



# FEMA Bipartisan Infrastructure Law Listening Sessions Report

August 2023



FEMA

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# Message from the Director

The following is the closeout report for the FEMA Bipartisan Infrastructure Law (BIL) Listening Sessions.

The Infrastructure Investment and Jobs Act (IIJA) was passed by the 117th Congress and signed into law by President Joseph R. Biden as the Bipartisan Infrastructure Law (BIL) on November 15, 2021. The BIL increased funding for FEMA dam safety with \$585 million for the Rehabilitation of High-Hazard Potential Dams (HHPD) Grant, \$148 million for the State Assistance (SA) Grant, and \$67 million total for operations and support. To better understand how to allocate this money, the National Dam Safety Program (NDSP) hosted the FEMA BIL Listening Sessions to help develop the goals for this funding and the steps necessary to accomplish them.



Over the span of five months, NDSP offered listening sessions that covered four overarching topics, as well as one official recap session (virtually and in person). The topics included:

- Visionary Opportunities for State Dam Safety Programs
- Grants Applications & Grants Management (HHPD & State Assistance)
- Risk-Informed Decision Process for the HHPD Program – Assessment, Prioritization, Decision Making (Resiliency – Understanding and Addressing Risk)
- Dam Rehabilitation and Removal Projects / Historical Preservation (EHP) Requirements Review & Needs Assessment / Floodplain Management Plan (FMP) Requirements

The feedback from the BIL Listening Sessions was a valuable culmination of stakeholder concerns, questions, and recommendations. This is the first set of FEMA National Dam Safety Program Listening Sessions – not the last. This is a large amount of funding, and these listening session series will continue to discuss how the money will be distributed. It is important to NDSP that they continue to improve upon the lessons learned and that solutions are sustainable.

FEMA and NDSP would also like to thank and acknowledge the contributions of all those who participated.

Kayed Lakhia  
Director – National Dam Safety Program



  
**547**  
 Total participants

  
**16**  
 Total key topics

  
**9**  
 Total FEMA next steps

**Figure 1. FEMA BIL Listening Sessions Infographic**

# Introduction

The Infrastructure Investment and Jobs Act (IIJA) was passed by the 117th Congress and signed into law by President Joseph R. Biden as the Bipartisan Infrastructure Law (BIL) on November 15, 2021. The BIL increased funding for FEMA dam safety with \$585 million for the Rehabilitation of High Hazard Potential Dams (HHPD) Grant (with no less than \$75 million dedicated to dam removal), \$148 million for the State Assistance (SA) Grant, and \$67 million total for operations and support.

FEMA's National Dam Safety Program's (NDSP) budget is broken down into four primary categories, as follows:

- Leadership Efforts
  - The Interagency Committee on Dam Safety
  - The National Dam Safety Review Board
- Public Awareness Efforts
  - National Dam Safety Awareness Day
  - Strategic communication campaigns
  - Conference exhibits
- Technical Assistance
  - The Collaborative Technical Assistance Program
  - Research
  - Maintenance of the NDSP publication library
  - Funding for software such as the Decision Support System for Water Infrastructure Security (DSS-WISE)
- Financial Assistance
  - The State Assistance Grant Program
  - The Rehabilitation of High Hazard Potential Dams Grant Program
  - The Bipartisan Infrastructure Law increased funding to this category

To better understand how to allocate this money, FEMA hosted the FEMA BIL Listening Sessions to help develop the goals for this funding and the steps necessary to accomplish them. The topics of these sessions were informed by a survey asking stakeholders what specific questions they wanted answered and to identify the general subject of their question. Survey results showed that stakeholders wanted more information about how the funding would impact NDSP grants, the risk-informed decision process, and NDSP research priorities.

FEMA hosted eight sessions; each topic had two sessions attributed to it. Each session had over 100 participants from around the country and offered the opportunity to express thoughts, questions and concerns about topics related to how the BIL funding will be distributed. These stakeholders primarily represented states and were engineers, emergency management professionals, dam safety division chiefs, and dam safety program managers. Below is a summary of each session.

