



**NEMA COMMITTEE REPORTS AND  
POSITION PAPERS  
2017 ANNUAL FORUM**

**NEMA Legal Counsel Committee**  
**Thursday, September 28, 2017**  
**Meeting Summary**

Committee Chairwoman Samantha Ladich from Nevada opened the session with welcoming remarks and introduced the speakers. She also introduced the legal counsels around the table. Ladich acknowledged the substantial participation by counsels at this Forum and expressed her appreciation for their efforts over the last year. At the end of the Annual Forum, Will Polk (NC) will assume the Chairmanship and Holly Welch (OH) will assume the role of Vice-Chair.

**FirstNet Update**

The Committee invited representatives from FirstNet to discuss important timelines and recent initiatives that could impact state governments. Lesia Dickson and Kevin Green, FirstNet outreach lead and counsel respectively, spoke about current initiatives to inform decision makers at the state level. They reminded everyone that while the law required the network to be built, there was no requirement that anyone buy the services. They touted AT&T's 97% population coverage rate but admitted that more work needs to be done in rural areas.

Due to the limited time, Dickson and Green touched on a few high-level challenges/opportunities that they were currently grappling with and encouraged states to reach out with questions and concerns. They discussed the relative advantages/disadvantages of the 25-year contract, assurances regarding preemption in times of disaster, incentives for build out in rural America and the difficulty defining "substantial" in terms of investment.

Obviously, the most pressing issue for state governments is the current decision piece which would soon kick off with the "notice to Governors" announcing that the clock was starting. Twenty-four states have already opted in but there were obviously more discussions and conversations to be had once the timeline formally began.

For additional information related to FirstNet, please visit: <https://www.firstnet.gov/>

**Concerns with FEMA Appeal Process**

Ernie Abbott shared a proposal with the Committee on the issue of PA appeals. He discussed a proposal he wanted to submit for consideration that would overturn FEMA's 2017 interpretation of its appeal regulations that make a state grantee's administrative delay in forwarding an applicant's appeal to FEMA fatal to the applicant's right to appeal. Thus, even though FEMA routinely misses its own statutory and regulatory 90-day deadline for deciding appeals, FEMA now is denying any appeal where it finds that the state missed its regulatory deadline to forward timely filed appeals to FEMA. While he believes FEMA's denial of appeal rights is contrary to the Stafford Act itself, it will take some years, absent legislation, for this to be overturned given the pace of FEMA action on appeals.

He provided a draft amendment that would address the issue. The proposed amendment would add language to Section 423(a) of the Stafford Act, which grants a "Right of Appeal" to any "applicant" that files an appeal within 60 days of receipt of a FEMA assistance determination. The Stafford Act makes no mention of a role for the state Grantee in this appeal process; the only other deadline, in Section 423(b), states when FEMA must act on the appeal: "A decision regarding an appeal under subsection (a) shall be rendered within 90 days...." Section 423(c) requires FEMA to promulgate regulations that would provide

for "fair and impartial" consideration of appeals. The proffered amendment would make clear that an administrative delay by the grantee in forwarding appeals would not be fatal to consideration of an applicant's appeal.

Wendy Smith-Reeve (AZ) asked a follow up to clarify what NEMA can do to encourage movement on this topic. One suggestion was to push for a clear appeals manual that outlines a specific process and takes subjectivity out of the current process. Of critical importance in this process - given FEMA's current position that the 60-day deadline for filing appeals could not be extended or waived, providing a clear and uniform system for documenting when an applicant receives "notice" of the decision being appealed - thus starting the 60-day clock.

It was suggested that the aforementioned amendment be incorporated into NEMA's upcoming disaster improvement legislation work group and Ernie indicated he would send as much language as possible to be included.

#### **GOHSEP Procurement Outreach - Danielle Aymond**

Louisiana has worked closely with local government and other potential grantees to beef up compliance and awareness of nuanced/complex procurement guidelines for disaster work. Working to increase compliance before a disaster is aimed at avoiding problems after the fact and avoiding the penalties or recoupment that can occur if the OIG finds errors in the way rules were applied.

GOHSEP developed videos aimed at increasing awareness and giving real-world advice to any sub-grantees that may be involved in disaster work in the future. These videos provided real-world events and gave insight to the kind of tips and recommendations that may assist governments or organizations follow critical rules and document major decisions.

#### **EMAC**

2016 was a major year for EMAC and saw a number of challenging and unique deployments. With the recent hurricanes and some challenges arising from coordination with the Guard to continued questions about use of force rules for security, there may be an opportunity for the Legal Counsel Committee to contribute. This collaboration between Legal Counsel and EMAC Committees will be assisted by the Legal Liaisons set up by Samantha Ladich and will be continued under Chair Will Polk.

**NEMA Preparedness Committee**  
**Friday, September 29, 2017**  
**Meeting Summary**

The preparedness posture of the Nation is undergoing a change and it behooves us to take note. Recent events show that natural disasters and civil unrest are still priorities in ensuring the principles of public safety and preparedness of our Nation; but, there are other incidents that have emerged in the last couple of years that capture the attention of emergency management and at the same time bring to question, what as a Nation are we doing about it to align preparedness efforts with current incidents. The Chair of the Preparedness Committee, Andrew Phelps (Director, Oregon) opened the meeting with a quick dialogue of introduction.

Hawaii (Vern Miyagi, Administrator) and Guam (Charles Esteves, Director) have a specific threat in mind when it comes to amendments to their preparedness activities specifically concerning public awareness of a nuclear threat. Hawaii was faced with the challenge of their citizens' thought of 'this will never happen' or worse yet 'if we get hit; it will not matter because there will no longer be an island.' Thus, creating a grim challenge in educating their citizens to act accordingly in preparation and stay alert for a threat of this nature. The state was also challenged in their segmented market – where one category of the public was too young to know what a nuclear threat would look like opposed to those old enough to understand and potentially create panic or apathy. In most heavily populated areas, the concrete structures of residents and hotels will be their safety bunker in the time of a nuclear strike since there are limited public shelters. Through public outreach, Hawaii is urging citizens to have a 14-day preparedness plan. Due to planning assumptions, fourteen days are predicted for their framework to return operable. From launch to impact, Hawaii will have 20 minutes in total if the targeted area would be Honolulu (or Oahu with Pearl Harbor). The planning assumptions call for casualties that will be a tenth of the area population (100,000 people). Emergency management organized five working groups to cover all missions. A nuclear device exercise provided responders representing local, state and military organizations along with legislative support the opportunity to work together and continue the preparedness messaging and education.

Guam echoes the Hawaiian preparedness initiative and is working with planning assumptions that once launched, the island will have about 14 minutes or less for impact, which means everyone must act quickly. Once hit with a nuclear missile, Guam predicts it will take six months for power to be restored and has one month worth of water for their citizens. In looking at preparedness plans prior, ballistic missile was not in the top six threats listed on the THIRA however the preparedness planning efforts still apply to the inclusive hazard approach already adopted. Warning communications (sirens) was identified as the most needed resource for Guam. There were fifteen sirens identified on the island. Guam will take initiative in partnering with their private sector representatives to ask to place sirens on their buildings to elevate the impact of the warning system and increase the confidence of the citizens. Guam has seen a significant decrease in tourism (primary economic input) so they continue to conduct an intense outreach campaign to ensure the community they are prepared.

Acclaimed novelty incidents for emergency management are becoming more of the reality. The preparedness efforts in Guam and Hawaii are in direct coordination of changing the posture to what they need to focus on in public awareness and education. Michigan (Chris Kelenske, Director) and Alaska (Mike O'Hare, Director) learned from novelty incidents to advance their preparedness efforts. After the Flint (MI) water crisis, Michigan has since strengthened their capabilities in public information outreach

with documentation translated in multiple languages and expanded their information provided in sign language. Michigan emergency management employees now have the flexibility to be assistants of any cause with the permission and ability to have staff from headquarters deploy to the regions when such crisis or disasters arise. This implements a reliability the State offers to respond to local disasters more efficiently and at a less cost than waiting for outside deployments. In continuing with the 'novelty' theme, Alaska is challenged with thermal degradation which is quickly becoming an emergency management focus due to protecting the communities this landmass destruction affects. Relocating a community has a price tag of \$200-300 Million and where in some cases may be the only solution, the desire for a more cost-effective approach is in great need. Due to the devastation, it is becoming evident that once the road erodes, the act of providing the affected communities resources declines.

