



# State Mitigation Planning Policy Guide

FP 302-094-2

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# Foreword

On behalf of the Federal Emergency Management Agency (FEMA), I am pleased to present the State Mitigation Planning Policy Guide. This guide is FEMA's official policy on and interpretation of the applicable statutes and mitigation planning regulations at 44 Code of Federal Regulations (CFR) Part 201. This policy applies to state governments that update and implement state mitigation plans as well as FEMA officials who review and approve those plans. This updated policy will become effective one year from the date of release.\*

Mitigation planning is the foundation for guiding risk reduction investments across the state. These investments build community resilience to future natural hazard events. The state mitigation planning process brings partners together to inform a risk reduction strategy that can be implemented using a wide range of public and private resources. State mitigation plans demonstrate the commitment to mitigation across multiple sectors, such as infrastructure and economic development, to reduce natural hazard risk to communities across the state.

The state mitigation plan guides risk-informed decision making at the state level. It also guides local governments engaged in mitigation planning, including vulnerable and underserved communities. Local governments, including special districts, can leverage the state mitigation plan when developing climate adaptation, resilience, mitigation, land use, comprehensive and economic development plans.

This policy:

- Provides guidance to state governments to enable state mitigation plans to meet the mitigation planning requirements.
- Supports integration across FEMA programs, such as the National Flood Insurance Program, Hazard Mitigation Assistance, Public Assistance Categories C-G, Fire Management Assistance Grants, Rehabilitation of High Hazard Potential Dams Grant Program, and the FEMA Building Codes Strategy.
- Aligns with the [National Mitigation Framework](#) and the [National Mitigation Investment Strategy](#), a guide for whole community mitigation investments.
- Supersedes the State Mitigation Plan Review Guide and State Mitigation Plan Review Guide Policy (FP 302-091-2, March 5, 2015) and the State Mitigation Plan Requirements in Section 5.8 Rehabilitation of High Hazard Potential Dams Grant Program Guidance (FP 104-008-7, June 2020).

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\* The High Hazard Potential Dams mitigation planning requirements to include all dam risks will become effective with the release of the Rehabilitation of High Hazard Potential Dams Grant Program Fiscal Year 2022 Notice of Funding Opportunity.

This policy will be reviewed, reissued, revised and/or rescinded within four years of the issue date. The Federal Insurance and Mitigation Administration (FIMA) will monitor and evaluate this policy based on stakeholder feedback and any regulatory or statutory changes.

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# 1. Introduction

## 1.1. Purpose of the State Mitigation Planning Policy Guide

Hazard mitigation is defined as “any sustained action taken to reduce or eliminate the long-term risk to human life and property from hazards.”<sup>1</sup> Mitigation planning enables state, local and tribal governments to identify natural hazards affecting them, identify actions and activities to reduce losses from those hazards, and establish a coordinated process to implement the plan using a wide range of resources.<sup>2</sup> At the state level, mitigation plans demonstrate intent to reduce or eliminate natural hazard risks and guide decision makers to reduce the effects of natural hazards as resources are committed.<sup>3</sup> The mitigation plan serves as the foundation for all other plans and planning processes in the state to integrate resilience and long-term risk reduction.

The *State Mitigation Planning Policy Guide* is FEMA’s official policy on, and interpretation of, state hazard mitigation planning requirements.<sup>4</sup> The guide facilitates consistent evaluation and approval of state mitigation plans and state compliance with the mitigation planning requirements when updating plans. The primary users for the guide are the federal officials who review and approve state hazard mitigation plans. State mitigation planners and other partners can also use the guide to understand the regulations and the minimum regulatory and policy requirements to approve mitigation plans. Separate local and tribal mitigation planning policies are available on FEMA’s [Mitigation Planning](#) webpage.

The [National Mitigation Investment Strategy](#) (Investment Strategy) calls for a single national strategy to advance mitigation investment and increase the Nation’s resilience to natural hazards through three goals:

- Goal 1: Show How Mitigation Investments Reduce Risk.
- Goal 2: Coordinate Mitigation Investments to Reduce Risk.

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<sup>1</sup> 44 Code of Federal Regulations (CFR) § 201.2 Definitions.

<sup>2</sup> 44 CFR § 201.1(b) Purpose.

<sup>3</sup> For mitigation planning, the term “state” includes any state of the United States, the District of Columbia, American Samoa, the Commonwealth of Northern Mariana Islands, Guam, Puerto Rico, and the U.S. Virgin Islands [44 CFR §201.2 Definitions].

<sup>4</sup> The mitigation planning requirements are authorized under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288; 42 United States Code [U.S.C.] 5121 et seq.), as amended by the Disaster Mitigation Act of 2000; National Flood Insurance Act of 1968, as amended (42 U.S.C. 4001 et seq.); 44 CFR Part 77 Flood Mitigation Grants; 44 CFR Part 201 Mitigation Planning; and 44 CFR Part 206, Subpart N Hazard Mitigation Grant Program, § 206.434 Eligibility.

- Goal 3: Make Mitigation Investment Standard Practice.

Supporting recommendations focus specifically on how the federal government and non-federal partners can identify, support, influence and align mitigation investments. The Investment Strategy encourages a [whole community](#) approach to investing in mitigation. Because state mitigation plans guide decision making around risks and resilience, they help communicate and demonstrate each state's contributions to the Investment Strategy's goals. To this end, it is critical that the state mitigation planning process and resulting plan updates include state agencies, departments and government and non-government stakeholders that can contribute to hazard mitigation. This effort must go beyond the state emergency management function to promote resilience statewide, including local governments within the state,<sup>5</sup> and to reduce disaster response and recovery costs.

**Community Resilience** is the ability to prepare for anticipated hazards, adapt to changing conditions, and withstand and recover rapidly from disruptions. Activities such as disaster preparedness (which includes prevention, protection, mitigation, response and recovery) and reducing community stressors (the underlying social, economic and environmental conditions that can weaken a community) are key steps to resilience.

The state mitigation plan is the state's long-term mitigation investment strategy to reduce risk within the state. It provides critical information and guidance to local jurisdictions about the state's risks from natural hazards as well as state capabilities, priorities and action plans. Jurisdictions should use the state plan as a reference when developing their own plans, inclusive of mitigation, land use, economic development, housing, infrastructure, transportation, public health, historic and cultural resources and environmental conservation.

Users should read the entire guide, including the narrative explanation of each section and the tables outlining the requirements. This information provides important context for both the intent of each section and the specific requirements for each sub-element. The state mitigation plan requirements in the guide are comprehensive; each requirement relates to, and builds upon, the others. State mitigation planners should use the guide and other related materials to better understand the regulatory requirements and fully leverage the planning process to engage stakeholders and increase community resilience. The outcomes of the capability and risk assessment will shape the mitigation strategy. A comprehensive review of the plan allows FEMA to validate that the plan meets the overall purpose of mitigation planning requirements and each

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<sup>5</sup> The term "local government" is inclusive of "any county, municipality, city, town, township, public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government; any Indian Tribe or authorized Tribal organization, or Alaska Native village or organization; and any rural community, unincorporated town or village, or other public entity." [44 CFR § 201.2 Definitions].

individual element and sub-element. All of this information augments the planning requirements, as outlined in regulatory text and the State Mitigation Plan Review Tool.

This guide supersedes the following policies:

- State Mitigation Plan Review Guide (March 2015).
- State Mitigation Plan Review Guide Policy (FP 302-091-2, March 5, 2015).
- State Mitigation Plan Requirements in Section 5.8 [Rehabilitation of High Hazard Potential Dams Grant Program Guidance](#) / [FEMA Policy 104-008-7](#).

This policy, FEMA Policy 302-094-2, State Mitigation Planning Policy Guide, will be reviewed, reissued, revised and/or rescinded within four years of the effective date.

The Federal Insurance and Mitigation Administration (FIMA) will monitor and evaluate this policy based on stakeholder feedback and any regulatory or statutory changes. Users should direct questions to [FEMA-Mitigation-Planning@fema.dhs.gov](mailto:FEMA-Mitigation-Planning@fema.dhs.gov).

## 1.2. Guiding Principles

Guiding principles are the foundation of FEMA's approach to state mitigation planning and the approval of state mitigation plan updates every five years.

### **State Mitigation Planning Guiding Principles:**

- Focus on Risk-Informed Mitigation Strategies.
- Foster Cooperative Relationships and an Integrated State Planning Framework that Strengthens Connections between the Local and State Plan.
- Improve Mitigation Capabilities.

### ***Focus on Risk-Informed Mitigation Strategies***

The mitigation strategy is the state's blueprint for reducing hazard risk. Identifying, selecting and prioritizing mitigation strategies with actions, activities and projects that address the vulnerabilities discussed in the plan's comprehensive risk assessment is critical. Connecting the state's mitigation strategy to the state's overall vulnerability allows for relevant, well-prioritized mitigation projects and actions.

The state mitigation plan also guides local-level risk assessments and mitigation strategies. The plan must focus on hazards and risks that affect local jurisdictions, including impacts from risks to the existing built environment; [community lifelines](#); future conditions; demographics; population; land use; and existing disparities in underserved communities. It is critical that the state plan include the effects of climate change on hazards, potential impacts, and strategies.

### ***Foster Cooperative Relationships and an Integrated State Planning Framework that Strengthens Connections between the Local and State Plan***

Partners across the state meaningfully engage with a variety of entities throughout the planning process. Coordinating beyond the office or agency responsible for hazard mitigation and emergency management and including key state agencies and other entities that affect, influence and regulate development is essential. To be successful, states must focus on a comprehensive, equitable and inclusive planning framework that supports state and local mitigation plans and activities. An integrated planning framework ensures communities are aware of state data, resources, and mitigation priorities, and the state knows local priorities and capabilities. This framework includes support and coordination with local governments and non-state organizations (e.g., businesses, nonprofit organizations, community-based organizations, utilities and academia) as appropriate to support mitigation throughout the state. Continuous coordination among state agencies, local governments or other partners working with or on behalf of underserved communities is the key to achieving mitigation goals and long-term resilience across the Nation.

### ***Improve Mitigation Capabilities***

The [National Mitigation Framework](#) focuses on core capabilities, including community resilience and the connections among economy, housing, health and social services, infrastructure, and natural and cultural resources. State governments contribute to hazard mitigation by integrating planning processes, policies and programs. FEMA will continue to work with states to provide technical assistance beyond plan review and approval to strengthen coordination and mitigation capabilities.

## **1.3. Planning for Climate Change and Equitable Outcomes**

The state has a responsibility to ensure that the plan's mitigation strategy complies with all applicable legal requirements related to civil rights to ensure nondiscrimination. Such compliance can help achieve equitable outcomes through the mitigation planning process for all communities, including [underserved communities](#)<sup>6</sup> and [socially vulnerable](#) populations.

FEMA defines [equity](#) as the consistent and systematic fair, just and impartial treatment of all individuals. Centering equity in the mitigation plan helps ensure an inclusive planning process that benefits the [whole community](#). Inclusive planning processes take time and thoughtful planning to set up so that everyone has the resources to meaningfully participate, make progress, and benefit from hazard mitigation. Equity is not just an important principle. It is essential to reducing risk to the whole community, including those that face barriers to accessing assistance and to populations that

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<sup>6</sup> [Executive Order 13985 On Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#) defines "underserved communities" as "populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life..."

are disproportionately affected by disasters. The state mitigation plan is an opportunity to counter some of those barriers and intentionally plan for and reduce the risk for all communities.

[Climate change](#) increases the frequency, duration and intensity of natural hazards, such as wildfires, extreme heat, drought, storms, heavy precipitation and sea level rise. Communities are feeling the impacts of a changing climate now.<sup>7</sup> Many of these trends will likely continue for decades.<sup>8</sup> These variations create new risks to state and local governments and challenge pre-existing mitigation plans. They also pose a unique threat to the Nation's most at-risk populations by exacerbating the impacts of disasters on underserved and socially vulnerable populations who already experience the greatest losses from natural hazards.

Many states and communities have been planning for climate change through climate adaptation efforts. According to the National Climate Assessment, climate adaptation refers to “actions taken at the individual, local, regional, and national levels to reduce risks from even today’s changed climate conditions and to prepare for impacts from additional changes projected for the future.”<sup>9</sup> While climate adaptation efforts may be undertaken separately or in addition to the hazard mitigation planning process, hazard mitigation and climate adaptation are complementary efforts that have the same goal: long-term risk reduction for people and increased safety for communities. The key difference between the two is that hazard mitigation encompasses all natural hazards, including short-term, episodic events that may or may not be connected to climate change. Climate adaptation efforts and plans focus on adjusting to reducing risk and mitigating impacts from actual or expected causes of climate change. As natural disasters cross geographic boundaries and increase in frequency and intensity, supporting intersecting plans is more important than ever. Adapting to the expected impacts of climate change is a form of hazard mitigation. A hazard mitigation plan that addresses climate change in its risk assessment and includes adaptation actions in its mitigation strategy may reduce risk to current and future events.

## 1.4. Authorities and References

The State Mitigation Planning Policy Guide bases requirements for approval on several authorities.

### 1.4.1. Authorities

Laws:

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<sup>7</sup> U.S. Global Change Research Program, [Fourth National Climate Assessment, Volume II: Impacts, Risks, and Adaptation in the United States](#), 2018.

<sup>8</sup> Intergovernmental Panel on Climate Change, [The Physical Science Basis. Contribution of Working Group 1 to the Sixth Assessment Report of the Intergovernmental Panel on Climate Change](#), 2021.

<sup>9</sup> U.S. Global Change Research Program, [Fourth National Climate Assessment, Chapter 28: Reducing Risks through Adaptation Actions](#), 2018.

- [Robert T. Stafford Disaster Relief and Emergency Assistance Act](#) (Stafford Act), as amended.
- [National Flood Insurance Act of 1968](#), as amended.
- [National Dam Safety Program Act](#) (Pub. L. 92-367), as amended.

Regulations:

- [44 CFR Part 201 Mitigation Planning](#).
- [44 CFR Part 60, Subpart A, including § 60.3 Flood plain management criteria for flood-prone areas](#).
- [44 CFR Part 77, Flood Mitigation Grants](#).<sup>10</sup>
- [44 CFR Part 206, Subpart N – Hazard Mitigation Grant Program \(HMGP\)](#)
- [44 CFR Part 204, including § 204.51\(d\)\(2\)](#) [Fire Management Assistance Grant (FMAG) mitigation plan requirement].
- [2 CFR Part 200](#), Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, as adopted by the U.S. Department of Homeland Security (DHS) at 2 CFR Part 3002.

## 1.4.2. References

Executive Orders (EOs) and actions:

- [EO 14030 on Climate-Related Financial Risk](#) (May 2021).
- [EO 13985 on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](#) (January 2021).
- [EO 14008 on Tackling the Climate Crisis at Home and Abroad](#) (January 2021).
- [Interim Implementation Guidance for the Justice40 Initiative](#) (July 2021).
- [EO 12989 on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations](#) (February 1994).

Presidential Policy Directives (PPD):

- [PPD 8 National Preparedness](#) (March 2011).
- [PPD 21 Critical Infrastructure Security and Resilience](#) (February 2013).

FEMA and DHS Doctrine:

- [National Mitigation Investment Strategy](#) (August 2019).
- [National Preparedness Goal](#) (Second Edition, September 2015).
- [National Mitigation Framework](#) (June 2016).

FEMA Policies and Guidance

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<sup>10</sup> This is the CFR citation for the Flood Mitigation Assistance Program.

- [Restrictions on Grant Obligations to State, Tribal, and Local Governments without a FEMA-approved Mitigation Plan](#) (FP 306-112-1, August 19, 2013).
- [Public Assistance \(PA\) Program and Policy Guide, V4](#) (FP-104-009-2, June 2020).
- [Fire Management Assistance Grant Program and Policy Guide](#), (FP-104-21-0002, June 2021).
- [Hazard Mitigation Assistance Guidance](#) (February 27, 2015).
- Hazard Mitigation Assistance Guidance, Program Administration by States Pilot, Hazard Mitigation Grant Program (October 2017).
- [Disaster Risk Reduction Minimum Codes and Standards](#) (FP-204-078-2, September 2016).d
- [Rehabilitation of High Hazard Potential Dams \(HHPD\): Grant Program Guidance / High Hazard Potential Dam Rehabilitation Grant Program FEMA Policy](#) (FP-104-008-7, July 2020).
- [Mitigation Assistance: Building Resilient Infrastructure and Communities](#) (FP-104-008-05, February 14, 2022).

## 1.5. Eligibility for FEMA Assistance

In accordance with 44 CFR § 201.4(a), states must have an approved state mitigation plan meeting the requirements in 44 CFR § 201.4 as a condition of receiving certain non-emergency Stafford Act assistance and FEMA mitigation grants, including the following programs:

- [Public Assistance Categories C-G \(PA C-G\)](#).
- [Fire Management Assistance Grants \(FMAG\)](#).
- [Building Resilient Infrastructure and Communities \(BRIC\)](#).
- [HMGP](#).
- [HMGP Post Fire](#).
- [Flood Mitigation Assistance \(FMA\)](#).
- [Rehabilitation of High Hazard Potential Dams \(HHPD\)](#).

State mitigation plans must be submitted to FEMA for approval every five years in order to maintain this particular condition of eligibility.<sup>11</sup> For more information, see: [Restrictions on Grant Obligations to States Tribal and Local Governments Without a FEMA Approved Mitigation Plan](#) or applicable grant policy, guidance, or Notice of Funding Opportunity.

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<sup>11</sup> States are considered eligible *applicants* for HMA programs. State agencies are considered *subapplicants*. Individual state agencies do not need to develop their own agency-specific mitigation plans in order to be subapplicants. State agencies with assets identified in the State Mitigation Plan meet the mitigation planning requirement. For more information, review the [HMA Guidance](#).

## 1.6. Organization

This guide comprises four sections that describe the purpose of the guide, state and FEMA responsibilities, and specific state mitigation plan requirements for both standard and enhanced mitigation plans.

The section on standard state mitigation requirements also includes the mitigation plan requirements for grant eligibility under the HHPD and FMAG programs. States must meet the HHPD requirements to apply for grants to provide technical, planning, design and construction assistance to rehabilitate eligible high hazard potential dams. The HHPD grant requirements are included in the standard mitigation planning requirements for Planning Process, Hazard Identification and Risk Assessment, State Mitigation Capabilities and the Mitigation Strategy. They are also more fully described in [Section 3.8](#). In accordance with [44 CFR § 204.51](#), this guide also includes specific mitigation planning requirements for the FMAG program under the Hazard Identification and Risk Assessment and Mitigation Strategy and in [Section 3.9](#). This section is included in this guide to verify that the FMAG eligibility requirements have been met. However, regardless of the state's interest in being eligible for the FMAG program, if wildfire is a commonly recognized hazard in the state, the hazard must be identified in the plan in accordance with the Mitigation Planning requirements (44 CFR § 201.4(c)(2)(i)).

This guide is organized as follows:

- [Section 1. Introduction](#) - Provides an overview of the guide.
- [Section 2. Roles and Responsibilities](#) - Clarifies the state and FEMA responsibilities set forth in the mitigation planning regulations in 44 CFR Part 201. It also explains the mitigation program consultation and enhanced state validation process for state mitigation activities and programs.
- [Sections 3. Standard State Plan Requirements](#) and [4. Enhanced State Plan Requirements](#) - Describe the requirements for each element reviewed by FEMA to approve the plan.
- [Appendix A: Standard Submission and Review Procedures](#) - Describes the standard operating procedures for the submission and review of standard state mitigation plans and includes information on communication, plan submittal, plan adoption and plan review statuses.
- [Appendix B: Enhanced Submission, Review and Validation Procedures](#) - Describes the standard operating procedures for the submission and review of enhanced state mitigation plans. It also provides details on procedures related to maintaining enhanced status over the approval period.
- [Appendix C: State Mitigation Plan Review Tool](#) - For use by FEMA plan reviewers to: (a) determine if a plan meets the standard or enhanced state mitigation plan requirements; (b) provide more comprehensive feedback to the state on where the plan exceeds minimum standard or enhanced state mitigation plan requirements; and (c) make suggestions for improvements. State staff may use the Plan Review Tool as a checklist to ensure all requirements are addressed.



- [Appendix D: State Approval Letter Template](#) - For use by FEMA Mitigation Planning staff to communicate the plan approval status to the state.
- [Appendix E: Enhanced State Validation Summary Template](#) - For use by FEMA Mitigation Division staff to provide a written summary of the results of the annual enhanced state validation.
- [Appendix F: Acronyms and Definitions](#) - Includes all acronyms and definitions used throughout the guide.
- [Appendix G: Excerpts from the Code of Federal Regulations \(CFR\)](#) - Includes text of the relevant portions of the CFR about standard and enhanced mitigation plans.

## 2. Roles and Responsibilities

This section outlines the responsibilities for both FEMA and the state regarding the update, review, and approval of the state mitigation plan, including implementation; plan maintenance; support of mitigation planning for local governments; and review of the state’s mitigation planning program and commitments.

**Tribal governments may choose to coordinate with the state for review and FEMA approval of their mitigation plans. Federally recognized tribes may also work directly with FEMA for review and approval of their mitigation plans. Federally recognized tribes must meet the mitigation planning requirements at 44 CFR § 201.7.<sup>12</sup>**

**Throughout this guide, the phrase “local government” refers to local and tribal governments who choose to coordinate through the state for review and FEMA approval of their mitigation plans.<sup>13</sup> For requirements where states must include information from or about “local governments,” the state must include information about both local governments and tribes that coordinate with the state.**

### 2.1. State Responsibilities

The state is responsible for coordinating all state and local activities relating to hazard mitigation. At a minimum, the state must update its mitigation plan, standard or enhanced, every five years and submit it to FEMA for review and approval. The state must ensure that each plan update reflects changes in development, progress in statewide mitigation efforts, and changes in priorities. The state is also responsible for providing supplemental data to FEMA, as requested. For example, FEMA may request data on Hazard Mitigation Assistance (HMA) mitigation grants to verify performance.

#### 2.1.1. Initial Plan Review and Technical Assistance

The state will provide technical assistance and training to local governments to assist them in applying for HMA planning grants and in developing their mitigation plans. The state is responsible for completing initial reviews of all local mitigation plans and any plans from tribal governments wishing to have the option of being a subrecipient to the state. The state is responsible for reviewing

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<sup>12</sup> For more information on how federally-recognized tribal governments meet the mitigation planning requirements at 44 CFR § 201.7, review the [Tribal Mitigation Plan Review Guide](#).

<sup>13</sup> The definition of local governments at 44 CFR § 201.2 includes any Indian tribe or authorized tribal organization, or Alaska Native village or organization. Tribal governments who would like the option of being a subrecipient under the state must submit their plan to the State Hazard Mitigation Officer for review and coordination (44 CFR § 201.7[d]). States are not required to include information on tribes who work directly with FEMA for their plan review and approval.

and submitting approvable state, local, and as applicable, tribal mitigation plans to FEMA. If the state is consistently submitting plans that are not approvable, FEMA and the state will meet to determine a corrective action plan. FEMA recognizes that there may be temporary capacity challenges during an active disaster and will work with states experiencing those issues. The goal of technical assistance and training is to decrease the required plan revisions by ensuring that those responsible for developing and updating plans understand the requirements as early as possible.

### **2.1.2. Communicating Plan Status to Local Governments**

The state is responsible for communicating with local and tribal officials interested in applying for FEMA assistance through the state. FEMA encourages states to communicate with the appropriate officials regarding:

- Mitigation plan expiration dates.
- The consequences of not having a FEMA-approved mitigation plan with respect to eligibility for HMA grants (i.e., [HMGP](#), [HMGP Post-Fire](#), [BRIC](#), and [FMA](#)) and other grants with a mitigation plan as a prerequisite (i.e., [PA](#), [HHPD](#), [FMAG](#)).
- The availability of funding and state-sponsored training and technical assistance.

For more information on the mitigation plan requirement about eligibility for FEMA mitigation grants, refer to the [Mitigation Planning and Grants](#) webpage.

### **2.1.3. Program Administration by States**

States that have a Program Administration by States (PAS) agreement with FEMA and that received the local mitigation plan approval delegation authority have additional program-specific mitigation planning responsibilities. For more information on PAS agreements, contact the regional HMA Specialist or Senior Mitigation Planner.

## **2.2. FEMA Responsibilities**

FEMA oversees all pre- and post-disaster hazard mitigation programs and activities in each region. This includes the review and approval of all standard and enhanced state mitigation plans as well as the review and approval of local governments' mitigation plans. FEMA will also provide mitigation planning technical assistance and training to state, local and tribal governments.