- The first session was titled Visionary Opportunities for State Dam Safety Programs<sup>1</sup>, and the discussion centered around what FEMA NDSP could improve on regarding the various opportunities available to the states for both HHPD and State Assistance grants.
- The second session, Grants Applications & Grants Management (HHPD & State Assistance), focused on how the money from the BIL would be used and distributed as well as how to apply for funding.
- The third session was titled Risk-Informed Decision Process for the HHPD Program – Assessment, Prioritization, Decision Making (Resiliency – Understanding and Addressing Risk) and centered around how the risk-prioritization process was developed, an overview of the methodology, a hypothetical example, a discussion of what states need to apply the process and methodology, and any relevant comments and questions.
- The fourth session, Dam Rehabilitation and Removal Projects / Historical Preservation (EHP) Requirements Review & Needs Assessment / Floodplain Management Plan (FMP) Requirements, focused on the needs of states when applying for and moving through the grants process for both EHP and FMP. This session also focused heavily on how FEMA HQ could best help the states successfully manage these applications and projects alongside other potential funding opportunities simultaneously.

The following insights were the top 10 points heard across all of the sessions.

1. A preference for three equal funding distributions for HHPD
2. A preference for five equal funding distributions for State Assistance

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<sup>1</sup> Initially, the listening sessions were referred to as the FEMA Infrastructure Investment and Jobs Act (IIJA) Listening Sessions. However, the act was made into a bill while they were occurring. These sessions are now referred to as the FEMA Bipartisan Infrastructure Law (BIL) Listening Sessions.

3. A preference for a longer Period of Performance for State Assistance
4. A separate timeframe for SA & HHPD Notice of Funding Opportunities (NOFO)
5. NOFOs that do not compete with other FEMA programs
6. A preference for consistent NOFO timing each year
7. Simplified processes and procedures
8. Assistance with grants to eligible sub applicants
9. National grants education and training
10. Frustration around application eligibility requirements



# Session 1: Visionary Opportunities for State Dam Safety Programs

**Dates held:** Held virtually on January 25-26, 2023

**Number of participants:** 153

The first installation of the NDSP listening session series focused on visionary opportunities for State Dam Safety Programs and what the FEMA NDSP team could improve on regarding the various funding opportunities available to the states for both HHPD and State Assistance grants.

## Session Themes:

This session yielded four major topics:

### **More Flexibility**

State Dam Safety Programs vary from state-to-state. Stakeholders mentioned that it is difficult to have a universal process, as their Dam Safety Programs and readily accessible resources differ from one another across the country. Participants expressed that greater flexibility would enable states to focus on other high-priority projects within their State Dam Safety Program.

### **Streamlined Processes and Promoting the Ease of Use of the Aforementioned Processes**

Participants stressed the importance and need for streamlining processes and making them easily accessible. Planning for application cycles can be difficult to manage without knowledge of funding amounts. Hiring new staff and contractors hinge on whether the funding is enough, and by the time it comes through, it is often too late to start such a large undertaking. Participants said that the process is too long and complex for what it is worth.

### **Advanced Notice of Funding Amounts**

Advanced Notice of State Funding amounts was suggested by states, as it is preferred that allocation periods be made longer for both State Assistance and HHPD with the timeline staying consistent each year. Participants also mentioned that they prefer NOFOs to be posted at different times for both grants.

### **Additional HHPD Training, Resources and Templates**

Participants discussed additional HHPD training for the grants process, resources to complete the application and various application templates. Stakeholders said that FEMA should host webinars to walk them through the various processes to ensure that they have access to training and resources and can obtain grants equitably.

## Notable Feedback from Participants:

The quotes provided give context into the major topics discussed during this session. Participants expressed the issues they were currently facing and what they believed FEMA could assist with and provide to avoid these situations in the future.

- *“We do have some folks interested in going after HHPD, but they do not have the staff to learn how to answer each little thing. We are hoping that once the documents for this year are finalized, we could get someone to come from FEMA to meet with them, guide them through the process, and figure out what they need. They asked Region Eight if they would be willing to do that, and they were unclear with an answer. I am hoping once things are more figured out that we can still get them to come and talk to us.”* – Engineer, Dam Safety Division
- *“Keeping the process as simple and streamlined as possible. It is difficult to stay on top of all the grant requirements, timelines and related needs, which pulls staff away from our day-to-day core mission and activities. We have a larger program and are able to manage it, but not without a lot of effort and an immense amount of time invested. I don't know how smaller programs would be able to handle that burden.”* – Chief of Dam Safety Division

## FEMA Potential Course of Action:

- In response to the feedback from participants during the Visionary Opportunities for State Dam Safety Programs session, FEMA will be actively searching for ways to adequately hire and make resources available to all states to ensure they are equipped to focus on their projects and request funding with more ease. Previously, the NDSP FEMA regions were not well-staffed, but they are now in the process of hiring one employee on the grants program side and one on the engineering side. FEMA NDSP will have more direct engagement so the regions can conduct training more effectively.
- The FEMA Grants Team (both within the Regions and at HQ) are available to assist states on an as-needed basis and can help navigate topics like grant applications and management, as well as identify other relevant federal funding sources to supplement NDSP offerings.
- In response to the participants' requests to stagger the application cycles, State Assistance and HHPD will be staggered from Building Resilient Infrastructure and Communities and Flood Mitigation Assistance, this will also address the application closing at inopportune times.

