FISCAL YEAR 2010

FLOODPLAIN MAPPING AND DAM RISK REDUCTION GUIDANCE

GUIDANCE AND APPLICATION KIT

AUGUST 2010

U.S. DEPARTMENT OF HOMELAND SECURITY

Title of Opportunity: Floodplain Mapping and Dam Risk Reduction Project

Funding Opportunity Number: DHS-10-MT-045-000-03

Federal Agency Name: U.S. Department of Homeland Security (DHS) Federal Emergency Management Agency (FEMA)

Announcement Type: Initial

Dates: Completed applications must be submitted **no later than 11:59 PM Eastern, August 30, 2010.**

Additional overview information: This Guidance outlines the initiatives and special programs that promote flood hazard related floodplain management issues and dam safety issues and leverages funding to encourage projects undertaken through a membership association initiative.

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PART I.
FUNDING OPPORTUNITY DESCRIPTION

The Federal Emergency Management Agency (FEMA) proposes to enter into a Cooperative Agreement for an estimated $100,000 with the Association of State Floodplain Managers (ASFPM) to further our shared mission to mitigate the losses, costs, and human suffering caused by flooding and to promote the wise use of the natural and beneficial functions of floodplains.

The ASFPM is a non-profit organization of professionals involved in floodplain management, flood hazard mitigation, flood preparedness, and flood warning and recovery. The goals of the Association are to:

- Reduce the loss of human life and property damage resulting from flooding;
- Preserve the natural and beneficial functions of floodplains;
- Promote flood mitigation for the prevention of loss and the wise use of floodplains; and
- Avoid actions that exacerbate flooding.

Through a cooperative agreement, the nation will benefit from leveraging the shared goals and activities the ASFPM is already undertaking including the Certified Floodplain Manager program, ASFPM National Conference activities, floodplain management initiatives, the State and Local Programs review, and many other projects and activities. ASFPM is considered the only membership organization that has the expertise and authority for floodplain management representing the local floodplain administrator. Further, ASFPM has the unique opportunity to tap into their membership to provide the distinct perspective of state, local, private sector, and academia whose single mission is sound floodplain management.

The individual activities that will be funded through this Cooperative Agreement shall be determined through individual negotiations between FEMA and the ASFPM and will include ASFPM providing leadership in the creation of a cross-discipline committee to make the following recommendations:

- Provide analysis of the current state of dam safety in the nation;
- Discuss the relationship of dams and floodplain management; and
- Explore the various opportunities of addressing dams and floodplain management

Historically, the nation looked at dam safety separate from floodplain management. This piecemeal approach does not allow a community to focus on a holistic approach to dam risk reduction, floodplain management, and meeting the local government's goals of a sustainable community. When a community only focuses on structural solutions to

solve its flooding problems, it may not be using its limited public resources most efficiently. This cooperative agreement will enable FEMA to partner with the ASFPM and work with State and local partners in support of dam safety and flood risk reduction efforts across the nation.

The purpose of this funding opportunity is to provide, through a cooperative agreement, a means to ensure continued promotion of innovative mapping initiatives, dam safety focus, and floodplain management objectives with FEMA's partners in the Federal, State, and local governments as well as the private sector technical experts on flood hazards. Funding for floodplain mapping, dam risk reduction, and floodplain management projects are intended to provide technical assistance to States and communities participating in the National Flood Insurance Program (NFIP) to promote risk identification, dam hazard risk mitigation, and sound floodplain management. The activities are identified as follows:

> Dam Risk Reduction: FEMA has been funded to modernize its inventory of Flood Insurance Rate Maps and to develop a Flood Risk Mapping, Assessment and Planning strategy to reduce flood risks in the nation. As part of these initiatives, FEMA is addressing the risk associated with levees. A national inventory of levees is being developed and areas behind levees that cannot be certified are being mapping in the floodplain.
>
> While there is a significant assessment of the impact of levees in conjunction with FEMA's flood risk assessment efforts, there has been no comparable effort to assess the risks associated with dams even though dams affect floodplains in a number of ways. In addition to being a potential life safety hazard, dams also impact flood hydrographs, water quality, downstream erosion and sedimentation, floodplain habitat, and the natural and beneficial function of floodplains.
>
> Because State and local floodplain managers need to better understand how dams affect floodplains and floodplain management, they need to know where to find information on dams that may impact their responsibilities and obligations and what steps they can take to ensure that their communities and States are aware of the hazards and prepared to deal with them. This project would involve an analysis of the relationship of dams to the floodplain and develop recommendations on how to begin better integrating dams into a more holistic approach to floodplain management.
>
> Through coordination and collaboration and ASFPM leadership, FEMA will gain valuable insight on the analysis of the relationship of dams to the floodplain and develop recommendations on how to integrate dam safety awareness, safety, and risk reduction into floodplain mapping and floodplain management. ASFPM will organize and lead a cross-disciplined committee to provide input during strategy development and prepare an assessment report. Specific activities to be completed include:

Creation of a cross-discipline committee - ASFPM will establish a cross discipline committee to provide input during strategy development and to review the draft and final report. This committee may include (but not be limited to) the following disciplines: State and local floodplain managers, State dam safety officials, State and local emergency managers, planners, hazard mitigation experts, and non-governmental organizations. The emergency managers and floodplain managers should be representative of both rural and densely populated areas. ASFPM shall submit the committee membership to FEMA's Program Office contact for approval within 30 days after notice to proceed.

Prepare a report outline - Within 30 days after the approval of the cross discipline committee, ASFPM shall submit a draft report outline to FEMA's Program Office contact for approval. After approval of the report outline, ASFPM may start developing a draft report based on the approved outline.

Produce a Draft Report - ASFPM will develop a draft report within 6 months of the approval of the report outline. After receipt of the draft report, FEMA will provide comments on the draft report to ASFPM within 30 days of submission. ASFPM will address the comments from FEMA and submit a draft final report within 30 days of receipt of comments.

Produce Final Draft Report - ASFPM will develop a final draft report within 30 days of receipt FEMA's comments on the draft report. After receipt of the draft final report, FEMA will provide comments on the draft report to ASFPM within 30 days of submission. ASFPM will address the comments from FEMA and submit a Final Report within 30 days of receipt of comments.

Submit Final Report - ASFPM will develop a final report within 30 days of receipt FEMA's comments on the draft report for approval and acceptance.

The outcome of this initiative will be a better understanding of the state of dam safety in the nation, identification of varied and innovative floodplain management approaches to dam safety for local and State government officials, and examples of other floodplain management/dam safety approaches that have been used successfully by other State governments and local municipalities.

PART II.
AWARD INFORMATION

DHS/FEMA anticipates awarding one (1) award under this cooperative agreement. Funding is limited to ASFPM.

Authorizing Statutes
The Department of Homeland Security Appropriations Act, 2010 (Public Law 111-83) and the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 *et seq.*).

Period of Performance
The period of performance of this cooperative agreement is twelve (12) months from date of award. Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications as to why an extension is required.

Available Funding
In FY 2010, the total amount of funds distributed under this grant will be $100,000.

PART III.
ELIGIBILITY INFORMATION

A. Eligible Applicants

This funding opportunity is restricted to ASFPM.

B. Cost Sharing

There is no cost share for this cooperative agreement.

C. Restrictions

This program is non-competitive and restricted to the applicant listed in Eligible Applicants as determined by FEMA within the limited funding and scope identified.

D. Other

National Incident Management System Implementation Compliance
In accordance with Homeland Security Presidential Directive (HSPD)-5, *Management of Domestic Incidents*, the adoption of the National Incident Management System (NIMS) is a requirement to receive Federal assistance, through grants, contracts, and other activities. The NIMS provides a consistent nationwide template to enable all levels of government, tribal nations, nongovernmental organizations, and private sector partners to work together to prevent, protect against, respond to, recover from, and mitigate the effects of incidents, regardless of cause, size, location, or complexity.

Federal FY 2009 NIMS implementation must be considered prior to allocation of any Federal awards in FY 2010. The primary grantee/administrator of FY 2010 Floodplain Mapping and Dam Risk Reduction Projects award funds is responsible for determining if sub-awardees have demonstrated sufficient progress in NIMS implementation to disburse awards.

PART IV.
APPLICATION AND SUBMISSION INFORMATION

A. Address to Request Application Package

FEMA makes all funding opportunities available through the common electronic "storefront" *grants.gov*, accessible on the Internet at *http://www.grants.gov*. If you experience difficulties accessing information or have any questions please call the *grants.gov* customer support hotline at (800) 518-4726.

