



# ICARP

INTEGRATED CLIMATE ADAPTATION & RESILIENCY PROGRAM

## Cooperative Technical Partners (CTP) Case Study: Duplication of Programs (DOP) Challenges and Opportunities



### Background:

The Office of Planning and Research (OPR), through the Integrated Climate Adaptation and Resiliency Program (ICARP), was invited by Federal Emergency Management Agency (FEMA) Region 9 to participate in the Cooperative Technical Partners (CTP) Program. The CTP Program is part of FEMA's Risk Mapping, Assessment, and Planning (Risk MAP) Program. CTP leverages partnerships to strengthen the National Flood Insurance Program (NFIP) and supports FEMA's mitigation priorities. Through these partnerships the program delivers high-quality hazard identification and risk assessment products, provides outreach support and empowers communities to reduce risk based on informed multi hazard-based data and resources. OPR received an award in August 2020 to support an 18-month CTP partnership with two main deliverables:

- Project coordination and development of at least two hazard mitigation pilot projects for either FEMA's Building Resilient Infrastructure and Communities (BRIC) program or the Hazard Mitigation Grant Program (HMGP).

- A six-month feasibility study exploring the development and ongoing maintenance of a public-facing, easy to navigate local government hazard mitigation database as a feature on California's Adaptation Clearinghouse. *\*This study provided useful insights regarding stakeholders' need and support for a database, the cost required for development and maintenance, and potential challenges with maintaining a database. ICARP concluded that it is not best suited to proceed with further scoping and development at this time.*

This case study offers insight on FEMA's Duplication of Programs (DOP) policy. As OPR partners with state agencies to explore FEMA's Hazard Mitigation Assistance (HMA) grant programs, it identified eligibility challenges presented by DOP. This case study serves as a resource to support the development of future hazard mitigation assistance policies and projects. Takeaways from this case study will inform work in OPR's CTP FY21 grant to help better position state and local partners to leverage HMA funding. This case study was informed by discussions with the California Office of Emergency Services (CalOES) and FEMA Region 9.

#### Lead Agency and Partnerships:

OPR leads the CTP grant, through ICARP, in partnership with FEMA Region 9, FEMA Regional Support - STARR II, CalOES, and The Nature Conservancy (TNC). OPR provides coordination support to identify state partners that are eligible for HMA funding to ensure projects align and drive on the administration's climate resilience priorities. CalOES provides technical assistance on HMA project eligibility, scoping, and general grant administrative support. FEMA Region 9 provides technical assistance, project coordination support, and HMA research needs. TNC, through the California chapter is a co-recipient of FEMA CTP funding. TNC's CTP award focuses on nature-based solutions and streamlining FEMA's Benefit-Cost-Analysis (BCA) toolkit. TNC provides technical assistance and expertise on incorporating nature-based solutions into mitigation projects and BCA assistance.

This group of CTP partners provide technical and subject matter expertise on hazard mitigation to state and local partners interested in pursuing FEMA HMA funding. The group meets bi-weekly to identify and discuss opportunities to align climate resilience priorities to support a project pipeline of California-supported mitigation projects.

#### Drivers:

Investing in hazard mitigation and disaster preparedness is critical to meeting the accelerating impacts climate change has on our social, natural, and built environment. On average, every one dollar invested in federal mitigation grants, results in savings of approximately six dollars in avoided recovery costs (Multi-Hazard Mitigation Council 2017). Natural disasters such as wildfires, flooding, and drought are increasing in severity and cost. In 2021, natural disasters generated about \$145 billion in economic damage, making 2021 the deadliest and costliest year in U.S. history (NOAA 2021). As climate change intensifies these hazards, there is an increasing need for coordination among state, local, tribal, and federal governments to align mitigation funding and climate resilience priorities.

As communities are facing multiple hazards, reliance on single funding sources (state or federal) does not provide adequate coverage or flexibility for the total costs associated with adapting to, and mitigating against, increasing climate impacts and risks. The same can be said for funding mechanisms aimed at supporting disaster recovery and rebuilding. Pre- and post-disaster planning is especially challenging for socially vulnerable communities that face limited resources and technical capacity to apply for competitive funding programs.

