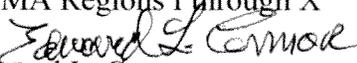




**FEMA**

MAR 31 2010

MEMORANDUM FOR: Regional Administrators  
FEMA Regions I through X

FROM:   
Edward L. Connor  
Acting Federal Insurance Administrator  
National Flood Insurance Program

SUBJECT: Guidance to Indian Tribal Governments, FEMA Regions, and States  
for New and Updated Tribal Multi-Hazard Mitigation Plans

I am providing you with FEMA's *Tribal Multi-Hazard Mitigation Planning Guidance* to be used for the development and review of Tribal Mitigation Plans. We recognize that many Indian tribal governments are currently developing or updating their plans; therefore, I am requesting that you provide the attached guidance to the Indian tribal governments and States in your Region as soon as possible. Although tribes may choose to use this guidance to develop their Tribal Mitigation Plans upon receipt, all Tribal Mitigation Plans submitted after October 1, 2010, will be reviewed for consistency with this guidance for compliance with 44 CFR 201.7.

This *Tribal Multi-Hazard Mitigation Planning Guidance* outlines a process for the review of Tribal Mitigation Plans based on the requirements described in the Mitigation Planning regulation at 44 CFR 201.7. The *Tribal Hazard Mitigation Plan Review Crosswalk* is included as an important tool in both the review and the development of complete plans. The three appendices to the guidance include Appendix A: Comparison of Tribal, State, and Local Mitigation Plan Requirements; Appendix B: National Flood Insurance Program; and Appendix C: Contacts and Resources.

In general, Tribal Mitigation Plan requirements include all of the Local Mitigation Plan requirements (with some changes to better meet the needs of Indian tribal governments) and also include elements comparable to a State Mitigation Plan to demonstrate the ability to apply for and manage grant funds as a FEMA grantee. In addition, the Indian tribal governments acting as grantees may elect to develop Enhanced Mitigation Plans, which meet all of the requirements of a Tribal Mitigation Plan outlined at 44 CFR 201.7, plus the requirements for an Enhanced Plan outlined at 44 CFR 201.5. When a disaster is declared, an Indian tribal government with an Enhanced Mitigation Plan is eligible to receive up to 20 percent of available funds under the Hazard Mitigation Grant Program, as opposed to the 15 percent maximum possible with a standard Tribal Mitigation Plan.

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### **Existing Approved Plans**

Prior to October 1, 2008, Indian tribal governments could either meet the requirements of a State Mitigation Plan to be eligible for FEMA grant programs as a grantee or meet the requirements of a Local Mitigation Plan to be eligible for these grant programs as a subgrantee. Under 44 CFR 201.7, the Tribal Mitigation Plan type was created to give tribes more flexibility and the ability to meet the eligibility requirements of a grantee or subgrantee. State Mitigation Plans must be updated and approved every three years; Local Mitigation Plans must be updated and approved every five years. All mitigation plans approved for Indian tribal governments prior to October 1, 2008, will remain in effect as approved (for either three or five years, depending on the type of plan adopted). After October 1, 2008, Indian tribal governments must meet the requirements of a Tribal Mitigation Plan under 44 CFR 201.7; these plans will be valid for five years.

### **Extraordinary Circumstances**

Effective October 16, 2009, the provisions in 44 CFR 201.6 (a)(3) are available to tribes applying for mitigation project grants as subgrantees. This means that the FEMA Regional Administrators may grant an exception to the Tribal Mitigation Plan requirement in extraordinary circumstances, such as in a small and impoverished community, when justification is provided. In these cases, a plan must be completed within 12 months of award of the project grant. This provision was included in the Mitigation Planning final rule published on September 16, 2009, at 74 FR 47471.

This *Tribal Multi-Hazard Mitigation Planning Guidance* reflects the input and comments of FEMA Headquarters, Regional, and State mitigation planning staff as well as representatives from Indian tribal governments and tribal organizations. To ensure validity, several drafts of this guidance were circulated for review and comment over the past two years. In addition, several Indian tribal governments were granted permission for excerpts from their approved mitigation plans and plan updates to be included in this guidance.

If you or a member of your staff has any questions regarding this guidance, please contact Kathleen Smith, Assessment and Planning Branch, Risk Assessment Division, by telephone at (202) 646-4372.

Thank you for your cooperation in sharing this guidance with Indian tribal governments and States in your Region as soon as possible.

Attachment

cc: Mitigation Division Directors