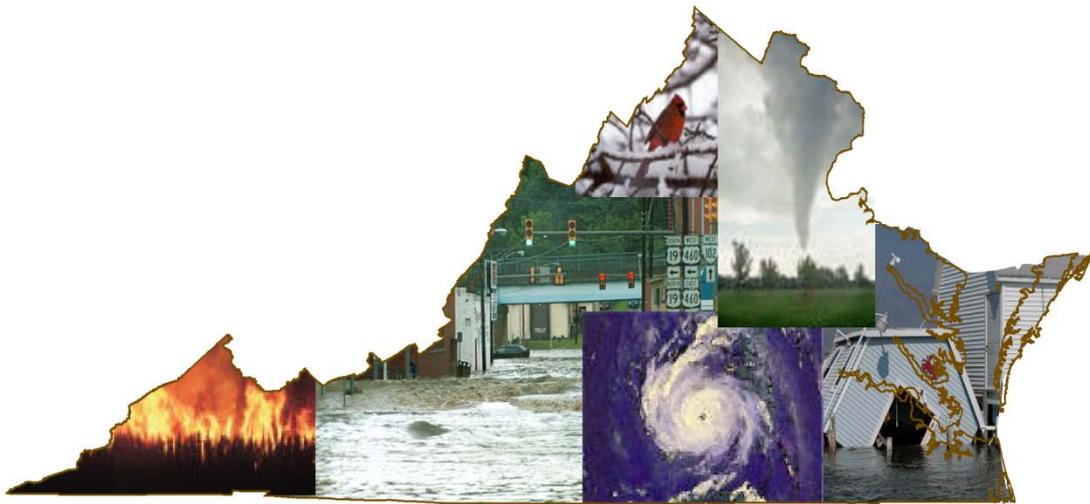


# COMMONWEALTH OF VIRGINIA



## Hazard Mitigation Plan



### Chapter 1 Introduction



**Disaster Mitigation Act of 2000**

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

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

**1.1 Purpose of the State Hazard Mitigation Plan**

The *Commonwealth of Virginia Hazard Mitigation Plan* provides guidance for hazard mitigation activities within the Commonwealth. Its vision is supported by goals, categories and actions for Virginia that will reduce or prevent injury from natural hazards to citizens, state facilities, and critical facilities. The *Commonwealth of Virginia Hazard Mitigation Plan* has undergone a full revision for the required 2013 update. This plan was developed by the Virginia Department of Emergency Management, Virginia Tech Center for Geospatial Information Technology, and reviewed and revised by the Virginia Hazard Mitigation Advisory Committee (VHMAC). This plan is supplemented by: agency Continuity of Operations Plans, agency strategic plans, and the COVEOP.

This plan fulfills the standard state mitigation planning requirements (44 CFR §201.4) of the Disaster Mitigation Act of 2000 (DMA2K; Public Law 106-390, signed into law October 10, 2000). The DMA2K amends the 1988 Robert T. Stafford Disaster Relief and Emergency Assistance Act, and reinforces the importance of mitigation planning, emphasizing planning for disasters before they occur. Section 322 of the act specifically addresses mitigation planning at state and local levels. New requirements are identified that allow Hazard Mitigation Grant Program (HMGP) funds to be used for mitigation activities and projects for states and localities with Hazard Mitigation Plans approved by November 1, 2004.

The Commonwealth of Virginia Hazard Mitigation Plan is a standard plan meeting the requirements of the Interim Rule 44 CRF 201.4, published by the Federal Emergency Management Agency February 28, 2004 and revised November 2, 2006. The Standard Plan was first approved by FEMA Region III on September 28, 2004. The Commonwealth received approval of its enhanced plan status on March 14, 2007. The 2010 update was approved by FEMA on March 12, 2010.





Meeting the requirements and criteria of section 322 regulations and rules qualifies the Commonwealth to obtain all disaster-related assistance including categories C through G of the Public Assistance Program. This is an essential component of disaster recovery. In addition, the Commonwealth will remain eligible for HMGP funds and the Hazard Mitigation Assistance (HMA) programs which include Pre-Disaster Mitigation (PDM), Flood Mitigation Assistance (FMA), Repetitive Flood Claims (RFC), and Severe Repetitive Loss (SRL) grant programs.

