



FEMA POLICY: *Tribal Mitigation Plan Review Guide*

FEMA Policy #306-112-1

BACKGROUND

This policy applies to Indian tribal governments (tribal governments) responsible for developing, updating, maintaining and implementing hazard mitigation plans and to FEMA officials that review and approve tribal mitigation plans for compliance with the mitigation planning requirements at 44 Code of Federal Regulations (CFR) Part 201. States, tribes, territories, and local governments are required to develop and adopt FEMA-approved hazard mitigation plans as a condition for receiving certain types of non-emergency disaster assistance including Public Assistance Categories C-G (PA C-G), Fire Management Assistance Grants (FMAG), Hazard Mitigation Grant Program (HMGP), Pre-Disaster Mitigation (PDM) and Flood Mitigation Assistance (FMA). To maintain this eligibility, Tribal Mitigation Plans must be submitted to FEMA and approved every five years.

SUPERSESION

The Tribal Mitigation Plan Review Guide supersedes the “Tribal Multi-Hazard Mitigation Planning Guidance” (March 2010).

PURPOSE

The purpose of the Tribal Mitigation Plan Review Guide (or Guide) is to provide guidance to Federal Emergency Management Agency (FEMA) mitigation plan reviewers so that they can assess tribal mitigation plans in a fair and consistent manner and to ensure that approved tribal mitigation plans meet the requirements at Title 44 CFR Part 201, including 44 CFR, § 201.7, Tribal Mitigation Planning.

PRINCIPLES

- A. In compliance with the [FEMA Tribal Policy](#)¹ FEMA commits itself to building a stronger and lasting partnership with tribal governments to assist them in preparing for the hazards they face, to reduce their disaster vulnerabilities, to respond quickly and effectively when disasters strike, and to assist in recovering in their aftermath. FEMA recognizes that tribal

¹ FEMA Tribal Policy, December 27, 2016, FEMA. <https://www.fema.gov/media-library/assets/documents/25324>



governments are not political subdivisions of states, but are recognized by the United States as distinct sovereign entities.

- B. Tribal Hazard Mitigation plans should be reviewed fairly and consistently and the results of the review should be communicated in a positive and constructive manner to foster cooperation and understanding.

REQUIREMENTS

As a condition of eligibility for certain non-emergency FEMA grant programs, tribal governments must have a FEMA approved Tribal Mitigation Plan. Tribal Mitigation Plans submitted to FEMA will be reviewed to ensure that the plan meets the requirements at 44 CFR Part 201, including 44 CFR Section 201.7, Tribal Mitigation Planning. The Tribal Mitigation Plan Review Guide includes:

1. Standard Mitigation Plan Requirements that apply to all tribal mitigation plans submitted to FEMA
2. Enhanced Mitigation Plan Requirements that apply only to tribal mitigation plans submitted by tribal governments seeking approval of an Enhanced Mitigation Plan

In order to maintain eligibility, tribal governments must update and submit a mitigation plan to FEMA for approval every five years.

A. STANDARD TRIBAL MITIGATION PLAN REQUIREMENTS

Outcome: FEMA will review Tribal Mitigation Plans using this guidance to ensure plans meet Standard Mitigation Plan Requirements in accordance with 44 CFR, Part 201.

1. The plan must meet Standard Mitigation Plan Requirements in accordance with 44 CFR, Part 201, including 44 CFR Section 201.7, Tribal Mitigation Planning.
 - a. Planning Process – The planning process involves bringing tribal members, such as tribal leaders, tribal elders, and other partners together to discuss their knowledge, their perception of risk, and how to meet their needs as part of the process. This inclusive process works within the traditions, culture, and methods most suitable to a tribal government, so that participants better understand the unique vulnerabilities to the tribal planning area and can develop relevant mitigation actions. To meet the planning process requirements, the plan must document and describe the following:
 - i. How the plan was prepared and who was involved in the process.
 - ii. How the public, as defined by the tribal government, was given an opportunity to comment on the plan.
 - iii. As appropriate, how neighboring communities other tribal agencies involved in hazard mitigation activities, and agencies that have the



