North Dakota Department of Emergency Services

Division of Homeland Security

North Dakota

Disaster Procedures Guide

Saving Lives - Protecting Property and the Environment

Revised: 2006
This edition supersedes all previous editions.
Developed: 1976

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NORTH DAKOTA

DISASTER PROCEDURES

GUIDE

NORTH DAKOTA DEPARTMENT OF EMERGENCY SERVICES
DIVISION OF HOMELAND SECURITY
Bismarck, North Dakota

Revised: 2006
This edition supersedes all previous revisions.
Developed: 1976

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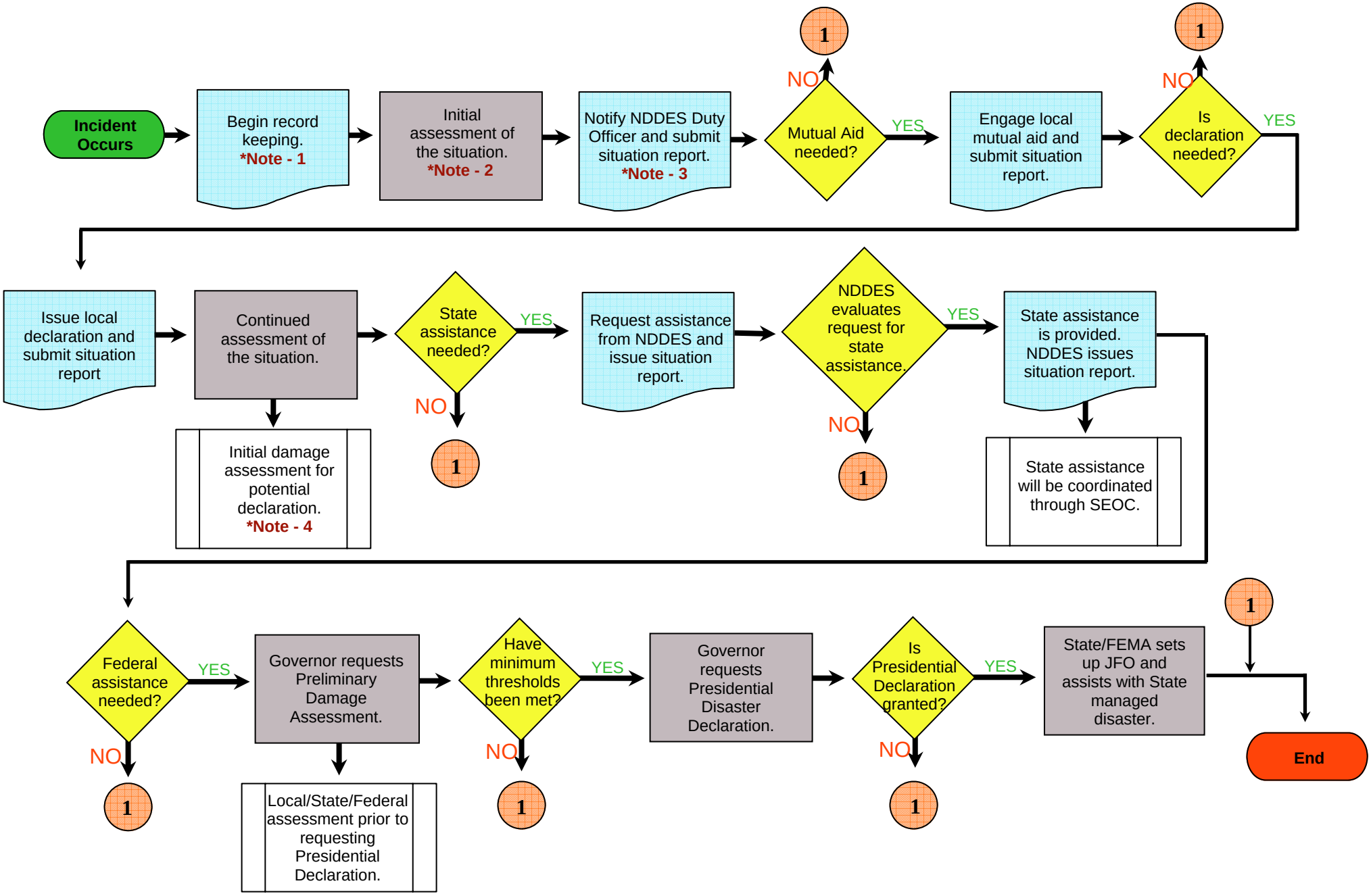
EMERGENCY/DISASTER PROCEDURES FLOWCHART
N.D. DEPARTMENT OF EMERGENCY SERVICES
DIVISION OF HOMELAND SECURITY



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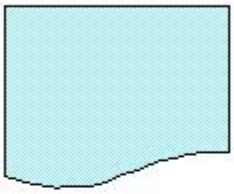

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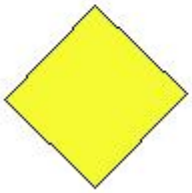

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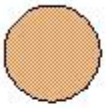


CONNECTOR

END PROCESS

*NOTES -

1-Continuous process, done throughout emergency/disaster.

2-To save lives and protect property.

3-Issued daily as needed.

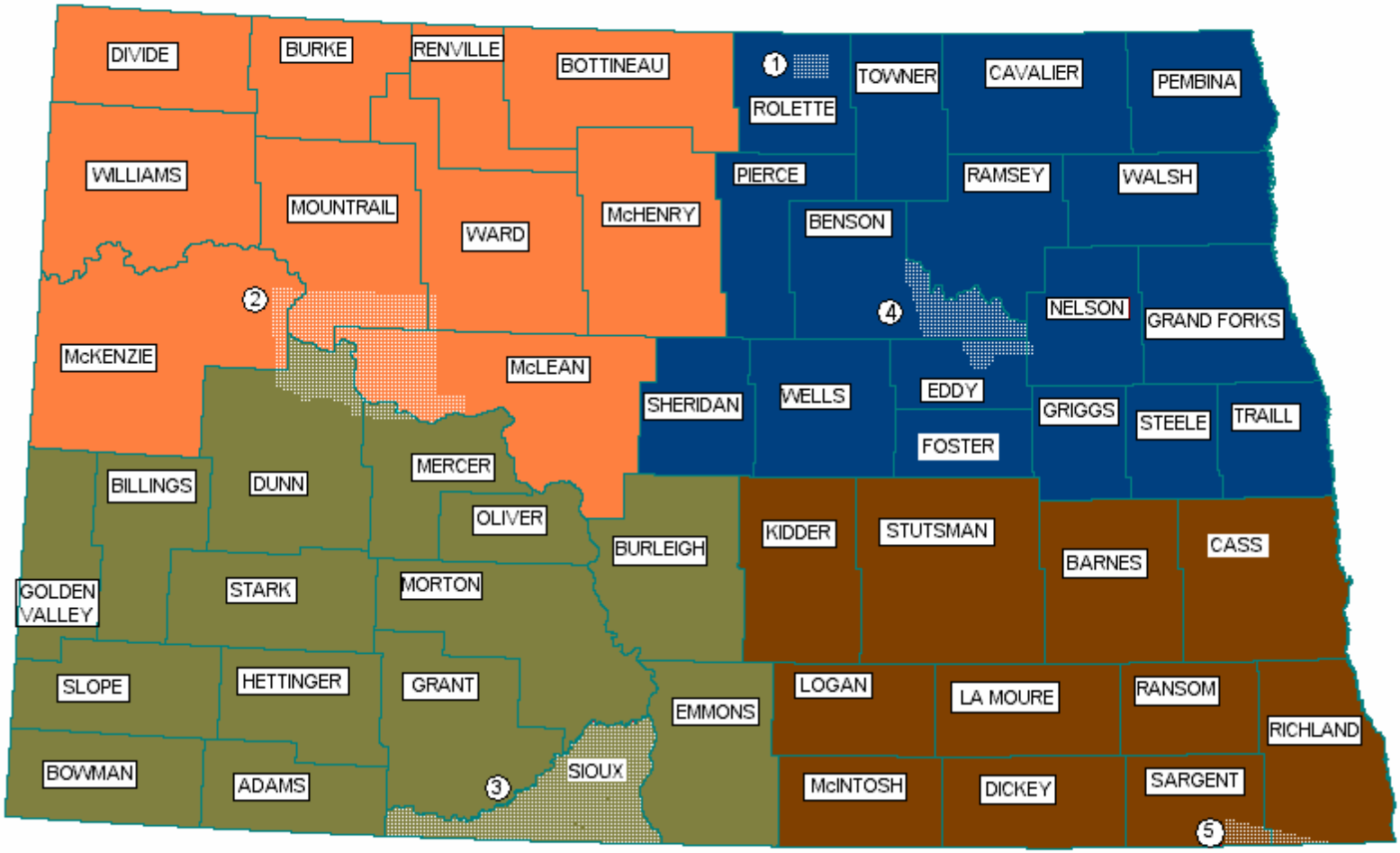
4-To restore and recover.

NDDES DUTY OFFICER

CONTACT INFORMATION

North Dakota Department of Emergency Services (NDDES) **24-hour Duty Officer:** **(701) 328-8100 (ask for the NDDES Duty Officer to be paged)** **Additional contact numbers include:** **(800) 773-3259 - Toll Free within N.D.** **(800) 472-2121 - Toll Free within N.D., or,** **(701) 328-9921**
e-mail or fax information to NDDES: **e-mail: nddes@nd.gov** **FAX: (701) 328-8181**

Jurisdictional Map of the State of North Dakota



Also identifies North Dakota Emergency Management Association Regions

1 Turtle Mountain
2 Three Affiliated Tribes
3 Standing Rock Sioux
4 Spirit Lake
5 Sisseton

STATEMENT OF PURPOSE

The North Dakota Disaster Procedures Guide has been developed by the North Dakota Department of Emergency Services (NDDES), Division of Homeland Security, to provide a resource for step-by-step actions to be taken by city, county and/or tribal governments to ensure a coordinated response. It is important these procedures be followed to obtain state and federal assistance in a timely and effective manner. For the purpose of this guide, all references to city/county/tribal will be noted as 'local'.

The local Emergency Manager serves as a liaison to the NDDES State Emergency Operations Center (SEOC) and is the primary point of contact for an emergency or a disaster. In addition, the Emergency Manager is responsible for coordinating response and recovery efforts on the local level. NDDES encourages all communication within each respective jurisdiction to be routed through the local Emergency Manager or their designee. Any designated local Emergency Manager or alternate that is not on file with NDDES needs to be reported to NDDES immediately.

This guide provides you, the Emergency Manager, with a resource to explain the mechanisms to respond to emergencies and disasters describing actions that should be taken from the onset of emergency/disaster conditions, through initial damage assessment, determination of restoration costs, and the reconstruction of damage sites to their pre-event condition and function. Following an emergency/disaster declaration from the local jurisdiction and an Executive Order from the state, eligible applicants for disaster assistance may be reimbursed for their losses on a cost-sharing basis if such losses cannot be recovered from any other source should the state receive a Presidential disaster declaration.

Disaster assistance may be available to political subdivisions of the state/tribal nations and to certain private non-profit organizations serving a governmental function. The state is prohibited by its Constitution from rendering direct financial assistance to the private sector. If the emergency/disaster is of sufficient magnitude to result in a Presidential declaration, federal assistance may become available to private individuals and businesses. To receive disaster assistance, local governments must:

a) Be severely impacted;
b) Fulfill their responsibilities; and
c) Meet specified criteria.

The items presented in this guide are to be used as a resource for you in the execution of your role in saving lives, protecting property and the environment. The order in which the activity in this guide may be presented does not dictate the order in which you may need to respond to an emergency/disaster and is not all inclusive.

OVERVIEW

DEFINITION OF EMERGENCY/DISASTER TERMS

Accident - An unforeseen incident or an unexpected and undesirable event, especially one resulting in damage or harm.

Incident – An occurrence or event, natural or human-caused, requiring an emergency response to protect life or property. Incidents can, for example, include major disasters, emergencies, terrorist attacks, terrorist threats, wildland and urban fires, floods, hazardous materials spills, nuclear accidents, aircraft accidents, earthquakes, hurricanes, tornadoes, tropical storms, war-related disasters, public health and medical emergencies, and other occurrences requiring an emergency response.

Emergency – An event, expected or unexpected, involving shortages of time and resources that places life, property, or the environment, in danger and/or requires response beyond routine incident response resources.

Disaster – An event expected or unexpected, in which a community's available, pertinent resources are expended. It may also be when the need for resources exceeds availability and in which a community undergoes severe danger, incurring losses so that the social or economic structure of the community is disrupted and the fulfillment of some or all of the community's essential functions are prevented.

Catastrophic Incident – Any natural or manmade incident, including terrorism, that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, national morale, and/or government functions. A catastrophic event could result in sustained national impacts over a prolonged period of time; almost immediately exceeds resources normally available to State, local, and private-sector authorities in the impacted area; and significantly interrupts governmental operations and emergency services to such an extent that national security could be threatened. All catastrophic events are Incidents of National Significance.

Incident of National Significance – Based on criteria established in Homeland Security Presidential Directive - 5 (HSPD-5) (paragraph 4), an actual or potential high-impact event that requires a coordinated and effective response by and appropriate combination of Federal, State, local, nongovernmental, and/or private-sector entities in order to save lives and minimize damage, and provide the basis for long-term community recovery and mitigation activities. (Usually materials or professional services) for disaster survivors.

LOCAL RESPONSIBILITIES

By state law, North Dakota Century Code (NDCC) Chapter 37-17.1, every county government must have a program for emergency and disaster mitigation, preparedness, response and recovery. City governments must also have their own emergency or disaster program or participate in their county's program. Therefore, every city and county government must be prepared to respond to and recover from most situations

themselves without requesting outside assistance. Tribal governments may also be included in this process.

The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 100-707) states that tribal nations, counties and cities will have plans for coping with all types of emergency or disaster situations.

Because North Dakota is an agri-business state, each county has an active United States Department of Agriculture (USDA) County Emergency Board (CEB) to assess agricultural damage. CEB assessments are forwarded to the State Emergency Board (SEB), Governor's office and NDDES. The Governor, through NDDES, requests the SEB to complete a damage assessment to request a disaster designation from the Secretary of Agriculture.

If outside assistance is made available, recipients must be prepared to fund part of the cost of response and recovery.

