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DEPT. OF ECONOMIC DEVELOPMENT

Planning Program Guide: *Risk Awareness and Resilience Planning*

State of Nebraska CDBG-DR Program

APRIL 2024 | Version 2.0

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RECORD OF CHANGES

The following table summarizes amendments to the Risk Awareness Planning Program Guide.

| Version | Date | Description of Change |
|---------|------------|---|
| 1.0 | 01/31/2022 | Initial draft published. |
| 2.0 | 04/02/2024 | <p>In addition to minor reformatting and revisions to clarify process throughout, the following more substantive updates largely based on changes made to the program in Action Plan Amendment 3 (APA3), include:</p> <ol style="list-style-type: none"> 1. Revised the name to Risk Awareness and Resilience Planning (RARP), removing “Program” from the funding dedicated to planning activities aims to simplify execution of all planning activities supporting Nebraska’s long-term disaster recovery. 2. Revised sections 4 Roles and Responsibilities and 7 Program Implementation Process to better align with DED-UNL agreement for implementation of planning activities in support of RARP. |
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1 EXECUTIVE SUMMARY

The State of Nebraska, through the Nebraska Department of Economic Development (DED), is receiving funds through the Community Development Block Grant (CDBG) Program for disaster recovery (CDBG-DR) to address unmet needs from 2019 flooding (DR-4420). The State of Nebraska's Department of Economic Development (DED) oversees and manages CDBG-DR funds.

In order to increase the State's resilience to future disasters, DED is using CDBG-DR funds to create a Risk Awareness and Resilience Planning (RARP) Program. The overarching goal of this planning program is to **reduce flood risk, particularly those risks associated with levees and levee-like structures** (LLS)¹, by conducting research to identify and assign risk to areas across the State of Nebraska, to be subsequently followed by outreach and education to reduce such risks in the future. Implementation of the program will be conducted by the University of Nebraska-Lincoln (UNL, "the Contractor"). DED will oversee UNL to ensure Program Goals (see section 3.2, **Program Goals**) are met. The RARP Program is a single grant award for planning activities that will be administered in its entirety by the State. DED will monitor the Contractor for compliance with applicable laws and regulations, retaining documentation and reporting to HUD as required.

This Program Guide is designed to describe the purpose of the program, as well as the processes to support its implementation.

The State of Nebraska enforces conduct of the CDBG-DR program to ensure that no person is excluded from participation in, denied the benefit of, or subjected to discrimination in any housing program or activity because of their age, race, color, creed, religion, familial status, national origin, sexual orientation, military status, sex, disability, or marital status.

1.1 ASSOCIATED ALLOCATION(S)

- Winter Storm Ulmer ([DR-4420](#))
 - In early 2019, the State of Nebraska suffered record-breaking damage from severe winter weather, straight-line winds, and its worst flooding event in 50 years, leading to a Federal major disaster declaration (DR-4420) under the Stafford Act. Damage from DR-4420 was widespread, leading to disaster declarations in 84 of the State's 93 counties (and four (4) tribal areas), with the worst damage located in the eastern part of the state.
 - HUD Most Impacted and Distressed (MID) is detailed in the Action Plan and includes Dodge, Douglas, and Sarpy counties.

¹ Levee-like structures include agricultural berms, embankments, roadbed or grades, and other structures that may restrict high stream flows and potentially reduce inundation extents.

- Pursuant to the federal requirements for DR-4420, a minimum of 80% of this allocation must be invested in HUD-defined MID areas.
- A minimum of 70% of total CDBG-DR program funds must be spent on Low-to-Moderate Income (LMI) populations.

This subsection may be updated should other allocations become available due to subsequent disaster events or supplemental allocations.

2 SCOPE

This Program Guide applies to DED employees, providers, vendors, contractors, consultants, partners, citizens, external departments, and agencies doing business with DED, including the University of Nebraska-Lincoln. It may also serve as a guide to beneficiaries and others associated with, working for, accessing, or attempting to access benefits under the CDBG-DR programs.

3 CDBG-DR RISK AWARENESS AND RESILIENCE PLANNING PROGRAM OVERVIEW

On December 3, 2019, HUD announced an allocation to Nebraska of \$108,938,000 in CDBG-DR funding. Issuance of the associated Federal Register Notice followed on January 27, 2020 (85 FR 4681). These funds are intended to assist Nebraskans and their communities in recovering from the devastating effects of the severe weather conditions and subsequent flooding that occurred during the first half of 2019. The impacts of these disasters on Nebraska's infrastructure, housing, and economy were widespread. Out of the state's 93 counties, 84 reported damage to roads, bridges, levees, dams, stormwater systems, and many other critical infrastructure facilities. Damage particularly focused in the eastern part of the state. Analysis following DR-4420 showed that communities and landowners had and may continue to have a false sense of security due to levees and LLS. Privately held LLS may not meet engineering standards; and when LLS fail, damages can occur in areas not typically flooded.

