Tribal Multi-Hazard Mitigation Planning Guidance

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This guidance represents FEMA's interpretation of a statutory or regulatory requirement. The guidance itself does not impose legally enforceable rights and obligations, but sets forth a standard operating procedure or agency practice that FEMA employees follow to be consistent, fair, and equitable in the implementation of the agency's authorities.

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LIST OF ACRONYMS AND ABBREVIATIONS

APA	Approval Pending Adoption
BCA	Benefit-Cost Analysis
BIA	Bureau of Indian Affairs
CDMS	Comprehensive Data Management System
CFR	Code of Federal Regulations
CRS	Community Rating System
CZM	Coastal Zone Management
DFIRM	Digital Flood Insurance Rate Map
DMA	Disaster Mitigation Act of 2000
EMI	Emergency Management Institute
FEMA	Federal Emergency Management Agency
FIRM	Flood Insurance Rate Map
FMAG	Fire Management Assistance Grants
FMA	Flood Mitigation Assistance
GIS	Geographic Information System
HAZUS-MH	Hazards United States – Multi-Hazard
HMA	Hazard Mitigation Assistance
HMGP	Hazard Mitigation Grant Program
IA	Individual Assistance
NEPA	National Environmental Policy Act
NFIP	National Flood Insurance Program
NFPA	National Fire Protection Agency
PA	Public Assistance
PDM	Pre-Disaster Mitigation
PNP	Private Nonprofit
RFC	Repetitive Flood Claims
SHMO	State Hazard Mitigation Officer
SFHA	Special Flood Hazard Area
SRL	Severe Repetitive Loss
Stafford Act	Robert T. Stafford Disaster Relief and Emergency Assistance Act
STAPLEE	Social, Technical, Administrative, Political, Legal, Economic & Environmental
WUI	Wildland/Urban Interface

INTRODUCTION

PURPOSE

Hazard mitigation is any sustained action taken to reduce or eliminate the long-term risk to human life and property from hazards. Mitigation activities may be implemented prior to, during, or after an incident. However, hazard mitigation is most effective when based on an inclusive, comprehensive, long-term plan that is developed before a disaster occurs.

The mitigation planning process encourages coordination among Indian tribal authorities and other governmental agencies, tribal members, local residents, businesses, academia, and nonprofit groups and promotes their participation in the plan development and implementation process. This broad-based approach enables the development of mitigation actions that are supported by tribal members and other stakeholders and that reflect the needs of the Indian Tribal government as a whole.

Special Consideration: Definition of Indian Tribal Government	For consistency and ease of reference, the term Indian Tribal government is used throughout this document. As defined in 44 Code of Federal Regulations (CFR) 201.2: *Indian Tribal government means any Federally recognized governing body of an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist as an Indian tribe under the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a. This does not include Alaska Native corporations, the ownership of which is vested in private individuals.*

This *Tribal Multi-Hazard Mitigation Planning Guidance* assists Indian Tribal governments and other tribal entities to identify and assess their risk to natural hazards through the Federal Emergency Management Agency's (FEMA's) multi-hazard mitigation planning process. Based on the requirements of 44 CFR 201.7, this guidance will help:

- Indian Tribal governments identify their risks from natural hazards and protect their members and other resources;
- Indian Tribal governments develop and adopt new mitigation plans, or revise or update existing mitigation plans, to meet the requirements of 44 CFR 201.7;
- Plan reviewers evaluate mitigation plans from different Indian Tribal governments in a fair and consistent manner;
- Indian Tribal governments exercise flexibility and apply for assistance as either a grantee or subgrantee under FEMA grant programs with a single plan type; and
- Provide guidance and culturally relevant examples to other tribal entities that comply with similar planning requirements under 44 CFR 201.6 as a local government.

Authorities

Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) 42 U.S.C. 5165, as amended by the Disaster Mitigation Act of 2000 (DMA) (P.L. 106-390), provides for States, Indian Tribal governments, and local governments to undertake a risk-based approach to reducing risks to natural hazards through mitigation planning. The National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq., as amended, further reinforces the need

and requirement for mitigation plans, linking flood mitigation assistance programs to State, Tribal, and Local Mitigation Plans.

FEMA has implemented the various hazard mitigation provisions through 44 CFR Part 201. This regulation emphasizes the need for State, local, and Indian Tribal governments to closely coordinate mitigation planning and implementation efforts and describe the requirement for a State, Local, or Tribal Mitigation Plan as a condition of pre- and post-disaster assistance.

According to the Department of the Interior, Bureau of Indian Affairs (BIA), there are 562 federally recognized American Indian Tribes and Alaska Natives in the United States; 52.7 million acres of land belong to Indian Tribes and their members across the nation as of the date of this publication. In recognition of tribal sovereignty and the government-to-government relationship that FEMA has with Indian Tribal governments, FEMA amended 44 CFR Part 201 at 72 Fed. Reg. 61720, on October 31, 2007, and again at 74 Fed. Reg. 47471, on September 16, 2009, to consolidate and clarify the requirements for Indian Tribal governments, establish Tribal Mitigation Plans separately from State and Local Mitigation Plans, and finalize the Mitigation Planning rule.

Indian Tribal governments with an approved Tribal Mitigation Plan in accordance with 44 CFR 201.7 may apply for assistance from FEMA as a grantee. If the Indian Tribal government coordinates with the State for review of their Tribal Mitigation Plan, then the Indian Tribal government also has the option to apply as a subgrantee through a State or another tribe. A grantee is an entity such as a State, territory, or Indian Tribal government to which a grant is awarded and that is accountable for the funds provided. A subgrantee is an entity, such as a community, local, or Indian Tribal government; State-recognized tribe; or a private nonprofit (PNP) organization to which a subgrant is awarded and that is accountable to the grantee for use of the funds provided.

If the Indian Tribal government is eligible as a grantee or subgrantee because it has an approved Tribal Mitigation Plan and has coordinated with the State for review, it can decide which option it wants to take on a case-by-case basis with respect to each Presidential Disaster Declaration, and for each grant program under a Declaration, but not on a project-by-project basis within a grant program. For example, an Indian Tribal government can participate as a subgrantee for Public Assistance (PA), but as a grantee for the Hazard Mitigation Grant Program (HMGP) under the same Declaration. However, the Indian Tribal government would not be able to request grantee status under HMGP for one HMGP project, then request subgrantee status for another HMGP project under the same Declaration.

Under the Stafford Act and the National Flood Insurance Act, Indian Tribal governments must have an approved, adopted Tribal Mitigation Plan to meet the eligibility requirements for certain types of assistance, which may differ depending on whether the Indian Tribal government intends to apply as a grantee or subgrantee, as outlined in the following table.

Program	Enabling Legislation	Funding Authorization	Tribal Mitigation Plan Requirement	
			Grantee Status	Subgrantee Status
Public Assistance (PA) *(Categories A, B:* e.g., *debris removal, emergency protective measures)*	Stafford Act	Presidential Disaster Declaration	No Plan Required	No Plan Required
Public Assistance *(Categories C-G:* e.g., *repairs to damaged infrastructure, publicly owned buildings)*	Stafford Act	Presidential Disaster Declaration	✓	No Plan Required
Individual Assistance (IA)	Stafford Act	Presidential Disaster Declaration	No Plan Required	No Plan Required
Fire Management Assistance Grants	Stafford Act	Fire Management Assistance Declaration	✓	No Plan Required
Hazard Mitigation Grant Program (HMGP) Planning Grant	Stafford Act	Presidential Disaster Declaration	✓	No Plan Required
HMGP Project Grant	Stafford Act	Presidential Disaster Declaration	✓	✓
Pre-Disaster Mitigation (PDM) Planning Grant	Stafford Act	Annual Appropriation	No Plan Required	No Plan Required
PDM Project Grant	Stafford Act	Annual Appropriation	✓	✓
Flood Mitigation Assistance (FMA)	National Flood Insurance Act	Annual Appropriation	✓	✓
Severe Repetitive Loss (SRL)	National Flood Insurance Act	Annual Appropriation	✓	✓
Repetitive Flood Claims (RFC)	National Flood Insurance Act	Annual Appropriation	✓	No Plan Required

✓ **= Tribal Mitigation Plan Required**

Special Consideration: Extraordinary Circumstances	Effective October 16, 2009, the provisions in 44 CFR 201.6 (a)(3) are available to tribes applying for mitigation project grants as subgrantees. This means that the FEMA Regional Administrators may grant an exception to the Tribal Mitigation Plan requirement in extraordinary circumstances, such as in a small and impoverished community, when justification is provided. In these cases, a plan must be completed within 12 months of award of the project grant.

Types of Mitigation Plans

Prior to October 1, 2008, Indian Tribal governments were given the option to meet the requirements for a State Mitigation Plan to be eligible for FEMA grant programs as a grantee or a Local Mitigation Plan to be eligible for these grant programs as a subgrantee. State Mitigation Plans must be updated and approved every 3 years; Local Mitigation Plans must be updated and approved every 5 years. All mitigation plans approved for Indian Tribal governments prior to October 1, 2008, will remain in effect as approved (either for 3 or 5 years depending on the type of plan adopted). After October 1, 2008, Indian Tribal governments must meet the requirements of a Tribal Mitigation Plan under 44 CFR 201.7; these plans will be valid for 5 years.

Appendix A, *Comparison of Tribal, State, and Local Mitigation Plan Requirements,* compares the requirements among State, Local, and Tribal Mitigation Plans. In general, Tribal Mitigation Plan requirements include all of the Local Mitigation Plan requirements (with some changes to better meet the needs of Indian Tribal governments), and also include elements comparable to a State Mitigation Plan to demonstrate the ability to apply for and manage grant funds as a grantee.

Special Consideration: Meeting Requirements for an Enhanced Tribal Plan

Indian Tribal governments acting as grantees may elect to develop Enhanced Plans which meet all of the requirements of a Tribal Mitigation Plan outlined at 44 CFR 201.7, plus the requirements for an Enhanced Plan outlined at 44 CFR 201.5. When a disaster is declared, an Indian Tribal government with a FEMA-approved Enhanced Mitigation Plan is eligible to receive up to 20 percent of available funds under the HMGP, as opposed to the 15 percent maximum possible with a standard Tribal Mitigation Plan. An Indian Tribal government with an approved plan under 44 CFR 201.7 could develop an Enhanced Plan meeting additional requirements under 44 CFR 201.5 by demonstrating:

- integration with other tribal planning initiatives;
- eligibility and ranking criteria for multi-hazard mitigation measures and a system for determining cost-effectiveness;
- grant program management and environmental review capabilities;
- a system for evaluating completed mitigation actions and tracking cost avoidance data;
- a commitment for a comprehensive program; and
- other requirements as appropriate.

Key Concepts

This publication is one of three guidance documents on implementing FEMA's Mitigation Planning regulation under 44 CFR Part 201. Separate documents are available for the *State Multi-Hazard Mitigation Planning Guidance* (Standard and Enhanced, 44 CFR 201.4 and 201.5) and *Local Multi-Hazard Mitigation Planning Guidance* (44 CFR 201.6).

Several key concepts are reflected throughout the Mitigation Planning regulation, and in each of the State, Local, and Tribal Mitigation Plan requirements and corresponding guidance. Two of the most critical elements of a successful mitigation plan are:

- Comprehensive risk and capability assessments that form a solid foundation for decisionmaking; and
- Participation by a wide range of tribal members and other affected parties, often called stakeholders, who play a role in setting mitigation goals, and identifying and implementing mitigation actions.

The Mitigation Planning requirements in 44 CFR Part 201 emphasize greater interaction between mitigation planning activities by State, local, and Indian Tribal governments, and highlight the need for improved links among these plans. Under 44 CFR 201.4(c)(4), States are required to coordinate mitigation planning with local and Indian Tribal governments, and to document how priorities are determined for providing funding and technical assistance to these entities. The information contained in Tribal Mitigation Plans may also help States develop their State Mitigation Plans. That is, States refer to Tribal and Local Mitigation Plans to improve the level of detail and comprehensiveness of statewide risk assessments, and States must coordinate their hazard mitigation goals, objectives, and priorities with those of local and Indian Tribal governments. Indian Tribal governments can refer to their State's Mitigation Plan where information may be useful for developing mitigation strategies. Also, Indian Tribal governments pursuing the option to participate in FEMA grant programs as subgrantees will coordinate with the State for review of their Tribal Mitigation Plans.

FEMA also has a continuing interest in streamlining the mitigation planning and implementation process. The hazard mitigation planning process is just as important as the plan itself. FEMA considers the plan to be the written record, or documentation, of the planning process. This is why the Mitigation Planning regulation requires a "discussion" or "description" of a process or development of a planning product (such as goals or hazard identification). Implementation of planned, pre-identified mitigation actions based on a sound hazard identification and risk assessment streamlines the planning and implementation processes.

To emphasize the importance of the process, FEMA has taken a performance approach, rather than a prescriptive approach, to the planning requirements, to the extent possible. The Mitigation Planning requirements are designed to identify *what* should be done in the process and documented in the plan, rather than *how* it should be done. This approach offers flexibility in recognition of the unique and inherent differences that exist among Indian Tribal governments with respect to size, resources, capability, and vulnerability to hazards. It also enables Indian Tribal governments to integrate their Tribal Mitigation Plans into other daily and long-term planning initiatives and programs, including initiatives with other Federal agencies.

Funding for Plan Development

FEMA makes funds available under the HMGP and the PDM Program for State, local, or Indian Tribal governments to develop or update their hazard mitigation plans. Also, the FMA Program provides annual grant funds for flood mitigation planning. These programs are all part of the Hazard Mitigation Assistance (HMA) Program. Please refer to the FEMA Web site at http://www.fema.gov/government/grant/hma/grant_resources.shtm for current HMA program information.

Funding for hazard mitigation planning or to generate the data needed for a plan may also be available from other Federal agencies. For example, the National Oceanic and Atmospheric Administration's Coastal Zone Management (CZM) Program has funded coastal hazard mitigation activities, including planning. The Mitigation Planning regulation under 44 CFR Part

201 encourages State, local, and Indian Tribal governments, residents, businesses, academia, and nonprofit organizations to participate in the mitigation planning and implementation process. This broad participation can help identify and develop funding sources and support mitigation plans and actions that reflect the needs of the Indian Tribal government.

USING THE MITIGATION PLANNING GUIDANCE

Organization

This guidance is divided into seven sections and three appendices, as follows:

1. Planning Process
2. Risk Assessment
3. Mitigation Strategy
4. Plan Maintenance
5. Repetitive Loss Strategy (Optional)
6. Multi-Jurisdictional Mitigation Plans
7. Plan Review and Adoption (and the *Tribal Multi-Hazard Mitigation Plan Review Crosswalk*)

Appendix A: Comparison of Tribal, State, and Local Mitigation Plan Requirements
Appendix B: Mitigation Planning and the National Flood Insurance Program
Appendix C: Contacts and Resources

Each section contains the language of the Mitigation Planning regulation, an explanation clarifying the intent of the requirements, and references to resources that address particular planning issues in more detail. The last section, *Plan Review and Adoption*, also includes the *Tribal Multi-Hazard Mitigation Plan Review Crosswalk* for evaluating Tribal Mitigation Plans.

The Mitigation Planning regulation is published at 44 CFR Part 201. Language in brackets does not appear in the regulation, but has been added to provide the proper context. For example: "[*The plan must include*] a description of the planning process." An ellipsis (…) indicates that other phrases precede or follow the requirement language.

Special Consideration: Explanation of Mandatory Requirements	In reading the Mitigation Planning regulation, an important distinction must be made between the words "shall" and "should." When the word "shall" or "must" is used, the requirement is mandatory, e.g., "The risk assessment *shall* include: A description of the type, location, and extent of all natural hazards that can affect the Indian Tribal government." If the plan does not include this description, it will not be approvable by FEMA. The word "must" also denotes a mandatory requirement; for example, "The plan *must* be … resubmitted for approval within 5 years…" means that Indian Tribal governments must update their plans every 5 years to remain eligible for non-Emergency Stafford Act and mitigation grant funds. When the word "should" is used, the item is strongly recommended to be included in the plan, but its absence will not cause FEMA to disapprove the plan. For example, where the Mitigation Planning regulation says, "The plan *should* describe vulnerability in terms of … the types and numbers of existing and future buildings …," this information would make the plan more useful, but the plan could still be approved if it is not included (assuming the plan met all the mandatory requirements). The use of the words "shall," "must," and "should" in this guidance document is consistent with the use of those words in the Mitigation Planning regulation. In the *Tribal Multi-Hazard Mitigation Plan Review Crosswalk*, the "should" requirements are shaded, as a reminder that they are not required for plan approval.

INTRODUCTION

Plan Updates

The Mitigation Planning regulation includes the following paragraph at 44 CFR 201.7(d)(3) that directs the update of Tribal Mitigation Plans:

> *Indian Tribal governments must review and revise their plan to reflect changes in development, progress in local mitigation efforts, and changes in priorities and resubmit it for approval within 5 years in order to continue to be eligible for non-emergency Stafford Act assistance and FEMA mitigation grant funding, with the exception of the Repetitive Flood Claims program.*

Plan updates must demonstrate that progress has been made in the past 5 years for Tribal Mitigation Plans to fulfill commitments outlined in the previously approved plan. This involves a comprehensive review and update of each section of the previous mitigation plan and a discussion of the results of evaluation and monitoring activities detailed in the *Plan Maintenance* section of the previously approved plan. Plan updates may validate the information in the previously approved plan or may involve a major plan rewrite. A plan update is NOT an annex to the previously approved plan; it must stand on its own as a complete and current plan.

Tribal Multi-Hazard Mitigation Plan Review Crosswalk

In addition to assisting Indian Tribal governments in plan development, this *Tribal Multi-Hazard Mitigation Planning Guidance* outlines a process for the review of Tribal Mitigation Plans based on the requirements described in the Mitigation Planning regulation at 44 CFR 201.7. The *Tribal Multi-Hazard Mitigation Plan Review Crosswalk* is also an important tool in both the review and the development of complete plans. Plan reviewers use this tool to ensure that each element in the 44 CFR 201.7 regulation for Tribal Mitigation Plans is met, to organize comments on information that may be missing, and to provide suggestions for improvement.

Special Consideration: Multi-Jurisdictional Plans	As explained in the *Multi-Jurisdictional Mitigation Plans* section of this guidance, Indian Tribal governments have the option of participating in multi-jurisdictional plans. When participating in a multi-jurisdictional mitigation plan, Indian Tribal governments must meet all requirements for Tribal Mitigation Plans at 44 CFR 201.7. Therefore, the *Tribal Multi-Hazard Mitigation Plan Review Crosswalk* should be completed for Indian Tribal governments participating in a multi-jurisdictional plan.

PLANNING RESOURCES

Planning Guidance, Tools, and Training

FEMA provides several planning tools to assist Indian Tribal governments in developing a comprehensive, multi-hazard approach to mitigation planning and in preparing plans that will meet the Mitigation Planning requirements. These tools include:

- Mitigation Planning How-To Guides (FEMA 386-1 through 9) – help Indian Tribal governments, States, and communities plan and implement practical, meaningful hazard mitigation actions; available on the FEMA Web site at http://www.fema.gov/plan/mitplanning/resources.shtm.

- *Planning for a Sustainable Future* (FEMA 364) – provides guidance for integrating hazard mitigation and sustainable practices as part of pre- and post-disaster mitigation planning efforts; available on the FEMA Web site at http://www.fema.gov/plan/mitplanning/resources.shtm.
- Multi-Hazard Identification and Risk Assessment – prepared as a reference document to summarize the findings of a FEMA research project to clarify and document previous efforts to identify natural and technological hazards and to assess associated risks; available on the FEMA Web site at http://www.fema.gov/library/viewRecord.do?id=2214.
- Mitigation Benefit-Cost Analysis (BCA) Toolkit Compact Disc (CD) – includes all the FEMA BCA software, technical manuals, BCA training course documentation, and other supporting material and BCA guidance that may be helpful, although a BCA analysis is not required for an approved Tribal Mitigation Plan. The BCA Toolkit is available through FEMA's toll-free Benefit-Cost Analysis Technical Assistance Helpline: 866-222-3580 or e-mail: bchelpline@dhs.gov.
- HAZUS-MH (Hazards U.S. – Multi-Hazard) – a risk assessment software program that can be ordered on the FEMA Web site at http://www.fema.gov/plan/prevent/hazus/.
- Community Rating System (CRS) Coordinator's Manual (FIA-15/2007) – includes information on writing plans to reduce flood risk and can be ordered from the National Flood Insurance Program (NFIP)/CRS, P.O. Box 501016, Indianapolis, IN 46250-1016, by e-mail: nfipcrs@iso.com, or downloaded at http://training.fema.gov/EMIWeb/CRS/.

FEMA publications can be ordered through the FEMA Publications Warehouse at (800) 480-2520 or writing to FEMA, P.O. Box 2012, Jessup, MD 20794-2012, by faxing a request to (301) 362-5335, or online at FEMA's Information Resource Library http://www.fema.gov/library/index.jsp.

Special Consideration: Historic Properties and Cultural Resources	The Mitigation Planning How-To Guide #6, *Integrating Historic Property and Cultural Resource Considerations into Hazard Mitigation Planning* (FEMA 386-6), is a valuable resource for Indian Tribal governments in addressing cultural resources. For example, pages 1 – 4 of How-To Guide #6 describe the role of State and Tribal Historic Preservation Offices established under the National Historic Preservation Act. Their roles and responsibilities related to planning and implementing mitigation actions can be a valuable resource for Indian Tribal governments in meeting the requirements of 44 CFR 201.7. Visit http://www.achp.gov/thpo.html for more information about Tribal Historic Preservation Officers.

FEMA's Emergency Management Institute (EMI) and FEMA's Regional Offices sponsor training for Federal, State, local, and Indian Tribal governments by offering the *Mitigation Planning Workshop for Local Governments* (G318) for plan developers and reviewers. EMI also has a Training for Tribal Representatives program, which includes some courses about mitigation planning, as explained at http://www.fema.gov/government/tribal/training.shtm.

EMI's curriculum, posted at http://www.training.fema.gov/, also includes training in BCA, the NFIP, HAZUS-MH, the National Hurricane Program, and the National Earthquake Hazards Reduction Program. The curriculum includes courses of varying lengths offered in residence, through field courses, and through the online independent study program.

Special Consideration: Integrating Manmade Hazards	Both the Stafford Act and the National Flood Insurance Act of 1968 specifically require mitigation planning for *natural hazards*, but not for manmade hazards. However, FEMA supports Indian Tribal governments that choose to consider *technological and manmade hazards* in their mitigation plans. While it is true that a Tribal Mitigation Plan does not require manmade hazards to be addressed in order to be approved, this *Tribal Multi-Hazard Mitigation Planning Guidance* can be helpful in developing and evaluating plans that include these hazards as part of a comprehensive hazard mitigation strategy. For more information on integrating technological and manmade hazards in mitigation plans, see *Integrating Manmade Hazards into Mitigation Planning* (FEMA 386-7), available on the FEMA Web site at http://www.fema.gov/plan/mitplanning/resources.shtm.

NFIP Participation

The NFIP is a voluntary program authorized under the National Flood Insurance Act of 1968, as amended, to enable property owners in participating communities and Indian Tribal governments to purchase insurance as a protection against flood losses in exchange for adopting floodplain management regulations that reduce future flood damages. Indian tribes, authorized tribal organizations, Alaska Native villages, and authorized native organizations that have land use authority, are considered communities by the NFIP and can join the program even if no flood hazard map exists that covers all tribal lands. As of July 2009, 36 Indian Tribal governments were enrolled in the NFIP, with more than 300 insurance policies in effect totaling over $58 million in coverage. Indian Tribal governments do not have to be NFIP participants to develop and adopt a Tribal Mitigation Plan, but the program may still provide valuable flood risk data and other resources for use in the planning process. Appendix B, *Mitigation Planning and the National Flood Insurance Program*, provides additional information on NFIP participation and how NFIP information should be addressed in plans.

MULTI-JURISDICTIONAL PLANS AND OTHER ORGANIZATIONS

The Tribal Mitigation Plan requirements under 44 CFR 201.7 specifically allow for multi-jurisdictional mitigation plans. An Indian Tribal government may elect to participate in a multi-jurisdictional plan as a participant in either a:

1. Tribal Multi-Jurisdictional Plan, where all participants are Indian Tribal governments; or
2. Local/Tribal Multi-Jurisdictional Plan, where one or more Indian Tribal government(s) participate(s) in a planning process with one or more local government(s).

More detailed guidance for Indian Tribal governments participating in multi-jurisdictional mitigation plans is presented later in this document.

Other Entities On or Near Tribal Lands

FEMA recognizes that governance structures vary, and that the authority to implement mitigation strategies (e.g., land use planning and zoning, building code enforcement, infrastructure improvements, floodplain management) may not reside within a single governmental entity or with the Indian Tribal government. In addition, certain FEMA hazard mitigation assistance programs accept applications from private and nonprofit organizations,

special districts, schools, State-recognized tribes, and other quasi-governmental entities that do not necessarily align with traditional geopolitical boundaries or do not fall under the governing authority of Indian Tribal governments. Such entities are included under the definition of a Local Government under 44 CFR 201.2, as follows:

> *[A]ny 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*.

Tribal or non-tribal entities located on or in proximity to tribal lands in "checkerboard" areas, where tribal and non-tribal lands are interspersed, can participate in the development of the Tribal Mitigation Plan, or develop a mitigation plan independently from the Indian Tribal government. If developed separately, a non-tribal organization or tribal entity must develop a Local Mitigation Plan under 44 CFR 201.6 and would only be eligible to apply for HMA grants as a subgrantee. The *Local Multi-Hazard Mitigation Planning Guidance* is available at http://www.fema.gov/library/viewRecord.do?id=3336. Since many of the Local Mitigation Plan requirements under 44 CFR 201.6 are the same as the requirements for a Tribal Mitigation Plan under 44 CFR 201.7, tribal entities may find this *Tribal Multi-Hazard Mitigation Planning Guidance* and the samples taken from approved Tribal Mitigation Plans useful in meeting many of the requirements under 44 CFR 201.6, *Local Mitigation Plans*.

Special Consideration: Private Nonprofit Organizations

Private nonprofit organizations are not governmental entities. This distinction is important because 44 CFR Part 201 requires governments (State, tribal or local) to have a FEMA-approved Mitigation Plan to receive project grant funds, not PNPs. For mitigation planning purposes, PNPs are defined consistently with 44 CFR 206.2(a)(19) as:

> *Any nongovernmental agency or entity that currently has: (i) An effective ruling letter from the U.S. Internal Revenue Service granting tax exemption under section 501 (c), (d), or (e) of the Internal Revenue Code of 1954; or (ii) Satisfactory evidence from the State that the organization or entity is a nonprofit one organized or doing business under State law.*

Under the HMGP regulation at 44 CFR 206.434(a)(1), certain PNPs are eligible subapplicants. In those cases, the local or Indian Tribal government in which the PNP project is located must have a FEMA-approved Mitigation Plan to be eligible for grant funds. FEMA strongly recommends that PNPs participate in the development of the Local or Tribal Mitigation Plan to ensure that projects funded are consistent with the mitigation strategies of the local or Indian Tribal government. If they have fully participated in the development and review of the Local or Tribal Mitigation Plan, it is not necessary for the PNP to approve/adopt the plan, as long as it is adopted by the appropriate local jurisdiction or Indian Tribal government.

