

Guidance Document Part 1:

BACKGROUND

OES Mission: - Under the authority of the Emergency Services Act and other legislation, OES **mitigates**, plans and prepares for, responds to, and aids in recovery from the effects of emergencies that threaten lives, property, and the environment.

OES Principles (these include):

OES is a customer service agency, committed to serving the residents of California before, during, and after a disaster or emergency.

OES responds to and supports local government through established procedures and protocols while recognizing that the primary responsibility for emergency management, planning and response resides at the local government level.

OES serves as an advocate for local governments impacted by disasters to ensure that federal funding and support is provided in an efficient and timely manner during recovery operations.

OES Goals include:

Hazard Mitigation and Risk Management - To support and assist local and state government and the private sector to integrate hazard identification, risk assessment, risk management, and prevention into a comprehensive approach to hazard mitigation. Also, to maximize the effective use of available public and private resources devoted to hazard mitigation.

The **Disaster Assistance Division (DAD)** of OES refines the agency mission and vision as follows:

DAD Vision: A Safer Future for all [California] Communities.

DAD Mission: To Lead All [California] Communities in Disaster Preparedness, Mitigation, and Recovery by Maximizing Assistance and Support.

"Hazard Mitigation"

"Means any sustained action taken to reduce or eliminate the long-term risk to human life and property from hazards." - (Federal Register, Interim Final Rule, (IFR) - 44 CFR Part 201, Feb. 26, 2002)

Additionally, it is a goal of the State of California and the Federal Emergency Management Agency (FEMA), that State and local governments develop comprehensive and integrated hazard mitigation plans that are coordinated through appropriate State, local, and regional agencies, as well as non-governmental interest groups. The object is to ensure public involvement throughout the process.

The Disaster Mitigation Act of 2000 (DMA 2000):

Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act or the Act), 42 U.S.C. 5165, enacted under § 104 the Disaster Mitigation Act of 2000, (DMA 2000) P.L. 106-390, proposes major changes to hazard mitigation planning, primarily by moving from post-disaster mitigation to pre-disaster mitigation, planning and projects. The DMA 2000 emphasizes greater interaction between State and local hazard identification, mitigation planning and other mitigation activities. In addition, both the State and Federal Governments have a continuing interest in streamlining the mitigation planning, implementation and project funding process.

The pre-disaster mitigation planning provisions of DMA 2000 provide a significant opportunity to reduce California's disaster losses through the creation of State and local hazard mitigation plans which include, a prioritized list of cost-effective mitigation measures for each jurisdiction. (See Attachment A)

California's goal is to increase safety through a statewide, comprehensive mitigation program and by reducing redundancy in State and local planning. With regard to protecting lives and property, an integrated State and local **process** for hazard mitigation planning will prove as important as the local mitigation plans that result.

On February 26, 2002, FEMA published in the Federal Register an Interim Final Rule (IFR), (44 CFR Parts 201 and 206) for implementing the changes to Section 322 of the Act. The IFR established planning criteria so that State and local jurisdictions may actively begin the hazard mitigation planning process. The objective is to encourage the development of comprehensive, integrated hazard mitigation plans before disaster events. (See Attachment B)

On October 1, 2002, FEMA published a second Interim Final Rule in the Federal Register that extends the date that State and local mitigation plans are required for post-disaster assistance. This rule modifies the Interim Final Rule that FEMA published on February 26, 2002 that established the hazard mitigation planning requirements enacted in the Disaster Mitigation Act of 2000. (See Attachment C)

The October 1st IFR extends the date that State and local plans will be required from November 1, 2003 to November 1, 2004. This will apply to States developing Standard State Mitigation Plans and local jurisdictions applying for the post-disaster Hazard Mitigation Grant Program (HMGP). However, the date has not been changed for the Pre-Disaster Mitigation (PDM) program. In the PDM program, a mitigation plan will be required as a condition of a "brick and mortar" project grant after November 1, 2003. FEMA encourages State and local jurisdictions to continue to use existing resources and develop plans as soon as possible, and not to wait for the deadline.