APPLICANT ELIGIBILITY

Applicants for the Disaster Assistance Program must be political subdivisions of the state, a tribal nation or a private non-profit organization which fulfills a governmental role within the community they serve. The State Coordinating Officer (SCO) will make the final determination regarding applicant eligibility. Eligible applicants include the following:

- Local governments
- Incorporated municipalities (cities, towns, or villages)
- Private non-profit organizations performing a public service, such as electric cooperatives
- Public school districts

DAMAGE ELIGIBILITY

Damaged property is subject to the following eligibility requirements:

- Ownership: The applicant must own the damaged property or must furnish written proof that it had responsibility for repair and maintenance of the damaged property at the time of the disaster.

- Location: Damaged sites must be located within the designated disaster area.

- Time of damage: The damage must have been caused by the disaster. The incident period outlined in the Presidential declaration provides the timeline in which damages may be eligible for reimbursement.

- Maintenance: The applicant may be required to furnish proof that the property had received proper and reasonable maintenance prior to the disaster.

  Damage resulting from negligence or lack of maintenance is not eligible.

- Insurance: The Stafford Act mandates a special reduction in the amount of public assistance funds for structures. They include:

1. Must be insurable under the National Flood Insurance Program (NFIP)
2. Located in a special flood hazard area (shown on a flood insurance map)
3. Damaged by flood waters.

- Minimum damage: FEMA sets minimum eligibility of damages per site.

CONDITIONS TO BE MET

Requests for outside assistance should be accompanied by a local emergency or disaster declaration and a situation report detailing the emergency or disaster condition and request for assistance.

Situations requiring outside assistance *To Save Lives and Protect Property and to Restore and Recover* must meet the following conditions:

- The assistance requested is necessary to save lives and protect property.
- The situation is beyond the capability of tribal, county and/or city government.
- The requesting level of government has specified what assistance is needed.
- Applicable local mutual aid and private resources have been utilized and exhausted.
- The situation is beyond the capability of the requesting level of government.
- The requesting level of government has specified what assistance is needed.
- An initial damage assessment has been completed and provided to the SEOC.

NDDES ACTIONS

NDDES maintains a 24-hour/seven day a week Duty Officer. This Duty Officer will serve as the primary contact for NDDES in incident reporting. Incidences, emergencies, and/or disasters that require state or federal attention should be reported to NDDES via the Duty Officer.

North Dakota Department of Emergency Services (NDDES) **24-hour Duty Officer:** **(701) 328-8100 (ask for the NDDES Duty Officer to be paged)** **Additional contact numbers include:** **(800) 773-3259 - Toll Free within N.D.** **(800) 472-2121 - Toll Free within N.D., or,** **(701) 328-9921**
e-mail or fax information to NDDES. **e-mail: nddes@nd.gov** **FAX: (701) 328-8181**

If sending information via fax or e-mail, contact the NDDES Duty Officer via telephone to inform them of the incoming fax or e-mail.

After receiving an official request for assistance, the NDDES Duty Officer will verify if local mutual aid and private resources have been exhausted and assesses the situation. Based on the type of incident, the Duty Officer will notify the appropriate agencies and respective personnel within NDDES.

Incidents that are reported to NDDES may be assigned an incident number and be posted in WebEOC. WebEOC will track all communication efforts and action steps of NDDES and its resources. An initial situation report will be expected from the local Emergency Manager on any incident that is reported to the Duty Officer. If the incident is expected to be ongoing, periodic situation reports will be required as determined by the situation.

If NDDES is needed to coordinate activity and/or resources, NDDES will determine what resources or programs are available at state and/or federal levels to meet the needs of the emergency/disaster situation. NDDES will coordinate efforts to determine eligibility and implementation for all available assistance.

PRE-DISASTER ACTIVITIES AND PROGRAMS

Pre-disaster planning and preparedness enhances the ability of local governments to respond to and recover from disasters. NDDES recommends the following activities for all local governments:

- Obtain the Emergency Management Performance Grant (EMPG), through NDDES, which partially funds local emergency management activities.

- Develop, review and update your local emergency operations plan (LEOP).

NDDES offers emergency management training to local governments and other interested parties.

- Identify reasonable actions to mitigate the effects of emergencies/disasters that might strike the local community.

    - Identify designated personnel to serve as Public Information Officers (PIO) and ensure they are kept up to date with any activities that may reflect public concern.

    - Identify a location(s) for a Joint Information Center (JIC) and address logistical concerns.

- Designate an alternate Emergency Manager who is identified to NDDES and is aware of situation report and notification procedures.

- Conduct emergency/disaster exercises to test all portions of the LEOP.

- Cross-train emergency/disaster personnel wherever practical.

- Train all elected officials and key personnel in emergency/disaster operations.

- Brief government officials on their responsibilities under emergency/disaster conditions as outlined in the LEOP.

- Develop mutual aid agreements with neighboring jurisdictions. See sample mutual aid agreement (Attachment 2A).

- Monitor weather radio and other media for weather watches and warnings that may affect the jurisdiction.

- Issue warnings, as appropriate, to respective jurisdictions regarding the potential development of hazardous weather conditions. Include provisions for special needs populations in the warnings.

- Identify primary and alternate shelters, special needs populations and evacuation routes.

- Initiate evacuations and provide sheltering, as necessary.
- Train potential damage assessment team members on the process and their roles, familiarizing them with all applicable forms.

Immediately notify the NDDES Duty Officer when an emergency/disaster event is imminent, occurring, or has happened.

Key personnel should each maintain a personal activities log in which they record all actions take during an incident, including phone calls made and taken, names of people contacted, actions requested, actions taken, call-back numbers, and other pertinent data. A sample daily operations journal *(Attachment 1)* is provided as a model for this purpose.

In anticipation of an emergency/disaster declaration, all costs associated with evacuation, warning, sheltering, mitigation, and other emergency protective measures should be documented with actual invoices, haul tickets, timesheets, overtime records, equipment logs, contracts and other paperwork to capture eligible costs.

Although North Dakota maintains an Intrastate Mutual Aid law, North Dakota Century Code *(NDCC 37-17.1-25)* outlines the establishment of mutual aid agreements with essential service areas, to include neighboring jurisdictions and private parties, and will aid in expediting resources when needed during an emergency/disaster situation.

A sample mutual aid agreement *(Attachment 2A)* is provided as a model for this purpose.

BURN BAN

A local burn ban may only be issued upon a declaration of a local emergency or disaster pursuant to NDCC 37-17.1-10. A burn ban is a temporary ban on open burning during extended periods of elevated fire danger due to wide spread amounts of dry natural vegetation compounded by contributing weather conditions and/or outdoor activities.

Burn Ban declarations can specify restrictions on certain types of open burning in an effort to accommodate seasonal activities or holiday events, or in extreme cases can specify “No outdoor burning of ANY kind,” indicating no exposed flame outside of a building. Open burning may only be prohibited and penalties enforced during a declared emergency, e.g. during periods of extreme fire danger.

Although the state legislature did not define open burning, the legislative history and common understanding of the term indicates that “open burning” means the burning of any type of combustible material directly into the open air. It includes any outdoor fire, pyrotechnic or flame producing apparatus that has the potential to emit sparks or airborne embers that could present a source of ignition to surrounding outdoor natural or man-made materials. It also includes campfires; charcoal grill or barbeque pit fires; fireworks; garbage pit fires; prescribed burning of prairie, croplands, structures or

underbrush in forested areas; outdoor welding operations; burning chemically treated or industrial materials that cannot be easily extinguished; or outdoor fires of any size.

Fire season in North Dakota typically begins in April and ends in October. Seasonal activity can be expected; but when conditions are very dry or fire response resources are depleted, additional measures may be necessary to prevent fires. The Fire Danger Guide provides outdoor restriction guidelines.

Example: A burn ban could be issued when the fire danger is below the extreme category, but local and mutual aid fire resource capabilities have been severely diminished due to continual response to multiple area fires created by a combination of weather conditions, abundance of dry natural vegetative or man-made materials as well as local activities such as holiday celebrations, hunting and/or camping.

To protect property and provide for the safety and well-being of citizens, a fire or drought emergency declaration with burn ban documentation could be declared until capabilities to fight fires have been restored and/or conditions improve.

Local governments, along with the Governor, have authority to issue a burn ban. Specific questions on how a local jurisdiction should implement a burn ban should be directed to the State's Attorney's office or other suitable legal counsel.

When making a determination to activate burn ban restrictions and penalties, it is recommended that tribal, county and/or city officials collaborate with local, state and federal entities, such as:

- Local fire officials
- Local emergency management
- Local law enforcement
- National Weather Service (NWS)
- North Dakota Forest Service (NDFS), Fire Management
- State Fire Marshal's Office
- U.S. Forest Service or U.S. Park Service, if these agencies have land in your jurisdiction.

The U.S. Forest Service and National Park Service have authority to issue fire restrictions on their lands. Consult these agencies to review conditions and plans.

A burn ban is only in effect for seven days if initial documentation is signed only by a principal executive officer of the county or city commission in the absence of a majority of commission members. It may not be continued or renewed for a period in excess of seven days except by or with the consent of the governing board of the county or city.

A burn ban should be rescinded when fire danger conditions have improved and/or previously diminished fire response capabilities have been restored.

A sample burn ban declaration (Attachment 2B) is provided as a model for this purpose.

WHEN DISASTER STRIKES

Some of the following actions may occur simultaneously and are not necessarily listed in order of priority. Local conditions will determine priorities. Note that some actions have deadlines *(Table 3)* and not all actions apply to every applicant.

- Activate appropriate local emergency response agencies; evacuate and shelter people as needed.

Any assistance received from the state in response to an emergency/disaster is supplemental to local emergency response.

- Activate the LEOP.
- Contact the NDDES Duty Officer.

Immediately notify the NDDES Duty Officer when an emergency/disaster event is imminent, occurring, or has happened.

Begin an assessment of damage to both private and public sectors. Report these estimates by phone, e-mail or fax to the NDDES Duty Officer as soon as possible. Preliminary damage figures should be reported within a few days.

Collect and save all data and paperwork to document any costs incurred in response to and recovery from the emergency/disaster, including force account labor timesheets, payroll records, equipment timesheets, materials purchased or expended, emergency operation costs, contracts and related expenses. Forms are provided in of this guide.

If coordinated response is deemed beyond the capacity of local resources, the local governing body must issue a resolution declaring an emergency/disaster within the jurisdiction as soon as reasonable after the beginning of an emergency/disaster. If NDDES does not receive the local emergency/disaster declaration within 30 days after the event, potential financial assistance may be denied.

The local Emergency Manager will serve as the single point of contact between the NDDES and the applicant organization.

When NDDES has determined that state assistance will be needed, a Governor's Executive Order will be prepared, which, upon being issued, will declare the area an emergency/disaster. Without an Executive Order, no further action will be possible.

As soon as possible under the circumstances, NDDES will arrange and conduct a state initial damage assessment to determine if the scope of damage is sufficient to recommend a Governor's declaration. NDDES, state inspectors, and designated local agents should attend the damage assessment meetings and or applicant briefings.

THE PUBLIC INFORMATION OFFICER AND THE JOINT INFORMATION CENTER

The purpose of the Public Information Officer (PIO) is to establish public awareness of hazards and to provide active channels for informing and advising the public on appropriate actions to take before, during, and after an emergency/disaster and to provide for effective collection and dissemination of information, to control rumors and to minimize uninformed public responses.

In times of disaster, information can be as important as food, water and shelter. Providing a uniform, coordinated, consistent message to the public is critical. The Joint Information System (JIS) mission starts as soon as an incident begins. Because of the critical nature of providing emergency information to disaster victims, time spent getting organized rather than immediately responding at the time of an event can lead to confusion and a loss of public confidence.

The purpose of a JIS is to provide a structure to address four primary responsibilities of the Joint Information Center (JIC): gather incident data; analyze public perceptions of the incident; prepare spokespersons; and inform the public. Use of a JIS ensures these responsibilities are effectively addressed by multiple JICs through the creation of the following specialized JIC positions; coordination, logging, approval and release of all information through the Lead PIO.

Public information strategies must instill confidence in the community that all levels of government are working in partnership to restore essential services and help individuals begin to put their lives back together. Public information must establish a “One Voice” concept.

In order to be effective, the PIO must work with the media to promote a positive understanding of local, state and federal response, recovery and mitigation programs providing all target markets equal access to timely and accurate information.

It is critical to manage any expectation so emergency/disaster victims have a clear understanding of all response, recovery and mitigation services available to them while supporting state and local efforts to reach disaster victims with specific program information.

These guidelines have been developed to assist local Emergency Managers in the establishment of a Joint Information Center (JIC).

1. Identify a JIC location within close proximity to the Emergency Operations Center (EOC) or Incident Command (IC) or Unified Command (UC) location. Ensure the location has multiple electrical – telephone – internet connections as well as a gathering place for the media apart from the EOC, IC, or UC.

2. Identify agencies to be represented – what assets are needed in the disaster response.

3. PIOs will assemble in one general work area, and will speak from one platform during briefings to identify and resolve conflicting information or opinions prior to news media briefings.

4. Inform PIO representatives of the JIS, specifically, how information is shared and who reports to who before information is released.

5. Appoint PIO staff to specific duties.
    - Information gathering – phones.
    - Writing – news releases/talking points.
    - Information dissemination – approval routing/multi-resource release, press conference preparation and setup.

6. Information coming into the JIC will go to one of three areas.
    - Lead PIO (or staff)
    - Rumor Control Group
    - Joint PIO Group

7. Once information is in the system an action step must be taken.
    - Immediate response to an inquiry (if the answer is known and approved for release).
    - Immediate dissemination (emergency action required).
    - Route to another agency PIO for research or verification.

8. Coordinate and log all actions with all agencies and the Lead PIO.

9. Determine if information compiled will be released via:
    - News release
    - News conference

10. All written news releases will be coordinated through the Lead PIO staff prior to release.

11. Make necessary arrangements for type of dissemination.

ASSESSMENT OF THE SITUATION

Local government officials must continuously assess the situation to determine their course(s) of action to respond to, recover from and mitigate the emergency or disaster situation.

The initial assessment focuses on the number one priority*: To Save Lives and Protect Property.*

To properly assess the situation:

- Determine what needs to be done; and,
- Determine your capabilities and deficiencies in meeting these needs.

