



Disaster Declaration Process and Responsibilities

The Legislature has defined a disaster in AS 26.23.900 to mean the occurrence or imminent threat of widespread or severe damage, injury, loss of life or property, or shortage of food, water, or fuel resulting from an incident such as a storm, high water, wind-driven water, tidal wave, tsunami, earthquake, volcanic eruption, landslide, mudslide, avalanche, snowstorm, prolonged extreme cold, drought, fire, flood, epidemic, explosion, or riot; the release of oil or a hazardous substance if the release requires prompt action to avert environmental danger or damage; equipment failure if it is not predictably frequent or recurring, or preventable by adequate maintenance or operation; enemy or terrorist attack, or a credible threat thereof; outbreak of disease or a credible threat thereof with certification of DHSS.

In the late 90's, the Legislature revised this definition to remove economic issues, such as fisheries failures, or increased costs of fuel, food, etc. This definition does not include the term "erosion of land by water." As such, erosion in and of itself isn't considered a "disaster."

Disaster Process:

1. Event occurs; local jurisdictions respond as appropriate.
2. Per AS 26.23.140, only the principal elected officer of a political subdivision may declare a local disaster. In some cases, this makes local contingency funds available, or other local emergency powers codified in local regulations or ordinances.
3. If the event exceeds the ability for the local jurisdiction to effectively respond, the jurisdiction requests assistance from Borough. (In Unorganized Borough, local jurisdiction requests State assistance). Likewise if Borough's capabilities/resources are exceeded, the Borough requests State assistance.
4. The State Emergency Operations Center receives the request, responds to immediate life safety and property protection needs, and begins the development of a Fact Sheet. This Fact Sheet provides the specifics of the situation, and initial damage assessment information.
5. The Commissioner of DMVA convenes the Governor's Disaster Policy Cabinet (DPC). The DPC is comprised of the Commissioners of Administration; Commerce, Community, and Economic Development; Corrections; Environmental Conservation; Health and Social Services; Military and Veterans Affairs; Natural Resources; Transportation and Public Facilities; and Public Safety. Advisory members include the Office of the Governor, Office of Management and Budget, Department of Law, Division of Homeland Security and Emergency Management (DHS&EM), and, when necessary, AIDEA/Alaska Energy Authority. The DPC reviews the Fact Sheet and is briefed by State EOC personnel on the situation. DPC meetings are considered executive deliberative meetings and no notes are taken, nor votes recorded. Upon presentation of the facts, the DPC considers the issues and forms a recommendation to be presented to the Governor. That recommendation may include:
 - a. To declare a State disaster emergency, if estimates and projected costs exceed \$1,000,000 legislative approval is required per AS 26.23.020 (h) – (k).





- b. To direct DHS&EM to implement the Public Assistance (PA), Individual Assistance (IA), and/or Temporary Housing (TH) programs. PA provides funding for emergency protective measures, debris removal, and permanent infrastructure repair. IA provides grant funding to individuals and families in accordance with 94.AAC. TH provides grant funding or direct vendor payments to provide rental housing for up to 18 months for an individual or family whose home was destroyed or deemed unlivable.
 - c. To further request assistance from the federal government through FEMA.
 - d. To deny a request for State disaster assistance.
6. Once the DPC concurs on a recommendation, the Commissioner of DMVA transmits that recommendation to the Governor through his Chief of Staff. If the recommendation is to declare a disaster, or issue an Administrative order, a draft will be provided. In addition, per AS 26.23.020 (h)-(k), a draft finance plan and letters to the President of the Senate and Speaker of the House will be provided for notification and approval of estimated disaster costs over \$1,000,000. The Fact Sheet and a draft press release will be included for consideration.
- a. DHS&EM Operations Section drafts the declaration from the Fact Sheet they developed for the disaster and presented to the DPC. The declaration is then coordinated with LAW and OMB. This provides legal, budgetary and political considerations.
 - b. Administrative Orders are limited to disasters under \$500,000 and if they exceed the amount outlined in the Order a new Administrative Order will be required with Legislative approval. If the amount exceeds the \$500,000 limit, a disaster declaration will then be required with justification. For this reason Administrative Orders are rarely used unless the action necessary to protect or prevent further damage is limited in scope and amount. Instead, Disaster Declarations are normally made.
 - c. For purposes of a State declaration, the Governor may verbally declare at any time. The verbal declaration must be followed up with a signed proclamation and additional documentation coordinated with LAW and OMB as described above.
 - d. If the Legislature is in session and a Disaster Relief Fund (DRF) Supplemental Budget Request for "Forward Funding" has been submitted, language will be added to authorize expenditures over the \$1,000,000 limit. Authorization of the Supplemental by the Legislature provides the formal authorization required for expenditures over the \$1,000,000 limit in AS 26.23.020(i).
 - e. If the Legislature is not in session a notification letter will be provided to the Legislative Leadership. If necessary the letter will outline the anticipated expenditures over the \$1,000,000 limit along with the disaster finance plan, within five days of the plan's development. A draft concurrence letter will be sent with this package giving the Legislative Leadership the ability to concur that a special session need not be convened to approve the expenditures over the \$1,000,000 limit. This Concurrence Letter provides the Legislative Authorization for expenditures over the \$1,000,000 limit from the previously appropriated funds to the Disaster Relief Fund.





