



Rehabilitation of High Hazard Potential Dams (HHPD) Grant Program

Frequently Asked Questions

The following is a summary of questions and answers collected from the Rehabilitation of High Hazard Potential Dams (HHPD) Grant Program stakeholders.

If you have any additional questions, please contact the HHPD Grant Program via FEMA-NDSP-HHPDGrants@fema.dhs.gov.

1. What is the HHPD Grant Program?
 - The President signed the “Water Infrastructure Improvements for the Nation Act” or the “WIIN Act”, on December 16, 2016, which amends the National Dam Safety Program Act (Pub. L. 92-367) by adding a new grant program. Section 5006 of the Act, *Rehabilitation of High Hazard Potential Dams*, provides technical, planning, design, and construction assistance in the form of grants to non-federal sponsors for rehabilitation of eligible high hazard potential dams (33 USC §467f-2).
2. How much was appropriated for the HHPD Grant Program in Fiscal Year 2020 (FY20)?
 - i. In FY20, FEMA was appropriated \$10,000,000 million to continue the Rehabilitation of High Hazard Potential Dams Grant.
 - ii. The Notice of Funding Opportunity (NoFO) can be found via the following link <https://www.grants.gov/web/grants/view-opportunity.html?oppId=326939>.
3. Who can apply for the HHPD Grant Program?
 - A state with a state dam safety program authorized by state legislation is the only entity eligible to submit HHPD applications to DHS/FEMA. For the purposes of the HHPD, the term “state” means each of the several states of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and any other territory or possession of the United States.
 - Each eligible state must designate one State Administrative Agency (SAA) to serve as the applicant for HHPD funding. Each SAA may submit only one (1) HHPD grant application to FEMA and be able to comply with regulations associated with receipt of federal financial contributions from FEMA.
 - Given the requirements of this grant (e.g. National Flood Insurance Program participation, state and local hazard mitigation plans, floodplain management plan, risk prioritization, state dam safety agency approval of the award), applicants must pursue this grant in coordination with the State Dam Safety Officer and the State Hazard Mitigation Officer, regardless of which entity will implement the grant. Contact information for the State Hazard Mitigation Officers (SHMOs) is provided on the FEMA website at <http://www.fema.gov/state-hazard-mitigation-officers>.



- Once funds are awarded, the applicant becomes the recipient or pass-through entity or both (if, for example, the dam is a state-owned dam).
 - Eligible subrecipients under FY2020 HHPD are non-federal governmental organizations (other than the designated applicant) and nonprofit organizations.
4. What dams are eligible for this grant?
- To be eligible for HHPD Grant Program funding, a dam must:
 - Be located in a state/territory with a state/territory dam safety program.
 - Be classified as “high hazard potential” by the state/territory dam safety program.
 - Have an Emergency Action Plan (EAP) approved state/territory dam safety program.
 - Fail to meet minimum state/territory dam safety standards and pose an unacceptable risk to the public (as determined by the state/territory). (See **Section H.2.i, Definitions**, for the definition of Unacceptable Risk to the Public.
 - The following dams are not eligible for HHPD Grant Program funding:
 - Federally owned dams
 - Hydroelectric dams licensed by the Federal Energy Regulatory Commission
 - Dams built under the authority of the Secretary of Agriculture
5. What is an eligible project?
- For FY2020, the HHPD Grant Program will assistance for technical, planning, design, and construction activities toward:
 - repair,
 - removal or
 - structural/nonstructural rehabilitation of eligible high hazard potential dams.
6. What projects are ineligible?
- to rehabilitate a federal dam;
 - to perform routine operation or maintenance of a dam;
 - to modify a dam to produce hydroelectric power;
 - to increase water supply storage capacity;
- to make any other modification to a dam that does not also improve the safety of the dam.
7. What are the applicant requirements?
- i. The SAA must submit a list of all eligible high hazard potential dams in their state with the application. The SAA must submit an official assurance statement (signed by the State Dam Safety Officer or Governor's Authorized Representative [GAR]) that all dams included on the list of eligible high hazard potential dams are regulated by the state dam safety program and meet the following HHPD criteria for eligible high hazard potential dams (Source: 33 U.S.C. § 467(4)(A)):



- (A) a non-federal dam that—
- (i) is located in a state with a state dam safety program;
 - (i) is classified as “high hazard potential” by the state dam safety agency in the state in which the dam is located;
 - (ii) has an emergency action plan (EAP) approved by the relevant state dam safety agency; and
 - (iii) the state in which the dam is located determines—
 - (I) fails to meet minimum dam safety standards of the state; and
 - (I) poses an unacceptable risk to the public. (See **Section H.2.i, Definitions**, for the definition of Unacceptable Risk to the Public.
- (B) Exclusion: The term “eligible high hazard potential dam” does not include—
- (i) a licensed hydroelectric dam; or
 - (ii) a dam built under the authority of the Secretary of Agriculture. Be able to comply with regulations associated with receipt of federal financial contributions from FEMA.

