



Volume One: Natural Disasters  
A Governor's Guide to  
**Emergency Management**



Volume One: Natural Disasters

# A Governor's Guide to Emergency Management



By Ann M. Beauchesne

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# Preface

The purpose of *A Governor's Guide to Emergency Management* is to provide governors and their staffs with policies, procedures, and general information regarding emergency management. This is not intended to be an all-encompassing document of the various directives and information about emergency management. Rather, we have limited the contents of this *Guide* and hope it is a useful reference document that addresses the major issues a governor and his or her staff need to be aware of and prepared for. Recognizing that disasters can also be manmade, and that all levels of government are taking steps to improve the nation's capability to deal with terrorism incidents involving weapons of mass destruction (nuclear, biological, and chemical), NGA will address this issue in Volume 2, a companion report to this *Guide*.

NGA often addresses emergency management at the governors' annual meetings and during seminars for chiefs of staff, press secretaries, and policy advisors. During these sessions, governors and staff who have handled emergencies describe their experiences and mistakes and candidly explain how they could have done things differently. NGA will continue to make emergency management a key part of its services to the nation's governors.

# Introduction

“Imagine that you were somehow able to watch, from a distance, a major disaster unfold. You would see suffering and devastation, but that would only be part of the story. You also would see lots of people move into action—people from government agencies, private organizations, businesses and volunteer groups. You would see them working as a team to help keep essential services operating, provide first aid, food and water, clear debris, rebuild homes and businesses, and prevent the disaster from happening again.

Over time you would begin to see a pattern to the activity. You would see how people work together when disasters occur. You would see “first responders” risking their lives to help others. You would see the results of planning and coordination in the execution of an effective response. And you would learn that communities and individuals could lessen the damage that disasters cause, and sometimes avoid it altogether.

The pattern behind the activity is called “emergency management.” It is the process through which America prepares for emergencies and disasters, responds to them, recovers from them, rebuilds, and mitigates their future effects.”<sup>1</sup>

## Overview of the Guide

With lives, infrastructure, and resources at stake, governors must become instant experts in emergency management when their states are affected by natural disaster. *A Governor’s Guide to Emergency Management* addresses the major issues a governor and his or her staff need to be aware of and prepared for. Sources for additional, more detailed information and contact information, such as Web sites and phone numbers, are listed throughout the document to point the reader to more detailed information.

<sup>1</sup> Courtesy of the Federal Emergency Management Agency

Before a disaster strikes, a governor needs to establish an emergency response team; compile essential emergency management information; and assess the state's resources and capabilities for dealing with an emergency. Chapter 1 outlines these basic steps that a governor, particularly a newly elected one, should take to be prepared for a disaster even during the early days of the administration.

A new governor must become informed about the risks facing the state. Chapter 2 describes effective assessment tools and a voluntary accreditation program that states can use to assess their emergency management capabilities.

An incoming governor should also initiate an aggressive predisaster mitigation strategy. Governors should implement common-sense, long-term, day-to-day policies that reduce vulnerability, and should also be ready to promote smarter rebuilding when a disaster actually strikes. States have done a great deal during this past decade to minimize the consequences of natural disasters, but they must do even more. Chapter 3 explains the opportunity the governor's administration has to establish mitigation policies that also reduce the adverse effects on business and the state economy. This chapter also describes some of the different types of federal, state, and local mitigation activities to help reduce losses and suffering so there is less demand for disaster assistance in the aftermath.

Because state emergency management is a shared responsibility that involves several agencies, the key to successful emergency management is teamwork. The governor should tap into the resources of the entire state organization and ensure that an interagency perspective and approach, the foundation for effective emergency management, is established early on. The governor should also consider tapping into critical private-sector resources. Recent disaster experience has demonstrated that disaster preparedness and response can be enhanced through close coordination with the private sector as

well. Chapter 4 describes the authority and powers a governor has during a declared emergency or disaster. The chapter also outlines the interaction needed among the governor's office, the state emergency management office, the state legislature, other state agencies, local governments, the private sector, volunteer organizations, and the federal government.

Sometimes the resources needed to manage a disaster or emergency may not be readily available within the state, so outside resources are needed to ensure an effective response. Chapter 5 provides an overview of the emergency management assistance compact and why a state may want to consider joining the compact.

Disasters evoke powerful emotions, and the governor's presence can go a long way toward calming and reassuring the community. Survivors, victims' families, and local citizens will look to the governor for leadership. Chapter 6 details some of the important considerations in developing an effective communications strategy. If emergency response efforts are effective, the public's perception of the governor and state government is immediately enhanced.

Most disasters do not reach the magnitude of a presidential declaration. However, when state and local resources are insufficient to respond to a disaster, a governor may ask the President to declare a major disaster or emergency. Chapter 7 lays out, step-by-step, the processes for declaring a major disaster and for receiving federal assistance that is available without a presidential declaration.

Chapter 8 explains how to obtain federal assistance, what actions the state should take following a declaration, and what assistance is available to state and local governments. Governors and their staffs also need to be aware of the types and sources of emergency and disaster assistance that may be available to a state's individual citizens, families, and businesses. This information can be found in Chapter 9.

In some situations, disaster assistance may be available from the federal government and volunteer agencies even though no presidential declaration is issued. Chapter 10 summarizes these types of assistance.

Finally, after a disaster, governors and citizens must turn to recovery. Chapter 11 discusses some of the issues that governors must be aware of in order to facilitate the long-term recovery process.

## The Future

Over the years, emergency management has evolved from a “Cold War” civil defense focus to an all encompassing, “all-hazards” approach to response and recovery. In the early 1970s, a shift in philosophy began to emerge and the concept of comprehensive emergency management was developed and proposed by the National Governors Association. Comprehensive emergency management refers to the four phases of disaster or emergency management: mitigation, preparedness, response, and recovery. Today, more and more emphasis is being placed on mitigation.

The future of emergency management is aimed toward preventing losses and avoiding damage. At the same time, governors should continue to focus on the following goals for the next decade:

- ❖ maintaining a constant, high level of all risk comprehensive preparedness and response capability in the state;
- ❖ educating the public that mitigation and loss-reduction efforts are valuable and contribute to both public safety and economic security;
- ❖ containing and reducing disaster costs; and
- ❖ preparing for incidents of nuclear, biological, and chemical terrorism.

## CHAPTER ONE:

# What a New Governor Should Know

A new governor must be prepared should a disaster occur during the early days of his or her administration. The key first steps for a governor are to understand the existing emergency management system of the state and to establish informed policies and sound priorities to address critical needs. **A new governor should:**

- ❖ identify the key members of his or her emergency response team;
- ❖ compile essential emergency management information, including gaining an understanding of existing systems and processes for dealing with crisis events;
- ❖ assess the state's emergency management resources and capabilities; and
- ❖ review emergency powers and responsibilities authorized by state statutes.

## Identify Key Members of the State Emergency Response Team

Although several agencies are involved in state emergency management, the governor relies heavily on two people—the state emergency management director and the chief of staff. The state emergency management director is responsible for coordinating emergency and disaster response and recovery, and the chief of staff serves as the principal contact in the governor's office and communicates directly with the state emergency management office, state agencies, and local governments. The governor should meet with the chief of staff and the director of the state emergency management office to define their emergency management roles and responsibilities.

In addition, the governor should meet with all state agency officials involved in emergency management to ensure they understand how they should interact with the governor's office and state emergency management agency during an emergency.

A new governor should ensure that state department directors, particularly if they are also new to government, understand the importance of emergency management. Agency officials involved in emergency management should be experienced in these issues and should be given a direct line of communication to department directors. The governor should also tap into the resources of the entire state organization and ensure that an interagency perspective and approach are established.

## For more information

on the Emergency Planning and Community Right-to-Know Act, go to the National Governors Association Web site at [www.nga.org](http://www.nga.org) or the EPA Chemical Emergency Preparedness and Prevention Office Web site at [www.epa.gov/swercepp](http://www.epa.gov/swercepp).

Governors should be aware that all states have some form of a state emergency operations center where all departmental emergency management officials can gather during an emergency to execute the state plan.

The 1986 Emergency Planning and Community Right-to-Know Act, authorized under Title III of the Superfund Amendments and Reauthorization Act, requires each governor to establish a state emergency response commission (SERC) to oversee implementation of the federal act. In most states, the SERC is composed of state agency representatives and is the principal coordinating body for chemical-related emergencies.

## Compiling Essential Emergency Management Information

A governor's staff should compile essential information that the governor will need when an emergency occurs.

### ESSENTIAL EMERGENCY MANAGEMENT INFORMATION

- ❖ A list of procedures to be followed by the governor.
- ❖ A description of the powers and responsibilities of the governor during a declared emergency.
- ❖ A description of the roles and authorities of the state emergency management office and other agencies.
- ❖ A sample executive order or proclamation\* declaring a state emergency.
- ❖ A sample letter to the President requesting a federal disaster declaration.
- ❖ A description of the types of state and federal disaster aid available to victims.
- ❖ A review of emergencies that have occurred in the state in the last five years.
- ❖ A communications strategy.
- ❖ An assessment of the state's emergency management resources and capabilities.

\* In some states, an executive order is not required to declare a state of emergency.

## Assessing the State's Emergency Management Resources and Capabilities

During the transition or the first week in office, a governor should have the office staff review the state's basic emergency management system. Within the first month of the governor's term, the staff should compile a hazard analysis and an assessment of the state's emergency management laws, capabilities, and resources from their state emergency management agency. The assessment should include answers to the following questions.

- ❖ Is the emergency management program comprehensive enough to meet the needs of the state?
- ❖ Are the goals, objectives, and mission of the state's emergency management system being achieved?
- ❖ Can the state redirect strategic resources and help communities and citizens avoid becoming disaster victims?

## How to Declare a Disaster

Most emergencies or disasters do not reach the magnitude of a presidential declaration. These are the most difficult. The governor may be under intense pressure to request federal assistance, but if there is not sufficient damage it may be denied. Consequently a state must have the capability to provide assistance to victims without the benefit of federal disaster aid. Many programs exist in a state that can provide this type of assistance. In those cases when state and local resources are insufficient to respond to a disaster and thresholds for federal disaster assistance are met, a governor may request that the President declare a major disaster or emergency. Chapter 7 lays out, step-by-step, the processes for declaring a major disaster as well as for receiving federal assistance that is available without a presidential declaration. The authority and powers a governor has during a declared emergency are explained in Chapter 4.

## CHAPTER TWO:

# Assessing Your State's Performance

Governors and state emergency management officials must have a well-defined, recognized measurement tool for evaluating their state's emergency management capabilities.

## Capability Assessment for Readiness (CAR)

The Federal Emergency Management Agency (FEMA) has developed a survey instrument to help states assess their emergency management capabilities. This instrument, known as the Capability Assessment for Readiness (CAR), is a national standard self-assessment tool that state emergency-management organizations and FEMA regional offices can use to identify strengths and weaknesses in emergency response. The CAR focuses on identifying deficiencies or corrective actions that a state needs to take to strengthen its emergency management program. Not all functions described in the CAR are relevant to every state (e.g., identification of hurricane routes). One important aspect of CAR is that it provides states with useful baseline information for program analysis and strategic planning. More importantly, it enables states to track assessment results so emergency managers can focus on the areas that require the most improvement.

## Emergency Management Accreditation Program (EMAP)

Recognizing that state and local emergency management programs play a crucial role in creating safe communities and reducing disaster impacts, several national organizations<sup>2</sup> recently cooperated to develop the Emergency Management Accreditation Program (EMAP). EMAP builds on the CAR concept and takes it one step further. EMAP will provide national standards through which emergency management programs can demonstrate success and accountability and determine areas and issues where additional resources are needed.

Because gauging the capabilities of state and local programs before a disaster strikes is a major challenge for government and community leaders, the goal of EMAP is to provide a meaningful, voluntary accreditation process that can be used by state, territorial, and local programs. By offering consistent standards

<sup>2</sup> The National Emergency Management Association (NEMA), National League of Cities, Federal Emergency Management Agency, National Governors Association, U.S. Department of Transportation, and several other organizations helped create EMAP to promote continuous improvement of both state and local emergency management programs.

## For additional information

on CAR, go to the Federal Emergency Management Agency Web site at [www.fema.gov/pte/car\\_exsm.htm](http://www.fema.gov/pte/car_exsm.htm).

## For more information

on the Emergency Management Accreditation Program go to the National Emergency Management Association Web site at [www.emaponline.org](http://www.emaponline.org).

and a fair accreditation process, EMAP will strengthen communities' abilities to prepare for and respond to all types of hazards, from tornadoes and earthquakes to school violence and bioterrorism.

Accreditation is voluntary and not tied to funding. Its intent is to encourage examination of strengths and weaknesses, pursuit of corrective measures, and communication and planning among different sectors of government and the community—particularly in light of emerging problems such as changing climate and weather patterns and the threat of terrorism.

In 2001 this program will pilot test accreditation standards and procedures within two state emergency management programs. Following these tests, EMAP will refine its procedures and materials and offer the accreditation process to all U.S. state and territorial emergency management programs. In 2002 the program expects to pilot test the accreditation process among local emergency management programs. The process will include an application, self-assessment, onsite assessment by an outside review team, and committee and commission review of compliance with EMAP standards; it will also require reaccreditation every three years.

## CHAPTER THREE:

# Developing and Implementing State and Local Disaster Mitigation Plans<sup>3</sup>

Natural disasters cost U.S. taxpayers, insurance companies, and victims an average of \$20 billion annually. Today more than a quarter of the U.S. population lives within 50 miles of the coastline, and the market value of insured properties in those areas now exceeds \$2 trillion. The 1990s will be remembered as a decade for disasters, with 100-year and 500-year events occurring frequently. In some states, it was the wettest decade on record. Fiscal 1999 saw the President issue a total of 52 major disaster declarations in 35 states. There were also 16 federal emergencies declared, mostly on the Eastern Seaboard. Since 1996 the Administration has declared, on average, at least one region of the country per week a disaster area. The annual number of presidential declarations of disaster has nearly doubled since 1984.

The frequency of natural disasters in the U.S. is rising at an alarming rate, not necessarily because natural hazard events have become more frequent, but because more and more people have chosen to live in locations that put them at risk from coastal storms, repeated flooding, and seismic activity. Often, this development has occurred with little or no attention to the need for sound building practices or land-use policy. As a result, the risk of disasters occurring in the wake of natural hazards has grown exponentially.

## Natural Hazards vs. Natural Disasters

There is a distinct difference between natural hazards and natural disasters. *Natural hazards*—such as floods, earthquakes, hurricanes, erosion, wildfires, and tornadoes—are naturally occurring events that are undeniably a part of the earth's ecological system. Despite the magnitude of a particular event from the human perspective, most such incidents themselves, while perhaps unusual, are not an aberration of nature or “freak” occurrence. It is only when these natural hazard events intersect with the manmade environment that “disasters” result. *Natural disasters* occur when human activity, such as construction and agriculture, take place in the path of the forces of nature.

