



Sarah Huckabee Sanders
Governor

ARKANSAS DEPARTMENT OF AGRICULTURE

Natural Resources Division
10421 West Markham Street, Little Rock, AR 72205
agriculture.arkansas.gov
(501) 682-1611



Wes Ward
Secretary of Agriculture

ARKANSAS NATURAL RESOURCES HIGH HAZARD POTENTIAL DAMS REHABILITATION GRANT FY 2024

Through the Rehabilitation of High Hazard Potential Dams (HHPD) Grant Program, FEMA's National Dam Safety Program (NDSP) has made federal funds available to states for FFY24 for pass through to non-Federal governmental organizations or nonprofit organizations to rehabilitate eligible HHPDs that fail to meet minimum state dam safety standards and pose an unacceptable risk to life and property. ANRD is in the process of applying for the FFY24 grant and, if receiving funds, will offer subawards to eligible applicants for activities that promote the goals of the federal grant program. Once ANRD receives an award, the Dam Safety Program will provide its own Notice of Funding Opportunity (NOFO) for subaward applications for eligible state-regulated dams. While state-specific criteria and the final list of state-eligible dams have yet to be determined, minimum federal project eligibility criteria can be found in the **FFY24 FEMA Notice of Funding Opportunity (NOFO)**. Dam owners and potential project sponsors are encouraged to review this information and beginning planning potential dam rehabilitation, removal, or mitigation projects as soon as possible.

ANRD has created a **Notice of Interest (NOI)** for any HHPD owner or operator that may be interested in applying for this grant. The results of this survey will help ANRD develop its rules and requirements for the FY2024 HHPD grant cycle, and also to prepare staff and allocate resources for a smooth roll out of this and future years' HHPD grants. Please review the information below prior to completing the NOI [<https://www.agriculture.arkansas.gov/wp-content/uploads/FY2024-HHPD-ANRC-NOI.pdf>].

FY 2024 APPLICATION SUPPORT

In Spring 2024, ANRD's Dam Safety Program will host an informational webinar on the FFY24 grant subaward application process, covering topics including:

- Background and available funds
- Dam eligibility
- Applicant eligibility
- Eligible/allowable activities
- Grant application process and timeline
- ANRD's application review and award selection process
- State and Federal requirements of a grant award

Applicants are encouraged to review the FFY24 FEMA Notice of Funding Opportunity for HHPD Rehab Grants and the FY. This document is available online here: <https://www.agriculture.arkansas.gov/wp-content/uploads/FY24-HHPD-NOFO.pdf>.

GRANT OVERVIEW

ANRD is applying for funding under the FY 2024 Federal Emergency Management Agency (FEMA) High Hazard Potential Dams (HHPD) Rehabilitation Grant Program. In order to reduce the risks posed by unsafe High Hazard Potential dams, ANRD intends to offer subawards to eligible project sponsors for planning, design, and construction activities on select High Hazard Potential dams that meet eligibility requirements. Interested dam owners and sponsor applicants should review the FFY24 federal eligibility criteria below. Additional criteria may apply to state subawards. Eligible sponsors will submit one subaward application per dam. All subawards will be disbursed as reimbursements for eligible activities.

Period of Performance

The Period of Performance refers to the period of time during which eligible activities within an approved Scope of Work may occur and be considered eligible for reimbursement under the FEMA HHPD Grant Program. Subawards issued under the FY2024 HHPD Grant must comply with the announced Period of Performance and no work done outside of that period will be reimbursed.

Eligible Dams

For a dam to be eligible for funds from this grant program, the dam must:

- Meet the federal definition of “dam” found at 33 U.S. Code § 467
- Be classified as a “High Hazard Potential” dam by the State’s Dam Safety Program
- Have been determined by the State to fail to meet minimum state dam safety standards and pose an unacceptable risk to the public and have a condition assessment rating of POOR or UNSATISFACTORY as identified in the National Inventory of Dams (NID) no later than 9/15/2023. Dams with FAIR condition assessment and a Population at Risk (PAR) >1,000 may be eligible.
- Have a State Dam Safety Program-approved Emergency Action Plan (EAP) in place
- Not be federally owned or regulated and not have been originally constructed under the authority of the US Secretary of Agriculture
- Not be a federally licensed hydroelectric dam
- Have deficiencies that are not solely the result of deferred (or a lack of) maintenance

The final list of FFY2024 dams that meet eligibility requirements is still being determined. Eligible dams will be listed below when evaluation is complete.

