other than a foreign estate) or trust. See Regulations sections 301.7701-6(a) and 7(a) for additional information.

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

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

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items:

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.
2. The treaty article addressing the income.
3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.

4. The type and amount of income that qualifies for the exemption from tax.

5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

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

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

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 28% of such payments (after December 31, 2002). This is called "backup withholding." Payments that may be subject to backup withholding include interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

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

Payments you receive will be subject to backup withholding if:

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

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

Penalties

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

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

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

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

Specific Instructions

Name

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

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

Sole proprietor. Enter your individual name as shown on your social security card on the "Name" line. You may enter your business, trade, or "doing business as (DBA)" name on the "Business name" line.

Limited liability company (LLC). If you are a single-member LLC (including a foreign LLC with a domestic owner) that is disregarded as an entity separate from its owner under Treasury regulations section 301.7701-3, enter the owner's name on the "Name" line. Enter the LLC's name on the "Business name" line. Check the appropriate box for your filing status (sole proprietor, corporation, etc.), then check the box for "Other" and enter "LLC" in the space provided.

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

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

Exempt From Backup Withholding

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

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

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

Exempt payees. Backup withholding is not required on any payments made to the following payees:

1. An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2),
 2. The United States or any of its agencies or instrumentalities,
 3. A state, the District of Columbia, a possession of the United States, or any of their political subdivisions or instrumentalities,
 4. A foreign government or any of its political subdivisions, agencies, or instrumentalities, or
 5. An international organization or any of its agencies or instrumentalities.
- Other payees that may be exempt from backup withholding include:
6. A corporation,

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

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

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

¹See Form 1099-MISC, Miscellaneous Income, and its instructions.

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

Part I. Taxpayer Identification Number (TIN)

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

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

If you are a single-owner LLC that is disregarded as an entity separate from its owner (see *Limited liability company (LLC)* on page 2), enter your SSN (or EIN, if you have one). If the LLC is a corporation, partnership, etc., enter the entity's EIN.

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

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

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

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

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

Part II. Certification

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

For a joint account, only the person whose TIN is shown in Part I should sign (when required). Exempt recipients, see *Exempt From Backup Withholding* on page 2.

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

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

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

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

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

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

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

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

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

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

⁴ List first and circle the name of the legal trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.)

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

Privacy Act Notice

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

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

CONSIDERATIONS REGARDING ACQUISITION OF FLOODPLAIN REAL PROPERTY

1. References:

44 CFR Part 206.434

44 CFR 80, FEMA Property Acquisition and Relocation for the Purpose of Open Space

Property Acquisition Handbook for Local Communities, FEMA 317, October 1998

FEMA 345/October 1999 Hazard Mitigation Grant Program Desk Reference

44 CFR Parts 10, 13, and 14

OMB Circular A-133

2. Policy Guidance:

Buyout HMG Project applications should address the following points:

- a. All floodplain property sellers are voluntary participants in the acquisition and/or relocation of real property. Reference must be made that Acquisition and/or Relocation projects are voluntary. This must be clearly established in the project documents.
- b. In accordance with 44 CFR Part 80, the following restrictive covenants shall be conveyed in the real property deed: (See Attachment 1 to Appendix 2)
 - (1) The following restrictive covenants shall be conveyed in the deed to any property acquired, accepted, or from which structures are removed (hereafter called "the property"):
 - (a) The property shall be dedicated and maintained in perpetuity for uses compatible with open space, recreational or wetlands management practices; and
 - (b) No new structure(s) will be built on the property except as indicated below:
 - 1) A public facility that is open on all sides and functionally related to a designated open space or recreational use;
 - 2) A public rest room; or