## Future Points for Consideration:

- FEMA will begin looking into whether tentative funding can be announced in advance to applicants and develop training resources and templates to fill the necessary gaps.

# Session 2: Grants Applications & Grants Management (HHPD & State Assistance)

**Dates held:** Virtually on March 7 & 9, 2023

**Number of participants:** 137

## Session Themes:

This session yielded six major topics:

### **Consider Combining Construction and Non-Construction Funding**

Participants expressed that separating money into the regular HHPD funding and the special BIL funding limited the construction money available. This discouraged dam owners from applying for the funding because there was not enough money to perform work on a high hazard dam that needed it. Stakeholders said that combining these two types of funding would provide a greater incentive to apply.

### **Recorded Tutorials, Email reminders, and Job aids = Best Way to Assist with Reporting Requirements**

Session participants noted that recorded tutorials, email reminders, and Job Aids were the best ways to assist with reporting requirements. They suggested developing more resources for grant applications, creating various application templates for applicants to access, and drafting Job Aids around this topic.

### **Clear Up Misconceptions Regarding Grant Application/Management Requirements & Eligible Dam Activities**

In terms of how NDSP could assist staffing within the State Dam Safety Programs through outreach efforts, the group voted that NDSP should make a greater effort to clear up misconceptions regarding certain requirements and eligible dam activities using better guidance methods like tutorials, webinars and application templates.

### **#1 Requested Technical Support = Applicant Development Support**

For technical or support services, participants voted that better application development support would be beneficial and suggested holding office hours to answer questions about the grants process. They also recommended developing more easily digestible guidelines around applying for or managing grants.

### **Additional Applicant Resources Needed**

Participants discussed that FEMA needs to develop better materials for helping states complete the grants application process. Suggestions included developing a checklist after the NOFO is released to make it easier for owners to know what is required or having a FEMA representative come and walk dam owners through the process themselves.

### **Advanced Notice State Funding Amounts**

Stakeholders said that they would like to know how much funding they are receiving so they have adequate time to plan for various projects and staffing needs.

## **Notable Feedback from Participants:**

The quotes provided give context into the major topics discussed during this session. Participants expressed the issues they were currently facing surrounding the grants application process and what exactly they believed FEMA could assist with and provide to avoid these situations in the future.

- *“The separating into two pots of money between the regular HHPD funding and the BIL funding really limited the construction money available. That was a deterrent to dam owners to apply because there wasn’t enough money to develop a complete solution on a high hazard dam that needed it. If there was a way to mix those two pots together moving forward, as some of FEMA’s other grant programs did, that would be great.”* – Private Sector Engineer
- *“With current grant requirements, our sub-applicants are not interested in applying for less than \$200,000 award. We need to know potential award amounts several months ahead of time to generate interest.”* – Chief Engineer

## **FEMA Potential Course of Action:**

- In response to the feedback from participants during the Grants Applications & Grants Management (HHPD & State Assistance) session, FEMA plans to investigate the options for combining construction and non-construction funding with the necessary channels.
- After hearing stakeholders’ requests for better guidance, FEMA plans to develop checklists, tutorials, templates, etc., to assist the applicants directly and consider ways to help applicants walk through this process on a more step-by-step basis.
- FEMA plans to investigate improving consistency amongst FEMA reviewers in different regions and eliminating redundancies in the quarterly reports, budget worksheet, and performance measure worksheet.

## **Future Points for Consideration:**

- After participants expressed frustration around application eligibility requirements, the United States Senate Committee on Environment and Public Works asked for FEMA’s recommended

changes to statute requirements to try and alleviate this problem. FEMA plans on reviewing statutory language and requirements related to cost share, maintenance of effort, and maximum award amounts based on this request.

- In the future, FEMA will discuss advanced notice for state funding amounts with the necessary channels to determine if this process can be expedited.