In accordance with the Action Plan and consistent with the data HUD used in determining Nebraska's allocation amount and the findings of the Unmet Needs Assessment (UNA) (section 2 of the ***Action Plan***, as amended), DED has allocated **up to \$1,000,000** to invest in improved community and property owner resilience to flooding by providing awareness and mitigation recommendations related to levees and LLSs to community leadership to support informed decision-making.

The Risk Awareness and Resilience Planning (RARP) Program will be administered under a single grant through a Contractor (UNL) that will be responsible for overall implementation. UNL will coordinate with DED to determine strategy and warning stages for the community at flood risk

from LLS. UNL will also coordinate with the State to identify activities communities can include to increase resiliency.²

RARP will be carried out in two (2) primary phases: (1) “Discovery and Planning” and (2) “Outreach.” The period of performance is anticipated to be two (2) years.

Phase One: Discovery and Planning. Phase One will focus on collecting available data and data processing by using GIS and data management to assign risk to levees and LLS. The research and investigatory process under Phase One should also include identification of possible resources (e.g., available Federal and State programs) and strategies to address risks. As an outcome of these activities, the Contractor should identify target stakeholders (e.g., vulnerable populations, LMI populations, communities located in the HUD-defined MID areas) to be engaged under Phase Two, including those individuals and at-risk communities who may be exposed to risks from levees and LLS. Under the RARP program, target stakeholders may be a subset of DED's "Target Stakeholders" as described in its Citizen Participation Plan (CPP). Once this first phase is completed, the Program will shift to Phase Two, focusing on outreach.

Phase Two: Outreach. Outreach meetings are intended to be interactive and promote an effective transfer of information. It is anticipated that targeted outreach meetings set forth to accomplish planning objectives will not be open to the public and will include select stakeholders, though DED will conduct open public meetings to encourage broader engagement with the planning process (see also section 7, **Citizen Participation**). Outreach topics may include:

- LLS Risk, Liability, Risk Factors and Mitigations;
- LLS Maintenance;
- LLS Owner and Community Responsibilities;
- General Public Outreach and Awareness Tools and Strategies; and
- Strategies for Risk- Based Planning, such as hazard mitigation plans.

Upon completing outreach under Phase Two, a final deliverable (e.g., presentation, plan) will be used to compile resources, data and analysis, and public outreach and associated tools for use statewide.

Contractor will develop a work plan further detailing the planning activities under both phases.

² Timeline could coincide with Hazard Mitigation Plan maintenance or update schedule and or Federal Emergency Management Agency (FEMA) mapping updates.

3.1 SUMMARY OF REQUIREMENTS AND PRIORITIES

Table 1 summarizes the RARP Program’s priorities in the context of Federal and State requirements. Note that CDBG-DR-funded projects must meet one (1) of HUD’s National Objectives; however, there is an exception for planning activities under 24 CFR § 570.200(a)(3)(i), which assumes eligible planning costs benefit LMI persons in the same proportion as the remainder of the CDBG funds.

Table 1: Summary of CDBG-DR Requirements and Priorities

| Entity | Requirement/Priority | Citation |
|--------------------------------|--|---|
| HUD | Tie Back to the Disaster | 85 FR 4681 |
| | Eligible Activity ³ | 85 FR 4681 |
| | Meet a National Objective | Waived under 24 CFR § 570.200(a)(3)(i) |
| | Prioritization of HUD-defined MID areas | 85 FR 4681 |
| | Prioritization of Vulnerable Populations | Section 4.4.1 of the State of Nebraska DR-4420 Disaster Recovery Action Plan |
| State | Local and Regional Coordination | Section 4.4.2 of the State of Nebraska DR-4420 Disaster Recovery Action Plan |
| | Ongoing Outreach | Section 2.5.2.3 of the State of Nebraska DR-4420 Disaster Recovery Action Plan |
| Planning and Capacity Building | <ul style="list-style-type: none"> Align with local planning efforts, Enhance resilience, Leverage recovery programs, and Align with needs outlined in the UNA (section 2 of the <u>Action Plan</u>) and <u>Nebraska’s Baseline Conditions and Impact Assessment Report</u>. | <p>Section 5.3 of the State of Nebraska DR-4420 Disaster Recovery Action Plan</p> <p>Section 2 of the State of Nebraska DR-4420 Disaster Recovery Action Plan</p> |

3.2 PROGRAM GOALS

Activities in support of Risk Awareness and Resilience Planning (RARP) will

³ HUD allows grantees to use up to 15% of the total grant award for planning activities. Planning expenditures can be counted towards the 80% expenditure requirement for spending in HUD-defined MID areas as long as there’s a clear tie regarding how planning activities benefit those areas.

