

Appendix to Section I: Authority & Adoption

Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act Title 44 Code of Federal Regulations (CFR) as amended by Section 102 of the Disaster Mitigation Act of 2000 gives state and local governments the framework to evaluate and mitigate all hazards as a condition of receiving federal disaster funds. Under Section 409, a state was required to update its HMP following every Presidential emergency declaration.

The Disaster Mitigation Act of 2000 (Public Law 106-390 with Interim Final Rules 44 CFR Part 201 and 206) eliminated the update requirement following Presidential declarations. Since November 1, 2004, the Disaster Mitigation Act of 2000 requires that states review and update their plan, with FEMA approval, every three years. Effective in 2014, FEMA changed the submission requirements, allowing states to submit their plans for review and approval every 5 years. The regulations referenced above also provide specific requirements for the contents of the plan, which the state must have to obtain FEMA approval. There are two levels of criteria contained within these regulations: standard and enhanced. The State of Vermont has developed a standard SHMP.

ADOPTION BY THE STATE OF VERMONT

The Vermont's 2018 State Hazard Mitigation Plan (SHMP) will be adopted under the provisions of Vermont Title 3, Chapter 67, Section 4020(b) (State agency planning and coordination). A signed copy of the adoption letter is included below. This paragraph provides for two public hearings to be noticed at least 30 days prior to the public hearings. Specific notice will be given to:

- Executive Director of each Regional Planning Commission
- Agency of Administration
- Agency of Commerce and Community Development (ACCD)
- Vermont Agency of Natural Resources (ANR)
- Vermont Agency of Transportation (VTrans)
- Business, conservation, low-income, advocacy, and other community or interest groups or organizations that have requested notice prior to the date the hearing is warned.

Any of the aforementioned bodies or their representatives may submit comments on the plan, and may appear and be heard in any proceeding with respect to the content of the Plan. All of the stated entities above have already been invited and have participated in the 2018 SHMP planning process and were invited to a July Implementation Kick-Off meeting, which was the first of two public hearings on July 24, 2018 in Northfield. The second public hearing was held in Waterbury on August 20, 2018. For more information on stakeholder involvement and the public hearings, see: [Planning Process](#).

Prior to submission for approval and subsequent updates, the State will ensure that all aspects of Vermont's 2018 State Hazard Mitigation Plan are in accordance with federal statutes and regulations regarding grant funding and planning, in compliance with 2 CFR 200, 44 CFR Section 13.11 (c) and Section 13.11 (d), 44 CFR 201.4, and Section 322 of the Stafford Act. This will be accomplished through a draft submission to FEMA Region I in June 2018, followed by FEMA review and updates to the Plan to ensure compliance with FEMA requirements. Comments were received back from FEMA on August 13, 2018 and necessary updates were incorporated. Prior to an updated Draft Plan being submitted to FEMA, the two public hearings were held, as noted above, and any necessary updates were incorporated. The finalized Draft SHMP was submitted back into

FEMA review on August 24, 2018.

Once FEMA gave the notice of Approval Pending Adoption, on August 31, 2018, the Director of Vermont Emergency Management (VEM) and those partner agencies with primary implementation responsibilities, via the State Hazard Mitigation Planning & Policy Committee, endorsed Vermont's 2018 State Hazard Mitigation Plan. The Governor's Authorized Representative (GAR) adopted the Plan on behalf of the State of Vermont on October 18, 2018. Following the State of Vermont adoption, Vermont's 2018 State Hazard Mitigation Plan received formal approval from FEMA on November 17, 2018.

Vermont Title 3, Chapter 67, Section 4020. State agency planning and coordination:

(a) State agencies that have programs or take actions affecting land use, as determined by Executive Order of the Governor, shall engage in a continuing planning process to assure that those programs and actions are consistent with the goals established in 24 V.S.A. § 4302 and compatible with regional and approved municipal plans, as those terms are defined in that section. This planning process shall be coordinated, in a manner established by Executive Order of the Governor, with the planning process of other agencies and of regional and municipal entities of the regions in which the programs and actions are to have effect.

(b) In the process of preparing plans or amendments to plans, a State agency shall hold at least two public hearings which are noticed as provided in 3 V.S.A. § 839 for administrative rules, but plans shall not be adopted as administrative rules under 3 V.S.A. chapter 25. Specific notice also shall be provided to the following, at least 30 days prior to the public hearing:

- (1) the executive director of each regional planning commission;*
- (2) the Department of Housing and Community Affairs within the Agency of Commerce and Community Development;*
- (3) the Council of Regional Commissions; and*
- (4) business, conservation, low-income advocacy, and other community or interest groups or organizations that have requested notice prior to the date the hearing is warned.*

(c) Any of the foregoing bodies or their representatives may submit comments on the proposed plan or amendment, and may appear and be heard in any proceeding with respect to the adoption of the proposed plan or amendment. State agencies shall use an informal working format at locations convenient and accessible to the public in order to provide opportunities for all persons and organizations with an interest in their plans and actions to participate. (Added 1987, No. 200 (Adj. Sess.), § 28, eff. July 1, 1989; amended 1995, No. 190 (Adj. Sess.), § 1(a).)



