

# Action Plan

**Grantee:** State of Kentucky

**Grant:** B-10-DF-21-0001

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**Grant Amount:** \$ 13,000,000.00

**Status:** Submitted - Await for Review

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## Funding Sources

**No Funding Sources Found**

## Narratives

### Disaster Damage:

COMMONWEALTH OF KENTUCKY  
>AMENDED ACTION PLAN (#1) FOR  
>CDBG 2010 DISASTER RECOVERY FUNDS

>U.S. Department of Housing and Urban Development  
> Docket No. FR-5452-N-01  
>Federal Register: November 10, 2010 (Volume 75, Number 217)

Steven L. Beshear, Governor

>Tony Wilder, Commissioner

Prepared by:

Office of Federal Grants  
>Department for Local Government  
>1024 Capital Center Drive, Suite 340  
>Frankfort, Kentucky 40601

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SUMMARY OF CHANGES	

After consultation with HUD, the following changes have been made:

Page 8, Paragraph 1 – The following language was deleted: “provide for unmet emergency service needs and mitigation of public health and safety hazards.”

Page 8, Paragraph 2 – The following examples were deleted: “emergency shelters, tornado shelters, emergency operation centers and warning sirens.”

Page 9 – The following section was added: “PROVISION OF ADEQUATE, FLOOD-RESISTANT HOUSING FOR ALL INCOME GROUPS THAT LIVED IN THE DISASTER IMPACTED AREAS The Commonwealth of Kentucky will encourage grant recipients to provide information about affordable housing choice available from the various housing agencies such as the KY Housing Corporation, Public Housing Authorities and federal agencies such as HUD, Rural Development and FEMA to the residents affected by the disaster using all forms of media. Many impacted communities have convened a long term recovery committee. An integral responsibility of these committees is developing strategic solutions to address unmet housing needs. Local Continuums of Care have been actively engaged in the long term recovery committees to ensure that the homeless or those at risk of homelessness due to flooding have adequate housing and support services.”

#### INTRODUCTION

The Commonwealth of Kentucky through the Department for Local Government (DLG) is required to publish an Action Plan for Disaster Recovery (Action Plan) that describes the proposed use of the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) funding associated with the Supplemental Appropriations Act, 2010 (Public Law 111-212, approved July 29, 2010) for disaster relief, long term recovery, and restoration of infrastructure, housing, and economic revitalization in the areas affected by severe storms and flooding from May 1, 2010 through June 1, 2010.

This document will describe:

- >• The citizen participation process used to develop the Action Plan;
- >• Eligible areas and applicants, methodology used to distribute the funds;
- >• Activities for which funding may be used; and
- >• Grant administration standards.

This Action Plan will be used by the state to guide the distribution of CDBG funds for the necessary expenses related to disaster relief, long-term recovery and restoration of infrastructure, housing and economic revitalization in Presidential declared disaster areas, as directed by Public Law 111-212 and HUD. This Action Plan is in response to the U.S. Department of Housing and Urban Development’s Notice of Funding Availability provided in Federal Register/Volume 75, No. 217, Docket No. FR-5452-N-01. These funds may not be used for activities reimbursable by, or for which funds are made available by, the Federal Emergency Management Agency (FEMA), the Army Corps of Engineers, however, these funds may be used as matching funds for those funding sources.

This Action Plan will be used by the state to guide the distribution of \$12,350,000 (net of administration) CDBG funds for the necessary expenses related to disaster relief, long-term recovery and restoration of infrastructure, housing and economic revitalization in Presidential declared disaster areas.

#### THE EFFECT OF THE DISASTERS AND KENTUCKY’S RECOVERY NEEDS

The magnitude of the effects of the 2010 disaster on the Commonwealth has been among the worst in its history. Eighty-three (83) Kentucky counties out of 120 have been included in this presidentially declared disaster.

DR-1912, a major disaster declaration, provides funding for assistance in 83 counties as a result of strong thunderstorms which produced tornadoes, floods, hail, mudslides and landslides, which resulted in over \$74,819,677 of unmet needs.