- target areas with risk exposure, particularly those residential areas with risk exposure from private levee and levee-like structure (LLS) failure. Having a priority to serving the HUD-MID, these planning activities shall target areas that received a disaster declaration and underlying flood hazard vulnerabilities that led to flood damage under DR-4420.⁴
- improve awareness and resiliency of flood-prone communities throughout Nebraska through threat identification, direct community outreach, and mitigation planning. Specifically, planning activities will address risk to communities (e.g., from the failure of Certified Levees, Agricultural Berms, Embankments, Roadbeds/Grades, and other Levee like structures that parallel streams and rivers to lower flood risk by protecting assets) and identify opportunities to increase community and housing resiliency.
- improve community and property owner resilience to flooding by providing awareness and mitigation recommendations to community leadership.

The overarching goal of the program is to promote comprehensive community resilience, resulting in a built environment that is more resilient to the impacts of natural disasters, including mitigation of flood vulnerabilities, such as the risk of private levee and LLS failure. In support of these goals, in future funding opportunities, DED may use the resulting adoption of local or regional plans, codes, and/or ordinances as scoring criteria in other CDBG-DR or other federal or state programs it administers.

As defined in **Table 1**, RARP is structured to meet a series of Federal and state requirements to be eligible for other HUD-funded opportunities. Program goals that inform the Program’s planning approach include:

- Benefit LMI persons;
- Implement projects in HUD-defined MID areas; and
- Support community resiliency.

3.2.1 VULNERABLE POPULATIONS

Understanding many vulnerable populations are located in low-lying areas which makes them susceptible to an increased threat of flooding, planning activities are designed to support these populations by identifying racial, ethnic, and low-income at-risk population concentrations so that the State can support community-level decision-making steps—such as zoning changes or community-specific plans—to make sure program-related impacts benefit these communities accordingly. The Contractor will also be expected to focus the plan on LMI populations through strategies that may include: expanded affordability, recovery and redevelopment efforts focused

⁴ RARP targets counties that received a disaster declaration under the associated allocation(s), and particularly the flood hazard vulnerabilities in those counties that resulted in flood damage. When possible, DED prioritizes all counties, municipalities, and economic development districts within HUD-defined MID areas (Dodge, Sarpy, and Douglas counties).

on known LMI census tracts, and improved resiliency of levees that might otherwise put those populations at risk.

RARP is structured to meet these goals by creating and utilizing a methodology for assessing flood risk and conducting outreach within communities affected by the disaster to increase risk awareness. Outreach activities will focus on promoting risk awareness to communities through incorporating partnering agencies into outreach delivery and facilitating risk mitigation planning to increase long-term community resilience.

For additional discussion of the prioritization of vulnerable populations at the overall program level, see section 4.4.1 *Prioritizing Vulnerable Populations* of the Action Plan, as amended.

3.3 PROGRAM OBJECTIVES

While planning activities are not required to demonstrate eligibility under a National Objective (see also section 5.3 *National Objective* below), **DED requires that the Contractor focus plans funded through the RARP Program on LMI residential populations through strategies, which may include:**

- Expanded affordability, recovery and redevelopment efforts focused on known LMI census tracts; and
- Improved resilience of levee and LLS risk management to prevent future flooding.

Anticipated Project outcomes include, but may not be limited to:

- 1. Creation and development of a flood risk assessment methodology, geodatabase, and map atlas.** This shall include compiling data related to levees and LLS to identify potential risks.
- 2. Facilitate alignment with State floodplain zoning guidance.** Program activities shall be conducted in alignment with—and in support of—the floodplain zoning guidance that the Nebraska Department of Natural Resources (NeDNR) has created to support local governments in regulating development in the floodplain through planning and zoning (e.g., updates to zoning codes, land use policy). See also section 4.3 *Program Beneficiaries* below.
- 3. Development and delivery of risk education, public awareness, stakeholder engagement, community outreach, and community resiliency planning process.** This shall include conducting outreach to share identified risks and associated strategies with relevant stakeholders, to promote risk awareness, assist with mitigation planning, and increase long-term resilience. Development of a stakeholder list will be part of the initial planning phase; however, additional stakeholders are likely to be identified as the planning activities progress.

4. **Mitigation measure development, regional coordination, and planning integration for long-term regional resilience.** This shall include identifying resources and strategies that can address identified risks.

