



THIS SECTION FOR STATE USE ONLY

DISASTER: 4145

FEMA Identification Number: _____
Date Application Received: _____
Date State Approved: _____
Colorado Identification Number: _____
FEMA Application Submittal Date: _____

Colorado Point of Contact:
State Hazard Mitigation Officer
Colorado DHSEM
9195 East Mineral Avenue, Suite 200
Centennial, Colorado 80112
Office: 720.852.6696
Fax: 720.852.6750
e-mail: Scott.Baldwin@state.co.us

NOTE: Application must be submitted in digital form.

PROJECT OVERVIEW

1. Applicant Legal Name: _____

2. Applicant Type: Local Government, Native American Tribe, State Government, Private Non-Profit (Attach copy of 501c3)

3. Project Title: _____

4. Proposed Project Total Cost: \$
Federal Share (75%): \$
State Match (12.5%): \$
Local Match (12.5%): \$

The State of Colorado Acquisition Handbook and the Hazard Mitigation Grant Program Scoring Sheet accompanies this application. Much of the information needed to complete this application, and particularly those areas marked with an asterisk, can be found in these documents. In addition, e-mail and telephone technical assistance may be requested.

5. Enter the Benefit Cost benefits, cost, and ratio determined prior to application. Export the Benefit Cost file and provide in electronic format, along with all supporting documentation used to develop the ratio. If Benefit Cost Analysis was waived, place an "N/A" in the blanks, and provide explanation below for the exemption. Attach documentation.

Benefits: \$ Cost: \$ Ratio:

Waiver Used: Substantial Damage, Cost Effectiveness Policy, Post-Wildfire Memo, Other (explain)

6. Certifications:

The undersigned assures fulfillment of all requirements of the Hazard Mitigation Grant Program as contained in the program guidelines and that all information contained herein is true and correct to the best of my knowledge. The governing body of the applicant has duly authorized the document, commits to the non-Federal share identified in the Scope of Work/Budget, and hereby applies for the assistance documented in this application. Also, the applicant understands that the project may proceed ONLY AFTER FEMA/STATE APPROVAL is gained.

Typed Name of Authorized Representative/Applicant Agent

Title

Telephone Number

Signature of Authorized Representative/Applicant Agent

Date Signed

APPLICANT INFORMATION

1. Does your community have a current FEMA approved multi-hazard mitigation plan? Yes No
 Location of proposed project in mitigation plan strategies: Page Section/Part
2. Is the community a member of **good standing** with the National Flood Insurance Program? Yes No
3. FIPS Code: DUNS Number:
4. U.S. Congressional District: Congressman Name:
5. State Senatorial District: Senator Name:
6. State Legislative District: Representative Name:

7. Primary Point of Contact:

The Primary Point of Contact is the person responsible for coordinating the implementation of this proposal, if approval is granted.

Ms. Mr. Mrs. First Name: Last Name:
 Title: Organization:
 Street Address:
 City: State: Zip Code:
 Telephone: Fax: Mobile: E-mail Address:

8. Alternate Point of Contact:

The Alternate Point of Contact is the person that can address questions or concerns in the Primary Point of Contact's absence.

Ms. Mr. Mrs. First Name: Last Name:
 Title: Organization:
 Street Address:
 City: State: Zip Code:
 Telephone: Fax: Mobile: E-mail Address:

9. Application Prepared by:

Ms. Mr. Mrs. First Name: Last Name:
 Title: Organization:
 Street Address:
 City: State: Zip Code:
 Telephone: Fax: Mobile: E-mail Address:

10. Authorized Applicant Agent:

Ms. Mr. Mrs. First Name: Last Name:
 Title: Organization:
 Street Address:
 City: State: Zip Code:
 Telephone: Fax: Mobile: E-mail Address:

The Authorized Applicant Agent **MUST** be the chief executive officer, mayor, etc. This person must be able to sign contracts, authorize funding allocations or payments, etc.

GENERAL SCORING DATA: (to be used in project ranking). Answer all questions.

Total number of certified substantially damaged structures included in application: _____ (50 pts.)

Total number of primary residential structures included in application: _____ (30 pts.)

Total number of critical facility structures included in application: _____ (30 pts.)

Total number of repetitive flood loss structures included in application: _____ (20 pts.)

Total number of public structures / facilities included in application: _____ (20 pts.)

Total number of commercial/industrial structures included in application: _____ (15 pts.)

Total number of secondary residential structures included in application: _____ (10 pts.)

Total number of vacant lots included in application: _____ (5 pts.)

Does the project directly reduce death and injury vulnerability? ___ Yes ___ No ___ (10 pts.)

Does the project directly benefit low to moderate income populations? ___ Yes ___ No ___ (0-5-10 pts.)

