

**SECTION 13:**  
**PLAN MAINTENANCE**

# **PLAN MAINTANENCE PROCEDURE**

## **Monitoring, Evaluating and Updating the Plan**

Periodic monitoring and reporting of the Plan is required to ensure that the goals and objectives for the Bear River Region are kept current and that local mitigation efforts are being carried out. The following procedures for plan maintenance are similar to the procedures in the 2004 version of this plan. Due to staff turnover, the annual reporting procedures from the 2004 plan were not carried out, and there was no need to revise or update the plan before this 5-year update process. However, we feel that these procedures, with a few minor modifications from the 2004 plan, are the most efficient way to maintain the plan. BRAG staff is committed to follow the procedures outlined below in order to help community's better implement the plan on a local level. Reporting annually on the plan is also a great reminder of the need to implement community mitigation strategies over the next five years.

## **Annual Reporting Procedures**

The Plan shall be reviewed annually, as required by the BRAG Governing Board, or as situations dictate such as following a disaster declaration. The second quarter of each year the BRAG Community and Economic Development Department Staff will review the plan and ensure the following:

1. The Executive Director and the Governing Board will receive an annual report and/or presentation on the implementation status of the Plan.
2. The report will include an evaluation of the effectiveness and appropriateness of the mitigation actions proposed in the Plan.
3. The report will recommend, as appropriate, any required changes or amendments to the Plan.

If the BRAG Governing Board determines that a modification of the Plan is warranted, the Board may initiate a plan amendment.

## **Revisions and Updates**

Periodic revisions and updates of the Plan are required to ensure that the goals and objectives for the Bear River Region are kept current. More importantly, revisions may be necessary to ensure the Plan is in full compliance with Federal regulations and State statutes. This portion of the Plan outlines the procedures for completing such revisions and updates.

## **Five (5) Year Plan Review**

Contingent on funding, every five years the plan will be reviewed and a complete update will be initiated. All information in the plan will be evaluated for completeness and accuracy based on new information, methods, or data sources. New property

development activities will be added to the plan and evaluated for impacts. New or improved sources of hazard related data will also be included.

The goals, objectives, and mitigation strategies will be readdressed and amended as necessary based on new information, additional experience, and the implementation progress of the plan. The approach to this plan update effort will be essentially the same as used for the original plan development.

### **Plan Amendments**

Plan amendments will be considered by the BRAG Governing Board during the plan's annual review to take place the second quarter of each year. All affected local jurisdictions (Cities, Towns and Counties) will be required to hold a public hearing and adopt the recommended amendment by resolution prior to final plan modification by the BRAG Governing Board.

## **IMPLEMENTATION THROUGH EXISTING PROGRAMS**

### **Integration with Local Planning**

This plan is only useful to the extent its recommendations and mitigation strategies are integrated into local level decision making, programs, regulations, and resource allocation priorities. In the preparation of this plan it soon became very evident that for most elected and appointed officials in the Bear River Region there is a strong desire to improve the jurisdiction's handling of natural hazard related issues. For many cities and towns, particularly the smaller ones, lack of motivation is not the issue. Finding the personnel, time, and financial resources is always a concern for smaller communities.

There are many different avenues for the local implementation of this plan by Bear River jurisdictions. The most direct application for local jurisdictions is to create or update a natural hazards zone or overlay in the local General Plans, zoning, and land use ordinances. Regulating land uses in natural hazard areas can effectively reduce losses of life and property. Updating these documents can be time consuming, but communities should be updating their General Plan about every five years at a minimum anyway. This regular update process is a great opportunity for communities to review their sections of the Bear River Region's Pre-Disaster Mitigation Plan (PDMP), identify risks documented in the plan, and to update their local General Plan, zoning, and ordinances accordingly. BRAG staff is very willing to give planning and zoning assistance to communities, help with GIS analysis, and provide contacts for natural hazards and community planning.

According to Utah law, there are only three elements that jurisdictions are required to address in their General Plan; transportation, affordable housing (only for incorporated cities with over 1,000 people), and land use. While these three elements are the only required sections for the plan, jurisdictions are given authority to do much more in protecting the public's health, safety, and welfare. This is also true regarding development and geologic hazards.

In 2008, the Utah Land Use Development and Management Act was amended to more specifically grant jurisdictions authority to regulate development in floodplains and

geologic hazard areas. It reads, “A municipality may enact an ordinance regulating land use and development in a flood plain or potential geologic hazard area to protect life and prevent the substantial loss of real property or substantial damage to real property (LUDMA, 10-9a-505. Zoning districts, Amended by Chapter 326, 2008 General Session).” The same is true for counties.