PLANNING PROCESS

Because the planning process is so important, the Mitigation Planning regulation at 44 CFR Part 201 requires documentation of this process including how the plan was prepared, who was involved in the process, and how tribal members and other stakeholders were involved. For example, these efforts may begin with a tribal planning team to collect information on hazards on their lands. Then the process would likely involve other tribal members and affected stakeholders to agree on common goals and strategies to protect life and property, preserve tribal culture and resources, and reduce vulnerability to hazards. This process provides an opportunity for the public, as defined by the Indian Tribal government, to comment on the plan as it is being developed. This may also include an opportunity for neighboring communities, businesses, and other interested parties to participate in the planning process.

A successful planning process involves bringing tribal members together to talk about their knowledge, their perception of risk, and how to meet their needs as part of the process. It is an inclusive process that also works within the traditions, culture, and methods most suitable to an Indian Tribal government so that participants better understand the problem or issues and develop a vision for setting goals, priorities, and mitigation actions. An effective planning process ensures that tribal members and other stakeholders understand risks and vulnerability, work with the Indian Tribal government, and support its policies, actions, and tools over the long-term to achieve a reduction in *future* losses.

FEMA recognizes that public participation may be different for Indian Tribal governments than for non-tribal communities. For example, non-tribal communities may announce and hold public meetings in a manner that is different from the way Indian Tribal governments are accustomed to exchanging information with their members and making decisions. It is important that Indian Tribal governments work with the FEMA Regional Office (and/or State counterparts if the Indian Tribal government is considering the option to apply through the State as a subgrantee) to agree on a method for meeting and documenting member and other stakeholder involvement before the planning process begins to ensure that these requirements will be met. In addition, Indian Tribal governments are strongly encouraged to coordinate with other Federal agencies, such as the Bureau of Indian Affairs, U.S. Geological Survey, Department of Housing and Urban Development, Environmental Protection Agency, Indian Health Service, and others that may have resources and information appropriate for use in the planning process.

A comprehensive description of the planning process informs tribal members, plan reviewers, and others about the plan's development. Leadership, staffing, and in-house knowledge in the Indian Tribal government may fluctuate over time; the description of the planning process serves as a permanent record that explains how decisions were reached on a mitigation strategy to reduce losses, and documents that it was developed with input from tribal members and other stakeholders. Leaders can rely on this documentation to continue to make decisions in a pre- and post-disaster environment to decrease vulnerability to hazards.

Special Consideration: Cultural Traditions and Multi-Hazard Mitigation Planning	Some Indian Tribal governments have experienced difficulty or apprehension about how to honor traditional beliefs and cultural attitudes while participating in the mitigation planning process. Similarly, the term "natural hazard" as used in the planning regulation at 44 CFR Part 201, and in this document to remain consistent, is not meant to contradict cultural beliefs common to many Indian Tribal governments and their members. The following excerpt, taken from the *Navajo Nation Multi-Hazard Mitigation Plan* shows how one Indian Tribal government addressed this concern.

Sample 1.1: Excerpt from Navajo Nation Multi-Hazard Mitigation Plan

The Navajo Nation and the Navajo People (Dinė) find the subject of hazard mitigation hard to speak of and hard to prepare for. The idea of preparing for disaster from a traditional point of view is asking for disaster. One plans for the future well being of one's family, the planting of crops or the shearing of sheep. One does not plan for the proverbial rainy day, because it may offend the rain. The elements in traditional belief are living beings, wind, rain, earth, and sky, live and breathe as we do. The elements are holy, the Holy Wind brought the Dinė to life, the rain is both male (heavy rains, thunder) and female (gentle), the earth is our mother, the sky our father. They protect us and provide us with food, shelter, medicines, and in turn we offer our prayers. An elderly Navajo woman was told that she must be relocated from her childhood home and moved to a new area, as part of a land exchange between the Navajo Nation and the Hopi Nation. The woman's only concern was that if she left she was afraid that the wind would not know her name.

To plan for protection from the elements may bring more of a disaster or worse yet, cause the elements to leave. The Dinė Nation has suffered for many years from drought; the medicine people and the elderly believe that the rain has not come because the young have forgotten how to pray, and cut their hair (long hair represents rain). The Dinė in this plan strive to find a balance between living in the 21st Century (western) and living in the traditional way. The Dinė believe that balance must be found between the two in order to survive as a culture, for in the balance there is Hozho (beauty). This plan represents the combination of the two worlds, the western and the traditional. The Plan was prepared with beauty in our thoughts, with beauty above us, with beauty below us, with beauty surrounding us.

This section includes the following subsections:

- Documentation of the Planning Process
- Program Integration

DOCUMENTATION OF THE PLANNING PROCESS

Requirements 201.7(b), 201.7 (c)(1)(i) and (ii):	An effective planning process is essential to the development of an effective plan. The mitigation planning process should include coordination with other tribal agencies, appropriate Federal agencies, adjacent jurisdictions, interested groups, and be integrated to the extent possible with other ongoing tribal planning efforts as well as other FEMA mitigation programs and initiatives. [The plan **shall** document] the planning process used to develop the plan, including how it was prepared, who was involved in the process, and how the public was involved. This **shall** include: (i) An opportunity for the public to comment on the plan during the drafting stage and prior to plan approval, including a description of how the Indian Tribal government defined "public;" (ii) As appropriate, an opportunity for neighboring communities, tribal and regional agencies involved in hazard mitigation activities, and agencies that have the authority to regulate development, as well as businesses, academia, and other private and nonprofit interests to be involved in the planning process.

Explanation:

FEMA recognizes the unique and sovereign status of Indian Tribal governments and the need for the Indian Tribal government to define "public." The planning process provides an opportunity for Indian Tribal governments to design their own procedures for involving their members and other stakeholders. In addition, Indian Tribal governments are strongly encouraged to work with neighboring jurisdictions and other agencies to locate data, develop mitigation strategies and priorities, and supplement their resources in addressing and implementing mitigation goals.

The description of the planning process **shall:**

- Indicate how tribal members and other affected parties often referred to as stakeholders (residents, businesses, and other interested parties) had an opportunity to comment on the plan during the drafting stage and prior to plan approval (e.g., information exchanged at gatherings and meetings, through tribal offices, libraries, school events, radio broadcasts, interactive Web pages, storefronts, toll-free telephone lines); and
- Include a discussion of the opportunity provided to other Indian Tribal governments; regional, State, and local agencies; businesses; academia; other relevant private and nonprofit interests; and as appropriate, neighboring communities to be involved in the hazard mitigation planning process.

The plan **shall** document how the plan was prepared (e.g., the time period to complete the plan, the type and outcome of meetings or gatherings), who was involved in the planning process (e.g., the composition of the planning team), and how tribal members were involved.

The plan *should* also document how the planning team was formed and how each party contributed to the process. Ideally, the tribal planning team includes members from different tribal offices and reaches out to a cross section of members and elders, as well as business and nonprofit leaders, and educators. Whenever possible, it is highly encouraged that the tribal planning team reach out to other Indian Tribal governments and organizations and Federal, State, regional, and local agencies that may have valuable data or other information to share in developing the Tribal Mitigation Plan.

The plan *should* describe how stakeholder comments and concerns were considered and incorporated into the plan.

Special Consideration: Additional Introductory Information

The tribal planning team *should* consider including a current description of the Indian Tribal government and tribal lands in this section or in the introduction of the plan. The general description can include a socioeconomic, historic, and geographic profile as well as traditions and culture, to provide a context for understanding the Indian Tribal government's perception of risk, mitigation goals, and mitigation actions. Photographs of tribal land areas may also be included to help portray the landscape and potential hazards.

Plan Update:

The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect any changes in development, progress in mitigation efforts, and changes in priorities and to resubmit it for approval within 5 years in order to continue eligibility for FEMA assistance.

Therefore, the updated plan **shall** describe the process used to review and analyze each section of the plan (i.e., Planning Process, Risk Assessment, Mitigation Strategy, and Plan Maintenance). If the tribal planning team finds that some sections of the plan warrant an update and others do not, the process the team undertook to make that determination **must** be documented in the plan.

The *Plan Maintenance* section of this guidance requires a description about how tribal members and other stakeholders were invited to stay involved during the plan maintenance process (44 CFR 201.7 (4)(iv)) over the previous 5 years. Since this contributes to the continued planning process, the Indian Tribal government may choose to describe this within the planning process section of the plan update rather than the plan maintenance section. The Plan Maintenance section of the plan is intended to emphasize future involvement for tribal members and other stakeholders, as appropriate.

Resources:

For more information on the planning process and ideas on identifying stakeholders, building the planning team, generating interest among tribal members, enlisting partners, and seeking to initiate a comprehensive local mitigation planning process, see:

- ✓ *Getting Started* (FEMA 386-1), Steps 1 – 3.
- ✓ *Integrating Manmade Hazards into Mitigation Planning (FEMA 386-7), Phase 3, Step 4.*

Sample 1.2:

Excerpt from Confederated Salish and Kootenai Tribes Pre-Disaster Mitigation Plan

2.0 PLANNING PROCESS

The Confederated Salish and Kootenai Tribes PDM [Plan] is the result of a collaborative effort between Tribal members, Lake and Sanders County citizens, Tribal and public agencies, local utility companies, and regional, State, and Federal organizations. Public participation played a key role in the development of goals and mitigation projects. Interviews were conducted with the Tribal DES Coordinator Office of Emergency Services, as well as with the emergency managers from Lake and Sanders County. Interviews were conducted with Tribal members, the Tribal Council, mayors, and elected officials. Four public meetings were held to solicit input from Tribal and county residents.

2.1 CONTACT LIST

The PDM planning process was initiated by preparing a contact list of individuals whose input was needed to help develop the Plan. These persons included the Tribal DES Coordinator, Tribal Council, TERC/LEPC, Tribal Historic Preservation, Tribal Fire Management, Tribal Forest Management, and Shoreline Protection. Councilpersons from each of the incorporated towns (Polson, Ronan, St. Ignatius and Hot Springs) were listed, as well as the mayors, fire chiefs and public works directors. Federal and State agencies on the contact list included the National Weather Service, U.S. Forest Service, Montana Department of Fish, Wildlife and Parks, and Montana Department of Natural Resources. Public and private entities included Montana Rail Link, Pennsylvania Power and Light of Montana, Bonneville Power, Mission Valley Power, Century Telephone and Blackfoot Telephone. Appendix B represents the Tribal contact list. Persons and entities on the contact list received a variety of information during the planning process, including project maps and documents for review, meeting notifications, and mitigation strategy documents.

2.2 STAKEHOLDER INTERVIEWS AND MEETINGS

Interviews were conducted with individuals and specialists from organizations interested in hazard mitigation planning. The interviews identified common concerns related to natural and manmade hazards and identified key long and short-term activities to reduce risk. Stakeholders interviewed for the plan included representatives from Tribal government, water providers, fire departments, and utility providers. A list of meetings and interviews with Flathead Reservation stakeholders is presented in Appendix B.

2.3 FORMAL PUBLIC MEETINGS

Four public meetings were conducted on the Flathead Reservation. The meetings were held in Ronan/Pablo on March 31, 2004, in Polson on April 1, 2004, in St. Ignatius on April 7, 2004, and in Hot Springs on April 8, 2004. The purpose of the meetings was to gather information on historic disasters, update the list of critical facilities, and gather ideas from citizens about mitigation planning and priorities for mitigation goals. Sign-in sheets from the Flathead Reservation public meetings, and meeting summaries are presented in Appendix B.

In advance of the public meetings, a press release was distributed to local and regional newspapers including the Charkoosta, Lake County Leader, and Sanders County Ledger. A copy of the press release and media distribution list is included in Appendix B. Appendix B also contains copies of the press release as it appeared in several local newspapers.

2.4 OTHER PROJECT MEETINGS

Over the course of the project, numerous meetings were held with, and briefings given to, local officials and other stakeholders. At the project's inception, the author visited in depth with members of the TERC/LEPC committee.

2.5 PLAN REVIEW

Review copies of the draft Plan were provided to the DES Coordinator for distribution in hard copy. Plan reviewers included Tribal Council members, Tribal government officials, BIA officials, county commissioners, mayors of the various jurisdictions, representatives of the local utility companies, the National Weather Service, and other federal, State, and local officials. Public comments were submitted to the DES Coordinator after a 30-day review period. The DES Coordinator reviewed the comments and submitted a consolidated list of comments to the contractor.

A review of the Plan for completeness was conducted after the initial comments were addressed. Plan copies were submitted to the Montana DES Hazard Mitigation Officer and the Montana FEMA representative for review. The review period lasted 30 days. Upon receipt of comments, the Plan was finalized and taken to the Tribal Council for adoption.

Sample 1.3:	***Excerpt from the Cher Ae Heights Indian Community of the Trinidad Rancheria Hazard Mitigation Plan***
	2.8 Public Inclusion
	Trinidad Rancheria staff facilitated a number of opportunities for public inclusion in the development of the plan, in order to gather input and ideas from Trinidad Rancheria residents and stakeholders. Beginning with the Tribal Business Committee meeting on January 19, 2005, the Trinidad Rancheria community has been invited to participate in the development of the HMP and has had numerous opportunities to provide input on mitigation activities and priorities for increasing the level of disaster preparedness and resilience.
	2.9 Public Involvement
	The Trinidad Rancheria has been publicizing the creation of the Local Hazard Mitigation Plan since February 26, 2005. A draft HMP was created for the Community Council and was discussed on November 12, 2005, requesting public participation and community comments. The HMP Work Group held a public hearing on November 14, 2005 and disseminated the draft HMP to the participating community members.
	[NOTE: Community survey indicates a 34% return of surveys from voting members of the Council and a 64% return of surveys from surveys given out at the public hearing.]

PROGRAM INTEGRATION

Requirement 201.7(c)(1)(iii) and (iv):	[The plan **shall**:] [include] (iii) Review and incorporation, if appropriate, of existing plans, studies, and reports; and (iv) Be integrated to the extent possible with other ongoing tribal planning efforts as well as other FEMA programs and initiatives.

Explanation:

Indian Tribal governments are strongly encouraged to utilize existing information and activities to integrate data, mitigation strategies, and other resources that support or address mitigation goals. Coordination can result in identifying opportunities to integrate planning efforts and mitigation actions. FEMA has found that mitigation plan implementation is most effective when mitigation planning efforts are integrated with those of other planning programs and initiatives.

The description of the planning process **shall** describe the review of any existing plans, studies, and reports, and how these are incorporated into the plan. This may include data or technical assistance from other tribal, Federal, regional, State, or local agencies, as well as tribal colleges and universities, academic institutions, or other sources of aid, grants, resources, or assistance.

In addition, Indian Tribal governments **shall** demonstrate that they have made efforts at integration. Examples may include:

- Reviewing existing plans and reports to identify opportunities to integrate mitigation actions.
- Having mitigation planners/specialists serve on other tribal program and planning teams.
- Consolidating the planning requirements for all tribal mitigation programs (e.g., HMGP, FMA, CRS, local comprehensive plans, and land use plans).
- Identifying overall goals or priorities common to other tribal planning efforts.
- Requesting that legislation be passed or issuing an Executive Order mandating integration of mitigation actions into other planning initiatives.
- Describing actual ongoing efforts where mitigation actions have been integrated into planning mechanisms (e.g., comprehensive plans, capital improvement plans, and emergency operation plans) and implementation tools (e.g., building codes, floodplain ordinances, and land use regulations).

Plan Update:

The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect any changes in development, progress in mitigation efforts, and changes in priorities and to resubmit it for approval within 5 years in order to continue eligibility for FEMA

assistance.

In addition to discussing what integration efforts have taken place to date, the update **shall** discuss the Indian Tribal government's planning integration efforts and opportunities that were identified in the previously approved plan and any unforeseen obstacles that emerged since approval of the previous plan.

Resource: For information on integrating hazard mitigation actions with other initiatives, see:

- ✓ *Bringing the Plan to Life* (FEMA 386-4), Step 2.

RISK ASSESSMENT

Section 201.7(c)(2) of 44 CFR requires Indian Tribal governments to provide sufficient hazard and risk information from which to develop and prioritize appropriate mitigation actions to safeguard and protect tribal members, lands, and cultural and other resources in long-term or permanent ways. This includes detailed descriptions of all the natural hazards that could affect the tribal planning area, as well as an analysis of the Indian Tribal government's vulnerability to those hazards. The risk assessment does not need to be based on the most sophisticated technology, but does need to be accurate, current, and relevant. The risk assessment coupled with the Indian Tribal government's mitigation strategies may also contribute to the basis for the State's evaluation of its resources and facilitate the establishment of statewide goals.

Comprehensive risk assessment data may not be readily available for Indian Tribal governments to meet mitigation planning requirements with the submission of their initial plan. Therefore, FEMA recommends that plans identify any data limitations and include actions in the mitigation strategy of the plan to explain how the data will be obtained. The data would then be included in the risk assessment completed for the next plan update.

Even though maps are generally not required as part of the plan, FEMA recommends their use to illustrate the required risk assessment information. FEMA developed HAZUS (HAZUS-MH), a nationally standardized geographic information system (GIS) software that can also upload tribal data to assess vulnerability by estimating losses from floods, earthquakes, and hurricane wind events. HAZUS-MH is not required for developing a Tribal Mitigation Plan, but Indian Tribal governments are encouraged to incorporate their own data and use this tool to form a scientific basis for developing their mitigation strategy.

Indian Tribal governments are encouraged to address cultural and sacred sites in their risk assessments, though many consider their sacred sites to be a "close hold" subject, and may be unable, according to their traditions, to share specific locations and conditions (i.e., risk) in a public document. Respecting these cultural beliefs, Indian Tribal governments should cite that there are some areas that could be vulnerable but are sacred. Likewise, the Indian Tribal government can include a reference (agency or department contact information) for historic, archaeological, and cultural sites in the Tribal Mitigation Plan. Plans submitted to FEMA may be subject to disclosure under the Freedom of Information Act. Therefore, Indian Tribal governments may include information on sacred sites in a separate annex that can be referenced in the Tribal Mitigation Plan but secured by the Indian Tribal government in their own offices to address potential risks to these sites without revealing their exact locations.

The Mitigation Planning regulation does not require that plans address manmade hazards, although Indian Tribal governments are encouraged to assess risks to these hazards by using FEMA's *Integrating Manmade Hazards into Mitigation Planning* (FEMA 386-7). This guide can help Indian Tribal governments identify specific actions to reduce loss of life and property from manmade hazards by modifying the built environment. It is not intended to help establish procedures to respond to disasters, write an emergency operations plan, or create a counter-terrorism program. In this context, the goal of mitigation is to decrease the need for response as opposed to increasing response capability.

This section includes the following subsections:

- Identifying Hazards
- Profiling Hazards
- Assessing Vulnerability: Overview

- Assessing Vulnerability: Identifying Structures
- Assessing Vulnerability: Estimating Potential Losses
- Assessing Vulnerability: Analyzing Development Trends
- Assessing Vulnerability: Assessing Cultural and Sacred Sites

IDENTIFYING HAZARDS

Requirement 201.7(c)(2)(i):	[The risk assessment **shall** include a] description of the type … of all natural hazards that can affect the tribal planning area …
Explanation:	The risk assessment **shall** identify and describe the natural hazards likely to affect the tribal planning area. This means that the Indian Tribal government **must** define the tribal planning area covered by their Tribal Mitigation Plan and clearly identify the boundaries of the land holdings in the tribal planning area, including noncontiguous tribal lands and checkerboard areas. It is critical that the plan identify all natural hazards that can affect the tribal planning area, because the hazard identification is the foundation for the plan's risk assessment, which in turn is the factual basis for the mitigation strategy. If the hazard identification omits (without explanation) any land holdings or hazards commonly recognized as threats to the tribal planning area, this part of the plan cannot receive a "Satisfactory" score. While not required by the Mitigation Planning regulation at 44 CFR Part 201, the plan *should* describe the sources used to identify hazards. The process for identifying hazards could involve the following: • Talking to experts from other Indian Tribal governments, Federal, State, and local agencies, colleges, and universities; • Collecting data from adjacent local, regional, Federal, or other Indian Tribal governments or agencies; • Reviewing the relevant portions of State hazard mitigation plan(s), reports, plans, flood ordinances, and land use regulations; • Searching the Internet, newspapers, and other publications; • Interviewing tribal elders who may not already be involved with the tribal planning team; and • Reviewing past events and disasters. For events that involve multiple hazards, each hazard *should be* described separately so that the Indian Tribal government has sufficient information to identify and prioritize appropriate mitigation actions. For instance, the impacts of high winds of hurricanes and tsunamis are distinctly different from the impacts of flooding and storm surge; severe storms also include both flooding and high winds; and wildfires have immediate fire hazards but may also produce mudslide hazards when

followed by rain.

When considering how to approach hazard identification, Indian Tribal governments may want to refer to the State's risk assessment and approach hazard identification in a similar manner, particularly if considering subgrantee status with the State for grant funding.

Plan Update:

The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect any changes in development, progress in mitigation efforts, and changes in priorities and to resubmit it for approval within 5 years in order to continue eligibility for FEMA assistance.

Therefore, the risk assessment update **shall** address any newly identified hazards that have been determined to pose a threat to the tribal planning area. If improved descriptions of hazards are available, they *should* be incorporated into this section.

Special Consideration: Using HAZUS-MH to Estimate Potential Losses

HAZUS-MH can be used to define the area at risk and the hazards that may affect that area, as well as the degree of risk from potential flood, earthquake, and wind hazards. HAZUS-MH is based on a GIS platform; therefore, it is possible to overlay information about other hazards on HAZUS-MH maps to better understand risk from combined hazards.

While the use of HAZUS-MH is not required in Tribal Mitigation Plans, Indian Tribal governments are encouraged to use HAZUS-MH to form a scientific basis from which the mitigation strategy is developed. To assist with conducting a hazard vulnerability analysis, FEMA has developed HAZUS-MH, a nationally standardized GIS software that can incorporate tribal data to assess vulnerability by estimating losses from floods, earthquakes, and hurricane wind events.

Resource:

For more information on identifying hazards, see:

- ✓ *Understanding Your Risks* (FEMA 386-2), Step 1.

PROFILING HAZARDS

Requirement 201.7(c)(2)(i):	[The risk assessment **shall** include a] description of the … location and extent of all natural hazards that can affect the tribal planning area. The plan shall include information on previous occurrences of hazard events and on the probability of future hazard events.

Explanation: The description of each hazard **shall** include a narrative (and an optional map and/or table) of the following information:

- The **location** or geographical area in the tribal planning area that would be affected. If a hazard location cannot be geographically determined, such as for tornadoes, which can strike anywhere in the tribal planning area, the plan **must** describe the entire area that can be affected by the hazard. However, hazards with known geographic boundaries (e.g., flood, wildfire) **must** specifically identify where the hazard can occur. For example: floodplains indicate areas potentially affected by flooding; inundation areas represent the boundary on a Flood Insurance Rate Map (FIRM) that shows the rising of a body of water and its overflowing onto normally dry land; wildland/urban interface (WUI) are areas where improved property and wildland fuels meeting at a well-defined boundary are potentially affected by wildfire.[1] When maps are included, be sure to include a directional arrow to orient the data; when digital data are used, it is helpful to reference metadata standards used, such as Federal Geographic Data Commission metadata standards, when applicable.
- The **extent** (i.e., magnitude or severity) of potential hazard events. Magnitude is a measure of the strength of a hazard event. The magnitude (also referred to as severity) of a given hazard event is usually determined using technical measures specific to the hazard. For each identified hazard, plans **shall** indicate the range of magnitude or severity that could be experienced. Related information *should* reference scientific scales, such as the Enhanced Fujita Scale (for hurricanes), TORRO Hail Scale, Richter Scale (for earthquakes), Beaufort Wind Scale, Saffir-Simpson Scale (for hurricanes), and the Palmer Drought Severity Index by using quantitative measurements such as miles per hour, flood depth, inches of rain, fire danger rating, and acres burned. Another way to classify hazards is to use terms like high, medium, low; or major, minor, minimum. The plan **must** clearly define any classification methods used to illustrate extent.
- The **probability** of the potential occurrence of a hazard event. The probability is a statistical measure of the likelihood that the hazard event would occur in the tribal planning area.

The plan **shall** also provide a discussion of **past occurrences** of hazard events in or near the tribal planning area. For example, in areas where

[1] Source: National Fire Protection Agency (NFPA) 299, Standard for Protection of Life and Property from Wildfire, 1997.

tornadoes occur, the plan *should* indicate the recorded intensities and dates of previous events. This discussion *should* include:

- Information on the damages that occurred (e.g., costs of recovery, property damage, lives lost) to the extent available;
- Level of severity (e.g., flood depth, wind speeds, earthquake intensity);
- Duration of event;
- Date of occurrence; and
- Sources of information used or consulted for assembling a history of past occurrences.

The hazard analysis *should* also identify on a map the areas affected by each identified hazard. Additionally, a composite map (i.e., map showing combined information from different thematic map layers) *should* be provided for hazards with a recognizable geographic boundary (i.e., hazards that are known to occur in particular areas of the tribal planning area, such as floods, coastal storms, wildfires, tsunamis, and landslides).

The characterization of hazards *should* describe the conditions, such as topography, soil characteristics, meteorological conditions, *etc.*, in the area that may exacerbate or mitigate the potential effects of hazards.

The hazard analysis *should* be detailed enough to allow identification of the areas of the tribal land areas that are most severely affected by each hazard.

The plan *should* describe the analysis or sources used to determine the probability, likelihood, or frequency of occurrence as well as the severity or magnitude of future hazard events.

The plan *should* note any data limitations and identify and include in the mitigation strategy actions for obtaining the data necessary to complete and improve future risk analysis efforts.

Special Consideration: Using HAZUS-MH to Estimate Potential Losses

While HAZUS-MH is not required for preparing Tribal Mitigation Plans, Indian Tribal governments are encouraged to use HAZUS-MH to form a scientific basis from which the mitigation strategy is developed.

- HAZUS-MH establishes a **base map** for both single- and multi-jurisdictional boundaries and includes important features such as critical/essential facilities, lifeline facilities, high potential loss facilities, bridges, hazardous materials facilities, and limited utilities and road segment data. It is based on the geographic area that the risk assessment will address.
- HAZUS-MH includes historical information about earthquake and hurricane hazards.

Plan Update:

The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect any changes in development, progress in mitigation efforts, and changes in priorities and to resubmit it for approval within 5 years in order to continue eligibility for FEMA assistance.

Therefore, the plan update **shall** continue to describe occurrences of hazards

included in the previously approved plan and discuss new occurrences of hazard events. As required under 44 CFR 201.7(d)(3), the updated plan **shall** incorporate any new data (i.e., data gathered since the previous plan was approved) or hazard data related to profiling hazards, such as NFIP maps or studies, HAZUS-MH studies, or reports from the Indian Tribal government or other Federal or State agencies that describe location, extent, probability, or previous occurrences of hazards.

FEMA recommends that Tribal Mitigation Plans point out any data limitations and identify actions to obtain the data in the mitigation strategy. If a previously approved plan identified data deficiencies to be addressed later, then the deficiencies **shall** be incorporated in the updated risk assessment. However, if the data deficiencies have not been resolved, they **must** be addressed in the updated plan and accompanied by an explanation of why they remain and an updated schedule to resolve the issue.

Any maps included in the updated plan **must** be consistent with the updated information.

Special Consideration: Maps

While the Tribal Mitigation Plan requirements under 44 CFR 201.7 do not require the inclusion of maps, they can be a valuable tool to illustrate the information provided in the risk assessment. If the Indian Tribal government does not have digital mapping capability (Geographic Information System, Internet maps), paper maps can be scanned, copied, or manipulated manually to include in the plan.