Does the project remove structures from the Floodway? ___ Yes ___ No ___ (30 pts.)

Does the project remove structures from the regulatory Floodplain? ___ Yes ___ No ___ (20 pts.)

Does the project remove Severe Repetitive Loss structures? ___ Yes ___ No ___ (20 pts.)

Does the project remove structures from an identified high hazard area? ___ Yes ___ No ___ (15 pts.)

Does the project remove structures not located in an identified hazard area? ___ Yes ___ No ___ (5 pts.)

Does the project reduce the need for Emergency Management Services ___ Yes ___ No ___ (0-5-10 pts.)

Does the project reduce threats to transportation (e.g. access/egress) ___ Yes ___ No ___ (0-10 pts.)

Does the project reduce the cost of future flood damages? (FFE v. BFE) ___ Yes ___ No ___ (0-10 pts.)

Does the project accomplish multiple mitigation objectives? ___ Yes ___ No ___ (0 or 5 pts.)

Has this application been previously submitted for funding? ___ Yes ___ No ___ (5 pts.)

Does the project restore floodplains and/or wetlands? ___ Yes ___ No ___ (5 pts.)

Does the project provide protection beyond the 100-year flood event? ___ Yes ___ No ___ (0-10 pts.)

Has the applicant successfully implemented previous mitigation grants? ___ Yes ___ No ___ (5 pts.)

Has the applicant have a plan for post-acquisition land-use? ___ Yes ___ No ___ (5 pts.)

Has the applicant allowed unregulated Post-FIRM construction? ___ Yes ___ No ___ (0-5 pts.)

The applicant's proposal is complete and does not lead to confusion? ___ Yes ___ No ___ (0-5-10 pts.)

PROJECT DESCRIPTION

1. History of Hazards: *

Describe, in detail, the history of natural hazards in the proposed area. Include damage history, source and type of problem, frequency of event(s), severity of damage, etc.

2. Project Description / Protection Provided: *

Describe, in detail, the proposed project. Explain how the proposed project will solve the problem(s) either independently or as part of a larger project. Include a description of the desired outcome and methodology of the mitigation activity in terms of mitigation objectives to be achieved. This narrative should outline the applicant's complete Statement of Work (SOW).

3. Decision-Making Process: *

Describe the **process** you used to decide that this project is the best solution to the problem. Explain **why** this project is the best alternative. This should coincide with information supplied in "Alternative Actions" (next page). Address questions such as:

- Are you focusing on the area in your community that has the greatest potential for losses?
- Have you considered the risks to critical facilities and structures and benefits to be obtained by mitigating this vulnerability?
- Have you considered those areas or projects that present the greatest opportunities given the current situation an interest in your community?
- Are you addressing a symptom or the source of the problem? Addressing the source of the problem is a long-term solution which provides the most mitigation benefits.

If impacts to the environment, natural, cultural or historic resources have been identified, explain how your alternatives and proposed project address, minimize, or avoid these impacts.

4. Describe the community's methodology for selecting the properties included in this application and how each was ranked, highest to lowest, or placed on the alternate list (if an alternate list was created):

ALTERNATIVE ACTIONS

List **two feasible** alternative projects to mitigate the hazard(s) in the project area. One alternative is the “No Action Alternative.”

1. No Action Alternative

Discuss the impacts on the project area if no action is taken.

2. Other Feasible Alternative Project Title:

a. Project Description and Scope of Work

Discuss a feasible alternative to the proposed project. This could be an entirely different mitigation method or a significant modification to the design of the current proposed project. Please include scope of work, engineering details (if applicable), estimated budget and the impacts of this alternative. Also, explain how the alternative project will solve the problem(s) and/or provide protection for the hazard(s).

5. Primary Hazard to be Mitigated

a. Select the primary hazard the proposed project will mitigate:

- | | | | |
|---|--|---|-------------------------------------|
| <input type="checkbox"/> Drought | <input type="checkbox"/> Flood | <input type="checkbox"/> Mud/Landslide | <input type="checkbox"/> Snow |
| <input type="checkbox"/> Earthquake | <input type="checkbox"/> Freezing | <input type="checkbox"/> Severe Ice Storm | <input type="checkbox"/> Tornado |
| <input type="checkbox"/> Fire/Wildfire | <input type="checkbox"/> Land Subsidence | <input type="checkbox"/> Severe Storm(s) | <input type="checkbox"/> Windstorms |
| <input type="checkbox"/> Other (list) | | | |

5a. Secondary Hazard(s) to be Mitigated (check only if mitigation of an additional hazard risk results from the proposed project):

b. Select all other hazards the proposed project will mitigate:

- | | | | |
|--|---|---|---|
| <input type="checkbox"/> Biological | <input type="checkbox"/> Earthquake | <input type="checkbox"/> Land Subsidence | <input type="checkbox"/> Special Events |
| <input type="checkbox"/> Chemical | <input type="checkbox"/> Fire/Wildfire | <input type="checkbox"/> Mud/Landslide | <input type="checkbox"/> Terrorist |
| <input type="checkbox"/> Civil Unrest | <input type="checkbox"/> Fishing Losses | <input type="checkbox"/> Nuclear | <input type="checkbox"/> Tornado |
| <input type="checkbox"/> Crop Losses | <input type="checkbox"/> Flood | <input type="checkbox"/> Severe Ice Storm | <input type="checkbox"/> Toxic Substances |
| <input type="checkbox"/> Dam/Levee Break | <input type="checkbox"/> Freezing | <input type="checkbox"/> Severe Storm(s) | <input type="checkbox"/> Windstorms |
| <input type="checkbox"/> Drought | <input type="checkbox"/> Human Caused | <input type="checkbox"/> Snow | <input type="checkbox"/> Other (list below) |

6. Site

a. Physical Location

Describe the area(s) affected/protected by this project, including location. Include any details about historically or culturally significant features that may be affected/protected by the project.

b. Population Affected *

Describe the demographics of the population affected/protected by this project. Include the percent of the overall community's population benefiting from this mitigation activity. Explain your response.

7. Maps

Please attach the following maps with the project site and structures marked on the map. Use SAME ID number as in the Individual Property Worksheets.

- Flood Insurance Rate Map (FIRM). If the FIRM for your area is not published, please attach a copy of the Flood Hazard Boundary Map (FHBM).
- City or county scale map (large enough to show the entire project area)
- USGS 1:24,000 topo map
- Parcel Map (Tax Map, Property Identification Map, etc.)
- Overview photographs. The photographs should be representative of the project area, including any relevant streams, creeks, rivers, etc., and drainage areas which affect the project site of will be affected by the project.

8. Additional Comments

Enter any additional comments related to the proposed project's description, if desired.

SCOPE OF WORK / BUDGET

In this section, provide the details of all costs of the project. For estimates, reasonable projections are essential.

1. Acquisition Summary: This section summarizes all the Individual Property Worksheets completed for each property, with the exception of g. Project Management, which should equal no more than 5% of the total acquisition costs. Indicate in the shaded area to the right of the funding amount if any of the costs: (1) were performed as an eligible Pre-Award cost; and/or (2) are considered eligible In-kind.

a. Estimated Pre-Event Fair Market Value	\$
b. Estimated Cost for Demolition	\$
c. Estimated Appraisal Cost	\$
d. Estimated Closing Costs/Legal Fees	\$
e. Uniform Relocation Assistance (URA)	\$
f. Comparable Housing Assistance (CHA)	\$
g. Project Management (5% maximum)	\$
h. Other (specify below)	\$

If CDBG-DR funds are included in this cost estimate, the value of general and/or professional labor wages must be tabulated in accordance with the Davis Bacon Act of 1931

	i. Total of a-h	\$	
	j. Duplication of Benefits (if unknown at time of application enter zero).	\$	
	l. Subtract j. from i. to determine Total Cost to Acquire Property	\$	

2. Total Project Cost

Proposed Project Total Cost:	\$	
75% Federal Share:	\$	<i>Round Federal Share to the nearest dollar.</i>
12.5% State Match:	\$	
12.5% Local Match:	\$	

3. Non-Federal Funding Share (25% of Total Cost)

List all sources and amounts utilized in the non-federal share including all in-kind services. In-Kind services may not exceed the 25% non-federal share. If any portion of the non-Federal share will come from non-applicant sources (donated services, private donation, CDBG-DR, etc.), attach letters of funding commitment for each non-applicant source. If you are also utilizing this application to apply for Community Development Block Grant – Disaster Recovery (CDBG-DR) funding for the non-Federal share, provide assurance that if CDBG funding is not approved, you commit to providing that share.

Yes, if CDBG-DR funding is not approved, other non-Federal sources will provide the non-Federal share

No, if CDBG-DR funding is not approved, our community will have to withdraw this project from FEMA consideration.

