

RESPONSE AND RECOVERY COMMITTEE MEETING NOTES

Tuesday, March 27, 2012 • 1 – 3 pm

The meeting was called to order at 1 pm by Response and Recovery Committee Chair Dave Maxwell. He extended a special welcome to recently appointed directors who are now members of the committee – Kevin Davis from Louisiana; Robert Latham from Mississippi and Steven Kuhr from New York.

Once again, the committee invited representatives from FEMA to discuss several issues. They included Bill Carwile, Associate Administrator for Response and Recovery; Beth Zimmerman, Deputy Associate Administrator; Deb Ingram, Assistant Administrator for Recovery; and Brad Kieserman, FEMA's Chief Counsel.

The issues were as follows:

- Recent proposal to allow tribal governments to make direct disaster declarations requests to the president without going through the state – Dave Hard (CO) started the discussion. He heads up a NEMA work group formed to review the proposal. FEMA Administrator Craig Fugate has asked to work through NEMA to try and resolve the issues collaboratively with NEMA and the tribes. The work group's first conference call was March 19 and they identified 26 main issues and numerous sub-set issues related to the proposal. The plan is to further refine these into a more manageable list so that the group can clarify and clearly articulate them. The finalized product will be given to the full R&R Committee for review. The next conference call for the work group is April 10th.

Mr. Carwile said that according to current law, the tribes are sovereign nations. As such, the President and Administrator Fugate want to be consistent with the law. However, Mr. Kieserman pointed out that the Stafford Act treats tribes as local governments. As such, this difference must be reconciled. FEMA is asking for feedback from NEMA and the states by April 25.

- Sheltering requirements for those with functional needs – late last year, the committee sent a letter to Mr. Kieserman outlining some of the states' major concerns regarding the Functional Needs Support Services. He agreed to forward that letter to the U.S. Department of Justice, which sent a 10-page reply last week.

Mr. Kieserman said that the main message in the DOJ letter was for states to do extensive planning to ensure that everyone has access to care during sheltering. He said that for those jurisdictions that have been challenged about their functional needs services, it has been because of poor pre-planning.

He also reminded the committee that Stafford Act funding is available after a disaster to assist states in bringing facilities up to acceptable codes. There are also costs that are

considered reasonable when used to provide certain functional-needs related services. The FEMA letter attached to the DOJ response outlines this in more detail.

NEMA Legal Counsel Committee Chair Brenda Bergeron summarized several main points that she deduced from the DOJ letter: 1) it contains an outstanding compendium of legal statutes and other resources that address functional needs, 2) the best way to avoid a legal issue is make sure every shelter at least has “access” to full ADA compliance, 3) encourages local communities to put together a cache of supplies that is easily accessible, 4) if states can demonstrate a good faith effort, adequate planning, and the allocation of resources, this is a good defense and 5) it’s not possible to completely eliminate the threat of a lawsuit.

One paragraph in the DOJ letter was highlighted: “Emergency managers have developed a variety of methods to ensure that disability-related assistance and resources are available to individuals with disabilities. Some jurisdictions preposition items; some stockpile resources for deployment; others enter into contracts to be able to provide such goods and services as necessary. Most jurisdictions, depending on a variety of factors, including geography, state assistance, and the type of emergency or disaster, use a combination of these approaches as a part of their strategy. Many, if not most, resources already exist in communities. However, the existing resources are not helpful unless a plan is in place to be able to benefit from the existing resources.”

Related to this discussion, Will Booher from the Florida Division of Emergency Management reviewed that state’s functional needs table-top exercise, which was conducted last fall. Hurricane Access was held to identify what planning had already been done within the state, what worked and what still needed to be accomplished.

- National Disaster Recovery Framework – Ms. Zimmerman reviewed the NDRF roll-out sessions that FEMA has been holding around the country, and which are now finished. One director expressed concerned over how other federal agencies are being integrated into the process, particularly since many of these could end up taking a leadership or primary role in an event requiring the NDRF. Mr. Carwile said that the federal disaster recovery coordinators, which are part of the NDRF, would be assisting in this integration and would work closely with the states.

Ms. Ingram added that FEMA will conduct extensive training and that each region is developing an implementation plan to fully socialize the NDRF. FEMA is also working with other organizations such as the National Governors Association to help everyone understand that recovery should not be a stovepipe effort.

One state expressed concern about local governments having the resources to address an extensive recovery. The FEMA representatives said that assistance might be available through other federal agencies such as Commerce or HUD. In addition, FEMA said that CPG 102, a companion document to CPG 101, might be able to offer some assistance. CPG 102 is

supposed to provide guidance to state, local, and tribal governments on how to work together with many partners to prepare for recovery under the NDRF. FEMA has formed a work group to assist the contractors developing CPG 102 and then review the document before it's released for public comment. After the R&R meeting, FEMA sent NEMA a list of members on the work group and invited NEMA to name some representatives.

Ms. Ingram was also asked about a database of disaster assistance programs. She said there is an existing catalog of federal programs and will check to see if state and local programs can be added.