Eligible Applicants

This program is exclusive to non-Federal government entities (e.g., State, County, and Municipal governments; special purpose districts) and non-profit organizations that are registered as 501(c)(3) non-profits with the Internal Revenue Service. Private dam owners cannot apply directly, and any applications received from a private dam owner will be rejected; however, an eligible applicant can apply for an HHPD grant on any eligible dam, including dams that are privately owned.

Eligible Projects

The HHPD Grant Program allows federal funds to be utilized on various activities aimed at planning, investigations, preliminary engineering, engineering design, and construction on projects that seek to reduce the overall risk posed by high hazard dams that fail to meet minimum dam safety standards and pose an unacceptable risk to the public. Example activities are eligible for funding:

Category	Activity
Preparedness Planning	<ul style="list-style-type: none"> ▪ Development of evacuation plans, plans for flood fighting, or community response plans to include in the floodplain management plan ▪ Coordination of Emergency Action Plan (“EAP”) and Emergency Operations Plan (“EOP”) for different release conditions
Planning	<ul style="list-style-type: none"> ▪ Activities and studies that determine risks associated with eligible dams ▪ Environmental studies for National Environmental Policy Act compliance ▪ Development of operation and maintenance plans
Preliminary Engineering	<ul style="list-style-type: none"> ▪ Dam risk and consequence assessments ▪ Feasibility studies ▪ Alternatives analysis ▪ Preliminary engineering studies ▪ Mapping, engineering survey, and inundation modeling
Engineering Design	<ul style="list-style-type: none"> ▪ Engineering design ▪ Development of drawings and specifications

Category	Activity
Outreach and Risk Communication	<ul style="list-style-type: none"> ▪ Public education and awareness of flood risks associated with the eligible dam project
Construction	<ul style="list-style-type: none"> ▪ Repair or rehabilitation of the dam ▪ Dam removal ▪ Construction monitoring ▪ Installation of early warning systems associated with the eligible dam project

Key Points to Understand Before Starting an Application

1. Subawards cannot provide funds in advance of work being performed. This is a reimbursement-only program -- only eligible costs that have been incurred, paid for, and properly documented will be reimbursed.
2. Subawards cannot pay for any pre-award activities (i.e., any costs incurred before a grant is awarded are not eligible for reimbursement).
3. Subawards cannot pay for work to correct deficiencies that represent deferred maintenance or a lack thereof (e.g., tree removal).
4. Subawards cannot pay for any activities associated with a breached dam. Breached dams are already in a very low-risk condition, and thus do not align with this grant program’s overall goal of reducing the risk posed by dams that fail to meet minimum dam safety standards and pose an unacceptable risk to the public.
5. Subawards cannot pay for final design engineering unless all preliminary engineering -- including a complete risk analysis and evaluation of rehabilitation alternatives -- has previously been completed. Please consult with SC ANRD before preparing a grant application that proposes final design engineering.
6. This HHPD grant requires the county in which the dam is located to update its County Hazard Mitigation Plan to incorporate “all dam risks”. At the time of this Notice, no county in Arkansas has a compliant Hazard Mitigation Plan. Therefore, close coordination with your County officials will be necessary. A letter from County officials to FEMA requesting a 12-month extension to update the County Hazard Mitigation Plan is a requirement of a complete application. Failure to receive FEMA approval of the updated County Plan by the 12-month extension deadline will require all federal funds be repaid.
7. Subawards require a match of at least 35% in the form of non-federal funds and/or in-kind services. The non-federal match must come from the applicant.

8. A privately-owned dam may be eligible, but the owner cannot apply directly. A non-federal government (i.e., state, county, municipal) or a 501(c)(3) non-profit organization are the only entities eligible to apply. An eligible applicant may choose to sponsor a privately-owned dam solely at its own discretion and at its own risk.
9. Dam removals are considered “rehabilitation” under this program; therefore, the pre-construction activities associated with dam removal are eligible
10. All applicable federal standards and requirements must be satisfied for the awarded HHPD grant and any subawards. Failure to comply with federal grant requirements in the execution of a grant award may result in termination of the grant agreement and collection of some or all federal funds received. Interested applicants not familiar with federal grant requirements are strongly advised to carefully review the DHS Standard Terms and Conditions and Summary of Federal Compliance Requirements before applying.
11. A licensed Professional Engineer (PE) registered in Arkansas must assist in the preparation of your subaward grant application. The costs associated with application development are not eligible for reimbursement. Furthermore, engineering services funded from a HHPD grant must be procured in compliance with all federal and state procurement requirements and the applicant’s own procurement policies. Therefore, the engineer assisting with application preparation will not necessarily be the same engineer performing work funded through a grant award.

QUESTIONS?

E-mail whitney.montague@agriculture.arkansas.gov and the Dam Safety Program staff will provide assistance.