

**Tribal Mitigation
Planning Policy
Update:
Summary of Feedback
Report**

May 28, 2024

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1. Purpose of the Report

FEMA's [Tribal Mitigation Plan Review Guide](#) was last updated in 2017. This guide is also known as the Tribal Mitigation Planning Policy. It is FEMA's official policy on, and interpretation of, the mitigation planning regulations found in the Code of Federal Regulations (CFR) at [44 CFR Part 201.7](#). These are the requirements on creating and updating mitigation plans for Indian Tribal governments.¹

The goal of this policy update is to give consistent direction to FEMA planners responsible for reviewing tribal mitigation plans. It aims to help Tribal Nations know what is required in [44 CFR Part 201](#).

The National Mitigation Planning Program engaged with Tribal Nations about the current policy and updates from June 2023 to March 2024. The intent of this engagement was to gather feedback from Tribal Nations to identify priorities for a mitigation planning policy update. Tribal leaders, elders, and representatives could provide verbal and written comments during each consultation or feedback session. FEMA also accepted written comments via FEMA Tribal Affairs through March 6, 2024.

This report reviews the tribal engagement process and comments received.

¹ 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. 5131](#). (44 CFR § 201.2).

2. Overview of Engagement

The tribal engagement process began in June 2023 and closed in March 2024. The process began with an introductory webinar on tribal mitigation planning in late June 2023. After this, four tribal consultations were held between July and November 2023. These were held both virtually and in person. A feedback session was held in February 2024. During these events, tribal elders, leaders, and representatives shared both verbal and written comments. An email inbox was available for those who wanted to submit written comments. This section gives further details on the efforts and the audiences reached.

2.1. Introduction to Tribal Mitigation Planning Webinar

This webinar gave a brief overview of the existing tribal mitigation planning policy. It informed participants about the purpose of the policy update. After the initial presentation, FEMA staff read questions and comments aloud from the webinar's chat function. A recording of the webinar can be found on [FEMA's official YouTube channel](#).

2.2. Consultations and Feedback Session

FEMA held four tribal consultations to gather Tribal Nations' feedback on the current Tribal Mitigation Planning Policy. A tribal consultation is the formal opportunity for federally recognized Tribal Nations to review FEMA policies and programs to ensure they address tribal needs. Questions and comments were welcomed during each of these. The following events took place:

- **July 27 - Virtual Tribal Consultation.** There were 42 participants.
- **Oct. 5 - Virtual Tribal Consultation.** There were 55 participants.
- **Oct. 19 - In-Person Tribal Consultation.** The event was held at the Alaska Federation of Natives Annual Convention in Anchorage, Alaska. There were an estimated 15 participants.
- **Nov. 16 - In-person Tribal Consultation.** The event was held at the National Congress of American Indians Annual Convention and Marketplace in New Orleans, Louisiana. There were an estimated 25 participants.
- **Feb. 5 - Virtual Feedback Session** at the Hazard Mitigation Partners Workshop. There were an estimated 170 participants.

FEMA leaders from Tribal Affairs and Resilience attended each event. They answered questions throughout the sessions. The FEMA National Tribal Affairs Advocate and the National Tribal Affairs Advisor hosted and moderated the events.

After the presentation for each session, Tribal Nations were asked to provide feedback. Tribal leaders and tribal elders were invited to comment, followed by tribal designees, and then those representing other tribal groups.

During the virtual consultations, participants gave feedback through the chat function. They could also come off mute to speak in real time. In many cases, FEMA staff were able to address comments as they came in during the question-and-answer session. The chat allowed participants to pose questions to FEMA staff. It also fostered a robust conversation among the participants. Many comments in the chat were live discussions taking place between participants. Attendees also responded to the presentations in the chat. Hosts exported comments from the chat and cataloged them. Some comments were purely related to logistics or requests for resource links. These were not analyzed as part of this report. (They included questions about where to find policies or the recording).

2.3. Other Engagement Methods

In addition to the webinars and formal notices, FEMA headquarters notified the FEMA regions and other key partners about the consultations and policy update. This was so the regions and partners could share them with the Tribal Nations in their respective regions. FEMA headquarters provided an overview, including how to contact FEMA with any questions, dates for future webinars, and where to send comments. The National Mitigation Planning Program also advertised the comment period in the FEMA Bulletin for several weeks. Finally, FEMA regional planners, working with their regional tribal liaisons, explained the policy update, including where to find information online.

