

Appendix IV-1 VDEM Grant Response Letters

October 25, 2003

Virginia localities developing or participating in the development of a Hazard Mitigation Plan

Virginia localities developing or participating in the development of a Hazard Mitigation Plan

Mitigation Planning Guidance #1: Local, State, and FEMA review, adoption, and approval of local all-hazard mitigation plans

November 12, 2003

Mitigation Planning Guidance #2: Funding Affected by Local Hazard Mitigation Planning

November 14, 2003

*Mitigation Planning Guidance #3: Links to currently approved mitigation plans
Resources for identifying potential funding sources for mitigation projects*

November 18, 2003

Mitigation Planning Guidance #4: VDEM Priorities of Use of Available Planning Funds to Support Mitigation Planning in Virginia

August 19, 2004

Region 2000 Regional Commission Hazard Mitigation Plan VA-1491-000-011

January 28, 2004

VDEM Hazard Mitigation Grant Program Application Form



COMMONWEALTH of VIRGINIA
Department of Emergency Management

MICHAEL M. CLINE
State Coordinator

JANET L. CLEMENTS
Deputy Coordinator

L. RALPH JONES, JR.
Deputy Coordinator

10501 Trade Court
Richmond, Virginia 23236-3713
(804) 897-6500
(TDD) 674-2417
FAX (804) 897-6506

MEMORANDUM

To: Virginia localities developing or participating in the development of a Hazard Mitigation Plan

From: Michelle Pope
Acting State Hazard Mitigation Officer

Date: October 25, 2003

Re: Mitigation Planning Guidance #1:
Local, State, and FEMA review, adoption, and approval of local all-hazard mitigation plans

The Commonwealth of Virginia Department of Emergency Management (VDEM), Preparedness and Mitigation Division is providing the following guidelines for the listed activities related to the mitigation planning process. This guidance information is being provided at the request of those Virginia localities currently developing their mitigation plans, and as part of its responsibilities as the Section 322 mitigation planning grants administrator and as state lead for the mitigation planning effort. Questions regarding this guidance material should be directed to:

David Corzilius, AICP
Mitigation Planning Coordinator
Virginia Department of Emergency Management
804-840-5357 (state cell phone)
804-290-8958 (Disaster Field Office phone, until mid-December, 2003)
804-897-6500, ext. 6529 (office phone, after mid-December)
dcorzilius@vdem.state.va.us (email)

Or,

Elaine Meil
Hazard Mitigation Planner
Virginia Department of Emergency Management
804-840-4041 (state cell phone)
804-346-2915 (Disaster Field Office phone, until mid-December, 2003)
804-897-6500, ext. 6591 (office phone, after mid-December)
email@vdem.state.va.us (email)

The following sections provide Commonwealth guidance on (1) the localities required to develop or participate in the development of a HMP, (2) the level of "active participation" expected of localities developing a single jurisdiction HMP or participating in the development of a regional HMP, (3) the Hazard Mitigation Plan review process requirements, and (4) the HMP local adoption and Federal Emergency Management Agency (FEMA) approval process,

1. Localities required to develop or participate in the development of a HMP in Virginia

FEMA defines a local government for the purposes of the Disaster Mitigation Act of 2000 (DMA2K) in *44 CFR Part 201.2 Definitions*. This definition, as written, is intended to cover the entire breadth of possible jurisdiction types across the United States, and much of it is not applicable to the Commonwealth of Virginia.

In order to identify the relevant localities in Virginia that would need to prepare an all-hazards mitigation plan (HMP), VDEM is defining a "locality" using the Emergency Services laws and regulations from the Code of Virginia. In particular, the following definition will apply for the purposes of this planning process:

"(8) *"Political subdivision"* means any city or county in the Commonwealth and for the purposes of this chapter, the Town of Chincoteague and any town of more than 5,000 population which chooses to have an emergency management program separate from that of the county in which such town is located;...."

Code of Virginia Title 44 Section 146.16

This definition thus requires the preparation of a HMP or the active participation in the preparation of a regional HMP by all cities and counties within the Commonwealth.

Virginia also recognizes 190 incorporated towns. Based on the definition above, however, the only towns that are required to prepare or actively participate in the preparation of a HMP are the following seven:

- Chincoteague
- Christiansburg
- Clifton Forge
- Farmville
- Luray
- South Boston
- Vinton

The remaining 183 towns have two options with respect to the development of a HMP for their areas. First, they may choose to develop their own plans or actively participate in their county's or region's plan. Or second, they can sign a Letter of Intent with their county to have the county prepare the HMP plan to include the town issues. If the town and county agree to this second option, then they should follow the guidance provided by the *Code of Virginia* for the preparation of a County Comprehensive Plan (see *COV Title 15.2 Sections 2223 to 2232*). In addition, a signed Letter of Intent between a town and county for that county to develop an HMP that includes that town implicitly requires the county to adequately cover the town issues within the county or regional HMP as defined by the DMA2K, FEMA guidance, and VDEM guidance.

2. Defining "Active Participation" in HMP development

FEMA has issued How-to Guides and regulatory guidance materials (most notably, *State and Local Plan Interim Criteria under the Disaster Mitigation Act of 2000*, July 2001) describing the HMP development process necessary to develop an FEMA-approvable plan. These documents primarily describe the materials that should be gathered and assessed by a locality that is developing its own plan. However, they do not define the actions necessary by a locality that is having its plan developed by another planning agency or contractor. In order to address this issue, VDEM is providing the attached "active participation" requirements.

3. Hazard Mitigation Plan Review Process

The *Code of Federal Regulations* requires that all local and regional mitigation plans "be submitted to the State Hazard Mitigation Officer for initial review and coordination. The State will then send the plan to the appropriate FEMA Regional Office for formal review and approval" (44 CFR Part 201.6(d)).

