

FEMA Review Tool – Decoded

1. REGULATION CHECKLIST

Regulation (44 CFR 201.6 Local Mitigation Plans)

A1. Does the Plan document the planning process, including how it was prepared and who was involved in the process for each jurisdiction? (Requirement §201.6(c)(1))

- Include the planning process schedule, to include when the process began and a general timeline covering its development.
- Note in the plan whether it is a new plan or a plan update, and if the plan was previously approved under a multi-jurisdiction plan.
- State what activities made up the plan's development (committee development, meetings, outreach, etc.).
- To meet "who", the plan needs to identify positions (e.g. emergency management director, zoning administrator) of those involved in the planning process, as well as committees (e.g. planning commission, hazard mitigation committee).
- If the plan is an update, the planning process should also document the current process the town follows to update the plan.
- *This element is typically met.*

A2. Does the Plan document an opportunity for neighboring communities, local and regional agencies involved in hazard mitigation activities, agencies that have the authority to regulate development as well as other interests to be involved in the planning process? (Requirement §201.6(b)(2))

- Include the agency, organization and/or municipality's name, and the person's title/position to whom the plan was sent.
- Describe **how** these agencies/organizations/municipalities/individuals were invited to participate (e.g. invited to public meetings, sent draft plan) and how they were instructed to provide feedback (e.g. comments were requested via email).
- For example, "Waterbury's Hazard Mitigation Committee sent notices of its public meetings to the planning commissions of its neighboring communities of Bolton, Stowe, Duxbury, Middlesex and Moretown, In addition to these meeting invitations, the draft plan was sent to the town offices of the aforementioned towns, as well as the Agency of Natural Resources Floodplain Manager and the Agency of Transportation's District Technician. Feedback was requested to be submitted via email to the Hazard Mitigation Committee. No feedback was received."
- *This element is typically met, but when it is returned, it is usually because the **means** by which input could be provided is missing.*

A3. Does the Plan document how the public was involved in the planning process during the drafting stage? (Requirement §201.6(b)(1))

- The plan needs to explicitly state that public involvement occurred during plan development.
- Like A2, the plan must state **how** the public was invited to participate in the process.
- For example, "Meetings of the Waterbury Hazard Mitigation Committee were warned on the town's website, posted in the town offices, and posted on the town's Front Porch Forum page. Public comments from those meetings were captured in the meeting minutes and incorporated into the plan, where applicable. The draft LHMP was then posted in the town offices and on the town's website, with the Committee's email address located on the town website and a comment drop-box situated in the town offices to encourage feedback/comments. No comments or feedback were received."
- *This element is typically met, but when it is returned, it is usually because the **means** by which the public was invited/involved in the planning process is missing. Also, remember that if comments weren't received, that simply needs to be stated.*

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A4. Does the Plan describe the review and incorporation of existing plans, studies, reports, and technical information? (Requirement §201.6(b)(3))

- The plan needs to explain which plans/studies/reports/technical information were reviewed (and how were they reviewed), and how that information was incorporated into the plan. Make sure that you are using the current/best available data.
- *This element is typically met.*

A5. Is there discussion of how the community(ies) will continue public participation in the plan maintenance process? (Requirement §201.6(c)(4)(iii))

- Document how the public is encouraged to participate in the plan maintenance process and that the public was given the opportunity to provide feedback
- *This element is typically met.*

A6. Is there a description of the method and schedule for keeping the plan current (monitoring, evaluating and updating the mitigation plan within a 5-year cycle)? (Requirement §201.6(c)(4)(i))

- The plan needs to clearly describe the plan maintenance process, including who (title/position/organization/committee/board) is updating the plan, when (annually at Town Meeting Day, quarterly by the Hazard Mitigation Committee) the plan is being reviewed/evaluated/updated and *how* (using an identified monitoring strategy during meetings of the planning commission) it's being updated.
- Plan evaluation means assessing the plan's effectiveness of achieving the identified purpose/goals/actions.
- *This element is occasionally returned for revision.*

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B1. Does the Plan include a description of the type, location, and extent of all natural hazards that can affect each jurisdiction(s)? (Requirement §201.6(c)(2)(i))

