

**State of Utah Department of Public Safety
Division of Emergency Management**

**Federal Emergency Management Agency
Region VIII**

**Utah Natural Hazards Legal Workshop
Using the Available Tools**

September 20-21, 2012
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President
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What is a Disaster?

- It's All a Matter of Perspective



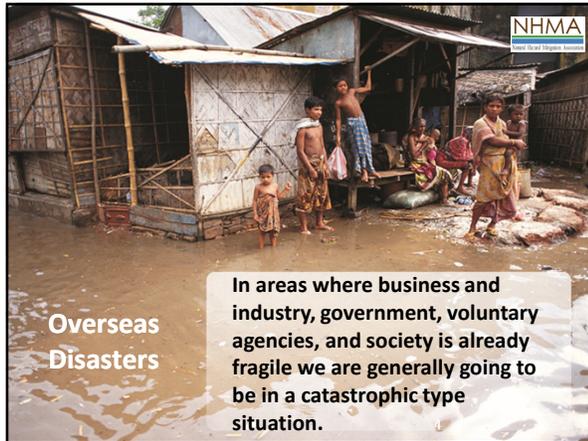
- Victim or disaster survivors
- Business and industry
- Local Community
- State
- National Government



Baker What is a Catastrophic Disaster?



- Lots of definitions developed based on size
- In my opinion- those definitions do not work well in the real world
- I have worked in situations involving a small situation which was a "catastrophe" and in huge situations which were not considered catastrophic
- If government or voluntary agencies or business/industry are functional we do not seem to have a "catastrophe" from the perspective of the survivors and press



Note on Catastrophes and Resiliency

On the previous slide I note that:

In areas where business and industry, government, voluntary agencies, and society is already fragile we are generally going to be in a catastrophic type situation.

Is the United States as economically strong as it was in: 1950? 1960? 1970? 1980?1990? 2000? 2005?

Might we be headed towards a truly catastrophic disaster from which even the US economy will have a very hard time recovering?

What are the planning implications?

What are the societal implications?

To whom will the decision makers turn for solutions?

Must an Event be a "Disaster"?

- Preparedness Planning
 - A Community a Business or an Industry
 - Insurance
 - Disaster Continuity Plan
 - Individual Planning
 - Insurance
 - Disaster Kit/Plan
- One's Community
 - Disaster resistant building codes/zoning
 - Pre-Disaster Mitigation Planning
 - Post-Disaster Mitigation Planning
 - Pre-Planned Mutual Assistance compacts
 - Disaster Contingency Planning
 - Planning to Manage Volunteers



How Does One Handle A “Disaster”?

- Design and Plan to have natural events not be a disaster for the business, its employees, the community, its critical suppliers and customers
- Plan to be resilient, if you have a disaster-think “Black Swan Event”
 - Employees
 - Suppliers
 - Customers
 - Key Personnel
- Self-Help
 - Insurance
- Business Community
 - Shared resources
 - Coordination with Local Charities and Voluntary Agencies
 - Coordination with Government Programs



Some of the Many Organizations Working to Solve These Problems

- US Chamber of Commerce
- United Way
- Institute for Business and Home Safety
 - “Open For Business”SM
- Federal Emergency Management Agency
- Multiple NOAA Organizations
- Red Cross
- US Coast Guard
- Disaster Resistant Business Council: Tulsa, Oklahoma
- Several Organizations in Hawai‘i



Typical Flaws in Community and Business Continuity Plans

- Failure to consider safety of home and families of employees-leads to role conflict for employees and inefficiencies
- Failure to consider effects of a disaster on upstream suppliers and downstream customers
- Failure to realize that the very survival of a community, a business and or its management may depend on preparing for and responding to a crisis

Next Steps for a Safe Future 

- First please consider how devastating a Natural Event such as a wildfire, Hurricane, wildfire, earthquake, cascading disaster like flood following wildfire can and unfortunately will be to **your community**
- Secondly, consider the growing vulnerability of our society, the economy, the people; the reality that we are not now preparing properly for historic levels of disaster, to say nothing of dealing with the uncertainties of future projections, climate variability, or climate change
- Then lets stop making things worse; and start the long difficult road to a safe sustainable future

What are some tools to use? 