State Hazard Mitigation Plan – California currently has a series of hazard specific mitigation plans, which collectively are known as the State's Hazard Mitigation Plan. Following a disaster declaration in California, that hazard's section of the current State Plan would be revised.

In accordance with Section 322 of the Act, the State of California is required to have an approved Multi-Hazard, State Hazard Mitigation Plan in place by November 1, 2004, in order to qualify for Stafford Act disaster assistance for California, for disasters that occur after that date. In order to continue to improve and provide "a safer future for all California communities," once approved by FEMA, the State Hazard Mitigation Plan will require updating every three years (local hazard mitigation plans every five years). California will no longer be required to revise portions of the State Plan after each disaster.

In addition to the State Hazard Mitigation Plan, California will provide local planning guidance, resources, tools, training, workshops, and then review plans, in order to integrate and coordinate State and local mitigation planning, plans and project priorities.

Local Hazard Mitigation Plans – The IFR of February 26, 2002 lists the Local Mitigation Plan criteria in **§201.6, Local Mitigation Plans**. These criteria apply to both local governments and Indian tribal governments. Tribal governments will have the opportunity to fulfill Section 322 requirements either as a grantee (using State planning criteria) or as a state subgrantee (using local planning criteria). The local and tribal mitigation plans must demonstrate that proposed mitigation actions are based on a sound planning process that accounts for the inherent risks and capabilities of the individual communities.

"Local Government"

Is any county, municipality, city, town, township, public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a LOCAL government; any Indian tribe or authorized tribal organization, or Alaska Native village or organization; and any rural community, unincorporated town or village, or other public entity. - (Interim Final Rule (IFR) - 44 CFR Part 201)

The ***Local Hazard Mitigation Plan*** (LHMP) is considered the representation of the jurisdiction's commitment to reduce risks from natural [and other hazards], and serves as a guide for decision makers as they commit resources to reducing the effects of natural [and other hazards]. Local plans will also serve as the basis for the State to provide technical assistance and to prioritize project funding. (IFR §201.6)

Comprehensive mitigation plans should consider natural, man-made and technological hazards. In many instances, natural disasters have secondary effects, such as floods following fires or fires following earthquakes. Multi-hazard plans will better prepare communities in the event of such disasters.

For disasters declared after November 1, 2004, a local government must have a LHMP approved pursuant to §201.6 in order to receive HMGP project grants. Until November 1, 2004, local mitigation plans may be developed concurrent with the implementation of the project grant. (§201.6(a)(1)) It is also recognized that many local governments have current single hazard or multi-hazard mitigation plans. Existing mitigation plans will need to be reviewed and updated according to the IFR criteria, but having an existing mitigation plan will most likely put a community at an advantage in meeting the new criteria.

FEMA Regional Directors may grant an exception to the November 1, 2004 plan requirement in extraordinary circumstances, such as in a small and impoverished community, when justification is provided. In these cases, a plan will be completed within 12 months of the award of the project grant. If a plan is not provided within this timeframe, the project grant will be terminated, and any costs incurred after notice of grant's termination will not be reimbursed by FEMA. (§201.6(a)(2))

The local mitigation planning criteria of IFR §201.6 encourages agencies at all levels, local residents, businesses, and the non-profit sector to participate in the mitigation planning and implementation process. This broader public participation will enable the development of mitigation measures that are supported by various stakeholders and reflect the individual needs of a community. Private sector participation, in particular, may lead to identifying local funding that would not otherwise have been considered for mitigation activities.

OES will assist "participating" local governments in the formation of hazard mitigation strategies, and with the information contained in local mitigation plans, OES will be better able to identify technical assistance needs and prioritize pre-disaster planning & project funding. In addition, OES will continue to improve guidance and information available to participating local governments by providing information on approved plans and projects as the California Local Mitigation Planning Program gains knowledge and experience.

GUIDANCE OBJECTIVES:

OES has prepared this guidance with two major objectives in mind:

1. To help local and tribal government jurisdictions to develop new, comprehensive local hazard mitigation plans, or modify existing ones, that will increase the safety of California communities by meeting the criteria of Section 322 of the Stafford Act, and;
2. To assist local governments in completing local hazard mitigation plans, by reviewing, and making recommendations on local plans that are being submitted to FEMA for approval.

