



# FEMA

## FEMA POLICY: Hazard Mitigation Grant Program – Post Fire Policy #207-088-2

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### BACKGROUND

The Disaster Recovery Reform Act (DRRA), Public Law 115-254, was enacted on October 5, 2018 and made numerous legislative changes to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act). Section 1204 of the DRRA amended Section 404 of the Stafford Act to allow FEMA to provide Hazard Mitigation Grant Program (HMGP) grants in any area that received a Fire Management Assistance Grant (FMAG) declaration even if no major Presidential declaration was declared. As amended, Section 404 authorizes FEMA to provide HMGP assistance for hazard mitigation measures that substantially reduce the risk of future damage, hardship, loss, or suffering in any area affected by a major disaster, *or any area affected by a fire for which assistance was provided under section 420.* (emphasis added)

Section 1204 of the DRRA also amended section 420 of the Stafford Act to parallel the change in Section 404. Section 420 of the Stafford Act authorizes FEMA to provide assistance under its Fire Management Assistance Grant (FMAG) program for the mitigation, management, and control of any fire that threatens such destruction as would constitute a major disaster. As amended, Section 420(d) states that “whether or not a major disaster is declared, the President may provide hazard mitigation assistance in accordance with section 404 in any area affected by a fire for which assistance was provided under Section 420.

These changes to Sections 404 and 420 mean that unlike traditional HMGP, the availability of this hazard mitigation assistance is not contingent on the declaration of a major Presidential disaster. This assistance, triggered by an FMAG declaration, is named, and referred to herein as, HMGP Post Fire.

### PURPOSE

The purpose of this policy is to establish the framework and requirements to implement HMGP Post Fire.

### PRINCIPLES

- A. FEMA is committed to building a culture of preparedness by educating, encouraging, and empowering partners to support wildfire prevention and recovery by funding feasible, cost-effective mitigation measures that make communities more resilient against future wildfire risk.
- B. FEMA readies the nation for catastrophic disasters by implementing cross cutting measures to mitigate wildfire and related hazards such as flash flooding, erosion, and slope failure.
- C. FEMA is dedicated to reducing the complexity of accessing grants by streamlining the grants management process for HMGP Post Fire grant applications.



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## REQUIREMENTS

### A. APPLICABILITY

**Outcome:** FEMA, States, Territories and Federally-recognized Tribes implement the HMGP Post Fire program based on applicable standards outlined below.

1. This policy applies to FMAG declarations issued on or after October 5, 2018.
2. Except where otherwise indicated in this policy, all statutory, regulatory, and programmatic requirements applicable to HMGP also apply to HMGP Post Fire. This includes, but is not limited to, the regulations at Title 44 of the Code of Federal Regulations (CFR) Sections 206.430-440, 44 CFR Part 80, and FEMA's *Hazard Mitigation Assistance Guidance*,<sup>1</sup> substituting the term "FMAG event" for "disaster" or "major disaster," where appropriate.

### B. ELIGIBILITY

**Outcome:** Potential applicants are able to discern their eligibility for HMGP Post Fire.

1. States and Territories that have received an FMAG declaration, and certain Federally-recognized Tribes, are eligible to apply for assistance under HMGP Post Fire.
2. Federally-recognized Tribes may apply for HMGP Post Fire under an FMAG declaration made to the State or Territory. Federally-recognized Tribes with burned land from the FMAG declared event may apply to FEMA as Recipients. Tribes (including Federally-recognized Tribes) may apply through the State to FEMA as Subapplicants and will follow the standard HMGP subapplicant procedures consistent with program guidance including updates in effect at the time of the FMAG declaration.<sup>2</sup>
3. States, Territories, and/or Federally-recognized Tribes applying for HMGP Post Fire funding must have a FEMA-approved mitigation plan at the time of the FMAG declaration and at the time HMGP Post Fire funding is obligated.
4. Subapplicants applying for HMGP Post Fire funding must have a FEMA-approved mitigation plan at the time funding is obligated.
5. A signed FEMA-State Agreement or FEMA-Tribal Agreement is required to implement the HMGP Post Fire Grant following FMAG declarations.

Projects submitted for funding must be eligible, feasible, and cost-effective, consistent with the requirements outlined in current HMGP regulations and guidance.

### C. FUNDING –Determination

**Outcome:** FEMA makes funding determinations based on a set of clearly defined parameters.

1. FEMA will calculate the amount of funding available under HMGP Post Fire based on the 10-year national average of assistance provided under FMAG declarations for States. FEMA

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<sup>1</sup> FEMA's Hazard Mitigation Assistance Guidance (February 27, 2015) is located at <https://www.fema.gov/media-library/assets/documents/103279>.

<sup>2</sup> See Hazard Mitigation Assistance Guidance (2015), Part III, A, B; Part VIII, A.6.



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will provide two separate calculations: one for Recipients that have standard mitigation plans and a higher calculation for Recipients that have enhanced mitigation plans.

2. For Federally-recognized Tribes that choose to apply as Recipients under HMGP Post Fire, FEMA will apportion the amount of funding between the State or Territory and the Tribal government. The apportionment will be calculated based on the amount of each Recipient's burned acreage as a percentage of the allotment to which they are entitled under No. 1. FEMA Regional Administrators will have final authority on apportionment determinations.
3. FEMA will recalculate the national average and the amount of funding available at the beginning of every fiscal year and the revised amount will be available for declarations for that fiscal year, October 1 – September 30.
4. FEMA will aggregate funding from multiple events into one grant per Recipient under the first declaration for that fiscal year, unless the Recipient informs FEMA of reasons for not aggregating.
5. Aggregation will reset at the beginning of each fiscal year and remain in effect for that year.