3.4 ONGOING UNMET NEEDS ASSESSMENT

As contemplated in the Action Plan⁵ and discussed in the Citizen Participation Plan,⁶ Nebraska recognizes the importance of strong planning efforts to achieve an equitable and effective recovery. DED will work with State partners to continually identify unmet needs that planning activities may be able to support and similarly communicate emerging unmet needs that are ineligible for the RARP to other resources or programs that may be able to address them.

3.5 TOTAL ALLOCATION

The total allocation for the Risk Awareness and Resilience Planning Program is \$1,000,000.

4 ROLES AND RESPONSIBILITIES

4.1 DEPARTMENT OF ECONOMIC DEVELOPMENT

DED is the recipient of the CDBG-DR funds and is responsible for developing specific program materials, ensuring contractor compliance with all requirements, and communicating key program information to the Contractor. DED is responsible for ongoing and direct communication with target stakeholders that may benefit from the planning process.

Throughout the grant administration process, DED is responsible for retaining documentation and writing quarterly performance reports (QPRs) to HUD, as described in CDBG-DR Manual **Chapter 17: Recordkeeping and Data Management**. All program activity files and associated data will be maintained within DED's system of record (see also **Record Retention** in section 8.6 below).

4.2 NEBRASKA EMERGENCY MANAGEMENT AGENCY

DED seeks input from NEMA regarding certain aspects of the CDBG-DR program because of NEMA's leading role in state disaster response and recovery efforts, including hazard mitigation

⁵ "State of Nebraska DR-4420 Disaster Recovery Action Plan." Action Plan Amendment 3. DED. Accessed March 2024. https://opportunity.nebraska.gov/wp-content/uploads/2024/01/DR-4420-Action-Plan-APA3-Eng_HUDapp-20240103-formatting-fixes-20240124.pdf.

⁶ "Citizen Participation Plan." DED. Accessed March 2024. https://opportunity.nebraska.gov/wp-content/uploads/2021/10/ CPP-rev08312021_clean-StateofNebraskaDR-4420.pdf.

planning. NEMA may share data or provide guidance on the planning process and attend meetings.

In direct connection to RARP, representatives from NEMA will be asked to participate in a project advisory role (see also section 4.5.1 **Contractor** below).

4.3 NEBRASKA DEPARTMENT OF NATURAL RESOURCES

DED seeks input from NeDNR regarding certain aspects of the CDBG-DR program because of NeDNR's leading role in the state's floodplain management efforts, including, NFIP and CRS. NeDNR may share data or provide guidance on the planning process and attend meetings.

In direct connection to RARP, representatives from NeDNR will be asked to participate in a project advisory role (see also section 4.5.1 **Contractor** below).

4.4 PROGRAM BENEFICIARIES

The Program is designed to benefit local agencies, authorities, and community members who are near to and/or manage levees and LSSs; or are otherwise prone to flood vulnerabilities. These beneficiaries will ultimately be reached through the Program's Phase Two: Outreach. The design of the planning process is expected to focus on these "end users" through actionable research and resources that can address and coordinate the needs of these community members to alleviate future flood risk.

4.5 PROGRAM ADMINISTRATION

DED administers RARP as a single grant to the University of Nebraska-Lincoln (UNL). No additional subgrants are available.

DED will identify a Project Manager (PM) that will coordinate with other agencies, groups, and community officials to collect data and plan outreach activities.

RARP has no Subrecipients.

4.5.1 CONTRACTOR

DED selected UNL to serve as Contractor to carry out RARP activities.

The Contractor is responsible for managing the RARP according to the contract and ensuring compliance with all applicable HUD requirements. In accordance with the underlying agreement and in support of implementation, UNL will, at a minimum:

- develop a work plan, including detailing of tasks and deliverables;

- facilitate the establishment of a Project Advisory Committee; and
- compile a stakeholder list in support of data gathering, outreach and engagement, and education of individuals and decision-makers.

5 PROJECT FUNDING REQUIREMENTS

5.1 ELIGIBILITY CRITERIA


The Program shall be administered by DED under a single grant through a Contractor that will be responsible for overall implementation. No additional subgrants are available (see also section 4.5.1 **Contractor** above).

5.2 ELIGIBLE COSTS

Only Planning Costs are eligible under RARP.

HUD differentiates between **project costs** and **planning costs**. Project costs are the direct costs of undertaking a project that can be tied to a final cost objective and eligible activities. Planning costs are the costs for creating a plan, including data gathering, studies, analysis, and preparation of plans. **Table 2** provides examples of both types of costs. See also DED Guidance Document, CDBG-DR Program Guidance, *Documenting Costs: PACs & ADCs* available on the [Technical Assistance webpage](#).