As states and territories look for solutions to continue to stay viable and sustainable in their preparedness efforts, FirstNet (Mike Poth, CEO, FirstNet) who has now contracted with AT&T (Chris Sambar, VP, FirstNet, AT&T) offers their solution to response communications by expanding the network accessibility. From now until the beginning of December, Governors will decide between two options – they are either in or they are out of the program. So far, twenty-four states have joined FirstNet and AT&T's first responder network initiative. The current focus is how the system is going to build out into rural areas and FirstNet relies on AT&T for that solution. Currently, AT&T are treating all States equal in believing that they will opt-in so they have been and will continue to be available when the resources are needed. For example, they sent teams to Texas for the Harvey response. This exposed a critical piece, due to and catered through the FirstNet partnership, AT&T provided what was once considered proprietary information and allowed Texas to see and share a list of their resources. During the response, emergency management determined where the AT&T mobile sites needed to be and AT&T placed the mobile units at those locations. Although FirstNet assists in the management of this initiative, they would prefer the State (if they so choose) to have direct contact with AT&T because they think the direct communication is critical to the cause, especially in finding solutions. FirstNet is committed to being a champion for the execution of the initiative and will hold AT&T responsible if the need arises.

#### Committee Business

Led by Andrew Phelps (Director, OR), Chair of the Preparedness Committee, time was dedicated for feedback to the Southern Exposure 2015 Findings/Recommendations position paper. The only comment was to stress local representation within the first recommendation. That was completed prior to the NEMA Business Meeting during the Forum (next page) for the membership vote.

In addition, encouragement to download the *PIO Civil Unrest Guide* to utilize was shared. The guidance is scalable and provides templates along with the guidance to implement in state programs.

**NATIONAL EMERGENCY MANGAEMENT ASSOCIATION  
PREPAREDNESS COMMITTEE  
POSITION PAPER**

Date: October 1, 2017

Subject: Position Paper on Southern Exposure 2015 Findings and Recommendations

Discussion: Southern Exposure 2015 (SE15) was a Full Scale Exercise for the integration of organizations at all levels of government and the private sector to demonstrate the ability to coordinate and conduct response and recovery activities during an incident at the H. B. Robinson Nuclear Generating Plant in Hartsville, South Carolina. The exercise was conducted over a five-day period (21-23 July 2015 followed by a 9-10 September 2015 recovery TTX). The first two days of the exercise (21-22 July 15) were response oriented followed by a TTX that moved forward to Day 14 of the scenario. The TTX included breakout groups that focused on issues related to the economy, infrastructure, agricultural contamination, re-entry, return, and relocation. A recovery-focused TTX was conducted 9-10 Sep 15 and explored housing, agriculture, and economic recovery at 6 and 18 months post-event. Findings and recommendations are:

1. Finding: Unified Coordination Group (UCG) membership and composition for a nuclear plant incident is not clearly defined.
  - a. Analysis: SE15 provided State and interagency representatives the first opportunity to assess the structure and operation of a UCG during a nuclear power plant incident. As part of the planning process, the Exercise Support Working Group (ESWG) identified federal departments and agencies that should be represented on the SE15 UCG, the body responsible for managing federal, State, and local coordination of field operations in support of the State during the exercise. The guiding concept for recommended federal membership on the UCG was the inclusion of agencies and their components that have statutory authority or possess key operational capabilities that could inform or enhance the State's response. This concept was in accordance with guidance in the National Response Framework (NRF) on how the federal government can best support the State in achieving its established objectives and priorities. For this exercise, the UCG consisted of the federal Coordinating Officer, State Coordinating Officer, Defense Coordinating Officer, Duke Energy (utility), Nuclear Regulatory Commission, Department of Energy, and the Environmental Protection Agency. The size of the group was somewhat unwieldy and also was very federally-centric with only one state member and no local representation.
  - b. Recommendation: UCG membership and rationale for its composition and size during a nuclear power plant event should be clearly articulated in future updates to the Nuclear/Radiological Incident Annex to the Response and Recovery Federal Interagency Operational Plans and include federal, state and local representatives.
2. Finding: Policies regarding Low Level Radioactive Waste (LLRW) remediation are not well defined.

- a. Analysis: There is not a policy regarding low level nuclear waste storage or disposal in the aftermath of a nuclear power plant incident. One federal agency with overarching responsibility to address the complicated nature of decontamination, waste storage and remediation has not been identified. In addition, some states lack federal facilities willing to accept low level waste or used fuel rods from reactors. As an example, Savannah River Site (SRS) commented that they would not accept radioactive waste for storage in the aftermath of Southern Exposure. Shipping low level waste to other states is logistically difficult as a result of permitting and transportation issues. Further, remediation responsibilities and authorities are not clear.
  - b. Recommendation: The nuclear industry or federal agencies (NRC, DOE, and FEMA) develop a plan or guidance for states to handle significant quantities of radiological waste after a radiological event, including responsibilities and how to pay for remediation.
3. Finding: There are funding gaps related to reimbursement to individuals and government agencies during a nuclear power plant incident.
  - a. Analysis: The Price - Anderson Act is the vehicle that outlines the fiduciary responsibilities between the private and public sector. The American Nuclear Insurers (ANI) execute the delivery of emergency financial assistance to the evacuated population, but there are limitations in funding and extended reimbursement timelines to the public sector. Initial ANI funding for individual reimbursements will not be available until 3-5 days after the event. ANI parameters of assistance have gaps and will not probably fund certain items to include case management costs, emergency protective measures, overall management costs, and reimbursements to individuals in the ingestion pathway zone. There is currently no guidance outlining potential use of the Stafford Act to close the gap between emergency financial assistance provided by ANI funding and actual costs to the public sector.
  - b. Recommendation: FEMA should develop guidance for the use of the Stafford Act as a limited bridging strategy during a nuclear power plant incident to cover funding gaps created by Price-Anderson.
4. Finding: State and local governments must be involved in the development of the Plan of Distribution developed at the local level to account for the needs of the population and communities and a comprehensive Recovery Support Strategy for a nuclear power plant incident has not been developed.
  - a. Analysis: A key task during recovery is the development and implementation of the Plan of Distribution and the Recovery Support Strategy. The Plan of Distribution developed in conjunction with the Nuclear Regulatory Commission identifies the priorities of the available funds beyond emergency financial assistance to support the reimbursement of losses and expenditures by the public in both response and recovery. This plan must be developed based on the assessment of the local community and reflect the priorities of the population to mitigate the long term impacts of the event. The development of the recovery support strategy should be shaped by assessments, public opinion and shared understanding of the science that will support decisions to return in order to restore the lives of both the evacuated and impacted population.
  - b. Recommendation: Develop a national level recovery remediation framework for implementation at the State and local level that would include State and local involvement in

the development of the Plan of Distribution. The Recovery Support Strategy should address time and impacted areas with recurring reassessments to ensure changes in the operational environment are captured and utilized in funding prioritization.

- 5. Finding: There is no central repository of federal agency guidelines, plans, or capabilities.
  - a. Analysis: Without a clearinghouse of federal agency guidelines, plans, and capabilities it is difficult for State and local authorities to efficiently integrate federal organizations into local response and recovery operations.
  - b. Recommendation: FEMA establish a central repository for federal agency guidelines, plans, and capabilities for a nuclear power plant incident.

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Secretary

**NEMA Response and Recovery Committee**  
**Friday, September 29**  
**Meeting Summary**

Mark Ghilarducci, Chair of the Response and Recovery Committee began the meeting by thanking the members for attending and asking that we all continue to keep those impacted by the recent storms in our thoughts.

**Voting on the Public Assistance Position Paper; Recommendations for Public Assistance Closeout Procedures**

Greg Wilz, Director of the Division of Homeland Security for North Dakota's Department of Emergency Services, presented a position paper created with the help of members of NEMA's IA/PA Subcommittee regarding closeout procedures for large projects. The paper recommends that FEMA closeout those projects that are 100 percent completed and documented at the time of obligation - not requiring the states to submit for closeout within 90 days. If these closeouts could be done at the time of writing, the burden to the states and locals would be drastically reduced. The paper was unanimously approved and sent to the full NEMA membership, where it was approved (copy follows this report).