- 3) A structure that is compatible with open space, recreational, or wetlands practices, which the Director approves in writing before the construction of the structure begins.
- 4) The premises shall remain in public ownership.
- (c) After completion of the project, no application for additional disaster assistance shall be made for any purpose with respect to the property to any Federal entity or source, and no Federal entity or source will provide such assistance.
- (d) The subgrantee accepts responsibility for monitoring and enforcing the deed restriction and/or easement language. Every three years the subgrantee will submit to FEMA through the State, a report certifying that the subgrantee has inspected the property within 30 days of the report and that the property continues to be maintained consistent with the provisions of the grant.
- (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, pervious parking lots, and buffer zones.
- (3) Any structures built on the property according to the above paragraph (d) 1) of this section, shall be flood proofed or elevated to the Base Flood Elevation plus at a minimum one foot of freeboard.
- (4) In order to carry out the tasks associated with monitoring the open space requirement the State will have the right to enter the parcel, with notice to the parcel owner. Subgrantees may identify the open space nature of the property on local tax maps to assist with monitoring. Whether the subgrantee obtains full title or a conservation easement on the parcel the State must work with the subgrantee to ensure that the parcel owner maintains the property in accordance with the land use restrictions.
- c. Acquisition lands shall be managed in full compliance with all land use and floodplain management regulations.
- d. HMGP grants for acquisition of floodprone property cannot be made available in certain communities which do not participate in the National Flood Insurance Program (NFIP). Federal grants cannot be given for acquisition or construction purposes if the site is located in a designated special flood hazard area which has been identified by the Director for at least one year and the community is not participating in the NFIP. However, if the community qualifies for and enters the NFIP during the six-month period following the major disaster declaration, a grant application may be considered by the State. FEMA recommends that the States

give priority to those communities that were participating in good standing in the NFIP before the disaster and are complying with NFIP requirements during reconstruction.

e. Environmental Matters

- (1) To comply with the National Environmental Policy Act (NEPA), FEMA must conduct an environmental review of the proposed acquisition or relocation. Depending on the scope of the project, the review is documented in one of three forms:
- (a) A memorandum to the file indicating that the project is categorically excluded;
 - (b) An Environmental Assessment (EA); or
 - (c) An Environmental Impact Statement (EIS).

FEMA has published an amendment to its categorical exclusions (44 CFR Part 10) which excludes projects involving only the acquisition of properties and the demolition of structures from the need to perform an environmental assessment. Projects meeting this exclusion will generally require only a memorandum to the file, signed by the Regional Director, indicating the applicability of the categorical exclusion and compliance with other laws, such as the National Historic Preservation Act, the Endangered Species Act, and the Clean Water Act. FEMA and the State or applicant must coordinate with the State Historic Preservation Officer on all acquisition projects to ensure compliance with the Section 106 process. Projects involving actual structure relocation's or new site developments will require an EA or EIS.

In addition to the elements identified at 44 CFR Part 10.9 and 10.10, the environmental review document should contain descriptions of how the project meets the minimum requirements listed above, how the project was coordinated with other programs and agencies, and what the disposition of the property and structures will be. If the project involves the physical relocation of a structure to a new site, the environmental review should discuss the impacts to both the old site and the new one.

- (2) If a community is considering purchasing commercial or agricultural property, it should ensure that the owner provides information identifying what, if any, hazardous materials are on the property. The community should require the owner to remove hazardous materials and containers, before purchasing such properties. FEMA funds cannot be used to purchase contaminated property. The owner must certify that any contamination has been cleaned up to meet Federal and State standards

before the community can purchase any interest (including an easement for development rights) in the property. When the community purchases an easement for development rights only, the seller must agree to indemnify FEMA and the community for any liability arising from contamination of the property.

- f. For each property identified for acquisition, the subgrantee should establish and document a fair market value. The value must be derived from a reasonable methodology that has been consistently applied throughout the community, such as independent appraisals, opinions of value, or a formula based on tax assessments. FEMA should coordinate with the State and the subgrantee in their determination of whether the valuation should be based on pre- or post-flood market value. However, all appraisals for the HMGP project should be based on the same terms.

The subgrantee should ensure that all property owners are treated fairly and are offered an equitable package of benefits. During major disaster recovery when purchasing flood damaged property the subgrantee must make certain deductions from the established fair market value before making a purchase offer. However, in these situations FEMA offers the State the option of providing a credit to property owners with flood insurance. Thus, the subgrantee would allow the property owner to retain an amount from the flood insurance claim settlement equal to up to five years of flood insurance premiums actually paid by the current property owner for a National Flood Insurance Policy for structure coverage. (Normally the subgrantee must deduct the entire flood insurance settlement awarded for structure repair from the purchase offer in accordance with duplication of benefits procedures.) The amount retained would be in no case greater than the amount paid as claim settlement for building damage to the property; nor would it be more than premiums actually paid by the property owner for structure (as opposed to contents) coverage for the preceding five year period.