Table 2: RARP – Project and Planning Costs

| | Project Costs | Planning Costs |
|------------------|---|--|
| RARP Eligibility |  |  |
| Examples | <ul style="list-style-type: none"> • Environmental Reviews; • Acquisition costs; • Construction hard costs; • Demolition and site clearance; • Architecture, engineering, and permits, when paid by the beneficiary; • Developer fees, contractor overhead, and profit; and | <ul style="list-style-type: none"> • Comprehensive plans; • Functional plans for housing, land use, or economic development; • Mitigation or disaster resiliency plans; and • Community development plans. |

| | Project Costs | Planning Costs |
|----------------------------|--|--|
| | <ul style="list-style-type: none"> Loans to businesses to assist with repairs. | |
| Who can incur these costs? | Grantees, Subrecipients (if operating the program directly), Developers, Contractors, and program beneficiaries. | Grantees and Contractors. |
| RARP Cap | <ul style="list-style-type: none"> Ineligible cost type. \$0/Subrecipient Award | <ul style="list-style-type: none"> Cost Reasonableness applies The sole RARP Agreement with UNL shall have a maximum of \$1,000,000 for project activities. In support of the Agreement and program delivery, DED may also incur Planning Costs.⁷ NOTE: Administration and planning cannot exceed 20% of the entire grant appropriation. |

5.3 NATIONAL OBJECTIVE

CDBG-DR-funded projects must meet one (1) of HUD’s National Objectives, including contribution to a 70% total expenditure calculation to address the needs of LMI populations. However, there is an exception for planning activities under 24 CFR § 570.200(a)(3)(i) that assumes eligible planning costs “benefit low- and moderate-income persons in the same proportion as the remainder of the CDBG funds and, accordingly, shall be excluded from the calculation.”⁸

Planning activities will not be considered towards the 70% expenditure for investment in LMI populations; however, they are still considered as eligible as having met the national objectives. Specifically, per 24 CFR § 570.208(d)(4), “CDBG funds expended for planning and administrative costs under § 570.205 and § 570.206 will be considered to address the national objectives.”⁹

⁷ Where DED procures consultants to support program administration and delivery, those incurred costs may also be considered eligible.

⁸ 24 CFR 570.200(g)(1).

⁹ 24 CFR 570.208(d)(4).

5.4 TIE TO THE DISASTER

Areas considered under RARP must have been impacted by Winter Storm Ulmer (DR-4420) to receive assistance. For the purposes of RARP, only counties that received a disaster declaration will be considered in the data collection and analysis process. Research will further focus on the flooding impacts directly resulting from Winter Storm Ulmer and/or have resulted in repetitive losses to communities. Outreach efforts will similarly be directed to declared counties, with particular focus to those areas that are within the HUD-defined MID area, which includes Dodge, Douglas, and Sarpy counties.

6 CITIZEN PARTICIPATION

As defined within the state’s Citizen Participation Plan, DED recognizes the importance of public participation in the process of disaster recovery, particularly those most vulnerable to the impacts of the disaster.¹⁰ This includes residents of impacted areas, LMI individuals, and people with access and functional or limited English proficiency.

All publications and communication related to RARP will comply with the effective communications requirements of 24 CFR § 8.6¹¹ and other fair housing and civil rights requirements, such as the effective communications requirements under the ADA.

For more information about DED’s commitment to citizen participation, see the **Citizen Participation Plan**.

For more information about DED’s expectation of citizen participation in relation to the delivery of activities in this program guide, see section 6.3 ***Contractor Outreach Responsibilities***.

6.1 PUBLIC ENGAGEMENT

DED is dedicated to soliciting feedback from, and providing timely, accessible information about Risk Awareness and Resilience Planning to all relevant stakeholders throughout the life of the program. This approach is rooted in DED’s Citizen Participation Plan applicable to the CDBG-DR grant. For more information, see the **Citizen Participation Plan**.

6.2 ENGAGEMENT APPROACH

To support public engagement through its CDBG-DR programs, inclusive of RARP, DED held focus groups on January 20, 2022 with key stakeholders to facilitate public discussion and engagement with planning activities (see **Figure 1**). Additional engagement, possibly including further focus groups, with stakeholders may be used as appropriate.

¹⁰“State of Nebraska Citizen Participation Plan.” DED.

¹¹ 24 CFR § 8.6.

Figure 1: Focus Group Methodology



Focus groups will support development of CDBG-DR programs that efficiently and optimally utilize funding to meet unmet community needs. The focus groups will be interactive and aim to yield actionable, information-rich feedback. This approach is rooted in DED’s CPP applicable to the CDBG-DR grant. Strategies to elicit focus group feedback include but may not be limited to: online engagement; electronic communication tools; field staff, surveys, and touchpoints; and community meetings and public hearings.