### **2.2.1. Plan and Program Review**

In addition, FEMA reviews each state's mitigation activities, plans and programs every five years for approval. Whenever possible, FEMA will review state mitigation plans within 45 days of the region receiving them. FEMA also reviews the state mitigation program annually to ensure the state is maintaining its mitigation commitments using the mitigation program consultation and the enhanced state validation for states with enhanced mitigation plans. If a state's mitigation commitments are not being fulfilled, FEMA may take remedial action in accordance with 2 CFR § 200.339 and

applicable program policy and guidance, up to and including the recovery or denial of funds. For more information on maintaining mitigation commitments, see [Sections A.6](#) (standard plans) and [B.5](#) (enhanced plans).

### 2.2.2. Communicating Plan Status Data

FEMA will provide mitigation plan status and eligibility information to the state for both the state and local government mitigation plans on a routine basis.

Twelve months prior to the state mitigation plan expiration date, FEMA will give the state written information about the following:

- The state plan expiration date.
- The consequences of not having a FEMA-approved state mitigation plan, with respect to eligibility for the FEMA programs listed in [Section 1.5](#) as well as new programs, as applicable.
- The availability of mitigation planning and technical assistance and training.

At a minimum of every six months, FEMA will give the state written information, including:

- Local and tribal (as applicable) mitigation plan expiration dates.
- The consequences of not having a FEMA-approved mitigation plan with respect to eligibility for FEMA mitigation grants, such as HMGP, BRIC, and FMA.
- The availability of mitigation planning training and technical assistance.

FEMA will coordinate with the state to provide plan status information for plans that have been submitted for review and other information as needed and agreed to by FEMA and the state.

## 2.3. Shared Responsibilities

### 2.3.1. Mitigation Program Consultation

FEMA is responsible for providing technical assistance and reviewing state activities, plans and programs to ensure mitigation commitments are fulfilled. Many states and the corresponding FEMA regional Mitigation Division staff coordinate regularly on the state's mitigation program's status—in particular, the status of HMA grants or other FEMA assistance.

FEMA will provide the opportunity for technical assistance through review and consultation on the state's mitigation program, to be completed at least annually. A successful mitigation program consultation requires close collaboration between the state and FEMA. Some key benefits of an annual mitigation program consultation to the state include:

- Promoting dialogue between FEMA and the state on how to achieve, support and maintain effective state mitigation programs that use a wide range of public and private resources.

- Fostering comprehensive conversations about risk reduction that include all aspects of mitigation, including grants; planning, including state land use planning frameworks, resilience planning, and/or planning policy beyond mitigation planning; land use, development and building codes; hazard identification and mapping; floodplain management; dam safety; earthquakes; wildfire; and other hazards, activities and programs.
- Identifying the state's mitigation program's status, including strengths, challenges and specific needs and opportunities.
- Delivering feedback on maintaining continuous HMA and other grants management performance to states interested in achieving enhanced status.

The state and FEMA can collaborate on the mitigation program consultation agenda annually. Possible topics of discussion include, but are not limited to:

- Climate change adaptation and strategies for advancing risk reduction for populations most affected by hazards, including underserved communities and socially vulnerable populations.
- Advancing equity in the state mitigation strategy, including prioritizing mitigation actions that uplift underserved communities and protect socially vulnerable populations.
- Hazard identification, mapping and data from FEMA such as Risk Mapping, Assessment, and Planning (Risk MAP); National Dam Safety Program; National Earthquake Hazards Reduction Program (NEHRP); and Natural Hazards Risk Assessment.
- Floodplain management compliance and National Flood Insurance Program (NFIP) insurance coverage.
- Advancing the implementation of state and local mitigation strategies using a wide range of financial and other resources.
- Ensuring the state mitigation plan remains relevant over the approval period.
- Supporting the state and local plan update and approval processes, including how the state maintains, uses and shares plan and jurisdiction coverage data and trends.
- Building mitigation capabilities through training, technical assistance and partnerships with FEMA and other partners.
- Advancing integrated mitigation planning for local governments within the state, including submitting approvable mitigation plans to FEMA.
- Maintaining and/or improving mitigation capabilities, with particular attention to human resources and funding.
- Maintaining and/or improving grants management performance, especially HMA, with a focus on effectively using all available funding from FEMA mitigation programs.
- Developing partnerships across the whole community to advance the mitigation strategy.

These topics are suggested areas of discussion across the entire mitigation program. The consultation can cover the status of activities and specific needs. FEMA and the state may consider preparing a written agreement to establish expectations in advance. FEMA may include the agreement as an attachment to the plan approval letter, as appropriate. The state may also include the agreement with the plan's official adoption documentation to increase awareness and support.

After each consultation, FEMA will provide the state with a summary of the discussion. This summary document will include recommendations for improvements to the state mitigation program, identify where FEMA or other federal agencies have data, training, or guidance resources to advance the mitigation program, and explain any items that should be corrected or modified before the next state mitigation plan update. FEMA will not require a state mitigation plan update as a result of the consultation.

### **2.3.2. Enhanced State Validation**

A FEMA-approved enhanced state mitigation plan documents sustained, proven commitment to hazard mitigation and results in eligibility for increased HMGP funding. At a minimum, FEMA staff annually validate that enhanced states are maintaining their commitment to a comprehensive and integrated mitigation program, effectively using available mitigation funding, and remain capable of managing the increased HMGP funding (44 CFR § 201.5(a)). The enhanced state validation is for states that have already received approval of an enhanced state mitigation plan to ensure the state continues to meet these commitments. FEMA recommends that the state and FEMA collaboratively prepare a written agreement to establish expectations for the validations in advance. Following the validation, FEMA will provide the state with a written summary of findings and any appropriate documentation or agreements associated with the validation. FEMA staff will use [Appendix E: Enhanced State Validation Summary Template](#) to communicate the results of the enhanced state validation.

This annual validation benefits the state by verifying that the enhanced mitigation program is on track and continues to meet the enhanced planning and grants management performance requirements over the five-year approval period. This process identifies potential problems before the five-year review of the enhanced mitigation plan update. At that point, it may be too late to address deficiencies and the state's enhanced status could be at risk. FEMA will not require a state mitigation plan update as a result of the annual validation, but there may be corrective actions based on the validation's findings. If FEMA finds that the state is not complying with all applicable federal statutes and regulations or is unable to fulfill the enhanced mitigation commitments, FEMA may take action to correct the noncompliance, up to the revocation of enhanced status (44 CFR §§ 201.3(b)(5), 201.4(c)(7), and 201.5(c)). A state may appeal FEMA's determinations about enhanced mitigation plan status, including review of grants management performance. The appeals process for enhanced plan status is based on the HMGP Appeals process and the regulations at [44 CFR § 206.440](#). [Appendix B: Enhanced State Submission, Review, and Validation Procedures](#) has an overview of the enhanced state validation, the process used to identify and correct any deficiencies, and the appeals process.

## 3. Standard State Plan Requirements

This section provides detailed guidance on how FEMA interprets the requirements based on the authorities and regulations for all standard state mitigation plan reviews. The guidance in this section is limited to the requirements that *must* be included and addressed in a standard state mitigation plan. These requirements do not specify *how* the state updates the plan. Each element links to a specific regulation, and citations are provided for reference in [Appendix G](#).

**FEMA will not grant conditional approvals of standard state mitigation plans; all requirements must be met at the time of approval.**

FEMA will use the Plan Review Tool found in [Appendix C](#) to validate that the requirements are met and to document strengths and opportunities for improvement. For additional information on standard state mitigation plan review and approval, refer to [Appendix A: Standard Submission and Review Procedures](#).

### 3.1. Planning Process

**Overall Intent.** The planning process lays the foundation for developing an effective plan and maintaining, updating, integrating, and improving it.<sup>14</sup> It also provides the basis for tracking and evaluating progress on the state’s mitigation efforts. Any successful planning activity, such as developing a statewide transportation or economic development plan, involves a cross section of stakeholders who have the responsibility or authority to implement specific actions, reach consensus on desired outcomes, or resolve a problem. The result is a common set of values and widespread support for directing financial, technical and human resources to an agreed-upon course of action, usually identified in a plan. The same is true for mitigation planning.

**“An effective planning process is essential in developing and maintaining a good plan.”** 44  
CFR § 201.4(b)

The [National Mitigation Framework](#) emphasizes that for mitigation to be successful, it must be carried out by a cross section of state partners working together to identify and implement effective, long-term mitigation solutions and investments. The framework also emphasizes that mitigation should consider several systems or sectors, such as economic development, housing and

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<sup>14</sup> The mitigation planning process aligns closely with the principles and six-step planning process laid out in [Comprehensive Preparedness Guide 101](#).

infrastructure. Examples of sectors with mitigation capabilities are those agencies and stakeholders responsible for:

- Emergency management.
- Economic development.
- Land use and development.
- Housing.
- Health and social services.
- Infrastructure.
- Natural and cultural resources.

In addition, FEMA's [National Response Framework, 4th Edition](#), identifies critical [community lifelines](#) that are the most fundamental services in the community. When stabilized, they enable all other aspects of society to function. Community lifelines include the following:

- Safety and Security.
- Food, Water, Shelter.
- Health and Medical.
- Energy.
- Communications.
- Transportation.
- Hazardous Materials.

Efforts to mitigate potential impacts to community lifelines are key to building resilience. These community lifelines connect to the sectors in the National Mitigation Framework and the Recovery Support Functions under the [National Disaster Recovery Framework](#); the same agencies and departments who support these sectors also often support community lifelines and the recovery mission.<sup>15</sup> It is important to include state partners and other individuals, possibly including non-state entities, representing these sectors and lifelines in the state mitigation planning process.

All state mitigation plans are updates. This means that the planning process should continuously improve and become more inclusive and comprehensive over time. As part of the plan update process, states should engage all partners and involve agencies, departments and non-governmental entities who can provide data, studies and other technical information that strengthen the plan. For example:

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<sup>15</sup> There are five sectors in the National Mitigation Framework: economic, health and social services, housing, infrastructure, and natural and cultural resources. These sectors are the essential systems that constitute the backbone of communities. There are also five [Recovery Support Functions](#): economic, health and social services, community planning and capacity building, infrastructure systems, housing recovery, and natural and cultural resources. These support functions are the coordinating structure for assistance in the National Disaster Recovery Framework.



- State climatologists and other experts can provide climate projection data and other information relevant to potential effects of climate change on the state’s hazards.
- State agencies and experts on population and demographics can provide data about permanent and transient populations, specific gaps in social vulnerabilities, and underserved communities.
- State geologists, floodplain managers, the state NFIP Coordinator and others can provide more hazard-specific data and identify key reports.
- Coastal zone managers can provide data and leverage additional planning resources and relationships with coastal stakeholders.

The data these experts and others identify will help the state address resilience for the whole community.

<b>ELEMENT</b>	<b>REQUIREMENTS</b>
<p><b>S1.</b> Does the plan include a description of the process used to develop the plan? [44 CFR §§ 201.4(b) and 201.4(c)(1)]</p>	<p>a. The plan must describe the current process used to update the plan, including how the plan was prepared, the schedule or time frame, specific milestones and activities, the <a href="#">agencies and stakeholders</a> who were involved in the process, and if the mitigation planning process was integrated to the maximum extent possible with other state planning efforts. Supporting documentation, such as meeting sign-in sheets and notes, does not need to be included in the plan itself. States are strongly encouraged to retain supporting documentation as a record of how decisions were made and who was involved.</p> <p><b><u>Agencies and stakeholders</u></b> mean state, local and tribal agencies; colleges and universities; private entities, including private nonprofit organizations; or quasi-governmental authorities and special districts like port authorities or utility districts that perform critical functions.</p>
<p><b>S2.</b> Does the plan describe how the state coordinated with other agencies and stakeholders? [44 CFR §§ 201.4(b) and 201.4(c)(1)]</p>	<p>a. The plan must describe how the state coordinated with other state agencies and appropriate federal agencies that were involved in the process, and how they were <a href="#">involved in the process</a>. At a minimum, the plan must describe how the state coordinated with other agencies and interested groups, including stakeholders responsible for the following sectors:</p> <ul style="list-style-type: none"> <li>▪ Emergency management (including Safety and Security, Hazardous Materials, and Food, Water, Shelter community lifelines).</li> <li>▪ Economic development.</li> <li>▪ Land use and development, including the agency or department that regulates building codes.</li> </ul>

ELEMENT	REQUIREMENTS
	<ul style="list-style-type: none"> <li>▪ Housing (including Food, Water, Shelter community lifelines).</li> <li>▪ Health and social services (including Health and Medical community lifelines).</li> <li>▪ Infrastructure (including Energy, Communications, Transportation, and Food, Water, Shelter community lifelines).</li> <li>▪ Natural and cultural resources.</li> </ul> <p>In addition to the sectors above, the plan should describe how the state coordinated with agencies and organizations with climate change and climate adaptation expertise, state agencies with programs, policies, and assistance that support underserved communities, and other representatives serving these communities in the mitigation planning process.</p> <p>Where coordination with the agencies and stakeholders representing these sectors is not practicable, the plan must describe the limitations as well as how the state will overcome barriers. These items may be included in the mitigation strategy.</p> <p><b><i>Involved in the process</i></b> means engaged as participants and given the opportunity to provide meaningful input to affect the plan’s content.</p> <p>b. <i>If the state is interested in HHPD funding eligibility, the planning process must describe how the state agency(ies) responsible for dam safety and other stakeholders participated in the planning process and contributed expertise, data, studies, information, etc. related to high hazard potential dams (see HHPD1 in <a href="#">Section 3.8</a>).</i></p>

### 3.2. Hazard Identification and Risk Assessment

***Overall Intent.*** The hazard identification and risk assessment provides the factual basis for activities proposed in the mitigation strategy that will reduce losses from identified hazards. To meet requirements for the risk assessment, states must:

- Identify and describe all hazards that affect the state.
- Identify state assets, including state-owned or operated buildings, infrastructure, community lifelines, and critical facilities.
- Analyze, determine, and summarize the vulnerability of state assets to damage and loss from the identified hazards.
- Analyze and summarize vulnerability to local and tribal (as applicable) jurisdictions.

The risk assessment process allows the state to evaluate risk to people, infrastructure, structures, and critical facilities that are vulnerable to hazards, and the degree to which injuries or damage may occur. The evaluation must include the potential risk to socially vulnerable populations and

considerations for underserved communities, especially those who have been, or could be, disproportionately affected.

Representatives from departments, agencies, private, and quasi-governmental partners during the planning process described in [Section 3.1](#), including community lifeline owner/operators, can provide expertise and insight on risks to critical facilities within the state, including those that are *not* state-owned. Compromised private-sector infrastructure and facilities could have a profound impact on the state's economy and its ability to recover from disasters.

**The risk assessment evaluates where populations, infrastructure and critical facilities are vulnerable to hazards, and to what degree injuries or damage may occur.**

The vulnerability analysis will serve as the basis to guide decisions and investments, and implement actions that will reduce risk, including impacts from climate change. The probability, location, intensity and impacts of hazards will change over time. Climate change, including changes in temperature, intensity, hazard distribution or frequency of weather events, may increase vulnerability to these hazards in the future. The mitigation planning regulation at 44 CFR § 201.4(c)(2)(i) requires consideration of the probability of future hazard events as part of the risk assessment to reduce risks and potential damage.

Past occurrences are important to establish a factual basis of hazard risk. However, the challenges posed by climate change, such as more intense storms, frequent heavy precipitation, heat waves, drought, extreme flooding, and higher sea levels, could significantly alter the types and magnitudes of hazards affecting states in the future. Because predicting future hazard events is inherently uncertain, states are expected to look across the whole community of partners (public, private, academic, non-governmental, etc.) to identify the most current and relevant data and select the most appropriate methodologies to assess risks and vulnerability.

State risk assessments characterize the impacts of natural hazards on state assets, populations, and jurisdictions statewide. The risk assessment allows the state to understand the impact to people and places, compare potential losses and determine priorities for mitigation measures. The state risk assessment also supports prioritizing jurisdictions for receiving technical and financial support to develop more detailed local risk assessments so communities can take mitigation actions. As part of this process, states must consider potentially disparate impacts on underserved communities in the risk assessment.

The vulnerabilities and impacts identified in the state risk assessment must connect to the mitigation strategy (see [Section 3.4](#)); mitigation goals should address vulnerabilities, and mitigation actions should aim to reduce or eliminate damage to state assets as well as risks to local jurisdictions.

To ensure the risk assessment is a strong basis for the mitigation strategy, it is essential to use the most accurate, current and relevant data in the risk assessments. FEMA encourages states to include summaries, evaluations and overviews resulting from the analysis of risk assessment data,

rather than the data itself, and to only include raw data, as needed, in support of summaries or conclusions.

ELEMENT	REQUIREMENTS
<p><b>S3.</b> Does the risk assessment include an overview of the type and location of all of the natural hazards that can affect the state? [44 CFR § 201.4(c)(2)(i); FMAG: 44 CFR § 204.51(d)(2)]</p>	<p>a. The plan must include a current overview of all <a href="#">natural hazards</a> that can affect the state. In addition to listing the types of hazards, the summary must include the following:</p> <ol style="list-style-type: none"> <li>1. Location: Information on where the hazards have occurred or could occur, using maps where appropriate and available.</li> <li>2. Previous occurrences: Information about when hazards have occurred in the past, including information about the range of observed intensities of these hazards, using maps where appropriate and available.</li> </ol> <p>Information about the range of observed and anticipated intensities of the identified hazards are commonly expressed using various scientific scales. For example, the intensity of hurricane wind speeds is measured on the Saffir-Simpson scale, wind speed and damage from tornadoes is measured on the Enhanced Fujita Scale, and the peak ground acceleration indicates intensity of an earthquake.<sup>16</sup></p> <p>b. <i>If the state is interested in FMAG program eligibility, the state mitigation plan must identify the state’s wildfire hazards (See FMAG1 in <a href="#">Section 3.9</a>).<sup>17</sup> However, note that if wildfire is a commonly recognized hazard in the state, it must be included in the plan regardless of the state’s interest in pursuing FMAG grants. See note below.</i></p> <p><b>Natural hazards</b> are sources of harm or difficulty created by meteorological, environmental, or geological events. Natural hazards, such as flooding and earthquakes, affect the built environment, including dams and levees.</p> <p><b>Risk</b>, for the purpose of hazard mitigation planning, is the potential for damage or loss created by the interaction of natural hazards with assets, such as buildings, infrastructure or natural and cultural resources.</p>

<sup>16</sup> For more information on describing hazard intensities in the hazard mitigation plan, see the [State Mitigation Planning Key Topics Bulletin on Risk Assessment](#).

<sup>17</sup> 44 CFR § 204.51(d)(2) “As a requirement of receiving funding under a Fire Management Assistance Grant, a State, or Tribal organization, acting as recipient, must: (i) Develop a Mitigation Plan in accordance with 44 CFR Part 201 that addresses wildfire risks and mitigation measures; or (ii) Incorporate wildfire mitigation into the existing Mitigation Plan developed and approved under 44 CFR Part 201 that also addresses wildfire risk and contains a wildfire mitigation strategy and related mitigation initiatives.”

ELEMENT	REQUIREMENTS
	<p><i>If any commonly recognized hazard(s) that could affect the state is omitted, the state must explain the rationale for not including the hazard(s). This rationale must be based on risk.</i></p>
<p><b>S4.</b> Does the risk assessment provide an overview of the probabilities of future hazard events? [44 CFR § 201.4(c)(2)(i)]</p>	<p>a. The risk assessment must provide an overview of the probability of future hazard events that includes projected changes in the location, range of anticipated intensities, frequency, and/or duration of each natural hazard.</p> <p>b. Probability must include considerations of changing future conditions, including climate change (e.g., long-term weather patterns, average temperature, and sea levels) on the type, location, and range of anticipated intensities of identified hazards.</p> <p><b><i>Probability of future hazard events</i></b> means the likelihood of the hazard occurring or reoccurring. It may be defined in historical frequencies, statistical probabilities, hazard probability maps and/or general descriptors (e.g., unlikely, likely, highly likely). If general descriptors are used, they must be quantified or defined in the plan. For example, “highly likely” could be defined as “100% chance of occurrence next year” or “one event every year.”</p>
<p><b>S5.</b> Does the risk assessment address the vulnerability of state assets located in hazard areas and estimate the potential dollar losses to these assets? [44 CFR §§ 201.4(c)(2)(ii) and 201.4(c)(2)(iii)]</p>	<p>The risk assessment must include an overview and analysis of the vulnerability to state assets from the identified hazards as well as a summary of the most vulnerable assets. These assets may be located in the identified hazard areas and could be affected by future hazard events. State assets include state-owned or operated critical facilities, buildings, infrastructure, and community lifelines.</p> <p>b. The risk assessment must estimate potential dollar losses to state assets located in identified hazard areas.</p> <p>Vulnerability and potential losses are not simply lists or inventories of state facilities, but a summary of the potential <a href="#">impacts</a> to state assets from each of the identified hazards. Factors affecting vulnerability may include asset use and function as well as construction type, age or intended use.<sup>18</sup></p> <p><b><i>Critical facilities</i></b> are structures that the state determines must continue to operate before, during and after an emergency and/or hazard event and/or are vital to health and safety.</p> <p><b><i>Impacts</i></b> are the consequences or effects of each hazard on the state’s assets and jurisdictions identified in the vulnerability assessment.</p>

<sup>18</sup> For more information on analyzing vulnerability for hazard mitigation planning, view the [State Mitigation Planning Key Topics Bulletin on Risk Assessment](#).

ELEMENT	REQUIREMENTS
<p><b>S6.</b> Does the risk assessment include an overview and analysis of jurisdictions' vulnerability to the identified hazards and the potential losses? [44 CFR §§ 201.4(c)(2)(ii) and 201.4(c)(2)(iii)]</p>	<p>a. The risk assessment must provide an overview and analysis of vulnerable jurisdictions based on the state and local government risk assessments. Vulnerability must be analyzed in terms of:</p> <ol style="list-style-type: none"> <li>1. Jurisdictions most threatened by the identified hazards based on type, location, range of anticipated intensities, and probability. Probability must include the potential impacts of climate change.</li> <li>2. Jurisdictions most vulnerable to damage and loss from hazard events with respect to potential impacts to:               <ol style="list-style-type: none"> <li>i. Populations, including socially vulnerable and underserved communities.</li> <li>ii. Structures, including critical facilities.</li> <li>iii. Infrastructure and <a href="#">community lifelines</a> servicing jurisdictions that could affect state resilience, including Safety and Security; Food, Water, Shelter; Health and Medical; Energy; Communications; Transportation; and Hazardous Material lifelines.</li> </ol> </li> </ol> <p>b. The risk assessment must include an overview and analysis of the <i>potential losses</i> to the identified vulnerable structures based on estimates in the local risk assessments as well as the state risk assessment.</p> <p>c. <i>If the state is interested in HHPD funding eligibility, the risk assessment must address risks from high hazard potential dams in the risk assessment (see HHPD2 in <a href="#">Section 3.8</a>).</i></p> <p><b><u>Community lifelines</u></b> are the most fundamental services in the community that, when stabilized, enable all other aspects of society to function.</p> <p>An <b><u>overview</u></b> provides the results of the analysis and does not need to include the details from each local plan. Detailed analyses do not need to be placed in the body of the plan. They can be included as appendices. An example of an overview is a list of key issues or problem statements that clearly describes the greatest vulnerabilities and compares losses across the state, allowing the state to determine mitigation priorities.</p>
<p><b>S7.</b> Was the risk assessment revised to reflect <a href="#">changes in development</a>? [44 CFR § 201.4(d)]</p>	<p>a. The plan must provide a summary of recent development and potential or projected development in hazard-prone areas based on state and local government risk assessments including, but not limited to the following:</p> <ol style="list-style-type: none"> <li>1. Changes in land use and the built environment and projected future growth or re-development areas.</li> <li>2. Changes in population demographics that may affect vulnerability to hazard events, including socially vulnerable and underserved communities.</li> </ol>

ELEMENT	REQUIREMENTS
	<p>3. Changes to the vulnerability of state assets.</p> <p>4. Changes in development that could impact jurisdictions most threatened by the identified hazards based on local risk assessments, including the potential impacts of climate change.</p> <p><b><i>Changes in development</i></b> include conditions that may affect jurisdictions’ risks from and vulnerabilities to hazards, such as changes in land use and development, including infrastructure development, declining populations, projected increases in population, or shifts in the needs of underserved communities or gaps in social equity.</p>

### 3.3. State Mitigation Capabilities

***Overall Intent.*** Capabilities provide the means to accomplish a desired outcome. In the context of mitigation planning, the state capability assessment must identify and build the state’s capabilities to reduce risk and increase resilience. It addresses how the state’s existing capabilities can aid the mitigation effort and areas where the state needs to strengthen its mitigation capabilities. This is not a list or report of existing programs. It is an *evaluation* based on existing capabilities that demonstrates the state’s commitment to mitigation, identifies a wide range of resources that go beyond FEMA to implement mitigation activities, and reveals areas to target improvements. Without this evaluation of the state’s capabilities, the plan’s implementation could stall from inadequate resources.