Application forms and instructions are available at Grants.gov. To access these materials, go to http://www.grants.gov , select "Apply for Grants," and then select "Download Application Package." Enter the CFDA and/or the funding opportunity number located on the cover of this announcement. Select "Download Application Package," and then follow the prompts to download the application package. To download the instructions, go to "Download Application Package" and select "Instructions."

B. Content and Form of Application

1. **Application via *www.grants.gov*.** All applicants must file their applications using the Administration's common electronic "storefront" - *www.grants.gov*. Eligible grantees must apply for funding through this portal, accessible on the Internet at *www.grants.gov*.

   The application must be completed and submitted using *www.grants.gov* after Central Contractor Registration (CCR) is confirmed. The on-line application includes the following required forms and submissions:

   - Standard Form 424, Application for Federal Assistance
   - Standard Form 424A, Budget Information (Non-construction)
   - Standard Form 424B, Standard Assurances (Non-construction)
   - Standard Form LLL, Disclosure of Lobbying Activities (if the grantee has engaged or intends to engage in lobbying activities)
   - Grants.gov (GG) Lobbying Form, Certification Regarding Lobbying
   - FEMA Form 20-16C, Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements
   - Budget with narrative

The program title listed in the CFDA is *Cooperating Technical Partners*. The CFDA number is **97.045**.

2. **Dun and Bradstreet Data Universal Numbering System (DUNS) number.** The applicant must provide a DUNS number with their application. This number is a required field within *www.grants.gov* and for CCR. Organizations should verify that they have a DUNS number, or take the steps necessary to obtain one, as soon as possible. Applicants can receive a DUNS number at no cost by calling the dedicated toll-free DUNS Number request line at (866) 705-5711**.**

3. **Central Contractor Registration (CCR).** The application process also involves an updated and current CCR by the applicant, which must be confirmed at *http://www.ccr.gov*.

C. Submission Dates and Times

Completed applications must be submitted electronically through *www.grants.gov* **no later than 11:59 PM EST August 30, 2010**. Late applications will neither be considered nor reviewed. Upon successful submission, a confirmation e-mail message will be sent with a *grants.gov* tracking number, which is needed to track the status of the application.

D. Intergovernmental Review

This funding opportunity is not subject to Executive Order (EO) 12372, "Intergovernmental Review of Federal Programs."

E. Funding Restrictions

DHS grant funds may only be used for the purpose set forth in the grant, and must be consistent with the statutory authority for the award. Grant funds may not be used for matching funds for other Federal grants/cooperative agreements, lobbying, or intervention in Federal regulatory or adjudicatory proceedings. In addition, Federal funds may not be used to sue the Federal government or any other government entity.

Pre-award costs are allowable only with the written consent of DHS and if they are included in the award agreement.

Federal employees are prohibited from serving in any capacity (paid or unpaid) on any proposal submitted under this program. Federal employees may not receive funds under this award.

PART V.
APPLICATION REVIEW INFORMATION

A. Review Criteria

The application (narrative/work plan) will be reviewed by FEMA for consistency with the goals and objectives stated in Part I.

B. Review and Selection Process

Applications are approved upon determination that the funding will leverage previously identified ASFPM projects that enhance risk analysis and floodplain management. Identified projects will contribute toward accomplishment of the Agency's overall mission and meet any established project evaluation/selection criteria.

Funds will not be made available for obligation, expenditure, or drawdown until the applicant’s budget and budget narrative have been approved by FEMA.

The applicant must provide a detailed budget for the funds requested. The detailed budget must be submitted with the grant application as a file attachment within *www.grants.gov*. The budget must be complete, reasonable, and cost-effective in relation to the proposed project. The budget should provide the basis of computation of all project-related costs, any appropriate narrative, and a detailed justification of Management & Administrative (M &A) costs.

C. Anticipated Announcement and Award Dates

FEMA will evaluate and act on applications within 30 days following close of the application period. Awards will be made on or before September 30, 2010.

PART VI.
AWARD ADMINISTRATION INFORMATION

A. Notice of Award

Upon approval of an application, the grant will be awarded to the grantee. The date that this is done is the "award date." Notification of award approval is made through the Grants Management System (GMS). Once an award has been approved, a notice is sent to the authorized grant official. Follow the directions in the notification to accept your award documents. The authorized grant official should carefully read the award and special condition documents. If you do not receive a notification, please contact your FEMA Program Office for your award number. Once you have the award number, contact the GMS Help Desk at (888) 549-9901, option three, to obtain the username and password associated with the new award.