Significant investments in hazard mitigation are proven to save lives, protect homes, community lifelines, and infrastructure. However, the current Duplication of Programs (DOP) guidance is a potential roadblock for certain HMA project types, such as wildfire mitigation projects, as well as large infrastructure-based mitigation solutions. For example, HMA funds cannot be used to augment other existing federal funding sources. Historically, projects on federal land have been determined ineligible for FEMA funding. In California, nearly 58% of forest land is owned by the United States Forest Service (USFS). DOP does not allow FEMA to fund wildfire mitigation projects that are on federal forest land, as USFS has primary authority for federal forest land management. In 2021, California had eleven federally declared disasters, all were wildfire-related (FEMA). Stringent federal HMA eligibility is a barrier to building long-term community resilience. Joint state and federal land management and coordination is critical to build resilience and mitigate against the threats of wildfires and postfire floods, mudslides, and erosion. As wildfires continue to increase in severity, it is imperative that communities can leverage HMA funding to prevent future disasters, regardless of boundaries.

#### How Federal Disaster Funding is Allocated:

##### **Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act):**

This act gives the President of the United States authority to declare a national emergency in response to a natural disaster. Once a national emergency is declared, the President can access funding and disaster relief assistance set aside by Congress. The Stafford Act authorizes two types of declarations: emergency declarations and major disaster declarations. Under both declarations, the Governor of the affected state or Tribal Chief Executive of the affected Tribe must submit the request to the President within 30 days of the incident. The Stafford Act authorizes funding for three types of federal aid: Individual Assistance, Public Assistance, and the Hazard Mitigation Grant Program (HMGP). HMGP funding is allocated using a “sliding scale” formula based on the percentage of funds spent on Public and Individual Assistance. HMGP is only available after a Presidential Major Disaster Declaration to fund mitigation measures that reduce risk to people and property from future disasters. OPR’s CTP grant focuses on identifying opportunities and challenges of aligning HMGP funding with state climate resilience priorities.

#### What is Duplication of Programs (DOP):

FEMA does not provide financial assistance for activities where more specific authority lies with another Federal agency or program. HMA funds are not intended to be used as a substitute funding source for other Federal program authorities. Available program authorities include other FEMA programs (e.g., Individual Assistance and Public Assistance) and programs under other Federal agencies, such as the U.S. Environmental Protection

Agency, U.S. Army Corps of Engineers, and the Natural Resources Conservation Service. FEMA may disallow or recoup amounts that duplicate other authorities (Hazard Mitigation Assistance Guidance).

#### Challenges:

**Limited Flexibility:** All states must have a FEMA approved State Hazard Mitigation Plan (SHMP). The SHMP serves as the State's primary guidance on hazard mitigation planning and preparedness. This plan identifies hazards, assesses community needs, and describes a community-wide strategy for reducing risks from natural hazards. The FEMA-approved SHMP makes states eligible to receive HMGP funding equal to 15% of the estimated total federal assistance for a presidentially declared disaster under the Stafford Act (standard plan). California, along with 14 other states have an enhanced state mitigation plan (enhanced plan). States with enhanced plans are eligible for HMGP funding, up to 20% of the estimated total federal assistance. To receive an approved enhanced plan, a state must show that it has developed a comprehensive mitigation program and can manage increased funding for its mitigation goals. To maintain its enhanced status, states must submit cost-effective and technically feasible hazard mitigation projects up to each State's HMGP funding cap. For example, if California receives \$80 million in HMGP funding following a major disaster declaration, CalOES is responsible for submitting eligible projects worth up to \$80 million to FEMA. Submitting projects under this funding cap can negatively impact a state's enhanced status. If CalOES submits projects to FEMA with DOP concerns, this could ultimately impact how much funding California receives in future rounds of HMGP.