The Emergency Activities Checklist, outlined on the next page *(Table 1),* provides guidance for conducting an initial assessment in any emergency or disaster situation. This is a general guideline suggesting emergency activities that should be considered. It is by no means an all-inclusive checklist. Your jurisdiction's LEOP should be activated to guide your emergency operations.

When assessing the situation, consider the Emergency Activities Checklist *(Table 1)* or the Assessment Checklist *(Table 2)* as may be deemed necessary. Be sure to provide this information to the NDDES Duty Officer within a reasonable timeframe.

Immediately notify the NDDES Duty Officer when an emergency/disaster event is imminent, occurring, or has happened.

Table 1: Emergency Activities Checklist

✓	Individual Needs	✓	Public Needs	✓	Administrative Needs
	Evacuation		Restore Power		Activate the EOC
	Sheltering		Communications		Public Announcements
	Food		Transportation		General Disaster Maps
	Clothing		Secure the Area		Specific Damage Maps
	Medical		Debris Clearance		Strategic Facility Maps
	Search and Rescue		Drinking Water		Camera for Damage Assessments
	Victim Identification		Sanitary Sewers		Other Needs
	Mortuary Services		Fire Fighting		
	Animal/Pet Sheltering		Dike Building		
	Special Needs Individuals		Sandbagging		
	Other Needs		Pumps		
			Other Needs		

SITUATION REPORT

An initial situation report is used to alert state officials that an incident has occurred, which will negatively impact the community/region and/or could be beyond the capability of local government response. State and federal agencies rely on the initial situation report to provide accurate and timely information for the coordination of any assistance to local government should it become necessary. Depending on the duration or nature of the incident, subsequent situation reports may need to be submitted.

WebEOC, a web-based incident management tool, is used to coordinate the use of state's assets and provides a link from the SEOC to local EOCs during real-time events and exercises. Jurisdictions, state agencies and various support personnel can enter data and view status boards during emergency situations. This allows all concerned agencies and jurisdictions to have available the same real-time information simultaneously and for the interoperability of efforts among all affected during the emergency.

WebEOC will be used by all state agencies to report and track information during an emergency/disaster. Emergency Managers are encouraged to submit situation reports and requests for assistance via WebEOC.

Training on how to implement this program may be available by contacting the NDDES Operations and Planning Section. Click here to access the log-on screen for WebEOC.

The following guidelines provide a standardized report format to be used for situation reports.

- **When to Issue**: Immediately after the emergency/disaster event has occurred or when an emergency/disaster has become apparently imminent. Upon the identification of an emergency/disaster situation, the local Emergency Manager, or his/her designee, must provide immediate notification to the NDDES Duty Officer. This initial contact may be given verbally; however, a written follow-up will be expected.

- **What Information to Provide**: Be clear, concise, and specific in the information fields identified on the situation report. (Incident, Weather Summary, Death and Injuries, Damages, Resources Committed, Major Actions, Request for Assistance, and Other Information). Be sure to provide information as may be required, even if there is not a change in status.
    - If follow-up situation reports are issued, local Emergency Managers should clearly identify new information (bold font) or list only the updated information.
    - If no updates are reported, annotate with the statement "No change from previous report(s)." Use "N/A" if the topic does not apply.

- **Whom to Contact**: The initial situation report needs to be submitted to the NDDES Duty Officer. Reports given verbally must be followed up with a written situation report submitted via fax, e-mail or mail. Subsequent situation reports

should be submitted as the incident may dictate. If sending information by fax or e-mail, contact the NDDES Duty Officer to inform them of the incoming report.

- **How to Communicate**: Initial situation reports are generally given via telephone briefing to the NDDES Duty Officer. The NDDES Duty Officer is available 24 hours a day/seven days a week. A follow-up written situation report must be submitted via fax or e-mail within a reasonable time frame as the incident may allow. All situation reports, subsequent to the initial report, should be in written form.

- **Final Situation Report**: Local Emergency Managers who feel further updates are unnecessary should state "Final Situation Report" at the top of the situation report. If the situation escalates after the "Final Situation Report" and an update needs to be issued; use of the same incident number will assist with proper incident tracking.

Image attachments being sent with a situation report should be in a .jpeg format with 720 dpi resolution and no larger than 200KB each.

DO NOT send electronic files larger than 2 MB.

If you need to send large files via the Internet, contact the NDDES Duty Officer prior to sending.

In order to be proactive in emergency/disaster event reporting, local Emergency Managers are encouraged to report information to the NDDES Duty Officer prior to NDDES needing this information. It is recommended that a verbal report be given to NDDES each morning and afternoon during an emergency/disaster. This should be followed by a written situation report. State and federal agencies depend on these reports to give them a clear picture of the developing incident. This report enhances their ability to respond and prepare for any assistance requests.

If transmitting a situation report outside of normal working hours, notification of the NDDES Duty Officer by telephone is prudent.

A sample situation report form *(Attachment 3)* is provided as a model for this purpose. Be sure to use this format when submitting situation reports.

Once the response phase of an emergency/disaster situation *(to save lives and protect property)* has been appropriately addressed, restoration and recovery become the top priorities. Therefore, the situation must be reassessed to determine what needs to be done and determine your jurisdiction's capabilities and deficiencies in meeting those needs.

From these determinations jurisdictions are made aware of actual conditions. Two courses of action your jurisdiction may take include:

1. Handle restoration and recovery on its own; or,
2. Request outside assistance through NDDES.

REQUEST FOR ASSISTANCE

If a local government determines the situation is beyond its capability to save lives and protect property and has issued a declaration of emergency or disaster, the next step is to request assistance from a neighboring jurisdiction or, if needed, the next higher level of government once all local mutual aid and private resources have been exhausted.

A request for assistance from the neighboring jurisdictions or the next higher level of government can be made without a written memorandum of understanding (MOU), see (*Attachment 2A*), due to the Intrastate Mutual Aid *(NDCC 37-17.1-23).* However, to enhance the response capabilities, it is strongly suggested to have MOUs in place with various neighboring jurisdictions and private parties prior to the point of needing to implement them. This will aid in expediting responses to your emergency/disaster.

Outside assistance is supplemental to, and not a substitute for, local government response, restoration and recovery responsibilities. When a local government determines that outside assistance is necessary, a well-documented request should be submitted to NDDES.

The request must contain:

1. An initial and/or preliminary damage assessment report
2. Specific individual and/or public response, restoration and recovery needs.
    a. SALTT - Size, Amount, Location, Type, Time
3. A copy of your emergency/disaster declaration.
4. A statement of significant contributions your government has made, or will make, to respond to the emergency/disaster situation.

A request for state and/or federal assistance must be made through NDDES. State and federal capabilities will then be evaluated to determine which agencies can provide appropriate life- and property-saving assistance. Available assistance is always contingent on a verifiable request submitted in a timely manner. NDDES will then coordinate with those agencies to ensure that available assistance is provided. Requests for federal assistance will be coordinated through the SEOC.

The Governor, as Commander in Chief of the North Dakota National Guard (NDNG), has the authority to use the NDNG in assisting state and local authorities during any emergency/disaster. Based on other additional resources available within the state, and response time, the Governor can deploy the NDNG at any point throughout an emergency/disaster. When local jurisdictions need to secure services of the NDNG, they must remember the NDNG is a state resource and requests for service must go through the SEOC. NDNG resources may come with a monetary cost assigned to them.

> **When To Request** – If assistance is necessary to save lives and protect property, when well-documented statistics demonstrate the situation is beyond your capabilities or when local resources to include mutual aid of neighboring jurisdictions and private resources are exhausted.

Who Makes The Request – The head of the jurisdiction's governing board or the Emergency Manager, on behalf of the governing board.

Whom to Contact – NDDES Duty Officer

Immediately notify the NDDES Duty Officer when an emergency/disaster event is imminent, occurring, or has happened.

Method of Communication – Telephone, fax, or e-mail
e-mail for NDDES: nddes@nd.gov
(notify NDDES Duty Officer by phone if communication was sent via fax or e-mail).

Information to Submit –
1. Specific needs (SALTT).
    a. Size.
    b. Amount needed.
    c. Location needed for.
    d. Type.
    e. Time needed and/or for how long.
2. Contact person(s).
3. Where resources are to be staged/delivered.

EMERGENCY/DISASTER DECLARATION PROCESS

Immediately notify the NDDES Duty Officer when an emergency/disaster event is imminent, occurring, or has happened.

When the local government has determined that emergency/disaster damages have exceeded or are expected to exceed local capabilities, the governing body must issue an emergency/disaster declaration and fax, e-mail or send a copy of the declaration to NDDES.

A local declaration is a critical step in the chain of events leading to a state emergency/disaster declaration and potential Presidential disaster declaration, without which no funding is available. Local Emergency Managers should ensure that leadership personnel within their jurisdiction are aware that only a Presidential declaration will bring federal disaster recovery funds to their jurisdictions; therefore, their decisions to expend assets should take into account the potential costs of their decisions as they may become the sole responsibility of the respective jurisdiction.

State and local emergency/disaster activities and requests for emergency/disaster assistance will be made in accordance with established procedures. These provisions are applicable to all emergencies/disasters that require an Executive Order from the Governor.

Local governments may modify the form and style of the emergency/disaster declaration to conform to their jurisdiction's standard practice, but critical information in the declaration should be included. Applicants should not include dollar losses or specific names of potential applicants.

The SEOC may assist the local jurisdiction without a declaration if conditions warrant. NDDES personnel may accept the promise that a declaration will be coming in lieu of the actual declaration. It is assumed that all parties will act in good faith.

In the event that other potential applicants within the jurisdiction have been damaged by an emergency/disaster, the local government must issue an emergency/disaster declaration on behalf of those applicants and should assist them when possible.

For example, if a flood causes damage to a Rural Electric Cooperative (REC) within a county but the county itself does not experience any damage, the County Commission must issue an emergency/disaster declaration on behalf of the RECs in the county. This requires that those RECs must inform the county of their situation, and the county should verify those damages before making the declaration.

Once the declaration is made, however, NDDES will work closely with both county and REC officials in the recovery effort. REC personnel may utilize technical expertise available in the local/tribal government for financial management, procurement, contracting, accounting, and related subjects.

COUNTY EMERGENCY BOARD

In the event of an agricultural emergency, a local County Emergency Board (CEB), established through the United State Department of Agriculture (USDA), will assess damages to determine the extent of an agricultural emergency/disaster.

The USDA-CEB members represent those Agencies having specific emergency preparedness program responsibilities at the local level. Other local government officials may be invited to attend meetings of the CEB at the discretion of the Chairperson. The USDA Agencies providing primary and alternate members to the CEB are; Farm Service Agency (FSA), Extension Service, Rural Development, Natural Resource Conservation Service and Forest Service if the have a presence in the county.

The role of the CEB is to respond to an agricultural emergency or disaster in their county or designated area, and providing reports on the impact of disasters or emergencies on agriculture. Generally this means assessing damage after disasters such as flooding, drought, frost, wind damage, broad-scale insect or disease damage, etc., and reporting this to the USDA State Emergency Board (SEB) via special reporting forms. The reporting of these damages is used to request federal agricultural disaster declarations which provide certain benefits to producers.

The CEB is always chaired by the local director of the FSA. The County Extension Director should either attend or send an alternate who can assist with agricultural knowledge. For additional information on the USDA-CEB, contact your local/area FSA County Executive Director.

CITY GOVERNMENT

1. Emergency/disaster response agencies from city government will respond to an emergency/disaster within their corporate limits and coordinate activities in accordance with their standard operating procedures (SOP), LEOP and mutual aid agreements.

2. When an emergency/disaster situation is, or is likely to be, beyond the scope of control of the city, the mayor or city council of an incorporated city may proclaim an emergency/disaster. Their proclamation and any requests for assistance should be forwarded to the county Emergency Manager in an expedient manner, i.e., by voice followed by hard copy.

3. When a local emergency/disaster has been declared, the mayor will govern by proclamation, and has the authority to impose all necessary regulations to preserve the peace and order of the city.

4. In order for a city to be included in a Presidential declaration, the county must declare an emergency/disaster.

A sample local declaration form *(Attachment 4)* is provided as a model for this purpose.

TRIBAL NATIONS

Tribal nations located within North Dakota are recognized as sovereign nations. The residents of these tribal nations are also citizens of the state and county within which they reside.

1. An emergency/disaster may occur for which the members of the tribal nation cannot provide satisfactory resolution. Emergency/disaster response agencies from tribal government will respond to an emergency/disaster and coordinate activities in accordance with their SOP, LEOP and mutual aid agreements.

2. County/state/federal involvement for resolution of the situation requires that the tribal nation/tribe request assistance using the same procedures as any other incorporated community with a county.

A sample tribal nation declaration form *(Attachment 5)* is provided as a model for this purpose.

COUNTY GOVERNMENT

1. Upon receipt of the declaration of an emergency/disaster from an incorporated city of the county or tribal nation, the Emergency Manager will:
    - Provide available assistance requested to contain the incident (e.g., sheriff, public works, health, etc.);
    - Notify NDDES that a situation exists that may require the declaration of a local emergency/disaster.

2. In the event a situation exists in the unincorporated portions of the county that may affect lives and property, the county will take necessary measures to bring the situation well in hand, utilizing all county government resources.

3. If the situation, either in a tribal nation, incorporated or unincorporated portion of the county is beyond the capability and resources of the county to control, the chairman of the board of county commissioners may declare an emergency/disaster.

4. The county Emergency Manager will notify NDDES that the county has declared an emergency/disaster, and that the county has implemented its LEOP. The notification should state that the county has committed all available resources. If state supplemental assistance is needed to assist the county's response effort, the type of assistance should be clearly stated. The declaration and request for state assistance may be provided orally and then submitted in writing to NDDES.

A sample county declaration form *(Attachment 6)* is provided as a model for this purpose.

STATE GOVERNMENT

1. Upon notification that the local jurisdiction is seeking state assistance, the Governor may declare a State of Emergency/Disaster and implement all or portions of the State Emergency Operations Plan (SEOP).

    - The Governor may declare an emergency/disaster in the absence of a local request.

    - Emergency/disaster declarations shall indicate the nature of the emergency/disaster, the areas threatened, the areas subject to the proclamation, and the conditions that are causing the emergency/disaster.

