



APPENDIX B: Authorities, Assurances, and Adoption

Authorities

The authority to adopt the 2018 Idaho State Hazard Mitigation Plan (SHMP) is provided in Idaho Code, Title 46, Chapter 10. Other related authorities include:

Federal

- Public Law 93-288, as amended, *Robert T. Stafford Disaster Relief and Emergency Assistance Act*
- Public Law 93-234, as amended, *Flood Disaster Protection Act of 1973*
- FEMA Regulations at 44 CFR 9, *Floodplain Management*
- FEMA Regulations at 44 CFR 10, *National Environmental Policy Act*
- FEMA Regulations at 44 CFR 13, *Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments*
- FEMA Regulations at 44 CFR 206, Subparts M and N
- Executive Order 11988, *Floodplain Management*
- Executive Order 11990, *Protection of Wetlands*
- Executive Order 12612, *Federalism*
- Executive Order 12699, *Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction*
- *Hazard Mitigation Assistance Unified Guidance*

State

- Idaho Code 4610 et seq., *Disaster Preparedness Act of 1975, as amended*
- *Governor's Executive Order 2006-10*

Assurances and Compliance with Federal and State Regulations

The Idaho SHMP meets the standard requirements of Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, 42 United States Code Sections 5121 and following (commonly referred to as the Stafford Act - Public Law 93-288).

This plan is also intended to meet the requirements of Section 322 of the Stafford Act, which require that States, as a condition of receiving Federal disaster mitigation funds, have a mitigation plan in place that describes the planning process for identifying hazards, risk and vulnerabilities; identifies and prioritizes mitigation actions; encourages the development of local mitigation; and provides technical support for these efforts. In addition, the Act requires local and Tribal governments to have mitigation plans as a condition of receiving disaster mitigation funds.

Federal regulations at 44 CFR 201.4(c)(7) indicate that the SHMP must include assurances that the State will comply with all applicable Federal statutes and regulations in effect with respect to the periods for which it receives grant funding, in compliance with CFR 13.11(c). The State will amend its plan whenever necessary to reflect change in State or Federal laws and statutes, as required in CFR 13.11(d).



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Through the development and enforcement of this plan, the State of Idaho will comply with all provisions in 44 CFR § 13, as well as Subchapter B – Insurance and Mitigation, Subchapter D – Disaster Assistance, and Subchapter F – Preparedness. Additionally, the assurances listed below are provided as documentation that the State or any subsequent sub-grantee (recipients) that receive Federal grant funds will comply with all applicable Federal statutes and regulations. The State will amend the plan whenever necessary to reflect changes in Federal statutes and regulations or material changes in State law, organization, policy or State agency operations. BHS continuously monitors proposed and pending State bills that may impact the Plan.

To the extent the following provisions apply to the award of assistance:

- 1) Recipient possesses legal authority to enter into agreements and to execute the proposed programs;
- 2) Recipient's governing body has duly adopted or passed as an official act a resolution, motion or similar action authorizing the execution of hazard mitigation agreements, including all understandings and assurances contained therein, and directing and authorizing the Recipient's chief administrative officer or designee to act in connection with any application and to provide such additional information as may be required;
- 3) No member of or delegate to the Congress of the United States, and no Resident Commissioner, shall be admitted to any share or part of any agreement or to any benefit to arise from the same. No member, officer, or employee of the Recipient or its designees or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his tenure or for one year thereafter, shall have any interest direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this plan. The Recipient shall incorporate or cause to be incorporated, in all such contracts or subcontracts, a provision prohibiting such interest pursuant to the purpose state above;
- 4) Recipient will comply with:
 - i) Contract Work Hours and Safety Standards Act of 1962, 40 USC 327 et seq., requiring that mechanics and laborers (including watchmen and guards) employed on federally assisted contracts be paid wages of not less than one and one-half times their basic wage rates for all hours worked in excess of forty hours in a work week; and
 - ii) Federal Fair Labor Standards Act, 29 USC Section 201 et seq., requiring that covered employees be paid at least the minimum prescribed wage, and also that they be paid one and one-half times their basic wage rates for all hours worked in excess of the prescribed work-week.
- 5) Recipient will comply with:
 - i) Title VI of the Civil Rights Act of 1964 (P.L. 88-352), and the regulations issued pursuant thereto, which provides that no person in the United States shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity for which the