6.3 CONTRACTOR OUTREACH RESPONSIBILITIES

The selected Contractor implementing the RARP Program shall be required to conduct local outreach activities in order to align program implementation with the citizen participation tenets that DED has set out in the Action Plan, as amended. Specifically, the Contractor is required to do the following:

- Hold open public meetings (e.g., virtual meeting, town hall) during program implementation to identify public priorities and comments to the plan.
 - One meeting should be held within 90 days of program launch.
 - One meeting must be held within a reasonable time after completion of the plan to elicit public comment.
- Identify and engage target stakeholders to convene discussion and garner their input at least once during the planning process. As a framework, the selected Contractor should use DED’s identified Target Stakeholders as defined in the CPP.
- Provide access to the completed plan via the DED website or other means as agreed to by both parties.

See also section 7.3 **Phase One: Discovery and Planning** below.

6.4 WEBSITE

DED has a website with CDBG-DR information on the Department's website, located at <https://opportunity.nebraska.gov/>. The DR program-specific page is at <https://opportunity.nebraska.gov/cdbg-dr/>. Pursuant to Federal requirements as described in in the FR published on February 9, 2018 (83 FR 5844), some information – including contractor information related to this program – must be posted and maintained. For more information, refer to CDBG-DR Manual **Chapter 17: Recordkeeping and Data Management**.

DED updates their website in a timely manner to ensure the most current information is available publicly. At a minimum, the website is updated monthly. Primary program materials (e.g., Action Plan and Citizen Participation Plan) on the website will be available in both English and Spanish.

The program materials on the website are available upon request to people with disabilities. The Action Plan, as amended, and other materials on the DED CDBG-DR website are already uploaded in accessible formats for people who use screen readers. For assistance with website accessibility or translations into language other than English or Spanish, call 800-426-6505, email DED using the contact form at <https://opportunity.nebraska.gov/contact-us/>, or write a letter to:

*Nebraska's Department of Economic Development
245 Fallbrook Blvd., Suite 002
Lincoln, NE, 68521*

Los materiales del programa disponibles en la página web están disponibles previa petición para personas con discapacidades. El Plan de Acción y otros materiales en la página web de DED CDBG-DR ya han sido subidos en formatos accesibles para las personas que usan lectores de pantalla. Para obtener ayuda con temas de accesibilidad de la página web o traducciones a otros idiomas que no sean inglés o español, llame al 800-426-6505, envíe un correo electrónico al DED usando el formulario de contacto en <https://opportunity.nebraska.gov/contact-us/>, o escriba una carta a:

*Nebraska's Department of Economic Development
245 Fallbrook Blvd., Suite 002
Lincoln, NE, 68521*

6.5 MEETINGS

Community meetings will be held as part of implementation in a variety of formats, including virtual platforms. These meetings will provide residents of target areas, including the HUD-MID, and other stakeholders or interested parties with an opportunity to learn more about CDBG-DR Program activities in their area and to provide input.

For more information, see the **Citizen Participation Plan**.

7 PROGRAM IMPLEMENTATION PROCESS

7.1 OVERVIEW

DED will define the scope and type of deliverables the Contractor is expected to provide in the contract, guided by this Program Guide. The Program will be delivered in two (2) phases:

1. Discovery and Planning; and
2. Outreach.

These expected contract phases are detailed below and in DED's contract with UNL. Note that implementation of these phases may require a formal extension to support effective implementation. Such an extension will require a formal written request that will be reviewed and accepted at the discretion of DED.

7.2 PROCUREMENT OF SERVICES

DED requires full and open competition and evaluation of the cost for procurement for both professional services and construction pursuant 2 CFR § 200.302, 2 CFR § 200.317 through 2 CFR § 200.327, and all applicable State laws and regulations.

After careful evaluation of the applicable laws and the services needed to support efficient and holistic implementation of the statewide levee and LLS analysis, DED has entered into a contract with the University of Nebraska- Lincoln (UNL), pursuant to the Nebraska Interlocal Cooperation Act (Neb. Rev. Stat. Sections 13-801 to 13-827). By cooperating directly with UNL, DED will be able to most efficiently support a holistic research approach for levees and LLS across the state and inform clear, consistent messaging for impactful community outreach.

7.2.1 PROCUREMENT REGULATION

All CDBG-DR-funded contracts (including DED's agreement with UNL and any approved subcontracts issued by UNL to aid in its performance under such agreement) must include certain provisions, including performance requirements and liquidated damages provisions. Note that the State of Nebraska requires full and open competition and evaluation of the cost for procurement of contractor support utilizing procurement policies as outlined in the CDBG-DR Manual **Chapter 5: Procurement Policies** and **State of Nebraska Procurement Manual**.