In addition to the minimum requirements listed above, FEMA will review the Condition Assessment data reported in the NID to validate a dam’s eligibility. Dams that meet the NID criteria for POOR or UNSATISFACTORY condition assessments may be eligible to include on the list of dams if a regulatory notice has also been issued. Dams with SATISFACTORY or NOT RATED condition assessments are not eligible for the HHPD program. Dams classified as FAIR in the NID will be evaluated by FEMA on a case-by-case basis to determine if they meet the requirements for eligibility. Upon request, the SAA must provide to FEMA substantiating documentation that verify dams submitted are eligible under the HHPD grant. The requested documentation may include, but is not limited to, copies of the regulatory notices, risk assessments, engineering analyses, etc.

- ii. If the applicant receives funding for their own project, all of the criteria for eligible subapplicants must be met.
 - iii. The state must have in place (by the application deadline and at the time of obligation of grant funds) a FEMA-approved state hazard mitigation plan that includes all dam risks (See **Section H.2.i, Definitions**, for the definition of All Dam Risk) and complies with the Disaster Mitigation Act of 2000 (Public Law 106–390; 114 Stat. 1552). If an HHPD applicant does not have a state mitigation plan that includes all dam risks, the applicant may request an extension to meet this requirement. (See **Section H.2.b., Mitigation Plan Requirement Extension Requests**)
8. What are the subrecipient requirements?
- Acts in accordance with the [state dam safety program](#) and the project dam must be regulated by the state dam safety program. All activities must be approved by the state dam safety agency. Any engineering studies, plans, or design drawings and specifications must be approved, signed, and stamped by a qualified design professional registered in the state in which the project is located;
 - Participate in, and comply with, the National Flood Insurance Program (NFIP);



- i. Commit to provide operation and maintenance of the project for the 50-year period following completion of [rehabilitation](#); Applicants can demonstrate this commitment by submitting the following assurance statements with the application:
 - Operation and Maintenance Agreement where all applicable parties enter a legally binding contract to provide operation and maintenance of the project for the 50-year period following completion of rehabilitation.
 - Assurance that the subrecipient will have adequate funding resources for operation and maintenance activities to be carried out over 50-year period following completion of rehabilitation project.
- Subrecipients must have in place at the time of obligation of subgrant funds a local FEMA-approved hazard mitigation plan that includes all dam risks (See **Section H.2.i, Definitions**, for the definition of All Dam Risk) and complies with the Disaster Mitigation Act of 2000 (Public Law 106–390; 114 Stat. 1552). Nonprofit organizations that are subrecipients must be located in a local jurisdiction with a FEMA-approved hazard mitigation plan that includes all dam risks and complies with the Disaster Mitigation Act of 2000 (Public Law 106–390; 114 Stat. 1552). If an HHPD subrecipient does not have a local mitigation plan that includes all dam risks, the subrecipient may request an extension to meet this requirement. (See **Section H.2.b., Mitigation Plan Requirement Extension Requests**);
- Carries out activities relating to the public in the area around the [dam](#) in accordance with the hazard mitigation plan.
- Complies with [section 5196\(j\)\(9\) of title 42](#) of the U.S. Code (as in effect on December 16, 2016) with respect to projects receiving assistance under this section in the same manner as recipients are required to comply in order to receive financial contributions from the Administrator for emergency preparedness purposes. See **Section H.2.c.**, 42 U.S.C. § 5196(j)(9), for additional information.
- Complies with [chapter 11 of title 40](#); Selection of Architects and Engineers. (See **Section D.4, Requirements Related to Contract and Subcontract Services.**)
- Have in place (or will be developed not later than 1 year after the date of execution of a project agreement and implemented not later than 1 year after the date of completion of construction of the project) a floodplain management plan to reduce the impacts of future flood events in the area impacted by the project. The floodplain management plan must address:
 - potential measures, practices, and policies to reduce loss of life, injuries, damage to property and facilities, public expenditures, and other adverse impacts of flooding in the area protected by the project;
 - plans for flood fighting and evacuation; and
 - public education and awareness of flood risks.