ELEMENT	REQUIREMENTS
<p><b>S8.</b> Does the plan discuss the evaluation of the state’s hazard management policies, programs, capabilities, and funding sources to mitigate the hazards identified in the risk assessment? [44 CFR § 201.4(c)(3)(ii)]</p>	<p>The plan must describe and evaluate the state’s existing pre- and post-disaster hazard management policies, programs and capabilities to mitigate the hazards identified in the risk assessment, including but not limited to:</p> <ul style="list-style-type: none"> <li>a. An evaluation of state laws, regulations, policies and programs related to hazard mitigation that improve or impede resilience to future natural hazard events and other future conditions, including the potential effects of climate change, that contains: <ul style="list-style-type: none"> <li>1. A summary description of state land use laws, enabling legislation, and plans, including authorities that may be delegated to local governments by state law.</li> <li>2. A summary description of state laws governing adoption and enforcement of building codes in the state, including authorities that may be delegated to local governments by state law. <ul style="list-style-type: none"> <li>i. For states that have adopted a statewide building code, a description of the code including the year of</li> </ul> </li> </ul> </li> </ul>

ELEMENT	REQUIREMENTS
	<p>adoption, model code year (as applicable), and whether the code includes hazard-resistant provisions.<sup>19</sup></p> <ol style="list-style-type: none"> <li>3. A summary description of how state agencies work together to administer the NFIP pre- and post-disaster, including:               <ol style="list-style-type: none"> <li>i. Changes in participation, insurance coverage and trends.</li> <li>ii. Substantial damage administration.</li> <li>iii. Support for communities participating in or interested in the Community Rating System (CRS).</li> <li>iv. A summary of structures at high risk of flooding, including repetitive and severe repetitive loss structures and any action taken to reduce the number of these structures.</li> <li>v. Any other NFIP challenges that may be identified during regular coordination between the state and FEMA.</li> </ol> </li> <li>4. A summary discussion of the state’s participation in and capabilities related to FEMA’s flood hazard mapping program (i.e., Risk MAP) including how the state shares flood risk data for use in mitigation and community planning and mitigation action development, identifies areas that need to be studied or restudied, and builds partnerships.</li> </ol> <p>b. A general discussion of state funding capabilities for hazard mitigation actions and projects, including how the state has used:</p> <ol style="list-style-type: none"> <li>1. Its own funds and other state resources.</li> <li>2. FEMA mitigation programs and funding sources, including, but not limited to: HMGP, HMGP Post Fire, BRIC, FMA, HHPD, and PA Mitigation.</li> <li>3. Other federal programs and funding sources for mitigation, if applicable.</li> </ol> <p>c. A summary of:</p> <ol style="list-style-type: none"> <li>1. Obstacles, challenges and proposed solutions related to any state capabilities, including a brief discussion of potential strategies for overcoming any challenges related to implementing and enforcing hazard-resistant</li> </ol>

<sup>19</sup> FEMA provides resources and tools for building code adoption tracking on its [Nationwide Building Code Adoption Tracking](#) webpage.



ELEMENT	REQUIREMENTS
	<p>building codes statewide, as applicable. These items may be included in the mitigation strategy.</p> <p>2. Changes since the previous plan approval.</p>

### 3.4. Mitigation Strategy

**Overall Intent.** The mitigation strategy serves as the long-term blueprint for reducing the potential losses identified in the risk assessment. This is the heart of the mitigation plan and is essential to leading statewide mitigation programs to reduce risk. The [Stafford Act](#) directs state mitigation plans to identify and prioritize hazard mitigation actions and establish a strategy to implement those actions. To begin this process, the regulations require the establishment of mitigation goals, which are long-term policy or vision statements that guide the implementation of hazard mitigation actions. The strategy also includes establishing specific hazard mitigation actions and the potential funding sources for each, including federal, state, local or private funding. These actions are critical for leading and implementing statewide mitigation efforts.

A critical component of updating the state’s mitigation strategy is considering local mitigation plan strategies. This ensures that progress is evaluated against current conditions, such as financial, legal and political realities. By reviewing, prioritizing and incorporating the types or categories of actions identified by local governments, including special districts and tribal subrecipients, the state can better understand how to support investments in local (and tribal, where applicable) mitigation efforts. The state can then provide the appropriate resources, such as funding opportunities and technical assistance (e.g., post-disaster or pre-disaster), using a wide range of funding and resources to advance resilience.

ELEMENT	REQUIREMENTS
<p><b>S9.</b> Does the mitigation strategy include goals to reduce long-term vulnerabilities from the identified hazards? [44 CFR § 201.4(c)(3)(i)]</p>	<p>a. The plan must identify hazard mitigation <a href="#">goals</a> representing what the state seeks to accomplish through mitigation plan implementation using a wide range of funding, including non-FEMA funding.</p> <p>b. The goals must be consistent with the hazards and vulnerabilities identified in the risk assessment.</p> <p>c. <i>If the state is interested in HHPD funding eligibility, the plan must include mitigation goals to reduce long-term vulnerabilities from high hazard potential dams. The plan does not need to include a goal specific to high hazard potential dams alone (see HHPD3 in <a href="#">Section 3.8</a>).</i></p> <p><b>Goals</b> are broad, long-term policy and vision statements that explain what will be achieved by implementing the mitigation strategy.</p>

ELEMENT	REQUIREMENTS
<p><b>S10.</b> Does the plan prioritize mitigation actions to reduce vulnerabilities identified in the risk assessment? [44 CFR §§ 201.4(c)(1); 201.4(c)(3)(i), 201.4(c)(3)(ii) and 201.4(c)(3)(iii); 201.4(c)(4)(ii); FMAG: 44 CFR § 204.51(d)(2)]</p>	<ul style="list-style-type: none"> <li>a. The plan must identify actions based on the current risk assessment to reduce the vulnerability of jurisdictions within the state as well as the vulnerability of state-owned assets as described in Elements S5 and S6.</li> <li>b. The plan must describe the process used by the state to evaluate and prioritize actions that are cost-effective, environmentally sound, and technically feasible.</li> <li>c. The plan must describe how each action contributes to the hazard mitigation goals.</li> <li>d. The plan must describe how local government mitigation strategies link to the state mitigation strategy.</li> <li>e. <i>If the state is interested in FMAG program eligibility, the state mitigation plan’s mitigation strategy must contain wildfire-related mitigation initiatives. (See FMAG2 in <a href="#">Section 3.9</a>.)</i></li> <li>f. <i>If the state is interested in HHPD funding eligibility, the plan must prioritize mitigation actions to reduce vulnerabilities from high hazard potential dams (see HHPD4 in <a href="#">Section 3.8</a>.)</i></li> </ul>
<p><b>S11.</b> Does the plan identify current and potential sources of funding to implement mitigation actions and activities? [44 CFR § 201.4(c)(3)(iv)]</p>	<ul style="list-style-type: none"> <li>a. Mitigation activities must include the identification of current and/or potential sources of federal, state, local or private funding for implementation.</li> <li>b. At a minimum, the plan must identify FEMA mitigation funding sources (if applicable) including, but not limited to: HMGP, HMGP Post Fire, BRIC, FMA, HHPD and PA Mitigation.<sup>20</sup></li> <li>c. If the state is interested in HHPD funding eligibility, the plan must identify current and potential sources of funding to implement mitigation actions and activities for high hazard potential dams (see HHPD5 in <a href="#">Section 3.8</a>.)</li> </ul>
<p><b>S12.</b> Was the plan updated to reflect progress in statewide mitigation efforts and changes in priorities? [44 CFR § 201.4(d)]</p>	<ul style="list-style-type: none"> <li>a. The plan must provide a narrative of the status of each mitigation action in the previous plan. This narrative must identify which actions have been completed or not completed. For uncompleted actions, the plan must describe whether the action is either no longer relevant or included in the updated plan.</li> <li>b. The prioritization of mitigation actions and activities must be updated based on the updated analysis of risks, capabilities and progress.</li> </ul>

<sup>20</sup> Stafford Act, §406(e) Repair, Restoration, and Replacement of Damaged Facilities and 44 CFR § 206.226, Restoration of damaged facilities. FEMA Recovery Policy 9526.1 “Hazard Mitigation Funding Under Section 406 (Stafford Act),” dated March 30, 2010.

### 3.5. Local Planning Coordination and Capability Building

**Overall Intent.** Just as response efforts begin at the local level, so does mitigation. The state is responsible for supporting local governments with mitigation planning through training, technical assistance, and, when available, funding. This ensures that the community is aware of hazard data, planning resources, and state priorities for mitigation. Likewise, considering local mitigation strategies and capabilities increases the state partners’ awareness of local priorities and data. This informs and influences the state’s risk assessment and mitigation priorities. This mutual understanding between states and local governments allows for a streamlined review and approval process, better aligns mitigation strategies and plans, and directs available resources toward effective mitigation planning.

ELEMENT	REQUIREMENTS
<p><b>S13.</b> Does the plan include a general description and analysis of the effectiveness of local government mitigation policies, programs, and capabilities? [44 CFR § 201.4(c)(3)(ii)]</p>	<ul style="list-style-type: none"> <li>a. The plan must provide a summary of current local government policies, programs and capabilities of jurisdictions to accomplish hazard mitigation.</li> <li>b. The plan must describe the effectiveness of local government mitigation policies, programs and capabilities, including:                             <ul style="list-style-type: none"> <li>1. Challenges to implementing these mitigation policies, programs and capabilities. These should include gaps and disparities in serving underserved communities and challenges resulting from the impacts of climate change.</li> <li>2. Opportunities for implementing mitigation actions through local government capabilities.</li> </ul> </li> <li>c. <i>If the state is interested in HHPD funding eligibility, the plan must generally describe and analyze the effectiveness of local mitigation policies, programs, and capabilities that address high hazard potential dams (see HHPD6 in <a href="#">Section 3.8.</a>).</i></li> </ul>

<b>ELEMENT</b>	<b>REQUIREMENTS</b>
<p><b>S14.</b> Does the plan describe the process to support the development of approvable local government mitigation plans? [44 CFR §§ 201.3(c)(5) and 201.4(c)(4)(i)]</p>	<p>a. The plan must describe how the state supports developing or updating FEMA-approvable mitigation plans, including the process used to provide:</p> <ol style="list-style-type: none"> <li>1. Training.</li> <li>2. Technical assistance.</li> <li>3. Funding [<i>NOTE: criteria for prioritizing funding for planning and project awards are addressed in S15</i>].</li> </ol> <p>b. The plan must provide a brief summary of the following:</p> <ol style="list-style-type: none"> <li>1. Barriers to developing or updating, adopting and implementing FEMA-approved local government mitigation plans based on an analysis of plan and jurisdiction coverage data and trends across the state.</li> <li>2. Steps to remove barriers to help local governments advance mitigation planning, including how plan and jurisdiction coverage data and trends inform those steps. Maps or tables may be used if appropriate.</li> </ol>
<p><b>S15.</b> Does the plan describe the criteria for prioritizing funding? [44 CFR § 201.4(c)(4)(iii)]</p>	<p>a. The plan must describe criteria for prioritizing jurisdictions to receive planning and project grants under available federal and non-federal programs. A principal criterion for prioritizing grants will be the degree to which benefits are maximized. Areas of consideration should include, but not be limited to:</p> <ol style="list-style-type: none"> <li>1. Communities at the highest risk with the highest vulnerability, including underserved communities and socially vulnerable populations. The plan should consider non-monetary benefits.</li> <li>2. High-risk properties, including <a href="#">repetitive loss</a> and <a href="#">severe repetitive loss</a> structures.</li> <li>3. Areas under intense development pressures and areas that may experience increasingly severe impacts from climate change.</li> </ol> <p>b. <i>If the state is interested in HHPD funding eligibility, the plan must describe the criteria for prioritizing funding for high hazard potential dams (see HHPD in <a href="#">Section 3.8</a>).</i></p>

ELEMENT	REQUIREMENTS
<p><b>S16.</b> Does the plan describe the process and time frame to review, coordinate, and link local mitigation plans with the state mitigation plan? [44 CFR §§ 201.3(c)(6), 201.4(c)(2)(ii), 201.4(c)(3)(iii), and 201.4(c)(4)(ii)]</p>	<p>a. The plan must describe the state’s process and time frame to review and submit approvable local and tribal (if applicable) mitigation plans to FEMA. If the state is unable to consistently submit approvable plans to FEMA or submit adoption resolutions from participating jurisdictions, including special districts, the plan must describe actions planned to improve state and local mitigation planning capabilities.</p> <p>b. The plan must describe the state’s process and time frame to share risk assessment data and mitigation priorities with local governments for their plan updates, as well as integrate local risk assessment and mitigation actions into the state mitigation plan updates.</p>

### 3.6. Review, Evaluation, and Implementation

**Overall Intent.** For the plan to remain relevant, the state’s overall strategy for reducing risks from natural hazards, the mitigation plan must reflect current conditions, including statewide trends or anticipated growth and development, changes in the state’s priorities, and progress toward implementation. To this end, the state mitigation plan must be regularly reviewed and evaluated to keep the plan current. Documenting the agency/office responsible for monitoring, evaluating, and updating the plan and the process for collecting and evaluating feedback on the state’s progress toward long-term goals for resilience provides a visible commitment to keeping the state mitigation plan current. It also ensures the plan is implemented over time.

ELEMENT	REQUIREMENTS
<p><b>S17.</b> Is there a description of the method and schedule for keeping the plan current? [44 CFR §§ 201.4(c)(5)(i) and 201.4(d)]</p>	<p>The plan must describe the process to monitor, evaluate and update the plan. The description must include:</p> <p>a. The agency/office responsible for <a href="#">monitoring</a>, <a href="#">evaluating</a> and <a href="#">updating</a>.</p> <p>b. The schedule for monitoring, evaluating and updating.</p> <p><b>Monitoring</b> means tracking the plan’s implementation over time.</p> <p><b>Evaluating</b> means assessing the effectiveness of the plan at achieving its stated purpose and goals.</p> <p><b>Updating</b> means reviewing and revising the plan at least once every five years.</p>
<p><b>S18.</b> Does the plan describe the systems for monitoring implementation and reviewing progress? [44 CFR §§ 201.4(c)(5)(ii) and 201.4(c)(5)(iii)]</p>	<p>a. The plan must describe the system for tracking the implementation of the mitigation activities and projects identified in the mitigation strategy. This includes all mitigation activities, not just those funded by FEMA.</p> <p>b. The system must include the following:</p> <ol style="list-style-type: none"> <li>1. A schedule.</li> </ol>

ELEMENT	REQUIREMENTS
	<ul style="list-style-type: none"> <li>2. The agency/office responsible for coordination.</li> <li>3. The role of the agencies/offices identified in the mitigation strategy as responsible for implementation of actions.</li> <li>c. The plan must describe a system for reviewing progress on achieving the mitigation strategy’s goals that includes the criteria and process for evaluating progress.</li> </ul>

### 3.7. Adoption and Assurances

**Overall Intent.** Plan adoption by the state’s highest elected official or designee demonstrates commitment to the mitigation strategy and communicates priorities to state agencies and key partners regarding vulnerability and mitigation measures. It may also increase awareness of, and support from, state agencies with mitigation capabilities and those responsible for vulnerable assets and communities beyond the state agency responsible for the mitigation planning program.

The assurances convey that the state is aware of, and understands, the obligations to comply with applicable federal statutes and regulations, including grants programs, grants management and mitigation planning. For more information on the review and maintenance of mitigation commitments, see Appendix A, [Section A.6](#).

ELEMENT	REQUIREMENTS
<p><b>S19.</b> Did the state provide documentation that the plan has been formally adopted? [44 CFR § 201.4(c)(6)]</p>	<ul style="list-style-type: none"> <li>a. The state must provide documentation of formal adoption by the <a href="#">highest elected official or designee</a> prior to FEMA approval. Documentation of formal adoption may be a resolution or other mechanism.</li> </ul> <p>After FEMA has determined that all plan requirements have been met, including receipt of the formal adoption documentation, FEMA will provide a letter indicating the plan is approved. See <a href="#">Appendix A</a>, Standard Submission and Review Procedures.</p> <p><b><i>Highest elected official or designee</i></b> means a senior state official with authority to commit the various state agencies responsible for implementing the mitigation actions identified in the plan.</p>

ELEMENT	REQUIREMENTS
<p><b>S20.</b> Did the state provide assurances? [44 CFR § 201.4(c)(7)]</p>	<p>a. The plan must include assurances that the state will manage and administer FEMA funding in accordance with applicable federal statutes and regulations. For example, reporting requirements include, but are not limited to, submitting quarterly financial and performance reports on time.</p> <p>b. The plan must include assurances that the state will update its plan whenever necessary to reflect changes in state or federal laws and statutes.</p> <div style="background-color: #e0e0e0; padding: 5px; margin-top: 10px;"> <p>For information about consequences of failure to comply with applicable federal statutes and regulations, see <a href="#">Appendix A</a>, Standard Submission and Review Procedures.</p> </div>

### 3.8. High Hazard Potential Dams

**Overall Intent.** Critical infrastructure like dams and levees provide recreation, water supply, floodplain management, energy and other important functions. State dam safety programs, not the federal government, regulate most dams in the Nation. Therefore, these offices are important stakeholders in state mitigation planning processes. FEMA’s HHPD grant program funds rehabilitation, repair or removal of eligible dams. As one of the eligibility requirements for this program, Title 33 United States Code (USC) Section 467f-2 requires that states have a hazard mitigation plan in place that includes all dam risks and complies with the Disaster Mitigation Act of 2000 (Public Law 106–390; 114 Stat. 1552).

The mitigation planning process gives stakeholders an opportunity to collaborate and develop strategies to reduce risk to and from dams, with an emphasis on [high hazard potential dams](#), using a wide range of public and private resources. States wishing to be eligible for funding under this grant program must address high hazard potential dams in their state mitigation plans. High hazard potential dams are those where failure or mis-operation will probably cause loss of human life. This definition is in accordance with the Hazard Potential Classification System for Dams (FEMA/ICODS, 2004). States may use other terminology to classify their dams.

#### Hazard Potential Classification for Dams

The Federal Guidelines for Dam Safety; Hazard Potential Classification System for Dams (FEMA/ICODS, 2004) states that dams assigned the high hazard potential classification are those where failure or mis-operation will probably *cause loss of human life*. It should be noted that states may use other terminology to classify their dams.

The following table provides additional information on hazard potential classification for dams from the Federal Guidelines for Dam Safety.

### Hazard Potential Classification for Dams

Hazard Potential Classification	Loss of Human Life	Economic, Environmental, Lifeline Losses
Low	None Expected	Low and generally limited to owner
Significant	None Expected	Yes
High	Probable. One or more expected.	Yes (but not necessary for this classification)

FEMA recognizes that the list of high hazard potential dams may change from year to year. The state does not need to update its mitigation plan every time the list of high hazard potential dams changes. The plan approval period remains five years.

FEMA developed the criteria in this section in consultation with the National Dam Safety Review Board in 2021. For more information, see [FEMA Policy 104-008-7, Rehabilitation of High Hazard Potential Dams Grant Program Guidance](#) and subsequent HHPD Notices of Funding Opportunities and policies, Section 2.2.1. Eligibility Requirements and Section 5.2. Eligible High Hazard Potential Dams.

<b>ELEMENT</b>	<b>REQUIREMENTS</b>
<p><b>HHPD1.</b> Did Element S2 (planning process) describe how the state dam safety agency, other agencies, and stakeholders participated in the planning process and contributed expertise, data, studies, information, etc. relative to high hazard potential dams?</p>	<p>To meet this requirement with a specific focus on high hazard potential dams, the plan must:</p> <ol style="list-style-type: none"> <li>a. Describe how the state dam safety agency, other agencies, and stakeholders were involved in the planning process.</li> <li>b. Describe the types of data contributed. Examples of data include:                             <ol style="list-style-type: none"> <li>1. Location and size of the population at risk (PAR), as well as potential impacts to institutions and critical infrastructure/facilities/community lifelines.</li> <li>2. Include inundation maps, emergency action plans (EAPs), floodplain management plans, and/or data or summaries provided by dam breach modeling software such as the Hydrologic Engineering Center’s River Analysis System (HEC-RAS), Decision Support System for Water Infrastructure Security (DSS-WISE) Human Consequences Module, DSS- WISE Lite, FLO-2D, or more detailed studies.</li> </ol> </li> </ol> <p>Where coordination is not practicable, the plan must describe the limitations as well as how the state will overcome barriers. These items may be included in the mitigation strategy.</p>



<b>ELEMENT</b>	<b>REQUIREMENTS</b>
<p><b>HHPD2.</b> Did Element S6 (risk assessment) address all dam risks from high hazard potential dams in the risk assessment?</p>	<p>To meet this requirement with a specific focus on high hazard potential dams, the plan must:</p> <ul style="list-style-type: none"> <li>a. Provide a list of high hazard potential dams that have been identified by the state with their names, National Inventory of Dams identification numbers, locations by jurisdiction, and other relevant information, as well as maps. NOTE: Ensure sensitive and/or personally identifiable information is protected.</li> <li>b. Summarize statewide vulnerabilities to/from high hazard potential dams from hazards and the potential consequences associated with dam incidents, including:               <ul style="list-style-type: none"> <li>1. Potential cascading impacts of storms, seismic events, landslides, wildfires, etc. on dams that might affect upstream and downstream flooding potential.</li> <li>2. Potential significant economic, environmental, or social impacts, as well as multi-jurisdictional impacts from a dam incident.</li> <li>3. Location and size of PARs from high hazard potential dams, as well as potential impacts to institutions and critical infrastructure/facilities/community lifelines.</li> <li>4. Methodology and/or assumptions for risk data and inundation modeling should be noted.</li> </ul> </li> <li>c. Document limitations and describe the approach to address deficiencies.</li> </ul>

<b>ELEMENT</b>	<b>REQUIREMENTS</b>
<p><b>HHPD3.</b> Did Element S9 (mitigation goals) include mitigation goals to reduce long-term vulnerabilities from high hazard potential dams?</p>	<p>To meet this requirement with a specific focus on high hazard potential dams, the plan must:</p> <ul style="list-style-type: none"> <li>a. Address a reduction in vulnerabilities to/from high hazard potential dams from hazards and the potential consequences associated with dam incidents as part of their own goals or with other long-term strategies. The plan does not need to include a goal specific to high hazard potential dams alone. The plan’s goal(s) may be broader than HHPDs, but the goal(s) must encompass high hazard potential dams and mitigating the vulnerabilities of dam failure(s). Examples include:               <ul style="list-style-type: none"> <li>1. Reducing the number of high hazard potential dams.</li> <li>2. Identifying opportunities for non-federal risk reduction investments.</li> <li>3. Developing floodplain management strategies to mitigate risk associated with high hazard potential dams.</li> <li>4. Building community resilience to dam-related flooding from high hazard potential dams.</li> </ul> </li> <li>b. Link the proposed actions to reducing long-term vulnerabilities consistent with the goals. For example, consider how projects submitted for HHPD funding will be consistent with the goals identified in the current, FEMA-approved hazard mitigation plan.</li> </ul>

<b>ELEMENT</b>	<b>REQUIREMENTS</b>
<p><b>HHPD4.</b> Did Element S10 (mitigation actions) prioritize mitigation actions and activities to reduce vulnerabilities from high hazard potential dams?</p>	<p>To meet this requirement with a specific focus on high hazard potential dams, the mitigation plan must:</p> <ol style="list-style-type: none"> <li>a. Include actions to reduce vulnerabilities to/from high hazard potential dams, such as:               <ol style="list-style-type: none"> <li>1. Proposing, enacting, and/or delegating authority for local land use regulations, ordinances, and/or other standards to protect life and property from high hazard potential dams.</li> <li>2. Working with dam owners to create/update and share EAPs or dam incident annexes to emergency operations plans.</li> <li>3. Delegating authority to local governments to adopt and enforce land use ordinances in inundation zones.</li> <li>4. Acquiring structures both upstream and downstream of high hazard potential dams.</li> <li>5. Rehabilitating and/or removing high hazard potential dams.</li> </ol> </li> <li>b. Describe the process to evaluate and prioritize actions related to high hazard potential dams that are cost-effective, environmentally sound, and technically feasible.</li> <li>c. Describe how each action to reduce risks related to high hazard potential dams contributes to the goals and describe how strategies are linked to the state mitigation strategy.</li> </ol>
<p><b>HHPD5.</b> Did Element S11 (funding sources) identify current and potential sources of funding to implement mitigation actions and activities for high hazard potential dams?</p>	<ol style="list-style-type: none"> <li>a. To meet the requirement, the mitigation plan must include various funding sources to mitigate vulnerabilities to and from high hazard potential dams from hazards and the potential consequences associated with dam incidents, as well as funding sources to rehabilitate or remove high hazard potential dams. Funding may include sources other than FEMA for activities other than rehabilitation of high hazard potential dams.</li> </ol>

<b>ELEMENT</b>	<b>REQUIREMENTS</b>
<p><b>HHPD6.</b> Did Element S13 (local coordination) generally describe and analyze the effectiveness of local mitigation policies, programs, and capabilities that address high hazard potential dams?</p>	<p>To meet this requirement with a specific focus on high hazard potential dams, the mitigation plan must:</p> <ol style="list-style-type: none"> <li>a. Provide a summary of the local policies, programs, and capabilities to implement mitigation actions and reduce vulnerabilities from high hazard potential dams from hazards and the potential consequences associated with dam incidents.</li> <li>b. Describe challenges to implementing local mitigation policies, programs and capabilities to reduce vulnerabilities to and from high hazard potential dams and the approach to overcome these challenges.</li> <li>c. Describe opportunities for implementing mitigation actions to reduce risks to and from high hazard potential dams through local capabilities. Examples include tools for regulating land use around dams.</li> </ol>
<p><b>HHPD7.</b> Did Element S15 (prioritizing funding) describe the criteria for prioritizing funding for high hazard potential dams?</p>	<p>To meet this requirement with a specific focus on high hazard potential dams, the mitigation plan must:</p> <ol style="list-style-type: none"> <li>a. Describe the method for funding actions to reduce vulnerabilities to and from high hazard potential dams if these actions were prioritized differently than mitigation actions for other hazards. For example, include a summary of the methodology used by the state dam safety program to assess projects based on failure modes, potential consequences resulting from a dam incident, and the expected risk reduction and other benefits of the project. The state may also assess the loss of the resource and/or benefits of the dam.</li> <li>b. Document limitations and describe the approach to addressing deficiencies.</li> </ol>

### 3.9 Fire Management Assistance Grants

**Overall Intent.** The FMAG program provides assistance, including grants, equipment, supplies, and personnel to any state or local government for the mitigation, management, and control of any fire on public or private forest land or grassland that threaten such destruction that would constitute a major disaster. The FMAG program presents an incentive for states to include wildfire hazards in their mitigation planning, including profiling wildfires in the risk assessment and including wildfire mitigation actions in the mitigation strategy.

