

## **State Mitigation Goals**

- 1. Protect Life**
- 2. Protect Property**
- 3. Protect the Environment**
- 4. Increase Public Preparedness for Disasters**

**Identified mitigation actions and initiatives are not in a 1-2-3 priority order, but are categorized as being of high, medium or low priority. In order to assign a priority, the State considers whether the action addresses multiple hazards, reduces repetitive loss, is important to accomplish first, or can be accomplished in a relatively short period of time. Furthermore, the State of Oklahoma retains the right of the Oklahoma State Government to do what it deems is right and proper for the State of Oklahoma in any given situation. An action that is ranked as low or medium may actually be completed prior to a high priority action if funding becomes available.**

**Rather than establish project priorities, the State Hazard Mitigation Program requires any mitigation project proposed to:**

- 1. Support the goals and objectives of the State Hazard Mitigation Plan and its mitigation strategy's goals and objectives.**
- 2. Reduce identified hazard risk**
- 3. Prevent repetitive loss**
- 4. Protect critical areas, including frequently flooded areas and geologically hazard areas.**

**The State encourages agencies and organizations to include mitigation as they consider construction and location of new buildings, make existing facilities safer, and as they develop strategic plans for organization operations.**

**The State of Oklahoma Department of Emergency Management Mitigation Division and the Oklahoma State Hazard Mitigation Team developed State criteria for determining eligibility of proposed multi-hazard mitigation measures. The following criteria are listed in the State administrative plan (latest edition March 2003) and used for all Federal mitigation programs, i.e. HMGP, PDM and FMA.**

**State Eligibility Criteria** – In addition to published Federal eligibility criteria, a project must also support the general hazard mitigation objectives contained in the State mitigation plan. Specifically, these projects shall:

1. Show adoption of a FEMA approved local hazard mitigation plan.
2. Protect lives and reduce public risk.
3. Reduce the level of disaster vulnerability in existing structures.
4. Reduce the number of vulnerable structures through acquisition, relocation, flood proofing, or seismic retrofitting.
5. Avoid inappropriate future development in areas known to be vulnerable to future disasters.
6. Solve a problem independently, or function as a beneficial part of an overall solution with assurance that the whole project will be completed.
7. Provide a cooperative, inter-jurisdictional solution to reduce future disaster damage.
8. Provide a long-term mitigation solution.
9. Address emergency hazard damage issues such as urban storm water, trees in power right of ways, etc.
10. Restore or protect natural resources, recreation, open spaces, and other environmental values.
11. Develop and implement comprehensive programs, standards, and regulations that reduce disaster damage.
12. Increase public awareness of natural hazards, preventative measures, and emergency responses to disasters.
13. Upon completion, have affordable operation and maintenance costs.
14. Illustrate how the project improves the applicant's ability to protect its critical areas.

Applicants are responsible for prioritizing projects by frequency of the disaster being mitigated, financial impact to the community/county, human losses, and timeframe for completion. The State is responsible for prioritizing each project application with respect to how much and when State assistance is available. The State provides support to the applicants in several ways, including actual project implementation, seeking other funding resources, project support, public involvement activities and the provision of additional information.

The Mitigation Division tracks when and how projects are being implemented, as well as how their funding is being used. If there is a problem or conflict with a project, the State acts as a mediator to resolve the problem

as quickly and efficiently as possible. As projects are completed, the State performs closeout procedures and all files are maintained in each applicant folder.

This section of the State Hazard Mitigation Plan addresses the eligibility criteria for multi-hazard mitigation projects. The criteria listed in this section of the plan are the basic criteria for each type of project. These criteria may be modified based on any of the following issues:

- The specific disaster situation;
- Location of affected areas;
- Availability of funds;
- Unique program requirements of the fund source;
- Current State and/or local hazard mitigation priorities; and
- Number/type of mitigation projects submitted by local governments.

All hazard mitigation projects submitted for consideration must meet the criteria outlined in Code of Federal Regulations (CFR) 44, Section 206.434. There may be additional requirements established by the State that must be met before a project would be considered for approval.