- In the event that the Governor is absent or inaccessible, the Lieutenant Governor may issue a declaration of Emergency/Disaster.

- Upon execution of this plan, the NDDES will initiate the state response by notifying the appropriate primary agencies. These agencies will take appropriate actions in accordance with this plan and their agency's SOPs.

2. If the Governor is considering requesting a declaration of disaster from the President of the United States, NDDES will coordinate with the appropriate state and local officials to prepare the state's request for federal assistance. At a minimum, the following activities will be coordinated by NDDES:

    - Advise the Federal Emergency Management Agency (FEMA) Region VIII Director if the Governor requests or intends to request a Presidential Declaration.

    - Survey the affected area using representatives of local, state, and FEMA, if possible, to determine the extent of private and public damage sustained in the affected areas.

    - Estimate the types and extent of federal disaster assistance required.

    - Consult with the FEMA Regional Director on eligibility for federal disaster assistance.

3. Only the Governor can originate the request for a Presidential declaration. The Governor's request must be based upon a finding that the situation is of such severity and magnitude that effective response is beyond the capabilities of the state and the affected local governments, and that federal assistance is necessary. The Governor must furnish information on the extent and nature of state resources that have been or will be used to alleviate the conditions of the emergency/disaster.

4. The request must also contain a certification by the Governor that state and local governments will assume all applicable non-federal shares of costs required by the Stafford Act. It should also include an estimate of the types and amounts of supplementary federal assistance required. As a prerequisite to a request for federal assistance, the Governor must take appropriate action under state laws, and direct the activation of the SEOP.

5. Requests for NDNG assistance will be forwarded to NDDES who will evaluate the request, coordinate with the NDNG and make appropriate recommendations to the Governor. In the event the NDNG has previously been activated for this emergency/disaster, NDDES will relay the request to the NDNG.

FEDERAL GOVERNMENT

1. FEMA monitors developing or actual disaster emergency occurrences. Before, during, and after a disaster emergency, the FEMA Region VIII Liaison Officer assigned to North Dakota will be in close contact with the NDDES, as well as

with federal agencies having disaster emergency assistance responsibilities and capabilities.

2. The completed request, addressed to the President, is sent to the FEMA Region VIII Director. The Regional Director evaluates the damage and requirements for federal assistance, and makes a recommendation to the Director of FEMA, who recommends a course of action to the President.

3. Without a Presidential disaster declaration, there is no funding available unless the municipality has an emergency contingency fund or the state maintains such a fund. The Bank of North Dakota and/or Small Business Administration (SBA) may offer low interest loans, depending on the severity of the damage.

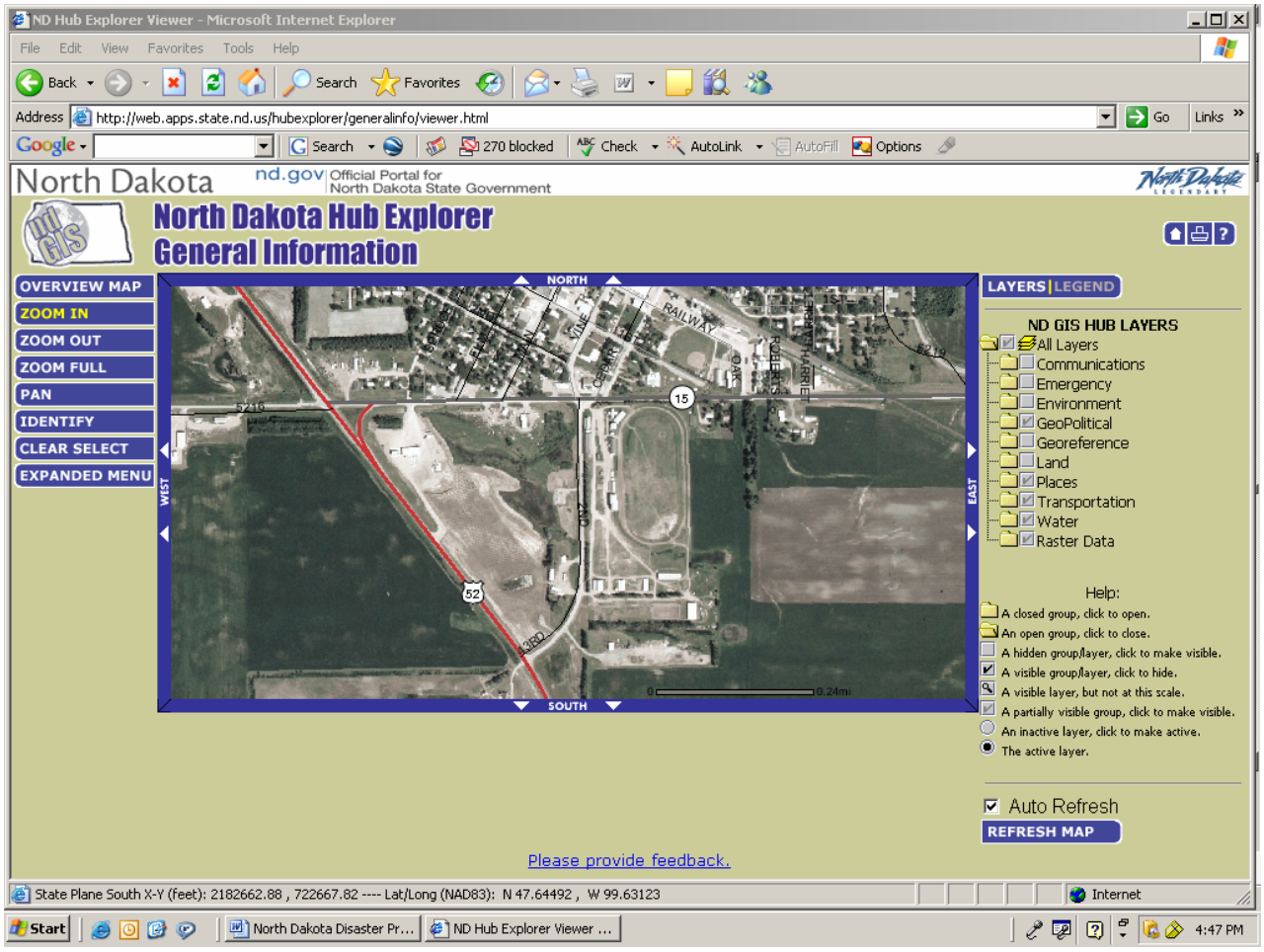
DISASTER MAPPING

Disaster areas should be plotted on a map to assist in identifying the overall impact area and to aid in assessing future potential impacts. The State of North Dakota maintains a geographic information systems (GIS) portal on the web, www.nd.gov/gis/.

This site would allow the general public to access satellite imagery of virtually all land area within North Dakota boundaries. To access a specific image, the viewer would log on to this website and click on the GIS Hub Explorer Map in the left column of the web site. Once it fully downloads, place the cursor on the map, click and hold the left button in the general area desired and drag a box of the desired size. This may be continued to a point in which the image will be identifiable. A sample of this web site is shown below.

The user can access tutorial information and further instructions by clicking on the additional links on the GIS home page.

Additional mapping sites may be accessed through Google Earth, Mapquest and other free web based sources, or by purchasing special mapping software such as Microsoft Streets and Trips.



DISASTER ASSISTANCE

If damage is severe enough, the Governor will issue a state disaster declaration and will request a similar declaration from the President. The request is sent through emergency management channels to FEMA.

Under a Presidential declaration FEMA administers the majority of recovery funding. The state shares in administration of the programs and the costs.

Not all programs, however, are activated for every disaster. The determination of which programs are activated is based on the needs found during the damage assessment and any subsequent information that may be discovered. The current statute authorizing FEMA's disaster assistance program is the Robert T. Stafford Act. Several of the programs are known by their section numbers in the Stafford Act:

322 Hazard Mitigation Planning Requirements
404 Hazard Mitigation Grant
406 Public/Infrastructure Assistance

FEMA will widely publicize the assistance programs that are made available after a disaster declaration. These programs are designed to provide funds for expenses not covered by insurance. Three main types of assistance may be available:

1. *Individual and Household Assistance Program (IHP)* provides resources to assist residents such as temporary housing, unemployment aid, food stamps, grants and loans.

2. *Public Assistance Program (PA)* provides technical and financial assistance to public agencies and certain private non-profit organizations for the repair or replacement of damaged facilities.

3. *Hazard Mitigation Grant Program* provides technical and financial resources to reduce susceptibility to damage from future disasters.

Qualification for IHP or PA programs is dependent on minimum thresholds of damage as prescribed through FEMA guidelines. Specific information on these thresholds may be obtained by contacting the NDDES Disaster Recovery Section at (701) 328-8100.

Each of these programs can fund mitigation measures, so the mitigation coordinator should be sure to obtain the latest information from NDDES or FEMA staff on what is covered, who is eligible and how funds are disbursed.

Some declarations will provide only individual assistance or only public assistance. Hazard mitigation opportunities are assessed to all local jurisdictions in most situations. The mitigation activities are initiated by state or federal agencies, but local officials should be aware of them and be involved in them where appropriate.

A summary of each of these programs follows. Because program complexities require lengthy explanations, the discussion that follows is simply an overview.

INDIVIDUAL ASSISTANCE

Individual and Household Assistance Program

The Individual and Household Assistance Program (IHP) is a combined FEMA and state program. When a major disaster occurs, this program provides money and services to eligible residents in the declared area whose property has been damaged or destroyed and whose losses are not covered by insurance. In every case, the disaster victim must register for assistance and establish eligibility. The toll-free telephone registration number is (800) 621-FEMA or TTY (800) 462-7585 for the hearing or speech impaired. FEMA (or the providing agency) will verify eligibility and need before assistance is offered.

What Types of Assistance Are Provided?

The IHP - Housing Assistance ensures that residents whose homes are damaged by a disaster have a safe place to live. The IHP - Other Needs Assistance (ONA) provides financial assistance to individuals and households who have other disaster-related necessary expenses or serious needs and do not qualify for a low-interest loan from the SBA. These programs are designed to provide funds for expenses that are not covered by insurance. They are available only to homeowners and renters who are United States citizens, non-citizen nationals, or qualified aliens affected by the disaster. The following is a list of the types of assistance available through this program and what each provides:

Temporary Housing - Homeowners and renters receive funds to rent a different place to live or a temporary housing unit when rental properties are not available.

Repair - Homeowners receive grants to repair damage from the disaster that is not covered by insurance. The goal is to make the damaged home safe, secure, and sanitary.

Replacement - Under rare conditions, homeowners receive limited funds to replace their disaster damaged home.

Permanent Housing Construction - Homeowners and renters receive direct assistance or a grant for the construction of a new home. This type of assistance occurs only in very unusual situations, in insular areas or remote locations specified by FEMA where no other type of housing is possible.

Other Needs Assistance (ONA) - Applicants receive grants for necessary and serious needs caused by the disaster. This includes medical, dental, funeral, personal property, transportation, moving and storage, and other expenses that FEMA approves. The homeowner may need to apply for an SBA loan before receiving assistance.

Small Business Administration Disaster Loans

The SBA can make federally subsidized loans to repair or replace homes, personal property or businesses that sustained damages not covered by insurance. The SBA can provide three types of disaster loans to qualified homeowners and businesses:

- Home disaster loans to homeowners and renters to repair or replace disaster-related damages to home or personal property,

- Business physical disaster loans to business owners to repair or replace disaster-damaged property, including inventory, and supplies; and
- Economic injury disaster loans, which provide capital to small businesses and to small agricultural cooperatives to assist them through the disaster recovery period.

For many individuals the SBA disaster loan program is the primary form of disaster assistance. More information is available at www.sba.gov.

Disaster Unemployment Assistance

The Disaster Unemployment Assistance (DUA) program provides unemployment benefits and re-employment services to individuals who have become unemployed because of major disasters. Benefits begin with the date the individual was unemployed due to the disaster incident and can extend up to 26 weeks after the Presidential disaster declaration date. These benefits are made available to individuals not covered by other unemployment compensation programs, such as those who are self-employed, farmers, migrant and seasonal workers, and those who have insufficient quarters to qualify for other unemployment compensation.

All unemployed individuals must register with Job Service North Dakota before they can receive DUA benefits. Although most states have a provision that an individual must be able and available to accept employment opportunities comparable to the employment the individual held before the disaster, not all states require an individual to search for work.

For more information contact Job Service North Dakota at www.jobsnd.com.

Legal Services

When the President declares a disaster, FEMA, through an agreement with the Young Lawyers Division of the American Bar Association, provides free legal assistance to disaster victims. Legal advice is limited to cases that will not produce a fee (e.g., these attorneys work without payment). Cases that may generate a fee are turned over to the local lawyer referral service.

The assistance that participating lawyers provide typically includes:

- Assistance with insurance claims (life, medical, property, etc.).
- Counseling on landlord/tenant concerns.
- Assistance with consumer protection matters, remedies, and procedures.
- Replacement of wills and other important legal documents destroyed in a major disaster.

Disaster legal services are provided to low-income individuals who, prior to or because of the disaster, are unable to secure legal services adequate to meet their needs as a consequence of a major disaster.

For more information, contact the State Bar Association of North Dakota at www.sband.org. Disaster recovery resources provided through the State Bar Association of North Dakota must be coordinated through NDDES.

Special Tax Considerations

Taxpayers who have sustained a casualty loss from a declared disaster may deduct that loss on the federal income tax return for the year in which the casualty actually occurred, or elect to deduct the loss on the tax return for the preceding tax year. In order to deduct a casualty loss, the amount of the loss must exceed 10 percent of the adjusted gross income for the tax year by at least $100. If the loss was sustained from a Presidentially declared disaster, the taxpayer may choose which of those two tax years provides the better tax advantage.

The Internal Revenue Service (IRS) can expedite refunds due to taxpayers in a Presidentially declared disaster area. An expedited refund can be a relatively quick source of cash, does not need to be repaid, and does not need an Individual Assistance declaration. It is available to any taxpayer in a Presidentially declared disaster area.

For more information contact the Internal Revenue Service at www.irs.gov.

Crisis Counseling

The Crisis Counseling Assistance and Training Program (CCP), authorized by §416 of the Stafford Act, is designed to provide supplemental funding to states for short-term crisis counseling services to people affected in Presidentially declared disasters. There are two separate portions of the CCP that can be funded: immediate services and regular services. A state may request either or both types of funding.

