



# COMMONWEALTH of VIRGINIA

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### MEMORANDUM

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

**From:** Michelle Pope  
Acting State Hazard Mitigation Officer

**Date:** October 25, 2003

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

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

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

Or,

Elaine Meil  
Hazard Mitigation Planner  
Virginia Department of Emergency Management  
804-840-4041 (state cell phone)  
804-346-2915 (Disaster Field Office phone, until mid-December, 2003)  
804-897-6500, ext. 6591 (office phone, after mid-December)  
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The following sections provide Commonwealth guidance on (1) the localities required to develop or participate in the development of a HMP, (2) the level of "active participation" expected of localities developing a single jurisdiction HMP or participating in the development of a regional HMP, (3) the Hazard Mitigation Plan review process requirements, and (4) the HMP local adoption and Federal Emergency Management Agency (FEMA) approval process,

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

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

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

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

*Code of Virginia* Title 44 Section 146.16

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

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

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

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

## 2. Defining “Active Participation” in HMP development

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

## 3. Hazard Mitigation Plan Review Process

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

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

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

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

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

#### 4. HMP Plan Adoption and Approval Process

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

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

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

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

**Attachment:** HMP “Active Participation” requirements

MP/dbc