**From the State Perspective; FEMA's Disaster Housing Initiative**

Mike Sprayberry was unable to attend the Response and Recovery Committee meeting due to impending tropical storms along North Carolina's coast. Fortunately, Bob Fenton, Regional Administrator for FEMA Region IX, was able to attend the meeting and give an update on FEMA's Disaster Housing Initiative and the Public Assistance Delivery Model.

FEMA looked at their post-disaster housing strategy in the wake of major disasters like Hurricane Matthew. Fenton explained FEMA was leveraging their authority and utilizing 403 to get direct repair started. He discussed the mobile home program and explained that FEMA was working with states and locals to ensure the program meets the local codes and standards. Fenton also mentioned that FEMA is leveraging their authority and are adding a "permeant construction" element.

Fenton also discussed FEMA's Public Assistance Delivery Model. In September, FEMA announced that effective immediately, the updated Public Assistance delivery model will be implemented on all future declared disasters. FEMA has been piloting this model since early 2015, and implementation of the model occurred in Iowa, Oregon, Georgia, and during current disasters in New Hampshire, North Dakota, Vermont, Wyoming, and Missouri.

Fenton explained that FEMA is working to ensure there is better continuity in the program, and that the tool to deliver this program is being expanded and modernized. In the wake of numerous disasters, Fenton also mentioned FEMA is exploring State to Federal Mutual Aid and they are working to develop a system to utilize this idea. Several of the State Directors discussed the challenge of management and administrative costs and explained that grant programs do not come with additional M&A funding and oftentimes the state is left to finish out the project with their own M&A funding. Fenton asked that the Committee take this issue to Alex Amparo and work directly with him to resolve the issue.

### **Review of Federal Disaster Assistance Funding**

Andrew Phelps, Director of Oregon's Office of Emergency Management, shared the State's experiences with FEMA's Public Assistance Delivery Model, challenges they have faced, and shared with the Committee advice on using this model going forward.

Phelps started by explaining that Oregon used the new delivery model on Disaster – 4258, which was declared on February 17, 2016. DR – 4258 consisted of severe winter storms, straight-line winds, flooding, landslides, and mudslides. Phelps explained that Oregon completed 90 percent of site inspections within the first three months and that this data was shared with the State and the locals. Since the disaster, which is about 19 months, 74 percent of the projects have been obligated. Phelps also mentioned that mitigation personnel were heavily involved from the beginning of the process to ensure the Environmental Planning & Historic Preservation was done correctly and that 406 mitigation was utilized as efficiently as possible.

Phelps discussed some of the challenges the state faced. He explained that the Consolidated Resource Centers (CRC) were requesting an excessive amount of information and were driving the workload of the Joint Field Office (JFO). To address this issue, Oregon set up daily conference calls and built a metrics. Phelps also highlighted focusing on addressing the process instead of the problem.

Phelps provided the group with several recommendations: be able to deploy staff quickly to assist Project Delivery Managers; provide feedback to FEMA on the PA tool because changes can be made; do not let FEMA leave the state until 90 percent of the projects are obligated; and manage expectations.

### **Sharing State Best Practices; Louisiana's Sheltering at Home Program**

Kimberly Poorbaugh with Louisiana Governor's Office of Homeland Security & Emergency Preparedness briefed the Committee on Louisiana's Shelter at Home Program and the success and challenges they faced after the historic Louisiana floods.

Louisiana's Shelter at Home Program enables eligible individuals or families whose homes were damaged in the 2016 August flooding to take shelter in their own homes while they rebuild, instead of having to stay in a hotel, rental or mass shelter. Those eligible are: single-family owner-occupied properties are eligible for damage remediation designed to make the home safe and habitable at cost not to exceed \$15,000 and remediation work will be performed by contractors hired by the State.

The program evaluates each applicant's home and, if up to \$15,000 of work in that home can create a safe, secure, habitable place for the family to live while they continue their permanent home rebuilding, then that applicant may be eligible for this program. This work was provided at no cost to the eligible homeowner.

Poorbaugh explained that Louisiana had a financial cap (\$15,000) and this ended up proving to be a best practice. She also mentioned that line item pricing and defining the scope of work prior to the work starting helped tremendously. Another best practiced she highlighted was that Louisiana kept the program consistent by having a separate program contractor and general construction contractor. Overall, Louisiana had 10,990 homes to repair and 96 percent of those have been completed in 3 months.

**Future Projects for Committee Consideration**

Ghilarducci identified a few projects that the Committee had been examining and explained that the Committee would continue to work through these issues. The issues addressed were: identifying, sharing, and promoting cybersecurity best practices; examining the Stafford Act to include cyber as a qualifying disaster; clarifying assistance programs for extreme weather in the Stafford Act; considering previous and current administration cyber policies and plans.

The Response and Recovery Committee ended with Ghilarducci thanking each of the presenters and the audience for attending.

**NATIONAL EMERGENCY MANAGEMENT ASSOCIATION  
RESPONSE AND RECOVERY COMMITTEE  
POSITION PAPER**

DATE: October 1, 2017

SUBJECT: Recommendations for Public Assistance Closeout Procedures

DISCUSSION: The mission of the Public Assistance (PA) Program is to assist communities in recovering from the devastating effects of disasters by providing technical assistance and financial grants in an efficient, effective, consistent, and customer-friendly manner.

Currently the grantee requirements for PA project closeout requires all subgrantees for a disaster or emergency to be closed out, the grantee to have made all disbursements, and the grantee to have performed financial reconciliation and drawn down any remaining eligible funds in SMARTLINK, or requested de-obligation of unexpended funds within 90 days of the last payment.

Following those steps, the grantee then sends a letter to the Regional Administrator requesting PA Program closeout.

Understanding that FEMA continuously seeks to identify opportunities to improve program delivery, the states feel it is necessary to address the requirement to complete large project closeouts on Project Worksheets (PWs) that are 100 percent complete and documented at the time of obligation.

For example, during the 2011 North Dakota floods (DR-1981), ten North Dakota National Guard PWs were closed for a combined dollar amount of \$8,831,313.86. These projects were 100 percent complete when obligated and all documentation, including proof of payment, was available and attached to the PW at the time of obligation. Prior to the closeout review, the ten PWs had a combined estimated cost of \$8,832,289.53 which is a \$975.67 difference between the estimated cost and final closeout cost.

Time management is a concern in the current process. Continuing the same example, hundreds of man hours from the applicant, state, and FEMA were required to close the ten PWs which only netted a \$975.67

difference between the original version and the final version of the PWs.

North Dakota has reviewed all Category B Large Projects that were written for DR-1981 and compared the Large Project Closeout submission date to the project closed date. Between the ten projects there was an average of 432 days between the submission date and the closed date for the PW.

RECOMMENDATIONS:

1. NEMA recommends that FEMA closeout those projects that are 100 percent completed and documented at the time they are obligated – with minimal administrative requirements such as certifying that eligible fund have been paid to the applicant and drawn down from SMARTLINK. If these closeouts could be done at or immediately following the time of obligation, the burden to the states and locals would be drastically reduced.

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NEMA Secretary

**NEMA Homeland Security Committee**  
**September 29, 2017**  
**Meeting Summary**

Committee Chairman James Joseph from Illinois opened the session with welcoming remarks and introduced the speakers.

**DHS Update – Priorities for the Trump Administration**

Kevin Saupp is here to provide us from the DHS Office of Intelligence of Analysis – an office we have worked heavily with and many of our members engage with through various working groups.

Kevin indicated that since the Mid-Year Forum, the Undersecretary for I&A was confirmed and has continued a true operational focus for the office, not just a strategic one. The office's products must be supportive to stakeholders and add value to the partners that work with DHS to address the most critical threats at the State and local level. To support these partnerships, the Department is identifying ways to push additional personnel into the states and push out the threat space – preempting threats before they become a problem on the ground. They are working to bridge gaps in fusion center communication and support consistency and common effort across the country.

DHS continues to examine ways to better educate and inform. They have begun work through a pilot to educate executives and this will be transitioned into a permanent effort in 2018. They also continue to engage the State and Local Intelligence Council (SLIC) as an Advisory Board. NEMA maintains visibility on that board along with our partners at the GHSAC.

**GHSAC Partnership Update – Perry Plummer**

Perry joined the discussion and provided an update on the Governor's Homeland Security Advisory Council (GHSAC) priorities. He indicated the GHSAC is striving to become more visible and elevate their influence in Washington. Earlier this year, the GHSAC hosted an Executive Committee fly-in to meet with high level officials from the FBI, FEMA, and Capitol Hill and appreciated the opportunity to engage on a number of issues affecting state government.