True, these events can result in massive damage to the ecological environment—fire can destroy grasslands and forests, coastal storms can move barrier islands, tornadoes can uproot trees, earthquakes can alter the landscape. Yet these occurrences, as well as their destructiveness, occur to serve specific natural

<sup>3</sup> Hazard mitigation is sustained action taken to reduce or eliminate long-term risk to people and property from hazards and their effects. Federal, state, and local governments use mitigation activities to lessen the impacts of natural disasters on homes, communities, and the economy. Mitigation is often the most cost-effective and environmentally sound approach to reducing some losses.

functions. The natural environment is amazingly recuperative from the forces of wind, rain, fire and earth, and can regenerate with remarkable resiliency, often restoring habitats and ecosystems in time for the next generation of plant and animal life to begin anew in a continuous cycle of destruction and renewal. The human environment, particularly the built environment, is not nearly as resilient or recuperative as the natural environment, and the occurrence of a natural hazard can result in the debilitation or destruction of an entire community for many years following the event.

While we cannot stop the forces of nature and prevent natural hazards from occurring, we do have some means to reduce their adverse consequences on the built environment. Through the application of hazard mitigation planning and practice, we can ensure that public policy and private development decisions are made so the built environment is more resilient to the impacts of natural hazards, thereby decreasing the future vulnerability of human life and property.

## Mitigation: The Cornerstone of Emergency Management

FEMA defines mitigation as “any sustained action taken to reduce or eliminate long-term risk to people and property from hazards and their effects.” Mitigation strategies include a variety of structural and nonstructural tools and techniques that will lessen the impact of natural hazards. Examples include keeping homes away from floodplains, engineering bridges to withstand earthquakes, and creating and enforcing effective building codes to protect property from hurricanes. These activities can occur before, during and after a disaster, and overlap all phases of emergency management. While the actions involved in the preparedness, response and recovery phase of emergency management are related to specific events, mitigation activities have the potential to produce long-term and recurring benefits by breaking the repetitive cycle of disaster loss.

A core assumption of mitigation is that current dollars invested in mitigation will significantly reduce the demand for future dollars by lessening the amount needed for emergency

recovery, repair and reconstruction following a hazard event. Successful mitigation strategies will also enable local residents, businesses and industries to re-establish themselves in the wake of a disaster, getting the economy back on track sooner and with less interruption in the flow of goods and services.

The United States Congress, recognizing mitigation as the cornerstone of emergency management, renewed its commitment to federal mitigation programs by passing the Disaster Mitigation Act of 2000 (H.R. 707) on October 10, 2000. This legislation became law (P.L. 106-390) on October 30, 2000, and amends the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1998 (42 U.S.C. 5121 et seq.). The general purposes of the Disaster Mitigation Act are to: 1) establish a national program for predisaster mitigation; 2) streamline administration of disaster relief; and 3) control federal costs of disaster assistance.

## Establishing Aggressive Predisaster Mitigation Strategies

Along with the numerous challenges posed by disasters come new opportunities to reduce the consequences of devastating natural disasters. Governors should be informed about the risks facing the state and initiate an aggressive predisaster mitigation strategy. There are two major elements to predisaster mitigation: first, some part of the existing development within a state is already at risk; and second, any new development should not increase the risk for disaster. Governors should energize their administrations to:

- ❖ create interagency councils to develop integrated policies that factor in mitigation, economic development, natural resource management, capital improvement, and local and regional planning to minimize future risk;
- ❖ develop incentives for local governments to take responsibility for becoming disaster resistant;
- ❖ evaluate risk reduction methods for the built infrastructure that is currently at risk; and
- ❖ evaluate and strengthen building codes and land-use planning.

The most effective mitigation practices take place at the local government level because this is where most decisions on the regulation and control of land development are made, along with decisions on the provision of infrastructure that supports such development. Therefore, the state organization should strongly support and encourage local risk awareness and local mitigation actions through local hazard mitigation planning.

## COMPREHENSIVE PLANNING

States should develop and implement state and local disaster-mitigation plans that foster comprehensive mitigation planning as a component of the state's economic development. The increasing number and severity of natural disasters over the past decade demands that states take this action to reduce the threat that hurricanes, tornadoes, severe storms, floods, and fires impose on the nation's economy and the safety of its citizens. A healthy, natural environment is one of the key ingredients to building a disaster-resistant community. An essential component of disaster resistance is the use of natural protection: wetlands as sponges, timberland as a buffer from mudslides, and the coastline as a barrier to hurricanes. Sometimes the best protection against nature's disasters lies in working with nature's resources.

One of the strongest contemporary movements among states is commonly referred to as "smart growth." A number of governors have demonstrated remarkable leadership in developing broad public support for a smarter style of economic development and growth planning. Smart growth is much more than a solution to urban sprawl or traffic congestion—it also represents a new approach to comprehensive planning that takes into account *all* of the possible hazards in a state, and it needs to be a priority in the future.

Hazard mitigation can play a vital role in supporting the pillars of smart growth by making communities safer while maintaining a balance between a community's economic condition and its natural setting. State and local governments have significant control over land use, the direction and nature of economic development, capital facilities and infrastructure, and all of these impact a community's vulnerability to natural hazards. By incorporating the principles of smart growth and hazard

mitigation into the decisionmaking process, community growth and development can be guided away from known hazard areas. By allowing the environment to perform its functions unimpaired, mitigation through avoidance or preservation programs can help communities attain a level of sustainability, ensuring public and environmental health for the community as a whole.

There are enormous potential economic and human savings in preventing and minimizing the negative impacts of disasters, both natural and manmade. The incentive is clear: a disaster-resistant community can bounce back from a natural disaster with far less loss of property and, consequently, much lower costs for repairs. Moreover, the time lost from productive activity is minimized for businesses and their employees. Indeed, FEMA estimates that for every dollar spent in damage prevention, two are saved in repairs.

## Factors to Consider When Developing a State Hazard Mitigation Plan

States should develop and implement state hazard mitigation plans that primarily serve to foster the development of local mitigation plans and lessen the overall vulnerability of the state to all natural hazards. Once again, the most effective mitigation practices are implemented at the local government level—and this fact should be underscored in any state hazard mitigation plan.

State hazard mitigation plans are required by FEMA as a prerequisite for post-disaster mitigation funding, as implemented through Section 322 of the Disaster Mitigation Act of 2000. The agency or agencies appointed by the governor to coordinate state mitigation activities should write and regularly update a comprehensive, all-hazard mitigation plan. This hazard mitigation plan should be based on a thorough understanding of the state's hazards and the risks they pose. It should also reflect the long-term development trends of its highest risk communities and specify the involvement of all affected state agencies and local governments. Implementing a state hazard mitigation plan can help reduce disaster losses

and will be advantageous to a state when requesting and prioritizing federal hazard mitigation funds. **The content of the state mitigation plan should include:**

- ❖ the identification of all natural hazards and risks in the state;
- ❖ a thorough assessment of the state's present vulnerability to each hazard;
- ❖ a discussion of development trends and their affect on the state's future vulnerability;
- ❖ a discussion of the state's programs, policies and capabilities that affect vulnerability;
- ❖ a list of goals and objectives to mitigate and reduce potential losses;
- ❖ the identification and evaluation of feasible mitigation actions the state is implementing or considering;
- ❖ the identification of current and potential funding sources for mitigation actions;
- ❖ a list of activities to encourage participation and compliance with the National Flood Insurance Program;
- ❖ a description of the state process to encourage and support the development of local hazard mitigation plans;
- ❖ a description of the state process to review and evaluate local hazard mitigation plans;
- ❖ the criteria for prioritizing communities and eligible applicants for applicable mitigation grant funds;
- ❖ a prioritized list of eligible mitigation activities to be funded through mitigation grant funds administered by the state; and
- ❖ an established method and schedule for monitoring, evaluating and updating the state mitigation plan.

## Local Hazard Mitigation Plans

The development and implementation of local hazard mitigation plans is a key component to reducing a state's long-term vulnerability to natural hazards. Local governments will rely heavily on guidance from their federal and state counterparts to develop their plans, and the state should be fully capable of providing the necessary resources and technical assistance.

A local hazard mitigation plan is the most effective vehicle for establishing a community's commitment to preventing disaster loss. By conducting a thorough hazard identification and vulnerability assessment, local officials will gain considerable knowledge of the unique risks that face their particular community. By establishing and adopting mitigation goals, objectives, policies and strategies, the plan can serve as an important connection between the public interest and the specific mitigation measures to be employed in both the predisaster and postdisaster environments. When prepared carefully, a local mitigation plan will also satisfy statutory requirements imposed on local governments (such as those to be implemented under the Disaster Mitigation Act of 2000) and qualify the local government for mitigation grant funding.

A local hazard mitigation plan will also provide a medium to inform the community about natural hazards and about mitigation, increasing public awareness of the risks present in the community. Achieving widespread public awareness of natural hazards will enable residents to make informed decisions on where to live, purchase property or locate a business, and how to protect themselves and their property from the impact of natural hazards.

## INNOVATIVE STATE HAZARD MITIGATION PLANNING INITIATIVE

In 1996 North Carolina launched a Hazard Mitigation Planning Initiative (HMPI) to foster the development of local hazard mitigation plans. It was believed the development and implementation of these plans would ensure the incorporation of hazard mitigation principles into the routine activities and decisionmaking processes of local governments, ultimately decreasing the current and future vulnerability of their communities to all hazards.

The initial phase of the HMPI began with the designation of 11 "demonstration communities," all of which entered into contractual agreements with the state to develop exemplary local hazard mitigation plans over the course of an 18-month period. These plans, when complete, were intended to serve as models for other local communities throughout North Carolina that sought to incorporate hazard mitigation strategies in

their own jurisdictions. Throughout the 18-month planning effort, the demonstration communities followed the basic planning process outlined in the state’s guidance materials to develop their mitigation plans. Local mitigation planning activities included:

- ❖ identifying and analyzing all hazards that threaten the community;
- ❖ assessing vulnerable properties and populations;
- ❖ assessing local capabilities to implement various mitigation programs and policies;
- ❖ developing community goals and objectives; and
- ❖ identifying and prioritizing feasible mitigation strategies.

For each demonstration community, the results of this process were summarized and incorporated into a local hazard mitigation plan that was presented to the local governing body for adoption. To ensure this effort was successful, the state formed partnerships with other state agencies, the university system and the private sector to provide ongoing technical assistance and training for local planning officials as they developed their mitigation plans.

North Carolina has rapidly expanded the HMPI beyond the 11 demonstration communities, and is now working with more than 50 communities statewide to develop local hazard mitigation plans. Following Hurricane Floyd in 1999, the state adopted and enforced a new funding policy that requires the development and adoption of a local mitigation plan for any local government receiving mitigation funding as administered by the state. The state has also launched a significant outreach campaign to urge additional communities to voluntarily join the HMPI before the next disaster strikes. This way, local governments become “prepositioned” and more likely to receive predisaster and postdisaster mitigation funding to help implement their prioritized strategies, as identified within the local plan. The state routinely conducts mitigation planning workshops for local officials and provides detailed technical assistance to all local governments upon request as they develop their mitigation plans.

## Federal Hazard Mitigation Efforts

Because large national disasters often require federal resources, the federal government has created several programs to assist in mitigation. All of the programs described below can—and should—be addressed thoroughly in both state and local hazard mitigation plans.

### HAZARD MITIGATION GRANT PROGRAM

One of the most significant mitigation programs available to state and local government is the Hazard Mitigation Grant Program (HMGP), which is authorized by Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. FEMA funds the program, which assists states and local communities in implementing long-term hazard mitigation measures following a major disaster declaration. Federal funding for HMGP projects can be up to 75 percent of the project’s total eligible costs. Private companies or individuals, states, or localities can provide the 25 percent nonfederal match.

The purposes of the HMGP are to prevent losses of lives and property because of disasters and provide funding for previously identified mitigation measures that benefit disaster areas. The HMGP can fund projects to protect either public or private property, provided the projects are consistent with the overall mitigation strategy of the state and local government for the disaster area and comply with program guidelines.

### Eligible Applicants for HMGP Funds

Eligible HMGP applicants include state agencies, local governments, Indian tribes or authorized tribal organizations, and certain nonprofit organizations. The state administers the grant program. The governor appoints an agency and/or interagency team or council to manage the program and select grantees. The state then sends the approved applications to FEMA for consideration. If FEMA approves the application, funds are obligated to the state, which then distributes the funds to the applicants. Depending on the state’s application deadlines, the completeness of the application, and the complexity of the project, project approval may take from several weeks to several years. States have up to 18 months to submit a project. FEMA’s goal is approval in six months, and up to two years if there are complications due to environmental, historical or other review requirements.

FEMA established a policy to set aside up to 5 percent of the total HMGP funds available for hazard mitigation measures that are difficult to evaluate against traditional program cost-effectiveness criteria. Projects eligible for the set-aside must be identified in the state's hazard mitigation plan and fulfill the state's goal to reduce or prevent future loss of life or injury and damage to property. The types of projects that can be funded under this 5-percent policy include research, hazard warning systems, hazard mitigation plans, geographical information systems, data collection for mitigation activities, and public awareness or education campaigns.

## For more information

on the Flood Mitigation Assistance Program, go to the Federal Emergency Management Agency Web site at [www.fema.gov/mit/flomitast.htm](http://www.fema.gov/mit/flomitast.htm).

## FLOOD MITIGATION ASSISTANCE PROGRAM

FEMA's Flood Mitigation Assistance (FMA) program provides funding to assist states and communities in implementing measures to reduce or eliminate the long-term risk of flood damage to buildings, manufactured homes, and other structures insurable under the National Flood Insurance Program (NFIP). FMA was created by the National Flood Insurance Reform Act of 1994 with the goal of significantly reducing claims under the NFIP. FMA is a predisaster, annual grant program in which any state agency, participating NFIP community, or qualified local organization is eligible to participate.

Planning is the foundation of FMA, and FEMA encourages communities to identify ways to reduce their risk of flood damage by preparing flood mitigation plans (or all-hazard mitigation plans). Plans must assess flood risk and identify specific actions to be taken to reduce that risk. Under FMA, there are two types of grants available: planning grants and project grants. Planning grants are used to help states and communities develop or update flood mitigation plans. Project grants are used to help states and communities implement the mitigation measures identified in their flood mitigation plans.

FEMA distributes FMA funds for eligible projects to states, which, in turn, provide funds to communities. The state serves as the grantee and program administrator for the FMA. **The state:**

- ❖ sets mitigation priorities;
- ❖ provides technical assistance to communities applying for FMA funds;
- ❖ evaluates grant applications based upon minimum eligibility criteria and state priorities;
- ❖ awards planning grants;
- ❖ works with FEMA to approve projects and awards funds to communities; and
- ❖ ensures all community applicants are aware of their grant management responsibilities.

FEMA may contribute up to 75 percent of the total eligible costs. At least 25 percent of the total eligible costs must be provided by the nonfederal source. There are limits to the frequency of grants and the amount of funding that can be allocated to a state or community in any five-year period.

## DISASTER RESISTANT COMMUNITIES

The goal of FEMA's mitigation initiative, *Project Impact: Building Disaster Resistant Communities*, is to help communities identify the risks they face from natural hazards, such as floods, hurricanes, fires, tornadoes or earthquakes, and then determine how to reduce those risks. The next steps are to develop a plan and implement the mitigating actions needed to diminish the risks to the community. Unlike many federal programs, Project Impact grants bypass the states and go directly to the communities. However, the state manages the application process and recommends the communities for inclusion.

