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Rehabilitation of High Hazard Potential Dams (HHPD) Grant Program – Risk Prioritization Seminar

Questions and Answers

The following is a summary of questions and answers collected from the Rehabilitation of High Hazard Potential Dams (HHPD) Grant Program Risk Prioritization Webinar.

To reference the Notice of Funding Opportunity (NoFO), please visit <https://www.grants.gov/web/grants/view-opportunity.html?oppId=316238>

If you have any additional questions, please contact the HHPD Grant Program via FEMA-NDSP-HHPDGrants@fema.dhs.gov.

1. What is the definition of “unacceptable risk”?
 - o The definition is located in the NoFO. It is the second-to-last definition under the “Definitions” section.
 - o See full definition from the NoFO below:

For purposes of the HHPD, the determination of **unacceptable risk to the public** is to be made by the state dam safety program, the agency of the state that is authorized by state statute to manage the state participation in the National Dam Safety Program.

A dam poses **unacceptable risk to the public** when the dam requires remediation or risk reduction measures due to deficiencies caused by inadequate dam design, construction methods, or the results of inadequate operation and maintenance.

For a dam to be considered an **unacceptable risk to the public** for funding under the HHPD, it must meet all the following conditions:

1. Does not meet the minimum dam safety standards of the state (not including routine operations and maintenance actions)
2. State dam safety program has documented the deficiencies at the dam that must be reduced, eliminated or mitigated

Official notice of the determination of the documented deficiency (s) has been communicated to the dam owner to address the **unacceptable risk to the public** to implement interim risk reduction measures until permanent risk reduction measures are implemented in a manner that is acceptable to the state

2. How should future phases of work be considered when prioritizing projects?
 - o First, the highest risk dam in the state to be rehabilitated must be identified. The first year of the grant would encompass predesign studies. After those studies are completed, the engineering and design analyses would be ready through the next grant cycle. Then in a year, an application would be submitted to develop a work grant and show the costs to be accomplished with the grant. The tasks must be completed within the period of performance.
 - o Each state will likely approach this process differently. It is key for there to be a consistent process in place. It is understood that an initial phase is just part of the overall



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rehabilitation of a dam. The state could look at factors like overall population of risk or the timing and availability of the sponsor for future phases.

3. Since the state will be a “funding pass through”, what will the allowable indirect cost be for administering the grant?
 - The answer to this question is in the NoFO under “Management and Administration (M&A) Costs” and “Indirect Facilities & Administrative (F&A) Costs.”
 - See highlighted sections below for relevant percentages:

Management and Administration (M&A) Costs.

Management costs are any indirect costs and administrative expenses that are reasonably incurred in administering an award or subaward. Applicant and subapplicant management cost activities directly related to the implementation of the HHPD program, such as subapplication development, delivery of technical assistance, or managing awards and staff salary costs, are eligible for HHPD funding.

Applicants may apply for Applicant management costs of up to 10 percent of the total HHPD grant application for management of the grant and all selected subgrants. Applicant requests for management costs must be included in a Scoping Narrative. Applicants and subapplicants may include subapplicant management costs of up to 5 percent of the total of their subapplication to manage the proposed activity. For Applicants, this is in addition to the 10 percent Applicant management costs to manage the overall grant. Subapplicant management cost activities must be added to the Scope of Work section and reflected in the Cost Estimate section of subgrant applications.

Management costs are only awarded in conjunction with awarded subapplications. Applicants and subapplicants who do not receive awards/subawards for any subapplications will not receive reimbursement for management costs.

Indirect Facilities & Administrative (F&A) Costs.

Indirect costs are allowable under this program as described in 2 C.F.R. §200.414. With the exception of recipients who have never received a negotiated indirect cost rate as described in 2 C.F.R. § 200.414(f), recipients must have an approved indirect cost rate agreement with their cognizant Federal agency to charge indirect costs to this award. A copy of the approved rate (a fully executed, agreement negotiated with the applicant’s cognizant federal agency) is required at the time of application.