Those issues discussed include: reframing the discussion about preparedness and preparedness grants; cyber threats and the need for better communication; homeland security funding; UAS; catastrophic disaster challenges; and First Net. He indicated they would be developing a policy document/one pager to communicate some of these issues and the role of the GHSAC moving forward. The partnership between NEMA and the GHSAC is critical and he indicated they looked forward to engaging soon.

**Grant Effectiveness and THIRA Modernization Discussion**

In regards of how we can better tell the story of preparedness and investment over time, we are making significant progress since the last meeting. NEMA, in consultation and partnership with the National Homeland Security Consortium (NHSC), developed a Request for Proposals and solicited feedback from various companies with expertise in the preparedness grants area. We received excellent proposals and ultimately selected CNA to perform the work. This will take a coordinated effort and the ask from the membership to participate.

The end result will be a Return on Investment Report as well as analysis as to the relationship between federal dollars and state capability. The period of work extends to May of 2018 and we hope these

discussions can play a crucial role in conversations with OMB and Congress during the FY19 budget process. Also, as FEMA continues their Strategic Planning and discovery sessions, we hope the data and analysis generated by this effort can add value as decisions are made for the future of preparedness.

CNA's implementation plan uses three preliminary areas of focus (PAFs) as the basis for project tasks. Some of the questions the effort seeks to answer include:

- How much money has been invested by state and local governments in pursuit of terrorism preparedness?
- How is this spending impacted by federal assistance?
- What is the return on investment (ROI) of the federal investment in preparedness?
- How have the assets, people, and capability bought with this funding contributed to national preparedness and made progress toward the NPG?
- What has preparedness funding bought since September 11 and what capability do we have now that we didn't have then?
- What is the ROI of the federal investment in preparedness?
- What level of risk has been reduced for the nation?

These principle areas of focus were developed through our many conversations over the last year and CNA has provided a detailed and very comprehensive plan for the various actions they'll undertake. These PAFs will be completed using EMAC deployment data; SHSGP/UASI grant data; Survey data; Open-source Research; Stakeholder outreach; and THIRA/SPR data.

These efforts will likely require some time and commitment from states and we appreciate, in advance, any effort you and your staff can make. The survey will likely be comprehensive and require coordination at your level to ensure the right people are involved in answering the queries that are sent. This effort requires complete buy-in from the NEMA membership and I know we are all stretched thin these days. Please commit to this effort and do everything we can to ensure this project succeeds. In the end, this project will not just benefit NEMA or the NHSC, but the larger homeland security and emergency management community.

We will go to great lengths to avoid duplication of effort between other organizations and FEMA and will work to leverage work done by others to be as efficient as possible.

### **The Role of Border Security in Homeland Security and Evolution of Operation Stonegarden**

Engagement with Customs and Border Protection (CBP) varies across the states and there are certainly some of you who already engage regularly. The committee looked to invite representatives from the Northern and Southern border perspectives to share their experience and identify ways in which homeland security directors can engage with the Agency to build strong relationships. Deputy Chief Patrol Agent (DCPA) Tony Barker from Detroit Sector and Mike Ulrich, an Operations Officer for Tucson Sector joined the Committee to discuss their work.

Barker highlighted the tremendous number of border miles the Border Patrol is dealing with and indicated the Agency is undergoing rigorous recruiting efforts. He noted the new Administration is reviewing regulations and is trying to alleviate any restrictions to achieving their goals and adequately addressing CBP threats and challenges. CBP is actively trying to push the borders out, and address threats before they reach the homeland. They do this by utilizing Operation Stonegarden, a program under the suite of Homeland Security/Preparedness Grants run by FEMA.

The OPSG Program supports enhanced cooperation and coordination among Customs and Border Protection (CBP), United States Border Patrol (USBP), and local, Tribal, territorial, state, and Federal law enforcement agencies. The OPSG Program fund investments in joint efforts to secure the United States borders along routes of ingress from international borders to include travel corridors in states bordering Mexico and Canada, as well as states and territories with international water borders. OPSG funds must be used to increase operational capabilities of Federal, State, local, Tribal, and territorial law enforcement, promoting a layered, coordinated approach to law enforcement within United States Border States and territories.

Ulrich built off Barker's comments and stressed the importance of OPSG program and the evolution it has undergone since it was transferred to FEMA in 2008. He described their work as driven by statistics and stressed their work engaging communities and making themselves a ubiquitous presence in their communities. They prefer interaction and boots on the ground to tackle activities like traffic stops, interdiction, and disruption of smuggling operations. The funding they receive is targeted and focused on specific outcomes and the CBP continues to work on this metric. The metrics for success are often difficult to delineate but are much easier to quantify than preparedness. There are qualitative results, though, and those are tougher to communicate.

State EMs are urged to reach out to CBP and begin a dialogue to understand how closer partnerships may help leverage the limited dollars for various preparedness and border activities.

#### **FBI Threat Briefing and Discussion of Emerging Issues**

Another important partner that our Committee has established a positive relationship with is the FBI. Most of us have working relationships with our FBI Field Offices and connect with them on a regular basis but the Committee wanted to invite them back to continue engagement and identify additional ways NEMA can partner to ensure awareness across the board.

Caiti Carlo discussed current threats from a number of hostile actors including AQ/AP and ISIS and highlighted the challenges that continue to plague intelligence officers and law enforcement in terms of radicalization and HVE. She highlighted the aggressive recruitment tactics and the sophistication of their communication strategies that involve social media and various published magazines/newsletters. She dug into the success of "Inspire" which is now in its 17<sup>th</sup> edition and maintains significant relevancy. Ms. Carlo referenced the challenges the intelligence community faces in distinguishing between rhetoric and action and focused on the continued community engagement that helps raise red flags before events happen.

\*Caiti's presentation was a snapshot in time and due to the sensitive nature of the information discussed, her full comments were not summarized.

**NEMA Mitigation Committee  
Friday, September 29, 2017  
Meeting Summary**

Mark Schouten, Mitigation Committee Chair began the meeting by welcoming members of the Committee and thanking them for attending and participation in the Committee. He asked that each member introduce themselves and then turned to the first agenda item.

**Voting on State Hazard Mitigation Officer Position Paper; Utilizing the Hazard Mitigation Grant Program for Fire Management Assistance Grants**

Brad Bartholomew, State Hazard Mitigation Officer (SHMO) for Utah, brought forth a position paper created by the SHMO Subcommittee to address the utilization of the Hazard Mitigation Grant Program for Fire Management Assistance Grants. Bartholomew explained that the Federal Insurance and Mitigation Administration of the Federal Emergency Management Agency (FEMA) conducted a Pilot Program in 2015 for the Hazard Mitigation Grant Program (HMGP) to advance risk reduction after Fire Management Assistance Grant (FMAG) declarations. The purpose of a pilot program is to gain understanding and collect data on a proposed program to see if it will be successful and sustainable. FEMA has not released any information concerning the success or failures of the Pilot Program nor have they renewed the program. From the perspective of the states, the program was successful and should continue no longer as a pilot but a full FEMA HMGP program.

The SHMO position paper recommended that FEMA publish the findings of the 2015 HMGP/FMAG Pilot Program and present those findings to NEMA and Congress. NEMA will work with FEMA to advocate for a permanent program that utilizes the Hazard Mitigation Grant Program to advance risk reduction after Fire Management Assistance Grant declarations. The paper was approved by the Committee and then sent to the full NEMA membership, where it was unanimously approved.

**Integrating Mitigation Efforts; Kentucky's Community Hazard Assessment and Mitigation Planning System (CHAMPS)**

Mike Dossett, Director of Kentucky's Emergency Management Agency, briefed the Committee on Kentucky's Community Hazard Assessment and Mitigation Planning System (CHAMPS). Dossett explained that the Department of Homeland Security's First Responders Group (FRG), part of the Science and Technology Directorate, partnered with Central United States Earthquake Consortium (CUSEC) to develop and deploy technology nationwide to seamlessly share information in real (or near real) time that powers Decision Support Tools and enables Governors and their appointed Emergency Management Directors to make data based decisions within the context of the current situation.

