



## NEMA COMMITTEE REPORTS

**NEMA Legal Counsel Committee  
October 2, 2016**

**Meeting Summary**

Brenda Bergeron opened the meeting and welcomed the group. Those at the table introduced themselves. Legal representatives from at least 9 states were present.

**Legal Perspectives from Cleveland 2016/Use of Declaration for Pre-Planned Event**

Sima Merick, Director of Ohio Emergency Management Agency (OEMA), Jerry Mullins, OEMA Grants Branch Chief, and Holly Welch, Legal Counsel, discussed the successful process used to procure law enforcement resources under EMAC well in advance of the Republican National Convention in order to supplement Cleveland and Ohio personnel. One of the key factors was starting the process early. Cleveland asked for EMAC resources in February. The Ohio Governor declared an emergency in April in order to start the process. Holly reviewed each states' EMAC statute, and worked with states where the language was different. City of Cleveland also declared, and established a deputization process.

Requirements were detailed in the EMAC REQ A form. One issue was, which "use of force" policy applies? Cleveland's current policy is under court review; therefore, the City allowed states to follow their own policies if they chose. Another issue was that Cleveland had obtained an insurance policy to cover any LE coming in. How would that apply under EMAC? The group discussed possible subrogation issues.

On behalf of Cathie Hutchins from Virginia, who was unable to attend, Brenda spoke about another use of a state declaration to address a large scale, pre-planned event, a Presidential inauguration. As with Ohio, Cathie emphasized the importance of getting the potential players to the table well in advance of the event in order to discuss, among other things, roles and responsibilities of each entity. Identify areas of potential disagreement, plan together. Cathie provided notes and a copy of the Executive Order, which have been provided to Legal Counsel Committee members.

**Presidential Declaration for Manmade Events**

On behalf of Ann McCarthy from Massachusetts, Brenda presented on that state's successful request for a Presidential emergency declaration in the wake of the Boston Marathon bombings. This discussion focused on the importance of defining the incident period. This event included not only the immediate aftermath of the bombing but also the ensuing manhunt and the need to confirm that the two perpetrators were acting alone. The overall scope was broad in time and geographical area. In contrast, the Orlando nightclub shooting was much narrower in time and geography. Ann's materials have been sent to the Legal Counsel Committee.

On behalf of Michael Kennett from Florida, Brenda also presented on Florida's recent request for a Presidential declaration under Section 501(b) of the Stafford Act, regarding a dam that Florida argued is the responsibility of the Federal government, but has been neglected. Again, Michael's notes have been provided to the Legal Counsel Committee. FEMA denied Florida's request.

Adrian Sevier, FEMA Chief Counsel, responded that many policy considerations go into a declaration request, for which authority ultimately rests with the President. At the end of the day, FEMA will always look to see if the state is overwhelmed. If the event in question is manmade, then an emergency declaration rather than a major disaster declaration is the most likely vehicle for federal assistance.

Adrian indicated that 501(b) has only been used for federal facilities such as the Murrah Office Building in Oklahoma, the space shuttle, and the Pentagon on 9/11. This administration has focused on direct federal assistance when granting a Presidential emergency declaration. With regard to defining the incident period, FEMA looks to see what arose from the particular event—it is used by FEMA to identify an end to its involvement.

#### **Information Bulletin 407: State Agency Certification of Subgrantee Activity**

Will Polk presented on behalf of Nicole Bordonaro of Pennsylvania. The question is, what is the civil liability of the State Administrative Agent for misuse of controlled equipment by a subrecipient? North Carolina is developing a Standard Operating Guideline. Things to consider: (1) develop a template to require attestation of compliance by the subgrant recipient; (2) put a hold harmless clause in the subgrant agreement; (3) have subrecipients specifically identify their requests for controlled equipment. Nicole's materials have been provided to the Legal Counsel Committee.

#### **MASS 2.0 Terms of Service Update**

Samantha Ladich outlined the possible use of a Terms of Service Agreement rather than a Memorandum of Understanding for use of the EMAC mutual aid system. The group discussed whether there should be a confidentiality provision in the agreement. Jill Talley indicated, for example, that in California, this type of information could not be protected. Ohio and Connecticut said that the application of an FOI protection would be on a case by case basis; Connecticut has a safety risk exemption. North Carolina has an FOI exemption for homeland security. More to follow.

#### **FEMA Chief Counsel Update**

Adrian Sevier talked about key priorities as the administration ends. Attention is being paid to mitigation and resiliency.

- FEMA federal flood risk management, proposed rule-making: how we will determine how high to build;
- Public Assistance Policy on codes and standards;
- Public Assistance Policy on PA deductible—
  - States will have to meet the deductible before getting help for permanent repairs.
  - States will earn credits toward their annual deductible.
- There may be one other rule making package—they are hoping.
- IA implementing policy—comments must be received by October 24. Will have to republish the regulation and policy once the time is up. Hoping to get this out by end of administration.
- FEMA has purchased a small amount of reinsurance to see if FEMA can transfer liabilities to commercial market. First time any federal agency has tried this.
- Foreign responder legislation: this legislation would provide a system to quickly address licensing and liability issues associated with the acceptance of foreign mutual aid in times of a national catastrophe.

Adrian responded to a question about why FEMA can miss deadlines, but states cannot. He answered that state deadlines are set by regulation, whereas FEMA's deadlines are set by policy only. But the good government answer is that FEMA responses should be timelier. A larger HQ team and in the field has been built to improve both timeliness and the quality of each response.

**Closing**

Alexa Noruk asked the group what resources it would like to see on the NEMA website. Sample declaration requests will be posted sometime in November, and appeals are the next step.

Samantha Ladich and Will Polk were introduced as the new Chair and Vice Chair of the Committee. The group thanked Brenda Bergeron for her leadership over the past 7 years.

**NEMA EMAC Committee  
October 2, 2016**

**Meeting Summary**

**Recognition of Brenda Bergeron**

EMAC Committee Chair Angee Morgan opened the meeting by thanking Brenda Bergeron for serving 7 years as the NEMA Legal Counsel Committee Chair and Liaison to the EMAC Executive Task Force. Brenda has been an invaluable resource and has been very proactive to identify potential issues and resolutions. Thank you to Brenda.

**EMAC Strategic Plan**

Angee Morgan provided background on the EMAC Strategic Planning session and highlighted accomplishments and new initiatives over the past 5 years. Notable accomplishments include the five online training courses in the EMAC eLearning Center, the EMAC Ready Survey, and the EMAC Mutual Aid Support System (MASS).

The EMAC Executive Task Force voted to approve the EMAC Strategic Plan and to move it to the EMAC Committee for adoption.

Kentucky made a motion to adopt the 2017 – 2022 5-year EMAC Strategic Plan.

Washington seconded the motion.

The motion passed unanimously.

The 2017 – 2022 EMAC Strategic Plan will replace the current plan.

**Refresher on “EMAC Ready”**

Angee Morgan highlighted the EMAC Ready Survey that was developed a few years ago.

The survey was a confidential self-assessment states could take to determine if they were “EMAC Ready”. The survey instrument was developed using the EMAC legislation, the EMAC Operations Manual, after action reports, and feedback from states to identify actions states should take to be ready for an EMAC response.

An example of questions in the survey included asking how many EMAC Authorized Representatives and EMAC A-Team Members you have available in your state.

Angee Morgan asked Brian Satula (the incoming EMAC Committee Chair) to bring attention to the EMAC Ready Survey for continual assessment of a states’ EMAC readiness.

**EMAC Support of the Republican National Convention**

Ohio Director Sima Merick and Ohio EMA legal counsel Holly Welch briefed on lessons learned from the law enforcement missions deployed through EMAC in response to the National Republican Convention. In total, 1,071 personnel deployed with estimated costs over eight million dollars. The Secret Service protects the venue and all other areas are up to the city and agencies supporting the city – so the port, airport, sporting events, parade routes, needed extra security throughout the event. Given public perception on law enforcement at the time, Ohio was very grateful to the Assisting States for their support. Cleveland, OH made the request for only State Patrol officers and as a result the only resources

brought in for the event were State Patrol. The biggest pre-event consideration was the need to declare in order to utilize EMAC. After explaining to the Governor how EMAC worked and the protections it afforded officers coming into Ohio, the Governor did declare. This was the first time EMAC had been used for a national committee meeting. Ohio did get public records requests from media and chose to protect the EMAC REQ-As as we the Secret Service had requested that Ohio not release any information about the event. The biggest lesson learned was planning and communicating both in-state and externally. Ohio set up frequent calls with the Assisting States to work through questions in advance of the deployment. During the event, all agencies stood up an operations center. The city EOC became the command center and the state coordinated through the city EOC. Ohio is now working on processing reimbursements for the event and that is going really well. NEMA will be working with a third party contractor and Ohio EMA on an after action report to highlight the use of EMAC during a Special Security Event (SSE) and to capture lessons learned.

#### **Update from Big City Emergency Managers on EMAC Initiatives**

Samantha Phillips with Big City Emergency Managers and the Director of Emergency Management for the City of Philadelphia, PA briefed on how Big Cities have been working together post Hurricane Sandy and making advancements on the EMAC process. IN 2011, the US Conference of Mayors discussed with BCEM the development of a new mutual aid system. BCEM got involved in the EMAC system and realized we needed to learn the EMAC system and figure out how to make it work for us.