- Community Partnerships
- National Network of Communities
- Existing Planning Mechanisms
- Patchwork Quilt

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Community Partnerships 

- Public-Private
- Identify Common Goals – such as economic benefits
- Broad Stakeholder Involvement
- Coalitions of uncommon partners – across community
- State, Federal and International partners
- Blur the lines – accomplish risk reduction

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Safe + Sustainable = Resilient

Sustainable Development & Energy Security	Community Disaster Mitigation
Sustainable land-use and soil stabilization	Mitigates floods, wildfires, mud slides, erosion, effects of drought
Sustainable water and storm-water management	Mitigates drinking water contamination, flooding, drought and emergencies related to sewer capacity overload
Sustainable energy measures (e.g. district heating, renewable energy, bio-mass energy, energy conservation programs, public transport)	Mitigates energy emergencies due to failure of transmission lines Reduces energy demand Increases energy capacity Climate change protection
Sustainable waste management (e.g. recycling, bio-waste used as an energy source, and hazardous waste management)	Mitigates soil and water contamination, tire fires etc. Increases energy capacity Reduces pressure on land-fill and waste transport

Courtesy Jiri and Simone Skopek with ECD Jones Lang LaSalle

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NeighborNet

- Network for “communities” to share information and resources
- Focus on building resilience
- Framework for new local networks
- Examples: Tulsa, OK; Charleston, SC; Seattle, WA.

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Planning Mechanisms

- Talking to each other!
- Plan based on community needs – not just regulations
- Mitigation Planning
- Comprehensive Planning
- Transportation Planning
- Recovery Planning (Pre and Post event)
- Etc.

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Get Ready to Take Advantage of the Opportunity Presented by a Crisis

- Patchwork Quilt White Paper of Available Pre and Post Disaster Funding
- Understand the Options available pre and post disaster

Use other Available Tools:

- FEMA Risk MAP Products
- NOAA Digital Coast
- StormSmart Coasts Products and Web-Based Information

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Tools For Preparation and Recovery

- *Planning and Building Livable, Safe & Sustainable Communities: The Patchwork Quilt Approach*
- Located at:
- http://stormsmart.org/uploads/patchwork-quilt/patchwork_quilt.pdf
- *A Question for the Group:*
- *What is the Best Form of Hazard Mitigation?*

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Available on Both NHMA & StormSmart



**Patchwork Quilt:
A Creative
Strategy for
Safe Post-Disaster
Rebuilding**

Special Edition for:
ASFP
November 2011

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Creating the Quilt-Leadership

- First We Need A Quilter – A Community Leader With Vision For Change
- A specific pattern, or plan must be formulated to guide recovery
- Piecing together implementation will require significant technical support
- How do you engage technical support?
- Where are resources found to bind it all together for long-term strength and endurance?

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Obtaining Technical Assistance

Planning for Recovery	Participants & Resources
<ul style="list-style-type: none">• Hazard Mitigation Plans – state, local, regional or university• FEMA-State Disaster Mitigation Strategies• Long-Term Community Recovery Plans – ESF 14• Statewide initiatives such as Road Back Home or Mississippi Recovery & Renewal	<ul style="list-style-type: none">• Federal, state and local governments• Regional authorities, community groups & other local agencies• Consultants• Businesses• Universities• National Non-governmental Organizations



The Pieces of the Quilt

<ul style="list-style-type: none">• FEMA grant programs• Tornado Safety Programs (HUD, CDBG, NSSA)• IRS Casualty Loss Deductions• Agricultural Assistance (USDA)• No Adverse Impact• Housing Assistance (HUD, Dept of Energy)• Building Science• Community Rating Systems	<ul style="list-style-type: none">• Foundations• VOADs• Infrastructure Assistance (Dept of Trans)• FireWise• StormReady• Environmental Groups• Public Private Partnerships• National Non-governmental Organizations• CERT
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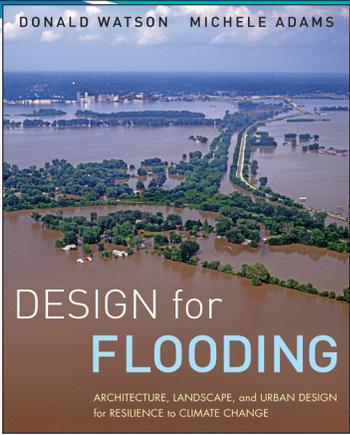
The Crisis Need Not Be A Disaster 

- Wildfire related discussion of climate change or variability
- Wildfire can totally change the H&H of the afflicted portions of a watershed, potentially for many years
- Discussion of unusual, or record drought conditions-which often lead to floods on parched soil
- Any crisis is a terrible thing to waste if we can lead the discussion around to providing a message of safe development, delivered about what the audience care's about

Exceptional Book

Available on Amazon

A must read, must have for your library, if you care about floods, or climate variability



New APA Publication Edited by Jim Schwab 



Hazard Mitigation: Integrating Best Practices into Planning,
edited by James Schwab, AICP



American Bar Association

Summary of ABA Resolution 107 E:
 "The following recommendations of the Financial Services Round Table Blue Ribbon Commission on Megacatastrophes are highly desirable loss mitigation suggestions:

- > **State of the art building codes**
- > **Cost-effective retrofitting**
- > **Land use policies that discourage construction posing high risk to personal safety or property loss.**
- > **Property tax credits to encourage retrofitting**

These and related elements of loss mitigation are designed to ultimately bring to market affordable insurance policies with broadened coverages."