Maps *should* address hazards represented in the plan for the tribal planning area. For example, maps at a State or regional scale may not adequately show information on the level needed for the tribal planning area (especially when an Indian Tribal government has scattered landholdings in multiple counties, checkerboard areas, or more than one State). It may be useful to consider the following when determining the usefulness of maps:

- Maps should be selected at a scale appropriate to the tribal planning area.
- Maps can have multiple layers to clarify each hazard. This is effective for hazards such as flood and hazardous materials.
- Maps should clearly show all participating jurisdictional boundaries.
- Maps should be readable at an 8 ½ by 11 inch letter size.
- Maps should include a readable legend, scale, and north arrow.
- The limitations of the data used on the map should be described the plan.

Refer to *Understanding Your Risks* (FEMA 386-2) for more information on maps and mapping techniques.

Resources:

For more information on profiling hazards, see:

- ✓ *Understanding Your Risks* (FEMA 386-2).
- ✓ *Integrating Manmade Hazards into Mitigation Planning (*FEMA 386-7), Phase 2, Step 2.

ASSESSING VULNERABILITY: OVERVIEW

Requirement 201.7(c)(2)(ii):	[The risk assessment **shall** include a] description of the Indian Tribal government's vulnerability to the hazards described in paragraph (c)(2)(i) of this section. This description shall include an overall summary of each hazard and its impact on the tribe.
Explanation:	The Tribal Mitigation Plan **shall** include an overview of the Indian Tribal government's vulnerability to the hazards and impacts in the tribal planning area, vulnerable structures, and culturally significant sites. This summary **shall** include, by type of hazard, a general description of the types of structures affected by the hazard. Examples include, but are not limited to, buildings, infrastructure, critical facilities, structures that house the elderly or disabled, and areas where low-income populations reside. The overview **shall** also include a general description of the extent of the hazard's impact to vulnerable structures, resources, or sites. Vulnerable assets include those located in geographic areas susceptible to a particular hazard. However, keep in mind that certain hazards may affect the entire tribal planning area. The summary can be presented in terms of dollar value or percentages of damage. If there are any data limitations, 44 CFR 201.7(c)(2) may be met by identifying the particular limitations and including actions to obtain the data needed to complete and improve future vulnerability assessments.
Special Consideration: Using HAZUS-MH to Estimate Potential Losses	HAZUS-MH generates tables and maps of inventory data and allows the incorporation of tribal data to consider the assets that can be impacted by the prioritized hazards. HAZUS-MH includes information compiled from national databases to describe the distribution of buildings by their use, construction material, replacement cost, and other characteristics. It also includes data about the location and characteristics of utilities, transportation, populations, buildings, infrastructure, utilities, and other information that can help Indian Tribal governments understand their risk from hazards. HAZUS-MH can incorporate hazard data and information about the built environment and other assets to assess risk for tribal land areas as part of the risk assessment process. The most important purpose of HAZUS-MH is to estimate losses from natural hazards. Descriptions of losses include social, cultural, and economic considerations, as well as the location and extent of losses. It is recommended that Indian Tribal governments use HAZUS-MH to produce loss estimations that reflect their actual conditions as accurately as possible. While the use of HAZUS-MH is not required in preparing Tribal Mitigation Plans, Indian Tribal governments are encouraged to use HAZUS-MH to form a scientific basis from which the mitigation strategy is developed.

Plan Update:

The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect changes in development, progress in tribal mitigation efforts, and changes in priorities and to resubmit it for approval within 5 years in order to continue eligibility for FEMA assistance.

Therefore, the vulnerability overview in the updated plan **shall** describe any changes, clarifications, or refinements to the overview summary described in the previously approved plan. It **shall** continue to include, by type of hazard, a general description of the types of structures affected by the hazard.

The Indian Tribal government *should* take into account the following when updating its vulnerability assessment:

- Updated inventories of existing structures and other resources in hazard areas, including new development, redeveloped areas, or structures located in land purchases or other acquisitions;
- Potential impacts of future land development, including areas that may be purchased or acquired in the future;
- New buildings that house special high-risk populations (i.e., elders, youth, low-income, disabled, and those without transportation); and
- Completed mitigation actions that reduced overall vulnerability.

If the previously approved plan noted data limitations related to the vulnerability summary and identified in the mitigation strategy actions to resolve the data deficiency, then the updated plan **shall** discuss how the data were collected and incorporated into the updated risk assessment. If data deficiencies still remain unresolved, the plan **must** discuss in the mitigation strategy what action will be taken to collect the data for the next update.

Special Consideration: Special Populations

The Mitigation Planning regulation at 44 CFR Part 201 does not require a discussion about facilities that house special populations at risk, such as elders, youth, low-income, disabled, those without transportation, or others with special needs. However, FEMA recommends their consideration in the risk assessment to enable the development of appropriate actions to reduce vulnerability to these facilities during and after a disaster, thereby potentially saving lives.

HAZUS-MH uses some standardized data and some data from State databases, but also has a Comprehensive Data Management System (CDMS) tool to support conversion of external data sources into HAZUS-MH-compliant data. Processing site-specific and aggregate information at the census block and tract levels is supported. Tribes can enter their data using CDMS to replace other data, such as census data. CDMS can streamline and automate raw data processing and the transfer of data from other datasets.

Resources: For a discussion on preparing a vulnerability assessment, see:

- ✓ *Understanding Your Risks* (FEMA 386-2), Step 3, Worksheet #3a, Inventory Assets.
- ✓ HAZUS-MH at www.fema.gov/plan/prevent/hazus/.
- ✓ *Integrating Historic Property and Cultural Resource Considerations into Hazard Mitigation Planning* (FEMA 386-6).
- ✓ *Integrating Manmade Hazards into Mitigation Planning* (FEMA 386-7), Phase 2, Step 2.

Sample 2.1:

Excerpt From Hazard Mitigation Plan for the Karuk Tribe of California

While the Karuk have 650 acres of trust lands and over 1000 acres of fee lands, many of the Tribe's most valued resources (i.e., cultural assets) are located on federal lands, which encompass approximately 1.4 million acres of National Forest lands. Karuk cultural resources are trust resources the government is obligated to protect as part of its trust responsibility to Federal Indian tribes. Karuk trust resources include: traditional subsistence foods such as fish, shellfish, wild game, acorns, mushrooms, and plants to make baskets and objects for ceremonial & sacred uses. Many irreplaceable cultural resources are adversely impacted by frequent fires and floods. In the past, floods have washed away burial sites and fires have incinerated cultural resources.

The Karuk Tribe of California maintains Fire/Fuels and Watershed Restoration programs as well as memorandums of understanding (MOUs) with local National Forest Offices that encourage the Karuk Tribe's involvement in wildfire suppression, fuel reduction projects, and watershed restoration (road decommissioning) activities. This allows the Tribe to monitor fire suppression, pro-actively reduce fuel loads, and reduce the threat posed by un-maintained road miles in its Ancestral Territory. In addition, the Tribe meets monthly with the U.S.F.S. to address other activities that may impact Karuk resources. When fire events occur, the Karuk Tribe encourages the U.S.F.S. to implement responsible mitigation to protect Tribal resources and needs. In some instances, there is not enough time to take the action(s) needed. For this reason, safeguarding our irreplaceable natural and cultural resources in advance is critical.

The December 31, 2005, flood impacted locations where ceremonial activities occur. It also affected areas where the Karuk are dependent on forest resources and road access to them. These resources include, but are not limited to Ceremonial Grounds, Gathering Sites for Subsistence, Trails, Road Access, and a Fish Hatchery.

Risk Identification Summary Assessment for the Karuk Tribe of California									
Hazard Type	**Potential Threat**	**High Risk**	**Low Risk**	**Extent Wide**	**Extent Limited**	**Frequent**	**Infrequent**	**Probability High**	**Low**
Wildfire	♦	♦		♦		♦		♦	
Flood	♦	♦		♦		♦		♦	
Landslides	♦	♦		♦		♦		♦	
Drought	♦	♦		♦			♦	♦	
Water Contamination	♦	♦		♦		♦		♦	
Dam Failure	♦		♦	♦			♦		♦
Volcanoes	♦		♦	♦			♦		♦
Earthquakes	♦		♦	♦			♦		♦
Road and Bridge Failure	♦	♦		♦			♦	♦	

ASSESSING VULNERABILITY: IDENTIFYING STRUCTURES

Requirement 201.7(c)(2)(ii)(A):	[The plan *should* describe vulnerability in terms of the] types and numbers of existing and future buildings, infrastructure, and critical facilities located in the identified hazard areas.

Explanation: This information *should* be based on an inventory of existing and proposed buildings, infrastructure, and critical facilities (structures) located within identified tribal hazard area boundaries. The inventory may include, but is not limited to, the following:

- **Building Stock** broadly includes residential, commercial, industrial, tribally owned, and other institutional buildings such as schools and senior centers.
- **Critical Facilities** are essential to the health and welfare of the tribal population and are especially important following hazard events. Since vulnerability is based on service losses as well as building structure integrity and content value, assess the effects on the service function interruption of critical facilities as well as physical damage. Critical facilities, for purposes of this *Tribal Multi-Hazard Mitigation Planning Guidance*, may include emergency service facilities such as hospitals and other medical facilities, jails and juvenile detention centers, police and fire stations, emergency operations centers, public works facilities, evacuation shelters, schools, and structures that house special needs populations.
- **Transportation Systems** include airways (including airports, heliports, etc.), roadways (including highways, bridges, tunnels, roadbeds, overpasses, transfer centers, etc.), railways and public transit (including trackage, tunnels, bridges, rail yards, depots, etc.), and waterways (including canals, locks, seaports, ferries, harbors, dry-docks, piers, etc.).
- **Lifeline Utility Systems** such as potable water, wastewater, oil, natural gas, electric power, substations, and power lines.
- **Communications Systems and Networks** such as telephones, emergency service radio systems, repeater sites and base stations, and television and radio stations.
- **High Potential Loss Facilities** are facilities such as nuclear power plants or dams that would have a high loss associated with their impairment.
- **Hazardous Material Facilities** include facilities housing industrial/hazardous materials, such as corrosives, explosives, flammable materials, radioactive materials, and toxins.
- **Economic Elements** include major employers, financial centers, and other business or retail districts in the community that could significantly affect the tribal or surrounding economy if interrupted.

- **Special Consideration Areas** include areas of high density or areas that may become isolated, whether residential, commercial, institutional, or industrial that could result in economic and functional losses as well as high death tolls and injury rates, if damaged.
- **Historic, Cultural, Sacred, and Natural Resource Areas** may include buildings, structures, objects, sacred sites, tribal, national, and local historic or significant districts, and historical archival storage facilities. The Tribal Mitigation Plan is for the Indian Tribal government's use, but FEMA understands that this portion of the plan may contain sensitive information and that plans submitted to FEMA may be subject to disclosure under the Freedom of Information Act. Therefore, Indian Tribal governments may want to include information on sacred sites in a separate annex that can be referenced in the Tribal Mitigation Plan but secured by the Indian Tribal government in their own offices. Alternatively, Indian Tribal governments can meet this planning requirement by sharing approximate areas that may contain sacred sites without revealing their exact locations. Inclusion of these data is strongly encouraged in assessing risk and developing mitigation goals, objectives, strategies, and actions to protect and preserve cultural and sacred sites for future generations.

The structure description *should* also include construction characteristics (e.g., year built, building materials [e.g., light wood frame, concrete frame], freeboard, foundation types [e.g., piers, piles, basement, slab-on-grade]). The Indian Tribal government *should* determine the best way to identify structures that are vulnerable to more than one hazard.

The Indian Tribal government *should* determine a timeframe for use (e.g., 10 years) in considering proposed buildings, infrastructure, and critical facilities, including planned and approved development. The information on future structures may be based on and timed with the data gathering phase of the Indian Tribal government comprehensive plan or land use plan, if applicable.

If a comprehensive plan addressing the tribal planning area is not available, Federal or State agencies or regional planning commissions may be able to provide regional data about anticipated growth that may affect the Indian Tribal government's vulnerability to hazards.

The plan *should* document the process and sources used to identify existing and future structures. If data are not readily available for buildings and infrastructure, the plan *should* provide information on critical facilities within the identified hazard areas and identify the collection of data for buildings and infrastructure as an action item in the mitigation strategy.

Plan Update: The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect changes in development, progress in mitigation efforts, and changes in priorities and to resubmit it for approval within 5 years in order to continue eligibility for FEMA assistance.

Therefore, the updated plan *should* include a current inventory of existing and proposed buildings, infrastructure, and critical facilities located within

	the identified hazard area boundaries in the tribal planning area.
Special Consideration: Build-out Analysis	In addition to reviewing and incorporating data from comprehensive and long-range plans, some Indian Tribal governments may opt to conduct a build-out analysis. The analysis involves a projection based on full development of all land in accordance with existing land use regulations, such as a zoning ordinance or subdivision regulations. Within this context, the impact of growth on vulnerability could be assessed and included in the risk assessment as a means to develop future actions to mitigate the risk.[2]
Resources:	For a discussion on identifying vulnerable structures and preparing a detailed inventory, see*:* ✓ *Understanding Your Risks* (FEMA 386-2), Step 3, Worksheets #3a and #3b, Inventory Assets. ✓ HAZUS-MH at www.fema.gov/plan/prevent/hazus/. ✓ *Integrating Manmade Hazards into Mitigation Planning* (FEMA 386-7), Phase 2, Step 4. ✓ *Integrating Historic Property and Cultural Resource Considerations into Hazard Mitigation Planning* (FEMA 386-6).

[2] Source: United States Environmental Protection Agency, http://www.epa.gov/greenkit/build_out.htm.

ASSESSING VULNERABILITY: ESTIMATING POTENTIAL LOSSES

Requirement 201.7(c)(2)(ii)(B):	[The plan *should* describe vulnerability in terms of an] estimate of the potential dollar losses to vulnerable structures identified in paragraph (c)(2)(ii)(A) of this section and a description of the methodology used to prepare the estimate.

Explanation:

Describing vulnerability in terms of dollar losses provides the Indian Tribal government with a common framework in which to measure the effects of hazards on vulnerable structures and other resources or sites. The Plan *should* include an estimate of losses for the identified vulnerable structures. A monetary estimate *should* be provided for each hazard, and *should* include, when resources permit, structure, contents, and functional losses to present a full picture of the total loss for each asset.

Structural loss is defined as:

(Structure Replacement Value) x (% Damage) = (Structure Loss)

Contents loss is defined as:

(Replacement Value of Contents) x (% Damage) = (Contents Loss)

Functional losses are indirect effects that usually involve interruptions in asset operations. Functional downtime is the average time (in days) during which a business or service is unable to function due to a hazard event. The total loss for each hazard event is defined as:

(Structure Loss) + (Contents Loss) + (Function Loss) = Total Loss

When data are limited, the Indian Tribal government can select the most likely event for each hazard and estimate the losses for that event. In this way, the tribal planning team can identify areas that could suffer the greatest losses. In addition, the estimated dollar losses as a result of hazard events can also be used to assess the benefits and costs of proposed mitigation actions.

The methodology used to determine losses *should* also be provided in the plan. It *should* note any data limitations and identify and include in the implementation strategy actions for obtaining the data to complete and improve the future risk assessment analysis efforts.

Plan Update:

The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect changes in development, progress in mitigation efforts, and changes in priorities and to resubmit it for approval within 5 years in order to continue eligibility for FEMA assistance.

The loss estimate *should* be updated to reflect changes to the hazard profile and/or to the inventory of structures. The plan *should* describe any new methodology if the approach for determining the losses has changed since the previous plan approval. The updated plan *should* include, when resources permit, estimates of current structure, contents, and function losses as well as an analysis of other affected resources or sites to

present a full picture of the total potential loss for each asset.

If the previously approved plan noted data deficiencies in estimating potential losses and new data are available, then the new information *should* be incorporated into the updated plan. However, if the data deficiencies have not been resolved, the updated plan *should* explain why the data deficiencies remain and include a schedule to resolve the issue.

Special Consideration: Composite Maps	Creating a composite loss map depicting high potential loss areas (and identifying the location of critical facilities within the high potential loss areas) from multiple hazards will help the Indian Tribal government develop its mitigation priorities based on loss potential.

Resources: For a step-by-step method for estimating losses, see*:*

- ✓ *Understanding Your Risks* (FEMA 386-2), Estimate Losses, Steps 3 and 4, Worksheet #4.
- ✓ HAZUS-MH at www.fema.gov/plan/prevent/hazus/.
- ✓ *Integrating Historic Property and Cultural Resource Considerations into Hazard Mitigation Planning* (FEMA 386-6).
- ✓ *Integrating Manmade Hazards into Mitigation Planning* (FEMA 386-7), Phase 2, Step 1.

ASSESSING VULNERABILITY: ANALYZING DEVELOPMENT TRENDS

Requirement 201.7(c)(2)(ii)(C):	[The plan *should* describe vulnerability in terms of a] general description of land uses and development trends within the tribal planning area so that mitigation options can be considered in future land use decisions.

Explanation:

The Tribal Mitigation Plan *should* provide a general overview of land uses and types of development occurring within the Indian tribal lands. This can include existing land uses and development densities in the identified hazard areas, as well as any anticipated future/proposed land uses, including anticipated new development and redevelopment, and anticipated land purchases or other acquisitions.

An analysis of development trends provides a basis for making decisions on the type of mitigation approaches to consider and the locations where these approaches can be implemented. This information can also influence decisions regarding future development in hazard areas. A land use map would be useful to depict the descriptive information.

The Tribal Mitigation Plan *should* note any data limitations and identify and include in the mitigation strategy actions for obtaining the data necessary to complete and improve the risk assessment in the future.

The Tribal Mitigation Plan *should* consider any or all of the following when analyzing development trends:

- Trends in terms of the amount of change over time (e.g., projecting trends based on increases of numbers of permits, including demolition, issued per year) and where the development is occurring;
- Similar types of land uses in areas with distinctly different densities (e.g., single-family homes, attached housing, and multifamily housing);
- Where the future land uses are likely to occur based on comprehensive plans, zoning, redevelopment plans, or proposed land acquisitions or purchases; or
- The expected growth or redevelopment for some reasonable future timeframe (e.g., 10 years). The timeframe could be coordinated with that of a comprehensive or long-range plan review and update.

Plan Update:

The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect changes in development, progress in mitigation efforts, and changes in priorities and to resubmit it for approval within 5 years in order to continue eligibility for FEMA assistance.

The updated plan *should* include a general overview of land uses and types of development occurring within the tribal land areas, highlighting any changes since the previously approved plan. The update *should* specifically include existing and future land uses in identified hazard areas.

If the previously approved plan noted data deficiencies in analyzing development trends and identified actions in the mitigation strategy to address them at a later time, then the new information *should* be

	incorporated. However, if the data deficiencies have not been resolved, they *should* be addressed in the updated plan and accompanied by an explanation of why they remain and an updated schedule to resolve the issue.
Special Consideration: Using HAZUS-MH to Analyze Development Trends	The HAZUS-MH inventory reflects current conditions within a study area based on best available national data sources. HAZUS-MH can be customized to accept data from other sources to reflect actual or projected changes in the tribal planning area. While this process can be potentially time consuming and costly, depending on the scale of the area under study, it could be a valuable way to assess the risk from anticipated development. This information can then be applied toward making better-informed decisions to guide development in the tribal land areas. While the use of HAZUS-MH is not required in Tribal Mitigation Plans, Indian Tribal governments are encouraged to use HAZUS-MH to form a scientific basis from which the mitigation strategy is developed.
Resources:	For more information on development trends, consult with other Indian Tribal governments or Federal, State, local, or regional planning officials. For information on estimating losses, see*:* ✓ HAZUS-MH at www.fema.gov/plan/prevent/hazus/. ✓ *Integrating Historic Property and Cultural Resource Considerations into Hazard Mitigation Planning* (FEMA 386-6). ✓ *Integrating Manmade Hazards into Mitigation Planning* (FEMA 386-7), Phase 2, Step 1.

Sample 2.2: **Excerpt from the Tulalip Tribes Hazard Mitigation Plan**

3.4 Land Use and Future Development Trends

The Tulalip Reservation has a unique land ownership and land use system compared to other jurisdictions in Washington State. This is because the Tulalip Reservation is not a State; rather it is a sovereign nation within Washington State and held in Trust for its native inhabitants, namely Tulalip Tribes members, by the United States Federal government. Nonetheless, Federal policy and relations between Native Americans and non-native Americans, has led to about 11,400 acres or 48% of the land area being alienated or owned by non-natives. This land is referred to as Fee Land. With greater economic independence in recent years, the Tribe has been buying back alienated land. As of 2006, it is estimated that the Tribes and members now own about 60% of the Reservation land base.

Figure 2-7 shows the current land ownership of the Reservation. Please note the tribally owned parcel at Camano Head. This was the site of a landslide that killed many Tribal members' ancestors in the 1830s while clamming. It caused a small tidal wave, a tsunami that then swept across Possession Sound and destroyed a village at Hat Island. **Figure 2-8** shows the current zoning of the land of the Tulalip Reservation. **Figure 2-9** shows the proposed future land use of the Tulalip Reservation. Note that Tribal Trust lands located along the steep landslide-prone bluffs are now designated as *Conservation.*

Figure 2-7: 2004 Land Ownership

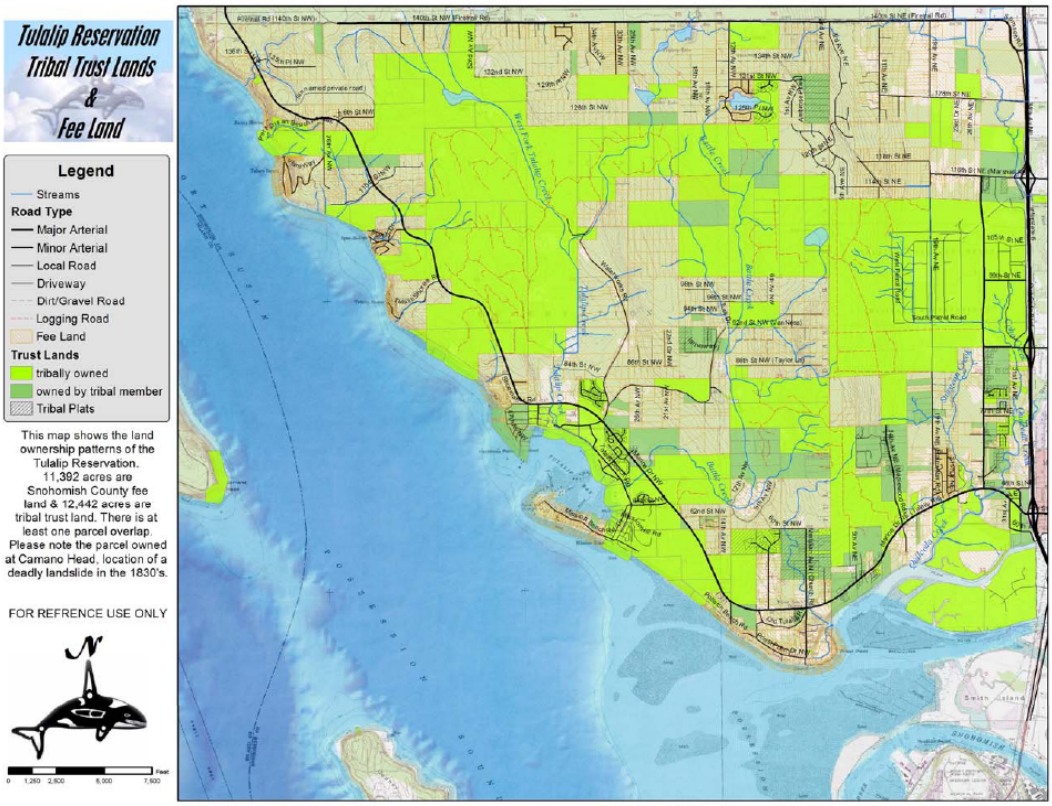


Figure 2-8: 2004 Tulalip Reservation Zoning

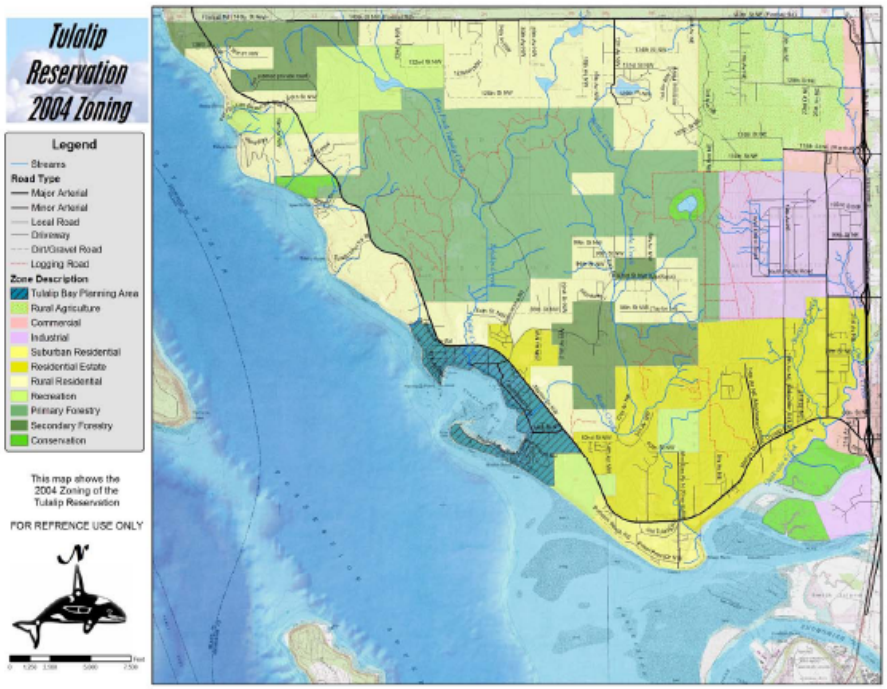
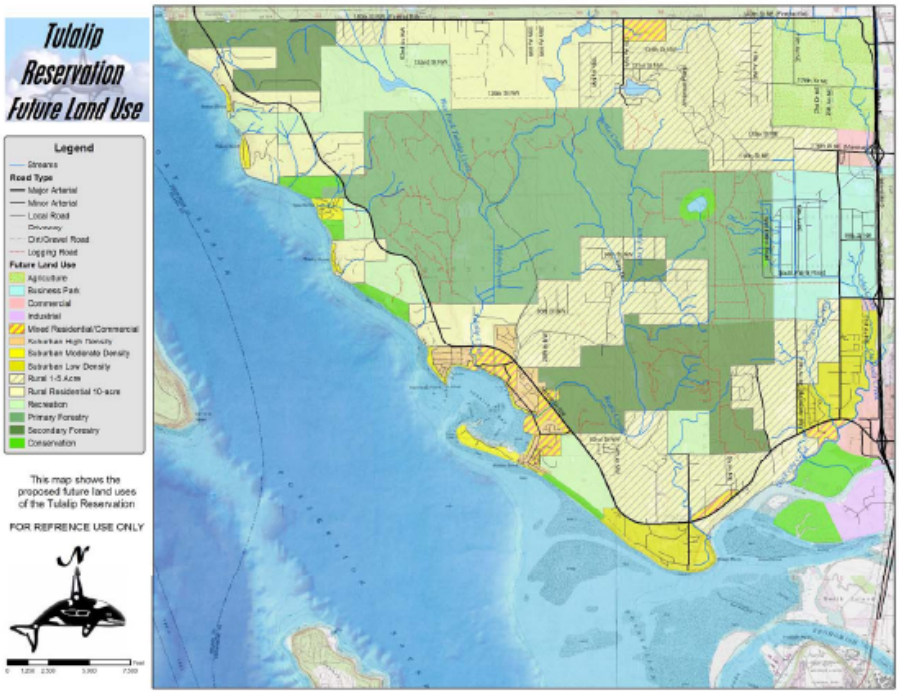


Figure 2-9: Tulalip Reservation Future Land Use



ASSESSING VULNERABILITY: ASSESSING CULTURAL AND SACRED SITES

Requirement 201.7(c)(2)(ii)(D):	[The plan *should* describe vulnerability in terms of] cultural and sacred sites that are significant, even if they cannot be valued in monetary terms.
Explanation:	The plan *should* describe cultural and sacred sites located in hazard areas in the tribal planning area. These sites can be significant for subsistence, economic, religious/spiritual, medicinal, historical, and other values. A site may be valued at several levels and in many different ways. Non-tribal communities may think of plants, animals, water, air, and sunshine as "resources to be managed." Tribal members may consider them to be relatives that the people understand and live with in harmony, and not have dominion or control over them. Objects or sites (e.g., rock formation, forest, view shed, plaza, mesa, longhouse or other religious building or site) may have a spiritual significance not readily apparent to those unfamiliar with tribal history, culture, and customs. The loss of those cultural resources, whether the result of a manmade or natural disaster, can have significant impacts. The Tribal Mitigation Plan is for the Indian Tribal government's use, but plans submitted to FEMA may be subject to disclosure under the Freedom of Information Act. Therefore, Indian Tribal governments may want to include information on sacred sites in a separate annex that can be referenced in the Tribal Mitigation Plan but secured by the Indian Tribal government in its own offices. Alternatively, Indian Tribal governments can meet this planning requirement by sharing approximate areas that may contain sacred sites without revealing their exact locations. While completion of this element is not required for plan approval, inclusion of these data is strongly encouraged in assessing risk and developing mitigation goals, objectives, strategies, and actions to protect and preserve sacred sites for future generations. The Tribal Mitigation Plan *should* note any data limitations and identify and include in the mitigation strategy actions for obtaining the data necessary to complete and improve this portion of the risk assessment in the future.
Plan Update:	The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect changes in development, progress in mitigation efforts, and changes in priorities and to resubmit it for approval within 5 years in order to continue eligibility for FEMA assistance. If the previously approved plan noted data deficiencies in analyzing development trends and identified actions in the mitigation strategy to address them at a later time, then the new information *should* be incorporated. However, if the data deficiencies have not been resolved, they *should* be addressed in the updated plan and accompanied by an explanation of why they remain and an updated schedule to resolve the issue.