The single biggest lesson learned was the need to do behind the scenes coordinating. BCEM started with a white paper and then initiated a number of follow-on activities. Most recently, we participated in a webinar on the Mutual Aid Support System and completed an exercise to facilitate the movement of resources through EMAC. The exercise was a great success. Big Cities have really learned to unstick how they can leverage EMAC – and has worked on the coordination to make it work during a disaster. The SITMAN is available to anyone who may like to view it.

The biggest challenge ahead is Mission Ready Packages. Since you don't need to use them often, it is hard to show the value of development them. BCEM is now working on pre-scripted mission assignments and MRPs that can be ready to go in the case of an emergency.

#### **Department of Homeland Security Science and Technology (DHS S&T) Mutual Aid Technology Initiative**

Angee Morgan provided an update of the DHS S&T mutual aid technology exercise. The attendees included operational and GIS/IT personnel. The goal of the exercise was to better facilitate triggers for requesting mutual aid, identifying and utilizing pre-disaster mapping applications, identifying data that could be collected prior to events, identifying shortfalls during the event, and identifying ways analysts could focus on the issues at hand. The workshop highlighted some of the new tools that were available to states – pre-existing applications that the states have already paid for in our subscriptions but we didn't know existed. The only overarching issue identified in the exercise was it put GIS personnel more of a decision-making role – where they pulled the trigger for requesting mutual aid – not the decision makers. It was nice to see the leads for the state and county were exchanging information and building relationships.

#### **FEMA NIC Update**

Doc Lumpkins, Director of the FEMA National Integration Center, provided an update on the National Preparedness Goal and linkages to the supply chain. As a result of the update, FEMA began to look at

the national planning frameworks and additional areas for better clarity and tasks and ways to address integration across all mission areas.

The FEMA NIC also recently completed an update of the national cyber incident response plan, based on the National Preparedness. How we would execute NIMS in the event of a cyber incident.

The FEMA NIC has also been working on a refresh of the Refresh of the National Incident Management System that was last updated in 2008. FEMA received over 2700 comments during the public comment period and conducted a lot of follow-up to clarify the comments. The current document works towards strong integration and embracing technology.

Finally, the FEMA NIC is tracking EMI courses and updates and looking at requirements within courses and tools that will help with updating NIMS - doctrine, webinars, independent study, typing efforts, and training.

#### **Update on the Public Health and Medical Mission Ready Package Project**

Cris McCombs from Hagerty Consulting provided an overview of the public health and medical Mission Ready Package (MRP) project starting with the development of the sixteen MRP templates and then holding workshops in the five pilot states during which Resource Providers worked with Hagerty and the state emergency management agencies to develop their MRP. Upon completion, the MRPs are uploaded to the Mutual Aid Support System (MASS).

Two of the states (Virginia and Wisconsin) went on to develop exercises based upon the MRPs. As a take-away from the exercise, Virginia will now incorporate the movement of EMAC resources as part of every state exercise – just a few injects to maintain freshness in utilizing EMAC. Wisconsin has stated that the AAR will help drive their efforts for the next year through funding decisions and prioritization of planning energy. Both states are working on updates to their internal EMAC standard operating procedures.

To share the experiences and continue momentum in the planning effort, Hagerty has submitted an abstract for the 2017 public health and medical preparedness summit.

#### **Geologist and Building Inspector Mission Ready Package Project**

Dave Maxwell (former Director for Arkansas Department of Emergency Management) and Cris McCombs (Hagerty) discussed the efforts to build MRPs for geologists and building assessment teams. The project was initiated by Mr. Dave Maxwell (retired from Arkansas) by conducting a survey to determine what states had building assessment team programs. It was noted that several national level exercises cited the lack of available geologists and building inspectors for deployment to assist via mutual aid. The Central United States Earthquake Consortium (CUSEC) worked with Hagerty and thought leaders in the geologists and building inspector community to further develop geologists and building inspectors. We now have a basis for a national standard to take this forward to other states. The state geologists are looking for teams to improve help in the field, EOC support, and in the research clearinghouses. Hagerty worked with the CUSEC to develop eight new templates: Five templates for building safety officials (including Types 1, 2, and 3 strike teams) and three templates for the geological surveys.

In the next phase of the product, the templates will be utilized during workshops to help build MRPs and incorporate them into MASS. The workshops will be open to all disciplines in the morning to learn more

about EMAC. The afternoon session will be only for the geologist and building inspectors to work on the development of MRPs using the templates. The goal is to have multiple versions of the templates to demystify how to utilize the Mutual Aid Support System when developing a Mission Ready Packages.

Angee Morgan noted that these templates will be provided to the FEMA NIC as the basis for the development of NIMS resource typing for geologists and building inspectors, a resource not yet included in NIMS.

#### **Comments from In-Coming EMAC Committee Chair**

Brian Satula thanked Dave Maxwell and Angee Morgan for all of their help and committed to continuing the work of the EMAC Committee.

Our public health department became engaged in the development of MRPs through the NEMA-Hagerty project and are now working on some MRPs for law enforcement.

One of the goals of the EMAC Committee will be to socialize the good work that the EMAC Executive Task Force has accomplished. Another goal will be looking towards standardization for international mutual aid.

#### **Adjournment**

Angee Morgan asked if there was a motion to adjourn. Wisconsin made a motion to adjourn. The motion was seconded by Washington. All in favor. The meeting was adjourned.



**NEMA Mitigation Committee  
October 2, 2016**

**Meeting Summary**

**Having an Enhanced Mitigation Plan: What You Need to Know**

Mitigation Committee Chair, Kris Hamlet, welcomed everyone to the meeting and invited Sima Merick, Director of Ohio's Office of Emergency Management, to share Ohio's experiences with applying for and maintaining their Enhanced Mitigation Plan. Merick began her remarks by identifying the Enhanced Plan criteria. In 44 CFR 201.5 the criteria for an Enhanced Mitigation Plan includes: 1) the State Mitigation Plan is integrated with other planning efforts; 2) high level project management capability; 3) effective use of existing mitigation programs to achieve goals; and 4) demonstrating that the state is committed to a comprehensive mitigation program.

Merick also outlined many of the benefits that come with having an Enhanced Mitigation Plan. She explained many of those benefits, including: a five percent increase in mitigation project funding; having the plan sets a standard for the use of Federal hazard mitigation funds; effectively demonstrates the link between mitigation and loss avoidance; emphasizes quality risk assessment data; and enables states to more easily meet Emergency Management Accreditation Program (EMAP) standards for accreditation.

Next Hamlet, introduced Robert Ezelle, Director of Washington Office of Emergency Management. Ezelle started his remarks by highlighting some of the steps Washington has taken to maintain an enhanced plan.

Ezelle explained that Washington maintains a staff to manage mitigation projects and has the ability to expand if needed. He also said the State has hired a Mitigation Strategist to ensure project coordination, that priorities are being put into place, and to be the conduit of information. By having an Enhanced Mitigation Plan, the State of Washington has received an additional seven million dollars in mitigation funding.

**Continuing the Discussion on Best Practices from States with FMAG/HMGP Projects**

Next Mr. Hamlet asked Andrew Phelps (OR) to highlight some of ongoing challenges Oregon has had while working with the Hazard Mitigation Grant Program/Fire Management Assistance Grant Program (HMGP/FMAG) pilot program. Authorized in the FY 2015 DHS Appropriations Act, the pilot program was created to provide hazard mitigation assistance in any area which fire management assistance was provided. The FMAG declaration activated HMGP assistance for States between March 4, 2015 and December 11, 2015. States were required to have a FEMA-approved Standard or Enhanced State Mitigation Plan to apply.

Phelps explained that in 2015 Oregon had 41 large fires and roughly 200 million acres to suppress. Oregon's first FMAG declaration was July 30, 2015 and the final of six total declarations was September 30, 2015. By having an Enhanced Mitigation Plan, Oregon was able to receive an additional \$500,000 dollars.

The pilot program created the ability to foster relationships with other agencies in Oregon. Oregon's Office of Emergency Management was able to work with other agencies to install stream gauges and a wildfire detection camera to help mitigate the effects of wildfires and the resulting floods. Phelps said

these projects create new partnerships and help local elected or appointed officials to understand the importance of mitigation.

Overall Phelps encouraged FEMA to continue the FMAG/HMGP program and work to streamline the approval process. The Mitigation Committee echoed his remarks.

### **National Flood Insurance Program Reauthorization**

The Committee took some time to discuss the upcoming reauthorization of the National Flood Insurance Program (NFIP). The NFIP is in jeopardy of not being able to meet the needs of the country in recovering from floods. The program is over \$23 billion in debt with no clear path towards solvency. Additionally, enrollment in the program has declined by nearly 10% over the last several years as rate changes designed to shore up the program have resulted in policy holders dropping their coverage. This makes debt settlement even more unlikely.

During this discussion Sima Merrick, Director of Ohio's Emergency Management Agency, shared a few recommendations that Ohio developed to share with legislators. She stated, "Carefully consider the affects that privatization of flood insurance will have on the NFIP, specifically the programs benefits to the nation of: 1) mapping flood hazard and risk, currently an expense shouldered by the Federal government but would benefit those selling private market flood policies; 2) mitigating existing flood damage through the Flood Mitigation Assistance (FMA) program and the Increased Cost of Compliance feature of NFIP policies, currently there is no private sector mitigation funding mechanism to replace mitigation funds lost by reduced NFIP policy counts; and 3) creation of additional at-risk development and subsequent tax-payer burden created by communities that decide to no longer regulate floodplain development thru participation in the NFIP because a private flood policy is available."

Currently there is a heavy focus around privatization of flood insurance as well as the re-authorization of the NFIP. The Mitigation Committee decided to examine how the anticipated increased activity in the private flood insurance market might affect the flood mapping, mitigation, and regulatory side of the NFIP.