- Recipient receives Federal financial assistance and will immediately take any measures necessary to effectuate this assurance. If any real property or structure thereon is provided or improved with the aid of Federal financial assistance extended to the Recipient, this assurance shall obligate the Recipient, or in the case of any transfer of such property, any transferee, for the period during which the real property or structure is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits;
- ii) Any prohibition against discrimination on the basis of age under the Age Discrimination Act of 1975, as amended (42 U.S.C.: 6101-6107), which prohibits discrimination on the basis of age or with respect to otherwise qualified handicapped individuals as provided in Section 504 of the Rehabilitation Act of 1973;
 - iii) Executive Order 11246 as amended by Executive Orders 11375 and 12086, and the regulations issued pursuant thereto, which provide that no person shall be discriminated against on the basis of race, color, religion, sex or national origin in all phases of employment during the performance of Federal or federally assisted construction contracts; affirmative action to insure fair treatment in employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff/termination, rates of pay or other forms of compensation; and election for training and apprenticeship;
- 6) The Recipient agrees to comply with the Americans With Disabilities Act (Public Law 101-336, 42 USC Section 12101 et seq.), where applicable, which prohibits discrimination by public and private entities on the basis of disability in the areas of employment, public accommodations, transportation, State and local government services, and in telecommunications;
 - 7) Recipient will comply with Title IX of the Education Amendments of 1972, as amended (20 USC: 1681-1683 and 1685-1686), which prohibits discrimination on the basis of sex;
 - 8) Recipient will comply with the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, (42 USC 4521-45-94) relating to nondiscrimination on the basis of alcohol abuse or alcoholism;
 - 9) Recipient will comply with 523 and 527 of the Public Health Service Act of 1912 (42 USC 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records;
 - 10) Recipient will comply with Title VIII of the Civil Rights Act of 1968, 42 USC 2000c and 42 3601-3619, as amended, relating to non-discrimination in the sale, rental, or financing of housing, and Title VI of the Civil Rights Act of 1964 (P.L. 88-352), which prohibits discrimination on the basis of race, color or nation origin;
 - 11) Recipient will comply with the Intergovernmental Personnel Act of 1970, 42USC 4728-4763;
 - 12) Recipient will comply with the Rehabilitation Act of 1973, Section 504, 29 USC 794, regarding non-discrimination;
 - 13) Recipient will establish safeguards to prohibit employees from using positions for a purpose that is, or gives the appearance of, being motivated by a desire for private gain for themselves or others,



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particularly those with whom they have family, business, or other ties pursuant to Section 112.313 and Section 112.3135, FS;

- 14) Recipient will comply with the Anti-Kickback Act of 1986, 41 USC Section 51 which outlaws and prescribes penalties for "kickbacks" of wages in federally financed or assisted construction activities;
- 15) Recipient will comply with the Hatch Act (18 USC 594, 598, 600-605), which limits the political activities of employees;
- 16) Recipient will comply with the flood insurance purchase and other requirements of the Flood Disaster Protection Act of 1973 as amended, 42 USC 4002-4107, including requirements regarding the purchase of flood insurance in communities where such insurance is available as a condition for the receipt of any Federal financial assistance for construction or acquisition purposes for use in any area having special flood hazards. The phrase "Federal financial assistance" includes any form of loan, grant, guaranty, insurance payment, rebate, subsidy, disaster assistance loan or grant, or any other form of direct or indirect Federal assistance;
- 17) Recipient will require every building or facility (other than a privately owned residential structure) designed, constructed, or altered with funds provided under a grant agreement to comply with the "Uniform Federal Accessibility Standards," (AS) which is Appendix A to 41 CFR Section 101-19.6 for general type buildings and Appendix A to 24 CFR 40 for residential structures. The Recipient will be responsible for conducting inspections to ensure compliance with these specifications by the contractor;
- 18) Recipient will, in connection with its performance of environmental assessments under the National Environmental Policy Act of 1969, comply with Section 106 of the National Historic Preservation Act of 1966 (USC 470), Executive Order 11593, 24 CFR 800, and the Preservation of Archaeological and Historical Data Act of 1966 (16 USC 469a-1, et seq.) by:
 - i) Consulting with SHPO to identify properties listed in or eligible for inclusion in the *National Register* of Historic Places that are subject to adverse effects (see 36 CFR Section 800.8) by the proposed activity; and
 - ii) Complying with all requirements established by the State to avoid or mitigate adverse effects upon such properties.
 - iii) Notifying FEMA and the State if any project may affect a historic property. When any of Recipient's projects funded under a grant agreement may affect a historic property, as defined in 36 CFR 800. (2)(e), FEMA may require Recipient to review the eligible scope of work in consultation with SHPO and suggest methods of repair or construction that will conform with the recommended approaches set out in the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings 1992 (Standards), the Secretary of the Interior's Guidelines for Archeological Documentation (Guidelines) (48 Federal Register 44734- 37), or any other applicable Secretary of Interior standards. If FEMA determines that the eligible scope of work will not conform with the Standards, Recipient agrees to participate in consultations to develop, and, after execution by all parties, to abide by, a written agreement that establishes mitigation and recondition measures, including but not limited to, impacts to



