

Plan Maintenance

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Section 7 – Plan Maintenance

Stafford Act 44 CFR §201.4(c)(5)(i)-(iii), §201.4(d)¹

7.1 Plan Responsibilities and Schedule [S17]

For the plan to remain relevant, the state’s overall strategy for reducing risks from natural hazards, the mitigation plan must reflect current conditions, including statewide trends or anticipated growth and development, changes in the state’s priorities, and progress toward implementation. To this end, the state mitigation plan must be regularly reviewed and evaluated to keep the plan current within the five-year cycle (Figure 7.1). This section demonstrates how MEMA, the primary agency responsible for the monitoring, evaluating, and updating the plan, has established a maintenance process and schedule to ensure the Plan continues to serve Maine now and in the future.

Schedule to Monitor, Evaluate, and Update the Maine State Hazard Mitigation Plan Responsible Agent: Maine Emergency Management Agency

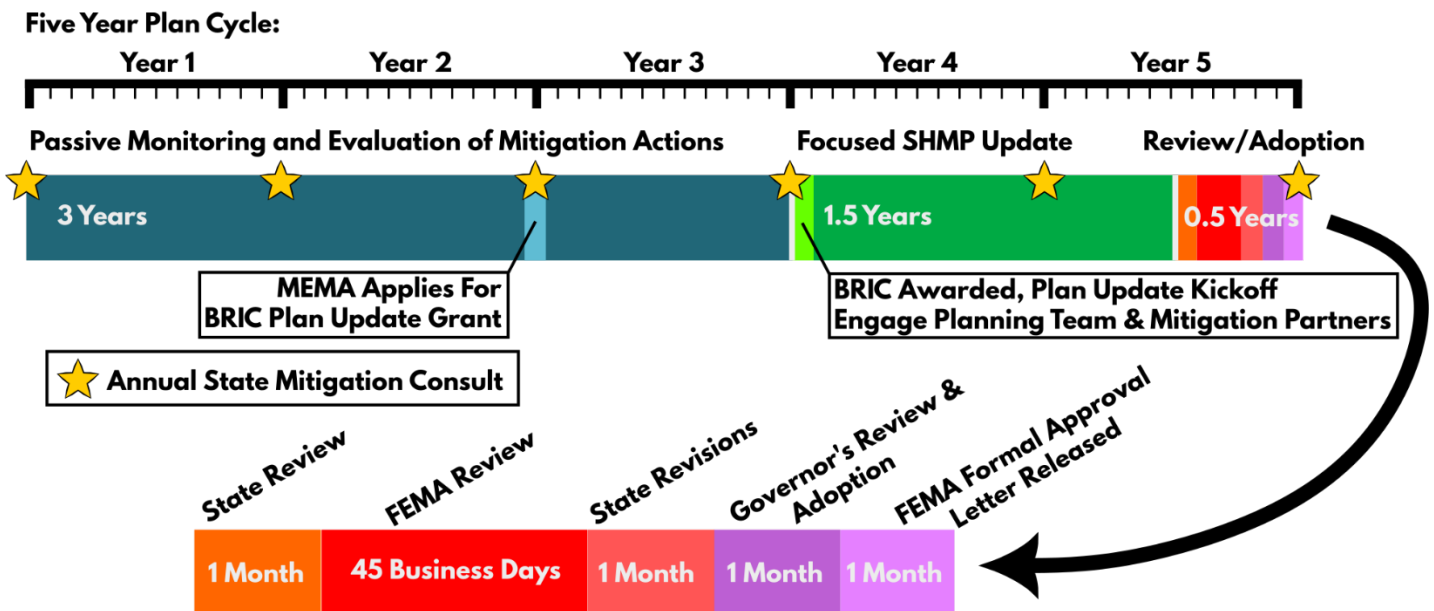


Figure 7.1: MEMA’s SHMP maintenance schedule. The 2023 Update did not take advantage of BRIC, but the intent is to take advantage of this mitigation capability in future updates. [S17.b.]

7.1.1 Monitoring the Plan

Monitoring plan implementation begins with mitigation actions. Many of the mitigation actions describe ongoing or recently improved services provided by MEMA. It is a simple process to monitor when and how these actions are implemented. Many new actions were included for this plan update to reflect the partnerships MEMA holds with other state, federal, and local entities, and these actions are monitored as part of ongoing collaborations to document their implementation.

Monitoring the risk assessment follows a similar approach. Many of the mitigation actions are geared toward improving our understanding of the nature of hazards, potential exposure to them, the vulnerability of communities and infrastructure, and the overall product of risk. By monitoring how these mitigation actions are implemented, MEMA also monitors and assesses the effectiveness of the risk assessment and determines update needs.