### **Update from Federal Partners: A Discussion with FEMA/FIMA**

After that, Hamlet introduced Angela Gladwell who is the Deputy Assistant Administrator for the Risk Management Directorate with the Federal Insurance and Mitigation Administration. He also introduced David Maurstad, Assistant Administrator of Federal Insurance with FIMA. Ms. Gladwell and Mr. Maurstad provided the Committee with updates on several of FEMA's priorities.

Maurstad started off by providing the Committee with an update on FIMA's efforts with the National Flood Insurance Program (NFIP). He highlighted that FIMA had added additional staff members to enhance the customer experience with the NFIP. He also explained to the Committee the differences in the appeals process and the claims process. Overall he highlighted that the program had not changed very much other than the increase in staffing.

Maurstad also provided the Committee with the latest information regarding NFIP actions in recent flooding event in Louisiana. As of August 31, 2016, over 28,000 claims have been submitted. FEMA has authorized and issued \$153 million in advance payments to NFIP policyholders in Louisiana who sustained damages by the flood. Paying up to 50 percent of the estimated covered loss allows the policyholder the ability to proceed with recovery efforts while negotiating the proof of loss with the

adjuster. In East Baton Rouge, Livingston, St. Helena, and Tangipahoa Parishes there are approximately 45,000 Flood Insurance Policies.

Next Ms. Gladwell added to the discussion on the NFIP and mentioned that FEMA has surveyed 2,000 policyholders on how FEMA communicated mapping changes. She explained that FEMA was working towards creating a better customer service experience for policyholders. She also mentioned that FEMA understood the need to establish a framework for flood mapping.

Gladwell also highlighted the Federal Mitigation Investment Strategy (FMIS). FEMA opened the investment strategy for comment in May 2016. The purpose of FMIS is to identify, prioritize and guide federal investments in disaster resilience and hazard mitigation-related activities, and to make recommendations to the President and Congress on how the nation should prioritize future disaster resilience investments. Gladwell stated that the federal government found no coordinated federal investment strategy existed for resilience and mitigation during the response of Hurricane Sandy. She mentioned that FMIS provides an opportunity to be more intentional about setting resilience and mitigation investment priorities. FEMA believes it will increase the ability of federal departments and agencies to plan and justify budgets and resources.

Ending her remarks, Gladwell gave the Committee an update on the National Earthquake Hazard Reduction Program (NEHRP). She mentioned that FEMA was planning to move forward with the necessary steps to return state assistance grants for the earthquake program. The Mitigation Committee echoed support for the initiative.

#### **State Director Discussion**

The Committee meeting ended with Kris Hamlet thanking the Committee for all of its work over the past two years. He then turned it over to the incoming chair, Alabama Emergency Management Agency Director, Art Faulkner, who highlighted a few priorities he would like the Committee to take a look at in the upcoming year. Faulkner explained that he would like to explore the impact of mitigation on the Disaster Relief Fund (DRF), PreDisaster Mitigation (PDM), the reauthorization of the National Earthquake Hazard Reduction Program (NEHRP), and that he was interested in reaching out to each member of the Committee for their priorities going forward.

Faulkner also thank Hamlet for his leadership on the Committee for the past two years and thanked him for continuing to serve as the Vice-Chair.

**NEMA State Hazard Mitigation Officer Subcommittee (Mitigation Committee)**  
**October 1, 2016**

**Meeting Summary**

**Discussion on the Reauthorization of the NFIP**

State Hazard Mitigation Officer (SHMO) Subcommittee Chair, Brad Bartholomew, welcomed everyone and started the meeting with a discussion on the upcoming reauthorization of the National Flood Insurance Program (NFIP). The NFIP is in jeopardy of not being able to meet the needs of the country in recovering from floods. The program is over \$23 billion in debt with no clear path towards solvency. Additionally, enrollment in the program has declined by nearly 10% over the last several years as rate changes designed to shore up the program have resulted in policy holders dropping their coverage. This makes debt settlement even more unlikely.

With the heavy focus around privatization of flood insurance as well as the re-authorization of the NFIP. The SHMOs decided to examine how the anticipated increased activity in the private flood insurance market might affect the flood mapping, mitigation, and regulatory side of the NFIP. The group briefly examined a recommendations paper drafted by the NEMA membership that addressed affordability, risk reduction and mapping, and private sector involvement. The SHMOs discussed the mapping issue and explained that the accuracy is a very prominent issue. The group agreed to review the paper in depth and provide additional input and comments.

The SHMOs also discussed the one-foot freeboard that Florida is adopting in 2017. This effort provides a margin of safety against extraordinary or unknown flood risk. It also counts towards the Community Rating System (CRS) credit.

**Delivering Mitigation Through FMAGs and HMGP**

Oklahoma discussed their experiences with the pilot program that provided hazard mitigation assistance in any area which fire management assistance was provided. They explained that they were working with counties to organize priorities and to ensure mitigation projects are in the pipeline as the FMAGs are awarded.

Other states addressed the issue to moving the funds quickly and ensuring that all projects are funded. With the short timeframe of the pilot program, many states did not have an opportunity to participate. Moving forward the SHMOs would like to collect the data from the states that did participate in the pilot program and create a position paper urging FEMA to continue the program.

**Outlining Changes to the Hazard Mitigation Grant Program**

The overall discussion with changes to the Hazard Mitigation Grant Program (HMGP) focused around consistency issues throughout the FEMA regions. Many SHMOs highlighted issues with messaging, standardization, projects, and timelines. They also highlighted period of performance being maintained for the State end but not on FEMA's end.

Many SHMOs mentioned the management costs that are associated with HMGP. The group decided that they would work on producing a position paper outlining changes for the grant program such as management costs and the amount of money that is being spent outside of the 4.89 percent, consistency between regions amongst programs and states, period of performance, streamline the Environmental Historic Preservation (EHP), and working with FEMA to establish clear deadlines.

**Benefit-Cost Analysis; Consolidation of Guidelines**

To evaluate proposed hazard mitigation projects prior to funding FEMA requires a Benefit-Cost Analysis (BCA) to validate cost effectiveness. This oftentimes comes with many guidelines and standards. The SHMOs discussed streamlining this effort and also encouraging FEMA to develop a model for basement flooding.

**Roundtable Updates; Sharing Priorities**

The group shared some of their best practices in regards to state hazard mitigation plans. Oklahoma has developed a template that they provide to locals that serves as a crosswalk as they develop their plans. The State also assists jurisdictions by providing technical assistance when necessary. Most of the states agreed that they use federal funds to create mitigation plans. In Mississippi, the State funded the regional plans this year. This ensured better coordination among the nine plans and regions. Many SHMOs explained that several counties do not have a respective planning department and that the role of the planner typically falls within another category.

The group went on to discuss Flood Mitigation Assistance (FMA) and potential for taking on a position paper to address issues. Some states would like to see flooding risk become a higher priority. Others mentioned the National Review Committees for FMA and PDM and said they would like to have a more transparent process so they could understand what the Committees are looking for.

**NEMA Preparedness Committee  
October 3, 2016**

**Meeting Summary**

**FirstNet: State Requirements for Consultation Task Teams**

Mike Poth, Director, FirstNet reminded the membership of the request for proposal concerns of how the private/public partnership will respond. So FirstNet have been focused the last five months evaluating a business model that will make sense. The federal government has granted FirstNet \$7 Billion and more importantly the mass amount of MHz of data systems support. The first priority is to the first responders. As they look for outreach from the States they are focusing on urban/dense populations but equally concerned to rural areas. As FirstNet begins to collect data from their evaluations, the key is to make sure the states stay informed. FirstNet focuses on a 25 years out plan to ensure the continuity of the network. After the first responders are set up, the network may look into reinvesting in rural/wilderness areas. A meeting will be held in November 14-15 in Phoenix, Arizona, for those that are or will be the single point of contact between the program and FirstNet.

**The Effect of FCC's Emergency Alerting Notice of Proposed Rulemaking (NPRM) and the IPAWS Modernization Act of 2015 on IPAWS**

Antwane Johnson, Director, IPAWS, opened the session with the National Test completed successfully on September 23 which stemmed from testing that began last November. Section 526 of the Modernization Act states IPAWS test communications are accessible at all times and encourage both state and local programs to participate in scheduled testing during blue skies. A registration notice for the IPAWS subcommittee, chaired by Mr. Tim Manning, was sent out to fill thirty-two other member seats. Other Senior level federal officials will be on the subcommittee including the Secretary of Commerce. Other updates stated are: With the NIMS Refresh, FEMA has integrated IPAWS training into the NIMS system. More attention is focused on the access special needs community with rules that are applicable to more television and radio accessibility for the community. Due to the beneficial forged in partnership with NEMA, the SEC has changed the limit of characters for alerts to go from 90 characters to 300 characters as well as created an additional category for public safety messages that are more focused within the emergency management community. IPAWS is supporting multi-media access through phone numbers and URLs, however with the inclusion of the URLs you have to copy and paste the link in the browser for the additional information as opposed to clicking on the link. Spanish language alerts will be in effect as well as other languages will be available per request. State and Local testing will be allowed to be orchestrated at the state level. The National Public Radio no longer will need to continuously seek waivers to rules during an emergency broadcast. Where broadcasters are updating equipment, IPAWS is seeing a significant improvement in the message itself as well as the receipt of the message to their listening audience.

