

State of Texas Fire Management Assistance Grant Program

Annex to 2022 SAP

Texas Division of Emergency Management

The State Fire Management Assistance Grant Program, prepared by the Texas Division of Emergency Management provides citations of the laws, regulations and policies that state procedures must comply with in order to meet Federal program and grant administrative requirements.

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Preface

The Fire Management Assistance Grant Program (FMAGP) is a cost-matching grant available from the Federal Emergency Management Agency (FEMA). The governor, or the Governor's Authorized Representative (GAR), initiates a request for this grant when a qualifying wildfire occurs within the state. FEMA defines what constitutes a qualifying fire and establishes procedures for applying for the grant. FEMA determines what entities may apply for subgrants and defines the type of work that is eligible for reimbursement. The FMAGP does not cover all expenses created by a qualifying fire nor does it provide assistance to the private sector. These grants cover 75 percent of eligible costs and require a 25 percent cost share as outlined in the FEMA-State Agreement.

This is an annex to the 2022 State of Texas Administrative Plan for Public Assistance (SAP).

Purpose, Audience and Authority

This section defines the purpose, intended audience and authorities of the State Fire Management Assistance Grant Program

Purpose

The purpose of this plan is to identify the roles and responsibilities of the state of Texas in administering the FMAGP and to outline staffing requirements and the policies and procedures.

The state of Texas assures FEMA that it will comply with all applicable federal statutes and regulations in effect with respect to the periods for which it receives grant funding, including those listed under A and B above. The state of Texas acknowledges that funding under the FMAGP is conditional upon the state's compliance with all terms and conditions of this plan, including having an approved State Mitigation Plan.

This plan is effective for fires occurring after January 1, 2022.

Audience

- Federal Emergency Management Agency (FEMA)
- Texas Division of Emergency Management (TDEM)
- Texas A&M Forest Service

State Authorities

- Texas Disaster Act of 1975, as amended
- Executive Orders of the Governor
- State of Texas Emergency Management Plan and Standard Operating Procedures (SOP) for Fire Suppression Operations, Addendum L, to the State Operations Center (SOC) SOP
- Uniform Grant and Contract Management Act (Texas Government Code, Chapter 783)
- State of Texas Hazard Mitigation Plan

Federal Authorities

- Public Law 93-288, as amended (Stafford Act)
- Disaster Mitigation Act of 2000
- FEMA Regulations, 44 CFR Parts 204, Fire Management Assistance Grant Program, 206 Federal Disaster Assistance
- Executive Order 11988, Floodplain Management
- Executive Order 11990, Protection of Wetlands
- Executive Order 12372, Intergovernmental Review of Programs and Activities
- Executive Order 12549, Debarment and Suspension
- Executive Order 12612, Federalism
- Executive Order 12699, Seismic Design

- Executive Order 12898, Environmental Justice
- Coastal Barrier Resources Act, Public Law 97-348
- Single Audit Act, Public Law 98-502
- 2 CFR Part 200 Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards
- Disaster Recovery Reform Act of 2018
- National Historic Preservation Act, 16 U.S.C. § 470,
- Endangered Species Act References, 16 U.S.C. § 1531,
- FEMA program publications, guidance and policies
- FEMA-State Agreements

Definitions

This section provides an overview of definitions contained in this document

Declared Fire: An uncontrolled fire or fire complex, threatening such destruction as would constitute a major disaster, which the Regional Administrator has approved in response to a state's request for an FMAG declaration.

Demobilization: The process and procedures for deactivating, disassembling, and transporting back to their points of origin all resources that had been provided to respond to and support a declared fire.

Fire Complex: Two or more individual fires located in the same general area, which are assigned to a single incident commander.

Incident Period: The time interval during which the declared fire burns. The Regional Administrator, in consultation with the GAR and the principal advisor, will establish the incident period. Generally, costs must be incurred during the incident period to be considered eligible.

Mobilization: The process and procedures used for activating, assembling and transporting all resources that the Grantee requested to respond to support a declared fire.

Pre-positioning: Moving existing fire prevention or suppression resources from an area of lower fire danger to one of higher fire danger in anticipation of an increase in fire activity likely to constitute the threat of a major disaster.