## **D. FUNDING – Management Costs**

**Outcome:** FEMA will determine management costs for HMGP Post Fire based upon existing policy.

1. FEMA will provide management costs under HMGP Post Fire in accordance with its implementation of FEMA Policy #104-11-1, Hazard Mitigation Grant Program Management Costs (Interim), dated November 14, 2018, except that FEMA will not provide multiple estimates of the amount of management costs available. Instead, it will provide one estimate of the management costs available under HMGP Post Fire for the first Section 420-declared event, which will be included in the formal funding notification. The estimate will subsequently be increased as appropriate for each FMAG event that is aggregated.
2. The Recipient and Subrecipient are eligible to apply for the total management costs award, subject to withholdings set forth in Section D of FEMA Policy #104-11-1 pertaining to closeout.

## **E. ELIGIBLE LOCATIONS AND ACTIVITIES**

**Outcome:** Recipients will understand how to prioritize HMGP Post Fire projects.

1. Recipients will prioritize HMGP Post Fire projects in the following manner:
  - a. Activities that benefit the declared county, counties or burned tribal lands, with wildfire hazard mitigation projects such as defensible space measures, ignition resistant construction, hazardous fuels reduction, erosion control measures, slope failure prevention measures, or flash flood reduction measures.
  - b. Activities unrelated to wildfire hazard mitigation, such as generally allowable HMGP projects within the declared county or counties or burned tribal lands.
  - c. Activities related to wildfire hazard mitigation, such as generally allowable HMGP projects, outside of the declared county or counties or burned tribal lands.



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- d. Activities unrelated to wildfire hazard mitigation, such as generally allowable HMGP projects outside of the declared county or counties or burned tribal lands.
2. For Statewide or tribal applications for projects outside of the declared or burned area(s), the Recipient or Subrecipient must explain in the project application why the funding will not be used in the declared or burned area(s).

## F. APPLICATION PERIOD

**Outcome:** Application submissions timelines are clearly defined. This section supersedes 44 CFR Section 206.436(d) and sets forth the application submission timeframe for HMGP Post Fire grants.

1. The application period for the State, Territory and Federally-recognized Tribes opens with the first FMAG declaration for the State or Territory of the fiscal year and ends at 11:59 PM on the last day of the sixth month of the next fiscal year.
2. FEMA will send a formal funding notification letter to eligible Applicants with the first and each subsequent FMAG declaration.

## G. PERIOD OF PERFORMANCE

**Outcome:** Period of Performance is defined.

The Period of Performance begins at the opening of the application period, i.e., date of FMAG declaration, and ends 36 months after the close of the application period.

## H. COST EFFECTIVENESS

**Outcome:** Applicants will understand how to use pre-calculated benefits to demonstrate cost-effectiveness for certain project types under HMGP Post Fire.

1. FEMA has determined that pre-calculated benefits for certain types of projects applicable to HMGP Post Fire will meet the cost-effectiveness requirement for HMGP projects. Specifically, benefits of \$5,250 per acre are available for the following post-wildfire mitigation project types:
  - a. Soil stabilization
  - b. Flood diversion
  - c. Reforestation

If the cost of a given project does not exceed \$5,250 per acre, it will be deemed cost-effective using the pre calculated benefits methodology.



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Date



## ADDITIONAL INFORMATION

### REVIEW CYCLE

This interim policy #207-088-2 will be included in the next update or revision of the Hazard Mitigation Assistance Unified Guidance (2015) at which point this policy will be superseded.

### AUTHORITIES

- A. Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5187), as amended.
- B. Section 404(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. § 5170c), as amended.
- C. Section 1204, Wildfire Prevention, of the Disaster Recovery Reform Act of 2018 (DRRA)

### DEFINITIONS

**Management Costs:** Any indirect cost, any direct administrative cost, and any other administrative expenses that are reasonably incurred by a Recipient or Subrecipient in administering an award or subaward.

**Fire Management Assistance Grant (FMAG):** Fire Management Assistance is authorized by the Section 420 of the Stafford Act, 42 U.S.C. §5187, and is designed to provide assistance, including grants, equipment, supplies, and personnel, to any State or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threatens such destruction as would constitute a major disaster.

**HMGP Post Fire:** Disaster Recovery Reform Act of 2018 authorized FEMA to provide hazard mitigation grant funding in areas that received FMAG assistance as a result of wildfire. FEMA has titled this assistance HMGP Post Fire.

### MONITORING AND EVALUATION

No later than October 5, 2019, and annually thereafter, FEMA shall submit an annual report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Transportation and Infrastructure of the House of Representatives, and the Committees on Appropriations of the Senate and the House of Representatives which summarizes any projects carried out, and any funding provided to those projects, under subsection (d) of Section 420 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5187) (as amended by DRRA Section 1204).

### QUESTIONS

Direct questions to the FEMA Grants Policy Branch at [fema-hma-grants-policy@fema.dhs.gov](mailto:fema-hma-grants-policy@fema.dhs.gov)

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<sup>1</sup> For regulations implementing the Fire Management Assistance Program (FMAG) and related definitions, see 44 C.F.R. Part 204.