

Tribal Mitigation Plan Review Guide

Released December 5, 2017

Effective December 5, 2018

FP 306-112-1

OMB Collection Number: 1660-0062



FEMA

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List of Acronyms and Abbreviations

APA	Approvable Pending Adoption
CFR	Code of Federal Regulations
FEMA	Federal Emergency Management Agency
FFR	Federal Financial Report
FMA	Flood Mitigation Assistance
FMAG	Fire Management Assistance Grants
HMA	Hazard Mitigation Assistance
HMGP	Hazard Mitigation Grant Program
NEMIS	National Emergency Management Information System
NFIP	National Flood Insurance Program
PA C-G	Public Assistance Categories C-G
PDM	Pre-Disaster Mitigation Program
RTL	Regional Tribal Liaison
Risk MAP	Risk Mapping, Assessment, and Planning Program
SF	Standard Form
SHMO	State Hazard Mitigation Officer
THIRA	Threat and Hazard Identification and Risk Assessment
U.S.C.	United States Code

SECTION 1: Introduction

1.1 PURPOSE

Mitigation Planning is the process used by tribal, state, and local government leaders to understand risks from natural hazards and to develop long-term strategies to reduce the impacts of future events on people, property, and the environment. The purpose of this *Tribal Mitigation Plan Review Guide* (or *Guide*) is to help the Federal Emergency Management Agency (FEMA) assess tribal governments' mitigation plans in a fair and consistent manner and to ensure that approved tribal mitigation plans meet the requirements of the Stafford Act and Title 44 of the Code of Federal Regulations (CFR).¹ Specifically, the Stafford Act requires states, tribes, territories, and local governments to develop and adopt FEMA-approved hazard mitigation plans as a condition for receiving certain types of non-emergency disaster assistance. (See Section 1.5, Eligibility for FEMA Assistance).

Through the National Mitigation Planning Program, FEMA provides guidance, training, and technical assistance to support Indian tribal governments (tribal governments)² in developing and implementing mitigation plans. This *Guide* interprets and explains the Mitigation Planning regulation at 44 CFR Part 201 and is FEMA's official source for describing the requirements for developing and updating tribal mitigation plans. The *Guide* represents FEMA's interpretation of a statutory or regulatory requirement and sets forth a standard operating procedure or agency practice that FEMA employees follow to consistently, fairly, and equitably implement the agency's authorities. The *Guide* includes references to specific language in 44 CFR Part 201 and descriptions of the relevant requirements to meet the Mitigation Planning regulations. This *Guide* supersedes the "Tribal Multi-Hazard Mitigation Planning Guidance" (March 2010).

¹ The specific statutory and regulatory references are Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as amended, 42 U.S.C. 5165; the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4104c, and 44 CFR 201.7 (Tribal Mitigation Plans). A tribal government may submit a mitigation plan directly to FEMA for review, or may choose to coordinate with a state, in which case state officials would use this *Guide* to review the plan prior to FEMA's review.

² For the purpose of this Guide, the term "tribal government," sometimes referred to as "tribe," means "Indian tribal government" as defined in 44 CFR § 201.2." According to 44 CFR § 201.2, Indian *tribal government* means any Federally recognized governing body of an Indian or Alaska Native Tribe, band, nation, pueblo, village, or community that the Secretary of Interior acknowledges to exist as an Indian Tribe under the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a. This does not include Alaska Native corporations, the ownership of which is vested in private individuals.

1.2 MULTI-JURISDICTIONAL PLANS

The tribal mitigation planning requirements under 44 CFR § 201.7(a)(4) specifically allow tribal governments to participate in multi-jurisdictional mitigation plans. Tribal governments may elect to participate in multi-jurisdictional plans as either of the following:

1. Participants in a Tribal Multi-Jurisdictional Plan, where all participating entities are tribal governments; or
2. Participants in a Local/Tribal Multi-Jurisdictional Plan, where the tribal government participates in a planning process with local governments.

In either case, each participating tribal government must meet the requirements for tribal mitigation planning specified in 44 CFR § 201.7. Tribes and local governments that are not federally recognized must meet the local mitigation planning requirements specified in 44 CFR § 201.6. In order to be considered for the increased HMGP funding the tribal mitigation plan must meet the Enhanced State Mitigation Plan Criteria in 44 CFR § 201.5. See Section 3, Enhanced Tribal Mitigation Plan Requirements.

State-recognized tribes and tribes that are still in the process of requesting and/or receiving federal recognition do not fall under the definition of a federally recognized tribe and will be reviewed against the Local Mitigation Plan requirements under 44 CFR § 201.6.

1.3 GUIDING PRINCIPLES

The purpose of hazard mitigation is to reduce potential losses from future disasters. The intent of mitigation planning, therefore, is to maintain a process that leads to hazard mitigation actions. Tribal mitigation plans identify the natural hazards that affect the tribal government, identify actions to reduce losses from those hazards, and establish a coordinated process to implement the plan (44 CFR § 201.1(b)).

FEMA reviews mitigation plans with a *performance*-based approach, rather than a *prescriptive* approach. This means that the requirements identify, generally, *what* should be done in the process and documented in the plan, rather than specifying or prescribing exactly *how* it should be done.

The following Guiding Principles will be applied to all tribal mitigation plan reviews:

- **Nation to Nation.** In compliance with the [FEMA Tribal Policy](#)³ FEMA commits itself to building a stronger and lasting partnership with tribal governments to assist them in preparing for the hazards they face, to reduce their disaster vulnerabilities, to respond quickly and effectively when disasters strike, and to assist in recovering in their aftermath. FEMA recognizes that the tribal right of self-governance flows from the inherent sovereignty of American Indian and Alaska Native tribal governments and that federally recognized tribal governments have a unique and direct relationship with the

³ FEMA Tribal Policy, December 27, 2016, FEMA. <https://www.fema.gov/media-library/assets/documents/25324>

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

- **Foster cooperation and understanding.** FEMA is committed to communicating plan reviews in a constructive and positive manner. Communicating plan reviews in a constructive manner that enhances tribal government capabilities is an important goal of the mitigation planning program and will always be considered by FEMA when communicating with a tribal government.
- **Focus on mitigation strategy.** Plan reviews will emphasize actions and implementation of the hazard mitigation strategy. All other sections of the plan contribute to and result in the hazard mitigation strategy and specific hazard mitigation actions. For example, a sound hazard identification and risk assessment is an important part of the plan and serves as the basis for the strategy, which is the primary focus of the tribal mitigation plan.
- **Consider intent while reviewing the plan.** FEMA will review and consider the plan as a whole (Planning Process, Hazard Identification and Risk Assessment, Mitigation Strategy, etc.), as well as the individual requirements. A comprehensive review of the plan helps FEMA validate that the plan meets the overall purpose of mitigation planning.
- **Process is as important as the plan itself.** FEMA will accept the planning process as defined by the tribal government. In mitigation planning, as with most other planning efforts, the actual planning process is as important as the plan itself. One of the most critical elements of a successful mitigation plan is participation by a wide range of tribal members or other affected parties who play a role in setting mitigation goals and identifying and implementing mitigation actions. Therefore, it is important to have a clear description of *what* and *who* were involved in the planning process and of how the process met the needs of the tribal government.
- **This is the tribe's plan.** Plan reviews will recognize the efforts, interests, and cultural beliefs of each tribal government that develops a mitigation plan. For example, FEMA recognizes that some resources vulnerable to hazards, including those having religious and cultural significance (such as sacred sites), may not be identified specifically or shown on maps included in publicly available plans.

1.4 TRIBAL COORDINATION AND TECHNICAL ASSISTANCE

FEMA encourages an ongoing dialogue with the tribal government through the lifecycle of the tribal mitigation plan. If desired, the tribal government may request regular coordination touchpoints from FEMA mitigation program staff to provide technical assistance and review the tribal government's mitigation activities.⁴ This may take place in person or virtually, such as by phone or webinar, if the capabilities exist. Many tribal governments and the corresponding

⁴ 44 CFR § 201.3(b)(2)

FEMA Regional staff already coordinate regularly on the status of the tribal government's mitigation program and, in particular, the status of FEMA's Hazard Mitigation Assistance (HMA) grants or other FEMA assistance.

The benefits of mitigation program coordination meetings with the tribal government include, but are not limited to, the following:

- Promoting dialogue between FEMA and the tribal government on the means to achieve, support, and maintain effective tribal mitigation programs;
- Identifying the status of the tribal government's mitigation program, including strengths and challenges, as well as specific needs and opportunities; and
- Ensuring feedback to the tribal government on maintaining continuous HMA grants management performance, particularly for tribal governments interested in developing an enhanced mitigation plan.

If a mitigation program coordination meeting is desired, the tribal government may contact the FEMA Regional mitigation planning staff (<https://www.fema.gov/hazard-mitigation-planning-contacts>) and/or Regional Tribal Liaison (RTL) (<https://www.fema.gov/tribal-contacts>).

1.5 ELIGIBILITY FOR FEMA ASSISTANCE

In accordance with 44 CFR § 201.7(a)(1), a tribal government applying to FEMA as a grantee must have an approved tribal mitigation plan meeting the requirements in 44 CFR § 201.7 as a condition of receiving non-emergency Stafford Act assistance and FEMA mitigation grants, including the following programs:

- Public Assistance Categories C-G (PA C-G)
- Fire Management Assistance Grants (FMAG)
- Hazard Mitigation Grant Program (HMGP)
- Pre-Disaster Mitigation (PDM)
- Flood Mitigation Assistance (FMA)

Mitigation planning grants provided through the PDM program will continue to be available. Tribal mitigation plans must be submitted to FEMA for approval every five years in order to remain eligible for the programs listed above. Additional information regarding FEMA assistance programs that require a FEMA-approved mitigation plan as a condition of eligibility can be found in Appendix D: Mitigation Plans and Eligibility for FEMA Assistance.

1.6 ORGANIZATION

This *Guide* has eight sections:

- Section 1: Introduction
- Section 2: Standard Tribal Mitigation Plan Requirements
- Section 3: Enhanced Tribal Mitigation Plan Requirements
- Appendix A: Tribal Mitigation Plan Review Tool
- Appendix B: Tribal Mitigation Plan Submittal and Review Procedure
- Appendix C: Tribal Mitigation Plan Approval Letter Template
- Appendix D: Mitigation Plans and Eligibility for FEMA Assistance
- Appendix E: Title 44 Code of Federal Regulations (CFR) §§ 201.7, 201.5, and 201.3

Section 1 describes the purpose of the *Tribal Mitigation Plan Review Guide* and describes the overall guiding principles for tribal mitigation plan reviews. Section 2 provides detailed guidance on how FEMA interprets the regulation for standard tribal mitigation plans. Section 3 interprets the Enhanced Mitigation Plan requirements in 44 CFR § 201.5 for tribal governments. Appendix A includes the *Tribal Mitigation Plan Review Tool*, which is used to document the review of a tribal mitigation plan. Appendix B describes the Plan Review Procedure, including methods of communication between FEMA, tribal, and state entities, as applicable. Appendix C includes a tribal mitigation plan approval letter template. Appendix D provides information pertaining to the mitigation plan requirement and eligibility for certain FEMA grant programs. Appendix E includes the specific language on tribal mitigation planning requirements from the CFR.

SECTION 2: Standard Tribal Mitigation Plan Requirements

This section provides detailed guidance on how FEMA interprets the regulation for all standard tribal mitigation plan (tribal plan) reviews. For the purposes of this Guide, the terms “standard tribal mitigation plan” and “tribal mitigation plan” are synonymous. The guidance is limited only to the minimum requirements of what *must or shall* be in a tribal mitigation plan.⁵ The guidance does not prescribe *how* the tribal government shall develop a plan. Additional plan development resources are available from the FEMA Mitigation Planning website, <https://www.fema.gov/hazard-mitigation-planning>.