Request for Fire Management Assistance (RFMA) Subgrant (FEMA Form 089-0-24): The form a potential subrecipient uses to apply for assistance. The applicant must submit the RFMA to the grantee no later than 30 days after the close of the incident period.

Threat of a major disaster: The potential impact of the fire or fire complex is of a severity and magnitude that would result in a presidential major disaster declaration for the Public Assistance Program, the Individual Assistance Program, or both.

Uncontrolled fire: Any fire not safely confined to predetermined control lines as established by firefighting resources.

Administration

This section provides an overview of eligibility requirements, incident periods, costs, recovery of funds, and limitations

Requirements

Determination

FEMA determines whether a fire is eligible for the FMAG based upon information supplied by the state and the United States Forest Service (USFS) Principal Advisor. These criteria are as follows:

- The fire threatens such destruction as would constitute a major disaster (as defined by the Stafford Act) including threat to life, improved property, critical facilities/infrastructure and critical watersheds;
- Availability of state and local firefighting resources;
- High fire danger conditions, as indicated by nationally accepted indices such as the National Fire Danger Ratings System; and
- Potential major economic impact.

The Governor, or the GAR or Alternate GAR must submit the request while the fire is burning uncontrolled (44 CFR 204.22)

Appeal

The GAR may appeal a decision to deny an FMAG declaration in writing within 30 days after the date of the letter denying the request.

Declaration Date and Incident Period

The declaration date of the fire is the date on which the FEMA Region 6 Administrator declared that the fire in question is eligible for FMAG assistance. This date may or may not be the same as the start of the incident period.

The incident period of an eligible fire is the time from the start of the fire until it is controlled. The FEMA Region 6 Administrator, in consultation with the USFS Principal Advisor and the GAR, establishes the exact end of the incident period.

Costs

All eligible work and related costs must occur within the incident period of a declared fire, with certain exceptions as noted. These costs are as follows:

- Personal comfort and safety items normally provided by the state under field conditions for firefighter health and safety.
- Replacement of firefighting supplies, tools and materials that are expended, lost, or destroyed and not covered by insurance will be replaced with comparable items.
- Operation and maintenance costs of publicly owned, contracted, rented, or volunteer firefighting department equipment used in eligible firefighting activities to the extent any of these costs are not included in applicable equipment rates.
- Payment for use of federally owned equipment based on reasonable, actual costs as billed by the federal agency and paid by the state.
- Repair of applicant-owned equipment is determined by the regional office based on repair of damaged equipment in firefighting activities to the extent not covered by reasonable insurance.

- Replacement of equipment lost or destroyed in firefighting activities, to the extent not covered by reasonable insurance, will be replaced with comparable equipment.
- Overtime labor for permanent or reassigned state and local government employees.
- Regular time and overtime for temporary and contract employees hired to perform fire-related activities.
- Travel and per diem of employees who are providing services directly associated with eligible fire-related activities.
- Provision of field camps and meals when made available in place of per diem.
- Actual costs related to pre-positioning federal, out-of-state and international resources for up to 21 days prior to the start of the incident period when those resources are used in response to a declared fire. **[Note: The state must notify FEMA immediately if pre-positioning costs are going to be claimed. The FEMA Regional Administrator must approve all pre-positioning costs.]**
- The state must document the number of pre-positioned resources to be funded and their respective locations throughout the state, estimate the cost of the pre-positioned resources that were used on the declared fire and the amount of time the resources were pre-positioned and provide a detailed explanation of the need to fund the pre-positioned resources.
- The state will base the detailed explanation on recognized scientific indicators that include, but are not limited to, drought indices, short-term weather forecasts, the current number of wildland fires burning in the state and the availability of in-state firefighting resources. The state may also include other quantitative indicators with which to measure the increased risk of the threat of a major disaster.
- Assistance given by local governments, Indian tribes, or other state agencies in support of firefighting activities for a declared fire including, but not limited to, the following:
 - Police barricading and traffic control.
 - Extraordinary emergency operations center expenses.
 - Evacuations and sheltering.
 - Search and rescue.
 - Arson patrol and investigation teams.
 - Public information dissemination.
 - Limited removal of trees that pose a threat to the safety of the general public.
- Temporary repair of damage caused by firefighting activities including, but not limited to, the following:
 - ❖ Minimal repairs to bulldozer lines, camps and staging areas.
 - ❖ Minimal repairs to damaged facilities such as fences, buildings, bridges, and roads.