**Zika Virus on the Preventative Initiative**

Don Boyce, Director of Emergency Management, HHS, ASPR, briefed on the Zika virus updates. Nationally, Alaska and Guam are the only places that have no concern with travel due to the virus. There have been twenty-one birth defects and five losses at pregnancy births due to the Zika virus across the United States and DC. The way to attract the disease is to be bitten by an affected mosquito, sexual transmission, blood transfusions (confirmed in Brazil, not in the U.S.), and one awareness of lab exposure. The disease creates a person's own immune system to attack the body's muscles and nervous system. Currently prevention methods are in education, testing for the disease, protection using sprays

to combat the mosquitos. Vaccine development and testing is underway and funded as well as therapy development for those who have contracted the disease. Due to this being such an atypical response that goes first with state and local response and then federal assistance, HHS is currently not tracking the social or economic impact the affected areas are undergoing.

Online resources shared from ASPR/OEM that provide continuous updates on the Zika virus effort:

- [www.asprtracie.hhs.gov](http://www.asprtracie.hhs.gov)
- [www.phe.gov](http://www.phe.gov)
- [www.cdc.gov/zika](http://www.cdc.gov/zika)

### **Pennsylvania Incident Management Teams**

Richard Flinn, Director, Pennsylvania Emergency Management Agency, introduced Pennsylvania's Incident Management Teams that are comprised of State workers who volunteer to be members of the management teams. The teams were institutionalized and created through the Governor's Executive Order and contain members from multiple state programs. Those who volunteer for the teams are on a 24/7 program alert for deployment and must abide by the rules and guidelines of being a member of the IMT. This practice has become valuable for EMAC deployments as well because Pennsylvania have a quick method to identify skills needed in order to ensure the right people go for the right jobs. Success stories of this implementation has been in wildfire and snow storm deployments.

### **NIMS Refresh Update**

The NIMS draft will be posted in November on [www.fema.gov/preparedness](http://www.fema.gov/preparedness) website and everyone is encouraged to review both the NIMS guidance as well as the task books created per position descriptions. The idea is to create a central management system that will leverage the core principles and provide the scalability from large to small resources. The National Qualification System assists in knowing that you are getting the right person for the job. Overall, the NIMS Refresh is designed to create consistency throughout the United States.

**NEMA Public Information Officer Subcommittee (Preparedness Committee)**  
**October 10, 2016**

**Meeting Summary**

Membership: PIOs from NEMA member States

**EM Elevator Speech**

The EM Elevator Speech has been finalized by NEMA.

**NEMA PIO Handbook**

The handbook will be a priority for the upcoming 2016-2017 year to finalize.

**FEMA PIO Workshop, September 29-30, 2016**

The FEMA PIO Workshop deemed very valuable in information sharing for the PIOs across the Nation. The hot topics were lessons learned during the Cascadia Rising exercise; FEMA Private Sector Division Update; IPAWS; Flint, Michigan Water Crisis; Gravel Pit Workers Trapped in Mississippi; Louisiana Floods; the Wisconsin STEP Program (Student Tools for Emergency Planning); and an entire day on social media as a public information tool. Highlights of the takeaways from the two-day workshop are listed below.

**Cascadia Rising**

Utilizing the Cascadia Rising exercise as a means to heighten the response for PIOs, representatives from Idaho, Oregon, and Washington shared lessons learned from the major exercise. Those lessons learned are listed below:

- JIS/JIC Plan needs to be updated
- Better coordination with EOC, county level information, and use of pre-scripted messages
- Established the need to operationalize the VOST (Oregon VOST activated days 2-4, 200 push volunteer hours and developed messages for amateur radios)
- Provide better training to the JIC as well as within state agencies on the JIS
- Washington revealed that amateur radio is new tool in dissemination and will need outside organization to help with message dissemination
- Awareness of shortcomings on social media
- Build capacity with limited English proficiency communities
- Develop staffing and a playbook for ESF 15 External Affairs
- Develop plans for an offsite JIC

FEMA assistance is within the provisions of the following: SOP's (leaders' intent), Systems and processes (redundancy), Coordination (creativity), Products (outcomes), Tactics (options), Staffing (strategic).

**Private Sector Division Update-Robb Glenn (FEMA)**

The 2017 FEMA Private Sector Division priorities are to align, build and partner. The National Business Emergency Operations Center (NBEOC) is the virtual business emergency operations center that consists of private sector partners working with FEMA on emergency management response, recovery and planning efforts. The center has a lot of commonalities with how a State EOC focuses



their efforts on, especially in public information and warning; situational awareness; information sharing; decision making and operational coordination. During an activation, the NBEOC provides incident dashboard; daily operational calls; issue specific and problem solving calls; private sector information requirements; connects states and companies; coordinates with region and states; and links with DHS Infrastructure Protection Crisis Action Team. The design is scalable in preparedness measures in terms of staff, structures/systems, suppliers, and service. Some states already have a contact for the private sector in place (i.e. Florida and Ohio). The FEMA Private Sector Division looks to conduct a webinar on how to create a strong BEOC.

### **Flint Michigan Water Crisis Update**

Ron Leix provided a brief on the Flint, Michigan Water Crisis, specifically how the State ran their message and continued to assist the area. The state emergency management division worked in a unified coordination group with the health department, human services, DEQ, FEMA, and the EPA. The public information office followed the state's joint information system plans and procedures. They had more than twenty-five staff working in the JIC at times issuing news releases and working with more than 500 media inquiries. Messages materials were translated in Spanish, Spanish, Arabic, Chinese, Hmong and American Sign Language. To ensure accuracy of the materials, the emergency management division worked with community groups as subject matter experts. As of the current status, all PODs remain open and Michigan as distributed two million cases of water.

### **Copiah County, Mississippi Gravel Pit Workers Trapped**

Ray Coleman briefed on the importance of Unified Command and messaging that stemmed from the workers trapped in Copiah County. A five-day delay was due to a lack of unified command between Green Brothers Gravel (a private company), and Mine Safety and Health Administration. On day 6 unified command between the state, county, federal and private company kicked in after the county declared a local proclamation of emergency. It took ten days to recover the two miners that were buried in 10-12 feet of sludge. The State search and rescue team ultimately recovered the bodies. The After Action revealed the need for coordinated messaging in the first stages of the event.

### **Wisconsin STEP Program (Student Tools for Emergency Planning)**

Model practice of public-private partnership for teaching emergency planning to school children. FEMA provides the content and AT&T sponsors back-packs of emergency supplies that Wisconsin emergency management gives out at school rallies. The State School Superintendent and TAG encourage the schools to participate and support the program. Success stories such as a child saving her Mom from a burning barn shows the success of educating children at school the importance of emergency planning.

### **Social Media as PI Tool**

Training on the importance of digital – social media was broken out in sections to detail the importance of the message, situational awareness, ensure the agency is the primary source (especially during response), what works/what does not, and a how-to build a dashboard to assist with social media monitoring and access. Incorporating a Social Listening Report within the media strategy will assist in public sentiment. 508 Compliance – Improving Accessibility addresses those efforts in a quick five accessibility tips to know:

1. Keep content simple
2. Do not use abbreviations and acronyms
3. Include alternative text, transcripts, and captions when possible

4. Provide context and use descriptive language when linking
5. Use high color contrast in graphics, do not rely on color to convey information. (Test your image/graphic for color blindness accessibility.)

**NEMA Homeland Security Committee**  
**October 3, 2016**

**Meeting Summary**

Capt. Chris Kelenske, Chair of the Homeland Security Committee, opened the meeting on behalf of himself and the vice-chair. Kelenske thanked members for participating in this year's meeting and expressed his appreciation for the opportunity to serve as chair and work with them during his tenure. James Joseph, State of Illinois, will be assuming the chairmanship after this Forum concludes and Chris expressed his interest in working with him and the entire Committee to prepare for what will certainly be a challenging year ahead as NEMA continues to address the uncertainties that come with evolving threats to our states.

**Federal Homeland Security Efforts: Grants Update, Budget Status, & Transition**

*Speaker: Chris Logan, Deputy Assistant Administrator, Grants Programs Directorate at FEMA*

States are greatly impacted by the efforts that originate at the Federal level including budget proposals and negotiations that determine the amount of funding that can be distributed to states and local governments through grants. As the current threat picture evolves, these grants, and the efforts of the Federal Government to support state and local homeland security and emergency management officials, remain critical functions that benefit communities across the country. The Grants Programs Directorate at FEMA is a critical partner and the Committee invited Chris Logan to speak and share updates with the group.

FEMA has made progress since 2009:

- Tied programs to doctrine
- Funding is now equal to the risk and can better measure progress towards goals and objectives
- GPD addressed program liability and unspent balances – decreased open grants from 13,000 to just a few hundred; extension of period of performance
- Developed predictable and transparent positions using agreed upon data

There is still work to do:

- IT challenges still exist and FEMA continues to work to consolidate grant reporting tools
- Policy discussions are ongoing, especially regarding the LETPP requirement for SHSGP and UASI funds; many still question the implementation of this requirement and FEMA recently published a list of projects to start the conversation with various local organizations.

Chris Kelenske asked how NEMA can support FEMA in the future to stave off proposed cuts to the Homeland Security Grants. The President's FY2017 budget proposal saw a 50% cut to critical grant programs, and while Congress looks poised to restore the funding, future cuts may stick and NEMA would like to be prepared. Logan responded by indicating that NEMA's efforts, in concert with the coalition of critical stakeholder organizations, will continue to be essential in the future.