FEMA's concept includes these fundamental principles:

- ❖ preventive actions must be decided at the local level;
- ❖ private-sector participation is vital; and
- ❖ long-term efforts and investments in prevention measures are essential.

Today, FEMA has nearly 300 Project Impact communities and more than 1,100 businesses have joined as Project Impact partners.

## NATIONAL FLOOD INSURANCE PROGRAM

Created by Congress in 1968, the National Flood Insurance Program (NFIP) seeks to reduce flood losses and disaster relief costs by guiding future development away from floodplains, requiring flood-resistant design and construction, and transferring the costs of losses to floodplain occupants through flood insurance premiums. Under the NFIP, federally-backed flood insurance is made available to residents of communities that adopt and enforce floodplain management regulations to reduce future flood damage.

## COMMUNITY RATING SYSTEM

Created by Congress in 1994, the Community Rating System (CRS) seeks to encourage and reward communities that undertake floodplain management activities beyond those required by the NFIP. Communities that participate in the CRS and exceed the minimum federal standards will secure reductions in flood insurance rates for their residents.

## For more information

on the federal disaster mitigation plan, go to the Federal Emergency Management Agency Web site at [www.fema.gov/mit/excsum.htm](http://www.fema.gov/mit/excsum.htm); for more information on disaster resistant communities, go to the Project Impact section of the Federal Emergency Management Agency Web site at [www.fema.gov/impact](http://www.fema.gov/impact), or call 1-202-646-4600.

## For more information

on the National Flood Insurance Program, go to the Federal Emergency Management Agency Web site at <http://www.fema.gov/nfip/qanda.htm>.

## For more information

on National Earthquake Hazards Reduction Program, go to the Federal Emergency Management Agency Web site at [www.fema.gov/mit/eqmit1.htm](http://www.fema.gov/mit/eqmit1.htm).

## For more information

on National Inventory of Dams go to the Federal Emergency Management Agency Web site at <http://www.fema.gov/MIT/damsafe/inventory.htm>.

### NATIONAL EARTHQUAKE HAZARDS REDUCTION PROGRAM

This program develops state seismic hazard reduction programs and provides training and education on methods to reduce the risk of loss of life and property from earthquakes.

### NATIONAL HURRICANE PROGRAM

This program seeks to minimize the loss of life and property from hurricanes through better property protection, warning and evacuation procedures, and training and education.

### NATIONAL INVENTORY OF DAMS

This program identifies high-hazard dams and encourages the development of warning systems and emergency plans for these facilities.

### UNITED STATES FIRE ADMINISTRATION

The United States Fire Administration (USFA) seeks to minimize loss of life and property to fire through data collection and analysis, public education, technology development, and training for emergency responders and other public officials.

### GEOGRAPHIC INFORMATION SYSTEM (GIS) AND RISK ASSESSMENT

One of the most interesting GIS applications developed by FEMA is Hazards United States (HAZUS), which allows for the scientific estimation of risk for earthquake, flood, and wind hazards. FEMA has been developing this capability since 1995. The first effort was to develop the ability to estimate risk for earthquakes. The earthquake model incorporates an infrastructure inventory that is available at no cost. It also has a set of critical structures such as hospitals, fire stations, police stations, schools, and emergency operating centers. It carries daytime, nighttime and commuting populations and can estimate the cost of rebuilding and the loss of direct and indirect income. It also can estimate casualties and deaths. Its greatest advantage is that it can estimate the average annual loss. This tool could also be useful to governors in developing and implementing comprehensive state smart growth plans.

### COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Although not a traditional recovery program, Community Development Block Grant (CDBG) funds, as administered by the U.S. Department of Housing and Urban Development (HUD), can be used to fund some mitigation activities. Wet and dry flood proofing techniques can be incorporated into CDBG-funded housing repair projects, and homes can also be raised above the 100-year flood

elevation with CDBG funds. Since CDBG funds lose their federal identity once allocated to a local government, these funds can also be used as a nonfederal funding source to match FEMA's mitigation programs.

## HURRICANE FLOYD PROPERTY ACQUISITION AND RELOCATION GRANTS/ DISASTER RECOVERY INITIATIVE

Following Hurricane Floyd, Congress appropriated \$215 million for FEMA to acquire properties that were damaged as a result of Hurricane Floyd and prone to future flood damages. These funds replaced Disaster Recovery Initiative (DRI) funds administered through HUD. Under the DRI, the program was often implemented in conjunction with CDBG projects and there was greater flexibility in how funds could be spent.

Hurricane Floyd property acquisition and relocation funds (also known as supplemental funds) are used in conjunction with HMGP buyouts. Originally, these funds could only be used for acquisitions. Now these funds can also be used to elevate homes that meet the criteria noted below. The rules governing the administration and implementation of these funds are essentially the same as those governing the HMGP. The primary difference is that supplemental funds narrowly target owner-occupied properties in the 100-year floodplain that have been substantially damaged or made uninhabitable as a result of Hurricane Floyd.

## BUYOUT/RELOCATION

FEMA's Hazard Mitigation Grant Program takes a percentage of the federal money spent on disaster recovery and uses it for projects that reduce future risk. By law, FEMA can contribute 20 percent of a disaster's cost to this grant program. How this money is used is up to each state. Some states, for example, may use the money to elevate homes or they may use the money for acquisition of property, or buyouts.

Buyouts are an important way for states and the federal government to reduce the risk for future disasters. But the money is limited and, in most cases, the amount of money set aside for mitigation cannot meet all the mitigation needs following a disaster. States prioritize mitigation programs—with input from communities.

Many states across the nation have successfully used buyouts to move homes and businesses out of harm's way. Since 1993, as many as 20,000 properties have been purchased nationally as part of this program. In many of those cases, the land left behind has been flooded again. Buyouts are strictly voluntary. Homeowners are never forced to relinquish their property. But homeowners who decide not to participate in the buyout may need to take risk-reduction measures, such as elevating their homes.

**For more information**

on the United States Fire Administration, go to the USFA Web site at <http://www.usfa.fema.gov>.

**For more information**

on GIS, go to FEMA's Web site at: <http://www.gismaps.fema.gov/index.htm>.

States set the rules in determining priorities for buyouts. States may determine, for example, that the buyouts are only for severely damaged or destroyed buildings in the “flood way”—a designation for the most at-risk areas near the waterway. Or states may allow buyouts for homes in other areas of the floodplain—if they are likely to be flooded in the future. Buyouts could also be approved for undamaged homes that are at great risk of being damaged in a future disaster. In some states and in some circumstances, businesses may also be eligible for buyout. Decisions will vary from community to community and from state to state. A buyout includes several steps.

- ❖ Local officials prepare an HMGP application, with input from the community and those homeowners with destroyed or severely damaged properties. The state will have notified local officials of the state’s priorities or other special restrictions.
- ❖ The state receives and reviews the applications and submits those deemed appropriate to FEMA for approval. FEMA reviews the applications to ensure they follow the rules, are environmentally sound, and are a cost-effective use of funds.
- ❖ Once FEMA gives its approval, the state begins the acquisition process. The communities actually conduct the purchases and title transfers. The community removes or destroys the buildings and clears the land.

Under the rules for buyouts funded by FEMA, the space is permanently deeded as open land. This means that no one can live on the land or put new buildings on the land in the future. Many communities have taken advantage of the open space to create recreational opportunities.

## Innovative State Buyout Programs

### *Missouri*

HMGP funds can support innovative mitigation efforts, such as the Missouri Buyout Program. This program combined federal, state, and local resources to respond to the Midwest’s devastating floods in 1993, which broke records in both duration and river levels. State officials estimate that damages from the 1993 flooding totaled \$3 billion. For many citizens, living in Missouri meant living in a cycle of building, flooding,

and rebuilding. More than 216,000 Missouri households were located in designated floodplains. The Missouri Buyout Program seized the opportunity to create a more permanent solution to the problem of recurring flooding by moving residents out of the floodplain.

In 1995 the late Missouri Governor Mel Carnahan praised the program, saying: “The legacy of the floods of 1993 and 1994 was property destruction and despair for citizens living in the floodplain. Out of this misery, the Missouri Buyout Program provided a financial and realistic avenue for citizens wishing to move out of the floodplain. Missouri is beginning to actively manage the floodplain, and this program is one of our key management tools.”<sup>4</sup>

Under the Missouri Buyout Program, nearly \$100 million flowed through the state to local communities. This included \$30 million in HMGP funds, \$28 million from FEMA for demolition because of health and safety reasons, and \$42 million in Community Development Block Grant funds from HUD. Missouri’s effort was one of the largest and most effective buyout programs in the nation. Local governments identified willing sellers, appraised properties, made offers to homeowners, and closed and took title of the properties. They used the land for recreational facilities, open space, or wetlands. The properties are permanently taken off the tax rolls, with the understanding that federal assistance will not be available in the event of future flooding.

### *North Carolina*

Another example of an innovative mitigation activity can be found in Boone, North Carolina. The town of Boone, located in the mountains of northwestern North Carolina, is the center of a growing, year-round tourism industry. It is home to Appalachian State University, a liberal arts college with approximately 12,000 students.

Boone is vulnerable to flooding, a function in large part due to its location. The town is situated in the headwater valley of the South Fork of the New River. Streams are generally small, swift flowing, and fall steeply through the hilly terrain.

<sup>4</sup> Missouri State Emergency Management Agency, *Out of Harm’s Way: The Missouri Buyout Program*.

Development pressures compound Boone's flood problems. Steady growth and a designation by *Fortune* magazine as one of America's best and most affordable places to live has diminished the inventory of suitable building sites located outside the floodplain. Affordable housing is also becoming more difficult to find outside the floodplain.

Boone's most severe flooding problem is in a neighborhood that contained a cluster of residences and a nursing home. Since 1977 the neighborhood has been flooded 15 times. To address this problem the town developed a neighborhood flood hazard mitigation plan that included the acquisition or relocation of 30 residences and the nursing home. Using a variety of funding sources including HMGP, CDBG, the North Carolina Clean Water Management Trust Fund, and state and local funds, the town will reduce flood hazards, provide affordable housing, and develop an open-space park.

The town has reduced flood hazards by acquiring the residences and the nursing home and removing them from the floodplain. One of the more innovative aspects of this project is the provision of safe homes for low- to moderate-income families. Twelve of the acquired properties have been sold to a nonprofit housing group and relocated to a housing development outside the floodplain.

The town has developed a master plan for the use of the land once the acquisitions are completed. This plan calls for a regional, multipurpose park with a flood-resistant pavilion for concerts and festivals, flood-resistant restrooms, and facilities to support softball, soccer, biking, picnics, and other activities. The town's two greenways will link and improve access to the park.

This project is the catalyst for a larger, multifaceted effort underway to address several important needs in the town and the surrounding region. The initiative has created the framework and partnership to address affordable housing, open space and recreation facilities and alternative transportation.

## CHAPTER FOUR:

# Powers, Roles, and Responsibilities of a Governor and State Agencies

State laws require the governor to carry out emergency preparedness, response, and recovery actions. Many states have recently included mitigation as an authority of the governor. During a declared emergency, a governor has extraordinary powers and responsibilities. In most states, the governor's emergency powers and the role of the state emergency management office are described in the same law, often titled the Emergency Management Act or Civil Defense Act.

The governor establishes policy and performance standards for the state's emergency management program. Just as national emergency management must have the interest, support, and confidence of the President, the state emergency management program should have the interest, support, and confidence of the governor. Further, governors may wish to see that the state's emergency management operation maintains a high degree of professionalism and that its director has direct access to the governor.

## Governor's Powers and Responsibilities During a Declared Emergency

As the state's chief executive, the governor is responsible for public safety and welfare. The state constitution sets certain limits on the governor's powers, but the size and complexity of today's state government add many more responsibilities to the governor's office. These include preparedness and recovery activities that the governor typically delegates to the state emergency management office. State emergency management laws usually delineate how the governor may declare and terminate a state of emergency and what gubernatorial powers accompany a declaration. The governor's legal counsel should review the governor's emergency powers before a disaster occurs. A clear understanding of the governor's powers saves time during critical situations and enables the governor to proceed confidently.

## Declaration of a State of Emergency

According to the state-specific statutes, the governor declares an emergency either by executive order or by proclamation. The order, or proclamation, typically describes the nature of the emergency, its location within the state, and the authority by which the governor makes the declaration.

Of course, response activities often begin before and without an emergency declaration. Governors generally use the order only when they need to have special emergency powers or request a presidential disaster declaration. Although state laws vary, the declaration of a state of emergency generally gives a governor several powers.

## A GOVERNOR'S EMERGENCY POWERS

- ❖ mobilize the National Guard and transfer and direct state agency personnel for emergency management purposes;
- ❖ require and direct the evacuation of all or part of the population within a disaster area;
- ❖ prescribe routes, transportation modes, and destinations in connection with evacuation and prohibit certain activities in the disaster area;
- ❖ commandeer or use private property;
- ❖ suspend state statutes, as necessary;
- ❖ authorize emergency funds; and
- ❖ enter into mutual aid arrangements with other states.

Activating the National Guard and enhancing liability protection and funding activities are three of the main reasons for a governor to declare a state of emergency. The National Guard can provide staff and equipment needed for response activities, including helicopters, trucks, four-wheel drive vehicles, and heavy equipment. A declaration may provide enhanced abilities for emergency procurement and protection of emergency workers. Any emergency or disaster can have a significant fiscal impact and, as such, governors may need to obligate vast sums of money in the early hours and days of an event.

Emergency powers can be a mixed blessing. Although they provide the governor with necessary authority, exercising that authority can lead to criticism. For example, a governor can face political problems if the public later perceives his or her actions as excessive. Further, if a governor orders the evacuation of an affected area, local officials may criticize this

action as usurping their authority. Maintaining the needed balance and preventing criticism during an event can be reduced through effective planning and understanding of authorities and responsibilities by all involved prior to an event. When circumstances allow, governors should consult with affected local officials before exercising gubernatorial emergency powers. In some states, gubernatorial emergency declarations may be a necessary step to making state funds available to local communities. This may provide rationale to declare an emergency even when actual state agency response activities are not needed. It can also guarantee political pressure to declare emergencies when declarations may not be warranted.

In the event of a disaster declaration, most state laws allow the governor to delegate special powers and authorities to the state's emergency management director or the appropriate cabinet secretary. Delegation promotes a coordinated response effort among the various state agencies that share emergency management responsibilities. The governor may authorize the public safety secretary, adjutant general, or emergency management agency director to use and allocate state resources to manage the emergency.

## Roles and Responsibilities of the State Emergency Management Agency

The state emergency management agency (SEMA) coordinates the emergency management program and writes the state emergency operations and mitigation plans. Required by federal and state laws, the plan governs all emergency operations and defines the roles and responsibilities of state and local agencies. These plans provide for the coordination of linkages—vertically between local and federal government agencies and horizontally within state government. SEMAs must continually update the plan and ensure that other state agencies are fulfilling their emergency management responsibilities.