- Please be sure that the plan includes an omission rationale for the hazards that are not profiled. The omission rationale needs to include a list of those hazards not identified and an explanation for their omission from the plan. For example, “The Hazard Mitigation Committee identified Drought, Extreme High Temperatures and Ice Jams as low probability and low impact. Accordingly, and due to a lack of resources and capacity at the town, these hazards will not be discussed in detail in this plan. For a detailed description of these hazards, the reader should review the Vermont State Hazard Mitigation Plan.” Please note that all of the natural hazards identified in the SHMP should be addressed in an LHMP, whether by detailed discussion or incorporation into the omission rationale.
- Under each hazard, the plan must clearly describe the hazard and the location at it pertains to the specific town. If only regional data is available, please note this in the plan under each applicable hazard.
- *The most common reason that the element is returned is because there is often confusion between extent (strength/magnitude/quantifiable data) and impact (number of structures impacted, cost of disaster). The plan should address past extent history, as well as the most severe event on record. To meet extent, please note:
 - Flooding – # inches rain, river gauge data
 - Fluvial Erosion/Landslide - # acres lost
 - Extreme Temperature – lowest/highest recorded temperature
 - Tornado – Fujita Scale (which needs to be described – F0 through F5 and associated wind speeds)
 - Hurricane – Saffir-Simpson scale (same as above – Tropical Storm through Category 5, and associated wind speeds)
 - Earthquake – Richter scale (same as above – 1 through 10)
 - Hail – size of hail in inches
 - Drought – duration of drought (days), amount of rainfall, snowpack and/or by using the Palmer Drought Severity Index
 - Ice Storms – thickness, in inches; power outages, in # of hours
 - Wildfire - # of acres lost
 - Severe Storms – wind speed in mph/knots, size of hail in inches, amount of rain in inches
 - High Winds – wind speed in mph/knots
 - For any identified hazard whose extent data cannot be determined, please make a quick statement addressing why the data is missing/lacking.
- For MJ plans, please be sure to identify those hazards that are unique to or varied from those affecting the overall MJ area. Similarly, please include town-specific data for each jurisdiction, avoiding the use of regional data, except where the former is unavailable.
- *This element is often returned for revision.*

B2. Does the Plan include information on previous occurrences of hazard events and on the probability of future hazard events for each jurisdiction? (Requirement §201.6(c)(2)(i))

- History of each identified hazard needs to be included in the plan
- For probability, if hazards are categorized (low/med/high), an explanation of the categorization process needs to be made clear. Also, plans returned for this element often misunderstand the probability (likelihood of future events) and the frequency of the hazard (historical occurrences). A probability statement for each identified hazard needs to be included, in addition to its history (frequency).
- Plan updates: must identify any hazard events that have occurred since the last plan was developed.
- *This element is often met.*

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B3. Is there a description of each identified hazard's impact on the community as well as an overall summary of the community's vulnerability for each jurisdiction? (Requirement §201.6(c)(2)(ii))

- Plans are frequently returned for not identifying the town assets that are vulnerable to the impacts of the identified hazard(s). Town assets are determined by the community and can include infrastructure, facilities, systems, people, structures, capabilities/activities that have value to the community. This can be met by referencing historical disaster impacts and/or future loss estimates. Some plans have even described scenarios in which certain assets could be impacted by an event. Potential impacts for each identified hazard need to be addressed.
- Simply listing the assets will not suffice, as a description of the damage/loss susceptibility of each asset needs to be made for each identified hazard. A list of key issues or problem statement that explicitly describe the town's greatest vulnerabilities, which should then be addressed in the mitigation strategy/action section of the plan.
- *This element is occasionally returned for revision.*

B4. Does the Plan address NFIP insured structures within the jurisdiction that have been repetitively damaged by floods? (Requirement §201.6(c)(2)(ii))

- Only returned if the plan is missing current information and/or the types of repetitive loss properties (number and property type – e.g. Four residential structures, one commercial building and the town garage).
- *This element is typically met.*

C1. Does the plan document each jurisdiction's existing authorities, policies, programs and resources and its ability to expand on and improve these existing policies and programs? (Requirement §201.6(c)(3))

- While plans typically document the existing authorities, policies, programs and resources, they often do not detail their ability to expand on or improve them. Is the town *able* to expand on existing authorities, policies, programs and resources? If not, state this. If yes, then does the town need to expand/improve the existing authorities, policies, programs and resources? If not, state this. If yes, explain **how** the town can improve upon its current authorities, policies, programs and resources. Things to consider: does the town have what it needs to function effectively (authority, resources, timing, political will, community support)?
- *This element is occasionally returned for revision.*

C2. Does the Plan address each jurisdiction's participation in the NFIP and continued compliance with NFIP requirements, as appropriate? (Requirement §201.6(c)(3)(ii))

- When applicable/available, please document the dates of the effective FIRM, FIS; adoption of floodplain zoning ordinance/bylaws; number of insurance policies, etc.
- For those towns that have FIRMs/FHBMs, but are non-participants, please document the reasoning behind non-participation.
- To meet continued compliance, the plan needs state how the community complies with NFIP: who (position/title) and/or what (board/committee) is enforcing compliance and *how*.
- *This element is often met.*