The immediate services program is intended to enable the state or local/tribal agency to respond to the immediate mental health needs with screening, diagnostic, and counseling techniques, as well as outreach services such as public information and community networking.

The regular services program is designed to provide up to nine months of crisis counseling, community outreach, and consultation and education services to people affected by a Presidentially declared disaster. Funding for this program is separate from the immediate services grant.

To be eligible for crisis counseling services funded by this program, the person must be a resident of the designated area or must have been located in the area at the time the disaster occurred. The person must also have a mental health concern which was caused by or aggravated by the disaster or its aftermath, or he or she must benefit from services provided by the program.

For more information contact the North Dakota Department of Human Services at www.nd.gov/humanservices. Disaster recovery resources provided through the North Dakota Department of Human Services must be coordinated through NDDES.

PUBLIC ASSISTANCE

Public Assistance, oriented to public entities, can fund the repair, restoration, reconstruction, or replacement of a public facility or infrastructure which is damaged or destroyed by a disaster.

Eligible applicants include state governments, local governments and any other political subdivision of the state, and tribal nation. Certain private non-profit (PNP) organizations

may also receive assistance. Eligible PNPs include educational, utility, irrigation, emergency, medical, rehabilitation, and temporary or permanent custodial care facilities (including those for the aged and disabled), and other PNP facilities that provide essential services of a governmental nature to the general public. PNPs that provide "critical services" (power, water--including water provided by an irrigation organization or facility, sewer, wastewater treatment, communications and emergency medical care) may apply directly to FEMA for a disaster grant. All other PNPs must first apply to the SBA for a disaster loan. If the PNP is declined for an SBA loan or the loan does not cover all eligible damages, the applicant may re-apply for FEMA assistance.

As soon as practicable after a Presidential declaration, the state, assisted by FEMA, conducts the applicant briefings for state, local and PNP officials to inform them of the assistance available and how to apply for it. A 'Request for Public Assistance' must be filed with the state within 30 days after the area is designated eligible for assistance. Following the applicants briefing, a kickoff meeting is conducted where damages will be discussed, needs assessed, and a plan of action put in to place.

A combined federal/state/local team proceeds with project formulation, which is the process of documenting the eligible facility, the eligible work, and the eligible cost for fixing the damages to every public or PNP facility identified by state/local representatives. The team prepares a project worksheet (PW) for each project.

Projects fall into the following categories:

- **Category A**: *Debris Removal*
- **Category B**: *Emergency Protective Measures*
- **Category C**: *Road Systems and Bridges*
- **Category D**: *Water Control Facilities*
- **Category E**: *Public Buildings and Contents*
- **Category F**: *Public Utilities*
- **Category G**: *Parks, Recreational, and Other*

For insurable structures within special flood hazard areas (SFHA), primarily buildings, assistance from FEMA is reduced by the amount of insurance settlement that could have been obtained under a standard National Flood Insurance Program (NFIP) policy. For structures located outside of a SFHA, FEMA will reduce the amount of eligible assistance by any available insurance proceeds.

FEMA reviews and approves the PWs and obligates the federal share of the costs (which cannot be less than 75 percent) to the state. The state then disburses funds to local applicants.

Projects falling below a certain threshold are considered small. The threshold is adjusted annually for inflation. For "small projects," payment of the federal share of the estimate is made upon approval of the project and no further accounting to FEMA is required. For "large projects," payment is made on the basis of actual costs determined after the project is completed, although interim payments may be made as necessary. Once FEMA obligates funds to the state, further management of the assistance, including disbursement to sub-grantees is the responsibility of the state. FEMA will continue to monitor the recovery progress to ensure the timely delivery of eligible assistance and compliance with the law and regulations.

HAZARD MITIGATION

Hazard mitigation refers to sustained measures enacted to reduce or eliminate long-term risk to people and property from natural hazards and their effects. In the long term, mitigation measures reduce personal loss, save lives, and reduce the cost to the nation of responding to and recovering from disasters.

Two sections of the Stafford Act, §404 and §406, can provide hazard mitigation funds when a Presidential disaster has been declared. In each case, the federal government can provide up to 75 percent of the cost, with some restrictions.

Through the Hazard Mitigation Grant Program (HMGP), authorized by §404 of the Stafford Act, communities can apply for mitigation funds through the state. The state, as grantee, is responsible for notifying potential applicants of the availability of funding, defining a project selection process, ranking and prioritizing projects, and forwarding projects to FEMA for funding. The applicant, or sub-grantee, carries out approved projects. The state or local government must provide a 25 percent match, which can be fashioned from a combination of cash and in-kind sources. Federal funding from other sources cannot be used for the 25 percent non-federal share with one exception: funding provided to states under the Community Development Block Grant (CDBG) program from the Department of Housing and Urban Development can be used for the non-federal share.

The amount of funding available for the HMGP under a disaster declaration is finite and is limited to 7.5 percent of FEMA's estimated total disaster costs for all other categories of assistance (less administrative costs). States are required to develop a state standard hazardous mitigation plan that provides a summary of the hazards facing them, an assessment of the risks and vulnerabilities to those hazards, and a strategy for reducing those impacts. These plans were required by November 1, 2004, as a condition of non-emergency assistance under the Stafford Act. The state plan is reviewed and updated every three years and the local/tribal plan is reviewed and updated every five years.

States may choose to develop an enhanced state mitigation plan in order to receive an increased amount of 20 percent for HMGP funding. By November 1, 2004, local jurisdictions were also required to develop mitigation plans in order to be eligible for project grant funding under the HMGP. In addition, states may use a set-aside of up to five percent of the total HMGP funds available for mitigation measures at their discretion. To be eligible, a set-aside project must be identified in a state's hazard mitigation plan and fulfill the goal of the HMGP; to reduce or prevent future damage to property or prevent loss of life or injury.

Eligible mitigation measures under the HMGP include acquisition or relocation of property located in high-hazard areas, elevation of flood-prone structures, seismic rehabilitation of existing structures, strengthening of existing structures against wildfire, dry flood-proofing activities that bring a structure into compliance with minimum NFIP requirements and state or local/tribal code. Up to seven percent of the HMGP funds may be used to develop state and/or local/tribal mitigation plans.

All HMGP projects, including set-aside projects, must comply with the National Environmental Policy Act (NEPA) and all relevant Executive Orders. HMGP grants

cannot be given for acquisition, elevation, or construction purposes if the site is located in a designated SFHA and the community is not participating in the NFIP.

FEMA's primary emphasis for HMGP funds, where appropriate, is the acquisition and demolition, relocation, elevation, or flood-proofing of flood-damaged or flood-prone properties (non-structural measures).

- *Acquisition and demolition:* Under this approach, the community purchases the flood-damaged property and demolishes the structure. The property owner uses the proceeds of the sale to purchase replacement housing on the open market. The local government assumes title to the acquired property and maintains the land as open space in perpetuity.

- *Relocation:* In some cases, it may be viable to physically move a structure to a new location. Relocated structures must be placed on a site located outside of the 100-year floodplain, outside of any regulatory erosion zones, and in conformance with any other applicable state or local/tribal land use regulations.

- *Elevation/flood-proofing:* Depending upon the nature of the flood threat, elevating a structure or incorporating other flood-proofing techniques to meet NFIP criteria may be the most practical approach to flood damage reduction. Communities can apply for funding to provide grants to property owners to cover the increased construction costs incurred in elevating or flood-proofing the structure.

Funding under §406 that is used for the repair or replacement of damaged public facilities or infrastructure may be used to upgrade the facilities to meet current codes and standards. It is possible for mitigation measures to be eligible for funding under both the HMGP and §406 programs; however, if the proposed measure is funded through §406, the project is not eligible for funds under the HMGP as well.

JOINT FIELD OFFICE (JFO)

After a disaster declaration, the federal government may establish a toll-free phone number where people can file initial requests for aid.

Joint Field Offices (JFOs) may not be established after every disaster. Applications for assistance may be handled through telephone hotlines or other methods. The community should determine if the method selected can be used to communicate mitigation information to residents.

DAMAGE ASSESSMENTS

When the local Emergency Manager, or other designee, contacts the NDDES Duty Officer to report a possible emergency/disaster situation, he/she needs to describe the seriousness of the situation.

In the aftermath of an emergency/disaster, both individual homes and businesses and public non-profit and governmental entity damage assessments must be performed. Because of the corresponding types of federal/state assistance available, each type of assessment is designed to quantify the eligible amounts of damages incurred.

It is the local government's responsibility to provide an initial damage assessment as soon as possible *(24 to 48 hours after the event)* and report the findings to NDDES. The person who makes contact should be the local Emergency Manager, member of the City Council/County Commission, Tribal Council Chairperson or other person of authority, not a member of the public at large.

Non-governmental entities may call, but they should work through their local Emergency Manager if possible.

Some actions are time-sensitive.
See Table 3

Local governments should estimate all damages, including public sector, private sector, agricultural losses, and RECs. Officials may have to recruit people with special knowledge to assist with the damage estimate. Some suggested sources of people to assist this effort would be the county Assessor, real estate appraisers, the county Extension Agent, the Natural Resources Conservation Service, local public works or roads personnel, utilities representatives, and the American Red Cross. This need should be addressed in the LEOPs. Detailed site visits will come later.

INITIAL ASSESSMENT

As soon as emergency/disaster response activities are underway, local personnel should conduct an initial damage assessment. This information is critical in obtaining additional levels of assistance.

The initial damage assessment is usually a drive-by survey done by police, fire and emergency management personnel to determine how bad the situation is. The survey should answer these questions:

- Are lives in danger?
- Are there significant damages? If so, is it widespread?
- Where are the problem areas?
- Is there access?
- Should a state of emergency be declared?
- Do we need help? If so, what kind?

Once emergency first response activities are completed, a more detailed damage assessment should take place to determine what types of resources will be needed to complete the recovery. These questions should be asked:

- How many people are out of their homes and businesses?
- Is damage to buildings sufficient to require a long-term recovery effort?
- Does the community have enough people and equipment to address the problems at hand (road closures, medical support, debris clearance, etc.)?
- Should we declare a local emergency/disaster?

The assessment checklist *(Table 2)* provides a general guideline suggesting activities to be considered.

ASSESSMENT FOR INDIVIDUAL HOMES AND BUSINESSES

The purpose for individual assessments is to determine the extent to which individuals and private businesses have been impacted by the emergency/disaster.

Two basic categories of eligible individual damage include:

- Damage to Homes – A person whose primary residence has been damaged due to a disaster may qualify for various forms of disaster assistance. When damage assessors go into the field, they will estimate the degree of damages to the home, evaluate the victim's insurance coverage, estimate the victim's income and determine the habitability and type of victim's home. If the damage is widespread, consider setting up a call center to aid in damage assessment.

- Damage to Businesses – Privately-owned business that were damaged or destroyed by the emergency/disaster may qualify for available programs through the SBA. Loss of a business may impact several other businesses in the community resulting in increased numbers of lost jobs and income.

ASSESSMENT FOR PUBLIC, NON-PROFIT AND GOVERNMENTAL ENTITIES

Public damages can include structures or facilities owned by public or PNP entities. This could include roads, bridges, buildings, utilities, etc. Listed below are the categories of Damage Eligibility. In order to qualify for federal assistance in Categories C through G local jurisdictions must have an approved multi-hazard mitigation plan.

DAMAGE ELIGIBILITY BY CATEGORY

Category A: Debris Removal

- *From Public Property*. Eligible when it is reasonable and necessary.

- *From Private Property.* Removal of debris from private property is eligible only if it presents a public safety or health hazard, such as fire or insect infestation, or danger of falling on public property, or if it has been placed at the curb for public removal.

- *Cost of Garbage Pickup.* Only the volume of material that exceeds the normal garbage volume is eligible. The extra volume must have been generated or caused by the disaster.

- *Force Account Equipment*. Equipment used for debris removal is eligible. Equipment time will be verified by cross-reference to labor timesheets and materials records. Idle time, standby time, and transport time are not eligible. The NDDES Recovery and Mitigation Section will determine equipment rates.

- *Force Account Labor.* Payroll time, both regular and overtime, is eligible. A separate disaster timesheet should be kept for each worker. Time for elected officials, administrators, secretarial staff, and supervisory personnel is not eligible. Overtime is eligible only if the paying of overtime is an established policy of the applicant and was required by the disaster. Compensatory time cannot be converted to paid time. The cost of fringe benefits is eligible.

- *Mechanic's Time*. Repair and maintenance of equipment is included in equipment rates and is not eligible.

- *Demolition.* Demolition, rather than repair, is eligible for public buildings if the cost of repair exceeds half the value of the damaged property. For privately-owned buildings, demolition is eligible only if the damaged structure poses a threat to public safety.

- *Trees.* Removal of downed trees and tree limbs from public property is eligible, but not tree roots and stumps. Removal from private property is eligible only if it poses a public safety hazard.

Category B: Emergency Protective Measures

- *Emergency Protective Dikes.* Material and labor cost is eligible when flood dikes are constructed to protect life and property, but only during the time that flooding is believed to be imminent or is actually occurring. Work by individuals to protect their own homes is not eligible.

- *Sandbagging.* Sandbags and material are eligible. Volunteer labor and material are not eligible.

- *Barricades and Signs*. Material and labor to build and place signs are eligible.

- *Health and Safety Hazards*. Removal or neutralization of health and safety hazards is eligible if approved by the appropriate health or environment agency.

- *Temporary Repairs*. The construction of road detours, emergency repair of levees, temporary repair of storm damage to public buildings, rental of temporary work space for public employees, and temporary repair of utilities are all eligible. See Category E for permanent repairs.

- *Force Account Labor and Equipment*. Eligible, as previously detailed.

- *Donated Materials and Labor*. Not eligible for reimbursement but may be used for in-kind match.

- *Food and Shelter.* Applicants should utilize volunteer agencies such as American Red Cross when possible. The SCO will determine the eligibility of food and shelter costs on an individual basis.

Category C: Roads and Related Structures

- *Repair and Replacement.* These costs are eligible if damage was a direct result of the disaster event, and not a pre-existing condition or the result of an event not related to the disaster.