Each “element” links to a specific regulation, and citations are provided for reference. This section is organized as follows:

- Element A: Planning Process
- Element B: Hazard Identification and Risk Assessment
- Element C: Mitigation Strategy
- Element D: Plan Updates
- Element E: Assurances and Plan Adoption

Many requirements in this section call for the plan to “document” or “describe” information. FEMA does not require a specific format for the plan. Required information can be provided in the plan through a variety of formats, such as narratives, tables, lists, maps, etc. FEMA recognizes that many formats and types of documentation may meet a particular requirement.

⁵ For the purpose of this Guide, and in interpreting the applicable regulations, “must” and “shall” are used interchangeably, and each means that the referenced action “is required.”

2.1 *ELEMENT A: PLANNING PROCESS*

Overall Intent: A successful planning process involves bringing tribal members, such as tribal leaders, tribal elders, and other partners together to discuss their knowledge, their perception of risk, and how to meet their needs as part of the process. This inclusive process works within the traditions, culture, and methods most suitable to a tribal government, so that participants better understand the unique vulnerabilities to the tribal planning area⁶ and can develop relevant mitigation actions.

FEMA recognizes that public participation may be different for each tribal government. Leadership (including elders and cultural leaders), staffing, and in-house expertise in the tribal government may fluctuate over time. The planning process description serves as a permanent record that explains how decisions were reached. This planning process description documents that the plan was developed with input from tribal members and other partners. Leaders can rely on this documentation to continue to make decisions in a pre- and post-disaster environment to decrease vulnerability to hazards. Documentation of the current planning process is required for both new and updated plans.

⁶ The tribal planning area includes the lands upon which the tribal government is authorized to govern, develop, or regulate. These lands may include, but are not limited to, lands within the Reservation and off-Reservation lands owned by, managed by, or held in trust for the tribal government, allotted trust land, and fee land. These lands may be either contiguous or non-contiguous and for multi-jurisdictional planning may include other tribes or non-tribal jurisdictions.

ELEMENT	REQUIREMENTS
<p>A1. Does the plan document the planning process, including how it was prepared and who was involved in the process?</p> <p>44 CFR § 201.7(c)(1)</p> <p><i>Intent: To inform tribal members about the overall approach to the plan’s development and serve as a permanent record of how decisions were made and who was involved. This record is also useful for the next plan update.</i></p>	<p>a. The plan shall document how the plan was prepared, including the schedule or timeframe and the activities that made up the plan’s development.</p> <p><i>Document means to provide the factual evidence for how the tribal government developed the plan.</i></p> <p><i>The documentation requirement typically is met with a narrative description and other records, such as meeting minutes, sign-in sheets, or newspaper articles. Examples of activities that may be documented include, but are not limited to, planning team meetings, information exchanges at gatherings, meetings between tribal offices or departments or with external agencies, open houses at libraries or school events, radio broadcasts, development of interactive web pages, and posting and distribution of printed materials.</i></p> <p>b. The plan shall document who was involved on the planning team, including each person’s position or title and department/agency.</p> <p><i>Involved in the process means engaged as participants and given the chance to provide input to affect the plan’s content. This is more than simply being invited or adopting the plan. Evidence of planning team participation may include documentation of meetings attended, data provided, or other activities by individuals or departments/agencies.</i></p>
<p>A2. Does the plan document an opportunity for public comment during the drafting stage and prior to plan approval, including a description of how the tribal government defined “public”?</p> <p>44 CFR § 201.7(c)(1)(i)</p> <p><i>Intent: To ensure that tribal members understand what the tribal government is doing on their behalf and to provide a chance for input.</i></p>	<p>a. The plan shall describe how the tribal government defined “public.”</p> <p><i>For example, “public” is sometimes defined as including only tribal membership, or tribal citizens. It might also be identified as those living on tribal land or in the tribal service area. Tribal members/citizens who do not live on the tribal lands may also want to provide input or comment on the plan.</i></p> <p>b. The plan shall describe how the public was given the opportunity to be involved in the planning process and how their feedback was incorporated into the plan. Examples of public involvement include, but are not limited to, interactive websites with drafts for public review and comment, questionnaires or surveys, or booths at community events.</p> <p><i>An opportunity to be involved in the planning process means that the public is engaged or invited as participants and given the chance to provide input that may affect the plan’s content.</i></p> <p>c. The opportunity for participation shall occur during plan development, which is prior to the comment period on the final plan and prior to plan adoption/approval.</p>

<u>ELEMENT</u>	<u>REQUIREMENTS</u>
<p>A3. Does the plan document, as appropriate, an opportunity for neighboring communities, tribal and regional agencies involved in hazard mitigation activities, agencies that have the authority to regulate development, as well as other interests to be involved in the planning process?</p> <p>44 CFR § 201.7(c)(1)(ii)</p> <p><i>Intent: To demonstrate a deliberative planning process that involves the appropriate tribal members and partners for the tribal planning area that have the experience and information needed to develop the plan, as well as the responsibility or authority to make decisions and implement hazard mitigation activities.</i></p>	<p>a. The plan shall identify all tribal members/citizens, and partners who were given an opportunity to be involved in the planning process. During plan review, it is important for the reviewer to consider that variations in tribal capability and/or cultural practice may influence participation.</p> <p>b. The plan shall identify how tribal members/citizens and partners were invited to participate in the process.</p>
<p>A4. Does the plan describe the review and incorporation of existing plans, studies, and reports?</p> <p>44 CFR § 201.7(c)(1)(iii)</p> <p><i>Intent: To identify existing data and information, shared objectives, and past and ongoing activities that can help inform the mitigation plan.</i></p>	<p>a. The plan shall describe <i>what</i> existing plans, studies, and reports were reviewed.</p> <p><i>Examples of the types of existing sources reviewed may include, but are not limited to, natural resources plans; housing plans; analyses or studies from tribal departments, neighboring tribes, colleges, universities, and academic institutions; socioeconomic or building information from tribal comprehensive plans; results from hazard-specific studies, plans for sacred sites, or hazard data or plans from tribal, federal, regional, state, or local agencies.</i></p> <p>b. The plan shall document <i>how</i> relevant information was incorporated into the mitigation plan.</p> <p><i>Incorporate means to reference or include information from other existing sources to develop the content of the mitigation plan.</i></p>

<u>ELEMENT</u>	<u>REQUIREMENTS</u>
<p>A5. Does the plan include a discussion on how the planning process was integrated, to the extent possible, with other ongoing tribal planning efforts as well as other FEMA programs and initiatives?</p> <p>44 CFR § 201.7(c)(1)(iv)</p> <p><i>Intent: To identify how the tribal government leveraged any other planning activities or FEMA programs to accomplish hazard mitigation and reduce risk.</i></p>	<p>a. The plan shall describe how the tribal government integrated the current planning process and/or findings with other ongoing tribal planning efforts.</p> <p><i>Planning efforts means governance structures that are used to manage land use and development and other tribal government decision-making, such as tribal master plans, capital improvement plans, natural and/or cultural resource plans, plans for sacred sites, emergency operations plans, and/or other long-range plans.</i></p> <p>b. The plan shall describe how the tribal government integrated the current planning process with other FEMA programs and initiatives.</p> <p><i>Examples of other FEMA programs and initiatives include, but are not limited to, the National Flood Insurance Program (NFIP), HMA grant programs, Threat and Hazard Identification and Risk Assessment (THIRA), and recovery programs.</i></p> <p><i>To the extent possible means that consideration will be given to the inherent differences in governance and capabilities among tribal governments.</i></p>
<p>A6. Does the plan include a description of the method and schedule for keeping the plan current (monitoring, evaluating and updating the mitigation plan within the plan update cycle)?</p> <p>44 CFR § 201.7(c)(4)(i)</p> <p><i>Intent: To establish a process for the tribal government to track the progress of the plan's implementation and ensure the plan remains current and viable.</i></p>	<p>a. The plan shall identify how, when, and by whom the plan will be monitored. Monitoring means tracking the relevance and implementation of the plan over time and includes all elements of the plan.</p> <p>b. The plan shall identify how, when, and by whom the plan will be evaluated. Evaluating means assessing the effectiveness of the plan at achieving its stated purpose and goals.</p> <p>c. The plan shall identify how, when, and by whom the plan will be updated. Updating means reviewing and revising the plan at least once every 5 years.</p> <p>d. The plan shall include the title of the individual or name of the department/agency responsible for leading these efforts.</p>
<p>A7. Does the plan include a discussion of how the tribal government will continue public participation in the plan maintenance process?</p> <p>44 CFR § 201.7(c)(4)(iv)</p> <p><i>Intent: To identify how the public will continue to have an opportunity to participate in the plan's maintenance and implementation over time.</i></p>	<p>a. The plan shall describe how the tribal government will continue to seek public participation after the plan has been approved and during the plan's maintenance process.</p> <p><i>Examples include, but are not limited to, periodic presentations on the plan's progress to tribal officials, schools, or other tribal groups; annual questionnaires or surveys; tribal gatherings; and/or postings on social media and websites.</i></p>

2.2 ELEMENT B. HAZARD IDENTIFICATION AND RISK ASSESSMENT

Overall Intent: The risk assessment provides the factual basis for activities proposed in the strategy that will reduce losses from identified hazards that could potentially impact the tribal planning area. An effective risk assessment makes a clear connection between the tribal government's vulnerability and the hazard mitigation actions. In other words, it provides sufficient information to enable the tribal government to identify and prioritize appropriate hazard mitigation actions for the tribal planning area.

Past occurrences are important and contribute to the development of hazard probability; however, the challenges posed by changing future conditions, such as more intense storms, frequent heavy precipitation, heat waves, drought, extreme flooding, and higher sea levels, could significantly alter the types and magnitudes of hazards affecting tribes in the future. The mitigation planning regulation (44 CFR Part 201) requires consideration of the probability of future hazard events as part of the risk assessment in order to reduce risks and potential damage.

Risk assessments do not need to be based on the most sophisticated technology, but they do need to be accurate, current, and relevant. During a plan update, tribal governments assess current and expected future vulnerability to all hazards and integrate new hazard data such as recent hazard events and new studies. In the mitigation plan review, FEMA considers the quality of the information in the risk assessment in helping tribal governments make risk-based decisions over the quantity of the information.

