



**FEMA**

July 1, 2015

Mr. Albert M. Lisko, Jr.  
Alternate Governor's Authorized Representative  
West Virginia Division of Homeland Security  
and Emergency Management  
1900 Kanawha Blvd., East  
Building 1, Room EB-80  
Charleston, West Virginia 25305-0360

Dear Mr. Lisko:

This is in response to the West Virginia's revised Hazard Mitigation Grant Program (HMGP) Administrative Plan for FEMA-4220-DR-WV submitted by your office on June 15, 2015. After careful review by my staff, I am pleased to report that the plan has been approved with the understanding that updates will follow for subsequent declarations. We are looking forward to working with your staff to expedite approval of any revisions.

Your continued support of mitigation programs and your efforts in establishing a successful Hazard Mitigation Grant Program (HMGP) are greatly appreciated. If you have any questions, please contact Nancy Carpenter, Hazard Mitigation Assistance Branch Chief, at (215) 931-5508.

Sincerely,

A handwritten signature in black ink, appearing to read "Kari Suzann Cowie".

Kari Suzann Cowie  
Federal Coordinating Officer/  
Disaster Recovery Manager  
FEMA-4220-DR-WV

cc: Brian Penix, West Virginia State Hazard Mitigation Officer  
Eugene Gruber, FEMA Region III Mitigation Division Director  
Nancy Carpenter, FEMA Region III Hazard Mitigation Assistance Branch Chief



STATE OF WEST VIRGINIA  
DEPARTMENT OF MILITARY AFFAIRS  
AND PUBLIC SAFETY  
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June 15, 2015

Kari Suzann Cowie  
National Federal Coordinating Officer/  
Disaster Recovery Manager  
FEMA-4220-DR-WV

Dear Ms. Cowie:

Please accept for review and consideration the enclosed Hazard Mitigation Grant Program (HMGP) Administrative Plan for the Severe Storm, Flooding, Landslides and Mud Slides (FEMA-4220-DR-WV)

The Administrative Plan establishes the State of West Virginia's post-disaster procedures for administering obligated HMGP funding and managing the implementation of mitigation projects in accordance with Title 44 of the Code of Federal Regulations (44 CFR) and the mitigation strategy of the 2013 West Virginia Statewide Standard All-Hazards Mitigation Plan, respectively.

If you have any questions about the HMGP Administrative Plan, please contact Brian Penix, State Hazard Mitigation Officer, at (304) 957-2572 or [brian.m.penix@wv.gov](mailto:brian.m.penix@wv.gov).

Sincerely,

A handwritten signature in cursive script that reads "Albert M. Lisko, Jr.".

Albert M. Lisko, Jr.  
Alternate Governor's Authorized Representative

**State of West Virginia Administrative Plan for the  
Hazard Mitigation Grant Program**

**FEMA-4220-DR-WV  
Declared on May 18, 2015**

**Submitted by:**

**State of West Virginia  
Department of Military Affairs  
and Public Safety  
Division of Homeland Security  
and Emergency Management  
Building 1, Room EB-80  
1900 Kanawha Blvd., East  
Charleston, West Virginia 25305-0360**

**STATE OF WEST VIRGINIA**  
**ADMINISTRATIVE PLAN**  
**FOR THE**  
**HAZARD MITIGATION GRANT PROGRAM**

**I. INTRODUCTION**

Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (P.L. 100—707) was enacted on November 23, 1988, thereby establishing the Hazard Mitigation Grant Program (HMGP). The HMGP program is used to fund State and local post-disaster mitigation measures, pre- and post-disaster planning, and initiative projects.

**II. PURPOSE**

On February 20, 2002, Section 404 of the Hazard Mitigation and Relocation Act was revised and amended by the President. Revisions included a decrease in the amount of HMGP funds available resulting from a Presidential Disaster Declaration to 7.5% of the eligible costs of the disaster. In September 2006, the available funding from a Presidential Disaster Declaration was returned to the previous 15%. HMGP project awards may be funded after removing any programmatic and administrative costs. This Administrative Plan has been revised to reflect, and expand upon these, and other, recent changes most notably to include Hazard Mitigation Grant Program Streamlining, eligibility for generator purchase and cost effectiveness determinations for acquisition and elevation projects and strategic funds management initiative.

This plan sets forth the organization, staffing and administrative procedures for implementing the Hazard Mitigation Grant Program to be followed by the State of West Virginia.

**III. AUTHORITIES AND REFERENCE**

A) Federal

1. Public Law 93-288, The Robert T. Stafford Disaster Relief and Emergency Assistance Act.
2. Title 44 of the Code of Federal Regulations (44 CFR) Section 206, Federal Assistance Act for Disasters Declared On or After November 23, 1988.
3. 44 CFR Section 201, Mitigation Planning.
4. Title 2 of the Code of Federal Regulations (2 CFR) Section 200, Office of Management and Budget (OMB) Uniform Guidance: Administrative Cost Principals, and Audit Requirements for Federal Funding: formally known as 44 CFR Part 13, OMB Circulars A-21, A-87, A-110 and A-122.
5. 44 CFR Part 9, Executive Order 13690 of January 30, 2015 Establishing a Federal Flood Risk Management Standard and Process for Further Soliciting and Considering Stakeholder Input (formerly Executive Order 11988, Floodplain Management).

6. 44 CFR Part 9, Executive Order 11988, Floodplain Management and Executive Order 11990, Protection of Wetlands.
7. 44 CFR Part 10, Environmental Considerations. 44 CFR, Part 9, Protection of Wetlands.
8. Executive Order 12898, Environmental Justice.
9. FEMA Policy 203-074-1 Minimum Design Standards for Hazard Mitigation Assistance Project in Special Flood Hazard Areas.
10. Guidance for Applying ASCE 24 Engineering Standards to HMA Flood Retrofitting and Reconstruction Projects Cost Effectiveness Determinations for Acquisition and Elevation projects in special flood hazard areas (8/15/2013) Revised on 10/8/2013.
11. Eligibility of Generator Purchases under the HMGP (11/15/2012).
12. Strategic Funds Management Initiative (6/11/2012).
13. Hazard Mitigation Assistance (HMA) Guidance and HMA Guidance Addendum (2/27/2015).
14. HMA tool for identifying Duplication of Benefits (DOB) (10/20/2012).

B) State

1. West Virginia Code, Chapter 12, Article 3A Pertaining to State Audit Requirements.
2. West Virginia Code, Chapter 15, Article 5 Pertaining to Disaster Relief in West Virginia.
3. West Virginia Code, Chapter 21, Article 5A Pertaining to Prevailing Wage in West Virginia.
4. The West Virginia Purchasing Guidelines (4/8/2015).
5. West Virginia Statewide All Hazards Mitigation Plan (also known as the Section 322 Plan).
6. The FEMA – State Agreement.
7. The Sub-Recipient Grant Agreement if acting as a Sub-Recipient (example: State Plan Update Grant).

#### IV. DEFINITIONS

- A) Applicant: A State agency, local government or eligible private nonprofit organization, as defined in 44 CFR 206, Sub-part H, submitting through a local government, submitting an application to the Mitigation and Recovery Section, West Virginia Division of Homeland Security and Emergency Management (WVDHSEM) for assistance under the Hazard Mitigation Grant Program. An applicant has not had an application evaluated or approved.
- B) Intent to Apply: The initial request for Section 404 funding, to be submitted to FEMA by the State, within 15 days of the declaration. Standard Form 424 (SF-424) and accompanying assurance documents are used for this purpose. If the Governor asks for HMGP in the declaration request, this requirement is satisfied. Typically the State of West Virginia requests HMGP in the declaration request.
- C) Application: A document submitted by the Sub-Recipient that describes in detail the scope of work, budget, time line and other pertinent information required for evaluation of a project by the State and FEMA.