FEMA may provide technical support for the development and implementation of floodplain management plans prepared under this grant.

9. I live in a U.S. territory. Is my dam eligible for the grant?



- The HHPD Grant Program is allocated to states/territories with an existing state/territory dam safety program. In FY20, this includes 49 States and Puerto Rico.
10. Are the high hazard potential dams eligible for this grant the same as those in classified as high hazard in the National Inventory of Dams (NID)?
- Eligible dams must be classified as 'high hazard potential' in the NID, but they also must meet the following criteria:
 - Non-federal dams that:
 - Are located in a state or territory with a state/territory dam safety program;
 - Are classified as 'high hazard potential' by the dam safety agency in the state or territory where the dam is located;
 - has an emergency action plan approved by the state or territory dam safety agency; and
 - 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. (See **Section H.2.i, Definitions**, for the definition of Unacceptable Risk to the Public.
 - Eligible high hazard potential dam does not include:
 - a licensed hydroelectric dam; or
 - a dam built under the federal authority of the Secretary of Agriculture.
11. What is a non-federal sponsor?
- i. Non-federal governmental organizations (other than the designated applicant) or a non-profit organization that can meet the cost-sharing requirements of not less than 35 percent.
12. 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. It is also strongly recommended that the State or Territorial Dam Safety Officer coordinate with the State or Territorial Hazard Mitigation Officer to assist with various requirements of this grant (e.g. National Flood Insurance Program participation, hazard mitigation plan, floodplain management plan, risk prioritization).
13. Is it FEMA's expectation/intent that the state/territory applicant will be the agency that administers HMA programs (SHMO's office)? Can the agency responsible for dam safety act as the applicant?
- Given the requirements of this grant (e.g. National Flood Insurance Program participation, hazard mitigation plan, floodplain management plan, risk prioritization), it is strongly recommended that applicants pursue this grant in coordination with the State or Territorial Dam Safety Officer and the State or Territorial Hazard Mitigation Officer.
14. How do I apply for the HHPD Grants? What is the difference between [Grants.gov](https://www.fema.gov/grants) and the Non-Disaster (ND) Grants System?



- The grants are advertised on Grants.gov through a Notice of Funding Opportunity (NoFO), and can be found via the following link <https://www.grants.gov/web/grants/view-opportunity.html?oppId=326939>.
- Applicants apply and are managed through the Non-Disaster Grants System (ND Grants)
- Refer to the HHPD Grant Program Checklist, <http://www.fema.gov/rehabilitation-high-hazard-potential-dam-grant-program>.

15. Who can I contact if I have technical issues with ND Grants?

- Applicants that experience technical issues, must notify the ND Grants Service Desk at 1-800-865-4076 or NDGrants@fema.dhs.gov.

16. What is the Period of Performance (PoP) for this grant? Are extensions allowed?

- The period of performance is 36 months.
- Extensions to the initial period of performance identified in the award will be considered through formal, written requests to the FEMA/Federal Insurance and Mitigation Administration, Risk Management Directorate and must contain specific and compelling justifications as to why an extension is required. All extension requests must address the following:
 - Grant program, grant year, and award number;
 - Reason for delay including details of the legal, policy, or operational challenges being experienced that prevent the final outlay of awarded funds by the applicable deadline. The reason must also be of significant extenuating circumstances (e.g. flooding disaster);
 - Status of the activity/activities;
 - Approved period of performance (PoP) termination date and new project completion date (new recommended PoP);
 - Amount of funds drawn down to date;
 - Remaining available funds;
 - Revised delineated budget outlining how remaining federal grant funds will be expended by approved task;
 - Plan for completion including milestones and timeframes for achieving each milestone and the position/person responsible for implementing the plan for completion; and
 - Certification that the activity/activities will be completed within the extended period of performance without any modification to the original Statement of Work approved by FEMA.
- Applicants must submit extension request within sixty (60) calendar days prior to the period of performance end date, through ND Grants system for review by the FEMA National Dam Safety Program for final review and amendment approval consideration. Extension requests must meet the extensions requirements as listed above.