7. Once declared, the State EOC and DHS&EM will implement the programs authorized for the areas and/or communities specified in the declaration. In most instances, the DPC will recommend declaring for an entire Borough (or Boroughs) or for an entire Regional Educational Attendance Area (REAA). Funds will only be spent on eligible applicants, facilities, and eligible work. Declaring for an entire region gives DHS&EM flexibility when damage is identified in communities that were unknown at the time of the original recommendation.
8. If the Governor does not declare a disaster, a denial letter from the Commissioner of DMVA to the requesting jurisdiction(s) or official(s) will be provided.
 - a. The DHS&EM Operations Section will draft the denial package for the Director's review and submission to the Commissioner's Office for signature and submittal. This draft is reviewed and approved by the Governor's Office.
9. If the request includes a recommendation to seek supplemental federal assistance, the State EOC will formally request a joint Preliminary Damage Assessment (PDA) to be conducted with FEMA. This is a requirement of the Stafford Act, which governs Presidential Disaster Declarations.
10. Upon completion of the PDA, a Request for Federal Assistance (RFA) will be drafted for the Governor's signature and submission to the President, through FEMA Region X. This request will include Borough(s) and/or REAA(s) affected and will request specific programs for each area (PA, IA, and TH). The RFA will also include a request for the Hazard Mitigation Grant Program to be authorized statewide. Authorization from FEMA to use Hazard Mitigation funds statewide allows the State the ability to determine the best use of the post disaster mitigation funds. Usually a statewide competition for applications is done, but if the disaster area is severely damaged the State can focus the competition for the funds from within the disaster area.
 - a. A DPC can be reconvened at any time to provide disaster status or obtain other agency support. However, in recent years with the development of the Multi-Agency Coordination Group that is convened by the State Emergency Operations Center (SEOC) during significant disaster responses the interagency coordination is no longer needed at the DPC level.
11. FEMA will analyze the RFA, formulate a recommendation, and transmit to the President.
12. As with the State declaration, the President may declare for all or portions of the areas requested, and may authorize all or some of the programs requested for each area.
13. If the President declares a disaster, FEMA will establish a Joint Field Office (JFO), usually in Anchorage, and will appoint a Federal Coordinating Officer (FCO) to lead the response and recovery.
14. The FCO and DHS&EM will coordinate on the development of a FEMA-State Agreement for the Governor's signature. In this document, the Governor will appoint a State Coordinating Officer and a Governor's Authorized Representative. Historically these positions are filled by leadership within DHS&EM. This document outlines terms and conditions for the implementation of federal disaster assistance programs.
 - a. During a catastrophic disaster a decision may be made to combine the SEOC and JFO at one location for coordinated response.





15. The JFO will dispatch State-led teams to each affected area to begin implementing all federal programs authorized. JFOs are temporary offices that typically close within three months of the presidential disaster declaration.
16. A Federal Declaration requires a Legislative Leadership Notification letter to include a revised Finance Plan. This letter will outline the amount of State General Funds (GF) already appropriated from the DRF to this disaster through previous actions, and any additional GF required for the recovery as outlined in the Finance Plan.
 - a. If the Legislature is not in session a concurrence letter will be included for approval to spend over the previously authorized limit for this disaster. If there are insufficient funds in the balance of the DRF, as previously appropriated, there are several options. Per AS 26.23.050 it is the intent of the legislature and policy of the State to ensure funds are always available to meet disaster emergencies. Regular appropriated funds can be transferred to the DRF, and funds can be borrowed for a term not to exceed two years. In the past, loans from the Constitutional Budget Review (CBR) have been completed until the Legislature convenes the following session.

