

Appendix E. Vulnerability and Risk Assessment Worksheet(s)

Table D-1. Weight of County Factors

Category	Factor
Economy	0.2076
Environment	0.1329
Government Affairs	0.1824
Health and Welfare	0.3200
Quality of Life	0.1571
Total	1.0000

Table D-2. County Vulnerability

Hazard	Sum Total
Natural Hazard	
Animal Disease, Outbreak, Blight, or Infestation	2.3056
Coastal Flooding	2.2109
Drought	1.9923
Earthquake	2.4742
Extreme Heat	2.8765
Hurricane, Tropical Storm, or Nor'easter	2.5894
Landslide or Slope Failure	2.5092
Public Health Emergency	1.6573
Riverine Flooding	1.6575
Severe Storm or Hailstorm	1.4388
Severe Winter Storm	1.9378
Tornado	2.1386
Wildfire	1.8663
Man-Made Hazards	
Air Pollution	2.1107
Building, Dwelling, or Vessel Fires	1.9229
Communication Failure	2.0741
Critical Fuel Shortage	2.2266
Dam Failure and Release	2.0056
Hazardous Materials Incident (fixed facility)	2.3316
Mass Transportation Accident	1.8414
Pipeline Accident	2.0459
Transportation Accident	2.0097
Utility Disruption	2.4603
Terrorism Hazards	
Civil Disturbance	*
Cyber Crime	*
Terrorism or Sabotage	*
Weapons of Mass Destruction Attack	*

**This data has been removed for security purposes.*

Table D-3. County Probability of Hazard

	Number of Incidents	Years	Incidents/Year
Natural Hazard			
Animal Disease, Outbreak, Blight, or Infestation	0	10	0.00
Coastal Flooding	6	7	0.86
Drought	4	73	0.05
Earthquake	5	245	0.02
Extreme Heat	7	4	1.75
Hurricane, Tropical Storm, or Nor'easter	23	102	0.23
Landslide or Slope Failure	0	1	0.00
Public Health Emergency	116	3	38.67
Riverine Flooding	22	10	2.20
Severe Storm or Hailstorm	170	44	3.86
Severe Winter Storm	33	102	0.32
Tornado	27	112	0.24
Wildfire	2368	3	789.33
Man-Made Hazards			
Air Pollution	30	6	5
Building, Dwelling, or Vessel Fire	3827	3	1275.67
Communication Failure	2	3.46	0.58
Critical Fuel Shortage	2	29	0.07
Dam Failure and Releases	0	25	0.00
Hazardous Materials Incident (Fixed Facility)	8	1.43	5.61
Mass Transportation Accident	4	3	1.33
Pipeline Accident	0	33	0.00
Transportation Accident	10	12	0.83
Utility Disruption	5.28	3.46	1.53
Terrorism Hazards			
Civil Disturbance	*	*	*
Cyber Crime	*	*	*
Terrorism or Sabotage	*	*	*
Weapons of Mass Destruction Attack	*	*	*

**This data has been removed for security purposes.*

Appendix F. Potential Sources of Grant Funding

Corporation for National and Community Service

2004 National Direct Professional Corps. The Corporation connects Americans of all ages and backgrounds with opportunities to give back to their communities and country. These grants will support programs addressing critical community needs through the service of professionals, such as teachers, nurses, doctors, emergency medical technicians (EMT), and other health care providers, social workers, early childhood development staff, engineers, lawyers, paralegals, police officers and firefighters in communities with inadequate numbers of such professionals. Eligible applicants include nonprofit organizations, institutions of higher education, and subdivisions of states, including city and local government entities.

The Corporation anticipates making 30 to 60 grants, ranging from \$30,000 to \$100,000. The Corporation will make awards covering a period not to exceed three years, with continued funding during the course of the three years contingent upon satisfactory performance, the availability of funds through appropriations, and other criteria established in the award agreement. The funding agency is the Corporation for National and Community Service.

U.S. Department of Agriculture

Commodity Partnerships of Risk Management Education (Commodity Partnerships Program). The Federal Crop Insurance Corporation (FCIC), operating through the Risk Management Agency (RMA), announces the availability of approximately \$4.0 million for Commodity Partnerships for Risk Management Education (the Commodity Partnerships program). The purpose of this partnership agreement program is to deliver training and information in the management of production, marketing, and financial risk to U.S. agricultural producers. The program is to give priority to educating producers of crops not insurable with Federal crop insurance, specialty crops, and underserved commodities, including livestock and forage.

A maximum of 40 partnership agreements will be funded, four each in ten designated RMA Regions. The maximum award for any agreement will be \$150,000. Recipients of awards must demonstrate non-financial benefits from a partnership agreement and must agree to the substantial involvement of RMA in the project. The funding agency is the Department of Agriculture.

Crop Insurance Education in Targeted States (Targeted States Program). The Federal Crop Insurance Corporation (FCIC), operating through the Risk Management Agency (RMA), announces the availability of approximately \$4.5 million to fund cooperative agreements under the Crop Insurance Education in Targeted States program (the Targeted States program). The purpose of this cooperative agreement program is to deliver crop insurance education and information to U.S. agricultural producers in certain States that have been designated as historically underserved with respect to crop insurance. The states, collectively referred to as Targeted States, are Connecticut, Delaware, Maine, Maryland, Massachusetts, Nevada, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Utah, Vermont, West Virginia, and Wyoming.

A maximum of 15 cooperative agreements will be funded, one in each of the 15 Targeted States. The maximum award for varies by State. Recipients of awards must agree to the substantial involvement of RMA in the project. The posted date this year was June 18, 2004. There is no cost matching required. The award ceiling is \$754,000. The funding agency is the Department of Agriculture.

Request for Applications (RFA): Research and Development Risk Management Research Partnerships. RMA is committed to meeting the risk management needs and improving or developing risk management tools for the nation's farmers and ranchers. It does this by offering Federal crop insurance and other risk management products and tools through a network of private-sector entities and by overseeing the creation of new products, seeking enhancements in existing products, and by expanding the use of a variety of risk management tools.

Risk management tools include a variety of risk management options and strategies developed to assist producers in mitigating the risks inherent in agricultural production. Risk management tools may include: financial management tools to mitigate price and production risks; tools to enhance measurement and prediction of risks in order to facilitate risk diversification; tools to improve production management, harvesting, record keeping or marketing.

The purpose of this program is to fund partnership agreements that assist producers, minimize their production risks, and/or develop risk management tools. The agreements are for the development of risk management tools for use directly by agricultural producers. To aid in meeting these goals each partnership agreement awarded through this program will provide the recipient

with funds, guidance, and the substantial involvement of RMA to carry out these risk management initiatives.

There is no award ceiling at this time. The posted date for this year was Jun 17, 2004. The funding agency is the Department of Agriculture.

Technical Assistance to Implement NRCS Conservation Programs. NRCS is requesting proposals for services from eligible applicants to contribute and partner with NRCS in the conservation, maintenance and improvement of natural resources in Maryland. NRCS expects to award approximately 10 or more Cooperative Agreements for these services estimated to cost between \$3,000 and \$100,000 based on the proposals submitted and the benefits derived from each proposal. Cooperative Agreements will be awarded for a one-year period. The available funding for subsequent years is not fixed and may vary considerably. Amendments to the agreements may be issued upon availability of funding in follow-on years (not to exceed an additional four (4) years) but are not guaranteed. Cooperative Agreements will be funded by the following NRCS programs:

1. ENVIRONMENTAL QUALITY INCENTIVES PROGRAM (EQIP) (10.912)
The Environmental Quality Incentives Program is a voluntary conservation program that promotes agricultural production and environmental quality as compatible national goals. Through EQIP, farmers and ranchers may receive financial and technical help to install or implement structural and management conservation practices on eligible agricultural land. EQIP practice and contracts offer cost sharing assistance for a variety of practices relating to the storage/treatment and utilization of farm animal waste. There is also an emphasis on practices relating to grazing, nutrient and pest management, forestry, and resource concerns found in the vicinity of farmsteads. In fiscal year 2004 EQIP is offering \$5.3 million in financial assistance. It is estimated that there will be approximately 360 current year contracts to be developed and administered.
2. WILDLIFE HABITAT INCENTIVES PROGRAM (WHIP) (10.914) The Wildlife Habitat Incentives Program is a voluntary program that encourages creation of high quality wildlife habitats that support wildlife populations of national, state, tribal and local significance. Through WHIP, NRCS provides technical and financial assistance to landowners and others to develop upland, wetland, riparian and aquatic habitat areas

on their property. WHIP practices and contracts emphasize the development and/or management of grassland habitat, riparian corridor habitat, shallow water and wetland habitat, outdoor classroom small sites, and controlling invasive plant species. Planned practices include conservation cover, field borders, fence, filter strips, riparian forest buffers, stream bank and shoreline protection, shallow water areas for wildlife, wetland creation, wetland restoration, and various methods of invasive species control. In fiscal year 2004 WHIP is offering \$352,000 in financial assistance. It is estimated that there will be approximately 75 current year contracts to be developed and administered.

3. AGRICULTURAL MANAGEMENT ASSISTANCE (AMA) (10.917) The Agricultural Management Assistance program provides cost share assistance to agricultural producers to voluntarily address issues such as water management, water quality, and erosion control by incorporating conservation into their farming operations. AMA practices include irrigation system improvement or replacement, irrigation water management, agro-chemical mixing facilities, and shelterbelts. In fiscal year 2004 AMA is offering \$734,000 in financial assistance. It is estimated that there will be approximately 45 current year contracts to be developed and administered.

The funding agency is the Department of Agriculture.

Water and Waste Disposal Systems for Rural Communities. Funds may be used for the installation, repair, improvement, or expansion of a rural water facility including distribution lines, well pumping facilities and costs related thereto, and the installation, repair, improvement, or expansion of a rural waste disposal facility including the collection, and treatment of sanitary, storm, and solid wastes.

There are no deadlines at this time. There is no cost-matching requirement. The funding agency is the Rural Utilities Service, which is under the Department of Agriculture.

Emergency Watershed Protection Program. The purpose of this grant is to provide relief from imminent hazards and reduce the threat to life and property in watersheds damaged by severe natural events. Hazards include floods and the products of erosion created by floods, fire, windstorms, earthquakes, drought, or other natural disasters.

Assistance includes technical and financial assistance to carry out emergency work such as debris removal from stream channels, culverts, and bridge abutments; debris removal in upland areas following windstorms and tornadoes; reshaping and protection of eroding stream banks; repair of damaged drainage facilities, levees and flood prevention structures; reseeding of burned or denuded areas; and promoting appropriate grazing practices under drought conditions to assist in watershed recovery. No match is required for easements and technical assistance. Twenty-five percent non-Federal match is required for other eligible measures.

Watershed Protection and Flood Prevention Program. The purpose of this program is to protect, develop, and utilize the land and water resources in small watersheds of 250,000 acres or less. The program is Federally assisted and locally led. Projects are aimed at watershed protection, flood prevention, agricultural and non-agricultural water management, water quality improvement, erosion and sediment reduction, fish and wildlife enhancement, and water supply.

Assistance includes financial and technical assistance for approved watershed projects. Technical assistance is provided in planning, designing and installing watershed improvements. Financial assistance is provided for watershed protection, flood prevention, agricultural water management, sedimentation control, and public water based fish, wildlife, and recreation. No match is required for flood prevention; fifty percent match is required for agricultural and non-agricultural water management.

Watershed Surveys and Planning. The purpose is to provide planning assistance to Federal, State, and local agencies for the development of coordinated water and related land resources programs in watersheds and river basins. Emphasis is on flood damage reduction, erosion control, water conservation, preservation of wetlands and water quality improvements. Wetlands Reserve Program by NRCS is aimed at protecting and restoring wetlands by enabling landowners to sell easements, which take wetlands out of production. Technical assistance is provided. Types of surveys and plans include watershed plans, river basin surveys and studies, watershed resource assessments, flood hazard and floodplain management studies. Special priority is given to upstream rural community flooding; water quality improvements from agricultural non-point sources; wetland preservation; and drought management and water supply for agricultural and rural communities.

No match is required. Assistance includes purchase by the federal government of easements from landowners who have owned the land for one year and have farmed the wetlands or prior, converted wetlands. Landowners submit intent to enter into the program through the USDA NRCS field office. NRCS, in consultation with the U.S. Fish and Wildlife Service, will determine eligibility and develop a wetland reserve plan of operation. The Federal government provides a lump sum payment for easements; there is a 25 percent cost-share for wetlands restoration.

U.S. Department of Commerce

Automated Flood Warning Systems (AFWS) Program. The AFWS Program represents a NOAA/NWS effort to partner with institutions of higher education, other nonprofits, and, state, local, and Indian tribal governments to provide capital funds for the creation, refurbishment, or enhancement of Automated Flood Warning Systems (AFWS).

There is no cost-matching requirement. The award ceiling is \$100,000. The funding agency is the Department of Commerce.

U.S. Department of Defense

Beach Erosion Control Projects. The Corps of Engineers designs and constructs the project. Each project selected must be engineering feasible, complete within itself, and economically justified. The nonfederal sponsoring agency must agree to: (1) Share equally in cash and in-kind services for feasibility studies; (2) share in the cost of the project, including a cash contribution, providing the necessary lands, easements, right-of-way, and relocations required for the project; (3) assume full responsibility for all project costs in excess of the Federal cost limit of \$2,000,000; (4) hold and save the United States free from damages; (5) assure that water pollution that would affect the health of bathers will not be permitted; (6) assure continued public ownership or public use of the beach, and its administration for public use; (7) provide project maintenance; and (8) provide and maintain necessary access roads, parking areas and other public use facilities open and available to all on equal terms.

The first \$100,000 is federally funded. Additional study costs are shared 50/50 with local sponsor. Local cost participation requirements and procedures for determining the local share of project cost are similar to those for beach erosion control projects specifically authorized by Congress under regular authorization

procedures, but Federal participation cannot exceed \$2,000,000, the determination of local costs is based on the public use and ownership of the beach protected. The funding agency is the Office of the Chief of engineers, which is under the Department of Defense.

Protection of Essential Highways, Highway Bridge Approaches, and Public Works. Corps of Engineers designs and constructs the project. Each project selected must be engineering feasible, complete within itself and economically justified. Nonfederal interests are responsible for all project costs in excess of the Federal limit of \$1,000,000. Nonfederal sponsor must share in project costs, including cash and lands, easements, rights-of-way; utility relocations; hold and save the United States free from damages; and, maintain the project at local cost after completion.

In most cases project studies will be at Federal expense. Cost-sharing is required for project, but Federal participation cannot exceed \$1,000,000. The funding agency is the Office of the Chief of engineers, which is under the Department of Defense.

Continuing Authorities Program (CAP). This program initiates a short reconnaissance effort to determine Federal interest in proceeding. If there is interest, a feasibility study is performed, and then the project might move on to a plans and specifications phase. Finally, the project goes to its construction phase. A local sponsor must identify the flood-related problem and request U.S. Army Corps of Engineers (USACE) Assistance. Small flood control projects are also eligible.