17. What happens if I receive the grant, but do not receive enough money to cover the rehabilitation costs?
 - i. FY20 funds must result in a completed project, which may include technical, planning, design, and construction activities toward the repair, removal of rehabilitation of a high hazard potential dam.
 - ii. The recipient will have to work with the Program Office to scale back the project. No additional funds will be made available.
18. What if I need to request more money than the maximum funding an applicant can receive?
 - i. Any costs to complete a project that are above the Federal share are the responsibility of the grant recipient or non-Federal sponsor.
 - ii. The recipient can only receive what is awarded. No supplemental funding will be made available. Note: Any modification to a dam must improve the safety of the dam. If the project is phased due to financial reasons, sequencing of the work must not compromise the integrity of the dam.
19. Will every eligible applicant receive the grant?
 - i. One-third of the available funding will be distributed equally among states/territories in which the projects for which eligible applications are submitted are located.
 - ii. (Two-thirds of the available funding will be distributed among states/territories in which the projects for which eligible applications are submitted are located based on the proportion that:
 - the number of eligible high hazard potential dams in the state/territory; bears to
 - the number of eligible high hazard potential dams in all such states/territories.
20. 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.
21. What is the cost share?
 - Non-federal cost share requirement of not less than 35 percent, which may partially or fully be in-kind.
22. Can the non-federal 35 percent cost share be calculated for projects with other federal assistance?
 - Federal funds and/or services cannot be provided to count towards the 35 percent cost share.
23. I do not have a current risk-prioritization method in place. Are there guidelines I can follow to create one?
 - If there is more than one project proposed for FY20 HHPD Grant funds, applicants are required use a risk-based prioritization method to rank eligible high hazard potential dams as part of their application. States/territories may use their own risk-based prioritization methods if they meet the minimum FEMA criteria. States/territories should consult with FEMA to determine if their method meets the intent of the risk-based prioritization method for the program.



FEMA

- A risk prioritization method is being developed, please email the helpline at FEMA-NDSP-HHPDGrants@fema.dhs.gov for more information.

24. Who can I contact if I have questions about the application process?

- Email the helpline at FEMA-NDSP-HHPDGrants@fema.dhs.gov.

25. What is the Grant Management Plan?

- At a minimum, the Grant Management Plan for the administration of the HHPD Grant Program, must include the items listed below:
 - i. Designation of the SAA responsible for program administration.
 - ii. Identification of the State Official responsible for all matters related to the High Hazard Potential Dam Rehabilitation Grant Program.
 - iii. Determination of staffing requirements and sources of staff necessary for administration of the program.
 - iv. Establishment of procedures to:
 1. Identify and notify potential subrecipients of the availability of the program.
 2. Ensure that potential subrecipients are provided information on the application process, program eligibility, including the requirement for a FEMA-approved mitigation plan that includes all dam risks, and key deadlines.
 3. Determine subrecipient eligibility, including the requirement for a FEMA approved mitigation plan
 4. Submit revisions or amendments for FEMA review and approval. See Section F.2, Pass-Through Requirements.
 5. Conduct environmental and floodplain management reviews.
 6. Establish priorities for selection of projects.
 7. Process requests for advances of funds and reimbursement.
 8. Monitor and evaluate the progress and completion of the selected projects.
 9. Review and approve cost overruns.
 10. Process appeals.
 11. Provide technical assistance as required to subgrantee(s) including coordination with State Hazard Mitigation Officer regarding mitigation plan requirement.
 12. Comply with the administrative and audit requirements of 2 CFR parts 200 and 3002.
 13. Provide quarterly progress reports to FEMA on approved projects.

26. What is the Program Work Plan?

- i. The Program Work Plan submitted with the application must describe how HHPD funds will be used to advance HHPD priorities and performance goals. Goals and objectives must be clearly defined. The process for selecting subrecipients must also be described



