NEW YORK STATE | Homeland Security Emergency Services

FEMA

FM-5547-NY
New York Jennings Creek Fire
Applicants Briefing

Please mute your phones and your computer!

December 5, 2024

FM-5547-NY
Applicants Briefing - Pertinent Information

NYS DHSES Disaster Recovery Website:
http://www.dhses.ny.gov/recovery/public/active-declarations.cfm

FEMA Fire Management Website:
Fire Management Assistance Grants | FEMA.gov

Forms for submitting an FMAG subgrant are available on the DHSES and FEMA websites. Please complete the RFMAS form and send to Public Assistance Support: dhses.sm.PASupport@dhses.ny.gov

- This presentation will be posted on the DHSES website.
- Other useful information will be posted as it is available.

NEW YORK STATE | Homeland Security Emergency Services

AGENDA

Overview of the Fire Management Assistance Grant Program (FMAG)

a. Key Personnel
b. The FMAG Process & Funding Details
c. Requesting a Fire Management Assistance Subgrant (RFMAS)
d. Applicant Eligibility
e. Categories of Work
f. Work Eligibility
g. Eligible Costs and Needed Documentation
h. Post Fire Hazard Mitigation (404)
i. Question and Answer

Key Personnel

David Warrington:
FEMA Region 2 Regional Administrator (RA)

Jackie Bray:
Governor's Authorized Representative (GAR)
State Coordinating Officer (SCO)

Rayana Gonzales:
Alternate Governor's Authorized Representative (AGAR)
Deputy State Coordinating Officer (DSCO)

FEMA/NYS Teams

Peter Cirigliano:
County Emergency Manager

Suzanne Syzdek:
NYS FMAG Coordinator Officer

Anthony Gagliardo:
Disaster Assistance Manager (DAM)

FEMA-5547-FM-NY
New York Jennings Creek Fire

The Fire Management Assistance Grant Program or FMAG produces federal grant funding to reimburse costs associated with suppression and emergency protective measures to a declared fire.

Declaration Date: November 15, 2024

Incident Period: November 8, 2024 – November 22, 2024

CY2024 Fire Thresholds: Individual $1,858,515 – Cumulative: $5,575,545

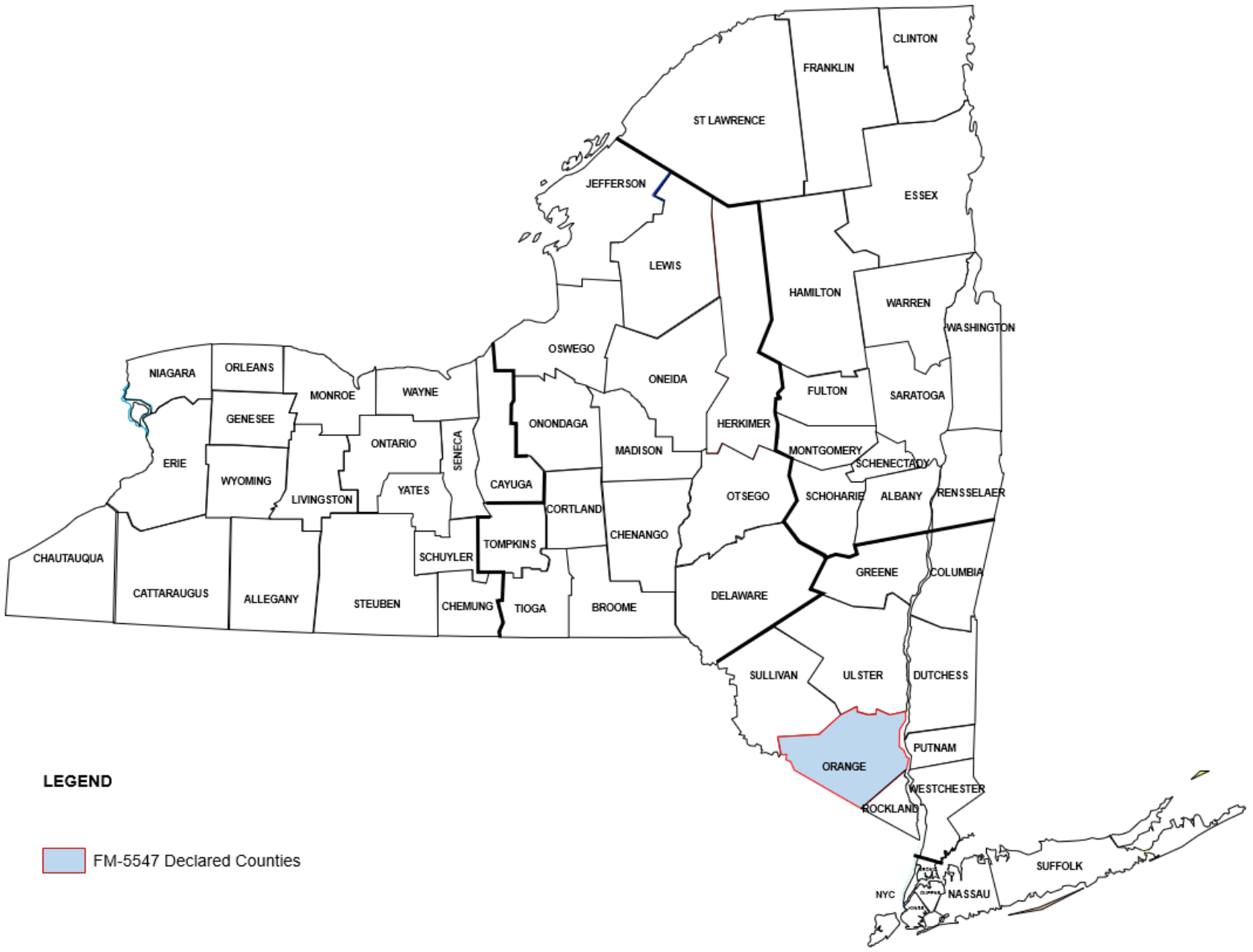
Minimum Project Threshold = $1,000 in eligible costs after applicable deductions.