The cost share for the CAP is 65% USACE and 35 % local. The federal project limit is \$7,000,000. The USACE's local district office would review the local sponsor's request for assistance and would request funds from the USACE's annual appropriations.

U.S. Army Corps of Engineers' (USACE's) Floodplain Management Services Program. This program aims to support comprehensive floodplain management planning to encourage and guide sponsors to prudent use of the Nation's floodplains for the benefit of the National economy and welfare. Examples of the types of projects that would be funded include:

- flood warning and flood emergency preparedness
- flood proofing measures
- studies to improve methods and procedures for flood mitigating damages

- preparation of guides and brochures on flood-related topics

A local sponsor must identify a problem and request USACE assistance under the Floodplain Management Services Program. The USACE may provide up to 100% of funding at the request of the sponsor. The USACE's local district office would review the local sponsor's request for assistance and determine if it fits within the program.

Emergency Advance Measures for Flood Prevention. This program is aimed at protecting against loss of life or damages to property given an immediate threat of unusual flooding. Assistance includes aid from USACE for removal of waterway obstructions and work necessary to prevent dam failure and prepare for abnormal snowmelt. No match is required.

Emergency Stream bank and Shoreline Protection. This grant helps prevent erosion damages to public facilities by the emergency construction or repair of stream bank and shoreline protection works. Assistance includes studies and projects for the construction and repair of stream bank and shoreline protection.

No cost share is required for the first \$40,000 of study costs. After \$40,000, a 35 percent non-Federal cost share is required. A 35 percent non-Federal cost share is required for project costs.

Small Flood Control Projects. This project is funded by USACE. Assistance includes studies and projects for the design and construction of small flood control projects by the USACE. Flood control projects are required to be feasible from an engineering perspective, complete within them, and economically justified.

No cost share is required for the first \$100,000 of planning study costs. Over \$100,000, a 50 percent cost share is required. A 35 percent cost share is required for project costs of which 5 percent is in cash, with the balance consisting of the provision of lands, easements, right-of-ways, and necessary relocations.

U.S. Department of Health and Human Services

Hazardous Materials Worker Health and Safety Training. The National Institute of Environmental Health Sciences (NIEHS) invites applications for cooperative agreements to support the development of model programs for the training and education of workers engaged in activities related to hazardous

materials and waste generation, removal, containment, transportation and emergency response.

The major objective of this solicitation is to prevent work-related harm by assisting in the training of workers in how best to protect themselves and their communities from exposure to hazardous materials encountered during hazardous waste operations, hazardous materials transportation, environmental restoration of contaminated facilities or chemical emergency response. A variety of sites, such as those involved with chemical waste clean up and remedial action and transportation related chemical emergency response may pose severe health and safety concerns to workers and the surrounding communities. These sites are often characterized by the multiplicity of substances present, the presence of unknown substances, and the general uncontrolled condition of the site. A major goal of this program is to provide assistance to organizations in developing their institutional competency to provide appropriate model training and education programs to hazardous materials and waste workers.

The posted date this year was July 19, 2004. There is not any information available at this time on expected number of awards and award ceiling. The funding agency is the Department of Health and Human Services.

Public Health and Social Services Emergency Fund. To provide supplemental funding for public health and social service emergencies. Funds are available for public health and social service emergencies. Funds are initially appropriated to the Office of the Secretary, but virtually all funding is allocated to HHS agencies for award and use in disaster areas.

Deadlines are to be determined by agency or office administering the funds. The amount of award is not yet available.

U.S. Department of Homeland Security

Assistance to Firefighters Grant. To provide direct assistance, on a competitive basis, to fire departments of a State or tribal nation for the purpose of protecting the health and safety of the public and firefighting personnel against fire and fire-related hazards. Firefighting Operations and Firefighter Safety, Eligible Uses: Training, Wellness and Fitness, Firefighting Equipment, Personal Protective Equipment, Other Equipment and Supplies; Restrictions: One-year Funds, Funding Restrictions and/or Limits on Certain Equipment, Personnel, Construction, Vehicles. Protecting the Public from Fire and Fire Related Hazards, Eligible Uses: Public Awareness, Public Education, Inspector Certifications,

Building Code Development and Enforcement, Arson Prevention and Detection, Emergency Medical Services, Emergency Medical Vehicles, Training, Equipment/Props/Supplies, Transportation, Contracts/Consultants, Program Personnel; Restrictions: One-year Funds, Funding Limits on Certain Equipment, Construction. Firefighting Vehicles, Eligible Uses: Pumpers/Engines, Tankers/Tenders, Brush Trucks/Attack Pumpers, Rescue, Quints, Aerial Apparatus, Hazardous Material, Ambulance/Transport, Communications/Command, Foam Units, Boats, Equipment for the Vehicle; Restrictions: Aircraft, Hazardous Material, Construction, Personnel, 1- year Funding, Funding Limits on Certain Equipment.

This program has a 30-day application period. All applications must be submitted during the application period and no applications will be accepted if not submitted within the 30-day period. Grant period is 12 months for this program. In the event that the grantees are unable to fulfill their grant obligations within the 12-month grant period, they may request an extension of the performance period. Such requests will be considered and approved based on the written justification. Applicants who protect a population of 50,000 or less are required to provide a nonfederal cost-share of not less than 10 percent of the total award. Applicants who protect a population in excess of 50,000 are required to provide a nonfederal cost-share of not less than 30 percent of the total award. This program also has a Maintenance of Effort requirement intended to ensure that the Federal funds are used to supplement, not supplant, existing resources. The funding agency is the Department of Homeland Security.

Citizen Corps. The purpose of Citizen Corps is to supplement and assist State and local efforts to expand Citizen Corps. This includes Community Emergency Response Team (CERT) training, establishing Citizen Corps Councils and supporting the oversight and outreach responsibilities of the councils. The program supports and promotes efforts to involve a wide range of volunteer groups in activities that enhance individual, community, and family preparedness and contribute to the strengthening of homeland security.

Citizen Corps funds currently available must be used for activities described in the Citizen Corps guidance materials provided to each State's designated point of contact. Grantees will be expected to develop a jurisdiction-wide strategic plan for the Citizen Corps initiative and to implement the elements of that plan.

Of the funding provided for Citizen Corps activities, 75 percent must be passed through by the grantees to local governments. Localities receiving grants may

use the funding for Citizen Corps Council organizing activities; for organizing, training, equipping, and maintaining CERTs; for defraying the added expense of liability coverage for CERT participants; and for outreach and public education campaigns to promote Citizen Corps and community and family safety measures, to include printing, marketing, advertising, and special events.

Range of financial assistance is \$54,998 to \$1,661,563. The Average financial assistance is \$375,000. There is not any information on deadlines. The funding agency is the Department of Homeland Security.

Emergency Food and Shelter National Board Program. The purpose of this grant is:

- To supplement and expand ongoing efforts to provide shelter, food, and supportive services for needy families and individuals.
- To strengthen efforts to create more effective and innovative local programs by providing supplemental funding for them.
- To conduct minimum rehabilitation of existing mass shelter or mass feeding facilities, but only to the extent necessary to make facilities safe, sanitary and bring them into compliance with local building codes.
- To provide food and feeding related expenses (such as transport of the food and food preparation and serving equipment); mass shelter; other shelter (such as hotels and motels); and rent/mortgage and/or utility assistance for one month only; and limited repairs to feeding and sheltering facilities.

Emergency Food and Shelter (EFS) Program funds cannot be used for: rental security, deposits of any kind, cash payments of any kind, lobbying efforts, salaries (except as administrative allowance and limited to that total allowance of 2 percent of total award), purchases or improvements of an individual's private property, telephone costs, repairs to government-owned or profit-making facilities and any payments for services not incurred. For a complete listing on eligible and ineligible costs under this program, refer to Phase 19:

Responsibilities and Requirements, issued by the Emergency Food and Shelter Program National Board.

Both the State Set-Aside Committee and the Local Board have 25 working days from the date of notification to complete their work. The amounts have not been set at this time. The funding agency is the Department of Homeland Security.

Emergency Operations Centers. The purpose of the Emergency Operations Centers program is to supplement and assist State and local efforts to improve

their capabilities to respond to emergencies or disasters including any that may be caused by terrorist attacks using conventional means or Weapons of Mass Destruction (WMD).

The program provides grants to the States to encourage the development of Emergency Operations Centers (EOCs) that provide flexibility, sustainability, security, survivability and interoperability. Fully capable emergency operations facilities at the State and local levels are an essential element of a comprehensive national emergency management system and are necessary to ensure continuity of operations and continuity of government in major disasters caused by any hazard. Emergency Operations Centers funds currently available will be awarded in two phases.

A Phase 1 grant of \$50,000 to each State will be used for an initial assessment of the hazards, vulnerabilities, and resultant risk to existing EOCs. If a State has already completed a vulnerability assessment of its existing State EOC, it may apply to use the funds to conduct initial assessments of local EOCs. Phase 2 grants will be used to address the most immediate EOC deficiencies nationwide. The funds for EOCs will be awarded in two phases. Each State will be allocated a \$50,000 Phase 1 grant, which is targeted for an initial assessment of the hazards, vulnerabilities, and resultant risk to an existing EOC. Phase 1 EOC activity will be 100 percent federally funded and will require no cost share. Phase 2 EOC grants will be awarded as project grants to address the most immediate EOC deficiencies nationwide. The Phase 2 EOC grants will require a 50 percent nonfederal cost share. The funding agency is the Department of Homeland Security.

Homeland Security Preparedness Technical Assistance Program. The Office for Domestic Preparedness (ODP) is accepting applications for Fiscal Year 2004 Homeland Security Preparedness Technical Assistance Program. The purpose of the Technical Assistance Program is to enhance the capacity of emergency responders to prevent, deter, or respond to terrorist incidents involving weapons of mass destruction. Cooperative Agreements and Grant Awards will be awarded to eligible applicants to develop, and provide technical assistance support for federal, state, local jurisdictions. In order to be eligible for consideration and award of this Cooperative Agreement Grant Award, applicants be invited by ODP to apply.

The award was posted on April 27, 2004. There is not any information available on expected number of awards or the award ceiling. The funding agency is the Department of Homeland Security.

Hazard Mitigation Grant Program (HMGP). Assists states and local communities in implementing long-term hazard mitigation measures following a major disaster declaration. As of November 1, 2004, all communities must have an approved hazard mitigation plan in place to remain eligible for HMGP funding. HMGP grants can be used to fund projects that provide protection to both, public as well as private properties. Project that are eligible under the HMGP grant include structural hazard control such as debris basins, floodwalls, or stream restoration, and retrofitting measures such as flood proofing, acquisition, or relocation of structures.

FEMA can fund up to 75 percent of the eligible costs of each project. The State or local match does not have to be cash; in-kind services or materials may be used. Federal funding under the HMGP is based on 75 percent of the Federal funds spent on the Public and Individual Assistance programs (minus administrative expenses) for each disaster. Eligible applicants must apply for the HMGP through the Maryland State Hazard Mitigation Officer. The funding agency is FEMA.

Pre Disaster Mitigation (PDM) Funds. Provide both planning and project funding to eligible communities. Communities must complete an approved hazard mitigation plan by November 1, 2003 to remain eligible for PDM funds. PDM project funding is nationally competitive; there is no “base” amount guaranteed to each State. A national priority is placed on projects that address NFIP repetitive loss properties and a benefit cost analysis is required for each proposed project. Projects are awarded priority based on the State’s analysis and resulting ranking, and on factors such as cost effectiveness, addressing critical facilities, and the percent of the population that benefits from the project.

FEMA funds up to 75 percent of the cost of the project, or up to 90 percent for small, impoverished communities. There is a \$3 million cap on the federal share of the cost per project. The funding agency is the Department of Homeland Security.

Flood Mitigation Assistance Program (FMA). This program provides grants to states and communities for planning assistance and mitigation projects that reduce the risk of flood damage to structures covered by flood insurance. The

types of grants available include planning and project assistance. FMA monies are available to eligible applicants when a Flood Mitigation Plan has been developed and approved by FEMA.

FEMA may contribute up to 75 percent of the total eligible costs. At least 25 percent of the total eligible costs must be provided by a non-Federal source. Of this 25 percent, no more than half can be provided as in-kind contributions from third parties. There are limits on the frequency of grants and the amount of funding that can be allocated to a State or community in any 5-year period. The Maryland Emergency Management Agency (MEMA) serves as the administrator of the planning and projects portions of the grant.

Fire Management Assistance grants. The purpose of this is to provide project grants and the provision of specialized services for the mitigation, management, and control of fires that threatens such destruction as would constitute a major disaster.

Grants are used for the mitigation, management and control of any fire on publicly (non-Federal) or privately owned forestland or grassland that threatens such destruction as would constitute a major disaster. This program replaces the former Fire Suppression Assistance Program. There may be a 25 percent non-Federal cost share if total eligible costs for the declared fire exceed certain thresholds. This grant is authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act and funded by FEMA.

Flood Hazard Mapping Program. This program is funded by FEMA. Its purpose is to identify, publish and update information on all flood prone areas of the United States in order to inform the public on flooding risks, support sound floodplain management and set flood insurance premium rates. Since flood hazard conditions change over time due to natural and manmade changes in watersheds and floodplains, FEMA provides grant funds to designated Cooperating Technical Partners (CTPs) and others to develop up-to-date flood hazard data; provide maps and data in digital format; integrate FEMA's community and State partners into the process; and raise public awareness of flood risks.

Assistance includes financial assistance through grants to Cooperating Technical Partners and other entities; and FEMA technical assistance, support, and data. Financial assistance is provided for activities such as refinement of Zone A boundaries; hydrologic and hydraulic analyses and floodplain mapping; Digital

Flood Insurance Rate Map (DFIRM) production; and re-delineation of floodplain boundaries using updated topographic data. FEMA technical assistance services are provided in the form of base map inventory; digital base map data sharing; DFIRM maintenance; hydrologic and hydraulic review; assessment of community mapping needs to support the Map Needs Update Support System; and technical standards agreements. Cost shares are negotiated between FEMA and recipients; generally a 20 percent hard or soft match is sought.

Flood Recovery Mapping. Its purpose is to provide funds from FEMA/s Disaster Relief Fund to map areas affected by disaster in order to assist in the response and recovery efforts.

Assistance includes grants to Cooperating Technical Partners and other entities; and FEMA technical assistance, support and data. Recover Maps can be quite detailed and the data collected as part of the recovery mapping process may ultimately be used in the process of developing or updating Flood Insurance Maps. This requires a Presidential declaration of disaster (flooding). Cost share are negotiated between FEMA and the recipients. This assistance is authorized by the Robert T. Stafford Disaster Relief and Emergency Assistance Act and funded by FEMA.

National Flood Insurance Program (NFIP). is funded by FEMA Its purpose is to provide financial protection by enabling persons to purchase insurance against physical damage to, or loss of, buildings and/or contents caused by floods, mudslide or flood-related erosion; and promote wise floodplain management practices in the Nation's flood-prone areas.