**Implementation of PPD-41: Impacts on State and Local Stakeholders**

*Speaker: Mr. Tony Enriquez, Cyber Security Advisor for the Great Lakes Region, DHS Office of Cybersecurity & Communications (CS&C)*

The Presidential Policy Directive (PPD) released in July, PPD-41, sets forth principles governing the Federal Government's response to any cyber incident, whether involving either government or private sector entities. For significant cyber incidents, the PPD also establishes lead Federal agencies and an architecture for coordinating the broader Federal Government response.

NEMA was briefed by Departmental representatives regarding the impacts on state and local governments and the Committee invited DHS to the meeting to assure the Committee fully understands the goals, further implementations measures, and larger impact on the state and local homeland security stakeholders.

The speaker on this topic was Tony Enriquez. Mr. Enriquez serves as the U.S. DHS Cyber Security Advisor for the Great Lakes Region, within the U.S. Department of Homeland Security's Office of Cybersecurity & Communications (CS&C). His program works to foster collaboration and coordination on cyber preparedness, risk mitigation and incident response, and to provide cyber security resources, including training, exercises, and assessments, to all 16 critical infrastructure sectors and to state and local government.

DHS's National Protection and Programs Directorate and FEMA's National Integration Center are leading the development of this document, in coordination with the Department of Justice, the Secretary of Defense, and the Sector Specific Agencies and other interagency partners, representatives from the 16 critical infrastructure sectors and state and local governments.

The draft NCIRP:

- Will describe a nation-wide approach to cyber incidents, to talk about the important role that private sector entities, states, and multiple federal agencies play in responding to cyber incidents and how those activities all fit together;
- Reflects and incorporates lessons learned from exercises, real world incidents and policy updates, such as the Presidential Policy Directive/PPD-41: U.S. Cyber Incident Coordination, and the National Cybersecurity Protection Act of 2014.

The NCIRP will also serve as the Cyber Annex to the Federal Interagency Operational Plan (FIOP) that builds upon the National Planning Frameworks and the National Preparedness System. DHS is currently soliciting public feedback for the NCIRP refresh. This National Engagement Period ends on October 31, 2016. National engagement provides an opportunity for interested parties to comment on the draft of the refreshed NCIRP, so that it reflects the collective expertise and experience of the whole community in response to cyber incidents. [As a side note, NEMA is encouraging all members to submit feedback through the aforementioned process.]

The role of DHS is asset response and to that end, the Department has teams that provide technical assistance to the private sector. One NEMA member asked if states are notified when DHS engages in this fashion. Mr. Enriquez indicated that a DHS cyber advisor does not notify the state and the engagement is between the Department and the private sector entity. Conversation did continue and some states expressed concern that in the event of a larger threat, a state would want to be informed that DHS has flown in to assist. This may be a conversation NEMA pursues in the future.

One additional question raised interest in better coordination between states, fusion centers, and the private sector in regards to mutual aid in order to streamline coordination and the adjudication of assets and resources.

### **State Model Practices: Addressing Emerging Homeland Security Challenges**

*Speaker: James Joseph, Director of the Illinois Emergency Management Agency*

Turning now to another critical issue that has driven conversation in the homeland security community over the last year. From the attacks in San Bernardino to the most recent events in Minnesota and the New York Region, violent extremism and radicalization continue to be challenges for State and local public safety officials. While countering violent extremism has become a more public focus over the last few months and years, officials across the country have been involved in planning, training, and exercising for decades and engaging communities at risk for radicalization to build critical relationships.

Junaid Afeef (Targeted Violence Prevention Program at the Illinois Criminal Justice Information Authority) was invited to speak but was unable to attend. James Joseph stepped in to provide the update. More detail can be found in the PowerPoint presentation at [www.nemaweb.org](http://www.nemaweb.org) that Junaid briefed to the National Homeland Security Consortium back in July.

James briefed on the efforts the State of Illinois (through the ICJIA) has undertaken to meet a diverse threat within their communities. Their broad charter allowed the organization to quickly adapt to emerging needs at the state level and their goal is to address ideological violence in whatever form it takes. The group is a resource to the community and they can explore similar strategies with unique approaches for a number of threats. Like any new program, and especially in light of any new grant funding that could make these programs more viable in other communities, partnerships are key. One of the projects Afeef focused on was a pilot called Viral Peace which provides training for young people to develop counter/alternative narratives to radicalization.

The Targeted Violence Prevention Program's objectives and goals have allowed the State to make true progress, even before federal funding was available.

- Creates a sustainable effort way left of boom
- Conscious decision to not put the effort under State Police in order to make the appeal and the impact as broad as possible.
- As the CVE grant program (introduced in the FY16 Appropriations bill) matures, the State went to great lengths to encourage a combined approach to their applications to assure they were using taxpayer dollars efficiently.
- Requests from various communities to the State to conduct presentations has gone up significantly, which indicated their outreach has broken through.
- \$1B has been spent in the State through UASI/SHSGP but this program is aimed at moving the focus from response and recovery to preparedness. Illinois wants to share this information and their work with other states so the knowledge and success they've seen is not contained within their borders.
- Challenges still exist to quantify and qualify success of community engagement but progress can be made over time; goal is to take the public health approach.

### **Current Threats and Risks to Homeland Security and Law Enforcement Community**

*Speaker: John Turner, Unit Chief, Counterterrorism Division, FBI*

The next discussion is one that is relatively new for the committee but it was important to examine the full scope of domestic security issues affecting the entire public safety community. While some of directors, like Capt. Kelenske's Division in Michigan, are a component of the State Police, they all rely on critical partnerships with law enforcement to support whole of community response to natural and man-made events. NEMA invited a representative of the FBI, John Turner, to discuss issues related to threats to law enforcement and the critical nature of building relationships with the FBI and other counterterrorism officials. Mr. Turner is a Unit Chief in the Counterterrorism Division.

Mr. Turner briefed the Committee on the current threat picture and focused on the rise of ISIL. He indicated that the rise of the group in 2004 (as the group was kicked out of Iraq) coincided with the rise of technology/internet/social media.

- The use of technology/propaganda has allowed ISIL to be fast and capable and given them a broad opportunity to be active through "franchising."
- They leverage the use of English speakers to urge others to carry out attacks and this effort resonated as they deputized sympathizers that are not official members.

He acknowledged that while counterterrorism efforts are critical at the Federal level, state and local officials are more likely to interact and identify threats within their communities. Turner highlighted the SLIC – State and Local Intelligence Council – that solicits feedback and input from stakeholders. They continue to evaluate the information officials need, what intelligence is critical, review current and future products, and solicit recommendations.

#### **Homeland Security and the Law: Priorities for Committee Action**

*Speaker: Brenda Bergeron, Legal Advisor, Connecticut Department of Emergency Services and Public Protection*

NEMA has a Legal Counsel Committee that examines a number of critical issues related to homeland security and emergency management. The Committee invited Brenda Bergeron, the long-time chair of the NEMA Legal Counsel Committee, to highlight issues that the group has discussed that they feel rise to the level of State Directors. Brenda highlighted two critical issues that the Committee must be aware of.

- Use of declaration process for manmade events: There are various declaration options (gubernatorial/presidential) and states should use these authorities carefully while leveraging the benefits. Discussions are critical to identify the authorities and potential challenges before an event happens. Brenda highlighted examples like the RNC and the Boston Marathon bombings.
- Fusion center privacy policy: The Legal Committee has continued to identify critical issues that could impact coordination and cooperation between various states. The challenge remains maintaining proper intelligence to support critical activities while at the same time protecting civil liberties. The Legal Counsel Committee will continue to monitor this issue and provide an update to the larger NEMA membership.

**NEMA Response and Recovery Committee  
October 3, 2016**

**Meeting Summary**

**Individual and Households Program Unified Guidance Update**

Response and Recovery Committee Chair, Mark Ghilarducci, welcomed everyone and began the meeting by asking FEMA Individual Assistance Division Director, Chris Smith, to provide an update on the Individual and Household Program Unified Guidance.

Smith began his remarks by outlining the Guidance and explaining that it provides emergency management partners, external stakeholders, the public, and FEMA employees, with a single comprehensive reference, containing policy statements and conditions of eligibility for all forms of Individuals and Households Program (IHP) Assistance. Smith explained the updated Guidance increases consistency, transparency, and coordination between FEMA and its partners. It also replaces current stand-alone policies and official requirements currently located in internal procedure documents and memos. The Guidance informs survivors as well as Federal, state, local, territory, and tribal government officials and meets FEMA's Strategic Priority 1 which is to "Be Survivor Centric in Mission and Program Delivery", Smith stated.

The Individual and Households Program Unified Guidance was open for public comment for forty-five days. The public comment period closed on August 1, 2016. FEMA received 86 responses containing 115 individual comments, none of which resulted in significant revision of the Guidance.

The [IHP Unified Guidance](#) was published on September 30, 2016 and applies to all disasters declared on or after the publication date.

Smith also provided the audience with some insight into the long-term goals of the Individual Assistance Digest, which is a narrative of FEMA Individual Assistance processes, services, and programs. FEMA thinks this project will be a helpful resource to disaster survivors, Individual Assistance stakeholders, and FEMA partners. FEMA has a target completion date set for February 2017.

**Gaining Access to the Revised FEMA Enterprise Network**

Next, Ghilarducci introduced Jimmy Gianato, Director of West Virginia's Division of Homeland Security & Emergency Management; Adrian Gardner, FEMA's Chief Information Officer; Donna Bennett, FEMA's Chief Information Security Officer; and Craig Wilson, ICAM Technical Lead for FEMA's Cyber Security Division, to discuss the beta test FEMA is conducting in a number of states for federally-approved Personal Identity Verification (PIV) credentials for state, local, territorial, and tribal stakeholders.