Federal Share: 75%

Non-federal Share: 25%

FEMA Fire Management Assistance Grant Program and Policy Guide (FP-104-21-0002 / June 2021)

NEW YORK STATE | Homeland Security Emergency Services



NEW YORK STATE | Homeland Security Emergency Services

Fire in New York Leads to Rare FEMA Grant

- **Fast Fact:** The Jennings Creek Fire in Orange County, NY, near the NY/NJ border burned ~5,300 acres due to unprecedented drought conditions in Southeastern New York, according to the DEC. **The fire resulted in only the 3rd Fire Management Assistance Grant (FMAG) from FEMA in NY history** (1995/Sunrise Fire, 1999/West Point Fire). The top five states with the most FMAG declarations are shown in the table, with NY ranking 30th out of 50 states.

State	Count
Texas	253
California	252
Washington	133
Oregon	113
Nevada	79

**Includes tribal lands within states*

Jennings Creek Fire in Orange County, NY. Source: lohud.com

NEW YORK STATE | Homeland Security Emergency Services

The Fire Assistance Process

- FMAG is requested while fire is still burning uncontrolled
- FMAG Declaration
- **Applicants Briefing**
- Applicants submit Request for Fire Management Assistance Subgrant (RFMAS)
- Formulate Project Worksheets
- PWs meet or exceed Fire Assistance threshold
- FEMA provides funding to the State
- Applicants request payment when they have submitted all supporting documentation
- Projects submitted for closure
- Applicants submitted for closure
- FM-5547 submitted for closure

Request for Fire Management Assistance Subgrant (RFMAS)

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency

OMB Control Number:1660-0058
Expiration Date: 03/31/2027

REQUEST FOR FIRE MANAGEMENT ASSISTANCE SUBGRANT

PAPERWORK BURDEN DISCLOSURE NOTICE

Public reporting burden for this data collection is estimated to average 18 minutes per response. The burden estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and submitting this form. This collection of information is required to obtain or retain benefits. You are not required to respond to this collection of information unless a valid OMB control number is displayed on this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency,500 C Street, SW., Room 7NE, Washington, DC 20472-3100, Paperwork Reduction Project (1660-0058) **NOTE: Do not send your completed form to this address.**

1. APPLICANT (Political subdivision or eligible applicant)	1.a DUNS NUMBER	2. DATE

3. COUNTY (location of firefighting activities. If located in multiple counties, please indicate)

APPLICANT PHYSICAL LOCATION

1. STREET ADRESS

2. CITY	3. COUNTY	4. STATE	5. ZIP CODE

Primary Contact/Applicant's Authorized Agent	Alternate Contact
1. NAME	1. NAME
2. TITLE	2. TITLE
3. BUSINESS PHONE	3. BUSINESS PHONE
4. FAX NUMBER	4. FAX NUMBER
5. HOME PHONE	5. HOME PHONE
6. CELL PHONE	6. CELL PHONE
7. EMAIL ADDRESS	7. EMAIL ADDRESS
8. PAGER & PIN NUMBER	8. PAGER & PIN NUMBER

Title 44 CFR part 204.41 defines Fire Management Assistance eligibility criteria as: (a) The following entities are eligible to apply through a State grantee for a subgrant under an approved fire management assistance grant: 1) State agencies; 2) Local government; and 3) Indian tribal governments. (b) Entities that are not eligible to apply for a subgrant as identified in(a), such as privately owned entities and volunteer fire fighting organizations, may be reimbursed through a contract or compact with an eligible applicant for cost associated with the fire complex. (c) Eligibility is contingent upon the finding that the applicant's resources were requested by the Incident Commander or comparable State official. (d) The activities performed must be the legal responsibility of the applying entity, required as a result of the fire complex for which a fire management assistance declaration was approved, and located within the declared area.