Assistance includes federally backed insurance against flooding, available to individuals and businesses in communities that participate in the NFIP. Insurance is sold to the public through State licensed property and casualty insurance agents and brokers. Discounted premiums are available to communities that participate in the Community Rating System. The funding agency is FEMA.

U.S. Department of Housing and Urban Development (HUD)
Community Development Block Grant -Disaster Recovery Initiative (DRI). This program provides flexible grants to help cities, counties, and States recover from Presidentially- declared disasters, especially in low-income areas. Since this program funds a broader range of recovery activities than most other programs, the DRI helps

communities and neighborhoods that otherwise might not recover due to limited resources.

When disasters occur, Congress may appropriate additional funding for the Community Development Block Grant and as DRI grants to rebuild the affected areas and bring crucial seed money to start the recovery process. Grantees may use DRI funds for recovery efforts involving housing, economic development, infrastructure and prevention of further damage, if such use does not duplicate funding available from the Federal Emergency Management Agency, the Small Business Administration, and the U.S. Army Corps of Engineers. Examples of these activities include:

- buying damaged properties in a flood plain and relocating them to safer areas;
- relocation payments for people and businesses displaced by the disaster;
- debris removal;
- rehabilitation of homes and buildings damaged by the disaster;
- buying, constructing, or rehabilitating public facilities such as water and sewer systems, streets, neighborhood centers, and government buildings;
- code enforcement;
- planning and administration costs (limited to no more than 20 percent of the grant).

HUD notifies eligible governments, who must then develop and submit an Action Plan for Disaster Recovery in order to receive DRI grants. The Action Plan must describe the needs, strategies, and projected uses of the Disaster Recovery funds.

U.S. Department of the Interior

Rural Fire Assistance (RFA). The RFA program provides cost-share grants for equipment, training, and fire prevention and mitigation activities for those rural/volunteer fire departments (RFDs) that protect rural communities and play a substantial cooperative role in the suppression of wildland fires in, on, or near United States Fish and Wildlife Service (FWS) lands.

The cost share for the RFA has a 10% local match required. The award ceiling is \$20,000. This year the grant was posted on January, 29, 2004. Application deadline varied this year. The funding agency is the Department of the Interior.

U.S. Environmental Protection Agency

Chesapeake Bay Program. The Chesapeake Bay is North America's largest and most biologically diverse estuary. The Bay is a resource of extraordinary productivity, worthy of the highest levels of protection and restoration. Accordingly, in 1983 the states of Virginia, Maryland, Pennsylvania, the District of Columbia, the Chesapeake Bay Commission, and the EPA signed an agreement that established the Chesapeake Bay Program partnership to protect

and restore the Chesapeake Bay ecosystem. In 1987, the partners adopted a second agreement, which established an overall vision for the Bay.

The expected number of awards is not available. There is a cost match required. The funding agency is the Environmental Protection Agency.

Solid Waste Management Assistance. This program is intended to promote use of integrated solid waste management systems to solve municipal solid waste generation and management problems at the local, regional and national levels.

Funding Priority:

- Partnerships - Establishing and developing partnerships with states, local governments and other non-profit organizations to assist them in advancing their waste management programs, including recycling and reduction of wastes, appropriate management of wastes that are generated, and developing integrated waste management plans.
- Education and Outreach - Developing and providing education, training, and outreach materials to educate and inform Americans about waste's impact on resource and energy use and pollution. Forwarding a better understanding of the environmental ramifications of collective actions including how individual purchasing and manufacturing decisions are connected to the environment and to enable Americans to make better choices resulting in increased recycling, less waste and energy savings.

Deadlines vary from region to region. Continuing Grant: A minimum of 5 percent cost-sharing is required. New Grant: No sharing required. Grants will normally be funded on a 12-month basis (yearly). The total approved project period is generally 3 years. In fiscal year 2002, 75 projects were awarded. The estimate of projects for fiscal year 2003 is about the same. The funding agency is the Environmental Protection Agency.

U.S. National Archives Administration

Preserving and Providing Access to Records. The NHPRC sponsors a variety of projects and programs to preserve and make available for use those records that further an understanding and appreciation of American history. The Commission encourages archival repositories, state and local governments, historical societies, libraries, academic institutions, and others to act vigorously to locate and preserve documents of national and state historical significance. Commission-supported projects help to ensure that these records are saved and

made available for public use.

Commission grants help archives, colleges and universities, and historical societies assess records conditions and needs, develop archival and records management programs, and provide support for historical photograph, news film, and sound recordings preservation and for microfilming. Behind all of this work is the Commission's determination to safeguard a national documentary legacy that, if lost, cannot be replaced.

The posted date this year was April 23, 2004. There is a cost match required. The information on estimated number awards and award ceiling is not available at this time. The funding agency is the National Archives and Records Administration.

Appendix G. Disaster Mitigation Act of 2000

Federal Register: February 26, 2002 (Volume 67, Number 38)

Rules and Regulations

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DOCID: fr26fe02-12

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Part III

Federal Emergency Management Agency

44 CFR Parts 201 and 206

Hazard Mitigation Planning and Hazard Mitigation Grant Program; Interim
Final Rule

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FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 201 and 206

RIN 3067-AD22

Hazard Mitigation Planning and Hazard Mitigation Grant Program

AGENCY: Federal Emergency Management Agency.

ACTION: Interim final rule.

SUMMARY: This rule addresses State mitigation planning, identifies new local mitigation planning requirements, authorizes Hazard Mitigation Grant Program (HMGP) funds for planning activities, and increases the amount of HMGP funds available to States that develop a comprehensive, enhanced mitigation plan. This rule also requires that repairs or construction funded by a disaster loan or grant must be carried out in accordance with applicable standards and says that FEMA may require safe land use and construction practices as a condition of grantees receiving disaster assistance under the Stafford Act.

DATES: Effective Date: February 26, 2002.

Comment Date: We will accept written comments through April 29, 2002.

ADDRESSES: Please send written comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street, SW., room 840, Washington, DC 20472, (facsimile) 202-646-4536, or (email) rules@fema.gov.

FOR FURTHER INFORMATION CONTACT: Margaret E. Lawless, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC, 20472, 202-646-3027, (facsimile) 202-646-3104, or (email) margaret.lawless@fema.gov.

SUPPLEMENTARY INFORMATION:

Introduction

Throughout the preamble and the rule the terms "we", "our" and "us" refer to FEMA.

Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act or the Act), 42 U.S.C. 5165, enacted under Sec. 104 the Disaster Mitigation Act of 2000, (DMA 2000) P.L. 106-390, provides new and revitalized approaches to mitigation planning. This section:

- (1) Continues the requirement for a Standard State Mitigation plan as a condition of disaster assistance;
- (2) provides for States to receive an increased percentage of HMGP funds (from 15 to 20 percent of the total estimated eligible Federal assistance) if, at the time of the declaration of a major disaster, they have in effect a FEMA-approved Enhanced State Mitigation Plan that meets the factors listed in this rule;
- (3) establishes a new requirement for local mitigation plans; and
- (4) authorizes up to 7 percent of the HMGP funds available to a State to be used for development of State, tribal, and local mitigation plans. We will give Indian tribal governments the opportunity to fulfill the requirements of Sec. 322 either as a grantee or a subgrantee. An Indian tribal government may choose to apply for HMGP funding directly to us and would then serve as a grantee, meeting the State level responsibilities, or it may apply through the State, meeting the local government or subgrantee responsibilities.

Section 322, in concert with other sections of the Act, provides a significant opportunity to reduce the Nation's disaster losses through mitigation planning. In addition, implementation of planned, pre-identified, cost-effective mitigation measures will streamline the disaster recovery process. The Act provides a framework for linking pre- and post-disaster mitigation planning and initiatives with public and private interests to ensure an integrated, comprehensive approach to disaster loss reduction. The language in the Act, taken as a whole, emphasizes the importance of strong State and local planning processes and comprehensive program management at the State level. The new planning criteria also support State administration of the HMGP, and contemplate a significant State commitment to mitigation activities, comprehensive State mitigation planning, and strong program management. The planning process also provides a link between State and local mitigation programs. Both State level and local plans should address strategies for incorporating post-disaster early mitigation implementation strategies and sustainable recovery actions. We also recognize that governments are involved in a range of planning activities and that mitigation plans may be linked to or reference hazardous materials and other non-natural hazard plans. Improved mitigation planning will result in a better understanding of risks and vulnerabilities, as well as to expedite implementation of measures and activities to reduce those risks, both pre- and post-disaster. Section 409 of the Stafford Act, 42 U.S.C. 5176, which required mitigation plans and the use of minimum codes and standards, was repealed by the DMA 2000. These issues are now addressed in two separate sections of the law: mitigation planning is in section 322 of the Act, and minimum codes and standards are in section 323 of the Act. We previously implemented section 409 through 44 CFR Part 206, Subpart M. Since current law now distinguishes the planning from the codes and standards in separate sections, we will address them in different sections of the CFR. We address the new planning regulations in Part 201 to reflect the broader relevance of planning to all FEMA mitigation programs, while the minimum standards remain in Part 206, Federal Disaster Assistance, Subpart M. The regulations implementing the Hazard Mitigation Grant Program are in Part 206, Subpart N. This rule also contains changes to Subpart N, to reflect the new planning criteria identified in section 322 of the Act.

The administration is considering changes to FEMA's mitigation programs in the President's Budget for FY 2003. However, States and localities still would be required to have plans in effect, which meet the minimum requirements under this rule, as a condition of receiving mitigation assistance after November 1, 2003.

Implementation Strategy. States must have an approved hazard mitigation plan in order to receive Stafford Act assistance, excluding assistance provided

pursuant to emergency provisions. These regulations provide criteria for the new two-tiered State mitigation plan process:

- Standard State Mitigation Plans, which allow a State to receive HMGP funding, based on 15 percent of the total estimated eligible Stafford Act disaster assistance, and Enhanced State Mitigation Plans, which allow a State to receive HMGP funds based on 20 percent of the total estimated eligible Stafford Act disaster assistance. Enhanced State Mitigation Plans must demonstrate that the State has developed a comprehensive mitigation program, that it effectively uses available mitigation funding, and that it is capable of managing the increased funding.
- All State Mitigation Plans must be reviewed, revised, and re-approved by FEMA every three years. An important requirement of the legislation is that we must approve a completed enhanced plan before a disaster declaration, in order for the State to be eligible for the increased funding.
- We will no longer require States to revise their mitigation plan after every disaster declaration, as under former

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Section 409 of the Act, 42 U.S.C. 5176. We recommend, however, that States consider revising their plan if a disaster or other circumstances significantly affect its mitigation priorities. States with existing mitigation plans, approved under former section 409, will continue to be eligible for the 15 percent HMGP funding until November 1, 2003, when all State mitigation plans must meet the requirements of these regulations. If State plans are not revised and approved to meet the Standard State Mitigation Plan requirements by that time, they will be ineligible for Stafford Act assistance, excluding emergency assistance.

Indian tribal governments may choose to apply directly to us for HMGP funding, and would therefore be responsible for having an approved State level mitigation plan, and would act as the grantee. If an Indian tribal government chooses to apply for HMGP grants through the State, they would be responsible for having an approved local level mitigation plan, and would serve as a subgrantee accountable to the State as grantee.

This rule also establishes local planning criteria so that these jurisdictions can actively begin the hazard mitigation planning process. This requirement is to encourage the development of comprehensive mitigation plans before disaster events. Section 322 requires local governments to have an approved local mitigation plan to be eligible to receive an HMGP project grant; however, this requirement will not fully take effect until November 1, 2003. FEMA Regional

Directors may grant an exception to this requirement in extenuating circumstances. Until November 1, 2003, local governments will be able to receive HMGP project grant funds and may prepare a mitigation plan concurrently with implementation of their project grant. We anticipate that the Predisaster mitigation program authorized by section 203 of the Act, 42 U.S.C. 5133, will also support this local mitigation planning by making funds available for the development of comprehensive local mitigation plans. Managing States that we approve under new criteria established under section 404 of the Act, 42 U.S.C. 5170c(c), as amended by section 204 of DMA 2000 will have approval authority for local mitigation plans. This provision does not apply to States that we approved under the Managing State program in effect before enactment of DMA 2000.

Our goal is for State and local governments to develop comprehensive and integrated plans that are coordinated through appropriate State, local, and regional agencies, as well as non-governmental interest groups. To the extent feasible and practicable, we would also like to consolidate the planning requirements for different FEMA mitigation programs. This will ensure that one local plan will meet the minimum requirements for all of the different FEMA mitigation programs, such as the Flood Mitigation Assistance Program (authorized by sections 553 and 554 of the National Flood Insurance Reform Act of 1994, 42 U.S.C. 4104c and 42 U.S.C. 4104d), the Community Rating System (authorized by section 541 of the National Flood Insurance Reform Act of 1994, 42 U.S.C. 4022), the Pre-Disaster Mitigation Program (authorized by section 203 of the Stafford Act), the Hazard Mitigation Grant Program (authorized by section 404 of the Stafford Act), and the mitigation activities that are based upon the provisions of section 323 and subsections 406(b) and (e) of the Stafford Act. The mitigation plans may also serve to integrate documents and plans produced under other emergency management programs. State level plans should identify overall goals and priorities, incorporating the more specific local risk assessments, when available, and including projects identified through the local planning process. Under section 322(d), up to 7 percent of the available HMGP funds may now be used for planning, and we encourage States to use these funds for local plan development. In a memorandum to FEMA Regional Directors dated December 21, 2000, we announced that this provision of section 322 was effective for disasters declared on or after October 30, 2000, the date on which the Disaster Mitigation Act of 2000 became law. Regional Directors are encouraging States to make these funds immediately available to local and Indian tribal governments, although the funds can be used for plan development and review at the State level as well. As discussed earlier in this Supplementary Information, subsection 323(a) of the Stafford Act, 42 U.S.C. 5166(a), requires as a

precondition to receiving disaster assistance under the Act that State and local governments, as well as eligible private nonprofit entities, must agree to carry out repair and reconstruction activities "in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications, and standards." In addition, that subsection authorizes the President (FEMA, by virtue of Executive Order 12148, as amended) to "require safe land use and construction practices, after adequate consultation with appropriate State and local officials" in the course of the use of Federal disaster assistance by eligible applicants to repair and restore disaster-damaged facilities.

At the same time that we implement the planning mandates of section 322 of the Stafford Act, we are also implementing the Minimum Standards for Public and Private Structures provision of section 323 of the Act. This rule appears at Subpart M of Part 206 of Title 44 of the Code of Federal Regulations. As mentioned earlier, the section 322 planning regulations are in Part 201, while Part 206, Subpart M includes only the minimum codes and standards regulations mandated in Sec. 323. The rule to implement Sec. 323 of the Act reinforces the link between pre-disaster planning, building and construction standards, and post-disaster reconstruction efforts.

We encourage comments on this interim final rule, and we will make every effort to involve all interested parties prior to the development of the Final Rule.