Dossett mentioned that CHAMPS is a successful mitigation planning and management tool that's been used in Kentucky for several years. FRG has funded a pilot to explore the possibility of creating a nationally deployable tool based on the success of CHAMPS. To maximize data interoperability and scalability, the prototype is being built using ArcGIS Online to collect and share data while storage of the data remains in a replicated CHAMPS database. This allows for the full functionality of CHAMPS to be preserved while allowing for streamlined data collection and sharing with an updated user experience.

Where CHAMPS is a system of record that provides a foundation of community profiles, infrastructure and mitigation projects – integrating it with the Regional Common Operating Picture (RCOP) then enhances situational awareness with the data from CHAMPS and highlights where mitigation project

opportunities are created based on real time data during incidents. Dossett mentioned that the RCOP is in use today by CUSEC states using the same methodology – input on their systems, sharing via ArcGIS and integration to each state’s system so shared data is viewed within their system.

### **Sharing State Best Practices; Flood Mitigation Efforts in Iowa**

Mark Schouten discussed some of the efforts Iowa has taken on to address the flooding hazard the state faces. Iowa created a Flood Mitigation Board which was signed into law (Iowa Code, Chapter 418) by Governor Branstad in 2012. The board is charged with creating a flood mitigation program for Iowa. The Board itself is composed of four members from the public, five members from state agencies, as well as four ex-officio members from the General Assembly. The program allows governmental entities to submit flood mitigation projects to the Board for review and possible approval for funding.

Cities were allowed to submit projects, which had to be typical mitigation projects, to the Board. These projects required the locals to provide 50 percent match. Schouten explained that 90 percent of the locals planned to finance the projects with bonds. One other city chose to pay as they went through the process. Overall ten projects, such as the construction of flood-prone bridges, river-crossings, and modifications to creeks, were approved. Iowa has approved \$600 million in future sales tax and funds appropriated by the General Assembly in ten cities for the next twenty years. Schouten explained that with the matches, the overall investment should be roughly \$1.4 billion.

### **Potential Impacts of the Executive Order on Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure**

Mark Schouten discussed a recently signed Executive Order (EO) titled, “Establishing Discipline and Accountability in the Environmental Review and Permitting Process for Infrastructure.” He explained that section 6 of the EO revoked a previous Executive Order (13690) that established a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input, which required federal agencies to account for flood risk and climate change when paying for roads, bridges or other structures.

Schouten explained that President Trump’s EO was designed to streamline the approval process for building roads, bridges and other infrastructure by establishing “one federal decision” for major projects and setting a two-year goal for permitting. It also allows the Office of Management and Budget to establish goals for environmental reviews and permitting of infrastructure projects and then track their progress - with automatic elevation to senior agency officials upon missing or extending a milestone. The order also establishes an inter-agency working group to identify and remove impediments in regulations and environmental permitting policies.

Dennis Harper, State Hazard Mitigation Officer for Iowa, explained that while the EO does not have a current impact to mitigation programs, it could in the future. The Committee will continue to monitor the impacts of the EO to mitigation programs.

### **Update from the Earthquake Subcommittee; NEHRP Reauthorization**

Robert Ezelle, Chair of NEMA’s Earthquake Subcommittee provided an update on the most recent work of the Subcommittee. He explained that on September 6, Senators Dianne Feinstein (D-CA) and Lisa Murkowski (R-AK) introduced the National Earthquake Hazards Reduction Program Reauthorization Act, a bill to reauthorize a national program to improve the nation’s earthquake preparedness. The legislation modernizes earthquake-safety programs that help states prepare for and respond to earthquakes. Ezelle explained how the Subcommittee has been very engaged with Senator Feinstein and

her staff on the development the legislation. On June 26, NEMA sent a letter to Senator Feinstein addressing some of the issues with the reauthorization of NEHRP. NEMA's comments focused on enhancing coordination, supporting regional consortiums, and working to balance the research and implementation sides of NEHRP.

Ezelle also discussed the letter drafted by the Subcommittee that was sent to the National Institute of Standards and Technology regarding the Advisory Committee on Earthquake Hazards Reduction. This letter addressed the lack of emergency management representation on the Advisory Committee on Earthquake Hazards Reduction (ACEHR). NIST is discussing NEMA's request to add emergency management representation to the Committee, the Earthquake Subcommittee will continue to work with each agency to explain the importance of emergency management perspective on the Committee.

#### **Roundtable Update**

Schouten closed the meeting with a brief update on Iowa's Flood Mitigation Project. Iowa's Homeland Security & Emergency Management Department and the University of Iowa's Flood Center are working together on a project that should yield support data for the 4 to 1 investment ratio to avoided damage. Iowa plans to have more information by NEMA's Mid-Year Conference and will brief the Committee on the results.

The Committee meeting ended with a discussion on the opportunity to make any changes or reforms to the Stafford Act. With the recent disasters, it is likely that Congress will develop a disaster supplemental bill with additional reforms or authorizing language. The Committee spent some time discussing the changes to HMGP and PDM as well as the possibility of state mitigation programs. Overall the Committee decided to continue the discussion and send any thoughts on program changes to NEMA staff.

**NATIONAL EMERGENCY MANAGEMENT ASSOCIATION  
MITIGATION COMMITTEE  
POSITION PAPER**

DATE: October 1, 2017

SUBJECT: Recommendations for Utilizing the Hazard Mitigation Grant Program for Fire Management Assistance Grants

DISCUSSION: The Federal Insurance and Mitigation Administration of the Federal Emergency Management Agency (FEMA) conducted a Pilot Program in 2015 for the Hazard Mitigation Grant Program (HMGP) to advance risk reduction after Fire Management Assistance Grant (FMAG) declarations. The purpose of a pilot program is to gain understanding and collect data on a proposed program to see if it will be successful and sustainable. FEMA has not released any information concerning the success or failures of the Pilot Program nor have they renewed the program. From the perspective of the states, the Program was successful and should continue no longer as a pilot but a full FEMA HMGP program.

*History*

Wildfires cause billions of dollars worth of damage every year throughout the United States and have a large impact on Western States. For every FMAG that is awarded, there are hundreds of wildfires the states fight that do not meet the FMAG threshold. In the Western States, the threat to life and property does not end when the fire is extinguished. The threat of debris flows, flash floods and mud slides from wildfire burn scars lingers for up to three years or longer. Leaving residents, business owners and officials in limbo, never knowing when a flood or wall of mud will take out their homes, business or property and keeping new businesses and visitors away.

Because the post wildfire debris flows are nearly always localized events, they rarely meet the Presidential Declaration thresholds but cause thousands to millions in damages to public and private property. One wildfire burn scar may see up to two dozen separate debris flow events, shutting down roads, damaging homes and property and preventing daily life to continue. These separate events add up to millions of dollars that the communities have to find in their already tight budgets to pay for recovery.

After a wildfire, communities are scrambling to find resources to help recover from the fire and protect themselves from the inevitable debris flow. There is limited funding from the BAER program and NRCS that focus on federal forest lands and protecting watersheds. This leaves a gap of funding to protect local and private property from devastating debris flows. Because of this ever-present threat of post wildfire debris flows, the states pushed for HMGP funding for FMAGs to fill the gap to provide communities with funding for post wildfire projects. In the 113th Congress passed Senate Bill 954 which authorized a Pilot Program for HMGP after an FMAG for one wildfire season in 2015.

#### *The Pilot Program*

The Pilot Program started March 4, 2015 and originally went to September 30, 2015. However, FEMA extended the program to October 30, 2015.

The total amount available for HMGP for states and tribal applicants with standard state or tribal hazard mitigation plans was set at \$331,166 for each FMAG and \$441,555 for applicants with enhanced state or tribal hazard mitigation plans.

In 2015 there were 34 FMAG declarations within the Pilot Program dates. FEMA Region X received the most with 24, Region IX had eight and Region VIII and VI both received one FMAG. Eight states received HMGP for FMAG and have submitted 71 projects worth \$10,490,259. These projects range from generators for critical infrastructure to increasing culvert size and post wildfire vegetation management and fuels reduction.

#### *What Worked*

In the one year Pilot Program, ten states were able to receive over \$10 million in funding to help communities post wildfire. Most of these projects went back to the communities that were directly affected by the wildfire and a number of the projects were to revegetate the wildfire burn, protect communities from post wildfire debris flows and wildfire fuel reduction to prevent future wildfires.