In order to assure that the plans developed at the local and regional level comply with DMA2K regulations, the Commonwealth of Virginia recommends that these plans be submitted to VDEM for review using the following schedule:

- (a) The locality, regional planning agency, or contractor shall submit the complete and entire Hazard Identification and Risk Assessment section of the plan to VDEM for review and comment before the plan moves to the mitigation strategy development phase. This will allow both VDEM and the locality(-ies) to be sure this section accurately reflects both the federal requirements and the local concerns before investing time developing subsequent plan sections. VDEM will review this



COMMONWEALTH of VIRGINIA
Department of Emergency Management

MICHAEL M. CLINE
State Coordinator

JANET L. CLEMENTS
Deputy Coordinator

L. RALPH JONES, JR.
Deputy Coordinator

10501 Trade Court
Richmond, Virginia 23236-3713
(804) 897-6500
(TDD) 674-2417
FAX (804) 897-6506

MEMORANDUM

To: Virginia localities developing or participating in the development of a Hazard Mitigation Plan

From: Michelle Pope
Acting State Hazard Mitigation Officer

Date: October 25, 2003

Re: Mitigation Planning Guidance #1a:
Virginia Mitigation Planning Participation Requirements

These guidelines are intended to explain the role and participation requirements for localities and regional planning agencies involved in the development of a regional hazard mitigation plan. While the Disaster Mitigation Act of 2000 (DMA2K) and the related FEMA guidance documents provide specific details on what is to be in each plan for each locality, FEMA has not yet released its guidance on the development of regional / multi-jurisdictional plans. In the interim, the Virginia Department of Emergency Management (VDEM) has compiled these brief guidelines for use in the development of a regional plan.

For a locality developing a single jurisdiction plan, the guidelines provided in section A.1 below should suffice as a general guide. For more specific information, please refer to the current FEMA guidance documents.

A. What are the responsibilities of the regional planning agency in a multi-jurisdictional plan...

1. ...for a plan prepared by the regional planning agency?

- a) Coordinate the regional planning committee efforts and solicit appropriate people from the necessary stakeholder groups to participate on that committee.
- b) Coordinate the mitigation planning efforts of the localities in that region.
- c) Compile the necessary background data on the region, the localities, and their census and historical hazard information.
- d) Collect necessary data from the localities for use in the mitigation plan.
- e) Provide quality control in the planning process to be sure that all localities included in this plan have their concerns adequately addressed within the plan.
- f) Provide any currently available regional data needed for this planning process. **
- g) Perform the necessary risk assessment, vulnerability assessment, and loss estimation analyses for the region and for each locality.
- h) Assist localities in the development and prioritization of their respective mitigation strategy lists.
- i) Incorporate the local mitigation strategies into the plan.
- j) Develop and prioritize a mitigation strategy list to address regional concerns.
- k) Write the plan and its various sections, incorporating the local data and information where necessary and available.

- l) Meet with the respective localities, the regional public, and the planning committee enough times to gain consensus about the plan contents, purpose, and implementation process.
- m) Work with the planning committee and localities to review the components of the plan and the overall draft and final versions of the plan.
- n) Document hours and efforts put toward mitigation planning effort to document in-kind cost match.
- o) Work with the state and FEMA to review and revise the plan as needed.
- p) Draft a final plan based on local, planning committee, state, and FEMA comments.
- q) Work with localities to move the final plan through the required public comment and local adoption process.
- r) Submit a final plan to the state and FEMA for final approval.
- s) Submit the approved plan to the localities for adoption.

2. ...for a plan prepared by an outside contractor for the region and its localities?

- a) Serve as a liaison between the localities in that region and the contractor.
- b) Serve as Project Director for the plan development, assisting and providing guidance to the contractor regarding the local jurisdictions.
- c) Assist the contractor with soliciting and collecting necessary data from the localities for use in the mitigation plan.
- d) Assist the contractor with setting up and running the necessary planning committee and public meetings to support the plan development process.
- e) Provide any currently available regional data requested for this planning process by the contractor. **

B. What are the responsibilities of a locality (city, county, or town) in a multi-jurisdictional plan?

- 1. Provide any currently available local data requested for this planning process by the county, regional planning agency, or contractor leading the development of this plan. **
- 2. Review the hazards identification, risk assessment, vulnerability assessment, and loss estimation results for the locality, and provide comments and revisions as necessary.
- 3. Assist the regional planning agency or the contractor in the development of mitigation strategies to address the locality's specific hazard and loss concerns.
- 4. Review the draft and final mitigation plans to ensure the locality's concerns and issues are adequately and accurately addressed, and provide comments for revision as necessary.
- 5. To endorse the final plan document before it is sent to the state and FEMA for final review.
- 6. To adopt the final plan following the final FEMA review using the appropriate public participation guidelines as described in and required by the *Code of Virginia* Title 15.2 Section 2204 and Sections 2223 to 2232.
- 7. Document hours and efforts put toward mitigation planning effort for in-kind cost match documentation.

C. What are the participation requirements for a town that is not required to and has not opted to develop its own section of a county or regional mitigation plan,?

- 1. Provide a notice of intent to the lead planning agency that the town has chosen to allow the respective county perform the planning functions for the town.
- 2. Provide any available local data as requested to support an adequate and accurate assessment of the town conditions in the plan. **
- 3. Review the relevant sections of the plan related to the town to ensure accurate representation of the Town's concerns in the plan.
- 4. Adopt the final plan after FEMA review using the appropriate public participation guidelines described in and required by the *Code of Virginia* Title 15.2 Section 2231.

**** A note about providing data and information for use in the HMP development process:**

New data or information should NOT be developed to fulfill the DMA2K planning requirements. All information requests may be met with the currently "best available" data. All such information requests should be considered and handled as FOIA requests to the local government and addressed within the appropriate and required timeframe. However, any parts of the plan where data or information is not currently available should state this fact, and efforts should be identified in the mitigation strategies section as to how this deficiency will try to be rectified before the revision of the plan in five years.