- archeological sites, and the salvage, storage, and reuse of any significant architectural features that may otherwise be demolished.
- iv) Notifying FEMA and the State if any project funded under a grant agreement will involve ground disturbing activities, including, but not limited to: subsurface disturbance; removal of trees; excavation for footings and foundations; and installation of utilities (such as water, sewer, storm drains, electrical, gas, leach lines and septic tanks) except where these activities are restricted solely to areas previously disturbed by the installation, replacement or maintenance of such utilities. FEMA will request the SHPO's opinion on the potential that archeological properties may be present and be affected by such activities. The SHPO will advise Recipient on any feasible steps to be accomplished to avoid any *National Register* eligible archeological property or will make recommendations for the development of a treatment plan for the recovery of archeological data from the property. If Recipient is unable to avoid the archeological property, it will develop, in consultation with the SHPO, a treatment plan consistent with the Guidelines and take into account the Advisory Council on Historic Preservation (Council) publication "Treatment of Archeological Properties". Recipient shall forward information regarding the treatment plan to FEMA, the SHPO and the Council for review. If the SHPO and the Council do not object within 15 calendar days of receipt of the treatment plan, FEMA may direct Recipient to implement the treatment plan. If either the Council or the SHPO object, Recipient shall not proceed with the project until the objection is resolved.
 - v) Notifying the State and FEMA as soon as practicable: (a) of any changes in the approved scope of work for a *National Register* eligible or listed property; (b) of all changes to a project that may result in a supplemental DSR or modify an HMGP project for a *National Register* eligible or listed property; (c) if it appears that a project funded under a grant agreement will affect a previously unidentified property that may be eligible for inclusion in the *National Register* or affect a known historic property in an unanticipated manner. Recipient acknowledges that FEMA may require Recipient to stop construction in the vicinity of the discovery of a previously unidentified property that may be eligible for inclusion in the *National Register* or upon learning that construction may affect a known historic property in an unanticipated manner. Recipient further acknowledges that FEMA may require Recipient to take all reasonable measures to avoid or minimize harm to such property until FEMA concludes consultation with the SHPO. Recipient also acknowledges that FEMA will require, and Recipient shall comply with, modifications to the project scope of work necessary to implement recommendations to address the project and the property.
 - vi) Acknowledging that, unless FEMA specifically stipulates otherwise, it shall not receive funding for projects when, with intent to avoid the requirements of the PA or the NHPA, Recipient intentionally and significantly adversely affects a historic property, or having the legal power to prevent it, allowed such significant adverse effect to occur.