Source	Name of Source Agency	Type Funding	Amount	Commitment Letter Attached
			\$	
			\$	
			\$	
			\$	
In-Kind Labor	In-Kind Labor	In-Kind	\$	n/a
In-Kind Materials	In-Kind Materials	In-Kind	\$	n/a

Source = Local, Private Non-Profit, Other
 Source Agency = Specific entity providing match
 Type Funding = Administration, Cash, Consulting Fees, Engineering Fees, Equipment Operation/Rental, Labor, Supplies, In-Kind, Other

5. How were the funding estimates listed in #1 derived (e.g. lump sum, unit cost, quotation, etc.)?

5a. If a person other than the Applicant’s Authorized Agent or Primary Point of Contact was responsible for preparing the funding estimate, indicate that person / entity below:

Ms. Mr. Mrs. First Name: _____ Last Name: _____
 Title: _____ Organization: _____
 Street Address: _____
 City: _____ State: _____ Zip Code: _____
 Telephone: _____ Fax: _____ Mobile: _____ E-mail Address: _____

6. Describe how you will manage the costs and schedule, and how you will ensure successful performance. (Note: At a minimum the applicant must agree to furnish quarterly reports during the entire time the project is in active status. Quarters shall end March 31st, June 30th, September 30th, and December 31st. Reports are due to the State within 15 days after the end of each quarter.) *

7. Would the applicant consider a reduced federal & state cost share in full project funding was not available?

Yes, a reduction up to % or up to \$ would be acceptable.
 No

8. Maintenance

The following questions are to give assurance on the project’s maintenance over its useful life. Please answer each question and give a brief explanation.

a. What is the proposed land use after acquisition? (i.e., Agriculture, Recreation, Vacant Land, Park, Wetlands, etc.)

b. Will the project require periodic maintenance?

c. If yes, who will provide the maintenance?

d. What is the cost of maintenance on an annual basis?

Note: Cost of maintenance is considered an application prioritization weighting factor. Projects containing high maintenance costs have a greater risk of future failure due to deferred maintenance. Therefore, the responses provided above should be as complete and verifiable as possible in order to minimize the likelihood of ranking points reductions due to maintenance concerns.

9. Additional Comments

Enter any additional comments related to the proposed project’s funding, if desired.

CDBG-DR FUNDING FOR NON-FEDERAL SHARE

Grant recipients may be eligible to use Community Development Block Grant – Disaster Recovery (CDBG-DR) funds for a portion, or all, of the non-Federal share match requirement to FEMA’s Hazard Mitigation Grant Program (HMGP). The physical location of the activity must be within a county listed in FEMA Presidential Declaration FEMA-DR-4145-CO. This section of the application should be filled-in *only* if you are seeking to obtain CDBG-DR funds for this purpose.

An activity may be assisted in part with CDBG-DR funds only if **ALL** of the following requirements are met.

1. Connection to FEMA-DR-4145-CO

CDBG’s Disaster Recovery funds must be used for necessary expenses related to disaster relief, long-term recovery, restoration of infrastructure and housing, and economic revitalization. The activity must show a direct link to damages received during the September 11-30, 2013 flooding, which resulted in FEMA Presidential Declaration FEMA-DR-4145-CO. Please provide a brief explanation of how the proposed acquisition activity: (1) was a result of this flooding event; and (2) will restore housing or infrastructure, or revitalize the economy.

2. Compliance with national objectives

State recipients receiving allocations under the CDBG-DR program must certify that their projected use of funds will ensure, and maintain evidence, that each of its activities assisted with CDBG-DR funds meets at least one of the three below national objectives.

a. Which of the national objectives will the proposed project meet?

- Will benefit to low- and moderate-income persons;
- Will aid in the prevention or elimination of slums or blight; or
- May also include activities that the State and its State grant recipient certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs.

b. How will the proposed project meet the above checked national objective(s).

3. Compliance with the primary objective

The primary objective for using CDBG Disaster Recovery funds is benefitting, by at least 51 percent, persons of low- and moderate-income. The following provides the information necessary to complete this requirement.

a. Is the proposed activity: jurisdiction wide specified target area

If you checked specified target area, which data source was used? (*Note: select the smallest unit of Census data that encompasses your proposed target area.*)

b. Enter the number of households involved in the proposed project.

c. In the space below, describe how the applicant will comply with the requirement that at least 51 percent of CDBG-DR dollars will principally benefit low- and moderate-income households and persons.

d. Enter the number of households within each income category expected to benefit from the proposed project.

Incomes above 80% of the County Median	<input type="text"/>
Incomes above 50% and up to 80% of the County Median	<input type="text"/>
Incomes at or below 50% of the County Median.....	<input type="text"/>

e. Which type of income was used to determine the above? (Check only one)

Annual income as defined for Public Housing and Section 8

Annual income as reported under the Census long form

Adjusted gross income as defined for reporting under IRS

TIMELINE / TASKS

1. Timeline / Tasks

Insert the proposed work schedule as tasks to accomplish the overall goal of the proposed activity (i.e., appraisals, title search, closing, etc.), and provide a description of the task’s purpose. This timeline will be used as a measurement tool for progress in the project’s implementation and is included in the required Quarterly Reports. Also, FEMA uses the timeline for determining the approved period of performance. It will be the basis used to justify delays or extensions, if necessary, and should be estimated carefully. The first and last entries are state requirements and have already been entered.