Justification for Interim Final Rule

In general, FEMA publishes a rule for public comment before issuing a final rule, under the Administrative Procedure Act, 5 U.S.C. 533 and 44 CFR 1.12. The Administrative Procedure Act, however, provides an exception from that general rule where the agency for good cause finds the procedures for comment and response contrary to public interest. Section 322 of the Stafford Act allows States to receive increased post-disaster grant funding for projects designed to reduce future disaster losses. States will only be eligible for these increased funds if they have a FEMA-approved Enhanced State Mitigation Plan.

This interim final rule provides the criteria for development and approval of these plans, as well as criteria for local mitigation plans required by this legislation. In order for State and local governments to be positioned to receive these mitigation funds as soon as possible, these regulations must be in effect. The public benefit of this rule will be to assist States and communities assess their risks and identify activities to strengthen the larger community and the built environment in order to become less susceptible to disasters. Planning serves as the vital foundation to saving lives and protecting properties, having integrated plans in place can serve to both streamline recovery efforts and lessen

potential future damages. Therefore, we believe it is contrary to the public interest to delay

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the benefits of this rule. In accordance with the Administrative Procedure Act, 5 U.S.C. 553(d)(3), we find that there is good cause for the interim final rule to take effect immediately upon publication in the Federal Register in order to meet the needs of States and communities by identifying criteria for mitigation plans in order to reduce risks nationwide, establish criteria for minimum codes and standards in post-disaster reconstruction, and to allow States to adjust their mitigation plans to receive the increase in mitigation funding.

In addition, we believe that, under the circumstances, delaying the effective date of this rule until after the comment period would not further the public interest. Prior to this rulemaking, FEMA hosted a meeting where interested parties provided comments and suggestions on how we could implement these planning requirements. Participants in this meeting included representatives from the National Emergency Management Association, the Association of State Floodplain Managers, the National Governors' Association, the International Association of Emergency Managers, the National Association of Development Organizations, the American Public Works Association, the National League of Cities, the National Association of Counties, the National Conference of State Legislatures, the International City/County Management Association, and the Bureau of Indian Affairs. We took comments and suggestions provided at this meeting into account in developing this interim final rule. Therefore, we find that prior notice and comment on this rule would not further the public interest. We actively encourage and solicit comments on this interim final rule from interested parties, and we will consider them in preparing the final rule. For these reasons, we believe we have good cause to publish an interim final rule.

National Environmental Policy Act

44 CFR 10.8(d)(2)(ii) excludes this rule from the preparation of an environmental assessment or environmental impact statement, where the rule relates to actions that qualify for categorical exclusion under 44 CFR 10.8(d)(2)(iii), such as the development of plans under this section.

Executive Order 12866, Regulatory Planning and Review

We have prepared and reviewed this rule under the provisions of E.O. 12866, Regulatory Planning and Review. Under Executive Order 12866, 58 FR 51735, October 4, 1993, a significant regulatory action is subject to OMB review and the requirements of the Executive Order. The Executive Order defines "significant regulatory action" as one that is likely to result in a rule that may:

- Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof;
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The purpose of this rule is to implement section 322 of the Stafford Act which addresses mitigation planning at the State, tribal, and local levels, identifies new local planning requirements, allows Hazard Mitigation Grant Program (HMGP) funds for planning activities, and increases the amount of HMGP funds available to States that develop a comprehensive, enhanced mitigation plan. The rule identifies local mitigation planning requirements before approval of project grants, and requires our approval of an Enhanced State Mitigation plan as a condition for increased mitigation funding. The rule also implements section 323 of the Stafford Act, which requires that repairs or construction funded by disaster loans or grants must comply with applicable standards and safe land use and construction practices. As such the rule itself will not have an effect on the economy of more than \$100,000,000.

Therefore, this rule is a significant regulatory action and is not an economically significant rule under Executive Order 12866. The Office of Management and Budget (OMB) has reviewed this rule under Executive Order 12866.

Executive Order 12898, Environmental Justice

Under Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994, we incorporate environmental justice into our policies and programs. The Executive Order requires each Federal agency to conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that those programs, policies, and activities do not have the effect of excluding persons from participation in our

programs, denying persons the benefits of our programs, or subjecting persons to discrimination because of their race, color, or national origin.

No action that we can anticipate under the final rule will have a disproportionately high or adverse human health and environmental effect on any segment of the population. Section 322 focuses specifically on mitigation planning to: Identify the natural hazards, risks, and vulnerabilities of areas in States, localities, and tribal areas; support development of local mitigation plans; provide for technical assistance to local and tribal governments for mitigation planning; and identify and prioritize mitigation actions that the State will support, as resources become available. Section 323 requires compliance with applicable codes and standards in repair and construction, and use of safe land use and construction standards. Accordingly, the requirements of Executive Order 12898 do not apply to this interim final rule.

Paperwork Reduction Act of 1995

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) and concurrent with the publication of this interim final rule, we have submitted a request for review and approval of a new collection of information, which is contained in this interim final rule. Under the Paperwork Reduction Act of 1995, a person may not be penalized for failing to comply with an information collection that does not display a currently valid Office of Management and Budget (OMB) control number. The request was submitted to OMB for approval under the emergency processing procedures in OMB regulation 5 CFR 1320.1. OMB has approved this collection of information for use through August 31, 2002, under OMB Number 3067-0297.

We expect to follow this emergency request with a request for OMB approval to continue the use of the collection of information for a term of three years. The request will be processed under OMB's normal clearance procedures in accordance with provisions of OMB regulation 5 CFR 1320.10. To help us with the timely processing of the emergency and normal clearance submissions to OMB, we invite the general public to comment on the collection of information. This notice and request for comments complies with the provisions of the Paperwork

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Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)).

Collection of Information

Title: State/Local/Tribal Hazard Mitigation Plans under Section 322 of the Disaster Mitigation Act of 2000. Abstract: Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended by Section 104 of the Disaster Mitigation Act of 2000, provides new and revitalized approaches to mitigation planning. To obtain Federal assistance, new planning provisions require that each state, local, and tribal government prepare a hazard mitigation plan to include sections that describe the planning process, an assessment of the risks, a mitigation strategy, and identification of the plan maintenance and updating process. The Act provides a framework for linking pre- and post-disaster mitigation planning and initiatives with public and private interests to ensure an integrated, comprehensive approach to disaster loss reduction. Under Section 322 there is a two-tiered State mitigation plan process. State mitigation plans must be reviewed, revised, and submitted to us every 3 years.

- (1) A Standard State Mitigation Plan must be approved by us in order for States to be eligible to receive Hazard Mitigation Grant Program (HGMP) funding based on 15 percent of the total estimated eligible Federal disaster assistance. This plan demonstrates the State's goals, priorities, and commitment to reduce risks from natural hazards and serves as a guide for State and local decision makers as they commit resources to reducing the effects of natural hazards.
- (2) An Enhanced State Mitigation Plan must be approved by us for a State to be eligible to receive HMGP funds based on 20 percent of the total estimated eligible Federal disaster assistance. This plan must be approved by us within the 3 years prior to the current major disaster declaration. It must demonstrate that a State has developed a comprehensive mitigation program, is effectively using available mitigation funding, and is capable of managing the increased funding.

To be eligible to receive HMGP project grants, local governments must develop Local Mitigation Plans that include a risk assessment and mitigation strategy to reduce potential losses and target resources. Plans must be reviewed, revised, and submitted to us for approval every 5 years.

To receive HMGP project grants, tribal governments may apply as a grantee or subgrantee, and will be required to meet the planning requirements of a State or local government.

Estimated Total Annual Burden:

Type of collection/forms	No. of respondents	Hours per response	Annual burden hours
Update state or tribal mitigation plans (standard state mitigation plans)	18	320	5,760
State review of local plans	500 local	8	4,000
States develop Enhanced State Mitigation Plans	7	100	700
Local or tribal governments develop mitigation plans	500 local	300	150,000
Total Burden			160,460

Comments: We are soliciting written comments to:

- (a) Evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility;
- (b) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information;
- c) obtain recommendations to enhance the quality, utility, and clarity of the information to be collected; and
- (d) evaluate the extent to which automated, electronic, mechanical, or other technological collection techniques may further reduce the respondents' burden.

FEMA will accept comments through April 29, 2002.

Addressee: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Section, Program Services and Systems Branch, Facilities Management and Services Division, Administration and Resource Planning Directorate, Federal Emergency Management Agency, 500 C Street, Street, SW., Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: You may obtain copies of the OMB paperwork clearance package by contacting Ms. Anderson at (202) 646-2625 (voice), (202) 646-3347 (facsimile), or by e-mail at muriel.anderson@fema.gov.

Executive Order 13132, Federalism

Executive Order 13132, Federalism, dated August 4, 1999, sets forth principles and criteria that agencies must adhere to in formulating and implementing policies that have federalism implications, that is, regulations that have substantial direct effects on the States, or on the distribution of power and responsibilities among the various levels of government. Federal agencies must closely examine the statutory authority supporting any action that would limit the policymaking discretion of the States, and to the extent practicable, must consult with State and local officials before implementing any such action. We have reviewed this rule under E.O.13132 and have concluded that the rule does not have federalism implications as defined by the Executive Order. We have determined that the rule does not significantly affect the rights, roles, and responsibilities of States, and involves no preemption of State law nor does it limit State policymaking discretion.

However, we have consulted with State and local officials. In order to assist us in the development of this rule, we hosted a meeting to allow interested parties an opportunity to provide their perspectives on the legislation and options for implementation of Sec. 322. Stakeholders who attended the meeting included representatives from the National Emergency Management Association, the Association of State Floodplain Managers, the National Governors' Association, the International Association of Emergency Managers, the National Association of Development Organizations, the American Public Works Association, the National League of Cities, the National Association of Counties, the National Conference of State Legislatures, the International City/County Management Association, and the Bureau of Indian Affairs. We received valuable input from all parties at the meeting, which we took into account in the development of this rule. Additionally, we actively encourage and solicit comments on this interim final rule from interested parties, and we will

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consider them in preparing the final rule.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

We have reviewed this interim final rule under Executive Order 13175, which became effective on February 6, 2001. Under the Hazard Mitigation Grant Program (HMGP), Indian tribal governments will have the option to apply for grants directly to us and to serve as "grantee", carrying out "State" roles. If they choose this option, tribal governments may submit either a State-level Standard Mitigation Plan for the 15 percent HMGP funding or a State-level Enhanced Mitigation Plan for 20 percent HMGP funding. In either case, Indian tribal governments would be able to spend up to 7 percent of those funds on planning. Before developing this rule, we met with representatives from State and local governments and the Bureau of Indian Affairs, to discuss the new planning opportunities and requirements of Sec. 322 of the Stafford Act. We received valuable input from all parties, which helped us to develop this interim final rule.

In reviewing the interim final rule, we find that it does not have "tribal implications" as defined in Executive Order 13175 because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. Moreover, the interim final rule does not impose substantial direct compliance costs on tribal governments, nor does it preempt tribal law, impair treaty rights or limit the self-governing powers of tribal governments.

Congressional Review of Agency Rulemaking

We have sent this interim final rule to the Congress and to the General Accounting Office under the Congressional Review of Agency Rulemaking Act, Public Law 104-121. The rule is a not "major rule" within the meaning of that Act. It is an administrative action in support of normal day-to-day mitigation planning activities required by section 322 and compliance under section 323 of the Stafford Act, as enacted in DMA 2000.

The rule will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. It will not have "significant adverse effects" on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises. This final rule is subject to the information collection requirements of the Paperwork Reduction Act, and OMB has assigned Control No. 3067-0297. The rule is not an unfunded Federal mandate within the meaning of the Unfunded Mandates Reform Act of 1995, Public Law 104-4, and any enforceable duties that we impose

are a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

List of Subjects in 44 CFR Part 201 and Part 206

Administrative practice and procedure, Disaster assistance, Grant programs, Mitigation planning, Reporting and recordkeeping requirements.

Accordingly, Amend 44 CFR, Subchapter D--Disaster Assistance, as follows:

1. Add Part 201 to read as follows:

PART 201--MITIGATION PLANNING

Sec.

201.1 Purpose.

201.2 Definitions.

201.3 Responsibilities.

201.4 Standard State Mitigation Plans.

201.5 Enhanced State Mitigation Plans.

201.6 Local Mitigation Plans.

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

Sec. 201.1 Purpose.

(a) The purpose of this part is to provide information on the polices and procedures for mitigation planning as required by the provisions of section 322 of the Stafford Act, 42 U.S.C. 5165.

(b) The purpose of mitigation planning is for State, local, and Indian tribal governments to identify the natural hazards that impact them, to identify actions and activities to reduce any losses from those hazards, and to establish a coordinated process to implement the plan, taking advantage of a wide range of resources.

Sec. 201.2 Definitions.

Grantee means the government to which a grant is awarded, which is accountable for the use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the grant award document. Generally, the State is the grantee. However, after a declaration, an Indian tribal government may choose to be a grantee, or may act as a subgrantee under the State. An Indian tribal government acting as grantee will assume the responsibilities of a "state", as described in this part, for the purpose of administering the grant. Hazard mitigation means any sustained action taken to reduce or eliminate the long-term risk to human life and property from hazards. Hazard Mitigation Grant Program means the program authorized under section 404 of the Stafford Act, 42 U.S.C 5170c and implemented at 44 CFR Part 206, Subpart N, which authorizes funding for certain mitigation measures identified through the evaluation of natural hazards conducted under section 322 of the Stafford Act 42 U.S.C 5165. 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 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.

Local government is any county, municipality, city, town, township, public authority, school district, special district, intrastate district, council of governments (regardless of whether the council of governments is incorporated as a nonprofit corporation under State law), regional or interstate government entity, or agency or instrumentality of a local government; any Indian tribe or authorized tribal organization, or Alaska Native village or organization; and any rural community, unincorporated town or village, or other public entity.

Managing State means a State to which FEMA has delegated the authority to administer and manage the HMGP under the criteria established by FEMA pursuant to 42 U.S.C. 5170c(c). FEMA may also delegate authority to tribal governments to administer and manage the HMGP as a Managing State.

Regional Director is a director of a regional office of FEMA, or his/her designated representative. Small and impoverished communities means a community of 3,000 or fewer individuals that is identified by the State as a rural community, and is not a remote area within the corporate boundaries of a larger city; is economically disadvantaged, by having an average per capita annual income of residents not exceeding 80 percent of national, per capita income, based on

best available data; the local unemployment rate exceeds by one percentage point or more, the most recently reported, average yearly national unemployment rate; and any other factors identified in the State Plan in which the community is located.

The Stafford Act refers to the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended (42 U.S.C. 5121-5206).

State is any State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

State Hazard Mitigation Officer is the official representative of State government who is the primary point of contact with FEMA, other Federal agencies, and local governments in mitigation planning and implementation of mitigation programs and activities required under the Stafford Act.

Subgrantee means the government or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of the funds provided. Subgrantees can be a State agency, local government, private non-profit organizations, or Indian tribal government. Indian tribal governments acting as a subgrantee are accountable to the State grantee.

Sec. 201.3 Responsibilities.