The period of performance is 12 months and begins on the Project Period/Budget Period start date listed in the award package. Any unobligated funds will be de-obligated at the end of the close-out period. Extensions to the period of performance will be considered only through formal requests to FEMA with specific and compelling justifications why an extension is required. All extension requests must be submitted to FEMA at least 60 days prior to the end of the period of performance and must address:

- Reason for delay;
- Current status of the activity/activities;
- Approved period of performance termination date and new project completion date;
- Remaining available funds, both Federal and non-Federal;
- Budget outlining how remaining Federal and non-Federal funds will be expended;
- Plan for completion including milestones and timeframes for achieving each milestone and the position/person responsible for implementing the plan for completion; and
- Certification that the activity/activities will be completed within the extended period of performance without any modification to the original Statement of Work approved by FEMA.

B. Administrative and National Policy Requirements

The recipient and any sub-recipient(s) must, in addition to the assurances made as part of the application, comply and require each of its subcontractors employed in the completion of the project to comply with all applicable statutes, regulations, executive orders, OMB Circulars, terms and conditions of the award, and the approved application.

1. **Standard Financial Requirements.** The grantee and any subgrantee(s) shall comply with all applicable laws and regulations. A non-exclusive list of regulations commonly applicable to DHS grants are listed below:

   1.1 – Administrative Requirements.
   - 44 CFR Part 13, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*
   - 2 CFR Part 215, *Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations* (OMB Circular A-110)

   1.2 – Cost Principles.
   - 2 CFR Part 225, *Cost Principles for State, Local, and Indian tribal Governments* (OMB Circular A-87)
   - 2 CFR Part 220, *Cost Principles for Educational Institutions* (OMB Circular A-21)
   - 2 CFR Part 230, *Cost Principles for Non-Profit Organizations* (OMB Circular A-122)
   - 48 CFR 31.2, Federal Acquisitions Regulations (FAR), *Contracts with Commercial Organizations*

   1.3 – Audit Requirements.
   - OMB Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*

   1.4 – Duplication of Benefits. There may not be a duplication of any Federal assistance by governmental entities, per 2 CFR Part 225, Basic Guidelines Section C.3 (c), which states: Any cost allocable to a particular Federal award or cost objective under the principles provided for in this Authority may not be charged to other Federal awards to overcome fund deficiencies, to avoid restrictions imposed by law or terms of the Federal awards, or for other reasons. However, this prohibition would not preclude governmental units from shifting costs that are allowable under two or more awards in accordance with existing program agreements. Non-governmental entities are also subject to this prohibition per 2 CFR Parts 220 and 230 and 48 CFR 31.2.

2. **Payment.** DHS/FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to Recipients. To enroll in the DD/EFT, the Recipient must complete a Standard Form 1199A, Direct Deposit Form, found at http://www.fms.treas.gov/eft/1199a.pdf.

   The Recipient may be paid in advance, or reimbursed by completing the Standard Form (SF) 270, Request for Advance/Reimbursement. In order to download the Standard Form 270, the Recipient may use the following link: http://www.whitehouse.gov/omb/grants/sf270.pdf

2.1 – Advance Payment. In accordance with Treasury regulations at 31 CFR Part 205, the Recipient shall maintain procedures to minimize the time elapsing between the transfer of funds and the disbursement of said funds (See 44 CFR Part 13.21(i)) regarding payment of interest earned on advances. In order to request an advance, the Recipient must maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of funds from DHS and expenditure and disbursement by the Recipient. When these requirements are not met, the Recipient will be required to be on a reimbursement for costs incurred method.

NOTE: FUNDS WILL NOT BE AUTOMATICALLY TRANSFERRED UPON ISSUANCE OF THE GRANT. GRANTEES MUST SUBMIT A REQUEST FOR ADVANCE/REIMBURSEMENT (SF-270) IN ORDER FOR THE FUNDS TO BE TRANSFERRED TO THE GRANTEE'S ACCOUNT.

3. **Non-supplanting Requirement.** Grant funds will be used to supplement existing funds, and will not replace (supplant) funds that have been appropriated for the same purpose. Applicants or grantees may be required to supply documentation certifying that a reduction in non-Federal resources occurred for reasons other than the receipt or expected receipt of Federal funds.