7.3 PHASE ONE: DISCOVERY AND PLANNING

There are two key objectives to Phase One:

- Creation and development of a flood risk assessment methodology, geodatabase, and map atlas.

- Development and delivery of risk education, public awareness, stakeholder engagement, community outreach, and community resiliency planning.

During Phase One, the following activities are anticipated:

1. Conduct project setup, planning, kickoff, and ongoing coordination.
2. Work with state partners to identify a method for continually tracking unmet needs and strategies planning activities help meet these needs.
3. Identify and review available data sources for levee-like structure identification, with priority given to HUD-defined MID areas (i.e., Dodge, Douglas, and Sarpy counties). Sources may include:
 - United States Geological Survey (USGS);
 - United States Army Corps of Engineers (USACE);
 - Federal Emergency Management Agency (FEMA);
 - Natural Resource Districts (NRD);
 - Hazard Mitigation Plans; and
 - Flood Control Districts.
4. Provide inventory of LLS to USACE for potential incorporation into the National Levee Database (NLD).
5. Work with USACE to develop and document a data submission process.
6. Compile available data in GIS, including through base maps and available historic flooding information.
7. Determine a risk assessment methodology.
8. Complete scoping analysis to cross reference areas impacted by Winter Storm Ulmer (DR-4420) and previous floods in areas where information is available and areas that are high value or risk.
9. Outline strategies that can address and mitigate risks identified during the risk assessment process.
10. Identify existing resources (e.g., Federal or State grants) that may be used to support activities that address identified risks.
11. Prepare an Outreach Plan for review and acceptance by the Project Advisory Committee.

12. Produce an example draft of Outreach meeting products that will be used to inform public, local governments and first responders.
13. Create and facilitate a resiliency MOU between NeDNR, NEMA, and local participating government to reinforce the importance of the planning and a commitment from the community to promote resilience best practices.
14. Create a draft resiliency timeline for community and NeDNR engagement and follow up.
15. Finalize the Outreach Plan, to include identified target stakeholders, an engagement strategy, related deliverables (e.g., outreach materials, handouts, etc.), and timeline.

Phase One is complete when the State accepts the Outreach Plan and approves the meeting materials.

7.4 PHASE TWO: OUTREACH

There are two key objectives to Phase Two:

- Mitigation measure development, regional coordination, and planning integration for long-term regional resilience.

During Phase Two, the following activities are anticipated:

1. Project management and ongoing coordination.
2. Final planning, coordination, and execution of planned outreach meetings (see also the requirements set forth in section 6.3, **Contractor Outreach Responsibilities**).
3. Finalize the engagement timeline and provide it to the Project Team and meeting attendees.
4. Provide all meeting materials in hard copy and digital format.
5. Complete follow-up activities (e.g., meeting minutes, lessons learned, task assignment lists).
6. Develop final planning document (see also **Final Planning Document Submission** in section 7.5 below).
7. Close out the project.

Phase Two is completed when all approved outreach activities have been completed.

7.5 FINAL PLANNING DOCUMENT SUBMISSION

In a form or manner prescribed by DED, Contractor is required to submit a copy of the final planning product. This planning product must include:

- Outcomes from data collection and risk assessment, as well as associated resources;
- Identified strategies and resources to address risks; and
- Outcomes from the outreach process.

8 MONITORING AND COMPLIANCE

Monitoring and evaluating performance and compliance is a HUD requirement for CDBG-DR funds. DED is responsible for monitoring and setting statutory and regulatory requirements in accordance with CDBG-DR Manual **Chapter 16: Monitoring and Compliance Plan**. The application of these requirements is reduced for the Risk Awareness and Resilience Planning Program and Housing Resilience Planning (the “Planning Activities”) because they do not involve construction or rehabilitation. Therefore, there are monitoring and compliance requirements that are cross-cutting for other CDBG-DR funds that are **not** applicable to the Planning Programs. These include:

- Labor standards and hiring requirements, including: creation of opportunities for Section 3 workers; regular reviews of Force Account Labor, Materials, and Equipment; and submission of Certified Payroll Reports (CPRs), as articulated within CDBG-DR Manual **Chapter 14: Davis-Bacon** and **Chapter 13: Section 3**.
- Environmental review processes, as articulated within **Chapter 9: Environmental Review**.¹²
- Building requirements regulating construction and green building standards such as the Environmental Protection Agency’s (EPA) Green Building Standards and the State of Nebraska’s Safe and Resilient Buildings Standards Requirements, as articulated within the **Site Inspection Checklist** and **Chapter 10: Green Building Standards Guide**.
- Requirements related to managing relocation in compliance with federal requirements, as articulated within **Chapter 12: One-for-One Replacement**.