American Bar Association Resolution 114; Adopted by the ABA House of Delegates; February 2011

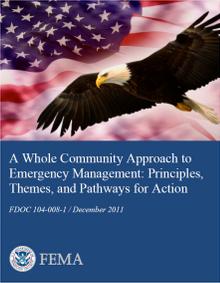
The American Bar Association has subscribed to the White Paper on Hazard Mitigation prepared by the National Emergency Management Association (NEMA) under contract to FEMA

In Resolution 114 ABA voted to:

- a) Support hazard mitigation through disaster planning;
- b) Recognize the role of state and local government;
- c) Give due regard to property rights
- d) Legal issues



Recommended Reading:



A Whole Community Approach to
 Emergency Management: Principles,
 Themes, and Pathways for Action
FDOC 104-008-1 / December 2011



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Definitely Worth a Look

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There is a Significant Role for the Planning Community in this Important Publication

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Planning is Stressed Throughout the Disaster Recovery Framework-A Huge Step Forward for Planners

Table 6: Recovery Mission Area Capabilities and Preliminary TargetsTM

Recovery Mission Area Capabilities and Preliminary Targets TM	
Planning	Conduct a systematic process engaging the whole community as appropriate in the development of executable strategic, operational, and/or community-based approaches to meet defined objectives.
1. Convene the core of an inclusive planning team (identified pre-disaster), which will oversee disaster recovery planning. 2. Complete an initial recovery plan that provides an overall strategy and timeline, addresses all core capabilities, and integrates socioeconomic, demographic, accessibility, and risk assessment considerations, which will be implemented in accordance with the timeline contained in the plan.	
Public Information and Warning	Deliver coordinated, prompt, reliable, and actionable information to the whole community through the use of clear, consistent, accessible, and culturally and linguistically appropriate methods to effectively relay information regarding any threat or hazard and, as appropriate, the actions being taken and the assistance being made available.
1. Reach all populations within the community with effective recovery-related public information messaging and communications that are accessible to people with disabilities and people with limited English proficiency, protect the health and safety of the affected population, help manage expectations, and ensure stakeholders have a clear understanding of available assistance and their roles and responsibilities. 2. Support affected populations and stakeholders with a system that provides appropriate, current information about any continued assistance, steady state resources for long-term impacts, and monitoring programs in an effective and accessible manner.	



Presidential Policy Directive 8 (PPD-8)

- Issued by President Obama in March 2011
- Implementation planning and documentation development underway
- PPD-8 deals with the nation's preparedness for dealing with catastrophic results from natural or human caused events
- Includes significant planning and hazard mitigation elements
- Definitely many opportunities for additional input
- Additional input from grass-roots planners much needed



FEMA Just Sponsored the First of Several Stakeholder Meetings

- The NHMA Representative, at the meeting, Darrin Punchard of AECOM, has prepared a short report available to any of you who desire a copy
- Any individuals can provide their own input, thoughts or ideas to FEMA at: fema.ideascale.com (click on the link for 'Presidential Policy Directive 8'). At this site you also may view, comment and vote on those ideas submitted by others.



Summary

- Fundamentally our society must choose either:
Better standards to protect resources and people
or
Standards which inevitably will result in destruction and litigation

The higher regulations of the FEMA Community Rating System are headed in the right direction

All of us can and should play a key role in planning a safe and sustainable future

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Safe Development Is Affordable

- The American Institutes for Research has conducted a detailed study on the cost of floodproofing and elevation
- That study supports the idea that elevation and floodproofing costs add very small sums and have a significant societal payback
- The Multihazard Mitigation Council, a group which includes private industry representatives, reports that post disaster hazard mitigation has a proven 4-1 payback
- Recent research by The Wharton School supports my often repeated statement that the payback for safe construction from the get-go is more like 100-1 or greater. Extra cost of safe & proper development is also assigned to the person who reaps the benefit of the development **34**

The Choice of Development or No Development is a False Choice!

The Choice We Have as a Society is Rather Between:

1. Well planned development that protects people and property, our environment, and our precious Water Resources while reducing the potential for litigation; or
2. Some current practices that are known to harm people, property, and natural floodplain functions- ... and may lead to litigation and other challenges

Oh yeah, and climate variability/change/uncertainty only gives us bigger challenges **35**

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Questions
Comments?



Thanks!

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