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- 19) Recipient will assist the awarding agency in assuring compliance with the National Historic Preservation Act of 1966, as amended, 16 U.S.C. 270;
- 20) Recipient will assist the awarding agency in assuring compliance with the Preservation of Archeological and Historical Preservation Act of 1966, 16 U.S.C. 469a, et seq;
- 21) Recipient will comply with the requirements of Titles II and III of the Uniform Relocation Assistance and Property Acquisition Policies Act of 1970, 42 U.S.C. 4621-4638, which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs;
- 22) Recipient will assure project consistency with the approved State program developed under the Coastal Zone Management Act of 1972, 16 U.S.C. 1451-1464; and
- 23) With respect to demolition activities, recipient will:
 - i) Create and make available documentation sufficient to demonstrate that the Recipient and its demolition contractor have sufficient manpower and equipment to comply with the obligations as outlined in a grant agreement.
 - ii) Return the property to its natural state as though no improvements had ever been contained thereon.
 - iii) Furnish documentation of all qualified personnel, licenses and all equipment necessary to inspect buildings located in Recipient's jurisdiction to detect the presence of asbestos and lead in accordance with requirements of the U.S. Environmental Protection Agency, State of Idaho, and the County Health Agency.
 - iv) Provide documentation of the inspection results for each structure to
 - v) indicate:
 - i. Safety Hazards Present
 - ii. Health Hazards Present
 - iii. Hazardous Materials Present
 - vi) Provide supervision over contractors or employees employed by Recipient to remove asbestos and lead from demolished or otherwise applicable structures.
 - vii) Leave the demolished site clean, level and free of debris.
 - viii) Notify the department promptly of any unusual existing condition which hampers the contractors work.
 - ix) Obtain all required permits.
 - x) Provide addresses and marked maps for each site where water wells and septic tanks are to be closed, along with the number of wells and septic tanks located on each site. Provide documentation of closures.
 - xi) Comply with mandatory standards and policies relating to energy efficiency that are contained in the State energy conservation plan issued in compliance with the Energy Policy and Conservation Act (Public Law 94-163).
 - xii) Comply with all applicable standards, orders, or requirements issued under Section 112 and 306 of the Clean Air Act (42 U.S.C. 1857 (h)), Section 508 of the Clean Water Act (33



U.S. 1368), Executive Order 11738, and the U.S. Environmental Protection Agency regulations (40 CFR 15 and 61). This clause shall be added to any subcontracts.

- xiii) Provide documentation of public notices for demolition activities.
- 24) Recipient will comply with Lead-Based Paint Poison Prevention Act (42 U.S.C.: 4821 et seq.), which prohibits the use of lead based paint in construction of rehabilitation or residential structures;
 - 25) Recipient will comply with the Energy Policy and Conservation Act (P.L. 94- 163; 42 U.S.C. 6201-6422), and the provisions of the State Energy Conservation Plan adopted pursuant thereto;
 - 26) Recipient will comply with the Laboratory Animal Welfare Act of 1966, 7 U.S.C. 2131-2159, pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by an award of assistance under this agreement;
 - 27) Recipient will comply with the Clean Air Act of 1955, as amended, 42 U.S.C. 7401-7642;
 - 28) Recipient will comply with the Clean Water Act of 1977, as amended, 42 U.S.C. 7419-7626;
 - 29) Recipient will comply with the Endangered Species Act of 1973, 16 U.S.C. 1531-1544;
 - 30) Recipient will comply with environmental standards which may be prescribed pursuant to the National Environmental Policy Act of 1969, 42 U.S.C. 4321- 4347;
 - 31) Recipient will comply with the environmental standards that may be prescribed pursuant to the Safe Drinking Water Act of 1974, 42 U.S.C. 300f-300j, regarding the protection of underground water sources;
 - 32) Recipient will comply with the Wild and Scenic Rivers Act of 1968, 16 U.S.C. 1271-1287, related to protecting components or potential components of the national wild and scenic rivers system;
 - 33) Recipient will comply with the following Executive Orders: EO 11514 (NEPA); EO 11738 (violating facilities); EO 11988 (Floodplain Management); EO 11990 (Wetlands); and EO 12898 (Environmental Justice);
 - 34) Recipient will comply with the Coastal Barrier Resources Act of 1977, 16 U.S.C. 3510;
 - 35) Recipient will comply with the Fish and Wildlife Coordination Act of 1958; 16 U.S.C. 661-666.



Adoptions

U.S. Department of Homeland Security
Region X
130 228th Street, SW
Bothell, WA 98021-9796



FEMA

OCT 29 2018

Brigadier General Brad Richy, Director
Idaho Office of Emergency Management
Military Division
4040 Guard Street, Building 600
Boise, Idaho 83705-5004

Dear General Richy:

The U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) Region X Mitigation Division, Risk Analysis Branch has approved the updated Idaho State Standard Mitigation Plan effective November 1, 2018, through October 31, 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 FEMA Region X, 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.

If at any time over the plan approval period, FEMA determines that the state is not complying with all applicable federal statutes and regulations in effect with respect to the periods for which it receives funding or is unable to fulfill mitigation commitments, FEMA may take action to correct the noncompliance (44 CFR §§201.3(b)(5) and 201.4(c)(7)).