Task 1:	Colorado Grant Agreement Process The grant agreement is the State's legal mechanism required to ensure funding or services to the grantee. The timeframe reflects up to a 3 month period.	Timeframe:	3 Months
Task 2:		Timeframe:	
Task 3:		Timeframe:	
Task 4:		Timeframe:	
Task 5:		Timeframe:	
Task 6:		Timeframe:	
Task 7:		Timeframe:	
Task 8:		Timeframe:	
Task 9:		Timeframe:	
Task 10:	Final Inspection Report and FEMA Closeout The Final Inspection Report is a review of the activity's paper documentation, showing the project was implemented as required. Once the review is completed, the report and findings will be provided to the grantee for review and concurrence. The State submits the concurrence to FEMA as part of a closeout package to formally close the grant.	Timeframe:	3 Months
Total Timeframe (must not exceed 1,095 days, 36 months, or 3 years)		Timeframe:	

SPECIAL NOTE: If CDBG-DR funds are included as part of this application, the timeframe may not exceed 730 days, 24 months, or 2 years in accordance with HUD regulations. Time extensions will not be approved.

2. The start date for any proposed project begins upon FEMA approval. If a different timeframe is needed, provide an explanation (e.g. exigent or emergency programs such as Private Property Debris Removal, Emergency Watershed Protection Program, etc.) Also indicate if any pre-award activities or costs have been authorized of if Advance Assistance was provided by the State.

ENVIRONMENTAL/CONSULTATION REQUIREMENTS

Regulations governing the Hazard Mitigation Grant Program (HMGP) state that any project must “*be in conformance with 44 CFR part 9, Floodplain Management and Protection of Wetlands, and 44 CFR part 10, Environmental Considerations.*” To comply with this mandate, written coordination must occur with the state and Federal agencies listed below to provide documentation relative to its potential effect on the physical, biological and built environment.

NOTE: In coordinating with the below listed agencies, please provide photographs of the project site and adjacent area/structures, a description of the project referencing structure/site addresses, site map, property map and USGS map with the property location marked. Maps must be of sufficient scale and detail that show the project site and surrounding project area (area of potential effects).

Attach copies of the correspondence sent and received from below agencies (letters, permits, etc.). A list of contacts, addresses, and phone numbers, as well as an example letter, are provided in the Applicant Handbook.

State Historical Preservation Office

Environmental Requirement: *National Historic Preservation Act: Historical Structures and Archeological Resources*
 Questions Addressed: Does your project affect or is it in close proximity to any buildings or structures of any kind?
 Does your project involve disturbance of ground?

Colorado Division of Wildlife-T&E Species AND U.S. Department of the Interior (Fish and Wildlife Service)

Environmental Requirement: *Endangered Species Act and Fish and Wildlife Coordination Act*
 Questions Addressed: Does your project remove vegetation?
 Is your project in or near any type of waterway or body of water? (within ½ mile)
 Is the project not contained within existing structures, or may it result in changes or potential effects to the natural environment?
 Are there threatened or endangered species or their critical habitat present in the project area or within the county the project is located within?
 Will this activity require an Aquatic Resource Alteration Permit?

Colorado Department of Public Health and Environment AND U.S. Army Corps of Engineers

Environmental Requirement: *Clean Water Act, Rivers and Harbors Act, and Executive Order 11990 (Protection of Wetlands) Executive Order 11988 (Floodplain Management)*
 Questions Addressed: Will the project involve work near or in a waterway, dredging or disposal of dredged material, excavation, adding fill material or result in any modification to water bodies or wetlands designed as “waters of the U.S.” as identified by the US Army Corps of Engineers or on the National Wetland Inventory?
 Will the project require a National Pollutant Discharge Elimination System (NPDES) permit from the U.S. Environmental Protection Agency?
 Will this activity require a Construction Stormwater Permit?
 Does the project alter a watercourse, water flood patterns, or a drainage way, regardless of its floodplain designation? Will the activity require a CLOMR (Conditional Letter of Map Revision)?

U.S. Department of Agriculture (Natural Resources Conservation Services)

Environmental Requirement: *Farmland Protection Policy Act*
 Questions Addressed: Will the project convert more than 5 acres of farmland outside community limits and require documentation from the USDA Natural Resource Conservation Service (Prime, Unique or other Important Farmlands)?

U.S. Army Corps of Engineers AND Colorado Department of Transportation

Regulatory Requirement: *44 CFR §80.13(b): Consultation regarding other ongoing Federal Activities*
 Question Addressed: (1) The subapplicant must demonstrate that it has consulted with USACE regarding the subject land’s potential future use for the construction of a levee system. The subapplicant must also demonstrate that it has, and will, reject any future consideration of such use if it accepts FEMA assistance to convert the property to permanent open space.
 (2) The subapplicant must demonstrate that it has coordinated with its State Department of Transportation to ensure that no future, planned modifications, improvements, or enhancements to Federal aid systems are under consideration that will affect the subject property.