## HOW STATE DIRECTORS ARE CHOSEN

Most state emergency management directors occupy appointed political positions. Of the 50 state directors, half are appointed directly by the governor. Cabinet-level officials appoint the rest: 11 by the adjutant general, 8 by the secretary of public safety or local affairs, and 2 by the state police chief. Of these, three are appointed by the officials with the governor's consent. Finally, four state directorships are merit-based, civil service positions, hired by the adjutant general in three states and the public safety secretary in one state.<sup>5</sup>

## STATE DIRECTOR REPORTING

Ten state directors are cabinet-level officials themselves and answer directly to the governor, while the rest answer to another state official (usually the same person that appointed the director). Nineteen directors report directly to an adjutant general; nine report to a public safety or local affairs secretary; two report to a state police chief; and three report to an attorney general, a chief of administration, and another cabinet-level official, respectively. The remaining seven directors report directly to both the governor and another state official, depending on the situation: four report to the adjutant general, and three to the public safety secretary.

Regardless of the normal reporting chain, the state emergency-management director must be able to communicate directly with the governor when state emergencies occur.

## LOCATION WITHIN STATE GOVERNMENT

States have different emergency management organizational structures. In 10 states, emergency management agencies are cabinet-level agencies within the office of the governor. However, in the majority of states, emergency management agencies are located within other state agencies: within the state department of military affairs in 22 states; within public safety departments in 12 states; within joint public safety-military affairs agencies in 2 states; within departments of community affairs or local affairs in 2 states; and within the state police in 2 states.

## LOCATION OF STATE EMERGENCY MANAGEMENT OFFICES

### *Office of the Governor or Executive Agency*

Alabama, Arkansas, California, Georgia, Illinois, Indiana, Mississippi, New Hampshire, Oklahoma, and Pennsylvania

### *Department of Military Affairs*

Alaska, Arizona, Connecticut, Hawaii, Idaho, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Montana, Nebraska, New York, North Dakota, Rhode Island, South Carolina, South Dakota, Tennessee, Washington, Wisconsin, and Wyoming

### *Department of Public Safety*

Delaware, Massachusetts, Minnesota, Nevada, New Jersey, New Mexico, North Carolina, Ohio, Texas, Utah, Vermont, and Virginia

### *Department of Military Affairs and Public Safety*

Missouri and West Virginia

### *Department of Community Affairs or Local Affairs*

Colorado and Florida

### *State Police*

Michigan and Oregon

## Roles and Responsibilities of Other State Agencies in Emergency Management

Several agencies share responsibility for some state emergency management activities. The key to successful emergency management is teamwork. All state government departments' personnel and resources should be viewed as components of the state's overall emergency management system. Some state agencies provide support for all types of emergencies, while others have lead responsibility for a particular type of disaster. A state's emergency operations plan describes agencies' specific roles and responsibilities; appendixes contain plans for various types of emergencies, such as chemical spills. All states have some type of emergency operations center—an

<sup>5</sup> *The Face of NEMA: A Look at State Emergency Management Agencies and Their Directors*, National Emergency Management Association, February 2000.

emergency office where all departmental emergency management officials can gather during an emergency to execute the state plan.

❖ **Adjutant General's Office.** In 22 states, the adjutant general's office or the military department is the principal emergency management agency. The state emergency management office and the National Guard are located within the department. The adjutant general heads the department and usually has a military background. However, the adjutant general and other department staff are state employees.

❖ **Department of Public Safety.** In many states, the state emergency management office is located in the department of public safety. This department also contains two other important emergency management offices—the state police and state fire marshal. The office of the state police safeguards the lives and safety of all people while the office of the state fire marshal helps police and other authorities respond to fires and hazardous-material incidents. The state fire marshal and other fire officials within the state also have extensive backgrounds in risk reduction and prevention that can be beneficial in growth planning before and after disasters strike.

❖ **State Energy Office.** State energy agencies prepare state energy emergency plans, which include steps to alleviate the effects of shortages or disruptions of petroleum, natural gas, or electricity supplies. The underlying philosophy of most of these plans is to rely on the market and intervene only to protect public health, welfare, and safety. The more comprehensive plans establish programs for responding to shortages, ensure essential services are provided, and reduce inequities in fuel distribution.

❖ **State Environment Department.** The state environment department handles hazardous material emergencies and conducts hazard mitigation measures. Often it heads a state chemical emergency response team that responds to chemical spills or releases. The environmental management or natural resources agency handles flood management.

These officials should be part of the governor's growth strategy team to ensure that the state's growth investments are protected from the impacts caused by disasters. The state environment department often plays a primary role in nuclear emergencies for those states with nuclear power plants.

❖ **Transportation Department.** The transportation department responds to emergencies that may impede transportation, such as hazardous material incidents and weather-related emergencies. It cleans up debris; handles evacuations; and repairs roads, bridges, airports, and transit systems.

❖ **Attorney General's Office.** The attorney general's office determines the party or parties responsible for a chemical emergency, terrorist incident, or other manmade disaster. In most cases, this determination is needed before contingency funds can be activated. The office also provides consumer protection assistance.

❖ **State Comptroller or Treasury Office.** In some states, this office disburses and accounts for funds for disaster relief, as well as for prevention and mitigation opportunities.

❖ **Health Agency and Welfare Agency.** The health agency provides sanitation and medical services and conducts exposure assessments following a toxic chemical release. The welfare agency issues food stamps and provides individual and family grants, often serving as a conduit for individual assistance provided by the federal government.

❖ **Labor Department.** This department provides disaster unemployment assistance benefits.

❖ **State Emergency Response Commission.** The 1986 Emergency Planning and Community Right-to-Know Act, authorized under Title III of the Superfund Amendments and Reauthorization Act, requires each governor to establish a state emergency response commission (SERC) to oversee implementation of the federal act. In most states, the SERC is composed of state agency representatives and is the principal coordinating body for chemical-related emergencies.

## CHAPTER FIVE:

# Working Together: Coordination and Interoperability Issues

Disasters and emergencies often transcend political and jurisdictional boundaries, so intergovernmental coordination is essential. Sometimes the resources needed to manage a disaster or emergency may not be readily available within the state, so outside resources are needed to ensure an effective response.

## Mutual Aid Agreements Between States

Mutual aid agreements and memoranda of understanding are components of many states' emergency management planning, response, and recovery activities. These agreements enable local governments or the state's emergency management office to request disaster response and recovery assistance from unaffected local governments throughout the state or from other states. They also provide a method to ensure communities and states are compensated for their assistance.

One example of mutual aid is the Interstate Civil Defense and Disaster Compact (ICDDC). The ICDDC provides mutual aid among the states in meeting any emergency or disaster arising from natural or manmade causes, including radiological, chemical or bacteriological means, and other weapons.

## THE EMERGENCY MANAGEMENT ASSISTANCE COMPACT

In the wake of Hurricane Andrew, the late Florida Governor Lawton Chiles initiated the first compact in 1992—the Southern Regional Emergency Management Assistance Compact. Participating governors amended this compact to open participation to all states, creating the Emergency Management Assistance Compact (EMAC). EMAC, an interstate mutual aid agreement, is designed to supplement local, state, and federal response resources during natural and manmade disasters and ensures resources are used promptly, fully, and effectively to guarantee public safety. The National Governors Association endorses EMAC and the 104th Congress granted its consent to EMAC in 1996 with passage of House Resolution 193 (PL 104-321).

Thirty-five states and two territories<sup>6</sup> have ratified EMAC, and several others are in the process of ratification. To join the compact, states must pass legislation approving the compact as written. This ensures states that receive assistance

<sup>6</sup> The following are EMAC members: Arizona, Arkansas, Connecticut, Delaware, Florida, Georgia, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Carolina, North Dakota, Oklahoma, Pennsylvania, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the Virgin Islands.

## For more information

on the Emergency Management Assistance Compact, see the Florida Web site at [www.dca.state.fl.us/bpr/Response/Operations/EMAC/EMACindex.htm](http://www.dca.state.fl.us/bpr/Response/Operations/EMAC/EMACindex.htm).

under the terms of EMAC are legally responsible for reimbursing assisting states and are liable for out-of-state personnel. This significantly reduces the confusion and anxiety sometimes associated with interstate mutual aid.

### EMAC Membership Benefits

Participation in EMAC does not reduce federal disaster assistance to states in any way. In fact, a participating state receives a number of benefits, because EMAC:

- ❖ supplements federal assistance;
- ❖ replaces federal assistance when it is not available or when a state is ineligible for funds;
- ❖ enhances cost-effectiveness;
- ❖ establishes standard operating procedures;
- ❖ rapidly mobilizes resources;
- ❖ provides expertise of member states;
- ❖ guarantees reimbursement to states that provide eligible assistance; and
- ❖ authorizes use of National Guard forces for humanitarian purposes.

By agreeing to a standard legal process, member states are guaranteed reimbursement for all eligible assistance provided through EMAC. Under the compact, states requesting assistance are responsible for paying back the states that provide assistance. This legal standard also helps to speed up the process and reduce paperwork.

## For more information

on the National Emergency Management Association, go to the NEMA Web site at [www.nemaweb.org](http://www.nemaweb.org).

Although EMAC does not require membership fees or annual dues, most member states voluntarily pay an annual fee to the National Emergency Management Association (NEMA) to support and perpetuate the EMAC procedures maintenance activities conducted by the NEMA EMAC Operations Subcommittee.

### Liability Issues

Under the terms of EMAC, requesting states are responsible for the actions of workers from assisting states. In *State of Nevada v. John M. Hall* (1979), the U.S. Supreme Court ruled that states are not immune from being sued in the courts of another state. Without EMAC, therefore, emergency workers from assisting states might be sued in the courts of requesting states, potentially costing states that provide assistance millions of dollars. Under EMAC, however, requesting states assume tort responsibility for out-of-state workers.

## Coordinating a Multiagency Response

Because disasters can cause chaos and usually require a multiagency, intergovernmental response, more and more states are using the Incident Command Structure (ICS) when responding to large-scale disasters. Many state

and local governments have already effectively implemented the ICS and have trained extensively in its use. ICS facilitates the seamless integration of federal assistance into the ongoing state and local response efforts. Federal hazardous materials (hazmat) regulations and an increasing number of state laws mandate the use of ICS.

In September 1996, the National Emergency Management Association (NEMA) adopted the National Interagency Incident Management System and its ICS as the model for all risk and hazard response activities by state and local governments. The resolution encouraged all governors and their states to adopt and implement the incident command system, preferably through legislation or executive order. The resolution also called for the President to issue an executive order requiring all federal agencies to adopt the ICS to ensure an integrated response between all levels of government.

## THE INCIDENT COMMAND STRUCTURE

ICS is an emergency management organizational structure designed to ensure common, effective procedures for the diverse agencies that must jointly plan and execute a response during a disaster. ICS can be used for all types of emergencies. It has a number of interactive components, including common terminology, a modular organization, integrated communications, a unified command structure, consolidated action plans, a manageable span of control, predesigned incident facilities, and comprehensive resource management.

The structure allows for rapid expansion to meet the needs of an incident. ICS can be used for any emergency within a jurisdiction, though it is especially useful for incidents involving more than one jurisdiction or needing more than one functional response, such as fire and rescue. ICS also ensures that all relevant parties and resources are coordinated at the disaster scene and that everyone understands who is in charge and how each element in the structure relates to the other elements.

ICS resulted from the need for a new approach to managing rapidly moving wildfires in the early 1970s. The concept evolved, through an effort known as FIRESCOPE,<sup>7</sup> to efficiently manage any incident or emergency to which fire protection agencies would respond. The success of ICS led to its adoption nationwide by agencies dealing with all types of emergencies.

<sup>7</sup> Begun in 1973, Fire Fighting Sources of Southern California Organized for Potential Emergencies (FIRESCOPE) is a federally funded program to design, procure, test, and implement a coordinated fire-suppression system.

**For more information**

**on the Incident Command System, go to the Federal Emergency Management Agency Web site at [www.fema.gov/emi/is195lst.htm](http://www.fema.gov/emi/is195lst.htm).**

## CHAPTER SIX:

# Developing a Public Communications and Media Strategy

A communications strategy is an important component of state emergency management and should be developed well before the state is faced with a disaster. Without adequate preparation and coordination by the governor's chief of staff, press secretary, and agency public information officers, rumor may be taken as truth and facts may be misrepresented, resulting in a distorted public perception of an emergency.

It is essential for the state government to speak with one voice and communicate the governor's concern. A governor should provide public assurance that:

- ❖ the seriousness of the situation is recognized;
- ❖ someone is in charge; and
- ❖ all reasonable steps are being taken.

Governors can use their extraordinary media access to get the word out to the public through scheduled press briefings, televised appearances, and radio announcements. The governor should ensure that communication lines with the press are open, so questions receive prompt responses and false rumors can be quelled before they spread. It is equally important for a governor or his or her representatives to communicate directly with the victims and victims' families. If victims do not know where to turn for help, they become frustrated. Telling people specifically where to get help is among the most important types of information a governor can provide.

Media coverage of disasters has led to increased public expectations for government response. The press is eager to report what the government is doing to deal with the emergency. Disasters and emergencies provide dramatic live coverage for the media and evoke strong emotions from the public, so the governor needs to have a strategy in place for managing the public's emotions and expectations. The strategy should include:

- ❖ making a quick, initial statement;
- ❖ clearly establishing who speaks about what and when;
- ❖ establishing a regular schedule of statements;
- ❖ monitoring the media closely;
- ❖ correcting erroneous reports; and
- ❖ preparing for "Who's to Blame."

**To see sample press releases**

**at the State of Missouri Emergency Management Agency Web site, go to:**

**<http://www.sema.state.mo.us/empuin.htm>.**

## Role of the Governor

Governors should resist the temptation to speed to the scene of an emergency or disaster; rather the decision to go should be made deliberately with consultation among the governor's emergency management team. The governor's presence can go a long way toward calming and reassuring the community during and after a disaster. Survivors, victims' families, and other citizens will look to the governor for leadership. However, depending on the circumstances, governors may decide to avoid the emergency area when their presence could interfere with rescue efforts or attract unwanted attention, possibly slowing assistance to victims. For example, because of the atypical nature of the Oklahoma City bombing disaster, Governor Frank Keating decided not to go immediately to the site. Instead, the governor stayed away as much as possible to avoid impeding the rescuers and politicizing the disaster. He directed much of his communication and aid to surviving family members and the caregivers helping victims.

A governor's presence can be reassuring, but it can also set unrealistic expectations that government programs or assistance may be forthcoming when, in fact, they will not. The most important role of the governor is to set realistic expectations among disaster victims and to provide comfort by words and actions. An uninformed governor is more likely to set unrealistic and unattainable expectations among victims. This is a recipe for a public relations disaster on top of the actual event.

**First Day.** During the first day of an emergency, the governor should make an announcement, either in person or through a press release, that information is being collected and that the state is working with the affected local governments. The announcement should indicate that the governor is in charge of the situation, there is a unified plan in action, and information on further developments will be forthcoming. Compiling and disseminating consistent, accurate information can be an enormous challenge. The governor should not provide a detailed assessment until adequate data have been collected to avoid communicating misleading or incomplete information.