4. **Administrative Requirements.**

4.1 – Freedom of Information Act (FOIA). FEMA recognizes that much of the information submitted in the course of applying for funding under this program or provided in the course of its grant management activities may be considered law enforcement sensitive or otherwise important to national security interests. While this information under Federal control is subject to requests made pursuant to the *Freedom of Information Act* (FOIA), 5 U.S.C. §552, all determinations concerning the release of information of this nature are made on a case-by-case basis by the FEMA FOIA Office, and may likely fall within one or more of the available exemptions under the Act. The applicant is encouraged to consult its own State and local laws and regulations regarding the release of information, which should be considered when reporting sensitive matters in the grant application, needs assessment and strategic planning process. The grantee should be familiar with the regulations governing Sensitive Security Information (49 CFR Part 1520), as it may provide additional protection to certain classes of homeland security information.

4.2 – Compliance with Federal civil rights laws and regulations. The grantee is required to comply with Federal civil rights laws and regulations. Specifically, the grantee is required to provide assurances as a condition for receipt of Federal funds that its programs and activities comply with the following:

- *Title VI of the Civil Rights Act of 1964,* as amended, 42. U.S.C. §2000 et seq. – Provides that no person on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program or activity receiving Federal financial assistance. Title VI also extends protection to persons with Limited English Proficiency (LEP). (42 U.S.C. §2000d et seq.)

- *Title IX of the Education Amendments of 1972*, as amended, 20 U.S.C. §1681 et seq. – Provides that no person, *on the basis of sex*, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any education program or activity receiving Federal financial assistance.

- *Section 504 of the Rehabilitation Act of 1973,* as amended, 29 U.S.C. §794 – Provides that no otherwise qualified individual with a disability in the United States, shall, *solely* by reason of his or her disability, be excluded from the participation in, be denied the benefits of, or subject to discrimination in any program or activity receiving Federal financial assistance.

- *The Age Discrimination Act of 1975,* as amended, 20 U.S.C. §6101 et seq. – Provides that no person in the United States shall, on the basis of age, be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving Federal financial assistance.

Grantees must comply with all regulations, guidelines, and standards adopted under the above statutes. The grantee is also required to submit information, as required, to the DHS Office for Civil Rights and Civil Liberties concerning its compliance with these laws and their implementing regulations.

4.3 – Services to Limited English Proficient (LEP) persons. Recipients of FEMA financial assistance are required to comply with several Federal civil rights laws, including Title VI of the Civil Rights Act of 1964, as amended. These laws prohibit discrimination on the basis of race, color, religion, natural origin, and sex in the delivery of services. National origin discrimination includes discrimination on the basis of limited English proficiency. To ensure compliance with Title VI, recipients are required to take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary. The grantee is encouraged to consider the need for language services for LEP persons served or encountered both in developing their proposals and budgets and in conducting their programs and activities. Reasonable costs associated with providing meaningful access for LEP individuals are considered allowable program costs. For additional information, see *http://www.lep.gov.*

4.4 – Certifications and Assurances. Certifications and assurances regarding the following apply:

- *Lobbying.* 31 U.S.C. §1352*, Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions.* – Prohibits the use of Federal funds in lobbying members and employees of Congress, as well as employees of Federal agencies, with respect to the award or amendment of any Federal grant, cooperative agreement, contract, or loan. FEMA and DHS have codified restrictions upon lobbying at 44 CFR Part 18 and 6 CFR Part 9. (Refer to form included in application package.)

- *Drug-free Workplace Act,* as amended, 41 U.S.C. §701 et seq. – Requires the recipient to publish a statement about its drug-free workplace program and give a copy of the statement to each employee (including consultants and temporary personnel) who will be involved in award-supported activities at any site where these activities will be carried out. Also, place(s) where work is being performed under the award (i.e., street address, city, state and zip code) must be maintained on file. The recipient must notify the Grants Officer of any employee convicted of a violation of a criminal drug statute that occurs in the workplace. For additional information, see 44 CFR Part 17.

- *Debarment and Suspension.* – Executive Orders 12549 and 12689 provide protection from fraud, waste, and abuse by debarring or suspending those persons that deal in an irresponsible manner with the Federal government. The recipient must certify that they are not debarred or suspended from receiving Federal assistance. For additional information, see 2 CFR Part 3000.

- *Federal Debt Status.* – The recipient may not be delinquent in the repayment of any Federal debt. Examples of relevant debt include delinquent payroll or other taxes, audit disallowances, and benefit overpayments. (See OMB Circular A-129) (Refer to SF-424, item number 17.)

