

## VT - 2022 Local Mitigation Planning Policy Guide – Major Changes in Effect 2023

When reviewing the new guide, pay close attention to when words “shall,” “must”, and “should” are used. Any use of the terms “shall” or “must” denotes a mandatory requirement for plan approval. Any use of the term “should” signifies a recommended action that is encouraged and may increase the effectiveness of the plan, but is not mandatory or necessary for plan approval. Also, pay close attention to the words: “and” “or” “each” and “since the last plan approval.” Also, to “identify, describe/discuss, explain” and “how and/or what, when, who.” The following notes pertain to items that new guidance mandates with “shall” and “must” as modal verbs, and that are notable differences from 2011 review guidance.

The notes below do not represent the complete policy language including the important narratives that are provided throughout the Policy Guide outside of the tables with the requirements. This may include explanations on “right-sizing”, and planning for climate change and equitable outcomes.

This is only an aid, and the plan developer is advised to use the updated Policy Guide for the complete requirements and language for these noted changes. Additional technical assistance tools products will be forthcoming and shared to help understand any new policy changes and developing or updating your local mitigation plans. **The updated 2022 Policy Guide will be in effect April 19, 2023.**

### Element A: Planning Process

- A1-a. Planners are encouraged to retain supporting documentation in a Plan Appendix as a **record of how decisions were made and who was involved**.
- A2-a. Documentation of this opportunity must identify how **each** of the following types of stakeholders were presented with this opportunity, as applicable.
- Engage a range of stakeholders including:
  - i. Local and regional agencies involved in hazard mitigation activities.
  - ii. Agencies that have the authority to regulate development.
  - iii. Neighboring communities, including special districts.
  - iv. Representatives of businesses, academia and other private entities, such as private utilities and major employers that sustain community lifelines.
  - v. Non-profits including community-based organizations that work directly or support underserved communities and socially vulnerable populations. (A2-a)
- Engage underserved and vulnerable populations Include how underserved communities and vulnerable populations within the planning area were provided an opportunity to be involved. (A3-a)
- For jurisdictions with structures for which National Flood Insurance Program (NFIP) coverage is available, regulatory flood mapping products are required to be incorporated, if appropriate. (A4-a)
- *Plan Maintenance* requirements are moved to a new element (Moved from Element A to Element D).

## Element B: Risk Assessment

- The omission of hazards rationale must be demonstrated by a lack of risk. (B1-a)
- Locations of where hazards impact the community must be clear and narratives or maps must show impacts of hazards on assets owned by the jurisdiction. (B1-b)
- The plan must include information on previous hazard events for each hazard that affects the planning area. At a minimum, this includes any state and federal major disaster declarations for the planning area since the last update. If no events have occurred for a hazard, this must be stated. (B1-d)
- Consider effects of climate change on probability of each hazard. (B1-e)
- For multijurisdictional plans, specify unique and varied risk information for each applicable jurisdiction and their assets outside the planning area (ie. Reservoirs) (B1-f)
- Vulnerability must include a description of current and future assets (including people) and what makes them susceptible to hazard impacts. A list of assets without context is not sufficient. Include how underserved communities and vulnerable populations and their community assets within the planning area are addressed in the risk assessment. (B2-a)
- Impacts of hazards must include effects of climate change, population change, and land use change. (B2-b)

## Element C: Mitigation Strategy

- Include discussion on **existing building codes**<sup>1</sup> and land use development ordinances or regulations. (C1-a)
- If a community does not have the ability or authority to expand and/or improve their capabilities, the plan must describe this lack of ability or authority. (C1-b)
- Description of participation in NFIP must include:
  - i. Adoption of NFIP minimum floodplain management criteria via local regulation.
  - ii. Adoption of the latest effective Flood Insurance Rate Map (FIRM), if applicable.
  - iii. Implementation and enforcement of local floodplain management regulations to regulate and permit development in SFHAs.
  - iv. Appointment of a designee or agency to implement the addressed commitments and requirements of the NFIP.
  - v. **Description of how participants implement the substantial improvement/substantial damage provisions of their floodplain management regulations after an event.** (C2-a)
- The range of actions considered should include mitigation actions that benefit underserved communities and socially vulnerable populations. (C4-a)
- The mitigation strategy must include an analysis of a comprehensive range of actions or projects that the participants considered to specifically address vulnerabilities identified in the risk assessment. It is important for all actions considered to be documented, be as

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<sup>1</sup> Bolded text indicates significant changes to elements while contextual text in that bulleted item was common practice before new policy guidance.

specific as possible, and be clearly linked to the vulnerabilities and impacts identified in the risk assessment.

- There must be a minimum of one mitigation action per hazard prioritized in the mitigation strategy. For multijurisdictional plans, each jurisdiction must have one mitigation action per hazard prioritized. Actions may address multiple hazards and be applicable to multiple jurisdictions within the planning area. (C4-b).
- Identify applicable potential funding sources, with details beyond generic terms such as “federal,” “state” and/or “local.” (C5-b)

#### Element D: Plan Integration and Maintenance

- Includes 2011 guide’s A6 and C6 elements
- Integrate the plan’s data, information, and hazard mitigation goals and actions into other planning mechanisms
- A multi-jurisdictional plan must describe each participant's individual process for integrating information from the mitigation strategy into their identified planning mechanisms. (D3-c)
- More emphasis on identifying the monitoring (tracking) and evaluation (assessing effectiveness) methods, and for continued public participation during these maintenance elements of monitoring, evaluating, and updating the plan.

#### Element E: Plan Updates

- Changes in development must include changes in vulnerability, needs of underserved communities, and capabilities. Note: Changes in land use and development is also considered in B2-b. *[B2-b. The plan must describe the potential impacts on each participating jurisdiction and its identified assets. Impacts must include the effects of climate change, changes in population patterns (migration, density, or the makeup of socially vulnerable populations), and changes in land use and development.]*

#### Element F: Plan Adoption Requirements

- Communities can provide plan adoption resolutions with the draft plan submittal prior to FEMA review or undergo FEMA review first prior to plan adoption. A sample resolution has been provided in the Policy Guide that includes language that states: **“While content related to (local government) may require revisions to meet the plan approval requirements, changes occurring after adoption will not require (local government) to re-adopt any further iterations of the plan.”** (F1 & F2)

#### New Element G: High Hazard Potential Dams (Required for HHPD Grant Program Eligibility)

- Please see full text of Local Mitigation Planning Policy Guide on pages 34-35