ELEMENT	REQUIREMENTS
<p>B1. Does the plan include a description of the type, location, and extent of all natural hazards that can affect the tribal planning area?</p> <p>44 CFR § 201.7(c)(2)(i)</p> <p><i>Intent:</i> To understand the natural hazards affecting the tribal planning area in order to identify which hazard risks are most significant and which locations are most adversely affected.</p>	<ul style="list-style-type: none"> a. The plan shall include a description of the tribal planning area (See footnote 6 on page 7). b. The plan shall include a description of the natural hazards that can affect the tribal planning area. <i>(Note: There is no requirement to include manmade hazards in the mitigation plan. FEMA will not require removal of this information, but if these hazards are included, they will not be reviewed to meet the requirements).</i> c. The plan shall provide the rationale for the omission of any natural hazards that are commonly recognized to affect the tribal planning area. d. The description shall include information on the location and the extent of each identified hazard. <p><i>Location</i> means the geographic areas in the tribal planning area that are affected by the hazard. For many hazards, maps are the best way to illustrate location. However, location may be described in other formats. For example, if a geographically-specific location cannot be identified for a hazard, such as tornadoes, the plan may state that the entire tribal planning area is equally at risk to that hazard.</p> <p><i>Extent</i> means the strength or magnitude of the hazard. For example, extent could be described in terms of the specific measurement of an occurrence based on a scientific scale (e.g., Enhanced Fujita Scale, Saffir-Simpson Hurricane Scale, Richter Scale, flood depth grids) and/or other hazard factors, such as the duration and/or speed of onset. Extent is not the same as impacts, which are described in sub-element B3.</p>

ELEMENT	REQUIREMENTS
<p>B2. Does the plan include information on previous occurrences of hazard events and on the probability of future hazard events for the tribal planning area?</p> <p>44 CFR § 201.7(c)(2)(i)</p> <p><i>Intent: To understand potential impacts to the tribal planning area based on information on the hazard events that have occurred in the past and the likelihood of those will occur in the future.</i></p>	<p>a. The plan shall include the history of previous events for each of the identified hazards.</p> <p>b. The plan shall include the probability of future events for each identified hazard. Probability must include considerations of future conditions, including the effects of long-term changes in weather patterns on identified hazards.</p> <p><i>Probability may be defined in terms of general descriptors (for example, unlikely, likely, highly likely), historical frequencies, statistical probabilities (for example a 1-percent chance of occurring within any given year), and/or hazard probability maps.</i></p> <p><i>If general descriptors are used, then they shall be defined in the plan. For example, “highly likely” could be defined as equal to or near 100 percent chance of occurring next year or happens every year.</i></p> <p><i>Probability of future events and considerations of changing future conditions may be described using qualitative and/or quantitative information:</i></p> <ul style="list-style-type: none"> • <i>Qualitative information (e.g., transcribed oral history) about changing weather patterns and potential effects on identified hazards.</i> • <i>Quantitative information that describes predicted changes in temperature and precipitation and potential effects on identified hazards.</i>

ELEMENT	REQUIREMENTS
<p>B3. Does the plan include a description of [each] identified hazard’s impact, as well as an overall summary of the vulnerability of the tribal planning area?</p> <p>44 CFR § 201.7(c)(2)(ii)</p> <p><i>Intent: For the tribal government to consider their tribal planning area as a whole and analyze the potential impacts of future hazard events and the vulnerabilities that could be reduced through hazard mitigation actions.</i></p>	<p>a. The plan shall describe the potential impacts of each of the identified hazards on the tribal planning area.</p> <p><i>Impact means the consequence or effect of the hazard on the tribal government and its assets. Assets are determined by the tribal government and may include, for example, people, structures, facilities, systems, and populations that are susceptible to damage and loss from hazard events. Assets may also include cultural sites, sacred sites, capabilities and/or activities that have value to the tribal government. Impacts could be described by referencing historical disaster impacts and/or an estimate of potential future losses (such as percent damage of total exposure).</i></p> <p>b. The plan shall provide an overall summary of the vulnerability of the tribal planning area to the identified hazards. An overall summary of vulnerability identifies structures, systems, populations, and other assets as defined by the tribal government.</p> <p><i>Vulnerable assets and potential losses are more than a list of the total exposure of population, structures, and critical facilities in the tribal planning area. An example of an overall summary is a list of key issues or problem statements that clearly describes the tribal government’s greatest vulnerabilities and that will be addressed in the mitigation strategy.</i></p>

2.3 ELEMENT C. MITIGATION STRATEGY

Overall Intent: The mitigation strategy serves as the long-term blueprint for action to reduce potential losses due to hazards identified in the risk assessment. The Stafford Act requires that tribal mitigation plans describe hazard mitigation actions and establish a strategy to implement those actions.

The mitigation strategy includes the development of goals and prioritized hazard mitigation actions. Goals are long-term policy statements that must be consistent with the hazards identified in the plan and must support the mitigation strategy.

A critical step in the development of specific hazard mitigation actions and projects is assessing the tribal government’s existing authorities, policies, programs, and resources and its capability to use or modify these tools to reduce vulnerability from profiled hazards.

<u>ELEMENT</u>	<u>REQUIREMENTS</u>
<p>C1. Does the plan include a discussion of the tribal government's pre- and post-disaster hazard management policies, programs, and capabilities to mitigate the hazards in the area, including an evaluation of tribal laws and regulations related to hazard mitigation as well as to development in hazard-prone areas?</p> <p>44 CFR §§ 201.7(c)(3) and 201.7(c)(3)(iv)</p> <p><i>Intent: To ensure that the tribal government evaluates its capabilities to accomplish hazard mitigation actions through existing tribal planning tools, programs, and other resources.</i></p>	<p>a. The plan shall describe the tribal government's <u>existing</u> capabilities to mitigate hazards in the tribal planning area, including pre-disaster and post-disaster hazard management policies and programs.</p> <p><i>Pre-disaster mitigation capabilities may include laws and regulations related to development in hazard-prone areas, such as natural or cultural resource conservation plans, floodplain management ordinances (including the tribal government's existing capabilities to participate in or administer the NFIP), and building codes. Post-disaster mitigation capabilities may include grants management staff and long-term recovery plans, policies, and procedures.</i></p> <p>b. The plan shall include an evaluation of the tribal laws, regulations, policies, programs, and resources related to hazard mitigation and development in hazard-prone areas. The evaluation shall address the opportunities, as well as the challenges, of existing capabilities.</p>
<p>C2. Does the plan include a discussion of tribal funding sources for hazard mitigation projects and identify current and potential sources of Federal, tribal or private funding to implement mitigation activities?</p> <p>44 CFR §§ 201.7(c)(3)(iv) and 201.7(c)(3)(v)</p> <p><i>Intent: To demonstrate that the tribal government is aware of viable funding sources to support the implementation of mitigation actions and/or projects.</i></p>	<p>a. The plan shall describe the tribal government's <u>existing</u> funding sources for hazard mitigation actions and/or projects, including:</p> <ol style="list-style-type: none"> 1. A general discussion of how the tribal government has used non-FEMA (tribal, private or other federal) funds for hazard mitigation projects; and 2. A general discussion of how the tribal government has used FEMA mitigation funding, including HMGP, PDM, FMA, PA (C-G), and FMAG. <p>b. The plan shall identify <u>potential</u> sources of funding to implement mitigation actions and/or projects. These shall include federal, tribal, and private sources.</p>
<p>C3. Does the Mitigation Strategy include goals to reduce or avoid long-term vulnerabilities to the identified hazards?</p> <p>44 CFR § 201.7(c)(3)(i)</p> <p><i>Intent: To guide the development and implementation of hazard mitigation actions and/or projects.</i></p>	<p>a. The plan shall include hazard mitigation goals that represent what the tribal government seeks to accomplish to reduce or avoid the vulnerabilities identified in the risk assessment.</p> <p><i>Goals are broad policy statements that explain what is to be achieved. Goals guide the development and implementation of supporting actions.</i></p> <p>b. The goals shall be consistent with the risk assessment.</p>

<u>ELEMENT</u>	<u>REQUIREMENTS</u>
<p>C4. Does the plan identify and analyze a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of hazards, with emphasis on new and existing buildings and infrastructure?</p> <p>44 CFR § 201.7(c)(3)(ii)</p> <p><i>Intent: To ensure the hazard mitigation actions are based on identified vulnerabilities and that they are focused on reducing or avoiding future losses. This is the heart of the mitigation plan and is essential for risk reduction.</i></p>	<p>a. The plan shall include a mitigation strategy that 1) analyzes actions and/or projects that the tribal government considered to reduce the impacts of hazards identified in the risk assessment, and 2) identifies the actions and/or projects that the tribal government intends to implement.</p> <p><i>Mitigation actions and projects means a hazard mitigation action, activity, or process that is designed to reduce or eliminate the vulnerabilities identified in the risk assessment. Examples include elevating structures, adopting a building code and taking steps to improve the tribal government’s mitigation capabilities.</i></p> <p><i>A comprehensive range consists of different mitigation alternatives to address the vulnerabilities identified in the risk assessment (for example, restoring the natural floodplain versus restricting flooding with a structural solution).</i></p> <p>b. The plan shall include actions and/or projects that reduce risk to existing buildings and infrastructure as well as to new buildings and infrastructure.</p>
<p>C5. Does the plan contain an action plan that describes how the actions identified will be prioritized, implemented, and administered by the tribal government?</p> <p>44 CFR § 201.7(c)(3)(iii)</p> <p><i>Intent: To identify how the plan will directly lead to implementation of the hazard mitigation actions.</i></p>	<p>a. The plan shall describe the criteria used for prioritizing implementation of the actions.</p> <p>b. The plan shall identify the position, office, department, or agency responsible for implementing and administering each action.</p>
<p>C6. Does the plan describe a process by which the tribal government will incorporate the requirements of the mitigation plan into other planning mechanisms, when appropriate?</p> <p>44 CFR § 201.7(c)(4)(iii)</p> <p><i>Intent: To assist tribal governments in leveraging all available planning mechanisms that would allow the tribe to accomplish hazard mitigation and reduce risk.</i></p>	<p>a. The plan shall describe the process the tribal government will use to incorporate the data, information, and hazard mitigation goals and/or actions from the mitigation plan into other planning mechanisms.</p> <p><i>Planning mechanism means a governance structure used to manage land use, development, and other tribal government decision-making, such as a tribal master plan, a capital improvement plan, an emergency operations plan, or other long-range plans.</i></p>

ELEMENT	REQUIREMENTS
<p>C7. Does the plan describe a system for reviewing progress on achieving goals as well as activities and projects identified in the mitigation strategy, including monitoring implementation of mitigation measures and project closeouts?</p> <p>44 CFR §§ 201.7(c)(4)(ii) and 201.7(c)(4)(v)</p> <p><i>Intent: To establish a standardized system to review activities and projects and follow through on project implementation and completion.</i></p>	<p>a. The plan shall describe the system for tracking the implementation of the mitigation activities and projects identified in the mitigation strategy. This includes all mitigation activities, not just those funded by FEMA.</p> <p>b. The system shall include the following:</p> <ol style="list-style-type: none"> 1. A schedule; 2. Tribal department or tribal office responsible for coordination (or non-tribal entity or agency, if the tribe allows); 3. Role of the agencies/offices identified in the mitigation strategy as responsible for implementation of actions; and 4. Project closeout procedures. <p><i>An example of a system could include submittal of periodic reports, site visits, and invoices submitted by tribal offices responsible for implementing mitigation actions and/or project closeouts.</i></p>

2.4 ELEMENT D. PLAN UPDATES

Overall Intent: In order for the mitigation plan to remain relevant and representative of the tribal government’s risk reduction strategy, it is important that the plan reflect current conditions as well as conditions that may affect the tribe’s hazard risks in the future. This involves an assessment of the existing and planned development patterns, as well as an evaluation of any new hazard information. The plan update is an opportunity for the tribal government to assess its previous mitigation strategy, evaluate progress in implementing hazard mitigation actions and/or projects, and adjust the plan based on changing conditions and new tribal government priorities.

ELEMENT	REQUIREMENTS
<p>D1. Was the plan revised to reflect changes in development?</p> <p>44 CFR § 201.7(d)(3)</p> <p><i>Intent: To ensure that the mitigation strategy continues to address the risk and vulnerabilities to existing and potential development.</i></p>	<p>The plan shall describe changes in development that have occurred in hazard prone areas since the last plan was approved.</p> <p>Not all development will affect a tribal government’s vulnerability. If no changes are identified, plan updates shall validate the information in the previously approved plan.</p> <p><i>Changes in development means recent development (for example, construction completed since the last plan was approved), potential development (for example, development planned or under consideration by the tribal government) or conditions that may affect the risks and vulnerabilities of the tribal planning area (for example, climate variability and/or declining populations or projected increases), and new data regarding the type, location, occurrence, and extent of hazards that has become available since the last plan was developed or as a result of disaster events.</i></p>

ELEMENT	REQUIREMENTS
<p>D2. Was the plan revised to reflect progress in tribal mitigation efforts? 44 CFR §§ 201.7(d)(3) and 201.7(c)(4)(iii)</p> <p><i>Intent: To evaluate and demonstrate progress made in the past 5 years in achieving goals and implementing actions outlined in the mitigation strategy.</i></p>	<p>a. The plan shall describe the status of each mitigation action and/or project identified in the previous plan. For those actions not completed, the plan shall provide a narrative describing the status (for example, a description of why the action is no longer relevant).</p> <p>b. The plan shall describe how the tribal government incorporated the previous mitigation plan into other planning mechanisms, as applicable.</p>
<p>D3. Was the plan revised to reflect changes in priorities? 44 CFR § 201.7(d)(3)</p> <p><i>Intent: To ensure the plan reflects current conditions, including financial, legal, and political realities as well as post-disaster conditions.</i></p>	<p>The plan shall describe if and how any priorities changed (for example, due to disaster events or changes in leadership) since the plan was previously approved.</p> <p>If no changes in priorities are necessary, plan updates shall validate the information in the previously approved plan.</p>

2.5 ELEMENT E. ASSURANCES AND PLAN ADOPTION

Overall Intent: The regulation regarding assurances relates to the tribal government’s understanding and accountability in complying with “Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, including 2 CFR Parts 200 and 3002.”⁷

Adoption by the tribal government demonstrates the commitment to fulfill the hazard mitigation goals and actions outlined in the plan. Adoption legitimizes the plan and authorizes responsible agencies to execute their responsibilities. (See Appendix B, Section B 3.2 for more information regarding *Approval Pending Adoption*).