[Note: All temporary repairs must be completed within 30 days of the end of the incident period.]

- Mobilization and de-mobilization costs.

- Fires on co-mingled federal/non-federal land where the state has responsibility for suppression activities under a written agreement with the responsible federal agency.
- Mutual Aid or Emergency Management Assistance Compact (EMAC) Reimbursement of costs to an eligible (receiving) entity may include costs to reimburse mutual aid or EMAC costs related to eligible emergency work. Normally there will be a written agreement and the reimbursements may be limited under that agreement (i.e. no cost reimbursement for first 24 hours). FEMA will not reimburse for costs not due under such an agreement. Additionally, costs under the agreement must apply reimbursement rules uniformly to both federal and non-federal awards and cannot be limited to only federally declared emergencies.

Management Costs

The subrecipients may claim costs associated with requesting, obtaining and administering a subgrant, including regular and overtime pay and travel expenses for permanent, reassigned temporary and contract employees who assist in administering the FMAG subgrant. TDEM may claim management costs as described above in addition to appropriate indirect costs based on an approved rate. TDEM may also submit requests to purchase equipment and supplies necessary for administering the grant for management cost approval by the FEMA Regional Administrator. All management costs must be supported by proper documentation.

Duplication, Limitation & Recovery of Funds

FMAGP funds may not duplicate benefits received by or available to the subrecipient from insurance, other assistance programs, legal awards, or any other source to address the same purpose.

A subrecipient must notify TDEM of all benefits that it receives or anticipates from other sources for the same purpose and must seek all such benefits available to them. TDEM will reduce the grant by the amounts available for the same purpose from another source.

The subrecipient will be liable to TDEM for any duplicative amounts that it receives or has available to it from other sources and must repay TDEM for such amounts.

FMAGP will not provide assistance to a subrecipient for costs attributable to subrecipient's own negligence. If the subrecipient suspects negligence by a third party for causing a condition, the subrecipient is responsible for taking all reasonable steps to recover all costs attributable to the negligence of the third party.

Direction and Control

This section provides detailed information on TDEM FMAG activities

Post Declaration Activities

Notifying Potential Subrecipients

In addition to those entities listed in the SAP, the Texas A&M Forest Service may be utilized to notify potential subrecipients of the assistance that is available and the time and date of the subrecipient's briefing/kickoff meeting which will be held in their area.

Subrecipient's Briefing/Kickoff Meeting

Attachment 1 to this annex outlines the information covered during this briefing.

Attachment 2 to this annex gives subrecipients additional information regarding necessary documentation.

Attachment 3 gives a listing of eligible costs that are typically reimbursable for the FMAG Program. All three of these attachments are provided to potential subrecipients during the initial meeting.

RFMA Subgrant

A potential subrecipient will be required to submit a RFMA to the state within 30 days from the end of the incident period. RFMAs submitted after this 30-day period are reviewed on a case-by-case basis and, if warranted, are forwarded to FEMA for consideration. If necessary, TDEM will request that the deadline for filing the RFMAs be extended.

Project Worksheet (Subgrant) Preparation

The state will prepare a Project Worksheet (PW) for each project. Where appropriate the state may request that FEMA prepare or assist the state with preparation of a PW. A PW cannot be written for costs of less than \$1,000. This minimum threshold does not apply to PWs submitted for the direct and indirect costs related to the administration of a fire grant, as defined in 44 CFR § 204.63. The state procedures for the development and review of project in the FMAGP process include:

- Receiving, reviewing and submitting RFMA from subrecipients to FEMA.
- Certifying subrecipient costs during project development and prior to submittal.
- Developing, reviewing and submitting prepared Project Worksheets to FEMA in conjunction with the subrecipient.
- Submit project to FEMA for review within six (6) months of the end of the incident period. If an extension (maximum of three (3) months) is necessary, it must be requested before the due date.