COMMONWEALTH of VIRGINIA
Department of Emergency Management

MICHAEL M. CLINE
State Coordinator

JANET L. CLEMENTS
Deputy Coordinator

L. RALPH JONES, JR.
Deputy Coordinator

10501 Trade Court
Richmond, Virginia 23236-3713
(804) 897-6500
(TDD) 674-2417
FAX (804) 897-6506

MEMORANDUM

To: Virginia localities developing or participating in the development of a Hazard Mitigation Plan

From: Michelle Pope
Acting State Hazard Mitigation Officer

Date: October 25, 2003

Re: Mitigation Planning Guidance #1:
Local, State, and FEMA review, adoption, and approval of local all-hazard mitigation plans

The Commonwealth of Virginia Department of Emergency Management (VDEM), Preparedness and Mitigation Division is providing the following guidelines for the listed activities related to the mitigation planning process. This guidance information is being provided at the request of those Virginia localities currently developing their mitigation plans, and as part of its responsibilities as the Section 322 mitigation planning grants administrator and as state lead for the mitigation planning effort. Questions regarding this guidance material should be directed to:

David Corzilius, AICP
Mitigation Planning Coordinator
Virginia Department of Emergency Management
804-840-5357 (state cell phone)
804-290-8958 (Disaster Field Office phone, until mid-December, 2003)
804-897-6500, ext. 6529 (office phone, after mid-December)
dcorzilius@vdem.state.va.us (email)

Or,

Elaine Meil
Hazard Mitigation Planner
Virginia Department of Emergency Management
804-840-4041 (state cell phone)
804-346-2915 (Disaster Field Office phone, until mid-December, 2003)
804-897-6500, ext. 6591 (office phone, after mid-December)
email@vdem.state.va.us (email)

The following sections provide Commonwealth guidance on (1) the localities required to develop or participate in the development of a HMP, (2) the level of "active participation" expected of localities developing a single jurisdiction HMP or participating in the development of a regional HMP, (3) the Hazard Mitigation Plan review process requirements, and (4) the HMP local adoption and Federal Emergency Management Agency (FEMA) approval process,

1. Localities required to develop or participate in the development of a HMP in Virginia

FEMA defines a local government for the purposes of the Disaster Mitigation Act of 2000 (DMA2K) in *44 CFR Part 201.2 Definitions*. This definition, as written, is intended to cover the entire breadth of possible jurisdiction types across the United States, and much of it is not applicable to the Commonwealth of Virginia.

In order to identify the relevant localities in Virginia that would need to prepare an all-hazards mitigation plan (HMP), VDEM is defining a "locality" using the Emergency Services laws and regulations from the Code of Virginia. In particular, the following definition will apply for the purposes of this planning process:

"(8) *"Political subdivision"* means any city or county in the Commonwealth and for the purposes of this chapter, the Town of Chincoteague and any town of more than 5,000 population which chooses to have an emergency management program separate from that of the county in which such town is located;...."

Code of Virginia Title 44 Section 146.16

This definition thus requires the preparation of a HMP or the active participation in the preparation of a regional HMP by all cities and counties within the Commonwealth.

Virginia also recognizes 190 incorporated towns. Based on the definition above, however, the only towns that are required to prepare or actively participate in the preparation of a HMP are the following seven:

- Chincoteague
- Christiansburg
- Clifton Forge
- Farmville
- Luray
- South Boston
- Vinton

The remaining 183 towns have two options with respect to the development of a HMP for their areas. First, they may choose to develop their own plans or actively participate in their county's or region's plan. Or second, they can sign a Letter of Intent with their county to have the county prepare the HMP plan to include the town issues. If the town and county agree to this second option, then they should follow the guidance provided by the *Code of Virginia* for the preparation of a County Comprehensive Plan (see *COV Title 15.2 Sections 2223 to 2232*). In addition, a signed Letter of Intent between a town and county for that county to develop an HMP that includes that town implicitly requires the county to adequately cover the town issues within the county or regional HMP as defined by the DMA2K, FEMA guidance, and VDEM guidance.

2. Defining "Active Participation" in HMP development

FEMA has issued How-to Guides and regulatory guidance materials (most notably, *State and Local Plan Interim Criteria under the Disaster Mitigation Act of 2000*, July 2001) describing the HMP development process necessary to develop an FEMA-approvable plan. These documents primarily describe the materials that should be gathered and assessed by a locality that is developing its own plan. However, they do not define the actions necessary by a locality that is having its plan developed by another planning agency or contractor. In order to address this issue, VDEM is providing the attached "active participation" requirements.

3. Hazard Mitigation Plan Review Process

The *Code of Federal Regulations* requires that all local and regional mitigation plans "be submitted to the State Hazard Mitigation Officer for initial review and coordination. The State will then send the plan to the appropriate FEMA Regional Office for formal review and approval" (44 CFR Part 201.6(d)).

In order to assure that the plans developed at the local and regional level comply with DMA2K regulations, the Commonwealth of Virginia recommends that these plans be submitted to VDEM for review using the following schedule:

- (a) The locality, regional planning agency, or contractor shall submit the complete and entire Hazard Identification and Risk Assessment section of the plan to VDEM for review and comment before the plan moves to the mitigation strategy development phase. This will allow both VDEM and the locality(-ies) to be sure this section accurately reflects both the federal requirements and the local concerns before investing time developing subsequent plan sections. VDEM will review this

section within 30 days and return any comments to the lead planning agency. VDEM then will work with this planning agency to determine the most appropriate revisions of this section before moving forward with development of the plan. Once completed and approved by VDEM, the lead planning agency shall make no further changes to the approved section, unless additional information or analyses are found to justify such changes and the changes are approved by VDEM. For ease of review, VDEM would like this material to be submitted as double-spaced with one inch margins all around. Please also include page numbers throughout.