Additional Comments

Enter any additional comments related to environmental concerns for the proposed project if desired.



ASSURANCES

As the authorized representative of this application, I certify that _____, hereinafter called the Applicant will:
Name of Applicant

1. Ensure that participation by property owners is voluntary. The prospective participants have been informed in writing that participation in the program is voluntary, that the Applicant will not use its eminent domain authority to acquire their property for the project purposes should negotiations fail;
2. Ensure each property owner will be informed, in writing, of what the Applicant considers to be the fair market value of the property. The Applicant will use the [Model Statement of Voluntary Transaction](#) to document this and will provide a copy for each property after award;
3. Accept all of the requirements of the FEMA grant and the deed restriction governing the use of the land, as restricted in perpetuity to open-space uses. The Applicant will apply and record a deed restriction on each property in accordance with the language in the [FEMA Model Deed Restriction](#) below. The community will seek FEMA approval, via the State, for any changes in language differing from the Model Deed Restriction.

FEMA Model Deed Restriction

Exhibit A is FEMA's Model Deed Restrictions that support 44 C.F.R. Part 80 requirements. Applications requesting mitigation assistance to acquire properties for open space purposes must include a copy of the deed restriction language proposed to meet these requirements.

The deed conveying the property to the locality must reference and incorporate Exhibit A (or equivalent name). Any variation from the model deed restriction can only be made with prior approval from FEMA's Office of Chief Counsel. Such requests should be made to the FEMA Regional Administrator through the relevant State or Tribal Office. Exhibit A shall be attached to the deed when recorded.

Exhibit A

In reference to the property or properties ("Property") conveyed by the Deed between *property owner] participating in the federally-assisted acquisition project ("the Grantor") and *the local government+, ("the Grantee"), its successors and assigns:

WHEREAS, The Robert T. Stafford Disaster Relief and Emergency Assistance Act, ("The Stafford Act"), 42 U.S.C. § 5121 et seq., identifies the use of disaster relief funds under § 5170c, Hazard Mitigation Grant Program, including the acquisition and relocation of structures in the floodplain;

WHEREAS, the mitigation grant program provides a process for a local government, through the State, to apply for federal funds for mitigation assistance to acquire interests in property, including the purchase of structures in the floodplain, to demolish and/or remove the structures, and to maintain the use of the Property as open space in perpetuity;

Whereas, [state or tribe] has applied for and been awarded such funding from the Department of Homeland Security, Federal Emergency Management Agency and has entered into a mitigation grant program Grant Agreement dated [date] with FEMA and herein incorporated by reference; making it a mitigation grant program grantee.

Whereas, the Property is located in [Village/City/County], and [Village/City/County] participates in the National Flood Insurance Program and is in good standing with NFIP as of the date of the Deed; Whereas, the [local government], acting by and through the [local government] Board, has applied for and been awarded federal funds pursuant to an agreement with *State+ dated *date + ("State-Local Agreement"), and herein incorporated by reference, making it a mitigation grant program sub-grantee;

WHEREAS, the terms of the mitigation grant program statutory authorities, Federal program requirements consistent with 44 C.F.R. Part 80, the Grant Agreement, and the State-local Agreement require that the Grantee agree to conditions that restrict the use of the land to open space in perpetuity in order to protect and preserve natural floodplain values;

Now, therefore, the grant is made subject to the following terms and conditions:

1. Terms. Pursuant to the terms of the [select mitigation grant program] program statutory authorities, Federal program requirements consistent with 44 C.F.R. Part 80, the Grant Agreement, and the State/local Agreement, the following conditions and restrictions shall apply in perpetuity to the Property described in the attached deed and acquired by the Grantee pursuant to FEMA program requirements concerning the acquisition of property for open space:

a. Compatible uses. The Property shall be dedicated and maintained in perpetuity as open space for the conservation of natural floodplain functions. Such uses may include: parks for outdoor recreational activities; wetlands management; nature reserves; cultivation; grazing; camping (except where adequate warning time is not available to allow evacuation); unimproved, unpaved parking lots; buffer zones; and other uses consistent with FEMA guidance for open space acquisition, Hazard Mitigation Assistance, Requirements for Property Acquisition and Relocation for Open Space.

b. Structures. No new structures or improvements shall be erected on the Property other than:

- i. A public facility that is open on all sides and functionally related to a designated open space or recreational use;
- ii. A public rest room; or
- iii. A structure that is compatible with open space and conserves the natural function of the floodplain, including the uses described in Paragraph 1.a., above, and approved by the FEMA Administrator in writing before construction of the structure begins.

