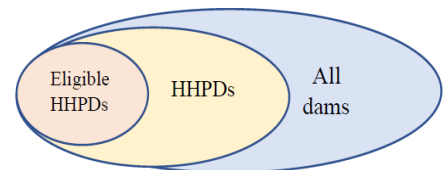


Mitigation Planning / HHPD Eligibility

Frequently Asked Questions

(Tailored for New York State)

Q1:	What are some of the basic terms regarding the HHPD grant program?
A1:	<p>The NYS Department of Environmental Conservation (DEC) and the NYS Division of Homeland Security and Emergency Services (DHSES) are available to answer questions and explain terms. Nevertheless, a few basic terms are good to keep in mind:</p> <ul style="list-style-type: none"> • Applicant/Recipient – States are always the applicant for/recipient of FEMA funds. <ul style="list-style-type: none"> ○ For the HHPD grant program DEC the Applicant. ○ For all other FEMA mitigation grant programs DHSES is the Applicant. • Subapplicant/Subrecipient – In FEMA terminology, when grant funds are passed through to local governments or other eligible organizations, they are referred to as Subapplicants / Subrecipients. <ul style="list-style-type: none"> ○ Subrecipients are limited to entities that have taxing authority or have another means of guaranteeing a dam’s future operation and maintenance, such as fees, escrow accounts, or bonds, etc. ○ Subrecipients eligible for HHPD grants can be non-federal organizations and nonprofit organizations that receives a subaward from the state. • Local Government – A local government is any county, municipality (city, town, village), public authority, and more. For a full definition see 44 CFR § 201.2. • High Hazard Potential Dams (HHPD)– Those dams designated as Class C by DEC’s Dam Safety Program. • Eligible High Hazard Potential Dams (Eligible for HHPD grants) <ul style="list-style-type: none"> ○ These dams are Class C dams that have an Emergency Action Plan and have a condition rating of unsafe or unsound. However, federally owned dams, hydroelectric dams licensed by the Federal Energy Regulatory Commission (FERC), and dams built under the authority of the Secretary of Agriculture are not eligible dams. ○ A dam to be eligible for funding must also be in an area under the jurisdiction of a local government that has a FEMA-approved mitigation plan that addresses all dam risk. In most cases this will be a municipality. Most municipalities are participants in a multi-jurisdictional plan. Their portion of the multi-jurisdictional will need to meet the requirements for addressing all dam risks to and from all¹ state regulated HHPDs.



¹ This is a change, to include all state regulated HHPDs, per the Policy Guide released on April 19, 2022, went into effect with the release of the Rehabilitation of High Hazard Potential Dams Grant Program Fiscal Year 2022 Notice of Funding Opportunity.

Q2:	Which HHPDs in New York State are NOT regulated by the state?
A2:	<p>Dams regulated by the federal government are not regulated by the State of New York and are not required to be addressed in a hazard mitigation plan when a municipality prepares a plan that addresses all dam risks to state regulated HHPDs within its jurisdiction. Examples of federally regulated dams include:</p> <ul style="list-style-type: none"> • FERC (Federal Energy Regulatory Commission) regulated dams; • USACE (U.S. Army Corps of Engineers (USACE) regulated dams; and • Miscellaneous dams owned by the federal government, such as the Nuclear Lake Dam, owned and regulated by the National Park Service-Appalachian National Scenic Trail. <p>Federally regulated dams may be included in the mitigation plan risk assessment, but there inclusion is not required to have a local plan that addresses all dam risks.</p> <p>When in doubt about whether a dam is regulated by the state, check with DEC.</p>

Q3:	What content must a mitigation plan include for it to have addressed all dam risks?
A3:	<p>The elements required to include all dam risks are summarized below. (A Worksheet where the detailed requirements are enumerated is available.)</p> <ol style="list-style-type: none"> 1. Does the plan describe the incorporation of existing plans, studies, reports, and technical information for eligible high hazard potential dams? 2. Does the plan address eligible high hazard potential dams in the risk assessment? 3. Does the plan include a mitigation goal(s) to reduce long-term vulnerabilities from eligible high hazard potential dams? 4. Does the plan prioritize mitigation actions to reduce vulnerabilities from eligible high hazard potential dams? <p>At the time the Applicant (DEC) submits a Scope of Work to FEMA, and when the Scope of Work is approved, the municipality where the dam to be rehabilitated is located must have an approved hazard mitigation plan that includes all dam risk.</p>

Q4:	Is a dam considered a natural hazard that must be included and profiled in a mitigation plan?
A4:	<p>No, there is no need to profile a dam or dams in a hazard mitigation plan as if it were a natural hazard, but high hazard potential dams are critical facilities. Like all critical facilities, they are vulnerable to natural hazards and should be assessed.</p>

Q:5	How does it work if one municipality owns high hazard potential dam located in another jurisdiction? For example, if a city is seeking a HHPD grant for a dam it owns that is located in a nearby town, must both municipalities have an approved mitigation plan that addresses all dam risks?
A5:	<p>No, only the municipality where the dam is located must have an approved mitigation plan that addresses all dam risks. However, for the city to receive any FEMA mitigation grant funds or HHPD grants, it must have an approved mitigation plan that complies with the Robert T. Stafford Act, as amended.</p> <p>One of the Stafford Act requirements [Element B1-a] calls for the risk assessment to include assets located in and outside of the jurisdiction (the city), such as dams located outside of the jurisdiction. The city’s mitigation plan would also need to include the specific action(s) to rehabilitate the dam using HHPD funds.</p> <p>The town in this example where the dam is located should also include the action the city will be taking using HHPD funds, with a note saying the city is responsible for implementing the action.</p>

Q6:	Who should I contact for more questions on hazard mitigation plans as they relate to HHPD?
A6:	<p>Kevin Clapp Supervisor – Hazard Mitigation Planning</p> <p>NYS Division of Homeland Security & Emergency Services 1220 Washington Avenue, Bldg 7A – 3rd Floor, Albany, NY 12242 518-473-2866 Landline 518-322-4983 Fax kevin.clapp@dhses.ny.gov</p>

Q7:	Who should I contact for more information on the HHPD grant program?
A7:	<p>Donald E. Canestrari, P.E. Section Chief, Bureau of Flood Protection and Dam Safety, Bureau of Flood Protection</p> <p>NYS Department of Environmental Conservation 625 Broadway, Albany, NY 12233 518-402-8138 donald.canestrari@dec.ny.gov</p>