- (b) The locality, regional planning agency, or contractor shall submit the complete and entire Mitigation Strategies section of the plan to VDEM for review and comment before the plan moves to the final development phase. This will allow both VDEM and the locality(-ies) to be sure this section accurately reflects both the federal requirements and the local concerns before investing time developing subsequent plan sections. VDEM will review this section within 30 days and return any comments to the lead planning agency. VDEM then will work with this planning agency to determine the most appropriate revisions of this section before moving forward with development of the plan. Once completed and approved by VDEM, the lead planning agency shall make no further changes to the approved section, unless additional information or analyses are found to justify such changes and the changes are approved by VDEM. For ease of review, VDEM would like this material to be submitted as double-spaced with one inch margins all around. Please also include page numbers throughout.
- (c) When submitting the Final draft plan to VDEM for review, the following criteria shall apply:
- i. The locality, regional planning agency, or contractor shall provide:
 1. formal letter of plan submission;
 2. copy of the endorsement of the plan from Local Hazard Mitigation Planning Committee;
 3. FEMA Local Hazard Mitigation Plan Evaluation matrix, showing the page number(s) where each of the DMA2K requirements is fulfilled in the submitted plan (see attached copy of this matrix); and
 4. two (2) complete, unbound paper copies of the plan (including all relevant maps and appendices) to the VDEM, and two (2) copies on compact disc (please use MS Word or Adobe PDF format for the text file, and image files for the maps – do not submit GIS map layers). For ease of review, the VDEM recommends that the plan be single-spaced with at least one (1) inch margins all around, with page numbers, but no line numbers. The final draft plan may be single or double-sided.
 - ii. The VDEM shall review this plan within thirty (30) days from date of receipt and provide any necessary comments back to the localities and the lead planning agency for revision of the plan.
 1. If any revisions are necessary, the lead planning agency and the relevant localities will work with VDEM to assess the changes needed to meet DMA2K requirements. Once the necessary changes are determined between VDEM and lead planning agency, the planning agency shall incorporate those changes within fifteen (15) working days and resubmit the plan documents using the criteria noted in Section (c)i, above.
 2. If there are no revisions necessary, the VDEM shall send a letter of submission, one of the CD copies, and two paper copies of the plan to FEMA Region III for its review and approval process. The FEMA review process is scheduled to take forty-five (45) days. Notification of the review results will be mailed from FEMA Region III to the localities participating in this plan and VDEM. Once the plan is pre-approved as written by FEMA Region III, the respective localities and the lead planning agency shall begin the plan adoption process. Following FEMA Region III acceptance of the plan as written, there shall be no further changes made to the plan EXCEPT to include the local resolutions adopting the respective local portions of the plan.

4. HMP Plan Adoption and Approval Process

FEMA requires that all state and local mitigation plans in Virginia be submitted to FEMA for review and approval. Once received by FEMA Region III staff, these plans will be reviewed within 45 days and any comments on these plans for revision will be returned to VDEM and the respective localities in the plan. In order to avoid possible issues with locally adopted plans not passing FEMA approval and thus needing to be revised and re-adopted, VDEM is recommending that localities hold off adopting the final plan until after FEMA has performed a “pre-adoption” approval process. In this process, the state-approved final plan is sent to

“Working to Protect People, Property and Our Communities”

FEMA without the local adoption resolutions. FEMA then reviews the plan, and if acceptable, returns it to the locality with its *approval pending local adoption*.

The localities that are party to the plan then proceed through the plan adoption process described in the *Code of Virginia* Title 15.2 Section 2204 and Sections 2223 to 2231. Each locality should adopt only those sections relevant to that locality, as well as any regional sections. Once the plan has been formally adopted by all localities participating in the plan, the plan is resubmitted to VDEM with the respective local resolutions adopting the plan, and VDEM then forwards the plan to FEMA for final approval. In order for VDEM to complete this process, the lead planning agency should submit the following items to VDEM:

- (a) A formal letter submitting the final plans to VDEM;
- (b) Three (3) complete paper copies of the plan, including all maps, appendices, and local resolutions adopting the relevant sections of the plan. It is recommended that the plan be single spaced, with page numbers throughout;
- (c) Three (3) copies of the plan on compact disc, including all maps, appendices, and local resolutions adopting the relevant sections of the plan. Please submit the electronic files using MS Word or Adobe PDF file formats for the text, and appropriate image formats for the maps and other images (if not included in the text already); and
- (d) One copy of the local GIS maps and data used or developed for this plan.

Attachment: HMP "Active Participation" requirements

MP/dbc



COMMONWEALTH of VIRGINIA
Department of Emergency Management

MICHAEL M. CLINE
State Coordinator

JANET L. CLEMENTS
Deputy Coordinator

L. RALPH JONES, JR.
Deputy Coordinator

10501 Trade Court
Richmond, Virginia 23236-3713
(804) 897-6500
(TDD) 674-2417
FAX (804) 897-6506

MEMORANDUM

To: Local Administrators and Planners and Regional Planning agencies

From: Michelle Pope
Acting State Hazard Mitigation Officer

Date: November 12, 2003

Re: Mitigation Planning Guidance #2:
Funding Affected by Local Hazard Mitigation Planning

Local governments must obtain federal approval for their local hazard mitigation plans by November 1, 2004 to be eligible for Hazard Mitigation Grant Program (HMGP) (*44 CFR Part 201.6(a)(1) and (2)*) and Pre-Disaster Mitigation (PDM) Grant Program (*Federal Register 68(129):40284-40285, 7 July 2003*) funds. The Federal Emergency Management Agency (FEMA) Region III Director may grant an exception to this requirement in extenuating circumstances (*44 CFR Part 201.6 (a)(3)*). In these cases, a plan must be completed within 12 months of the award of the HMGP or PDM grant. If the plan is not completed within this timeframe, the HMGP or PDM grant will be terminated, and any cost incurred after notice of termination will not be reimbursed.

The Hazard Mitigation Plan may serve to integrate documents and plans produced under other emergency management programs and with your community's comprehensive planning process. Although quite a bit of work is required to determine hazards, risks, and vulnerabilities, the main goal of the planning process is the determination of mitigation strategies. These strategies will form into mitigation projects, and these projects will allow a community to be proactive, not reactive to its disaster situation. Areas of concern will be pre-identified and possible solutions to the problem considered. This will allow communities to seek funding to mitigate these areas prior to a disaster, and will allow quicker application for post-disaster mitigation funding sources.

Your Hazard Mitigation Plan can easily become a key resource in the daily actions within a community. It can become the driving force to improve policy, to strengthen code and code enforcement, and to solicit funding to enhance your community and its resilience to disaster. The mitigation plan's hazard identification and risk analysis alone can improve Emergency Operation Plan analyses and lead to better community design and development through comprehensive planning. Although the mitigation planning effort may seem overwhelming, the outcome is worth the work.

I appreciate the willingness and openness that our staff has received in presenting this planning requirement to you, and I hope that we will be able to help you through this planning process to develop a successful and useful Hazard Mitigation Plan for your community.