- D) Recipient: The unit of government to which the grant is awarded and which is accountable for the use of funds provided. For the purposes of this program, the State is the Recipient.
- E) Sub-Recipient: The unit of government to which a sub-grant is awarded and which is accountable to the Recipient for the use of funds provided. Sub-Recipients can be a State Agency, local government, certain private nonprofit organization submitting through a local government or other entity outlined in 44 CFR 206.434.
- F) Notice of Intent (NOI): A document notifying the Recipient that a Sub-Recipient wishes to apply for Hazard Mitigation funding describing the type of project they wish to apply for and outlining estimates of cost. See Appendix A for the State of West Virginia NOI form.
- G) Hazard Mitigation Data Collection Team: Utilizing an enhanced data collection effort, facilities affected during a Presidential Disaster Declaration with mitigation potential, and in compliance with the Disaster Strategy, will be cataloged by FEMA. This data collection will be accomplished through a review of the preliminary damage assessment (PDA), coordination and survey of state and local officials, and site visits by FEMA staff. The resulting product will be compiled in a report including photographs, maps, and available details organized by county and sub-organized by community with the intent to combine Section 404 Mitigation with Section 406 Mitigation efforts to build a more resilient community.
- H) Measures: Any mitigation measure, project, or action proposed to reduce, or, where possible, eliminate, risk of future damage, hardship, loss or suffering from disasters.
- I) Project: Any proposal submitted for approval for funding and given a unique accounting number (example: FEMA-9999-DR-WV-0000).
- J) Flood Insurance Rate Map (FIRM): An official map of a community on which the Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. FIRM maps are a required component for flood projects.
- K) Post-FIRM: Construction or substantial improvement that started on or after the effective date of the initial Flood Insurance Rate Map of the community or after December 23, 1974, whichever is later.
- L) Pre-FIRM: Construction or substantial improvement that started before the effective date of the initial Flood Insurance Rate Map of the community or after December 23, 1974, whichever is later.
- M) Secondary Residence: A property that is not the primary residence of a participant (example: summer cabin or a residence where the property owner does not live more than 6 months of the year).
- N) Project Officer: An individual highly trained in mitigation that is the primary contact between the community's Project Manager and the State Hazard Mitigation Officer.
- O) Program Specialist: An individual familiar with the aspects of hazard mitigation and floodplain management, but does not serve in a coordination/collaboration role. May include support, technology, and supervised administrative staff.
- P) Lock-In: The amount of funds available to a Recipient for a particular major disaster declaration, as FEMA determines in estimate at 6 months and assures at 12 months.
- Q) Pass-Through Funding: The percentage or amount of management costs that the Recipient determines it will make available to Sub-Recipients. This funding is not the same as

project management funding which is considered to be a line item in the project budget. Special consideration is given when evaluating pass-through funding eligibility. Typically West Virginia does not provide pass-through funding.

- R) FEMA Policy 203-07401 Minimum Design Standards for Hazard Mitigation Assistance Projects in Flood Hazard Areas: FEMA requirement for use of ASCE 24-05, a standard developed by the American Society of Civil Engineers for safer construction in the special flood hazard area.
- S) Benefit Cost Analysis (BCA): Methodology used to determine the cost effectiveness of a given project as required by the Stafford Act and in compliance with the HMA Guidance.
- T) 7% Planning Project: Money set aside strictly for planning initiatives. Funding is limited to 7% of the total HMGP allocation and is deducted from the total allocation as if it were a standard project.
- U) 5% Initiative Project: Money set aside for projects that do not have a validated means of calculating a BCA but that still have a mitigating effect (Example: Flood Warning Systems). Funding is limited to 5% of the total HMGP allocation and is deducted from the total allocation as if it were a standard project. The additional 5 percent set-aside is available to address all hazards and to promote resilience through the use of disaster-resistant building codes and practices.
- V) Strategic Funds Management Initiative: An initiative started by FEMA to enable communities to develop applications. Communities wishing to apply for this funding must request it of the Recipient at the same time as they submit their NOI.

## V. DECLARATION PROCESS

Following a major disaster event, the Governor of the State may seek Federal Assistance by requesting a Presidential Declaration when the recovery process is beyond the capacity of the State and local capabilities and resources. The Presidential Declaration applies to specific counties and communities in the State; however, the opportunity to participate in an HMGP application is open statewide. The State must provide a Letter of Intent within 15 days after the disaster declaration that tells FEMA whether or not the State will participate in HMGP. If the Governor asks for HMGP in the declaration request, this requirement is satisfied. The 15-day Letter of Intent deadline may be extended should the Regional Administrator determine the extension, submitted in writing, is justified.

## VI. RESPONSIBILITIES

### A) FEMA Responsibilities

1. The FEMA Regional Administrator or their designee(s) is responsible for:
  - a) Overseeing all pre- and post-disaster hazard mitigation programs and activities.
  - b) Assisting the State in setting priorities for the use of HMGP funds in the aftermath of a disaster.
  - c) Approving or denying applications for funding submitted by the State.
  - d) Approving or denying changes in scope of submitted projects.
  - e) Approving or denying deadline extensions.
  - f) Assuring that the State is complying with all Federal laws, regulations and

guidance.

- g) Perform programmatic and financial audits as required by Federal Regulations.
- 2. The FEMA Regional Mitigation staff serves as the point of contact for the State Hazard Mitigation Officer. FEMA Regional Mitigation staff members are responsible for:
  - a) Keep the State apprised of the anticipated amount of available funding.
  - b) Assist the State Hazard Mitigation Planning staff to ensure plans are current and provide assistance with plans that are expired.
  - c) Reviewing and evaluating submitted applications or project summaries and the State's determination of eligibility.
  - d) Coordinating with the Regional Environmental Officers to prepare environmental decision documents based on information submitted by the Sub-Recipient and the State.
  - e) Obtaining clearances from the State Historic Preservation Office.
  - f) Notify the State in writing of application decisions.
  - g) Assisting the State with the identification of appropriate projects.
  - h) Assisting the State with project applications, specifically environmental, planning and floodplain management considerations and project cost effectiveness.
  - i) Provide technical information from appropriate experts as necessary.
  - j) Appoints a Federal Hazard Mitigation Officer for each Presidential Disaster Declaration to manage and monitor hazard mitigation programs and activities.
  - k) Conduct periodic review of the State Hazard Mitigation activities and programs to ensure that the State is adequately prepared to meet their responsibilities.
  - l) Assist the State in the identification of appropriate mitigation actions.
  - m) After a Presidential Declaration, follow up with the State government to ensure that mitigation commitments are fulfilled, and take action when necessary, including recovery of funds or denial of future funds, if mitigation commitments are not fulfilled.
  - n) After a Presidential Declaration, FEMA will provide the State with a Hazard Mitigation Data Collection Team as defined in section IV-G above. This team will prepare and distribute to the State a report on opportunities related to the disaster with the intent of combining section 404 and section 406 mitigation activities. Further, this team may be used in determining other mitigation opportunities such as private bridge access mitigation.
  - o) The opportunities report is due to be delivered to the State Hazard Mitigation Officer for action 180 days after the date of the disaster. The Regional Administrator or their designee has the authority to extend this due date only if previously identified in the mitigation strategy or previously agreed upon.
  - p) Depending on availability, FEMA may provide technical assistance to the State. Period of time to be agreed upon by both FEMA and the State. The Director, West Virginia Division of Homeland Security and Emergency Management will make requests for supplemental FEMA mitigation personnel.

## B) State Responsibilities



1. The West Virginia Division of Homeland Security and Emergency Management shall be the Recipient to which funds are awarded and will be accountable for those funds. The State, as the grantee, has primary responsibility for project management and accountability of funds as indicated in 2 CFR 200 and 206 and for ensuring that all program and administrative requirements are met as indicated in 2 CFR 200 and 206 and the HMA Unified Guidance as applicable to HMGP projects.
2. The State is responsible for ensuring that applicants and Sub-Recipients adhere to all program and administrative requirements including 2 CFR Part 200 and 44 CFR.
3. The State will have an Administrative Plan (404 Plan), and a State Standard All-Hazard Mitigation Plan (322 Plan) approved by the Regional Administrator.
  - a) Assist the local staff to ensure plans are current and provide assistance with plans that are expired.
  - b) Reviewing and evaluating submitted applications or project summaries and the State's determination of eligibility.
  - c) Notify the local in writing of application decisions.
  - d) Assisting the local with the identification of appropriate projects.
  - e) Assisting the local with project applications, specifically environmental, planning and floodplain management considerations and project cost effectiveness.
  - f) Provide technical information from appropriate experts as necessary.
  - g) Assist the local in the identification of appropriate mitigation actions.
4. The State will determine priorities for funding in compliance with 44 CFR 206.435.
5. The State Hazard Mitigation Officer, Brian Penix, serves as the responsible individual for all matters related to the Hazard Mitigation Grant Program.
6. The State will deliver to FEMA the State's 404 Administrative Plan within 180 days of the date of the disaster declaration.
7. The State has the 322 Plan and 404 Plan referenced in the State Emergency Operations Plan (EOP) at Section 3.C.4 and 3.C.5 respectively.
8. Conduct site visits and closeouts.
9. The State will make every effort to have sufficient staff to:
  - a) Provide a post-disaster mitigation strategy.
  - b) Provide applicants with assistance in completing their HMGP application.
  - c) Understand the National Environmental Policy Act and related Federal environmental requirements.
  - d) Complete other major tasks and activities required under the Hazard Mitigation Grant Program.
  - e) Understand the FY 2015 Hazard Mitigation Assistance (HMA) Unified Guidance requirements.