- *Hotel and Motel Fire Safety Act of 1990.* – In accordance with section 6 of the *Hotel and Motel Fire Safety Act of 1990*, 15 U.S.C. §2225a, the recipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds, complies with the fire prevention and control guidelines of the *Federal Fire Prevention and Control Act of 1974*, 15 U.S.C. §2225.

Grantees must comply with all regulations, guidelines, and standards adopted under the above statutes.

4.5 – Integrating individuals with disabilities into emergency planning. Section 504 of the *Rehabilitation Act of 1973*, as amended, prohibits discrimination against people with disabilities in all aspects of emergency mitigation, planning, response, and recovery by entities receiving financial funding from FEMA. In addition, Executive Order 13347, *Individuals with Disabilities in Emergency Preparedness* signed in July 2004, requires the Federal government to support safety and security for individuals with disabilities in situations involving disasters, including earthquakes, tornadoes, fires, floods, hurricanes, and acts of terrorism. Executive Order 13347 requires the Federal government to encourage consideration of the needs of individuals with disabilities served by State, local, and tribal governments in emergency preparedness planning.

4.6 – Environmental Planning and Historic Preservation Compliance. FEMA is required to consider the potential impacts to the human and natural environment of projects proposed for FEMA grant funding. FEMA, through its Environmental Planning and Historic Preservation (EHP) Program, engages in a review process to ensure that FEMA-funded activities comply with various Federal laws including: *National Environmental Policy Act*, *National Historic Preservation Act*, *Endangered Species Act*, the *Clean Water Act*, and Executive Orders on Floodplains (11988), Wetlands (11990), Environmental Justice (12898). The goal of these compliance requirements is to protect our nation's water, air, coastal, wildlife, agricultural, historical, and cultural resources, as well as to minimize potential adverse effects to low-income and minority populations.

The grantee shall provide all relevant information to FEMA to ensure compliance with applicable Federal EHP requirements. Any project with the potential to impact natural or biological resources or historic properties cannot be initiated until FEMA has completed the required EHP review. In addition to a detailed project description that describes what is to be done with the grant funds, how it will be done, and where it will be done, grantees shall provide detailed information about the project (where applicable), including, but not limited to, the following:

- Project location (i.e., exact street address or map coordinates)
- Total extent of ground disturbance and vegetation clearing
- Extent of modification of existing structures
- Construction equipment to be used, staging areas, etc.
- Year that any affected buildings or structures were built
- Natural, biological, and/or cultural resources present within the project area and vicinity, including wetlands, floodplains, geologic resources, threatened or endangered species, or National Register of Historic Places listed or eligible properties, etc.
- Visual documentation such as good quality, color and labeled site and facility photographs, project plans, aerial photos, maps, etc.

- Alternative ways considered to implement the project (not applicable to procurement of mobile and portable equipment)

For projects that have the potential to impact sensitive resources, FEMA must consult with other Federal, State, and tribal agencies such as the U.S. Fish and Wildlife Service, State Historic Preservation Offices, and the U.S. Army Corps of Engineers, as well as other agencies and organizations responsible for the protection and/or management of natural and cultural resources, including Federally-recognized Indian tribes, Tribal Historic Preservation Offices, and the Department of the Interior, Bureau of Indian Affairs. For projects with the potential to have adverse effects on the environment and/or historic properties, FEMA's EHP review process and consultation may result in a substantive agreement between the involved parties outlining how the grantee will avoid the effects, minimize the effects, or, if necessary, compensate for the effects. Grantees who are proposing communication tower projects are encouraged to complete their Federal Communications Commission (FCC) EHP process prior to preparing their EHP review materials for FEMA, and to include their FCC EHP materials with their submission to FEMA. Completing the FCC process first and submitting all relevant EHP documentation to FEMA will help expedite FEMA's review.

Because of the potential for adverse effects to EHP resources or public controversy, some projects may require an additional assessment or report, such as an Environmental Assessment, Biological Assessment, archaeological survey, cultural resources report, wetlands delineation, or other document, as well as a public comment period. Grantees are responsible for the preparation of such documents, as well as for the implementation of any treatment or mitigation measures identified during the EHP review that are necessary to address potential adverse impacts. Grantees may use grant funds toward the costs of preparing such documents. The use of grant funds for mitigation or treatment measures that are not typically allowable expenses will be considered on a case-by-case basis. Failure of the grantee to meet Federal, State, local and territorial EHP requirements, obtain required permits, and comply with any conditions that may be placed on the project as the result of FEMA's EHP review may jeopardize Federal funding.