Any improvements on the Property shall be in accordance with proper floodplain management policies and practices. Structures built on the Property according to paragraph b. of this section shall be floodproofed or elevated to at least the base flood level plus 1 foot of freeboard, or greater, if required by FEMA, or if required by any State, Tribal, or local ordinance, and in accordance with criteria established by the FEMA Administrator.

c. Disaster Assistance and Flood Insurance. No Federal entity or source may provide disaster assistance for any purpose with respect to the Property, nor may any application for such assistance be made to any Federal entity or source. The Property is not eligible for coverage under the NFIP for damage to structures on the property occurring after the date of the property settlement, except for pre-existing structures being relocated off the property as a result of the project.

d. Transfer. The Grantee, including successors in interest, shall convey any interest in the Property only if the FEMA Regional Administrator, through the State, gives prior written approval of the transferee in accordance with this paragraph.

i. The request by the Grantee, through the State, to the FEMA Regional Administrator must include a signed statement from the proposed transferee that it acknowledges and agrees to be bound by the terms of this section, and documentation of its status as a qualified conservation organization if applicable.

ii. The Grantee may convey a property interest only to a public entity or to a qualified conservation organization. However, the Grantee may convey an easement or lease to a private individual or entity for purposes compatible with the uses described in paragraph (a), of this section, with the prior approval of the FEMA Regional Administrator, and so long as the conveyance does not include authority to control and enforce the terms and conditions of this section.

iii. If title to the Property is transferred to a public entity other than one with a conservation mission, it must be conveyed subject to a conservation easement that shall be recorded with the deed and shall incorporate all terms and conditions set forth in this section, including the easement holder's responsibility to enforce the easement. This shall be accomplished by one of the following means:

a) The Grantee shall convey, in accordance with this paragraph, a conservation easement to an entity other than the title holder, which shall be recorded with the deed, or

b) At the time of title transfer, the Grantee shall retain such conservation easement, and record it with the deed.

iv. Conveyance of any property interest must reference and incorporate the original deed restrictions providing notice of the conditions in this section and must incorporate a provision for the property interest to revert to the State, Tribe, or local government in the event that the transferee ceases to exist or loses its eligible status under this section.

2. Inspection. FEMA, its representatives and assigns including the state or tribe shall have the right to enter upon the Property, at reasonable times and with reasonable notice, for the purpose of inspecting the Property to ensure compliance with the terms of this part, the Property conveyance and of the grant award.

3. Monitoring and Reporting. Every three years on [date], the Grantee (mitigation grant program sub-grantee), in coordination with any current successor in interest, shall submit through the State to the FEMA Regional Administrator a report certifying that the Grantee has inspected the Property within the month preceding the report, and that the Property continues to be maintained consistent with the provisions of 44 C.F.R. Part 80, the property conveyance, and the grant award.

4. Enforcement. The Grantee (mitigation grant program sub-grantee), the State, FEMA, and their respective representatives, successors and assigns, are responsible for taking measures to bring the Property back into compliance if the Property is not maintained according to the terms of 44 C.F.R. Part 80, the property conveyance, and the grant award. The relative rights and responsibilities of FEMA, the State, the Grantee, and subsequent holders of the property interest at the time of enforcement, shall include the following:

a. The State will notify the Grantee and any current holder of the property interest in writing and advise them that they have 60 days to correct the violation.

i. If the Grantee or any current holder of the property interest fails to demonstrate a good faith effort to come into compliance with the terms of the grant within the 60-day period, the State shall enforce the terms of the grant by taking any measures it deems appropriate, including but not limited to bringing an action at law or in equity in a court of competent jurisdiction.

ii. FEMA, its representatives, and assignees may enforce the terms of the grant by taking any measures it deems appropriate, including but not limited to 1 or more of the following:

a) Withholding FEMA mitigation awards or assistance from the State or Tribe, and Grantee; and current holder of the property interest.

b) Requiring transfer of title. The Grantee or the current holder of the property interest shall bear the costs of bringing the Property back into compliance with the terms of the grant; or

c) Bringing an action at law or in equity in a court of competent jurisdiction against any or all of the following parties: the State, the Tribe, the local community, and their respective successors.

5. Amendment. This agreement may be amended upon signatures of FEMA, the state, and the Grantee only to the extent that such amendment does not affect the fundamental and statutory purposes underlying the agreement.

6. Severability. Should any provision of this grant or the application thereof to any person or circumstance be found to be invalid or unenforceable, the rest and remainder of the provisions of this grant and their application shall not be affected and shall remain valid and enforceable.