States seeking FMAG funding must have a formally approved state mitigation plan that addresses wildfire risks and mitigation measures in accordance with 44 CFR § 204.51(d)(2)<sup>21</sup>. If the state does not have an approved mitigation plan, it must formally submit an acceptable state mitigation plan for FEMA’s review and approval within 30 days of the signature date of the Amendment of the FEMA-State Agreement for the FMAG program.<sup>22</sup> FEMA will review the plan in 45 days whenever possible. FEMA will not approve the application for assistance under the FMAG program if the state does not have a compliant existing state mitigation plan or fails to submit one within the required time frame. For more information about the FMAG program requirements and processes, see the FEMA [Fire Management Assistance Grant Program and Policy Guide, FP-104-21-0002 \(June 2021\)](#).

<b>ELEMENT</b>	<b>REQUIREMENTS</b>
<p><b>FMAG1.</b> Does the plan address wildfire risks? [44 CFR 201.4(c)(2); 44 CFR § 204.51(d)(2)]</p>	<ul style="list-style-type: none"> <li>a. The risk assessment must provide an overview of the location and previous occurrences of wildfire hazards in the state.</li> <li>b. The risk assessment must provide an overview of the probability of future wildfire events that includes the projected changes in the location, intensity, frequency and/or duration of wildfire hazards.</li> <li>c. The risk assessment must address the vulnerability of state assets located in wildfire hazard areas and estimate the potential dollar losses to those assets.</li> <li>d. The risk assessment must include an overview and analysis of local governments’ vulnerability to wildfires and the potential losses to vulnerable structures.</li> </ul>
<p><b>FMAG2.</b> Does the plan’s mitigation strategy contain wildfire-related mitigation initiatives? [44 CFR 201.4(c)(3); 44 CFR § 204.51(d)(2)]</p>	<ul style="list-style-type: none"> <li>a. The mitigation strategy must identify mitigation actions and activities to reduce the vulnerability of jurisdictions within the state as well as the vulnerability of state-owned assets as described in Elements S5 and S6.</li> </ul>

<sup>21</sup> 44 CFR §204.51(d)(2) “As a requirement of receiving funding under a Fire Management Assistance Grant, a State, or Tribal organization, acting as recipient, must: (i) Develop a Mitigation Plan in accordance with 44 CFR Part 201 that addresses wildfire risks and mitigation measures; or (ii) Incorporate wildfire mitigation into the existing Mitigation Plan developed and approved under 44 CFR Part 201 that also addresses wildfire risk and contains a wildfire mitigation strategy and related mitigation initiatives.”

<sup>22</sup> The FEMA-State Agreement is a legally binding document that outlines the terms and conditions under which grant funding is provided for fire management assistance declarations and details applicable laws and regulations governing the program. The amendment is an additional document that is completed for each declared fire. See [FMAG Program and Policy Guide](#) Chapter 2: Declaration Process for more information.

## 4. Enhanced State Plan Requirements

A FEMA-approved enhanced state mitigation plan documents a sustained, proven commitment to hazard mitigation. This designation recognizes current and ongoing proactive efforts in implementing a comprehensive mitigation program. Enhanced status acknowledges the coordinated effort the state is taking to reduce losses from natural hazards, protect life and property, and create safer and more resilient communities. Approval of an enhanced state mitigation plan results in eligibility for increased HMGP funding.<sup>23</sup>

The capabilities listed in 44 CFR § 201.5(a) build on and exceed the standard mitigation plan requirements. States seeking enhanced status must *demonstrate* through narrative and examples that the state is already engaged in processes, activities or initiatives to reduce risk statewide. Enhanced status must reflect *current* mitigation integration, commitment and grants management. FEMA expects that information on the state processes, activities or initiatives are already incorporated into the plan and/or can be independently validated (e.g., grants management compliance).

**FEMA will not grant conditional approvals of enhanced state mitigation plans; all requirements must be met at the time of approval. If a state is granted enhanced status after the standard plan has been approved, the approval date does not change (i.e., states may be enhanced for less than the five-year approval period).**

This section provides guidance on how FEMA interprets the various requirements of the regulation for all enhanced state mitigation plan reviews and approvals. The guidance describes what states must demonstrate and document in their plan to achieve and maintain enhanced status. FEMA recognizes that there may be various ways to meet the requirements and demonstrate enhanced capability. Each element links to a specific regulation. Citations are provided for reference.

For additional information on enhanced state mitigation plan approvals, please see [Appendix B: Enhanced Submission and Review Procedures](#).

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<sup>23</sup> States with an enhanced mitigation plan are eligible to receive increased funds under HMGP, based on 20% of the total estimated eligible Stafford Act assistance, versus standard states, which receive 15% (42 U.S.C. 5165(e); 44 CFR § 201.5(a))

## 4.1. Enhanced State Prerequisite Requirements

### 4.1.1. Meet Required Standard Plan Elements and Mitigation Planning Responsibilities

**Overall Intent.** The first step to determine if a state can become enhanced is to ensure that the state successfully meets all requirements under the standard state requirements outlined in [Section 3](#) and meets the state mitigation planning responsibilities outlined in 44 CFR § 201.3(c). This includes having a plan that meets all the requirements and demonstrating that the state is meeting its responsibilities related to managing and coordinating local mitigation plan training, technical assistance, development and review.

ELEMENT	REQUIREMENTS
<b>E1.</b> Does the enhanced plan include all elements of the standard state mitigation plan? [44 CFR § 201.5(b)]	a. The enhanced plan must meet all the required elements of the standard state mitigation plan.

### 4.1.2. Meet HMA Grants Management Performance Requirements

**Overall Intent.** Approval of an enhanced state mitigation plan results in eligibility for increased HMGP funding. Therefore, the mitigation planning regulation requires states to demonstrate existing capabilities to effectively manage HMGP and other mitigation grant programs (44 CFR §§ 201.5(a), 201.5(b)(3), and 201.5(b)(2)(iii)).

To achieve and maintain enhanced status, the state must demonstrate that it meets all grants management performance requirements. FEMA will review the state’s grants management performance data for all FEMA HMA programs for the last four quarters, as outlined below. For reviews of new enhanced state mitigation plans, FEMA may extend the time frame when sufficient data is not available for the last four quarters. FEMA will supplement the review with any additional necessary grants management data or may request additional data from the state, if necessary. The grants management performance will also be validated at least once each year of the approval period during the annual *Enhanced State Validation*.

For additional information about demonstrating HMA grants management performance capabilities throughout the plan approval period, refer to [Appendix B.5](#).

<b>ELEMENT</b>	<b>REQUIREMENTS</b>
<p><b>E2.</b> Regarding HMA, is the state maintaining the capability to meet application time frames and submitting complete project applications? [44 CFR § 201.5(b)(2)(iii)(A)]</p>	<ul style="list-style-type: none"> <li>a. All applications are complete and submitted by the end of each program’s respective application period.</li> <li>b. All applications are entered into FEMA’s electronic data systems (i.e., the National Emergency Management Information System [NEMIS], eGrants, and/or FEMA Grants Outcomes [FEMA GO]).</li> <li>c. A complete Minimum Criteria Checklist for Project Subapplicants or equivalent documentation is prepared for all subapplications. States may develop and use their own checklists if approved by FEMA and the state.</li> <li>d. All applications are determined to be complete by FEMA within 90 days of submittal or selection for further review, or after the first request for information response. Required environmental and historic preservation (EHP) reviews and consultations will not be included in the 90-day review time frame calculation.</li> </ul>
<p><b>E3.</b> Regarding HMA, is the state maintaining the capability to prepare and submit accurate environmental reviews and benefit-cost analyses? [44 CFR § 201.5(b)(2)(iii)(B)]</p>	<ul style="list-style-type: none"> <li>a. All applications and amendments are determined to be complete by FEMA within 90 days of submittal or selection for further review, or after the first request for information response, including all data requested by FEMA to support cost-effectiveness determinations and EHP compliance reviews. Required EHP reviews and consultations will not be included in the 90-day review time frame calculation. Technical assistance contracts for EHP considerations and cost-effective determinations will not be charged against the state. However, the state staff must document general understanding of the program. This should be done by completing relevant Emergency Management Institute courses (Benefit-Cost Analysis and EHP) or their equivalent.</li> </ul>
<p><b>E4.</b> Regarding HMA, is the state maintaining the capability to submit complete and accurate quarterly progress and financial reports on time? [44 CFR § 201.5(b)(2)(iii)(C)]</p>	<ul style="list-style-type: none"> <li>a. All progress reports must be complete and submitted on time. Information in reports must accurately describe grant activities, including data related to the completion of individual property acquisitions. Incomplete progress reports that do not provide information on all open grants and subgrants or do not include all information required by the HMA Guidance are not considered on time.</li> <li>b. All Federal Financial Reports (FFR) Standard Form (SF) SF-425 are submitted on time. Information in reports must accurately describe grant activities as described in the HMA Guidance.</li> <li>c. State consistently complies with the Financial and Program Management Standard requirements described in 2 CFR §§ 200.300 to 200.309.</li> </ul>



ELEMENT	REQUIREMENTS
<p><b>E5.</b> Regarding HMA, is the state maintaining the capability to complete HMA projects within established performance periods, including financial reconciliation? [44 CFR § 201.5(b)(2)(iii)(D)]</p>	<p>a. All work as part of HMA subawards must be completed by the end of the period of performance as described in the <a href="#">HMA Guidance</a>. All extension requests must be complete, on time, and with adequate justification as described in the HMA Guidance (2015) and subsequent update.</p> <p>Complete subaward closeout packages are submitted to FEMA no later than 180 days from project completion. All subaward closeout packages are determined to be complete by FEMA after the first request for information response.</p> <p>b. There should be no major findings on the last single audit obtained by the state related to HMA programs. For states without HMA grants, FEMA will review other federal grants prepared by the responsible agency (such as the state emergency management agency).</p> <p>c. All grant closeout activities and documentation, including financial reconciliation, are completed within 120 days from the end of the award performance period as outlined in 2 CFR 200.344, including:</p> <ol style="list-style-type: none"> <li>1. Final FFR SF-425 and Performance Reports complete and submitted within 120 days from the end of the performance period, unless an extension is granted by FEMA.</li> <li>2. Statement that approved scope of work and all EHP requirements have been satisfied.</li> <li>3. Completed SF-270 Request for Advance or Reimbursement or request to de-obligate funds, if applicable, due to cost underruns.</li> <li>4. Other documentation is complete, as required in the <a href="#">HMA Guidance</a>.</li> <li>5. No late drawdowns are requested or performed after the liquidation period has ended.</li> </ol> <p>d. Actual expenditures have been documented and are consistent with SF-424A or SF-424C.</p>

## 4.2. Integrated Planning

**Overall Intent.** To be enhanced, states must *demonstrate* a history of integration with a wide range of agencies and stakeholders with mitigation capabilities and/or shared objectives to reduce risks from future natural hazards and increase resilience in the state, including underserved communities. The [National Mitigation Framework](#) describes integration to include the organizations, agencies, groups, committees and teams that carry out activities to help build resiliency. Thus, the state must demonstrate integration with these sectors as well as ensure that community lifelines are included in

plan integration based on the [National Response Framework, \(4th Edition\)](#) and [National Disaster Recovery Framework \(2nd Edition\)](#), as introduced in [Section 3.1](#).

In terms of enhanced state mitigation planning, *integrated planning* goes beyond ensuring representatives from these sectors are involved in the planning process. It also means embedding mitigation in other state planning, decision making, and development, as well as enabling other agency planning initiatives to inform the state’s overarching mitigation strategy. It is not limited to state assets.

Integrated planning *does not* mean that representatives of various state agencies, departments or divisions simply attend meetings or participate in plan development. Rather, the plan must demonstrate *how* state mitigation plan risk information, goals, strategies and actions have been integrated into other state and/or regional plans, programs, policies, initiatives and procedures, as well as results or outcomes of this activity.

Integration must be coordinated and demonstrated with agencies, departments, programs and organizations within the state and/or region, and beyond the state agency that leads the mitigation plan’s development (e.g., the state emergency management agency/department).

No single agency can be solely responsible for mitigation across all sectors. Collaboration among stakeholders with the authority, interest and expertise to implement mitigation measures that increase social and economic resilience, and resilience from natural hazard events, enables the state to leverage resources and mitigation investments to reduce risk. As part of this process, it is important that states actively engage the expertise of stakeholders and representatives from underserved communities and those working with these communities toward more equitable mitigation strategies.

<b>ELEMENT</b>	<b>REQUIREMENTS</b>
<p><b>E6.</b> Does the plan demonstrate integration (to the extent practicable) with other state and/or regional planning initiatives and FEMA mitigation programs and initiatives? [44 CFR § 201.5(b)(1)]</p>	<p>a. The enhanced plan must demonstrate integration with other state and/or regional planning initiatives, including, at a minimum, the following sectors:</p> <ol style="list-style-type: none"> <li>1. Emergency management (including Safety and Security; Hazardous Materials; and Food, Water, Shelter community lifelines).</li> <li>2. Economic development.</li> <li>3. Land use development, including the agency or department that regulates building codes and administers land use authorities.</li> <li>4. Housing (including Food, Water, Shelter community lifelines).</li> <li>5. Health and social services (including Health and Medical community lifelines).</li> </ol>

ELEMENT	REQUIREMENTS
	<p>6. Infrastructure (including Energy; Communications; Transportation; and Food, Water, Shelter community lifelines).</p> <p>7. Natural and cultural resources.</p> <p>Integration must be coordinated and demonstrated with agencies, departments, programs and organizations within the state and/or geographic region, as well as <i>beyond</i> the state agency leading the development of the mitigation plan. Integration should include state agencies and organizations with expertise in climate change and climate adaptation and agencies with programs, policies and assistance that support underserved communities, as well as other leaders and key stakeholders from non-governmental organizations serving these communities in the mitigation planning process.</p> <p>Integration must be demonstrated in terms of current activities and outcomes. Where integration with other state and/or regional planning initiatives representing these sectors is not practicable, the plan must describe the limitations as well as how the state will overcome barriers. These items must be included in the mitigation strategy.</p> <p>b. The enhanced plan must demonstrate integration of FEMA mitigation programs and initiatives. This may include, but is not limited to: PA, FMAG, HMGP, HMGP Post Fire, BRIC, FMA, NFIP, CRS, the Cooperating Technical Partners (CTP) program, Risk MAP, NEHRP, HHPD and the National Dam Safety Program, as well as FEMA programs that advance mitigation, such as Threat Hazard Identification and Risk Assessment and Emergency Management Performance Grant Program.</p> <p>Where integration with FEMA mitigation programs and initiatives is not practicable, the plan must describe the limitations as well as how the state will overcome barriers. These items must be included in the mitigation strategy.</p>

### 4.3. Demonstrating Commitment to Comprehensive State Mitigation Program

**Overall Intent.** States with enhanced mitigation plans must demonstrate a robust and comprehensive commitment to mitigation beyond that of a state with a standard mitigation plan. An enhanced state must provide evidence that they are successfully implementing programs, actions and/or projects that reduce exposure to hazards or use other mechanisms to show the state has exceeded the standard plan requirements. This includes policies focused on equitable and sustainable land use strategies and up-to-date building codes that are enforced, along with training

and capability building and other state-led and coordinated efforts toward advancing risk reduction and resilience.

<b>ELEMENT</b>	<b>REQUIREMENTS</b>
<p><b>E7.</b> Does the state demonstrate commitment to a comprehensive mitigation program? [44 CFR §§ 201.3(c), 201.5(b)(4) and 201.6(d)]</p>	<p>a. The state must demonstrate commitment to statewide programs, initiatives, and plans that advance mitigation and resilience. The state must demonstrate commitment through a combination of activities that may include, but are not limited to, the following:</p> <ol style="list-style-type: none"> <li>1. Statewide planning laws, legislative initiatives, or frameworks (where permitted by state and local law) that require or promote land use planning or other integrated strategies aimed at advancing mitigation.</li> <li>2. Establishing councils or teams (beyond the state mitigation planning team) or forming innovative mitigation public/private partnerships focused on mitigation investment at the state, regional and local levels.</li> <li>3. Integrating mitigation and community resilience principles into the state’s post-disaster recovery operations.</li> <li>4. Developing a comprehensive, multi-year plan to mitigate the risks posed to existing buildings identified as necessary for post-disaster response and recovery operations.</li> <li>5. Use of a model floodplain ordinance that includes and goes beyond the NFIP minimum requirements and is coordinated with the state building code(s).</li> <li>6. Other executive actions and activities that promote mitigation statewide.</li> </ol> <p>b. The state must demonstrate a commitment to mitigation training and capability building. The state can demonstrate this commitment through a combination of activities that include, but are not limited to, the following:</p> <ol style="list-style-type: none"> <li>1. Advancing local mitigation planning by providing or supporting workshops, training and capability building beyond the basic requirements under 44 CFR § 201.3(c)(5). For example, the state could develop a program for supporting floodplain management or other certification programs related to hazard reduction or provide workshops on more advanced mitigation topics to develop mitigation capabilities at the local level.</li> <li>2. Partnering with other state and federal agencies, or the private sector, to provide resources and incentives for more inclusive and integrated mitigation planning and plan implementation using a wide range of public and private resources.</li> </ol>

ELEMENT	REQUIREMENTS
	<ul style="list-style-type: none"> <li>3. Supporting implementation of local government mitigation actions, including providing state planning grants or a portion of the non-federal match for HMGP, BRIC and/or other mitigation projects and programs.</li> <li>c. The state must demonstrate a commitment to its mitigation planning responsibilities by helping local governments update and adopt their plans before they expire. To this end, the state must be able to show that at least 75% of all its local jurisdictions that have previously submitted a mitigation plan are currently approved or updating their plans. Special districts are excluded from this calculation. If the state cannot show this at the time of plan submittal, the plan must document when this was met in the previous five years and the process to improve this status with a focus on adoption by all participating jurisdictions.</li> <li>d. The state is strongly encouraged to demonstrate its commitment to mitigation by adopting and enforcing building codes that enhance mitigation and resilience.               <ul style="list-style-type: none"> <li>1. For states that have a mandatory, statewide building code, the state is strongly encouraged to demonstrate the following:                   <ul style="list-style-type: none"> <li>i. The state has adopted the current or next most recently published editions of hazard-resistant building codes from nationally recognized authorities such as the International Code Council that have not been amended or changed in a way that weakens code provisions related to natural hazards.</li> <li>ii. The state does not allow local governments to weaken the hazard-resistant provisions of the state building code.</li> <li>iii. The state encourages local governments to adopt higher standards for hazard resistance in their locally adopted building codes.</li> <li>iv. The state ensures that state-owned and operated facilities are constructed in compliance with the current or next most recent hazard-resistant building codes as described in E7(d)(1)(i) above and the state avoids constructing facilities in areas vulnerable to current and future hazards (e.g., the facility’s lifespan) to the greatest extent possible.</li> </ul> </li> <li>2. If the state <b>has not</b> adopted the current or next most recently published editions of hazard-resistant building codes, as described above in E7 (a)(1)(i), the state is strongly encouraged to include in the plan a strategy with action steps toward state adoption and implementation of the current or next most recent hazard-resistant building</li> </ul> </li> </ul>

ELEMENT	REQUIREMENTS
	<p>codes as part of its commitment to mitigation. The strategy and action steps should be based on national programs and standards, such as the state Building Code Effectiveness Grading Schedule (BCEGS) scores and state averages (where available).</p> <p>3. <b>For states that do not have a mandatory statewide building code</b>, based on the evaluation of building code adoption and enforcement in the state required under Element S8, the state is strongly encouraged to:</p> <ul style="list-style-type: none"> <li>i. Describe and document a strategy with action steps to support and encourage all local jurisdictions in the state to adopt and enforce the current or next most recent hazard-resistant building code as described in E7 (a)(1)(i) above.</li> <li>ii. Describe and document a strategy and action steps that the state could take toward the adoption of a hazard-resistant mandatory statewide building code.</li> <li>iii. Ensure that state-owned and operated facilities are constructed in compliance with the current or next most recent hazard-resistant building code as described in E7(a)(1)(i) above and that the state avoids constructing facilities in areas vulnerable to hazards to the greatest extent possible.</li> </ul> <p>For Element E7-d., reviewers should document strengths and opportunities for improvement related to building codes in the Plan Assessment section of the Plan Review Tool (see <a href="#">Appendix C</a>).</p>

## 4.4. Effective Use of Existing Mitigation Programs to Achieve Mitigation Goals

**Overall Intent.** In addition to capable administration and management, integration, and a proven commitment to mitigation, the state must successfully implement its mitigation program through ongoing investment, using existing programs and resources. The state must *demonstrate* that it is using a wide array of opportunities to achieve its mitigation goals, including state and federal programs beyond FEMA funding, such as U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Program (CDBG). This indicates that the enhanced state will effectively use the additional HMGP funds for which it is eligible.

Full and effective use of existing mitigation programs means that an enhanced state is making the most of FEMA funding, as well as other partnerships, to advance mitigation. This includes submitting applications for mitigation funding, obligating funding, and participating in programs (such as the CTP program, if applicable). This also includes ensuring that the state and its local governments, including special districts, and other potential subrecipients for FEMA funding, such as nonprofit

organizations, participate in the planning process and can submit applications for FEMA grant programs. It also ensures that grant funds are obligated in a timely and efficient manner. The state should further invest in mitigation by leveraging resources, building and joining partnerships, and participating in state and (where possible) other (non-FEMA) federal and/or non-governmental programs.