(A) General. This section identifies the key responsibilities of FEMA, States, and local/tribal governments in carrying out section 322 of the Stafford Act, 42 U.S.C. 5165.

(B) FEMA. The key responsibilities of the Regional Director are to:

- (1) Oversee all FEMA related pre- and post-disaster hazard mitigation programs and activities;
- (2) Provide technical assistance and training to State, local, and Indian tribal governments regarding the mitigation planning process;
- (3) Review and approve all Standard and Enhanced State Mitigation Plans;
- (4) Review and approve all local mitigation plans, unless that authority has been delegated to the State in accordance with Sec. 201.6(d);
- (5) Conduct reviews, at least once every three years, of State mitigation activities, plans, and programs to ensure that mitigation commitments are fulfilled, and when necessary, take action, including recovery of funds or denial of future funds, if mitigation commitments are not fulfilled.

(C) State. The key responsibilities of the State are to coordinate all State and local activities relating to hazard evaluation and mitigation and to:

(1) Prepare and submit to FEMA a Standard State Mitigation Plan following the criteria established in Sec. 201.4 as a condition of receiving Stafford Act assistance (except emergency assistance).

(2) In order to be considered for the 20 percent HMGP funding, prepare and submit an Enhanced State Mitigation Plan in accordance with Sec. 201.5, which must be reviewed and updated, if necessary, every three years from the date of the approval of the previous plan.

(3) At a minimum, review and, if necessary, update the Standard State Mitigation Plan by November 1, 2003 and every three years from the date of the approval of the previous plan in order to continue program eligibility.

(4) Make available the use of up to the 7 percent of HMGP funding for planning in accordance with Sec. 206.434.

(5) Provide technical assistance and training to local governments to assist them in applying for HMGP planning grants, and in developing local mitigation plans.

(6) For Managing States that have been approved under the criteria established by FEMA pursuant to 42 U.S.C. 5170c(c), review and approve local mitigation plans in accordance with Sec. 201.6(d).

(D) Local governments. The key responsibilities of local governments are to:

(1) Prepare and adopt a jurisdiction-wide natural hazard mitigation plan as a condition of receiving project grant funds under the HMGP, in accordance with Sec. 201.6.

(2) At a minimum, review and, if necessary, update the local mitigation plan every five years from date of plan approval to continue program eligibility.

(E) Indian tribal governments. Indian tribal governments will be given the option of applying directly to us for Hazard Mitigation Grant Program funding, or they may choose to apply through the State. If they apply directly to us, they will assume the responsibilities of the State, or grantee, and if they apply through the State, they will assume the responsibilities of the local government, or subgrantee.

Sec. 201.4 Standard State Mitigation Plans.

(A) Plan requirement. By November 1, 2003, States must have an approved Standard State Mitigation plan meeting the requirements of this section, in order to receive assistance under the Stafford Act, although assistance authorized under disasters declared prior to November 1, 2003 will continue to be made available. In any case, emergency assistance provided under 42 U.S.C. 5170a, 5170b, 5173, 5174, 5177, 5179, 5180, 5182, 5183, 5184, 5192 will not be affected. The

mitigation plan is the demonstration of the State's commitment to reduce risks from natural hazards and serves as a guide for State decision makers as they commit resources to reducing the effects of natural hazards. States may choose to include the requirements of the HMGP Administrative Plan in their mitigation plan.

(B) Planning process. An effective planning process is essential in developing and maintaining a good plan. The mitigation planning process should include coordination with other State agencies, appropriate Federal agencies, interested groups, and be integrated to the extent possible with other ongoing State planning efforts as well as other FEMA mitigation programs and initiatives.

(C) Plan content. To be effective the plan must include the following elements:

(1) Description of the planning process used to develop the plan, including how it was prepared, who was involved in the process, and how other agencies participated.

(2) Risk assessments that provide the factual basis for activities proposed in the strategy portion of the mitigation plan. Statewide risk assessments must characterize and analyze natural hazards and risks to provide a statewide overview. This overview will allow the State to compare potential losses throughout the State and to determine their priorities for implementing mitigation measures under the strategy, and to prioritize jurisdictions for receiving technical and financial support in developing more detailed local risk and vulnerability assessments. The risk assessment shall include the following:

(a) An overview of the type and location of all natural hazards that can affect the State, including information on previous occurrences of hazard events, as well as the probability of future hazard events, using maps where appropriate;

(b) An overview and analysis of the State's vulnerability to the hazards described in this paragraph (c)(2), based on estimates provided in local risk assessments as well as the State risk assessment. The State shall describe vulnerability in terms of the jurisdictions most threatened by the identified hazards, and most vulnerable to damage and loss associated with hazard events. State owned critical or operated facilities located in the

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identified hazard areas shall also be addressed;

(c) An overview and analysis of potential losses to the identified vulnerable structures, based on estimates provided in local risk assessments as well as the State risk assessment. The State shall estimate the potential dollar losses to State owned or operated buildings, infrastructure, and critical facilities located in the identified hazard areas.

(3) A Mitigation Strategy that provides the State's blueprint for reducing the losses identified in the risk assessment. This section shall include:

(a) A description of State goals to guide the selection of activities to mitigate and reduce potential losses.

(b) A discussion of the State's pre- and post-disaster hazard management policies, programs, and capabilities to mitigate the hazards in the area, including: an evaluation of State laws, regulations, policies, and programs related to hazard mitigation as well as to development in hazard-prone areas; a discussion of State funding capabilities for hazard mitigation projects; and a general description and analysis of the effectiveness of local mitigation policies, programs, and capabilities.

(c) An identification, evaluation, and prioritization of cost-effective, environmentally sound, and technically feasible mitigation actions and activities the State is considering and an explanation of how each activity contributes to the overall mitigation strategy. This section should be linked to local plans, where specific local actions and projects are identified.

(d) Identification of current and potential sources of Federal, State, local, or private funding to implement mitigation activities.

(4) A section on the Coordination of Local Mitigation Planning that includes the following:

(a) A description of the State process to support, through funding and technical assistance, the development of local mitigation plans.

(b) A description of the State process and timeframe by which the local plans will be reviewed, coordinated, and linked to the State Mitigation Plan.

(c) Criteria for prioritizing communities and local jurisdictions that would receive planning and project grants under available funding programs, which should include consideration for communities with the highest risks, repetitive loss properties, and most intense development pressures. Further, that for non-planning grants, a principal criterion for prioritizing grants shall be the extent to which benefits are maximized according to a cost benefit review of proposed projects and their associated costs.

(5) A Plan Maintenance Process that includes:

(a) An established method and schedule for monitoring, evaluating, and updating the plan.

(b) A system for monitoring implementation of mitigation measures and project closeouts.

(c) A system for reviewing progress on achieving goals as well as activities and projects identified in the Mitigation Strategy.

(6) A Plan Adoption Process. The plan must be formally adopted by the State prior to submittal to us for final review and approval.

(7) Assurances. The plan must include assurances that the State will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, in compliance with 44 CFR 13.11(c). The State will amend its plan whenever necessary to reflect changes in State or Federal laws and statutes as required in 44 CFR 13.11(d).

(D) Review and updates. Plan must be reviewed and revised to reflect changes in development, progress in statewide mitigation efforts, and changes in priorities and resubmitted for approval to the appropriate Regional Director every three years. The Regional review will be completed within 45 days after receipt from the State, whenever possible. We also encourage a State to review its plan in the post-disaster timeframe to reflect changing priorities, but it is not required.

Sec. 201.5 Enhanced State Mitigation Plans.

(A) A State with a FEMA approved Enhanced State Mitigation Plan at the time of a disaster declaration is eligible to receive increased funds under the HMGP, based on twenty percent of the total estimated eligible Stafford Act disaster assistance. The Enhanced State Mitigation Plan must demonstrate that a State has developed a comprehensive mitigation program that the State effectively uses available mitigation funding, and that it is capable of managing the increased funding. In order for the State to be eligible for the 20 percent HMGP funding, FEMA must have approved the plan within three years prior to the disaster declaration.

(B) Enhanced State Mitigation Plans must include all elements of the Standard State Mitigation Plan identified in Sec. 201.4, as well as document the following:

(1) Demonstration that the plan is integrated to the extent practicable with other State and/or regional planning initiatives (comprehensive, growth management, economic development, capital improvement, land development, and/or emergency management plans) and FEMA mitigation programs and initiatives that provide guidance to State and regional agencies.

(2) Documentation of the State's project implementation capability, identifying and demonstrating the ability to implement the plan, including:

- (a) Established eligibility criteria for multi-hazard mitigation measures.
- (b) A system to determine the cost effectiveness of mitigation measures, consistent with OMB Circular A-94, Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs, and to rank the measures according to the State's eligibility criteria.

(c) Demonstration that the State has the capability to effectively manage the HMGP as well as other mitigation grant programs, including a record of the following:

(1) Meeting HMGP and other mitigation grant application timeframes and submitting complete, technically feasible, and eligible project applications with appropriate supporting documentation;

(2) Preparing and submitting accurate environmental reviews and benefit-cost analyses;

(3) Submitting complete and accurate quarterly progress and financial reports on time; and

(4) Completing HMGP and other mitigation grant projects within established performance periods, including financial reconciliation.

(d) A system and strategy by which the State will conduct an assessment of the completed mitigation actions and include a record of the effectiveness (actual cost avoidance) of each mitigation action.

(3) Demonstration that the State effectively uses existing mitigation programs to achieve its mitigation goals.

(4) Demonstration that the State is committed to a comprehensive state mitigation program, which might include any of the following:

(a) A commitment to support local mitigation planning by providing workshops and training, State planning grants, or coordinated capability development of local officials, including Emergency Management and Floodplain Management certifications.

(b) A statewide program of hazard mitigation through the development of legislative initiatives, mitigation councils, formation of public/private

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partnerships, and/or other executive actions that promote hazard mitigation.

(c) The State provides a portion of the non-Federal match for HMGP and/or other mitigation projects.

(d) To the extent allowed by State law, the State requires or encourages local governments to use a current version of a nationally applicable model building code or standard that addresses natural hazards as a basis for design and construction of State sponsored mitigation projects.

(e) A comprehensive, multi-year plan to mitigate the risks posed to existing buildings that have been identified as necessary for post-disaster response and recovery operations.

(f) A comprehensive description of how the State integrates mitigation into its post-disaster recovery operations.

(C) Review and updates.

(1) A State must review and revise its plan to reflect changes in development, progress in statewide mitigation efforts, and changes in priorities, and resubmit

it for approval to the appropriate Regional Director every three years. The Regional review will be completed within 45 days after receipt from the State, whenever possible.

(2) In order for a State to be eligible for the 20 percent HMGP funding, the Enhanced State Mitigation plan must be approved by FEMA within the three years prior to the current major disaster declaration.

Sec. 201.6 Local Mitigation Plans.

The local mitigation plan is the representation of the jurisdiction's commitment to reduce risks from natural hazards, serving as a guide for decision makers as they commit resources to reducing the effects of natural hazards. Local plans will also serve as the basis for the State to provide technical assistance and to prioritize project funding.

(A) Plan requirement.

(1) For disasters declared after November 1, 2003, a local government must have a mitigation plan approved pursuant to this section in order to receive HMGP project grants. Until November 1, 2003, local mitigation plans may be developed concurrent with the implementation of the project grant.

(2) Regional Directors may grant an exception to the plan requirement in extraordinary circumstances, such as in a small and impoverished community, when justification is provided. In these cases, a plan will be completed within 12 months of the award of the project grant. If a plan is not provided within this timeframe, the project grant will be terminated, and any costs incurred after notice of grant's termination will not be reimbursed by FEMA.

(3) Multi-jurisdictional plans (e.g. watershed plans) may be accepted, as appropriate, as long as each jurisdiction has participated in the process and has officially adopted the plan. State-wide plans will not be accepted as multi-jurisdictional plans.

(B) Planning process. An open public involvement process is essential to the development of an effective plan. In order to develop a more comprehensive approach to reducing the effects of natural disasters, the planning process shall include:

(1) An opportunity for the public to comment on the plan during the drafting stage and prior to plan approval;

(2) An opportunity for neighboring communities, local and regional agencies involved in hazard mitigation activities, and agencies that have the authority to regulate development, as well as businesses, academia and other private and non-profit interests to be involved in the planning process; and

(3) Review and incorporation, if appropriate, of existing plans, studies, reports, and technical information.

(C) Plan content. The plan shall include the following:

(1) Documentation of the planning process used to develop the plan, including how it was prepared, who was involved in the process, and how the public was involved.

(2) A risk assessment that provides the factual basis for activities proposed in the strategy to reduce losses from identified hazards. Local risk assessments must provide sufficient information to enable the jurisdiction to identify and prioritize appropriate mitigation actions to reduce losses from identified hazards. The risk assessment shall include:

(a) A description of the type, location, and extent of all natural hazards that can affect the jurisdiction. The plan shall include information on previous occurrences of hazard events and on the probability of future hazard events.

(b) A description of the jurisdiction's vulnerability to the hazards described in paragraph (c)(2)(i) of this section. This description shall include an overall summary of each hazard and its impact on the community. The plan should describe vulnerability in terms of:

(1) The types and numbers of existing and future buildings, infrastructure, and critical facilities located in the identified hazard areas;

(2) An estimate of the potential dollar losses to vulnerable structures identified in paragraph (c)(2)(i)(A) of this section and a description of the methodology used to prepare the estimate;

(3) Providing a general description of land uses and development trends within the community so that mitigation options can be considered in future land use decisions.

(c) For multi-jurisdictional plans, the risk assessment section must assess each jurisdiction's risks where they vary from the risks facing the entire planning area.

(3) A mitigation strategy that provides the jurisdiction's blueprint for reducing the potential losses identified in the risk assessment, based on existing authorities, policies, programs and resources, and its ability to expand on and improve these existing tools. This section shall include:

(a) A description of mitigation goals to reduce or avoid long-term vulnerabilities to the identified hazards.

(b) A section that identifies and analyzes a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of each hazard, with particular emphasis on new and existing buildings and infrastructure.

(c) An action plan describing how the actions identified in paragraph (c)(2)(ii) of this section will be prioritized, implemented, and administered by the local jurisdiction. Prioritization shall include a special emphasis on the extent to which benefits are maximized according to a cost benefit review of the proposed projects and their associated costs.

(d) For multi-jurisdictional plans, there must be identifiable action items specific to the jurisdiction requesting FEMA approval or credit of the plan.

(4) A plan maintenance process that includes:

(a) A section describing the method and schedule of monitoring, evaluating, and updating the mitigation plan within a five-year cycle.

(b) A process by which local governments incorporate the requirements of the mitigation plan into other planning mechanisms such as comprehensive or capital improvement plans, when appropriate.

(c) Discussion on how the community will continue public participation in the plan maintenance process.

(5) Documentation that the plan has been formally adopted by the governing body of the jurisdiction requesting approval of the plan (e.g., City Council, County Commissioner, Tribal Council). For multi-jurisdictional plans, each jurisdiction requesting approval of the plan must document that it has been formally adopted.