#### FEDERAL AND STATE RESPONSES TO DATE

From the disaster incident (DR-1912), the federal and state governmental agencies worked together to provide funds to the areas that desperately needed assistance. Their cooperation has resulted in the timely provision of assistance to local governments and individuals in the impacted areas. FEMA has provided over \$20 million in individual assistance and over \$18 million in public assistance, which was matched with funds from the Commonwealth of Kentucky.

FEMA’s response to the disasters has been met by a renewed and energetic response by Kentucky’s Emergency Management agency team. There is a new emphasis in getting funds to local units of government and individuals thereby setting in motion efforts for a quick recovery.

#### CONSULTATION WITH LOCAL GOVERNMENTS

On February 14th, 2011, DLG solicited feedback from local units of government, including the HUD Entitlements, in the 83 county area affected by the 2010 disasters by requesting responses to a disaster project survey. Area Development Districts were also asked for their participation in the survey. In addition, the Area Development District Executive Directors were notified of this funding availability at several ADD Directors meetings and this program was emphasized at the February 11th, 2011, meeting. On February 11th, 2011, the Notice of Availability of Funding and the CDBG 2010 DISASTER PROJECT SURVEY form was posted on DLG’s web site allowing a seven day comment/response period.

The Department for Local Government’s Office of Federal Grants is charged with the task of directing the use of funds from the Supplemental Appropriations Act, 2010 (Public Law 111-212, approved July 29, 2010).

#### FEDERALLY DESIGNATED AREAS ELIGIBLE FOR ASSISTANCE

From the disaster incident (DR-1912), the following eighty-three counties qualify for assistance.

- > Adair, Allen, Anderson, Ballard, Barren, Bath, Bourbon, Boyd, Boyle, Bracken, Breckinridge, Butler, Carlisle, Carroll, Carter, Casey, Christian, Clark, Clay, Clinton, Crittenden, Cumberland, Edmonson, Elliott, Estill, Fayette, Fleming, Franklin, Gallatin, Garrard, Grayson, Green, Greenup, Hardin, Hancock, Harrison, Hart, Henry, Henderson, Hickman, Hopkins, Jackson, Jessamine, Knott, Larue, Lee, Leslie, Lewis, Lincoln, Livingston, Logan, Lyon, Madison, Magoffin, Marion, Marshall, Mason, McLean, Menifee, Mercer, Metcalfe, Monroe,

Montgomery, Morgan, Nelson, Nicholas, Ohio, Owen, Powell, Pulaski, Robertson, Rockcastle, Rowan, Russell, Simpson, Taylor, Trigg, Union, Warren, Washington, Wayne, Wolfe, and Woodford Counties.

#### AFFECTED ENTITLEMENT COMMUNITIES

ASHLAND, BOWLING GREEN, ELIZABETHTOWN, HENDERSON, LEXINGTON, HOPKINSVILLE

#### Recovery Needs:

##### PROMOTION OF SHORT TERM/LONG TERM RECOVERY

###### Short Term Recovery

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>Kentucky state government has a state level disaster recovery mechanism, coordinated through the Department for Military Affairs, for short-term recovery that provides assistance to disaster stricken counties and communities. In the event of an emergency anywhere in the state, the local jurisdictions are responsible for the first response, under the direction of their local Emergency Management Coordinator. The Kentucky Emergency Management agency has regional coordinators to assist locals to determine the level of assistance needed during emergencies. For large scale disasters, the Emergency Operations Center, at the Department for Military Affairs, is opened and staffed by various state agencies to assist locals with short term response and recovery efforts.

###### Long Term Recovery

Kentucky consistently promotes land use planning at the local level. The state believes that land use decisions must originate from local governments with input from state and federal partners. In response to the flooding, state and federal agencies are providing tools such as enhanced floodplain mapping and mitigation analysis tools to aid local governments in decision making, particularly on home buy-out programs. Once plans are complete, the state is committed to expedite the regulatory requirements under its purview. In addition, with the 2008 CDBG Disaster Recovery funds, Kentucky is developing a comprehensive planning and assessment tool that will be designed to integrate planning and mitigation project management into a comprehensive solution that supports local planning for mitigation with statewide management capabilities and transparency. This tool will support community planning, economic recovery and preparedness for the individual, including housing, and for the community, including utilities and public infrastructure and assisting local businesses. The anticipated completion date of this comprehensive planning and assessment tool is December 2011.