The responsibility and authority to regulate development in natural hazard areas lies with the County, City, or Town. The State of Utah does not regulate most development, and while the Utah Geological Survey and others offer assistance to Counties/communities, they do not have authority to regulate. Public health, safety, and welfare can be protected most effectively as communities exercise the authority given them and use the resources available to them to plan development responsibly near hazard areas.

Many local emergency response plans are written in a national response framework, which is an all hazards approach to emergency response. These plans are outlined in a way that simplifies emergency response based on NIMS (National Incident Management System) principles. It focuses on partnerships, preparedness, tiered response, etc., but does not particularly focus on specific natural hazards. As such, it’s difficult to implement natural hazards planning directly into these documents. However, local emergency management officials train for emergency response to all types of natural hazards. This plan can serve as a reference to them providing historical hazard events, points of contact, general geographic locations of hazards, and potential losses per jurisdiction per hazard. Also, continued involvement in annual Pre-Disaster Mitigation planning working group meetings will provide useful forums for discussion and collaboration among various organizations and levels of government.

Public works departments can also implement the information from this plan. As communities view the natural hazards data and mapping in this plan, they can accordingly identify where infrastructure could be damaged in the event of a natural disaster or where weak sections are in the various systems. Geological fault zones and landslide areas are good examples of data that have been updated since the 2004 plan. The Utah Geological Survey and others can provide zoning and ordinance assistance for geological hazard areas, and can provide the most up-to-date data and mapping.

As far as Flood Mitigation Plans, those communities that do have a plan can update it referencing the data and statistics in this plan. Potential losses and the general number of structures in FEMA floodplains can be very beneficial in those plan updates. However, the best resource for updating floodplain planning efforts is the Utah Division of Homeland Security and Emergency Services. The State Floodplain Manager has the necessary training and resources to assist communities in this respect. Likewise, for wildfire protection, the Utah Division of Forestry, Fire, and State Lands can provide assistance to communities which can help them become eligible for funding. For general pre-disaster mitigation funding and project assistance, the Utah Division of Homeland Security and Emergency Services hazard mitigation planning staff can provide the most up-to-date knowledge and experience.

Another local application of the Bear River Region’s PDMP is the community Capitol Improvements List. As communities realize which hazards exist in their area, they can plan accordingly to apply for funding for emergency response equipment or new

infrastructure and buildings that help protect the health and safety of residents. This list can include building retrofits, new structures, machinery or equipment, vehicles, utility lines, and other projects in the community. A Utah Permanent Community Impact Fund Board (CIB) fund allows for communities to take out low interest loans, sometimes with a percentage of the total funding including a grant, to fund these projects. Likewise, the U.S. Department of Housing and Urban Development (HUD) administers Community Development Block Grants (CDBG) that could also be used for the purchase of these CIB projects on a competitive basis. These funds are administered for the Bear River Region by BRAG. One other funding source for these types of projects is the USDA Rural Development low interest loans.

Perhaps the most direct way communities in the Bear River Region can implement this plan into current planning mechanisms is by completing the mitigation strategies for their respective community found in this plan. These strategies were written by communities and County working groups to find ways to decrease potential losses to life and property. As communities strive to improve natural hazards planning within their jurisdictional boundaries, they will more effectively protect the public's health, safety, and welfare by implementing these mitigation strategies.

BRAG does not have the legal standing or the regulatory authority to require Cities, Towns, or Counties to make plan, ordinance, or policy changes. At best, BRAG can encourage, educate, and suggest changes to local codes, plans, regulations, and policies. Given this, it is suggested in this plan that BRAG's ongoing implementation effort would be most useful if focused on building local capacity, educating local officials on what is at stake (both in terms of funding eligibility and concern for citizenry), and providing the sustained technical assistance that is so crucial for the successful implementation of any long-term mitigation strategies.

Specifically, BRAG proposes to help move the implementation phase forward by (contingent on funding):

- 1) Establishing, coordinating, and hosting County hazard mitigation working groups that meet annually.
- 2) Developing and hosting a natural hazards mitigation funding resources meeting to provide communities implementation opportunities.
- 3) Provide on-going technical assistance to Counties, Cities, and Towns.