Note: The Legislative Leadership can only authorize expenditure of funds previously appropriated to the DRF by the Legislature during Session. In the recent past, the Legislature has forward funded an amount anywhere from \$2 to \$9 million to the balance of the DRF for future disaster events. Therefore, while not in session the Legislative Leadership can provide a concurrence letter to more specifically appropriate from the balance of the DRF to a specific disaster.
 - b. If the Legislature is in session the amount requested will be included in a Supplemental Request with specific language authorizing an expenditure up to this amount within the disaster.
 - c. Federal Authorization or the ability to accept federal disaster funds, for disasters is unlimited. Therefore, the Legislative Leadership is notified of the portion of federal disaster funds anticipated for each disaster in the Disaster Finance Plan but approval to accept those funds is not necessary.
17. When the State Coordinating Officer and Governor's Authorized Representative agree that enough of the preliminary work has been completed, the management of disaster recovery functions transitions to DHS&EM. Federally declared disasters remain open for an average of four years, taking into consideration our short repair and reconstruction seasons, federal audits, and final close-outs.





Current Status of the 2018 Cook Inlet Earthquake Disaster

Governor Dunleavy requested federal assistance on January 3, 2019. On January 31, 2019, President Trump signed a Federal Major Disaster Declaration for the 2018 Cook Inlet Earthquake. The declaration opened up federal Individual Assistance, Public Assistance, and Hazard Mitigation Grant Programs.

There are two programs funded through the Disaster Relief Fund - Public Assistance and Individual Assistance. The Individual and Public Assistance Programs are available for the Municipality of Anchorage, Kenai Peninsula Borough, and Matanuska-Susitna Borough. Public Assistance provides reimbursement of eligible costs to eligible applicants (typically state, tribal, local government, and certain private non-profits that provide essential government services as defined in 44 CFR Section 206. In general, eligible costs include emergency work to respond to life/safety needs and property protection, and permanent work to restore the facility to pre-disaster use, form and function.

Individual Assistance provides State grant funds to individuals and families affected by a disaster. Under the Individual and Family Grant Program (6 AAC 94.200-280) individuals must have experienced physical damage to essential areas of their primary resident, or physical damage or loss of essential personal property or transportation. Essential areas of a home include bedroom used at the time of the event, kitchens, bathroom, etc. Essential personal property includes items like primary transportation, kitchen and bathroom fixtures, appliances, furnaces and hot water heaters, wells, and septic. For the Individual and Family Grant Program, AS 26.23.090 provides that the Governor may make a grant award not to exceed one-half of the maximum grant amount authorized under federal law. For Federal Fiscal Year 2018, FEMA's maximum grant is \$34,900. Per Alaska law, the State's maximum grant would be \$17,450. The Temporary Housing Program provides state grant funds to primary homeowners or renters who have been displaced from their residence as a result of a disaster. Homeowners are eligible for up to 18 months of rental assistance and renters are eligible for up to 3 months of assistance.

For both programs, staff within the State Division of Homeland Security and Emergency Management work directly with applicants, on a case-by-case basis, to ensure all eligibility requirements are met prior to issuing awards.

The Alaska Administrative Code establishes a 60-day application period for Individual Assistance. The code allows for one 30-day extension to that period. Governor Dunleavy authorized the 30 - day extension, extending the application deadline to apply for State Individual Assistance to February 28, 2019. If new damages are discovered or uncovered as a result of spring thaw, applicants that applied before the February 28, 2019 deadline are able to amend their application to include new damages.

With the federal declaration issued on January 31, 2019 applicants to the State program must now register with FEMA and apply through the U.S. Small Business Administration (SBA) for low-interest disaster home loans before receiving an award through the State Individual and Family Grant Program. As of March 7, 2019 there are 14,401 applicants for State Individual Assistance (State application period ended February 28). FEMA has received 5,355 registrations, and SBA has approved 191 home and 13 business loans (FEMA and SBA registration





period currently ends April 1). Once an applicant has received their final determination of benefits through FEMA and SBA, they will have the opportunity to be reconsidered under the State program. State and federal disaster assistance benefits cannot duplicate each other (i.e. a homeowner cannot be paid twice for the same damages) and neither benefit can duplicate a homeowner's earthquake insurance if they had a policy in effect on November 30, 2018.

Governor Dunleavy will be requesting an extension to the FEMA/SBA registration period through May 31, 2019. This will ensure applicants with the State will have time to register for federal assistance first, and for survivors to determine whether any damages become evident through the spring thaw.

The State and FEMA are at the beginning stages of developing cost estimates and scopes of work for the repair and restoration of eligible infrastructure under the Public Assistance programs. Eligible costs under Public Assistance are shared with FEMA reimbursing 75% of costs, and the State (through the Disaster Relief Fund) reimbursing applicants the remaining 25%.