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(D) Plan review.

(1) Plans must 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.

(2) The Regional review will be completed within 45 days after receipt from the State, whenever possible.

(3) Plans must be reviewed, revised if appropriate, and resubmitted for approval within five years in order to continue to be eligible for HMGP project grant funding.

(4) Managing States that have been approved under the criteria established by FEMA pursuant to 42 U.S.C. 5170c(c) will be delegated approval authority for local mitigation plans, and the review will be based on the criteria in this part. Managing States will review the plans within 45 days of receipt of the plans, whenever possible, and provide a copy of the approved plans to the Regional Office.

PART 206--FEDERAL DISASTER ASSISTANCE FOR DISASTERS DECLARED
ON OR

AFTER NOVEMBER 23, 1988

2. The authority citation for part 206 is revised to read as follows:

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

2a. Revise Part 206, Subpart M to read as follows:

Subpart M--Minimum Standards

Sec.206.400 General.

206.401 Local standards.

206.402 Compliance.

Sec. 206.400 General.

(a) As a condition of the receipt of any disaster assistance under the Stafford Act, the applicant shall carry out any repair or construction to be financed with the disaster assistance in accordance with applicable standards of safety, decency, and sanitation and in conformity with applicable codes, specifications and standards.

(b) Applicable codes, specifications, and standards shall include any disaster resistant building code that meets the minimum requirements of the National Flood Insurance Program (NFIP) as well as being substantially equivalent to the recommended provisions of the National Earthquake Hazards Reduction Program (NEHRP). In addition, the applicant shall comply with any requirements necessary in regards to Executive Order 11988, Floodplain Management, Executive Order 12699, Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction, and any other applicable Executive orders.

(c) In situations where there are no locally applicable standards of safety, decency and sanitation, or where there are no applicable local codes, specifications and standards governing repair or construction activities, or where the Regional Director determines that otherwise applicable codes, specifications,

and standards are inadequate, then the Regional Director may, after consultation with appropriate State and local officials, require the use of nationally applicable codes, specifications, and standards, as well as safe land use and construction practices in the course of repair or construction activities.

(d) The mitigation planning process that is mandated by section 322 of the Stafford Act and 44 CFR part 201 can assist State and local governments in determining where codes, specifications, and standards are inadequate, and may need to be upgraded.

Sec. 206.401 Local standards.

The cost of repairing or constructing a facility in conformity with minimum codes, specifications and standards may be eligible for reimbursement under section 406 of the Stafford Act, as long as such codes, specifications and standards meet the criteria that are listed at 44 CFR 206.226(b).

Sec. 206.402 Compliance.

A recipient of disaster assistance under the Stafford Act must document for the Regional Director its compliance with this subpart following the completion of any repair or construction activities.

Subpart N--Hazard Mitigation Grant Program

3. Revise Sec. 206.431 to read as follows:

Sec. 206.431 Definitions.

Activity means any mitigation measure, project, or action proposed to reduce risk of future damage, hardship, loss or suffering from disasters.

Applicant means a State agency, local government, Indian tribal government, or eligible private nonprofit organization, submitting an application to the grantee for assistance under the HMGP.

Enhanced State Mitigation Plan is the hazard mitigation plan approved under 44 CFR part 201 as a condition of receiving increased funding under the HMGP.

Grant application means the request to FEMA for HMGP funding, as outlined in Sec. 206.436, by a State or tribal government that will act as grantee.

Grant award means total of Federal and non-Federal contributions to complete the approved scope of work.

Grantee means the government to which a grant is awarded and which is accountable for the use of the funds provided. The grantee is the entire legal entity even if only a particular component of the entity is designated in the grant award document. Generally, the State is the grantee. However, an Indian tribal government may choose to be a grantee, or it may act as a subgrantee under the State. An Indian tribal government acting as a grantee will assume the responsibilities of a "state", under this subpart, for the purposes of administering the grant.

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 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.

Local Mitigation Plan is the hazard mitigation plan required of a local or Indian tribal government acting as a subgrantee as a condition of receiving a project subgrant under the HMGP as outlined in 44 CFR 201.6.

Standard State Mitigation Plan is the hazard mitigation plan approved under 44 CFR part 201, as a condition of receiving Stafford Act assistance as outlined in Sec. 201.4.

State Administrative Plan for the Hazard Mitigation Grant Program means the plan developed by the State to describe the procedures for administration of the HMGP.

Subgrant means an award of financial assistance under a grant by a grantee to an eligible subgrantee.

Subgrant application means the request to the grantee for HMGP funding by the eligible subgrantee, as outlined in Sec. 206.436.

Subgrantee means the government or other legal entity to which a subgrant is awarded and which is accountable to the grantee for the use of the funds provided. Subgrantees can be a State agency, local government, private non-profit organizations, or Indian tribal government as outlined in Sec. 206.433.

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Indian tribal governments acting as a subgrantee are accountable to the State grantee.

4. Revise Sec. 206.432(b) to read as follows:

Sec. 206.432 Federal grant assistance.

* * * * *

(b) Amounts of assistance. The total of Federal assistance under this subpart shall not exceed either 15 or 20 percent of the total estimated Federal assistance (excluding administrative costs) provided for a major disaster under 42 U.S.C. 5170b, 5172, 5173, 5174, 5177, 5178, 5183, and 5201 as follows:

(1) Fifteen (15) percent. Effective November 1, 2003, a State with an approved Standard State Mitigation Plan, which meets the requirements outlined in 44 CFR 201.4, shall be eligible for assistance under the HMGP not to exceed 15 percent of the total estimated Federal assistance described in this paragraph. Until that date, existing, approved State Mitigation Plans will be accepted.

(2) Twenty (20) percent. A State with an approved Enhanced State Mitigation Plan, in effect prior to the disaster declaration, which meets the requirements outlined in 44 CFR 201.5 shall be eligible for assistance under the HMGP not to exceed 20 percent of the total estimated Federal assistance described in this paragraph.

(3) The estimates of Federal assistance under this paragraph (b) shall be based on the Regional Director's estimate of all eligible costs, actual grants, and appropriate mission assignments.

* * * * *

5. Section 206.434 is amended by redesignating paragraphs (b) through (g) as paragraphs (c) through (h), respectively; adding a new paragraph (b); revising redesignated paragraphs (c) introductory text and (c)(1); and revising redesignated paragraph (d) to read as follows:

Sec. 206.434 Eligibility.

* * * * *

(b) Plan requirement. (1) For all disasters declared on or after November 1, 2003, local and tribal government applicants for subgrants, must have an approved local mitigation plan in accordance with 44 CFR 201.6 prior to receipt of HMGP subgrant funding. Until November 1, 2003, local mitigation plans may be developed concurrent with the implementation of subgrants.

(2) Regional Directors may grant an exception to this requirement in extraordinary circumstances, such as in a small and impoverished community when justification is provided. In these cases, a plan will

be completed within 12 months of the award of the project grant. If a plan is not provided within this timeframe, the project grant will be terminated, and any costs incurred after notice of grant's termination will not be reimbursed by FEMA.

(c) Minimum project criteria. To be eligible for the Hazard Mitigation Grant Program, a project must:

(1) Be in conformance with the State Mitigation Plan and Local Mitigation Plan approved under 44 CFR part 201;

* * * * *

(d) Eligible activities. (1) Planning. Up to 7% of the State's HMGP grant may be used to develop State, tribal and/or local mitigation plans to meet the planning criteria outlined in 44 CFR part 201.

(2) Types of projects. Projects may be of any nature that will result in protection to public or private property. Eligible projects include, but are not limited to:

(i) Structural hazard control or protection projects;

(ii) Construction activities that will result in protection from hazards;

(iii) Retrofitting of facilities;

(iv) Property acquisition or relocation, as defined in paragraph (e) of this section;

(v) Development of State or local mitigation standards;

(vi) Development of comprehensive mitigation programs with implementation as an essential component;

(vii) Development or improvement of warning systems.

* * * * *

6. Revise Sec. 206.435(a) to read as follows:

Sec. 206.435 Project identification and selection criteria.

(a) Identification. It is the State's responsibility to identify and select eligible hazard mitigation projects. All funded projects must be consistent with the State Mitigation Plan. Hazard Mitigation projects shall be identified and prioritized through the State, Indian tribal, and local planning process.

* * * * *

7. Revise Sec. 206.436 to read as follows:

Sec. 206.436 Application procedures.

(a) General. This section describes the procedures to be used by the grantee in submitting an application for HMGP funding. Under the HMGP, the State or Indian tribal government is the grantee and is responsible for processing subgrants to applicants in accordance with 44 CFR part 13 and this part 206. Subgrantees are accountable to the grantee.

(b) Governor's Authorized Representative. The Governor's Authorized Representative serves as the grant administrator for all funds provided under the Hazard Mitigation Grant Program. The Governor's Authorized Representative's responsibilities as they pertain to procedures outlined in this section include providing technical advice and assistance to eligible subgrantees, and ensuring that all potential applicants are aware of assistance available and submission of those documents necessary for grant award.

(c) Hazard mitigation application. Upon identification of mitigation measures, the State (Governor's Authorized Representative) will submit its Hazard Mitigation Grant Program application to the FEMA Regional Director. The application will identify one or more mitigation measures for which funding is requested. The application must include a Standard Form (SF) 424, Application for Federal Assistance, SF 424D, Assurances for Construction Programs, if appropriate, and an narrative statement. The narrative statement will contain any pertinent project management information not included in the State's administrative plan for Hazard Mitigation. The narrative statement will also serve to identify the specific mitigation measures for which funding is requested. Information required for each mitigation measure shall include the following:

- (1) Name of the subgrantee, if any;
- (2) State or local contact for the measure;
- (3) Location of the project;
- (4) Description of the measure;
- (5) Cost estimate for the measure;
- (6) Analysis of the measure's cost-effectiveness and substantial risk reduction, consistent with Sec. 206.434(c);
- (7) Work schedule;
- (8) Justification for selection;
- (9) Alternatives considered;

(10) Environmental information consistent with 44 CFR part 9, Floodplain Management and Protection of Wetlands, and 44 CFR part 10, Environmental Considerations.

(d) Application submission time limit. The State's application may be amended as the State identifies and selects local project applications to be funded. The State must submit all local HMGP applications and funding requests for the purpose of identifying new projects to the Regional Director within 12 months of the date of disaster declaration.

(e) Extensions. The State may request the Regional Director to extend the application time limit by 30 to 90 day

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increments, not to exceed a total of 180 days. The grantee must include a justification in its request.

(f) FEMA approval. The application and supplement(s) will be submitted to the FEMA Regional Director for approval. FEMA has final approval authority for funding of all projects.

(g) Indian tribal grantees. Indian tribal governments may submit a SF 424 directly to the Regional Director.

Subpart H--Public Assistance Eligibility

* * * * *

8. Revise Sec. 206.220 to read as follows:

Sec. 206.220 General.

This subpart provides policies and procedures for determinations of eligibility of applicants for public assistance, eligibility of work, and eligibility of costs for assistance under sections 402, 403, 406, 407, 418, 419, 421(d), 502, and 503 of the Stafford Act. Assistance under this subpart must also conform to requirements of 44 CFR part 201, Mitigation Planning, and 44 CFR part 206, subparts G--Public Assistance Project Administration, I--Public Assistance Insurance Requirements, J--Coastal Barrier Resources Act, and M--Minimum Standards. Regulations under 44 CFR part 9--Floodplain Management and

44 CFR part 10--Environmental Considerations, also apply to this assistance.

9. Section 206.226 is amended by redesignating paragraphs (b) through (j) as paragraphs (c) through (k), respectively; adding a new paragraph (b); and revising redesignated paragraph (g)(5) to read as follows:

Sec. 206.226 Restoration of damaged facilities.

* * * * *

(b) Mitigation planning. In order to receive assistance under this section, as of November 1, 2003, the State must have in place a FEMA approved State Mitigation Plan in accordance with 44 CFR part 201.

* * * * *

(g) * * *

(5) If relocation of a facility is not feasible or cost effective, the Regional Director shall disapprove Federal funding for the original location when he/she determines in accordance with 44 CFR parts 9, 10, 201, or subpart M of this part 206, that restoration in the original location is not allowed. In such cases, an alternative project may be applied for.

* * * * *

Dated: February 19, 2002.
Michael D. Brown,
General Counsel.
[FR Doc. 02-4321 Filed 2-25-02; 8:45 am]
BILLING CODE 6718-05-P

Appendix H. Federal Register Notice Extending Deadline

Federal Register: October 1, 2002 (Volume 67, Number 190)

Rules and Regulations

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DOCID:fr01oc02-13

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Parts 201 and 206

RIN 3067-AD22

Hazard Mitigation Planning and Hazard Mitigation Grant Program

AGENCY: Federal Emergency Management Agency.

ACTION: Interim final rule.

SUMMARY: This rule extends the date by which State and local governments must develop mitigation plans as a condition of grant assistance in compliance with 44 CFR Part 201. The regulations in Part 201 outline the requirements for State and local mitigation plans, which must be completed by November 1, 2003 in order to continue to receive FEMA grant assistance. This interim final rule extends that date to November 1, 2004.

DATES: Effective Date: October 1, 2002.

Comment Date: We will accept written comments through December 2, 2002.

ADDRESSES: Please send written comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street, SW., room 840, Washington, DC 20472, (facsimile) 202-646-4536, or (e-mail) rules@fema.gov.

FOR FURTHER INFORMATION CONTACT: Terry Baker, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street, SW., Washington, DC, 20472, 202-646-4648, (facsimile) 202-646-3104, or (e-mail) terry.baker@fema.gov.

SUPPLEMENTARY INFORMATION:

Introduction

Throughout the preamble and the rule the terms ``we'', ``our'' and ``us'' refer to FEMA.

On February 26, 2002, FEMA published an interim final rule implementing Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act or the Act), 42 U.S.C. 5165, enacted under Sec. 104 of the Disaster Mitigation Act of 2000, (DMA 2000) Pub. L. 106-390. This identified the requirements for State and local mitigation plans necessary for FEMA assistance. The critical portion of the current interim

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final rule being published extends the date that the planning requirements take effect. The date is being modified from November 1, 2003 to November 1, 2004 for all programs except the Pre-Disaster Mitigation (PDM) program.

The date that local mitigation plans will be required for the PDM program as a condition of ``brick and mortar'' project grant funding will continue to be November 1, 2003. Our objective is to encourage the use of the PDM program to develop State and local mitigation plans that will meet the criteria for all of our mitigation programs. The initial implementation of the PDM program allows States to prioritize the funding towards the development of mitigation plans in their most high-risk communities, positioning them to be eligible for project grant funding when it becomes available. The PDM program will benefit from the experiences in the Flood Mitigation Assistance (FMA) program, which has had a planning requirement for many years. States often prioritize FMA planning funds to a community in one year, with the implementation of the project occurring after the appropriate planning has been completed.