**Ambiguity on DOP Decision-making:** One of the most common issues with DOP is that project eligibility is ultimately determined by FEMA. CalOES can request direct consultation from FEMA Region 9 to help determine if a project is eligible for HMA funding. While FEMA's DOP guidance is clearly outlined, how projects with DOP challenges are evaluated is unclear. Under Section 1210 (b) of the Disaster Recovery Reform Act (DDRA) of 2018, FEMA may use HMGP funds to support mitigation projects that fall under the scope of the United States Army Corps of Engineers (USACE) for federally authorized water resource development projects. USACE is the only federal agency with authorization to receive FEMA HMA funding, where USACE has primary authority. This precedent for USACE should be explored for all other federal agencies to reduce the impact DOP has on overall program eligibility and to ensure that a DOP determination is made only in instances whereby a project is in the process of being funded by another agency or has already received funding.

#### Key Opportunities:

**Increased Coordination Among Federal, State, and Local Agencies:** There is a significant need to increase coordination across all stages of a disaster (mitigation, preparedness, response, and recovery). Coordination should not be limited to the immediate post-disaster environment but should be the result of longer-term strategic planning. This type of alignment requires federal agencies establish clear agency roles and funding priorities to allocate limited resources and funding to address community needs. These partnerships are imperative to achieving climate equity, building capacity, identifying socially vulnerable

communities, and building long-term resilience from future natural hazards. Increased coordination among federal agencies can help pinpoint funding gaps and identify state investment strategies, where FEMA HMA funding is the only opportunity to mitigate disasters and reduce risk.

**Master Stewardship User-Agreements (MSA):** The United States Forest Services (USFS) partners with tribal governments, states, and other local partners through MSAs to identify opportunities to mitigate wildfire risk and increase local resilience across management jurisdictions. MSAs could allow FEMA to perform fuels treatments and erosion control techniques on federal land in instances where no federal funding exists to mitigate hazards posed by federal land adjacent to communities. MSAs are a collaborative approach to land management that builds on a long history of partnerships to manage the nation's forests and grasslands. For wildfire-related projects, MSAs could help alleviate challenges a community faces when applying for FEMA funding and further incentivize its use. If FEMA authorizes the use of HMA funding for areas with active MSAs, this could streamline hazard mitigation projects that are on federal land.

**FEMA HMA Guidance Update:** The Hazard Mitigation Assistance (HMA) Guidance is a comprehensive resource on three of FEMA's HMA programs including HMGP, Flood Mitigation Assistance (FMA), and the Pre-Disaster Mitigation (PDM) program. PDM is currently being phased out and replaced with BRIC. This guidance outlines FEMA's mitigation priorities and consolidates unique eligibility requirements across all the HMA grant programs. This guidance is an essential resource for prospective applicants navigating FEMA funding. The HMA Guidance has not been formally updated since FY 2015. It is expected that FEMA will release the HMA Guidance update in fall of 2022. During the public comment period, California will have an opportunity to provide comments on how FEMA can improve the HMA guidelines. This is an opportunity for the State to provide FEMA with policy recommendations on revising DOP guidance to reduce barriers to access federal funding.

#### Looking Ahead:

OPR, through ICARP received a CTP FY21 award to build off work established through this pilot partnership FY20 grant. OPR will continue to identify opportunities to build a pipeline of state supported hazard mitigation projects that can leverage FEMA HMA funding. In Spring 2022, OPR will begin identifying potential state funding programs that can be aligned with FEMA HMA eligibility. OPR is committed to documenting lessons learned and challenges with HMA eligibility, including opportunities to streamline DOP guidance. OPR plans to continue collaborating with FEMA on future HMA guidance development and program design.

Additional Resources:

- [FEMA Duplication of Programs Guidance](#)
- [FEMA Hazard Mitigation Assistance Guidance 2015](#)
- [Forbes Article: U.S Natural Disasters Cost \\$145B in 2021](#)
- [National Institute of Building Sciences](#)

Further Information:

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