The subgrantee should inform each property owner of what it considers to be the fair market value of the property. The subgrantee may wish to set a time limit with the property owner for the validity of a purchase offer. If the current property owner purchased the flood-damaged property after the disaster declaration, then the community cannot offer the owner more than the post-flood fair market value, i.e. the amount paid by the current owner for the damaged property.

The subgrantee must conduct a title search for each property to ensure that there are no mortgages or liens outstanding at the time of sale. The Subgrantee Administrative Plan should include this stipulation.

- g. The Uniform Relocation Assistance and Real Property Acquisition Policies Act (URA) mandates that property owners receive just compensation for their property and relocation assistance from Federal acquisition programs. The URA also sets specific time limits and places other requirements on the acquiring agency. There are exceptions to the provisions of the URA, however, for

voluntary transactions which meet the specific criteria found at 44 CFR Part 90. This exception requires that the acquiring agency (subgrantee) inform the property owner in writing:

- (1) That it will not use its power of condemnation to acquire the property in the event negotiations fail; and
- (2) What it believes to be the fair market value of the property.

Note: The Hazard Mitigation and Relocation Assistance Act of 1993 provides a special exemption for acquisition and relocation projects implemented as a result of the Midwest flood disasters of 1993. This means that for those particular disasters, the URA does not apply if the following criteria are met:

- (a) The purchasing agency (subgrantee) notifies the property owner in writing that it will not use its power of condemnation to acquire the property;
- (b) The project is carried out by or through a State or unit of general local government; and
- (c) Assistance is provided to the project through FEMA or another Federal agency in response to the disaster.

Although HMGP projects must meet the above criteria for voluntary programs, thus allowing an exception to URA provisions, FEMA recommends that the property owner and the subgrantee sign a Voluntary Transaction Agreement (Attachment 1). This ensures that the property owner understands that they are not automatically eligible for additional relocation benefits beyond the purchase price of the property.

h. Mandatory URA Assistance for Displaced Tenants

Tenants who must relocate as a result of acquisition of their pre-flood housing are entitled to URA relocation benefits (such as moving expenses, replacement housing rental payments, and relocation assistance advisory services), regardless of the owner's voluntary participation. For details on these requirements, see 49 CFR Part 24, Subpart C.

A tenant displaced from a dwelling due to a FEMA funded acquisition project is entitled to rental assistance if:

- (1) That tenant occupied the displacement dwelling for 90 days preceding the negotiations for acquisition of the property; and

- (2) The tenant rents or purchases and occupies a decent, safe, and sanitary replacement dwelling within one year after the date he or she moves out of the original dwelling.

The amount of assistance the community must pay to the tenant is derived from 49 CFR Part 80. The URA states that an eligible displaced tenant is entitled to:

- (a) Reasonable out-of-pocket moving expenses; and
- (b) Compensation for a reasonable increase in rent and utility costs incurred in connection with the relocation.

Compensation for rent increase shall be 42 times the amount which is obtained by subtracting the “base monthly rent” for the displacement dwelling from the monthly rent and average monthly cost of utilities for a comparable replacement dwelling, or the decent, safe, and sanitary replacement dwelling now occupied by the displaced person. The rental increase payment may not exceed a total of \$5,250. Communities may exceed this limit in extraordinary circumstances, if necessary to ensure that a displaced tenant will be able to obtain and retain a decent, safe, and sanitary comparable unit outside of the floodplain.

The “base monthly rent” for the displacement dwelling is the lesser of the average monthly cost for utilities plus the rent at the displacement dwelling as determined by the Agency, or 30% of the tenant’s (the URA regulations define tenant as any individual, family, partnership, corporation, or association) average gross household income.

A rental assistance payment may, at the subgrantee’s discretion, be disbursed in either a lump sum or in installments. However, if any HUD programs are providing partial funding for the project, rental assistance payments may not be disbursed in a lump sum.