<b>ELEMENT</b>	<b>REQUIREMENTS</b>
<p><b>E8.</b> Is the state effectively using existing mitigation programs to achieve mitigation goals? [44 CFR §§ 201.5(a) and 201.5(b)(3)]</p>	<p>The state must demonstrate and document the full and effective use of existing mitigation programs to achieve its mitigation goals, as outlined below.</p> <p>a. The state must demonstrate and document the full and effective use of existing FEMA programs (if funding is available), including, but not limited to:</p> <ol style="list-style-type: none"> <li>1. FEMA HMA Programs: HMGP, HMGP Post Fire, BRIC, and FMA (including management costs).</li> <li>2. Public Assistance: PA C-G (permanent work) and PA Mitigation.</li> <li>3. Flood Hazard Mapping, including the CTP Program, Floodplain Management, and the Community Assistance Program – State Support Services Element.</li> <li>4. Dam Safety: Rehabilitation of HHPDs; State Assistance for Dam Safety.</li> <li>5. NEHRP – Earthquake State Assistance Grants (high and very high risk states only<sup>24</sup>).</li> </ol> <p>Note: If the state has not made full and effective use of available funding, the enhanced plan must document the reasons why and include a strategy for improving this capability.</p> <p>b. The state must demonstrate and document the full and effective use of non-FEMA programs including, but not limited to:</p> <ol style="list-style-type: none"> <li>1. <b>State-supported hazard mitigation and resilience programs</b>, including those led by agencies and departments outside the state agency that leads the development of the mitigation plan (e.g., the state emergency management agency/department).</li> <li>2. <b>Other federal programs</b> that support mitigation and resilience, where available. Examples include, but are not limited to, programs administered by the following:</li> </ol>

<sup>24</sup> The high or very high earthquake risk determination is compiled annually by NEHRP as part of the State Assistance Target Allocation List. The list is based on the combination of the Seismic Design Category and Annualized Earthquake Loss contained in FEMA 366 HAZUS-MH Estimated Annualized Earthquake Losses for the United States. For more information, visit the [State Assistance Program and FEMA Grants](#) webpage.

ELEMENT	REQUIREMENTS
	<p>Economic Development Administration, Environmental Protection Agency, HUD, Department of Transportation, National Oceanic and Atmospheric Administration, U.S. Army Corps of Engineers, and the U.S. Department of Agriculture.</p> <p>3. <b>Non-governmental organizations</b>, including public-private partnerships. This may include nonprofit organizations, academia, business, and industry.</p>

## 4.5. Documentation of the State’s Implementation Capability

**Overall Intent.** An enhanced state should have the ability to implement its mitigation plan and support local governments, including underserved communities, to implement mitigation activities statewide. This means the state must have established criteria and processes for making decisions with respect to allocating resources toward mitigation actions, projects and initiatives. The state must also have a system to measure the effectiveness of its mitigation investments.

ELEMENT	REQUIREMENTS
<p><b>E9.</b> Does the enhanced plan document capability to implement mitigation actions? [44 CFR §§ 201.5(b)(2)(i), 201.5(b)(2)(ii), and 201.5(b)(2)(iv)]</p>	<p>a. The enhanced plan must describe the system to rank the mitigation measures according to established eligibility criteria, including a process to prioritize between funding programs, jurisdictions, and proposals that address different or multiple hazards.</p> <p>b. The enhanced plan must describe how the state will assess the effectiveness of mitigation actions, including the agencies that are involved as well as the timeline, and use the results to inform the mitigation strategy. Effectiveness may be based on cost factors but may also include other beneficial functions, including non-monetary benefits for underserved communities.</p>



# Appendix A: Standard Submission and Review Procedures

The Standard Submission and Review Procedures set the standard operating procedures for the submission and review of standard state mitigation plans. They include information on communication, plan submittal, completing the Plan Review Tool, adoption and approval, and maintaining mitigation commitments.

## A.1. Communication

FEMA will work with each state to determine mutually agreeable communication methods. These methods include a schedule, notification milestones, points of contact and contact information. FEMA and state staff are encouraged to coordinate with each other regarding clarifications or questions. FEMA may contact the state to discuss required revisions and offer opportunities for minor changes prior to issuing a formal letter. Official communications will be documented using formal letters to the state.

## A.2. Plan Submittal

FEMA requires that states submit their mitigation plans electronically and work with FEMA to determine appropriately secure systems for transmission. In limited cases, FEMA may request that the state submit paper copies. FEMA will work with the state on a mutually agreeable method and format for the plan submittal. If mailing materials to the FEMA regional office, the state will confirm with FEMA that delivery instructions are current and appropriate for the submittal. FEMA will provide confirmation to the state upon receipt.

## A.3. Completing the Plan Review Tool

The State Mitigation Plan Review Tool (see [Appendix C](#)) demonstrates how the state mitigation plan meets the regulations in 44 CFR Part 201 and offers FEMA mitigation planners an opportunity to provide feedback to the state. The Plan Review Tool also provides an opportunity for the state to conduct a self-assessment prior to submitting the plan to ensure all requirements have been met and to note where requirements are located in the plan. The Plan Review Tool is divided into four different sections:

- 1. Cover Page** with plan and review information. The cover page documents the plan's general information as well as submittal and review information. Plan submissions must include a completed cover page with all relevant information to maintain proper review records. The information on the cover page must correspond with the data in the Mitigation Planning Portal, the program's system of record.

- 2. Standard State Mitigation Plan Regulation Checklist.** The standard regulation checklist provides the evaluation criteria for standard state mitigation plans. It documents whether the plan has addressed all the requirements. Once completed, the regulation checklist will identify the location of relevant or applicable content that is included in the plan, as well as required revisions that must be addressed prior to plan approval. Each element and sub-element of the plan is individually evaluated against the requirement to determine if the requirements have been “Met” or “Not Met.” If a sub-element is deemed “Not Met,” FEMA must complete the Required Revisions box to provide a clear explanation of the revisions required for plan approval. Required revisions must be explained by sub-element (e.g., S1-a) to provide clear, actionable information on how to meet the requirements. Requirements for each element and sub-element are described in detail in [Section 3](#) of this guide.
- 3. Enhanced State Mitigation Plan Regulation Checklist.** The Enhanced State Mitigation Plan Regulation Checklist is completed for Enhanced Plans. This section of the tool is covered in [Section](#)
- 4. Plan Assessment.** The reviewers use the plan assessment to document strengths and opportunities and provide feedback to continually improve the mitigation plan. Reviewers can discuss areas where the plan exceeds the minimum requirements and make recommendations to support plan implementation, such as partnership opportunities. This section should include comments on how the plan addresses equitable resilience considerations and climate change in the appropriate plan sections. Plan assessment comments will not reiterate required revisions. Responses to the assessment comments are not required for FEMA approval.

Reviewers will complete the Cover Page, Standard State Mitigation Plan Regulation Checklist, and the Plan Assessment. The Enhanced State Mitigation Plan Regulation Checklist is only completed when a state is pursuing enhanced status.

When reviewing plans, the FEMA reviewer(s) must use this guide for reference and instruction. The regulatory language has been incorporated into the Regulation Checklist for ease of reference.

## A.4. Plan Adoption and Approval

State mitigation plans must be adopted by the highest elected official or designee, as described in [Section 3.7](#). The state is encouraged to share drafts, in whole or part, with FEMA well in advance of deadlines to ensure the plan is approvable upon FEMA’s first review.

States have two options for plan review and approval:

**States can submit documentation of adoption with their plan** when it is submitted to FEMA for formal review. Under this option, FEMA reviews the plan and, if it meets all requirements, issues a formal approval letter. If the plan does not meet all requirements, FEMA will communicate required revisions. Because FEMA may identify required revisions to the plan, the plan’s content may change after adoption.

**States can submit a final draft to FEMA for review** to ensure that the plan meets all requirements before seeking formal adoption. If FEMA finds deficiencies in the plan, the state can make the required revisions before engaging in the formal adoption process. If the plan meets all requirements except adoption, the plan is granted approvable pending adoption (APA) status. Once the plan receives an APA status from FEMA, the state adopts the plan and provides FEMA with documentation of formal adoption by the state's highest elected official or designee within a reasonable time frame before the expiration date. This process allows the state to proceed, knowing FEMA will approve the adopted plan.

**The state must formally adopt and FEMA must approve the plan before the expiration date, or the plan will lapse and FEMA will place a temporary hold on obligations until the state mitigation plan is approved, even if the plan is in APA status. (44 CFR § 201.4 (a). For more information, reference [“Restrictions on Grant Obligations to State, Tribal, and Local Governments without a FEMA-Approved Mitigation Plan” \(FP 306-112-1, August 19, 2013\)](#).**

## A.5. Communicating Plan Review Status and Approval

FEMA will review all state mitigation plans using the State Mitigation Planning Policy Guide within 45 days after receipt from the state, whenever possible (44 CFR § 201.4[d]). Upon completing a plan review, FEMA will use the following status designations to notify the state of the plan review outcome:

- Requires Revisions.
- APA.
- Approved.

FEMA will include a copy of the Plan Review Tool when notifying the state of its plan review status.

### A.5.1. Requires Revisions

State mitigation plans not meeting all requirements in 44 CFR Part 201 are returned with a Requires Revisions status. The required revisions are documented in writing using the Plan Review Tool for discussions with the state. FEMA will complete subsequent plan reviews as necessary. The review of a revised state mitigation plan will focus on those elements where revisions were required but may also include any changes made since the previous version.

### A.5.2. APA

APA is a process by which the state submits the final draft hazard mitigation plan for a review prior to formal adoption. The APA process allows FEMA to communicate that the plan is ready for adoption and may avoid the need to readopt a plan, as described above in [Section A.3](#). If FEMA determines the plan is not approvable, the state can address deficiencies before adopting the plan.

If all elements are met except adoption, FEMA determines that the state mitigation plan is APA. Once the state receives a letter from FEMA noting that the plan status is APA, the state can proceed with the adoption process, assured that the adopted plan will receive FEMA's final approval.

### **A.5.3. Approved**

After FEMA has determined that all standard plan elements have been met, including receipt of the formal adoption documentation, the FEMA Regional Office will send an approval letter to the state signed by the FEMA Regional Administrator or designee. The plan approval date begins the 5-year approval period and sets the expiration date for the plan. The official approval date and the plan's expiration date are indicated on the signed FEMA approval letter. Correspondence for approved plans will identify, at a minimum, the name of the approved plan, date(s) of plan adoption, date of plan approval, and expiration date of FEMA's approval of the plan (e.g., February 1 through January 31, 2026). A completed Plan Review Tool will accompany correspondence for all approved mitigation plans.

## **A.6. Review of Mitigation Commitments**

If at any time over the plan approval period FEMA determines that the state is not complying with all applicable federal statutes and regulations in effect for the periods during which it receives funding or is unable to fulfill mitigation commitments, FEMA may take action to correct the noncompliance (44 CFR §§ 201.3[b][5] and 201.4[c][7]). If the state does not comply with HMA award administration requirements, FEMA may take action as detailed in 2 CFR Part 200 Subpart D, including §§ 200.339 - 200.343 and [HMA Guidance](#). Before acting, FEMA regional Mitigation staff must coordinate with the respective FEMA headquarters program offices, including HMA and the National Mitigation Planning Program.

# Appendix B: Enhanced Submission, Review, and Validation Procedures

As described previously, a successful state mitigation planning submission and review process depends on robust communication and *early and often engagement* between the state and FEMA. This holds true with respect to the enhanced plan submission and review procedures.

**The state should reach out to FEMA as early as possible to discuss becoming an enhanced state. Early coordination is essential for a successful enhanced review and approval process. If the state wishes to have its enhanced plan approved prior to the expiration date, the complete plan should be formally submitted to FEMA within the following timelines:**

- **A new enhanced plan at least 180 days prior to expiration.**
- **An updated enhanced plan at least 60 days prior to expiration.**

**If the enhanced plan is not submitted within these time frames, the plan may be approved as standard while the state continues to work toward enhanced status.**

FEMA is committed to providing advice and technical assistance to help the state understand the process, including how the plan is submitted and reviewed and the ongoing commitments associated with maintaining enhanced status.

The enhanced plan submission procedures are generally the same as standard state plans in terms of communication, plan submittal, completing the plan review tool (including the Enhanced State Plan Regulation Checklist), and plan adoption and approval. However, enhanced state plans require more lead time to accommodate all the steps of the process. If required revisions are identified upon completion of the FEMA review, the FEMA regional Mitigation Planning staff coordinates with the state regarding the expected revisions to the enhanced plan. Once the enhanced plan requirements are met, the FEMA Regional Administrator or designee will send a notice of approval or APA to the state.

**As stated in [Section 4, Enhanced State Plan Requirements](#), FEMA will not grant conditional approvals of enhanced state plans. All requirements must be met at the time of review for the plan to be approved.**

## B.1. Status Categories

The review procedures used for an enhanced plan depend on its status. This section defines the status categories for enhanced plans and the appropriate review process.

A ***new enhanced plan*** is one submitted by the state that has never had an approved enhanced plan in the past **or** had an enhanced plan that has been expired for more than 12 months. If the state submitted an enhanced state plan for review, but it was not approved by FEMA as an enhanced plan within 1 year from the date the state received documentation of required revisions, the next enhanced state plan submittal will be considered a new enhanced plan.

An ***updated enhanced plan*** is an existing FEMA-approved enhanced plan that has not expired **or** has been expired for fewer than 12 months.

The enhanced plan status categories, the review panel types, and the review panel composition are shown in Table B-1.

**Table B-1. Summary of Enhanced Plan Status Categories, Review Panel Types, and Review Panel Composition.**

ENHANCED PLAN STATUS CATEGORIES		REVIEW PANEL TYPE			NATIONAL REVIEW PANEL COMPOSITION
		Regional Planning & Grants	National Planning	National Grants	
<b>New Enhanced Plan</b>	New enhanced plan	✓	✓	✓	<p><b>National Planning Panel</b></p> <p>A minimum of:</p> <ul style="list-style-type: none"> <li>▪ One FEMA regional representative from outside the state’s home region.</li> <li>▪ One FEMA headquarters representative.</li> <li>▪ One state representative.</li> </ul> <p><i>A FEMA representative from the state’s home region will participate in an advisory capacity.</i></p> <p><b>National Grants Management Panel</b></p> <p>A minimum of:</p> <ul style="list-style-type: none"> <li>▪ One FEMA HMA grants management staff member from the state’s home region.</li> <li>▪ One regional HMA grants management staff member from outside the state’s region.</li> </ul>
	<p>OR</p> <p>Updated enhanced plan that has been expired for more than 12 months</p> <p>OR</p> <p>Enhanced plan submitted to FEMA but not approved within 1 year of receiving documentation of required revisions from FEMA</p>				
<b>Updated Enhanced Plan</b>	<p>Updated enhanced plan that has not expired</p> <p>OR</p> <p>Updated enhanced plan that has been expired for less than 12 months.</p>	✓			<b>N/A – national review panels not required.</b>

## B.2. Review Process and Time Frames

### B.2.1. New Enhanced Plans

*New enhanced plans* go through several reviews to ensure the state meets all the enhanced requirements and is capable of managing the extra HMGP funding. These reviews include:

- **HMA Grants Management Pre-Qualification.** This review begins at least **12 months** prior to the existing standard plan's expiration date and focuses on Elements E2 through E5. Regional Mitigation Planning staff coordinate the prequalification; regional HMA grants management staff conduct it and provide the state with results and recommendations within 90 days.
- **National HMA Grants Management Panel Review.** This review is composed of one FEMA HMA grants management staff member from the state's FEMA region and a minimum of one regional HMA grants management staff from outside the state's region. It focuses on Elements E2 through E5. FEMA headquarters HMA staff are responsible for convening this panel.
- **Regional Mitigation Planning Review.** This review occurs in the state's FEMA regional office with Mitigation Planning staff and others from the Mitigation Division and additional divisions or branches as needed. It focuses on Elements E1 and E6 through E9.
- **National Planning Review Panel.** The National Planning Review Panel is composed of a minimum of one FEMA regional representative from outside the state's region, one FEMA headquarters representative, and one state representative. A FEMA representative from the state's home region will participate in an advisory capacity. It focuses on Elements E1 and E6 through E9, though the panel may provide comments related to other elements. FEMA headquarters Mitigation Planning staff are responsible for convening this panel.

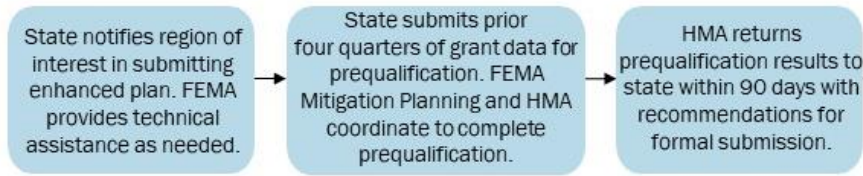
These reviews are discussed in further detail below. Figure 1 provides a visual overview of the general procedures and recommended timeline for new enhanced plans.



**NEW ENHANCED PLAN SUBMISSION AND REVIEW PROCESS AND RECOMMENDED TIMELINE**

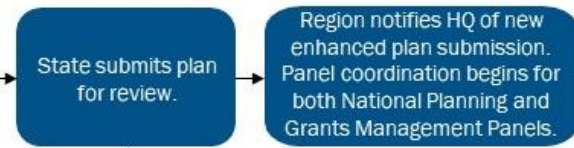
**PRE-SUBMISSION TECHNICAL ASSISTANCE AND PREQUALIFICATION**

*At least 12 months prior to expiration of standard plan*

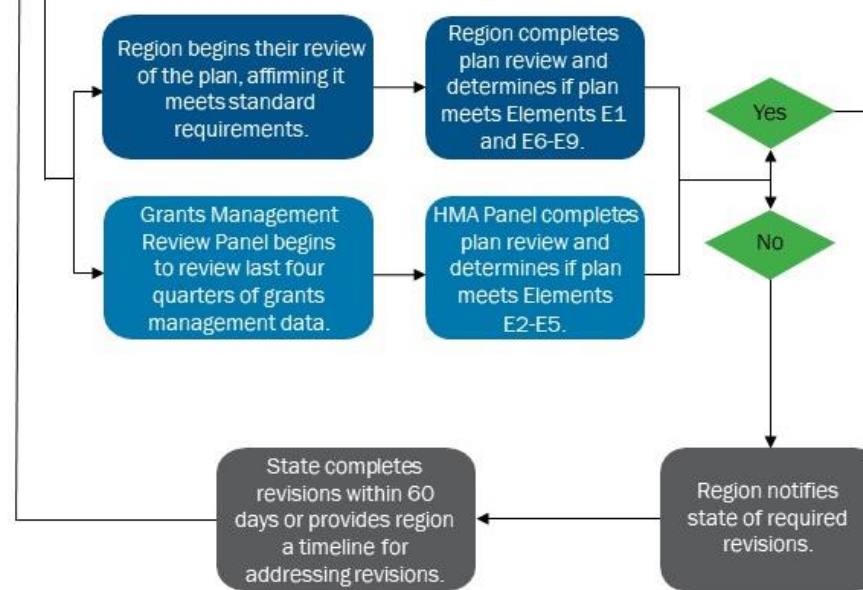


**FORMAL PLAN SUBMISSION**

*At least 180 days prior to expiration*



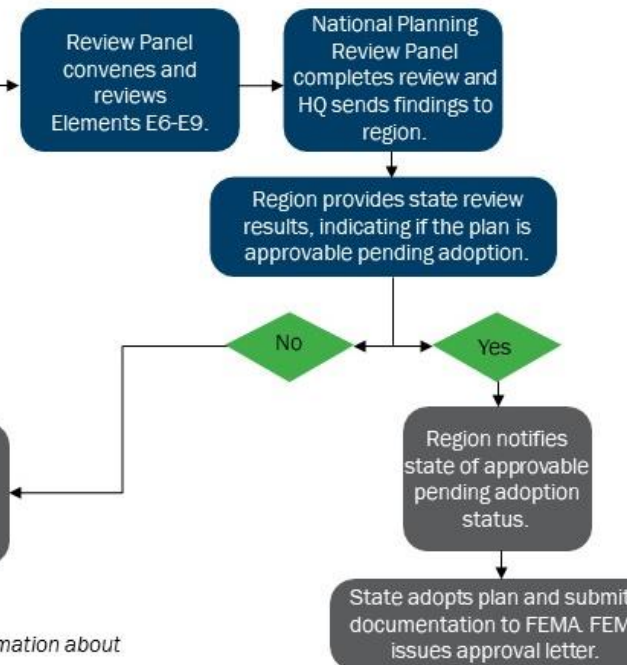
**FORMAL PLAN SUBMISSION (CONTINUED)**



**NATIONAL PLANNING REVIEW PANEL**

*At least 60 days prior to expiration*

*At least 30 days prior to expiration*



*Process assumes submission during the 5-year update. See Section B.2.1.5. for more information about plans submitted outside the 5-year update.*

**Figure 1. New enhanced plan submission and review process.**

### **B.2.1.1. HMA GRANTS MANAGEMENT PRE-QUALIFICATION**

Prior to submitting a *new enhanced plan*, states must be pre-qualified for HMA grants management performance. At least 12 months prior to standard plan expiration, states must request a grants management performance review. This review will examine the most recent four quarters of HMA data. After receiving this request, FEMA staff from the state's home region will complete the grants management assessment and provide their determination to the state for review. The review will identify any deficiencies and provide recommendations on what the state must do to comply with the grants management requirements. FEMA Mitigation Planning staff will assist in coordinating the prequalification review. In addition to the HMA grants management prequalification, FEMA recommends the state consult with FEMA on all enhanced mitigation plan requirements well before the official submission date. This early consultation may include courtesy reviews or other forms of technical assistance.

This review is intended to inform the state how HMA grants management performance will be assessed and to provide an opportunity for the state to correct any deficiencies prior to submitting an enhanced mitigation plan. Identified deficiencies do not restart the timeline. It also provides the regional HMA and Mitigation Planning staff ample notice that the state intends to submit for enhanced status and ensures that FEMA staff are adequately preparing to review the enhanced plan submission.

If the state receives its prequalification, it is cleared to continue the enhanced submission and review process.

### **B.2.1.2. NATIONAL GRANTS MANAGEMENT PANEL REVIEW**

The Grants Management Panel Review begins 180 days prior to plan expiration and is concurrent with the regional Mitigation Planning Review. FEMA HMA staff will conduct the HMA grants management review and determine whether the state will be able to meet the enhanced HMA grants management requirements. To ensure national consistency, grants management performance for new enhanced states will be evaluated by a panel of FEMA regional HMA Grants Management staff and one or two additional regional HMA and Grants Management staff members outside the state's region.

FEMA regional HMA staff will coordinate with Grants Management Panel members to review grants management performance in accordance with the criteria in the policy guide. The FEMA regional HMA staff will document their Grants Management Review Panel determination and provide the results of the review to the regional Mitigation Planning staff to include in the Plan Review Tool.

### **B.2.1.3. REGIONAL MITIGATION PLANNING REVIEW**

The regional Mitigation Planning Review will begin by reviewing and validating that the plan meets the requirements for standard mitigation plans under Element E1 and will focus on Elements E6 through E9. The FEMA regional Mitigation Planning staff lead the regional review and coordinate involvement with other parts of the Mitigation Division and other divisions, as needed. Regional

mitigation planning staff will coordinate with the Grants Management Panel as needed to ensure these parallel reviews progress appropriately. The FEMA regional Mitigation Planning staff notify the state and FEMA headquarters mitigation planning staff of the review status prior to convening the National Planning Review Panel. The region will coordinate with FEMA headquarters on the review time frame and key milestones in advance of the regional Mitigation Planning Review.

If, upon completion of the FEMA regional Review and Grants Management Panel, required revisions are identified, the FEMA regional office sends the completed Plan Review Tool to the state and coordinates with the state to adjust the schedule based on expected revisions to the enhanced plan. If the revised plan is not submitted with enough time left before expiration to complete another regional planning review and the National Planning Review Panel, the state plan may be approved as a standard state mitigation plan.

Once all elements of the regional review process have been met, the FEMA regional Mitigation Planning staff submit the enhanced mitigation plan to FEMA headquarters Mitigation Planning staff to initiate the National Planning Review Panel.

#### **B.2.1.4. NATIONAL PLANNING REVIEW PANEL PROCESS**

Upon notification from the FEMA regional office that the enhanced plan has been submitted for formal review, FEMA headquarters Mitigation Planning staff will begin assembling the National Planning Review Panel.

Once convened, the National Planning Review Panel will complete its review and provide timely feedback for the FEMA regional Mitigation Planning staff to share with the state.