FEMA FORM FF-104-FY-21-167 (formerly 089-0-24)
(07/21)

Page 1 of 2

Request for Fire Management Assistance Subgrant (RFMAS) – Must be submitted no later than 30 days from the close of the incident period.

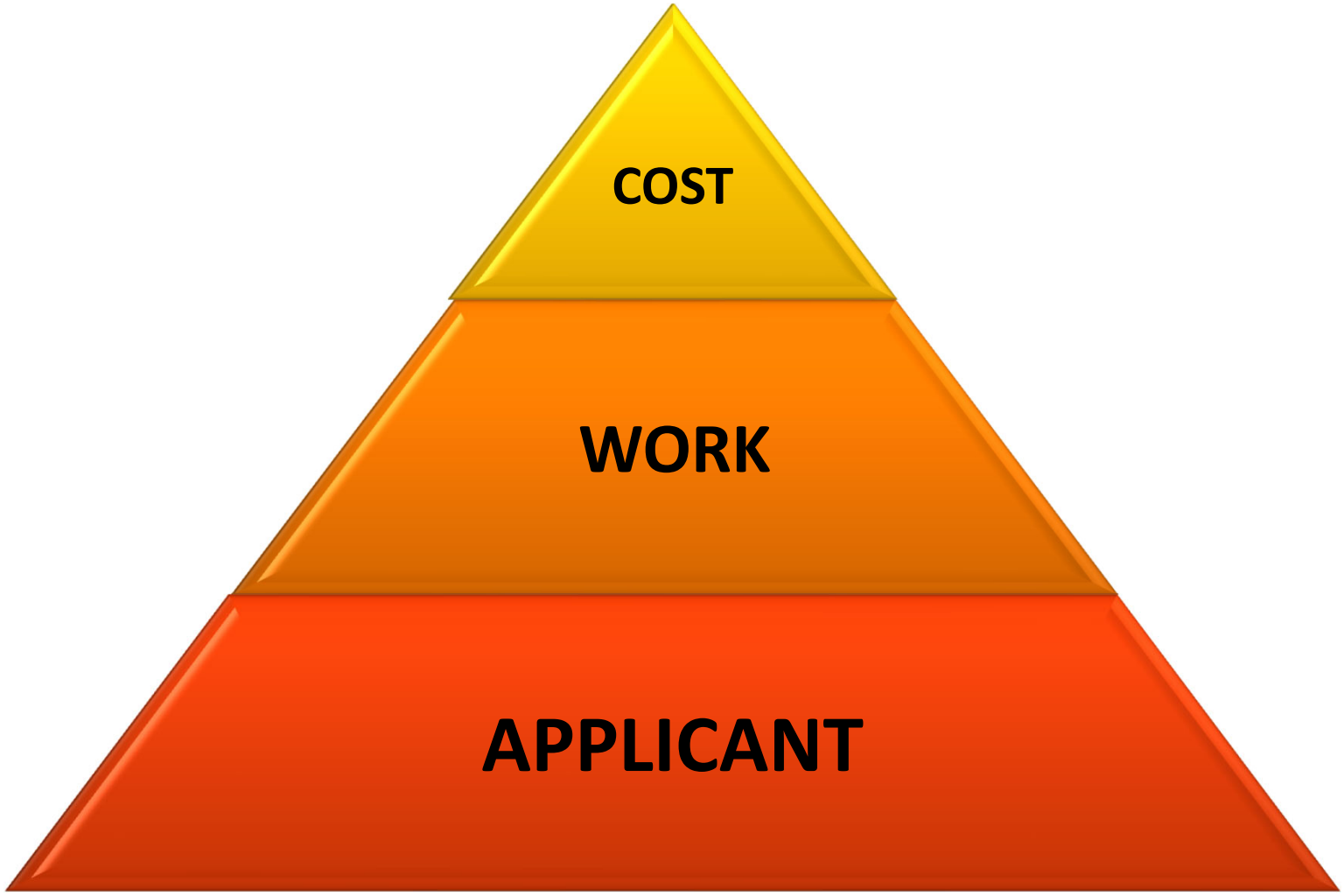
FM 5547 Incident Period
11/08/2024 – 11/22/2024

Deadline to submit your organization's RFMAS IS 12/15/2024!