The Commonwealth, through Area Development Districts, promotes the adoption of hazard mitigation plans for each local government.

##### DEMONSTRATION OF PROJECTED UNMET NEEDS

Communities across Kentucky have made land-use decisions that have placed many of their residents in vulnerable positions both before and after disastrous events. These land use decisions, while made with the best of intentions, were made without adequate knowledge of the vulnerability to the hazards faced by residents in their communities. As a result of these decisions, the greatest unmet need facing Kentucky communities is a full understanding of the current hazards faced by residents and the long-term recovery process that would need to be carried out as a result of a disaster. Kentucky's vision of providing a comprehensive planning and assessment tool - a community risk profile - will greatly aid communities affected by the disasters of 2010 and all communities across the state. The state is working on a system to aid in developing and documenting a state-wide comprehensive strategy to address unmet needs and potential disaster impacts. This community risk profile will provide a comprehensive review of community vulnerability and a risk matrix linked to potential solutions.

##### >METHOD OF DISTRIBUTION

<><><>All local units of governments (cities and counties) within the designated 83 county area will be eligible for the Disaster Recovery program, including HUD Entitlements within the affected areas. Each city or county may submit only one application per jurisdiction.

##### ELIGIBLE PROJECTS

Eligible projects consist of those that address public facilities and infrastructure restoration needs, job retention, economic revitalization, housing needs, as identified by the local communities. The state will allow reimbursement for pre-agreement costs incurred on or after the incident date of the covered disaster.

Examples include, but are not limited to, infrastructure restoration, job retention, economic revitalization, high capacity permanent generators, demolition, individual housing restoration, housing relocation, flood proofing, financial assistance, and homeownership.

Applications will be evaluated using the following criteria in a single competitive round:

1. The importance of the project as it relates to the disaster recovery of the applicant;

>2. The percentage of Low-to-Moderate income persons served; and

>3. The ratio of persons served to dollars spent.

It is anticipated that the primary two National Objectives will be benefitting Low-and-Moderate Income persons and communities with an Urgent Need. If there is a variation, it will be noted for each individual activity.

Grants will be awarded in one competitive funding round. Actual grant amounts maybe negotiated on a case by case basis and the amount of assistance will depend upon the factors described above. The maximum grant award will be \$300,000.

Allocation: \$12,350,000

##### >Administration

DLG will set aside \$390,000 of its CDBG Disaster Recovery Funds for the state's costs associated with administering the Program. This constitutes three percent (3%) of the State's CDBG Disaster Recovery administration allocation of 5%. These funds will be used by the Office of Federal Grants for expenses associated with administering the 2010 CDBG Disaster Recovery Program, including direct personnel services and fringe benefits of DLG CDBG staff, direct and indirect expenses incurred in the proper administration of the state's program and monitoring activities respective to Disaster Recovery grants awarded to units of local government. The additional 2% will be the maximum allowable grantee administrative cost per project.

Allocation: \$650,000

##### >ANTI-DISPLACEMENT AND RELOCATION

Recipients implementing activities identified in this Action Plan are expected to ensure the assistance and protections afforded to any persons or entities under the Uniform Relocation Assistance and Real Property Acquisition Policies (URA) of 1970, as amended and section 104 (d) of the Housing and Community Development Act of 1974 (HCD) as amended.

##### >HIGH QUALITY, DURABILITY AND ENERGY EFFICIENCY

Any housing activity involving the construction and rehabilitation of multi-family and single-family dwellings must meet all building codes and

standards adopted and enforced by the Commonwealth of Kentucky as well as any local ordinances that exceed the State codes and standards.

All housing activities shall be designed to achieve maximum energy efficiency to the extent that it can be accomplished on a cost-effective basis, considering construction and operating costs over the life cycle of the structure. Efficiency may be demonstrated through design based on LEED, Green Globes, Energy Star and/or other comparable guidelines and rating systems. Historic, aesthetic and local sourced materials shall be afforded value in this analysis.