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Susanne R. Young, Secretary

October 18, 2018

Mr. Douglas F. Wolcott, Jr., Acting Deputy Regional Administrator
Department of Homeland Security/FEMA Region I, 99 High Street, Sixth Floor
Boston, MA 02110-2132

Dear Mr. Wolcott:

I am pleased to submit the newly updated 2018 State Hazard Mitigation Plan (SHMP) on behalf of the State of Vermont. This 2018 SHMP has been developed in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act), as amended by the Disaster Mitigation Act of 2000 (Public Law 106-390) and the planning requirements of the Final Rule Title 44 Code of Federal Regulations (CFR) Parts 201 and 206. Also, pursuant to the National Flood Insurance Act of 1968, as amended.

Director Erica Bornemann of Vermont Emergency Management (VEM) and the partner agencies of the State Hazard Mitigation Planning and Policy Committee (SHMPPC) have endorsed the 2018 SHMP submitted to FEMA. Upon having received conditional approval by FEMA, this letter constitutes formal adoption of the Standard SHMP by the State of Vermont. Given formal approval of the 2018 SHMP by FEMA, the State of Vermont will be considered eligible for the 15% level of Hazard Mitigation Grant Program (HMGP) funding in the aftermath of a federally declared disaster. With State adoption of our 2018 SHMP, Vermont will also be eligible for grant funds through Pre-Disaster Mitigation (PDM), Flood Mitigation Assistance (FMA), Fire Mitigation Assistance Grants (FMAG), and Public Assistance Categories C-G (PA C-G).

The State of Vermont will comply with all applicable Federal laws, regulations and statutes regarding hazard mitigation grant funding requirements, as outlined in 44 CFR § 201.4 (c) 7, in compliance with § 13.11 (c). The State will also comply with all provisions of § 201.4 (c) 7 in accordance with all applicable Federal laws, statutes and regulations in effect with respect to periods for which it received grant funding, in compliance with 44 CFR 13.11 (c) and 2 CFR 200. The State will also amend the 2018 SHMP whenever necessary to reflect changes in State and Federal statutes as required in accordance with 44 CFR § 13.11 (d).

The State of Vermont 2018 SHMP has been approved for release by the office of the Secretary of Administration, based upon the endorsement of the Vermont Emergency Management (VEM) Director and member agencies of the State Hazard Mitigation Planning and Policy Committee (SHMPPC). As the Governor's Authorized Representative (GAR), I am authorized to adopt the 2018 SHMP on behalf of the State of Vermont. With my signature below, I am adopting the 2018 Vermont State Hazard Mitigation Plan.

Sincerely,

Susanne R. Young, Secretary of Administration
Governor's Authorized Representative



FEMA

NOV 22 2018

Erica Bornemann, Director
Vermont Emergency Management
45 State Drive
Waterbury, Vermont 05671-1300

Reference: Approval of the Vermont State Mitigation Plan

Dear Ms. Bornemann:

The U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) Region I Mitigation Division, Risk Analysis Branch has approved the updated 2018 Vermont State Hazard Mitigation Plan effective **November 17, 2018** through **November 16, 2023** 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 State 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)

State Mitigation Plans must be updated and resubmitted to the FEMA Region I Mitigation Division, Risk Analysis Branch for approval. If the plan is not updated by the date indicated on this FEMA approval letter, the plan is considered lapsed and FEMA will not obligate funds until the mitigation plan is approved by FEMA.

To maintain eligibility for PA C-G, FMAG, HMGP, PDM, and FMA, the State must submit a draft of the next plan update prior to the end of the approval period, and allow sufficient time for the review and approval process, including any revisions, if needed, and for formal adoption by the State following determination by FEMA that the plan has achieved a status of "Approvable Pending Adoption."

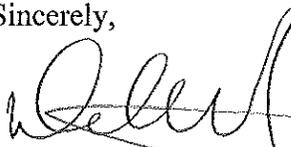
Thank you for your continued dedication to public service demonstrated by preparing and adopting a strategy for reducing future disaster losses.

NOV 22 2018

Erica Bornemann
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If we can be of assistance, please contact Melissa Surette at (617) 956-7559 or
Melissa.Surette@fema.dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Wolcott Jr.", with a long horizontal flourish extending to the right.

Douglas F. Wolcott Jr.
Acting Deputy Regional Administrator

DFW: ms

cc: Lauren Oates, State Hazard Mitigation Officer
Ben Rose, Recovery and Mitigation Section Chief
Stephanie Smith, Hazard Mitigation Planner
Rob Evans, State NFIP Coordinator