- authority to regulate development and other interested parties were given an opportunity to be involved in the planning process.
- iv. How existing plans, studies, and reports were reviewed and incorporated into the plan.
 - v. How the planning process was integrated to the extent possible with other ongoing tribal planning efforts as well as other FEMA programs and initiatives.
 - vi. The method and schedule for keeping the plan current (monitoring, evaluating and updating the mitigation plan within the plan update cycle).
 - vii. How the tribal government will continue to seek public participation after the plan has been approved and during the plan maintenance process.
- b. Hazard Identification and Risk Assessment - The risk assessment provides the factual basis for activities proposed in the strategy that will reduce losses from identified hazards that could potentially impact the tribal planning area. An effective risk assessment makes a clear connection between the tribal government's vulnerability and the hazard mitigation actions. To meet the requirements for the Hazard Identification and Risk Assessment, the plan must include the following:
- i. A description of the type, location, and extent of all natural hazards that can affect the tribal planning area.
 - ii. Information on previous occurrences of hazard events and on the probability of future hazard events for the tribal planning area.
 - iii. A description of identified hazard's impact as well as an overall summary of the vulnerability of the tribal planning area.
- c. Mitigation Strategy - The mitigation strategy serves as the long-term blueprint for action to reduce potential losses due to hazards identified in the risk assessment. The Stafford Act requires that tribal mitigation plans describe hazard mitigation actions and establish a strategy to implement those actions. To meet the mitigation strategy requirements, the plan must include the following:
- i. A discussion of the tribal government's pre- and post-disaster hazard management policies, programs, and capabilities to mitigate the hazards in the area, including an evaluation of tribal laws and regulations related to hazard mitigation as well as to development in hazard-prone areas.
 - ii. Include a discussion of tribal funding sources for hazard mitigation projects and identify current and potential sources of federal, tribal or private funding to implement mitigation activities.



- iii. Goals to reduce or avoid long-term vulnerabilities to the identified hazards.
 - iv. Identification and analysis of a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of hazards, with emphasis on new and existing buildings and infrastructure.
 - v. An action plan that describes how the actions identified will be prioritized, implemented, and administered by the tribal government.
 - vi. A description of the process by which the tribal government will incorporate the requirements of the mitigation plan into other planning mechanisms, when appropriate.
 - vii. A description of a system for reviewing progress on achieving goals as well as activities and projects identified in the mitigation strategy, including monitoring implementation of mitigation measures and project closeouts.
- d. Plan Updates - In order for the mitigation plan to remain relevant and representative of the tribal government's risk reduction strategy, it is important that the plan reflect current conditions as well as conditions that may affect the tribe's hazard risks in the future. This involves an assessment of the existing and planned development patterns as well as an evaluation of any new hazard information. The plan update is an opportunity for the tribal government to assess its previous mitigation strategy, evaluate progress in implementing hazard mitigation actions and/or projects, and adjust the plan based on changing conditions and new tribal government priorities. To meet the requirements for Plan Updates, the plan must include the following:
- i. Revisions to reflect changes in development, (description of changes in development that have occurred in hazard prone areas since the last plan was approved).
 - ii. Revisions to reflect progress on mitigation actions.
 - iii. Revisions to reflect changes in priorities, (for example, due to disaster events or changes in leadership).
- e. Assurances and Adoption - The regulation regarding assurances relates to the tribal government's understanding and accountability in complying with "Federal statutes and regulations in effect with respect to the periods for which it receives grant funding.

Adoption by the tribal government demonstrates the commitment to fulfill the hazard mitigation goals and actions outlined in the plan. Adoption legitimizes the plan and authorizes responsible agencies to execute their responsibilities.



To meet the requirements for Plan Assurances and Adoption, the plan must include the following

- i. Assurances that the tribal government 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, and will amend its plan whenever necessary to reflect changes in tribal or federal laws and statutes.
- ii. Documentation that it has been formally adopted by the governing body of the tribal government requesting approval

B. ENHANCED TRIBAL MITIGATION PLAN REQUIREMENTS

Outcome: FEMA will review Enhanced Tribal Mitigation Plans using this guidance to ensure that these plans meet Enhanced Tribal Mitigation Plan Requirements in accordance with 44 CFR Part 201. Applicants with a FEMA-approved State or Tribal Enhanced Mitigation Plan are eligible for HMGP funding not to exceed 20 percent of the estimated total federal assistance under the Stafford Act.