¹ Stafford Act 44 CFR §201.4: <https://www.law.cornell.edu/cfr/text/44/201.4>

Since mitigation actions are tied to the goals in the Plan, the Mitigation Strategy has been monitored monthly as part of regular meetings with county and state officials, after significant weather events, after Disaster Declarations, and reporting by the State Hazard Mitigation Officer of received inquiries on mitigation projects for FEMA HMA grant program. As previously noted in the Planning section, the county directors meet monthly at MEMA and immediate concerns about the Plan and how it connects with LHMPs or other planning products and grant opportunities can be addressed then.

The public is on occasion in attendance to state or county meetings, offering the public the opportunity to provide input to the plan. Public participation is required for LHMPs and this information is often brought up into the SHMP as noted in the Local Capabilities section. Lastly, the Plan has resided on the MEMA website since 2010, updates related to mitigation actions are frequently shared via MEMA's social media outlets, and several online mitigation mapping tools have been published online since the last plan update, giving the public immediate access to all State Hazard Mitigation Plan information in different forms.

The Plan will also be monitored relevant to any disasters (and new lessons learned, especially as described in the planning section) or new legislation. Reports are due on a quarterly basis as part of both MEMA and FEMA protocols.

7.1.2 Evaluating the Plan

MEMA's evaluation of the Plan is based on whether mitigation actions effectively address mitigation needs. State needs may be relevant to the Risk Assessment, Capabilities Assessment, Mitigation Strategy, Plan Maintenance, or Planning Process of the State Hazard Mitigation Plan. Needs may include new partners, new risks potentially triggered by climate change and development, new capabilities, budget changes, new/updated laws and federal guidelines, or changes in responsibilities or goals of the Mitigation Partners. Mitigation actions will be evaluated, updated, removed, or added on an as-needed basis with approval of the agent responsible for implementation. Evaluation is crucial for improving mitigation program management and keeping goals current.

Plan evaluation may occur at any time, but in general this is completed as part of plan monitoring. A natural progression of implementation monitoring is to determine the effectiveness of the implementation. Monitoring and evaluation are a consistent practice throughout the five-year plan cycle. However, there is greater intent to evaluate and update mitigation actions (thereby evaluating and updating all components of the Plan) during the update period that typically occurs within the last two years of the five-year cycle.

7.1.3 Updating the Plan

The Plan will continue to be fully updated once every five years based on the schedule shared in Figure 7.1. MEMA is the primary responsible agent of the SHMP update but relies upon multiple Mitigation Partners to establish goals, objectives, and actions that support the state mitigation program. MEMA's mitigation program utilizes SHMP products on a regular basis and this allows frequent opportunities for a growing number of participants to monitor, evaluate, and suggest updates to the Plan at any time.

Suggestions for updates will be documented and credited to partners throughout the plan cycle, but MEMA will begin investing time and resources to implement the full Plan Update within two years of the current Plan's expiration date. MEMA will have applied for a BRIC Plan Update grant a full year before this point to ensure that funds are obligated at the time of the formal update process. The update is begun with a kickoff meeting and establishment of the Planning Team and Mitigation Partners as noted in the Planning Process section.

All updates are implemented by MEMA though many relating to the goals of partner agencies or from integrated plans are provided by Mitigation Partners. Seasonally, a review will occur after the winter and usual spring flooding months, wildfire season, and the hurricane season to properly assess any changes in risk and to review reports from the River Flow Advisory Commission. Updates will also occur in the event of changing

capabilities, such as the termination of funding programs/resources or addition of new mitigation opportunities. It will also be in conjunction with 2nd Quarter Work Reports, when the Mitigation Officer would normally report on any mitigation activities within the agency.

7.2 Adoption and Assurances

This SHMP was adopted by Governor Janet Mills on September 14, 2023, as required by 44 CFR Section §201.4(c)(6). A signed adoption letter from the Governor is included at the beginning of this plan. This plan was reviewed by the Planning Team that was assembled for oversight of, and contribution to, the development of the SHMP including engagement by Mitigation Partners. The Planning Team and Mitigation Partners consist of staff across multiple State agencies documented in Section 2 – Planning Process.

The State of Maine does comply, and assures it will continue to comply, with all applicable federal statutes and regulations in effect with respect to the periods for which it receives grant funding, in compliance with Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards 2 CFR 200 and 2 CFR 3002. This includes managing and administering FEMA funding in accordance with applicable Federal statutes and regulations. The State also assures it will amend the State Hazard Mitigation Plan in accordance with 44 CFR 13.11(d), including amending the plan whenever necessary to reflect changes in State or Federal laws and statutes, as described in this section.