This is a success of the program. While FEMA and the Federal Government are looking for ways to reduce disaster costs, we know that for every \$1 spent on mitigation saves \$4 dollars in recovery costs. The \$10.4 million spent on mitigation post wildfire through this Pilot Program will save the taxpayers over \$41 million in future damage costs.

*What Could Be Improved*

The most common complaint of the program from the States is that the funding is too slow in coming. Communities are in need of the funding directly after the wildfire is out and while HMGP funding is welcomed, it would be beneficial to expedite the process to allow communities to start protecting their communities

RECOMMENDATIONS:

1. NEMA recommends that FEMA publish the findings of the 2015 HMGP/FMAG Pilot Program and present those findings to NEMA and Congress. NEMA will work with FEMA to advocate for a permanent program that utilizes the Hazard Mitigation Grant Program to advance risk reduction after Fire Management Assistance Grant declarations.

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DISPOSITION: PASSED UNANIMOUSLY



Authenticated: \_\_\_\_\_  
NEMA Secretary

**NEMA EMAC Committee Meeting  
Saturday, September 30, 2017  
Meeting Summary**

Chair Brian Satula called the meeting to order at 8:26 am and welcomed everyone. Roll call was taken. There was a quorum.

Brian asked Jonathan York to provide an update on the states' response through EMAC and other initiatives of the EMAC Executive Task Force.

**EMAC Hurricane Response Update**

Jonathan York provided an update on EMAC operational activities and noted that since March 2017 there have been over 20 events opened in the EMAC Operations System and over 10,000 personnel deployed. NEMA will be conducting an after-action report for the 2017 Hurricane Season and have already identified some areas that worked well, and other improvement areas.

Under the "what worked well column":

- The virtual A-Team support to the Virgin Islands provided first by Iowa and then Louisiana was excellent! Communications with the Virgin Islands has been very difficult without a virtual component working in the USA to make phone calls, contact Assisting States, and work significant logistical issues.
- As a best practice, Iowa is using the costs from the virtual A-Team support as part of their in-kind contribution for meeting the 25% non-federal cost share for emergency work (categories A&B).
- The teams that supported the RRCCs and NRCC were vital components to both coordinate the state response through EMAC and during the Virgin Island response to help coordinate the complex logistics for strategic airlifts. Overall, the liaisons were warmly welcomed but we still have some work to do in some regions to make clear the role of the liaison.

Under the areas for improvement column:

- Communications between the National Guard Bureau and State Emergency Management Agencies needs improvement. The National Guard Bureau told the State National Guards to deploy in Title 32 using training dollars to pre-position and then to await EMAC missions. This created confusion when states received missions to deploy via EMAC as the resources were deployed and while quasi-legitimate, any employment of Guard assets to support civil authorities must be under EMAC with the sign off from the state emergency management agency. Finally, the deployment of forces under Title 32 training dollars depletes those funds, which may be a concern for states.
- We need better tie-in for EMAC at the federal/state level resource adjudication level – perhaps this is education at the State Director level. Many times, FEMA would ask a state if they had requested a resource via EMAC before asking for it federally. The state would simply ask for it via FEMA. These requests could have been filled through the EMAC system but the decision makers need more education on the system and how it works.
- States need to do more pre-planning and pre-scripted missions for resources that are likely to be needed during common events to expedite the process.
- While the use of verbal missions can accelerate the EMAC response, it is difficult to backtrack them into the system if they are not clearly communicated to the EMAC A-Team.

Jonathan asked for additional thoughts/observations.

- Will Polk added thoughts about NGB utilization of training funds and when NG assets are utilized for mobilization.
- Angee Morgan added that EMAC falls on state directors' shoulders to make sure people are trained and was wondering if anyone has thoughts on how this could be done so it works efficiently in every state. It's best to get a core-working group to look at that, Mr. Satula replied.
- Sima Merick said that she works with health, NG, and ESF-8 in 2-hour blocks of training to provide a "10,000 foot view of EMAC." Also stressed the need to get A-Team members from various state agencies within a state. The critical piece is the locals and local governments. Ohio will share their training with the Committee members.
- Past President Dave Maxwell added two points; 1) include the ETF in your state plans and 2) suggested to National Governor's Association to start introducing EMAC at the governor level. Many of the same problems occur at that level and can be solved.
- There was discussion on National Guard training on EMAC and the need to update the National Guard training materials.
- Henrich Reyes added that the chief of NGB wanted to deploy units quickly to preposition them and encouraged use of training funds to bring them to the areas as close as possible so as the states figure out what they need, and then not every unit prepositioned was needed. If units weren't truly needed, they should have started moving back.

Mr. Satula thanked every state for the willingness to help one another and was especially thankful for Jonathan York and the state of Kansas for the time invested as the National Coordinating State. The guidance and coordination of these events is vital to the consistency and success of the Compact.

#### **EMAC Executive Task Force Briefing**

Jonathan York provided a briefing on the EMAC ETF who has been working on updates to 4 EMAC documents. The documents were sent to the Committee members two weeks prior to the meeting for review. The EMAC Executive Task Force Protocols were updated to include the Legal Counsel Committee liaison as a voting member, removing NEMA as non-voting member and moving them to staff support for the ETF, and tightening up the procedures for the election of Executive Task Force Chair and Lead State. Minor changes were made in the EMAC Operations Manual, EMAC A-Team Standard Operating Guidelines, and National Coordinating State and Lead Standard Operating protocols to be consistent with the Executive Task Force protocols and to align minor operational updates with reality. The Executive Task Force reviewed the changes to the documents and has voted to move them forward to the EMAC Committee for approval.

Brian Satula asked for any discussion on the documents.

**Brian Satula asked for a motion to accept the EMAC Executive Task Force Protocols, EMAC Operations Manual, EMAC A-Team Standard Operating Guidelines, and the National Coordinating State and Lead State Operating Guidelines?**

Angee Morgan, Kansas made a motion to accept the documents as submitted with the corrections identified in the EMAC Executive Task Force meeting. The motion was seconded by Sima Merick, Ohio. The motion passed unanimously.

### **Increasing synergies between animal response and state emergency management**

Kevin Dennison from APHIS/USDA provided an overview of the Multi-Jurisdictional Animal Coordination Exercise. Each exercise participant was asked to do 3 requests: 1) NGOs, 2) Federal and 3) EMAC. Much of the discussion throughout the exercise was on the EMAC process and how most of the states developed the three MRPs they were expected to develop. He explained that one item that came up that wasn't addressed in the exercise was animal decontamination, which might be addressed in a future exercise.

Outcomes include continued interaction between animal professionals and state planning personnel, continued MARCE exercises, how EMAC must be "institutional" for the animal resource providers, improved NGCC capability and State JOC-level training. Here he mentioned their community attending EMI and mentioned continued A-Team member training.

### **National Association of State Boating Law Administrators briefing on BOAT Program as national standard of training and certification; resource typing efforts; and database access for states.**

John Fetterman and Dave Considine from the National Association of State Boating Law Administrators (NASBLA) reviewed the history of NASBLA. The boating program was launched in 2009 with the first issue being identified as the inconsistency in standardized training and common terminology. The focus was the development of training courses to standardize. NASBLA was accredited by ANSI in 2014 to develop standards for boating law and now has 21 accredited courses with more in development.

NASBLA also has a national database of credentialed boat operators with over 9,000 officers and emergency responders trained, and over 453 courses taught in 46 states and territories. Now have 20 accredited agencies/training partners.

NASBLA also maintains the readiness database. Each state EOC response coordinator can obtain a username and password for access into the system. There is a verification of competency for responders under EMAC requests. The system can be searched by state, locality, zip code, geo code, and range. NASBLA would like to bring awareness to their program and the work being done in states and offer every state director access to the database to validate the competency of those individuals coming in to the state, or to validate resources within your own state or how best to contact them to request the resource.

Mr. Satula suggests reaching out to state contacts and building Mission Ready Packages would be the next steps in the development of collaboration between NASBLA and EMAC.

### **National Guard Bureau J39 discussion on the development of MRPs for CBRN**

Mr. Heinrich Reyes, program manager for the CBRNE response enterprise; consisting of both NG units and the active duty component, provided an overview from the National Guard Bureau on the development of Mission Ready Packages.

There are three levels within the NG to work on:

1. NGB at the national level in Washington, what is being seen is more work to be done on EMAC and training on senior leadership and what EMAC can do at the national level. One thing that was realized this past week through the hurricane response, there is not EMAC LNO within the NG coordination center. Mr. Reyes is working with Kim Ketterhagen on this.
2. The NG in states needs to better understand the EMAC process in regard to the REQ-As.