Event hosts sent out a fact sheet and email prior to the webinars. Attendees could sign up for event updates. This information was also included on the FEMA.gov site, in the FEMA newsletter, and in other FEMA publications. Interested parties received a link they could use to contact FEMA with any questions.

3. Comment Overview

This section highlights the methods of collecting comments. It includes a summary of the findings from the feedback. This section accounts for all comments received by March 6, 2024. It will be updated if more feedback is received after that date.

3.1. Methods of Collection

Several methods of comment and feedback collection were used during this engagement period. The National Mitigation Planning Program captured comments through the chat function of the virtual consultations, during webinar question and answer sessions, and from emails sent to the Tribal Affairs email inbox. All comments were cataloged in a spreadsheet for analysis. When a comment was made in the chat or during the open question and answer session and then an email covered the same idea, it was counted as a single comment. A total of 70 unique comments were received.

Recognizing that not everyone would be able to attend a webinar, the National Mitigation Planning Program provided an email address for comments through March 6, 2024. Emails were collected through FEMA’s Tribal Affairs email inbox at FEMA-tribal@fema.dhs.gov.

Some emails included comments on many topics. To best capture the feedback in this summary report, portions of emails were categorized into separate themes or topics.

A total of 70 unique comments were received through the webinar chat, webinar audio, and emails from 26 unique individuals. The FEMA team assigned affiliations based on webinar registration information and/or email addresses. Sometimes an attendee’s affiliation could not be found in the sign-in information. “Unknown” was used in those cases. Over half of the comments came from Tribal Nations.

Table 1. Comments by Affiliation

Commenter Affiliation	Total
Tribal	46
State	1
Local	5
Private	4
Academic	1
NGO	6
Regional / Councils of Government	2

Table 2. Comments by Affiliation

Commenter Affiliation	Total
Unknown	5
Total	70

Comments by scope show that the largest number of comments received were about Hazard Mitigation Assistance (HMA) and other funding sources. Next were comments about the limited capabilities most Tribal Nations face. Many comments were not within the scope of the policy update. Others had an undetermined scope. Comments and feedback will be shared with other program areas as applicable.

4. Findings

4.1. Comment Categories

An analysis of the comments found that there were three general categories:

1. **Process and Procedures:** Comments about the procedures of developing and updating hazard mitigation plans. This category also includes overall comments about usability, readability, and the review process.
2. **Element Specific:** Comments that connect to a particular element or sub-element of the plan review requirements.
3. **Indirect:** Comments about mitigation planning but that are not immediately within the scope of the current policy updates. These include comments and suggestions about training and approaches to plan development, HMA grant information, and best practices.

These general categories were further divided into themes. Quotes are noted in blue callout boxes. Some personally identifiable information has been removed to protect the privacy of the commenters.

4.2. Comment Themes

FEMA assigned each comment to one of 12 themes. The comments are organized by category. Comments or questions that couldn't be placed in a particular category were marked as *general comments*. Themes are presented in decreasing order according to the number of comments.

Table 2. Comments by Category and Theme

Theme	Category	Number of Comments
General Comments	Indirect	17
Challenges Accessing Grants	Indirect	14
Limited Capacity and Staff Turnover	Process and Procedures	12
Plan Approval Period	Process and Procedures	5
Clarity and Reducing Duplication	Process and Procedures	5
Multi-Jurisdictional Plans	Process and Procedures	4
Enhanced Guidance	Element-Specific	3

Table 4. Comments by Category and Theme

Theme	Category	Number of Comments
Training and Technical Assistance Needs	Indirect	3
Plan Status and Control of Land	Process and Procedures	2
Outreach and Communication	Indirect	2
Tribal Sovereignty	Indirect	2
Plan Reviews	Process and Procedures	1
Total		70

4.3. Process and Procedure Comments

4.3.1. Clarity and Reducing Duplication

Overall, commenters asked for better cross-agency cooperation and less duplication of efforts. They recommended coordinating with other agencies for these requests.

“Mitigation plans and climate change: There is duplication of efforts around environmental justice programs, particularly with FEMA and the EPA. When the agencies work together, FEMA and the EPA can help tribes develop plans that align and do not require duplication of effort.”