This guidance document closely follows, and includes references to specific language in the IFR, and provides both federal and State perspectives, suggestions and proposed formats to help local governments meet the Section 322, DMA 2000 criteria.

Additionally, this document provides references to a number of planning tools that both FEMA and State Agencies have available to assist local and tribal governments in developing a comprehensive, multi-hazard approach to mitigation planning, and in preparing plans that will meet the criteria of Section 322 of the Stafford Act (DMA 2000). (Please contact the Hazard Mitigation Section of OES at (916) 845 8150 for more information.)

To emphasize the importance of the hazard mitigation planning process and project identification, California OES has presented in this guidance document a "performance standard," approach rather than a "prescriptive," "boilerplate" or "template" approach to the planning criteria. This means that the criteria are designed to identify, generally, *what* should be done in the process and documented in the plan, rather than specify exactly *how* it should be done.

OES hopes that this approach will facilitate the FEMA required *local planning process* which will include coordination with State and Federal agencies, neighboring communities, other interested groups, as well as an opportunity for the public to comment on the plan. According to FEMA, local mitigation plans written from boilerplate, which avoids a planning process, will not be approved. In addition, a performance standard approach allows writing flexibility for the multitude of differences between local government jurisdictions with respect to size, resources, capabilities and hazards, vulnerability and risk.

ADDITIONAL INFORMATION

Many California communities are already involved in State and federal mitigation planning efforts, and are familiar with mitigation planning requirements associated with the Hazard Mitigation Grant Program (HMGP), the Flood Mitigation Plan under the Flood Mitigation Assistance (FMA) Program, and the Community Rating System (CRS) planning requirements of the National Flood Insurance Program (NFIP).

The most successful of these plans, those where practical, meaningful mitigation measures have been the result, have two common elements:

1. A comprehensive hazard analysis and risk assessment has been performed that form a solid foundation for prioritization and decision making; and
2. A prioritized list of cost effective mitigation actions and projects have been identified with strong involvement and input from a wide range of stakeholders who would play a role during implementation of the recommended mitigation actions at the federal, State, and local levels.

An additional goal for State and local governments would be, to the extent feasible and practicable, to consolidate the planning requirements for, and to integrate documents and plans produced for, different FEMA mitigation programs. An example of this would be utilizing the Safety Element of a General Plan to identify a community's hazards, and the records found in the Assessor's Office to help identify the value of buildings at risk.

LOCAL HAZARD MITIGATION PLAN EVALUATION METHODOLOGY

Local plans must be submitted to the State Hazard Mitigation Officer for initial review and coordination, before submittal to the FEMA Region IX Mitigation Office for formal review and approval. The following "Scoring System" will be utilized by both CA OES, to provide guidance and assistance, and by FEMA to determine if the plan will receive final approval. According to FEMA, Local mitigation plans must meet the prerequisites and receive a score of at least "Satisfactory" for each established criterion for a submitted Local Hazard Mitigation to be approved by FEMA.

LOCAL HAZARD MITIGATION PLAN SCORING SYSTEM:

U (Unsatisfactory)	N (Needs Improvement)	S (Satisfactory)	O (Outstanding)	IFR Criteria/Section Reference:	Local Plan Section Reference:

SCORE DEFINITIONS:

U-Unsatisfactory – The Plan does not address the criteria.

N - Needs Improvement - The plan addresses the criteria, but needs significant improvement. –
NOTE: *Reviewer’s comments must be provided.*

S - Satisfactory - The plan meets the minimum criteria.
NOTE: Reviewer’s comments are encouraged, but not required.

O – Outstanding - The plan exceeds the minimum criteria.
NOTE: Reviewer’s comments are encouraged, but not required.

Once a final plan is submitted, the FEMA Region IX Office has established a goal of reviewing local plans within 45 days from the day it is received. In the event that the plan is not approved, the FEMA Region IX will provide comments on the areas of the local plans that need improvement.