ELEMENT	REQUIREMENTS
<p>E1. Does the plan include assurances that the tribal government will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, including 2 CFR Parts 200 and 3002, and will amend its plan whenever necessary to reflect changes in tribal or Federal laws and statutes? 44 CFR § 201.7(c)(6)</p>	<p>The plan shall include assurances which state that the tribal government will comply with all applicable federal statutes and regulations in effect with respect to the periods for which it receives grant funding including 2 CFR Parts 200 and 3002. The tribal government will amend its mitigation plan whenever necessary to reflect changes in tribal or federal laws and statutes.</p>

⁷ 44 CFR § 201.7(c)(6); see 80 Fed. Reg. 59549 (Oct. 2, 2015).

ELEMENT	REQUIREMENTS
<p>E2. Does the plan include documentation that it has been formally adopted by the governing body of the tribal government requesting approval?</p> <p>44 CFR § 201.7(c)(5)</p> <p><i>Intent: To demonstrate the tribal government’s commitment to fulfilling the hazard mitigation goals outlined in the plan and to authorize responsible agencies to execute their responsibilities.</i></p>	<p>The tribal government’s governing body shall submit documentation that the plan was adopted.</p> <p><i>An example of documentation may include a tribal resolution, tribal executive order, tribal notice of action, or other official documentation of adoption.</i></p>

SECTION 3: Enhanced Tribal Mitigation Plan Requirements

An enhanced tribal mitigation plan documents a sustained and proven commitment to hazard mitigation. This designation recognizes current or ongoing efforts to proactively implement a comprehensive mitigation program. The enhanced status acknowledges the coordinated effort a tribal government is currently taking to reduce losses, protect life and property, and create safer communities. Approval of an enhanced tribal mitigation plan results in eligibility for increased HMGP funding of up to 20 percent of the estimated eligible Stafford Act assistance.

The regulations in 44 CFR § 201.3(e)(3) state that “in order to be considered for the increased HMGP funding, the tribal mitigation plan must meet the Enhanced State Mitigation Plan criteria identified in § 201.5.” The Enhanced Mitigation Plan regulations in 44 CFR § 201.5 include a list of capabilities that build on, and exceed, the standard mitigation plan requirements. While 44 CFR § 201.5 specifically references a “State,” the requirements are applicable to tribal governments.

Tribal governments seeking enhanced status must “demonstrate” through a narrative and examples, that the tribal government is already clearly engaged in processes, activities, or initiatives that advance risk reduction. FEMA expects that information on the tribal processes, activities, or initiatives are already incorporated into the plan or can be independently validated.

This section provides detailed guidance on how FEMA interprets the various requirements of the regulation for all enhanced tribal mitigation plan reviews. The guidance is limited only to the minimum requirements of what *must* be in an enhanced tribal mitigation plan, but does not prescribe *how* the tribal government shall develop an enhanced plan. Each requirement links to a specific regulation, and citations are provided for reference in Appendix E. Tribal governments seeking enhanced status may have either a standalone tribal mitigation plan or be part of a multi-jurisdictional plan.

This section is organized as follows:

- Enhanced Element F: Meet Required Standard Plan Elements
- Enhanced Element G: Integrated Planning
- Enhanced Element H: Tribal Mitigation Capabilities
- Enhanced Element I: HMA Grants Management Performance

For additional information on enhanced tribal mitigation plan approvals, please see *Appendix B, Section B.5, Submittal and Review Procedures*.

3.1 ENHANCED ELEMENT F: MEET REQUIRED STANDARD PLAN ELEMENTS

In order to be considered for enhanced status, the plan must first contain all of the required elements of a standard tribal mitigation plan as outlined in 44 CFR § 201.7.

<u>ENHANCED ELEMENT</u>	<u>REQUIREMENTS</u>
<p>F1. Does the enhanced plan include all elements of the standard tribal mitigation plan?</p> <p>44 CFR §§ 201.3(e)(3), 201.5(b), and 201.7</p> <p><i>Intent: To meet the minimum requirements for a tribal mitigation plan under 44 CFR § 201.7.</i></p>	<p>The enhanced plan must meet all the elements of the standard tribal mitigation plan.</p>

3.2 ENHANCED ELEMENT G: INTEGRATED PLANNING

Overall Intent: Tribal governments that are considered “enhanced” can demonstrate a history of integration with agencies and partners with mitigation capabilities or shared objectives to reduce risks from natural hazards. The [National Mitigation Framework](#) describes integration in terms of “Coordinating Structures,” which include the organizations, agencies, groups, committees, and teams that carry out activities in support of building resiliency. It also includes other programs, procedures, or initiatives carried out by a cross-section of mitigation partners that work together to identify and implement effective, long-term mitigation solutions.

Integrated planning means embedding mitigation in other tribal planning, decision making, and development, as well as enabling planning initiatives from other sectors (see requirement H1.a below) to inform the tribal government’s mitigation strategy. Collaboration among tribal members and partners with the authority, interest, and expertise to implement mitigation measures will enable the tribal government to leverage resources to reduce risk and increase resilience.

<u>ENHANCED ELEMENT</u>	<u>REQUIREMENTS</u>
<p>G1. Does the plan demonstrate integration to the extent practicable with other tribal and/or regional planning initiatives and FEMA mitigation programs and initiatives?</p> <p>44 CFR §§ 201.3(e)(3) and 201.5(b)(1)</p> <p><i>Intent: To demonstrate that the tribal mitigation plan has been integrated with other tribal planning initiatives, programs, and other ongoing activities that achieve risk reduction and resilience.</i></p>	<p>a. The enhanced plan must demonstrate integration with other tribal and/or regional planning initiatives (and tribal organizations) including, at a minimum, the following sectors:</p> <ul style="list-style-type: none"> • Emergency management; • Economic development; • Land use development; • Housing; • Health and social services; • Infrastructure; and • Natural and cultural resources (may include sacred site planning or initiatives) <p>Where integration with other tribal and/or regional planning initiatives representing these sectors is not practicable, the plan must describe the limitations.</p> <p>b. The enhanced plan must demonstrate integration of FEMA mitigation programs and initiatives, including, if applicable, but not limited to: HMGP, PDM, FMA, NFIP, and Risk MAP, as well as other FEMA programs that advance mitigation, for example, THIRA and PA C-G.</p> <p><i>Special Consideration: In evaluating integration, consideration will be given to the inherent differences in governance and capabilities among tribal governments.</i></p>

3.3 ENHANCED ELEMENT H: TRIBAL MITIGATION CAPABILITIES

Overall Intent: Tribal governments with enhanced tribal mitigation plans are able to demonstrate that projects, programs, or other activities that reduce exposure to hazards have been successfully implemented. Where the standard tribal mitigation plan requires the evaluation of capabilities (see Element C1), enhanced tribal governments must demonstrate that they are taking a comprehensive approach and that the tribal government is capable of coordinating a variety of resources toward successful hazard mitigation.

<u>ENHANCED ELEMENT</u>	<u>REQUIREMENTS</u>
<p>H1. Does the tribal government demonstrate commitment to a comprehensive mitigation program?</p> <p>44 CFR §§ 201.3(e)(3) and 201.5(b)(4)</p> <p><i>Intent:</i> To demonstrate commitment to advancing risk reduction and resilience using a wide range of resources.</p>	<p>The plan must describe an existing comprehensive tribal mitigation program.</p> <p><i>Comprehensive tribal mitigation program</i> means a broad range of tribal-supported initiatives and activities that:</p> <ol style="list-style-type: none"> a. Target risk reduction for each of the identified hazards in the tribal planning area; b. Is inclusive of various agencies and sectors with mitigation capabilities and resources; and c. Is coordinated to increase resilience from the adverse impacts of future hazard events in the tribal planning area. <p>Initiatives and activities that demonstrate commitment might include, but are not limited to:</p> <ul style="list-style-type: none"> • A commitment to workshops, training, and capability development of staff and leaders • A tribal-wide program of hazard mitigation through the development of mitigation council(s), formation of tribal/private partnerships, and/or other executive actions that promote hazard mitigation • The tribal government provides a portion of the non-federal match for HMGP and/or other mitigation projects • To the extent allowed by law, the tribal government adopts a nationally applicable model building code or standard that addresses natural hazards as a basis for design and construction of mitigation projects • 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 • A comprehensive description of how the tribal government integrates mitigation into its post-disaster recovery operations
<p>H2. Does the enhanced plan document capability to implement mitigation actions?</p> <p>44 CFR §§ 201.3(e)(3), 201.5(b)(2)(i), 201.5(b)(2)(ii), and 201.5(b)(2)(iv)</p> <p><i>Intent:</i> To exhibit successful application of a tribal government’s mitigation program to advance risk reduction and resilience toward mitigation goals.</p>	<ol style="list-style-type: none"> a. The enhanced plan must describe the system to rank the mitigation measures according to established eligibility criteria, including a process to prioritize between funding programs and proposals that address different or multiple hazards. b. The enhanced plan must describe how the tribal government will assess the effectiveness of mitigation actions, including the role of the departments that are involved as well as the timeline, and use the results to inform the mitigation strategy. Effectiveness may be based on cost factors but may also include other beneficial functions.

<u>ENHANCED ELEMENT</u>	<u>REQUIREMENTS</u>
<p>H3. Is the tribal government using existing mitigation programs to achieve mitigation goals?</p> <p>44 CFR §§ 201.3(e)(3), 201.5(a) and 201.5(b)(3)</p> <p><i>Intent: To exhibit successful application of tribal government mitigation programs to advance risk reduction and resilience toward mitigation goals. Also to demonstrate the effective use of the additional HMGP funds for which the enhanced tribe is eligible.</i></p>	<p>a. The enhanced plan must document how the tribal government has made full use of the funding available through the FEMA assistance programs (for example, PA C-G, HMGP, PDM, and FMA). If the tribal government has not made full use of available funding, the enhanced plan must document the reasons why funding was not used and explain the process to improve this capability.</p> <p>b. The enhanced plan must document how the tribal government uses existing programs to achieve its mitigation goals.</p> <p><i>Special Consideration: Citing limited staff resources is not considered an acceptable reason for not making full use of funding. Further, citing limited staff resources would document the inability to meet the requirement at 201.5(b)(2)(iii), which requires the tribal government to demonstrate HMA grants management capability.</i></p>

3.4 ENHANCED ELEMENT I: HAZARD MITIGATION ASSISTANCE (HMA) GRANTS MANAGEMENT PERFORMANCE

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

At the time of plan submittal and review, and annually during the approval period, FEMA will review the tribal government’s last four quarters of grants management performance data for all FEMA HMA programs. For reviews of new enhanced tribal mitigation plans, FEMA may extend the timeframe when sufficient data is not available for the last four quarters. FEMA will supplement the review with any additional necessary grants management data or may request additional data from the tribal government, if necessary.

For additional information on the requirements to make use of the funding available through the FEMA assistance programs, refer to Element H - Tribal Mitigation Capabilities. For additional information on how to maintain HMA grants management performance capabilities over the plan approval period, refer to *Appendix B, Section B.5, Submittal and Review Procedures*.