NEW YORK STATE | Homeland Security Emergency Services

FM 5547 Fire Management Assistance Eligibility

Three ‘Tiers’ of Eligibility



* All three ‘tiers’ must be eligible to obtain FEMA funding

NEW YORK STATE | Homeland Security Emergency Services

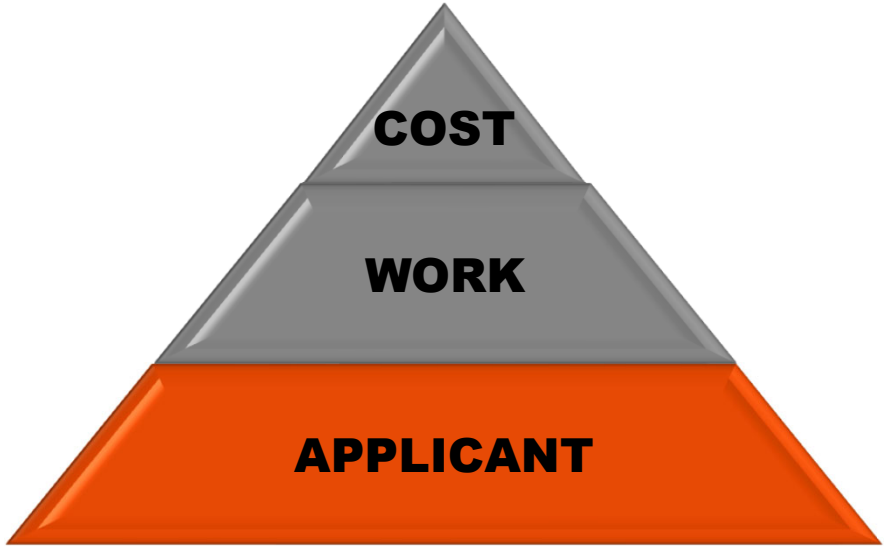
Eligible Applicants

State Agencies

- NYS Parks, State Police,
- DMNA, DHSES, etc.

Local Governments

- Counties, Cities, Towns



Federally Recognized Native American Nations

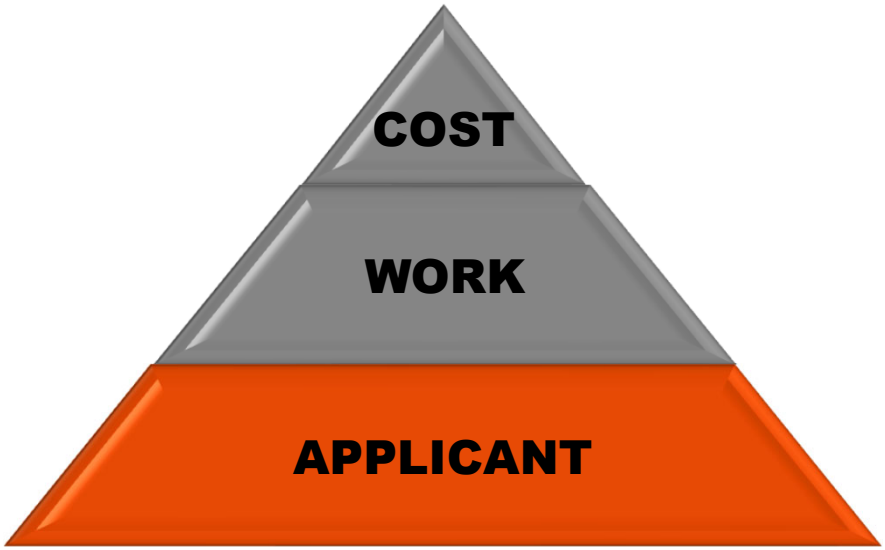
Special Taxing Districts

- Fire Districts

Ineligible Applicants

Governmental entities that do not have legal responsibility for the firefighting activities, privately owned entities, and volunteer firefighting organizations.

Private Non-Profits, Businesses, and Individual Property Owners are considered ineligible for FMAG.



Legal Responsibility

To be eligible for financial assistance, an item of work must be the legal responsibility of an eligible applicant. The jurisdiction where the fire occurred has legal responsibility to provide an appropriate response.

Receiving entities involved in State agreements, local mutual aid agreements, and Emergency Management Assistance Compact (EMAC) missions may also be legally responsible.

Where agreements require reimbursement, the receiving entity may claim reimbursement for costs incurred.

Where agreements do not require reimbursement, the receiving entity may claim donated resources credit against their local cost share.

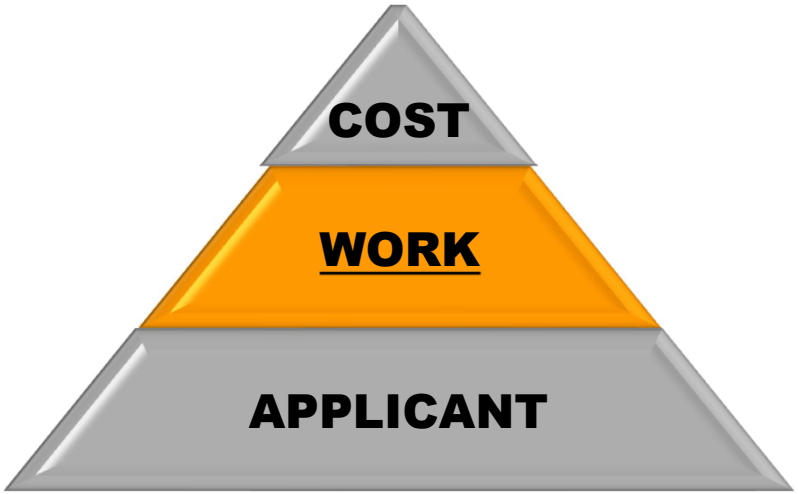
Eligible Work

Work Performed Must Be:

1. Legal responsibility of the applying entity, whether it was performed by the Applicant's own agents or through a secondary party.