7.3 History of Plan Effectiveness

The previous plan's methods and schedules worked reasonably well, but some adjustments are needed to ensure greater consistency between plans. To expedite the planning process, in 2009 MEMA developed a guide for the preparation of hazard mitigation plans so that as county or University of Maine plans were updated, they will follow the same format, thus allowing better coordination between local plans and the State Plan. The guide has proven to be extremely beneficial and simplified the process of updating both the 2013, 2018, and 2023 State Hazard Mitigation Plan. Further standardization is still needed to include one methodology for assessing financial impacts of the profiled hazards.

MEMA is exploring potential improvements to the evaluation strategy by standardizing feedback from mitigation partners. This includes the design of digital surveys requesting feedback on the effectiveness of specific mitigation actions that fall within the responsibility of each partner. Currently MEMA uses an "interview" style process to request plan update assistance that would be supported by the survey. The digital survey approach is documented as a new mitigation action in the Mitigation Strategy section.

7.4 Program Monitoring [S18]

7.4.1 Monitoring FEMA HMA [S18.a.]

FEMA HMA grant project activities have been monitored on a monthly schedule according to Section 8, Project Management of the State’s Hazard Mitigation Grant Program Administrative Plan for each Disaster Declaration. This includes the administration, roles and responsibilities, and financial administration of projects. MEMA has developed spreadsheets for tracking the status of plans and projects. The State Administration Plan has been updated after every declaration for more than two decades. After the February 2013 blizzard declaration (DR-4108) it was decided that, going forward, the cover of the plan and footers would be named by the declaration number instead of a “version number.”

The FEMA HMA Non-Disaster grant program does not require a State Administrative Plan. However, the program also requires an active and approved SHMP per the Notice of Funding Opportunity. The Building Resilient Infrastructure and Communities grant appropriations authority is Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as amended (Pub. L. No. 93-288) (42 U.S.C. § 5133) and Section 203(i) of the Stafford Act, as amended (Pub. L. No. 93-288) (42 U.S.C. § 5133) and Infrastructure Investment and Jobs Act (Pub. L. No. 117-58) (2021).

The Flood Mitigation Assistance grant program is under the authority of Section 1366 of The National Flood Insurance Act of 1968, Pub. L. No. 90-448 (codified as amended at 42 U.S.C. § 4104c) and Infrastructure Investment and Jobs Act, Pub. L. No. 117-58, 135 Stat. 1387–1388 (2021) and Department of Homeland Security Appropriations Act, 2022, Pub. L. No. 117-103, Division F and Infrastructure Investment and Jobs Act, Pub. L. No. 117-58 (2021), 135 Stat. 1387–1388 (2021).

The Legislature Pre-Disaster Mitigation grant program’s authority is Section 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) (Pub. L. No. 100-707), amending the Disaster Relief Act of 1974 (Pub. L. No. 93-288) (42 U.S.C. § 5133) and Department of Homeland Security Appropriations Act, 2023 (FY23 DHS Appropriations Act) (Pub. L. No. 117-328).

Due to resource limitations, and the previously described distances across the state, site visits will usually be limited to the pre-application and final inspection process. Wherever possible, multiple site visits will be the norm to keep a “working inventory” and to reduce travel time and costs. Phone calls will substitute for travel or face-to-face meetings in many cases. However, complex projects, such as, but not limited to acquisition/demolition, will receive much more frequent monitoring based on circumstances.

HMGP Project/Subaward Closeout Process

Specifically, the FEMA Project/Subaward Closeout includes the following process for Sub-Recipient grant awards. Within 90-180 days (depending on grant program) from the date the State or a Subrecipient completes each non- Management Cost HMGP project, the State shall submit a payment of claim to FEMA as required by 44 C.F.R. § 206.438(d), the Hazard Mitigation Assistance Guidance (2015), Part VI, ¶ F, Hazard Mitigation Assistance Guidance (2023), and FEMA- State Agreement, ¶ V.C.