The subrecipient will be required to provide a local point of contact (POC) who will assist the state team during the project preparation process. The local POC will be responsible for:

- Providing a list of damages and costs for projects.
- Resolving and submitting insurance coverage and settlements.
- Providing supporting documentation for all costs related to the projects, including any insurance policies, within 90 days of the end of the incident. If an extension (maximum 30 days) is necessary, it must be requested before the due date.

- Denial of a PW may be appealed by the subrecipient.
- Donated resource credit can be used toward the calculation of the federal cost share for “in kind” contributions from volunteer labor, equipment and materials used related to the FMAG. Subrecipients will be required to provide appropriate supporting documentation before this credit can be submitted on a PW. For more information see FEMA Policy No. 9525.2.

Fire Management Grant Administration

Timelines and limitations - TDEM will ensure that all actions are completed within the following timeframes:

Appeals	Timeframe
Appeals of FMAG Declaration Denials	All appeals must be filed within 30 days of the date of receipt of the letter denying request.
Appeals of Eligibility	Subrecipients must submit to TDEM within 60 days after the receipt of notice of the action being appealed. TDEM must submit to FEMA within 60 days of receipt from subrecipients.

See Chart below for FMAG process, timelines related to applications, payments and closeout:

FMAG PROCESS – DATES AND APPLICATION & CLOSEOUT REQUIREMENTS

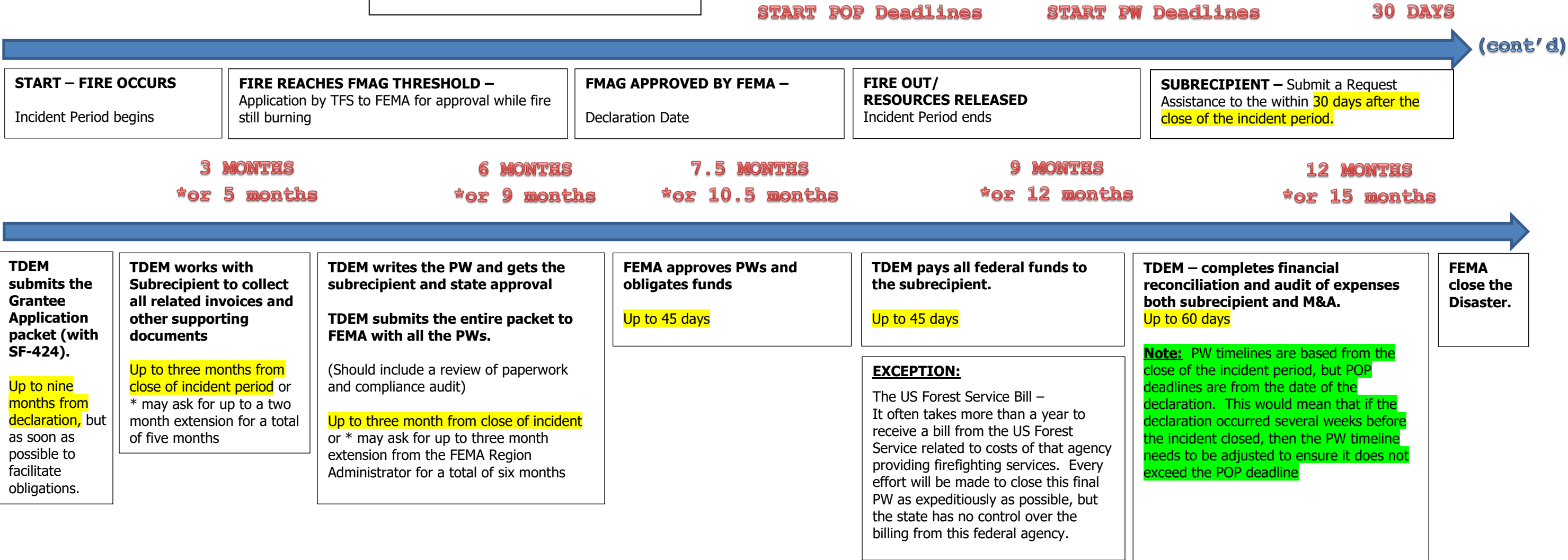
SUBRECIPIENT REQUEST PERIOD – State, local, and tribal governments interested in applying for subgrants under an approved fire management assistance grant must submit a Request for Fire Management Assistance to the Grantee in accordance with State procedures and within timelines set by the Grantee, but no longer than 30 days after the close of the incident period.