FEMA began by stating as more Personal Identifiable Information (PII) rapidly migrates to the internet, the risk from cyberattacks has become increasingly daunting. On June 4, 2014, the Office of Personnel Management (OPM) announced a massive data breach, affecting approximately 21.5M individuals and their family members. With that, FEMA has taken action to modernize access to FEMA systems and applications connected to the FEMA Enterprise Network (FEN), starting with High Valued Assets (HVAs) or those systems that processes financial data, PII, or directly support a Mission Essential Function (MEF). FEMA and its partners are working to have secure and simplified access to the systems and applications required to execute their mission.

Gardner, Bennett, and Wilson all highlighted the value of PIV by explaining that the cards allow for secure and quick access to jurisdictions and Federal government. PIV also allows for the following: 1) interoperability, which provides a common specification for identity credential to be accepted by different jurisdictions; 2) fewer credentials, which will reduce the number of identity credentials required to execute the mission; 3) economies of scale, which provides a single infrastructure to issue a common credential represents a significant operation and maintenance cost savings; and 4) identity assurance.

The portion of the agenda ended by several states sharing their experiences with the PIV system. In Nevada, the State is working with the National Guard to coordinate physical access control. In Missouri, work is being done to update system control. Jimmy Gianato, Director of West Virginia's Division of Homeland Security & Emergency Management mentioned that West Virginia is working towards better securing physical sites and cyber domains. He expressed that while the PIV-I cards were difficult to deploy; they would make securing these facilities easier. Currently, West Virginia is working towards a single sign-on.

### **Eligibility for Stafford Act Events**

The Committee then took some time to discuss the eligibility of certain events for Stafford Act declarations. Ghilarducci highlighted a number of unique events including, droughts and terrorism. He discussed the ambiguity in the Stafford Act for these types of events. Ghilarducci mentioned that this may provide an opportunity to examine the National Disaster Response Framework (NDRF) and that FEMA could be the conduit to work with other agencies for disaster assistance.

### **Discussion on the Proposed Deductible for FEMA's Public Assistance Program**

Next the Committee discussed the proposed deductible for FEMA's Public Assistance Program. This concept would include the establishment of a predetermined level of state disaster funding or investment in resilience before FEMA will begin to provide additional assistance through the Public Assistance program following a disaster declaration.

NEMA President Wendy Smith-Reeve, highlighted the wide range of opinions among the states that NEMA outlined in a letter to FEMA on March 21, 2016. Smith-Reeve emphasized the six themes the letter focused on. Those included: 1) any new concept must represent a real reduction in disaster costs – not merely shifting the financial burden to states, local jurisdictions, tribes; 2) there must be ample time for implementation, both for FEMA and the states; 3) there must be detailed program guidance with clearly defined requirements from FEMA, including all data that states would be expected to capture in order to meet the deductible; 4) the more subjective elements in the new concept, the more opportunities for confusion, contradiction, inconsistencies and varying interpretation from region to region; 5) the proposal should not result in ever-increasing and onerous administrative burdens, requiring more personnel, more expense and more bureaucracy; and 6) the deductible cannot result in delayed assistance to those in need.

Currently FEMA is working on another Advanced Notice of Proposed Rule-Making (ANPRM) for the deductible concept. This ANPRM should provide additional detail so that FEMA stakeholders can provide more in-depth comments.



### **PA Workshop Follow-Up**

As follow-up to the “Pilot Perspectives on FEMA Public Assistance Model Implementation” workshop, Wendy Smith-Reeve, Director of Arizona’s Department of Emergency and Military Affairs, gave brief overview of the outcomes. She explained that public assistance is FEMA’s largest grant program. In fact, 4.7 billion a year was spent on public assistance which is 51 percent of all other FEMA grants. The workshop provided an overview of how the pilot program for the new model of public assistance went. Smith-Reeve discussed the outcomes of the after action report, the delivery of the program, changes in staffing the new model, and upcoming changes. She opened the discussion to the audience for follow-up questions.

### **Update from Our Federal Partners**

Elizabeth Zimmerman, FEMA’s Associate Administrator for the Office of Response & Recovery provided the Committee with comments regarding the upcoming Administration transition. She explained that while she would be leaving FEMA, there is continuity within FEMA to continue the mission and support states when needed.

Zimmerman also provided an updated on the Integrated Operations Concept. She provided the Committee with a chart that gave an overview of the unified outcomes and milestones. The chart highlighted a story-board to know where communities are in the process of recovery and what actions are being taken to manage survivors. This chart can be found on NEMA’s website.

### **State Best Practices; Louisiana Shelter at Home Program**

Tony Robinson, FEMA Regional Administrator for Region 6, provided an update on Louisiana’s Shelter at Home Program. He mentioned that the program enables eligible individuals or families whose homes were damaged in the August flooding to take shelter in their own homes while they rebuild, instead of having to stay in a hotel, rental or mass shelter. The program evaluates each applicant’s home and, if up to \$15,000 of work in that home can create a safe, secure, habitable place for the family to live while they continue their permanent home rebuilding, then that applicant may be eligible for this program. This work will be provided at no out-of-pocket cost to the eligible homeowner.

The Response and Recovery Committee ended with Ghilarducci thanking each of the presenters and the audience for attending. He mentioned that each presentation could be found on NEMA’s website.

**NEMA Private Sector Committee  
October 4, 2016**

**Meeting Summary**

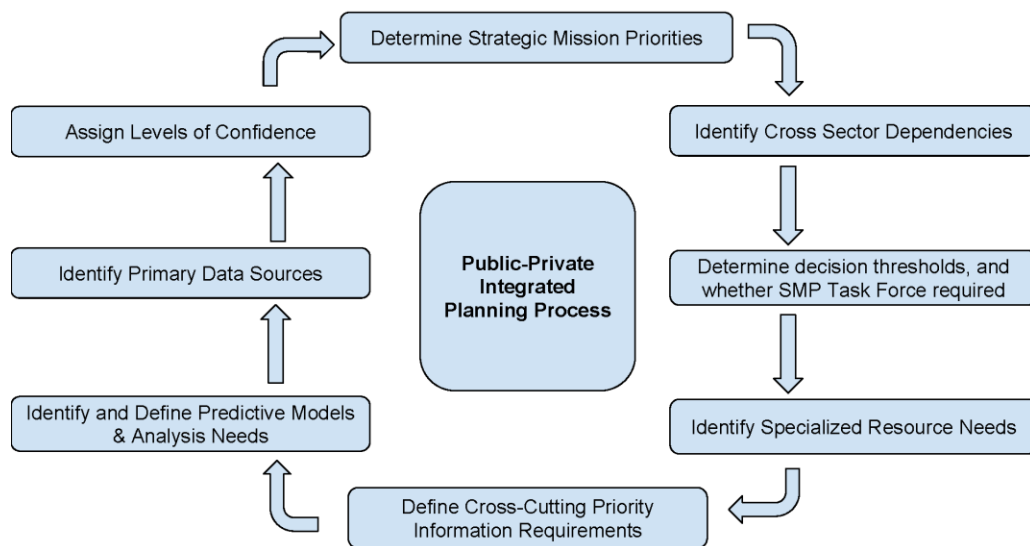
Chair: Shandi Treloar

Vice-chair: Jonathan Monken

The chair called the committee meeting to order, thanked those in attendance and introduced Rob Glenn from FEMA to talk about FEMA's SBA Leaders in Business Community Initiative and Ready Business. For details visit <https://www.ready.gov/business-leaders>.

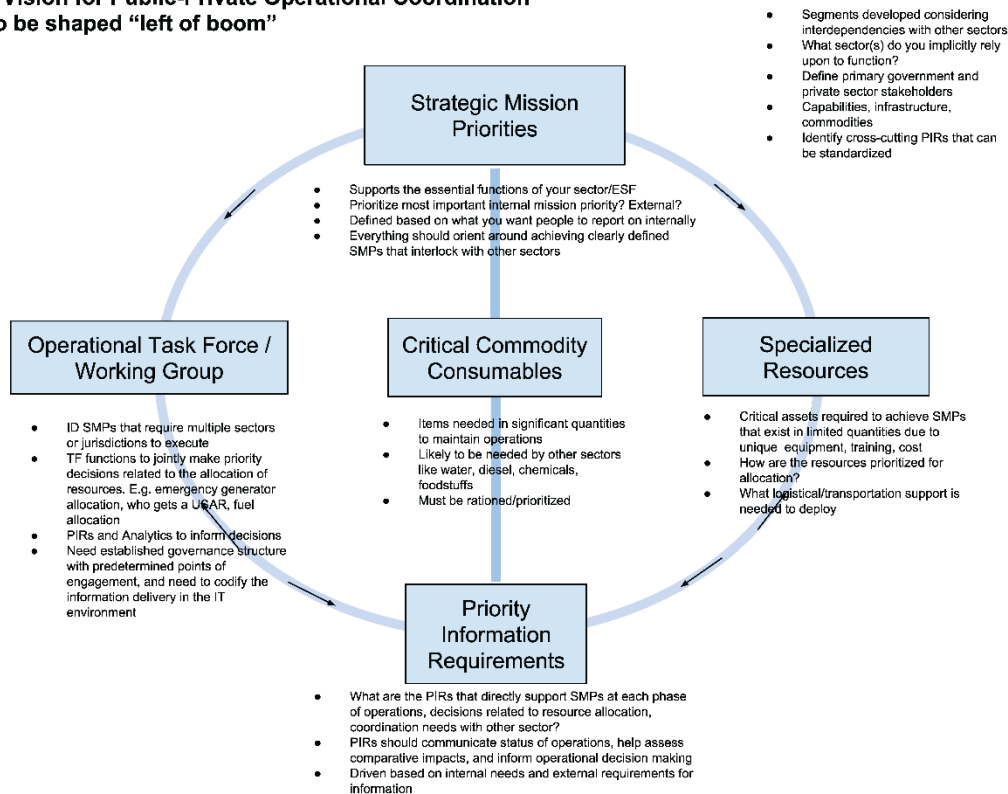
The chair thanked Glenn for his partnership and ongoing commitment to the private sector then introduced Joel Thomas, lead for the Information Sharing Task Force. Thomas provided background on how and when the task force was created, its purpose and intention. Then went on to present how the group went about solidifying the vision, testing the hypothesis during exercises, developing guidance and creating ESF specific templates to assist states in creating or enhancing their own programs. The focus going forward will be on created more reference materials and forging partnerships with other sectors.