We received many thoughtful comments on much of the rule, and we intend to address them all prior to finalizing the rule. However, the overwhelming number of comments regarding the effective date for the new planning requirements on both the State and local governments indicated to us a need to extend that date. This new interim final rule will address this issue, and clarify the planning requirement for the recently published Fire Management Assistance Grant Program final rule. Since publication of the interim final rule, it became clear to us that, in some cases, there was a need to extend the effective date of the planning requirement to allow more time for plan development. An additional year will allow State, tribal, and local governments time to identify necessary resources, establish support for the planning process, and develop meaningful

mitigation plans. Legislative sessions, which in some cases may be once every two years, may be necessary to obtain funding for plan development and/or adoption of the plan prior to submittal to FEMA. Many State and local fiscal years run from July through June, and budget requests must be made months prior to the beginning of the fiscal year. This has made it difficult for many jurisdictions to begin the planning process. Our intention in extending the date is to allow for more thoughtful and comprehensive development of plans and implementation of this regulation. Nearly all of those commenting on the rule recognize the importance of planning. The generally accepted model is that good mitigation happens when good mitigation plans are the basis for the actions taken.

Even though we are extending the date for meeting the planning requirements, we encourage States and localities to continue to work on getting plans developed and approved as soon as feasible, and not to wait until the deadline to begin the process. It is important to note that although there is no deadline for approval of Enhanced State Mitigation Plans in order to qualify for the 20 percent HMPG funding, it will only be available to States if the plan is approved prior to a disaster declaration.

Although many comments addressed the need to extend the deadline, only a few provided specific alternative dates. We received several comments requesting a phased approach to the deadline for communities based on general risk levels or the priorities identified in a State plan. At this point, FEMA is not considering any option for a phased approach to the timeline since we believe that it would make this requirement too difficult to administer, for both States and FEMA. We believe that the one-year extension for the HMGP will address most of the concerns regarding the effective date of the planning requirements.

We have also received some questions regarding the relationship of the planning requirements of the Fire Management Assistance Grant Program to the plans developed under 44 CFR part 201. A Standard or Enhanced State Mitigation plan, which includes an evaluation of wildfire risk and mitigation, as identified in 44 CFR part 201 will meet the planning requirement of the Fire Management Assistance Grant Program. Until States develop and have either of those plans approved by FEMA, States must comply with the fire management planning requirement as stated in 44 CFR part 204 by ensuring that there is a fire component to the existing State Mitigation Plan or a separate wildfire mitigation plan.

Finally, we would like to clarify that for grants awarded under any hazard mitigation program prior to October 30, 2000 for the purpose of developing or updating a hazard mitigation plan, we will not provide an increase in funding or extensions for changes in the scope of work for purposes of meeting the

enhanced state plan criteria, since the enhanced plan concept did not exist prior to the Disaster Mitigation Act of 2000, enacted on that date.

We encourage comments on this interim final rule, and we will make every effort to involve all interested parties, including those who commented on the original interim final planning rule, prior to the development of the Final Rule.

Justification for Interim Final Rule

In general, FEMA publishes a rule for public comment before issuing a final rule, under the Administrative Procedure Act, 5 U.S.C. 533 and 44 CFR 1.12. The Administrative Procedure Act, however, provides an exception from that general rule where the agency for good cause finds the procedures for comment and response contrary to public interest. This interim final rule extends the date that State, tribal, and local governments have to develop mitigation plans required as a condition of FEMA grant assistance. State, tribal, and local governments are currently under the assumption that plans are required by November 1, 2003, whereas this interim final rule extends that date to November 1, 2004 for the HMGP. It does not affect the date for compliance for other programs, such as the Pre-disaster Mitigation (PDM) program. In order for State, local and tribal resources to be appropriately identified and used, it is essential that the date extension be made effective as soon as possible. We believe it is contrary to the public interest to delay the benefits of this rule. In accordance with the Administrative Procedure Act, 5 U.S.C. 553(d)(3), we find that there is good cause for the interim final rule to take effect immediately upon publication in the Federal Register in order to meet the needs of States and communities by identifying the new effective date for planning requirement under 44 CFR part 201. Therefore, we find that prior notice and comment on this rule would not further the public interest. We actively encourage and solicit comments on this interim final rule from interested parties, and we will consider them as well as those submitted on the original interim final planning rule in preparing the final rule. For these reasons, we believe we have good cause to publish an interim final rule.

National Environmental Policy Act

44 CFR 10.8(d)(2)(ii) excludes this rule from the preparation of an environmental assessment or environmental impact statement, where the rule relates to actions that qualify for categorical exclusion under 44 CFR 10.8(d)(2)(iii), such as the development of plans under this section.

Executive Order 12866, Regulatory Planning and Review

We have prepared and reviewed this rule under the provisions of E.O. 12866, Regulatory Planning and Review. Under Executive Order 12866, 58 FR 51735, October 4, 1993, a significant regulatory action is subject to review by The Office of Management and Budget (OMB) and the requirements of the Executive Order. The Executive Order defines "significant regulatory action" as one that is likely to result in a rule that may:

(1) Have an annual effect on the economy of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

(2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

The purpose of this rule is to extend the date by which State and local governments have to prepare or update their plans to meet the criteria identified in 44 CFR part 201. The original date, November 1, 2003, was determined to be difficult to meet. This interim final rule extends that date to November 1, 2004 for the post disaster Hazard Mitigation Grant Program. The date of November 1, 2003 will still apply to project grants under the Pre-disaster Mitigation program. As such, the rule itself will not have an effect on the economy of more than \$100,000,000.

Therefore, this rule is not a significant regulatory action and is not an economically significant rule under Executive Order 12866. OMB has not reviewed this rule under Executive Order 12866.

Executive Order 12898, Environmental Justice

Under Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994, we incorporate environmental justice into our policies and programs. The Executive Order requires each Federal agency to conduct its programs, policies, and activities that substantially affect human health or the environment, in a manner that ensures that those programs, policies, and

activities do not have the effect of excluding persons from participation in our programs, denying persons the benefits of our programs, or subjecting persons to discrimination because of their race, color, or national origin.

No action that we can anticipate under the final rule will have a disproportionately high or adverse human health and environmental effect on any segment of the population. This rule extends the date for development or update of State and local mitigation plans in compliance with 44 CFR part 201. Accordingly, the requirements of Executive Order 12898 do not apply to this interim final rule.

Paperwork Reduction Act of 1995

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) we submitted a request for review and approval of a new collection of information when the initial interim final rule was published on February 26, 2002. OMB approved this collection of information for use through August 31, 2002, under the emergency processing procedures in OMB regulation 5 CFR 1320.1, OMB Number 3067-0297. There have been no changes to the collection of information, and we have submitted a request for OMB approval to continue the use of the collection of information for a term of three years. The request is being processed under OMB's normal clearance procedures in accordance with provisions of OMB regulation 5 CFR 1320.11.

This new interim final rule simply extends the date by which States and communities have to comply with the planning requirements, and clarifies which FEMA programs are affected by these requirements. The changes do not affect the collection of information; therefore, no change to the request for the collection of information is necessary. In summary, this interim final rule complies with the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)).

FOR FURTHER INFORMATION CONTACT: You may obtain copies of the OMB paperwork clearance package by contacting Ms. Muriel Anderson at (202) 646-2625 (voice), (202) 646-3347 (facsimile), or by e-mail at informationcollectios@fema.gov.

Executive Order 13132, Federalism

Executive Order 13132, Federalism, dated August 4, 1999, sets forth principles and criteria that agencies must adhere to in formulating and implementing policies that have federalism implications, that is, regulations that have substantial direct effects on the States, or on the distribution of power and

responsibilities among the various levels of government. Federal agencies must closely examine the statutory authority supporting any action that would limit the policymaking discretion of the States, and to the extent practicable, must consult with State and local officials before implementing any such action.

We have reviewed this rule under E.O. 13132 and have concluded that the rule does not have federalism implications as defined by the Executive Order. We have determined that the rule does not significantly affect the rights, roles, and responsibilities of States, and involves no preemption of State law nor does it limit State policymaking discretion.

We will continue to evaluate the planning requirements and will work with interested parties as we implement the planning requirements of 44 CFR part 201. In addition, we actively encourage and solicit comments on this interim final rule from interested parties, and we will consider them in preparing the final rule.

Executive Order 13175, Consultation and Coordination with Indian Tribal Governments

We have reviewed this interim final rule under Executive Order 13175, which became effective on February 6, 2001. In reviewing the interim final rule, we find that it does not have "tribal implications" as defined in Executive Order 13175 because it will not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. Moreover, the interim final rule does not impose substantial direct compliance costs on tribal governments, nor does it preempt tribal law, impair treaty rights or limit the self-governing powers of tribal governments.

Congressional Review of Agency Rulemaking

We have sent this interim final rule to the Congress and to the General Accounting Office under the Congressional Review of Agency Rulemaking Act, Public Law 104-121. The rule is a not "major rule" within the meaning of that Act. It is an administrative action to extend the time State and local governments have to prepare mitigation plans required by section 322 of the Stafford Act, as enacted in DMA 2000.

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The rule will not result in a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. It will not have "significant adverse effects" on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises. This final rule is subject to the information collection requirements of the Paperwork Reduction Act, and OMB has assigned Control No. 3067-0297. The rule is not an unfunded Federal mandate within the meaning of the Unfunded Mandates Reform Act of 1995, Public Law 104-4, and any enforceable duties that we impose are a condition of Federal assistance or a duty arising from participation in a voluntary Federal program.

List of Subjects in 44 CFR Parts 201 and Part 206

Administrative practice and procedure, Disaster assistance, Grant programs, Mitigation planning, Reporting and record keeping requirements.

Accordingly, amend 44 CFR, chapter I, as follows:

PART 201--MITIGATION PLANNING

1. The authority for Part 201 continues to read as follows:

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

2. Revise Sec. 201.3(c)(3) to read as follows:

Sec. 201.3 Responsibilities.

* * * * *

(c) * * *

(3) At a minimum, review and, if necessary, update the Standard State Mitigation Plan by November 1, 2004 and every three years from the date of the approval of the previous plan in order to continue program eligibility.

* * * * *

3. Revise Sec. 201.4(a) to read as follows:

Sec. 201.1 Standard State Mitigation Plans.

(a) Plan requirement. By November 1, 2004, States must have an approved Standard State Mitigation plan meeting the requirements of this section in order to receive assistance under the Stafford Act, although assistance authorized under disasters declared prior to November 1, 2004 will continue to be made available. Until that date, existing, FEMA approved State Mitigation Plans will be accepted. In any case, emergency assistance provided under 42 U.S.C 5170a, 5170b, 5173, 5174, 5177, 5179, 5180, 5182, 5183, 5184, 5192 will not be affected. The mitigation plan is the demonstration of the State's commitment to reduce risks from natural hazards and serves as a guide for State decision makers as they commit resources to reducing the effects of natural hazards. States may choose to include the requirements of the HMGP Administrative Plan in their mitigation plan, but must comply with the updates, amendments or revisions requirement listed under 44 CFR 206.437.

* * * * *

4. Revise Sec. 201.6(a) to read as follows:

Sec. 201.6 Local Mitigation Plans.

* * * * *

(a) Plan requirements.

(1) For disasters declared after November 1, 2004, a local government must have a mitigation plan approved pursuant to this section in order to receive HMGP project grants. Until November 1, 2004, local mitigation plans may be developed concurrent with the implementation of the HMGP project grant.

(2) By November 1, 2003, local governments must have a mitigation plan approved pursuant to this section in order to receive a project grant through the Pre-Disaster Mitigation (PDM) program, authorized under Sec. 203 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5133. PDM planning grants will continue to be made available to all local governments after this time to enable them to meet the requirements of this section.

(3) Regional Directors may grant an exception to the plan requirement in extraordinary circumstances, such as in a small and impoverished community,

when justification is provided. In these cases, a plan will be completed within 12 months of the award of the project grant. If a plan is not provided within this timeframe, the project grant will be terminated, and any costs incurred after notice of grant's termination will not be reimbursed by FEMA.

(4) Multi-jurisdictional plans (e.g. watershed plans) may be accepted, as appropriate, as long as each jurisdiction has participated in the process and has officially adopted the plan. State-wide plans will not be accepted as multi-jurisdictional plans.

* * * * *

PART 206--FEDERAL DISASTER ASSISTANCE FOR DISASTERS DECLARED
ON OR
AFTER NOVEMBER 23, 1988

4. The authority for Part 206 continues to read as follows:

Authority: Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5206; Reorganization Plan No. 3 of 1978, 43 FR 41943, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376; E.O. 12148, 44 FR 43239, 3 CFR, 1979 Comp., p. 412; and E.O. 12673, 54 FR 12571, 3 CFR, 1989 Comp., p. 214.

5. Revise Sec. 206.432(b)(1) to read as follows:

Sec. 206.432 Federal grant assistance.

* * * * *

(b) * * *

(1) Fifteen (15) Percent. Effective November 1, 2004, a State with an approved Standard State Mitigation Plan, which meets the requirements outlined in 44 CFR 201.4, shall be eligible for assistance under the HMGP not to exceed 15 percent of the total estimated Federal assistance described in this paragraph. Until that date, existing, FEMA approved State Mitigation Plans will be accepted.

* * * * *

6. Revise Sec. 206.434(b)(1) to read as follows:

Sec. 206.434 Eligibility.

* * * * *

(b) * * *

(1) For all disasters declared on or after November 1, 2004, local and tribal government applicants for subgrants must have an approved local mitigation plan in accordance with 44 CFR 201.6 prior to receipt of HMGP subgrant funding. Until November 1, 2004, local mitigation plans may be developed concurrent with the implementation of subgrants.

* * * * *

Dated: September 26, 2002.
Joe M. Allbaugh,
Director.
[FR Doc. 02-24998 Filed 9-30-02; 8:45 am]
BILLING CODE 6718-05-P

Appendix I. State and Federal Requirements Addressed

§ 201.6

A. Plan Requirement

1. Description: For disasters declared after November 1, 2003, a local government must have a mitigation plan approved pursuant to this section in order to receive HMGP project grants. Until November 1, 2003, local mitigation plans may be developed concurrent with the implementation of the project grant.

Location: This entire document will fulfill this requirement.

2. Description: Regional Directors may grant an exception to the plan requirement in extraordinary circumstances, such as in a small and impoverished community, when justification is provided. In these cases, a plan will be completed within 12 months of the award of the project grant. If a plan is not provided within this timeframe, the project grant will be terminated, and any costs incurred after notice of grant's termination will not be reimbursed by FEMA.

Location: This does not apply.

3. Description: Multi-jurisdictional plans (e.g. watershed plans) may be accepted, as appropriate, as long as each jurisdiction has participated in the process and has officially adopted the plan. State-wide plans will not be accepted as multi-jurisdictional plans.

Location: Appendix A

B. Planning process. An open public involvement process is essential to the development of an effective plan. In order to develop a more comprehensive approach to reducing the effects of natural disasters, the planning process shall include:

1. Description: An opportunity for the public to comment on the plan during the drafting stage and prior to plan approval

Location: Section 4.3.1, Appendix J

2. Description: An opportunity for neighboring communities, local, and regional agencies involved in hazard mitigation activities, and agencies that have the authority to regulate development, as well as businesses, academia and other private and non-profit interests to be involved in the planning process.