<u>ENHANCED ELEMENT</u>	<u>REQUIREMENTS</u>
<p>I1. With regard to HMA, is the tribal government maintaining the capability to meet application timeframes and submitting complete project applications?</p> <p>44 CFR §§ 201.3(e)(3) and 201.5(b)(2)(iii)(A)</p>	<ul style="list-style-type: none"> a. All applications and amendments are submitted by the end of each program’s respective application period. b. All applications are entered into FEMA’s electronic data systems (such as NEMIS and/or eGrants). c. An Eligibility and Completeness Checklist is prepared for all applications. d. All applications are determined to be complete by FEMA within 90 days of submittal or selection for further review. Required environmental and historic preservation reviews and consultations will not be included in the 90-day review timeframe calculation.
<p>I2. With regard to HMA, is the tribal government maintaining the capability to prepare and submit accurate environmental reviews and benefit-cost analyses?</p> <p>44 CFR §§ 201.3(e)(3) and 201.5(b)(2)(iii)(B)</p>	<p>All applications and amendments are determined to be complete by FEMA within 90 days of submittal or selection for further review, including all data requested by FEMA to support Cost Effectiveness determinations and environmental/historic preservation compliance reviews. Required environmental and historic preservation reviews and consultations will not be included in the 90-day review timeframe calculation.</p>
<p>I3. With regard to HMA, is the tribal government maintaining the capability to submit complete and accurate quarterly progress and financial reports on time?</p> <p>44 CFR §§ 201.3(e)(3) and 201.5(b)(2)(iii)(C)</p>	<ul style="list-style-type: none"> a. All progress reports must be complete and submitted on time. Information in reports must accurately describe grant activities, including data related to the completion of individual property acquisitions. Incomplete progress reports that do not provide information on all open awards⁸ (or grants) and sub awards (or sub grants) or include all information required by the HMA Guidance are not considered on time. b. All federal financial reports (FFR), Standard Form (SF) SF-425 are submitted on time. Information in reports shall accurately describe grant activities, as described in the HMA Guidance. c. The tribal government consistently complies with the Standards for Financial and Program Management requirements described in 2 CFR §§ 200.300 to 200.309.

⁸ 2 CFR § 200.328

ENHANCED ELEMENT	REQUIREMENTS
<p>I4. With regard to HMA, is the tribal government maintaining the capability to complete HMA projects within established performance periods, including financial reconciliation?</p> <p>44 CFR §§ 201.3(e)(3) and 201.5(b)(2)(iii)(D)</p>	<ul style="list-style-type: none"> a. All work as part of HMA sub awards must be completed by the end of Period of Performance as described in the FEMA Hazard Mitigation Assistance Program Guidance (https://www.fema.gov/hazard-mitigation-assistance-program-guidance). b. There are no major findings on the last single audit obtained by the tribal government related to HMA programs. For tribal governments without HMA grants, FEMA will review other federal grants. c. All grant close-out activities, including financial reconciliation, are completed within 90 days from the end of the performance period including: <ul style="list-style-type: none"> 1. Final FFR SF-425 and Performance Reports were submitted within 90 days from the end of the performance period unless an extension is granted by FEMA. 2. Statement submitted that approved Scope of Work and all environmental and historic preservation requirements have been satisfied. 3. SF-270 Request for Advance or Reimbursement or request to de-obligate funds is completed, if applicable due to cost underruns. 4. Other documentation as required in the HMA Guidance. 5. No late drawdowns are requested or performed after the liquidation period has ended. d. Actual expenditures have been documented and are consistent with SF-424A or SF-424C (Application for Federal Assistance and Budget Information).

Appendix A: Tribal Mitigation Plan Review Tool

The *Tribal Mitigation Plan Review Tool* records how the tribal mitigation plan meets the regulations in 44 CFR §§ 201.7 and 201.5 (if applicable) and offers FEMA plan reviewers an opportunity to provide feedback to the tribal government.

- **Section 1:** The Regulation Checklist documents FEMA’s evaluation of whether the plan has addressed all requirements. If plan requirements are not met, FEMA uses each Required Revisions section to indicate necessary changes.
- **Section 2:** The Strengths and Opportunities for Improvement summary identifies plan’s strengths as well as areas for improvement as part of the next plan update.

The FEMA mitigation planner must reference the *Tribal Mitigation Plan Review Guide* when completing the Tribal Mitigation Plan Review Tool.

Tribal Jurisdiction:	Title of Plan:	Date of Plan:
Tribal Point of Contact:		Address:
Title:		
Agency:		
Phone Number:		
		Email:

State Reviewer (if applicable):	Title:	Date:
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FEMA Reviewer:	Title:	Date:
Date Received in FEMA Region <i>(insert #)</i>		
Plan Not Approved		
Plan Approvable Pending Adoption		
Plan Approved		

Section 1: REGULATION CHECKLIST

1. Standard Regulation Checklist	Location in Plan (section and/or page number)	Met	Not Met
Regulation (44 CFR § 201.7 Tribal Mitigation Plans)			
ELEMENT A. PLANNING PROCESS			
A1. Does the plan document the planning process, including how it was prepared and who was involved in the process? [44 CFR § 201.7(c)(1)]			
A2. Does the plan document an opportunity for public comment during the drafting stage and prior to plan approval, including a description of how the tribal government defined “public”? [44 CFR § 201.7(c)(1)(i)]			
A3. Does the plan document, as appropriate, an opportunity for neighboring communities, tribal and regional agencies involved in hazard mitigation activities, agencies that have the authority to regulate development as well as other interests to be involved in the planning process? [44 CFR § 201.7(c)(1)(ii)]			
A4. Does the plan describe the review and incorporation of existing plans, studies, and reports? [44 CFR § 201.7(c)(1)(iii)]			
A5. Does the plan include a discussion on how the planning process was integrated to the extent possible with other ongoing tribal planning efforts as well as other FEMA programs and initiatives? [44 CFR § 201.7(c)(1)(iv)]			
A6. Does the plan include a description of the method and schedule for keeping the plan current (monitoring, evaluating and updating the mitigation plan within the plan update cycle)? [44 CFR § 201.7(c)(4)(i)]			
A7. Does the plan include a discussion of how the tribal government will continue public participation in the plan maintenance process? [44 CFR § 201.7(c)(4)(iv)]			
<u>ELEMENT A: REQUIRED REVISIONS</u>			
ELEMENT B. HAZARD IDENTIFICATION AND RISK ASSESSMENT			
B1. Does the plan include a description of the type, location, and extent of all natural hazards that can affect the tribal planning area? [44 CFR § 201.7(c)(2)(i)]			
B2. Does the plan include information on previous occurrences of hazard events and on the probability of future hazard events for the tribal planning area? [44 CFR § 201.7(c)(2)(i)]			

1. Standard Regulation Checklist	Location in Plan (section and/or page number)	Met	Not Met
Regulation (44 CFR § 201.7 Tribal Mitigation Plans)			
B3. Does the plan include a description of each identified hazard’s impact as well as an overall summary of the vulnerability of the tribal planning area? [44 CFR § 201.7(c)(2)(ii)]			
<u>ELEMENT B: REQUIRED REVISIONS</u>			
ELEMENT C. MITIGATION STRATEGY			
C1. Does the plan include a discussion of the tribal government's pre- and post-disaster hazard management policies, programs, and capabilities to mitigate the hazards in the area, including an evaluation of tribal laws and regulations related to hazard mitigation as well as to development in hazard-prone areas? [44 CFR §§ 201.7(c)(3) and 201.7(c)(3)(iv)]			
C2. Does the plan include a discussion of tribal funding sources for hazard mitigation projects and identify current and potential sources of Federal, tribal, or private funding to implement mitigation activities? [44 CFR §§ 201.7(c)(3)(iv) and 201.7(c)(3)(v)]			
C3. Does the Mitigation Strategy include goals to reduce or avoid long-term vulnerabilities to the identified hazards? [44 CFR § 201.7(c)(3)(i)]			
C4. Does the plan identify and analyze a comprehensive range of specific mitigation actions and projects being considered to reduce the effects of each hazard, with emphasis on new and existing buildings and infrastructure? [44 CFR § 201.7(c)(3)(ii)]			
C5. Does the plan contain an action plan that describes how the actions identified will be prioritized, implemented, and administered by the tribal government? [44 CFR § 201.7(c)(3)(iii)]			
C6. Does the plan describe a process by which the tribal government will incorporate the requirements of the mitigation plan into other planning mechanisms, when appropriate? [44 CFR § 201.7(c)(4)(iii)]			
C7. Does the plan describe a system for reviewing progress on achieving goals as well as activities and projects identified in the mitigation strategy, including monitoring implementation of mitigation measures and project closeouts? [44 CFR §§ 201.7(c)(4)(ii) and 201.7(c)(4)(v)]			

1. Standard Regulation Checklist	Location in Plan (section and/or page number)	Met	Not Met
Regulation (44 CFR § 201.7 Tribal Mitigation Plans)			
<u>ELEMENT C: REQUIRED REVISIONS</u>			
ELEMENT D. PLAN UPDATES			
D1. Was the plan revised to reflect changes in development? [44 CFR § 201.7(d)(3)]			
D2. Was the plan revised to reflect progress in tribal mitigation efforts? [44 CFR §§ 201.7(d)(3) and 201.7(c)(4)(iii)]			
D3. Was the plan revised to reflect changes in priorities? [44 CFR § 201.7(d)(3)]			
<u>ELEMENT D: REQUIRED REVISIONS</u>			
ELEMENT E. ASSURANCES AND PLAN ADOPTION			
E1. Does the plan include assurances that the tribal government will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, including 2 CFR Parts 200 and 3002, and will amend its plan whenever necessary to reflect changes in tribal or Federal laws and statutes? [44 CFR § 201.7(c)(6)]			
E2. Does the plan include documentation that it has been formally adopted by the governing body of the tribal government requesting approval? [44 CFR § 201.7(c)(5)]			
<u>ELEMENT E: REQUIRED REVISIONS</u>			

2. Enhanced Regulation Checklist		Location in Plan (section and/or page number)	Met	Not Met
Regulation (44 CFR § 201.5 Enhanced Tribal Mitigation Plans)				
ENHANCED ELEMENT F. STANDARD PLAN REQUIREMENTS				
F1. Does the enhanced plan include all elements of the standard tribal mitigation plan? [44 CFR §§ 201.3(e)(3), 201.5(b), and 201.7]				
<u>ENHANCED ELEMENT F: REQUIRED REVISIONS</u>				
ENHANCED ELEMENT G. INTEGRATED PLANNING				
G1. Does the enhanced plan demonstrate integration to the extent practicable with other tribal and/or regional planning initiatives and FEMA mitigation programs and initiatives? [44 CFR §§ 201.3(e)(3) and 201.5(b)(1)]				
<u>ENHANCED ELEMENT G: REQUIRED REVISIONS</u>				
ENHANCED ELEMENT H. TRIBAL MITIGATION CAPABILITIES				
H1. Does the tribal government demonstrate commitment to a comprehensive mitigation program? [44 CFR §§ 201.3(e)(3) and 201.5(b)(4)]				
H2. Does the enhanced plan document capability to implement mitigation actions? [44 CFR §§ 201.3(e)(3), 201.5(b)(2)(i), 201.5(b)(2)(ii), and 201.5(b)(2)(iv)]				
H3. Is the tribal government using existing mitigation programs to achieve mitigation goals? [44 CFR §§ 201.3(e)(3), 201.5(a) and 201.5(b)(3)]				
<u>ENHANCED ELEMENT H: REQUIRED REVISIONS</u>				

2. Enhanced Regulation Checklist	Location in Plan (section and/or page number)	Met	Not Met
Regulation (44 CFR § 201.5 Enhanced Tribal Mitigation Plans)			
ENHANCED ELEMENT I. HMA GRANTS MANAGEMENT PERFORMANCE			
I1. With regard to HMA, is the tribal government maintaining the capability to meet application timeframes and submitting complete project applications? [44 CFR §§ 201.3(e)(3), 201.5(b)(2)(iii)(A)]			
I2. With regard to HMA, is the tribal government maintaining the capability to prepare and submit accurate environmental reviews and benefit-cost analyses? [44 CFR §§ 201.3(e)(3) and 201.5(b)(2)(iii)(B)]			
I3. With regard to HMA, is the tribal government maintaining the capability to submit complete and accurate quarterly progress and financial reports on time? [44 CFR §§ 201.3(e)(3) and 201.5(b)(2)(iii)(C)]			
I4. With regard to HMA, is the tribal government maintaining the capability to complete HMA projects within established performance periods, including financial reconciliation? [44 CFR §§ 201.3(e)(3) and 201.5(b)(2)(iii)(D)]			
<u>ENHANCED ELEMENT I: REQUIRED REVISIONS</u>			

Section 2: STRENGTHS AND OPPORTUNITIES FOR IMPROVEMENT

INSTRUCTIONS: The purpose of the ***Strengths and Opportunities for Improvement*** section is for FEMA to provide more comprehensive feedback on the tribal mitigation plan to help the tribal government advance mitigation planning. The intended audience is the tribal staff responsible for the mitigation plan update. FEMA will address the following topics:

1. Plan strengths, including specific sections in the plan that are above and beyond the minimum requirements; and
2. Suggestions for future improvements.