Upon receiving the Plan Review Tool from the FEMA regional office, FEMA headquarters Mitigation Planning staff and FEMA regional Mitigation Planning staff will participate in an initial coordination conference call with the National Planning Review panelists to coordinate schedules and ensure all materials have been provided to panelists to complete reviews.

- To maintain objectivity, each panelist will complete an independent review of the plan and submit a completed State Mitigation Plan Review Tool to the FEMA headquarters Mitigation Planning staff.
- FEMA headquarters Mitigation Planning staff will consolidate comments into a single Plan Review Tool and distribute it to the panelists.
- FEMA headquarters Mitigation Planning staff will facilitate a National Planning Review Panel discussion. This discussion is generally conducted remotely via conference call or another virtual platform. During the discussion, panelists will review their findings and reach consensus on recommendations for plan approval or required revisions.
- FEMA headquarters Mitigation Planning staff will notify the FEMA regional Mitigation Planning staff of the National Planning Review Panel findings in writing.

If there are required revisions following the National Planning Review Panel, the FEMA regional Mitigation Planning staff will forward the Plan Review Tool to the state, incorporating the National Review Panel findings. The state has 60 days to address the revisions or provide a timeline for completing revisions to the region.

**The state has 60 days to address the revisions or provide a timeline for completing revisions to the region. If the enhanced plan is not resubmitted within one year of the date the revisions were required (date of letter/email notifying the state that the requirements were not met), it will be treated as a *new enhanced plan*. FEMA will review the plan and the state mitigation program again in accordance with the requirements to document the current status.**

Upon receiving the revised plan, FEMA regional and headquarters Mitigation Planning staff will coordinate review and confirm whether all required revisions have been met. Additional communication may be needed if all requirements still have not been met.

#### **B.2.1.5. REVIEW TIME FRAMES**

The review time frame described here assumes that the state is submitting a *new enhanced plan* toward the end of the 5-year approval period. Enhanced plans can be submitted at any time during the plan approval period in coordination with the region. Prior to expiration, the state may have submitted and received approval of the standard plan, but not an enhanced plan. Approval for a *new enhanced plan* as defined in [Section B.1](#). will be for the remainder of the approval period that coincides with approval of the standard state mitigation plan.

The Grants Management Panel Review and regional Mitigation Planning Review should begin no later than 180 days before the existing standard state mitigation plan expires and should conclude no later than 60 days before it expires. This extended time frame provides ample time for coordination both internally at FEMA and externally with the state.

If the region does not require revisions, the region will notify headquarters as soon as possible so that headquarters can convene the National Planning Panel. The region and headquarters will coordinate to complete the National Planning Panel Review Process no later than 30 days before expiration. If there is not enough time to complete all four review steps, the state mitigation plan may be approved as a standard plan. The state can continue to pursue enhanced status after the standard plan is approved.

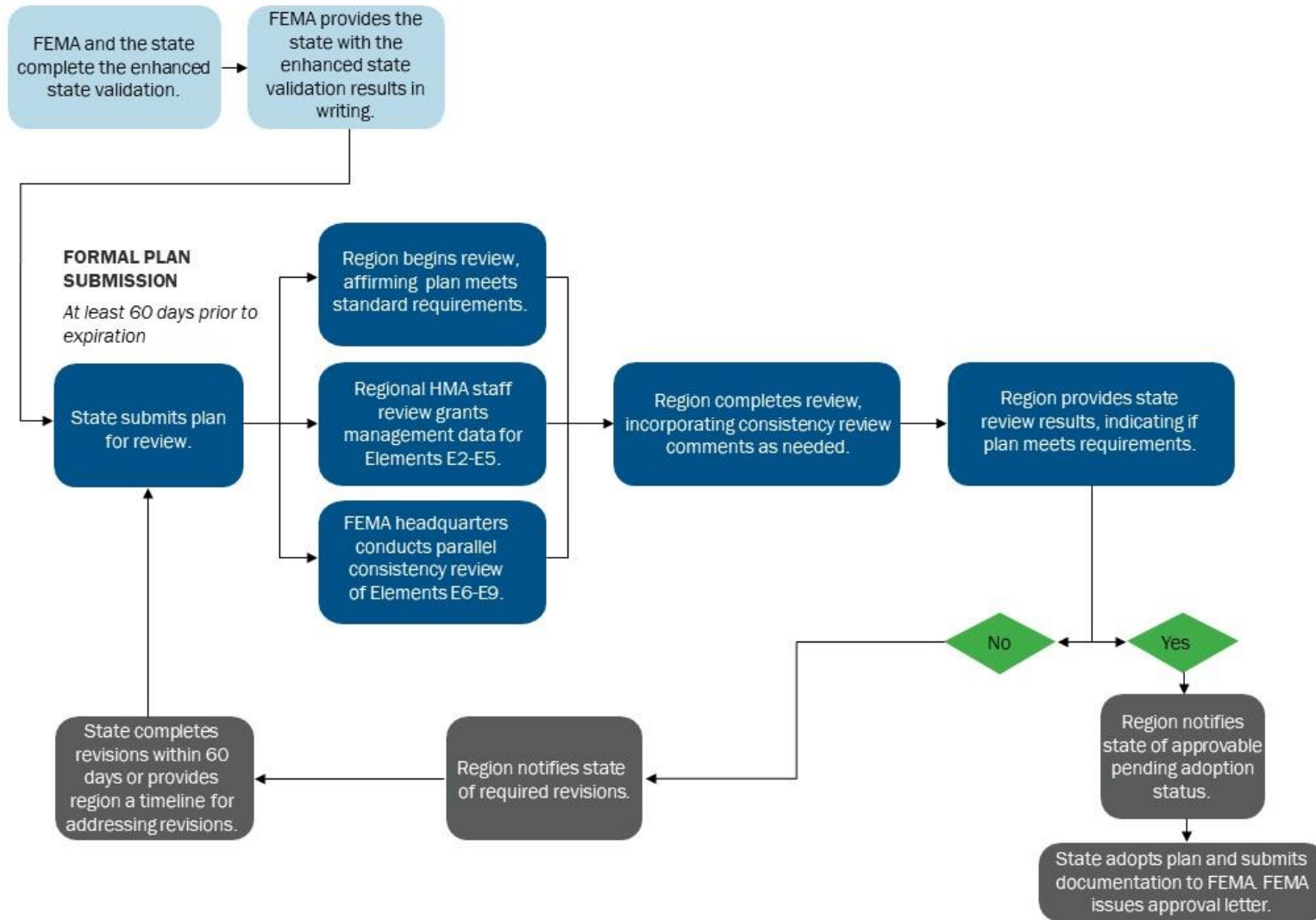
The review time frame will be longer if FEMA identifies required revisions. The state and FEMA, both the regional office and headquarters, must agree on whether there can be deviations from the recommended time frame.

#### **B.2.2. Updated Enhanced Plans**

Updated enhanced plans have a more simplified review process as illustrated in Figure 2.

**UPDATED ENHANCED PLAN SUBMISSION AND REVIEW PROCESS**

**ANNUAL COORDINATION**



**Figure 2. Updated enhanced plan submission and review process.**

### B.2.2.1. REVIEW PROCESS AND TIME FRAMES

The review process for *updated enhanced plans* is similar to the process for new enhanced plans. The difference is that an updated plan does not need the two National Review Panels. During the plan's prior 5-year approval period, the region and the state will have engaged in annual mitigation program consultations and enhanced state validation meetings. Those meetings provide the region and the state awareness of progress and any potential challenges that could affect the state's enhanced status as the state prepares to update and submit the next updated enhanced plan. For example, it is assumed that the regional HMA staff will review the last four quarters of grants performance and the regional mitigation planning staff will review other non-grants performance elements as part of the annual Enhanced State Validation.

**FEMA strongly recommends that the state contact the region about the update and submission in advance so that the region can answer questions and provide technical assistance.**

*Updated enhanced plans* are submitted to the region for review. In accordance with 44 CFR § 201.5(c)(1), "the regional review will be completed within 45 days after receipt from the state, whenever possible."

**Updated enhanced plans that are not submitted within 60 days of expiration are at risk of expiring and losing enhanced status. Early coordination with FEMA regarding updated enhanced plan submission is strongly recommended.**

The regional Mitigation Planning staff will review the entire plan, including all enhanced planning elements, and coordinate with the regional Mitigation Division and other divisions, as needed. The regional HMA staff will review the HMA grants management elements to verify that the state continues to meet the requirements.

If the region finds that the plan does not meet the requirements, the region will return the plan to the state to make the required revisions.

**The state has 60 days to address any required revisions or provide a timeline for addressing the revisions to the region. If the plan is not resubmitted within 1 year of the date the revisions were required (e.g., date of letter/email notifying the state that the requirements were not met), it will be treated as a *new enhanced plan*. FEMA will review the plan and the state mitigation program again to document its current status.**

If there is not enough time for the state to meet the requirements before expiration, the mitigation plan may be approved as a standard plan. The state can continue to pursue enhanced status after the standard plan is approved.

### **B.2.2.2. HEADQUARTERS PARALLEL CONSISTENCY REVIEW**

Upon submission of the *updated enhanced plan* or in advance of submission, the region will establish milestones for the review and share them with FEMA headquarters Mitigation Planning staff. The region will share the plan with headquarters as soon as possible upon receipt so that headquarters can perform a Parallel Consistency Review (PCR). The PCR is intended to provide headquarters visibility on the updated enhanced plan and to support consistent evaluation of the plan. The PCR is performed in consultation with the region and primarily focuses on Elements E6 through E9. FEMA headquarters may offer comments to be incorporated into the review. This process is meant to be flexible. The region and headquarters are encouraged to plan ahead and agree on the specific approach and timelines in advance. FEMA headquarters Mitigation Planning staff will review the plan within the same 45-day review period. The PCR will not delay the regional review.

The region notifies the state and coordinates with FEMA headquarters on the review status milestones. The region will complete its review of the *updated enhanced plan* within 45 days after receipt from the state, whenever possible (44 CFR § 201.4[d]). Additional reviews may be necessary if the region identifies required revisions. The regional Mitigation Planning staff will coordinate with headquarters and incorporate headquarters' comments into the regional review as appropriate.

## **B.3. Appeals of Enhanced Status Determinations**

A state may appeal FEMA's determinations regarding enhanced mitigation plan status, including review of grants management performance. The Regional Administrator is the decision maker on first appeals. The Deputy Associate Administrator for Mitigation decides appeals of the Regional Administrator's decision on any first appeal (the second appeal).

The appeals process for enhanced plan status is based on the HMGP Appeals process and the regulations at [44 CFR § 206.440](#). FEMA will only consider written appeals that justify the request for reconsideration. The applicable appeals process time limits can be found in [44 CFR § 206.440\(c\)](#); [206.440\(c\)\(2\)](#); and [206.440\(c\)\(3\)](#).

## **B.4. Enhanced State Validations**

As described in [Section 2.3](#), enhanced states are responsible for maintaining sustained, proven commitment to hazard mitigation to remain eligible for increased HMGP funding. FEMA staff, including staff from both Mitigation Planning and HMA, will validate the state's enhanced mitigation program annually over the five-year approval period. This annual enhanced state validation includes continued grants management performance, commitment to a comprehensive mitigation program, effective use of mitigation funding, and ability to manage the increased HMGP funding.

FEMA recognizes that each state is unique, and each enhanced mitigation program will look slightly different while still meeting the requirements set forth in [Section 4](#). With this in mind, FEMA will use

a performance management approach for the enhanced state validations. This approach means that FEMA and the state will collaborate to document the baseline from the approved enhanced mitigation plan. They will also establish commitments or performance measures the state is expected to meet to show continued enhanced capabilities that correspond to the enhanced requirements in [Section 4](#). Both the region and the state should agree on the commitments and measures, which should be as specific and measurable as possible.

FEMA and the state will set the performance measures within 6 months of plan approval, and FEMA will evaluate the state annually using these measures. The performance measures may be updated or amended during the enhanced plan approval period if both the region and the state agree to the changes. After the enhanced state validation is completed, the region will provide the state the results in writing using the template found in [Appendix E](#). The region will share a copy of the agreement and the annual results, including notes and findings, with FEMA headquarters. FEMA will not require a state mitigation plan update following the annual validation, but there may be corrective actions based on the validation's findings.

## **B.5. Review and Maintenance of Mitigation Commitments**

This section describes the process used if FEMA determines the state is no longer maintaining its commitments, including grants management (Elements E2 through E5) and mitigation planning (Elements E6 through E9) as an enhanced state.

If FEMA determines the state is not complying with all applicable federal statutes and regulations in effect with respect to the periods for which it receives funding, or it is unable to fulfill mitigation commitments at any time over the plan approval period, FEMA may take action to correct the noncompliance (44 CFR §§ 201.3[b][5] and 201.4[c][7]). If the state does not comply with HMA award administration requirements, FEMA will consider taking actions as detailed in the HMA Guidance. Before acting, FEMA regional Mitigation staff must coordinate with the respective FEMA headquarters program offices.

When reviewing enhanced HMA grants performance, FEMA will use grants management best practices to assess compliance. FEMA will assess each requirement not on target to determine if it is a minor and one-time deficiency that the state has already acted to correct in a timely fashion. FEMA will also assess if the deficiency resulted from an emergency or extenuating circumstance. In these cases, FEMA can determine that the state is on target. If there are prior and repeated instances or major noncompliance issues, FEMA will continue with enforcement procedures. Recipients should request technical assistance when they have difficulty meeting performance requirements. Non-responsiveness to FEMA's offers for technical assistance or training will factor into FEMA's determination. Recipients should be up to date on grant management and HMA requirements and participate in program training opportunities.



### **B.5.1. Actions to Address Deficiencies**

When there is a deficiency finding, FEMA will notify the state of the deficiency and request that the issue be corrected. If compliance cannot be achieved, FEMA will apply a remedy action. These actions may result in denying the state's enhanced mitigation plan or revoking the enhanced plan status.

FEMA will work with the state to address the deficiency finding informally over a 30-day period prior to issuing a formal compliance notification (see [B.5.2](#)). Regional HMA program staff will coordinate on enhanced mitigation plan grants management requirements (Elements E2 through E5). Regional Mitigation Planners will coordinate on the other enhanced state planning requirements (Elements E6 through E9). If attempts to work with the state do not lead to compliance within 30 days of FEMA notifying the state of the deficiency finding and requesting correction, the appropriate FEMA reviewer will conduct the following formal process:

- Document the deficiency finding using a request for additional information during plan review, or as part of the enhanced plan validation review.
- Review the deficiency finding to determine if it can be corrected.
- Proceed with compliance notification to the recipient if the state can correct the deficiency.
- Proceed with applying remedy actions or revoking the enhanced plan designation if the state cannot correct the deficiency.

This is an opportunity for the state to demonstrate its compliance or take actions to comply before FEMA revokes the enhanced plan status.

### **B.5.2. Compliance Notification to State**

Within 30 days after completing the grants management (Elements E2 through E5) or planning portions (Elements E6 through E9) of the enhanced state validation, the FEMA reviewer will send written notification (the Deficiency Notification) to the state advising of the deficiency finding and the requirement to submit a Corrective Action Plan (CAP) within 60 days of the date of the notification. The notification will contain the following information:

- The completed grants management portions of the enhanced state plan review checklist or enhanced state validation determination.
- The deficiency at issue, with a reference to the applicable law, regulation, and/or policy, and the basis for FEMA's determination that the deficiency exists.
- FEMA's recommended corrective action(s) and completion dates for compliance.
- That the state has a maximum of 60 days from the date of the Deficiency Notification to submit to FEMA (a) a proposed CAP detailing corrective actions and estimated completion dates for compliance; or (b) an explanation and documentation to show compliance if the state does not concur with FEMA's finding of deficiency.
- That if the state does not complete the CAP that demonstrates compliance within the prescribed completion dates, FEMA will (a) not approve the plan; or (b) revoke the enhanced designation, which may include a reduction in assistance.

FEMA will only approve a CAP that includes:

- A description of the corrective action(s) the state proposes to comply with requirements.
- The estimated completion dates for each of the corrective action(s), with milestones. For plan reviews, all deficiencies should be addressed before expiration of the current plan or the plan will expire. For enhanced state validations, all deficiencies should be addressed before the next annual enhanced state validation.

If the state does not provide the CAP to FEMA within 60 days, FEMA will start procedures to deny the plan or revoke the enhanced plan designation. If the state does not concur with FEMA's finding of deficiency, it must provide FEMA an explanation and documentation demonstrating that the state complies within 60 days of the Deficiency Notification date. If FEMA determines the state's explanation and documentation are not enough to demonstrate compliance, the state must provide a CAP within 30 days of FEMA's determination. Within 45 days of receipt, FEMA will review the proposed CAP and notify the state of FEMA's determination.

If the FEMA reviewer approves the proposed CAP, this notice will include a timeline for corrective action updates from the state. If the FEMA reviewer does not approve the CAP, this notice will include the reason the CAP is inadequate and provide a maximum additional 60 days to adequately revise the CAP. After the 60-day period, if the FEMA reviewer determines the revised CAP is still inadequate or the state is not responsive, the FEMA reviewer will start procedures to deny the plan or revoke the enhanced plan status.

### **B.5.3. Corrective Action Plan Monitoring**

The state must provide updates every 90 days or more frequently as set by FEMA or by the CAP. If the state does not provide the FEMA reviewer with timely progress reports, or is otherwise not responsive to FEMA requests, FEMA regional Mitigation Planning staff in consultation with FEMA regional HMA staff will start procedures to deny the plan or revoke the enhanced plan status.

### **B.5.4. Requests for Closure and Determination on Corrective Actions**

The state must provide documentation to demonstrate it now complies and request closure of the relevant finding(s) of deficiency. After review of the recipient's request for closure, if the FEMA reviewer determines the state completed the corrective action(s), FEMA will notify the state in writing of its compliance determination within 30 days of the state providing documentation.

### **B.5.5. Determination of Non-Compliance and Revoking Enhanced Designation**

After reviewing the supporting documentation, if the FEMA regional HMA staff reviewer determines the state cannot or did not correct deficiencies included in the CAP, the FEMA reviewer will start procedures to revoke the enhanced designation. For enhanced state validations, the FEMA reviewer will update the status of the relevant deficiency finding(s) as "Not on target" in the past enhanced state validation document. The FEMA reviewer will notify and coordinate with the regional Senior Mitigation Planner and jointly notify the regional Mitigation Division Director, as appropriate. The

FEMA reviewer will proceed to revoke the enhanced plan status by notifying the state of such action within 30 days. The notice will contain:

- The date of the enhanced state validation review and determination.
- The enhanced plan requirement(s) at issue, with a reference to the applicable regulation and/or policy, and the basis for FEMA's determination that the deficiency exists.
- Actions taken by the state, if any, to attempt to comply, and actions taken by FEMA, if applicable, to assist the state with compliance.
- Notification that FEMA is revoking the state's enhanced status and the effective date.
- Notice of the state's opportunity to request review of the determination by a grants management panel.
- Notice of the state's opportunity to object to FEMA's appeal procedure.

# Appendix C: State Mitigation Plan Review Tool

The State Mitigation Plan Review Tool (**Plan Review Tool**) demonstrates and documents how the state mitigation plan meets the regulations set forth in 44 CFR Part 201 and offers FEMA mitigation planners an opportunity to provide feedback to the state.

The **Regulation Checklist** must be completed by FEMA. The FEMA Plan Approver must reference the State Mitigation Planning Policy Guide when completing the Plan Review Tool. The purpose of the checklist is to identify the location of relevant or applicable content in the plan by element/sub-element and to determine if each requirement has been “Met” or “Not Met.”

The **Required Revisions** summary at the bottom of each element must clearly explain the revisions that are required for plan approval. Required revisions must be explained for each plan sub-element that is “Not Met.” Sub-elements should be referenced by the appropriate number, where applicable (e.g., S2-a, S2-b). Requirements for each element and sub-element are described in detail in Sections 3 and 4 of the State Mitigation Planning Policy Guide.

The **HHPD section and FMAG sub-elements** only need to be completed if the state is pursuing eligibility for those grant programs.

The **Plan Assessment** must be completed by FEMA. This assessment provides more comprehensive feedback to the state to acknowledge where the plan exceeds minimum requirements and provides suggestions for improvements. FEMA will describe the strengths that are demonstrated and highlight examples of best practices. FEMA’s suggestions for improvement are not required to be made for plan approval.

*For greater clarification of the elements in the regulation checklist, please see [Sections 3 and 4](#) in the State Mitigation Planning Policy Guide. This document defines terms and phrases used within this review tool.*

## C.1. Plan and Review Information

Plan Information			
State			
Title and Date of Plan			
Plan Update Version			
State Point of Contact Name			
Title			
Agency			
Address			
Phone Number			
Email			
Meets mitigation planning requirements for HHPD?		Meets mitigation planning requirements for FMAG?	

Review Information	
Date Received by FEMA region	
FEMA Reviewer (Planning – Name / Title)	
FEMA Reviewer (HMA – Name / Title)	
FEMA Reviewer (Name / Title)	
FEMA Reviewer (Name / Title)	
FEMA Approver (Name / Title)	
Plan Status (Not Approved, Approvable Pending Adoption, Approved)	

SUMMARY	YES	NO
<b>STANDARD STATE MITIGATION PLAN</b>		
Does the plan meet the standard state mitigation plan requirements?		
<b>ENHANCED STATE MITIGATION PLAN</b>		
Does the plan meet the enhanced state mitigation plan requirements?		

## C.2. Standard State Mitigation Plan Regulation Checklist

### PLANNING PROCESS

Requirements	Location in Plan (section and/or page number)	Met / Not Met
<b>S1. Does the plan include a description of the process used to develop the plan? [44 CFR §§ 201.4(b) and 201.4(c)(1)]</b>		
S1-a. Does the plan describe the current process used to update the plan, including how the plan was prepared, the schedule or time frame, specific milestones and activities, the agencies and stakeholders who were involved in the process, and if the mitigation planning process was integrated to the maximum extent possible with other state planning efforts?		
<b>S2. Does the plan describe how the state coordinated with other agencies and stakeholders? [44 CFR §§ 201.4(b) and 201.4(c)(1)]</b>		
S2-a. Does the plan describe how the state coordinated with other state agencies, appropriate federal agencies, and other stakeholders, and how they were involved in the process?		
Planning Process Required Revisions:		

### HAZARD IDENTIFICATION AND RISK ASSESSMENT

Requirements	Location in Plan (section and/or page number)	Met / Not Met
<b>S3. Does the risk assessment include an overview of the type and location of all natural hazards that can affect the state? [44 CFR § 201.4(c)(2)(i)]</b>		
S3-a. Does the plan include a current overview of all natural hazards that can affect the state, including the type, location and previous occurrences?		
<b>S4. Does the risk assessment provide an overview of the probabilities of future hazard events? [44 CFR § 201.4(c)(2)(i)]</b>		
S4-a. Does the risk assessment provide an overview of the probability of future hazard events that includes projected changes in the location, range of anticipated intensities, frequency, and/or duration of each natural hazard?		

Requirements	Location in Plan (section and/or page number)	Met / Not Met
S4-b. Does the probability include considerations of changing future conditions, including climate change (e.g., long-term weather patterns, average temperature, and sea levels) on the type, location and range of anticipated intensities of identified hazards?		
<b>S5. Does the risk assessment address the vulnerability of state assets located in hazard areas and estimate the potential dollar losses to these assets? [44 CFR §§ 201.4(c)(2)(ii) and 201.4(c)(2)(iii)]</b>		
S5-a. Does the risk assessment include an overview and analysis of the vulnerability to state assets from the identified hazards as well as a summary of the most vulnerable assets?		
S5-b. Does the risk assessment estimate potential dollar losses to state assets located in identified hazard areas?		
<b>S6. Does the risk assessment include an overview and analysis of jurisdictions' vulnerability to the identified hazards and the potential losses? [44 CFR §§ 201.4(c)(2)(ii) and 201.4(c)(2)(iii)]</b>		
S6-a. Does the risk assessment provide an overview and analysis of vulnerable jurisdictions based on the state and local government risk assessments?		
S6-b. Does the risk assessment include an overview and analysis of the potential losses to the identified vulnerable structures based on estimates in the local risk assessments as well as the state risk assessment?		
<b>S7. Was the risk assessment revised to reflect changes in development? [44 CFR § 201.4(d)]</b>		
S7-a. Does the plan provide a summary of recent development and potential or projected development in hazard-prone areas based on state and local government risk assessments?		
<b>Hazard Identification and Risk Assessment Required Revisions:</b>		

## STATE MITIGATION CAPABILITIES

Requirements	Location in Plan (section and/or page number)	Met / Not Met
<b>S8. Does the plan discuss the evaluation of the state’s hazard management policies, programs, capabilities, and funding sources to mitigate the hazards identified in the risk assessment? [44 CFR § 201.4(c)(3)(ii)]</b>		
S8-a. Does the plan include an evaluation of state laws, regulations, policies and programs related to hazards that improve or impede resilience to future natural hazard events and other future conditions, including the effects of climate change?		
S8-b. Does the plan include a general discussion of state funding capabilities for hazard mitigation actions and projects?		
S8-c. Does the plan include a summary of obstacles, challenges and proposed solutions related to any state capabilities, including a brief discussion of potential strategies for overcoming any challenges related to implementing and enforcing hazard-resistant building codes statewide, as applicable, and changes since the previous plan approval?		
<b>State Mitigation Capabilities Required Revisions:</b>		

## MITIGATION STRATEGY

Requirements	Location in Plan (section and/or page number)	Met / Not Met
<b>S9. Does the mitigation strategy include goals to reduce long-term vulnerabilities from the identified hazards? [44 CFR § 201.4(c)(3)(i)]</b>		
S9-a. Does the plan identify hazard mitigation goals representing what the state seeks to accomplish through mitigation plan implementation using a wide range of funding, including non-FEMA funding?		
S9-b. Are the goals consistent with the hazards and vulnerabilities identified in the risk assessment?		