2. Located within the designated area.

3. Authorized by the declaration.



Categories of Work

Category B - Emergency Protective Measures*

Category H – Fire-fighting Activities**

Category Z – Administrative Costs

- Direct Administrative Cost
- Management Costs – State Level only

*Section 403, Robert T. Stafford Relief and Emergency Assistance Act

**Section 420, Robert T. Stafford Relief and Emergency Assistance Act

Emergency Protective Measures

Category B

Actions taken before, during, and following a disaster to save lives, protect public health and safety, or eliminate immediate threat of significant damage to improved public and private property.

Examples:

- Police Barricading and Traffic Control
- Extraordinary EOC Expenses
- Search & Rescue
- Public Information
- Evacuations
- Water Pumping
- Labor: Budgeted Employees – Overtime only
- Unbudgeted Employees – Both Overtime & Straight Time

Fire Suppression

Category H

- Firefighting (FA Labor Costs)
- Contract Crews & Equipment Time
- Materials & Supplies, Meals, Uniforms used / damages as a direct result of the declared fire
- Travel and Per Diem
- Equipment Time & Uninsured Repairs directly related to the declared fire

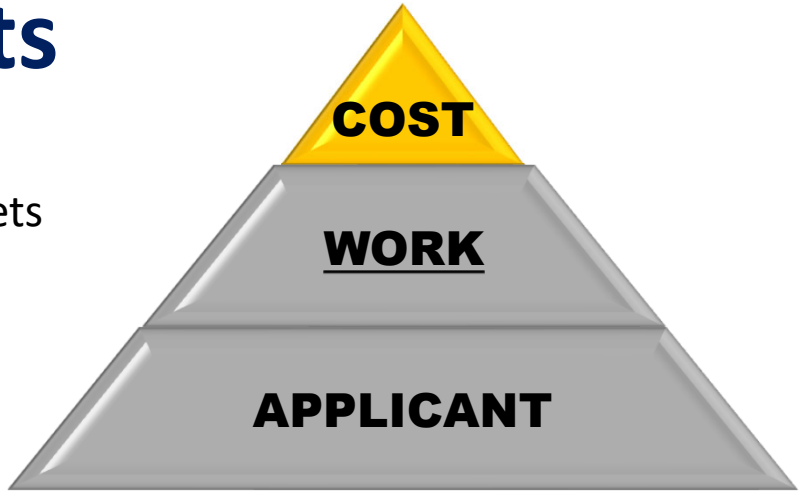
Administrative Costs

Category Z

The applicant may claim **Direct Administrative Costs (DAC)** for all expenses associated with requesting, obtaining, and administering the subgrant for a declared fire.

- Labor:
  - Budgeted Employees – Overtime only
  - Unbudgeted Employees – Both Overtime & Straight Time
  - FA Labor Costs
- Equipment
- Supply purchases
- Travel expenses
- Must be reasonable and necessary
- All DAC costs must be documented (no flat percentage)

Eligible Costs



Eligible Costs: Within Incident Period

- Force Account Labor and Fringe Benefits – Summary Sheets
- Equipment – Summary Sheets
- Materials /Supplies – Summary Sheets
- Contracts/Mutual Aid Agreements
- DAC Only

Eligible Costs: Outside of the Incident Period but still associated (must be completed within 30 days of the close of the incident period.

- Pre-positioning costs (Must be approved by the RA)
- Temporary repairs and certain minimal repairs due to firefighting activity damages must be completed within 30 days of the close of the incident period.
- Mobilization and demobilization (Deployed resources only. Resources deployed but not used are not eligible)
- Grant Administration

Procurement

Applicants must comply with federal procurement requirements. See 2 CFR Part 200. All contracts must include the contract provisions identified in Appendix II to Part 200. 2 CFR, OMB Circular A-87, A-102, and 41 U.S.C. 403(11) provide guidance on procurement and audits.

Ineligible Cost

- Costs not directly associated with the fire's IP (with the exception of pre-positioning and mobilization/demobilization of eligible resources);
- Land rehabilitation
- Costs for pre-suppression activities and recovery
- Costs for ***straight time*** salaries & benefits for budgeted employees
- Costs that are ***reimbursable*** by a federal agency under another statute
- Permanent repairs, building contents, insurable losses, etc.
- Indirect Administrative Costs
- Routine arson investigation

Force Account Labor

- Only overtime is eligible for budgeted employees performing eligible fire suppression-related activities or emergency protective measures
  - ➢ Reimbursement can be claimed for 24-hour labor shifts for up to 14 days (during incident period)
    - Must be a required provision of a contract or agreement
    - Limited to reasonable and necessary
- For unbudgeted employees performing eligible fire activities and emergency protective measures, both straight time and overtime are eligible
- For paid employees performing direct administrative tasks to process Project Worksheets, both straight time and overtime is eligible

Force Account Labor Components

- Who?
  - Name and Title
- When?
  - Dates and time worked
- What?
  - What were they doing?
- Where?
  - Where were they working?