#### PROVISION OF ADEQUATE, FLOOD-RESISTANT HOUSING FOR ALL INCOME GROUPS THAT LIVED IN THE DISASTER IMPACTED AREAS

The Commonwealth of Kentucky will encourage the grant recipients to provide information about affordable housing choice available from the various housing agencies such as the KY Housing Corporation, Public Housing Authorities and federal agencies such as HUD, Rural Development and FEMA to the residents affected by the disaster using all forms of media. Many impacted communities have convened a long term recovery committee. An integral responsibility of these committees is developing strategic solutions to address unmet housing needs. Local Continuums of Care have been actively engaged in the long term recovery committees to ensure that the homeless or those at risk of homelessness due to flooding have adequate housing and support services.

#### ACTION PLAN AMENDMENTS

The following events would require a substantial amendment to the Action Plan:

• Addition or deletion of any allowable activity described in the Plan;

• Change in the planned beneficiaries.

Substantial amendments to the Disaster Recovery Action Plan, if any will be published on the DLG website and emailed to the affected units of local government and will provide for a public comment period. All comments will be considered.

#### MONITORING

DLG will utilize time-tested Commonwealth of Kentucky CDBG Program monitoring policies and procedures for ensuring compliance with federal guidelines. These policies and procedures are consistent with those used by HUD to monitor state-administered and entitlement program. In addition, the Auditor of Public Accounts and HUD frequently perform monitoring or auditing to ensure that DLG is in compliance with state and federal rules and regulations and to assist the state in providing guidance to CDBG recipients. The CDBG Program responds to these independent internal audit functions by modifying internal and external administration of the funding. DLG may conduct at least one monitoring visit for every grant project that receives CDBG Disaster Recovery funds, unless staff determines more visits are necessary. The on-site visit is a structured review conducted by DLG staff at locations where project activities are being carried out and project records are being maintained. These visits combine on-site technical assistance with compliance review. The grantee must ensure that all records relating to the award are available at DLG's monitoring.

DLG will use its existing monitoring process to ensure that all contracts funded under this disaster recovery allocation are carried out in accordance with federal and state laws, rules and regulations.

DLG will develop a revised monitoring checklist to include a set of questions designed to address the non-duplication of benefits issue.

#### STEPS THE COMMONWEALTH WILL TAKE TO AVOID OR MITIGATE OCCURRENCES OF FRAUD, ABUSE AND MISMANAGEMENT

Administration Staffing

DLG's Office of Federal Grants will provide technical assistance to local government grant recipients and undertake administrative and monitoring activities to ensure compliance with applicable federal requirements.

#### National Objective

All activities must meet one of the three national objectives set out in the Housing and Community Development Act (address slum and blight, urgent need or primarily benefit low and moderate income people). At least 50% of the Disaster Recovery funding will be used for activities that meet the national objective of primarily benefiting persons of low and moderate (LMI) income.

#### Administrative Costs

Grantees are strongly encouraged to minimize their administrative costs in order for program activities to be maximized. To promote this goal, the amount of allowable grantee administrative costs will be capped at 2 percent (2%) per project.

#### Program Changes through Contract Amendments

All grantees will be encouraged to carefully plan projects that meet the stated requirements and to specify activities, associated costs and proposed accomplishments and beneficiaries in order to reduce the need for amending contracts. Grantees must contact DLG prior to requesting an amendment or contract modification that affects the budget, activities, beneficiaries or time frame for accomplishing the proposed activities. Substantial amendments may be cause to review the entire application to determine if the project is meeting its stated goals and its timelines.

#### Documentation

The use of the disaster funding is contingent upon certain requirements, both the state and local government will be expected to certify that these requirements will be met or carried out. The chief elected official authorized by the local governing body to apply for funds will be required to certify in writing that the grant will be carried out in accordance with applicable laws and regulations. In addition, local governments will be required to submit or maintain documentation that fully supports the application submitted to the State. Failure to document project need as a result of the disaster(s), or to mitigate the effects of future disasters, will result in an application being declared ineligible. If this discovery is made after a project award, the contract with the local government will be terminated and the local government will have to repay any funds received to that point.

#### Reporting

Each grant recipient must report as to the status of activities undertaken and the funds drawn. This form will be provided by DLG. Additional reporting requirements (i.e., annual audits, contractual obligations and minority business enterprise reports, as applicable) will be specified in the grant agreement.