"Working to Protect People, Property and Our Communities"



COMMONWEALTH of VIRGINIA
Department of Emergency Management

MICHAEL M. CLINE
State Coordinator

JANET L. CLEMENTS
Deputy Coordinator

L. RALPH JONES, JR.
Deputy Coordinator

10501 Trade Court
Richmond, Virginia 23236-3713
(804) 897-6500
(TDD) 674-2417
FAX (804) 897-6506

MEMORANDUM

To: Commonwealth of Virginia localities developing an all-hazard mitigation plan

From: Michelle Pope
Acting State Hazard Mitigation Officer

Date: November 14, 2003

Re: Mitigation Planning Guidance #3:
Links to currently approved mitigation plans
Resources for identifying potential funding sources for mitigation projects.

As Commonwealth of Virginia localities work on their mitigation plans, questions have been raised about the general content and format of an approvable mitigation plan. The first section below provides links to mitigation plans already approved by FEMA. The second section provides information on resources available to identify potential funding sources for the mitigation projects identified in each local mitigation plan.

1. Links to FEMA-Approved Mitigation Plans:

Listed below are several links to websites with local mitigation plans that already have been approved by FEMA. While VDEM is working on general content guidelines for local mitigation plans, in the interim the plans listed below can provide examples of format and content that has met with FEMA approval.

- a. Clackamas County, Oregon; this was the first mitigation plan in U.S. approved by FEMA:
<http://www.co.clackamas.or.us/emergency/hmp.htm>
- b. Nome, Alaska; this was the second mitigation plan approved by FEMA:
<http://www.ak-prepared.com/plans/mitigation/localhazmitplan.htm>
- c. Jefferson County, West Virginia:
<http://170.215.149.18/risk%20assess%20final%20draft.html>
- d. Two FEMA-approved local plans from North Carolina:
http://www.ncem.org/mitigation/example_plans.htm#approvedplans

2. Potential Mitigation Project Funding Sources and other Funding Guidance Documents:

There is no word yet on whether the state government will be able to provide a portion of the non-federal cost share to support the local mitigation planning efforts. However, in the meantime, there are three websites with additional funding

“Working to Protect People, Property and Our Communities”

information that could be searched either for funds to support this planning process (other than HMGP or PDM funding), or for grant programs to support the mitigation projects developed during your mitigation plan development. These sites are:

- a. The Catalog of Federal Domestic Assistance; an online searchable database of federal grant programs, located at <http://www.cfda.gov/default.htm>
- b. This link from North Carolina will take you to a PDF file of all the information found in the CFDA website: <http://www.ncem.org/mitigation/additional-funding.htm>
- c. This link is from Florida and includes a comprehensive web-based catalog of state (Florida) and federal funding sources. Some of the state resources might be useful as indicators of where to look in Virginia's government for similar funding. <http://www.flris.org>

South Carolina also has produced a short spreadsheet of other, non-federal, non-state funding sources that are available for various types of projects. A copy of this spreadsheet is attached to this memo. There may be other similar, non-federal sources available to use in support of your proposed mitigation projects. VDEM requests that as you identify other similar grant programs as potential funding sources for your mitigation projects that you also include in your plan the complete contact information for those programs so that VDEM eventually may compile a more complete list of these funding sources for distribution and use throughout the Commonwealth.

With regard to guidance materials describing allowable local in-kind contributions, the Code of Federal Regulations provides the best reference (see *44 CFR Part 13.24*). FEMA also has produced a policy statement on Donated Resources and in-kind contributions that may be found online at http://www.fema.gov/rrr/pa/9525_2.shtrn.

Attachments: South Carolina list of non-federal, non-state grant opportunities

MP/dc



COMMONWEALTH of VIRGINIA

Department of Emergency Management

MICHAEL M. CLINE
State Coordinator

JANET L. CLEMENTS
Deputy Coordinator

L. RALPH JONES, JR.
Deputy Coordinator

10501 Trade Court
Richmond, Virginia 23236-3713
(804) 897-6500
(TDD) 674-2417
FAX (804) 897-6506

MEMORANDUM

To: Virginia localities developing or participating in the development of a Hazard Mitigation Plan

From: Michelle Pope
Acting State Hazard Mitigation Officer

Date: November 18, 2003

Re: Mitigation Planning Guidance #4
VDEM Priorities for Use of Available Planning Funds to Support Mitigation Planning in Virginia

In order to support the development of local hazard mitigation plans within the Commonwealth of Virginia, the Virginia Department of Emergency Management (VDEM) is providing assistance to its local and regional jurisdictions in several ways. Included among these efforts is the establishment of the flexible criteria necessary to determine where to distribute the limited mitigation planning funds. The paragraphs below describe these criteria, and how they have been and will be implemented as planning funds are made available for this process.

Criteria used to distribute available hazard mitigation planning funds

VDEM originally planned to distribute the limited planning funds first to those areas with the greater risks of hazard events and/or with the greater population densities. Unfortunately, several disasters occurred in 2001 and 2002, prompting a reconsideration of those priorities. Since that time the following criteria, in decreasing order of importance, have proven to be those used to determine what jurisdictions will receive planning funds as they are available.

a. Areas with recent disaster events:

Virginia has found that areas with recent events are more likely to be interested in performing the mitigation planning process. Further, funding sometimes is available following a disaster for this type of planning. When a hazard occurs in an area that currently does not have a mitigation plan, every effort is made to encourage the governing jurisdiction to develop a mitigation plan using the available funding. When a hazard event occurs in an area that already has or is working on a mitigation plan, any available planning money will be funneled to other areas based on the remaining priorities on this list. Acting on this priority led to funding for the Town of Bluefield and Planning District Commissions (PDCs) 1 through 6 in southwest Virginia following the 2001 and 2002 flood events in those areas.

b. Regional plans before local plans:

Due to currently limited funding sources for mitigation planning, VDEM determined that the most effective method of distributing the available funds for mitigation planning purposes was through the regional PDCs. The Virginia PDCs are recognized, well-organized, and regional planning agencies that maintain regular interaction with their constituent jurisdictions. Most PDCs have staff that is knowledgeable in the necessary

"Working to Protect People, Property and Our Communities"

planning processes and the corresponding methodologies. They are knowledgeable about local issues and also have the capacity to incorporate the regional perspective in their efforts. This makes the PDCs an ideal resource for mitigation planning at a regional level, and also represents for VDEM the most efficient and cost-effective use of available funds. Since outreach efforts by state mitigation planners began in August 2002, the focus has been to approach the regional PDCs as the primary agency to perform the local DMA2K plans due to the economies of scale noted above.