**Second Day.** After the first day, a governor's representative should be ready to describe the extent of damage as well as response and recovery operations. If possible, the second-day

announcement should be made from the disaster site. The governor's representative should not make specific promises for recovery assistance. Statements should be carefully framed to indicate that state and federal aid, if appropriate, are available to those who qualify. The governor's press secretary may wish to coordinate messages regarding federal aid with FEMA's regional office to ensure accurate release of information.

Although questions can be expected from reporters about how this emergency compares with others of its type, experience shows that accurate comparisons are difficult, if not impossible. Comparisons should be avoided, especially at the beginning of a disaster. The governor's presence at the scene will graphically demonstrate his or her concern and the seriousness with which he or she is treating the event. It may also bolster the spirits of citizens affected by the disaster. Local officials, as well as technical experts from the state's emergency management office and relevant state agencies should join the governor. These experts can handle technical questions concerning long-term damages and state aid.

**Third Day and Thereafter.** The governor's involvement and presence should not end suddenly with his or her return to the capital. People affected by the disaster need to know the emergency is still a top priority and the governor is doing everything possible to provide assistance. A daily press release should indicate that onsite personnel are keeping the governor apprised of the situation. These releases should be coordinated with the state emergency management agency's press officer, so all offices speak with one voice.

The governor and his or her staff should remember, however, that every disaster and emergency situation is unique. It is important for the governor to be flexible and determine what action to take on a case-by-case basis rather than strictly adhere to a prescribed response approach.

The state emergency management director should brief the governor continually on the status of state response and recovery efforts. Long after the emergency occurs, disaster assistance will be a key concern of the media from the affected area. The governor will also be questioned about the status of federal recovery efforts. However, a governor should avoid

answering questions about specific cases, such as why a particular business has not received a loan from the Small Business Administration. Governors should reinforce the federal, state, and local response partnership when communicating with the victims.

## Role of the Chief of Staff

Typically, the chief of staff is the principal contact in the governor's office for emergency management. Throughout the emergency, the chief coordinates the actions of the office and interacts with the state's emergency management director and other agencies. The chief may also coordinate with federal, state, and local government officials and the business community. When planning for any special event that carries a potential for disaster, governors should:

- ❖ put their best people on the event;
- ❖ not scrimp on funds for planning, because the public expects emergency planners to do whatever it takes;
- ❖ spend money on training people in the field, because it will pay off later; and
- ❖ expect the unexpected (e.g., TWA 800 exploded just days before the opening ceremony of the 1996 Olympic Games).

## Role of the Press Secretary

Communications staff in governors' offices spend most of their time accentuating the positive and ensuring reporters see the best in state government. When disaster strikes, many are stunned and caught unprepared for the communications and press office challenges. Press secretaries should take time to read the state's emergency plan, to learn the established procedures, and to be familiar with the roles assigned to state officials in responding to disasters.

During an emergency, the governor's press secretary maintains critical lines of communication between the governor's office and emergency personnel, victims, the press, state and local officials, and the federal government. The survivors, victims, legislators, congressional delegations, federal agencies, political opponents, and general citizenry all want to be first in line for the latest information. Press secretaries have the enormous challenge of compiling and disseminating consistent,

accurate information. There are several things a press secretary should do before a disaster strikes.

- ❖ Read the state emergency management plan.
- ❖ Sit down with emergency management officials, learn their roles, and establish a contact person in each organization.
- ❖ Meet with the state emergency management office's public information officer and other key state personnel involved in communications to establish a relationship and information release protocol.
- ❖ Promote a system to collect disaster relief and supplies and donations of goods and services and determine a procedure for getting this assistance to victims.
- ❖ Respect state-local relationships and authorities. The state should be wary of stepping on important relationships and taking over existing systems.
- ❖ Establish a system for collecting information and delegate staff to help compile a "situation report" that details casualties, economic impacts, weather predictions, and other pertinent information.
- ❖ Develop a system for disseminating information to agency public information officers and the press. Clarify that the governor's office must approve all communications from the field.
- ❖ Understand federal disaster aid programs, including their purposes and limitations, and manage the dissemination of information so that public expectations are realistic when the governor asks the President to declare a disaster.
- ❖ See that members of the governor's staff have pagers. When telephone lines are down and cell phones become jammed, communication links are critical.
- ❖ Understand the roles of the Red Cross, Salvation Army, and other emergency assistance groups and identify an appropriate governor's staff liaison to those organizations.
- ❖ Understand the best practices and lessons learned by the state, so communications can reinforce the steps the governor and state have taken to prevent the impact of disasters and mitigate the risks to citizens, communities, and the economy.

## ESTABLISHING A STATE-FEDERAL JOINT INFORMATION CENTER

After the President has declared a disaster, a joint information center (JIC) should be established to coordinate the dissemination of information about all disaster response and recovery programs, as well as the long-term prevention and mitigation strategy. Public information officers representing all federal, state, and local agencies providing response or recovery services should be part of the JIC to ensure the government speaks with one voice. The state emergency management office's public information officer plays an integral role in the JIC and is an invaluable resource to the governor's press secretary. Volunteer organizations should also be included in the JIC.

JIC objectives are to develop and implement public relations and media strategies to:

- ❖ instill confidence within the affected community that the state is using all possible resources and is working in partnership with federal, state, and local organizations to restore essential services and help victims begin to put their lives back together;
- ❖ promote a positive understanding of response, recovery, and mitigation programs;
- ❖ provide everyone with equal access to timely and accurate information about disaster response, recovery, and mitigation programs; and
- ❖ manage expectations so disaster victims have a clear understanding of the disaster response, recovery, and mitigation services available to them and the limitations of these services.

Some of the functions of the state-federal JIC are media relations, rapid response, Internet operations, and news analysis.

## WORKING WITH THE MEDIA TO PUBLICIZE THE STATE'S RESPONSE AND LONG-TERM RECOVERY STRATEGY

A consistent flow of accurate information is crucial during a disaster situation. It is not enough to swiftly and effectively respond to a crisis; the public must be fully informed of the

governor's actions. Establishing a media center for the press to obtain information, hold news conferences, and post reports is helpful. Press secretaries should also remember the special needs of local media representatives and ensure they get the access they need and are not boxed out by the national press. To enhance media coordination, press secretaries should:

- ❖ see that the governor is positioned at the top of the information flow;
- ❖ establish a consistent flow of information and determine who will give the governor's office the latest and most accurate information;
- ❖ identify who is responsible for speaking to the press;
- ❖ make sure the disseminated information is accurate and represents the local, state, and federal partnership efforts;
- ❖ set up a central media center to coordinate media tours of the disaster site and help provide reporters with phones, fax machines, and copiers to help them file stories;
- ❖ use the state Web page to disseminate information;
- ❖ have someone from either the governor's office or the state's emergency management agency at the disaster site at all times;
- ❖ make sure the governor's staff answering the phones are fully informed and able to refer citizens to appropriate help; and
- ❖ settle conflicts between local and national media carefully, protecting relationships with local media and recognizing the different needs of local and national reporters.

## CHAPTER SEVEN:

# Major Disaster and Emergency Declarations

Most disasters do not reach the magnitude of a presidential declaration. However, when state and local resources are insufficient to respond to and recover from a disaster, a governor may ask the President to declare a major disaster or an emergency. A presidential major disaster declaration sets in motion long-term federal recovery assistance programs, some of which are matched by state programs, to help disaster victims, businesses, and public entities. The state's cost-share of these programs is no more than 25 percent. A presidential declaration of an emergency provides relatively short-term federal assistance for conducting lifesaving measures. The state's cost-share of these programs is no more than 10 percent. The state emergency management agency should be able to recommend to the governor when a presidential disaster request is warranted. When the governor or the state official responsible for disaster operations believes federal assistance is needed, he or she should contact the FEMA regional director through the state emergency management director to request assistance. The FEMA regional office should be able to deploy a federal team to assist the state in determining if a request to the President is warranted.

## Defining a Disaster or Emergency

The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C § 5121 et seq., generally known as the Stafford Act, as amended, authorizes the President (FEMA, per Executive Order 12673) to provide financial and other forms of assistance to state and local governments, certain private nonprofit organizations, and individuals to support response, recovery, and mitigation efforts following presidentially declared major disasters and emergencies. The Stafford Act describes generally the declaration process, the types and extent of assistance that may be provided, and fundamental eligibility requirements.

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

The Stafford Act defines an emergency as “any occasion or instance for which, in the determination of the President, federal assistance is needed to supplement state and local efforts and capabilities to save lives and to protect property and public health and safety, or to lessen or avert the threat of a catastrophe in any part of the United States.”

## Actions to Take Before Requesting a Disaster or Emergency Declaration

Before making a request to the President for a disaster declaration, the governor must activate the state’s emergency plan and ensure all appropriate state and local action has been taken. If the governor is considering asking the President to declare a major disaster or an emergency, state emergency management officials—in cooperation with local officials—should:

- ❖ survey the affected areas to determine the extent of private and public damage;
- ❖ conduct joint preliminary damage assessments with FEMA officials;
- ❖ estimate the types and extent of federal disaster assistance required;
- ❖ consult with the FEMA regional director on eligibility for federal disaster assistance; and
- ❖ advise the FEMA regional office if the governor intends to request a declaration by the President.

## Requesting a Major Disaster Declaration

Only the governor can initiate a request for a presidential disaster or major disaster declaration. This request is made through the FEMA regional director, in accordance with the Stafford Act. The governor bases the request on a finding that the situation is of such severity and magnitude that an effective response is beyond state and local capabilities, and federal assistance is needed. The governor’s request for a disaster declaration should include:

- ❖ information on the extent and nature of state resources that have been or will be used to address the consequences of the disaster;
- ❖ a certification by the governor that state and local governments will assume all applicable nonfederal costs required by the Stafford Act;
- ❖ an estimate of the types and amounts of supplementary federal assistance required; and
- ❖ designation of the governor’s authorized representative (GAR) and the state coordination officer (SCO) for purposes of coordinating response and recovery operations on behalf of the governor.

The completed request should be addressed to the President and sent to the FEMA regional director, who will evaluate the damage and requirements for federal assistance and make a recommendation to the director of FEMA. The director of FEMA will then recommend a course of action to the President. The governor, appropriate members of Congress, and federal agencies are immediately notified of a presidential declaration.

## Requesting an Emergency Declaration

For events that do not qualify as a major disaster, the governor may request an emergency declaration to obtain federal assistance to save lives; protect property, public health, and safety; or lessen or avert the threat of a catastrophe. This request is made through the FEMA regional director in accordance with the Stafford Act and its implementing regulations, which can be found at 44 CFR, Part 206, Subpart B. The process for requesting an emergency declaration is similar to that used for requesting a major disaster declaration except the time in which to submit a request is generally shorter.”<sup>10</sup>

The governor’s request should contain specific information describing state and local efforts and resources used to alleviate the situation, as well as the extent and type of federal assistance that is necessary. States are encouraged to consult with the FEMA regional office when preparing the request. The governor has the right to appeal if the request for a declaration is denied or if the request for approval of certain kinds of assistance or designation of certain affected areas is denied.

## FEMA’s Snow Removal Assistance Process

States are eligible for federal snow removal assistance provided that:

- ❖ the snowfall is of record or near record;
- ❖ the response is beyond the state and local government capabilities; and
- ❖ the action is necessary to save lives, protect public health and safety, and protect improved property.

Other circumstances, such as heavy snowfall over an extended period of time, severe winds and extraordinary drifting, extraordinary ice formations, and the cumulative effect of snow on the ground may warrant assistance even if the snow depth does not exceed record snowfall levels. Snow removal assistance will be provided for a 48-hour period to address the most critical emergency needs. The 48-hour period for snow removal assistance may begin at a time other than when the storm actually began. (The disaster assistance applicant will designate the beginning of the 48-hour period.)

### REQUESTING ASSISTANCE

Requests for emergency or major disaster declarations for snow assistance on the basis of extraordinary snowfall shall cite “snow” or “snowfall” as the incident type in the request letter. This type of declaration allows reimbursement for costs

<sup>10</sup> See 44 CFR § 206.35(a).

**For more information**

**on the snow assistance policy, go to the Federal Emergency Management Agency Web site at [www.fema.gov/r-n-r/pa/9523\\_1.htm](http://www.fema.gov/r-n-r/pa/9523_1.htm).**

# Governor's Request for Emergency or Disaster Declaration

## (Date of Request)

The President  
The White House  
Washington, D.C.

Through: Regional Director  
FEMA Region \_\_\_\_\_  
City, State, Zip Code

Dear Mr. President:

Under the provisions of Section 501 (a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. § 5121 et seq. (the Stafford Act), and implemented by 44 CFR § 206.35, I request that you declare an emergency for the State of \_\_\_\_\_ as a result of

**Name type of incident: e.g., severe storms, flooding, hurricane, tornadoes; include the time period involved, e.g., beginning \_\_\_\_\_ through \_\_\_\_\_ or, beginning \_\_\_\_\_ and continuing; name the affected counties or independent cities being requested.**

In response to the situation I have taken appropriate action under state law and directed the execution of the State Emergency Plan on (date) in accordance with Section 501 (a) of the Stafford Act.<sup>8</sup>

**If a state of emergency has been declared, indicate when and to what area(s) it is applicable.**

Pursuant to 44 CFR § 206.35, I have determined that this incident is of such severity and magnitude that effective response is beyond the capabilities of the state and affected local governments, and that supplementary federal assistance is necessary to save lives, protect property, public health, and safety, or to lessen or avert the threat of a disaster. I am specifically requesting

**Indicate type and nature of emergency assistance required.**

Preliminary estimates of the types and amount of emergency assistance needed under the Stafford Act and emergency assistance from certain federal agencies under other statutory authorities are tabulated in Enclosure A.

The following information is furnished on the nature and amount of state and local resources that have been or will be used to alleviate the conditions of this emergency:

**List actions. Include actions pending or taken by state legislative and governing bodies with regard to the emergency.**

The following information is furnished on efforts and resources of other federal agencies that have been or will be used in responding to this incident:

**List actions by agency.**

<sup>8</sup> This certification will help facilitate processing of the request.

I certify that for this emergency, the state and local governments will assume all applicable nonfederal share of costs required by the Stafford Act.<sup>9</sup>

**If direct federal assistance is requested, the following information and certification should be provided. (If DFA is not requested in the governor's initial request letter, the GAR can request DFA at a later date, if needed.)**

I request direct federal assistance for work and services to save lives and protect property.

**(a) List any reasons state and local government cannot perform or contract for performance, (if applicable).**

**(b) Specify the type of assistance requested.**

In accordance with 44 CFR § 206.208, the State of \_\_\_\_\_ agrees that it will, with respect to direct federal assistance:

1. Provide without cost to the United States all lands, easement, and rights-of-ways necessary to accomplish the approved work.
2. Hold and save the United States free from damages due to the requested work, and shall indemnify the Federal Government against any claims arising from such work;
3. Provide reimbursement to FEMA for the nonfederal share of the cost of such work in accordance with the provisions of the FEMA-State Agreement; and
4. Assist the performing federal agency in all support and local jurisdictional matters.

**If debris removal is being requested/or anticipated, the following information and certification should be provided. (If debris removal is not requested in the governor's initial request letter, the GAR can request debris removal at a later date, if needed.)**

In addition, I anticipate the need for debris removal, which poses an immediate threat to lives, public health, and safety.