Resource: For further guidance on identifying cultural and sacred sites, see:

- ✓ *Integrating Historic Property and Cultural Resource Considerations into Hazard Mitigation Planning* (FEMA 386-6).

Sample 2.3: **Excerpt from the Picayune Rancheria of the Chukchansi Indians Multi-Hazard Mitigation Plan**

(From notes on determining appropriate mitigation actions during a field trip.)

The group toured [a tribal member's] property and documented several cultural resources, including a "grinding rock," at her home site. The "grinding rock" and culturally significant plants used in native basketry and for medicinal purposes were photographed. The preservation of numerous identified plants is of major concern to residents. Potential mitigation activities were discussed and a fire break around the fence line of the allotments was of great interest to the residents. The goals of the LHMP project were explained; seeking funds to protect allotment properties from wildfires was discussed. One of the allotments also has a family cemetery.

MITIGATION STRATEGY

Section 201.7(c)(3) of the Mitigation Planning regulation requires Indian Tribal governments to develop a mitigation strategy. The tribal mitigation strategy includes the development of goals, objectives, and prioritized mitigation actions and serves as the long-term blueprint for reducing the potential losses identified in the risk assessment.

The development of goals from which specific actions and projects will be derived is based on the Indian Tribal government's existing authorities, policies, programs, resources, capabilities, and tools to reduce losses and vulnerability from profiled hazards. Goals are long-term policy statements and global visions that support the mitigation strategy. An example of a goal for a wildfire hazard is "Minimize wildfire losses in the wildland/urban interface area." Many Indian tribal and local governments take an extra step and identify objectives that more narrowly define implementation steps to attain the goals. Unlike goals, objectives are specific and measurable, such as, "Increase educational opportunities for tribal members and other stakeholders about wildfire defensible space actions."

Following the identification of goals and objectives, the Mitigation Planning regulation at 44 CFR Part 201 requires that Indian Tribal governments identify, analyze, and prioritize alternative actions *by profiled hazard*. The actions are even more specific than objectives. An example of an action for a wildfire hazard is "Sponsor a booth at the community fair to promote wildfire defensible space." Just as local governments will benefit by reviewing the State's mitigation strategy to ensure that locally identified actions are supported by the State's policies, regulations, and programs, Indian Tribal governments may benefit from reviewing State and adjacent Local or Tribal Mitigation Plans when developing their risk assessment and mitigation strategy. This coordination is invaluable for Indian Tribal governments interested in State review of their plan to request the option of subgrantee status under FEMA grant programs.

Indian Tribal governments are encouraged to develop actions that can be implemented by using existing resources or tools, such as capital improvement budgets, or by implementing changes in ordinances, policies, or procedures. In addition, Indian Tribal governments are encouraged to consider mitigation actions that may not be currently feasible, but may become a realistic possibility following a disaster event. Access to State or Federal funds may enable Indian Tribal governments to accomplish actions during post-disaster recovery.

After five years of implementing the mitigation strategy, Indian Tribal governments update their goals and actions. In the plan update, goals and objectives may be reaffirmed or updated based on current conditions, including the completion of mitigation initiatives, an updated or new risk assessment, or changes in priorities (including relevant State and local government priorities should the Indian Tribal government choose to consider them or decide to pursue subgrantee status). It is useful to review the changes in the tribal planning area since the previous plan was approved to determine whether goals have been met or if they remain consistent with current conditions.

This section includes the following subsections:

- Tribal Multi-Hazard Mitigation Goals
- Identification and Analysis of Tribal Mitigation Actions
- Implementation of Tribal Mitigation Actions
- Tribal Capability Assessment
- Tribal Funding Sources

TRIBAL MULTI-HAZARD MITIGATION GOALS

Requirement 201.7(c)(3)(i):	[The mitigation strategy **shall** include a] description of mitigation goals to reduce or avoid long-term vulnerabilities to the identified hazards.

Explanation:

Goals are broad policy statements that explain what is to be achieved. The Indian Tribal government's hazard reduction goals, as described in the plan with any corresponding objectives, guide the development and implementation of mitigation actions. This section **shall** list the goals intended to reduce or avoid the effects of the profiled hazards addressed in the risk assessment.

The description *should* include how goals were developed. The goals could be developed early in the planning process and refined based on the risk assessment findings, or developed after the risk assessment is completed. They *should* also be compatible with the goals of the Indian Tribal government, its members, and to the extent possible, other affected stakeholders as expressed in other planning documents developed by or for the Indian Tribal government, such as a comprehensive plan.

Although the Mitigation Planning regulation does not require a description of objectives, Indian Tribal governments are encouraged to include objectives developed to achieve the goals so that reviewers understand the connection between goals, objectives, and actions.

The goals and objectives *should*:

- Be based on the findings of the risk assessment; and
- Represent a long-term vision for hazard reduction or enhancement of mitigation capabilities.

Plan Update:

The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect changes in development, progress in mitigation efforts, and changes in priorities and to resubmit it for approval within 5 years in order to continue eligibility for FEMA assistance.

The plan update provides an opportunity for Indian Tribal governments to reconsider the goals and objectives identified in the previously approved plan. Goals *should* be reaffirmed or updated based on current conditions, including the completion of mitigation initiatives, an updated or new risk assessment, or changes in priorities.

It is not necessary to change goals from the previous plan if they remain valid; however, the plan **must** document that goals were re-evaluated and that they were determined to remain valid and effective. If the previously approved plan included objectives, the updated plan *should* document which objectives have been met and identify new objectives.

The tribal planning team *should* address the following questions when updating the mitigation strategy:

- Do the goals and objectives identified in the previously approved plan

reflect the updated risk assessment?

- Did the goals and objectives identified in the previously approved plan lead to mitigation projects and/or changes in policy that helped the Indian Tribal government to reduce vulnerability?
- Do the goals and objectives in the previously approved plan support any changes in mitigation priorities?
- Are the goals identified in their updated Tribal Mitigation Plan reflective of current State and tribal goals (particularly if the Indian Tribal government coordinates resources or funding through State or other agencies)?

Special Consideration: Goals and Objectives

Goals are general guidelines that explain what you want to achieve. They are broad policy statements, are usually long-term, and represent global visions, such as "Protect Existing Property."

Objectives define strategies or implementation steps to attain the identified goals. Unlike goals, objectives are specific, are measurable, and may have a defined completion date. Objectives are more specific, such as "Increase the number of buildings protected from flooding."

The development of effective goals and objectives enables the planning team to evaluate the merits of alternative mitigation actions and the conditions in which these activities would be pursued at the tribal level. A potential mitigation action that would support the goal and objective example above is "Acquire repetitive flood loss properties in the Acadia Woods Housing Area."

Resources:

For more information on developing tribal mitigation goals and objectives, see:

- ✓ *Developing the Mitigation Plan* (FEMA 386-3), Step 1.
- ✓ *Integrating Manmade Hazards into Mitigation Planning* (FEMA 386-7), Phase 3, Step 1.

IDENTIFICATION AND ANALYSIS OF TRIBAL MITIGATION ACTIONS

Requirement 201.7(c)(3)(ii):	[The mitigation strategy **shall** include a] section that identifies and analyzes a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of each hazard, with particular emphasis on new and existing buildings and infrastructure.

Explanation: The Indian Tribal government **shall** list potential loss reduction actions it has identified in its planning process and evaluate various actions that achieve the Indian Tribal government's goals and objectives to reduce or avoid the effects of the identified hazards. A comprehensive range of specific mitigation actions consists of multiple mitigation actions for each profiled hazard. "No Action" does not qualify as a mitigation action. Mitigation actions **shall** address **existing** buildings as well as planned construction of **new** buildings and infrastructure.

For multi-jurisdictional mitigation plans, each Indian Tribal government **must** have participated in identifying and analyzing a comprehensive range of mitigation actions for each profiled hazard, which can result in an achievable mitigation action plan. As with single-jurisdictional plans, a comprehensive range of specific mitigation actions consists of multiple mitigation actions for each profiled hazard and for each Indian tribe participating in the plan. See the *Multi-Jurisdictional Mitigation Plans* section in this guidance or 44 CFR 201.7(a)(4) for additional requirements for multi-jurisdictional planning.

Prior to analyzing and prioritizing mitigation actions, it may be useful for Indian Tribal governments to organize identified mitigation actions into the following categories:

- **Prevention:** Government administrative or regulatory actions or processes that influence the way land and buildings are developed and built. These actions also include public activities to reduce hazard losses. Examples include planning and zoning, adopting and enforcing building codes to guide development and construction of new buildings, capital improvement programs, open space preservation, floodplain management ordinances and regulations, and stormwater management regulations.
- **Property Protection:** Actions that modify existing buildings or infrastructure to protect them from a hazard or remove them from the hazard area. Examples include acquisition, elevation, relocation, structural retrofits, flood proofing, and installation of storm shutters or shatter-resistant glass.
- **Public Education and Awareness:** Actions to inform and educate tribal members, other affected stakeholders, elected officials, and property owners about potential risks from hazards and potential ways to mitigate them. Such actions include outreach projects, real estate disclosure, hazard information centers, and school-age and adult education programs.

- **Natural Resource Protection:** Actions that, in addition to minimizing hazard losses, also preserve or restore the functions of natural systems. These actions include sediment and erosion control, stream corridor restoration, watershed management, forest and vegetation management, and wetland restoration and preservation.
- **Structural Projects:** Actions that involve the construction of new structures to reduce the impact of a hazard. Such structures include stormwater controls (e.g., culverts), floodwalls, seawalls, retaining walls, and safe rooms.

The plan *should* describe the process by which the Indian Tribal government decides on particular mitigation actions. This description *should* include who participated in the analysis and selection of actions. Some of the mitigation actions initially identified may ultimately be eliminated in the Indian Tribal government's action plan due to limited capabilities, prohibitive costs, low benefit/cost ratio, or other concerns. The information will also be valuable as part of the alternative analysis for the National Environmental Policy Act (NEPA) review required if projects are federally funded.

With regard to analyzing mitigation actions, FEMA's *Developing the Mitigation Plan* (FEMA 386-3) highlights the STAPLEE method—a technique for identifying, evaluating, and prioritizing mitigation actions based on existing conditions.

S	Social	Tribal members and other stakeholders support the overall implementation strategy and specific mitigation actions. Therefore, the projects will have to be evaluated in terms of acceptance by the Indian Tribal government and harmony with social, cultural, and sacred beliefs and customs.
T	Technical	It is important to determine whether the proposed action is technically feasible, will help to reduce losses in the long term, and has minimal secondary impacts. Determine whether the alternative action is a whole or partial solution, or not a solution at all.
A	Administrative	Under this part of the evaluation criteria, examine the anticipated staffing, funding, and maintenance requirements for the mitigation action to determine whether the Indian Tribal government has the personnel and administrative capabilities necessary to implement the action or whether outside help will be needed.
P	Political	Understanding how the Indian Tribal government, tribal members, and other political leadership feel about issues related to the environment, economic development, safety, and emergency management. This will provide valuable insight into the level of political support for mitigation activities and programs. Proposed mitigation objectives sometimes fail because of a lack of political

		acceptability.
L	Legal	Without the appropriate legal authority, the action cannot lawfully be undertaken. When considering this criterion, determine whether the Indian Tribal government has the legal authority at the appropriate levels (possibly at levels also affecting jurisdiction over non-tribal members) to implement the action. Each level of government operates under a specific source of delegated authority. Identify the unit of government undertaking the mitigation action and include an analysis of the interrelationships within the Indian Tribal government and with local, regional, State, and Federal governments. Legal authority is likely to have a significant role later in the process when the Indian Tribal government will have to determine how mitigation activities can be carried out, and to what extent mitigation policies and programs can be enforced.
E	Economic	Every government experiences budget constraints at one time or another. Cost-effective mitigation actions that can be funded in current or upcoming budget cycles are much more likely to be implemented than mitigation actions requiring general obligation bonds or other instruments that would incur long-term debt. Indian Tribal governments with tight budgets or budget shortfalls may be more willing to undertake a mitigation initiative if it can be funded, at least in part, by outside sources. “Big ticket” mitigation actions, such as large-scale acquisition and relocation, are often considered for implementation in a post-disaster scenario when additional Federal or State funding for mitigation may be available.
E	Environmental	Impact on the environment is an important consideration because of concern among tribal members for sustainable and environmentally healthy communities and the many statutory considerations, such as NEPA, to keep in mind when using Federal funds. When implementing mitigation actions, Indian Tribal governments will need to evaluate whether there would be negative consequences to environmental or historically significant assets, such as tribal resources with cultural and religious significance, threatened and endangered species, wetlands, and other protected natural or cultural resources.

Using criteria such as STAPLEE, Indian Tribal governments can weigh the pros and cons of implementing a particular mitigation action. Indian

Tribal governments *should* evaluate actions based on conditions that may affect whether or not the *actions* identified in the mitigation action plan can be accomplished. When identifying and evaluating mitigation actions, the following considerations may also be useful, particularly if the Indian Tribal government intends to participate in FEMA mitigation grant programs as a subgrantee to the State or reserve that option:

- Compatibility with goals and objectives identified in the current State hazard mitigation plan;
- Compatibility with goals and objectives identified in adjacent local mitigation strategies or with other local or regional plans and programs;
- The effect of identified actions on other jurisdictions within the region (possibly by following No Adverse Impact[3] watershed area plans);
- Cost/benefit reviews of potential actions; and
- Funding priorities identified in the current State Mitigation Plan.

Indian Tribal governments and plan reviewers may consider activities and consultations resulting from environmental, cultural preservation, and other laws and policies including, but not limited to, the following:

- Native American Graves Protection and Repatriation Act;
- Archaeological Resources Protection Act;
- American Indian Religious Freedom Act;
- National Historic Preservation Act;
- National Environmental Policy Act;
- Freedom of Information Act;
- Privacy Act;
- Indian Sacred Sites Executive Order 13007, May 24, 1996;
- Consultation and Coordination with Indian Tribal Governments Executive Order 13084, May 14, 1998;
- Government-to-Government Relations with Native American Tribal Governments Executive Memorandum, April 29, 1994; and
- Tribal Colleges and Universities Executive Order 13021.

[3] No Adverse Impact (NAI) is a floodplain management doctrine which states that actions of property owners or government shall not adversely affect adjacent or downstream property owners through increase of the flood risk. *Coastal No Adverse Impact Handbook*, May 2007, Association of State Floodplain Managers, posted at http://www.floods.org/.

Plan Update:	The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect progress in tribal mitigation efforts and changes in priorities and to resubmit it for approval within 5 years in order to continue eligibility for FEMA assistance. The plan update provides an opportunity for Indian Tribal governments to reconsider the range of specific actions. If the mitigation actions or activities remain unchanged from the previously approved plan, the updated plan *should* indicate why changes are not necessary.
Special Consideration: Including Other Actions	In the course of developing the Tribal Multi-Hazard Mitigation plan, an Indian Tribal government may discover and build consensus on preparedness, response, and recovery actions. Although FEMA will not deny a plan for including these types of actions, they do not substitute for the *mitigation* action requirements of a Tribal Mitigation Plan. In addition, even though actions are listed in the plan, they may not all meet eligibility requirements for FEMA's mitigation grant programs (e.g., a Benefit-Cost Analysis is not required for actions in a Tribal Mitigation Plan, but FEMA mitigation project grant applications do require a BCA). FEMA encourages Indian Tribal governments to formally agree upon long-term mitigation actions that will make them safer from natural and manmade hazards. Hazard mitigation is defined as sustained action taken to reduce or eliminate long-term risk to people and property from hazards and their effects. A mitigation action, such as voluntary acquisition and conversion to open space in a floodplain, protects the property and removes people from harm's way for the long term. A preparedness action that would not qualify as a mitigation action would be, "Update Emergency Operations Plan" or "Purchase fire trucks."
Resources:	For more information on identifying and evaluating mitigation actions and preparing a capability assessment, see: ✓ *Developing the Mitigation Plan* (FEMA 386-3), Step 2, Worksheet #1: Identify Alternative Mitigation Actions, Job Aid #1: Alternative Mitigation Actions by Hazard, Worksheet #2: State Mitigation Capability Assessment, Worksheet #3: Local Mitigation Capability Assessment, Job Aid #2: Local Hazard Mitigation Capabilities, and Worksheet #4: Evaluate Alternative Mitigation Actions. ✓ *Integrating Manmade Hazards into Mitigation Planning* (FEMA 386-7), Phase 3. ✓ *Rebuilding for a More Sustainable Future: An Operational Framework* (FEMA 365).

IMPLEMENTATION OF TRIBAL MITIGATION ACTIONS

Requirement: 201.7(c)(3)(iii):	[The mitigation strategy **shall** include an] action plan describing how the actions identified in paragraph (c)(3)(ii) of this section will be prioritized, implemented, and administered by the Indian Tribal government.

Explanation:

After describing the mitigation actions to be included in the mitigation strategy, the Indian Tribal government **shall** describe the method for prioritizing the order in which mitigation actions will be implemented. Considerations that may be used to set priorities include: social impact, technical feasibility, administrative capabilities, political and legal effects, and economic, environmental, historic, and cultural preservation issues. The STAPLEE method may be used to identify, prioritize, rank, and evaluate potential actions for the mitigation strategy.

While a BCA is not required, a clear method of evaluating each action and setting priorities among competing alternatives must be included. Indian Tribal governments *should* consider the benefits that would result from each mitigation action versus the cost of each action even if they are not measurable or expressed in monetary terms (e.g., if cultural preservation is the highest priority, that should be reflected). The requirement is met as long as the cultural, economic, or other criteria that drive the selection of mitigation actions are explained in the action plan.

This section **shall** also include how actions will be implemented and administered. The plan **shall** include the department or agency responsible for carrying out the actions, the potential funding sources, and the implementation timeline. If an action does not meet the BCA criteria for HMA project applications, then other funding sources would need to be identified for that action. This section *should* also include a cost estimate or budget for each action, when available. If cost estimates are not available, Indian Tribal governments may provide comparative costs (such as high, medium, or low) with defined scales among actions.

Plan Update:

The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect progress in tribal mitigation efforts and changes in priorities and to resubmit it for approval within 5 years in order to continue to be eligible for mitigation project grant funding.

Therefore, the updated plan **must** identify the completed, deleted, or deferred actions or activities from the previously approved plan as a benchmark for progress. If the mitigation priorities, actions, or activities remain unchanged from the previously approved plan, the updated plan **must** indicate why changes are not necessary. Further, the updated plan **shall** include in its prioritization new mitigation actions identified since the previous plan was approved or through the plan update process.

Resources:

For a detailed description of the development of the action plan, see:

- ✓ *Developing the Mitigation Plan* (FEMA 386-3), Phase 3.
- ✓ *Using Benefit-Cost Review in Mitigation Planning* (FEMA 386-5).

TRIBAL CAPABILITY ASSESSMENT

Requirement 201.7(c)(3)(iv):	[The mitigation strategy **shall** include] a discussion of the Indian Tribal government's pre- and post-disaster hazard management policies, programs, and capabilities to mitigate the hazards in the area, including: • An evaluation of tribal laws, regulations, policies, and programs related to hazard mitigation as well as to development in hazard-prone areas; and • A discussion of tribal funding capabilities for hazard mitigation projects.
Explanation:	The Indian Tribal government **shall** include a discussion of its financial, legal, and programmatic ability to carry out mitigation actions in the pre- and post-disaster setting to achieve its mitigation objectives and, ultimately, its goals. The mitigation strategy *should* not only address the ways the Indian Tribal government's existing capabilities can aid the mitigation effort, but also address areas in which it needs to strengthen its capabilities. Without an assessment of the Indian Tribal government's capability, plan implementation could stall from inadequate resources. The Indian Tribal government **shall** conduct an evaluation of its laws, regulations, policies, and programs related to hazard mitigation as well as to development in hazard-prone areas. The Indian Tribal government *should* discuss existing and emerging policies and programs for both pre- and post-disaster mitigation. The discussions *should* include implementation opportunities and problems (e.g., financial/staffing resources, lack of informed "public" as defined by the Indian Tribal government, non-mandated improvements), opportunities for improving Indian Tribal government capabilities, conflicts created by investment policies (e.g., policies that have promoted investment in hazard-prone areas), and problems created by development projects in hazard-prone areas. The Indian Tribal government *should* highlight implementation tools, policies, and programs that have proven to be effective in achieving mitigation objectives (e.g., planning legislation requiring integration of mitigation actions in comprehensive plans). The Indian Tribal government *should* also identify those laws, regulations, and policies that can be amended to integrate mitigation actions or to remove provisions that hinder mitigation efforts. The Indian Tribal government **shall** describe its assessment of its funding capabilities for hazard mitigation projects. The discussion *should* include positive aspects as well as problems encountered, and identify areas where the Indian Tribal government needs to seek outside funding sources (e.g., if an action does not meet BCA criteria, then HMA project grants could not be used as a funding source for that action).
Plan Update:	The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect any changes in development, progress in mitigation efforts, and changes in priorities and to resubmit it for approval within 5 years in order to continue eligibility for FEMA assistance.

The plan update provides an opportunity for the Indian Tribal government to re-evaluate its pre- and post-disaster hazard management laws, regulations, policies, programs, and capabilities. The plan update **must** address any hazard management capabilities that have changed since approval of the previous plan.

The Indian Tribal government **shall** also provide an updated assessment of its funding capabilities for hazard mitigation projects.

In the previously approved plan, the Indian Tribal government may have identified laws, regulations, and policies that could be amended to integrate mitigation actions or to remove provisions that hinder mitigation efforts. Where applicable, the updated plan *should* describe progress in modifying these policies and legislation or identify where opportunities for integration still remain.

Resource: For more tips on how to assess mitigation capabilities, see:

- ✓ *Developing the Mitigation Plan* (FEMA 386-3), Step 2.

Sample 3.1: **Excerpt from the Trinidad Rancheria Hazard Mitigation Plan**

Table 5.4 Mitigation Capability Worksheet/Trinidad Rancheria Organizational Capabilities

Agency Name	Missions/ Programs	Tribal Funding Capability	Point Of Contact	Effect on Loss Reduction			Comments
				Support	Facilitate	Hinder	
Tribe Security	Law Enforcement	No	N/A			X	
Gaming	Surveillance	Yes	Name/#	X			
Gaming	Intelligence	Yes	Name/#	X			
	FBI Coord.	No	N/A			X	
Tribe Emergency Dept.	Emergency Response	Yes	TERT Team/#				
	Pre-Emerg. Planning	Yes	Name/#	X	X		
	Medical Care	Yes	Name/#	X	X		
	Emerg. Management	Yes	Name/#	X	X		
Tribe Facilities Dept.	Heavy Equipment	Yes	Name/#		X		
	Diking	Yes	Name/#				
EPA	Water Quality	Yes	Name/#	X	X		
	GIS	Yes	Name/#	X	X		
	Mapping	Yes	Name/#	X			
	Water Systems	Yes	Name/#	X	X		

Sample 3.2:

Excerpt from The Washoe Tribe of Nevada and California Multi-Hazard Mitigation Plan

15.1 Tribal Pre-Disaster Capability Assessment

Throughout the United States, the importance of disaster prevention and hazard mitigation has been increasingly recognized in recent years, shifting from the previous emphasis on the other components of emergency management: preparedness, response, and recovery. This change in federal policy and understanding should now "trickle down," to be reflected correspondingly in the Washoe Tribe's governmental, legal, fiscal, departmental and programmatic policies, such that they increasingly incorporate and prioritize hazard mitigation measures. As this HMP was produced in cooperation with key political and departmental players both within the Tribe and outside local agencies, the process of creating it has been a first step towards bringing about that internal change in understanding and policy framework.

Because the Tribe uses federal funding for many of its housing, development, and other projects, most of these developments must comply with National Environment and Planning Agency (NEPA) requirements. For example, everything funded through an Indian Community Development Block Grant (ICDBG), the Native American Housing Assistance and Self Determination Act (NHASDA), or the Bureau of Indian Affairs Home Improvement Program (HIP) must be NEPA-compliant. Washoe Housing Authority (WHA) projects must also follow federal Housing and Urban Development (HUD) regulations. The aforementioned projects constitute the majority of the Tribe's development. Additionally, all developments on Tribal land must comply with the Tribe's Development Planning System, described in detail below, which has requirements similar to those of NEPA. These federal and tribal laws and regulations ensure the structural, electrical, and utility system integrity and safety of development on Tribal lands.

The Washoe Tribe has several mechanisms already in place that reduce the risk associated with hazard events; however, there are areas where the Tribe should increase its emphasis on mitigation in general to reflect the new federal policy shift. The Tribe's current "hazard mitigation capability" relies on Tribal law, development policies, land use and other plans, budget allocations, personnel, training, and public outreach. Some of the Tribe's capabilities can also be strengthened by support from federal, State, and local government agencies. All of these are addressed in this chapter.

To determine what capabilities the Tribe has and to identify areas to improve implementation of hazard mitigation measures, the Emergency Management Coordinator conducted special one-on-one meetings with the Tribe's senior planner, general counsel, financial director, Washoe Housing Authority (WHA) staff, and the director of the Washoe Development Group (WDG). The information they provided is included in tables and paragraphs in the corresponding sections below.