“We ask that there be better cross-agency cooperation.”

4.3.2. Plan Approval Period

Several comments addressed the approval period. Some suggested that the approval period should be longer than five years (e.g., seven- or 10-year approval periods).

“The five-year cycle is not doable in Alaska Native Villages because of the yearly cycle with subsistence where three to four months a year, governments are shut down. So, when you say re-up the plan in five years, we really have 3.5 years of workable time to do that. So a suggestion that I know is already on the radar, but I’ll just reiterate it in this listening session, if those could be stretched out to seven or 10 years for small jurisdictions, it would be very helpful.”

“Extending the update cycle from five to 10 years would help Alaska Natives. Community members don’t operate on a western timeframe.”

4.3.3. Plan Status and Control of Land

Commenters expressed concerns about the difficulty of getting a status to apply for a presidential declaration. This difficulty is due to the timeline of a hazard mitigation plan update and the way the land is divided. This leads them to have to go through the state or the county. In some cases, there is not a strong relationship between the entities.

“Land is checkerboarded (there is also land in trust and fee). It is hard to get to a status to apply for a presidential declaration. Few of the 574 tribes hold all land en masse. As a result, tribes usually go under a county declaration.”

4.3.4. Limited Capacity and Staff Turnover

Commenters expressed concern about the challenges with limited capacity. Many tribes do not have dedicated emergency managers and turnover of tribal staff is common.

“Not all tribes have dedicated emergency managers. Tribal staff usually have many different jobs and roles, and EM duties may not be their top priority.”

“Many of the federally recognized tribes have no emergency manager employed. So, it is hard to develop or update Threat and Hazard Identification Risk Assessment (THIRA), National Incident Management System (NIMS), etc.”

“There are many bottlenecks to getting plans in place. This includes turnover for internal tribal staff. Tribal leadership must be kept updated on mitigation planning as there is a turnover every two years.”

Additional comments centered on the burden on tribal emergency managers to apply for grants and prepare mitigation plans.

“Not all tribes have a large Emergency Management staff like I do to help with such things, so for those tribal emergency managers that are working alone, creating a hazard mitigation plan is a huge task. I challenge FEMA to make sure your Mitigation staff do more than just send emails, but actually reach out and see if they need assistance.”

4.3.5. Plan Reviews

Commenters expressed concerns about the reviewer’s familiarity and understanding of the tribal lands and their risk.

“Review of Tribal Mitigation Plans must not be overly prescriptive, and FEMA personnel—including contractors—must acknowledge that the natural disaster and emergency events

Tribal Nations prepare for and may experience are unique and must be reviewed on a case-by-case basis. FEMA personnel and contractors should not be quick to dictate what constitutes an appropriate Tribal Mitigation Plan, especially when those plans are developed based on the input from our Tribal communities.

4.4. Element-Specific Comments

4.4.1. Multi-Jurisdictional Plans

Some commented about the ability of Tribal Nations to participate in multi-jurisdictional plans. They discussed how that affects grant eligibility and what is required for the overall mitigation plan.

“Is there potential for multi-jurisdictional plans to support or cover sister nations in an effort to receive grant funding?”

4.4.2. Enhanced Guidance

Some commenters expressed concern about the barriers to developing Enhanced Tribal Mitigation Plans. For example, the enhanced requirements include providing tribal mitigation planning grants and providing a portion of the non-federal match for FEMA mitigation grants as part of demonstrating enhanced mitigation capabilities.

“While FEMA has stated that no Tribal Nations have an approved Enhanced Tribal Mitigation Plan yet, FEMA must also ensure that any future review of these enhanced plans is not prescriptive as well. However, FEMA must recognize that there are several issues with the regulations at 44 CFR Section 201.5, and referenced in the 2017 Tribal Mitigation Guide under Sec. 3.3 Enhanced Element H., that could be preventing Tribal Nations from pursuing Enhanced Tribal Mitigation Plans. Two such examples include the requirement that a Tribal Nation must provide Tribal planning grants as well as the requirement that a Tribal Nation must provide a portion of the non-federal match of the Hazard Mitigation Grant Program. These two items are problematic when Tribal Nations are chronically underfunded for emergency preparedness and response efforts compared to state and local governments. Imposing these requirements on Tribal Nations does not uphold trust and treaty obligations, regardless of a Tribal Nation’s capacity to support and conduct emergency preparedness and response activities. FEMA must reevaluate and revise these requirements, and appropriately fund Tribal Nation emergency management programs, to ensure Tribal Nations have equitable opportunity to develop and implement Enhanced Tribal Mitigation Plans.”