Pursuant to Sections 502 and 407 of the Stafford Act, 42 U.S.C. §§ 5192 & 5173, the state agrees to indemnify and hold harmless the United States of America for any claims arising from the removal of debris or wreckage for this disaster. The state agrees that debris removal from public and private property will not occur until the landowner signs an unconditional authorization for the removal of debris.

I have designated \_\_\_\_\_ as the state coordinating officer for this request. He/she will work with the Federal Emergency Management Agency in damage assessments and may provide further information or justification on my behalf.

Sincerely,

\_\_\_\_\_

Governor

ENCLOSURE

<sup>9</sup> The certification to cost-share should be included, otherwise the processing of the request may be delayed until the governor has provided the certification. FEMA understands that, under the laws and constitution of some states, a governor may not be able to legally bind the state to undertake this cost-sharing obligation. FEMA also understands that the state cost-share may be delayed until it can be approved by the state legislature through the state's appropriations process. FEMA will not deny a governor's request due to these technicalities; nevertheless, the certification language must be contained in the governor's request even if it is not legally binding.

# Enclosure to Emergency or Disaster Request

(Estimated Requirements)

Estimated requirements for other federal agency programs:

**(Specify agency and assistance required.)**

Totals: \_\_\_\_\_

Estimated Requirements for assistance under the Stafford Act:

	AMOUNT
Coordination	
Technical and advisory assistance	
Debris removal	
Emergency protective measures	
Temporary housing	
Distribution of emergency supplies	
Other (specify)	
Totals:	
Grand Total:	

(Add footnotes, as appropriate, to clarify these requirements. Estimates are to reflect total eligible costs before any cost sharing.)

associated with snow removal and emergency protective measures for a specified period of time.

Requests for emergency or major disaster declarations for winter storms that cause substantial infrastructure damage resulting from snow, ice, high winds, and other blizzard conditions should cite “severe winter storm” as the incident type.

The governor requests an emergency or major disaster declaration, providing the following information:

- ❖ identification of counties for which a declaration is sought;
- ❖ amount of snowfall for each affected county;
- ❖ date(s) of snowfall;
- ❖ impact of snowfall; and
- ❖ type of assistance requested.

The FEMA regional director:

- ❖ evaluates the request;
- ❖ validates the actual snowfall and effects;
- ❖ compares actual snowfall with historical record snowfall;
- ❖ evaluates any extenuating problems, and makes a recommendation on the request for declaration;
- ❖ on a case-by-case basis, recommends the incident period for the snowstorm; and
- ❖ proposes a time span for eligible federal assistance.

The FEMA director then submits to FEMA headquarters a regional summary and a regional analysis and recommendation that includes the above information in addition to a narrative of the event, the impacts of the event to the private and public sector, health and safety impacts, emergency shelter information, type and extent of damage (in case of a request for a major disaster), the type of assistance needed, and state and local resources allocated.

FEMA headquarters evaluates the data and any extenuating problems and makes a recommendation on the declaration to the President.

## Agricultural Emergency Management Process

The U.S. Department of Agriculture (USDA) provides many types of assistance to farmers and other rural residents for natural disasters such as drought, fire, flood, storm, earthquake, hurricane, tornado, and volcanic eruption. There is also assistance available to producers who suffer losses as a result of crop or livestock disease or pest infestation.

The type of assistance available depends on the level of the disaster. Farmers who have suffered a sudden major disaster or are threatened with one may want to contact the local office of one or more USDA agencies to learn whether they can get special help. In some instances, assistance can be provided only after the Secretary of Agriculture has issued a determination of a natural disaster for an entire county. There are four levels of assistance.

**Agency level:** A direct request from a governor or Indian Tribal Council may result in certain kinds of assistance from USDA agencies.

**Farm Service Agency (FSA) Administrator level:** The FSA administrator’s physical loss notification is initiated by the FSA county executive director and recommended by the FSA state executive director to the FSA administrator. The administrator can designate counties as disaster areas and provide emergency loan assistance for physical losses only.

**Secretarial level:** At the request of a governor or Indian Tribal Council, the Secretary of Agriculture can designate counties as disaster areas and provide certain USDA disaster assistance.

**Presidential level:** At the request of a governor, the President can declare a state to be a major disaster area under the terms of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, which provides help through other government agencies as well as USDA.

Depending on the level and type of a natural disaster, USDA agencies can provide the following:

- ❖ emergency food assistance;
- ❖ certain kinds of livestock feed assistance;
- ❖ help in restoring damaged eligible land;
- ❖ low-interest loans to farmers;
- ❖ low-interest loans to rural residents in need of housing or to rural communities, businesses and nonprofit corporations in need of public facilities, utilities or economic development;
- ❖ indemnity payments to farmers for crop losses covered by insurance;
- ❖ payment to producers for losses of crops not insurable under catastrophic risk protection;
- ❖ technical information and assistance to farmers and others in developing plans to reduce disaster effects, and in returning to normal after a disaster;
- ❖ assistance in prevention, control, and eradication of plant and livestock diseases and insect infestations; and
- ❖ assistance in controlling fires that threaten to spread from nearby croplands into national forests and fire protection in, and management of, national forests.

## For more information

on the Agricultural Emergency Management Process, see the U.S. Department of Agriculture Web site at [www.usda.gov](http://www.usda.gov).

## The Federal Response Plan

The major system for responding to all natural and technological disasters is the Federal Response Plan (FRP). Implemented by FEMA, the FRP is used to respond to incidents requiring federal assistance. The FRP carries out the authorities of the Stafford Act. The act gives FEMA the authority to assign tasks in support of a disaster or emergency declared by the President to any federal department or agency. The FRP is a signed agreement among 27 federal departments and agencies, including the American Red Cross, that:

- ❖ provides the mechanism for coordinating delivery of federal assistance and resources to augment efforts of state and local governments overwhelmed by a major disaster or emergency;
- ❖ supports implementation of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121, et seq.), as well as individual agency statutory authorities; and
- ❖ supplements other federal emergency operations plans developed to address specific hazards.

## WHEN IS THE FRP IMPLEMENTED?

The Federal Response Plan is implemented in anticipation of a significant event likely to result in a need for federal assistance or in response to an actual event requiring federal assistance under a presidential declaration of a major disaster or emergency.

## WHAT FEDERAL RESOURCES CAN BE DEPLOYED?

The following federal resources can be deployed:

- ❖ specialized teams for damage assessment, emergency communications, medical assistance and support, urban search and rescue, emergency power restoration, and community relations;
- ❖ equipment and supplies, such as mobile kitchens, water purification units, portable toilets and showers, and tents; and
- ❖ facilities, including a disaster field office, mobilization center, and disaster recovery centers.

## WHAT TYPES OF FEDERAL ASSISTANCE ARE AVAILABLE?

To speed recovery and reduce damage from future occurrences, the following immediate assistance is available:

- ❖ initial response resources, including food, water, and emergency generators;
- ❖ emergency services to clear debris, open critical transportation routes, and provide mass shelter and feeding;
- ❖ loans and grants to repair or replace damaged housing and personal property;
- ❖ grants to repair or replace roads and public buildings (incorporating, to the extent practical, hazard-reduction structural and nonstructural measures);
- ❖ technical assistance to identify and implement mitigation opportunities to reduce future losses; and
- ❖ other assistance, including crisis counseling, tax relief, legal services, and job placement.

**For more information**

**on the Federal Response Plan, go to the Federal Emergency Management Agency Web site at [www.fema.gov/r-n-r/frp/frpbpln.htm](http://www.fema.gov/r-n-r/frp/frpbpln.htm).**

## CHAPTER EIGHT:

# Disaster and Emergency Assistance Available to States

Local and state governments share the responsibility for protecting their citizens from disasters and for helping them recover when a disaster strikes. In some cases, response to a disaster is beyond the capabilities of the state and local governments.

Concurrent with a presidential declaration, FEMA designates the types of disaster assistance to be made available under the Stafford Act and paid for with taxpayer dollars. The three major programs under a presidential declaration are human services, public assistance, and hazard mitigation assistance.

Depending on the situation, other federal disaster-relief programs may also be activated. Emergency assistance may include disaster housing, mass care (e.g., food, water, and medical care), debris removal when in the public interest, and emergency repairs to keep essential facilities operating. Assistance to state and local governments may also include equipment, supplies, facilities, personnel, technical assistance, loans, and grants.

## How to Obtain Federal Assistance

In a disaster situation in which all local and state resources have been committed but needs remain unmet, a state may petition the President to declare a major disaster. The first step in seeking a presidential declaration is to conduct a thorough damage assessment at the local level. This damage assessment, conducted by local officials, provides the basis for the state emergency management agency to seek additional state resources and to determine if the extent of damages warrants a request from the governor to the President for additional assistance.

To obtain assistance, the governor and the appropriate FEMA regional director must execute an agreement between the state and FEMA that prescribes how federal aid under the Stafford Act is to be made available. The FEMA-state agreement must be executed before any assistance other than essential emergency services or temporary housing can be provided.<sup>11</sup> The agreement should:

- ❖ identify areas within the state that are eligible for assistance;
- ❖ certify that the nonfederal cost-share will be met (the state must provide the cost-share for the Individual and Family Grant program);

<sup>11</sup> See 44 CFR § 2066.44(a).

- ❖ specify the period officially recognized as the duration of the major disaster or emergency;
- ❖ delineate any other conditions of assistance; and
- ❖ include a list of state officials authorized by the governor to execute certifications and otherwise act on behalf of the state (e.g., governor’s authorized representative and alternate, state coordinating officer and deputy, state hazard mitigation officer, and person designated to receive federally donated or surplus property).

The Stafford Act also states that, upon declaring a major disaster or emergency, the President will appoint a federal coordinating officer (FCO) to operate in the affected area. The FCO will make an initial appraisal of the types of relief most urgently needed and establish field offices if necessary. The FCO also is responsible for coordinating the help provided by relief and disaster assistance organizations such as the American Red Cross, the Salvation Army, and the Mennonite Disaster Service.

The governor should appoint a governor’s authorized representative (GAR) and alternate GAR and a state coordinating officer (SCO) and deputy SCO to coordinate state and local disaster assistance efforts with the federal government. The GAR is empowered to execute all necessary documents for disaster assistance, including approval of subgrants and certifications of claims for public assistance. The GAR is also responsible for state performance of hazard mitigation activities under this agreement. The alternate GAR is similarly empowered. The SCO (or deputy SCO) is the primary liaison between the FCO and state and local officials.

Even if a Presidential disaster is declared, the governor is still in charge of the response and recovery. Federal disaster assistance should compliment state programs and the FCO and SCO should work together closely to ensure a coordinated effort.

## Actions States Should Take Following a Disaster or Emergency Declaration

Upon declaration of a major disaster or emergency and as soon as it is practical, the state, with assistance from FEMA, should conduct an applicants’ briefing for state, local, and eligible

private nonprofit organization officials. The briefing should outline what types of disaster assistance will be available, what the state requirements are, how to apply for the assistance, and how the funds for eligible projects will be provided. The SCO ensures state agencies administering individual assistance programs (such as the state labor department, which administers disaster unemployment assistance; or the human services agency, which administers individual and family grants) take action to staff up, initiate funding, and process disaster applications. The FEMA human services officer is the state agency’s counterpart in these activities.

The state should submit a single project application to the FEMA regional director for approval. The state serves as the program grantee, with overall management and financial responsibilities.

Following the briefing on available assistance, a team of federal, state, and local officials should inspect the damaged site. Federal inspectors prepare project worksheets and the recommended scope of work and estimated project costs in accordance with FEMA eligibility criteria. The criteria allow for repair or restoration of facilities to their predisaster condition, in accordance with applicable codes, specifications, and standards. Following the applicants’ briefing, and after identifying public or private nonprofit (PNP) facility damages, state or local representatives (or applicants) attend the first substantive meeting with a FEMA representative—the public assistance coordinator (PAC). The PAC contacts the applicant to set up the meeting. At this meeting, an applicant’s damages will be discussed, needs assessed, and a plan of action put into place. The PAC will go over what is expected of the applicant and provide detailed instructions on what to do and how to do it. This meeting is also the place for the applicant to voice any questions or concerns about how the public assistance process works.

## Assistance Available to State and Local Governments

Public assistance, oriented to public entities, can fund the repair, restoration, reconstruction, or replacement of a public facility or infrastructure that is damaged or destroyed in a disaster. Eligible applicants include state governments, local

governments, any other political subdivision of the state, Indian tribes or authorized tribal organizations, and Alaska Native Villages. Certain private nonprofit organizations may also receive assistance. Eligible PNPs include educational, utility, emergency, medical, rehabilitation, temporary or permanent custodial care facilities (including those for the aged and disabled), and other facilities that provide essential services of a governmental nature to the general public.

State, local, and PNP officials should apply for public assistance through the governor's authorized representative to the FEMA regional director. The applicant must submit a request for public assistance to the state public assistance officer within 30 days of either the date of the disaster declaration or the date the county was designated for public assistance.

Applicants may combine damaged sites into work projects. Projects are considered small if they fall below a certain threshold, which is adjusted annually for inflation. For fiscal 2000, that threshold was \$50,600. Applicants may complete their own small projects and document their damages on a project worksheet (PW). If the applicant does not have the capability to complete the PW, a federal representative will develop the PW for the applicant. For large projects, a federal representative will work with the applicant and the state to develop the PW. Projects fall in the following categories:

- ❖ Category A: Debris removal
- ❖ Category B: Emergency protective measures
- ❖ Category C: Road systems and bridges
- ❖ Category D: Water control facilities
- ❖ Category E: Public buildings and contents
- ❖ Category F: Public utilities
- ❖ Category G: Parks, recreational, and other

For insurable structures, primarily buildings, within a special flood hazard area (SFHA), FEMA reduces its assistance by the amount of insurance settlement that could have been obtained under a standard National Flood Insurance Program (NFIP) policy. For structures located outside a SFHA, FEMA reduces the amount of assistance by any insurance proceeds.

FEMA reviews and approves the PWs and obligates the federal share of the costs (which cannot be less than 75 percent to the state). The state then distributes funds to the local applicants. For small public assistance projects, payment of the federal share of the estimate is made upon approval of the project and no further accounting to FEMA is required. For large public assistance projects (currently \$50,600 or greater), payment is made on the basis of actual costs after the project is completed, although interim payments may be made. Once FEMA obligates funds to the state, further management of the assistance, including disbursement to local governments and PNPs, is the responsibility of the state. FEMA will continue to monitor the recovery process to ensure the timely delivery of eligible assistance and compliance with laws and regulations.

Following a major disaster declaration, state and local governments may obtain assistance to pay part of the costs of rebuilding a community's damaged infrastructure. Federal public assistance programs typically pay for 75 percent of the approved project costs. This assistance may include:

- ❖ removal of wreckage and debris;
- ❖ performance of emergency protective measures on private and public lands;
- ❖ emergency communications;
- ❖ restoration of eligible facilities;
- ❖ community disaster loans from FEMA to any unit of local government that may suffer a substantial loss of tax and other revenues and that can demonstrate a need for financial assistance to perform governmental functions;
- ❖ use of federal equipment, supplies, facilities, personnel, and other resources other than the extension of credit from various federal agencies;
- ❖ repairs to federal-aid system roads and bridges when authorized by the U.S. Department of Transportation; and
- ❖ repairs to water control facilities when authorized by the U.S. Army Corps of Engineers or the Natural Resources Conservation Service.