TRIBAL FUNDING SOURCES

Requirement 201.7(c)(3)(v):	[The mitigation strategy **shall** include an] identification of current and potential sources of Federal, tribal, or private funding to implement mitigation activities.

Explanation: The Tribal Mitigation Plan **shall** describe the current funding sources as well as potential sources that will be pursued to fund proposed mitigation projects and actions. It *should* also identify where funding is required to implement a project/activity identified in the mitigation strategy. Funding alternatives **shall** include tribal, Federal, State, local, and private sources.

The description can also include novel or alternative ways to fund actions, such as:

- Combining funding from various programs to implement a mitigation project;
- Integrating mitigation actions in implementing agencies' work plans;
- Identifying mitigation opportunities that may arise during scheduled infrastructure improvements, maintenance, replacement, or other capital improvements;
- Building partnerships with businesses and nonprofits whose properties, employees, or clients may be affected by hazards; or
- Combining funding from various Federal programs to fund a comprehensive plan with a mitigation component.

Plan Update: The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect changes in development, progress in mitigation efforts, and changes in priorities and to resubmit it for approval within 5 years in order to continue eligibility for FEMA assistance.

The updated plan **must** describe current and potential sources of funding to implement mitigation activities. The updated plan *should* associate current and potential funding with identified mitigation actions in the mitigation strategy, not just a general statement of funding. The updated plan **must** identify the sources of mitigation funding used since approval of the previous plan to implement activities in the mitigation strategy.

Resources: For more information on funding mitigation actions, see:

- ✓ *Developing the Mitigation Plan* (FEMA 386-3), Step 3.
- ✓ *Bringing the Plan to Life* (FEMA 386-4), Step 2.

PLAN MAINTENANCE

Section 201.7(c)(4) of 44 CFR requires a formal plan maintenance process to ensure that the Tribal Mitigation Plan remains an active and relevant document. The plan maintenance process includes a method and schedule for monitoring, evaluating, and updating the plan at least every 5 years. This section of the Mitigation Planning regulation also includes an explanation of how Indian Tribal governments intend to incorporate their mitigation strategies into existing planning mechanisms, such as comprehensive or capital improvement plans or zoning and building codes. Lastly, continued participation by the "public," as defined by the Indian Tribal government, is required throughout the plan maintenance process.

When the plan is updated, Indian Tribal governments assess how their plan maintenance process worked and identify whether changes to the process are needed. Taking into consideration future updates, adjustments to the method and schedule for maintaining the plan may be necessary to ensure its value for comprehensive risk reduction.

As the mitigation plan evolves through updates, the plan maintenance process serves as the basis for the next update, and the process of updating the plan provides Indian Tribal governments with an opportunity to document progress in achieving its mitigation goals.

When the Indian Tribal government prepares a plan update, the Mitigation Planning regulation at 44 CFR 201.7 requires that the plan discuss how the "public," which usually includes tribal members and other affected stakeholders, were kept involved during the plan maintenance process over the previous 5 years. This discussion may take place within the planning process section of the plan update rather than the plan maintenance section. The plan maintenance section should emphasize future plan maintenance and "public" involvement.

This section includes the following subsections:

- Monitoring, Evaluating, and Updating the Plan
- Monitoring Progress of Mitigation Activities
- Incorporation into Existing Planning Mechanisms
- Continued Member and Stakeholder Involvement

MONITORING, EVALUATING, AND UPDATING THE PLAN

Requirement 201.7(c)(4)(i):	[The plan maintenance process **shall** include a] section describing the method and schedule of monitoring, evaluating, and updating the mitigation plan.

Explanation:

The Indian Tribal government **shall** describe how, when, and by whom the mitigation plan will be **monitored.** It is only necessary to provide the department or agency responsible for carrying out the actions, not specific individuals. Monitoring may include periodic reports by agencies involved in implementing projects or activities, site visits, phone calls, and meetings conducted by the members of the tribal planning team or others responsible for overseeing the plan, or the preparation of annual reports that capture the highlights of the previously mentioned activities.

The plan **shall** also include a description of how, when, and by whom the plan will be **evaluated** and *should* include the criteria used to evaluate the plan. The evaluation *should* assess, among other things, whether:

- The goals and objectives address current and expected conditions;
- The nature, magnitude, and/or type of risks have changed;
- The current resources are appropriate for implementing the plan;
- There are implementation problems, such as technical, social, cultural, political, legal, or coordination issues with other agencies, tribal members, or other affected stakeholders;
- The outcomes have occurred as expected (a demonstration of progress); and
- The agencies and other partners participated as originally proposed.

The plan **shall** describe how, when, and by whom the plan will be **updated**. The Mitigation Planning regulation requires that the plan be updated within 5 years from the date of FEMA approval. FEMA recommends that the plan be reviewed and updated on an annual basis or after a hazard occurrence to determine the effectiveness of programs, and to reflect changes in land development or programs that may affect mitigation priorities. Monitoring, evaluation, and update activities *should* take place continuously within the 5-year timeframe.

Plan Update:

The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect changes in development, progress in mitigation efforts, and changes in priorities and to resubmit it for approval within 5 years in order to continue eligibility for FEMA assistance.

The previously approved plan identified procedures to **monitor**, **evaluate**, and **update** its mitigation plan and track mitigation activities. The results of this evaluation and monitoring will assist the Indian Tribal government in updating each section of the plan as part of the established update schedule. In particular, the plan maintenance section of the previously approved plan *should* assist in establishing a process for updating the plan. The plan update process provides Indian Tribal governments with the opportunity to compare the mitigation framework established in the

previously approved plan to assess the amount of progress made through the implementation of the mitigation strategy.

As a part of the planning process, the Indian Tribal government reviews and analyzes the previously approved plan's method and schedule for monitoring and updating the plan, such as strengths and weaknesses and what elements, if any, have changed. The updated plan **must** include the method and schedule to be used over the next 5 years to monitor, evaluate, and update the plan.

Resources: For guidance on monitoring, evaluating, and updating the plan, see*:*

- ✓ *Bringing the Plan to Life* (FEMA 386-4), Steps 2 – 4.
- ✓ *Integrating Manmade Hazards into Mitigation Planning* (FEMA 386-7), Phase 4, Step 3.

Sample 4.1: **Excerpt from the Resighini Rancheria Hazard Mitigation Plan: Plan Maintenance Process**

5.1 Monitoring, Evaluating and Updating the Plan

Method and schedule for monitoring the plan; include a schedule for reports, site visits and or meetings.

The REPA Director is responsible for following through with each mitigation action, and, every six month, the Director will check with the individual place in charge of each project that is undertaken to find out work completed to date. Site visits and conferences will be scheduled as needed.

The REPA Director will meet with all Department Directors and the Tribal Council semi-annually to discuss progress on achieving the Tribes goals and objectives set out in the Plan. The Tribe will use these meetings to identify any obstacles to finishing the job and then report to the Tribal Manager on overall progress in carrying out the plan. Quarterly reports will be made to the Tribal Council and budget requests will be submitted each April when department budgets are being developed.

Monitoring Activity	**Due Date**
Resighini Hazard Mitigation Plan Developed	May 2006
Progress Report to Tribal Council	July 2006
Progress Report to Tribal Council	October 2006
Semi-Annual Director's Meeting	December 2006
Progress Report to Tribal Council	January 2007
Departments Submit Budget Requests	April 2007
Progress Report to Tribal Council	April 2007
Progress Report to Tribal Council	July 2007

Semi-Annual Director's Meeting	July 2007
Draft Plan Update to Tribal Council	October 2007
Draft Plan Update for Public Comment	December 2007
Semi-Annual Director's Meeting	December 2007
Updated Plan to Tribal Council for Adoption	January 2008
Progress Report to Tribal Council	April 2008
Semi-Annual Director's Meeting	July 2008
Progress Report to Tribal Council	July 2008

Method for evaluating the plan (identifies the party responsible for evaluating the plan, includes the criteria used to evaluate the plan).

At each July Director's meeting the department heads will evaluate the progress in undertaking the mitigation projects and to discuss way in which the various departments can assist in furthering the work.

Method and schedule for updating the plan.

The Tribe's Hazard Mitigation Plan will be evaluated annually and will be updated at least every two years. A revised copy of the plan will be completed by November 30th and submitted for public comment. The Tribal Council will approve the updated plan by January 31st. More frequent updates may be submitted to the Tribal Council for approval as needed to address new or unexpected mitigation goals and objectives or funding opportunities.

MONITORING PROGRESS OF MITIGATION ACTIVITIES

Requirement 201.7(c)(4)(ii), 201.7(c)(4)(v):	[The plan maintenance process **shall** include a] • system for monitoring implementation of mitigation measures and project closeouts; and • a system for reviewing progress on achieving goals as well as activities and projects outlined in the mitigation strategy.

Explanation:

The plan **must** describe the Indian Tribal government's monitoring system for tracking the initiation and status of projects as well as project closeouts, indicating who will be responsible for implementing and maintaining this system. This is important because without regular monitoring, mitigation actions may not be implemented as planned.

The plan **must** also describe how the Indian Tribal government reviews the progress made on actions and projects and how well these contribute to achieving the plan's goals. The description **must** also include who is involved and what the timeframe is for carrying out the review.

Plan Update:

The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect any changes in development, progress in mitigation efforts, and changes in priorities and to resubmit it for approval within 5 years in order to continue eligibility for FEMA assistance.

The update **must:**

- Describe any modifications to the Indian Tribal government's system used to track the initiation, status, and completion of mitigation activities;
- Discuss whether mitigation actions were implemented as planned; and
- Indicate who will be responsible for continued management and maintenance of the monitoring system, including the timeframe for carrying out future reviews.

The system identified in this section of the plan will support demonstration of progress in mitigation efforts under 44 CFR 201.7 (d)(3)(iii).

The update *should*:

- Describe any challenges that hindered implementation of mitigation measures and project close-outs and how these will be dealt with in the future. These could include technical, social, cultural, political, financial, legal, or agency coordination issues; and
- Describe any factors that contributed to successful implementation of mitigation measures.

Resource:

For information on the plan maintenance process, see:

✓ *Bringing the Plan to Life* (FEMA 386-4), Steps 3 and 4.

Sample 4.2: **Excerpt from Resighini Rancheria Multi-hazard Mitigation Plan**

5.2 Monitoring Progress of Mitigation Activities

How will mitigation measures and project closeouts be monitored?

The Tribal Council, at its monthly meetings, will identify any on-going projects and activities in support of mitigation goals and objectives and that are identified in the Mitigation Strategy.

The Tribal Council will also work to identify opportunities to integrate other activities and projects that support mitigation goals and objectives.

The Tribal Council will work to coordinate the necessary technical and fiscal resources to implement the projects and activities.

The various departments of the tribal government will monitor project closeouts and include closeout information in a report to the Tribal Council, Tribal Manager and Tribal Accountant.

What system will be utilized to review progress on achieving goals in the mitigation strategy?

The Tribal Council will request activity reports from the department, program, enterprise or other entity implementing the projects and activities.

The Tribal Council will coordinate with the entity to help ensure that project implementation and results make progress toward the mitigation goals and objectives.

The Tribal Council will monitor the annual budget that relates to obtaining hazard mitigation goals and objectives to ensure project funds are being spent appropriately.

What system will be used to review progress on implementing activities and projects of the Mitigation Strategy?

The Tribal Council will include monitoring reports and evaluations in the Annual Report to the Tribal Membership due in December of each year.

Each department responsible for completing a mitigation action will prepare a Mitigation Action Report for presentation at the Tribe's Annual Meeting held in December of each year.

INCORPORATION INTO EXISTING PLANNING MECHANISMS

Requirement 201.7(c)(4)(iii):	[The plan maintenance process **shall** include a] process by which the Indian Tribal government incorporates the requirements of the mitigation plan into other planning mechanisms such as reservation master plans or capital improvement plans, when appropriate.

Explanation: The plan **shall** identify other planning mechanisms that may be appropriate for incorporating hazard mitigation plan requirements. Indian Tribal governments **shall** also indicate how information contained in the plan, including goals and objectives, hazard identification, and risk assessment, will be integrated into other planning mechanisms.

This requirement is related to the Program Integration requirement (44 CFR 201.7(c)(1)(iv)) described in the *Planning Process* section. The planning process requires the Indian Tribal government to show how they integrated the mitigation plan, to the extent possible, with other planning efforts. Whereas 201.7(c)(1)(iv) describes what has already been completed in the past, the requirement under 201.7(c)(4) is intended to describe what the Indian Tribal government will do to integrate mitigation into other planning mechanisms *in the future*.

Indian Tribal governments that do not have comprehensive plans, capital improvement plans, or other long-range plans, *should* explain how the mitigation actions would be implemented into zoning and building codes, subdivision regulations, site reviews, permitting, staff training, and other planning tools where such tools are the appropriate vehicle for implementation. For mitigation actions that may use other means of implementation, these other tools *should* be described.

Indian Tribal government functions may provide a myriad of methods in which to implement actions identified in the mitigation strategy. Among them is the comprehensive plan. Others may include, but are not limited to, the following:

Plans	***Land Use***
Tribal Comprehensive Plan	
General Land Use Plan	
Sustainability Plan	
Capital Improvements Plan	
Redevelopment Plan	
Post-Disaster Redevelopment/Recovery Plan	
Regional Development Plans	
Watershed Protection/Enhancement Plan	
Open Space Plan	
Flood Mitigation Plan	
Military Base Development/Redevelopment/Reuse Plan	
College Campus Plans	

Plans (continued)	
Special Functional Plans (e.g., economic development, airport facilities plan)	
Comprehensive Emergency Management Plan	***Emergency Operations***
Continuity Plan	
Evacuation Plan	
Codes, Regulations, & Procedures	***Land Use***
Zoning Ordinance	
Subdivision Regulations	
Building Code/Permitting	
Landscape Code	
Solid Waste & Hazardous Materials Waste Regulations	
Property Deed Restrictions	
Tree Protection Ordinance	
Site Plan Review	
Architectural/Design Review	
Floodplain/Stormwater Management	
Soil Erosion/Floodplain Management Ordinance	
Programs	***Land Use***
Beach Conservation & Restoration Program	
Historic Preservation Program	
Construction/Retrofit Program	
Transportation Improvement/Retrofit Program	
School District Facilities Plan	
Environmentally Sensitive Purchase/Protection Program	
Long-Range Recreation Facilities Program	
Economic Development Authority	
Land Buyout Program	
Downtown Redevelopment Authority	
Tribal, Local, State, and/or Regional Evacuation Programs	
“Firewise” and other Fire Mitigation Programs	
Fire Rescue Long-Range Programs	
Mutual Aid Agreement	
Temporary Animal Relocation Program	

PLAN MAINTENANCE

Plan Update: The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect changes in development, progress in mitigation efforts, and changes in priorities and to resubmit it for approval within 5 years in order to continue eligibility for FEMA assistance.

The updated plan **must** explain how the Indian Tribal government incorporated the mitigation plan into other planning mechanisms, when appropriate, as a demonstration of progress in mitigation efforts.

The updated plan **shall** continue to describe how the mitigation strategy, including the goals and objectives, and mitigation actions will be incorporated into other planning mechanisms, and also indicate how information contained in the plan, including hazard identification and the risk assessment, will be integrated into other planning mechanisms.

When the Indian Tribal government prepares a plan update, the Mitigation Planning regulation at 44 CFR Part 201 requires that the plan discuss how the Indian Tribal government incorporated the mitigation plan into other planning mechanisms, when appropriate, as a demonstration of progress in mitigation efforts over the previous 5 years. It is suggested that this discussion take place within the planning process section of the plan update rather than the plan maintenance section. The plan maintenance section should emphasize methods for future involvement by the "public" as defined by the Indian Tribal government.

Resources: For more information on incorporating hazard mitigation activities into other initiatives, see:

- ✓ *Getting Started* (FEMA 386-1), Step 2.
- ✓ *Planning for a Sustainable Future: The Link Between Hazard Mitigation and Livability* (FEMA 364).

CONTINUED MEMBER AND STAKEHOLDER INVOLVEMENT

Requirement 201.7(c)(4)(iv):	[The plan maintenance process **shall** include a] discussion on how the Indian Tribal government will continue public participation in the plan maintenance process.
Explanation:	The plan **shall** describe continued participation opportunities for the "public," as defined by the Indian Tribal government in accordance with 44 CFR 201.7(c)(i). This typically includes opportunities that tribal members and other potentially affected parties (i.e., stakeholders who are not part of the tribal planning team, such as nearby residents, businesses, technical experts, etc.) will have during the plan's implementation to comment on the progress made to date. Plans *should* describe the mechanisms for keeping the "public" involved (e.g., holding strategic meetings, participation in other gatherings sponsored by the Indian Tribal government, circulating newsletters, or posting documents on the Internet for comment).
Plan Update:	The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect any changes in development, progress in mitigation efforts, and changes in priorities and to resubmit it for approval within 5 years in order to continue eligibility for FEMA assistance. When the Indian Tribal government prepares a plan update, the Mitigation Planning regulation at 44 CFR Part 201 requires that the plan discuss how the "public," as defined by the Indian Tribal government, was kept involved during the plan maintenance process over the previous 5 years. It is suggested that this discussion take place within the planning process section of the plan update rather than the plan maintenance section. The plan maintenance section should emphasize methods for future "public" involvement by the tribal members and other stakeholders.
Resource:	For more information on keeping the public involved, see: ✓ *Getting Started* (FEMA 386-1), Step 3. ✓ *Bringing the Plan to Life* (FEMA 386-4), Steps 2 and 3.

Sample 4.3:

Excerpt from the Washoe Tribe of California and Nevada Multi-Hazard Mitigation Plan

19.3 Continued Public Involvement

To facilitate the goal of continued public involvement in the planning process, the Washoe Emergency Management Coordinator will assure that the following steps are taken:

- Copies of the plan will be catalogued and kept on hand at Tribal Headquarters, the WEPD, Planning Department, Tribal Police Station, and all of the community centers. Contact information for the Emergency Management Coordinator will be included with the dissemination of the Washoe Tribe Hazard Mitigation Plan.
- The plan will be available on the Washoe Tribe website, and will contain an email address and phone number for the public's use for submitting comments and concerns about the plan.
- A public meeting will be held annually to provide the public with a forum for expressing concerns, opinions, and ideas. The Coordinator will set meeting schedules and dates and use Tribal resources to publicize and host this meeting. A public meeting will also be held within 2 months after a disaster event to ensure that the public can express concerns, opinions and ideas over the disaster event.

Sample 4.4:

Excerpt from the Confederated Salish and Kootenai Tribes Pre-Disaster Mitigation Plan:

The Confederated Salish and Kootenai Tribes are dedicated to involving the public directly in review and updates of the Pre-Disaster Mitigation Plan. The public will have many opportunities to provide feedback about the Plan. Copies of the Plan will be catalogued and kept at all appropriate agencies on the Reservation as well as at the Public Library. The existence and location of these copies will be publicized in Tribal and County newspapers. Section 2.0 of the Plan includes the address and the phone number of the DES Coordinator responsible for keeping track of public comments on the Plan.

A series of public meetings will also be held after each 5 year evaluation, or when deemed necessary by the TERC/LEPC. The meetings will provide the public a forum for which they can express its concerns, opinions, or ideas about the Plan. The DES Coordinator will be responsible for using Tribal resources to publicize the annual public meetings and maintain public involvement through the newspapers and radio.

REPETITIVE LOSS STRATEGY (OPTIONAL)

Indian Tribal governments are encouraged to identify repetitive flood loss structures as part of the risk assessment and include a repetitive loss strategy in their plans. A repetitive loss structure means any residential or commercial structure insured under the National Flood Insurance Program (NFIP) with two or more claim payments of more than $1,000 within 10 years. In addition, the NFIP defines Severe Repetitive Loss (SRL) structures as single or multifamily residential properties covered under an NFIP flood insurance policy and:

1. That have incurred flood-related damage for which 4 or more separate claims payments have been made, with the amount of each claim (including building and contents payments) exceeding $5,000, and with the cumulative amount of such claims payments exceeding $20,000; or
2. For which at least two separate claims payments (building payments only) have been made under such coverage, with cumulative amount of such claims exceeding the market value of the property.
3. In both instances, at least 2 of the claims must be within 10 years of each other, and claims made within 10 days of each other will be counted as 1 claim.

Indian Tribal governments can submit a Repetitive Loss Strategy as part of their Tribal Mitigation Plan. This is strongly encouraged to prevent loss of life and property and protect cultural and other resources. In addition, an approved Tribal Mitigation Plan with a repetitive loss strategy that addresses SRL properties makes the Indian Tribal government eligible under 44 CFR 201.7(c)(3)(vi) for a reduced non-Federal cost share under the Flood Mitigation Assistance (FMA) and SRL hazard mitigation assistance programs when they apply directly to FEMA as a grantee. The reduced cost share option would only apply to SRL properties. If an Indian Tribal government applies as a subgrantee, their eligibility for receiving a reduced Federal cost share is based on the eligibility of the grantee, regardless of whether the Indian Tribal government has a Repetitive Loss Strategy.

Special Consideration: Severe Repetitive Loss Properties	There were no severe repetitive loss properties on lands owned by Indian Tribal governments as of the date of this publication. Since the Repetitive Loss Strategy is optional, Indian Tribal governments may choose not to include these elements until there are SRL properties within the tribal planning area. However, even without the incentive of a reduced cost share for FEMA mitigation grants, Indian Tribal governments should consider including a mitigation strategy for the repetitive loss properties identified in the Tribal Mitigation Plan to protect their members and resources. The repetitive loss mitigation strategy supplements the risk assessment and mitigation strategy portions of the plan by specifically identifying goals, capabilities, and actions to reduce the number of repetitive loss properties, including SRL properties.

In order to be eligible for a reduced cost share under the FMA or SRL grant programs, the Indian Tribal government must have a FEMA-approved Tribal Mitigation Plan at the time of project application that also meets the repetitive loss strategy requirements described in this section. Of the 36 Indian Tribal governments that participate in the NFIP, there are 2 participating Indian Tribal governments with 250 claims for 87 repetitive loss properties and none with severe repetitive loss properties as of the publication of this document.

REPETITIVE LOSS STRATEGY (OPTIONAL)

However, Indian Tribal governments that do not participate in the NFIP or do not have properties that meet the NFIP definitions of repetitive or SRL structures can still benefit from identifying and developing mitigation goals, strategies, and actions to protect members, property, and resources prone to repetitive flooding as part of their planning process.

This section includes the following subsection:

- Repetitive Loss Strategy

REPETITIVE LOSS STRATEGY

Requirement 201.7(c)(3)(vi):	[An Indian Tribal government may request the reduced cost share…under FMA and SRL programs…if they have an approved Tribal Mitigation Plan meeting the requirements of 201.7… and that]: • identifies actions the Indian Tribal government has taken to reduce the number of repetitive loss properties, (which must include properties identified as severe repetitive loss properties), and • specifies how the Indian Tribal government intends to reduce the number of such repetitive loss properties.
Explanation:	This requirement supplements the risk assessment and mitigation strategy portions of the plan required under 44 CFR 201.7(c)(2) and (3) by specifically identifying goals, capabilities and actions that will reduce the number of repetitive loss properties, including severe repetitive loss properties. These requirements are helpful in assessing and identifying actions to reduce flood risk, and are required if the Indian Tribal government chooses to pursue this option or intends to request the reduced cost share under 44 CFR 79.4(c)(2) of regulations for the FMA and the SRL programs when they apply directly to FEMA as a grantee. The Repetitive Loss Strategy requires the following to be included in the Tribal Mitigation Plan: • The Indian Tribal government **must** address repetitive loss structures in its risk assessment. The plan *should* refer generally to geographic areas where concentrations of repetitive loss properties are located for the purpose of identifying and prioritizing areas for mitigation projects, or the plan may list the number of repetitive loss properties with aggregate repetitive loss data. • The *Tribal Multi-Hazard Mitigation Goals* developed to meet the requirements under 201.7(c)(3)(i) **must** support the selection of activities to mitigate and reduce potential losses to structures susceptible to flood damage, including repetitive loss properties. In addition, the *Tribal Capability Assessment* required under 201.7(c)(3)(iv) **must** include an evaluation of policies, programs, and capabilities that allow the mitigation of repetitive losses from flood damage. • The Indian Tribal government **must** describe specific actions that it

has implemented to mitigate repetitive loss properties, and specifically actions taken to reduce the number of *severe repetitive loss properties* as a subset of their repetitive loss properties. If the Indian Tribal government cannot show that any action has ever been taken to reduce the number of such properties, this criterion cannot be met.

- Based on the findings of the risk assessment, the Indian Tribal government **must** identify actions in the mitigation strategy that specifically address repetitive loss properties, including those that are severe repetitive loss properties. This supplements the mitigation actions requirement under 201.7(c)(3)(iii). Mitigation actions *should* be tied to goals and objectives and provide the means to achieve them.
- As part of the mitigation strategy, the plan **must** also describe the current funding sources as well as potential sources that will be pursued to fund proposed mitigation actions for repetitive loss properties. This supplements the identification of funding requirement under 201.7(c)(3)(v).

Plan Update: The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect any changes in development, progress in mitigation efforts, and changes in priorities and to resubmit it for approval within 5 years in order to continue eligibility for FEMA assistance.

Therefore, the updated plan **must** specifically address repetitive loss properties, including severe repetitive loss properties, in accordance with the plan update requirements for the risk assessment under 201.7(c)(2) and under each of the criteria under the tribe's mitigation strategy under 201.7(c)(3).

In addition, the updated plan **must** identify the actions or activities completed since the previously adopted plan as a benchmark for progress. If no mitigation actions or activities have been taken since the previously approved plan, the updated plan **must** indicate why the Indian Tribal government has not been able to complete these actions.

Resources:

- ✓ National Flood Insurance Program Description http://www.fema.gov/about/programs/nfip/index.shtm.
- ✓ To join the NFIP, contact the appropriate FEMA Regional Office. Visit http://www.fema.gov/about/contact/regions.shtm for a listing of the FEMA Regional Offices.
- ✓ For a listing of NFIP State Coordinating Agencies, visit http://www.floods.org/index.asp?menuID=274&firstlevelmenuID=185&siteID=1.

MULTI-JURISDICTIONAL MITIGATION PLANS

The Tribal Mitigation Plan requirements under 44 CFR 201.7(a)(4) specifically allow for multi-jurisdictional mitigation plans. Many issues are better resolved by evaluating hazards more comprehensively by coordinating at the county, regional, or watershed level. In addition, sharing of resources and information may be more cost-effective and advantageous for Indian Tribal governments and other communities that work together. Indian Tribal governments may elect to participate in multi-jurisdictional plans as either:

1. Participants in a Tribal Multi-Jurisdictional Plan, where all participating entities are Indian Tribal governments; or
2. Participants in a Local/Tribal Multi-Jurisdictional Plan, where the Indian Tribal government participates in a planning process with local governments.

Although economy-of-scale efforts are possible and encouraged with multi-jurisdictional plans, FEMA requires that all participating local governments meet the requirements for mitigation plans identified in 44 CFR 201.6 and that all participating Indian Tribal governments meet the requirements identified in 44 CFR 201.7. Several plan elements for those entities that participate as local governments under 44 CFR 201.6 are the same as those for Indian Tribal governments under 44 CFR 201.7 (e.g., planning process, identification of hazards, establishing mitigation goals, and plan maintenance requirements). Other elements are unique to participating local or Indian Tribal governments. This section summarizes the process and differences in the plan development and update process when an Indian Tribal government(s) chooses to participate in a multi-jurisdictional plan.