1. In order to be considered for the increased HMGP funding, the tribal mitigation plan must meet the Enhanced State Mitigation Plan criteria identified in 44 CFR § 201.5, Enhanced State Mitigation Plans. The Enhanced Mitigation Plan regulations in 44 CFR § 201.5 include a list of capabilities that build on, and exceed, the standard mitigation plan requirements. While 44 CFR § 201.5 specifically references a “State,” the requirements are applicable to tribal governments. This guidance describes how FEMA interprets the various requirements of the regulation for all enhanced tribal mitigation plan reviews. To meet the requirements for Plan Updates, the plan must demonstrate the following:
 - a. Meet Standard Plan Requirements – In order to be considered for enhanced status, the plan must first contain all of the required elements of a standard tribal mitigation plan as outlined in 44 CFR § 201.7.
 - b. Integrated Planning – the tribal government’s history of integration with agencies and partners with mitigation capabilities or shared objectives to reduce risks from natural hazards. Integrated planning means embedding mitigation in other tribal planning, decision making, and development, as well as enabling planning initiatives from other sectors, such as emergency management, economic development, land use, housing, health and social services, infrastructure and natural Resources, to inform the tribal government’s mitigation strategy. The enhanced plan must also demonstrate integration of FEMA mitigation programs and initiatives, including, if applicable, but not limited to: Hazard Mitigation Grant Program, (HMGP), Pre-Disaster Mitigation, (PDM), Flood Mitigation Assistance, (FMA), the National Flood Insurance Program, (NFIP), and other FEMA programs that advance mitigation, for



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example, Threat Hazard Identification and Risk Assessment, (THIRA) and Public Assistance, (PA) Categories C-G.

- c. Tribal Mitigation Capabilities - Successful implementation of projects, programs, or other activities that reduce exposure to hazards using a variety of resources and a comprehensive approach. This includes a method or system of ranking mitigation measures and assessing the effectiveness of mitigation actions as well as demonstrating effective use of FEMA funding and existing tribal government and other existing programs to achieve mitigation goals.
- d. Hazard Mitigation Assistance (HMA) Grants Management Performance- existing capabilities to effectively manage the HMGP as well as other mitigation grant programs, (44 CFR §§ 201.5(a), 201.5(b)(3), and 201.5(b)(2)(iii)). This includes the following:
 - i. Capability to meet application timeframes
 - ii. Capability to prepare and submit accurate environmental reviews and benefit cost analyses
 - iii. Capability to submit complete, accurate and timely quarterly progress and financial reports.
 - iv. Capability to complete HMA projects within established performance periods, including financial reconciliation

The Tribal Mitigation Plan Review Guide and additional information on Hazard Mitigation Planning is available at <https://www.fema.gov/hazard-mitigation-planning>.

Roy E. Wright
Deputy Associate Administrator for
Insurance and Mitigation

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ADDITIONAL INFORMATION

REVIEW CYCLE

FEMA Policy #306-112-1: Tribal Mitigation Plan Review Guide will be reviewed and then reissued, revised, or rescinded within four years of the issue date.

AUTHORITIES

- A. Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-388), as amended
- B. The National Flood Insurance Act of 1968, as amended, 42 U.S.C. 5165, 42 U.S.C. 4104c
- C. Title 44 Code of Federal Regulations, Part 201, Mitigation Planning; and Part 206, Subpart N Hazard Mitigation Grant Program, §206.434 Eligibility

DEFINITIONS

Indian Tribal Government: For the purpose of this policy, the term "tribal government," sometimes referred to as "tribe," means "Indian tribal government" as defined in 44 CFR § 201.2." According to 44 CFR § 201.2, Indian *tribal government* means any Federally recognized governing body of an Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist as an Indian Tribe under the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a. This does not include Alaska Native corporations, the ownership of which is vested in private individuals.

Tribal Planning Area: The tribal planning area includes the lands upon which the tribal government is authorized to govern, develop, or regulate. These lands may include, but are not limited to, lands within the Reservation and off-Reservation lands owned by, managed by, or held in trust for the tribal government, allotted trust land, and fee land. These lands may be either contiguous or non-contiguous and for multi-jurisdictional planning may include other tribes or non-tribal jurisdictions.

MONITORING AND EVALUATION

FEMA Mitigation Planning staff will monitor and evaluate this policy based on stakeholder feedback and any potential regulatory updates.

QUESTIONS

Direct questions to FEMA-Mitigation-Planning@fema.dhs.gov.