

Section 12 – Mitigation Plan Adoption Process

The following requirement(s) are met throughout this section:

- §201.4(c)(6): *The plan **must** be formally adopted by the State prior to submittal to [FEMA] for final review and approval.*
- §201.4(c)(7): *The plan **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 44 CFR 13.11(c). The State will amend its plan whenever necessary to reflect changes in State or Federal laws and statutes as required in 44 CFR 13.11(d).*

12.1 – Formal Adoption Process and Assurances

The Director of the New York State Office of Emergency Management (SOEM) will facilitate the adoption of the Mitigation Plan. As the Governor’s Authorized Representative (GAR) and State Coordinating Officer (SCO) on Major Disasters, and as the Executive Director for the State Disaster Preparedness Commission (DPC), the Director of OEM will request that the Members of the DPC adopt the Plan on behalf of the State. This adoption assures that New York State will comply with all the contents and actions of the plan. In addition, New York State and its officials 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 44 CFR §13.11(c), and New York State will amend its plan whenever necessary to reflect changes in State or Federal laws and statutes as required in 44 CFR §13.11(d). The DPC has been updated periodically on the status of the mitigation planning activity. All member agencies of the DPC Commission also participated in the planning update process.

A sample adoption resolution is provided in the end of this section.

Upon adopting the plan, New York State and the DPC resolve to comply with the actions of the plan and to maintain and update the plan in keeping with the process specified in **Section 6**.

12.2 - Authorities and References

12.2.1 – New York State

- New York State Executive Law, Article 2-B, as amended
- NYS Environmental Conservation Law (ECL), Parts 215 and 360
- NYS Environmental Conservation Law (ECL), Part 53: Tree Conservation and Urban Forestry
- NYS Highway Law, Sections 10, 12, 16, 42a, 55, 64, 104, 269, 340-b and other miscellaneous provisions.
- New York State Public Service Commission Rulemaking, 16NYCRR, Chapter II, Electric Utilities, Part 105: Electric Utility Emergency Plans

- New York State Constitution
- New York State Public Service Law, Sections 65 and 66
- New York State Defense Emergency Act (4/12/51), as amended
- New York State Interstate Civil Defense and Disaster Compact, Chapter 674 (1951)
- New York State Finance Law
- State Environmental Quality Review Act (6NYCRR Part 617)
- New York State Tidal Wetlands Act of 1973
- New York State Freshwater Wetlands Act of 1973
- Uniform Procedures Act, 6NYCRR Part 621 (authority ECL section 70-0107)
- 6NYCRR Part 502, Flood Plain Management Criteria for State Projects (authority ECL section 1-0101, 3-0301 and Article 36)
- Article 42 of the New York State Executive Law
- 6NYCRR Part 505, Coastal Erosion Management Regulations (authority ECL Article 34)
- New York State Parks, Recreation and Historic Preservation Law (historic properties)

12.2.2 - Federal

- Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended by Public Law 100-707
- Disaster Relief Act of 1970 (PL. 91-606)
- Title 24, Chapter XIII, Part 2205, and other relevant parts of the Code of Federal Regulations
- FEMA Regulations 44 CFR, Part 201
- FEMA Regulations 44 CFR, Part 206, Subparts M & N
- Single Audit Act of 1984
- FEMA Regulations 44 CFR, Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State And Local Governments, and Part 14, Administration of Grants: Audits of State and Local Governments
- Presidential Executive Order 12148, dated July 20, 1979, as amended, Federal Emergency Management
- Presidential Executive Order 12656, dated November 18, 1988, Assignment of Emergency Preparedness Responsibilities
- Federal Civil Defense Act of 1950, as amended (PL 81-920)
- Executive Orders 11988, 11990 and 12612 (Floodplain Management, Wetlands Protection and Federalism)
- Executive Order 12699 (Seismic Safety of Federal and Federally Assisted or Regulated New Building Construction)
- The National Earthquake Hazards Reduction Act of 1977, Public Law 95-124
- National Earthquake Hazard Reduction Program (NEHRP)
- National Flood Insurance Program (NFIP)
- Flood Control Act of 1968 (Public Law 90-448)
- Flood Disaster Protection Act of 1973 (PL. 93-234)
- National Flood Insurance Reform Act of 1994 (PL. 103-325)
- Federal Hurricane Preparedness Program (HPP)

- Dam Safety Act of 1986, as amended.
- National Mitigation Strategy
- National Historic Preservation Act of 1966
- Coastal Zone Management Act of 1972 (PL 92-583, 16 U.S.C., as amended)

12.2.3 Sample Adoption Resolution

SAMPLE STATE ADOPTION RESOLUTION

The State of New York Multi-Hazard Mitigation Plan

The State of New York has developed and updated its Multi-Hazard Mitigation Plan through the efforts of the State Office of Emergency Management (SOEM), the State Disaster Preparedness Commission (DPC), and other state, regional and local agencies.

The following resolution was passed by the New York State Disaster Preparedness Commission, 1220 Washington Avenue, Albany, New York, after full consideration at one of its regularly scheduled meetings. The Commission, being fully empowered to act on behalf of the State of New York in disaster related matters, adopted the following resolution.

RESOLUTION

WHEREAS, the State of New York with the assistance from the State Office of Emergency Management, all member agencies of the Disaster Preparedness Commission, and other interested agencies has gathered information and prepared the New York State Multi-Hazard Mitigation Plan

WHEREAS, the New York State Multi-Hazard Plan has been prepared and updated in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the State of New York has afforded the citizens an opportunity to comment and provide input into the Plan and the actions in the Plan; and

WHEREAS, The State of New York through its Disaster Preparedness Commission has reviewed the Plan and affirms that the Plan will be updated no less than every three years;

NOW THEREFORE, BE IT RESOLVED by The Disaster Preparedness Commission that the State of New York adopts the New York State Multi-Hazard Mitigation Plan as this State's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

ADOPTED this _____ day of _____, 2011 at the meeting of the NYS Disaster Preparedness Commission.

Chairman

SAMPLE LOCAL ADOPTION RESOLUTION

For local jurisdictions adopting their own hazard mitigation plan the following sample resolution can be used for the adoption process, note that the preferred method of adoption would allow for a signature and/or official legible raised seal on the adoption resolution.

Name of Jurisdiction

Governing Body

Address

RESOLUTION

WHEREAS, (Insert name of Jurisdiction), with the assistance from (Insert name of Plan Author), has gathered information and prepared the (Insert name of the Multi-jurisdictional Plan); and

WHEREAS, the (Insert name of the Multi-jurisdictional Plan) has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, (Insert name of Jurisdiction) is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, (Insert the name of the governing body) has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by (Insert the name of the governing body) that (Insert name of Jurisdiction) adopts the (Insert name of the Multi-jurisdictional Plan) as this jurisdiction's (All or Natural) Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

ADOPTED this _____ day of _____, 200__ at the meeting of the (Insert the name of the governing body).

Insert appropriate signature lines and dates