FEMA will provide feedback and include examples of best practices, when possible, as part of the *Tribal Mitigation Plan Review Tool*, or, if necessary, as a separate document. The tribal mitigation plan elements are included below in italics for reference. FEMA is not required to provide feedback for each element.

Required revisions from the **Regulation Checklist** are not documented in the **Strengths and Opportunities for Improvement** section. Results from the **Strengths and Opportunities for Improvement** section are not required for Plan Approval.

Describe the mitigation plan strengths areas for future improvements, including areas that may exceed minimum requirements.

- Planning process
- *Hazard identification and risk assessment*
- *Mitigation strategy (including Mitigation Capabilities)*
- *Plan updates*
- *Adoption and assurances*
- *Enhanced Plan - Integrated planning*
- *Enhanced Plan - Tribal government mitigation capabilities (commitment to a comprehensive mitigation program)*
- *Enhanced Plan - HMA grants management performance*

Appendix B: Tribal Mitigation Plan Submittal and Review Procedures

This Appendix is organized as follows:

- Section B.1: Overview
- Section B.2: Submittal Requirements
- Section B.3: Plan Review Status
- Section B.4: Communicating the Review
- Section B.5: Enhanced Tribal Mitigation Plan Review

Section B.1 provides an overview of the plan review procedures. Section B.2 reviews the submittal requirements for tribal mitigation plan reviews. Section B.3 provides plan review status definitions. Section B.4 discusses how the review will be communicated to the tribal government. Section B.5 outlines enhanced tribal mitigation plan reviews, including a discussion of the enhanced panel procedures.

B.1 OVERVIEW

Federally recognized tribes with an approved tribal mitigation plan in accordance with 44 CFR § 201.7 may apply to FEMA directly for assistance. If the tribal government applies to FEMA directly, the tribal government is referred to as the *applicant*. If the grant is awarded, the tribe becomes the grant *recipient*.

With regard to Hazard Mitigation Assistance and in accordance with 44 CFR § 201.7, “tribal governments who would like the option of being a subgrantee under the State must also submit their plan to the State Hazard Mitigation Officer for review and coordination.” If the tribal government receives an award through the state, the tribal government is the *subrecipient*. Figure 1 illustrates the plan submittal and review procedures for tribal *recipients* and *subrecipients*, respectively.

Figure 1. Comparison of Tribal Mitigation Plan Submittal and Review Process Options ⁹

Tribal Government as Recipient Tribe Submits Directly to FEMA			OR	Tribal Government as Subrecipient Tribe Submits Plan to State			
Plan Submittal	Step 1	Tribal government submits the tribal mitigation plan to the FEMA Regional office to request a FEMA review.		Plan Submittal	Step 1	Tribal government submits the tribal mitigation plan to the State Hazard Mitigation Officer to request a review.	
	Step 2	The FEMA Region confirms receipt of plan.			Step 2	The State confirms receipt of the plan.	
Plan Review	Step 3	The FEMA Region reviews the plan.		State Plan Review	Step 3	The State reviews the plan.	
	Step 4	The FEMA Region contacts the tribal government to notify them of the review results.			Step 4	The State contacts the tribal government to notify them of the review results.	
Required Revisions	Step 5	If the plan requires revisions, the FEMA Region works with the tribal government to resolve the issues.		State Required Revisions	Step 5	If the plan requires revisions, the State works with the tribal government to resolve the issues. When all requirements are met, the State forwards the plan to the FEMA Region for review.	
	Step 6	When all elements are met, the FEMA Region determines that the tribal mitigation plan is Approvable Pending Adoption (APA) or Approved (if the plan was adopted) and notifies the tribal government.			FEMA Plan Review	Step 6	The FEMA Region reviews the plan.
Plan Approval and Adoption	Step 7	If the plan has not yet been adopted, the tribal government adopts the plan.		FEMA Required Revisions		Step 7	The FEMA Region contacts the State to notify them of the review results. The State notifies the tribal government of the review results.
	Step 8	The tribal government submits documentation of adoption to the FEMA Region.			Step 8	If the plan requires revisions, the FEMA Region works with the State and the tribal government to resolve the issues.	
	Step 9	The FEMA Region sends an official plan approval letter to the tribal government. The plan approval date begins the 5-year approval period and sets the expiration date for the plan, as described in the FEMA approval letter.			Plan Approval and Adoption	Step 9	When all elements are met, the FEMA Region determines that the tribal mitigation plan is Approvable Pending Adoption (APA) or Approved (if the plan was adopted) and notifies the State. The State notifies the tribal government of the review results.
	Step 10	FEMA coordinates with the State for awareness that the tribe's plan is approved and the tribe is eligible to submit mitigation grant applications.				Step 10	If the plan has not yet been adopted, the tribal government adopts the plan.
					Step 11	The tribal government submits documentation of adoption to the State. The State forwards the documentation to the FEMA Region.	
					Step 12	The FEMA Region sends an official plan approval letter to the State. The State notifies the tribal government of the approval. The plan approval date begins the 5-year approval period and sets the expiration date for the plan, as described in the FEMA approval letter.	
<i>Note: During the review, the tribal government as a subrecipient may contact the FEMA Region directly regarding the status of the plan or plan reviews.</i>							

⁹ There may be Regional variations to these submittal and review procedures. Tribes are encouraged to contact their FEMA Regional Mitigation Planner or State Hazard Mitigation Officer for more details.

B.2 SUBMITTAL REQUIREMENTS

As stated in 44 CFR § 201.7(a)(1), tribal mitigation plans must be submitted to the appropriate FEMA Regional office for review and approval. FEMA will work with the tribal government to determine mutually agreeable submittal formats. The location of the tribal headquarters determines which FEMA Regional office will review each tribal mitigation plan. The submittal should include the following:

- a. A transmittal letter or email from the tribal government requesting review and approval;
- b. A *Tribal Mitigation Plan Review Tool* indicating page numbers where the required elements can be found; and
- c. The tribal mitigation plan to be reviewed, including any appendices and/or annexes.

Upon receipt, FEMA shall provide confirmation to the tribal government.

B.3 PLAN REVIEW STATUS

Upon completion of a plan review, FEMA will provide a copy of a completed *Tribal Mitigation Plan Review Tool* that indicates the outcome, using the following designations: “Requires Revisions,” “Approvable Pending Adoption (APA),” or “Approved.”

B.3.1 Requires Revisions

Tribal mitigation plans not meeting all of the relevant requirements are returned with a “Requires Revisions” designation. The required revisions are documented in writing, using the *Tribal Mitigation Plan Review Tool*, for discussion with the tribal government. When a plan requires revisions, FEMA will complete subsequent plan reviews as necessary.

B.3.2 Approvable Pending Adoption

APA is a recommended and potentially time-saving process by which tribal governments submit the final draft tribal mitigation plan for a review prior to formal adoption. If FEMA determines the plan is not approvable, the tribal government will be able to address deficiencies before adopting the plan. If all requirements are met except adoption, FEMA determines that the plan is APA. Once the tribal government receives notice from FEMA that the plan status is APA, the tribal government can then proceed with the adoption process, assured that the adopted plan will receive FEMA’s final approval.

Adoption must take place within one calendar year of receipt of FEMA’s APA notice. If the plan is not adopted within one calendar year, the tribal government must update the entire plan and resubmit it for FEMA review. (See Element E, beginning on page 16.)

B.3.3 Approved

Once all requirements are met and the adoption resolution is received by the FEMA Regional office, FEMA will send an approval letter to the tribal government signed by the FEMA

Regional Administrator or designee. The approval letter will identify, at a minimum, the name of the approved plan, the date of plan approval, and the expiration date. An approval letter template can be found in Appendix C.

B.4 COMMUNICATING THE REVIEW

FEMA will work with the tribal government to determine mutually agreeable communication methods. FEMA and the tribal government (or tribe-designated) point of contact for hazard mitigation planning and mitigation are encouraged to coordinate with each other throughout the plan review and approval process.

FEMA may contact the tribal government to discuss required revisions and offer an opportunity for changes prior to sending official results of the review to the tribal government. Official communication will take place using formal letters or electronic communication, as agreed to by the FEMA Regional office and the tribal government. State officials completing initial reviews (for example, if the tribe is a subrecipient) may have their own procedures or preferences for communication with the tribal government or with FEMA. However, a clear understanding of how information on tribal mitigation plan reviews will be relayed and, where necessary, issues will be resolved, will foster positive relationships between all parties.

B.5 ENHANCED TRIBAL MITIGATION PLAN REVIEW

The enhanced plan submittal procedures are the same as the procedures for standard tribal mitigation plans. If, upon completion of the FEMA review, required revisions are identified, the FEMA Regional mitigation planning staff will coordinate with the tribal government regarding the expected revisions to the enhanced plan. Upon satisfactory completion of all enhanced plan requirements, the FEMA Regional Administrator or designee will send a notice of approval or APA to the tribal government. FEMA will not grant conditional approvals of enhanced tribal mitigation plans. All requirements must be met at time of review for the plan to be approved.

FEMA Regional mitigation planning staff will coordinate with the RTL throughout the enhanced plan review process. Note that for ***new enhanced plans***, or ***expired plans*** that have been lapsed for more than 12 months, FEMA Headquarters will convene a ***National Review Panel***. The National Review Panel may also be convened for enhanced plan updates that have not expired or for enhanced plans that have been expired for fewer than 12 months upon request by the Region. This process is described further in Section B.5.1 below.

B.5.1 Enhanced Plan Status

The status of enhanced plan submittals, the *Review Panel Type*, and the *Review Panel composition* are shown in Table B-1 below. A **new enhanced plan** is a plan submitted by a tribal government that has never had an approved enhanced plan. If a tribal government submitted an enhanced tribal mitigation plan for review, but it was never approved by FEMA, the next enhanced tribal mitigation plan submittal will fall under this category as well.

New enhanced plans will be reviewed by a **National Review Panel** composed of a minimum of one FEMA Regional representative, one FEMA Headquarters representative, and one tribal or state representative. FEMA Headquarters will be responsible for convening the panel and will decide whether a tribal or state representative will participate based on recommendations from the tribal government and the Region. The tribal representative must not also be a member of the tribe seeking enhanced status.

Updated enhanced plans that have not expired or that have been expired for fewer than 12 months will be reviewed by the FEMA Regional office; whenever possible, FEMA Headquarters will perform a parallel review for consistency. A National panel could be convened upon request by the Region, but it is not required.