C) Local Responsibilities

A local unit of government is generally the Sub-Recipient to which Hazard Mitigation Grant Program funds are awarded and shall be accountable for the use of these funds. The Sub-Recipient shall have primary responsibility for managing the implementation and

administration of the Hazard Mitigation Grant Program project.

1. Complies with HMGP requirements, grants management procedures in 2 CFR Part 200 and 44 CFR, the Grant Agreement, FY 2015 Hazard Mitigation Assistance (HMA) Unified Guidance and applicable Federal, State and Local laws and standards.
2. Accounts for the appropriate use of grant funds awarded.
3. Prepares and distributes financial reports to all appropriate parties as required by the Single Audit Act.
4. Procurement of contractors and other goods and services for the completion of approved projects will be in accordance with their own standard procurement procedures, provided they are in compliance with applicable federal law and the standards found in the 2 CFR 200.
5. Should the Sub-Recipient lack the capacity to manage the day-to-day operation of the HMGP project, a qualified entity may be retained to manage the project with any project management funds being accounted for as a line item in the project budget. In accordance with State ethics law, a community employee cannot be paid project management while also being paid by the community for their day-to-day work. This is considered as "double dipping". In this case, the community can be reimbursed for the management of their project provided they keep adequate records of the costs associated with that management. All project management must be approved by the State Hazard Mitigation Officer (SHMO).
6. Will maintain all "Project" records and documents for a period of three years after the completion of the project as required by 2 CFR Part 200.
7. Conduct site visits and closeouts.

## VII. FUNDING

- A) The amount of money available following a Presidential Disaster Declaration is 15% of the cost of the disaster. A standard Section 322 plan is required as of November 1, 2004.
- B) An Enhanced Section 322 State Plan provides an opportunity to increase the HMGP funding up to 20%.
- C) Up to 7% of the allotted HMGP may be set aside for mitigation planning purposes. Up to 5% of the total HMGP allotment may be set aside by the State to fund mitigation measures that are difficult to evaluate against traditional program cost effectiveness criteria.
- D) Costs for HMGP projects will be shared at 75% Federal Share and 25% Non-Federal Share unless otherwise determined by FEMA at a different level.
- E) Management costs outside of the scope of the project shall be kept at the State level with no pass-through unless legitimate funding requests are received from local units of government. Project management costs are a line item in the project budget and are subject to the cost effectiveness determination.
- F) Other funding sources include: Housing and Urban Development, United States Army Corp of Engineers, Natural Resources Conservation Services, Small Business Administration, Increased Cost of Compliance, Pre-Disaster Mitigation, Disaster Housing Program, Other Needs Assistance Grant Program, and Infrastructure Grant Program.

## VIII. STAFFING

### A) State

1. Governor
2. Governor's Authorized Representative (GAR): Generally, the GAR is the Director, West Virginia Division of Homeland Security and Emergency Management.
3. Deputy GAR: Generally, the Deputy GAR is the Director of Mitigation and Recovery.
4. The position of GAR is not static and, at the will and pleasure of the governor, may alternate from disaster to disaster.
5. The number of those appointed to the positions of GAR and Deputy GAR is at the Governor's discretion.

### B) West Virginia Division of Homeland Security and Emergency Management. Refer to Appendix B for the WVDHSEM Mitigation, to include the National Flood Insurance Program (NFIP), staffing chart.

1. Director, Mitigation and Recovery: The Director, Mitigation and Recovery is responsible for all FEMA programmatic implementation of all forms of mitigation in the State of West Virginia and the day-to-day management of the SHMO and NFIP Coordinator. Typically the Alternate Governor's Authorized Representative (GAR), they are also responsible for the required GAR documents to the Regional Administrator. They are also typically the one that prepares a declaration request and conducts Preliminary Damage Assessments in support of the declaration request.
  - a) State Hazard Mitigation Officer (SHMO): Responsible for the implementation of mitigation initiatives and financial management on the project level. The SHMO is also responsible for the day-to-day management of the Project Officers and Mitigation Planner. It is the responsibility of the SHMO to ensure all Federal, State and Local laws and procedures are followed and all required reporting to FEMA is done.
    - i. State Project Officer (PO): Responsible for providing technical assistance to communities and assistance as necessary to support the mission of the SHMO. The PO is also responsible for community correspondence required for successful project completion and documentation.
    - ii. State Mitigation Planner: Responsible for ensuring that all mitigation planning requirements are met to include the State Mitigation Plan (322 Plan) and the Local Mitigation Plans. The planner provides planning assistance to support the mission of the SHMO.
    - iii. Temporary contractors as necessary and approved from the Director WVDHSEM.
  - b) NFIP Coordinator: The NFIP Coordinator is responsible for ensuring that new construction or substantial improvements in the identified flood hazard areas are done in compliance with Federal, State and Local laws and FEMA policy. The NFIP Coordinator ensures that technical assistance and training is provided to communities participating in the NFIP. They are also responsible for the day-to-day management of the NFIP Specialists. The NFIP Coordinator is the interface to FEMA for floodplain management issues.
    - i. NFIP Specialist: The NFIP Specialists are responsible for program

implementation on a regional basis and provide technical assistance to communities and individual property owners as necessary. They also work in conjunction with FEMA to conduct Community Assistance Visits (CAV) and Community Assistance Contacts (CAC) as required by the program.

- ii. Temporary contractors as necessary and approved from the Director WVDHSEM.

C) Local

1. Project Development Team: Individuals qualified to assess and select the most appropriate measures to include in the HMGP Application, using the areas of interest as defined in the local mitigation plan, requirements and priorities outlined in the Notice of Intent letter, distributed to local units of government, following a Presidential Disaster Declaration. The team should include an individual, or individuals, qualified to complete the Hazard Mitigation Grant Program Application.
2. Authorized Agent: The individual authorized to act on behalf of the community receiving an HMGP project. The Authorized Agent has the responsibility to ensure the successful completion of the project and make financial commitments on behalf of the community.
3. Project Manager: A qualified individual who will oversee the HMGP project, maintain necessary records and files, act as liaison with the local unit of government, the State Hazard Mitigation Office, project participants, contractors and professionals; (example: Attorneys)
4. Such clerical staff as is available to the project.

## **IX. IDENTIFICATION AND NOTIFICATION OF POTENTIAL APPLICANTS**

A) Identification

1. Potential projects may be identified utilizing:
  - a) Areas identified in the local all-hazard mitigation plans.
  - b) Items identified in the State of West Virginia's All-hazard Mitigation Plan that supports the State's identified goals and / or are determined to provide the most benefit to an area increasing its resilience to hazards.
  - c) The Preliminary Damage Assessment.
  - d) The HMGP Data Collection Report as defined in Section IV Part G above.
  - e) Previously submitted unfunded HMGP applications.
  - f) State agency personnel and local governments involved in the development of the Section 322 Plan may provide further possibilities and applicants.
2. The State Hazard Mitigation Officer will prepare a strategy paper to summarize and prioritize data collection /public information efforts.

B) Notification

1. Public Notices such as newspaper ads, fliers, radio / television announcements.
2. Community briefings that will be attended by State Mitigation staff on the Section 404 Program.

3. Following a Presidential Disaster Declaration, the State will notify all local units of government, including municipalities and counties, in all fifty-five counties of the State, within 90 days, of the availability of funds for HMGP projects. Note: The Regional Administrator may grant an extension, submitted in writing, should an extension be justified.
4. Such notification shall be by Letter of Intent with a *Notice of Intent* (Pre- Application for Hazard Mitigation Grant Program form) enclosed. Included in the Notice of Intent letter to communities are listed the State and FEMA areas of interest, the requirements for meeting these goals and the State's priorities for the selection of applications. The Letter of Intent with a *Notice of Intent* Application may be delivered electronically.
5. The deadline for submitting a community's Notice of Intent (NOI) is clearly stated in the letter. NOIs received after this deadline may be considered after all properly submitted NOIs have been processed and funds remain available.
6. After all the NOIs are received, the State will compile a list of communities submitting NOIs, along with the number of proposed mitigation options and the approximate amount of funding requested. This information will be forwarded to FEMA, Region III.
7. The State Hazard Mitigation Officer, during development of the application, will offer technical assistance, when available, to each community.
8. An HMGP Workshop may be offered to communities to enhance attendee's knowledge for completion of the HMGP Application. An interest form is included with the NOI letter to determine if there is sufficient interest.
9. If there is sufficient interest in the HMGP Application workshop, the one day workshop should be held in a location most central to the state. Traditionally, with the approval of the WVDHSEM Director, motel, meal and transportation costs have been paid by WVDHSEM to one community representative, preferably the individual who will be most involved in completing the application.