If the tenant chooses to purchase a comparable replacement dwelling, he or she may apply the amount of rental assistance to which they would be entitled towards the downpayment.

i. Subgrantee Administrative Plan

Each community/subgrantee must develop a Local Administrative Plan that details the local level management of the HMGP. The subgrantee should work closely with the State Hazard Mitigation Officer to ensure that procedures and management systems are consistent with the State Administrative Plan. At a minimum the local Administrative Plan should include:

- (1) A copy of the adopted local ordinance which supports the efforts of the grant project.
- (2) The procedure and method to establish individual files for all participants in a buyout/relocation effort. Communication with all funding agencies to ensure that duplicate procedures are combined into one. For example, one filing system for all funding sources, if allowable.
- (3) The accounting procedures to request funds from the state, track budget expenditures, etc. If terms and conditions of the grant approval include the potential to generate program income, the subgrantee should develop a plan of action to ensure the generated income is processed in accordance with agency guidelines.
- (4) Staffing needs to accomplish project. If projected need is higher than the administrative award within the HMGP, the needed positions must be clearly outlined. For example: position description, budget needs, length of time, etc. Indication of community participation in other Emergency Management Programs. If yes, communities are cautioned against using staff funded under other Emergency Management programs for HMGP.
- (5) Development of the procedure and method to be used to determine the purchase price of a structure. The procedure should include any optional funds being offered to participants in the program and the method used to determine the base amounts. A strategy that outlines priority of offering. For example, homeowners in temporary housing should be prioritized for purchase first. Length of time purchase offer is available.
- (6) Procedure to avoid duplication of benefits that individuals or businesses may have received prior to implementation of the grant agreement.
- (7) A stipulation that homeowners must vacate the structure on or before the day the purchase agreement is signed. Establishment of a procedure to assist any tenants in the buyout program in their relocation.
- (8) Development of appropriate deed language to ensure all restrictions are in accordance with this guidance (See Attachment 1). In addition, consider the purchase of Title Insurance with each home purchased.
- (9) A statement that public ownership of floodprone land is the intent of the program. Policy issued by FEMA Region VII states that no reconveyance of land from public entity to private entity will be allowed.
- (10) A method to handle salvage value that is in accordance with federal and state regulations. A procedure to accomplish demolition of structures purchased. The procedure should adopt existing policies and regulations from agencies that support the demolition efforts. If the demolition will be funded with HMGP funds, payment will be withheld at FEMA for this

activity until all clearances/permits are acknowledged. We recommend that the subgrantee request asbestos inspection for all buyout homes prior to purchase. The cost for removal or treatment of the asbestos could have a significant impact on the cost of the project. The fire department may be trained in inspection/removal procedures; check with local agencies.

- (11) A procedure to ensure historic structures will be protected until a mitigation decision is reached.
- (12) A procedure to ensure that all amendments to the scope of work will be done in accordance with grant regulations. Amendments include budget and performance.
- (13) A time line inclusive of goals and milestones that sets the projected close-out date for the project.

j. Duplication of Benefits

- (1) In the administration of HMGP grants for property acquisition, FEMA and the grantee should avoid any duplication of benefits with other forms of assistance. FEMA's policy on duplication of benefits for individuals and families is mandated by Section 312 of the Stafford Act and is set forth in 44 CFR Part 206.191.
- (2) Financial payments paid to homeowners for structural repairs to the flooded property will be deducted from the pre-flood appraisal or the replacement housing payment if not used for the intended purpose. The types of grants that will be considered advances toward the purchase price or replacement housing payment if receipts cannot be provided indicating proceeds were used for intended purpose include:
 - (a) FEMA's Individuals and Households Program (IHP)

The FEMA Individuals and Households Program is designed to assist households so they may be safely housed and to cover necessary expenses and serious needs following the effects of a disaster. To be initially considered for any type of FEMA IHP assistance, the affected home must be a primary residence, the home must be located in the declared disaster area, and necessary expense or serious need must have occurred in the declared area, and the applicant must be a United States citizen, a non-citizen national, or a qualified alien.

Under the program there are two types of assistance, Housing Assistance (includes Temporary Housing, Repair, Replacement, and Permanent Housing Construction); and Other Needs

Assistance (includes personal property, medical, dental, funeral, and other items).

(b) National Flood Insurance Program (NFIP) Settlements NFIP deductions will be researched and figured for any homeowner involved in the buyout that received NFIP settlements for real property. Only real property settlements will be deducted unless the owner has already made repairs and can verify with receipts.

(c) Small Business Administration

All loans for real property that have been disbursed prior to closing will be repaid to SBA, provided there is a balance of funds after all other deductions. If there are any net proceeds after other lienholder deductions, these proceeds must be applied to the outstanding SBA loan. The proceeds will be applied until they are exhausted or the loan is paid off, whichever comes first.