If a tribal government submits an enhanced tribal mitigation plan and the previously approved enhanced plan has been expired for **more than 12 months**, it will be reviewed as a **new enhanced plan**, and FEMA Headquarters will convene a National Review Panel.

Table B 1. Summary of Enhanced Plan Status, Review Panel Types, and Review Panel Composition			
ENHANCED PLAN STATUS	REVIEW PANEL TYPE		REVIEW PANEL COMPOSITION
	Regional	National	
New enhanced plan or Updated enhanced plan expired more than 12 months		✓	1 Headquarters, 1 Regional, 1 Tribal/State
Updated enhanced plan that has not expired or Updated enhanced plan expired for less than 12 months	✓	Upon Request	Established by Region

Prior to expiration, the tribal government may have submitted and received approval of the standard plan, but not an enhanced plan. If the tribal government subsequently receives approval of an enhanced plan, the approval date coincides with the approval date of the standard plan.

In accordance with 44 CFR § 201.5(c)(1), “the Regional review will be completed within 45 days after receipt from the State, whenever possible.” Plans that are submitted within 45 days of expiration are at risk of expiring and losing enhanced status.

B.5.2 Hazard Mitigation Assistance Grants Management Performance Review

The FEMA Regional mitigation staff will complete the grant program management review per 44 CFR § 201.5(b)(2)(iii) within 30 days of receipt of the tribal mitigation plan and before the National Review Panel convenes. FEMA will evaluate the HMA grants management performance using the criteria provided in Section 3.4, HMA Grants Management Performance. FEMA will notify the tribal government of the results of the HMA grants management review and provide specific reasons if the tribal government performance is not satisfactory to pass the review. The tribal government may not request a National Review Panel to reconsider the FEMA HMA grants management performance review.

If at any time over the plan approval period FEMA determines that the tribal government is not complying with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives funding or is unable to fulfill mitigation commitments, FEMA may take action to correct the noncompliance (2 CFR § 200.338). If the tribal government does not comply with HMA award administration requirements, FEMA may consider taking action as detailed in the [Hazard Mitigation Assistance Program Guidance](#) (Part VI. Award Administration Information, D.8 Remedies for Noncompliance). Before taking action, FEMA Regional Mitigation staff must coordinate with the respective FEMA Headquarters program offices.

B.5.3 FEMA Regional Review

The FEMA Region notifies the tribal government and FEMA Headquarters of the review status milestones. The FEMA Region will complete its review of the enhanced plan within 45 days after receipt from the tribal government, whenever possible (44 CFR § 201.4(d)). Additional reviews may be necessary if required revisions are identified.

The FEMA Regional mitigation planning staff will complete the internal regional review process and, if a consistency review is to take place, send a copy to FEMA Headquarters mitigation planning staff. FEMA Headquarters mitigation planning staff will review the plan within the same 45-day review period. The FEMA Regional mitigation planning staff will coordinate with and incorporate FEMA Headquarters comments into the Regional review. The parallel review by FEMA Headquarters will not delay the Regional review.

If the finding from the Regional review is not satisfactory, the tribal government may request a review by the National Review Panel. This secondary review process will follow the same panel composition and process as a *new enhanced plan*. If a review by the National Review Panel is requested, the Regional review will be completed within 30 days of the request.

B.5.4 National Review Panel

As mentioned above, if the enhanced plan is new or if the enhanced plan submitted to FEMA has been expired for more than 12 months, FEMA will convene a National Review Panel. Prior to convening the National Panel, the FEMA Regional mitigation planning staff completes the internal Regional review process, including grant program management, and notifies the tribal government and FEMA Headquarters mitigation planning staff of the review status. If, upon completion of the FEMA Regional review, required revisions are identified, the FEMA Regional office sends the completed plan review to the tribal government and coordinates with the tribal government to adjust the schedule based on the expected revisions to the enhanced plan. Upon satisfaction that all elements of the Regional review process have been met, the FEMA Regional mitigation planning staff submits the enhanced tribal mitigation plan to FEMA Headquarters mitigation planning staff for a review by the National Review Panel.

Upon notification from the FEMA Regional office, FEMA Headquarters mitigation planning staff will assemble the National Review Panel. Once convened, the National Review Panel will complete its review and provide timely feedback through the FEMA Regional mitigation planning staff to the submitting tribal government.

Upon receipt of the plan from the FEMA Regional office, FEMA Headquarters mitigation planning staff and FEMA Regional mitigation staff will participate in an initial coordination conference call with the National Review panelists to coordinate schedules and ensure all materials have been provided to panelists to complete reviews.

- Each panelist will complete an independent review of the plan and submit a completed *Tribal Mitigation Plan Review Tool* to the FEMA Headquarters mitigation planning staff.
- FEMA Headquarters mitigation planning staff will consolidate comments into a single *Tool* and distribute to panelists.
- FEMA Headquarters mitigation planning staff will facilitate a National Review Panel discussion (generally held via conference call) to discuss the plan reviews and to reach Panel consensus on recommendations for plan approval or required revisions.
- FEMA Headquarters mitigation planning staff will notify the FEMA Regional mitigation planning staff of the panel outcome.

If revisions are required following the review, the FEMA Regional mitigation planning staff will forward the *Tribal Mitigation Plan Review Tool* reviewed by the National Review Panel to the tribal government so that the revisions can be made.

B.5.5 Enhanced Plan Review Procedure Summary

A summary of the enhanced plan procedures is provided in **Table B-2**.

Table B 2. Summary of Enhanced Plan Review Procedures		
Enhanced Plan Category	Process Summary	Timeframe
<p><i>New or Updated - expired for more than 12 months</i> is submitted by tribal government and either:</p> <ol style="list-style-type: none"> 1. Tribal government had not had an approved enhanced plan before; or 2. Tribal government previously had an approved enhanced plan and that plan expired more than 12 months prior to submittal. 	<p>Plan review is completed within 45 days of submittal, whenever possible.</p> <p>The following occurs during the review:</p> <ul style="list-style-type: none"> • HQ assembles National Review Panel • Required revisions may be identified <p>After Regional review, National Review Panel convenes.</p> <p>National Panel review of plan will not exceed 45 days, whenever possible.</p>	<p>Day 1: Submittal to Region; HQ assembles National Review Panel.</p> <p>Day 30: Region completes its review.</p> <p>Day 45: National Review Panel provides feedback to the tribal government.</p> <p>Additional review time may be necessary for either the Region or National Review Panel if the plan requires revision.</p>
<p><i>Updated Enhanced Plan</i> is submitted by tribal government and either:</p> <ol style="list-style-type: none"> 1. Tribal government's plan has not yet expired; or 2. Tribal government had enhanced plan that expired less than 12 months prior to submittal. 	<p>Initial Review:</p> <p>Region and HQ will complete joint review within 45 days of submittal, whenever possible.</p> <p>Plan will be either approved or returned for revisions in this timeframe.</p> <p>Optional Secondary Review:</p> <p>If the tribal government is not satisfied with outcome of the Regional review, a National Review Panel review can be requested and will be completed within 30 days.</p>	<p>Initial Review:</p> <p>Day 1: Submitted to Region</p> <p>Day 45: Region and HQ make determination</p> <p>Optional Secondary Review (If tribal government not satisfied with outcome of Regional review):</p> <p>Day 1: HQ begins to assemble National Review Panel.</p> <p>Day 30: Region shares outcome of National Review Panel review with tribal government.</p> <p>Additional review time may be necessary either from the Regional or National Review Panel reviews if required revisions are identified.</p>

B.5.6 Review of Mitigation Commitments

A FEMA-approved enhanced tribal mitigation plan documents sustained, proven commitment to hazard mitigation and results in eligibility for increased HMGP funding. Annually, FEMA staff will validate that tribal governments with enhanced mitigation plans are maintaining a comprehensive mitigation program and using available mitigation funding effectively (44 CFR § 201.5(a)).

Following the validation, FEMA will provide the tribal government with a written summary of findings. An important benefit of the annual validation is to show the tribal government that the mitigation program is on track and continues to meet grants management performance requirements over the 5-year approval period. FEMA will not require a tribal mitigation plan update as a result of the annual validation.

If FEMA determines that the tribal government's mitigation capabilities have not improved or have declined, FEMA will work with the tribal government to identify appropriate activities to improve the mitigation capabilities and determine a reasonable timeframe for completing these actions. The tribal government will have 30 days after receipt of the summary of findings to submit a proposal to FEMA regarding the schedule and action plan for making the improvements.

If the tribal mitigation capabilities do not improve, FEMA may consider withholding funds or denying future funding by suspending the tribal government's enhanced plan status prior to the 5-year update. If the enhanced plan status is suspended by FEMA, the tribal mitigation plan would revert to "Standard" plan status and the tribal government would no longer be eligible to receive the increased portion of HMGP funding for future disaster declarations. If the tribal government is subsequently able to demonstrate the capability to manage the increased HMGP funding consistent with the criteria in the applicable regulations and this Guide, FEMA would restore the enhanced plan status. The tribal government would then be eligible to receive increased HMGP funding for future disaster declarations.

Appendix C: Tribal Mitigation Plan Approval Letter Template

[insert Tribal point of contact name, title]

[insert Tribal name]

[insert Tribal address line 1]

[insert Tribal address line 2]

Reference: Approval of the *[insert name]* Tribal Mitigation Plan

Dear *[insert name]*:

The U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) Region *[insert number]* Mitigation Division has approved the updated *[insert name]* tribal mitigation plan effective *[insert date]* through *[insert date]*. This plan review was completed in accordance with the planning requirements of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as amended, the National Flood Insurance Act of 1968, as amended, and Title 44 Code of Federal Regulations (CFR) Part 201.

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

- Public Assistance Categories C-G (PA C-G)
- Fire Management Assistance Grants (FMAG)
- Hazard Mitigation Grant Program (HMGP)
- Pre-Disaster Mitigation (PDM)
- Flood Mitigation Assistance (FMA)

Tribal mitigation plans must be updated and resubmitted to FEMA Region *[insert number]*, Mitigation Division for approval every five years in order to remain eligible for the programs listed above. If the plan is not approved by the date indicated on this letter, the plan is considered lapsed and funds cannot be obligated until the mitigation plan is approved by FEMA.

If the approved plan is enhanced, insert:

FEMA commends the tribal government for the additional effort and commitment to mitigation, authorizing the tribal government to receive additional HMGP funds of up to 20 percent of the estimated eligible Stafford Act assistance. The “enhanced” designation is recognition for tribes that are leaders in implementing a comprehensive hazard mitigation program that results in safer, more resilient communities.

FEMA will provide a reminder to the tribal government, at a minimum, 12 months prior to the plan expiration date, of the consequences of not having a FEMA-approved mitigation plan with respect to eligibility for the FEMA assistance programs.

Finally, we look forward to working with you to discuss the status of the tribal mitigation planning program as well as providing technical assistance, as requested, over the approval period.

If we can be of assistance, please contact [*insert name*], at [*insert phone # and email address*].

Sincerely,

[*Insert name*]

[*Insert title*]

Enclosure: Tribal Mitigation Plan Review Tool

Appendix D: Mitigation Plans and Eligibility for FEMA Assistance

In accordance with 44 CFR Part 201, state, tribal, and local governments must have a FEMA-approved Mitigation Plan before FEMA will obligate funds for certain programs.¹⁰ The table below illustrates this mitigation plan requirement with respect to FEMA assistance programs.¹¹

FEMA Assistance Programs and Mitigation Plan Requirement			
FEMA Assistance Program		Is a Mitigation Plan Required?	
		Tribal Applicant to FEMA	Tribal Sub-applicant through State
Individual Assistance (IA)		No	No
Public Assistance (PA)	Categories A and B (e.g., debris removal, emergency protective measures)	No	No
	Categories C through G (Permanent work – e.g., repairs to publicly owned buildings)	Yes	No
Fire Management Assistance Grants (FMAG)		Yes	No
Hazard Mitigation Grant Program (HMGP)	Planning grant	Yes	No
	Project grant	Yes	Yes
Pre-Disaster Mitigation (PDM)	Planning grant	No	No
	Project grant	Yes	Yes
Flood Mitigation Assistance (FMA)	Planning grant	Yes	No
	Project grant	Yes	Yes

¹⁰44 CFR § 201.7(a)(1) Indian tribal governments applying to FEMA as a grantee must have an approved Tribal Mitigation Plan meeting the requirements of this section as a condition of receiving non-emergency Stafford Act assistance and FEMA mitigation grants. Emergency assistance provided under 42 U.S.C. 5170a, 5170b, 5173, 5174, 5177, 5179, 5180, 5182, 5183, 5184, 5192 will not be affected. Mitigation planning grants provided through the PDM program, authorized under section 203 of the Stafford Act, 42 U.S.C. 5133, will also continue to be available.