The Risk Awareness and Resilience Planning Program specifically funds the planning process to assess flood vulnerabilities and develop educational resources based on the outcomes of the research. Beyond the scope of this planning program, any construction projects that are implemented as a product of the research conducted through RARP **will** have to meet the compliance requirements above if funded through CDBG-DR funds. It is therefore to the benefit of planners to consider these policies when developing subsequent recommendations related to construction so that they are consistent with requirements that may be applicable to future

¹² Subrecipients will be documented as formally exempt under 24 CFR § 58.34(a)(1).

activities. Further detail regarding the applicability of these requirements is defined in the respective CBDG-DR Manual chapter.

8.1 MONITORING REVIEWS

Contractor management and compliance will be conducted in compliance with statutory requirements set forth in 2 CFR Part 200, including subparts: 305, 318-319, 324, and 331. The Contractor is responsible for complying with all requirements set forth in the contract between the Contractor and DED and applicable HUD requirements, as described within associated policies and procedures. Contractors may also be subject to monitoring reviews, as described in CBDG-DR Manual **Chapter 16: Monitoring and Compliance Plan**. A monitoring review and report may indicate one or more of the following:

- The performance complied with the requirements of the program, as set forth in the contract between DED and the Contractor, the RFP, and applicable Federal and state requirements;
- Certain findings require corrective actions by the Contractor;
- Concerns about the performance of the projects or activities; and/or
- Observations about efficiencies or items of note.

8.2 ANTI-FRAUD, WASTE, AND ABUSE

DED does not support or condone the commission or concealment of acts of fraud, waste, and abuse. According to HUD's ***Buying Right CBDG-DR and Procurement: A Guide to Recovery***, Grantees and Subrecipients procuring goods and services with grant funds must follow all applicable statutory and regulatory requirements.¹³ All employees are responsible for reporting suspected instances of fraud, waste, and abuse in accordance with CBDG-DR Manual **Chapter 19: Anti-Fraud, Waste, and Abuse**.

DED leverages existing investigative and corrective action within State of Nebraska guidelines, among others, to meet HUD requirements. If fraud, waste, and/or abuse are identified, DED shall pursue investigation, including taking legal action where warranted. If the Contractor is identified as having conducted activity involving fraud, waste, or abuse, DED may immediately terminate the contract and take further legal action as necessary.

¹³ "Key Internal Controls Related to Disaster Recovery Procurement." HUD OIG. Accessed December 9, 2021 via: <https://www.hudoig.gov/sites/default/files/2021-03/Key%20Internal%20Controls%20Related%20to%20Disaster%20Recovery%20Procurement.pdf>.

8.3 FINANCIAL MANAGEMENT

OMB's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200) establish financial management requirements for the CDBG-DR funds. DED will maintain compliance with these requirements, as described by the processes held within CDBG-DR Manual **Chapter 4: Financial Management**.

8.4 DUPLICATION OF BENEFITS

Duplication of Benefits (DOB) refers to a situation where assistance is received from multiple funding sources and the total assistance amount exceeds the need for a particular recovery purpose. DED and its Contractor(s) must comply with DOB rules and regulations as described in CDBG-DR Manual **Chapter 18: Duplication of Benefits**.

As it applies to RARP, this means that planning activities funded through this program cannot be duplicated or matched by other funding sources intended for the same purpose (i.e., consolidating multiple funding sources for a single plan). Since it will be administered in its entirety under a single grant, DED will ensure that the efforts conducted under this plan do not duplicate other planning activities or funded programs by the State.

8.5 AFFIRMATIVELY FURTHERING FAIR HOUSING

The State of Nebraska is required by Federal statute to "affirmatively further fair housing". DED shall work to affirmatively further fair housing by conducting activities as per CDBG-DR Manual **Chapter 11: Affirmatively Furthering Fair Housing**. In alignment with this policy, the Contractor will be provided resources to incorporate affirmative marketing considerations to the planning process.

8.6 RECORD RETENTION

NeDNR and DED will enter into an Interagency Agreement including a data sharing component to document the requirements necessary to maintain compliance under both DED and NeDNR policy for data management and recordkeeping. Recordkeeping must be conducted as set forth by the general requirements set forth in CDBG-DR Manual **Chapter 17: Recordkeeping and Data Management**. All program activity files and associated data will be maintained within DED's system of record. DED must retain contract-related documents for at least three (3) years¹⁴ after closeout of the CDBG-DR grant for DR-4420. DED will facilitate the file transfer to the State Records Center no later than three (3) years after grant closeout with HUD, where files will be kept to meet the state's ten (10) year storage requirement.

¹⁴ See <https://sos.nebraska.gov/sites/sos.nebraska.gov/files/doc/records-management/state-government/7%20-%20Department%20of%20Economic%20Development%20Website.pdf>.