This plan, more specifically the HIRA, is incorporated into the *COVEOP*. The *Basic Plan* is maintained by all VERT members, including state agencies and institutions of higher education, volunteer organizations, and private sector partners. Selected parts of these plans are available online for viewing or download from the Virginia Department of Emergency Management website <http://www.vaemergency.gov/em-community/plans/2012COVEOP>

Authority to implement the COVEOP was further clarified beyond the *Code of Virginia* through Executive Order 73 (97). This Executive Order, issued by Governor George Allen, was rescinded by Executive Order 65(2004), issued by Governor Mark Warner. This Executive Order reflects *Code of Virginia* amendments and amendments to the Emergency Operations Plan. The present Executive Order covers all revisions to the plan to date. Governor Robert McDonnell issued Executive Order 50 in 2012.

## 1.2 Disaster Mitigation Act of 2000

Section 322 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act or the Act), 42 U.S.C. 5165, was enacted under § 104 of the Disaster Mitigation Act of 2000, (DMA 2000) Public Law 106-390. DMA 2000 was intended to facilitate cooperation between state and local authorities.

It encourages and rewards local and state disaster planning in advance of disasters in order to promote sustainability of communities and services as a strategy to improve disaster resistance. This enhanced pre-disaster planning effort is intended to support state and local governments' efforts to articulate accurate, targeted and prioritized needs for hazard mitigation that will reduce exposure to natural and human-caused hazards. This planning effort will result in timely allocation of funding and more effective risk reduction strategies and projects.

FEMA prepared an Interim Final Rule, published in the Federal register on February 26, 2002 within 44 CFR Parts 201 and 206 that establishes planning and funding criteria for states. The Standard Plan Crosswalk may be found in Appendix H.





### 1.3 44 CFR Part 201

44 CFR § 201.1 et seq. was promulgated by the Federal Emergency Management Agency, (FEMA) on February 26, 2002 in order to implement DMA 2000. The interim final rule was amended several times to address standard and enhanced state plans during 2007. Guidance for local plans has been revised to address local plan revisions on July 1, 2008. In addition, guidance for the Severe Repetitive Loss and Flood Mitigation Assistance Programs (44 CFR § 201.4 et seq.) requires amendment of state plans per a new crosswalk for these programs issued on January 14, 2008. The rule addresses state mitigation planning, and specifically in 44 CFR § 201.3 ( c ) identifies the states' mitigation planning responsibilities, which include:

- 1) Prepare and submit to FEMA a Standard Hazard Mitigation Plan following criteria established in 44 CFR § 201.4 as a condition of receiving Stafford Act assistance (except emergency assistance).
- 2) For consideration for 15% Hazard Mitigation Grant Program funding, prepare and submit an State Mitigation Plan in accordance with 44 CFR § 201.5, which must be reviewed and updated, if necessary, every three years from the date of the approval of the previous plan.
- 3) Review and if necessary, update the Standard State Mitigation Plan by November 1, 2004, and every three years from the date of approval of the previous plan in order to continue program eligibility.
- 4) Make available the use of up to the seven percent of HMGP funding for planning in accordance with 44 CFR § 206.434. See 44 CFR § 201.3 ( c ).

44 CFR § 201.4, Standard State Mitigation Plans, lists the required elements of state hazard mitigation plans. Under 44 CFR § 201.4 (a), by November 1, 2004 states must have an approved Standard State Hazard Mitigation Plan that meets the requirements of the regulation to receive Stafford Act assistance. The planning process, detailed by 44 CFR § 201.4 (b), must include coordination with other state agencies, appropriate Federal agencies and interested groups.

44 § 201.4 (c), "Plan content," identifies the following elements that must be included in a state hazard mitigation plan:

- 1) A description of the planning process used to develop the plan;
- 2) Risk assessments that provide the factual basis for activities proposed in the strategy portion of the mitigation plan;
- 3) A Mitigation Strategy that provides the state's blueprint for reducing losses identified in the risk assessment;
- 4) A section describing Coordination of Local Mitigation Planning;
- 5) A Plan Maintenance Process, including a method and schedule for monitoring, evaluating and revising the plan; a system for monitoring implementation of mitigation strategies and projects; and a system for reviewing progress in achieving goals, objectives and strategies as well as project implementation;





- 6) A Plan Adoption Process for formal adoption by the State Prior to submittal to FEMA for final review and approval; and
- 7) Assurances that the State will comply with all applicable Federal statutes and regulations in effect with respect to grant funding periods, in compliance with 44 CFR 13.11(c). The state must amend its plan whenever needed to reflect changes in state or federal laws and statutes as required by 44 CFR 13.11(d).
- 8) Revisions to plans per guidance issued January 14, 2008 must include a repetitive loss strategy for state eligibility for 90% federal funding for the Severe Repetitive Loss Program for FY 2008 and the Flood Mitigation Assistance Program for FY2009. Plan revisions must in compliance with 44CFR201.4.