Where a PDC is unable or unwilling to perform this planning process for its constituent localities, VDEM will recognize other regional planning groups made up of two or more of the localities that normally would have used the PDC for this process. These alternative groups of localities still will qualify as a regional group for consideration for available mitigation planning funds.

c. Regions or localities ready to begin their planning efforts:

VDEM also realized that it did not make sense trying to negotiate with the localities of a PDC to support a regional planning effort when there may be other, perhaps lower priority, regions or localities already prepared to move ahead with this planning effort. Areas that are ready to take on this planning effort are moved to the top of the state's priority list, though VDEM still tries to fund regional plans before single jurisdiction plans. This criteria led to funding for PDCs 9, 14, 18, and 22, all of which expressed an interest and moved forward to develop local political and financial support for a regional mitigation planning effort in order to position themselves for funding as soon as possible.

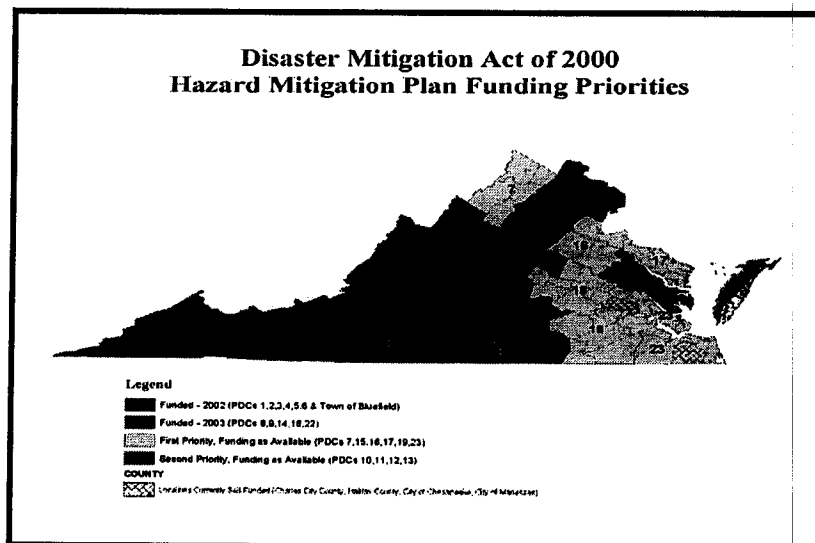
d. Areas with greater development pressures or density:

Specifically, these are the areas along the "Golden Crescent" that runs from Washington, D.C. in the north then swings south and southeast through the Richmond metropolitan area down into the Hampton Roads/Tidewater metropolitan area. All of these areas are growing rapidly due to government, commercial, and tourism development, placing more homes, businesses, and tourists in harms way.

e. Other areas as funding is available:

The areas that remain to be funded after application of the previous priority considerations should be those with the lowest population and development densities affected by hazard events. It still is a priority of the state to obtain funding for these areas as soon as it is available so that the planning efforts can be started before the DMA2K deadline in November 2004.

Figure 4-1, below, shows the current distribution of planning funds available as of August 2003, and the priority funding areas for future planning funds based on the priorities listed above.



Local mitigation planning fund distribution and priorities as of August 2003



Virginia Department of Emergency Management
HAZARD MITIGATION GRANT PROGRAM
APPLICATION FORM

*This form must be completed by the eligible applicant (city, county, town, etc.).
Please complete all questions. Failure to provide any pertinent information may delay review.*

A. GENERAL INFORMATION

1. Disaster Number: FEMA-{1491}-DR-VA

2. Locality: Region 2000 Regional Commission

3. FIPS Code: _____ FEIN: 54-0850361

(The FIPS Code is the federal identification number for every city, county and town in Virginia. If you do not know the number, leave blank and the Virginia Department of Emergency Management will complete this item.)

4. Project Title: Region 2000 Hazard Mitigation Plan

5. Complete Project Cost: \$115,000

6. Date application submitted:

Sent from locality: January 28, 2004

Originated by State: _____

Sent to FEMA: _____

7. This application is an *(check one)*:

Initial submission

Supplemental submission

Revised submission

8. List the name, address and telephone number of the newspaper having general circulation in the area of the project.

Lynchburg News and Advance
101 Wyndale Drive
Lynchburg, VA 24506
434.385.5400

B. APPLICANT'S INFORMATION**1. Applicant's name and complete address (Do not use P.O. Boxes):**

Region 2000 Regional Commission
P.O. Box 817
915 Main Street, Suite 202
Lynchburg, VA 24505
434.845.3491

2. Applicant's name and contact information:

Robert E. White, AICP
Deputy Director
(same as above)
bob.white@regcomm.org

3. Applicant's authorized agent's name and contact information:

C. William Gillespie
Executive Director
(same as above)
bill.gillespie@regcomm.org

C. DETAILED PROJECT DESCRIPTION

(Answer on a separate sheet, if necessary. Attach a location map of the project, e.g. USGS quad topographic map, street map, 911 map. Include USGS Quad sheet name and number, if known.)

1. Provide a detailed description of the proposed project to include street address, appropriate shop drawings and equipment specifications, design criteria, etc:

Region 2000 Regional Commission is requesting funding support to develop, gain FEMA approval for, and adopt an all-hazards mitigation plan (HMP) that meets the requirements of the Disaster Mitigation Act of 2000 (DMA2K; 44 CFR Part 201.6). The area to be covered by this plan includes the Counties of Amherst, Appomattox, Bedford, and Campbell, the Cities of Bedford and Lynchburg, and the Towns of Amherst, Appomattox, Altavista, Brookneal, and Pamplin City. A map of this planning area is attached to the back of this application.

This HMP will include, at a minimum, an overview of this region's hazard history, a current hazard risk assessment, a community vulnerability assessment, loss estimation assessment, and a listing of relevant mitigation goals, strategies, and projects designed to mitigate against this

region's hazard vulnerabilities.

Region 2000 Regional Commission will involve the public in this process through press releases, community meetings, and mailings, as needed. It will coordinate these planning efforts with the localities participating in this plan, and with state and federal agencies including, but not limited to the Virginia Department of Conservation and Recreation, the Virginia Department of Emergency Management, the Virginia Department of Forestry, the National Weather Service, FEMA, and the Corps of Engineers. The localities will provide the basic community data needed for the community inventories and vulnerability assessments. The agencies will be asked to provide information to help identify and assess the various hazards that affect the community assets at risk from those hazards, such as repetitive loss properties.