This information is also needed for Donated Labor

Force Account Labor Summary Sheet Components

- Salaries and wages including:
  - Regular and Overtime Pay (separate costs)
  - Shift Differential Pay *
  - Incentive Pay*
  - Hazardous Duty Pay*

- Fringe Benefits (Overtime – Regular Rates)
  - Social Security
  - Worker's Compensation
  - Medicare

* Must be part of Applicant's pre-event pay/personnel policies

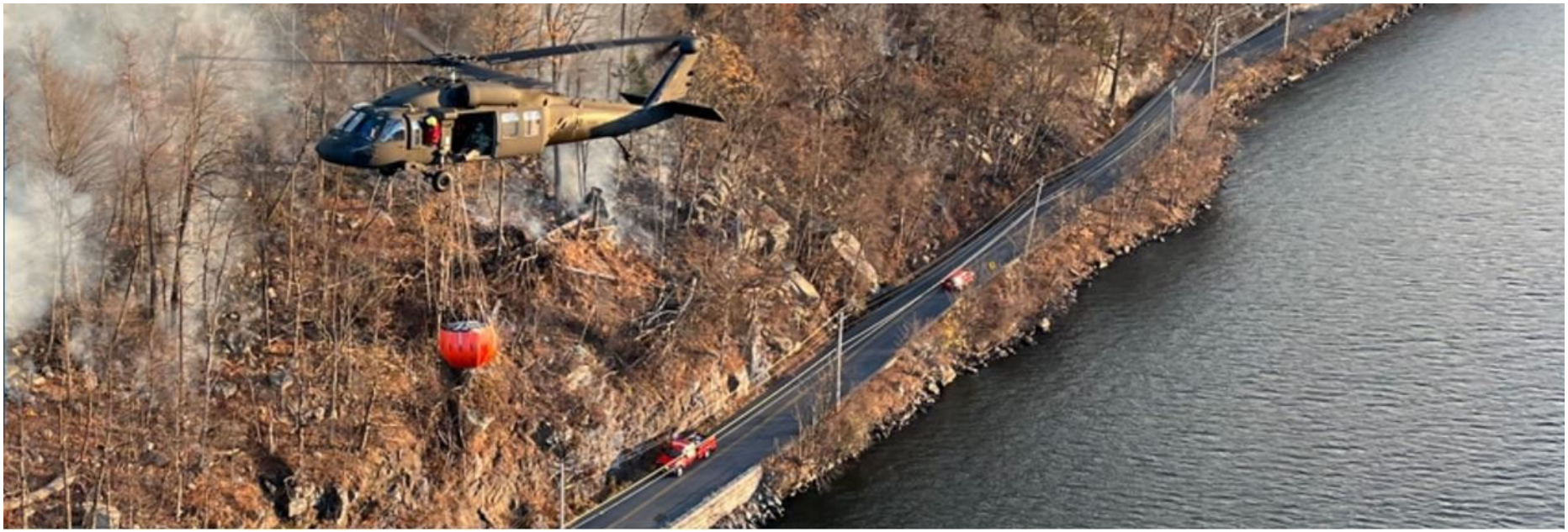
Force Account Equipment

Must be performing eligible work:

- Auto/Truck – Hourly rate
- Other equipment - Hourly rate
- Intermittent Use:
  - Half day or more = Full Day
  - Less than half day = Actual Hours

Equipment Rates

- FEMA equipment rates are used for determining project costs (estimating & comparing).
- Local rates or rental costs are used if different than FEMA and established prior to the disaster.
  - Schedule of Equipment Rates | FEMA.gov



Force Account Materials

- Purchased or used from stock.
- Used for eligible work.
- Invoices, historical data, or quotes from your local vendors will be required to justify cost.
- Account for value of residual materials at closeout.

Donated Resources

Credit towards the local cost share of all Emergency work or Individual Permanent Work project(s).*

Volunteer Labor:

- Rate is the same as either similar paid employees within an Applicant's organization or, if none, similar work done by a local paid organization. Can also use FEMA rate established for the Disaster.
- Value of Volunteer Labor = (Determined Labor Rate) X (Number of Volunteer Hours)
- FEMA Donated Labor Rate $37.29/hour

Donated Resources:

- Rate is determined by local rates (if established) or FEMA equipment rates.
- Value of Donated Resources = (Determined Equipment Rate) X (Number of Equipment Hours)
- Materials costs based on local quotes.

*May not exceed the applicants local share

Procurement

Must comply with ALL federal, state, and local procurement requirements.

- Applicants must comply with 2 CFR Part 200. All contracts must include the contract provisions identified in Appendix II to Part 200. 2 CFR, OMB Circular A-87, A-102, A-133 and 41 U.S.C. 403(11) provide guidance on procurement and audits.