To meet FEMA's Minimum Hazard Mitigation Project Criteria, the project must:

1. Be in conformance with the hazard mitigation plan developed as a requirement of Section 322;
2. Have a beneficial impact upon the designated disaster area, whether or not located in the designated area;
3. Be in conformance with 44 CFR part 9, Floodplain Management and Protection of Wetlands, and 44 CFR part 10, Environmental Considerations;
4. Solve a problem independently or constitute a functional portion of a solution where there is assurance that the project as a whole will be completed. Projects that merely identify or analyze hazards or problems are not eligible; and
5. Be cost-effective and substantially reduce the risk of future damage, hardship, loss, or suffering resulting from a major disaster.

The project must also meet the following State criteria:

1. The project must complement existing or proposed State mitigation goals and objectives;
2. The project must complement existing or proposed mitigation goals and objects for the jurisdiction submitting the project;
3. The jurisdiction requesting the project must be able to complete the project as submitted;
4. The jurisdiction submitting the project must be able to meet any matching funds requirements (if required).
5. The project must be able to make a bigger impact on the local and State mitigation program than other non-selected projects.

While buyouts are not the only mitigation projects considered and undertaken by the State and local governments, they have been the type of project most frequently submitted and approved. In general, ODEM works with local governmental entities to acquire and remove, elevate, relocate or perform minor structural projects only on privately owned residential structures and/or privately owned lots that are located in the floodplain and/or floodway. In addition to the requirements listed above, these projects must also meet the following criteria:

1. The project chosen must independently solve or be a functional part of a solution to a problem that is repetitive or poses a significant risk to health and safety. The proposed solution must be the most practical, effective, cost-effective and environmentally sound alternative among a range of alternatives that contribute to a long-term solution of the problem.
2. Local governmental entities (or certain private non-profit entities) must apply through the State, specifically ODEM, to FEMA for approval to perform a project or projects. The applications must specifically identify the properties to be included in the project or projects. All projects must be proven cost-beneficial, in accordance with a determination method that is acceptable to ODEM/FEMA. This is usually accomplished by using the FEMA benefit cost analysis module.
3. Local governmental/non-profit entities must be in good standing in the NFIP (or have not yet been mapped), and otherwise eligible to receive federal funding. Non-federal matches and all other federal grant requirements must be satisfied by the local entity, sometimes with the

monetary assistance of local property owners or possibly with assistance from CDBG.

4. Hazard Mitigation Grant Program, Pre-Disaster Mitigation (PDM) and Flood Mitigation Assistance (FMA) projects must be consistent with the overall State Hazard Mitigation Plan. Projects also must conform to 44 CFR Part 9, Floodplain Management and Protection of Wetlands, and 44 CFR Part 10, Environmental Considerations.
5. Only local governmental/non-profit entities may manage the project or projects. All projects must be managed in accordance with local, State and federal ordinances, laws and regulations. Individual property owners are not eligible to receive federal funds directly as a grantee or sub-grantee and are not authorized to manage grant projects.

ODEM considers a number of types of projects to be eligible for mitigation; with flood mitigation projects the highest priority. In each type of project below, the sellers' participation must be *voluntary* and the sellers must be able to prove ownership of the property involved in the project. The below eligibility criteria applies:

#### *Property Acquisition*

This is the State's most favored, and usually most cost effective, voluntary option because the people and property are totally and permanently removed from the path of flooding and danger. To be eligible to participate, the local governmental/non-profit entity must agree to the following:

1. Offer is based on pre-flood fair market value determined by a State of Oklahoma board certified appraiser or a post-flood sales contract value.
2. Duplication of Benefits (DOB), Small Business Administration (SBA) loans and private mortgages must be satisfied from proceeds first.
3. The buyout property must be demolished within 90 days of the closing.
4. Local governmental entities, or certain non-profit entities, must accept all buyout property titles that are officially annotated to comply (in perpetuity) with federal Open Space deed restrictions.
5. The buyout property becomes ineligible for any future federal disaster assistance, except possibly Federal Crop Insurance.