(3) The procedure for preventing the duplication of primary provider benefits follows.

- (a) The subgrantee provides for the State and/or FEMA with a list of property owners who are participating in the property purchase program.
- (b) The subgrantee (with the advice and assistance of the State and FEMA) should establish the fair market value of the property.
- (c) The State and/or FEMA will inform the subgrantee of the amount of assistance (from primary providers) provided to each property owner as a result of the same event initiating the acquisition project.
- (d) If insurance payments (to include private insurance for wind damage and/or flood claims), IHP grants and/or other disaster assistance were awarded for the purpose of making repairs to a structure, the subgrantee must reduce the purchase offer by the amount of the awards. Reductions should not be taken, however, for repairs which the homeowner can show (with receipts) were actually made.
- (e) Property owners who have SBA loans are either required to repay the loan or roll it over to a new property at closing.

This procedure does not amount to the repayment of primary provider grant assistance (i.e. in insurance settlements, etc.). The property owner may keep these benefits, but the Section 404 program cannot duplicate them by paying full pre-flood fair market

value for the property. If the community is paying the post-flood fair market value of the property, no deductions for primary provider benefits are necessary.

- (4) The Duplication of Benefits process is a critical step in all buyout programs. The subgrantee makes the preliminary Duplication of Benefits Research Request which must be submitted to FEMA Region VII as shown in Attachment 3 this Appendix. The seller must sign the Disclosure form so that the information can be released.
- (5) After FEMA Region VII has received the request for duplication of benefits information a Settlement Sheet as shown in Attachment 4 will be prepared and mailed to the subgrantee (a copy of this form should also be provided to NEMA).

k. Disposition of Property

(1) Property Title and Reconveyance

Depending upon the scope of the project, title to the property is treated in one of two ways:

Full title is acquired or accepted by a public entity (the community, a land trust organization, a State agency, etc); or

The subgrantee acquires all development rights to the property, with the original owner retaining only the right to make use of the property for farming or quiet enjoyment.

The subgrantee or other public property owner will seek the approval of the State grantee agency and the FEMA Regional Director before conveying ownership of the property to any other party. All development rights to the property must be retained by the subgrantee or other public entity. The FEMA Regional Director will only approve the transfer of properties that meet the criteria identified above.

Note: In situations where the community is only acquiring development rights to the property, they can provide the property owner an additional incentive to accept the offer by:

- (a) Paying to physically relocate the damaged structure to a new site outside of the floodplain; or
- (b) Paying the pre-flood value of the structure and demolition and removal costs.
- (c) Deed Restriction and Applicant Responsibility

As a condition of receiving the grant, the applicants (community and State) shall enter into an agreement with FEMA that assures:

- (a) The property acquired, accepted, or from which structures are removed must carry a permanent deed restriction providing that the property be maintained for open space, recreational, or wetlands management purposes only;
- (b) The deed restriction must also stipulate that no future disaster assistance for any purpose from any Federal source will be sought or provided with respect to the property (Insurance claims such as NFIP and Federal Crop Insurance are not considered disaster assistance);
- (c) The deed restriction must also stipulate that no new structures will be erected on the property other than a public facility that is open on all sides or is a rest room and is functionally related to open space (structures that are wall ed on all sides must meet NFIP minimum requirements);
- (d) In fee simple transactions, the deed restriction must also stipulate that the new titleholder must obtain approval of the State grantee agency and the FEMA Regional Director before conveying ownership of the property to another public entity. Property transfer to private citizens and corporations will NOT be approved. All development rights to the property must be retained by the subgrantee or other public entity.
- (e) The subgrantee shall ensure that all structures be removed from the property within 90 days of closing and disposed of in accordance with applicable laws. (The FEMA Regional Director can grant an exception to this requirement if extenuating circumstances exist); and
- (f) The subgrantee accepts responsibility for monitoring and enforcing the deed restriction and/or easement language.

Allowable open space uses can include, but are not limited to parks, nature preserves, cultivation, grazing, and unimproved, permeable parking areas.

The demolition and debris removal related to acquired structures may be eligible for reimbursement under FEMA's Infrastructure Support program if the structures represent a health and safety hazard. If costs of demolition do not qualify for Infrastructure Support, they can be cost-shared under the Section 404 program. If any parts of the structure are sold for salvage value, this amount is deducted from the total cost of the project.