DEFINITION – PERIOD OF PERFORMANCE (POP) - The time interval designated in block 13 on the Application for Federal Assistance (Standard Form 424) for the Grantee and all subrecipients to submit eligible costs and have those costs processed, obligated, and closed out by FEMA.
[9 MONTHS + 3 MONTHS EXTENSION]
See below

GRANTEE APPLICATION PACKET PERIOD – The state should submit its grant application including the SF-424 within nine months of the declaration. Upon receipt of the written request from the State, the Regional Administrator may grant an extension for up to three months. The State's request must include a justification for the extension.

FEMA APPLICATION PACKET APPROVAL PERIOD – The Regional Administrator has 45 days from receipt the state's grant application or an amendment to the state's grant application, including attached supporting Project Worksheet(s), to review and approve or deny the grant application or amendment; or to notify the grantee of a delay in processing funding.

STATE CLOSEOUT PERIOD – Within 90-days of the performance period expiration date, the state will submit a final Financial Status Report (FEMA Form 20-10), which reports all costs incurred within the incident period and all administrative costs incurred within the performance period; and perform all audits.



Development and Maintenance

This section addresses when this document will be updated

This annex will be reviewed and updated annually. Amendments will be made to meet current policy guidelines, as required.

Attachments and Exhibits

This section lists SAP attachments and exhibits.

Attachments:

- Subrecipient's Briefing Outline
- FMAG Project Checklist
- FMAG Eligible Costs

Texas Division of Emergency Management Fire Management Assistance Grant Program Subrecipient's Briefing Outline

General

- Sign-In Sheet
- Subrecipient Packet

Overview

The Fire Management Assistance Grant Program (FMAGP) is a reimbursement program that provides funding in the form of grants on a percentage basis to eligible subrecipients who have incurred significant costs toward the suppression of wildfires that have received a FMAG declaration. Funding under this program is limited to eligible expenses incurred due to firefighting activities.

Introduction

- Authority - PL 93-288, as amended, Robert T. Stafford Relief and Emergency Assistance Act
- 44 CFR Part 204

Declaration Process

- Threat to life, improved property, critical infrastructure
- Availability of state and local firefighting resources
- High fire danger conditions (red flag warnings)
- Potential for economic impact
- Must be requested while fire is actively burning

Eligible Sub-recipients

- State agencies and authorities
- Local governments
- Indian tribes or tribal organizations

Entities that are not eligible to apply for a subgrant as identified above, such as privately owned entities and volunteer firefighting organizations, may be reimbursed through a contract or compact with an eligible subrecipient for eligible costs associated with the fire or fire complex.

Request for Fire Management Assistance Subgrant (RFFMA)

- Completion of the form
- Must be submitted within 30 days of receiving an FMAG declaration

Designation of the Subrecipient's Agent

- Completion of form, submitted to the state

Direct Deposit Authorization

- Completion of form, submitted to the state

Project Preparation

- Subrecipient's Briefing/Kick-Off Meeting (this meeting)
- Project Worksheet
- Donated Resources
- FEMA Cost Codes and Equipment Rates
- Mutual aid agreements
- Management Costs
- Supporting Documentation
- Insurance
- 2 CFR 200 Introduction
- Procurement Rules
- Subrecipient must submit promptly
- Normally the state has up to six months to submit to FEMA

Project Application

- Grant (Subrecipient) application signatures required prior to funding
- Grant Terms and Conditions

Project Funding

- 75 percent federal share and 25 percent non-federal (local) share
- Contingent on mutual aid agreements already in place or statewide mutual aid law

Appeals

- Any state or FEMA determination
- Written notification submitted within 60 days