- *Road Surface Repairs*. If damage can be repaired by normal maintenance, these repairs are not eligible. Rutted surfaces, "alligator" pavement, potholes, mud holes, and silted-in bar ditches are not eligible. Restoration to "as-was" conditions is the norm. Major structural damage to the road must be evident. See "Maintenance" below.

- *Codes and Standards*. Road and bridge repairs are eligible to the extent necessary to restore them to standards that have been formally adopted by the applicant prior to the disaster, or that are required by present-day codes.

- *On-System Facilities.* Facilities funded by other state or federal agencies are not eligible.

- *Landscaping*. This cost is not eligible unless it performs an essential function.

- *Signs and Appurtenances*. Directional, informational, and traffic control signs are eligible, as well as appurtenant structures such as rest areas.

- *Scheduled Replacement*. Roads and structures that were scheduled for replacement up to 24 months after the disaster are not eligible.

- *Force Account Labor and Equipment*. These costs are eligible.

- *Maintenance.* Maintenance records may be required to establish the time of last maintenance. Cleaning of silt from bar ditches and culverts is maintenance and is not normally eligible unless unusual in scope and magnitude.

Category D: Water Control Facilities

- *Levees, Dikes, and Dams*. Levees, dikes, and dams owned and maintained by eligible applicants and not by other state or federal agencies are eligible for repair or replacement. Maintenance records are required. Privately owned or abandoned structures are not eligible.

- *Drainage Channels*. Restoration of man-made drainage channels to pre-flood hydraulic capacity is eligible. The applicant must furnish evidence of

routine maintenance; lack of reasonable maintenance will render a project ineligible.

- *Natural Streams and Riverbeds.* See Category A for debris removal. Silt, sand, and boulders in a waterway are not considered debris. Any work done in a waterway is subject to permitting requirements of the U.S. Army Corps of Engineers (USACE), which is the responsibility of the applicant.

- *Seeding and Sodding*. Seed or sod needed to stabilize disturbed or eroded areas may be eligible.

- *Retention and Detention Structures, Catch Basins, and Storm Sewers.* Structural damages to flood control or storm water conduit systems are eligible.

- *Irrigation Systems*. Damage to diversion dams, head gates, main channels, and other structures is eligible if owned and operated by a community ditch association. Damage to privately-owned systems is not eligible.

- *Force Account Labor and Equipment.* Eligible.

Category E: Public Buildings, Vehicles, Equipment

- *Restoration*. Buildings may be restored to pre-disaster design and function, but must meet current codes. Improvements or changes to a better than "as-was" condition are not eligible, unless required by code. Historic Preservation laws may apply.

- *Use and Occupancy.* The building must have been in use, or maintained for possible use, at the time of the disaster. If only part was in use, then restoration will be proportional and limited to the part that was in use. Abandoned buildings are not eligible.

- *Extensive Damage*. Repair will be considered only if the cost of repair is less than the cost of replacement. Buildings must be structurally sound and repair must be feasible.

- *Insurance.* For insured property, the applicant must have a written guarantee of insurance settlement prior to receiving funding for repair or replacement projects. The insurance deductible is eligible. Sites may be combined to meet the minimum of $1,000.

- *Alternate Projects*. If reconstruction at the original site is not feasible and the applicant proposes an alternative project that will meet the same function, all or part of the funds for the original repair may be authorized for the alternate structure. The SCO must approve any alternate project.

- *Equipment, Furnishings, and Supplies*. Repair will be authorized if feasible. Consumable supplies are eligible for replacement to pre-disaster quantities and value. Salvage value will be considered.

- *Vehicles and Special Equipment*. Vehicles and special equipment in the vehicles, such as two-way radios, are eligible, less insurance settlement.

- *Grounds.* Damage to grounds surrounding eligible buildings may be eligible if functional and not just aesthetic.

- *Cleaning*. Cleaning/painting of buildings (interior and exterior) are eligible.

- *Force Account Labor and Equipment*. Eligible.

Category F: Public Utilities

- *Electrical.* These costs are eligible, less salvage.

- *Sewer and Waste Water Systems*. Restoration must be coordinated with the appropriate health or environment agency.

- *Water Systems.* Damage to public water treatment plants, pumping facilities, wells, and reservoirs is eligible. Restoration must be coordinated with the appropriate health or environment agency.

- *Gas Systems.* These costs are eligible.

- *Loss of Inventory.* Loss of water or gas due to a break in these systems caused by the disaster is eligible, provided that the value of the loss can be documented. Loss of revenue due to being out of service is not eligible.

- *Force Account Labor and Equipment*. Eligible.

Category G: Parks, Recreational, And Other

- *Trees.* See Category A for debris removal. Replacement of trees is not eligible.

- *Landscaping.* This is not eligible unless it performs an essential function.

- *Grass*. This is not eligible.

- *Structures*. This is eligible. See Category E for damage to facilities.

- *Force Account Labor and Equipment*. This is eligible.

DAMAGE ASSESSMENT TEAMS

To conduct an accurate damage assessment, local governments must have capable damage assessment teams. These teams should be identified and trained in advance of the disaster so they will be ready when needed. The following personnel are commonly used for damage assessment teams, although all may not be needed for every disaster:

- Local engineers
- Utility company personnel
- Police and fire officials
- Property appraisers

- Building inspectors
- County agricultural Extension Agents
- Local health officials
- Red Cross officials
- Real estate appraisers
- Insurance agency representatives

Common terms and definitions can be found in the Definitions/Acronyms section of this guide.

PRELIMINARY DAMAGE ASSESSMENT

If the state's initial damage assessment results in a request for state or federal assistance, NDDES or FEMA will request a Preliminary Damage Assessment (PDA). This is a more formal assessment to determine whether the federal government should augment the resources of the community, county, tribal and state government to meet recovery needs.

The PDA is usually conducted by a joint FEMA/NDDES team. A person familiar with local concerns and mitigation possibilities should be the local participant on the PDA. This will help the jurisdiction capture any mitigation opportunities available through public/infrastructure assistance.

BUILDING CONDITION ASSESSMENT

Concurrently with the PDA, a more detailed assessment of the damage to buildings should be made.

Initial assessments are designed to help get recovery under way. For example, the American Red Cross gathers information to decide whether it is necessary to establish shelters and provide meals for disaster victims. Its assessment is not intended to be accurate enough to determine the extent of structural damage or needed repairs.

The building condition assessment is not required for emergency management or disaster assistance purposes. It should be conducted to help determine mitigation needs and operations.

Damage estimate report *(Attachment 12)* - The local Emergency Manager or other designated person having jurisdiction over the emergency/disaster area should fill out this form and communicate the information to NDDES by telephone. A copy of the actual form should be faxed, e-mailed, mailed, or hand-delivered as soon as possible.

Damage summary by category *(Attachment 13)* - The state uses damage categories A through G to categorize all damages to the public sector. These categories are explained on the damage summary by category form. Information provided on this form will assist the disaster assistance program in organizing the PDA. As before, communicate this information to NDDES by telephone and follow it up by fax, e-mail, mail, or hand delivery. Do not use this form for damages to private property. Sample forms are provided as models for this purpose.

- Damage estimate report *(Attachment 12)*
- Damage summary by category *(Attachment 13)*

Table 2: Assessment Checklist

✓	Public Damage	✓	Individual Needs
	Debris		Food
	Water Supply		Clothing
	Roads, Streets, Culverts		Temporary Housing
	Sewer Systems		Homeowner Assistance
	Bridges		Business Owner Assistance
	Water Resource Projects		Farmer and Rancher Assistance
	Public Buildings		Private Non-Profit Facility Assistance
	Communication Systems		Replacement of Personal Property
	Equipment and Vehicles		Unemployment Assistance
	Parks and Recreation Areas		Debris Removal
	Materials and Supplies		Crisis Counseling
	Private Non-Profit Facilities		Health and Sanitation
	Utilities		Security
	Other		Other

RECORD KEEPING

It is extremely important to accurately and properly complete necessary record keeping after emergency or disaster work has been done and time has elapsed. Therefore, the significance of timely record keeping cannot be overemphasized.

Local governments must pre-plan. They must know what records to keep and how to keep them. They also must have someone capable of initiating and maintaining records as soon as any response and recovery work begins.

Proper documentation will be needed to verify expenditures for which reimbursement will be requested if the situation develops into a Presidential disaster declaration. This is especially true for costs incurred in completing measures designed to protect life and property. If claims for reimbursement cannot be verified because of improper or incomplete record keeping, local governments may lose considerable sums of money.

Various forms and procedures for proper documentation are identified within this handbook. A reference is placed in the APPENDIX/FORMS section of the Table of Contents. Please contact the NDDES Disaster Recovery Section, (701) 328-8100, if you have any questions about establishing proper records.

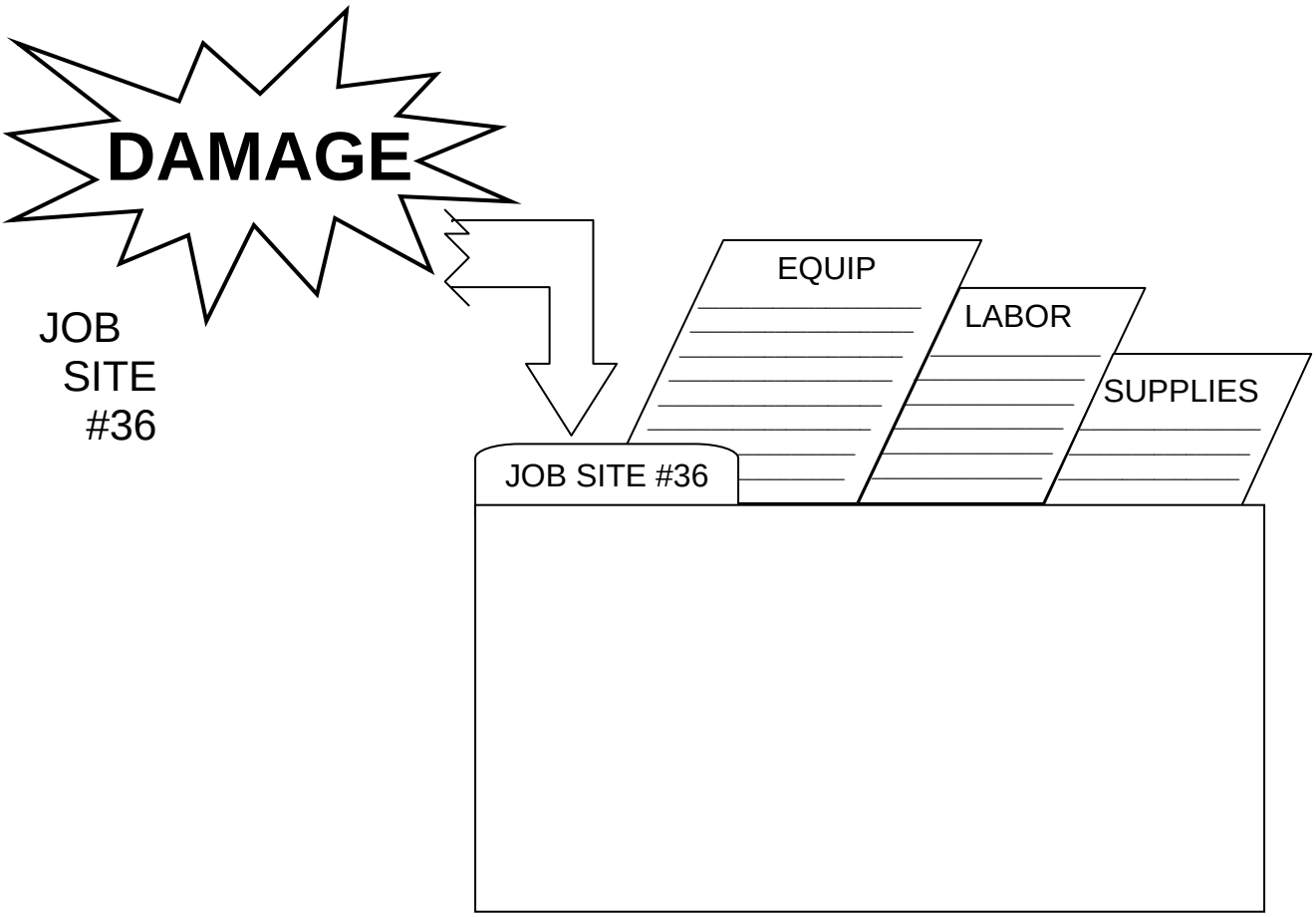
DOCUMENTATION REQUIREMENTS

The instant emergency or repair work begins; establish a separate folder for each job site as the work is authorized. As an example, if you have damage at five locations that must be repaired immediately, do not combine all jobs into one folder. Rather, use a separate folder for each job.

There are two ways to complete work at job sites:

1. Contract – hiring a contractor to do the work; and
2. Force Account – use of your own personnel, equipment and supplies.

Minimum Filing System



Record Keeping Forms

All FEMA forms are available at:

www.fema.gov/government/grant/pa/forms.shtm

CONTRACT WORK RECORD KEEPING

If work is completed on a lump-sum contract, an invoice and copy of the contract are needed. Generally, FEMA will accept time and materials contracts with a work duration of 70 hours immediately after a disaster. If a unit price contract or cost plus fixed fee is used, the contractor must furnish an invoice, copy of the contract and a detailed breakdown of all costs, including equipment used, dates used, location of work, hourly rates and total time used. The requirement to furnish this detailed breakdown must be included in the contract.

For unit price, cost plus fixed fee, lump sum or time and materials contracts, applicants must show on each invoice the date, amount paid and check warrant number or receipt of cash payment. Evidence of the contract advertisement, bidders and selection of the low-bid contractor must be retained. Cost plus a percentage of cost contracts and contingency contracts are not reimbursable. *(An example of cost plus a percentage is if a company requests expense reimbursement plus 10 percent for additional operating expenses.)*

A sample contract work summary form *(Attachment 7)* is provided as a model for this purpose.

FORCE ACCOUNT LABOR RECORD KEEPING

Documentation for this type of work is quite involved. Immediately after an emergency or disaster, someone, preferably an experienced administrative individual, such as an auditor, must start keeping proper records. This person must be designated and trained in advance. If a major disaster is declared, this individual must be included in the applicant briefings.