4. Can a state apply on its own behalf in order to hire and external consultant to perform portfolio-wide risk assessment/prioritization for all jurisdictional dams in the state?
 - The answer is no for all jurisdictional dams in the state. This grant is for eligible high hazard potential dams. They must meet the eligibility criteria outlined in the NoFO. That subset of jurisdictional dams can be viewed with a portfolio of assessment.
 - See Dam Eligibility criteria below:

Eligibility Criteria

Project Eligibility Criteria as provided in 33 USC Section 467f-2:

- To be eligible, projects must be approved by the relevant state dam safety



- agency.
 - The dam must be located in a state with a state dam safety program.
 - The dam must be classified as “high hazard potential” by the state dam safety agency in the state in which the dam is located.
 - The dam must have an emergency action plan approved by the relevant state dam safety agency.
 - The state in which the dam is located has determined that the dam both fails to meet minimum dam safety standards of the state; and poses an unacceptable risk to the public. (See Section H, Definitions, for the definition of unacceptable risk to the public.) The state must also submit official documentation that the dam owner has been notified of the deficiencies and unacceptable risk to the public. Official documentation must be on official state or state dam safety program letterhead and may include official citations issued from the state dam safety program to the dam owner.
 - The dam must not be a licensed hydroelectric dam, or a dam built under the authority of the Secretary of Agriculture.
 - Eligible projects must have Non-Federal Entities that can meet the cost-share requirements.
- 5. Looking for the interpretation of the definition, it mentions implementing risk reduction measures. What do you mean by risk reduction measures?
 - The dam must be identified as posing an unacceptable risk to the public. Then, there must be a regulatory enforcement action to look at the risk and the population impacted by the dam, such as regulatory action taken by the state that would reduce the risk to the population. This action would be in place until the rehabilitation could be started.
- 6. As part of the application documents, the NoFO stated that the sub-applicants are required to submit multiple documents prior to the application (Pg. 21-22). Are those documents required for this year?
 - These things will be looked at on a case-by-case basis, but essentially the answer is yes. Things like scope, scheduling, and costs must be submitted. If an subapplicant does not have a local mitigation plan that includes all dam risks, the subapplicant may request an extension to meet this requirement. (See Section H of the NoFO, Mitigation Plan Extraordinary Circumstances.) It will ultimately depend on what phase of the project is being proposed for funding.
- 7. The NoFO includes 5% for Management and Administration (M&A) costs, but this does not allow for a very significant effort. How can an applicant account for the additional effort?
 - Management costs are any indirect costs and administrative expenses that are reasonably incurred in administering an award or subaward. Applicant and subapplicant management cost activities directly related to the implementation of the HHPD program, such as subapplication development, delivery of technical assistance, or managing awards and staff salary costs, are eligible for HHPD funding.
 - Applicants may apply for applicant management costs of up to 5 percent of the total HHPD grant application for management of the grant and all selected subgrants. Applicant requests for management costs must be included in a Scoping Narrative. Applicants and subapplicants may include subapplicant management costs of up to 5 percent of the total of their subapplication to manage the proposed activity. For



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applicants, this is in addition to the 5 percent applicant management costs to manage the overall grant. Subapplicant management cost activities must be added to the scope of work section and reflected in the cost estimate section of subgrant applications.

- Management costs are only awarded in conjunction with awarded subapplications. Applicants and subapplicants who do not receive awards/subawards for any subapplications.
 - Additional M&A costs can go against the 35% cost share requirement.
8. Please comment on the different risk prioritization tool (matrix) presented here versus those that are found in the Risk Prioritization Tool prepared by URS in 2008. They appear different. Is the 2008 tool methodology also acceptable?
- Yes, that tool meets the minimum requirements, but it has more of a probabilistic component. It was one of the tools that was researched along with other state methodologies.
 - As long as the risk prioritization tool/method meets the minimum criteria for risk priority methodology, that should be fine.
9. Do you need a floodplain management plan for risk or engineering studies (non-capital improvements)?
- These requirements are identified in the statute, applicants should determine what phase of the process the proposed project is in to see if that's required. In the predesign and engineering phase it is required. The floodplain management plan is put in place to reduce future risk.
10. Can James confirm that if only applying for funds for risk prioritization and/or design/planning, the 50-year Operation & Maintenance (O&M) agreement will not be required?
- They will have to submit to a 50-year O&M agreement that will start after the project is complete. Sponsors will have to look for an assurance that if the dam is rehabilitated, they will be responsible for 50 years of operation and management of that project, but it doesn't necessarily have to be a contract at this point.
 - Sometimes, the best alternative would be dam removal instead of rehabilitation. In that case, there won't be a 50-year O&M agreement.
11. How is FEMA going to prioritize projects across states in determining each state's allocation?
- The state's allocation is based on a formula. Projects are not prioritized across states. States must prioritize their projects by using either the risk prioritization methodology or the methodology that was presented today. It won't be compared between states, rather, it will be a ranking of risk. The funding that goes to the state will be based on a formula that is dependent on the projects that are submitted, not a comparison across states.