Requirements	Location in Plan (section and/or page number)	Met / Not Met
<b>S10. Does the plan prioritize mitigation actions to reduce vulnerabilities identified in the risk assessment? [44 CFR §§ 201.4(c)(3)(i), 201.4(c)(3)(ii) and 201.4(c)(3)(iii)]</b>		
S10-a. Does the plan identify actions based on the current risk assessment to reduce the vulnerability of jurisdictions within the state, as well as the vulnerability of state assets as described in Elements S5 and S6?		
S10-b. Does the plan describe the process used by the state to evaluate and prioritize actions that are cost-effective, environmentally sound, and technically feasible?		
S10-c. Does the plan describe how each action contributes to the hazard mitigation goals?		
S10-d. Does the plan describe how local government mitigation strategies link to the state mitigation strategy?		
<b>S11. Does the plan identify current and potential sources of funding to implement mitigation actions and activities? [44 CFR § 201.4(c)(3)(iv)]</b>		
S11-a. Do mitigation activities include the identification of current and/or potential sources of federal, state, local or private funding for implementation?		
S11-b. Does the plan identify FEMA mitigation funding sources (if applicable), including, but not limited to: HMGP, BRIC, FMA and PA Mitigation, at a minimum?		
<b>S12. Was the plan updated to reflect progress in statewide mitigation efforts and changes in priorities? [44 CFR § 201.4(d)]</b>		
S12-a. Does the plan provide a narrative of the status of each mitigation action in the previous plan?		
S12-b. Was the prioritization of mitigation actions and activities updated based on the updated analysis of risks, capabilities and progress?		
<b>Mitigation Strategy Required Revisions:</b>		

**LOCAL PLANNING COORDINATION AND CAPABILITY BUILDING**

Requirements	Location in Plan (section and/or page number)	Met / Not Met
<b>S13. Does the plan generally describe and analyze the effectiveness of local government mitigation policies, programs, and capabilities? [44 CFR § 201.4(c)(3)(ii)]</b>		
S13-a. Does the plan provide a summary of current local government policies, programs and capabilities of jurisdictions to accomplish hazard mitigation?		
S13-b. Does the plan describe the effectiveness of local government mitigation policies, programs and capabilities?		
<b>S14. Does the plan describe the process to support the development of approvable local government mitigation plans? [44 CFR §§ 201.3(c)(5) and 201.4(c)(4)(i)]</b>		
S14-a. Does the plan describe how the state supports developing or updating FEMA-approvable mitigation plans?		
S14-b. Does the plan provide a brief summary of barriers to developing or updating, adopting, and implementing FEMA-approved local government mitigation plans based on an analysis of plan and jurisdiction coverage data and trends across the state and steps to remove barriers to help local governments advance mitigation planning, including how plan and jurisdiction coverage data and trends inform those steps?		
<b>S15. Does the plan describe the criteria for prioritizing funding? [44 CFR § 201.4(c)(4)(iii)]</b>		
S15-a. Does the plan describe criteria for prioritizing jurisdictions to receive planning and project grants under available federal and non-federal programs?		
<b>S16. Does the plan describe the process and time frame to review, coordinate, and link local and tribal mitigation plans with the state mitigation plan? [44 CFR §§ 201.3(c)(6), 201.4(c)(2)(ii), 201.4(c)(3)(iii), and 201.4(c)(4)(ii)]</b>		
S16-a. Does the plan describe the state’s process and time frame to review and submit approvable local and tribal mitigation plans to FEMA?		
S16-b. Does the plan describe the state’s process and time frame to share risk assessment data and mitigation priorities with local governments for their plan updates, as well as integrate local risk assessment and mitigation actions into the state mitigation plan updates?		
<b>Local Planning Coordination and Capability Building Required Revisions:</b>		

**REVIEW, EVALUATION, AND IMPLEMENTATION**

Requirements	Location in Plan (section and/or page number)	Met / Not Met
<b>S17. Is there a description of the method and schedule for keeping the plan current? [44 CFR §§ 201.4(c)(5)(i) and 201.4(d)]</b>		
S17-a. Does the plan describe the agency/office responsible for monitoring, evaluating and updating the plan?		
S17-b. Does the plan describe the schedule for monitoring, evaluating, and updating the plan?		
<b>S18. Does the plan describe the systems for monitoring implementation and reviewing progress? [44 CFR §§ 201.4(c)(5)(ii) and 201.4(c)(5)(iii)]</b>		
S18-a. Does the plan describe the system for tracking the implementation of the mitigation activities and projects identified in the mitigation strategy, including all mitigation activities and not just those funded by FEMA?		
S18-b. Does the system include the schedule, the agency/office responsible for coordination, and the role of the agencies/offices identified in the mitigation strategy as responsible for implementation of actions?		
S18-c. Does the plan describe a system for reviewing progress on achieving the mitigation strategy’s goals that includes the criteria and process for evaluating progress?		
<b>Review, Evaluation, and Implementation Required Revisions:</b>		

**ADOPTION AND ASSURANCES**

Requirements	Location in Plan (section and/or page number)	Met / Not Met
<b>S19. Did the state provide documentation that the plan has been formally adopted? [44 CFR § 201.4(c)(6)]</b>		
S19-a. Did the state provide documentation of formal adoption by the highest elected official or designee prior to FEMA approval?		
<b>S20. Did the state provide assurances? [44 CFR § 201.4(c)(7)]</b>		
S20-a. Does the plan include assurances that the state will manage and administer FEMA funding in accordance with applicable federal statutes and regulations?		

Requirements	Location in Plan (section and/or page number)	Met / Not Met
S20-b. Does the plan include assurances that the state will update its plan whenever necessary to reflect changes in state or federal laws and statutes?		
<b>Adoption and Assurances Required Revisions:</b>		

### HIGH HAZARD POTENTIAL DAMS

Requirements	Location in Plan (section and/or page number)	Met / Not Met
<b>HHPD1. Did Element S2 (planning process) describe how the state dam safety agency, other agencies, and stakeholders participated in the planning process and contributed expertise, data, studies, information, etc. relative to high hazard potential dams?</b>		
HHPD1-a. Does the plan describe how the state dam safety agency, other agencies, and stakeholders were involved in the planning process?		
HHPD1-b. Does the plan describe the types of data contributed?		
<b>HHPD2. Did Element S6 (risk assessment) address all dam risk for high hazard potential dams in the risk assessment?</b>		
HHPD2-a. Does the plan provide a list of high hazard potential dams that have been identified by the state with their names, National Inventory of Dams identification numbers, locations by jurisdiction, and other relevant information, as well as maps?		
HHPD2-b. Does the plan summarize statewide vulnerabilities to/from high hazard potential dams from hazards and the potential consequences associated with dam incidents?		
HHPD2-c. Does the plan document limitations and describe the approach to address deficiencies?		
<b>HHPD3. Did Element S9 (mitigation goals) include mitigation goals to reduce long-term vulnerabilities from high hazard potential dams?</b>		
HHPD3-a. Does the plan address a reduction in vulnerabilities to/from high hazard potential dams from hazards and the potential consequences associated with dam incidents as part of their own goals or with other long-term strategies?		

Requirements	Location in Plan (section and/or page number)	Met / Not Met
HHPD3-b. Does the plan link the proposed actions to reduce long-term vulnerabilities consistent with the goals?		
<b>HHPD4. Did Element S10 (mitigation actions) prioritize mitigation actions and activities to reduce vulnerabilities from high hazard potential dams?</b>		
HHPD4-a. Does the plan include actions to reduce vulnerabilities to/from high hazard potential dams?		
HHPD4-b. Does the plan describe the process to evaluate and prioritize actions related to high hazard potential dams that are cost-effective, environmentally sound and technically feasible?		
HHPD4-c. Does the plan describe how each action to reduce risks related to high hazard potential dams contributes to the goals and describe how strategies are linked to the state mitigation strategy?		
<b>HHPD5. Did Element S11 (funding sources) identify current and potential sources of funding to implement mitigation actions and activities for high hazard potential dams?</b>		
HHPD5-a. Does the plan include various funding sources to mitigate vulnerabilities to and from high hazard potential dams from hazards and the potential consequences associated with dam incidents, as well as funding sources to rehabilitate or remove high hazard potential dams?		
<b>HHPD6. Did Element S13 (local coordination) generally describe and analyze the effectiveness of local mitigation policies, programs, and capabilities that address high hazard potential dams?</b>		
HHPD6-a. Does the plan provide a summary of the local policies, programs, and capabilities to implement mitigation actions and reduce vulnerabilities from high hazard potential dams from hazards and the potential consequences associated with dam incidents?		
HHPD6-b. Does the plan describe challenges to implementing local mitigation policies, programs and capabilities to reduce vulnerabilities to and from high hazard potential dams and the approach to overcome these challenges?		
HHPD6-c. Does the plan describe opportunities for implementing mitigation actions to reduce risks to and from high hazard potential dams through local capabilities?		

Requirements	Location in Plan (section and/or page number)	Met / Not Met
<b>HHPD7. Did Element S15 (prioritizing funding) describe the criteria for prioritizing funding for high hazard potential dams?</b>		
HHPD7-a. Does the plan describe the method for funding actions to reduce vulnerabilities to and from high hazard potential dams if these actions were prioritized differently than mitigation actions for other hazards?		
HHPD7-b. Does the plan document limitations and describe the approach to addressing deficiencies?		
<b>HHPD Required Revisions:</b>		

**FIRE MANAGEMENT ASSISTANCE GRANTS**

Requirements	Location in Plan (section and/or page number)	Met / Not Met
<b>FMAG1. Does the plan address wildfire risks? [44 CFR 201.4(c)(2); 44 CFR § 204.51(d)(2)]</b>		
FMAG1-a. Does the risk assessment provide an overview of the location and previous occurrences of wildfire hazards in the state?		
FMAG1-b. Does the risk assessment provide an overview of the probability of future wildfire events that includes projected changes in the location, intensity, frequency and/or duration of wildfire hazards?		
FMAG1-c. Does the risk assessment address the vulnerability of state assets located in wildfire hazard areas and estimate the potential dollar losses to those assets?		
FMAG1-d. Does the risk assessment include an overview and analysis of local governments' vulnerability to wildfires and the potential losses to vulnerable structures?		
<b>FMAG2. Does the plan's mitigation strategy contain wildfire-related mitigation initiatives? [44 CFR 201.4(c)(3); 44 CFR § 204.51(d)(2)]</b>		
FMAG2-a. Does the mitigation strategy identify mitigation actions and activities to reduce the vulnerability of jurisdictions within the state as well as the vulnerability of state-owned assets as described in Elements S5 and S6?		

Requirements	Location in Plan (section and/or page number)	Met / Not Met
<b>FMAG Required Revisions:</b>		

## C.3. Enhanced State Mitigation Plan Regulation Checklist

### ENHANCED STATE PREREQUISITES

Requirements	Location in Plan (section and/or page number)	Met / Not Met
<b>E1. Does the enhanced plan include all elements of the standard state mitigation plan? [44 CFR § 201.5(b)]</b>		
E1-a. Does the enhanced plan meet all the required elements of the standard state mitigation plan?		
<b>E2. Regarding HMA, is the state maintaining the capability to meet application time frames and submitting complete project applications? [44 CFR § 201.5(b)(2)(iii)(A)]</b>		
E2-a. Are all applications complete and submitted by the end of each program's respective application period?		
E2-b. Are all applications entered into FEMA's electronic data systems (i.e., NEMIS, eGrants, and/or FEMA GO)?		
E2-c. Is a complete Minimum Criteria Checklist for Project Subapplicants or equivalent documentation prepared for all subapplications?		
E2-d. Are all applications determined to be complete by FEMA within 90 days of submittal or selection for further review, or after the first request for information response?		
<b>E3. Regarding HMA, is the state maintaining the capability to prepare and submit accurate environmental reviews and benefit-cost analyses? [44 CFR § 201.5(b)(2)(iii)(B)]</b>		
E3-a. Are all applications and amendments determined to be complete by FEMA within 90 days of submittal or selection for further review, or after the first request for information response, including all data requested by FEMA to support cost-effectiveness determinations and EHP compliance reviews?		
<b>E4. Regarding HMA, is the state maintaining the capability to submit complete and accurate quarterly progress and financial reports on time? [44 CFR § 201.5(b)(2)(iii)(C)]</b>		
E4-a. Are all progress reports complete and submitted on time?		
E4-b. Are all FFR SF-425s submitted on time?		
E4-c. Does the state consistently comply with the Financial Management Standard requirements described in 2 CFR §§ 200.300 to 200.309?		



Requirements	Location in Plan (section and/or page number)	Met / Not Met
<b>E5. Regarding HMA, is the state maintaining the capability to complete HMA projects within established performance periods, including financial reconciliation? [44 CFR § 201.5(b)(2)(iii)(D)]</b>		
E5-a. Is all work as part of HMA subawards completed by the end of the period of performance, as described in the HMA Guidance?		
E5-b. Have there been no major findings on the last single audit obtained by the state related to HMA programs?		
E5-c. Are all grant closeout activities, including financial reconciliation, completed within 120 days from the end of the performance period as outlined in 2 CFR 200.344?		
E5-d. Have actual expenditures been documented and are they consistent with SF-424A or SF-424C?		
<b>Enhanced State Prerequisites Required Revisions:</b>		

**INTEGRATED PLANNING**

Requirements	Location in Plan (section and/or page number)	Met / Not Met
<b>E6. Does the plan demonstrate integration, to the extent practicable, with other state and/or regional planning initiatives and FEMA mitigation programs and initiatives? [44 CFR § 201.5(b)(1)]</b>		
E6-a. Does the enhanced plan demonstrate integration with other state and/or regional planning initiatives?		
E6-b. Does the enhanced plan demonstrate integration of FEMA mitigation programs and initiatives?		
<b>Integrated Planning Required Revisions:</b>		

**DEMONSTRATING COMMITMENT TO A COMPREHENSIVE STATE MITIGATION PROGRAM**

Requirements	Location in Plan (section and/or page number)	Met / Not Met
<b>E7. Does the state demonstrate commitment to a comprehensive mitigation program? [44 CFR §§ 201.3(c), 201.5(b)(4) and 201.6(d)]</b>		
E7-a. Does the state demonstrate commitment to statewide programs, initiatives and plans that advance mitigation and resilience?		
E7-b. Does the state demonstrate a commitment to mitigation training and capability building?		
E7-c. Does the state demonstrate a commitment to its mitigation planning responsibilities by helping local governments update and adopt their plans before they expire?		
<b>Demonstrating a Commitment to a Comprehensive State Mitigation Program Required Revisions:</b>		

**EFFECTIVE USE OF EXISTING MITIGATION PROGRAMS TO ACHIEVE MITIGATION GOALS**

Requirements	Location in Plan (section and/or page number)	Met / Not Met
<b>E8. Is the state effectively using existing mitigation programs to achieve mitigation goals? [44 CFR §§ 201.5(a) and 201.5(b)(3)]</b>		
E8-a. Does the state demonstrate and document the full and effective use of existing FEMA programs (if funding is available)?		
E8-b. Does the state demonstrate and document the full and effective use of non-FEMA programs?		
<b>Effective Use of Existing Mitigation Programs to Achieve Mitigation Goals Required Revisions:</b>		

**DOCUMENTATION OF THE STATE'S IMPLEMENTATION CAPABILITY**

Requirements	Location in Plan (section and/or page number)	Met / Not Met
<b>E9. Does the enhanced plan document capability to implement mitigation actions? [44 CFR §§ 201.5(b)(2)(i), 201.5(b)(2)(ii), and 201.5(b)(2)(iv)]</b>		
E9-a. Does the enhanced plan describe the system to rank the mitigation measures according to established eligibility criteria, including a process to prioritize between funding programs, jurisdictions, and proposals that address different or multiple hazards?		
E9-b. Does the enhanced plan describe how the state will assess the effectiveness of mitigation actions, including the agencies that are involved as well as the timeline, and use the results to inform the mitigation strategy?		
<b>Documentation of the State's Implementation Capability Required Revisions:</b>		

## C.4. Plan Assessment

The Plan Assessment comments can be used to help guide the ongoing maintenance and update of your mitigation plan.

### Standard State Mitigation Plan Requirements

#### PLANNING PROCESS

##### Strengths

- [Insert plan assessment comments]

##### Opportunities for Improvement

- [Insert plan assessment comments]

#### HAZARD IDENTIFICATION AND RISK ASSESSMENT

##### Strengths

- [Insert plan assessment comments]

##### Opportunities for Improvement

- [Insert plan assessment comments]

#### STATE MITIGATION CAPABILITIES

##### Strengths

- [Insert plan assessment comments]

##### Opportunities for Improvement

- [Insert plan assessment comments]

#### MITIGATION STRATEGY

##### Strengths

- [Insert plan assessment comments]

##### Opportunities for Improvement

- [Insert plan assessment comments]

#### LOCAL PLANNING COORDINATION AND CAPABILITY BUILDING

##### Strengths

- [Insert plan assessment comments]

##### Opportunities for Improvement

- [Insert plan assessment comments]

## **REVIEW, EVALUATION, AND IMPLEMENTATION**

### **Strengths**

- [Insert plan assessment comments]

### **Opportunities for Improvement**

- [Insert plan assessment comments]

## **ADOPTION AND ASSURANCES**

### **Strengths**

- [Insert plan assessment comments]

### **Opportunities for Improvement**

- [Insert plan assessment comments]

## **HIGH HAZARD POTENTIAL DAMS**

### **Strengths**

- [Insert plan assessment comments]

### **Opportunities for Improvement**

- [Insert plan assessment comments]

## **FIRE MANAGEMENT ASSISTANCE GRANTS**

### **Strengths**

- [Insert plan assessment comments]

### **Opportunities for Improvement**

- [Insert plan assessment comments]

## **Enhanced State Mitigation Plan Requirements**

### **ENHANCED STATE PREREQUISITES**

#### **Strengths**

- [Insert plan assessment comments]

#### **Opportunities for Improvement**

- [Insert plan assessment comments]

### **INTEGRATED PLANNING**

#### **Strengths**

- [Insert plan assessment comments]

**Opportunities for Improvement**

- [Insert plan assessment comments]

**DEMONSTRATING A COMMITMENT TO A COMPREHENSIVE MITIGATION PROGRAM**

**Strengths**

- [Insert plan assessment comments]

**Opportunities for Improvement**

- [Insert plan assessment comments]

**EFFECTIVE USE OF EXISTING MITIGATION PROGRAMS TO ACHIEVE MITIGATION GOALS**

**Strengths**

- [Insert plan assessment comments]

**Opportunities for Improvement**

- [Insert plan assessment comments]

**DOCUMENTATION OF THE STATE'S IMPLEMENTATION CAPABILITY**

**Strengths**

- [Insert plan assessment comments]

**Opportunities for Improvement**

- [Insert plan assessment comments]

# Appendix D: State Approval Letter Template

[insert date]

[insert name, title]

[insert state agency name]

[insert state agency address line 1]

[insert state agency address line 2]

Reference: Approval of the [insert name] State Mitigation Plan

Dear [insert name]:

The U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) Region [insert number] Mitigation Division, Risk Analysis [or Floodplain Management and Insurance] Branch has approved the updated [insert name] state mitigation plan effective [insert date - example: October 5, 2020] through [insert date, less 1 day - example: October 4, 2025]. This plan is approved in accordance with applicable mitigation planning regulations and policy requirements<sup>26</sup>.

[FMAG: If wildfire risks and mitigation measures are addressed, insert:] In addition, this plan met the requirements to address wildfire risks and mitigation measures.

[HHPD: If all dam risks are addressed, insert:] In addition, this plan met the requirements to address all dam risks.

An approved mitigation plan is a condition of receiving certain FEMA non-emergency assistance and mitigation grants from the following programs:

- Public Assistance Categories C-G (PA C-G)
- Fire Management Assistance Grants (FMAG) [If wildfire risks and mitigation measures are addressed]
- Hazard Mitigation Grant Program (HMGP)
- Hazard Mitigation Grant Program – Post Fire (HMGP – Post Fire)
- Building Resilient Infrastructure and Communities (BRIC)

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<sup>26</sup> Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as amended; the National Flood Insurance Act of 1968, as amended; Title 44 Code of Federal Regulations (CFR) Part 201; and the “Water Infrastructure Improvements for the Nation Act,” or the “WIIN Act,” on December 16, 2016, which amends the National Dam Safety Program Act (Pub. L. 92-367).

- Flood Mitigation Assistance (FMA)
- Rehabilitation of High Hazard Potential Dams Program (HHPD) *[If all dam risk is addressed]*

Approval of a mitigation plan does not guarantee funding under any FEMA program. Please refer to the individual FEMA non-emergency assistance and mitigation grant program policy and/or annual Notice of Funding Opportunity for specific application and eligibility requirements for the FEMA programs listed above.

State mitigation plans must be updated and resubmitted to the FEMA Region *[insert number]* Mitigation Division, Risk Analysis Branch *[or Floodplain Management and Insurance]* for approval. If the plan is not updated by the date indicated on this FEMA approval letter, the plan is considered lapsed, and FEMA will not obligate funds until the mitigation plan is approved.

If at any time over the plan approval period, FEMA determines that the state is not complying with all applicable federal statutes and regulations in effect during the periods for which it receives funding or is unable to fulfill mitigation commitments, FEMA may take action to correct the noncompliance (44 CFR §§ 201.3[b][5] and 201.4[c][7]).

*If the approved plan is Enhanced, insert:*

**FEMA recognizes the state for the additional effort and commitment to mitigation. Under Section 322 (42 U.S.C. 5165(e)), additional HMGP funds of up to 20% of the total estimated eligible disaster assistance may be provided to states with enhanced hazard mitigation plans. The “Enhanced” designation is recognition for states that are leaders in implementing a comprehensive statewide hazard mitigation program that results in safer, more sustainable communities.**

The state is responsible for communicating with local and tribal officials, as applicable, who are interested in applying for FEMA assistance through the state. FEMA encourages states to communicate with the appropriate officials regarding mitigation plan status and eligibility requirements. At a minimum of every 6 months, FEMA will provide to the state written information on mitigation plans, including, but not limited to:

- Local and tribal, as applicable, mitigation plan expiration dates.
- Consequences of not having an approved local or tribal, as applicable, mitigation plan with respect to eligibility for FEMA mitigation grant programs.
- Availability of mitigation planning training and technical assistance.
- Upcoming funding opportunities.

The state is responsible for reviewing and submitting approvable state and local mitigation plans to FEMA. If the state is not submitting approvable mitigation plans, FEMA will provide feedback as well as technical assistance or training to the state and local governments, as needed.

In addition, FEMA will provide a reminder at least 12 months before the plan expiration date of the consequences of not having an approved mitigation plan, which is required to apply for and receive funding for FEMA non-emergency assistance and mitigation grant programs. To continue to apply for



and receive funding from the programs listed on page 1, the state must submit a draft of the next plan update before the end of the approval period and allow sufficient time for the review and approval process. This includes any revisions, if needed, and formal adoption by the state following the determination by FEMA that the plan has achieved a status of “Approvable Pending Adoption.”

We look forward to working with you to discuss the status of the state mitigation program each year over the approval period. If we can be of assistance, please contact [insert name], at [insert phone # and email address].