- FEMA has guidance on Procurement Conducted Under Exigent or Emergency Circumstances.

- FEMA will scrutinize a State of Emergency declaration suspending normal procurement procedures to ensure it is reasonable in scope and duration.

Contracts

- Must comply with all State, Local and Federal procurement requirements.
- All contracts incurred for eligible work will be reviewed by FEMA / State teams, including contracts for rental equipment.
- Competitively bid contracts with fixed-price procurement procedures are preferred.

Eligible Contracts

Lump sum contracts are acceptable

- Must include required contract provisions (2 CFR 200.327)
- Applicant must maintain oversight to ensure compliance with contract conditions, specifications, and any purchase orders

Ineligible Contracts

Examples:

- Time and Materials contracts
- Cost-plus percentage of cost
- Contingent upon FEMA reimbursement
- Contract with a debarred contractor:
  - https://dol.ny.gov/public-work-and-prevailing-wage

Mutual Aid

- Reimbursed pursuant to existing agreements between the provider and recipient of the aid.
- Mutual Aid provided at no cost to the recipient of the aid, could be eligible as a donated resource.
- Mutual Aid resources deployed to the area, but not utilized for eligible work are not eligible including mobilization and demobilization costs.

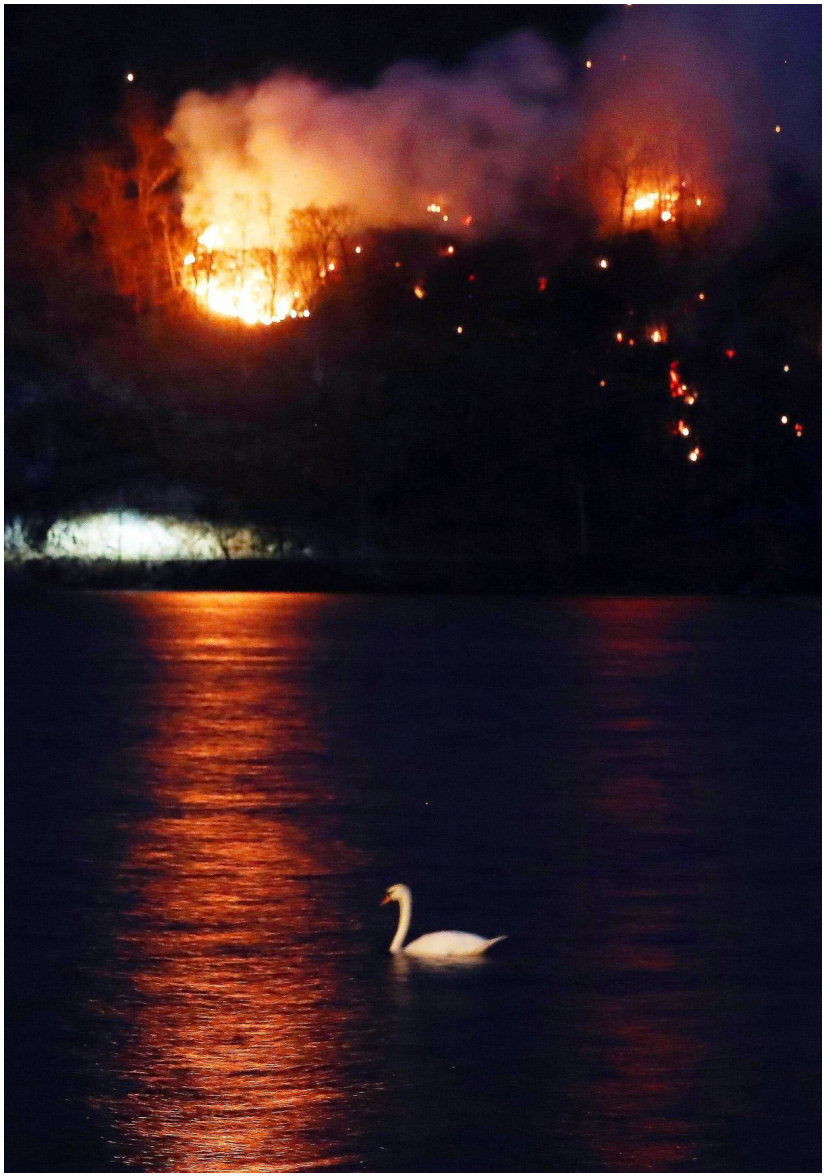
Minority/Women Owned Businesses

- Applicants must be able to demonstrate direct outreach to individual MWBEs.
  - Also includes veteran-owned businesses and labor surplus area firms.

- Visit https://esd.ny.gov/doing-business-ny/mwbe to obtain a list of MWBE vendors in your area.

- Auditors will require documentation demonstrating that MWBE vendors were solicited during bid process.