TFS Fire Department Fire Reporting Web Application

<http://tfsfrp.tamu.edu/FireReporting/vfd/default.asp>

EMMIE (Emergency Management Mission Integrated Environment)

<https://portal.fema.gov>

Checklists (Attachment 2) – Given to each subrecipient present

FEMA Eligible Costs (Attachment 3)

Questions / Answers

Fire Management Assistance Project Checklist

To prepare for Recovery/Mitigation Coordinators

In order to expedite the project process, subrecipients should take the following steps and be aware of the following procedures before the subrecipient's briefing/kick-off meeting (or first visit) with the state team from the Texas Division of Emergency Management:

- ___ Mark the location of each designated fire on a suitable map and develop a route of travel to each site. The subrecipient should attempt to identify all damages/expenses before the Recovery/Mitigation coordinators arrive.
- ___ Compile a detailed breakdown of labor (including fringe benefits), equipment, and material costs for each project that is complete. While a variety of forms can be used to summarize these items, the format chosen must document the type and location of work performed on a daily basis.
- ___ Provide force account equipment use in a manner compatible with the FEMA Schedule of Equipment Rates. Keep damaged equipment and parts for a review and inspection by the survey team.
- ___ List equipment, materials or inventory lost as a result of the fire. Provide copies of estimates, bids, purchase orders, invoices, inventory records or other substantiating evidence to verify loss values or replacement cost.
- ___ Provide Recovery/Mitigation coordinators with policy information on insurance coverage and any proceeds received or anticipated.
- ___ Notify TDEM as soon as possible, but no later than 60 days from the date of the initial subrecipient's briefing/kick-off meeting, of any additional damages or expenses that have been identified.
- ___ Make sure any procurement follows federal guidelines.
- ___ Be aware that a statement of non-concurrence must be attached to any project in which the local representative does not agree with the proposed scope of work.

FMAG Eligible Costs

All eligible work and related costs must occur within the incident period of a declared fire, with certain exceptions as noted. These costs are as follows:

- Personal comfort and safety items normally provided by the state under field conditions for firefighter health and safety.
- Firefighting supplies, tools, and materials, expended or lost, not covered by reasonable insurance, will be replaced with comparable items.
- Operation and maintenance costs of publicly owned, contracted, rented, or volunteer firefighting department equipment used in eligible firefighting activities to the extent any of these costs are not included in applicable equipment rates.
- Use of federally-owned equipment based on reasonable costs as billed by the federal agency and paid by the state.
- Repair of equipment damaged in firefighting activities to the extent not covered by reasonable insurance.
- Replacement of equipment lost or destroyed in firefighting activities, to the extent not covered by reasonable insurance, will be replaced with comparable equipment.
- Overtime labor for permanent or reassigned State and local employees.
- Regular time and overtime for temporary and contract employees hired to perform fire-related activities.
- Travel and per diem of employees who are providing services directly associated with eligible fire-related activities.
- Provision of field camps and meals when made available in place of per diem.
- Pre-positioning federal, out-of-state, and international resources for up to 21 days prior to the start of the incident period when those resources are used in response to a declared fire. [Note: The state must notify FEMA immediately if pre-positioning costs are going to be claimed. FEMA may require additional documentation.]
- Assistance given by local governments, Indian tribes, or other state agencies in support of firefighting activities for a declared fire including, but not limited to, the following:
 - Police barricading and traffic control,
 - Extraordinary Emergency Operations Center expenses,
 - Evacuations and sheltering,
 - Search and rescue,
 - Arson investigation teams,
 - Public information,
 - Limited removal of trees that pose a threat to the general public,
 - Temporary repair of damage caused by firefighting activities including, but not limited to, the following:
 - ❖ Repairs to bulldozer lines, camps, and staging areas to address safety concerns
 - ❖ Minimal repairs to damaged facilities such as fences, buildings, bridges, and roads. [Note: All temporary repairs must be completed within 30 days of the end of the incident period.]
- Mobilization and de-mobilization costs.
- Fires on co-mingled federal/non-federal land where the state has responsibility for suppression activities under a written agreement with the responsible federal agency.

Adapted from 44 CFR § 204.42 (October 1, 2018 revision)