Location: Appendix B, Section 4.3.1, Section 4.3.4

3. Description: Review and incorporation, if appropriate, of existing plans, studies, reports, and technical information.

Location: Section 7.2

C. Plan content. The plan shall include the following:

1. Description: Documentation of the planning process used to develop the plan, including how it was prepared, who was involved in the process, and how the public was involved.

Location: Section 4

2. Description: A risk assessment that provides the factual basis for activities proposed in the strategy to reduce losses from identified hazards. Local risk assessments must provide sufficient information to enable the jurisdiction to identify and prioritize appropriate mitigation actions to reduce losses from identified hazards.

Location: Appendix D

a. Description: A description of the type, location, and extent of all natural hazards that can affect the jurisdiction. The plan shall include information on previous occurrences of hazard events and on the probability of future hazard events

Location: Appendix C, Appendix E

b. Description: A description of the jurisdiction's vulnerability to the hazards described in paragraph (C)(2)(a) of this section. This description shall include an overall summary of each hazard and its impact on the community.

Location: Section 8 (Each hazard described individually)

i. Description: The types and numbers of existing and future buildings, infrastructure, and critical facilities located in the identified hazard areas

Location: Sections 5.7, 6.4.2, 8 (Vulnerability of each hazard described individually)

ii. Description: An estimate of the potential dollar losses to vulnerable structures identified in paragraph (C)(2)(a)(1) of this section and a description of the methodology used to prepare the estimate

Location: Section 6.4.2, 8 (Vulnerability of each hazard described individually)

iii. Description: Providing a general description of land uses and development trends within the community so that mitigation options can be considered in future land use decisions

Location: Section 5.7

c. Description: For multi-jurisdictional plans, the risk assessment section must assess each jurisdiction's risks where they vary from the risks facing the entire planning area

Location: Does not apply.

3. Description: A mitigation strategy that provides the jurisdiction's blueprint for reducing the potential losses identified in the risk assessment, based on existing authorities, policies, programs and resources, and its ability to expand on and improve these existing tools.

Location: Section 8 (Each individual hazard is identified)

a. Description: A description of mitigation goals to reduce or avoid long-term vulnerabilities to the identified hazards.

Location: Section 7.3

b. **Description:** A section that identifies and analyzes a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of each hazard, with particular emphasis on new and existing buildings and infrastructure.

Location: Section 8 (Each individual hazard is identified)

c. **Description:** An action plan describing how the actions identified in paragraph (c)(2)(ii) of this section will be prioritized, implemented, and administered by the local jurisdiction. Prioritization shall include a special emphasis on the extent to which benefits are maximized according to a cost benefit review of the proposed projects and their associated costs.

Location: Section 8 (Each individual hazard is identified)

d. **Description:** For multi-jurisdictional plans, there must be identifiable action items specific to the jurisdiction requesting FEMA approval or credit of the plan.

Location: Does not apply

4. A plan maintenance process that includes:

a. **Description:** A section describing the method and schedule of monitoring, evaluating, and updating the mitigation plan within a five-year cycle.

Location: Section 7.1.2, 7.1.3

b. **Description:** A process by which local governments incorporate the requirements of the mitigation plan into other planning mechanisms such as comprehensive or capital improvement plans, when appropriate.

Location: Section 7.1.2

c. **Description:** Discussion on how the community will continue public participation in the plan maintenance process.

Location: Section 7.1.2

5. Description: Documentation that the plan has been formally adopted by the governing body of the jurisdiction requesting approval of the plan (e.g., City Council, County Commissioner, Tribal Council). For multi-jurisdictional plans, each jurisdiction requesting approval of the plan must document that it has been formally adopted.

Location: Appendix A

Appendix J Public Comment and County Response

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Appendix K. Glossary

Air Pollution: Comes from many different area, stationary, and mobile sources. Potential sources include factories, power plants, dry cleaners, cars, buses, trucks and even windblown dust and wildfires. Can threaten the health of human beings, trees, lakes, crops, and animals, as well as damage the ozone layer and buildings.

Animal Disease: Contagious animal health diseases with the potential for rapid spread and serious socioeconomic or public health consequences.

Blight: Any atmospheric or soil condition, parasite, or insect that kills, withers, or checks the growth of plants.

Civil Disorder: Civil disorder or a civil disturbance may take several forms, including pickets, marches, rallies, parades, sit-ins, trespassing, riots, sabotage, and criminal damage to property. In all cases of civil disorder, no matter how minor, there is always the potential for escalation into a full-scale emergency.

Coastal Flooding: General and temporary condition of partial or complete inundation of normally dry land areas adjacent to an ocean.

Communication Failure: Cessation of proper functioning of a system, such as mail, telephone, or television, for sending and receiving information or messages.

Critical Fuel Shortage: A deficiency where the quantity of fuel is less than expected or required causing disruptions or delays to essential services.

Cyber Crime: Attack on electronic infrastructure with the intent to commit illegal activity. Includes on-line fraud such as intellectual property rights, computer intrusions (hacking), economic espionage (theft of trade secrets), on-line extortion, money laundering, identity theft and other Internet- facilitated crimes.

Dam Failure: Downstream flooding due to the collapse or failure of an impoundment structure.

Disaster/Emergency: An event that causes, or threatens to cause, loss of life, human suffering, public and private property damage, and economic and social disruption. Disasters and emergencies require guidance and resources that are beyond the scope of local agencies in routine responses to day-to-day emergencies and accidents, and may be of such magnitude as to require response by several or all levels of government – federal, state and local.

Drought: Protracted period of time without substantial rainfall. Affects large areas, with decreasing water supply for human consumption and use. Can damage or destroy crops, grazing land, edible plants, and trees.

Earthquake: Sudden motion or trembling of the earth's crust caused by a release of strain accumulated within or along the edge of the earth's tectonic plates.

Emergency: According to the Disaster Relief Act of 1974 (P.L. 93-288), the term emergency means “any hurricane, tornado, storm, flood, high water, wind-driven water, (tidal wave) tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which requires federal emergency assistance to supplement state and local efforts to save lives and protect property, public health and safety or to avert or lessen the threat of a disaster.”

Epidemic Disease: Outbreak of infectious, deadly diseases responsible for causing thousands of cases of illness, claiming many lives, disrupting a country's important routine health care efforts, causing substantial economic losses, and great public concern.

Extreme Heat: Temperatures that hover 10 degrees or more above the average high temperature for a particular region and last for an extended period of time. Humid or muggy conditions can exacerbate the effects of high heat and occur when a “dome” of high atmospheric pressure traps hazy, damp air near the ground.

Fire: A rapid, persistent chemical change that releases heat and light and is accompanied by flame, especially the exothermic oxidation of a combustible substance; cause to burn or ignite. Causes structural damage

to residential, commercial, industrial, or institutional property or personal injury or deaths due to fire.

Flood: General and temporary condition of partial or complete inundation of normally dry land areas resulting from overflow of inland or tidal waters, unusual and rapid accumulation or runoff of surface waters from any source, or mudflows or the sudden collapse of shoreline land.

Hazard: A source of potential danger or adverse conditions. May be natural or man-made and presents a threat to life and property.

Hazard Analysis: A review of the vulnerability of life, property, the environment, and social and economic activity to the actual or potential impact of hazards.

Hazard Identification: The determination of possible hazards, their probability and intensity, and their impact area.

Hazardous Material Incident:

TRANSHIPMENT: Uncontrolled release of hazardous materials during transport.

STATIONERY: Uncontrolled release of hazardous materials from a fixed site.

History: The record of occurrences of previous disasters or events.

Hurricane: Large cyclonic storms with associated high winds and extreme rainfall that form over warm ocean areas in the north Atlantic Ocean or northeast Pacific Ocean.

Infestation: To inhabit or overrun in numbers or quantities large enough to be harmful, threatening, or obnoxious

Landslide: Mass of sliding mud or rocks that occurs in mountainous or hilly terrain.

Local Emergency Plans: Local plans which are designated specifically for local level response to emergencies or major disasters and which set forth

actions to be taken by state and local governments, including those for implementing federal disaster assistance.

Major Disaster: According to the Disaster Relief Act of 1974 (P.L. 93-288), the term major disaster means “any hurricane, tornado, storm, flood, high water, wind-driven water, (tidal wave) tsunami, earthquake, volcanic eruption, landslide, mudslide, snowstorm, drought, fire, explosion, or other catastrophe in any part of the United States which, in the determination of the President, causes damage of sufficient severity and magnitude to warrant major disaster assistance under this Act, above and beyond emergency services by the federal government, to supplement the efforts and available resources of states, local governments, and disaster relief organizations in alleviating the damage, loss, hardship, or suffering caused thereby.”

Mass Transportation Accident: an accident involving the means, or system, that transfers large groups of individuals from one place to another; includes airlines, railroad passenger cars, metro rail travel, tour buses, city bus lines, school buses, and cruise ships.

Maximum Threat: The greatest destruction that can be expected from an event.

Near-Earth-Object Impact: Near-Earth-Objects are small bodies in the solar system (asteroids and short-period comets) with orbits that regularly bring them close to the Earth and which, therefore, are capable someday of striking earth.

Nor'easter: A storm, strong wind, or gale, coming from the northeast.

Outbreak: The occurrence of a large number of cases of a disease in a short period of time

Pipeline Accident: An accident involving a conduit of pipe, especially one used for the conveyance of water, gas, or petroleum products.

Power Failure: Widespread interruption or loss of electrical service for an extended period of time.

Probability: The likelihood that an event will occur.

Riverine Flooding: General and temporary condition of partial or complete inundation of normally dry land areas resulting from overflow of a river, stream, or other flowing body of water (not tidally influenced).

Sabotage: A deliberate act of destruction or disruption in which equipment is damaged in order to hinder normal operations.

Severe Thunderstorm: A transient, sometimes violent storm resulting from strong rising air currents; brings heavy rain or hail along with thunder and lightning.

Severe Winter Storm: Storm that may have one or more of the following conditions: heavy snow, rain or freezing rain, wind and blowing snow, and dangerously cold temperatures.

Terrorism: The unlawful use or threatened use of force or violence by a person or an organized group against people or property with the intention of intimidating or coercing societies or governments, often for ideological or political reasons.

Tornado: A small radius cyclonic windstorm with high velocity wind that extends from a thunderstorm to the ground.

Transportation Accident: Incident involving travel via highway, air, rail, or water that results in death and/or injury; may include hazardous materials release, a multi-vehicle incident, or road/bridge blockage.

Tropical Storm: A cyclonic storm having winds ranging from approximately 48 to 121 kilometers (30 to 75 miles) per hour.

Tsunami: Seismic sea wave usually generated by sub-marine geophysical displacement.

Utilities Disruption: Incident that disrupts lifeline systems that deliver potable water, wastewater, or electric power.

Volcano: An opening in the earth's crust through which molten lava, ash, and gases are ejected.

Vulnerability (or Risk or Impact): The degree to which people, property, the environment, or social and economic activities are susceptible to injury, damage, disruption, or loss.

Water Pollution (Land): Water beneath the earth's surface that has been contaminated with harmful substances.

Weapons of Mass Destruction: Any explosive, incendiary, or poison, gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, or mine or device similar to the preceding; poison gas; any weapon involving a disease organism; or any weapon that is designed to release radiation or radioactivity at a level dangerous to human life.

Wildfire: Uncontrolled, rapid burning in grasslands, brush, or woodlands.

Appendix L. List of Acronyms

General

CCTV: Closed Circuit Television
EMS: Emergency Medical Services
EOP: Emergency Operations Plan
HI: Heat Index
IR: Infrared
MMI: Modified Mercalli Intensity
MSDS: Material Safety Data Sheet
RDD: Radiological Dispersion Device
WMD: Weapons of Mass Destruction

County and Regional

AACOFD: Anne Arundel County Fire Department
AD: Animal Disease, Outbreak, Blight, or Infestation
AP: Air Pollution
ARINC: Aeronautical Radio Inc.
BATS: Baltimore- Annapolis Transportation Study
BGE: Baltimore Gas and Electric
BWI: Baltimore Washington International
CC: Cyber Crime
CD: Civil Disorder
CF: Coastal Flooding
CO: Communication Failure
CS: Critical Fuel Shortage
DM: Dam Failure and Releases
DR: Drought
EH: Extreme Heat
EQ: Earthquake
ES: Existing Strategy
FI: Building, Dwelling, or Vessel Fire
GIS: Geographic Information System
HAZMAT: Hazardous Materials
HIVA: Hazard Identification/Vulnerability Assessment
HM: Hazardous Materials Incident (fixed facility)
HU: Hurricane, Nor'easters, or Tropical Storm
LA: Landslide or Slope Failure
MT: Mass Transportation Accident

OEM: Office of Emergency Management
PH: Public Health Emergency
PL: Pipeline
RF: Riverine Flooding
SOP: Standard Operating Procedure
TA: Transportation Accident
TH: Severe Thunderstorm or Hailstorm
TO: Tornado
TS: Terrorism or Sabotage
UD: Utility Disruption
WD: Weapons of Mass Destruction Attack
WF: Wildfire
WS: Severe Winter Storm
WTP: Water Treatment Plant

Maryland

MARC: Maryland Area Regional Commuter
MDE: Maryland Department of the Environment
MDNR: Maryland Department of Natural Resources
MEMA: Maryland Emergency Management Agency
MSP: Maryland State Police
SERC: State Emergency Response Commission

Federal

AQI: Air Quality Index
BFE: Base Flood Elevation
CERT: Community Emergency Response Team
CFR: Code of Federal Regulations
EPA: Environmental Protection Agency
FAA: Federal Aviation Administration
FEMA: Federal Emergency Management Agency
FIRM: Flood Insurance Rate Map
FIT: Flood Inundation Tool
FMA: Flood Mitigation Assistance (FEMA Program)
FTE: Full Time Equivalent
GSA: General Services Administration
HSAS: Homeland Security Advisory System
HAZUS: Hazards U.S.
HAZUS-MH: Multi Hazards Model
HMGP: Hazard Mitigation Grant Program

HUD: United States Department of Housing and Urban Development
ICC: Increased Cost of Compliance
LEPC: Local Emergency Planning Committee
MH: Multi Hazard
NCDC: National Climate Data Center
NFIP: National Flood Insurance Program
NFPA: National Fire Protection Association
NIBS: National Institute of Building Sciences
NOAA: National Oceanic and Atmospheric Administration
NPS: National Park Service
NRCS: Natural Resources Conservation Service
NWR: NOAA Weather Radio
NWS: National Weather Service
OPEC: Oil Producing and Exporting Countries
SAME: Specific Alert Message Encoding
SBA: Small Business Administration
SHMO: State Hazard Mitigation Officer
USACE: United States Army Corps of Engineers
USDA: United States Department of Agriculture
USFA: United States Fire Administration
USFS: United States Forest Service
USGS: United States Geological Survey