



Rehabilitation of High Hazard Potential Dams (HHPD) Grant Program

- The President signed the “[Water Infrastructure Improvements for the Nation Act](#)” or the “WIIN Act,” on December 16, 2016, which adds a new grant program under FEMA’s National Dam Safety Program (33 U.S.C. 467f). Section 5006 of the Act, Rehabilitation of High Hazard Potential Dams, provides technical, planning, design, and construction assistance in the form of grants for rehabilitation of eligible high hazard potential dams.

Fiscal Year 2020

- FEMA was appropriated \$10 million to implement the Rehabilitation of High Hazard Potential Dams Grant Program.
- For FY2020, HHPD will provide assistance for technical, planning, design, and construction activities.

What is an eligible high hazard potential dam?

Non-federal dams –

- (i) located in a state or territory with a state or territorial dam safety program;
- (ii) classified as ‘high hazard potential’ by the dam safety agency in the state or territory where the dam is located;
- (iii) has an emergency action plan approved by the state or territory dam safety agency; and
- (iv) the state or territory in which the dam is located determines either of these criteria – the dam fails to meet minimum dam safety standards of the state or territory; and the dam poses an unacceptable risk to the public.

‘Eligible high hazard potential dam’ does not include –

- (i) a licensed hydroelectric dam; or
- (ii) a dam built under the federal authority of the Secretary of Agriculture.

What is the role of the state or territorial dam safety agency?

Projects shall be approved by the dam safety agency in the state or territory where the dam is located.

Who can apply?

‘Non-federal sponsors,’ as defined in the statute as non-federal governments and nonprofit organizations.

Dams on tribal lands are not eligible to receive High Hazard Potential Dams grant funding. The Indian Dam Safety Act of 1994 establishes a Dam Safety Maintenance and Repair Program within the Bureau of Indian Affairs.

ELIGIBLE ACTIVITIES

- 1) repair,
- 2) removal or
- 3) structural / nonstructural rehabilitation of eligible high hazard potential dams.

INELIGIBLE ACTIVITIES

- 1) Rehabilitation a federal dam;
- 2) Performance of routine operation or maintenance of a dam;
- 3) Modification of a dam to produce hydroelectric power;
- 4) Increase water supply storage capacity; or
- 5) Make any other modification to a dam that does not also improve the safety of the dam.

What are the applicant requirements?

- The state, territory, or county where the dam is located must participate in, and comply with, all applicable federal flood insurance programs;
- have in place a hazard mitigation plan that includes all dam risks;
- commit to provide operation and maintenance of the project for the 50-year period following completion of rehabilitation (or the expected life of the dam);
- comply with FEMA's minimum eligibility requirements to ensure that each owner and operator of a dam is under a participating state or territorial dam safety program and that receives assistance under this grant. The owner and operator will act in accordance with the state or territorial dam safety program; and (ii) carries out activities relating to the public in the area around the dam in accordance with the hazard mitigation plan;
- comply with the Code of Federal Regulation (CFR) 42 section 5196(j)(9) – All laborers and mechanics employed by contractors or subcontractors in the performance of construction work financed with the assistance of any contribution of federal funds made by the Administrator of FEMA shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the U.S. Secretary of Labor;
- for an amount greater than \$1,000,000, recipients and subrecipients shall require that each contract and subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, and related services entered into using funds from the grant be awarded in the same manner as a contract for architectural and engineering services is awarded under 40 U.S. Code Chapter 11 or an equivalent qualifications-based requirement prescribed by the recipient state;
- have a floodplain management plan in place to reduce the impacts of future flood events in the area protected by the project – or- demonstrate that it will be in place no later than one year after the date of completion of construction of the project.

What is FEMA's responsibilities under the Act?

- Administer grants. This will be an annual Notice of Funding Opportunity.
- Provide technical support for development and implementation of floodplain management plans.
- Review and approve hazard mitigation plans for the inclusion of dam risks.
- Consult with the National Dam Safety Review Board to develop a risk-based system to prioritize and identify eligible high hazard potential dams within a state where grant funding is possible.

HOW MUCH IS APPROPRIATED?

- \$10,000,000 million for Fiscal Year 2020.

HOW ARE THE FUNDS ALLOCATED?

- 1/3 equal distribution among states or territories that receive a project application;
- 2/3 among states or territories based on the proportion of eligible high hazard potential dams in the state or territory relative to the national total.

ARE THERE LIMITS ON GRANT AMOUNTS?

- A grant under this program should not exceed the lesser of (i) 12.5 percent of the total amount of funds made available; or (ii) \$7.5 million.
- Non-federal cost share requirement of not less than 35 percent, which may partially or fully be in-kind.