Special Considerations



Environmental Historic Preservation

- National Environmental Policy Act (NEPA)
- National Historic Preservation Act
- Endangered Species Act
- Clean Water Act
- Clean Air Act
- Executive Order 11988 – Floodplain Management
- Executive Order – 11990 – Protection of Wetlands
- Executive Order 12898 – Environmental Justice
  - Minority Populations
  - Low Income Population

Hazard Mitigation Grant Program – Post Fire Assistance (HMGP Section 404)

- A state's eligibility for funding is triggered by the FMAG Declaration
- NYS is currently awaiting a Post-Fire grant award and will issue a notice of funding opportunity after receipt of the award
- Funding is prioritized for declared counties, and for activities related to wildfire hazard mitigation (e.g. defensible space measures, ignition-resistant construction, slope stabilization, post-wildfire flood reduction measures, etc.)
- Subapplicants must be covered by a current Hazard Mitigation Plan
- It is a Reimbursement Program (up to 75% federal share) and all projects must be cost effective (BCA)
- For more information on HMGP Post Fire, please refer to the 2024 Hazard Mitigation Assistance Program and Policy Guide

Any questions may be directed to:

Shannon Al-Jabi

Chief of Hazard Mitigation Programs

518-292-2304 (Main Line)

Email: HazardMitigation@dhses.ny.gov

www.dhses.ny.gov/recovery

NEW YORK STATE | Homeland Security Emergency Services

From Damages to Obligated Projects

- **Applicants must have a FEMA GO account.**
- **Submit Request for Fire Management Assistance Subgrant (RFMAS) into FEMA GO for DHSES/FEMA review.**
- **Once RFMAS is approved:, applicants should work with Disaster Assistance Representatives (DARs) to:**
  - Discuss Applicant's Damage Inventory costs, donated resources, and any mutual aid agreements
  - Formulate project worksheets
- **Project documentation is uploaded to FEMA Go.**
  - **Capture all necessary information and documentation and provide it to your FEMA/DHSES team who will create the project in FEMA Go on your behalf.**

Information Required for a Project

- List of paid staff, regular and OT hours – dates and times and work performed
- Fringe Benefits information; pay policy
- List of equipment, dates and hours used; identify operators
- List of materials and supplies purchased or used
- Copies of contracts and mutual aid agreements
- Procurement Policies and documentation of compliance.
- Environmental and Historic Information (permits, etc.)
- Insurance or other funding source information

Closing Projects

Projects will be closed through FEMA GO after all documentation for entities are validated and funds have been disbursed for the project.

Appeals

- Applicants may appeal ANY determination related to the FMAG process.
- Promptly notify the DAM if you would like our Appeals Team to assist you in developing your appeal.
- Applicants have 60 days from FEMA's determination to submit their full appeal to DHSES.

Appeals

- **First Appeal** – FEMA Regional Administrator

- **Second Appeal** – FEMA Assistant Administrator for the Recovery Directorate

Funds Are Lost if Applicants *Don't*:

1. **Meet** FMAG program deadlines
2. **Follow** procurement procedures
3. **Accurately** develop the Scope of Work in the Project
4. **Keep** complete, clear and accurate records
5. **Meet** all EHP requirements
6. **Ask** questions

Documentation Retention Requirements

- Applicants must maintain all source documentation for each Project for 3 years after the date of transmission of the final expenditure report for project completion as certified by DHSES to FEMA. 2 CFR §§ 200.302(b) and 200.334.

- State or local laws may require longer retention periods. For example, the Local Government Schedule (LGS-1) identifies a retention period of 6 years for Federal emergency management and disaster response grant files.

What's Next?

1. Establish FEMA Go Account if you don't already have one.
2. Submit RFMAS.

   Submit to PA Support@ NYS DHSES:

   E-mail: dhses.sm.PASupport@dhses.ny.gov

   Fax: 518-322-4984

Unique Entity ID #:
Website: https://sam.gov
Phone: 1-866-606-8220

FMAS CANNOT BE APPROVED UNTIL ALL DOCUMENTATION IS SUBMITTED

3. Once RFMAS is approved, the NYS/FEMA Team schedules an Exploratory Call to make introductions and obtain an overview of your damages.
4. NYS/FEMA team schedules meetings as necessary with Applicant to identify all costs, discuss eligibility and project formulation.

NYS DHSES Contact Information

Recovery Section

- 11 British American Blvd. Fl.2, Latham, NY 12110 Public Assistance Main Line (518) 292-2293
- Fax Number: (518) 322-4984
- www.dhses.ny.gov

- Anthony Gagliardo, Disaster Assistance Manager (DAM), (518) 948-7729 or Anthony.Gagliardo@dhses.ny.gov

Additional Information

- Your assigned FEMA/NYS Team (1st Point of Contact)
- DHSES Website (http://www.dhses.ny.gov/recovery/public/active-declarations.cfm)
- FEMA's Website (www.fema.gov)
- FEMA GO Website (FEMA - FEMA Grants Outcomes)
- FEMA Fire Management Assistance Grant Program and Policy Guide (FP-104-21-0002 / June 2021)
- County Emergency Managers

Questions?