## **Potential Funding Sources**

Although all mitigation techniques will likely save money by avoiding losses, many projects are costly to implement. The Bear River jurisdictions will continue to seek outside funding assistance for mitigation projects for both the pre- and post-disaster environment. This portion of the Plan identifies the primary Federal and State grant programs for Bear River jurisdictions to consider, and also briefly discusses local and non-governmental funding sources.

### **Federal**

The following federal grant programs have been identified as funding sources which specifically target hazard mitigation projects:

**Title: Pre-Disaster Mitigation Program**

Agency: Federal Emergency Management Agency

Through the Disaster Mitigation Act of 2000, Congress approved the creation of a national program to provide a funding mechanism that is not dependent on a Presidential Disaster Declaration. The Pre-Disaster Mitigation (PDM) program provides funding to states and communities for cost-effective hazard mitigation activities that complement a comprehensive mitigation program and reduce injuries, loss of life, and damage and destruction of property.

The funding is based upon a 75% Federal share and 25% non-Federal share. The non-Federal match can be fully in-kind or cash, or a combination. Special accommodations will be made for “small and impoverished communities”, who will be eligible for 90% Federal share/10% non-Federal.

FEMA provides PDM grants to states that, in turn, can provide sub-grants to local governments for accomplishing the following eligible mitigation activities: State and local hazard mitigation planning, technical assistance (e.g. risk assessments, project development), mitigation projects, acquisition or relocation of vulnerable properties, hazard retrofits, minor structural hazard control or protection projects, community outreach, and education (up to 10% of State allocation).

**Title: Flood Mitigation Assistance Program**

Agency: Federal Emergency Management Agency

FEMA’s Flood Mitigation Assistance program (FMA) provides funding to assist states and communities in implementing measures to reduce or eliminate the long-term risk of flood damage to buildings, manufactured homes and other structures insurable under the National Flood Insurance Program (NFIP). FMA was created as part of the National Flood Insurance Reform Act of 1994 (42 USC 4101) with the goal of reducing or eliminating claims under the NFIP.

FMA is a pre-disaster grant program, and is available to states on an annual basis. This funding is available for mitigation planning and implementation of mitigation measures only, and is based upon a 75% Federal share/25% non-Federal share. States administer the FMA program and are responsible for selecting projects for funding from the applications submitted by all communities within the state. The state then forwards selected applications to FEMA for an eligibility determination. Although individuals cannot apply directly for FMA funds, their local government may submit an application on their behalf.

**Title: Hazard Mitigation Grant Program**

Agency: Federal Emergency Management Agency

The Hazard Mitigation Grant Program (HMGP) was created in November 1988 through Section 404 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act. The HMGP assists states and local communities in implementing long-term mitigation measures following a Presidential disaster declaration.

To meet these objectives, FEMA can fund up to 75% of the eligible costs of each project. The state or local cost-share match does not need to be cash; in-kind services or materials may also be used. With the passage of the Hazard Mitigation and Relocation Assistance Act of 1993, federal funding under the HMGP is now based on 15% of the federal funds spent on the Public and Individual Assistance programs (minus administrative expenses) for each disaster.

The HMGP can be used to fund projects to protect either public or private property, so long as the projects in question fit within the state and local governments overall mitigation strategy for the disaster area, and comply with program guidelines. Examples of projects that may be funded include the acquisition or relocation of structures from hazard-prone areas, the retrofitting of existing structures to protect them from future damages; and the development of state or local standards designed to protect buildings from future damages.

Eligibility for funding under the HMGP is limited to state and local governments, certain private nonprofit organizations or institutions that serve a public function, Indian tribes and authorized tribal organizations. These organizations must apply for HMPG project funding on behalf of their citizens. In turn, applicants must work through their state, since the state is responsible for setting priorities for funding and

administering the program.

**Title: Public Assistance (Infrastructure) Program, Section 406**

Agency: Federal Emergency Management Agency

FEMA's Public Assistance Program, through Section 406 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, provides funding to local governments following a Presidential Disaster Declaration for mitigation measures in conjunction with the repair of damaged public facilities and infrastructure. The mitigation measures must be related to eligible disaster related damages and must directly reduce the potential for future, similar disaster damages to the eligible facility. These opportunities usually present themselves during the repair/replacement efforts.

Proposed projects must be approved by FEMA prior to funding. They will be evaluated for cost effectiveness, technical feasibility and compliance with statutory, regulatory and executive order requirements. In addition, the evaluation must ensure that the mitigation measures do not negatively impact a facility's operation or risk from another hazard.