# Session 3: Risk-Informed Decision Process for the HHPD Program – Assessment, Prioritization, Decision Making (Resiliency – Understanding and Addressing Risk)

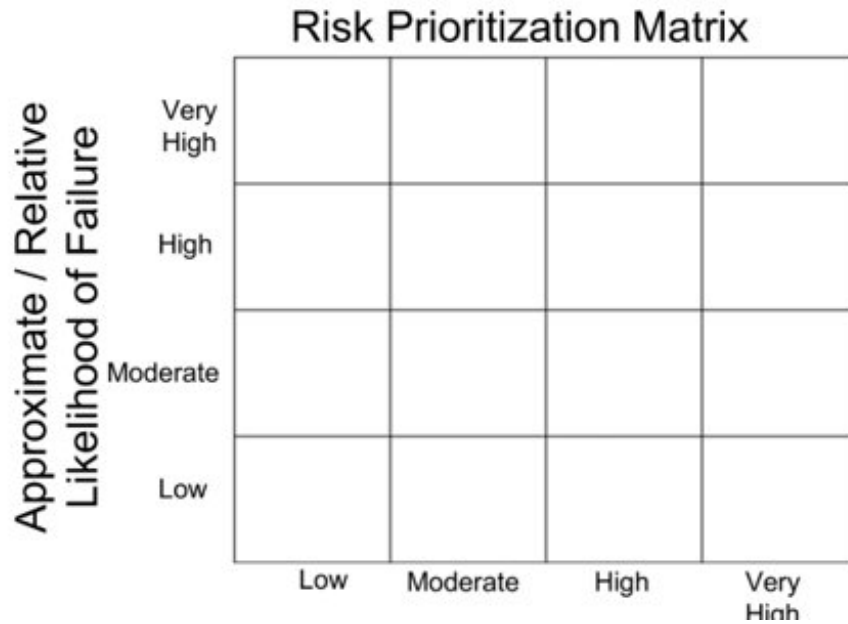
**Dates Held:** February 23, 2023, in-person in conjunction with the National Dam Safety Review Board Technical Seminar & virtually on April 4, 2023

**Number of participants:** 134

The Risk-Informed Decision Process for the HHPD Program – Assessment, Prioritization, Decision Making (Resiliency – Understanding and Addressing Risk) session was about the need for risk prioritization. The discussion focused on how the risk-prioritization process was developed, an overview of the methodology, a hypothetical example, a discussion of what states need to apply the process and methodology, and any relevant comments and questions.

At the recent Association of Dam Safety Officials Northeast Regional Conference in Portland Maine, FEMA announced the results of the listening sessions and again presented an overview of the risk priority methodology and tools. FEMA showed attendees the framework of the system that consists of two parts. Part One was designed to address states concerns about capacity to identify dams considered eligible for HHPD funding to simplify the HHPD application process. Part Two occurs after the states make applications for HHPD grants and know their funding allocation. Part Two helps states assess and document the risk prioritization for the few select dams under consideration for said funds. Much discussion took place about the need for FEMA to demonstrate how the prioritization methodology is applied by the states and how to incorporate state-specific methods developed to comply with past HHPD grants. The National Dam Safety Review Board (NDSRB) recommended that the methodology provide a means for the states to perform secondary screening for risk prioritization, where states can use DSS-WISE Lite results or their own state-specific ranking methods.

The FEMA Risk Prioritization Tool will be used to estimate the likelihood of failure descriptors. The HHPD Risk Matrix consists of Relative Descriptors for the likelihood of failure on the vertical axis, and Consequences are shown on the horizontal axis. The United States Army Corps of Engineers' Dam Screening Tool will be used to compute consequences. NDSRB's recommendation was to use the population at risk for the horizontal axis.



**Figure 2. Risk Prioritization Matrix**

## Session Themes:

This session yielded three major topics:

### **Lack of State Resources/Capacity and Expertise to Complete Risk Prioritization Requirements**

Participants felt there is a lack of state resources and expertise to complete the risk-prioritization requirements, and FEMA assumes they have the adequate means to do this when they do not. The risk-prioritization process is involved and complex, and states are concerned that they do not have the capacity to perform this process.

### **Need Clearer Guidance/Tools on Dam Screening Process**

Participants mentioned that clearer guidance and tools for the dam screening process would be helpful to better navigate this process. It is not always clear whether HHPD covers certain projects, and states requested better resources for determining who conducts the screening, the tools used to do so, and how certain dams are categorized within the risk-prioritization process.

### **Guidance on Dam Removal Approvals and Timelines**

Stakeholders would like to know what kind of approvals will be required to remove a dam and the length of said process. They mentioned that this would help them set more realistic expectations for the risk-prioritization and dam removal process.

## Notable Feedback from Participants:

The quotes provided give context into the major topics discussed during this session. Participants expressed questions and concerns about the risk-informed decision-making process and what exactly they believed FEMA could assist with and provide to avoid these situations in the future.