## **X. APPLICANT ELEGIBILITY REQUIREMENTS**

### **A) Minimum requirements**

1. Have an approved and adopted all-hazards mitigation plan (322 plan).
2. Be a State or Local Unit of Government, Native American Tribe or non-profit organizations or institutions that own or operate a private non-profit facility as defined in 44 CFR 206.221 (e).
3. Be in a community participating in, and in good standing with, the National Flood Insurance Program.
4. Possess the ability to develop the HMGP Application and, if funded, the ability to administer the project, possibly with assistance.

### **B) Additional Applicant Requirements**

1. Have the support of the local unit of government and of the community.
2. Meet applicable Federal, State and local permit requirements.
3. Have, and enforce, an approved Floodplain Ordinance.
4. Discourage inappropriate development in the floodplain or other identified hazardous

areas.

## **XI. CRITERIA FOR APPLICANT ELEGIBILITY**

- A) Conforms to State and Local Hazard Mitigation Plan. (Section 322).
- B) Provides beneficial impact upon the at risk area.
- C) Considers long-term changes to the areas and entities it protects, and has manageable future maintenance and modification requirements.
- D) Conforms to environmental laws and regulations. Be in conformance with 44 CFR Part 9, Floodplain Management and Protection of Wetlands, and 44 CFR Part 10, Environmental.
- E) Solves a problem independently or constitutes a functionally independent portion of a solution.
- F) Is cost effective. Will not cost more than the anticipated value of the reduction in damages to the area if future disasters were to occur. (Meets benefit / cost). Every effort should be made to determine the cost effectiveness of projects but where that is difficult, the project must be clearly identified as a 5% initiative project. In both cases the project should be proven to make the community more disaster resilient rather than simply restoring a function.
- G) Meets all applicable Federal, State and Local permit requirements. (Example: Corps of Engineers permits for navigable waterways).
- H) Constitutes a practical, effective and environmentally sound proposal.
- I) Contributes, to the extent practicable, to a permanent or long term solution to the problem it is intended to address, rather than temporary or short term. In any case, the project should, at a minimum, be demonstrated to outlive the project useful life which was used to calculate the benefit / cost.
- J) Addresses the problems of floodway, repetitively and substantially damaged structures or facilities. Specifically, the State's areas of interest are:
  - 1. Reduction in damage to structures or facilities located in the floodway.
  - 2. Reduction in damage to repetitive loss structures or facilities.
  - 3. Reduction in damage to structures or facilities considered substantially damaged.
  - 4. Reduction in damages to structures and facilities considered severe repetitive loss.
  - 5. Other eligible projects as described in 44 CFR Section 206.434 (d) (2).
    - a) Stream Capacity Restoration Activities
    - b) Eligible Pilot Projects
  - 6. Adheres to the State's priorities of applications as outlines in the State Standard All-Hazard Mitigation Plan (322 Plan) and in line with priorities set by the Governor at the time of declaration.
  - 7. Projects addressing FEMA identified Repetitive Loss Structures list and Sever Repetitive Loss list and pre-FIRM structures or facilities will be given priority.
  - 8. Post-FIRM structures, when no evidence of proper permitting or an error on the FIRM can be shown, will only be considered for acquisition/demolition projects and the homeowner or local government will be required to provide the 25% non-federal share

of the total cost of the project and all other costs associated with the application and acquisition. Such costs will be deducted from the total award.

## **XII. APPLICATION PROCEEDURES**

- A) Each community submitting a Notice of Intent by the established and published deadline will either be mailed, or provided at the HMGP Workshop, a copy of the FY 2015 Hazard Mitigation Assistance Guidance with Addendum. If available, each community will be offered technical assistance in completing their application by the State Hazard Mitigation Office. Every effort will be made to ensure that such technical assistance is given in a fair and equitable manner to each community requesting assistance.
- B) Applications for a Hazard Mitigation Grant Program project must be submitted by the Chief Executive Officer of the responsible government entity, in person or be postmarked, to the State Hazard Mitigation Office, on, or before, the designated deadline. NO EXCEPTIONS.
- C) The application must be fully completed with all supporting documents. The following documents MUST be included for private real property:
  - 1. A clear scope of work.
  - 2. A detail cost estimate.
  - 3. Property Inventory Form.
  - 4. Statement of Voluntary Participation.
  - 5. West Virginia Hazardous Material Property Survey.
  - 6. Substantial Damage Calculation forms if applicable.
  - 7. Tax Map with the property or facility located on the map.
  - 8. FIRM with the property or facility located on the map.
  - 9. Photographs of all 4 sides of the structure or facility as well as a street scape.
  - 10. Latitude and longitude location listed in decimal degrees.
- D) Attachments and Enclosures to be included:
  - 1. Local unit of government letter supporting the HMGP Application.
  - 2. Community letter regarding impact on low income / minority individuals.
  - 3. Community letter regarding contamination by hazardous materials.
  - 4. Community letter regarding compliance with Federal Fair Housing Regulations.
  - 5. Topographical maps.
  - 6. Street maps.
  - 7. Sign-in sheets from public meetings.
  - 8. Newspaper public meeting notices and / or other material advertising HMGP meetings.
  - 9. Photos of damaged areas in the community (if available) to support damage impact statements made in the application.
  - 10. List of potential property substitutions if an over subscription is sought.
  - 11. Benefit / Cost analysis if appropriate.
- E) When submitting an application to FEMA, the State Hazard Mitigation Officer will prepare a project merit package containing:

1. A narrative recommendation and rationale for project selection in the event of more submissions than funding allows to be funded.
  2. A certification that the projects meet all eligibility requirements as listed in Section XI.
  3. Any pertinent project management information not contained in the State Administrative Plan.
  4. GAR letter submitting recommended projects to FEMA.
- F) Environmental review data shall be included for each project enabling FEMA to conduct an environmental review in accordance with HMA Guidance 2015. The State will ensure the following:
1. Each property or facility has a fully completed West Virginia Hazardous Material Survey.
  2. Photographic imagery necessary to determine the historic preservation record eligibility.
  3. Provide FEMA all documentation necessary to comply with the National Environmental Policy Act (NEPA).
- G) Benefit / Cost analysis shall be performed in accordance with FEMA guidelines as outlined in HMA Guidance 2015 using the FEMA BCA toolkit 5.1 or best available data.
- H) Obtaining clearances from the State Historic Preservation Office shall be the responsibility of FEMA.
- I) A project should be of the nature that work can begin within ninety (90) days of receipt of notice of approval and be completed within one (1) to three (3) years, depending on the complexity of the project.

### **XIII. REVIEW, RANKING, SELECTION AND SUBMISSION OF PROJECTS**

- A) After receipt of applications, HMGP staff will review each application for completeness. Should an application need additional information, HMGP staff will inform the applicant. Assistance in obtaining necessary information, forms, etc. will again be offered to the applicant. A deadline for submitting updated information will be set by the SHMO.
- B) All applications shall be reviewed by a committee consisting of the SHMO, the Director, Mitigation and Recovery and the Mitigation staff from the Mitigation Section of the West Virginia Division of Homeland Security and Emergency Management for ranking and selection.
- C) In the event of more applications than the available funding, the ranked projects will be forwarded to the Governor's Office for selection in compliance with West Virginia Code.
- D) Ranking shall be accomplished based on the following criteria:
1. Benefit / Cost.
  2. Technical Feasibility.
  3. Local Planning Criteria.
  4. Compliance with priorities identified in the State Hazard Mitigation Plan.
  5. Reasonableness and sound evidence that the project will make the community more resilient.



- E) The SHMO will determine if the selected projects are eligible for the standard or 5% Initiative funding, and if so designate the application accordingly.
- F) Following the Governor's approval through the GAR, the applications will be submitted to FEMA, Region III, utilizing the National Emergency Management Information System (NEMIS). Paper copies of the applications, along with all supporting documents, will be submitted to FEMA by the Period of Availability (POA) deadline.
- G) Applications must be submitted to FEMA within 12 months following the date of declaration. Upon written request and justification from the Recipient, FEMA may extend the application submission timeline in 30-90 day increments not to exceed a total extension of 180 days, in the event of extraordinary conditions. For additional information see 44 CFR Section 206.436.
- H) Projects not submitted to FEMA will be returned to the community by the mitigation staff in the event additional funding becomes available along with written notification that the project was not selected for funding and providing the reason for the rejection so it can be corrected for the next submission.
- I) Final approval of the selected projects is the responsibility of FEMA.