Rob Glenn emphasized the importance of creating partnerships, integration and working together before disasters occur. FEMA has a list of regional private sector coordinators that they will share. Jonathan Monken reviewed the 3 sector specific models created for communications, retail and energy and told the committee that more would be forthcoming for other critical sectors. Monken then reviewed the framework used (see slides).



**Note:** This process is intended to include joint participation of public and private sector stakeholders, and should be used to plan for each phase of operations pre/post-boom. **Phases of operations include:** Normal Operations, Elevated Threat, Credible Threat, Boom, Immediate Response, Deployment, Sustained Response, Recovery

**A Vision for Public-Private Operational Coordination  
To be shaped “left of boom”**



Audience question: What can be done in advance to plan and prepare responders and community officials for critical supply chain deliveries.

Answers:

- Better coordination practically speaking;
- List of points of contact;
- Pre-identify issues for consideration;
- Identifying possible coordination, program and personal shortfalls and designating points of contact in every state;
- Remove barriers to coordination;
- Know your partners;
- Engage with private sector through coordination calls, supplying contact lists, etc.
- Don't wait until the disaster to make contacts and connections.

The chair thanked Thomas and the Task Force members for their hard word then introduced Jonathan Monken to moderate the discussion on post disaster zone re-entry.

Monken introduced the speakers for the discussion then called on Brennon Eagar to start things off.

## **Apache County: Brannon Eagar**

### **Lessons Learned from Rodeo Chediski Fire and applied on Wallow Fire**

1. Listen to state emergency management officials who have vast experience in disasters
2. Listen to Incident Management Team (IMT) members who are the experts in their field
3. Build personal relationships with area business and industry leaders
4. Schedule daily stakeholder meetings with the IMT and get all stakeholders involved
5. Credentialing to get or keep key infrastructure and industry people in the evacuated area
6. Staged re-entry:
  - a. Infrastructure and business – to support the citizens on re-entry
  - b. Homeowners, landowners and support groups like Red Cross, etc.
  - c. General population and media (always work with Media for the duration of the event, even provide for media tours of the affected areas, as your friend they help – you don't need them working against you!)

Monken thanked Eagar and then introduced Robert Ezell and Tristan Allen (via Skype).

## **Washington State—Tristan Allen/Robert Ezelle**

### **Private Sector Committee Meeting at NEMA: Business Re-Entry Planning**

#### **1. Where in the process for your re-entry planning?**

- WA EMD has laid the groundwork for the “Business Re-Entry (BRE) Registration Program” over the last several years. This has included researching the programs of other state and local jurisdictions, outreach to private sector partners around program need and design, and working groups with other state agencies and local jurisdictional emergency management teams.
- Currently, the Private Industry Program Manager at WA EMD has written a final draft of a plan that will outline the BRE Registration Program as an annex of the Washington Comprehensive Emergency Management Plan (CEMP). The draft has been circulated with local jurisdictions and state agency partners for feedback and will soon be submitted to the State Attorney General's Office for legal review and input.

#### **2. What are some things that are critical? Lessons learned?**

- The program cannot be a “golden ticket” or “all access pass” for any jurisdiction in the state. WA EMD does not have this authority nor should it to mislead private sector partners into believing the program provides this authority
- Local jurisdictions MUST have buy in. If they do not acknowledge the pass or are unfamiliar with it, it does not provide any value to the greater emergency management community.
- Delivery of the Registration Cards must be electronic. While physical, paper or plastic passes may be more secure, more is lost in the slower delivery.
- Registration Cards are issued to one POC for each business account, not to individuals or vehicles. One response manager or business continuity professional from the private sector organization submits a registration and is granted Registration Cards for credentialing purposes. This individual must be accountable for the location of every card and insuring his/her organization follows the rules of the program.
- Databases of registered private sector partners must be easily accessible by local jurisdictions. Local jurisdictions need the full functionality of the program so they may actively manage and leverage it.

- Program must be defined within a broader Re-Entry Planning framework. The exposure of Business Re-Entry Planning by local jurisdictions and private sector partners has prompted WA EMD to write an overall Re-Entry Planning Annex for the state's CEMP.

### **3. Concerns about the re-entry process or mechanisms in their jurisdictions?**

- One concern is security – making sure these passes aren't abused. By providing passes with verification phone numbers, QR codes that access verification information, and data basing the different registered organizations statewide, these concerns are alleviated. Additionally, every individual who is in a vehicle with a BRE Registration Card must have valid identification associated with the private sector organization listed on the BRE Registration Card.
- Another concern is the method by which private sector organizations are recognized as eligible for the program (i.e. not every business in the state should be eligible for early re-entry or it would create a logistical nightmare and flood an affected area with non-essential personnel). Eligibility requirements are clearly stated in the program's draft document.

### **4. What prompted us to want to develop a re-entry plan?**

WA EMD began developing the program in response to multiple requests for such program from private sector organizations and local jurisdictions.

- The private sector has made requests to have state-level help in creating re-entry credentials from organizations who are state and/or national wide and must operate in many different jurisdictions
- Local jurisdictions have requested the program because they do not have any guidance on re-entry credentialing nor do they have the personnel to explore the issue.

Monken thanked Ezelle and Allen, then introduced Tom Serio.

## **Private Sector—Verizon Tom Serio**

### **Private Sector Perspective**

- A solution waiting for a problem?
  - Re-entry is moot if an area is unsafe
  - Control by law officers supersedes re-entry certifications
  - Need to understand the who, why, where
- Re-entry
  - Definition – Allow those that provide essential services (i.e. food, shelter, goods, etc.)
  - Enactment – Likely by state level divisions
  - Needs vs Wants
- Reality
  - Those requiring re-entry should be credentialed prior
  - Priority grading for businesses based on service
  - Public should know not everyone getting in first
- For larger companies
  - Branding helps
  - Relationships with EOC key
  - Promote value of inclusion
- For small/medium sized businesses
  - Show that part of solution, not part of problem
  - Plan for not getting back immediately

- What we know
  - State EOC has tremendous information
  - Show how BEOC can take EOC info out to businesses
  - Use state models/bills to fast-track those that don't have

Monken then opened the floor to questions and comments which included:

- Mass evacuation is unnecessary and impractical;
- We could be increasing disaster costs by restricting access to disaster zones;
- Setting the priorities on power, phone and service is too narrow;
- FirstNet, public safety broadband and other emerging technologies should be considered and incorporated;
- DOT is working with Washington state to delineate freight detour from passes given to home and business owners;
- FEMA is looking at technical assistance from a reentry standpoint and ID best practices. The National Preparedness System will include a section on access and reentry.

Monken thanked all the presenters and turned the meeting back over to the chair. The chair announced the formation of a Re-Entry Task Force to be led by Jonathan Monken and requested those interested in participating see her or NEMA staff.

The chair thanked again the presenters, directors and committee members then concluded the meeting.

**NEMA Legislative Committee**  
**October 4, 2016**

**Meeting Summary**

Jimmy Gianato, Chair of the Legislative Committee, opened the meeting by welcoming all members of the Committee and introducing a new staff member in the DC Office, Kyle Arbuckle.

**Top Legislative Issue Review and a Look Ahead to 115th Congress**

Since the Committee last met at the Mid-Year Forum in April, many emergency management issues remain on the minds of lawmakers on Capitol Hill.

- In late September, the House and Senate passed a continuing resolution, or CR, to avert a shutdown and fund the government through December 9th. The CR funds government programs and activities at the FY16 levels. In addition to the CR, a supplemental funding rider was included for flood aid across the country. While most believed the \$500M bump in funding would be designated only for Louisiana, it was made clear that the Administration (through HUD) and not Congress would decide where the money would be allocated. This \$500M is well below the original supplemental request of \$2.6B. The CR also included \$1.1B for the fight against Zika, more than \$1B lower than the Administration's original request.

To achieve agreement on the CR and avert the shutdown, Congressional leadership agreed to provide funding to Flint, MI and other communities affected by contaminated water. The Water Resources Development Act (WRDA) included \$170M for this effort.

- Congress has been active over the last two years to address the issues surrounding funding for wildfire suppression on federal lands. There are numerous active bills in the 114th Congress seeking to address this issue and many hearings have been held to try to make progress. Most of the proposals include language that would amend Stafford to allow for a subaccount under the DRF to fund the Department of Interior's wildfire suppression efforts on federal lands. Many in the EM community are concerned that this shift could be a slippery slope that changes the basic premise of what the DRF should be reserved for. NEMA has been vocal on this issue, sending numerous letters to Hill leadership over the summer in partnership with other stakeholders.
- With the various weather events over the last few months, the Stafford Act has again drawn negative attention from many in Washington. While funding is always a concern after a large event, the attention following the Louisiana and West Virginia floods has turned to the Stafford Act and the ability for the law to adjust to meet the needs of all communities. There has been significant concern with the Stafford Act overall and many are asking critical questions that suggest there are concerns that the statute is outdated and insufficient.