- *“Why is DSS-WISE not used to determine consequences? A lot of states already use this tool, and it is a FEMA-sponsored tool. Why develop something new? If HHPD funding will be used to just perform an assessment of the dam, how would this action cause a risk reduction?”* – State Dam Safety Program Manager
- *“There seems to be an assumption that states have the capacity to apply, screen, and issue subawards for the HHPD grant. I suspect most states do not currently have staff to do this work. Can the NDSP grant be used to hire staff to manage the HHPD grant?”* – State Dam Safety Assistant Director

## FEMA Potential Course of Action:

- In response to the feedback from participants during Risk-Informed Decision Process for the HHPD Program – Assessment, Prioritization, Decision Making (Resiliency – Understanding and Addressing Risk) session, FEMA plans to continue developing the risk-informed decision process and methodology using relevant findings and input from stakeholders.
- Based on the NDSRB recommendation, after completion of the pilot testing of the methodology and tools, FEMA will be hosting informational webinars to demonstrate the supporting tools and follow-up training activities are planned prior to the release of the 2023 grants cycle.



# Session 4: Dam Rehabilitation and Removal Projects / Historic Preservation (EHP) Requirements Review & Needs Assessment / Floodplain (FMP) Requirements

**Dates held:** Held virtually April 18-19, 2023

**Number of participants:** 123

The Dam Rehabilitation and Removal Projects, Historic Preservation Requirements Review and Needs Assessment and Floodplain Management Requirements listening session focused on the needs of states when applying for and moving through the grants process for both EHP and FMP. This session also focused heavily on how FEMA HQ could best help the states successfully manage these applications and projects alongside other potential funding opportunities simultaneously.

## Session Themes:

This session yielded three major topics:

### **Need More Guidance / Tools and Resources Throughout the Process for All Requirements**

Various stakeholders stated the strong need for additional guidance during the application processes, particularly for both EHP and FMP. This guidance could include more available resources and tools made accessible to the states by FEMA. Participants stressed the need for clearer, more concise timelines, dates and parameters for the grants application processes. Participants also spoke of the desire for examples and templates, specifically for FMPs. These templates could vary in type of project to include different sizes, costs and complexity of projects.

### **EHP Review Process is Inconsistent / Cumbersome / Difficult**

As stated by several participants, many states and state offices are not adequately staffed to take on large cumbersome applications as they are often balancing other heavy workloads and various dam projects. This becomes particularly difficult when there are unclear requirements to follow. Additionally, when the processes are long and tedious, some states decide not to participate and do not apply at all.

### **Requested Examples of Successful HHPD Grant Applications and Documents**

Requests for examples of successful HHPD applications and necessary documents were made by states, as it is preferred that there are available samples for staff to view and follow while working

through these application processes. Having these examples will allow states, especially with smaller staffing to ensure they are using their time effectively and submitting applications correctly, this will also mitigate any back and forth between the states and FEMA that often occurs when necessary portions of the application is missing or not thoroughly completed.

## Notable Feedback from Participants:

The quotes provided below give context into the major topics discussed during this session. Participants expressed the issues they were currently facing regarding EHP and FMP as well as their specific reason(s) as to why applying for these specific grants is a challenge.

- *“Floodplain management is a hurdle because we can’t increase flooding downstream by removing a dam. For us, it is a somewhat clear process. The historic preservation and endangered species are a huge black box, and it varies by person. That can throw a lot of wrenches, particularly in historic preservation, in our projects, and there is no consistency from project to project or person to person.”* – Division Chief Engineer
- *“No way to predict EHP review process duration is an issue.”* – Dam Safety Manager
- In reference to EHP and FMPs, *“It might be helpful to see applications and documents from a successful HHPD project.”* – Dam Safety Engineer

## FEMA Potential Course of Action:

- FEMA will begin actively working with states to ensure representatives have the necessary information to move along in the process and make the grants team available to walk states through any issues that may arise.
- FEMA will continue to host webinars and trainings to walk stakeholders through the process and will begin simplifying the process to make it more equitably accessible.

# Summary

The feedback from the BIL Listening Sessions was a valuable culmination of stakeholder concerns, questions and recommendations. This is the first set of FEMA National Dam Safety Program Listening Sessions – not the last. This is a large amount of funding, and these listening session series will continue into the future to discuss how the money will be distributed. It is important to NDSP that they continue to improve upon the lessons learned and that solutions are sustainable. The NDSP team is grateful for its stakeholders' insightful and enthusiastic participation. NDSP is looking into providing more training, more resources and more guidance regarding these topics in the future. NDSP has lots of exciting subsequent actions to investigate and execute moving forward. Thank you, again.