As a minimum, the payroll must show the pay period, name, title/job classification, number of hours worked each day, total hours worked for pay period, hourly rate (regular and overtime), benefit rate, total hourly rate and total costs. Records also must indicate which job site the employee was working each day. If the employee works on more than one job site in a day, the force account labor record *(Attachment 8A)* for each job site should record those hours.

The force account labor summary record form *(Attachment 8B)* should show who did what, when and for how long on each job site.

A force account crew journal *(Attachment 8C)* is used to record who went where, did what and at what time. Each crew member needs to have a corresponding timesheet and must have their hours recorded on the force account labor record. Equipment used must also be recorded on the force account equipment record *(Attachment 9A* and *Attachment 9B).* Materials used, purchased, or rented must be recorded on the force account material record (*Attachment 10A* and *Attachment 10B* and *Attachment 11A and Attachment 11B).*

Only one force account labor record should be prepared for each damage site. Do not mix records from the different damage sites together. The time period should correspond to the actual pay period used by the applicant. All hours worked should be recorded, including overtime hours (if actually paid, not “Comp” time) and hours for

temporary hires. Pay rate and other information can be filled in later. Supervisory and administrative personnel are not eligible.

Transcribe the information from the daily reports to the master payroll system. Then file the daily report in the proper job folder. The force account labor record should be updated at the end of each work day.

If resources from another jurisdiction are used, the documentation required is the same as if the resources were your own. An invoice is required indicating your jurisdiction has been paid. This invoice must show the date, amount paid and check or warrant number or evidence of cash payment.

Please note: When completing force account labor and equipment records, verify that equipment hours equal labor hours. For emergency work, force account labor is eligible for overtime only. Extra-hire employees doing emergency work are eligible for regular and overtime.

Sample forms are provided as models for this purpose.

- Force account labor record form *(Attachment 8A)*
- Force account labor summary form *(Attachment 8B)*
- Force account crew journal form *(Attachment 8C)*

FORCE ACCOUNT EQUIPMENT RECORD KEEPING

Both applicant-owned and rented equipment must be fully documented for each job site. Specifically, the documentation must show the type and description, date used, hours used each day, total hours used, rate per hour (equipment only), total cost for each and total cost for all equipment used. idle time, standby time, and transport time is not eligible for reimbursement. Be sure to use FEMA rates for computing costs.

Applicants must use the force account equipment summary record form *(Attachment 9A* and *Attachment 9B)* or a computer-generated form with the same information to document the above information for equipment used on each job site. A force account equipment summary record form should be placed in each job folder immediately upon starting work. Record daily the use of any equipment on this form. A vendor invoice form also must be established for vendor invoices and rental agreements for any rental equipment used. Applicants must record equipment usage daily.

Only one force account equipment record and rented-leased equipment record should be prepared for each damage site. Do not mix records from the different damage on the same form. Record what equipment is used, and identify each piece of equipment by a unit number, license plate, cubic yard capacity, horsepower, etc. Use the same identification throughout. Privately owned vehicles are not eligible. Be sure to record dates and hours used.

Rates used on applicant-owned equipment must be no more than those approved on the current federal schedule of applicant-owned equipment rates or the applicant rates, whichever is less. A copy of these rates may be obtained by contacting the NDDES Disaster Recovery Section or log on to FEMA: Public Assistance – Scheduled of Equipment Rates or www.FEMA.gov.

Rates do not include operator time.
Operator time should be indicated on the force account labor summary record form.

Please note: When completing force account labor and equipment records, verify that equipment hours equal labor hours.

Sample forms are provided as models for this purpose.

- Force account equipment form *(Attachment 9A)*
- Force account equipment summary form *(Attachment 9B)*

RENTED-LEASED EQUIPMENT RECORD KEEPING

Documentation for rented equipment must show the type and description, date used, hours used each day, total hours used, rate per hour (equipment only), total cost for each and total cost for all equipment used.

Applicants must use the rented-leased equipment summary record form *(Attachment 10A* and *Attachment 10B)* or a computer-generated form with the same information to document the above information for equipment used on each job site. The form should be placed in each job folder immediately upon starting work. Record daily the use of any equipment on this form.

The date, amounts paid and check number or evidence of cash payment must also be shown. The rental agreement must specifically state who must pay for all repairs. A copy of this agreement must be kept in the job site file.

Only one force account rented-leased equipment record should be prepared for each damage site. Do not mix records from the different damage on the same form. Record what equipment is used, and identify each piece of equipment by a unit number, license plate, cubic yard capacity, horsepower and ect. Use the same identification throughout. Privately-owned vehicles are not eligible. For rentals, the total contract obligation may be eligible. Save all documentation of rental equipment. Be sure to record dates and hours used.

Sample forms are provided as models for this purpose.

- Force account rented-leased equipment form *(Attachment 10A)*
- Force rented-leased equipment summary form *(Attachment 10B)*

MATERIALS RECORD KEEPING

Materials and supplies used on each job site must be fully documented whether they are purchased or in stock. Specifically, the documentation must show unit price (which may be averaged from stock cards), total price, quantity, description, date purchased, date used, job site where used and check number or receipt of cash payment. Use the force account materials record form *(Attachment 11A)* or a computer-generated form with the same information to document the above information on a daily basis.

Place a force account materials record form in the folder when establishing a file for each job site. Any time materials are used on the job, record the information on the form.

Prepare one force account materials record for each damage site. Do not mix records from the different damage on the same form. List all materials and supplies used at the site, including how much was used and where it came from. If purchased, save all documentation. Information about prices can be filled in later.

Vendor invoices for materials that are being used, or that will be used on job sites, should be kept in a file separate from job folders. This will allow you to easily find information about materials used when recording on the materials record summary form *(Attachment 11B)*. If the invoice for materials used has not yet arrived, confirm necessary information with the vendor and make up a city, county or tribal claim voucher for the vendor invoice file. Applicants may use daily written (form) reports or daily oral reports from the supervisor to record expenditures of materials.

Sample forms are provided as models for this purpose.

- Force account materials record form *(Attachment 11A)*
- Force materials summary record form *(Attachment 11B)*

PROJECT ADMINISTRATION

Once a Presidential disaster declaration is received, in coordination with the applicant agents and local Emergency Managers, the NDDES will schedule an applicant briefing, which all potential applicants should attend. NDDES may request assistance by the local government in notifying all potential applicants and providing a suitable meeting place. The applicant briefing may be waived under certain circumstances.

The applicant briefing will occur as soon as possible after the Presidential disaster declaration has been approved, while still allowing adequate time to notify all interested parties. At the applicant briefing, NDDES will explain requirements for eligibility for the disaster assistance program and will introduce the state inspectors who will write the project worksheet (PW).

The inspectors will arrange suitable times when they can get together with the applicants to view all of the damage sites and write the PW. If an applicant cannot attend the applicant briefing or was not informed of it, the applicant has up to 30 days from the date of the disaster to request assistance. After this date, the disaster assistance program will not accept any more applications. It is the applicant's responsibility to follow through with the application.

The PW states exactly what funds the disaster assistance program will allow for the applicant to restore a site to its pre-disaster status. It identifies the scope of work and the itemized estimated cost of restoration at each damage site where damage exceeds the minimum dollar amount established by FEMA.

Return to "pre-disaster" condition is the norm. Improvements must be funded from another source and must be approved by the NDDES. Long-term improvement projects may be denied.

The applicant agent must sign each PW and indicate either concurrence or non-concurrence. If the applicant does not concur with a particular PW, the applicant must appeal the decision in writing within five days of the signature on the PW.

After all PWs for an applicant have been returned, NDDES will write a project agreement summarizing all PWs by category and stating both the applicant share and the state share of the total grant award. The SCO will determine the amount of the state and applicant shares. The default federal share is 75 percent.

When the Applicant Agent, the SCO, and the Governor's Authorized Representative (GAR) have signed the project agreement, it becomes official. If supplemental PWs are needed, NDDES will prepare supplemental project agreements for the additional amount.

Any costs in excess of the original project agreement and any supplements must be borne by the applicant.

PROJECT COMPLETION

When a *National Environmental Policy Act of 1969 (NEPA)* and the project agreement have been signed by all parties, the applicant is authorized to begin the work described in the PWs. **Work initiated before NEPA and project agreement sign off is not eligible for reimbursement.**

The agent must submit copies of all documentation supporting the cost of work performed at each PW site. This includes force account labor timesheets, equipment usage records, and invoices for materials purchased, as well as proof of any contract indebtedness.

The agent must follow the provisions of the state Procurement Code for purchases and contracts and should include evidence of compliance when sending cost records.

If the agent discovers damage that was not seen previously, or if the agent finds that allowed costs are not sufficient to accomplish the scope of work, the Agent must **immediately stop all work** at that site and request that NDDES review the situation. If justified, NDDES will request that the state inspector return to the site and determine if a supplemental PW is needed.

Work should not resume until the agent has written permission from the Project Manager.

If other problems are encountered or if time extensions are needed, the agent should contact the NDDES Disaster Recovery Section for consultation.

Emergency work applicants normally have six months from the date of the last signature on the project agreement to complete their projects. Permanent work applicants have 18 months to complete their projects. Requests for time extensions should be in writing and should include a written plan to explain exactly how the applicant intends to complete the project within a reasonable timeframe. The SCO will approve or disapprove the request and will determine the length of the time extension. A decision not to grant a time extension may be appealed.

Failure to complete a project within the time allotted may result in termination of funding. When work on a PW is completed or nearing completion, the agent should contact NDDES and request a final inspection. NDDES will request that the state inspector

contact the agent and arrange a time to visit the site. A project cannot be closed and paid in full until all PW sites have received a final inspection and all cost records have been approved.

If a PW site does not pass final inspection, the applicant may be required to submit a written plan within 30 days explaining what they propose to do at the site in order to pass inspection, including a timeline for completion. The plan is subject to approval by the SCO.

Failure to pass final inspection may result in loss of funding for that site. Funds paid in advance may have to be refunded.

PAYMENT

The applicant must keep detailed cost records from the beginning of the disaster until project completion. Records pertaining to a specific PW should be kept separate from those for other PWs.

- Once the project agreement has been signed by all parties and funds are available, the project manager will request an initial payment of 40 percent of the grantee share to cover startup costs.
- The project manager will make further payments up to 80 percent of the grantee share based upon cost records supplied by the Agent.
- The project manager will withhold the final 20 percent of the grantee share pending final inspection and final review of the project cost records.
- The project manager will request the final payment as soon as he/she receives all final inspection reports and reviews all cost records for accuracy and eligibility.
- Failure of an applicant to provide cost records for examination is cause for termination of the entire project and refund of all funds paid to date.

The applicant must retain all project records for at least three years following the date FEMA closes the project. It is possible that the state might audit disaster assistance program records during that time period and the applicant's records may be needed for verification.

HANDLING OF FUNDS

If the applicant is a local government, its finance office should create a new revenue code to receive emergency/disaster funds, and emergency/disaster related expenses should be paid under expense codes created for that purpose. Grant receipts should not be credited to the general fund.

If the applicant is not a local government, payments must be deposited into a checking account in the name of the applicant organization. Payment of all expenses should be by check from the applicant organization's checking account.

In no case shall the Agent deposit payments into an account in the name of an individual or allow the checks to be cashed.

- If grant funds are kept in an interest-bearing account, the final payment will reflect a deduction of the amount of interest earned.
- In the event that the state share of the actual cost of all approved, completed, and inspected sites is less than the total amount paid in advance to the applicant, the agent must promptly refund the amount of overpayment.

CAPTURING COSTS

For a damage site to be eligible under the Disaster Assistance Program it must have sustained damages of at least $1,000. This reflects the cost of restoring the site to its pre-event condition and function as determined by a qualified damage survey inspector. Normally one PW is written for each site, although nearby sites may be combined to make the minimum as long as they are in the same category.

Eligible costs are those costs necessary to accomplish the scope of work described in the PW. This may include force account work, contract work, engineering, or a combination.

Eligible costs may also include work that was done prior to the writing of the PW (but after the event) if the work was category A and/or B. The allowed amount is based on actual costs and the applicant must supply supporting documentation.

All costs must be documented via invoices, written agreements, rental statements, timesheets, haul tickets, and equipment logs. From the very beginning, the applicant must save all documentation in order to prove actual costs.

Applicants should keep cost records and other paperwork for each PW separate from others. If a document is shared between two or more PWs, the portions pertaining to each site should be determined and copies kept in the corresponding PW files.

Expenses which cannot be documented will not be reimbursed. Donated goods and services and volunteer labor are not reimbursable, since they do not represent any cost to the applicant. Donated goods and volunteer labor may be used as in-kind contribution. Allowed costs are based on the actual cost of the material used, not its replacement value.

The Project Manager will make an initial payment of 40 percent of the grantee share of the project total prior to receiving any cost records. The applicant must furnish cost records prior to the issuing of payments beyond the initial payment.

ADMINISTRATIVE REIMBURSEMENTS

FEMA's policy on administrative cost reimbursement is as follows:

There are activities that subgrantees may consider project specific, but are actually grant administration activities and, therefore, are not eligible as a project supervision and management cost. These administrative activities are those necessary in requesting, obtaining, and administering Presidential disaster subgrants. Examples include identifying damage; writing PWs; assessing damage; attending grantee and FEMA meetings; completing forms to request assistance; establishing files; collecting cost data; developing cost estimates; and working with the grantee and FEMA during project monitoring, final inspections and audits. These grant administration activities are covered by the statutory administrative allowance (sliding scale) that is automatically added as a percentage of the total amount of assistance for a subgrantee when the projects are processed. The administrative allowance may not cover all costs that a subgrantee incurs performing grant administration activities but excess costs may not be claimed.

Additional sample forms include:

- Private non-profit facility questionnaire *(Attachment 14)*
- Special considerations questionnaire *(Attachment 15)*
- Request for public assistance *(Attachment 16)*
- Applicant's benefits calculation worksheets *(Attachment 17)*
- Summary of documentation *(Attachment 18)*

Table 3: Disaster Timetable

Milestone	Preferred Deadline	Maximum Deadline
Report event to NDDES	Same day	Next working day
Local Initial Damage Situational Assessment	Next few days	10 days following event
Local Emergency/Disaster Declaration	Next few days	15 days following event
State Disaster Declaration	Dependent on situation	Dependent on situation
State Initial Damage Assessment *Note: To determine if there is enough damage to warrant a formal PDA through FEMA*	As soon as possible, if applicable	As soon as possible, if applicable
Preliminary Damage Assessment (PDA)	As soon as possible, if applicable	As soon as possible, if applicable
Applicant Briefing	10 days following Presidential disaster declaration	20 days following Presidential Disaster Declaration
Application Period	As soon as possible	30 days following the disaster event
Completion of Emergency Work Projects	As soon as possible	6 months after the PWs are signed
Completion of Permanent Work Projects	As soon as possible	18 months after the PWs are signed

NOTES:

- The SCO may extend deadlines if required and justified.
- "Days" means calendar days, not working days, unless otherwise noted.