#### **XIV. NOTIFICATION OF PROJECT APPROVAL**

- A) Upon notification from FEMA of their decision on selected projects, the State Hazard Mitigation Officer (SHMO) will notify the applicant that their project was:
  - 1. Approved:
    - a) Upon approval of the application by FEMA, the Sub-Recipient will be provided with a copy of the FEMA Record of Environmental Consideration, a copy of the FEMA Financial Obligation Report and a letter from FEMA informing the applicant of the project approval and period of performance deadline.
    - b) The Sub-Recipient is provided a prepared West Virginia Division of Homeland Security and Emergency Management Assurances and Certification Agreement. This document details the duties and responsibilities of the sub-grantee. Article 14 informs the Sub-Recipient of the Single Audit Act of 1984 requirements.
    - c) No funds may be released to the Sub-Recipient until the document referred to above has been signed and received by the WVDHSEM.
    - d) There will be a face-to-face meeting between the HMGP Project Officer assigned to the project and the Sub-Recipient project manager to inform the project manager of duties and responsibilities associated with the implementation and administration of the project.
    - e) The necessary paperwork, technical assistance and guidance will be provided to the Sub-Recipient to ensure a successful and smooth completion of the project.
    - f) The Mitigation Office and FEMA, Region III will offer technical assistance as needed.
  - 2. Not Approved:
    - a) The SHMO will inform applicants, in writing, those whose applications have not been approved along with the reason for the denial. The applicant will be advised of the appeal process.

- b) Upon the considerations of FEMA of the appeal, if the application is still deemed denied, then it will be sent back to the applicant for correction of any faults and may be considered in later funding.

## **XV. APPEALS**

- A) Applicants with projects not approved by FEMA will be notified by the State Hazard Mitigation Officer (SHMO) and advised of the following appeal process:
  - 1. An eligible applicant, or the State, may appeal, in writing, any FEMA decision regarding an unapproved application.
  - 2. The appeal should contain documentation that justifies the request for reconsideration.
  - 3. The appeal will be submitted to the SHMO, in writing, within 60 days of the applicant's receipt of the FEMA denial decision.
- B) Two levels of appeal
  - 1. First appeal is to the Administrator, FEMA Region III. If the decision to deny the application stands, then the applicant can appeal again providing even more information justifying reconsideration.
  - 2. Second appeal is to the Associate Director for Mitigation, FEMA Headquarters via Administrator, FEMA Region III. If the denial still stands, then the application is considered fully vetted and the denied application will be returned to the applicant following the procedure listed in Section XV part 2 sub-part b above.
- C) The SHMO will forward any applicant's appeal, with the State's written recommendation, to the Regional Administrator within 60 days of receipt from the applicant.
- D) The Regional Administrator will notify the State, in writing, within 90 days following FEMA receipt of an appeal, of their appeal decision.
- E) If additional information, or technical evaluation, is needed in order to make a decision, the Regional Administrator, or Associate Director, will request the information through the SHMO.
- F) FEMA will provide its decision on the appeal to the State in writing. If the decision is to grant the appeal, the Regional Administrator will advise the SHMO and take any appropriate action at the Regional level.
- G) The State will notify the applicant making the appeal of the decision within 10 days of notification by FEMA.

## **XVI. PROJECT IMPLEMENTATION**

- A) The SHMO will verify the status of local plans and oversee the implementation of HMGP projects. Projects will be monitored by site visits, updates via telephone, meetings and progress reports.
- B) The HMGP will be administered in an equitable and impartial manner in compliance with Section 308 of the Stafford Act and Title VI of the 1964 Civil Rights Act.
- C) The State and Sub-Recipients will avoid conflict of interest, or the appearance of conflict of interest, and will comply with procurement guidelines in 2 CFR 200.
- D) The Sub-Recipient is responsible for maintaining the project after initial implementation.

- E) The Sub-Recipient will implement any environmental or historical preservation mitigation actions required in relation to the project's approval.
- F) HMGP funds will not be used to purchase contaminated property. The owner, prior to purchase, must remove all hazardous materials and containers.
- G) When the project is implemented, Flood Insurance must cover any structures not being demolished or relocated outside of the Special Flood Hazard Area throughout the life of the property, regardless of ownership. The amount of insurance is to be equal to the cost of implementing the property mitigation measure, adjusted annually for inflation.
- H) Alterations to existing structures will:
  - 1. Comply with all applicable Federal, State and local codes and ordinances.
  - 2. Comply with floodplain management standards outlined in 44 CFR Part 9 and Part 60.0.
  - 3. The State of West Virginia requires that any work performed that is funded with public monies (federal, state, or local) must comply with West Virginia Code, Chapter 21, Article 5A Pertaining to Prevailing Wage. If a contract is less than \$500,000 then it does not have to pay prevailing wage. Any contract over that amount MUST pay prevailing wage as defined by Workforce West Virginia.
  - 4. FEMA, the Recipient and Sub-Recipient will avoid Duplication of Benefits (DOB) between the HMGP and any other form of assistance. DOB is deducted from the Fair Market Value (FMV) purchase price on structures where the pre-event FMV purchase value is used. If, however, the owner has receipts proving that the grants were used for structural repairs, or cleanup, no deductions are required. For post event FMV, DOB is not calculated. Typically, West Virginia does post event appraisals thus avoiding potential DOB.
  - 5. DOB that may be deducted from the FMV include:
    - a) U.S. Small Business Administration loans: such loans must be either repaid or rolled over to the new structure at closing.
    - b) Flood Insurance payments, minimal repair grants, other needs assistance Grants that were awarded for the purpose of making repairs to a structure after the Fair Market date when the pre-FMV is used.
    - c) If the owner used any grant for purposes other than stipulated, (example: made a mortgage payment), this is a potential DOB and the amount is deducted from the purchase offer.
    - d) An insurance payment that reimbursed the owner for their own labor to clean up after the event will not be deducted if such cleanup occurred: no receipt is required.
    - e) Purchased property, acquisition and relocation projects, will be used for open-space. Requirements for open space acquisition and relocation projects include:
      - i. Informing participants, in writing, that the project will not use its eminent domain authority to acquire their property.
      - ii. With stated exceptions, the property will be used in perpetuity for open space.
      - iii. FEMA Model Deed Restriction (Exhibit A) will be recorded with each property deed as a condition of receiving the grant. The State and Sub-Recipient agree to ensure that all items and conditions outlined in Exhibit A are met.

- iv. Fair Market Value (FMV) will be established for each property to be acquired. The methodology will be used consistently throughout the project. Methods used are:
  - (a) Certified independent appraisals reflecting post event market values (preferred method, DOB does not apply).
  - (b) Certified independent appraisals reflecting pre-event values (DOB will apply).
  - (c) A formula based on tax assessments (DOB will apply).
- i. The State will coordinate with the Sub-Recipient on whether the FMV will be based on pre- or post-event certified appraisals or on the tax assessment formula. All appraisals will be based on the same criteria based on bullet 4 below.
- ii. All property owners will be treated fairly and offered an equitable package of benefits.
- iii. The Sub-Recipient will inform each property owner, in writing, the amount it considers to be the FMV of the property.
- iv. Pre-event value is only available to owners who owned the property during the event. Owners who purchased the property after the event cannot be offered more than the post-event market value.
- v. If the purchase offer for a property is less than the amount the property owner must pay to purchase a comparable replacement dwelling in a non-hazard-prone site in the same community, the Recipient and Sub-Recipient may choose to make available to the property owner a supplemental payment of up to \$31,000 that would be applied to the difference. Sub-Recipients should consider the cost of relocating to a permanent residence that is of comparable value and that is functionally equivalent.
- vi. The Recipient has the option of allowing Sub-Recipient to provide a credit to property owners who have flood insurance. The Sub-Recipient provides an incentive payment that is equal to up to 5 years of flood insurance premiums actually paid by the current property owner for an NFIP policy for structure coverage.
- vii. In order for the property owner to receive a supplemental payment, the Recipient and Sub-Recipient must demonstrate that the following conditions must exist:
  - (a) Funds cannot be secured from other more appropriate sources, such as housing agencies or voluntary groups.
  - (b) Decent, safe, and sanitary housing of comparable size and capacity is not available in non-hazard-prone sites within the community at the anticipated acquisition price of the property being vacated.
  - (c) The project would otherwise have a disproportionately high adverse effect on low-income or minority populations because project participants in these populations would not be able to secure comparable decent, safe, and sanitary housing.
- i. A title search will be conducted on each property to ensure that the owner possesses a marketable title. It is the responsibility of the property owner to