#### Citizen Complaints

All grantees should establish procedures for responding to citizens' complaints regarding activities carried out utilizing these funds. Citizens should be provided with an appropriate address, phone number and times during which they may submit such complaints. Grantees should provide a written response to every citizen complaint within 15 working days of receipt of the complaint.

#### Regulatory Requirements

Grantees must comply with fair housing, nondiscrimination, labor standards, and environmental requirements applicable to the CDBG Program, as follows:

1. Fair Housing: Each grantee will be required to take steps to affirmatively further fair housing; and when gathering public input, planning

and implementing housing related activities, will include participation by neighborhood organizations, community development organizations, social service organizations, community housing development organizations and members of each distinct affected neighborhood which might fall into the assistance category of low and moderate income communities.

2. Nondiscrimination: Each grantee will be required to adhere to the State's established policies which ensure that no person be excluded, denied benefits or subjected to discrimination on the basis of race, color, national origin, religion, sex, familial status, and/or mental handicap under any program funded in whole or in part by federal CDBG funds. Grantees will be required to document compliance with all nondiscrimination laws, executive orders, and regulations.

3. Labor Standards: Each grantee will be required to oversee compliance with Davis-Bacon labor standards and related laws and regulations. Regulations require all laborers and mechanics employed by contractors and subcontractors on CDBG funded or CDBG assisted public works construction contracts in excess of \$2,000, or residential construction or rehabilitation projects involving eight or more units be paid wages not less than those prescribed by the Department of Labor and in accordance with Davis Bacon Related Acts.

4. Environmental: Specific instructions concerning environmental requirements at (24 CFR Part 58) will be made available to all grantees. Some projects may be exempt from the environmental assessment process, but all grantees will be required to submit a Request for Release of Funds and Certification. Funds will not be released for expenditure until DLG is satisfied that the appropriate environmental review has been conducted. Grantees will not use CDBG disaster recovery funds for any activity in an area delineated as a special flood hazard area in FEMA's most current flood plain maps unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain in accordance with Executive Order 11988 and 24 CFR Part 55.

All suspected cases of fraud or abuse will be reported to the Auditor of Public Accounts. The Auditor will make a determination on further investigation.

## **Public Comment:**

### **APPENDIX A: CITIZENS PARTICIPATION AND RESPONSE TO PUBLIC COMMENT**

The Draft Disaster Action Plan was released for public comment on March 1, 2011. The public comment period for the document ran from March 1, 2011 through March 9, 2011. The Draft Plan was posted on the website of the Department for Local Government ([www.dlg.ky.gov](http://www.dlg.ky.gov)). The Draft Plan was also emailed to all Area Development Districts, cities and counties in Kentucky. DLG also requested cities and counties to respond to a disaster survey seeking comments about the types of projects needed to help them recovery from the disaster event. Over 50 responses were received which helped with the formulation of the Draft Action Plan.

The comments received by DLG and the response to the Draft Action Plan are as follows:

1). Comment from a party of the Red River Wastewater Authority to assist with the partial funding of the construction of a regional wastewater treatment facility.

DLG response-this project may be eligible, however, additional review would be necessary.

2). Comment received for an Area Development District asking about the 2008 disaster funds and wanting some ideas to give their local government representatives about eligible projects.

DLG response-eligible projects consists of the following examples: infrastructure restoration, job retention, economic revitalization, high capacity permanent generators, demolition, individual housing restoration, housing relocation, flood proofing, financial assistance, and homeownership.

3). Comment received from the Logan County Judge/Executive about the possibility of funding the construction of a road bridge to provide for the safe passage of residents cut-off by flood waters.

DLG response-this appears to be an eligible activity for the disaster funds and the county is encouraged to submit an application for assistance when the funds are made available.

4). Comment received from the Lyon County Judge/Executive about the possibility of receiving funding for the elevation of a county road that is continually covered by flood waters.

DLG response-this appears to be an eligible activity for the disaster funds and the county is encouraged to submit an application for assistance when the funds are made available.