### 1.4 44 CFR Part 206

On February 26, 2002, FEMA also changed 44 CFR Part 206 in order to implement DMA 2000 (See 67 Federal Register 8844 [February 26, 2002]). Changes to 44 CFR Part 206 authorize hazard mitigation grant program funds for planning activities and increase the amount of HMGP funds available to states that develop an Enhanced Mitigation Plan. FEMA amended Part 206 in 2006 following the passage of the Katrina Reform Act which restored HMGP funding to 15% of eligible disaster recovery costs for states with approved Standard Mitigation Plans.

In addition, through 44 CFR § 206.400, states receiving any disaster assistance funding under the Stafford Act must conduct repairs or construction funded by a disaster loan or grant in accordance with applicable standards such as the minimum standards of the National Flood Insurance Program (NFIP) and standards substantially equal to the recommended provisions of the National Earthquake Hazards Reduction Program (NEHRP). See Appendix C for the Stafford Act planning regulations.



Virginia Capital, Richmond, Virginia





## 1.5 Assurances & Adoption

### **§44-146.17. Powers and Duties of the Governor.**

The Governor shall have, in addition to his powers hereinafter or elsewhere prescribed by law, the following powers and duties:

(1)...He may adopt and implement the Emergency Operations Plan, which provides for state-level emergency operations in response to any type of disaster or large-scale emergency affecting Virginia and that provides the needed framework within which more detailed emergency plans and procedures can be developed and maintained by state agencies, local governments and other organizations.

(2) To appoint a State Coordinator of Emergency Management and authorize the appointment or employment of other personnel as is necessary to carry out the provisions of this chapter, and to remove, in his discretion, and all persons serving hereunder;

### **§44-146.22. Development of measures to prevent or reduce harmful consequences of disasters.**

In addition to disaster prevention measures included in state, local and inter-jurisdictional emergency operations plans, the Governor shall consider, on a continuing basis, hazard mitigation or other measures that could be taken to prevent or reduce the harmful consequences of disasters. At his direction, and pursuant to any other authority, state agencies, including, but not limited to, those charged with responsibilities in connection with floodplain management, stream encroachment and flow regulation, weather modification, fire prevention and control, air quality, public works, land use and land-use planning, and construction standards, shall make studies of disaster prevention. The Governor, from time to time, shall make recommendations to the General Assembly, local governments, and other appropriate public and private entities as may facilitate measures for prevention or reduction of the harmful consequences of disasters.

The plan serves as the Commonwealth of Virginia Hazard Mitigation Plan, which is adopted by Governor Robert McDonnell. In addition, the plan has been cross-walked through the Emergency Management Accreditation Program (EMAP) and has been deemed consistent with the standards of EMAP relative to hazard mitigation.

The Code of Virginia § 44-146.17 allows the Governor to appoint an Emergency Coordinator to carry out all provisions of the Code of Virginia relating to emergency preparedness, response and recovery. The Code of Virginia § 44-146.22 specifically authorizes the Governor to consider hazard mitigation measures to prevent or reduce the harmful consequences of disasters. The Governor is expected to make recommendations to the General Assembly, local governments, and appropriate public and private entities. This Plan supersedes previous versions of the plan in 2001, 2004, 2007, and 2010.

The Commonwealth of Virginia, Department of Emergency Management, pledges that it will:

1. Comply with all applicable Federal statutes and regulations in effect with respect to periods for which it receives grant funding, in compliance with 44 CFR 13.11(c); and
2. Amend this plan whenever necessary to reflect changes in State or Federal laws and statutes as required in 44 CFR 13.11(d).





## 1.6 State Hazard Mitigation Plan Coordination

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## 1.7 Overview of Plan

Each chapter begins with the appropriate requirements from the Disaster Mitigation Act of 2000 to provide reference and context to the issues discussed within the chapter. A brief introduction to the section is followed by relevant information, charts, tables, and maps, which fulfill regulation requirements. The main chapters of the plan follow primary requirements of the hazard mitigation planning law