C3. Does the Plan include goals to reduce/avoid long-term vulnerabilities to the identified hazards? (Requirement §201.6(c)(3)(i))

- *This element is almost always met.*

1. REGULATION CHECKLIST

Regulation (44 CFR 201.6 Local Mitigation Plans)

C4. Does the Plan identify and **analyze** a comprehensive range of specific mitigation actions and projects for each jurisdiction being considered to reduce the effects of hazards, with emphasis on new and existing buildings and infrastructure? (Requirement §201.6(c)(3)(ii))

- If the plan refers to specific vulnerabilities, a proposed mitigation action for that vulnerability needs to be developed. For example, if “Flood damage due to inundation is a concern for the Fire Department, which is located within the SFHA” is addressed as a vulnerability, there should be a proposed mitigation action to address the vulnerability, such as “Installation of flood vents to relieve hydrostatic pressure during flood inundation, which will mitigate against potential structural damage”. Sidebar, but as redundant as the underlined section of the previous section may look, clearly stating the mitigation effect has proven very helpful in getting plans to approval. While we can infer that upsizing a culvert will mitigate against future infrastructural damage during the 1% annual flood event by increasing conveyance and decreasing the amount of debris build-up, stating this is really helpful.
- While flooding is typically the highest probability/highest impact hazard that our towns face, the mitigation action table needs to be “comprehensive.” Given the bullet above, if Flooding/Fluvial Erosion, Landslides and Power Outages have been detailed, and vulnerabilities for each of those hazards identified, please be sure to include a mitigation action that relates to each specific vulnerability. In doing this, we can easily meet comprehensiveness.
- If the actions are not sustained/long-term solutions, this element won’t be met. Sandbagging, for example, is not a long-term solution to a problem (and would also be considered preparedness). Response, maintenance, and replacement plans lacking improved standards/**longevity** are also not long-term solutions.
- More difficult to prove (but I’ve seen it before) are those actions that the town does not actually intend to implement. For example, while it would be nice to elevate all homes to 3’ above BFE, it would be an extremely difficult action to implement. Developing a pilot project to elevate three homes on River Road to 3’ above BFE, on the other hand, is an achievable, implementable action.
- FEMA does not like “soft” words like **encourage, explore, consider** for mitigation actions. The mitigation actions need to use “action” verbs, like replace, upsize, develop, adopt, etc.
- Mitigation actions that are already in place should not be included in the mitigation action section of a town’s plan. If a town has already adopted FEH bylaws, that is not a new action. If, however, a town is updating its bylaws to include new FEH bylaws, that would be considered a mitigation action.
- The mitigation actions must address **new and existing buildings/infrastructure**.
- *This element is often returned for revision.*

C5. Does the Plan contain an action plan that describes **how** the actions identified will be **prioritized (including cost benefit review)**, implemented, and administered by each jurisdiction? (Requirement §201.6(c)(3)(iv)); (Requirement §201.6(c)(3)(iii))

- The plan must include a description of the **criteria used for prioritizing** the implementation of the identified mitigation actions and especially must describe **how benefit-cost was considered during prioritization**. Many plans include prioritization based on cost (e.g. cost ranges and ability to implement), but do not include consideration of the benefits. A **summary statement of the economic considerations demonstrating review of benefits** of the mitigation action versus the costs of the action will go a long way in getting this element to “Met.”
- Who (title/position) is responsible for each mitigation action should be captured in the action plan.
- Timeframes for completion need to include a start and end date. This timeframe must use a specific date *range* (e.g. **Summer 2017 – Fall 2018, or 2016-2019**) and cannot simply give a duration (e.g. 1 year).
- Please identify the potential funding sources with specificity, if known. For example, HMGP, VTrans, Ecosystem Restoration Grant. To simply say “State” or “Federal” will not work.
- *This element is occasionally returned.*

1. REGULATION CHECKLIST

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C6. Does the Plan describe a process by which local governments will integrate the requirements of the mitigation plan into other planning mechanisms, such as comprehensive or capital improvement plans, when appropriate? (Requirement §201.6(c)(4)(ii))

- This element is often returned for plans that do not properly explain the mechanism – *how* the LHMP’s requirements/mitigation actions/strategies/goals will be incorporated into other plans. Simply stating that the plan will be incorporated into other planning mechanisms will not suffice. For example, “The Town of ___ will consider incorporation of the mitigation actions outlined in this plan into the Municipal Plan during the plan update process in 2019. The Municipal Plan update will be spearheaded by the Planning Commission, who will review this plan and determine those mitigation actions/strategies/goals that should be included in the Municipal Plan.” Or “The proposed mitigation actions in the plan will be incorporated into the capital improvement plan during its development on Town Meeting Day.” If a new process has been developed/is being developed for incorporation, please describe the process in the plan.
- For plan updates, the explanation for how the integration *has occurred* since the last approval is often missing.
- For MJ plans, the process must be described for each jurisdiction, unless the authorities/mechanisms/process are the same for all jurisdictions. If the latter, this must be stated.
- *This element is often returned for revision.*