This section includes the following subsection:

- Multi-Jurisdictional Tribal Planning Participation

MULTI-JURISDICTIONAL TRIBAL PLANNING PARTICIPATION

Requirement 201.7(a)(4):	Multi-jurisdictional plans (*e.g.,* county-wide or watershed plans) may be accepted, as appropriate, as long as the Indian Tribal government has participated in the process… Indian Tribal governments must address all the elements identified in [44 CFR 201.7] to ensure eligibility as a grantee or subgrantee.

Explanation:

A multi-jurisdictional plan prepared in coordination either with other Indian Tribal governments or with non-tribal jurisdictions is acceptable under 44 CFR 201.7(a)(4). However, Indian Tribal governments within the planning area that do not participate in its development and adopt the multi-jurisdictional mitigation plan will not be eligible for future FEMA mitigation project grant assistance unless they have developed their own approved plan. Therefore, the multi-jurisdictional plan **must** document how each Indian Tribal government requesting FEMA approval of the plan participated in the planning process by attending meetings; contributing research, data, or other information; commenting on drafts of the plan; and meeting public participation requirements.

In any multi-jurisdictional mitigation plan, participating Indian Tribal government(s) address all of the required elements under the Tribal Mitigation Plan regulation at 44 CFR 201.7, particularly areas that are unique to them, including:

- Risks, where they differ from the general planning area;
- Mitigation actions (at least one action must be identified for each Indian Tribal government and participating jurisdiction(s); see *Mitigation Strategy/Identification and Analysis of Tribal Mitigation Actions* section); and
- Plan adoption (each Indian Tribal government and other participating jurisdiction(s) must formally adopt the plan).

Tribal Multi-Jurisdictional Plan. Where participants in a multi-jurisdictional plan are all Indian Tribal governments, each tribal participant **must** meet all of the requirements of 201.7 to have an approved Tribal Mitigation Plan. A separate *Tribal Multi-Hazard Mitigation Plan Review Crosswalk* will be completed for participating Indian Tribal governments to ensure that all elements have been met.

Tribal/Local Multi-Jurisdictional Plan. When participants in a multi-jurisdictional plan include Indian Tribal government(s) and local government(s), all of the requirements under 44 CFR 201.6 **must** be met for each participant in the plan. Indian tribal participants **must** meet the requirements in 201.7, which already include the requirements under 44 CFR 201.6, to request approval of a Tribal Mitigation Plan. The elements that an Indian Tribal government must address in addition to those under 44 CFR 201.6 are listed in the following table (these differences are also shown in *Appendix A: Comparison of Tribal, State, and Local Mitigation Plan Requirements*).

Regulation	Requirement	Location in Guidance
201.7 (c)(1)(iv)	*Plan Content.* Be integrated to the extent possible with other ongoing tribal planning efforts as well as other FEMA programs and initiatives.	Page 19
201.7 (c)(2)(ii)(D)	*Risk Assessment.* Cultural and sacred sites that are significant, even if they cannot be valued in monetary terms.	Page 40
201.7 (c)(3)(iv)	*Mitigation Strategy.* A discussion of the Indian Tribal government's pre- and post-disaster hazard management policies, programs, and capabilities to mitigate the hazards in the area, including: an evaluation of tribal laws, regulations, policies, and programs related to hazard mitigation as well as to development in hazard-prone areas; and a discussion of tribal funding capabilities for hazard mitigation projects.	Page 51
201.7 (c)(3)(v)	*Mitigation Strategy.* Identification of current and potential sources of Federal, tribal, or private funding to implement mitigation activities.	Page 54
201.7 (c)(4)(ii)	*Plan Maintenance.* A system for monitoring implementation of mitigation measures and project closeouts.	Page 59
201.7 (c)(4)(v)	*Plan Maintenance.* A system for reviewing progress on achieving goals as well as activities and projects identified in the mitigation strategy.	Page 59
201.7 (c)(6)	*Assurances.* The plan must include assurances that the Indian Tribal government will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, in compliance with 13.11(c) of this chapter. The Indian Tribal government will amend its plan whenever necessary to reflect changes in tribal or Federal laws and statutes as required in 13.11(d) of this chapter.	Page 76

Plan Update:

The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect changes in development, progress in mitigation efforts, and changes in priorities and to resubmit it for approval within 5 years in order to continue eligibility for FEMA assistance. This requirement also applies to Indian Tribal governments and others participating in multi-jurisdictional plans.

The updated multi-jurisdictional plan **must** identify the following:

- All participating Indian tribal and local governments, and whether they are new or are continuing to participate; and,
- Indian tribal and local governments that no longer participate in the plan.

If participation has changed since approval of the previous plan, changes *should* be discussed in the planning process section of the

updated plan.

All Tribal Mitigation Plan elements **must** be reviewed and revised, as necessary, in the updated multi-jurisdictional plan.

Resources: For more information on initiating a comprehensive local mitigation planning process, see:

- ✓ *Getting Started* (FEMA 386-1), Steps 1-3.
- ✓ *Multi-Jurisdictional Mitigation Planning* (FEMA 386-8).

Sample 6.1: **Excerpt from the Maricopa County Multi-Jurisdictional Hazard Mitigation Plan – Ft. McDowell Yavapai Nation Annex**

…the Maricopa County Hazard Mitigation Planning Group and The Fort McDowell Yavapai Nation Planning Team have collaborated to prepare this *Multi-Jurisdictional All-Hazard Mitigation Plan.* The Multi-Jurisdictional All-Hazard Mitigation Plan is the umbrella under which each of the 27 jurisdictional plans, to include The Fort McDowell Yavapai Nation Hazard Mitigation Plan, has been developed. With the support of various community officials, county officials, URS Corporation consultants, the State of Arizona, Maricopa County Department of Emergency Management, and the Federal Emergency Management Agency (FEMA), this plan is the result of nearly a year's worth of work to develop a multi-hazard mitigation plan that will guide the Community toward greater disaster resistance in full harmony with the character and needs of the Community and region.

PLAN REVIEW AND ADOPTION

The Tribal Mitigation Plan review and adoption process can vary depending on several factors, such as whether the Indian Tribal government developed its own plan or participated in a multi-jurisdictional plan with other local governments and whether the Indian Tribal government would like to coordinate with a State for eligibility to participate in FEMA grant programs as a subgrantee. While some situations may be unique and coordinated on a case-by-case basis, most situations are addressed in this *Tribal Multi-Hazard Mitigation Planning Guidance*.

This section includes the following subsections:

- Plan Submittal and Review Procedures
- Assurances by the Indian Tribal Government
- Adoption by the Indian Tribal Government
- Multi-Jurisdictional Tribal Plan Adoption

PLAN SUBMITTAL AND REVIEW PROCEDURES

The Mitigation Planning regulation under 44 CFR Part 201 requires Indian Tribal governments to submit their mitigation plans to the FEMA Regional Office for review and approval. If however, the Indian Tribal government would like the option of being a subgrantee under the State for future mitigation grant funding or is participating in a Tribal/Local Multi-Jurisdictional Plan, then the Tribal Mitigation Plan must be submitted to the State Hazard Mitigation Officer (SHMO) for review and coordination. If this is done prior to FEMA approval as required for a Tribal/Local Multi-Jurisdictional Plan, the Indian Tribal government would submit the plan to the SHMO for initial review, with the State then forwarding the plan to FEMA for formal review and approval. The location of the Tribal Headquarters and the Region responsible for that State determines which Regional Office will review each Tribal Mitigation Plan. If an Indian Tribal government already has a FEMA-approved plan or is part of a Tribal Multi-Jurisdictional Plan but wants to coordinate with the State for subgrantee status at a later time, this is also an option.

Tribal Mitigation Plans should be submitted in an electronic format as instructed by the appropriate Regional Office, either through e-mail or through the mail on CD. The following *recommended* submission approaches may also be helpful:

- Indian Tribal governments and the plan reviewer (either the FEMA Regional Office or the SHMO, as appropriate) should coordinate with each other to identify procedures and schedules that will facilitate support of tribal mitigation planning efforts and review of the Tribal Mitigation Plan.
- Indian Tribal governments are encouraged to share drafts of their entire plan, or at least the results of the risk assessment (because of the importance of the risk assessment to the quality of the overall plan), with the reviewer well in advance of finalizing the plan. Early feedback from the reviewer will let the Indian Tribal government know that it is on the right track, that additional material needs to be added, or that major revisions need to be made in time to develop and submit an approvable plan by established deadlines.
- Indian Tribal governments are encouraged to submit a final draft of the mitigation plan to the reviewer before seeking formal adoption of the plan by the appropriate officials, agencies, or organizations. If FEMA determines that the plan is “approvable pending adoption” (i.e., the

plan meets all requirements except for the formal adoption and final submittal), the Indian Tribal government can then proceed with the adoption process, knowing that the adopted plan will be approved. If FEMA determines that the plan is not approvable, the responsible parties will be able to address deficiencies before taking the plan through adoption, therefore avoiding unnecessary delays in plan approval.

- Indian Tribal governments should coordinate with plan reviewer(s) early to develop a schedule for plan review and approval within established deadlines.

Timeframe for Plan Review and Approval

Once a final plan is submitted, the FEMA Regional Office will complete the review within 45 days from the day it is received, whenever possible. In the event that the plan is not approved, the FEMA Regional Office will provide comments on the areas that need improvement. FEMA will strive to complete the review of each re-submittal of the Tribal Mitigation Plan within 45 days from the day it is received, whenever possible. Once approved, FEMA issues a formal, signed approval letter with the official approval date and the expiration date of the plan.

Plan Evaluation Methodology

FEMA reviewers will document their evaluation of the plan using the *Tribal Multi-Hazard Mitigation Plan Review Crosswalk*. Tribal Mitigation Plans are approved when they receive a "Satisfactory" for all requirements under 44 CFR 201.7. Except for prerequisites that must be met before the plan can be approved, the reviewer evaluates requirements based on the following system:

> **Needs Improvement (N):** The plan does not meet the minimum for the requirement. Reviewer's comments are required.
>
> **Satisfactory (S):** The plan meets the minimum for the requirement. Reviewer's comments are encouraged but not required.

The completed *Tribal Multi-Hazard Mitigation Plan Review Crosswalk* provides the Indian Tribal government with:

- A determination for each requirement;
- FEMA reviewer comments for requirements that need improvement;
- *Recommended revisions* that are not required but offer suggestions on areas to improve the mitigation plan; and
- A determination of whether the plan is approved by FEMA (and the State, for a Tribal/Local Multi-Jurisdictional Plan).

In those cases where FEMA reviewers provided *recommended revisions*, the plan update process is an excellent opportunity to incorporate these recommendations into the revised plan. When FEMA reviews the updated plan, it may assess whether and how the plan addressed *recommended revisions*.

Special Consideration: Crosswalk Suggestion to Assist Plan Reviewers	The *Tribal Multi-Hazard Mitigation Plan Review Crosswalk* includes a column (second from left), "Location in the Plan," that the Indian Tribal government (or State, if applicable) can complete to assist reviewers in determining where in the plan the requirements are addressed. When reviewing plans, the evaluator may find it helpful to first read the plan and identify the appropriate sections that correspond to the Tribal Mitigation Plan requirements.

Plan Updates

The Mitigation Planning regulation for Indian Tribal governments at 201.7(d)(3) directs the update of Tribal Mitigation Plans:

> *Indian Tribal governments must review and revise their plan to reflect changes in development, progress in local mitigation efforts, and changes in priorities and resubmit it for approval within 5 years in order to continue [eligibility for FEMA assistance].*

Tribal Mitigation Plans must be updated and resubmitted to FEMA for approval every 5 years in order to continue eligibility for FEMA grant programs. Plan updates must demonstrate that progress has been made in the past 5 years for Indian Tribal governments to fulfill commitments outlined in the previously approved plan. This involves a comprehensive review and update of each section of the Tribal Mitigation Plan and a discussion of the results of evaluation and monitoring activities detailed in the plan maintenance section of the previously approved plan. Plan updates may validate the information in the previously approved plan, or may involve a major plan rewrite. A plan update is NOT an annex to the previously approved plan; it stands on its own as a complete and current plan.

Indian Tribal governments should develop a schedule that allows for plan update and approval to occur within 5 years from the last approval date. All Indian Tribal governments should consider the time needed prior to the expiration of the Tribal Mitigation Plan. Sufficient time should be allotted for all activities up to and including adoption, such as:

- Application and award for mitigation planning grants (if applicable);
- Contracting for technical or professional services (if applicable);
- Review of mitigation plan;
- Planning process to develop the update;
- FEMA and State reviews, as applicable;
- Revising the updated plan, if necessary, based on FEMA review comments; and
- Plan adoption procedures.

If an Indian Tribal government is considering the option of being a subgrantee under the State for future mitigation grant funding, it should be noted that States could establish a schedule for more frequent Tribal Mitigation Plan updates.

Review of Multi-Jurisdictional Mitigation Plans

Multi-jurisdictional mitigation plans that include non-tribal jurisdictions must be submitted to the SHMO for initial review and coordination, with the State then forwarding the plans to FEMA for formal review and approval.

Multi-jurisdictional mitigation plans that include only Indian Tribal governments may be submitted directly to FEMA for review and approval if all participating Indian Tribal governments anticipate grantee-only status under FEMA grant programs. FEMA encourages all Indian Tribal governments to share their mitigation plans with their State(s) for information exchange and coordination. This allows a participating Indian Tribal government that adopts a FEMA-approved multi-jurisdictional plan maximum flexibility to apply for FEMA assistance as either a grantee or subgrantee since they will have coordinated with the State for plan review.

PLAN REVIEW AND ADOPTION

The Indian Tribal government submitting the plan must address the following prerequisites (assurances and adoption requirements) before FEMA can approve the plan. Once approved, FEMA issues a formal, signed approval letter, which includes the official approval date and the expiration date of the plan.

ASSURANCES BY THE INDIAN TRIBAL GOVERNMENT

Requirement 201.7(c)(6):	[The plan **must** include] assurances that the Indian Tribal government will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, in compliance with 13.11(c) of this chapter. The Indian Tribal government will amend its plan whenever necessary to reflect changes in tribal or Federal laws and statutes as required in 13.11(d) of this chapter.
Explanation:	The regulation regarding assurances, also required for State Mitigation Plans, relates to the Indian Tribal government's understanding and accountability in complying with Federal statutes and regulations in effect when they receive grant funding in 44 CFR 13.11(c). Additionally, assurances indicate that Indian Tribal governments will amend their plan to reflect new or revised Federal regulations or statutes, or changes in tribal law, organization, policy, or tribal agency operation. The amendment can be added as an annex to the plan and later incorporated in to the appropriate section(s) when the plan is formally adopted in accordance with 44 CFR 201.7. The plan **must** include these assurances prior to FEMA approval.
Plan Update:	The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect any changes in development, progress in mitigation efforts, and changes in priorities and to resubmit it for approval within 5 years in order to continue eligibility for FEMA assistance. The Indian Tribal government is required to review the assurances and **must** include these assurances in the plan update.

ADOPTION BY THE INDIAN TRIBAL GOVERNMENT

Requirement 201.7(c)(5):	The plan **must** be formally adopted by the governing body of the Indian Tribal government prior to submittal to FEMA for final review and approval.
Explanation:	Adoption by the Indian Tribal government demonstrates the required commitment to fulfilling the mitigation goals and objectives outlined in the plan. Adoption legitimizes the plan and authorizes responsible agencies to execute their responsibilities. The plan **shall** include documentation of plan adoption, usually a resolution. If the Indian Tribal government has not passed a formal resolution, or used some other documentation of adoption, the clerk or attorney must provide written confirmation that the action meets the legal requirements for official adoption, and/or the highest elected official or his or her designee must submit written proof of the adoption. The signature of one of these officials is required with the explanation or other proof of adoption. Minutes of a council or other appropriate meeting during which the plan is adopted may be sufficient if the laws of the Indian Tribal government allow meeting records to be submitted as documentation of adoption. The clerk of the Indian Tribal government governing body, or attorney, **must** provide a copy of the law and a brief, written explanation, such as, "in accordance with section ___ of the code/ordinance, this constitutes formal adoption of the measure," with an official signature. Approvable Pending Adoption (APA) is a recommended and potentially time-saving process by which Indian Tribal governments submit the *final draft* mitigation plan for a *review* prior to formal adoption. If the plan meets all of the Tribal Mitigation Plan requirements, the plan would then be returned to the Indian Tribal government with an APA status letter. When the APA version of the plan is adopted by the Indian Tribal government, and FEMA has received the documentation of adoption, it would then be formally *approved* through a signed FEMA approval letter. Formal adoption of the plan may be completed prior to submission to FEMA for review. If any changes are made to a plan after FEMA determines it has APA status, FEMA would have to review the plan again to be sure that the changes do not affect final approval. If changes do affect approval, the Indian Tribal government may have to go through the adoption process again to adopt the revised plan. If adopted after FEMA review, adoption **must** take place within one calendar year of receipt of FEMA's APA status. If the plan is not adopted within one calendar year of FEMA's APA status, the Indian Tribal government must update the entire plan and resubmit it for FEMA review. If the plan is not adopted by the Indian Tribal government, they would not be eligible for project grants under the following FEMA mitigation grant programs: Hazard Mitigation Grant Program (HMGP), Pre-Disaster Mitigation (PDM), Flood Mitigation Assistance (FMA), and Severe Repetitive Loss (SRL). In addition, an Indian Tribal government applying

as a grantee would not be eligible for funding under the Fire Management Assistance Grant (FMAG) or Repetitive Flood Claims (RFC) programs or, in the event of a Presidential Disaster Declaration, for Public Assistance Categories C-G, (e.g., repairs to damaged infrastructure or publicly owned buildings) until the plan is approved.

Note: The plan's crosswalk may contain *recommended revisions*, suggesting improvements to the plan. If the Indian Tribal government opts to incorporate all or some of the *recommended revisions* then the plan would be resubmitted for another review.

Plan Update: The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect any changes in development, progress in mitigation efforts, and changes in priorities and to resubmit it for approval within 5 years in order to continue eligibility for FEMA assistance.

Therefore, the updated plan **shall** include a copy of the resolution or other documentation of formal adoption of the updated plan regardless of the degree of modification. The resolution or adoption for the previously approved plan will not be accepted for plan updates.

Resource: For more information about adopting a mitigation plan, see:

- ✓ *Bringing the Plan to Life* (FEMA 386-4), Step 1.

Sample 7.1: Tribal Adoption Resolution

Name of Indian Tribal Government
Resolution #2006-01

WHEREAS the [insert tribe name here] has historically experienced severe damage from natural and human-caused hazards such as flooding, wildfire, earthquake, drought, thunderstorms/high winds, and hazardous materials incidents on many occasions in the past century, resulting in loss of property and life, economic hardship, and threats to public health and safety;

WHEREAS the [insert tribe name] has developed and received conditional approval from the Federal Emergency Management Agency (FEMA) for its All Hazard Mitigation Plan under the requirements of 44 CFR 201.7;

WHEREAS the Plan specifically addresses hazard mitigation strategies and plan maintenance procedures for [insert tribe name here];

WHEREAS the Plan recommends several hazard mitigation actions/projects that will provide mitigation for specific natural and human caused hazards that impact [insert tribe name], with the effect of protecting people and property from loss associated with those hazards;

WHEREAS, adoption of this plan will make the [insert tribe name] eligible for funding to alleviate the impacts of future hazards on the Reservation,

NOW THEREFORE BE IT RESOLVED
by the [insert appropriate official titles] of the [insert tribe name] that:

1. The Plan is hereby adopted as an official plan of [insert tribe name].

2. The respective officials identified in the mitigation strategy of the Plan are hereby directed to pursue implementation of the recommended actions assigned to them.

3. Future revisions and Plan maintenance required by 44 CFR 201.7 and FEMA, are hereby adopted as a part of this resolution for a period of five (5) years from the date of this resolution.

4. An annual report on the progress of the implementation elements of the Plan shall be presented to the [insert appropriate official titles such as Mayor, Town Council, Board of Supervisors, Tribal Council, *etc.*] by [insert date] of each calendar year.

5. The [insert tribe name] will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, in compliance with 44 CFR 13.11 (c); and will amend our Plan whenever necessary to reflect applicable changes in Tribe, State or Federal laws and statutes as required in 44 CFR 13.11. (d).

PASSED by the [insert appropriate title], this ___ day of ____ (month), _____(year).

[Provide various signature blocks as required]

MULTI-JURISDICTIONAL TRIBAL PLAN ADOPTION

Requirement 201.7(a)(4) and (c)(5):	Multi-jurisdictional plans (*e.g.*, county-wide or watershed plans) may be accepted, as appropriate, as long as the Indian Tribal government …has officially adopted the plan.

Explanation:

Each Indian Tribal government that is included in a multi-jurisdictional plan **must** have its governing body adopt the plan prior to FEMA approval, even when a regional agency has the authority to prepare such plans.

As with single jurisdictional plans, in order for FEMA to give approval to a multi-jurisdictional plan, at least one participating jurisdiction **must** formally adopt the plan within one calendar year of FEMA's designation of the plan as "approvable pending adoption" (See*: Adoption by the Indian Tribal Government* for an explanation of "approvable pending adoption"). If any changes are made to a plan after FEMA determines it is in APA status, FEMA would have to review the plan again to be sure that the changes do not affect final approval.

Participants of a multi-jurisdictional plan will have the same expiration date as the first jurisdiction's approval date (i.e., five years after the first jurisdiction received approval) regardless of the other participant's subsequent adoption date(s). FEMA recommends that all participating jurisdictions coordinate the adoption process as soon as the plan has received "approvable pending adoption" status to ensure that all participants are covered by a plan for the full five years.

The plan approval date begins the 5-year approval period and sets the expiration date for the plan. The official approval date is indicated on the signed FEMA approval letter. As well as providing the approval date, the letter also indicates the expiration date of the plan.

The 5-year approval period does not get "re-set" each time another participating Indian tribal or local government adopts the plan. For example, if jurisdiction #1, the first jurisdiction to formally adopt the Blue County Multi-Jurisdictional Hazard Mitigation Plan, receives a FEMA approval letter dated January 15, 2008, the plan will expire on January 15, 2013, exactly five years later. If jurisdiction #2 does not formally adopt the plan until July 15, 2008, its eligibility would expire on January 15, 2013, the same expiration date for the entire Blue County plan.

If the plan is not adopted by a participating Indian Tribal government, that Indian Tribal government would not be eligible for project grants under the following HMA programs: HMGP, PDM, FMA, and SRL. In addition, an Indian Tribal government applying as grantee would not be eligible for funding under the Fire Management Assistance or RFC Grant programs or for Public Assistance Categories C-G (e.g., repairs to damaged infrastructure or publicly owned buildings) until the plan is approved.

PLAN REVIEW AND ADOPTION

Plan Update: The Indian Tribal government is required by 44 CFR 201.7(d)(3) to review and revise its plan to reflect changes in development, progress in mitigation efforts, and changes in priorities and to resubmit it for approval within 5 years in order to continue eligibility for FEMA assistance.

Each Indian Tribal government that is seeking approval for the multi-jurisdictional mitigation plan **must** have its governing body adopt the updated plan, regardless of the degree of modifications. The resolution or adoption for the previously approved plan will not be accepted for plan update.

Resources: For more information about adopting the mitigation plan, see:

- ✓ *Bringing the Plan to Life* (FEMA 386-4), Step 1.
- ✓ *Multi-Jurisdictional Mitigation Planning* (FEMA 386-8), p. 4.

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Instructions for Using the Plan Review Crosswalk for Review of Tribal Multi-Hazard Mitigation Plans

Attached is a Plan Review Crosswalk based on the ***Tribal Multi-Hazard Mitigation Planning Guidance***, published by FEMA, dated March 2010. This Plan Review Crosswalk is consistent with the Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as amended by the Disaster Mitigation Act of 2000 (P.L. 106-390); the National Flood Insurance Act of 1968, as amended by the National Flood Insurance Reform Act of 2004 (P.L. 108-264); and 44 Code of Federal Regulations (CFR) Part 201 – *Mitigation Planning*, inclusive of all amendments through November 30, 2009.

SCORING SYSTEM

N – Needs Improvement: The plan does not meet the minimum for the requirement. Reviewer's comments must be provided.

S – Satisfactory: The plan meets the minimum for the requirement. Reviewer's comments are encouraged, but not required.

Each requirement includes separate elements. All elements of a requirement must be rated "Satisfactory" in order for the requirement to be fulfilled and receive a summary score of "Satisfactory." A "Needs Improvement" score on elements shaded in gray (recommended but not required) will not preclude the plan from passing.

When reviewing single jurisdiction plans, reviewers may want to put an N/A in the boxes for multi-jurisdictional plan requirements. When reviewing multi-jurisdictional plans, reviewers may want to put an N/A in the prerequisite box for single jurisdiction plans. Indian Tribal governments or States that have additional requirements can add them in the appropriate sections of the *Multi-Hazard Mitigation Planning Guidance* or create a new section and modify this Plan Review Crosswalk to record the score for those requirements.

Optional matrices for assisting in the review of sections on profiling hazards, assessing vulnerability, and identifying and analyzing mitigation actions are found at the end of the Plan Review Crosswalk.

The example below illustrates how to fill in the Plan Review Crosswalk.

Example

Assessing Vulnerability: Overview

Requirement 201.7(c)(2)(ii): *[The risk assessment **shall** include a] description of the Indian Tribal government's vulnerability to the hazards described in paragraph (c)(2)(i) of this section. This description **shall** include an overall summary of each hazard and its impact on the tribe.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE N	SCORE S
A. Does the plan include an **overall summary** description of the Indian tribe's **vulnerability** to each hazard?	Section II, pp. 4-10	The plan describes the types of assets that are located within geographically defined hazard areas as well as those that would be affected by winter storms.		✓
B. Does the plan address the **impact** of each hazard on the Indian tribe?	Section II, pp. 10-20	The plan does not address the impact of two of the five hazards addressed in the plan. **Required Revisions:** • Include a description of the impact of floods and earthquakes on the assets. **Recommended Revisions:** • This information can be presented in terms of dollar value or percentages of damage.	✓	
		SUMMARY SCORE	✓	

Tribal Mitigation Plan Review and Approval Status

Tribe:	**Title of Plan:**	**Date of Plan:**
Tribal Point of Contact:	**Address:**	
Title:		
Agency:		
Phone Number:	**E-Mail:**	

State Reviewer (if applicable):	**Title:**	**Date:**

FEMA Reviewer:	**Title:**	**Date:**
Date Received in FEMA Region [Insert #]		
Plan Not Approved		
Plan Approved		
Date Approved		

Additional Indian Tribal Governments (if appropriate):	**DFIRM**		**NFIP Status***			
	In Plan	**NOT In Plan**	**Y**	**N**	**N/A**	**CRS Class**
1.						
2.						
3.						
4.						
5. [ATTACH PAGE(S) WITH ADDITIONAL INDIAN TRIBAL GOVERNMENTS]						

*** Notes:** **Y = Participating** **N = Not Participating** **N/A = Not Mapped**

TRIBAL MULTI-HAZARD MITIGATION PLAN REVIEW SUMMARY

The plan cannot be approved if the plan has not been formally adopted. Each requirement includes separate elements. All elements of the requirement must be rated "Satisfactory" in order for the requirement to be fulfilled and receive a score of "Satisfactory." Elements of each requirement are listed on the following pages of the Plan Review Crosswalk. A "Needs Improvement" score on elements shaded in gray (recommended but not required) will not preclude the plan from passing. Reviewer's comments must be provided for requirements receiving a **"Needs Improvement"** score.