The Subgrantee (or whoever holds legal title to the property) must provide for the continued maintenance (and costs of such) of the property once the initial debris removal, vegetative site stabilization, and new landscaping are complete.

The FEMA Regional Administrator may approve, on a case-by-case basis, the erection of structures which have not meet the criteria above before commencement of construction. However, the structure must be constructed in compliance with the community's floodplain management ordinance, meet NFIP minimum requirements, and be compatible with open space uses and floodplain management policies and practices.

- I. Typical questions and answers concerning features of property acquisition under HMGP procedures are included as Attachment 5.

Statement of Voluntary Participation for Acquisition of Property of Open Space

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

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

This Agreement shall expire on (date of closing) _____, unless Seller has voluntarily sold property to the Subgrantee by that date.

Property Owner Signature _____
Date _____

Property Owner Signature _____
Date _____

Subgrantee's Authorized Agent Signature _____
Date _____

FEMA Model Deed Restriction

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

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

Exhibit A

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

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

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

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

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

Whereas, the [*local government*], acting by and through the [*local government*] Board, has applied for and been awarded federal funds pursuant to an agreement with [State] dated [date] ("State-Local Agreement"), and herein

incorporated by reference, making it a mitigation grant program subgrantee;

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

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

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

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

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

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

ii. A public rest room; or

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

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

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

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

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

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

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

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

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

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

2. Inspection. FEMA, its representatives and assigns including the State or Tribe shall have the right to enter upon the Property, at reasonable times and with

reasonable notice, for the purpose of inspecting the Property to ensure compliance with the terms of this part, the Property conveyance and of the grant award.