Project Closeout Content: The payment of claim will include a letter signed by the Governor’s Authorized Representative that certifies that the reported costs were incurred in the performance of eligible work, the approved work was completed, and the mitigation measure complies with the provisions of the FEMA-State Agreement. The payment of claim package shall also include the following:

- Verification that any program income has been deducted from total project costs as specified in 2 C.F.R. § 200.307.
- Final site inspection report that includes photographs of the completed project.
- Final project costs, including Federal share, non-Federal share, administrative allowance (if applicable), and cost underrun and overruns.
- Geospatial coordinates, in the form of latitude and longitude with an accuracy of +/- 20 meters (64 feet), have been provided for the project. For flood reduction, hazardous fuels reduction, and soil stabilization projects, an accurate recording of the official acreage, using open file formats geospatial files (i.e., shapefiles), must be submitted.
- Certification and documentation to support that the project was completed in compliance with environmental conditions, required permits, and applicable building codes.
- Certification that the project meets NFIP insurance requirements (if applicable).
- For new or updated hazard mitigation plans, a final copy of the FEMA-approved and community-adopted plan.
- For planning-related activities, the activity is consistent with 44 CFR Part 201 or 206.
- Other supporting documents required by FEMA to close mitigation project types as outlined in the HMA Job Aids: (1) Closeout Toolkit: Checklist for Hazard Mitigation Grant Program and (2) Closeout Toolkit: Hazard Mitigation Grant Program Subaward Closeout FAQs.

Subrecipient Closeout: The State must submit a Subrecipient final expenditure report to FEMA for all projects and management costs approved under the HMGP grant for a Subrecipient as required by the FEMA-State Agreement. This report is submitted after the State has submitted all payment of claim information and certifications for a subrecipient’s project. The report is submitted as part of the quarterly SF-425 report by noting the following in the remarks section:

- That the report represents the final expenditures for a Subrecipient;
- The name of that Subrecipient; and
- The date on which the recipient submitted to FEMA a payment of claim for each of that Subrecipient’s approved projects and management costs, or reference to other documents submitted to FEMA that includes this information.

Grant Closeout: The State will submit a HMGP grant closeout request within 90 days from the end of the State’s management cost project period of availability as required by 2 C.F.R. § 200.343 for DR-4522 and 2 C.F.R. § 200.344 (a) for DR-4647. DR-4647, Recipients must submit, no later than 120 calendar days after the end of the period of performance all financial, performance and other reports as required by the terms and conditions of the award. FEMA will withhold 3 percent of the recipient’s management costs until the closeout of the last non-management cost HMGP project. The closeout request will include a letter from the Governor’s

Authorized Representative (or, Alternate Governor's Authorized Representative (GAR) with supporting documentation, including the following:

- Statement that the scope of work has been completed as approved;
- Final Federal Financial Report (SF-425);
- Final performance/progress report;
- SF-428, Report on Government Property, if applicable;
- SF-270, Request for Advance or Reimbursement, if applicable, or request for de-obligation of unused funds, if applicable; and a Statement that no inventions were made, or patents applied for in the implementation of the award.

Record Retention: Three-year rule – FEMA-State Agreement and C.F.R. § 200.333 set forth the records retention requirements.

7.4.2 Other State Funding Programs

Though MEMA is only responsible for managing the FEMA HMA grant programs in Maine, many additional partners administer other grant programs shared within the Capabilities section. Links referenced in that section provide more information on their scope of monitoring/review.

7.4.3 General System for Monitoring/Reviewing Progress

System for Reviewing Progress on Achieving Goals in the Mitigation Strategy

Since mitigation activities will be occurring at the local and state levels, there will be two processes for monitoring progress. For local activities, the County Directors will provide annual updates to MEMA's mitigation program and/or as part of the agenda at one of the above referenced monthly meetings for LHMP. In addition to LHMP updates, these project updates will be incorporated into the digital database of LHMP mitigation actions described in the Mitigation Strategy section. Progress of state mitigation activities will be coordinated on an annual basis or after a Disaster Declaration by TELCOMs between the mitigation program and the agencies identified in the Capabilities section.

For FEMA HMA sub recipient grant awards, the State Hazard Mitigation Officer (SHMO) will monitor all sub recipient's mitigation actions formally during the FEMA required quarterly reporting for programmatic and financial programs. The SHMO will provide FEMA HM grant monitoring program quarterly reports for their review.

Modifications to Track Initiation, Status and Completion of Mitigation Activities

The current system used to track the initiation, status and completion of mitigation activities for FEMA HMA grants is provided with FEMA HMA grant program guidance which MEMA institutes. The FEMA HMA guidance was updated March 23, 2023 for all grant programs from this date forth. All sub recipient awards prior to March 23, 2023 will follow the 2015 FEMA HMA guidance.

System for Reviewing Progress on Implementing Activities and Projects

The list of goals, objectives, and actions in the Mitigation Strategy section contains current status data. As each action shows progress or is completed, the status column is updated. Progress is determined through annual meetings with Planning Team members responsible for each action.

Implementation of Mitigation Actions from Previous Plan

Refer to the current status data contained in the goals, problem statements, and actions table in the Mitigation Strategy section of this plan. The status report dictates the implementation of mitigation efforts and summarizes how hazard mitigation capabilities have changed since the last plan if relevant.