NEMA continues to watch this issue to assure the state emergency management community can play a significant role in future discussions regarding changes or amendments to the Stafford Act and the larger role of the federal family.

- In advance of the 2017 NFIP Reauthorization, Capitol Hill and numerous stakeholder groups have begun to discuss critical aspects of future legislation. While most of the heavy legislative

work will be introduced at the beginning of the 115th Congress and I'm sure ASFPM will talk more about this, a few proposals have already begun to emerge.

**NEMA Staff Support and Request for Assistance** – While we still have to get through the Presidential election and a lame duck session of Congress, NEMA is already preparing for the onset of the 115th Congress. Many pending bills related to emergency management issues will not see floor time this year and will need to be reintroduced when the new Congress gavels in next January. Members, committee chairs, and key staff across the Hill (and within your states) will change and this means there will be a premium on background and expertise related to emergency management.

One area we will be asking for help on over the next few months is the creation of a robust resource repository that can help inform and drive state emergency management office education and engagement. A draft proposal for the repository was provided to the committee members. These resources would help inform NEMA members and state staff and provide context and background knowledge that is critical during your interactions with Congress, Federal agencies, and governor's offices. This resource would be available on the NEMA website and will be available for download as well. Please review this proposal and provide feedback of what types of resources you would like to see developed to support your work. In order to assure NEMA can work closely with various states, NEMA is also asking that those of you with legislative liaisons or policy staff connect with the DC office as soon as possible. A reminder will come after the Forum.

#### **The Future of the Disaster Relief Fund & What to Expect: 2017 Presidential Administration Transition**

Next, Gianato turned the discussion over to David Bibo from FEMA's policy shop. Bibo was invited to discuss the upcoming transition and what issues the new Administration will have to address to assure the DRF can continue to support State and local disaster response and recovery.

Bibo explained that following the Budget Control Act (BCA) of 2011, the Disaster Relief Fund and the budget cap space for emergency disaster spending has served the Federal Government well. The new calculation method allowed Congress to fund the Agency's disaster fund while providing confidence that if additional funds were needed above the appropriated amount, there could be flexibility to address critical concerns. The BCA, however, may have only provided a short term solution. Because of nuances in the calculation methodology and a downward trend of large scale disasters in recent years, the total allowable appropriated amount could dip below the amount FEMA believes it needs for yearly operations by FY2018. To change any portions of the BCA, however, is a much bigger issue than FEMA's disaster relief fund. Any solution will need to be addressed in the context of all other federal agencies and the needs they have for emergency spending. This conversation, while often focused on the immediate challenges that may stress the DRF, it has also sparked the discussion of the true cost of disasters and the inability of the federal government to account for total spending amounts.

#### **Shared Legislative Priorities with NEMA Partners**

NEMA regularly invites critical partners to come to our Forums and discuss ways we can work together, through various coalitions, to pursue common priorities. Over the coming year, these partnerships will be even more important and as we know, common goals and unique approaches to policy challenges can benefit the entire emergency management community.

- Aaron Davis, Federal Emergency Management Agency
  - On the 10<sup>th</sup> anniversary of PKEMRA, Davis joined the panel to discuss the agency's priorities for the coming year. First, Mr. Davis thanked the NEMA membership for our



collaboration with FEMA and other organizations to combat potentially impactful wildfire language on a number of legislative vehicles. He indicated that the FEMA Reauthorization bill has faced quite a bit of resistance in the Senate and there were a number of standalone bills introduced to address specific issues. Davis also highlighted the upcoming election and transition and the impact it could have on the emergency management community. FEMA will be engaging new staff and members through education and outreach and encouraged NEMA to do the same.

In addition to comments on the Disaster Deductible, Davis warned that the DRF will continue to be targeted and that NEMA should engage to assure the account stays true to the intent outlined in Stafford. Congress, in the aftermath of the recent storms in Louisiana and the East Coast, has been pressing FEMA to get closer to max grants for IA and this conversation will continue into the new Congress. Questions regarding the limits and appropriate authorities of FEMA versus what other agencies can bring to bear.

- Eric Heighberger, Committee on Homeland Security
  - Eric joined the Committee to discuss significant work they have engaged in over the last year and the goals for the next Congress. In the 114<sup>th</sup> Congress, the Homeland Security Committee passed 89 bills and saw 86 of those passed by the full House and submitted to the Senate. These bills have addressed a wide range of homeland security issues. The Committee, led by Chairman McCaul, recently released a National Counterterrorism Strategy that was born out of years of continued focus on counterterrorism and radicalization. The Committee has also undertaken a herculean effort to assess the Future of DHS and the best structure for the Department moving forward. This effort has included surveys, hearings, roundtables, and discussions with past and present leadership at the Department and the various components. He stressed that they are paying particular attention to the structure of DHS and whether this structure best serves and advances the mission DHS was created to achieve. NEMA was invited to participate in a roundtable and we will do all that we can to assist in the Committee's efforts.
- Dan Mathews, Transportation and Infrastructure Committee
  - Dan joined the meeting to recognize the critical work the Committee accomplished over the last few months and to highlight four areas that NEMA must be active in going forward. First, the issue of the rising number and cost of disasters. He indicated that the Committee has done significant work to identify where the largest expenditures come from and to identify what actions may make the largest impact on total spending. He indicated that even if FEMA was to eliminate 75% of disaster declarations, we would only see a 7% reduction in total costs. Bottom line, if the only federal disaster spending we critique is under the FEMA tag, we are missing a large chunk of money that is appropriated and obligated after a catastrophic event.

Second, the issues around deobligations and the various efforts to limit this approach to accountability has become a greater challenge in the years since Katrina. NEMA must continue to be a voice and work with Congressional Committees that make efforts to responsibly limit deobligations. The third area of focus is the simplification of grants and the impact this can have on streamlining decision making for FEMA. This benefits grant

recipients and avoid difference of opinions that can have legal ramifications later. Lastly, Matthews highlighted the importance of continued focus and engagement during the upcoming transition because the success of FEMA is integral to the success of State and local governments. There will likely be renewed discussions on the best structure and placement of FEMA within the larger federal family and NEMA should engage to be sure our voice is heard.

- Anna Davis, National Governors Association
  - This was Anna Davis's first appearance before the Legislative Committee and she continued a great tradition of NGA and NEMA partnership that has served both organizations well. She indicated that they expect at least eight new Governors after the 2016 election cycle and regardless of who wins the presidency, the Vice President will have been a Governor. This type of shakeup will certainly help elevate state issues and highlight the importance of critical policy discussions. Cybersecurity continues to be of great interest to NGA membership and has crossover appeal to the homeland security world of the GHSAC. Davis also previewed the upcoming New Governors Training that NGA holds just a few weeks after the election. There will be a session focused on disaster management and homeland security in which key leaders like Craig Fugate and sitting governors with disaster experience will brief the new leaders.

One specific area that NGA would like NEMA assistance is in the discussions surrounding the conversion of military technicians to Title 5. The NDAA included a provision to transition 20% of Title 32 forces to Title 5 which would certainly threaten the ability of a Governor to activate critical forces during disaster. NEMA will engage on this issue and look to collaborate on a letter or outreach campaign to the Hill in the lame duck session.

- Bruce Lockwood, International Association of Emergency Managers
  - The International Association of Emergency Managers (IAEM) joined the Committee to highlight the continued partnership between IAEM and NEMA on a number of issues critical to the emergency management community. He mentioned the continued collaboration between the two associations on the annual EMPG report produced to illustrate the impact of the program on building and sustaining preparedness across the country. He requested that States provide lists of subgrantees for EMPG funding to highlight the continued efforts to support State and local emergency management departments.

Robinson then highlighted additional funding and programmatic priorities IAEM would be supporting in discussions with the new Administration once a President-elect is identified and the transition team is in action: the importance of EMPG, Emergency Management Institute (EMI), Predisaster Mitigation program funding, and the continuation of the funding for the State Homeland Security Grant Program and Urban Area Security Initiative. In addition, IAEM continued to support the National Weather Service contributions to the emergency management profession and the Emergency Management Accreditation Program (EMAP).

- Chad Berginnis, Association of State Floodplain Managers
  - Chad began by thanking NEMA for the partnership our associations have shared over the years. He also discussed ASFPM's development of priorities and principals document

that will guide their interaction with the transition team in advance of the new Administration taking office in a few months. Like NEMA, ASFPM engaged on the disaster deductible concept and is interested in the newly reenergized conversations taking place on the topic of risk reduction and mitigation.

On the legislative side, ASFPM continues to track flood insurance legislation firming up in the House regarding privatization. There are numerous questions that remain, including questions about the policy fee and the future of activities paid by that fee if private policies are not required to pay in. NEMA members have expressed interest in this specific policy area and we look forward to working with ASFPM to assure that any expansion of the private market doesn't unduly burden the NFIP or policyholders. In addition, ASFPM is heavily engaging, proactively, with House and Senate NFIP reform leads. They will be discussing actuarial rated vs. affordability, subsidized mitigation, and debt forgiveness. ASFPM will also focus on immediate improvements to mitigation beyond the NFIP including ICC and the repetitive loss program.