- furnish a clear title, free of defects.
- ii. The Sub-Recipient will provide for the continued maintenance of the property. Regardless of new land use, no further Federal Assistance will be provided.
  - iii. Before transferring ownership (ex. leasing, renting etc.) of the property, the Sub-Recipient will seek prior approval of the State and FEMA. In certain cases National Environmental Policy Act evaluation may be required. All activities on the acquired land must be consistent with authorized open space land use per 44 CFR Part 80.
  - iv. The State will monitor and inspect the purchased properties every three years and certify that the inspected parcels continue to be in compliance with the open space deed restriction and will take the necessary measures to bring a non-compliant property back into compliance within 60-days.
  - v. Every three years the Sub-Recipient, the Recipient and FEMA must coordinate to ensure that the Sub-Recipient submits documentation to the appropriate FEMA Regional Administrator certifying that the Sub-Recipient 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 award / sub-award.
  - vi. As the State does not generally consider the purchase of large tracts of land, requirements for crop storage facilities on open space, future disaster assistance, and uninsured and insured crop requirements, and, therefore, are not included in this plan. Should these requirements become an issue, the requirements outlined 44 CFR Part 80.19 will apply.
  - vii. Due to the voluntary nature of the HMGP property owners are not eligible for Uniform Relocation Assistance (URA). Property owners and the Sub-Recipient will sign a Voluntary Participation Agreement, informing the property owner of the voluntary nature of the project.
  - viii. An exception to the voluntary rule are tenants and mobile home owners who rent mobile home pads and are being involuntarily displaced due to the owner selling the property and are eligible for URA Assistance. The amount of assistance the community may pay to the tenant is derived from 49 CFR, Part 24, and Sub-part E. Conditions governing the amount of URA to which the tenant is entitled are outlined in the 2015 HMA Unified Guidance Addendum Part A.
  - ix. Except under certain conditions, the maximum allowable URA is \$7,200.
  - x. Owners of mobile homes who rent home pads being acquired by the project are being involuntarily displaced and are eligible for the following types of URA assistance:
    - a) Home pad Rental Assistance: Eligible for rental and utility increases to a maximum of \$7,200.
    - b) Replacement Housing Assistance: If the mobile home is purchased, the displaced mobile home owner is entitled to replacement housing assistance. For further clarification on replacement housing assistance, refer to 49 CFR, Part 24 and the 2015 HMA Unified Guidance Addendum, Part A.
    - c) Costs to Move Manufactured Home: Reasonable relocation/moving costs

are eligible. Eligible costs include disassembling, moving, and reassembling and attached appurtenances, such as porches, decks, skirting and awnings, anchoring the unit. Utility hookup charges are included.

- d) Purchasing a New Home or Home Pad: It is allowable should a tenant choose to use the rental assistance to purchase a new home or home pad.
- e) An alien who is not lawfully present in the United States is not eligible to receive URA relocation benefits or relocation advisory services.

## II. ALLOWABLE PROJECT COSTS

- A) General policies for determining allowable costs as established in 2 CFR 200, will be followed:
  - 1. Grant funds may be used only for:
    - a) Allowable costs of Recipients, Sub-Recipients and contractors per 2CFR Part 200.
- B) The State or local unit of government will use the governing principles as stated in 2 CFR Part 200, Cost Principles for State, Local and Indian Tribal Governments.
- C) General criteria the State will use for allowable costs:
  - 1. Necessary and reasonable for proper and efficient performance and administration of Federal awards.
  - 2. Conforms to conditions set forth in 2 CFR Part 200, Federal Laws, terms and conditions of the Federal award.
  - 3. Applicable to Federal Awards under 2 CFR Part 200.
  - 4. Be authorized or not prohibited under State or local laws or regulations.
  - 5. Will not be included as a cost or used to meet cost sharing or matching requirements.
  - 6. Be consistent with policies, regulations, and procedures that apply uniformly to both Federal awards and other activities of the governmental unit.
  - 7. Except as otherwise provided in 2 CFR Part 200, to be determined in accordance with generally accepted accounting principles.
  - 8. Be adequately documented.
- D) In reviewing budgets, the State will consider whether the application, budget and change of scope requests are costs that are reasonable. Elements to consider when determining reasonableness of a given cost include:
  - 1. Federal, State and other laws and regulations.
  - 2. Terms and conditions of the grant.
  - 3. Market prices for comparable goods or services.
- E) Unallowable costs include:
  - 1. Costs incurred prior to the date of declaration.
  - 2. Loss of tax revenue due to acquisition and relocation.
  - 3. Maintenance of the project after initial implementation.
- F) Project specific allowable costs include: (See the 2015 HMA Unified Guidance for a more complete explanation of the following):
  - 1. Costs for post disaster code enforcement: Only extraordinary enforcement costs will be allowed.

2. Environmental mitigation costs: The costs to implement any environmental or historic preservation mitigation actions required in relation to project approval. (Example: Phase 1 environmental survey)
  3. Acquisition / Relocation costs: Fair Market Value of acquired property, real estate legal fees, appraisal costs, moving the structure to the new location, necessary site preparations.
  4. Additional award to relocate: When there is a significant shortfall between the amount the community pays an owner for their property and the cost of comparable replacement housing, the State may, in exceptional circumstances, allow the community to provide additional funding.
- G) Examples of allowable costs under 2 CFR Part 200 are:
1. Advertising on radio, television and newspapers for recruitment of personnel, goods and services and public notices for bids on project work.
  2. Prior to including costs the applicant must verify if the cost is eligible under the program. Not all costs are eligible. The cost must benefit the objective or the intended purpose.
  3. Pre-Award costs must be identified before the time of application.
  4. Audit services for case or project reviews and project inspections.
  5. Bond costs when attaining surety bonds for employees and officials.
  6. Budget development, preparation, presentation and execution.
  7. Telephones, mail and messenger services.
  8. Wages, salaries, fringe benefits to compensate personnel.
  9. Costs associated with the accounts payable function.
  10. Equipment and other capital expenditures.
  11. Maintenance, operation, and repairs are allowable if they keep property in efficient operating condition, do not add to the permanent value of the property and are not included in rental charges for space.
  12. Expendable supplies and minor equipment with an individual cost / value exceeding \$250.00 must be pre-approved by the State Hazard Mitigation Officer (SHMO).
  13. Motor pools to include vehicle maintenance, inspection and repair services if charged to the program at a mileage or fixed rate. State travel is only allowed under Management costs.
    1. Employee training is allowable to the extent that the training is required for program operation.
    2. Travel to include transportation, lodging, subsistence provided that such travel is on official business, the costs do not exceed the amount normally allowed by the agency and the travel is reimbursed under Management Costs.

### **III. ADMINISTRATION OF APPROVED PROJECTS**

#### **A) Roles and Responsibilities:**

1. State Hazard Mitigation Officer
  - a) Interfaces with FEMA, Region III, Mitigation Division to respond to requests for

information to ensure a timely evaluation and decision on approved project questions.

- b) Monitors and evaluates project accomplishments and adherence to work schedule.
- c) Documenting site visits and performances.
- d) Submits requests for extensions and cost overruns to FEMA 60 days prior to project expiration or need. Extensions are due to our office no later than 90 days prior to the need. Extension requests shall contain:
  - i. Federal HMGP Project Identification Number
  - ii. Reason(s) for the delay
  - iii. Original scheduled completion date
  - iv. New scheduled completion date
  - v. Dates and provisions of any previous extensions
- e) Reviews quarterly progress reports from Sub-Recipients.
- f) Submits quarterly reports to FEMA as required in the format determined by FEMA.
  - i. The Sub-Recipient shall provide quarterly reports and a final report on the progress of work set forth in the Scope of Work. The quarterly reports and final report shall contain the following components:
    - a) A narrative describing in detail the progress of the Sub-Recipient in fulfilling the provisions of the Scope of Services;
    - b) Reimbursement Requests {per 206.437 (b) (4vi)} as needed that itemize the expenses incurred by the Sub-Recipient, including separate columns for the federal, state and the Sub-Recipient's matching contribution to the total cost of services as reflected in the Project Budget (Typically using the State FundTrak III); and
    - c) The schedule of specific project tasks with target completion dates and actual completion dates. The first quarterly report is due to WVDHSEM at the end of the first complete quarter following the award of the grant.
  - ii. Sub-grantee quarterly reports for all active, approved projects will be used by WVDHSEM to compile the required progress report for FEMA. This report will be submitted to the FEMA Regional Administrator no later than the last day of the month (January, April, July and October) immediately following each federal fiscal quarter.