## CHAPTER NINE:

# Disaster and Emergency Assistance Available to Individuals

After the President has declared a major disaster, FEMA, in coordination with the affected state, will inform citizens of the ways to apply for various forms of assistance. The application process will generally commence when those affected by the disaster call FEMA's toll-free teleregistration number (this number changes with each disaster and the public is notified of the number by FEMA). Through this number, applicants can access all FEMA programs for individuals. FEMA may also refer applicants to disaster programs operated by the Small Business Administration and other federal, state, and local programs. FEMA will mail information on how to access these other programs to applicants. In some cases, FEMA, in coordination with the state, will establish disaster recovery centers (DRCs) in heavily affected communities. DRCs provide a place where disaster applicants can speak with FEMA representatives in person and obtain information about applying for disaster assistance. States have the opportunity to staff DRCs with representatives of various state agencies that want to provide greater access to their programs and services. The state also has a major role in managing donated goods and services.

## Federal Disaster Assistance

**Individual and Family Grants (IFGs).** Individuals and families can obtain grants to meet serious, disaster-related needs not covered by other programs, insurance, or sources. Disaster grants range from several hundred dollars to a maximum of \$14,400, as of the date of publication—the average grant is between \$2,500 and \$3,000. Individual and Family Grants (IFG) are 75-percent federally funded and are administered by the state. The IFG limit is adjusted annually, and the authorized amount is published in the *Federal Register*. The governor's office should ask FEMA to confirm the figure before releasing information to the public.

**Disaster Unemployment Assistance.** Weekly benefit payments are available to those out of work because of the disaster. Recipients include the self-employed, farmworkers, farm and ranch owners, and others not covered under regular unemployment insurance programs. This assistance is available through state unemployment offices and is funded totally by FEMA through the U.S. Department of Labor. The SCO and state labor department coordinate this process.

**Crisis Counseling.** The Crisis Counseling Assistance and Training Program (CCP), authorized by §416 of the Stafford Act, is designed to provide

## For more information

on federal disaster assistance go to the Federal Emergency Management Agency Web site at [www.fema.gov](http://www.fema.gov).

## For more information

on the Young Lawyers Division, go to the American Bar Association Web site [www.abanet.org/yld/home.html](http://www.abanet.org/yld/home.html).

## For more information

on the Department of Veterans' Affairs, go to the VA Web site at [www.va.gov](http://www.va.gov).

## For more information

on the Cora Brown Fund, go to: <http://aspe.hhs.gov/cfda/p83538.htm>.

supplemental funding to states for short-term crisis counseling services to people affected by presidentially declared disasters. Two separate portions of the CCP can be funded: immediate services and regular programs. A state may request either or both types of funding.

The **immediate services** program is intended to enable the state or local agency to respond to the immediate mental health needs of disaster victims. Services provided include screening, diagnostic, and counseling techniques, as well as outreach services such as public information and community networking.

The **regular program** is designed to provide up to nine months of crisis counseling, community outreach, consultation, and education services to people affected by a presidentially declared disaster. Funding for this program is separate from the immediate services grant. To be eligible for crisis counseling services funded by this program, the person must be a resident of the designated area or must have been located in the area when the disaster occurred. The person must also have a mental health problem that was caused by or aggravated by the disaster or its aftermath, or must benefit from services provided by the program.

**Disaster Housing Assistance.** Disaster housing assistance is available for up to 18 months to individuals who are uninsured or renters and who are affected by a disaster. This assistance, which provides support while arrangements are being made for permanent housing, is federally funded. The state also has a role when mobile homes are necessary in a disaster area.

**Legal Services.** Through an agreement with FEMA, the Young Lawyers Division of the American Bar Association (ABA) provides free legal advice to low-income individuals whose cases will not produce a fee. ABA turns over cases that may generate fees to the local lawyer-referral service.

**Veterans' Assistance.** Veterans' assistance includes death benefits, pensions, insurance settlements, and adjustments to home mortgages held by the U.S. Department of Veterans' Affairs (DVA) if a DVA-insured home has been damaged.

**Tax Relief.** The Internal Revenue Service provides assistance to people claiming casualty losses as a result of the disaster. State tax assistance is available as well.

**Cora Brown Fund.**<sup>12</sup> The Cora Brown fund provides assistance to victims of natural disasters for needs that have not been or will not be met by government agencies or private organizations.

**National Flood Insurance Program.** Homeowners can purchase insurance for flood damage within any community participating in the National Flood Insurance

<sup>12</sup> The late Cora C. Brown of Kansas City, Missouri, left a portion of her estate to the United States for the purpose of helping victims of natural disasters not caused by or attributed to war.

Program (NFIP). The insurance covers damage that is not covered under typical homeowners' insurance policies. A presidential disaster declaration is not required for homeowners to participate in this program.

## Federal Disaster Loans

The federal government provides low-interest loans through the Small Business Administration (SBA) and the U.S. Department of Agriculture's Farm Service Agency (FSA). This assistance is intended to aid individuals, farmers, ranchers, and businesses in repairing or replacing uninsured property that was damaged by the disaster.

### SMALL BUSINESS ADMINISTRATION

The SBA offers three kinds of disaster loan programs to help business owners and homeowners recover from a disaster, and it makes these loans directly or in participation with a financial institution. If a loan is made in participation with a financial institution, SBA's share in that loan may not exceed 90 percent.

**Home Disaster Loans.** Homeowners may obtain up to \$200,000 to repair or replace real estate and up to \$40,000 to repair or replace personal property. The loan amount is limited to the amount of uninsured, SBA-verified losses but may be increased by up to 20 percent for the purchase of mitigating devices for damaged real property.

**Business Physical Disaster Loans.** Up to 100 percent of the uninsured, SBA-verified loss, but not to exceed \$1.5 million, is available to repair or replace damaged business property, including inventory and supplies. Within this limit, the loan may be increased by up to 20 percent for the purchase of mitigating devices for damaged real property.

**Economic Injury Disaster Loans.** The purpose of economic injury disaster loans (EIDLs) is to permit small businesses and small agricultural cooperatives to meet necessary financial obligations that could have been met had a disaster not occurred. EIDLs are working-capital loans and are made only to provide relief from economic injury caused directly by the disaster and to permit individuals to maintain a reasonable working-capital position during the period affected by the disaster.

EIDL assistance is provided only to businesses that cannot obtain credit elsewhere, and is limited to a maximum of \$500,000 (together with any business physical-disaster loan for damage from the same disaster). However, the actual amount of the loan will be based upon the economic injury to the business and its financial needs. The interest rate on EIDLs may not exceed 4 percent per year, and the term of these loans may not exceed 30 years. The actual term will be based upon the ability of the business to repay the loan.

## For more information

on the National Flood Insurance Program, go to the Federal Emergency Management Agency Web site at [www.fema.gov/nfip/qanda.htm](http://www.fema.gov/nfip/qanda.htm).

## For more information

on the Small Business Administration go to the SBA Web site at [www.sba.gov](http://www.sba.gov).

In addition to providing assistance under presidentially declared disasters, SBA has its own authority to issue an administrator's declaration when the damage meets SBA criteria but does not qualify for a federal declaration under the Stafford Act.

## For more information

on the Farm Service Agency, go to the U.S. Department of Agriculture Web site at [www.fsa.usda.gov/pas](http://www.fsa.usda.gov/pas).

### FARM SERVICE AGENCY

The Farm Service Agency (FSA), an agency of the U.S. Department of Agriculture, can assist in disaster recovery in a variety of ways, including issuing an administrator's declaration when a federal declaration under the Stafford Act does not occur. FSA also maintains the ability to provide an assortment of loans to farming and ranching operations that have suffered a loss caused by a natural disaster.

**Emergency Conservation Program.** The Emergency Conservation Program (ECP) helps agricultural producers rehabilitate eligible farmlands damaged by natural disaster. ECP may be made available in areas without regard to a presidential or secretarial emergency disaster designation. ECP cost-share assistance may be available to agricultural producers for all designated natural disasters. The FSA state executive director implements the ECP, except when severe drought conditions exist. In the case of drought, the deputy administrator for farm programs may authorize assistance.

To be eligible, an applicant must have suffered a natural disaster that created new conservation problems that, untreated, would impair or endanger the land; materially affect the land's productive capacity; represent unusual damage that, except for wind erosion, is not of a type likely to recur frequently in the same area; or are so costly to repair that federal assistance is or will be required to return the land to productive agricultural use. Conservation problems that existed before the natural disaster are not eligible for cost-sharing assistance. ECP funds may be used for debris removal, fence restoration, grading and shaping of farmland, restoring structures, or water conservation measures, including providing water to livestock in periods of severe drought. Other emergency conservation measures may be authorized by county FSA committees with the approval of the state committee and the agency's deputy administrator for farm programs.

**The Noninsured Crop Disaster Assistance Program.** The Noninsured Crop Disaster Assistance Program (NAP) covers crops for which crop insurance is not available. It provides assistance for farmers who grow such crops, limiting their losses from natural disaster and helping to manage their overall business risk.

To receive this assistance, applicants must have provided certain information to FSA before a disaster occurs. Producers who want protection under NAP must provide certain crop information to FSA every year by the established program reporting deadlines. They must also maintain certain farm production records

throughout the year. To ensure their eligibility for assistance under NAP, producers must meet all program requirements. Specifically, producers must:

- ❖ accurately report the acreages and shares for all crops potentially eligible for NAP on or before the required deadline (contact local FSA county offices for acreage reporting dates);
- ❖ report crop losses within 15 days of the date disaster occurs or the date crop damage becomes apparent;
- ❖ certify crop production history and report current crop year production;
- ❖ earn not more than \$2 million in annual gross revenue per “person,” as defined by FSA, in the operation;
- ❖ certify compliance with all highly erodible land and wetland conservation requirements;
- ❖ request measurement service if needed; and
- ❖ request payments by the acreage reporting date of the year following the year of the disaster.

Eligible crops include agricultural commodities that are grown for food; planted and grown for livestock consumption, including but not limited to grain and seeded and native forage crops; grown for fiber, except for trees; and specialty crops, such as aquaculture, floriculture, ornamental nursery, Christmas trees, turf for sod, industrial crops, and seed crops used to produce crops that are eligible for NAP.

The FSA state and county committees monitor local weather and crop conditions to determine when to request assistance under the program. The committees assess crop losses and make recommendations to the FSA deputy administrator for farm programs who determines whether the losses meet the criteria for establishing a NAP area. The committees use, in part, producers’ reports of crop acreage, crop damage, and historical yields, based in part on actual production records, in deciding whether to recommend program approval.

**Emergency Loan Assistance.** FSA provides low-interest loan assistance to eligible farmers and ranchers to help cover production and physical losses in counties declared as disaster areas by the President or designated by the Secretary of Agriculture. The FSA administrator may also authorize loan assistance to cover physical losses only.

Emergency loans are available to qualifying ranchers and farmers who are established operators of family farms; are citizens or permanent residents of the United States; have adequate training or experience in managing and operating a farm or ranch to assure a reasonable prospect of success; have suffered a

qualifying physical loss or a production loss of at least 30 percent in any essential farm or ranch enterprise; cannot obtain commercial credit; can provide collateral to secure an EM loan; and can demonstrate repayment ability.

Emergency loan funds may be used to restore or replace essential physical property, such as animals, fences, equipment, and orchard trees; pay all or part of production costs associated with the disaster year; pay essential family living expenses; reorganize the farming operation; and refinance debts. The loan limit is up to 80 percent of actual production loss (e.g., the value of lost crops, milk, and other products) or 100 percent of the actual physical loss, with a maximum indebtedness under this program of \$500,000.

For loan assistance to become available, the county in which the damage occurred must be designated as a disaster area or be contiguous with a county that is so designated. Depending on the nature of the disaster, assistance may be made available under three types of designations: presidential disaster declarations; secretarial disaster designations; and physical loss designations (provides assistance for physical losses only).

**Emergency Haying and Grazing Assistance.** Emergency haying and grazing of certain Conservation Reserve Program acreage may be made available in areas suffering from a weather-related natural disaster. FSA county committees may initiate requests for assistance. The state committee then makes a recommendation to the deputy administrator for farm programs, who makes determinations on a county-by-county basis.

## CHAPTER TEN:

# Assistance Available Without a Presidential Declaration

Governors need to be aware that disaster assistance may be obtained from the federal government and volunteer agencies without a presidential major disaster declaration or emergency declaration. For example, military installations located near the disaster area may provide immediate lifesaving assistance, and other federal agencies may be able to provide assistance under their own statutory authorities.

## Department of Defense Predeclaration Emergency Assistance

The Stafford Act authorizes the President to use personnel and equipment of the U.S. Department of Defense (DoD) to remove debris or temporarily restore essential public facilities and services in the aftermath of an incident that may ultimately qualify as a major disaster or emergency. This authority is delegated to the associate director of FEMA's Response and Recovery Directorate. The governor must request DoD assistance through the FEMA regional director and support the request with a finding that this help is essential to preserve life and property. When authorized, the work cannot exceed 10 days.

## Fire Suppression Assistance

The Stafford Act authorizes the President to provide assistance, including grants, equipment, supplies, and personnel, to a state for the suppression of a forest or grassland fire, on public or private lands, that threatens to become a major disaster. This authority is delegated to the associate director of FEMA's Response and Recovery (R&R) Directorate. The governor or the governor's authorized representative must request this assistance through the FEMA regional director. The request must include detailed information on the nature of the threat and the federal assistance needed. Fire suppression assistance must be requested while the fire is burning. The fire must threaten to cause such destruction to life or property that it would constitute a major disaster. The entire request process can be accomplished on an expedited basis via telephone or facsimile, and a FEMA decision can be rendered within a few hours. Costs eligible for reimbursement include equipment, contracts, salaries, and meals for firefighters while they are on the scene of the fire.

### For more information

on FEMA's Response and Recovery Directorate, go to FEMA's R&R site at <http://www.fema.gov/r-n-r/>.

### For more information

on the U.S. Army Corps of Engineers, go to the USACE Web site at [www.usace.army.mil](http://www.usace.army.mil).

## For more information

on the U.S. Department of Health and Human Services, go to the HHS Web site at [www.hhs.gov](http://www.hhs.gov); for more information on the Public Health Service, go to the HHS Web site at [www.hhs.gov/phs/](http://www.hhs.gov/phs/); and for more information on the U.S. Food and Drug Administration, go to the FDA Web site at [www.fda.gov](http://www.fda.gov).

## For more information

on the Federal Highway Administration, go to the U.S. Department of Transportation Web site at [www.fhwa.dot.gov/index.html](http://www.fhwa.dot.gov/index.html).

## For more information

on the U.S. Coast Guard, go to the USCG Web site at [www.uscg.mil](http://www.uscg.mil); and for more information on the U.S. Armed Forces, go to the Department of Defense Web site at [www.defenselink.gov](http://www.defenselink.gov).

## Flood Protection

The U.S. Army Corps of Engineers (USACE) is authorized to assist in flood fighting and rescue operations and to protect, repair, and restore certain flood-control works that are threatened, damaged, or destroyed by a flood. It may assist states for a 10-day period, subject to specific criteria.