The PDA may be waived under certain circumstances.

DEFINITIONS

Accident – An unforeseen incident or an unexpected and undesirable event, especially one resulting in damage or harm.

Affected – Federal Emergency Management Agency (FEMA) Category of Damages; used if the living unit, porch, carport, garage, etc…, was damaged but the living unit can still be occupied safely.

Applicants Briefing – A meeting for prospective applicants, local, state, federal officials and qualifying Private Non-Profits (PNP) outlining available assistance, eligibility requirements, state requirements, reporting needs, record keeping and reimbursement process.

Catastrophic Incident – Any natural or manmade incident, including terrorism, that results in extraordinary levels of mass casualties, damage, or disruption severely affecting the population, infrastructure, environment, economy, national morale, and/or government functions. A catastrophic event could result in sustained national impacts over a prolonged period of time; almost immediately exceeds resources normally available to State, local, tribal, and private-sector authorities in the impacted area; and significantly interrupts governmental operations and emergency services to such an extent that national security could be threatened. All catastrophic events are Incidents of National Significance.

County Emergency Board – (CEB) A representation of U.S. Department of Agriculture (USDA) agencies having specific emergency preparedness program responsibilities at the local level to respond to any emergency or disaster in the respective county or designated area and provide reports on the impact of disasters or emergencies on agriculture.

Damage Assessment – The review and evaluation of the impact resulting from a disaster or emergency to include tabulation of rebuilding costs.

Destroyed – FEMA Category of Damages; used when there is a total loss or damage to such extent that repairs are not economically feasible. Any one of the following may constitute a destroyed status;

- Structure is not economically feasible to repair.
- Structure is permanently uninhabitable.
- Complete failures to most major components of structures (e.g. basement walls/foundations, walls roof, etc…)

Disaster – **1.** An event expected or unexpected, in which a community's available, pertinent resources are expended. It may also be the need for resources exceeds availability; and in which a community undergoes severe danger; incurring losses so that the social or economic structure of the community is disrupted; and the fulfillment of some or all of the community's essential functions are prevented.

2. *North Dakota Century Code defines Disaster as*: The occurrence of widespread or severe damage, injury, or loss of life or property resulting from any natural or manmade cause, including fire, flood, earthquake, severe high and low temperatures, tornado storm, wave action, oil spill, or other water or air contamination, epidemic, blight, drought, infestation, explosion, riot, or hostile military or paramilitary action, which is determined by the Governor to require state or state and federal assistance or actions to supplement the recovery efforts of local governments in alleviating the damage, loss, hardship, or suffering caused thereby.

Disaster Worker – A person performing disaster or emergency responsibilities or duties at any place subject to the order or control of, or pursuant to a request of the state government or any political subdivision. Also known as Emergency Worker.

Emergency – **1.** An event, expected or unexpected, involving shortages of time and resources; that places life, property, or the environment, in danger; that requires response beyond routine incident response resources.
2. *North Dakota Century Code defines Emergency as*: Any situation that is determined by the Governor to require state or state and federal response or mitigation actions to immediately supplement local governments to protect lives and property, to provide for public health and safety, or to avert or lessen the threat of a disaster.

Emergency Management – A comprehensive integrated system at all levels of government and in the private sector which provides for the development and maintenance of an effective capability to mitigate, prepare for, respond to, and recover from known and unforeseen hazards or situations, caused by an act of nature or human, which may threaten, injure, damage, or destroy lives, property, or our environment.

Emergency Management Performance Grant – Federal grant program designed to assist states and urban areas achieve target levels of capability to sustain and enhance the effectiveness of the emergency management program.

Emergency Response Team – **1.** A team composed of federal program and support personnel, which FEMA activates and deploys into an area affected by a major disaster or emergency. This team assists the FCO in carrying out his/her responsibilities under the Stafford Act, the declaration, applicable laws, regulations, and the FEMA-state agreement. **2.** The team is an interagency team, consisting of the lead representative from each federal department or agency assigned primary responsibility for an Emergency Support Function (ESF) and key members of the FCO's staff, formed to assist the FCO in carrying out his/her responsibilities. The team provides a forum for coordinating the overall federal consequence management response requirements.

Emergency Work – Work which must be done immediately to save lives; to protect improved property, public health, and safety; or to avert or lessen the threat of a major disaster

Facility – Any publicly- or privately-owned building, works, system, or equipment built or manufactured or an improved and maintained natural feature. Land used for agricultural purposes is not a facility.

Federal Agency – A department, independent establishment, Government corporation, or other agency of the executive branch of the federal Government, including the United States Postal Service, but shall not include the American National Red Cross.

Governor's Authorized Representative – (GAR) The person empowered by the Governor to execute, on behalf of the state, all necessary documents, including the declaration request.

Grant – An award of financial assistance. The grant award shall be based on the total eligible federal/state share of all approved projects.

Grantee – The government to which a grant is awarded and which is accountable for the use of funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the grant award document. For the purposes of this manual, the state is the grantee.

Hazard – An emergency or disaster resulting from a natural disaster; or an accidental or human-caused event.

Hazard Mitigation – Sustained action taken to reduce or eliminate long-term risk to people and property from hazards and their effects.

Incident – An occurrence or event, natural or human-caused, requiring an emergency response to protect life or property. Incidents can, for example, include major disasters, emergencies, terrorist attacks, terrorist threats, wildland and urban fires, floods, hazardous materials spills, nuclear accidents, aircraft accidents, earthquakes, hurricanes, tornadoes, tropical storms, war-related disasters, public health and medical emergencies, and other occurrences requiring an emergency response.

Incident of National Significance – Based on criteria established in Homeland Security Presidential Directive - 5 (HSPD-5) (paragraph 4), an actual or potential high-impact event that requires a coordinated and effective response by and appropriate combination of Federal, State, local, nongovernmental, and/or private-sector entities in order to save lives and minimize damage, and provide the basis for long-term community recovery and mitigation activities. (Usually materials or professional services) for disaster survivors.

Incident Period – The incident period will generally begin at the start of an event which causes damage and hardship to the disaster area and will last as long as necessary to include all normal damages from the event. The incident period will be established by FEMA after consultation with the Governor's Authorized Representative (GAR) and will be included in the FEMA-state agreement.

Immediate Threat – The threat of additional damage or destruction from an event that can reasonably be expected to occur within one year.

Improved Property – A structure, facility, or piece of equipment that was built, constructed, or manufactured.

Joint Information Center – (JIC) A center established to coordinate the public information activities on-scene. It is the central point of contact for all news media at the scene of the incident. Public information officials from all participating agencies should collocate at the JIC.

Joint Operations Center – (JOC) Established by the Lead Federal Agency under the operational control of the federal On-Scene Coordinator, as the focal point for management and direction of onsite activities, coordination/establishment of State requirements/priorities, and coordination of the overall federal response.

Local Government – A county, municipality, city, town, township, public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a non-profit corporation under state law), regional or interstate government entity, or agency or instrumentality of a local government; an Indian tribe or authorized tribal organization, or Alaska Native village or organization; and a rural community, unincorporated town or village, or other public entity, for which an application for assistance is made by a state or political subdivision of a state.

Mass Care – Food, clothing, shelter, and other necessary and essential assistance provided to a large number of affected people in response to, or recovery from, a disaster or emergency.

Major – FEMA Category of Damages; used when the home has sustained structural or significant damages, is uninhabitable and requires extensive repairs (e.g. substantial failures to structural elements of the residence, repairs will take more than 30 days, has more than 50 percent damage, etc).

Major Disaster – Any natural catastrophe (including any hurricane, tornado, storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, or drought), or, regardless of cause, any fire, flood, or explosion, in any part of the United States, which in the determination of the President causes damage of sufficient severity and magnitude to warrant major disaster assistance under the Stafford Act to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.

Materials – Includes raw materials, supplies, medicines, equipment, component parts and technical information and processes necessary for emergency preparedness.

Minor – FEMA Category of Damages; used when the home is damaged and may only be used under limited conditions, but can be restored with minor repairs (e.g. can be repaired in less than 30 days for a few thousand dollars).

National Flood Insurance Program – (NFIP) A federal program, created by an act of Congress in 1968 that makes flood insurance available in communities that enact satisfactory floodplain management regulations.

Natural Disaster – Any hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm,

drought, fire, or other catastrophe in any part of the United States which causes, or which may cause, substantial damage or injury to civilian property or persons.

National Environmental Policy Act of 1969 – (NEPA) An Act to establish a national policy for the environment, to provide for the establishment of a Council on Environmental Quality, and for other purposes.

Permanent Work – Restorative work that must be performed through repairs or replacement to restore an eligible facility on the basis of its pre-disaster design and current applicable standards.

Pre-disaster design – The size or capacity of a facility as originally designed and constructed or subsequently modified by changes or additions to the original design. It does not mean the capacity at which the facility was being used at the time the disaster occurred if different from the designed capacity.

Preliminary Damage Assessment – (PDA) The damage assessment performed by federal, state, and local representatives in disaster situations clearly beyond the recovery capabilities of state and local governments. PDAs are used to determine the extent of damage caused by the incident.

Private Non-Profit Facility – (PNP) Private non-profit educational, utility, irrigation, emergency, medical, rehabilitational, and temporary or permanent custodial care facilities (including those for the aged and disabled), other private non-profit facilities which provide essential services of a governmental nature to the general public, and facilities on Indian reservations as defined by the President.

Project – also referred to as “individual project” - All work performed at a single site or group of sites described on a Project Worksheet (PW).

Project Worksheet – (PW) The form that describes the work to be completed and the estimated cost to restore each damaged site(s) to its pre-disaster condition or to current codes and standards.

Public Assistance – Supplementary federal assistance provided under the Robert T. Stafford Act to state and local governments or certain private, non-profit organizations other than assistance for the direct benefit of individuals and families.

Public Facility – The following facilities owned by a state or local government: Any flood control, navigation, irrigation, reclamation, public power, sewage treatment and collection, water supply and distribution, watershed development, or airport facility, any non-federal-aid street, road, or highway, any other public building, structure, or system, including those used for educational, recreational, or cultural purposes or any park.

Situation Report – Written summary of an incident, emergency or disaster activity that identifies significant account of record, response and request for assistance that is submitted to all corresponding agencies pending nature of event.

Standards – Codes, specifications, or standards for the construction of facilities including legal requirements for additional features. Such standards may be different for new construction and repair work.

State Coordinating Officer – (SCO) An official designated by the Governor of the affected state, upon a declaration of a major disaster or emergency, to coordinate state and local disaster assistance efforts with those of the federal government, and to act in cooperation with the FCO to administer disaster recovery efforts.

State Emergency Board – (SEB) A representation of USDA agencies having specific emergency preparedness program responsibilities at the state level to respond to any emergency or disaster in the state and provide reports on the impact of disasters or emergencies on agriculture to the Governor, NDDES and the Secretary of Agriculture, if applicable.

Sub-grant – An award of financial assistance under a grant by a grantee to an eligible sub-grantee.

Sub-grantee – A state agency, local government, school district, or eligible private non-profit organization submitting an application to the Governor's Authorized Representative for assistance under the state's grant.

USDA State Emergency Board – See State Emergency Board

ACRONYMS

ARC – American Red Cross
CAP – Civil Air Patrol
CDBG – Community Development Block Grant
CDC – Centers for Disease Control and Prevention
CEB – County Emergency Board
CCP – Crisis Counseling Program
DRC – Disaster Recovery Center
DUA – Disaster Unemployment Assistance
EMAC – Emergency Management Assistance Compact
EMI – Emergency Management Institute
EMPG – Emergency Management Performance Grant
EOC – Emergency Operations Center
EOP – Emergency Operations Plan
ESF – Emergency Support Function
FCO – Federal Coordinating Officer
FEMA – Federal Emergency Management Agency
FHMO – Federal Hazard Mitigation Officer
FHWA – Federal Highway Administration
FMA – Flood Mitigation Assistance Program
FOSC – Federal On-Scene Coordinator
FSA – Farm Service Agency
GAR – Governor's Authorized Representative
GIS – Geographic Information System
HAZMAT – Hazardous Materials
HAZMIT – Hazard Mitigation
HMGP – Hazard Mitigation Grant Program
HSEEP – Homeland Security Exercise and Evaluation Program
HSPD – Homeland Security Presidential Directive
IA – Individual Assistance
IC – Incident Command or Incident Commander
ICS – Incident Command System
IHP – Individuals and Households Program
JFO – Joint Field Office
JIC – Joint Information Center (or Joint Public Information Center, JPIC)
JIS – Joint Information System
JOC – Joint Operations Center
LEOP – Local Emergency Operations Plan
TEOP – Tribal Emergency Operations Plan
LEPC – Local Emergency Planning Committee
NDANG – North Dakota Air National Guard
NDCC – North Dakota Century Code
NDDES – North Dakota Department of Emergency Services
NDNG – North Dakota National Guard
NEMA – National Emergency Management Association
NEPA – National Environmental Policy Act of 1969
NFIP – National Flood Insurance Program

NIMS – National Incident Management System
ODP – U.S. Office of Domestic Preparedness
PA – Public Assistance
PAC – Public Assistance Coordinator
PDA – Preliminary Damage Assessment
PIO – Public Information Officer (also known as PAO – Public Affairs Officer)
PNP – Private non-profit organization (Determined by FEMA based on criteria.)
PW – Project Worksheet
REC – Rural Electric Cooperative
SALTT – Size, Amount, Location, Type, Time
SBA – Small Business Administration
SCO – State Coordinating Officer
SEB – State Emergency Board
SEOP – State Emergency Operations Plan
SFHA – Special Flood Hazard Areas
SITREP – Situation Report
SEOC – State Emergency Operations Center
SOP – Standard Operating Procedures
USDA – United States Department of Agriculture