D1. Was the plan revised to reflect changes in development? (Requirement §201.6(d)(3))

- The updated plan needs to address changes in development that have occurred in hazard prone areas and how that development has either increased or decreased the town’s vulnerability to the hazard(s) since the last plan approval.
- Changes in development includes recent development (since last approval), potential development (new zoning bylaws/floodplain ordinances, proposed development) and/or conditions that could affect vulnerabilities. Not all development will necessarily impact vulnerability, and if that is the case, that can be stated.

D2. Was the plan revised to reflect progress in local mitigation efforts? (Requirement §201.6(d)(3))

- The updated plan should state which actions identified in the previous plan have been completed and which have not. For those actions that have not been completed, the plan must explain whether the action has been included in the updated plan (and, if so, please indicate which actions are carried-over in the action table itself) or if/why it is no longer a priority/relevant for the town.

D3. Was the plan revised to reflect changes in priorities? (Requirement §201.6(d)(3))

- Updated plan needs to address if/how any priorities have changed since the plan was last approved.

A few other points to note or reiterate:

- When submitting a plan or a plan revision, document the location in the plan where each element is met in the Review Tool. It is best to use Sections/headings, not page numbers, as the latter typically change during revisions. **Please** do not forget to submit a Review Tool with this information and the local/regional contact information. It makes the state review much easier, as we can easily pinpoint where each element is met. FEMA requires this, too.
- When resubmitting, please ensure that the Table of Contents has been updated and that you have used a different font color or highlighted new text (for removed language, please use strikethrough and highlight).

- Please make sure that the Contact Information on the front page of the Review Tool has been completed and is up-to-date.
- For the cover page, double-check that all of the dates (draft, APA, adopted, approved) are correct.
- Following an APA, please do not change any language in the plan, except to remove references to “draft”, where applicable. If minor changes need to be made, that do not change any of the important, Element-driven data/language, that is fine, but it is best to leave the plan as it is following the APA notice.
- If you’re not able to find extent data, or there is no need to expand on the town’s LEOP, or for any other piece of the plan that the plan is unable to address, please just make note of the “deficiency.” Noting a reason for the lack of extent data, or why the LEOP has proven effective as is, or why Drought isn’t identified in the plan are all acceptable means to meet elements and pass FEMA review. This is addressed in the Review Tool discussion above, but I really want to drive that point home.
- Please consider using the template Adoption Certificate (below) for your plans.

CERTIFICATE OF ADOPTION

<<DATE>>

TOWN OF _____, Vermont Selectboard

A RESOLUTION ADOPTING THE _____, Vermont 201_ Local Hazard Mitigation Plan

WHEREAS, the Town of _____ has historically experienced severe damage from natural hazards and it continues to be vulnerable to the effects of the hazards profiled in the **201__, Vermont Local Hazard Mitigation Plan**, which result in loss of property and life, economic hardship, and threats to public health and safety; and

WHEREAS, the Town of _____ has developed and received conditional approval from the Federal Emergency Management Agency (FEMA) for its **201__, Vermont Local Hazard Mitigation Plan (Plan)** under the requirements of 44 CFR 201.6; and

WHEREAS, the **Plan** specifically addresses hazard mitigation strategies, and Plan maintenance procedures for the Town of _____; and

WHEREAS, the **Plan** recommends several hazard mitigation actions (projects) that will provide mitigation for specific natural hazards that impact the Town of _____ with the effect of protecting people and property from loss associated with those hazards; and

WHEREAS, adoption of this **Plan** will make the Town of _____ eligible for funding to alleviate the impacts of future hazards; now therefore be it

RESOLVED by Town of _____ Selectboard:

1. The **201__, Vermont Local Hazard Mitigation Plan** is hereby adopted as an official plan of the Town of _____;
2. The respective officials identified in the mitigation action plan 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 201.6 and FEMA are hereby adopted as part of this resolution for a period of five (5) years from the date of this resolution; and
4. An annual report on the process of the implementation elements of the Plan will be presented to the Selectboard by the Emergency Management Director or Coordinator.

IN WITNESS WHEREOF, the undersigned have affixed their signature and the corporate seal of the Town of _____ this ____ day of _____ 201__.

Selectboard Chair

Selectboard Member

ATTEST

Town Clerk