#### *Elevation*

**This voluntary option may be used in the event it generally is more cost-effective and desirable over the long term, for example, when the cost of the land is so high that a buyout is impractical. To be eligible to participate, the local governmental/ non-profit entity must agree to the following:**

- 1. Elevation project must be a practical, cost-effective and structurally sound alternative (in compliance with local building code and zoning rules) that elevates the lowest floor at or above the flood level or in compliance with local governmental entity floodplain management, if more stringent, by:**
  - Extending the walls of the house upward and raises the lowest floor; or**
  - Converting the existing lower area of the house to non-habitable space and builds a new second story for living space; or**
  - Lifting the entire house, with the floor slab attached, and builds a new foundation to elevate the house.**
- 2. In A zones, where flood hazards are less severe, property owners may elect to elevate buildings either on an open foundation or on continuous foundation walls that extend below the Base Flood Elevation (BFE). If continuous walls are used below the BFE, they must be equipped with openings that allow floodwaters to flow into and out of the area enclosed by the walls.**
- 3. Owners of substantially damaged houses in Special Flood Hazard Areas must be willing to voluntarily demolish the remnants of the house and build a new house on the same site with an elevated lowest floor at or above the flood level or in compliance with local governmental entity floodplain management rules, if more stringent.**
- 4. As an alternative, owners of substantially damaged houses in Special Flood Hazard Areas may elect to repair the house and elevate the lowest floor at or above the flood level or in compliance with local governmental entity floodplain management rules, if more stringent, as part of the repair process.**

### ***Relocation***

**This voluntary option may be used if it is more practical/cost effective or when the threat is so repetitive and/or severe that it is more advantageous to relocate a structure or structures, up to and including entire communities entirely out of harms way. To be eligible to participate, the local governmental/non-profit entity must agree to the following:**

1. Structures relocated from acquired property must be placed entirely outside the 100-year floodplain.
2. Structures generally must be relocated from acquired property within 90 days of closing.
3. Ownership of acquired property may not be conveyed to private citizens or entities; ownership may be conveyed to other public entities or nonprofit organizations with the approval of the State and FEMA.
4. Local governmental entities, or certain non-profit entities, must accept any buyout property titles that are officially annotated to comply (in perpetuity) with federal Open Space deed restrictions.
5. Any buyout property (i.e., any vacated lots acquired through the project) becomes ineligible for any future federal disaster assistance, except possibly Federal Crop Insurance.

### *Floodproofing*

This voluntary option may be most practical in limited danger areas. To be eligible to participate, the local governmental/non-profit entity must agree that this measure will best resolve the danger to the property:

1. The property is in an area that is not subject to flash flooding.
2. Extensive cleanup normally is not required after a flood event.
3. One of the two flood proofing processes described below is the most advantageous measure to employ over the long term.

*Wet floodproofing* allows water to enter the structure, thereby equalizing pressure on walls and floors. Building contents such as furnaces and appliances are relocated out of reach of the floodwater.

*Dry floodproofing* is a process that uses waterproofing compounds, sheeting or other impermeable materials to prevent floodwaters from entering the structure.

### *Structural Mitigation Projects*

This option applies to infrastructure type mitigation projects associated with the Public Assistance (PA) program and/or the 406 mitigation program. To be eligible to participate, the jurisdiction must meet all of the eligibility criteria of the Federal/State public assistance program. Those criteria include, but are not limited to, the following:

1. The project is required as a result of the declared event.
2. The project is within the designated disaster area.
3. The project is the legal responsibility of an eligible applicant.

If structural projects are not eligible to participate in PA or 406 mitigation, the jurisdiction must meet all of the eligibility criteria of the Federal/State Mitigation Program.

### *Tornado Safe Rooms*

In addition to the requirements for flood mitigation projects, projects to protect people from tornadoes and high winds must also comply with FEMA Publications 320 and 361.

### *Other Mitigation Projects*

The majority of Oklahoma's approved mitigation projects have been generated by flood related disasters. Other projects shown below also may be approved depending on the availability of funds, State and local priorities, proof of cost-benefit and project submissions:

- Tornado safe-rooms (Individual and Schools)
- Structural seismic retrofit of non-damaged critical facilities
- Non-structural seismic retrofit of non-damaged critical facilities (such as filming windows, strapping and bracing equipment, etc.)
- Drainage / Channelization Improvement
- Development of educational programs and materials
- 5% State Initiative Projects
- 7% Planning

Before proposed project applications are submitted to the State Hazard Mitigation Team for scoring and ranking (see Appendix M for Oklahoma Evaluation Form), staff from the ODEM Mitigation Division works closely with the applicants to ensure that their proposals are cost-effective. Only projects with a benefit-cost ratio of at least 1-to-1 are forwarded to the Team for further consideration and evaluation against Federal and State criteria.