- ii. After funds are received, the Program Work Plan must be amended to:
 - Include a detailed scope of work, cost estimate, and timelines and milestones for implementing the HHPD grant for each subrecipient
 - Clearly identify how the SAA proposes to meet the performance metrics identified in Section A.10, Performance Metrics.
27. What is the HHPD Grant Program Environmental and Historic Preservation (EHP) review and requirements/process?
- An [EHP Screening Form](#) is required for all HHPD projects that physically affect the environment (such as coring or trenching for site analysis).
 - Grant recipients are responsible for completing the HHPD Grant Program EHP Screening Form.
 - Grant recipients should contact FEMA Grant Program EHP staff if they are unsure if they are required to submit the HHPD Grant Program screening form.
 - At a minimum, the following information is required on the HHPD Grant Program EHP Screening Form:
 - Clear description of the project
 - Project location – address or latitude / longitude
 - Labeled, ground-level photos of the project area
 - Aerial photo(s)
 - Construction date(s) for any buildings/structures (including dam structures) involved in the project
 - Extent (length, width, depth) of all ground disturbance
 - Other pertinent EHP info (e.g., environmental studies/surveys, permits in-hand, etc.)
 - All projects funded with federal grant dollars must comply with EHP laws, regulations, and Executive Orders.
 - An EHP review is an analysis of project information to determine whether a project may have the potential to impact environmental or historic/cultural resources.
 - Complex projects may require more information and/or time for EHP review.
 - FEMA may be required to consult with state/territory or federal environmental agencies to determine impacts to environmental or historic/cultural/resources.
 - EHP review must be completed by FEMA before initiating any work on any FEMA-funded project, even if a previous award/year/program/project has an approved EHP review
 - EHP review is required for the entire project (including cost share items) prior to starting the project.
 - EHP review is to ensure compliance with EHP laws – not to deny projects
 - Some projects may need to be modified to meet FEMA’s EHP responsibilities
 - Costs of EHP review (e.g., archeological surveys, reports, etc.) are paid by the grant recipient and can be part of grant expenditures.



- EHP reviews are conducted by FEMA EHP staff and may require additional coordination and information-sharing between FEMA and the grant recipient.
- Projects that include consultation with other resource agencies may require longer review times to complete.

28. The allocation of funding is based on proportion. Is there other criteria to that in terms of risk? What if a dam is considered to have the highest risk in the country - are there any exceptions?

- The allocations formula is based on the number of eligible states/territories that submit applications and the number of eligible projects within each of those states/territories. The risk-based prioritization method is state-specific and ranks eligible high hazard potential dams within a state/territory for the state/territory to decide which activities to fund. The HHPD Grant Program will not prioritize dams in different states/territories against each other.

29. What is the definition of expected life of the dam?

- Estimated number of years the rehabilitation will be effective. Major infrastructure, like dams, typically have a 50-100 year projected service life.

30. What is the definition of routine operation and maintenance?

- Activities performed to prevent deterioration of structures and equipment to keep a dam in a safe and functioning condition throughout the expected life of the dam. These activities can be a scheduled or recurring action outlined in the Operation and Maintenance Plan or performed after an inspection reveals an unusual observation that requires corrective restoration. Identifying and correcting problems before they become serious is part of routine operation and maintenance. Typical routine operation and maintenance activities can include (but are not limited to) mowing, removal of woody vegetation, addressing erosion, repairing concrete structures, replacement of equipment and gates, and servicing gates.

31. What is the definition of unacceptable risk to the public?

- For purposes of this HHPD Grant Program, the determination of unacceptable risk to the public is to be made by the state/territory dam safety program, the agency of the state/territory that is authorized by state statute to manage the state/territory participation in the National Dam Safety Program.

A dam poses unacceptable risk to the public when the dam requires remediation or risk reduction measures due to deficiencies caused by inadequate dam design, construction methods, or the results of inadequate operation and maintenance.

For a dam to be considered an unacceptable risk to the public for funding under the HHPD Grant Program, it must meet all the following conditions:

- Does not meet the minimum dam safety standards of the state/territory (not including routine operations and maintenance actions).
- State/territory dam safety program has documented the deficiencies at the dam that must be reduced, eliminated or mitigated.
- Official Regulatory Notice (see definition) of the determination of the documented deficiency(s) has been communicated to the dam owner to address the unacceptable risk to the public to implement interim risk reduction measures until permanent risk reduction measures are implemented in a manner that is



acceptable to the state/territory. Official Regulatory Notice must be on official state or state dam safety program letterhead and may include official citations issued from the state dam safety program to the dam owner.

32. What is the definition of Official Regulatory Notice?

- A specific Dam Safety Deficiency (meeting the NID definition) is recognized and cannot be resolved with routine maintenance. The state dam safety agency has issued an official regulatory notice to the dam owner that includes all of the following elements:
 - The dam owner is notified of the specific deficiency and a regulatory requirement to immediately implement risk-reduction measures. (Required risk-reduction measures may include activities such as hiring an engineer to conduct risk-based failure mode studies, design of risk-reduction measures, construction of risk-reduction measures, or other actions.)
 - The regulatory notice indicates whether temporary risk-reduction measures (such as reservoir restrictions) are required.
 - The regulatory notice indicates a specific time allowance for the completion of the risk-reduction measures.
 - The regulatory notice includes a statement of the state dam safety's authority to issue regulatory actions and/or specific regulatory enforcement actions for failure to comply.