SCORING SYSTEM

Please check one of the following for each requirement.

N – Needs Improvement: The plan does not meet the minimum for the requirement. Reviewer's comments must be provided.
S – Satisfactory: The plan meets the minimum for the requirement. Reviewer's comments are encouraged, but not required.

Planning Process	N	S
1. Documentation of the Planning Process: 201.7(b) and 201.7(c)(1)(i) and (ii)		
2. Program Integration: 201.7(c)(1)(iii) and (iv)		

Risk Assessment	N	S
3. Identifying Hazards: 201.7(c)(2)(i)		
4. Profiling Hazards: 201.7(c)(2)(i)		
5. Assessing Vulnerability: Overview: 201.7(c)(2)(ii)		
6. Assessing Vulnerability: Identifying Structures: 201.7(c)(2)(ii)(A)		
7. Assessing Vulnerability: Estimating Potential Losses: 201.7(c)(2)(ii)(B)		
8. Assessing Vulnerability: Analyzing Development Trends: 201.7(c)(2)(ii)(C)		
9. Assessing Vulnerability: Assessing Cultural and Sacred sites: 201.7(c)(2)(ii)(D)		

Mitigation Strategy	N	S
10. Tribal Multi-Hazard Mitigation Goals: 201.7(c)(3)(i)		
11. Identification and Analysis of Tribal Mitigation Actions: 201.7(c)(3)(ii)		
12. Implementation of Tribal Mitigation Actions: 201.7(c)(3)(iii)		
13. Tribal Capability Assessment: 201.7(c)(3)(iv)		
14. Tribal Funding Sources: 201.7(c)(3)(v)		

Plan Maintenance Process	N	S
15. Monitoring, Evaluating, and Updating the Plan: 201.7(c)(4)(i)		
16. Monitoring Progress of Mitigation Activities: 201.7(c)(4)(ii) and 201.7(4)(v)		
17. Incorporation into Existing Planning Mechanisms: 201.7(c)(4)(iii)		
18. Continued Member and Stakeholder Involvement: 201.7(c)(4)(iv)		

Prerequisites	NOT MET	MET
19. Adoption by the Tribal Governing Body : 201.7(c)(5) and (c)(6) ***[single Indian Tribal government only]***		
20. Multi-Jurisdictional Plan Adoption: 201.7(a)(4), (c)(5) and(c)(6) ***[multi-jurisdictional only]***		
21. Multi-Jurisdictional Planning Participation: 201.7(a)(4) ***[multi-jurisdictional only]***		

Severe Repetitive Loss Strategy (Optional)	N	S
22. Repetitive Loss Strategy: 201.7(c)(3)(vi)		

TRIBAL MITIGATION PLAN APPROVAL STATUS

PLAN NOT APPROVED	
See Reviewer's Comments	
PLAN APPROVED	

PLANNING PROCESS: *201.7(b): An effective planning process is essential in developing and maintaining a good plan. The mitigation planning process should include coordination with other tribal agencies, appropriate Federal agencies, adjacent jurisdictions, interested groups, and be integrated to the extent possible with other ongoing tribal planning efforts as well as other FEMA mitigation programs and initiatives.*

1. Documentation of the Planning Process

Requirement 201.7(c)(1): *[The plan **shall** document] the planning process used to develop the plan, including how it was prepared, who was involved in the process, and how the public was defined and involved. This **shall** include:*

(i) An opportunity for the public to comment on the plan during the drafting stage and prior to plan approval, including a description of how the Indian Tribal government defined "public;" and

(ii) As appropriate, an opportunity for neighboring communities, tribal and regional agencies involved in hazard mitigation activities, and agencies that have the authority to regulate development, as well as businesses, academia, and other private and nonprofit interests to be involved in the planning process.

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE N	SCORE S
A. Does the plan provide a narrative **description of the process** followed to prepare the new or updated plan?				
B. Does the new or updated plan indicate **who was involved** in the current planning process?				
C. Does the new or updated plan indicate **how the "public" was defined and involved**? How was the "public" defined? How was the "public" involved? Were they provided an opportunity to comment on the plan during the drafting stage and prior to the plan approval?				
D. Does the new or updated plan discuss the opportunity for other Indian Tribal governments, tribal and regional agencies, businesses, academia, nonprofits, neighboring communities, and other affected stakeholders and interested parties to be involved in the planning process?				
E. Does the updated plan document how the planning team reviewed and analyzed each section of the plan? ***[Updates only.]***				
F. Does the updated plan indicate for each section of the plan whether or not it was revised as part of the update process? ***[Updates only.]***				
		SUMMARY SCORE		

2. Program Integration

Requirement 201.7(c)(1)(iii) and (iv): *[The plan **shall**:]*
[include] (iii) Review and incorporation, if appropriate, of existing plans, studies, and reports; and
(iv) Be integrated to the extent possible with other ongoing tribal planning efforts as well as other FEMA programs and initiatives.

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE N	SCORE S
A. Does the new or updated plan describe the review and incorporation, if appropriate, of existing plans, studies, and reports in the new or updated plan?				
B. Does the new or updated plan describe how the Indian tribal mitigation plan is **integrated with other ongoing Indian tribal planning efforts**?				
C. Does the new or updated plan describe how the Indian tribal mitigation planning process is **integrated with FEMA mitigation programs and initiatives**?				
		SUMMARY SCORE		

RISK ASSESSMENT: *201.7(c)(2): [The plan **shall** include a] risk assessment that provides the factual basis for activities proposed in the strategy to reduce losses from identified hazards. Tribal risk assessments must provide sufficient information to enable the Indian Tribal government to identify and prioritize appropriate mitigation actions to reduce losses from identified hazards.*

3. Identifying Hazards

Requirement 201.7(c)(2)(i): *[The risk assessment **shall** include a] description of the type … of all natural hazards that can affect the tribal planning area.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE N	SCORE S
A. Does the new or updated plan describe the **tribal planning area**?				
B. Does the new or updated plan include a description of the **types of all natural hazards** that affect the tribal planning area?				
		SUMMARY SCORE		

4. Profiling Hazards

Requirement 201.7(c)(2)(i): *[The risk assessment **shall** include a] description of the … location and extent of all natural hazards that can affect the tribal planning area. The plan **shall** include information on previous occurrences of hazard events and on the probability of future hazard events.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE N	SCORE S
A. Does the risk assessment identify the **location** (i.e., geographic area affected) of each natural hazard addressed in the new or updated plan?				
B. Does the risk assessment identify the **extent** (i.e., magnitude or severity) of each hazard addressed in the new or updated plan?				
C. Does the new or updated plan provide information on **previous occurrences** of each hazard addressed in the plan?				
D. Does the new or updated plan include the **probability of future events** (i.e., chance of occurrence) for each hazard addressed in the plan?				
E. Does the updated plan address data deficiencies, if any, noted in the previously approved plan?				
		SUMMARY SCORE		

5. Assessing Vulnerability: Overview

Requirement 201.7(c)(2)(ii): *[The risk assessment **shall** include a] description of the Indian Tribal government's vulnerability to the hazards described in paragraph (c)(2)(i) of this section. This description **shall** include an overall summary of each hazard and its impact on the tribe.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE N	SCORE S
A. Does the new or updated plan include an **overall summary** description of the Indian tribe's **vulnerability** to each hazard?				
B. Does the new or updated plan address the **impact** of each hazard on the Indian tribe?				
		SUMMARY SCORE		

6. Assessing Vulnerability: Identifying Structures

Requirement 201.7(c)(2)(ii)(A): *[The plan **should** describe vulnerability in terms of the] types and numbers of existing and future buildings, infrastructure, and critical facilities located in the identified hazard areas.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE N	SCORE S
A. Does the new or updated plan describe vulnerability in terms of the **types and numbers** of **existing** buildings, infrastructure, and critical facilities located in the identified hazard areas?		***Note: A "Needs Improvement" score on this requirement will not preclude the plan from passing.***		
B. Does the new or updated plan describe vulnerability in terms of the **types and numbers** of **future** buildings, infrastructure, and critical facilities located in the identified hazard areas?		***Note: A "Needs Improvement" score on this requirement will not preclude the plan from passing.***		
		SUMMARY SCORE		

7. Assessing Vulnerability: Estimating Potential Losses

Requirement 201.7(c)(2)(ii)(B): *[The plan **should** describe vulnerability in terms of an] estimate of the potential dollar losses to vulnerable structures identified in paragraph (c)(2)(ii)(A) of this section and a description of the methodology used to prepare the estimate.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE N	SCORE S
A. Does the new or updated plan estimate **potential dollar losses** to vulnerable structures?		***Note: A "Needs Improvement" score on this requirement will not preclude the plan from passing.***		
B. Does the new or updated plan describe the **methodology** used to prepare the estimate?		***Note: A "Needs Improvement" score on this requirement will not preclude the plan from passing.***		
C. Does the updated plan reflect the effects of **changes in development** on loss estimates?		***Note: A "Needs Improvement" score on this requirement will not preclude the plan from passing.***		
		SUMMARY SCORE		

8. Assessing Vulnerability: Analyzing Development Trends

Requirement 201.7(c)(2)(ii)(C): *[The plan **should** describe vulnerability in terms of a] general description of land uses and development trends within the tribal planning area so that mitigation options can be considered in future land use decisions.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE N	SCORE S
A. Does the new or updated plan describe land uses and development trends within the tribal planning area?		***Note: A "Needs Improvement" score on this requirement will not preclude the plan from passing.***		
B. Does the updated plan reflect changes in development for tribal lands in hazard prone areas within the tribal planning area?		***Note: A "Needs Improvement" score on this requirement will not preclude the plan from passing.***		
		SUMMARY SCORE		

9. Assessing Vulnerability: Assessing Cultural and Sacred Sites

Requirement 201.7(c)(2)(ii)(D): *[The plan **should** describe vulnerability in terms of] cultural and sacred sites that are significant, even if they cannot be valued in monetary terms.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE N	SCORE S
A. Does the new or updated plan describe significant cultural and sacred sites that are located in hazard areas?		***Note: A "Needs Improvement" score on this requirement will not preclude the plan from passing.***		
		SUMMARY SCORE		

MITIGATION STRATEGY: *201.7(c)(3): [The plan **shall** include a] mitigation strategy that provides the Indian Tribal government's blueprint for reducing the potential losses identified in the risk assessment, based on existing authorities, policies, programs and resources, and its ability to expand on and improve these existing tools.*

10. Tribal Multi-Hazard Mitigation Goals

Requirement 201.7(c)(3)(i): *[The mitigation strategy **shall** include a] description of mitigation goals to reduce or avoid long-term vulnerabilities to the identified hazards.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE N	SCORE S
A Does the new or updated plan include a description of mitigation **goals** to reduce or avoid long-term vulnerabilities to the identified hazards?				
B. Does the updated plan demonstrate that the goals were evaluated and either remain valid or have been revised?				
		SUMMARY SCORE		

11. Identification and Analysis of Tribal Mitigation Actions

Requirement 201.7(c)(3)(ii): *[The mitigation strategy **shall** include a] section that identifies and analyzes a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of each hazard, with particular emphasis on new and existing buildings and infrastructure.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE N	SCORE S
A. Does the new or updated plan identify and analyze a **comprehensive range** of specific mitigation actions and projects for each hazard?				
B Do the identified actions and projects address reducing the effects of hazards on **new** buildings and infrastructure?				
C. Do the identified actions and projects address reducing the effects of hazards on **existing** buildings and infrastructure?				
		SUMMARY SCORE		

12. Implementation of Tribal Mitigation Actions

Requirement: 201.7(c)(3)(iii): *[The mitigation strategy **shall** include an] action plan describing how the actions identified in section (c)(3)(ii) will be prioritized, implemented, and administered by the Indian Tribal government.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE N	SCORE S
A. Does the mitigation strategy in the new or updated plan include how the actions are **prioritized**? (For example, is there a discussion of the process and criteria used?)				
B. Does the mitigation strategy in the new or updated plan address how the actions will be **implemented and administered,** including the responsible agency, existing or potential resources, and the timeframe to complete each action?				
C. Does the **updated** plan identify the completed, deleted, or deferred mitigation actions as a benchmark for progress, and if activities are unchanged (i.e., deferred), does the updated plan describe why no changes occurred?				
		SUMMARY SCORE		

13. Tribal Capability Assessment

Requirement 201.7(c)(3)(iv): *[The mitigation strategy **shall** include a] discussion of the Indian Tribal government's pre- and post-disaster hazard management policies, programs, and capabilities to mitigate the hazards in the area, including: An evaluation of tribal laws, regulations, policies, and programs related to hazard mitigation as well as to development in hazard-prone areas; and a discussion of tribal funding capabilities for hazard mitigation projects.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE N	SCORE S
A. Does the new or updated plan include an evaluation of the Indian Tribal government's **pre-disaster hazard management** laws, regulations, policies, programs, and capabilities?				
B. Does the new or updated plan include an evaluation of the Indian Tribal government's **post-disaster hazard management** laws, regulations, policies, programs, and capabilities?				
C. Does the new or updated plan include an evaluation of the Indian Tribal government's laws, regulations, policies, programs, and capabilities **related to development** in hazard prone areas?				
D. Does the new or updated plan include a discussion of the Indian Tribal government's **funding capabilities** for hazard mitigation projects?				

E. Does the updated plan address any hazard management laws, policies, programs, capabilities, or funding capabilities of the Indian Tribal government's that have changed since approval of the previous plan?				
		SUMMARY SCORE		

14. Tribal Funding Sources

Requirement 201.7(c)(3)(v): *[The mitigation strategy **shall** include an] identification of current and potential sources of Federal, tribal, or private funding to implement mitigation activities.*

Element	**Location in the Plan** (section or annex and page #)	**Reviewer's Comments**	**SCORE**	
			N	**S**
A. Does the new or updated plan identify **current** sources of Federal, tribal, or private funding to implement mitigation activities?				
B. Does the new or updated plan identify **potential** sources of Federal, tribal, or private funding to implement mitigation activities?				
C. Does the updated plan identify the sources of mitigation funding used to implement activities in the mitigation strategy since approval of the previous plan?				
		SUMMARY SCORE		

PLAN MAINTENANCE PROCESS

15. Monitoring, Evaluating, and Updating the Plan

Requirement 201.7(c)(4)(i): *[The plan maintenance process **shall** include a] section describing the method and schedule of monitoring, evaluating, and updating the mitigation plan.*

Element	**Location in the Plan** (section or annex and page #)	**Reviewer's Comments**	**SCORE**	
			N	**S**
A. Does the new or updated plan describe the method and schedule for **monitoring** the plan, including how, when, and by whom (e.g., the responsible agency)?				
B. Does the new or updated plan describe the method and schedule for **evaluating** the plan, including how, when, and by whom (e.g., the responsible agency)?				
C. Does the new or updated plan describe the method and schedule for **updating** the plan, including how, when, and by whom (e.g., the responsible agency), within the 5-year cycle?				

D. Does the updated plan include an analysis of whether the previously approved plan's method and schedule worked, and what elements or processes, if any, were changed for the next 5 years?				
		SUMMARY SCORE		

16. Monitoring Progress of Mitigation Activities

Requirement 201.7(c)(4)(ii): *[The plan maintenance process **shall** include a] system for monitoring implementation of mitigation measures and project closeouts.*

Requirement 201.7(c)(4)(v): *[The plan maintenance process **shall** include a] system for reviewing progress on achieving goals as well as activities and projects identified in the mitigation strategy.*

Element	**Location in the Plan** (section or annex and page #)	**Reviewer's Comments**	**SCORE**	
			N	**S**
A. Does the new or updated plan describe how mitigation measures and project closeouts will be **monitored**?				
B. Does the new or updated plan identify a **system for reviewing progress** on achieving goals and implementing activities and projects in the Mitigation Strategy?				
C. Does the updated plan describe any modifications, if any, to the system identified in the previously approved plan to track the initiation, status, and completion of mitigation activities?				
D. Does the updated plan discuss whether mitigation actions were implemented as planned?				
		SUMMARY SCORE		

17. Incorporation into Existing Planning Mechanisms

Requirement 201.7(c)(4)(iii): *[The plan maintenance process **shall** include a] process by which the Indian Tribal government incorporates the requirements of the mitigation plan into other planning mechanisms such as reservation master plans or capital improvement plans, when appropriate.*

Element	**Location in the Plan** (section or annex and page #)	**Reviewer's Comments**	**SCORE**	
			N	**S**
A. Does the new or updated plan identify **other tribal planning mechanisms** available for incorporating the requirements of the mitigation plan?				
B. Does the new or updated plan include a **process by which the Indian Tribal government will incorporate the mitigation strategy** and other information contained in the plan (e.g., risk assessment) into other planning mechanisms, when appropriate?				
		SUMMARY SCORE		

18. Continued Member and Stakeholder Involvement

Requirement 201.7(c)(4)(iv): *[The plan maintenance process **shall** include a] discussion on how the Indian Tribal government will continue public participation in the plan maintenance process.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE N	SCORE S
A. Does the new or updated plan explain how **continued public participation** will be obtained? (For example, will there be public notices, an on-going mitigation plan committee, or annual review meetings with stakeholders?)				
		SUMMARY SCORE		

PREREQUISITES

19. Adoption by the Tribal Governing Body (*Single Indian Tribal government*)

Requirement 201.7(c)(5): *The plan **must** be formally adopted by the governing body of the Indian Tribal government prior to submitting to FEMA for final review and approval.*

Requirement 201.7(c)(6): *[The plan **must** include] assurances that the Indian Tribal government will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, in compliance with 13.11(c) of this chapter. The Indian Tribal government will amend its plan whenever necessary to reflect changes in tribal or Federal laws and statutes as required in 13.11(d) of this chapter.*

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE NOT MET	SCORE MET
A. Has the Indian tribal governing body formally adopted the new or updated plan?				
B. Is supporting documentation, such as a resolution, included with the new or updated plan?				
C. Does the new or updated plan provide assurances that the Indian Tribal government will continue to comply with all applicable Federal statutes and regulations during the periods for which it receives grant funding, in compliance with 44 CFR 13.11(c), and will amend its plan whenever necessary to reflect changes in tribal or Federal laws and statutes as required in 44 CFR 13.11(d)?				
		SUMMARY SCORE		

20. Multi-Jurisdictional Plan Adoption (*Multiple Indian Tribal governments*)

***Requirement 201.7(a)(4)*:** *Multi-jurisdictional plans (*e.g., *county-wide or watershed plans) may be accepted, as appropriate, as long as each Indian Tribal government…has officially adopted the plan.*

***Requirement 201.7(c)(5)*:** *The plan **must** be formally adopted by the governing body of the Indian Tribal government prior to submittal to FEMA for final review and approval.*

Requirement 201.7(c)(6): *[The plan **must** include] assurances that the Indian Tribal government will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, in compliance with 13.11(c) of this chapter. The Indian Tribal government will amend its plan whenever necessary to reflect changes in tribal or Federal laws and statutes as required in 13.11(d) of this chapter.*

Element	**Location in the Plan** (section or annex and page #)	**Reviewer's Comments**	**SCORE**	
			NOT MET	**MET**
A. Does the new or updated plan indicate the specific Indian Tribal government(s) represented in the plan?				
B. For each Indian Tribal government(s), has the governing body adopted the new or updated plan?				
C. Is supporting documentation, such as a resolution, included for each participating Indian Tribal government(s)?				
D. Does the new or updated plan provide assurances that the Indian Tribal government will continue to comply with all applicable Federal statutes and regulations during the periods for which it receives grant funding, in compliance with 44 CFR 13.11(c), and will amend its plan whenever necessary to reflect changes in tribal or Federal laws and statutes as required in 44 CFR 13.11(d)?				
		SUMMARY SCORE		

21. Multi-Jurisdictional Planning Participation (*Multiple Indian Tribal governments*)

***Requirement 201.7(a)(4)*:** *Multi-jurisdictional plans (e.g., county-wide or watershed plans) may be accepted, as appropriate, as long as each Indian Tribal government has participated in the process... Indian Tribal governments must address all the elements identified in [44 CFR 201.7] to ensure eligibility as a grantee or as a subgrantee.*

Element	**Location in the Plan** (section or annex and page #)	Reviewer's Comments	SCORE	
			NOT MET	MET
A. Does the new or updated plan describe **how** each Indian Tribal government participated in the plan's development?				
B. Does the updated plan identify all participating Indian Tribal governments, including new and continuing Indian Tribal government(s) and any Indian Tribal government(s) that no longer participate in the plan?				
C. Does each participating Indian Tribal government participating in the new or updated mitigation plan meet all of the elements identified in the *Tribal Multi-Hazard Mitigation Plan Review Crosswalk* for their tribal planning area? Has a separate crosswalk for participating Indian Tribal government(s) been completed, and are all elements "Met" or "S"?				
		SUMMARY SCORE		

REPETITIVE LOSS STRATEGY (OPTIONAL)

22. Repetitive Loss Strategy

Requirement 201.7(c)(3)(vi): *An Indian Tribal government applying to FEMA as a grantee may request the reduced cost share authorized under 79.4(c)(2) of this chapter of the FMA and SRL programs if they have an approved Tribal Mitigation Plan meeting the requirements of this section that also identifies actions the Indian Tribal government has taken to reduce the number of repetitive loss properties (which must include severe repetitive loss properties), and specifies how the Indian Tribal government intends to reduce the number of such repetitive loss properties.* ***[Note: While submittal of a Repetitive Loss Strategy is optional, if the Indian Tribal government wants to request the reduced cost share authorized under 44 CFR 79.4(c)(2) for the FMA and SRL programs as a grantee, then all of the following requirements must be met.]***

Element	Location in the Plan (section or annex and page #)	Reviewer's Comments	SCORE N	SCORE S
A. Does the new or updated plan address repetitive loss properties in its risk assessment (see 201.7(c)(2))?		***[Note: Only required for SRL 90/10 under FMA & SRL]***		
B. Does the new or updated plan describe the Indian Tribal government's mitigation goals that support the selection of mitigation activities for repetitive loss properties (see 201.7(c)(3)(i))?		***[Note: Only required for SRL 90/10 under FMA & SRL]***		
C. Does the new or updated plan identify mitigation actions for repetitive loss properties (see 201.7(c)(3)(iii))?		***[Note: Only required for SRL 90/10 under FMA & SRL]***		
D. Does the new or updated plan describe specific actions that have been implemented to mitigate repetitive loss properties, including actions taken to reduce the number of severe repetitive loss properties?		***[Note: Only required for SRL 90/10 under FMA & SRL]***		
E. Does the new or updated plan consider repetitive loss properties in its evaluation of the Indian Tribal government's hazard management laws, regulations, policies, programs, and capabilities and its general description of mitigation capabilities (see 201.7(c)(3)(iv))?		***[Note: Only required for SRL 90/10 under FMA & SRL]***		
F. Does the new or updated plan identify current and potential sources of Federal, tribal, or private funding to implement mitigation activities for repetitive loss properties (see 201.7(c)(3)(v))?		***[Note: Only required for SRL 90/10 under FMA & SRL]***		
		SUMMARY SCORE		

MATRIX A: PROFILING HAZARDS

This matrix can assist FEMA (and the State, if applicable) as well as the Indian Tribal government in scoring each hazard. Indian Tribal governments may find the matrix useful to ensure that their plan addresses each natural hazard that can affect the tribal planning area. **Completing the matrix is not required**.

Note: First, check which hazards are identified in requirement 201.7(c)(2)(i). Then, place a checkmark in either the N or the S box for each applicable hazard. An "N" for any element of any identified hazard will result in a "Needs Improvement" score for this requirement. List the hazard and its related shortcoming in the comments section of the Plan Review Crosswalk.

Hazard Type	Hazards Identified Per Requirement 201.7(c)(2)(i)		A. Location		B. Extent		C. Previous Occurrences		D. Probability of Future Events	
	Not a Hazard	Yes	N	S	N	S	N	S	N	S
Avalanche										
Coastal Erosion										
Coastal Storm										
Dam Failure										
Drought										
Earthquake										
Expansive Soils										
Extreme Heat										
Flood										
Hailstorm										
Hurricane										
Land Subsidence										
Landslide										
Severe Winter Storm										
Tornado										
Tsunami										
Volcano										
Wildfire										
Windstorm										
Other:										
Other:										
Other:										

Legend: 201.7(c)(2)(i) Profiling Hazards
A. Does the risk assessment identify the location (i.e., geographic area affected) of each hazard addressed in the new or updated plan?
B. Does the risk assessment identify the extent (i.e., magnitude or severity) of each hazard addressed in the new or updated plan?
C. Does the plan provide information on previous occurrences of each natural hazard addressed in the new or updated plan?
D. Does the plan include the probability of future events (i.e., chance of occurrence) for each hazard addressed in the new or updated plan?

MATRIX B: ASSESSING VULNERABILITY

This matrix can assist FEMA (and the State, if applicable) as well as the Indian Tribal government in scoring each hazard. Indian Tribal governments may find the matrix useful to ensure that their plan addresses each natural hazard that can affect the tribal planning area. **Completing the matrix is not required**.

Note: First, check which hazards are identified in requirement 201.7(c)(2)(i). Then, place a checkmark in either the N or the S box for each ***applicable*** *hazard. An "N" for any element of any identified hazard will result in a "Needs Improvement" score for this requirement. List the hazard and its related shortcoming in the comments section of the Plan Review Crosswalk. Note: Receiving an N in the shaded columns will not preclude the plan from passing.*

Hazard Type	Hazards Identified Per Requirement 201.7(c)(2)(i)		201.7(c)(2)(ii) Overview	A. Overall Description of Vulnerability		B. Hazard Impact		201.7(c)(2)(ii)(A) and (D) Identifying Structures and Sacred Sites (types and estimated numbers)	A. Existing Structures		B. Future Structures		201.7(c)(2)(ii)(B) Estimating Potential Losses	A. Loss Estimate		B. Methodology	
	Not a Hazard	Yes		N	S	N	S		N	S	N	S		N	S	N	S
Avalanche																	
Coastal Erosion																	
Coastal Storm																	
Dam Failure																	
Drought																	
Earthquake																	
Expansive Soils																	
Extreme Heat																	
Flood																	
Hailstorm																	
Hurricane																	
Land Subsidence																	
Landslide																	
Severe Winter Storm																	
Tornado																	
Tsunami																	
Volcano																	
Wildfire																	
Windstorm																	
Other:																	
Other:																	
Other:																	

Legend:

201.7(c)(2)(ii) Assessing Vulnerability: Overview

A. Does the new or updated plan include an overall summary description of the vulnerability of the tribal planning area to each hazard?

B. Does the new or updated plan address the impact of each hazard on the tribal planning area?

201.7(c)(2)(ii)(A) Assessing Vulnerability: Identifying Structures

A. Does the new or updated plan describe vulnerability in terms of the types and numbers of existing buildings, infrastructure, and critical facilities located in the identified hazard areas?

B. Does the new or updated plan describe vulnerability in terms of the types and numbers of future buildings, infrastructure, and critical facilities located in the identified hazard areas?