All necessary advertising and public meeting requirements for the adoption of this plan will be followed (Code of Virginia, Section 15.2-2204 and Sections 15.2-2223 to 15.2-2232). Upon adoption of this plan after the public input, the plan will be published and distributed to interested stakeholders, local public repositories, and the respective local administrative and planning offices.

2. Describe the problem(s) the proposed project is intended to solve. Specify whether the proposed project addresses a recurrent or repetitive problem.

Currently, none of the localities in Region 2000 Regional Commission have a HMP. Unless each locality develop and adopt its own HMP or participates in a regional plan before Nov. 1, 2004, these local governments will not be eligible for FEMA hazard mitigation funding after that date. Having an adopted and FEMA approved HMP will enable these local governments to apply for FEMA hazard mitigation grants to mitigate against future residential, commercial, and industrial property damage from a natural hazard event.

3. Explain whether the proposed project solves the problem independently or in conjunction with other solutions.

The proposed plan will assist these localities with developing mitigation strategies and projects designed to address the hazards both independently and in conjunction with other solutions. By doing this, the most cost effective and beneficial solutions can be implemented to mitigate the various natural hazards as funding becomes available.

4. Explain how the proposed project reduces hazard effects and risks.

The primary manner in which this planning project will reduce hazard effects and risks is through the development and implementation of the regional and local mitigation strategies and projects. These strategies and projects will be developed by each locality to:

- a. Ensure that all possible activities are reviewed and implemented so that the local hazard problems are addressed by the most appropriate and efficient solutions;
- b. Link hazard management policies to specific activities;
- c. Ensure that activities are coordinated with each other and with other community goals and activities, preventing conflicts and reducing the costs of implementing each activity;

- d. Educate residents on the various hazards and loss reduction measures they might take as individuals, families, and communities;
 - e. Build public and political support for projects that prevent new hazard problems and reduce hazard losses;
 - f. Fulfill planning requirements for state and federal assistance programs; and
 - g. Facilitate implementation of hazard management and mitigation activities through an action plan that has specific tasks, staff and agency assignments, funding possibilities, and deadlines.
5. **Attach to this application the Letter(s) of Agreement from all recognized localities participating in the development of this plan.**
6. **Discuss at least three (3) different alternatives considered, one of which might be the "do nothing" alternative. (Be specific, accurate and complete with each alternative.)**
- a. **Do nothing.**
The localities within Region 2000 Regional Commission could choose to *not* prepare a HMP. However, if nothing is done, and a HMP is not prepared, these local governments will be severely limited or no longer be eligible for FEMA hazard mitigation grant funds.
 - b. **Alternative One: Localities and Region entirely support development of the mitigation plan and implementation of the proposed mitigation projects.**
The regional localities could require property owners to assume responsibility for their own expenses for developing the needed plan and implementation of the projects. This could be encouraged through the enforcement of established building codes, local regulations, and locally funded hazard mitigation projects targeted at properties with recurrent flooding.
 - c. **Proposed Solution: Development of a regional all-hazards mitigation plan.**
The process proposed to develop a regional all-hazards mitigation plan using the format, methods, and guidance provided by FEMA and the Commonwealth of Virginia, is described in Section C.1. of this application.
7. **Explain why the proposed project was selected from the three alternatives.**
This option also offers the best opportunity for local governments to maintain eligibility for and secure future FEMA hazard mitigation grant funding. Preparation of this plan at the regional level will afford the most cost and time effective solution for consistent and full coverage of the localities in Region 2000 Regional Commission.
8. **Specify the number of people and/or the amount of property that will be protected by the proposed project.**
Development of the HMP ultimately will benefit all citizens of this region by limiting damage to lives and public and private sector resources. The population of the planning area is 229,600 persons, with 98,057 dwelling units in an area of 2,147 total square miles.

D. COST ESTIMATES

1. Provide cost breakdown of the project's budget. Specify project management, engineering, design, site purchase, legal fees, demolition, sitework, and any other costs. (Total project cost should agree with item #5 on page 1)

Activity	Cost
Develop Hazard Mitigation Plan	\$92,000
Project Management and Advertising Costs	\$23,000
TOTAL COST	\$115,000

2. Specify cost breakdown and percentages by source (Federal share, non-federal share -local government, State government, private property-owners, etc.) and the total funds required to complete the project.

\$ 86,250	(75%)	Federal share
\$ 28,750	(25%)	Non-federal share (Match funds)
<u>\$ 115,000</u>	(100%)	Total Estimated Project Cost

3. Source(s) of non-Federal Share:

Matching funds - Specify the amount and source of local funds available for the project.

Match funds required: \$ 28,750

Sources: State funds: \$23,000; local funds: \$5,750 (cash and inkind)

E. COST EFFECTIVENESS OF THE PROJECT

(Demonstrate that the proposed project will not cost more than the value of the benefits, i.e., cost to benefit ratio. Discuss value of benefits in terms of the reduction of future damages and negative impacts to the area if future disasters were to occur.)

1. Indicate the cost and explain the useful life of the proposed project. (Specify whether benefits are permanent or long-term.)

The total project cost is \$ 115,000.

This project fulfills the requirement for a local hazard mitigation plan for the localities in Region 2000 Regional Commission once the plan is adopted. Benefits of the project will be permanent, although updates will be necessary.

2. Show the frequency of the disaster event for which this project will mitigate.

Non-tidal wetlands Mudflats
 River (Other) Not-applicable

2. Will the project impact (flood, drain, excavate, dredge, fill, shade, etc.) wetlands?

Yes No Uncertain

3. Will the project be located at or near the site of any historic property? Is the site in a locally designated historical district or have you contacted the Virginia Department of Historic Resources concerning this project?

Yes No *If "Yes", please explain on a separate attachment.*

4. Has a survey to locate archeological sites and/or historic structures been carried out on the property?

Yes No *If "Yes", please explain on a separate attachment.*

5. Are you aware of any hazardous materials or substances located on the site of the project? Attach copy of Hazardous Material Survey Form completed and signed by the property owner.