Public facilities are operated by state and local governments, Indian tribes or authorized tribal organizations and include:

- \*Roads, bridges & culverts
- \*Draining & irrigation channels
- \*Schools, city halls & other buildings
- \*Water, power & sanitary systems
- \*Airports & parks

Private nonprofit organizations are groups that own or operate facilities that provide services otherwise performed by a government agency and include, but are not limited to the following:

- \*Universities and other schools
- \*Hospitals & clinics
- \*Volunteer fire & ambulance
- \*Power cooperatives & other utilities
- \*Custodial care & retirement facilities
- \*Museums & community centers

**Title: SBA Disaster Assistance Program**

Agency: US Small Business Administration

The SBA Disaster Assistance Program provides low-interest loans to businesses following a Presidential disaster declaration. The loans target businesses to repair or replace uninsured disaster damages to property owned by the business, including real estate, machinery and equipment, inventory and supplies. Businesses of any size are eligible, along with non-profit organizations.

SBA loans can be utilized by their recipients to incorporate mitigation techniques into the repair and restoration of their business.

**Title: Community Development Block Grants**

Agency: US Department of Housing and Urban Development

The Community Development Block Grant (CDBG) program provides grants to local governments for community and economic development projects that primarily benefit low- and moderate-income households. The CDBG program also provides grants for post-disaster hazard mitigation and recovery following a Presidential disaster declaration. Funds can be used for activities such as acquisition, rehabilitation, or reconstruction of damaged properties and facilities and for the redevelopment of disaster areas.

**Title: Community Assistance**

Agency: US Bureau of Land Management

This funding can be used on private land adjacent to BLM lands. In addition, through the CWPP process the community can recommend fuels treatment project to the BLM on their jurisdictional area.

**Title: State Fire Assistance-Healthy Forests Restoration Act (HFRA)**

Agency: US Forest Service

The Healthy Forests Restoration Act allows communities to identify/recommend fuel mitigation projects on public lands. This in turn allows federal agencies to plan, process, and implement projects on these lands in an expedited manner.

**Title: Stevens**

Agency: US Forest Service

The Stevens grant is funding for projects that include a portion of Forest Service land and there must be a prescribed fire component.

**Title: Secure Rural Schools and Community Self Determination Act**

Agency: US Forest Service (money is funneled through the State Department of Treasury then to the Counties.

This act was amended and reauthorized for fiscal year 2008-2011, and was signed by the President on October 3, 2008. This authorizes the use of Title III monies for the development of Community Wildfire Protection Plans. The Utah Division of Forestry, Fire, and State Lands has technical experts who can assist with the development of these plans.

**Title: Disaster Assistance and Relief Act**

Agency: (no agency other then Congress)

This funding can be used to implement “shovel or chainsaw” ready projects. These project areas must be adjacent to Forest Service lands. A community must have an approved Community Wildfire Protection Plan to be eligible for these funds.

## **Local**

Local governments depend upon local property taxes as one of their primary sources of revenue. These taxes are typically used to finance services that must be available and delivered on a routine and regular basis to the general public. If local budgets allow, these funds are used to match Federal or State grant programs when required for large-scale projects.

## **Non-Governmental**

Another potential source of revenue for implementing local mitigation projects are monetary contributions from non-governmental organizations, such as private sector companies, churches, charities, community relief funds, the Red Cross, hospitals, Land Trusts, and other non-profit organizations.

## **CONTINUED PUBLIC INVOLVEMENT**

During interim periods between the five year re-write, efforts will be continued to encourage and facilitate public involvement and input. The plan will be available for the public at local libraries, City and County offices, the BRAG office, and on the BRAG website (<http://www.brag.utah.gov>). Comments will always be received whether orally, written, or by e-mail.

In addition to the public comment period for the draft version of the plan, including the proper public notices in local newspapers, a press release of the final plan will help to educate the public. This should involve education on the need for preparing for and

mitigating against the effects of natural hazards and the purpose and usefulness of the final adopted plan.

As implementation of the mitigation strategies continues in each local jurisdiction, the primary means of public involvement will be the jurisdiction's own public comment and hearing process. State law as it applies to municipalities and counties requires this as a minimum for many of the proposed implementation measures. BRAG encourages Counties, Cities, and Towns to go beyond the minimal requirements of receiving public input, and to engage stakeholders.