201.7(c)(2)(ii)(B) Assessing Vulnerability: Estimating Potential Losses

A. Does the new or updated plan estimate potential dollar losses to vulnerable structures?

B. Does the new or updated plan describe the methodology used to prepare the estimate?

MATRIX C: IDENTIFICATION AND ANALYSIS OF MITIGATION ACTIONS

This matrix can assist FEMA (and the State, if applicable) as well as the Indian Tribal government, in scoring each hazard. Indian Tribal governments may find the matrix useful to ensure consideration of a range of actions for each hazard. **Completing the matrix is not required.**

Note: First, check which hazards are identified in requirement 201.7(c)(2)(i). Then, place a checkmark in either the N or the S box for each ***applicable*** *hazard. An "N" for any identified hazard will result in a "Needs Improvement" score for this requirement. List the hazard and its related shortcoming in the comments section of the Plan Review Crosswalk.*

Hazard Type	Hazards Identified Per Requirement 201.7(c)(2)(i)		A. Comprehensive Range of Actions and Projects	
	Not a Hazard	Yes	N	S
Avalanche				
Coastal Erosion				
Coastal Storm				
Dam Failure				
Drought				
Earthquake				
Expansive Soils				
Extreme Heat				
Flood				
Hailstorm				
Hurricane				
Land Subsidence				
Landslide				
Severe Winter Storm				
Tornado				
Tsunami				
Volcano				
Wildfire				
Windstorm				
Other:				
Other:				
Other:				

Legend:
201.7(c)(3)(ii) Identification and Analysis of Mitigation Actions
A. Does the new or updated plan identify and analyze a comprehensive range of specific mitigation actions and projects for each hazard?

APPENDIX A: COMPARISON OF TRIBAL, STATE, AND LOCAL MITIGATION PLAN REQUIREMENTS

Prior to October 1, 2008, Indian Tribal governments were given the option to meet the requirements of a State or a Local Mitigation Plan for approval and eligibility for most types of disaster assistance and mitigation grant programs. The following chart illustrates the differences in a State or Local Mitigation Plan, as compared to the requirements that must be met for a Tribal Mitigation Plan approved after October 1, 2008.

	STATE PLAN (201.4)	TRIBAL PLAN (201.7)	LOCAL PLAN (201.6)
PLANNING PROCESS	**44 CFR 201.4(b)** **44 CFR 201.4(c)(1)**	**44 CFR 201.7(c)(1)(i-iv)** **44 CFR 201.7(b)**	**44 CFR 201.6(c)(1)** **44 CFR 201.6(b)(1-3)**
	(b) *Planning process.* An effective planning process is essential in developing and maintaining a good plan. The mitigation planning process should include coordination with other State agencies, appropriate Federal agencies, interested groups, and be integrated to the extent possible with other ongoing State planning efforts as well as other FEMA mitigation programs and initiatives.	(b) An effective planning process is essential in developing and maintaining a good plan. The mitigation planning process should include coordination with other tribal agencies, appropriate Federal agencies, adjacent jurisdictions, interested groups, and be integrated to the extent possible with other ongoing tribal planning efforts as well as other FEMA mitigation programs and initiatives.	(b) *Planning process.* An open public involvement process is essential to the development of an effective plan. In order to develop a more comprehensive approach to reducing the effects of natural disasters, the planning process shall include [see 44 CFR 201.6(b)(1-3) below]:
	(c)(1) Description of the *planning process* used to develop the plan, including how it was prepared, who was involved in the process, and how other agencies participated.	(c)(1) Documentation of the *planning process* used to develop the plan, including how it was prepared, who was involved in the process, and how the public was involved. This shall include:	(c)(1)Documentation of the *planning process* used to develop the plan, including how it was prepared, who was involved in the process, and how the public was involved.
	n/a	(i) An opportunity for the public to comment on the plan during the drafting stage and prior to plan approval, including a description of how the Indian Tribal government defined ‘‘public;’’	(b)(1) An opportunity for the public to comment on the plan during the drafting stage and prior to plan approval;
	n/a	(ii) As appropriate, an opportunity for neighboring communities, tribal and regional agencies involved in hazard mitigation activities, and agencies that have the authority to regulate development, as well as businesses, academia, and other private and nonprofit interests to be involved in the planning process;	(b)(2) An opportunity for neighboring communities, local and regional agencies involved in hazard mitigation activities, and agencies that have the authority to regulate development, as well as businesses, academia and other private and nonprofit interests to be involved in the planning process; and
	n/a	(iii) Review and incorporation, if appropriate, of existing plans, studies, and reports; and	(b)(3) Review and incorporation, if appropriate, of existing plans, studies, reports, and technical information.

	STATE PLAN (201.4)	TRIBAL PLAN (201.7)	LOCAL PLAN (201.6)
	n/a	(iv) Be integrated to the extent possible with other ongoing tribal planning efforts as well as other FEMA programs and initiatives.	n/a
RISK ASSESSMENT: HAZARD IDENTIFICATION	**44 CFR 201.4(c)(2)(i)**	**44 CFR 201.7(c)(2)(i)**	**44 CFR 201.6(c)(2)(i)**
	(2) *Risk assessments* that provide the factual basis for activities proposed in the strategy portion of the mitigation plan. Statewide risk assessments must characterize and analyze natural hazards and risks to provide a statewide overview. This overview will allow the State to compare potential losses throughout the State and to determine their priorities for implementing mitigation measures under the strategy, and to prioritize jurisdictions for receiving technical and financial support in developing more detailed local risk and vulnerability assessments. The risk assessment shall include the following:	(2) A *risk assessment* that provides the factual basis for activities proposed in the strategy to reduce losses from identified hazards. Tribal risk assessments must provide sufficient information to enable the Indian Tribal government to identify and prioritize appropriate mitigation actions to reduce losses from identified hazards. The risk assessment shall include:	(2) A *risk assessment* that provides the factual basis for activities proposed in the strategy to reduce losses from identified hazards. Local risk assessments must provide sufficient information to enable the jurisdiction to identify and prioritize appropriate mitigation actions to reduce losses from identified hazards. The risk assessment shall include:
	(i) An overview of the type and location of all natural hazards that can affect the State, including information on previous occurrences of hazard events, as well as the probability of future hazard events, using maps where appropriate;	(i) A description of the type, location, and extent of all natural hazards that can affect the tribal planning area. The plan shall include information on previous occurrences of hazard events and on the probability of future hazard events.	(i) A description of the type, location, and extent of all natural hazards that can affect the jurisdiction. The plan shall include information on previous occurrences of hazard events and on the probability of future hazard events.

	STATE PLAN (201.4)	TRIBAL PLAN (201.7)	LOCAL PLAN (201.6)
RISK ASSESSMENT: VULNERABILITY ASSESSMENT	**44 CFR 201.4(c)(2)(ii-iii)**	**44 CFR 201.7(c)(2)(ii)(A-D)**	**44 CFR 201.6.(c)(2)(ii)(A-C)**
	(ii) An overview and analysis of the State's vulnerability to the hazards described in this paragraph (c)(2), based on estimates provided in local risk assessments as well as the State risk assessment. The State shall describe vulnerability in terms of the jurisdictions most threatened by the identified hazards, and most vulnerable to damage and loss associated with hazard events. State owned or operated critical facilities located in the identified hazard areas shall also be addressed;	(ii) A description of the Indian Tribal government's vulnerability to the hazards described in paragraph (c)(2)(i) of this section. This description shall include an overall summary of each hazard and its impact on the tribe. The plan should describe vulnerability in terms of:	(ii) A description of the jurisdiction's vulnerability to the hazards described in paragraph (c)(2)(i) of this section. This description shall include an overall summary of each hazard and its impact on the community. All plans approved after October 1, 2008 must also address NFIP insured structures that have been repetitively damaged by floods. The plan should describe vulnerability in terms of:
		(A) The types and numbers of existing and future buildings, infrastructure, and critical facilities located in the identified hazard areas;	(A) The types and numbers of existing and future buildings, infrastructure, and critical facilities located in the identified hazard areas;
	(iii) An overview and analysis of potential losses to the identified vulnerable structures, based on estimates provided in local risk assessments as well as the State risk assessment. The State shall estimate the potential dollar losses to State owned or operated buildings, infrastructure, and critical facilities located in the identified hazard areas.	(B) An estimate of the potential dollar losses to vulnerable structures identified in paragraph (c)(2)(ii)(A) of this section and a description of the methodology used to prepare the estimate;	(B) An estimate of the potential dollar losses to vulnerable structures identified in paragraph (c)(2)(i)(A) of this section and a description of the methodology used to prepare the estimate;
	n/a	(C) A general description of land uses and development trends within the tribal planning area so that mitigation options can be considered in future land use decisions; and	(C) Providing a general description of land uses and development trends within the community so that mitigation options can be considered in future land use decisions.
	n/a	and sacred sites that are significant, even if they cannot be valued in monetary terms.	n/a

	STATE PLAN (201.4)	TRIBAL PLAN (201.7)	LOCAL PLAN (201.6)
MITIGATION STRATEGY: GOALS & ACTIONS	**44 CFR 201.4(c)(3)(i)&(iii)**	**44 CFR 201.7(c)(3)(i-iii)**	**44 CFR 201.6(c)(3)(i-iii)**
	(3) A *Mitigation Strategy* that provides the State's blueprint for reducing the losses identified in the risk assessment. This section shall include:	(3) A *mitigation strategy* that provides the Indian Tribal government's blueprint for reducing the potential losses identified in the risk assessment, based on existing authorities, policies, programs and resources, and its ability to expand on and improve these existing tools. This section shall include:	3) A *mitigation strategy* that provides the jurisdiction's blueprint for reducing the potential losses identified in the risk assessment, based on existing authorities, policies, programs and resources, and its ability to expand on and improve these existing tools. This section shall include:
	(i) A description of State goals to guide the selection of activities to mitigate and reduce potential losses.	(i) A description of mitigation goals to reduce or avoid long-term vulnerabilities to the identified hazards.	(i) A description of mitigation goals to reduce or avoid long-term vulnerabilities to the identified hazards.
	(iii) An identification, evaluation, and prioritization of cost-effective, environmentally sound, and technically feasible mitigation actions and activities the State is considering and an explanation of how each activity contributes to the overall mitigation strategy. This section should be linked to local plans, where specific local actions and projects are identified.	(ii) A section that identifies and analyzes a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of each hazard, with particular emphasis on new and existing buildings and infrastructure.	(ii) A section that identifies and analyzes a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of each hazard, with particular emphasis on new and existing buildings and infrastructure. All plans approved by FEMA after October 1, 2008, must also address the jurisdiction's participation in the NFIP, and continued compliance with NFIP requirements, as appropriate.
	n/a	(iii) An action plan describing how the actions identified in paragraph (c)(3)(ii) of this section will be prioritized, implemented, and administered by the Indian Tribal government.	(iii) An action plan describing how the actions identified in paragraph (c)(3)(ii) of this section will be prioritized, implemented, and administered by the local jurisdiction. Prioritization shall include a special emphasis on the extent to which benefits are maximized according to a cost benefit review of the proposed projects and their associated costs.

	STATE PLAN (201.4)	TRIBAL PLAN (201.7)	LOCAL PLAN (201.6)
MITIGATION STRATEGY: POLICIES & FUNDING	**44 CFR 201.4(c)(3)(ii),(iv)&(v)**	**44 CFR 201.7(c)(3)(iv-vi)**	**N/A**
	(ii) A discussion of the State's pre- and post-disaster hazard management policies, programs, and capabilities to mitigate the hazards in the area, including: an evaluation of State laws, regulations, policies, and programs related to hazard mitigation as well as to development in hazard-prone areas; a discussion of State funding capabilities for hazard mitigation projects; and a general description and analysis of the effectiveness of local mitigation policies, programs, and capabilities.	(iv) A discussion of the Indian Tribal government's pre- and post-disaster hazard management policies, programs, and capabilities to mitigate the hazards in the area, including: An evaluation of tribal laws, regulations, policies, and programs related to hazard mitigation as well as to development in hazard-prone areas; and a discussion of tribal funding capabilities for hazard mitigation projects.	
	(iv) Identification of current and potential sources of Federal, State, local, or private funding to implement mitigation activities.	(v) Identification of current and potential sources of Federal, tribal, or private funding to implement mitigation activities.	
	(v) A State may request the reduced cost share authorized under 79.4(c)(2) of this chapter for the FMA and SRL programs, if it has an approved State Mitigation Plan meeting the requirements of this section that also identifies specific actions the State has taken to reduce the number of repetitive loss properties (which must include severe repetitive loss properties), and specifies how the State intends to reduce the number of such repetitive loss properties. In addition, the plan must describe the strategy the State has to ensure that local jurisdictions with severe repetitive loss properties take actions to reduce the number of these properties, including the development of local mitigation plans.	(vi) An Indian Tribal government may request the reduced cost share authorized under 79.4(c)(2) of this chapter of the FMA and SRL programs if they have an approved Tribal Mitigation Plan meeting the requirements of this section that also identify actions the Indian Tribal government has taken to reduce the number of repetitive loss properties (which must include severe repetitive loss properties), and specifies how the Indian Tribal government intends to reduce the number of such repetitive loss properties.	

	STATE PLAN (201.4)	TRIBAL PLAN (201.7)	LOCAL PLAN (201.6)
COORDINATION OF LOCAL MITIGATION PLANNING	**44 CFR 201.4(c)(4)(i-iii)**	**N/A**	**N/A**
	(i) A description of the State process to support, through funding and technical assistance, the development of local mitigation plans.		
	(ii) A description of the State process and timeframe by which the local plans will be reviewed, coordinated, and linked to the State Mitigation Plan.		
	(iii) Criteria for prioritizing communities and local jurisdictions that would receive planning and project grants under available funding programs, which should include consideration for communities with the highest risks, repetitive loss properties, and most intense development pressures. Further, that for non-planning grants, a principal criterion for prioritizing grants shall be the extent to which benefits are maximized according to a cost benefit review of proposed projects and their associated costs.		

	STATE PLAN (201.4)	TRIBAL PLAN (201.7)	LOCAL PLAN (201.6)
MULTI-JURISDICTIONAL MITIGATION PLANS	**N/A**	**44 CFR 201.7(a)(4)**	**44 CFR 201.6(a)(4), 44 CFR 201.6.(c)(2)(iii), 44 CFR 201.6.(c)(3)(iv)**
		(4) Multi-jurisdictional plans (e.g., county-wide or watershed plans) may be accepted, as appropriate, as long as the Indian Tribal government has participated in the process and has officially adopted the plan. Indian Tribal governments must address all the elements identified in this section to ensure eligibility as a grantee or as a subgrantee.	(a)(4) Multi-jurisdictional plans (e.g., watershed plans) may be accepted, as appropriate, as long as each jurisdiction has participated in the process and has officially adopted the plan. State-wide plans will not be accepted as multi-jurisdictional plans.
			(c)(2)(iii) For multi-jurisdictional plans, the risk assessment section must assess each jurisdiction's risks where they vary from the risks facing the entire planning area.
			(c)(3)(iv) For multi-jurisdictional plans, there must be identifiable action items specific to the jurisdiction requesting FEMA approval or credit of the plan.
	44 CFR 201.4(c)(5)i-iii	**44 CFR 201.7(c)(4)**	**44 CFR 201.6(c)(4)**
	(5) A *Plan Maintenance Process* that includes:	(4) A *plan maintenance process* that includes:	(4) A *plan maintenance process* that includes:
PLAN MAINTENANCE & ADOPTION	(i) An established method and schedule for monitoring, evaluating, and updating the plan.	(i) A section describing the method and schedule of monitoring, evaluating, and updating the mitigation plan.	(i) A section describing the method and schedule of monitoring, evaluating, and updating the mitigation plan within a 5-year cycle.
	(ii) A system for monitoring implementation of mitigation measures and project closeouts.	(ii) A system for monitoring implementation of mitigation measures and project closeouts.	n/a
	n/a	(iii) A process by which the Indian Tribal government incorporates the requirements of the mitigation plan into other planning mechanisms such as reservation master plans or capital improvement plans, when appropriate.	(ii) A process by which local governments incorporate the requirements of the mitigation plan into other planning mechanisms such as comprehensive or capital improvement plans, when appropriate.
	n/a	(iv) Discussion on how the Indian Tribal government will continue public participation in the plan maintenance process.	(iii) Discussion on how the community will continue public participation in the plan maintenance process.
	(iii) A system for reviewing progress on achieving goals as well as activities and	(v) A system for reviewing progress on achieving goals as well as activities and	n/a

	STATE PLAN (201.4)	TRIBAL PLAN (201.7)	LOCAL PLAN (201.6)
	projects identified in the Mitigation Strategy.	projects identified in the mitigation strategy.	
	44 CFR 201.4(c)(7)	**44 CFR 201.7(c)(6)**	**N/A**
ASSURANCES	(7) *Assurances.* The plan must include assurances that the State will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, in compliance with 44 CFR 13.11(c) of this chapter. The State will amend its plan whenever necessary to reflect changes in State or Federal statutes and regulations as required in 44 CFR 13.11(d) of this chapter.	(6) *Assurances*. The plan must include assurances that the Indian Tribal government will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, in compliance with 13.11(c) of this chapter. The Indian Tribal government will amend its plan whenever necessary to reflect changes in tribal or Federal laws and statutes as required in 13.11(d) of this chapter.	
PLAN ADOPTION	**44 CFR 201.4(c)(6)**	**44 CFR 201.7(c)(5)**	**44 CFR 201.(c)(5)**
	(6) *A Plan Adoption Process*. The plan must be formally adopted by the State prior to submittal to us for final review and approval.	(5) *Plan Adoption Process*. The plan must be formally adopted by the governing body of the Indian Tribal government prior to submittal to FEMA for final review and approval.	(5) Documentation that the plan has been formally adopted by the governing body of the jurisdiction requesting approval of the plan (e.g., City Council, County Commissioner, Tribal Council). For multi-jurisdictional plans, each jurisdiction requesting approval of the plan must document that it has been formally adopted.
REVIEW & UPDATE	**44 CFR 201.4(d)**	**44 CFR 201.7(d)(3)**	**44 CFR 201.6(d)(3)**
	(d) *Review and updates*. Plan must be reviewed and revised to reflect changes in development, progress in statewide mitigation efforts, and changes in priorities and resubmitted for approval to the appropriate Regional Administrator every 3 years….We also encourage a State to review its plan in the post-disaster timeframe to reflect changing priorities, but it is not required.	(3) Indian Tribal governments must review and revise their plan to reflect changes in development, progress in local mitigation efforts, and changes in priorities and resubmit it for approval within 5 years in order to continue to be eligible for non-emergency Stafford Act assistance and FEMA mitigation grant funding, with the exception of the Repetitive Flood Claims program.	(3) A local jurisdiction must review and revise its plan to reflect changes in development, progress in local mitigation efforts, and changes in priorities and to resubmit it for approval within 5 years in order to continue to be eligible for mitigation project grant funding.

APPENDIX B: MITIGATION PLANNING AND THE NATIONAL FLOOD INSURANCE PROGRAM

The National Flood Insurance Program (NFIP) was established with the passage of the National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.). This Act reinforces the need and requirement for mitigation plans, linking flood mitigation assistance programs to State, Tribal, and Local Mitigation Plans. This appendix explains more about the NFIP requirements for Indian Tribal governments, and the Community Rating System (CRS).

The Federal Emergency Management Agency (FEMA) administers the NFIP. This voluntary program has three basic aspects:

1. **Floodplain Identification and Mapping**: FEMA issues Flood Insurance Rate Maps (FIRMs) to establish the Special Flood Hazard Area (SFHA) which is a legally defined flood zone or floodprone area that is used for disaster assistance and flood insurance purposes. The FIRMs are also invaluable tools for developing a risk assessment and managing flood risk as part of the Tribal Mitigation Planning process.

2. **Floodplain Management**: To participate in the NFIP, an Indian Tribal government must pass a resolution, adopt the effective FIRM if there is one that includes their lands, and adopt and enforce a flood damage prevention ordinance that meets or exceeds the minimum requirements of the program. These requirements are intended to prevent loss of life, property and cultural resources, as well as economic and social hardships that result from flooding. Indian Tribal governments can incorporate mitigation goals and strategies into their floodplain management ordinances to reduce risk. Similarly, Tribal Mitigation Plans should include mitigation goals and strategies from their floodplain management ordinances and other NFIP or floodplain management activities.

3. **Flood Insurance**: If an Indian Tribal government adopts and enforces a floodplain management ordinance that meets or exceeds the NFIP minimum requirements, FEMA will make flood insurance available for insurable buildings as a financial protection against flood losses. Homeowners' insurance policies generally do not cover flood losses, and many property owners may be unaware that their property is floodprone. Flood insurance provides an alternative to disaster assistance to reduce the escalating costs of repairing damage to homes, buildings, and their contents caused by floods to property owners and renters. Congress mandated federally regulated or insured lenders to require flood insurance on properties in floodprone areas. In addition, a lender can require flood insurance, even if it is not federally required.

FIRMs provide data to define the SFHA, create awareness of flood hazards and assess flood risk, administer floodplain management programs, and determine the basis for flood insurance rates. Adoption and enforcement of a flood hazard prevention ordinance can help mitigate the effects of flooding on new development and substantially improved structures. NFIP participation allows residential and commercial property owners and renters to purchase insurance as a protection against flood losses. In addition, disaster and mitigation grant funds become available for insurable structures within SFHAs for Indian Tribal governments participating in the NFIP that otherwise would not be available to Indian Tribal governments whose lands are mapped but do not participate in the program.

Indian tribes, authorized tribal organizations, Alaska Native villages, or authorized native organizations which have land use authority can join the program even if FEMA has not produced a flood hazard map for some or all of the tribal land areas addressed in the Tribal Mitigation Plan. As of the date of this publication, there are more than 20,000 communities

participating in the NFIP with more than 5 million policies in effect for Insurance in Force of $1,143,065,109,700. This includes 36 Indian Tribal governments, with more than 300 insurance policies in effect totaling over $58 million in coverage as of the date of this publication.

FEMA also administers grant programs under the authority of the National Flood Insurance Act. Grants from the Flood Mitigation Assistance (FMA), Severe Repetitive Loss (SRL), and Repetitive Flood Claims (RFC) programs are intended to reduce loss of life and property from potential flood damage. Of the 36 Indian Tribal governments that participate in the NFIP, there are two participating Indian Tribal governments with 250 claims for 87 repetitive loss properties, and none with severe repetitive loss properties as of the date of this publication.

NFIP Participation by Indian Tribal Governments

An Indian Tribal government should describe their floodplain management activities in their Tribal Mitigation Plan. This will help identify additional mitigation actions and strategies and provide support for grant applications, particularly FMA and SRL for those Indian Tribal governments that participate in the NFIP. A Tribal Mitigation Plan should describe the Indian tribe's intent to join or actual participation in the NFIP to identify, analyze, and prioritize actions related to continued compliance with the NFIP; identify repetitive and severe repetitive loss properties; and describe strategies for mitigation of repetitive losses. Relevant information on NFIP compliance actions could include, but is not limited to:

- Description of adoption and enforcement of floodplain management requirements, including regulating all and substantially improved construction in SFHAs;
- Floodplain identification and mapping, including any requests for map updates, if needed;
- Description of community assistance visits and monitoring activities; and.
- Discussion of regulations exceeding FEMA minimum requirements or participation in the CRS.

Community Rating System

CRS is a voluntary program available to participating NFIP communities, including Indian Tribal governments. When an NFIP community implements floodplain management programs that provide a level of protection that exceeds the Federal NFIP requirements, then flood insurance can be available to policyholders in that community for a reduced rate through the CRS program. As of the date of this publication, more than 1,100 communities, including one Indian Tribal government, participate in CRS accounting for 66% of policies in force. A second tribe enrolled in CRS; their participation in this program will be effective starting May 2010.

One of the activities that CRS participants can take to improve their CRS rating (to reduce their risk and subsequently lower their flood insurance premiums) is to develop a CRS Floodplain Management Plan. The CRS 10-step planning process is consistent with the multi-hazard planning regulation under 44 CFR Part 201. However, CRS provides additional credit points for activities that communities or Indian Tribal governments complete during their planning process that go above the minimum requirements, thus reducing their flood risk and possibly lowering insurance rates. An *approved* Tribal Mitigation Plan that addresses floods could qualify for CRS credit. Although Indian Tribal governments are not required to participate in the NFIP or CRS to receive approval of a Tribal Mitigation Plan, FEMA encourages integration of the CRS planning steps into the multi-hazard mitigation planning process to reduce flood risk.

Indian Tribal governments can qualify for CRS credit in a variety of ways; for more information on joining CRS, review the information posted at http://www.fema.gov/business/nfip/crs.shtm.

Special Consideration: Community Rating System Coordinators
Each FEMA Regional Office has a designated CRS Coordinator in the Mitigation Division. Indian Tribal governments interested in learning more about joining the CRS should contact the Mitigation Division of the FEMA Regional Office serving their location.

The table below illustrates how the CRS 10-step planning process relates to the four phases of the multi-hazard mitigation planning process. More detailed information can be found in Activity 510 of the CRS Coordinator's Manual or in CRS Example Plans, which can be accessed on the Internet at http://training.fema.gov/EMIWeb/CRS/.

Mitigation Plan Requirements 44 CFR 201.7	CRS Planning Steps	CRS Maximum Points
Prerequisites		
201.7(c)(5)	9. Adopt the Plan	2
Phase 1: Planning Process		
201.7(b)	1. Organize	10
201.7(c)(1)(i)	2. Involve the Public	85
201.7(c)(1)(ii)-(iv)	3. Coordinate	25
Phase 2: Risk Assessment		
201.7(c)(2)(i)	4. Assess the Hazard	20
201.7(c)(2)(i) & (ii)	5. Assess the Problem	35
Phase 3: Mitigation Strategy		
201.7(c)(3)(i)	6. Set Goals	2
201.7(c)(3)(ii)	7. Review Possible Activities	30
201.7(c)(3)(iii) - (vi)	8. Draft an Action Plan	70
Phase 4: Plan Maintenance		
201.7(c)(4)	10. Implement, Evaluate, Revise	15
Total:		294

APPENDIX C: CONTACTS AND RESOURCES

Listed below are resources that, in addition to this guidance, may assist Indian Tribal governments in developing and implementing Tribal Mitigation Plans. For more resources and contacts, visit FEMA's Mitigation Planning Web site at http://www.fema.gov/plan/mitplanning/.

FEMA Regional Tribal Liaisons
See: http://www.fema.gov/about/contact/index.shtm#tribal

Region I - Boston, MA (617) 956-7506
Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont

Region II – New York, NY (212) 680-3612
New Jersey, New York, Puerto Rico, Virgin Islands

Region III – Philadelphia, PA (No Federally Recognized Tribes) (215) 931-5608
District of Columbia, Delaware, Maryland, Pennsylvania, Virginia, West Virginia

Region IV – Atlanta, GA (770) 220-5200
Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

Region V – Chicago, IL (312) 408-5501
Illinois, Indiana, Wisconsin, Michigan, Minnesota, Ohio

Region VI – Denton, TX (940) 898-5104
Arkansas, Louisiana, New Mexico, Oklahoma, Texas

Region VII – Kansas City, MO (816) 283-7061
Nebraska, Iowa, Missouri, Kansas

Region VIII – Denver, CO (303) 235-4840
Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Region IX – Oakland, CA (510) 627-7100
Arizona, California, Guam, Hawaii, Nevada, Pacific Islands

Region X – Bothell, WA (425) 487-4604
Alaska, Idaho, Oregon, Washington

Headquarters (202) 646-2500
Washington, DC

Tribal Historic Preservation Officers at the Advisory Council on Historic Preservation
See: http://www.achp.gov/thpo.html

National Association of Tribal Historic Preservation Officers
See: http://www.nathpo.org/

Tribal Preservation Program at the National Park Service
See: http://www.nps.gov/history/hps/tribal/thpo.htm

American Indian/Alaska Native Coordinating Team at the U.S. Geological Survey
See: http://www.usgs.gov/indian/

National Congress of American Indians
See: http://www.ncai.org/

National Tribal Environmental Council
See: http://www.ntec.org/