4. Ensure that the land will be unavailable for the construction of flood damage reduction levees and other incompatible purposes, and is not part of an intended, planned, or designated project area for which the land is to be acquired by a certain date;
5. Demonstrate that it has consulted with the US Army Corps of Engineers regarding the subject land's potential future use for the construction of a levee system, and will reject future consideration of such use if it accepts FEMA assistance to convert the property to permanent open-space;
6. Demonstrate that it has coordinated with its State Department of Transportation to ensure that no future, planned improvements or enhancements to the Federal aid systems are under consideration that will affect the subject property;
7. Remove existing structures within 90 days of settlement;
8. Post grant award, ensure that if property interested is conveyed, it is only with the prior approval of the FEMA Regional Director, via the State, and only to another public entity or to a qualified conservation organization pursuant to 26 CFR 1.170A-14;
9. Submit every three years to the Grantee, who will then submit to the FEMA Regional Director, a report certifying that it has inspected the subject property within the month preceding the report, and that the property continues to be maintained consistent with the provisions of the grant. If the subject property is not maintained according to the terms of the grant, the State and FEMA, its representatives, designated authorities, and assigns are responsible for taking measures to bring the property back into compliance; and
10. Not seek or accept the provision of, after settlement, disaster assistance for any purpose from any Federal entity with respect to the property, and FEMA will not distribute flood insurance benefits for that property for claims related to damage occurring after the date of the property settlement.
11. Assure the project will meet all national, state or local codes and standards applicable for the jurisdiction including, but not limited to, building, construction, public notification, floodplain development, etc.
12. Accept responsibility, at its own expense if necessary, for the **routine** maintenance of any real property, structures, or facilities acquired or constructed as a result of such Federal aid. Routine maintenance shall include, but not be limited to, such responsibilities as keeping vacant land clear of debris, garbage, and vermin; keeping stream channels, culverts, and storm drains clear of obstructions and debris; and keeping detention ponds free of debris, trees, and woody growth.

As the duly authorized representative of the Applicant, I hereby certify that the Applicant will comply with the identified assurances and certifications.

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<i>Typed Name of Authorized Representative/Applicant Agent</i>	<i>Title</i>	<i>Telephone Number</i>
<hr/> <div style="background-color: #e0f2f7; height: 20px; width: 100%;"></div>		<hr/> <div style="background-color: #e0f2f7; height: 20px; width: 100%;"></div>
<i>Signature of Authorized Representative/Applicant Agent</i>		<i>Date Signed</i>

ASSURANCES CONTINUED**Construction Programs**

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability including funds sufficient to pay the non-Federal share of project costs to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title, or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal interest in the title of real property in accordance with awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progress reports and such other information as may be required by the assistance awarding agency or state.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federal-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

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| <p>12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.</p> <p>13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.</p> <p>14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.</p> <p>15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C.</p> | <p>§§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (PL. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).</p> <p>16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.</p> <p>17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).</p> <p>18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."</p> <p>19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.</p> |
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SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

TITLE

APPLICANT ORGANIZATION

DATE SUBMITTED

ASSURANCES CONTINUED

Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements

Section 17.630 of the regulations provide that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for FEMA funding. States and State agencies may elect to use a Statewide certification.

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature on this form provides for compliance with certification requirements under 44 CFR Part 18, "New Restrictions on Lobbying; and 28 CFR Part 17, "Government-wide Debarment and suspension (Non-procurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Federal Emergency Management Agency (FEMA) determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

- A. As required by the section 1352, Title 31 of the US Code, and implemented at 44 CFR Part 18 for persons entering into a grant or cooperative agreement over \$100,000, as defined at 44 CFR Part 18, the applicant certifies that:
- (a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement and extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;
 - (b) If any other funds than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form LLL, "Disclosure of Lobbying Activities", in accordance with its instructions;
 - (c) The undersigned shall require that the language of this certification be included in the award documents for all the sub awards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontract(s)) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 44 CFR Part 67, for prospective participants in primary covered transactions, as defined at 44 CFR Part 17, Section 17.510-A. The applicant certifies that it and its principals:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this application been convicted of or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or perform a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or locally) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and
- B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 44 CFR Part 17, Subpart F, for grantees, as defined at 44 CFR part 17, Sections 17.615 and 17.623:

- (A) The applicant certifies that it will continue to provide a drug-free workplace by:
- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
 - (b) Establishing an on-going drug free awareness program to inform employees about:
 - (1) The dangers of drug abuse in the workplace;

- (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
 - (c) Making it a requirement that each employee to be engaged in the performance of the grant to be given a copy of the statement required by paragraph (a);
 - (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employee in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction.
 - (e) Notifying the agency, in writing within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to the applicable FEMA awarding office, i.e. regional office or FEMA office.
 - (f) Taking one of the following actions against such an employee, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement or other appropriate agency.
 - (g) Making a good effort to continue to maintain a drug free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).
- (B) The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance	Street	City	State	Zip Code

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

TITLE

APPLICANT ORGANIZATION

DATE SUBMITTED