¹¹ Authorities: Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended; 42 U.S.C. 5121 et seq.; Section 1366 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4104c; 44 CFR, Emergency Management and Assistance, which includes Part 79, Flood Mitigation Grants; Sections 201.7(a)(1), 201.3(e)(1), Part 204, Fire Management Assistance Grant Program, and Part 206, Federal Disaster Assistance.

Appendix E: Title 44 Code of Federal Regulations (CFR) §§ 201.7, 201.5, and 201.3

STANDARD TRIBAL MITIGATION PLANNING REGULATIONS	
<i>This table presents the regulatory citations for standard tribal mitigation plans. Note: this is not the full regulatory text.</i>	
44 CFR	Regulatory Text
§ 201.7	The Indian Tribal Mitigation Plan is the representation of the Indian tribal government'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.
§ 201.7(a)(1)	<i>Plan requirement.</i> (1) Indian tribal governments applying to FEMA as a grantee must have an approved Tribal Mitigation Plan meeting the requirements of this section as a condition of receiving non-emergency Stafford Act assistance and FEMA mitigation grants. Emergency assistance provided under 42 U.S.C. 5170a, 5170b, 5173, 5174, 5177, 5179, 5180, 5182, 5183, 5184, 5192 will not be affected. Mitigation planning grants provided through the PDM program, authorized under section 203 of the Stafford Act, 42 U.S.C. 5133, will also continue to be available.
§ 201.7(a)(3)	Indian Tribal governments applying through the State as a subgrantee must have an approved Tribal Mitigation Plan meeting the requirements of this section in order to receive HMGP project grants and the Administrator, at his discretion may require a Tribal Mitigation Plan for the Repetitive Flood Claims Program. A Tribe must have an approved Tribal Mitigation Plan in order to apply for and receive FEMA mitigation project grants, under all other mitigation grant programs. The provisions in §201.6(a)(3) are available to Tribes applying as subgrantees.
Planning Process	
§ 201.7(c)(1)	[The plan shall include] Documentation of the <i>planning process</i> used to develop the plan, including how it was prepared, who was involved in the process, and how the public was involved. This shall include:
§ 201.7(c)(1)(i)	(i) An opportunity for the public to comment on the plan during the drafting stage and prior to plan approval, including a description of how the Indian tribal government defined “public;”
§ 201.7(c)(1)(ii)	(ii) As appropriate, an opportunity for neighboring communities, tribal 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 nonprofit interests to be involved in the planning process;
§ 201.7(c)(1)(iii)	(iii) Review and incorporation, if appropriate, of existing plans, studies, and reports; and

STANDARD TRIBAL MITIGATION PLANNING REGULATIONS

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

44 CFR	Regulatory Text
§ 201.7(c)(1)(iv)	(iv) Be integrated to the extent possible with other ongoing tribal planning efforts as well as other FEMA programs and initiatives.
§ 201.7(c)(4)	[The plan shall include] <i>A plan maintenance process</i> that includes:
§ 201.7(c)(4)(i)	(i) A section describing the method and schedule of monitoring, evaluating, and updating the mitigation plan.
§ 201.7(c)(4)(iv)	(iv) Discussion on how the Indian tribal government will continue public participation in the plan maintenance process.
Risk Assessment	
§ 201.7(c)(2)	[The plan shall include] <i>A risk assessment</i> that provides the factual basis for activities proposed in the strategy to reduce losses from identified hazards. Tribal risk assessments must provide sufficient information to enable the Indian tribal government to identify and prioritize appropriate mitigation actions to reduce losses from identified hazards. The risk assessment shall include:
§ 201.7(c)(2)(i)	(i) A description of the type, location, and extent of all natural hazards that can affect the tribal planning area. The plan shall include information on previous occurrences of hazard events and on the probability of future hazard events.
§ 201.7(c)(2)(ii)	(ii) A description of the Indian tribal government'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 tribe. The plan should describe vulnerability in terms of: <ul style="list-style-type: none"> (A) The types and numbers of existing and future buildings, infrastructure, and critical facilities located in the identified hazard areas; (B) An estimate of the potential dollar losses to vulnerable structures identified in paragraph (c)(2)(ii)(A) of this section and a description of the methodology used to prepare the estimate; (C) A general description of land uses and development trends within the tribal planning area so that mitigation options can be considered in future land use decisions; and (D) Cultural and sacred sites that are significant, even if they cannot be valued in monetary terms.

STANDARD TRIBAL MITIGATION PLANNING REGULATIONS

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

44 CFR	Regulatory Text
Mitigation Strategy	
§ 201.7(c)(3)	[The plan shall include] A mitigation strategy that provides the Indian tribal government'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:
§ 201.7(c)(3)(i)	(i) A description of mitigation goals to reduce or avoid long-term vulnerabilities to the identified hazards.
§ 201.7(c)(3)(ii)	(ii) 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.
§ 201.7(c)(3)(iii)	(iii) An action plan describing how the actions identified in paragraph (c)(3)(ii) of this section will be prioritized, implemented, and administered by the Indian Tribal government.
§ 201.7(c)(3)(iv)	(iv) A discussion of the Indian tribal government's pre- and post-disaster hazard management policies, programs, and capabilities to mitigate the hazards in the area, including: An evaluation of tribal laws, regulations, policies, and programs related to hazard mitigation as well as to development in hazard-prone areas; and a discussion of tribal funding capabilities for hazard mitigation projects.
§ 201.7(c)(3)(v)	(v) Identification of current and potential sources of Federal, tribal, or private funding to implement mitigation activities.
§ 201.7(c)(4)(ii)	[The plan maintenance process shall include]: (ii) A system for monitoring implementation of mitigation measures and project closeouts.
§ 201.7(c)(4)(iii)	(iii) A process by which the Indian tribal government incorporates the requirements of the mitigation plan into other planning mechanisms such as reservation master plans or capital improvement plans, when appropriate.
§ 201.7(c)(4)(v)	(v) A system for reviewing progress on achieving goals as well as activities and projects identified in the mitigation strategy.

STANDARD TRIBAL MITIGATION PLANNING REGULATIONS

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

44 CFR	Regulatory Text
Plan Updates	
§ 201.7(d)(3)	Indian tribal governments must review and revise their plan to reflect changes in development, progress in local mitigation efforts, and changes in priorities, and resubmit it for approval within 5 years in order to continue to be eligible for non-emergency Stafford Act assistance and FEMA mitigation grant funding, with the exception of the Repetitive Flood Claims program. ¹²
§ 201.7(c)(4)(iii)	[The plan maintenance process shall include]: <div style="margin-left: 40px;">(iii) A process by which the Indian tribal government incorporates the requirements of the mitigation plan into other planning mechanisms such as reservation master plans or capital improvement plans, when appropriate.</div>
Adoption and Assurances	
§ 201.7(c)(5)	<i>Plan Adoption Process.</i> The plan must be formally adopted by the governing body of the Indian tribal government prior to submittal to FEMA for final review and approval.
§ 201.7(c)(6)	<i>Assurances.</i> The plan must include assurances that the Indian Tribal government will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, including 2 CFR Parts 200 and 3002. The Indian Tribal government will amend its plan whenever necessary to reflect changes in Tribal or Federal laws and statutes.

¹² Following passage of the Biggert-Waters Flood Insurance Reform Act of 2012, Public Law No. 112-41, the Repetitive Flood Claims program is no longer in effect.

ENHANCED MITIGATION PLANNING REGULATIONS

This table presents the requirements for enhanced tribal mitigation plans. The regulations quoted here use the term "state" throughout, but are applicable to tribal governments pursuing enhanced status as described in 44 CFR § 201.3(e)(3).

44 CFR	Regulatory Text
Meet Required Standard Plan Elements	
§ 201.3(e)(3)	In order to be considered for the increased HMGP funding, the Tribal Mitigation Plan must meet the Enhanced State Mitigation Plan criteria identified in § 201.5. The plan must be reviewed and updated at least every 5 years from the date of approval of the previous plan.
§ 201.5(b)	Enhanced State Mitigation Plans must include all elements of the Standard State Mitigation Plan identified in § 201.4.
§ 201.7	The Indian Tribal Mitigation Plan is the representation of the Indian tribal government'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.
Integrated Planning	
§ 201.3(e)(3)	In order to be considered for the increased HMGP funding, the Tribal Mitigation Plan must meet the Enhanced State Mitigation Plan criteria identified in § 201.5. The plan must be reviewed and updated at least every 5 years from the date of approval of the previous plan.
§ 201.5(b)(1)	[Enhanced Mitigation Plans must document] 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.
Tribal Mitigation Capabilities	
§ 201.3(e)(3)	In order to be considered for the increased HMGP funding, the Tribal Mitigation Plan must meet the Enhanced State Mitigation Plan criteria identified in § 201.5. The plan must be reviewed and updated at least every 5 years from the date of approval of the previous plan.
§ 201.5(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 5 years prior to the disaster declaration.

ENHANCED MITIGATION PLANNING REGULATIONS

This table presents the requirements for enhanced tribal mitigation plans. The regulations quoted here use the term "state" throughout, but are applicable to tribal governments pursuing enhanced status as described in 44 CFR § 201.3(e)(3).

44 CFR	Regulatory Text
§ 201.5(b)(2)(i)	[The plan must include documentation of project implementation capability, including:] (i) Established eligibility criteria for multi-hazard mitigation measures.
§ 201.5(b)(2)(ii)	(ii) A system to determine the cost effectiveness of mitigation measures, consistent with OMB Circular A-94, Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs, and to rank the measures according to the State's eligibility criteria.
§ 201.5(b)(2)(iv)	(iv) A system and strategy by which the State will conduct an assessment of the completed mitigation actions and include a record of the effectiveness (actual cost avoidance) of each mitigation action.
§ 201.5(b)(3)	[The plan must document] Demonstration that the State effectively uses existing mitigation programs to achieve its mitigation goals.
§ 201.5(b)(4)	[The plan must document] Demonstration that the State is committed to a comprehensive state mitigation program.
HMA Grants Management Performance	
§ 201.3(e)(3)	In order to be considered for the increased HMGP funding, the Tribal Mitigation Plan must meet the Enhanced State Mitigation Plan criteria identified in § 201.5. The plan must be reviewed and updated at least every 5 years from the date of approval of the previous plan.

ENHANCED MITIGATION PLANNING REGULATIONS

This table presents the requirements for enhanced tribal mitigation plans. The regulations quoted here use the term "state" throughout, but are applicable to tribal governments pursuing enhanced status as described in 44 CFR § 201.3(e)(3).

44 CFR	Regulatory Text
§ 201.5(b)(2)(iii)	<p>[The plan must include documentation of project implementation capability, including:]</p> <ul style="list-style-type: none"> (iii) 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: <ul style="list-style-type: none"> (A) Meeting HMGP and other mitigation grant application timeframes and submitting complete, technically feasible, and eligible project applications with appropriate supporting documentation; (B) Preparing and submitting accurate environmental reviews and benefit-cost analyses; (C) Submitting complete and accurate quarterly progress and financial reports on time; and (D) Completing HMGP and other mitigation grant projects within established performance periods, including financial reconciliation.