3. Unit level. What is the capability and capacity needed in dealing with incidents like the recent hurricanes and how can these capabilities best be utilized by states – Mission Ready Packages.

There are almost 11,000 personnel across the U.S for CBRNE response. The active military component has another 5,200. There are also civil support teams in FL, NY, CA (2). Those are full-time personnel who work with first responders daily in assisting and assessing what they have and what they're dealing with.

There are 17 CBRNE enhanced response force packages across the US; at least one in every FEMA region. Each package has 203 personnel, and within the unit are search and extraction, search and recovery teams, medical teams including trauma doctors, PAs, and EMTs. One thing that they aren't doing right now is animal decontamination at the DoD level, it's mainly at mass casualty decontamination.

The Homeland Response Force is comprised of 183 personnel. National Guard wants the command and control to bring in additional personnel depending on what the incident is. Because there is lifesaving capability within units, and modular, can bring to areas to assist. Oftentimes when asking for capability it'll be members and units within the CBRNE response. There is a lot of turnover for military personnel within a year to three-years, it's something to consider when training for the EMAC process.

Moving forward, National Guard wants to make sure there's the capability at the NGCC and at the state JOC level to have the right personnel to assist there. In addition, they want to have NG go through training at EMI and the EMAC A-Team training. Projects to see an increased emphasis on where A-Team members must be, and a greater interest and desire to be trained.

The medical element was the first to create MRPs, and now the rest of the NG is going to start working on MRPs. Wants to look at all types of units. Will be revising the DOM operations training to include EMAC so they can understand how the process works.

Focusing on training personnel and liaison at the National Guard coordination center and training in the field. They would like to be included in EMAC working groups and committees. Brad Richy said he is very happy to hear interest in greater collaboration. One suggestion is including EMAC in every exercise. Mr. Reyes said that National Guard does include EMAC training in regional, state, and national exercises. Gotham Shield included NORTHCOM, NG, state, and local level; during this the EMAC process was not brought up.

Brian Satula thanked everyone for their participation with a special thank you to the presenters and asked for a motion to adjourn the meeting. David Maxwell made the motion to adjourn the meeting. Patrick Sheehan, Tennessee, seconded the motion. The motion passed unanimously. Meeting adjourned at 9:53am.

**NEMA Private Sector Committee**  
**Saturday, September 30, 2017**  
**Meeting Summary**

Shandi Treloar, Private Sector Committee chair opened the meeting, welcomed the attendees and guests and briefly explained the nature and purpose of the committee. Due to the cancellation of most of the federal partners due to ongoing hurricane response, the portion of the agenda set aside for discussion of private sector engagement with FEMA has been updated to a discussion of private sector efforts in response to recent disasters.

First, however, the chair called on Alexa Noruk, NEMA's Government Relations Director, for an update on the CERRA initiative.

**Current Events Update**

- In response to Hurricanes Harvey, FEMA and IP established a Private Sector Supply Chain Crisis Action Planning (PSSC CAP) team
- The goal of the PSSC CAP team was to facilitate unity of effort amongst Federal, state, and local authorities' crisis access and reentry processes to enable response and recovery operations, supply chain restoration, and resumption of business activities in those areas impacted by the storm.
- The PSSC CAP team's primary objectives were:
  - Develop unity of effort for access and re-entry into areas impacted by the storm.
  - Assist critical infrastructure and private sector stakeholders with recovery operations through de-confliction of the flow of logistics and recovery assets.
  - Assist state and local jurisdictions and critical infrastructure and private sector stakeholders with response and restoration operations through incident situational awareness and understanding of local access requirements.
- Coordination at the federal level was done in partnership between the FEMA National Business Emergency Operations Center (NBEOC) and the IP Sector Outreach and Programs Division (SOPD)
- Both the NBEOC and IP continue to support the states affected by both Hurricane Harvey and Irma

**Project Milestones:**

- Cross-Sector Working Group formed – February 2017
- Working Group review of initial CERRA Framework completed – 1 May 2017
- CI Stakeholder review of draft CERRA Framework completed – 30 June 2017
  - June Review Cycle participants included representatives from:
    - All 16 Government and Sector Coordinating Councils (GCCs & SCCs)
    - CI-Cross Sector Council
    - Regional Consortium Coordinating Council (RC3)
    - State, Local, Tribal, and Territorial GCC (SLTTGCC)
      - Two Tribal representatives
    - State and Local Access Program managers
      - CT, FL, GA, LA, MA, MD, MS, NJ, NC, NY, OH, RI, SC, WA, WI, TX

### **Current Project Effort**

- Conduct stakeholder outreach and education – Ongoing
- Conduct webinars with each CI Sector by – 31 Oct 17
- Conduct 3<sup>rd</sup> Review Cycle (with broader stakeholder base) – Oct 2017
- Anticipate available for publication/general distribution by 31 Dec 2017

### **Project Next Steps**

- Develop **Governance Model** - intended to facilitate nationwide access interoperability
- Develop (draft) CERRA Standard Operating Procedure by – 30 Sep 17
- Develop reference set of cross-sector Use Cases
- Coordinate opportunities to exercise CERRA (locally/nationally)

The chair called on Jen Sorenson for an update on the 2017-2018 Webinar Series.

The 2017-2018 series is set with 4 topics chosen from about 2 dozen submissions. The schedule is as follows:

- November 1 - Immersed: A VR Experience about Flood & Resilience
- January 10 - The Place of Death within the Homeland Security Curriculum
- April 4 – Virtual Teams: Role in Supporting Responders
- June 6 - Cyber Incidents

The chair gave an update on the guide “Building Operational Public-Private Partnerships” released in June. It has been distributed extensively to all state and federal partners and is being implemented. The guide will remain a working document so continued comments and feedback are appreciated.

The chair then called on Eric Kant to discuss the Unified Information Exchange Portal that was created for Harvey response then expanded to include Irma response as well. Kant provided background on how the portal came together, how content was chosen and how the system was structured. At its height was hosting 1800 users per day.

The chair then opened the floor to hear the experiences of those private sector personnel who participated in response/recovery efforts in the wake of Hurricanes Harvey and Irma.

Lessons learned:

- Be better engaged – Get involved in NBEOC, exchange portal and other tools;
- Create a network for with others for mutual support efforts;
- Have clear mission priorities;
- Make sure there is a business continuity plan;
- Have multiple way of communicating with users;
- Be aware of potential challenges such as fuel needs, guest rooms, communications, etc;
- Know the local infrastructure in case it can be leveraged for services such as commodities transportation;
- Communicating ground truth in a timely way and keeping it updated;
- NBEOC calls were messy but effective;
- Be proactive in reaching out to the state for partnerships;
- Be aware of state laws governing public-private partnerships;

- Determine a way to standardize resources similar to EMAC's Mission Ready Packages;
- Don't forget that non-standard partners also have resources such as NOAA, Norad/Northcom, Airbridge ops;
- Don't overcomplicate partnerships;
- States should ask what they can do to support the private sector to get them back up and running;
- Both physical and virtual EOC's are useful;
- Give private sector access to WebEOC;

The chair concluded the meeting by asking anyone interested in serving on a subcommittee, working group or as a liaison to contact her or NEMA staff. With no other business, the chair thanked the attendees and concluded the meeting.

**NEMA Legislative Committee  
Saturday, September 30, 2017  
Meeting Summary**

Committee Chairman Jeff Stern from Virginia opened the session with welcoming remarks and introduced the speakers.

**Update on NEMA Legislative Priorities and Current Events**

With the events of the last few weeks, FEMA Legislative Affairs Director, Jessi Nalepa, had to cancel her attendance at the Forum. She has been a fantastic partner and NEMA is so thankful for her continued communication over the last few months. Instead, Jeff ran through a few major legislative issues and key challenges that NEMA continues to engage on and will monitor over the coming months.