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

- g) Reviews requests for funds and approves or denies the request. Prepares Letters of Credit Payment Requests and records requests in the State Mitigation FundTrak III Excel system.



- h) Has LCPR five signatures signed by the Authorized Agent, State Project Officer, Director of Mitigation / Recovery, State Hazard Mitigation Officer and finally GAR (Director WVDHSEM).
  - i) Delivers LCPR forms with appropriate support documentation and signatures to the WVDHSEM Administration Section for processing and payment.
  - j) Maintain necessary financial documentation and progress reports to support funds distributed to Sub-Recipients.
  - k) Review claims, certifications of costs, cost overruns, cost under-runs, audits and appeals, and forward such documentation to the GAR.
  - l) Coordinate HMGP project actions with the GAR and FEMA, as necessary, and provide assistance required in administering the program.
  - m) Supervises HMGP Project Officers to ensure maintenance of a relationship with their assigned Sub-Recipient and other project stakeholders.
  - n) Directs Project Officers in the maintenance of project files which shall contain:
    - i. Verification of local plan status (typically in the project application).
    - ii. Copy of the application.
    - iii. Correspondence
    - iv. Individual Property Inventories and all necessary forms that is specific to an individual item. (Example: Generator location and specification documents for each individual generator in a project).
    - v. Copies of LCPR with its supporting documentation (invoices).
    - vi. Quarterly Reports.
    - vii. Financial Records to support the funds disbursed.
    - viii. Closeout documentation to include the final Quarterly Report and final FundTrak III showing any funds deobligated and completion status (FINAL).
  - o) Prepares and submits final funding source closeout requests to be submitted to FEMA.
2. Roles and Responsibilities of HMGP Project Officers
- a) Be available by phone, and / or in person, to assist applicants who request help in developing the HMGP applications.
  - b) Reviews assigned applications and assists applicants in making sure that the applications are complete and accurate in accordance to the HMA Guidance 2015.
  - c) Prepares the State approved applications for delivery to FEMA and assists the State Hazard Mitigation Officer (SHMO) in the submission process to include entry into the National Emergency Management Information System (NEMIS). The NEMIS entry is limited in scope to data entry ONLY. Only the SHMO or GAR can submit applications in NEMIS to FEMA after review of each entry.
  - d) Offers technical assistance and advice for the implementation and administration of newly approved projects.
  - e) Has regular telephone, and / or in person, contacts with project managers of approved projects to ensure that the project is on schedule and being administered according to the policies and procedures of the State and FEMA.
  - f) Receives and reviews for appropriateness requests for funds for projects.

- g) Delivers to the State Hazard Mitigation Officer (SHMO) for further action in preparation of the Letter of Credit Payment Request (LCPR) all supporting invoices and other documentation supporting the request.
- h) Can prepare the LCPR in the case of the absence of the SHMO, but with the concurrence and guidance of the SHMO or GAR, so that project implementation is not delayed.
- i) After preparation of the LCPR, delivers the LCPR to the project's Authorized Agent. Makes sure that the LCPR has all required signatures and is submitted to the WVDHSEM Administration Section for further processing in a timely manner and maintains copies of all fully signed LCPR documents in the project files.
- j) Obtains quarterly reports for assigned projects, reviews the reports for accuracy and delivers the reports to the SHMO. For consistency across Hazard Mitigation Assistance (HMA) programs, the same quarterly report form is used for all HMA projects. Electronic copies of the reports are to be kept on a shared resource for future reference.
- k) Assists the SHMO in filing quarterly reports in the National Emergency Management Information System (NEMIS) or any other system required by FEMA.
- l) Informs the SHMO, in a timely manner prior to the required 60 day notice time, of any Change in Scope requests, cost overruns, cost under-runs and any other topic that may impact the project. (Example: Weather delays the demolition of structures).
- m) Upon completion of the project, meets with the Sub-Recipient's Authorized Agent and / or Project Manager to review the project from start to finish ensuring proper documentation requirements are met and that the project's stated goals and objectives have been accomplished.
- n) Prepares the final project closeout documentation to be submitted to FEMA before the expiration of the Period of Liquidation for that project and submits the documents to the SHMO for review and GAR signature. Closeout documents consist of the following:
  - i. The closeout request letter stating:
    - a) The project meets the stated goals and objectives of the project.
    - b) The approved amount of funding.
    - c) The final certification of the expenditures of the project.
    - d) Any amounts to be deobligated or reserved for overrun purposes.
    - e) (Private structural projects only) a listing of properties with full description and the status (acquired / relocated / elevated or withdrawn) of those properties accounting for every property submitted in the original project.
    - f) (Other type projects) a listing of what was accomplished accounting for every aspect of the scope of work. (Example: Final location and disposition of stream gauges or generators).
    - g) Final deliverable disposition if applicable. (Example: A statement that final copies of any plans are included as part of the closeout documents for planning projects.)

- h) The stated request to close the project.
  - i) A statement that final sites visit was conducted on a date listed in the letter and that all work is completed.
  - j) GAR signature.
  - k) Final quarterly report showing a 100% completion and final financial and project status.
  - l) Revised budget showing final line item expenditures.
  - ii. Community Closeout Request letter stating the following:
    - a) Total project expenditures.
    - b) Accounting for the scope of work to include listing of acquired / relocated / elevated or withdrawn property status if applicable.
    - c) Certification that no further project funds remain in the possession of the community.
    - d) An acknowledgment of future certification requirements stating their first certification date.
  - iii. Acquisition / Demolition and Relocation projects must include the following:
    - a) Final photographs showing the properties acquired in an Open Space condition and identifying the location of the photograph (latitude / longitude) [The standard photographic record document used for submission is recommended for this purpose. If possible, a before and after perspective of each structure is preferred for easier identification / verification by FEMA staff].
    - b) Recorded deeds with the FEMA model Exhibit A incorporated as part of the deed.
  - iv. Elevation projects must include the following:
    - a) A final Elevation Certificate showing that the structure complies with the community Floodplain Ordinance to include freeboard.
    - b) Final photographs showing the properties in an elevated condition and identifying the location of the photograph (latitude / longitude) [The standard photographic record document used for submission is recommended for this purpose. If possible, a before and after perspective of each structure is preferred for easier identification / verification by FEMA staff].
    - c) Recorded deeds with the FEMA Non-conversion Agreement incorporated as part of the deed.
    - d) Certification that flood insurance is in effect for the structure.
  - v. Other relevant information required to close the project as determined by the SHMO or FEMA.
3. Roles and Responsibilities of the Sub-Recipient.
- a) Duties of the Chief Executive Officer and Project Manager.
    - i. Immediately following notification of project approval, the Chief Executive Officer should announce to the community and all participants of the project approval.
    - ii. The Project Manager will be responsible for, and oversee, the day-to-day operation of the project.

- iii. The Project Manager will maintain close contact with the participants and keep them informed of the progress of the project.
  - iv. The Project Manager will submit quarterly reports, beginning the first full quarter after receipt of funding in the National Emergency Management Information System (NEMIS). These reports are due to the State no later than the 15<sup>th</sup> of the month following the reporting quarter. The Federal Fiscal Year begins October 1<sup>st</sup> of the calendar year. (See Appendix C for a sample quarterly report).
  - v. Final reports will be a complete assessment of the project.
  - vi. Insure repairs or construction / demolition is in accordance with applicable standards of safety, decency and sanitation and is in conformity with applicable codes, specifications, laws and regulations.
  - vii. Insure that the project is proceeding on schedule. If there are delays, the Project Manager should inform the Project Officer, who informs the State Hazard Mitigation Officer (SHMO), of the reasons for the delay and work with the Project Officer and / or SHMO to develop a new timeline for completion. If the project is expecting significant delays, FEMA should be informed and a request for additional time be made in writing providing a justification for the extension.
- b) The community, in administering the HMGP project, is required to fulfill the following:
- i. Verify the local plan is in an approved state.
  - ii. Update the list of interested participants to determine if all participants in the application are still interested in participating.
  - iii. Advertise for all services and contractors soliciting bids in compliance with Federal Procurement Guidelines in 2 CFR Part 200, The West Virginia Purchasing Guidelines (4/8/2015) and any Local Guidelines.
  - iv. Ensure that all transactions, both financial and contractual, are recorded and maintained in the project files.
  - v. Ensure that all correspondence is recorded and maintained in the project files.
  - vi. Ensure that all contractors are in compliance with all Federal, State and Local licensing requirements and that contract obligations are met.
  - vii. Will avoid conflict of interest or the appearance of conflict of interest.
  - viii. Will treat all participants in the project equitably and fairly and will not use the powers of "imminent domain" should a participant decline an offer.
  - ix. Ensure that public involvement will remain throughout the life of the project. (Example: Public notice requirements).
  - x. Will keep the State and FEMA apprised of the status of the project and report milestones reached and complications encountered.
  - xi. Will comply with all audit requirements and submit audits to the State that indicates any findings for the project as well as a corrective plan for any findings against the project.
  - xii. Ensure there is no Duplication of Benefits occurring in the project.
  - xiii. Ensure that all Environmental and Historic Preservation laws and regulations are followed. (Example: Asbestos testing).