FEMA determined the state mitigation plan includes a Repetitive Loss Strategy that meets the requirements set forth in 44 CFR §201.4(c)(3)(v) and qualifies the state to request an increased federal share for repetitive loss properties under the FMA program.

The State is responsible for communicating with local and tribal officials, as applicable, interested in applying through the State for FEMA assistance. FEMA encourages states to communicate with the appropriate officials regarding mitigation plan status and eligibility requirements.

www.fema.gov



General Richy

OCT 29 2018

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In addition, FEMA will provide a reminder to the State, at a minimum, 12 months prior to the plan expiration date of the consequences of not having a FEMA-approved mitigation plan with respect to eligibility for the FEMA assistance programs that require a FEMA-approved mitigation plan as a condition of eligibility. 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."

We look forward to continuing a productive relationship between FEMA, Region X, and the State of Idaho. Please contact our Risk Analysis Branch Chief, Tamra Biasco, at 425-487-4645, or our Mitigation Division Director, Mark Carey, at 425-487-4687 with any questions or for further assistance.

Sincerely,

A handwritten signature in blue ink that reads "Michael F. O'Hare".

Michael F. O'Hare
Regional Administrator

Enclosure

TB:rg



C.L. "BUTCH" OTTER
GOVERNOR

STATE OF IDAHO
OFFICE OF EMERGENCY
MANAGEMENT
4040 W. GUARD STREET, BLDG. 600
BOISE, IDAHO 83705-5004

BG MICHAEL J. GARSHAK
ADJUTANT GENERAL



BRAD RICHY
DIRECTOR

State of Idaho Hazard Mitigation Plan


Statement of Adoption

Pursuant to 44 CFR 201.4, for Idaho to continue to be eligible for Federal disaster assistance and hazard mitigation funding, the State of Idaho Office of Emergency Management (IOEM) is required to update the State of Idaho Hazard Mitigation Plan (SHMP) every five years. The SHMP was last updated November 1, 2013.

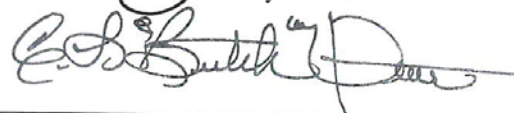
The SHMP is a comprehensive description of the State's commitment to reduce or eliminate the impacts of events caused by natural and human-caused hazards. It is a federal requirement under the Disaster Mitigation Act of 2000 for the State of Idaho to have a current SHMP to receive federal funds for disaster recovery and hazard mitigation. The SHMP is coordinated and maintained by the IOEM, and is the culmination of input and recommendations from numerous stakeholders from local, state and federal government agencies, private sector organizations, and residents of Idaho.

The authority to adopt the 2018 SHMP is provided in Title 46, Chapter 10, Idaho Code. In adopting the SHMP, the State of Idaho agrees to comply with all applicable state and federal statutes and regulations, as stipulated in previously documented assurances, and to continue to maintain and update the plan as federal regulations require. The SHMP has been updated to reflect emerging hazard conditions and risks, new or revised state and federal laws, and programs and capabilities, as well as a more robust mitigation strategy to obtain enhanced status.

The Director of the Idaho Office of Emergency Management recommends this State of Idaho Hazard Mitigation Plan be promulgated.


BG Michael J. Garshak
Adjutant General, Idaho Military Division

Date 3 OCT 2018


C.L. "Butch" Otter
Governor, State of Idaho

Date 10/24/2018



C.L. "BUTCH" OTTER
GOVERNOR

STATE OF IDAHO
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BG MICHAEL J. GARSHAK
ADJUTANT GENERAL



BRAD RICHY
DIRECTOR

State of Idaho Hazard Mitigation Plan

Statement of Adoption

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In adopting the SHMP, the State of Idaho agrees to comply with all applicable state and federal statutes and regulations, as stipulated in previously documented assurances and will continue to update the plan as federal regulations require. The SHMP has been updated to reflect emerging hazard conditions and risks, new or revised state and federal laws, programs, and capabilities; and a new mitigation strategy to obtain enhanced status.

The 2018 Idaho State Hazard Mitigation Plan is hereby adopted.

Brad Richy, Director
Director, Idaho Office of Emergency Management

Date



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