- **Wildfire:** For the last few years, a legislative effort to address the challenges related to wildfires on federal lands has been percolating in Congress. Both the House and Senate have considered versions of a bill that would create a Major Disaster Declaration process for wildfire on federal land but diverge on the mechanism to provide funding for this response capability. The House favors a subaccount of the DRF that would transfer funds to the Department of Interior and Agriculture. The Senate bill prefers a method that would allow the emergency cap space created by the Budget Control Act of 2011 to be accessed by Ag and Interior. NEMA and many other emergency management organizations and leaders have spoken out aggressively to urge Congress to consider other options that do not threaten the DRF. We've heard from our friends on the Hill that they feel confident they've convinced leadership that this type of issue deserves a real solution that doesn't threaten a DRF that is already in steep decline from past years.
- **NFIP:** As part of the CR agreement Congress passed with the first disaster supplemental, the NFIP was reauthorized until December. The House and Senate Committees have considered or approved bills in Committee but the versions are still different and a path forward is not clear.

Hurricane Harvey and Irma claim payments will outpace the NFIP's current cash on hand and borrowing authority and just yesterday it was reported that the program had depleted its borrowing authority. This means FEMA will need Congress to increase that authority yet again. FEMA and the NFIP estimate the cost to the program from the flooding in Texas from Hurricane Harvey to be upwards of \$11 billion. The calculations from Irma are not yet complete but will undoubtedly add to the pain the program is feeling. The NFIP's debt sits around \$25 billion and some believe this number could rise exponentially as recovery continues.

This week, a last-minute attempt to add language to the FAA Authorization bill related to boosting the private flood market was dropped. NEMA had spoken out against this language as written and joined many other groups to advocate for stronger consumer protections. Private involvement in the NFIP is critical but the issue is complex and should be given the attention it needs, not tacked on to an unrelated bill.

When Congress begins discussions on a compromise or reconciled bill, NEMA will continue to engage. NFIP is an emergency management issue and we urge directors to engage your staff to get up to speed how the program is represented in your state. How many policies are in force? What is your insured/uninsured liability? How would this impact any state-run IA or PA program

if NFIP policies continue to decline? If the private market leaves some behind, are you prepared to pick up the slack and do you have a relationship with your State Insurance Commissioner.

- **Appropriations:** Anyone who pays even the slightest attention to the DC news cycle understands the difficulty of regular order on Capitol Hill. The way this impacts us as emergency managers and homeland security advisors is the budget cycle that has continued to deviate from the norm over the last few years. While in the past, appropriations bills were approved by the House and Senate, conferenced, and then agreed to by the start of the new fiscal year on October 1. Unfortunately, Continuing Resolutions (CR) to avoid government shutdowns have become frequent occurrences. CRs may avoid shutdowns but grants that EMs rely on, like EMPG and SHSGP, cannot be allocated until a full year funding bill is complete. Full year appropriations are now not usually signed until the spring which throws off award timelines and stretches states and localities that rely on those funds.

NEMA engages heavily during the Appropriations process and we rely on our membership to help us tell the story of the critical nature of federal dollars for the preparedness of our States and communities. You'll be hearing from me and Alexa as this process continues and we ask for your assistance in this endeavor!

Jeff Stern then opened the floor to the Committee to identify other issues NEMA should be tracking. Others referenced the NFIP and the continued need for the emergency management community to engage and help identify where the program could be made more effective for the benefit of disaster survivors. While the NFIP falls outside of the traditional emergency management jurisdiction on Capitol Hill, it is critical EMs weigh in and identify positive changes.

### **IAEM Update**

As is tradition, the Committee invited a representative from the International Association of Emergency Managers (IAEM) to give the membership an update on their priorities for the year and identify areas where the two organizations can work together. Doug Bryson is Director at Spartanburg County Emergency Management in South Carolina.

Jeff explained that our two organizations are critical partners at a time when division is common and budget reductions can create animus between traditional allies. We have stood together to defend grants, advance policy changes, and represent emergency managers from around the country as a new Administration identifies their priorities. We appreciate their willingness to be a partner and look forward to continued joint work over the coming months and years.

IAEM pursues their mission at the local level and largely with local and state resources, but we know our efforts are more impactful, and our communities more resilient, with the support and partnership of the federal government. The National Preparedness System, and specifically the Emergency Management Performance Grant, have over the last decade become pivotal pillars of support for efficient and effective emergency management at the local and state levels. He explained that NEMA and IAEM must continue to stand together to convince congress to fully fund EMPG this year and next year and for years to come.

IAEM continues to have major concerns about various proposals to consolidate the full suite of FEMA's preparedness grants. They feel this could lead to reprogramming these important funds to another program. In the opinion of IAEM, EMPG must be retained as a separate account.

### **Working with State Legislatures to Achieve Disaster Response and Recovery Reform – Mike Sprayberry**

While the federal government has much of the focus right now when it comes to reform and change in the emergency management space, states are truly the test labs for unique and innovative policies that can help local and community based response, recovery, and mitigation.

Mike Sprayberry (NC) joined the discussion to explain efforts his state undertook after Hurricane Matthew to educate members and work to pass legislation that aided in their recovery around the state.

- Have a good lawyer: NC Legal Counsel is involved in their discussions on legislative efforts and can help focus the work in a way that accomplishes the most good and keeps them out of trouble.
- Craft language that is vetted and succinct: Before proposing any changes or additions, make sure you have your house in order and have worked out the kinks beforehand. Use murder boards to highlight weaknesses or craft positive responses to difficult questions.
- Identify a champion: Find a lawmaker or office that understands your needs or expresses a desire to get something done. Oftentimes these issues are wonky but they affect real people and there are always lawmakers looking to make an impact.
- Find a good legislative structure within your Department: That could be a completely in-house function or a joint venture with the Governor's office. However it works for you, make sure the process and guidelines are clear.
- Don't just do this work when a disaster happens: Lay the groundwork during "Blue Sky" days and foster relationships over periods of time.
- Hire a full time legislative staffer: This person can devote time and attention to the role and foster the critical relationships and knowledge needed to be successful.

James Waskom (LA) also jumped in as his state had recently experienced a major disaster and worked extensively with their State Legislature to identify funding for priorities in recovery. He echoed many of Mike's comments and stressed that the emergency management office must shape the battlefield and engage months in advance. The office should build the relationships long before you need anything and work to get into a good battle rhythm of engagement once an event does occur. He even touched on the challenges facing his state where they received millions of FEMA dollars but because the discretionary funds are not there, are having a hard time matching federal investments or expanding upon positive projects.

### **NEMA Priorities for a Disaster Bill**

As NEMA members discussed in the State Director session, NEMA must be active partners in advocating for reforms, changes, or new ideas that will likely be included in a future disaster supplemental bill. Much like what we saw after Hurricane Katrina and Superstorm Sandy, times of crisis spur major action by Congress and they cannot complete a truly comprehensive review without input from practitioners. This is where NEMA can be helpful and Jeff asked that every Committee examine any recommendations or suggestions. NEMA must be an active and leading voice in any changes or reforms to the Stafford Act. And beyond the Stafford Act, changes to how the federal family addresses disaster recovery impact our partners as we strive to help our communities recover.

Examples to kick off discussion:

- Small projects threshold – moving it to \$1 million to expedite efforts
- Statute of Limitations – Prohibit FEMA from recouping assistance from disaster victims three years after it has been administered
- Making permanent, the pilot to provide HMGP on FMAGs
- Clarification on roles and responsibilities of the grantee and applicant in appeals
- What else?
- Studies: Total disaster costs across the government? Studying Disaster Losses and Identifying Recommendations to Reduce Disaster Losses and Costs

One recommendation was to review the STEP pilot and identify lessons learned that can be incorporated into a longer, more sustainable program. There may be constraints in the CFR and creative problem solving is needed to make progress towards a program that is applicable across the country.

Louisiana indicated they have a few proposals they will write up and submit to the NEMA work group addressing issues like: Limiting STEP duplication questions; reinternment as PA; and SBA assistance as a non-duplicative fund.

Many other members highlighted the ongoing challenges for synchronized assistance between the numerous disaster funding structures, especially between FEMA and HUD/CDBG. There needs to be better streamlining and identification of efficiencies to ensure programs can achieve the same outcome.

Jay Mitchell (NM) highlighted the challenge related to the current 3.89% M&A for PA. This level is far too low to adequately assist state staff as they close out a disaster and manage the paperwork and requirements. He indicated FEMA is spending dollars to save cents. Are there better ways to incentivize close out without leaving States on the hook for complying with requirements?

Wendy Smith-Reeve (AZ) reminded the Committee that we will need to be careful to outline legislative intent and clearly communicate the outcome that is desired by reform.

\*NEMA will convene a work group to discuss the various proposals for reform and continue to engage the larger membership.