4.5. Indirect Themes

Several comments provided during the engagement process that while related to mitigation, were not directly within the scope of this policy update. These were categorized as *indirect* comments.

4.5.1. Challenges Accessing Grants

Commenters mentioned other roadblocks, including the time intensive process of applying for and receiving grant funding for planning and project grants. Some mentioned the need for non-competitive or baseline mitigation funding.

“A challenge with mitigation planning is that, for many Tribal Nations, the amount of the grant is usually not worth the time to apply. Many tribes want to go for larger grants that can be used to benefit the entire community. A \$30,000 grant is not worth many tribes’ time. This is true whether they have a grants department or not. A lot of questions on these applications are also not culturally competent.”

“The grants process is arduous, including having to answer multiple Request for Information (RFI) questions to receive funding years after an application.”

4.5.2. Training and Technical Assistance Needs

Commenters noted the need for additional support. They mentioned technical assistance and financial resources.

“Following centuries of competition, why should tribes have to compete for BRIC DTA? Why can FEMA (regional tribal liaisons and HMPs) not help guide tribes through the technical assistance and funding opportunities?”

“A primary and persistent issue that has prevented Tribal Nations from conducting effective emergency preparedness and response efforts has been the lack of federal funding and technical assistance. Tribal Nations continue to experience the greatest disparity in federal funding and technical assistance when compared to state and local governments.”

“FEMA must provide resources to assist Tribal Nations in developing a tribal mitigation plan.”

4.5.3. Tribal Sovereignty

Some commenters talked about the importance of tribal sovereignty and how it affects relationships with the federal government.

“Tribal Nations are the sole authorities in determining what constitutes appropriate mitigation planning because we have first-hand experience with and understand the natural disaster and emergency events that our communities experience. This also applies to the persistent, harmful effects that our communities have witnessed because of climate change. As the stewards and caretakers of our lands, we are the ones best positioned to determine how these changes are affecting our communities now and into the future.”

“Tribal sovereignty continues to be an issue for tribes, as tribes become financially indebted to the federal government. This drives continued issues with tribal relationship with the federal government.”

4.5.4. Outreach and Communication

Several comments highlighted the need for more proactive and consistent communication and assistance from FEMA.

“As part of FEMA's treaty responsibility to Tribal Nations, is it really all on the tribe to continue to try and reach out? It would be good to see FEMA be more proactive on maintaining communication with all tribes.”

“FEMA serves in a reactionary way.”

“FEMA should have a list of tribes that need a plan. FEMA needs to be proactive.”

4.5.5. General Comments

Other comments focused on climate change, cultural concerns, and the relationship of historical trauma to mitigation efforts.

“Climate change is a critical subject for tribes. Due to changing climates, tribes are losing their way of life, both physical and spiritual. Are there any conversations related to relocation due to climate change, and who would provide the land to relocate? A few tribes, including the Quinault and Isle de Jean Charles tribes, have relocated due to climate change. Additionally, some Alaska Native villages have relocated.”

“For planning and implementation, include the phrase ‘historical trauma.’ Across Indian country, we have historical trauma from the genocide from first contact. This can be very valuable in our mitigation efforts because we know that everything that is spiritual, social, human-related, two-legged, four-legged, slithered, feathered...it’s all related to historical trauma. Our spirit world put us here to be the protectors of Mother Earth. We were given this gift centuries ago, and are now trying to correct what has been done. I truly believe historical trauma should be included in mitigation plans because we’re trying to look at mitigating the health of our community. This is an important piece.”

5. Next Steps

The tribal engagement process gives FEMA valuable information and considerations for the updates to the Tribal Mitigation Planning Policy. FEMA will also share these comments with others in the agency. FEMA will review and address comments from the public engagement process as applicable. FEMA will also consider comments from within the agency as the policies are revised.

The National Mitigation Planning Program will continue to work closely with FEMA Tribal Affairs on all aspects of this policy update. FEMA will post updates to FEMA's website. These can be accessed in the [FEMA Tribal Affairs Hub](#).