- Long-term recovery model state plan – as a result of discussions that took place at the NEMA conference in October 2011, a NEMA work group was established to assist states in their recovery efforts. Dave Andrews, who heads up NEMA's PA/IA Subcommittee, will facilitate the work plan. He has reviewed several recovery plans as provided by the states and is identifying critical items that should be in an overall and comprehensive recovery plan (rather than a specific plan template). The work group will have an end product by the NEMA conference in Seattle in October 2012.

Dave Andrews then reviewed several other items:

- Public Assistance Bottom Up Review – Ms. Ingram said that the review is complete and that FEMA is working on a course of action forward. One of their areas of focus is consistency across regions. The newly developed PA Pocket Guide is a tool that will be used to address consistency. FEMA will be training on the pocket guide at the PA Conference in late April. It's also working on some other pieces related to the BUR, and hopes to be able to share specifics later this spring. Regarding integrating elements of the PA Pilot into the PA program at large, FEMA is looking at this as part of the BUR. Ms. Zimmerman added that FEMA has put its all of its approximate 3,500 policies on its website and is asking for assistance in identifying conflicting policies. This is an opportunity to "harmonize" all of the policies.

Mr. Kieserman added that he does not expect a significant amount of regulatory activity in 2012 because it's an election year. If there is movement, he expects that it might be in mitigation, the BUR, management costs and the PA Pilot program. FEMA has already been reviewing the management costs issue, but Mr. Kieserman did not indicate any specifics.

- Snow Policy – is supposed to be up for review this year; FEMA had said in a previous discussion with NEMA that recommendations made by NEMA in its 2009 snow policy position paper would be evaluated for possible inclusion in future updates to the policy; Ms. Zimmerman said she will work through the PA Steering Committee in addressing those recommendations.
- Disaster Case Management Toolkit - In March 2011, FEMA developed a Disaster Case Management Fact Sheet and FAQ. These documents make reference to FEMA's DCM

Program Guidance which was to be contained in a Disaster Case Management Services Toolkit. Ms. Ingram indicated that the toolkit will be completed by hurricane season.

- National Disaster Housing Related Documents – the practitioner’s guide is being piloted in North Carolina; will be available for public comment in July
- Last issues: 1) FEMA IA Conference – will not be held again this year because of budget constraints; offered to work with FEMA in identifying other virtual opportunities for state IA staff to interact; also discussed the possibility of FEMA taking the lead on quarterly calls with the state IA staff; 2) state staff are still actively using both the PA and IA Yahoo User groups; 3) PA Steering Committee – will meet in conjunction with the PA Conference in April in Jacksonville, FL; states are only allowed to bring one participant so NEMA is now asking if those states that serve on the PA Steering Committee can also name one additional representative to attend the PA Conference since steering committee members would not be the appropriate person to attend the conference; there is also now tribal and local government representation on the steering committee; 4) quarterly calls for state PA staff are still being held as an interim communications tool between PA conferences.

Will Booher from Florida Emergency Management provided a report on the NEMA Hurricane Subcommittee, which is chaired by his director, Bryan Koon. Main points from that report included: 1) the most recent meeting of the Inter-Agency Coordinating Committee on Hurricanes and the NEMA Hurricane Subcommittee-held in Atlanta in February; 2) FEMA presented a draft five year strategy for its National Hurricane Program; 3) USACE gave updates on Hurricane Evacuation Studies, the Real Time Evacuation and Planning Model (RtePM), and HURREVAC; 4) based on the five-year strategy, the NEMA Hurricane Subcommittee developed additional recommendations to improve the strategy; 5) those recommendations have been sent to the full NEMA Response and Recovery Committee; once finalized and approved, that document will be forwarded to FEMA for consideration.

With the completion of the Hurricane Subcommittee report, FEMA raised some additional issues for discussion:

- A.I.R. Community Relations Team – FEMA will be sending out these AIR-Assess, Inform, Report-community relations representatives to get better situational awareness after a disaster
- Disaster declaration templates for governors – FEMA trying to streamline disaster declarations; rolling out a new template in June, which will include more detail so that the region will be doing more validation instead of supplementing; training on the new template will be provided
- Disaster Relief Fund (DRF) – DRF is under significant budgetary pressure from Congress; FEMA has hired former Mississippi Director Mike Womack to assist in closing out disasters so that excess funds can go back into the DRF for other disasters

- FEMA Corps – cooperative effort between FEMA and AmeriCorps; establishing a service group of young people to assist in disaster preparedness, response, and recovery; will also serve to introduce a younger generation to emergency management.
- Mass care – FEMA established a mass care council last summer; have about 18 partners on the council; Mark Riley from Louisiana is the NEMA representative; developing a mass care strategy which will be ready this summer.

Mr. Maxwell reminded everyone on the R&R Committee that they have until April 3rd to review recommendations developed by the Hurricane Subcommittee for the FEMA National Hurricane Program. The group was also encouraged to attend the mitigation workshop, later in the afternoon. The meeting was then adjourned.