Recipients shall not undertake any project without the prior approval of FEMA, and must comply with all conditions placed on the project as the result of the EHP review. Any change to the approved project description will require re-evaluation for compliance with these EHP requirements. If ground disturbing activities occur during project implementation, the recipient must ensure monitoring of ground disturbance, and if any potential archeological resources are discovered, the recipient will immediately cease construction in that area and notify their FEMA Program Office, and the appropriate State Historic Preservation Office. Any projects that have been initiated prior to approval will result in a non-compliance finding and will not be eligible for funding.

For more information on FEMA's EHP requirements, Grantees should refer to FEMA's Information Bulletin #329, *Environmental Planning and Historic Preservation Requirements for Grants,* available at *http://www.fema.gov/pdf/government/grant/bulletins/info329.pdf*. Additional information and resources can also be found at *http://www.fema.gov/plan/ehp/ehp-applicant-help.shtm.*

C. Reporting Requirements

Reporting requirements must be met throughout the life of the grant (refer to the program guidance and the special conditions found in the award package for a full explanation of these requirements). Any reports or documents prepared as a result of this grant shall be in compliance with Federal "plain English" policies, directives, etc.

1. **Federal Financial Report (FFR) – required quarterly.** Obligations and expenditures must be reported on a quarterly basis through the FFR (SF-425),which replaced the SF-269 and SF-272, which is due within 30 days of the end of each calendar quarter (e.g., for the quarter ending March 31, the FFR is due no later than April 30). A report must be submitted for every quarter of the period of performance, including partial calendar quarters, as well as for periods where no grant activity occurs. Future awards and fund draw downs may be withheld if these reports are delinquent. The final FFR is due 90 days after the end date of the performance period.

   FFRs **must be filed according to the process and schedule below:**

   FFRs must be filed manually to the GPD Point of Contact listed in Part VII.

   Reporting periods and due dates:
   - October 1 – December 31; *Due January 30*
   - January 1 – March 31; *Due April 30*
   - April 1 – June 30; *Due July 30*
   - July 1 – September 30; *Due October 30*

2. **Progress Reports.** ASFPM will provide FEMA verbal and written progress reports at mutually-agreed upon timeframes. These reports will adhere to all administrative requirements as outlined in 44 CFR Part 13.

3. **Financial and Compliance Audit Report.** Recipients that expend $500,000 or more of Federal funds during their fiscal year are required to submit an organization-wide financial and compliance audit report. The audit must be performed in accordance with GAO's *Government Auditing Standards*, located at *http://www.gao.gov/govaud/ybk01.htm*, and *OMB Circular A-133, Audits of States, Local Governments, and Non-Profit Organizations*, located at *http://www.whitehouse.gov/omb/circulars/a133/a133.html.* Audit reports are currently due to the Federal Audit Clearinghouse no later than nine months after the

end of the recipient's fiscal year. In addition, the Secretary of Homeland Security and the Comptroller General of the United States shall have access to any books, documents, and records of recipients of FY10 Floodplain Mapping and Dam Risk Reduction Projects assistance for audit and examination purposes, provided that, in the opinion of the Secretary or the Comptroller, these documents are related to the receipt or use of such assistance. The grantee will also give the sponsoring agency or the Comptroller, through any authorized representative, access to, and the right to examine all records, books, papers or documents related to the grant.

The recipient shall require that sub-grantees comply with the audit requirements set forth in *OMB Circular A-133*. Recipients are responsible for ensuring that sub-recipient audit reports are received and for resolving any audit findings.

4. **Monitoring.** Grant recipients will be monitored periodically by FEMA staff, both programmatically and financially, to ensure that the project goals, objectives, performance requirements, timelines, milestone completion, budgets, and other related program criteria are being met.

   Monitoring will be accomplished through a combination of desk-based reviews and on-site monitoring visits. Monitoring will involve the review and analysis of the financial, programmatic, performance and administrative issues relative to each program and will identify areas where technical assistance and other support may be needed.

   The recipient is responsible for monitoring award activities, to include sub-awards, to provide reasonable assurance that the Federal award is administered in compliance with requirements. Responsibilities include the accounting of receipts and expenditures, cash management, maintaining of adequate financial records, and refunding expenditures disallowed by audits.