## Health and Welfare

The U.S. Department of Health and Human Services (HHS) may provide assistance to state and local welfare agencies and state vocational rehabilitation agencies. The Public Health Service can help states and local communities with emergency health and sanitation measures. The U.S. Food and Drug Administration (FDA) may work with state and local governments to establish public health controls by decontaminating or condemning contaminated food and drugs.

## Repairs to Federal Aid System Roads and Bridges

The U.S. Department of Transportation's Federal Highway Administration can provide assistance to restore roads and bridges that are part of the federal aid system.

## Search and Rescue

U.S. Coast Guard (USCG) or armed forces units may assist in search-and-rescue operations, evacuate disaster victims, and transport supplies and equipment.

## Tax Refunds

The Internal Revenue Service can help individuals apply for casualty losses resulting from natural disasters.

## CHAPTER ELEVEN:

# Long-Term Recovery

Recovery is defined as the return to normal conditions, as well as the process of restoring a community to normal following a major disaster. It is the final phase of emergency management and continues until all systems return to normal or near normal. Recovery is a longer and more complex process than response and it can take years until the entire disaster area is completely redeveloped, either as it was in the past or for entirely new purposes that are more resistant to disasters. The amount, type, and sources of assistance for long-term recovery depend on the extent of the disaster.

As the disaster shifts from response to recovery, so do the activities and many of the people involved. Response will include emergency managers, fire, police, and emergency medical services. Recovery will involve economic development, housing, planning, building inspections, and mental health. Governors should remember that while there may be a wealth of federal personnel and programs that arrive coincidental with the emergency or disaster, in several months federal personnel will leave. Thus, from the very beginning, the governor must ensure his or her staff maintain a clear leadership role in coordinating all activities associated with response and recovery. Federal assistance is supplementary to state and local activities and the governor should make it a point that state and federal roles reflect this approach. It will be incumbent upon the governor to ensure coordination of long-term recovery activities long after resources from outside of the state have departed.

## Managing Donations and Volunteers

After a major disaster, states and local communities can expect to receive donations and, therefore, should have policies and procedures in place for accepting these donations. Likewise, individuals and groups will volunteer to help, so policies and procedures should also be in place to utilize this resource. Volunteers can be an extremely important component of recovery from disaster. States should develop a volunteer and donation management plan for managing solicited and unsolicited donated goods and services.

## Communicating Progress

Disaster recovery is enhanced when the public is made aware of rebuilding priorities and kept informed of progress. A community relations effort that communicates concern and a sense of positive, real movement to victims—as well as to the general public—is essential.

Communication with all sectors of the community is important throughout the recovery process to engender a positive attitude among the public, dispel rumors, and provide valuable information on health issues, available assistance, and other topics. The public can be kept informed throughout the long-term recovery process through public meetings, radio shows, newspapers, and other media.

## Economic Recovery

There is a mutual interdependency between government and industry. When one has a problem, the other provides support; when both are affected by disaster, they need to work together to recover from the resulting physical and economic losses. Historically, federal financing has been available for physical damage and loss of business, such as working capital, machinery and equipment, building construction or rehabilitation, environmental remediation, hazard mitigation, and other improvements.

## Historic Preservation

An important objective in disaster recovery is to preserve historic sites that have been damaged. The historical architects at the state historical preservation office are experienced in dealing with these situations.

## Rebuilding

Rebuilding efforts should include disaster mitigation. As mentioned in Chapter 3, mitigation and prevention form the centerpiece for recovery, because all long-term development and recovery depends on the ability of the state and communities to minimize the risk for future damage.

Many restoration activities require local or state permits, including general building, electrical, plumbing, occupancy, and health permits. Special permits or temporary zoning variances may be needed to allow for placement of travel trailers on lots. To simplify the permit process, some communities establish one-stop compliance centers where residents or contractors can quickly obtain all the required permits for restoration activities.

If the cycle of damage is to be broken, communities that have experienced repetitive disasters must explore new ways of doing things. Governors should consider two fundamental questions: Should the community be rebuilt? Was the community viable prior to the disaster?

For most states, recovery is an emotionally draining, time-consuming, and expensive proposition, and the restoration process places great demands on both the government and the private sector. Disasters can bring out the best in people, in that they pull together to overcome the immediate trauma of the event. Although people want to put their lives back together as quickly as possible, they will also want to recover and rebuild in a way that will reduce the chances of suffering again.

One thing is certain: the electorate is more and more aware of the potential for disasters. Along with this growing awareness comes the increased expectation that government—at all levels—will implement policies that enhance not jeopardize public safety.

## APPENDIX:

# Sources of Emergency Management Information

## Federal Agencies

### U.S. Department of Agriculture

Farm Service Agency  
14th and Independence Avenue, SW  
Room 5438  
South Building  
Washington, DC 20593  
202/720-1632 (phone)  
202/690-1117 (fax)  
<http://www.fsa.usda.gov/pas/default.asp>

### U.S. Army Corps of Engineers

Directorate of Civil Works  
Readiness Branch  
441 G Street, NW  
Washington, DC 30314-1000  
202/761-0409 (phone)  
<http://www.hq.usace.army.mil/cecw/planning/main.htm>

### U.S. Coast Guard

National Response Center  
2100 Second Street, SW  
Room 2611  
Washington, DC 20593  
202/267-2185 (phone)  
202/267-2165 (fax)  
800/424-8802 (hotline)  
<http://www.nrc.uscg.mil/index.htm>

### U.S. Environmental Protection Agency

Chemical Emergency Preparedness and Prevention Office  
Office of Solid Waste and Emergency Response  
401 M Street, SW  
Washington, DC 20460  
<http://www.epa.gov/swercepp/index.html>

### U.S. Fire Administration

National Emergency Training Center

16825 South Seton Avenue  
Emmitsburg, MD 21727  
301/447-1018 (phone)  
301/447-1270 (fax)  
<http://www.usfa.fema.gov>

### Federal Emergency Management Agency

Office of Intergovernmental Affairs  
500 C Street, SW  
Suite 801  
Washington, DC 20472  
202/646-4515 (phone)  
202/646-4039 (fax)  
<http://www.fema.gov>

## FEDERAL EMERGENCY MANAGEMENT AGENCY REGIONAL OFFICES

### Region I: Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, and Vermont

J.W. McCormack Post Office and Courthouse Building  
Room 442  
Boston, MA 02109-4595  
617/223-9540 (phone)  
617/223-9519 (fax)  
<http://www.fema.gov/Reg-I/index.htm>

### Region II: New Jersey, New York, Puerto Rico, and the Virgin Islands

26 Federal Plaza, Room 1337  
New York, NY 10278-0002  
212/225-7209 (phone)  
212/225-7281 (fax)  
<http://www.fema.gov/Reg-II/index.htm>

### Region III: District of Columbia, Delaware, Maryland, Pennsylvania, Virginia, and West Virginia

615 Chestnut Street  
Sixth Floor  
Philadelphia, PA 19106  
215/931-5608 (phone)  
215/931-5621 (fax)  
<http://www.fema.gov/Reg-III/index.htm>

### Region IV: Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee

3003 Chamblee-Tucker Road  
Atlanta, GA 30341  
770/220-5200 (phone)  
770/220-5230 (fax)  
<http://www.fema.gov/Reg-IV/index.htm>

### Region V: Illinois, Indiana, Michigan, Minnesota, Ohio, and Wisconsin

536 South Clark Street  
Chicago, IL 60605  
312/408-5503 (phone)  
312/408-5234 (fax)  
<http://www.fema.gov/Reg-V/index.htm>

### Region VI: Arkansas, Louisiana, New Mexico, Oklahoma, and Texas

Federal Regional Center  
Room 206  
800 North Loop 288  
Denton, TX 76201-3698  
817/898-5104 (phone)  
817/898-5325 (fax)  
<http://www.fema.gov/Reg-VI/index.htm>

### Region VII: Iowa, Kansas, Missouri, and Nebraska

2323 Grand Boulevard  
Suite 900  
Kansas City, MO 64108-2670  
816/283-7061 (phone)  
816/283-7582 (fax)  
<http://www.fema.gov/Reg-VII/index.htm>

**Region VIII: Colorado, Montana, North Dakota, South Dakota, Utah, and Wyoming**

Denver Federal Center  
Building 710, Box 25267  
Denver, CO 80225-0267  
303/235-4812 (phone)  
303/235-4976 (fax)  
<http://www.fema.gov/Reg-VIII/index.htm>

**Region IX: American Samoa, Arizona, California, Guam, Hawaii, Nevada, Commonwealth of the Northern Mariana Islands, Federated States of Micronesia, Republic of the Marshall Islands, and the Republic of Palau**

Presidio of San Francisco  
Building 105  
San Francisco, CA 94129-1250  
415/923-7100 (phone)  
415/923-7112 (fax)  
<http://www.fema.gov/Reg-IX/index.htm>

**Region X: Alaska, Idaho, Oregon, and Washington**

Federal Regional Center  
130 228th Street, SW  
Bothell, WA 98021-9796  
425/487-4600 (phone)  
425/487-4622 (fax)  
<http://www.fema.gov/Reg-X/index.htm>

**Department of Housing and Urban Development (HUD)**

451 7th Street, SW  
Washington, DC 20410  
202/708-1112 (phone)  
<http://www.hud.gov>

**U.S. Public Health Service**

Office of Emergency Preparedness  
National Disaster Medical System  
Parklawn Building  
Room 4-81  
5600 Fishers Lane  
Rockville, MD 20857  
800/872-6367 (phone)  
800/872-5945 (fax)  
<http://ndms.dhhs.gov>

**Department of Veterans' Affairs**

Emergency Medical Preparedness Office  
VA Medical Center  
Martinsburg, WV 25401  
304/264-4825 (phone)  
304/264-4499 (fax)  
<http://www.va.gov>

**Small Business Administration**

Disaster Assistance Division  
409 Third Street, SW  
Washington, DC 20416  
202/205-6734 (phone)  
202/205-7728 (fax)  
<http://www.sbaonline.sba.gov/disaster/>

**SMALL BUSINESS ADMINISTRATION  
DISASTER AREA OFFICES**

**Area 1: Connecticut, District of Columbia, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Puerto Rico, Rhode Island, Vermont, Virgin Islands, Virginia, and West Virginia**

360 Rainbow Boulevard South  
Third Floor  
Niagara Falls, NY 14303  
716/282-4612 (phone)  
716/282-1472 (fax)

**Area 2: Alabama, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Minnesota, Mississippi, North Carolina, Ohio, South Carolina, Tennessee, and Wisconsin**

One Baltimore Place  
Suite 300  
Atlanta, GA 30308  
404/347-3771 (phone)  
404/347-4183 (fax)

**Area 3: Arkansas, Colorado, Iowa, Kansas, Louisiana, Missouri, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming**

4400 Amon Carter Boulevard  
Suite 102  
Fort Worth, TX 76155  
817/885-7600 (phone)  
817/885-7616 (fax)

**Area 4: Alaska, American Samoa, Arizona, California, Guam, Hawaii, Idaho, Nevada, Oregon, and Washington**

P.O. Box 13795  
Sacramento, CA 95853-4795  
916/566-7240 (phone)  
916/566-7280 (fax)

**Domestic Organizations**

**American Red Cross**

National Headquarters  
Disaster Services Department  
8111 Gatehouse Road  
Second Floor  
Falls Church, VA 22042  
703/206-7460 (phone)  
703/206-8822 (fax)  
<http://www.redcross.org>

**Association of State Floodplain Managers**

4233 West Beltline Highway  
Madison, WI 53711  
608/274-0123 (phone)  
608/274-0696 (fax)  
<http://www.floods.org>

**Central United States Earthquake Consortium**

2630 East Holmes Road  
Memphis, TN 38118-8001  
901/544-3570 (phone)  
901/544-0544 (fax)  
<http://gandalf.ceri.memphis.edu/~CUSEC/index.html>

**Congressional Fire Services Institute**

900 2nd Street, NE  
Suite 303  
Washington, DC 20002

202/371-1277 (phone)  
202/682-3473 (fax)  
<http://www.cfsi.org>

**Institute for Business and Home Safety**

1408 North Westshore Boulevard  
Suite 208  
Tampa, Florida 33607  
813/286-3400 (phone)  
813/286-9960 (fax)  
<http://www.ibhs.org>

**International Association of  
Emergency Managers**

111 Park Place  
Falls Church, VA 22046-4513  
703/538-1795 (phone)  
703/241-5603 (fax)  
<http://www.iaem.com>

**International Association of Fire Chiefs**

4025 Fair Ridge Drive  
Fairfax, VA 22033-2868  
703/273-0911 (phone)  
703/273-9363 (fax)  
<http://www.ichiefs.org>

**International Association of  
Fire Fighters**

1750 New York Avenue, NW  
3rd Floor  
Washington, DC  
202/737-8484 (phone)  
202/737-8418 (fax)  
<http://www.iaff.org/iaff/index.html>

**National Association of Counties**

440 First Street, NW  
Washington, DC 20001  
202/942-4239 (phone)  
202/942-4281 (fax)  
<http://www.naco.org>

**National Association of  
Development Organizations**

400 North Capitol Street, NW  
Suite 390  
Washington, DC 20001  
202/624-7806 (phone)

202/624-8813 (fax)  
<http://www.nado.org>

**National Association of State  
Fire Marshals**

1245 Farmington Avenue  
Suite 101  
West Hartford, CT 06107  
860/676-3070 (phone)  
860/676-3200 (fax)  
<http://www.firemarshals.org/>

**National Emergency  
Management Association**

P.O. Box 11910  
Lexington, KY 40578-1910  
606/244-8000 (phone)  
606/244-8239 (fax)  
<http://www.nemaweb.org>

**National Fire Protection Association**

1 Batterymarch Park  
P.O. Box 9101  
Quincy, MA 02669-9101  
617/770-3000 (phone)  
617/770-3500 (fax)  
<http://www.nfpa.org>

**National Institute for Urban Search  
and Rescue**

P.O. Box 91648  
Santa Barbara, CA 93190-1648  
800/767-0093 (phone)  
805/569-3270 (fax)  
<http://emergencyservices.com/niusr>

**National League of Cities**

1330 Pennsylvania Avenue, NW  
Washington, DC 20004-1763  
202/626-3025 (phone)  
202/626-3043 (fax)  
<http://www.nlc.org>

**New England States  
Emergency Consortium**

607 North Avenue  
Suite 16  
Wakefield, MA 01800  
617/224-9876 (phone)

617/224-4350 (fax)  
<http://www.serve.com/NESEC>

**United States Conference of Mayors**

1620 Eye Street, NW  
Washington, DC 20006  
202/293-7330 (phone)  
202/293-2352 (fax)  
<http://www.usmayors.org>

**Western States Seismic Policy Council**

121 Second Street  
4th Floor  
San Francisco, CA 94105  
415/974-6435 (phone)  
415/ 974-1747 (fax)  
<http://www.wsspc.org>

NGA Center for Best Practices  
444 North Capitol Street, Suite 267  
Washington, DC 20001  
202.624.5300 | fax.624.5313  
[www.nga.org/center](http://www.nga.org/center)