### **APPENDIX B: CERTIFICATINS FOR STATE GOVERNMENTS, WAIVER AND ALTERNATIVE REQUIREMENTS**

In accordance with the applicable statutes and the regulations governing the consolidated plan and the Supplemental Appropriations Act, 2010, the State certifies that:

a). The state certifies that it will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the state, take appropriate actions to overcome the effectsfny impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard. (See 24 CFR 570.487 (b)(2).)

b). The state certifies that it has in effect and is following a residential anti-displacement and relocation assistance plan in connection with any activity assisted with funding under the CDBG program.

c). The state certifies its compliance with restrictions on lobbying required by 24 CFR Part 87, together with disclosure forms, if required by Part 87.

d). The state certifies that the Action Plan for Disaster Recovery is authorized under state law and that the state and any entity or entities designated by the state, possesses the legal authority to carry out the program for which it is seeking funding, in accordance with applicable



LEGAL NOTICE OF FILING OF  
THE DISASTER RECOVERY ACTION PLAN

The Office of Federal Grants, Department for Local Government (DLG) wish to encourage citizens to participate in the development of the Commonwealth of Kentucky's Disaster Recovery Action Plan. DLG is providing the opportunity for citizens to comment on the draft plan, which will be submitted to the U.S. Department of Housing and Urban Development (HUD) on or about March 11, 2011. The Action Plan will set forth the method of distribution of funds for the HUD funded program.

Members of the public, especially persons of low to moderate income, are invited to review the draft plan prior to its submission, from Tuesday, March 1, 2011 through Wednesday, March 9, 2011, also in person during normal business hours of 8:00 a.m. to 4:30 p.m. EST Monday through Friday, at the Department for Local Government 1024 Capital Center Drive Suite 340, Frankfort, Kentucky 40601. The draft plan will also be available on the DLG website ([www.dlg.ky.gov](http://www.dlg.ky.gov)).

Written comments are invited from Tuesday, March 1, 2011 through Wednesday, March 9, 2011 at the following address:

2010 Disaster Recovery Action Plan  
Office of Federal Grants  
Department for Local Government  
1024 Capital Center Drive, Suite 340  
Frankfort, Kentucky 40601

Additional information may also be obtained from Michael Hale by email [Mike.Hale@ky.gov](mailto:Mike.Hale@ky.gov) or by phone 1-800-346-5606.

The Commonwealth of Kentucky does not discriminate on the basis of race, color, national origin, sex, age, religion or disability, and provides upon request reasonable accommodation, including auxiliary aids and services, to afford an individual with a disability an equal opportunity to participate in all services, programs and activities. The TDD number for the hearing impaired is 1/800-648-6056.

DEPARTMENT FOR LOCAL GOVERNMENT WILL ACCEPT PUBLIC COMMENTS ON THE AMENDED (#1) COMMONWEALTH OF KENTUCKY ACTION PLAN FOR CDBG 2010 DISASTER RECOVERY FUNDS MAY 5 &ndash; MAY 12, 2011

The draft Commonwealth of Kentucky Amended Action Plan for CDBG 2010 Disaster Recovery Funds is available for public review and comment. To view click here \_\_\_\_\_, the proposed revisions are highlighted in yellow.

The Commonwealth of Kentucky Amended Action Plan (#1) for CDBG 2010 Disaster Recovery Funds will be available for public review and comment May 5 &ndash; May 12, 2011. Written comments will be accepted, addressed and, where applicable, incorporated into the document. A summary of comments will be submitted to HUD.

Those who are hearing-impaired may call TTY 800-648-6056. Please send written comments to Michael Hale, DLG, 1024 Capital Center Drive, Suite 340, Frankfort, Kentucky 40601, by email to [mike.hale@ky.gov](mailto:mike.hale@ky.gov), or by facsimile at 502-573-1519. You may also contact Mr. Hale at (502)573-2382 ext. 262. Equal Housing and Equal Employment Opportunity

The grant application deadline was extended until August 15, 2011. A number of the potential grantees asked for an extension of the grant application deadline to complete surveys and qualify their projects for the Low/Mod income national objective.

## Project Summary

Project #	Project Title	Grantee Activity #	Activity Title
001	Community Development		<i>No activities in this project</i>
002	Administration		<i>No activities in this project</i>
003	Local Admin		<i>No activities in this project</i>
9999	Restricted Balance		<i>No activities in this project</i>

## Action Plan History

No History Found