5. **Grant Close-Out Process.** Within 90 days after the end of the period of performance, grantees must submit a final FFR and final progress report detailing all accomplishments throughout the period of performance. After these reports have been reviewed and approved by FEMA, a close-out notice will be completed to close out the grant. The notice will indicate the period of performance as closed, list any remaining funds that will be deobligated, and address the requirement of maintaining the grant records for three years from the date of the final FFR. The grantee is responsible for returning any funds that have been drawndown but remain as unliquidated on grantee financial records.

   Required submissions: (1) final SF-425, due 90 days from end of grant period; and (2) final progress report, due 90 days from the end of the grant period.

PART VII.
FEMA CONTACTS

1. Grant Programs Directorate (GPD). FEMA GPD's Grants Management Division will provide fiscal support, including pre- and post-award administration and technical assistance, to the grant programs included in this solicitation. Additional guidance and information can be obtained by contacting the FEMA Call Center at (866) 927-5646 or via e-mail to ASK-GMD@dhs.gov.

2. Program Office Contact. Designated official responsible for the technical monitoring of the stages of work and technical performance of the activities described in the project description: The project officer for each program office is:

Risk Analysis Division
Assessment and Planning Branch:
James Demby
Assessment and Planning Branch
HQ Federal Emergency Management Agency/DHS
1800 South Bell Street
Arlington, VA 20598-3030
(202) 646-3435
james.demby@dhs.gov

Risk Reduction Division:
Rhonda Montgomery
Floodplain Management Branch
HQ Federal Emergency Management Agency/DHS
1800 South Bell Street
Arlington, VA 20598-3030
(202) 646-3072
rhonda.montgomery@dhs.gov

PART VIII.
OTHER INFORMATION

A. Copyright:

The Recipient may publish, or otherwise exercise copyright in, any work first produced under this Agreement unless the work includes any information that is otherwise controlled by the Government (e.g. classified information or other information subject to national security or export control laws or regulations). For any scientific, technical, or other copyrighted work based on or containing data first produced under this Agreement, including those works published in academic, technical or professional journals, symposia proceedings, or similar works, the Recipient grants the Government a royalty-free, nonexclusive and irrevocable license to reproduce, display, distribute copies, perform, disseminate, or prepare derivative works, and to authorize others to do so, for Government purposes in all such copyrighted works. The Recipient shall affix the applicable copyright notices of 17 U.S.C. 401 or 402, and an acknowledgment of Government sponsorship (including award number) to any work first produced under this Agreement.

B. Data Rights:

1. General Requirements. "Data" means recorded information, regardless of form or the media on which it may be recorded. The Grantee grants the Government a royalty free, nonexclusive and irrevocable license to reproduce, display, distribute copies, perform, disseminate, or prepare derivative works, and to authorize others to do so, for Government purposes in:

a. Any data that first produced under this Agreement and provided to the Government;
b. Any data owned by third parties that is incorporated in data provided to the Government under this Agreement; or
c. Any data requested in paragraph 2 below, if incorporated in the Agreement.

2. Additional requirement for research awards.

a. Requirement. If the Government believes that it needs additional research data that was produced under this Agreement, the government may request the research data and the Recipient agrees to provide the research data within a reasonable time.

b. Applicability. The requirement in paragraph 2.a of this section applies to any research data that are:

1. Produced under this agreement, either as a recipient or subrecipient;
2. Used by the Government in developing an agency action that has the force and effect of law; and
3. Published, which occurs either when:
   a. The research data is published in a peer-reviewed scientific or technical journal; or
   b. DHS publicly and officially cites the research data in support of an agency action that has the force and effect of law.

c. Definition of "research data." For the purposes of this section, "research data":

   1. Means the recorded factual material (excluding physical objects, such as laboratory samples) commonly accepted in the scientific community as necessary to validate research findings.

   2. Excludes:
      a. Preliminary analyses;
      b. Drafts of scientific papers;
      c. Plans for future research;
      d. Peer reviews;
      e. Communications with colleagues;
      f. Trade secrets;
      g. Commercial information;
      h. Materials necessary that a researcher must hold confidential until they are published, or similar information which is protected under law; and
      i. Personnel and medical information and similar information the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, such as information that could be used to identify a particular person in a research study.

3. Requirements for subawards. The Recipient agrees to include in any subaward made under this Agreement the requirements of the *Copyright* and *Data Rights* paragraphs this of this article and of 37 CFR 401.14, if included in this Agreement by reference.