Yes No *If "Yes", please explain on a separate attachment.*

H. ENVIRONMENTAL AND HISTORICAL REVIEW

The following list of State and Federal Agencies is supplied for your convenience as a suggested source of reviewing agencies. If you can obtain documentation from local or regional offices of these agencies, please include supporting documents with your application. If you cannot obtain the documentation, the State Hazard Mitigation Officer will coordinate the review of the application by state and federal environmental and historic agencies prior to sending the application to FEMA.

Environmental (Wetlands, endangered species, air and water quality)

1. U. S. Army Corps of Engineers, Norfolk District
2. Virginia Department of Conservation and Recreation
3. Virginia Department of Environmental Quality
4. Virginia Department of Game and Inland Fisheries
5. Virginia Department of Agriculture and Consumer Services

Historical

1. Advisory Council on Historic Preservation, Washington, D.C.
2. Virginia Department of Historic Resources

I. PROCESSING PROCEDURES

Concurrent Processing - *Once your application is received by the state, an application number will be assigned. This number will be used when referring to your project. The Virginia Department of Emergency Management will forward copies of the application to all regulatory and advisory agencies. Because of differences in regulations and authority, each agency will perform separate but concurrent reviews of your project.*

Site Inspections - Site inspections are necessary to evaluate proposals before, during, and after a project is approved. Failure to allow an authorized representative to enter or to take photographs of conditions at the project site may result in project denial.

Public Notice and Public Hearings - The affected state and local agencies must follow their individual regulations for advertising the project, which may require publication in local newspapers. Comments received pursuant to a public notice are considered by each agency in reaching their decisions. Comments must be made in writing and received by the close of the comment period specified in the public notice. Public hearings may be held by local, state or federal agencies. The purpose of a federal public hearing is to acquire information that is pertinent to the decision-making process and cannot be obtained through other means. Few projects require a public hearing. When a hearing is necessary, a decision on the project will not be made at the hearing.

Finalization of Process - If the project is acceptable by the regulatory and advisory agencies, FEMA will send an award letter to the Virginia Department of Emergency Management. The date indicated on the award letter is the official start of the project timeline. After receiving the award letter, the Virginia Department of Emergency Management will, in turn, send an official letter to the authorized local or state agent for the project. This letter must be received before any work may begin on the project. Failure to receive pre-approval may forfeit project funding. If the project is denied, the reasons for denial will be provided in writing.

J. FEDERAL PENALTIES FOR VIOLATIONS

U.S. ARMY CORPS OF ENGINEERS

Section 10 of the Rivers and Harbors Act of March 1899 (33 U.S.C. 401, 403, & 404) – Penalties as provided by Section 12 of the Act (33 U.S.C. 406) are not less than \$500 or more than \$2,500 or more than \$2,500 or 1 year imprisonment or both.

U.S. ARMY CORPS OF ENGINEERS & U. S. ENVIRONMENTAL PROTECTION AGENCY (EPA),

Section 404 of the Clean Water Act (33 U.S.C. 1251, et sec.) - Criminal penalties are not less than \$2,500 per day or more than \$25,000 per day or up to 1 year imprisonment or both: after the first violation (conviction) not more than \$50,000 per day or up to 2 years imprisonment or both. Civil penalties may be as much as \$25,000 for each day of violation. False Statements - Falsifying information in the application may result in a maximum fine of \$20,000 or up to 6 months imprisonment or both. EPA has the authority to assess administrative penalties up to \$125,000 for violations of Section 404 of the Clean Water Act.

K. RELATED COMMONWEALTH OF VIRGINIA CODES

VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT

Title 44, Code of VA

Section 146.22 Authorizes the development of measures to prevent or reduce harmful consequences of disasters.

Section 146.27. Authorizes acceptance of federal funds and the supplementation of federal funds by state and local governments.

VIRGINIA MARINE RESOURCES COMMISSION

Title 28.2, Code of Virginia

Chapter 12 - Submerged Lands.

Chapter 13 - Wetlands.

Chapter 14 - Coastal Primary Sand Dunes & Beaches.

For violations under each Chapter, civil charges up to \$10,000 may be assessed by the Commission or local Wetlands Board. Civil penalties, up to \$25,000 for each day of the violation, may be assessed by an appropriate circuit court.

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

Chapter 3.1 Section 62.1-44

May assess civil penalties of up to \$25,000 per day. Willful or negligent violations are punishable by not more than 12 months in jail and a fine of not less than \$2,500 or more than \$25,000.

Persons convicted of a felony under this section are punishable by not less than 1 year nor more than three years in jail and fines not less than \$5,000 nor more than \$50,000. Should the felony involve imminent danger of death or serious bodily harm, it is punishable by not less than 2 years or more than 15 years in prison and a fine of not less than \$250,000.

L. Required Attachments

1. Map of area to be covered by this plan.
2. Letter(s) of Agreement from each recognized locality within this planning area that will participate in this plan development.

-END OF FORM-



COMMONWEALTH of VIRGINIA

Department of Emergency Management

MICHAEL M. CLINE
State Coordinator

JANET L. CLEMENTS
Deputy Coordinator

L. RALPH JONES, JR.
Deputy Coordinator

10501 Trade Court
Richmond, Virginia 23236-3713
(804) 897-6500
(TDD) 674-2417
FAX (804) 897-6506
www.vaemergency.com

August 19, 2004

Mr. Robert White
Deputy Director
Region 2000 Regional Commission
915 Main Street, Suite 202
Lynchburg, Virginia 24505

AUG 23 2004

RE: Region 2000 Regional Commission Hazard Mitigation Plan
VA-1491-000-011

Dear Mr. White:

Please find enclosed a fully executed Grantee-Subgrantee Agreement (GSA) for the Hazard Mitigation Grant Program. The project performance period is August 17, 2004 through March 31, 2006. If you have any questions about this agreement or the Hazard Mitigation Grant Program, please contact Eileen Tarr at (804) 897-6529 or by email at etarr@vdem.state.va.us. We look forward to assisting you with the plan development process.

Sincerely,

A handwritten signature in cursive script that reads "Deborah G. Mills".

Deborah G. Mills,
Hazard Mitigation Program Manager

DGM/ejt

Enclosure