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

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

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

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

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

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

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

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

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

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

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

Grantor's Signature _____

Date _____

Name (printed or typed) _____

Grantee's Signature _____

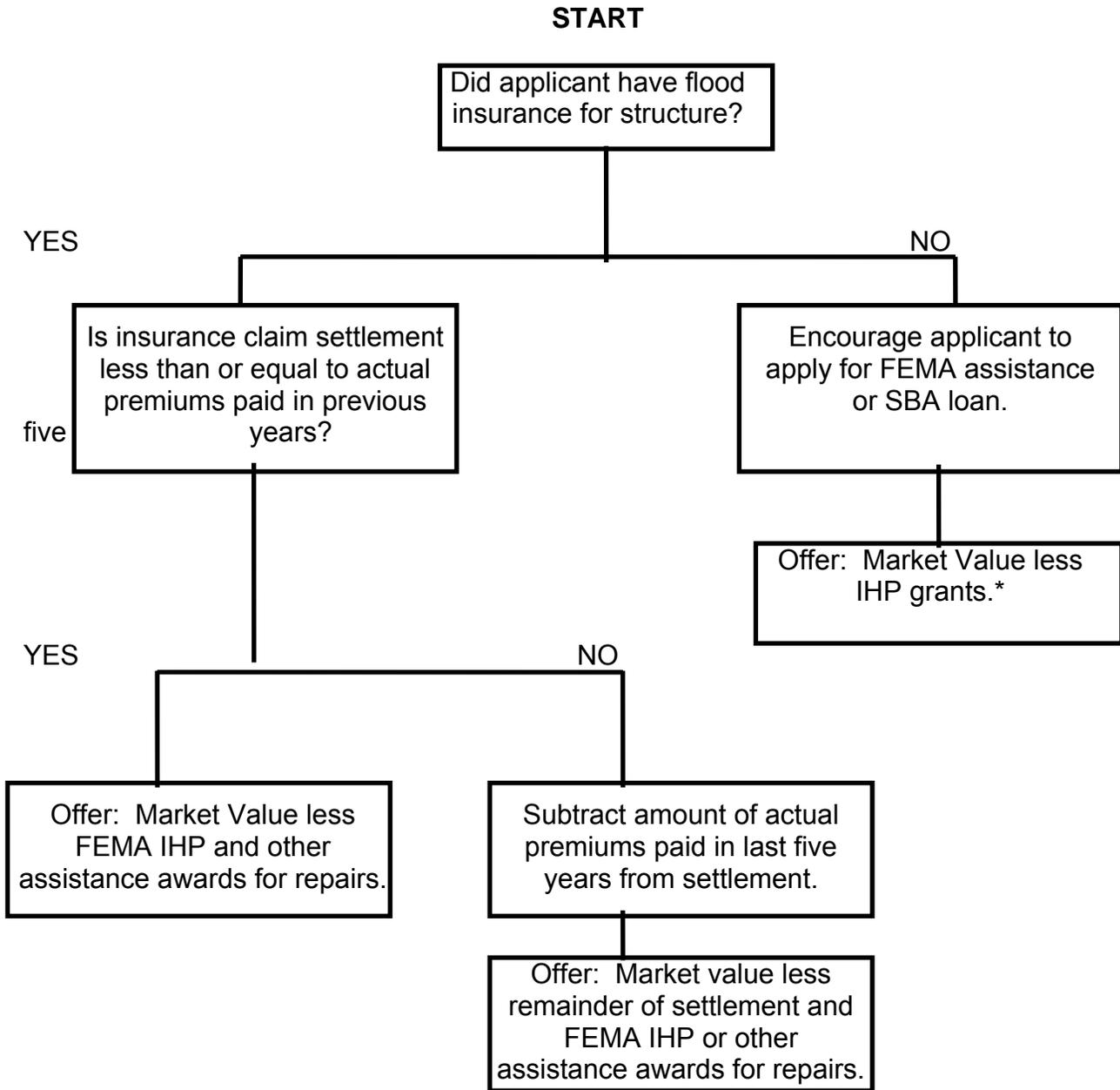
Date _____

Grantee's Name _____

Grantee's Title _____

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

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



(Date)

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

RE: Duplication of Benefits
(Name)

Dear (Name):

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

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

Sincerely,

(Name)
(Title)

Enclosure

BENEFITS DISCLOSURE FORM

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

SELLER(s)

X _____

X _____

Witness:

Model Statement of Assurances for Property Acquisition Projects

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

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

Name of Project Sub-Applicant: _____
State of Nebraska

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

1. Will ensure that participation by property owners is voluntary. The prospective participants have been informed in writing that participation in the program is voluntary, that the Sub-applicant will not use its eminent domain authority to acquire their property for the project purposes should negotiations fail;
2. Will ensure each property owner will be informed, in writing, of what the Sub-applicant considers to be the fair market value of the property. The Sub-applicant will use the Model Statement of Voluntary Transaction to document this and will provide a copy for each property after award;
3. Will accept all of the requirements of the FEMA grant and the deed restriction governing the use of the land, as restricted in perpetuity to open-space uses. The Sub-applicant will apply and record a deed restriction on each property in accordance with the language in the FEMA Model Deed Restriction. The community will seek FEMA approval for any changes in language differing from the Model Deed Restriction.
4. Will ensure that the land will be unavailable for the construction of flood damage reduction levees and other incompatible purposes, and is not part of an intended, planned, or designated project area for which the land is to be acquired by a certain date;
5. Will demonstrate that it has consulted with the US Army Corps of Engineers regarding the subject land's potential future use for the construction of a levee system, and will reject future consideration of such use if it accepts FEMA assistance to convert the property to permanent open-space;
6. Will demonstrate that it has coordinated with its State Department of Transportation to ensure that no future, planned improvements or enhancements to the Federal aid systems are under consideration that will affect the subject property;

7. Will remove existing structures within 90 days of settlement;
8. Post grant award, will ensure that a property interested is conveyed only with the prior approval of the FEMA Regional Director and only to another public entity or to a qualified conservation organization pursuant to 26 CFR 1.170A-14;
9. Will submit every three years to the Grantee, who will then submit to the FEMA Regional Director, a report certifying that it has inspected the subject property within the month preceding the report, and that the property continues to be maintained consistent with the provisions of the grant. If the subject property is not maintained according to the terms of the grant, the Grantee and FEMA, its representatives, designated authorities, and assigns are responsible for taking measures to bring the property back into compliance; and
10. Will not seek or accept the provision of, after settlement, disaster assistance for any purpose from any Federal entity with respect to the property, and FEMA will not distribute flood insurance benefits for that property for claims related to damage occurring after the date of the property settlement.

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

Type Name of Authorized Agent Title

Signature

Date Signed

Last Modified: Friday, 05-Oct-2007 13:13:31 EDT