Sincerely,

[insert name] [insert title]

**Attachment:** State Mitigation Plan Review Tool

# Appendix E: Enhanced State Validation Summary Template

As described in Appendix B, states with enhanced status must maintain a sustained, proven commitment to hazard mitigation to remain eligible for increased HMGP funding. FEMA staff will validate annually that enhanced states maintain a comprehensive mitigation program, effectively use available mitigation funding, and remain capable of managing the increased HMGP funding. This annual evaluation documents that the state is on track and continues to meet both the enhanced mitigation planning and grants management performance requirements over the five-year approval period.

This enhanced state validation summary template will be used by FEMA Mitigation Division Staff to document and communicate the results of the enhanced state validation. For each enhanced requirement, FEMA and the state will develop a commitment or performance measure based on the state’s unique mitigation program and the documentation contained in the enhanced mitigation plan. The FEMA Mitigation Division staff must mark each requirement as “On Target” or “Not on Target” and provide performance feedback.

For more information on procedures for enhanced state validations and what happens if FEMA determines that the state is no longer maintaining its commitments as an enhanced state, see Appendix B, [Section B.5](#).

Enhanced State Validation Summary	
State:	
Validation Date(s):	
Performance Period Assessed:	
State Participants:	
FEMA Participants:	

**ENHANCED STATE PREREQUISITES**

Requirement	State Commitment/Performance Measure(s)	Current Results
<b>E2. The state has met application time frames and submitted complete project applications.</b>		
All applications have been completed and submitted by the end of each program’s respective application period.		
All applications have been entered into FEMA’s electronic data systems.		
A complete Minimum Criteria Checklist for Project Subapplications or equivalent documentation has been prepared for all subapplications.		
All applications have been determined to be complete by FEMA within 90 days of submittal or selection for further review, or after the first request for information response.		
<b>E2 Performance Comments:</b>		
<b>E3. The state has prepared and submitted accurate environmental reviews and benefit-cost analyses.</b>		
All applications and amendments have been determined to be complete by FEMA within 90 days of submittal or selection for further review, or after the first request for information response, including all data requested by FEMA to support cost-effectiveness determinations and EHP compliance reviews.		
<b>E3 Performance Comments:</b>		
<b>E4. The state has maintained the capability to submit complete and accurate quarterly progress and financial reports on time.</b>		
All progress reports have been completed and submitted on time.		
All FFR SF-425s have been submitted on time.		

Requirement	State Commitment/Performance Measure(s)	Current Results
The state consistently complies with the Financial Management Standard requirements described in 2 CFR §§ 200.300 to 200.309.		
<b>E4 Performance Comments:</b>		
<b>E5. The state has completed HMA projects within established performance periods, including financial reconciliation.</b>		
All work as part of HMA subawards has been completed by the end of the period of performance.		
There have been no major findings on the last single audit obtained by the state related to HMA programs during the performance period being assessed.		
All grant closeout activities, including financial reconciliation, have been completed within 120 days from the end of the award performance period.		
Actual expenditures have been documented and are consistent with SF-424A or SF-424C.		
<b>E5 Performance Comments:</b>		

**INTEGRATED PLANNING**

Requirement	State Commitment/Performance Measure(s)	Current Results
<b>E6. The state continues to demonstrate integration, to the extent practicable, with other state and/or regional planning initiatives and FEMA mitigation programs and initiatives.</b>		
The enhanced mitigation program continues to demonstrate ongoing integration with other state and/or regional planning initiatives.		
The enhanced mitigation program continues to demonstrate integration of FEMA mitigation programs and initiatives.		
<b>E6 Performance Comments:</b>		
<b>E7. The state continues to demonstrate a commitment to a comprehensive mitigation program.</b>		
The state continues to demonstrate commitment to statewide programs, initiatives, and plans that advance mitigation and resilience.		
The state continues to demonstrate a commitment to mitigation training and capability building.		
The state continues to demonstrate a commitment to its mitigation planning responsibilities by helping local governments update and adopt their plans before they expire.		
<b>E7 Performance Comments:</b>		

**EFFECTIVE USE OF EXISTING MITIGATION PROGRAMS TO ACHIEVE MITIGATION GOALS**

Requirement	State Commitment/Performance Measure(s)	Current Results
<b>E8. The state continues to effectively use existing mitigation programs to achieve mitigation goals.</b>		
The state continues to demonstrate the full and effective use of existing FEMA programs for which funding is available.		
The state continues to demonstrate the full and effective use of non-FEMA programs.		
<b>E8 Performance Comments:</b>		

**DOCUMENTATION OF THE STATE'S IMPLEMENTATION CAPABILITY**

Requirement	State Commitment/Performance Measure(s)	Current Results
<b>E9. The state continues to implement mitigation actions.</b>		
The state continues to use the system described in the enhanced mitigation plan to rank mitigation measures established in the enhanced plan.		
The state continues to assess the effectiveness of mitigation actions and uses the results to inform the mitigation strategy.		
The state continues to support implementation of local and tribal mitigation actions.		
<b>E9 Performance Comments:</b>		

# Appendix F: Acronyms and Definitions

## F.1. Acronyms

<b>APA</b>	Approvable Pending Adoption
<b>BCEGS</b>	Building Code Effectiveness Grading Schedule
<b>BRIC</b>	Building Resilient Infrastructure and Communities
<b>BW-12</b>	Biggert-Waters Flood Insurance Reform Act of 2012
<b>CAP</b>	Corrective Action Plan
<b>CDBG</b>	Community Development Block Grant
<b>CFR</b>	Code of Federal Regulations
<b>CRS</b>	Community Rating System
<b>CTP</b>	Cooperating Technical Partners
<b>DHS</b>	Department of Homeland Security
<b>DSS-WISE</b>	Decision Support System for Water Infrastructure Security
<b>EAP</b>	Emergency Action Plan
<b>EHP</b>	Environmental and Historic Preservation
<b>EO</b>	Executive Order
<b>FEMA</b>	Federal Emergency Management Agency
<b>FEMA GO</b>	FEMA Grants Outcomes
<b>FFR</b>	Federal Financial Report
<b>FMA</b>	Flood Mitigation Assistance
<b>FMAG</b>	Fire Management Assistance Grants
<b>FP</b>	FEMA Policy

<b>ICODS</b>	Interagency Committee on Dam Safety
<b>HEC-RAS</b>	Hydrologic Engineering Center's River Analysis System
<b>HHPD</b>	Rehabilitation of High Hazard Potential Dams Program
<b>HMA</b>	Hazard Mitigation Assistance
<b>HMGP</b>	Hazard Mitigation Grant Program
<b>HUD</b>	U.S. Department of Housing and Urban Development
<b>NEHRP</b>	National Earthquake Hazards Reduction Program
<b>NEMIS</b>	National Emergency Management Information System
<b>NFIP</b>	National Flood Insurance Program
<b>PA</b>	Public Assistance
<b>PAR</b>	Population at Risk
<b>PAS</b>	Program Administration by States
<b>PPD</b>	Presidential Policy Directive
<b>Risk MAP</b>	Risk Mapping, Assessment, and Planning Program
<b>RL</b>	Repetitive Loss
<b>SF</b>	Standard Form
<b>SOW</b>	Scope of Work
<b>SRL</b>	Severe Repetitive Loss
<b>STORM Act</b>	Safeguarding Tomorrow through Ongoing Risk Mitigation Act
<b>U.S.C.</b>	United States Code

## F.2. Definitions

**Agencies and stakeholders** mean state, local and tribal agencies; colleges and universities; private entities, including private nonprofit organizations; or quasi-governmental authorities and special districts like port authorities or utility districts that perform critical functions.



**Changes in development** include conditions that may affect jurisdictions' risks from and vulnerabilities to hazards such as changes in land use and development, including infrastructure development, declining populations, projected increases in population, or shifts in the needs of underserved communities or gaps in social equity.

**Climate change** refers to changes in average weather conditions that persist over multiple decades or longer. Climate change encompasses both increases and decreases in temperature, as well as shifts in precipitation, changing risk of certain types of severe weather events, and changes to other features of the climate system (National Climate Assessment).

**Community Lifelines** are the most fundamental services in the community that, when stabilized, enable all other aspects of society to function. The integrated network of assets, services, and capabilities that provide community lifeline services is used day to day to support the community's recurring needs. Lifelines enable the continuous operation of critical government and business functions and are essential to human health and safety or economic security, as described in the National Response Framework, 4th edition.

**Community resilience** is the ability to prepare for anticipated hazards, adapt to changing conditions, and withstand and recover rapidly from disruptions. Activities such as disaster preparedness (which includes prevention, protection, mitigation, response, and recovery) and reducing community stressors (the underlying social, economic, and environmental conditions that can weaken a community) are key steps to resilience.

**Critical facilities** are structures that the state determines must continue to operate before, during, and after an emergency and/or hazard event and/or are vital to health and safety.

**Equity** is the consistent and systematic fair, just and impartial treatment of all individuals.

**Evaluating** means assessing the effectiveness of the plan at achieving its stated purpose and goals.

**Goals** are broad, long-term policy and vision statements that explain what will be achieved by implementing the mitigation strategy.

**Hazard mitigation** is any sustained action taken to reduce or eliminate the long-term risk to human life and property from hazards.

Current or next most recent **Hazard-Resistant Building Codes** are defined as the current or next most recently published editions of building codes published by nationally recognized authorities, such as the International Code Council, that have not been amended or changed in a way that weakens code provisions related to natural hazards.

**Highest elected official or designee** means a senior state official with authority to commit the various state agencies responsible for implementing the mitigation actions identified in the plan.

**High hazard potential dams** - According to the Hazard Potential Classification System for Dams (FEMA/ICODS, 2004), dams assigned the high hazard potential classification are those where failure or mis-operation will probably cause loss of human life.

**Impacts** are the consequences or effects of each hazard on the state's assets and jurisdictions identified in the vulnerability assessment.

**Involved in the process** means engaged as participants and given the chance to provide input to affect the plan's content.

**Monitoring** means tracking the plan's implementation over time.

**Natural hazards** are sources of harm or difficulty created by meteorological, environmental, or geological events. Natural hazards, such as flooding and earthquakes, affect the built environment, including dams and levees.

An **overview** provides the results of the analysis and does not need to include all the details from each local plan. Detailed analyses do not need to be placed in the body of the plan. They can be included as appendices. An example of an overview is a list of key issues or problem statements that clearly describes the greatest vulnerabilities and compares losses across the state, allowing the state to determine mitigation priorities.

**Probability of future hazard events** means the likelihood of the hazard occurring or reoccurring. It may be defined in historical frequencies, statistical probabilities, hazard probability maps, and/or general descriptors (e.g., unlikely, likely, highly likely). If general descriptors are used, they must be quantified or defined in the plan. For example, "highly likely" could be defined as "100% chance of occurrence next year" or "one event every year."

**Repetitive loss structure** means a structure covered under an NFIP flood insurance policy that (1) has incurred flood-related damage on two occasions, in which the cost of repair, on average, equaled or exceeded 25% of the value of the structure at the time of each such flood event; and (2) at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage (44 CFR § 77.2 Definitions).

**Risk**, for the purpose of hazard mitigation planning, is the potential for damage or loss created by the interaction of natural hazards with assets, such as buildings, infrastructure or natural and cultural resources.

**Severe repetitive loss structure** means a structure covered under an NFIP flood insurance policy and has incurred flood-related damage (1) for which four or more separate claims have been made under flood insurance coverage, 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 flood insurance claims payments (building payments only) have been made, with the cumulative amount of such claims exceeding the value of the insured structure (44 CFR § 77.2 Definitions).

**Social vulnerability** is the potential for loss within an individual or social group, recognizing that there are characteristics that influence an individual or group's ability to prepare, respond, cope, or recover from an event. These characteristics can overlap within populations to create heightened vulnerability, which may be compounded by deficiencies in infrastructure within communities and historic or existing discriminatory government policies.

**State assets** include state-owned or operated buildings, infrastructure, community lifelines, and critical facilities.

**Underserved Communities** refer to populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life. The barriers to opportunity and participation these communities face have occurred throughout history and continue today.

**Updating** means reviewing and revising the plan at least once every 5 years.

**Whole Community** is defined as a focus on enabling the participation in national preparedness activities of a wider range of players from the private and nonprofit sectors, including nongovernmental organizations and the general public, in conjunction with the participation of all levels of government in order to foster better coordination and working relationships.

# Appendix G: Excerpts from the Code of Federal Regulations (CFR)

Disclaimer: This appendix presents excerpts from 44 CFR Part 201 for standard and enhanced state mitigation plans. These are excerpts from 44 CFR Part 201 organized here for ease of reference as they align with the policy requirement. The regulations in their entirety can be found in the [Electronic Code of Federal Regulations](#).

<b>Standard State Mitigation Planning Regulations</b>	
<i>This table presents the regulatory citations for standard state mitigation plans. Note: this is not the full regulatory text.</i>	
44 CFR	Regulatory Text
<b>FEMA Responsibilities</b>	
§ 201.3(b)	The key responsibilities of the Regional Administrator are to: <ol style="list-style-type: none"> <li>(1) Oversee all FEMA related pre- and post-disaster hazard mitigation programs and activities;</li> <li>(2) Provide technical assistance and training to State, local, and Indian Tribal governments regarding the mitigation planning process;</li> <li>(3) Review and approve all Standard and Enhanced State Mitigation plans;</li> <li>(4) Review and approve all local mitigation plans, unless that authority has been delegated to the State in accordance with § 201.6(d);</li> <li>(5) Conduct reviews, at least once every 5 years, of State mitigation activities, plans, and programs to ensure that mitigation commitments are fulfilled, and when necessary, take action, including recovery of funds or denial of future funds, if mitigation commitments are not fulfilled.</li> </ol>
§ 201.4(d)	<i>Review and Updates.</i> [...] The Regional review will be completed within 45 days after receipt from the State, whenever possible.
§ 201.6(d)(2)	The Regional review will be completed within 45 days after receipt from the State, whenever possible.
§ 201.7(d)(2)	The Regional review will be completed within 45 days after receipt from the Indian Tribal government, whenever possible.

**Standard State Mitigation Planning Regulations**

*This table presents the regulatory citations for standard state mitigation plans. Note: this is not the full regulatory text.*

**State Responsibilities**

<p>§ 201.3(c)</p>	<p>The key responsibilities of the State are to coordinate all State and local activities relating to hazard evaluation and mitigation and to:</p> <ol style="list-style-type: none"> <li>(1) Prepare and submit to FEMA a Standard State Mitigation Plan following the criteria established in § 201.4 as a condition of receiving non-emergency Stafford Act assistance and FEMA mitigation grants. In accordance with § 77.6(b) of this chapter, applicants and subapplicants for FMA project grants must have a FEMA-approved mitigation plan that addresses identified flood hazards and provides for reduction of flood losses to structures for which NFIP coverage is available.</li> <li>(2) In order to be considered for the 20 percent HMGP funding, prepare and submit an Enhanced State Mitigation Plan in accordance with § 201.5, which must be reviewed and updated, if necessary, every 5 years from the date of the approval of the previous plan.</li> <li>(3) At a minimum, review and update the Standard State Mitigation Plan every 5 years from the date of the approval of the previous plan in order to continue program eligibility.</li> <li>(4) Make available the use of up to the 7 percent of HMGP funding for planning in accordance with § 206.434.</li> <li>(5) Provide technical assistance and training to local governments to assist them in applying for HMGP planning grants, and in developing local mitigation plans.</li> <li>(6) For Managing States that have been approved under the criteria established by FEMA pursuant to 42 U.S.C. 5170c(c), review and approve local mitigation plans in accordance with § 201.6(d).</li> </ol>
<p>§ 201.4(a)</p>	<p><i>Plan requirement.</i> States must have an approved Standard State Mitigation Plans meeting the requirements of this section as a condition of receiving non-emergency Stafford Act assistance and FEMA mitigation grants. Emergency assistance provided under 42 U.S.C. 5170a, 5170b, 5173, 5174, 5177, 5179, 5180, 5182, 5183, 5184, 5192 will not be affected. Mitigation planning grants provided through the Pre-disaster Mitigation (PDM) program, authorized under section 203 of the Stafford Act, 42 U.S.C. 5133, will also continue to be available. The mitigation plan is the demonstration of the State's commitment to reduce risks from natural hazards and serves as a guide for State decision makers as they commit resources to reducing the effects of natural hazards.</p>
<p>§ 201.4(d)</p>	<p><i>Review and updates.</i> 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 5 years.</p>

<b>Standard State Mitigation Planning Regulations</b>	
<i>This table presents the regulatory citations for standard state mitigation plans. Note: this is not the full regulatory text.</i>	
<b>Planning Process</b>	
§ 201.4(b)	<i>Planning process.</i> 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.
§ 201.4(c)(1)	[To be effective the plan must include the following elements] 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.
<b>Hazard Identification and Risk Assessment</b>	
§ 201.4(c)(2)(i)	[The risk assessment must include the following] 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.
§ 201.4(c)(2)(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 must 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 must also be addressed.
§ 201.4(c)(2)(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 must estimate the potential dollar losses to State owned or operated buildings, infrastructure, and critical facilities located in the identified hazard areas.
<b>State Mitigation Capabilities</b>	
§ 201.4(c)(3)(ii)	[This section must include] 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; a general description and analysis of the effectiveness of local mitigation policies, programs, and capabilities.

<b>Standard State Mitigation Planning Regulations</b>	
<i>This table presents the regulatory citations for standard state mitigation plans. Note: this is not the full regulatory text.</i>	
<b>Mitigation Strategy</b>	
§ 201.4(c)(3)(i)	[This section must include] A description of State goals to guide the selection of activities to mitigate and reduce potential losses.
§ 201.4(c)(3)(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.
§ 201.4(c)(3)(iv)	Identification of current and potential sources of Federal, State, local, or private funding to implement mitigation activities.
§ 201.4(c)(3)(v)	In accordance with § 77.6(b) of this chapter, applicants and subapplicants for FMA project grants must have a FEMA-approved mitigation plan that addresses identified flood hazards and provides for reduction of flood losses to structures for which NFIP coverage is available.
<b>Local Planning Coordination and Capability Building</b>	
§ 201.3(c)(5)	Provide technical assistance and training to local governments to assist them in applying for HMGP planning grants, and in developing local mitigation plans.
§ 201.3(c)(6)	For Managing States that have been approved under the criteria established by FEMA pursuant to 42 U.S.C. 5170c(c), review and approve local mitigation plans in accordance with § 201.6(d).
§ 201.4(c)(4)(i)	[A section on the <i>Coordination of Local Mitigation Planning</i> that includes the following] A description of the State process to support, through funding and technical assistance, the development of local mitigation plans.
§ 201.4(c)(4)(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.
§ 201.4(c)(4)(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 structures, and most intense development pressures. Further, that for non-planning grants, a principal criterion for prioritizing grants will be the extent to which benefits are maximized according to a cost benefit review of proposed projects and their associated costs.

<b>Standard State Mitigation Planning Regulations</b>	
<i>This table presents the regulatory citations for standard state mitigation plans. Note: this is not the full regulatory text.</i>	
<b>Review, Evaluation, and Implementation</b>	
§ 201.4(c)(5)(i)	[A <i>Plan Maintenance Process</i> that includes] An established method and schedule for monitoring, evaluating, and updating the plan.
§ 201.4(c)(5)(ii)	A system for monitoring implementation of mitigation measures and project closeouts.
§ 201.4(c)(5)(iii)	A system for reviewing progress on achieving goals as well as activities and projects identified in the Mitigation Strategy.
<b>Adoption and Assurances</b>	
§ 201.4(c)(6)	<i>A Plan Adoption Process.</i> The plan must be formally adopted by the State prior to submittal to us for final review and approval.
§ 201.4(c)(7)	<i>Assurances.</i> 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, including 2 CFR parts 200 and 3002.



<b>Enhanced State Mitigation Planning Regulations</b>	
<i>This table presents the regulatory citations for enhanced state mitigation plans. Note: this is not the full regulatory text.</i>	
<b>44 CFR</b>	<b>Regulatory Text</b>
<b>Enhanced State Prerequisites</b>	
§ 201.5(b)	Enhanced State Mitigation Plans must include all elements of the Standard State Mitigation plan identified in § 201.4.
§ 201.5(b)(2)(iii)	<p>Demonstration that the State has the capability to effectively manage the HMGP as well as other mitigation grant programs, including a record of the following:</p> <ul style="list-style-type: none"> <li>(A) Meeting HMGP and other mitigation grant application timeframes and submitting complete, technically feasible, and eligible project applications with appropriate supporting documentation;</li> <li>(B) Preparing and submitting accurate environmental reviews and benefit-cost analyses;</li> <li>(C) Submitting complete and accurate quarterly progress and financial reports on time;</li> <li>(D) Completing HMGP and other mitigation grant projects within established performance periods, including financial reconciliation.</li> </ul>
<b>Integrated Planning</b>	
§ 201.5(b)(1)	Demonstration that the plan is integrated to the extent practicable with other State and/or regional planning initiatives (comprehensive, growth management, economic development, capital improvement, land development, and/or emergency management plans) and FEMA mitigation programs and initiatives that provide guidance to State and regional agencies.
<b>Demonstrating a Commitment to Comprehensive State Mitigation Program</b>	
§ 201.5(a)	The Enhanced State Mitigation Plan must demonstrate that a State has developed a comprehensive mitigation program, that the State effectively uses available mitigation funding, and that it is capable of managing the increased funding. In order for the State to be eligible for the 20 percent HMGP funding, FEMA must have approved the plan within 5 years prior to the disaster declaration.
§ 201.5(b)(2)(i)	[Documentation of the State’s project implementation capability, identifying and demonstrating the ability to implement the plan, including:] Established eligibility criteria for multi-hazard mitigation measures.

<b>Enhanced State Mitigation Planning Regulations</b>	
<i>This table presents the regulatory citations for enhanced state mitigation plans. Note: this is not the full regulatory text.</i>	
§ 201.5(b)(2)(ii)	A system to determine the cost effectiveness of mitigation measures, consistent with OMB Circular A-94, Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs, and to rank the measures according to the State's eligibility criteria.
§ 201.5(b)(2)(iv)	A system and strategy by which the State will conduct an assessment of the completed mitigation actions and include a record of the effectiveness (actual cost avoidance) of each mitigation action.
§ 201.5(b)(3)	Demonstration that the State effectively uses existing mitigation programs to achieve its mitigation goals.
§ 201.5(b)(4)	<p>Demonstration that the State is committed to a comprehensive State mitigation program, which might include any of the following:</p> <ul style="list-style-type: none"> <li>(i) A commitment to support local mitigation planning by providing workshops and training, State planning grants, or coordinated capability development of local officials, including Emergency Management and Floodplain Management certifications.</li> <li>(ii) A statewide program of hazard mitigation through the development of legislative initiatives, mitigation councils, formation of public/private partnerships, and/or other executive actions that promote hazard mitigation.</li> <li>(iii) The State provides a portion of the non-Federal match for HMGP and/or other mitigation projects.</li> <li>(iv) To the extent allowed by State law, the State requires or encourages local governments to use a current version of a nationally applicable model building code or Standard that addresses natural hazards as a basis for design and construction of State sponsored mitigation projects.</li> <li>(v) A comprehensive, multi-year plan to mitigate the risks posed to existing buildings that have been identified as necessary for post-disaster response and recovery operations.</li> <li>(vi) A comprehensive description of how the State integrates mitigation into its post-disaster recovery operations.</li> </ul>
<b>Effective Use of Existing Mitigation Programs</b>	
201.5(a)	The Enhanced State Mitigation Plan must demonstrate that a State has developed a comprehensive mitigation program, that the State effectively uses available mitigation funding, and that it is capable of managing the increased funding. In order for the State to be eligible for the 20 percent HMGP funding, FEMA must have approved the plan within 5 years prior to the disaster declaration.

**Enhanced State Mitigation Planning Regulations**

*This table presents the regulatory citations for enhanced state mitigation plans. Note: this is not the full regulatory text.*

201.5(b)(3)	Demonstration that the State effectively uses existing mitigation programs to achieve its mitigation goals.
<b>Documentation of the State's Implementation Capability</b>	
201.5(b)(2)(i)	[Documentation of the State's project implementation capability, identifying and demonstrating the ability to implement the plan, including:] Established eligibility criteria for multi-hazard mitigation measures.
201.5(b)(2)(ii)	A system to determine the cost effectiveness of mitigation measures, consistent with OMB Circular A-94, Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs, and to rank the measures according to the State's eligibility criteria.
201.5(b)(2)(iv)	A system and strategy by which the State will conduct an assessment of the completed mitigation actions and include a record of the effectiveness (actual cost avoidance) of each mitigation action.