- c) A project file shall be maintained which shall include:
- i. The application with Property Inventories and appropriate forms for all participants.
  - ii. Copies of all correspondence.
  - iii. Vouchers.
  - iv. Reports. (Example: Asbestos testing report).
  - v. Receipts / invoices to verify expenditures for HMGP funds.
  - vi. Financial records ensuring that bank accounts are in a non-interest bearing account.
  - vii. Copies of advertising showing public involvement.
  - viii. Bid packages of all bids indicating the selection process and the selected bid.
  - ix. Copies of appraisals.
  - x. Copies of elevation certificates for elevation projects.
  - xi. Copies of recorded deeds with all restrictions incorporated.
  - xii. Maintenance plans for generator and stream gauge projects.
  - xiii. Photographs both pre and post mitigation with documentation showing the location of the photograph.
  - xiv. Copies of audits that relate to the project with any corrective action plan.
  - xv. Any other project oriented documentation.
- d) Cost overruns and under-runs.
- i. Should there be a cost overrun in a project budget line item, the Sub-Recipient may request approval of additional funds be used from another line item within the same project. By providing justification such as invoices, activity reports, progress reports and the like for evaluation by the State Hazard Mitigation Officer (SHMO).
  - ii. The SHMO will make all decisions regarding cost overruns.
  - iii. The SHMO will evaluate each cost overrun and, if justified and additional funds are available in another line item in the same budget, approve an amount not to exceed 10% of the original budgeted line item. The State will notify FEMA Region III of all overruns and / or project re-scopes prior to approving any additional funds to cover cost overruns.
  - iv. The SHMO may offset cost overruns that increase the total budget using cost under-runs from other projects in the same disaster funding. FEMA Region III must be notified and approve any request to increase the total budget and the SHMO must name the project being relieved of funds in the Change of Scope letter. Further, the SHMO must state in the project being relieved of funds closeout letter that the remaining under-run is to be assigned to the project with the overrun. Upon approval of the transfer, the SHMO will adjust the State FundTrak III to reflect the change.
  - v. Cost overrun notifications must be accompanied by a new BCA if appropriate.
  - vi. Problems or circumstances affecting project costs shall also be identified through the required quarterly progress reports;
  - vii. Cost overruns request must be accompanied by justification and other pertinent material;
  - viii. Estimate of additional cost to include;

- a) Original schedule and completion date;
- b) New projected schedule and completion date.
- ix. Using funds from differing disasters or other HMA programs to cover overruns (split funding / commingling) is strictly forbidden.
- x. Anticipated or known overruns will be reported to FEMA on the quarterly report in the quarter that the overrun becomes known and any approved changes in funding will be reflected in the report financial section.
- xi. Anticipated cost under-runs will be reported to the SHMO by the Project Manager through the State Project Officer and included in the Quarterly Report. The under-run funds may be used to fund overruns in other projects or, should the under-run be of sufficient size to warrant it, fund additional participants in the project area and listed in the over-subscription list for that project after FEMA Region III has been properly notified and has given approval concurrence.
- xii. Decisions regarding the use of under-run funds will be made by the SHMO.
- e) Change of Scope
  - i. A community Project Manager will present requests to change the scope of a project to the State Hazard Mitigation Officer (SHMO), through the State Project Officer, in writing, with all necessary documentation to form a decision.
  - ii. If the SHMO believes the request for Change of Scope to be justified, and funds are available with sufficient time in the project to conduct the change, the request for Change of Scope will be submitted to FEMA for approval 60 days in advance of any action being taken on the change.
    - a) Reason(s) for the change supported by appropriate justification and any relevant documentation: e.g., photographs, standards, etc.;
    - b) Estimate of additional cost (if applicable);
    - c) Original schedule and new projected schedule (if applicable).

#### **IV. CLOSEOUT PROCEDURES**

##### **A) Project Closeout**

1. The Sub-Recipient will notify the State Hazard Mitigation Officer (SHMO) when a project is ready to be closed. It is recognized that, based upon performance period deadlines or non-performance of the grant, the SHMO may unilaterally suggest project closure to FEMA.
2. The steps to closure of a project are:
  - a) Agreement between the State and the Sub-Recipient that the project is ready to be closed. Should either not agree, the Project Manager or the State Hazard Mitigation Officer (SHMO) would request an extension, in writing, outlining the request justification.
  - b) The Sub-Recipient, the State (Recipient) and FEMA will coordinate to make sure that funds advanced through the program balance with funds expended by the Recipient and Sub-Recipient. If there is disagreement between the expended funds and the grant amount, FEMA and the Recipient will take steps to reconcile and adjust final project expenditures and Recipient Management Costs.

- c) The Recipient will conduct a final site visit to verify that all project work was completed and record the date of the final visit for the closeout letter.
- d) The Recipient will submit required closeout documents as described in Section XVIII.A.2.n above.
- e) FEMA and the State will coordinate their financial systems to record the amount and date of the final payment(s). Financial files will be closed and excess funds will be de-obligated.

**B) Program Closeout.**

1. When all projects under a single disaster are closed, the entire program is ready for closure. The steps that comprise program closeout are as follows:
  - a) Any mission assignments and technical assistance contracts will be closed out.
  - b) There will be agreement between FEMA and the Recipient on the final claim amount and concurrence date. The Recipient will submit a concurrence letter and sign FEMA Form 425.
  - c) The HMGP will be closed in program and financial systems. FEMA and the State Hazard Mitigation Officer are responsible for ensuring that Federal and State records are available in the event of an audit.
  - d) The State will retain the paper records for a minimum of 3 years from the date of program closure.
  - e) State records will be retained in perpetuity in electronic files (scanned) available upon request from state archives after 3 years from the date of closure should the paper files be unavailable.

**I. AUDITS**

**A) Federal Audits.**

1. The State will comply with the audit requirements under 2 CFR 200 (revised Single Audit Act of 1984, P.L. 98-502, implemented by OMB Circular A-133 "Audit of State and Local Governments").
2. The Sub-Recipient will maintain complete records of all work, including receipts, checks, job orders, contracts, equipment usage, payroll information, and any other documentation that will be required by an audit. This information will be stored and made available for State or FEMA auditors to review.
3. The State will retain all backup documentation including but not limited to:
  - a) Invoices and Letters of Credit Payment Requests.
  - b) Real property project records (deeds, titles, easements, etc.) will be maintained in the Sub-Recipient files (project books) and will be made available to the auditor upon request. However, a verification record will be maintained in the HMGP Office project files.
  - c) Engineering certificates.

**B) State Audits.**

1. The State and each Sub-Recipient that receives \$300,000 or more in Federal Financial Assistance shall have audits in accordance with 2 CFR Part 200.

2. The State assures that these audits are performed on a timely basis. If after a review of the audits, adverse findings exist, the State will take appropriate corrective action and report that action to FEMA.
3. The State will provide a copy of the audit performed on Section 404 projects to the FEMA Inspector General.
4. The State may request that a specific disaster audit be performed on projects of any size.
5. Should there appear to be improprieties in the management of accounting for Federal or State funds, a request for review may be requested.

## II. REVIEW AND UPDATE

- A) The 404 Administrative Plan will be reviewed and updated annually, or immediately following a Presidential Disaster Declaration, to ensure that it is current with 404 policies and procedures. Following the review and / or update, FEMA will be informed that either:
  1. No changes are necessary, or;
  2. Presented, in writing, any revisions.

## III. APPENDIX

- A) NOI:
- B) WVDHSEM Mitigation, to include the National Flood Insurance Program (NFIP), staffing chart:
- C) Quarterly report sample: