

Part 11. Maintenance and Implementation Procedures

Monitoring, Evaluating and Updating the Plan

Periodic monitoring and reporting of this plan is required to ensure that the goals and objectives for the region are kept current and that local mitigation efforts are being carried out. This plan has therefore been designed to be user-friendly in terms of monitoring and implementing.

Annual Reporting Procedures

This plan shall be reviewed annually, as required by the Utah DESHS, or as situations dictate such as following a disaster declaration. Each year the Wasatch Front Regional Council, Community Development Department and/ or Southeastern Association of Local Governments will review the plan and ensure the following:

1. The Executive Director 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 Executive Director, participating Jurisdictions, or Utah DESHS determines that a modification of the plan is warranted, an amendment to the plan may be initiated.

Revisions and Updates

Periodic revisions and updates, based on funding, of the plan are required to ensure that the goals and objectives for the 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

The entire plan including any background studies and analysis should be reviewed every five (5) years to determine if there have been any significant changes in the region that would affect the plan. Increased development, increased exposure to certain hazards, the development of new mitigation capabilities or techniques and changes to Federal or State legislation are examples of changes that may affect the condition of the plan.

The Natural Hazard Pre-Disaster Mitigation Planning Committees, with a potential membership representing every jurisdiction in the area, will be reconstituted for the five (5) year review/update process. Typically, the same process that was used to create the original plan will be used to prepare the update.

Further, following a disaster declaration, the plan will need to be revised to reflect on lessons learned or to address specific circumstances arising out of the disaster.

The results of this five (5) year review will be summarized in the annual report prepared for this plan under the direction of the Executive Director. The annual report will include an evaluation of the effectiveness and appropriateness of the plan, and will recommend, as appropriate, any required changes or amendments to the plan.

If the Executive Director, participating jurisdictions, or Utah DESHS determines that the recommendations warrant modification to the plan, an amendment may be initiated as described below.

Plan Amendments

An amendment to the plan should be initiated by Utah DESHS, or the Executive Director, either at its own initiative or upon the recommendation of the State Hazard Mitigation Officer, Community Development Director or Mayor of an affected community.

Upon initiation of an amendment to the plan, WFRC and/ or SEUALG will forward information on the proposed amendment to all interested parties including, but not limited to, all affected city or county departments, residents and businesses. Depending on the magnitude of the amendment, the full planning committee may be reconstituted. At a minimum, the information will be made available through public notice in a newspaper of general circulation or on the SEUALG website.

Information will also be forwarded to the Utah DESHS. This information will be sent out in order to seek input on the proposed plan amendment for not less than a forty-five (45) day review and comment period.

At the end of the comment period, the proposed amendment and all review comments will be forwarded to the Community Development Director for consideration. If no comments are received from the reviewing parties within the specified review period, such will be noted accordingly. The Community Development Director will review the proposed amendment along with comments received from other parties and submit a recommendation to the Executive Director within sixty (60) days.

In determining whether to recommend approval or denial of a plan amendment request, the following factors will be considered:

1. There are errors or omissions made in the identification of issues or needs during the preparation of the plan; and/or
2. New issues or needs have been identified which were not adequately addressed in the plan; and/or
3. There has been a change in information, data or assumptions from those on which the plan was based.
4. The nature or magnitude of risks has changed.
5. There are implementation problems, such as technical, political, legal or coordination issues with other agencies.

Upon receiving the recommendation of the Executive Director or his/her designee, a public hearing will be held. The Executive Director will review the recommendation (including the factors listed above) and any oral or written comments received at the public hearing. Following that review, the Executive Director will take one of the following actions:

1. Adopt the proposed amendment as presented.
2. Adopt the proposed amendment with modifications.
3. Defer the amendment request for further consideration and/or hearing.
4. Reject the amendment request.

Implementation and Administration through Existing Programs

Once this plan is promulgated participating cities and counties will be able to include the valuable information in this plan into existing programs and plans. These can include the General or Master Plan, Capital Improvements Plan, Emergency Operations Plan, State Mitigation Plan, City Mitigation Plans. Many of the mitigation actions developed by the cities and counties have elements of mitigation implementation including the NFIP, Fire Code, BCEGS, and CRS all of which have been implemented.

Administration will be carried out on a local level by existing and/ or new staff members dependant on the size and funding of each the projects.

Process

It will be the responsibility of Mayor/Council/Commissioner(s) of each jurisdiction, as he/she/they see fit, to ensure these actions are carried out no later than the target dates unless reasonable circumstances prevent their implementation (i.e. lack of funding availability).

Funding Sources

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

Federal Programs

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 Natural Hazard Pre-Disaster 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 people. 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.

State Programs

The state of Utah maintains a philosophy of local responsibility for hazard mitigation. State agencies still provide an integrated network of support, services, and resources for hazard mitigation activities. As demonstrated during past disasters, these agencies are well organized in their delivery and coordination of services. The following is a review of State departments with disaster responsibilities describing their existing and planned mitigation programs.

An evaluation of the laws, regulations, authorities, policies, and programs used in Utah to mitigate hazards demonstrate that they work exceptionally well, as evidenced by the massive amount of mitigation accomplished in Utah, the few numbers of disasters, and the limited nature of those emergencies that do occur. According to the Utah SHMT, the only changes that could be considered by the Legislature might be ones that parallel the Federal Disaster Mitigation Act of 2000, which would integrate pre-disaster mitigation considerations into the code of various state agencies.

Utah Division of Emergency Services and Homeland Security (DESHS)

The capabilities of DESHS Hazard Mitigation Program include:

- Prepare, implement, and maintain programs and plans to provide for preventions and minimization of injury and damage caused by disasters.
- Identify areas particularly vulnerable to disasters.
- Coordinate hazard mitigation and other preventive and preparedness measures designed to eliminate or reduce disasters.
- Assist local officials in designing local emergency actions plans.
- Coordinate federal, state, and local emergency activities.
- Coordinate emergency operations plans with emergency plans of the federal governments.

Through the State Hazard Mitigation Program, the following occurs:

- Provides a state coordinator for hazard mitigation, the State Hazard Mitigation Officer.
- Provides a central location of the coordination of state hazard mitigation activities.
- Provides coordination for the Federal Pre-Disaster Mitigation Program.
- Provide for coordination of Project Impact.
- Provide coordination for Comprehensive Multi-hazard Mitigation Plan development, implementation, and monitoring.
- Provide for interagency coordination
- Provide development of procedures for grant administration and project evaluation.
- Provide State Hazard Mitigation Team assistance to local governments.
- Provide for development of specific hazard mitigation plans, such as drought and wildfire.
- Provide for local hazard and risk analysis.
- Provide for development of SHMT mitigation recommendations following disasters.

Utah Department of Agriculture

The Utah Department of Agriculture administers programs serving the state's large agricultural sector. The department's response role during and after a disaster period has been to coordinate damage reports for funding needs and provides loan and recovery program information and assistance to disaster victims. This service is provided for flood, drought, insect infestation, fire, livestock disease, and frost.

Assistance During Drought Disasters

A damage reporting network coordinated through the existing County Emergency Board was established during the drought disaster of 1996. Each county agent assembled damage reports in his area and transmitted them through a computer network based at Utah State University. The individual damage reports from each county were recapped in the Department of Agriculture and formed the basis of documentation for an appeal to the legislature for additional funds to mitigate the damage.

Loans Handbook

The department has prepared a handbook listing the types of loans available for flood damage to agriculture, the funding requirements, and applications procedures. This includes loans from both state and federal sources. There are three loan programs operated by the agriculture department, all of which can be used for flood damage:

- 1) Rural Rehabilitation Loan Program (federally funded and operated by the state)
- 2) Agriculture Resource Development Loan Program (state funded)
- 3) Emergency Loan Program (state funded)

Soil Conservation Program

The Department of Agriculture also administers the ongoing Soil Conservation Program. In each of the state's thirty-nine soil conservation districts, three unpaid, elected supervisors offer technical assistance and consultation on watershed protection. The state offers limited technical and planning assistance through a staff member. The program works cooperatively with the federal Soil Conservation Service, which provides most of the technical assistance. The ongoing program is not regulatory, but is directed towards improved water use and soil conservation.

Disaster Easements

Because of the similarity between past events, the department is now working on a permanent hazard mitigation concept known as "Disaster Easements", which may have widespread agreements with irrigation companies, water districts, or water users' associations for the purpose of routing flood water through local communities.

Monitoring Ground Water Quality

The Department also monitors the quality of groundwater, including individual wells and springs throughout the State.

Non-Point Source Pollution

The Department's Non-Point Source Pollution Program focuses on flood prevention through reduction of erosion, vegetating streams, and restoring "natural stream structure". The Department also monitors drought conditions, which are a precursor to wildfire.

Department of Community and Economic Development

Community Impact Board

The Utah Permanent Community Impact Fund Board provides loans and/or grants to state agencies and sub-divisions of the state, which may be socially or economically impacted by mineral resource development of federal lands.

Permanent Community Impact Fund

The Permanent Community Impact Fund provides loans and/or grants to state agencies and subdivisions of the state, which are or may be socially or economically impacted, directly or indirectly, by mineral resource development on federal lands.

Under the Federal Mineral Lease Act of 1920, leaseholders on public land make royalty payments to the federal government for the development and production of non-metalliferous minerals. In Utah, the primary source of these royalties is the commercial production of fossil fuels on federal land held by the U.S. Forest Service and the Bureau of Land Management. Since the enactment of the Minerals Lease Act of 1920, a portion of these royalty payments, called mineral lease payments, have been returned to the state in an effort to help mitigate the local impact of energy and mineral developments on federal lands.

Funding Options

The Board has the option of funding projects with loans and/or grants. The Board's preferred financing mechanism is an interest-bearing loan.

Loan Requirements

In providing financial assistance in the form of a loan, the Board may purchase an applicant's bonds only if the bonds are accompanied by legal opinion of recognized municipal bond counsel to the effect that the bonds are legal and binding under applicable Utah Law.

The Board may purchase either a taxable or tax-exempt bond. The board may purchase taxable bonds if it determines, after evaluating all relevant circumstances, including the applicant's ability to pay, that the purchase of the taxable bonds is in the best interest of the state and the applicant.

Grants

Grants may be provided only when the other financing mechanisms cannot be utilized, where no reasonable method of repayment can be identified, or in emergency situations regarding public health and/or safety.

Community Development Block Grant

The Community Development Block Grant, or CDBG program, provides funding from the federal government's Department of Housing and Urban Development or HUD, to small cities and counties in the State of Utah.

Utah Division of State History

The Utah State Historical Society, Utah's Division of State History, was founded in 1897 on the 50th anniversary of the first settlement in the Salt Lake Valley by the Mormon Pioneers. The Society became a state agency in 1917, now housed in the historic Rio Grande Depot since 1980. The Division stimulates archaeological research, study; oversees the protection and orderly development of sites; collects and preserves specimens; administers site surveys; keeps excavation records; encourage and supports the preservation of historic and pre-historic sites and publishes antiquities records. The Division also issues archaeological permits and consults with agencies and individuals doing archaeological work.

Preserving and Sharing Utah's Past

The mission of the State Division of History is "preserving and sharing Utah's past for the present and the future".

State Historical Preservation Officer (SHPO)

The SHPO administers the Section 106 process (national Historic Preservation Act) in Utah. The SHPO also serves on the Utah State Hazard Mitigation Team, providing guidance on historical and cultural preservation regulations.

Historic properties include districts, buildings, structures, objects, landscapes, archeological sites, and traditional cultural properties that are included in, or eligible for inclusion in, the National Register of Historic Places. These properties are not just "old buildings" or "well-known historic sites, but places important in local, state, or national history. Facilities as diverse as bridges and water treatment plants may, be considered historic.

Utah Geological Survey (UGS)

The Utah Geologic and Mineral Survey is the principal state agency concerned with geologic hazards. Through years of study, the UGS has developed considerable information on Utah's geologic hazards. When geologic events occur or threaten to occur, the UGS is consulted by other state agencies, local governments, and private organizations for assistance in defining the threat from natural hazards. The UGS works in partnership with other agencies, such as DESHS, in relating the threats from natural hazard to the communities at risk.

Functions

The functions of the UGS include the following:

- Evaluation of individual geological hazards;
- Participation on local government and state agency technical teams;
- Prediction of the performance on individual slides once they began to move;
- Coordination and awareness of research efforts undertaken by other agencies;
- Provide information on status of individual geologic hazards;
- Reconnaissance reports on status of hazards statewide;
- Advise Division of Water Rights on geologic hazards associated with dam sites; and
- Provide geologic information for use during planning of remedial actions.

Laws/authorities/policies of the Utah Geological Survey for conducting mitigation

Utah Code Annotated

Chapter 73 Geological and Mineral Survey

Section 68-73-6 Objectives of Survey

- (1) Determine and investigate areas of geologic and topographic hazards that could affect the safety of, or cause economic loss to, the citizens of this state; (f) assist local and state government agencies in their planning, zoning, and building regulations functions by publishing maps, delineating appropriately wide special earthquake risk areas, and, at the request of state agencies, review the citing of critical facilities:

Utah State Office of Education (USOE) Rule R277-455 Standards and Procedures for building plan review

R277-455-4 Criteria for Approval; to receive approval of a proposed building site, the local school district must certify that:

Staff of the Utah Geologic Survey have reviewed and recommended approval of the geologic hazards report provided by the school districts geo-technical consultant.

Division of Water Resources

The Divisions role of planning, funding and constructing water projects serves as both active and passive hazard mitigation against drought and flood situations throughout the state. The various State water plans contain brief summaries of flood threat and risk for each drainages.

The Division is one of seven agencies in the State Department of Natural Resources. The eight member Water Resources Board, appointed by the governor, administers three state water conservation and development funds. These include:

- Revolving Construction fund – This fund started in 1947 with 1 million legislative appropriation to help construct irrigation projects, wells and rural culinary water systems. Further appropriations have added to this fund.
- Conservation and Development Fund – This fund was created in 1978 wit the sale of 25 million in general obligations bonds. Money was added to this fund with bond sales in 1980 and 1983. The C & D Fund generally helps sponsors finance larger multi-purpose dams and water systems.
- Cities Water Loan Fund – Established with an initial legislative appropriation of 2 million dollars in 1974, and with continued appropriations, this fund provides financing to help construct new culinary water projects for cities, towns, improvement districts, and special service districts.

Construction Funds

In addition to overseeing these three construction funds, the Division also manages the State funds appropriated each year for renovation and reconstruction of unsafe dams. As the funding arm of the state for water resource projects the Division works closely with Water Rights, the Regulatory arm of the state charged with jurisdiction over all private and state owned dams.

Water Resource Planning

The Division is also charged with the general water resource planning for the state. The State Water Plan is a process that is coordinated to evaluate existing water resources in the state, determine water-related issues that should be confronted and recommend how and by whom issues can be resolved. The plan identifies programs and practices of state and federal agencies, water user groups and environmental interests and describes the state's current, future, and long-term water related needs. The plan is continually updated using current hydrologic databases, river basin simulations, water supply and demand models and water related land use inventories. Revisions reflect the latest water conservation and development options concerning water rights, water transfers, population, zoning, and many other complex issues for the next 50 years in the state's major river basins.

Utah Division of Forestry, Fire, and State Lands

The Division of Forestry, Fire & State Lands utilizes the principles of stewardship and ecosystem management to assist non-federal landowners in management of their natural resources. The agency provides wildland fire protection for non-federal landowners commensurate with risk; and optimizes the benefits from ecosystem based, multiple-use management of resources held in the public trust. Wildfires are managed from six area offices 1) Bear River Office, 2) Northeast Area, 3) Wasatch Front Area, 4) Central Area, 5) Southwest Area, and 5) Southeast Area. The Division operates under the authority of the Utah Code Annotated 65-A-3-1 through 10.

The Flame-n-Go's (pronounced Flamingoes)

In 1978 the Division of Forestry, Fire, and State Lands and the Utah State Prison signed a cooperative agreement establishing Utah's first volunteer, inmate wildland fire hand-crew. The inmates named themselves the "Flame-N-Go's" and designed a logo that has become well known in the wildland fire fighting community.

All Flame-N-Go's are carefully screened for the program. They must complete rigorous training and sign a yearly contract committing themselves to preserving Utah's natural resources and building responsible lives.

The Flame-N-Go's are divided into three crews, each of which can respond to fires anywhere in the United States. A twenty-man type II hand line crew is the backbone of the group, responding to each assignment with all tools and equipment needed to do battle on the fire line. An Engine Strike Team, (five fire engines, outfitted with men and equipment) is ready to respond when needed as an Engine Strike Team or a Type II Hand line Crew. The Hotshot crew is trained to tackle the most dangerous fires in the most rugged terrain. All crews during peak fire season are on 24-hour call to respond within an hour's notice. These crews respond to an average of 50 fires per year and typically spend 45,000 hours fighting fires each season. At least one Division of Forestry, Fire, and State Lands supervisor and two Department of Corrections staff accompany each crew.

Each year, Flame-N-Go's are put through at least 80 hours of extensive training including classroom work and practical field exercises. Safety, individual, and team skills, and professionalism are stressed.

National Fire Plan

The Division administers the State responsibilities of the National fire Plan, a current emphasis of the U.S. Congress, which also addresses hazard and risk analysis and hazard mitigation.

Living With Fire Committee

The Division works in partnership with the U.S. Forest Service, Bureau of Land Management, and various other entities tasked with suppressing wildland fires on the "Living With Fire" program promoting wildland fire mitigation.

Utah Division of State Parks and Recreation

The goal of the Division of Parks and Recreation is to enhance the quality of life for residents and visitors of our state through parks, people, and programs. They are responsible for protecting, preserving, and managing many of Utah's natural and heritage resources.

Hazard and Risk Analyses

The Division develops hazard and risk analyses for the State Parks as part of the park resource management plans. The Utah Division of Emergency Services and Homeland Security produced one analysis for Snow Canyon State Park in Washington County.

Non-Motorized Trail Program

The Recreational Trails Act of 1991 charged Utah State Parks and Recreation with coordinating the development of a statewide network of non-motorized trails. The Non-Motorized Trail program makes state and federal funds available on a 50/50 matching basis to any federal, state, or local government agency, or special improvement district for the planning, acquisition, and development of recreational trails.

Grants from State Parks Boards

The council advises the Division of Parks and Recreation on non-motorized trail matters, reviews requests for matching grant fiscal assistance, rates and ranks proposed trail projects and along with State Park's staff provides recommendations for funding to the State Parks Board.

Riverway Enhancement Program

In 1986, the Utah Legislature passed a bill, which established the Riverway Enhancement Program. The program makes state funds available on a 50/50 matching basis to state agencies, counties, cities, towns, and/or special improvement districts for property acquisition and/or development for recreation, flood control, conservation, and wildlife management, along rivers and streams that are impacted by high density populations or are prone to flooding. Public outdoor recreation should be the primary focus of the project.

Utah Division of Water Rights

The Division of Water Rights is the state agency that regulated appropriation and distribution of water in the State of Utah. It is an office of public record. The Utah State Engineer's Office was created in 1897. The State Engineer's Office is the chief water rights administrative officer. A complete "water code" was enacted in 1903 and was revised and reenacted in 1919. This law, with succeeding complete reenactments of State statutes, and as amended, is presently in force mostly as *Utah Code, Title 73*. In 1963, the name was changed from State Engineers office to the Division of Water Rights.

All water in Utah are public property. A water right is a right to the use of water based upon 1) quantity, 2) source, 3) priority date, 4) nature of use, 5) point of diversion, and 6) physically putting water to beneficial use.

Regulate Dams

The State engineer has the authority to regulate dams for the purpose of protecting public safety. Dams are classified according to hazard, size, and use. The dam inventory gives the identification, location, construction parameters, and the operation and maintenance history of the dams in Utah.

Stream Alterations Program

The Utah State Engineer's Office administers a Stream alterations program with the purpose of regulation activities affecting the bed or banks or natural streams. The State Engineer's working definition of a natural stream is any natural waterway in the state, which has flows of sufficient duration to develop a characteristic ecosystem distinguishing it from the surrounding environments. Any individual planning an activity that will affect a natural stream must first obtain a Stream Alterations Permit from this office.

Most proposals reviewed by the State, are covered by General Permit 40, which authorizes the state to have its Stream Alteration Permit fulfill the requirements of Section 404 of the Clean Water Act for most activities. General permit 40 does not apply in some instances and a U.S. Army Corps of Engineers Individual Permit is required. Projects requiring this additional permit include those involving wetlands, threatened or endangered species, properties listed on the National Historic Register, stream relocation, or the pushing of streambed material against a stream bank.

Dam Safety Program

The Dam Safety Section of the Division of Water Rights was established under Chapters 73-5a 101 thru 73-5a 702 including chapters 73-2-22 for Flood Control and the Chapter 63-30-10 Waiver of Immunity of the Utah Code and Rules R655-10 thru R655-12-6A. The program basically has jurisdiction over all private and state owned dams in the state during design, construction, operation, and decommissioning. This involved periodic inspections according to hazard classifications, inventory maintenance, design, and construction approval and systematic upgrade of all the high hazard structures to current dam safety Minimum Standards and creation of Emergency Action Plans for High Hazard dams. Since 1991, detailed dam reviews have been undertaken by the staff and by private consulting firms. Since 1995, the State Legislature has provided 3-4 million dollars per year to finance 50 % of the instrumentation, investigations, and design and 80 to 90 % of the construction costs of retrofitting and upgrading deficient dams, starting with the worst dams in the most hazardous locations.

The impetus for this dam safety program has been in reaction to dam failures, both in Utah and in other states, including the Teton Dam in Idaho and the Trial Lake Dam in Summit County and the Quail Creek Dam near St. George Utah. Since the establishment of our Minimum Standards program we have fostered the repair of dozens of dams and have not had a catastrophic failure since.

Future recommendations include continuation of the funding for dam upgrades for all the high hazard dams, and then the moderate hazard dams, continued annual inspections for maintenance items and dangerous deficiencies, upgrading EAP, and hazard assessment to reflect downstream development. Inclusion of the scanned design drawings and inundation maps from the EAP studies is being considered for our web page for public information and emergency access. Possible expansion of the program to cover canals and dikes has been considered.

Utah Division of Wildlife Resources

It is the mission of the Utah Division of Wildlife Resources to serve people of Utah as trustee and guardian of the State's wildlife. Regulates hunting, fishing and trapping, and promotes recreational, educational, scientific and aesthetic enjoyment of wildlife.

Wildlife Habitats and Hazards

Wildlife species and/or their habitats are frequently exposed to hazards. These may be either natural or human influenced (i.e. drought, flood, fire, wind, snow, wetland drainage, water diversions, hazardous material spills, improper/illegal chemical use, earthquake, and other land or water construction/development). Impact resulting either directly or indirectly, from individuals or an accumulation of several hazards, may cause but not be limited to: decreased water supply, stream/lake channel/basin morphology change, riparian/upland vegetation loss or degradation, and impairment of water quality. These in turn have a varying influence, in the extreme causing death or at a minimum temporary stress, on wildlife populations and their habitats. Hazards mentioned may affect a fairly large geographic area or be very localized in nature.

While the Division of Wildlife Resources (DNR) is charged with the management of wildlife, they do not have regulatory authority over water appropriations, water quality, development, or land management; except as allowed or occurring on properties they own. Therefore, when hazards occur, outside DWR property, DWR is limited to be a participating influence only through comments to the other regulatory agencies or individuals.

DWR management of wildlife is carried out largely through regulation of taking, controlling, disturbance and/or possession of wildlife, and introduction of movement of species. However, there are numerous non-regulatory means (i.e. conservation agreements, memorandum of understanding, contract, lease agreements, cooperative agreements, and technical assistance) by which DWR interacts with other agencies, groups and individuals, to have an influence on wildlife and/or their habitat.

Hazard Areas of Commentary Interaction

While not being able to control/regulate many of the elements necessary for the benefit of wildlife; DWR provides technical comments for the maintenance, protection, and enhancement of wildlife and/or habitats for various value reasons. It is too extensive list all the areas of comment; however, the following are examples of fairly frequent concern:

- Steam Channel Alteration Permit Applications
- Water Rights Filings
- Energy and Mineral Exploration and Extraction Applications
- Federal Agency land management plans
- Waste Water Discharge Permit Applications
- Hydroelectric plant licensing or regimenting
- Urban and rural development project planning
- Utility transmission line style and locations
- Wetland alteration
- Federal land management planning
- Highway constructions

The Utah Division of Drinking Water

Division of Drinking Water's Mission Statement is to "protect the public against waterborne health risks through assistance, education, and oversight". The Division acts as the administrative arm of the Utah Drinking Water Board. It implements the rules, which they adopt. As such, it is engaged in a variety of activities related to the design and operation of Utah's public drinking water system. The Utah Drinking Water Board is an 11-person board appointed by the Governor. It is empowered by Title 19, Chapter 4 of the Utah Code to adopt rules governing the design, operations, and maintenance of Utah's "public drinking water system".

Safe Drinking Water Act

There is a Federal Safe Drinking Water Act, which applies to all public drinking water systems in the country. The U.S. Environmental Protection Agency (EPA) has given Utah "primacy" for enforcing the federal act within its boundaries. To qualify for this Utah's laws and rules governing public drinking water systems must be at least as strict as the federal law.

Sanitary Surveys

The Division performs sanitary surveys on the water systems, which is a compliance action that identifies system deficiencies.

Emergency Response Plans

The Division of Drinking Water requires water utilities to prepare emergency response plans under the State Safe Drinking Water Act, Utah Code Section 19-4. The Division operates according to DDW Rules: R309 gives them authority to administer actions: R309-301 through R309-104 and R309-113, R309-150, R309-301, and R309-211.

Utah Division of Solid and Hazardous Waste

The Tier II Chemical Inventory report, required by the Federal Emergency Planning and community Right-to-Know Act, requires facilities to submit lists of hazardous chemicals present on site. These reports are computerized and the information is provided to local emergency planning committees, the general public, and others for contingency planning purposes. To implement the Federal law, the State operates under Utah State Code, Section 63-5-5. The Division of Solid and Hazardous Waste requires that hazardous waste

treatment storage and disposal facilities prepare and emergency response plan as required by regulations authorized by the State Solid and Hazardous Waste Act, Utah Code Section 19-6.

Other Agency programs are regulatory in nature requiring proper use or disposal of hazardous substances or pollutants. For example the Division of Solid and Hazardous Waste regulates the disposal of hazardous waste, the Division of Radiation Control regulates the proper usage and disposal of radioactive materials. As such there is a threat mitigation nature to these programs.

Utah Division of Water Quality

The Utah Division of Water Quality protects, maintains, and enhances the quality of Utah's surface and underground water for appropriate beneficial uses; the Division of Water Quality regulates discharge of pollutants into surface water, and protects the public health through eliminating and preventing water related health hazards which can occur as a result of improper disposal of human, animal, or industrial wastes while giving reasonable consideration to the economic impact.

Water Quality Fund and Wastewater Treatment Project Fund: The Division Manages the Water Quality Revolving Fund that can be used by local governments for water quality projects and a Wastewater Treatment Project Fund.

Abating Watershed Pollution: Federal and State regulations charge the Division with "preventing, controlling, and abating" watershed pollution. Other state and local agencies have similar responsibilities. The Watershed Approach forms partnerships with these groups to pool resources and increase the effectiveness of existing programs. For each watershed management unit, a watershed plan will be prepared. The watershed plan addresses management actions at several spatial scales ranging from those that encompass a watershed management unit to specific sites that are tailored to specific environmental conditions. Ground water hydrologic basins and eco-region areas encompassed within the units will also be delineated.

State Revolving Fund Program

In 1987, Congress replaced the Construction Grants Program, with the State Revolving Fund Program. Rather than provide direct grants to communities, the federal government provides each state with a series of grants, then each state contributes a 20 percent state match. Grants from the federal government are combined with state funds in the Water Quality Project Assistance Program (WQPAP) and are used to capitalize a perpetual source of funds to finance water quality construction control activities at below market interests rates. Projects eligible for WQPAP financing include such traditional activities as construction of wastewater treatment plants and sewers. The program also will finance non-traditional water quality-related activities such as agricultural runoff control, landfill closures, contaminated industrial property (Brownfield) remediation, stream bank restoration, and wellhead protection.

Local

Local governments depend upon local property taxes as their primary source 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.

Paramount to having a plan deemed to be valid is its implementation. There is currently no new fiscal note attached to the implementation of this plan.

Continued Public Involvement

Throughout the planning process, public involvement has been and will be critical to the development of the Plan and its updates. The plan will be available on the SEUALG and Utah DESHS website's to provide opportunities for public participation and comment. The plan will also be available for review at the offices of the Wasatch Front Regional Council and/ or Southeastern Utah Association of Local Governments.

The Wasatch Front Regional Council has been designated as the lead agency in preparing and submitting the Southeastern Utah Association of Local Governments Natural Hazard Pre-Disaster Mitigation Plan, which includes coverage for all incorporated cities and counties within the four county region, i.e. Carbon, Emery, Grand, and San Juan Counties. The strategy of the Association of Governments in preparing the plan is to use available resources and manpower in the most efficient and cost effective manner to allow our cities and counties continued access to data, technical planning assistance and FEMA eligibility. In addition, the AOG will reach out to non-profits, public agencies, special needs organizations, groups and individuals in allowing them input and access to the plan. With limited resources, however, it becomes difficult to both identify and to individually contact the broad range of potential clients that may stand to benefit from the plan. This being the case, we have established the following course of action:

STEP 1. The AOG will publicly advertise all hearings, requests for input and meetings directly related to the Natural Hazard Pre-Disaster Mitigation Planning process. Meetings of the regional council where plan items are discussed and where actions are taken will not receive special notifications as they are already advertised according to set standards. All interested parties are welcome and invited to attend such meetings and hearings, as they are public and open to all. Advertisement will be done according to the pattern set in previous years, i.e. the AOG will advertise each hearing and request for input at least seven days (7) in advance of the activity and will publish notices of the event in the local newspapers. The notices will advertise both the hearing and the means of providing input outside the hearing if an interested person is unable to attend.

STEP 2. The AOG has established a mailing list of many local agencies and individuals that may have an interest in the Natural Hazard Pre-Disaster Mitigation Plan. Each identified agency or person will be mailed a notice of the hearings and open houses.

STEP 3. Comments, both oral and written, will be solicited and accepted from any interested party. Comments, as far as possible, will be included in the final draft of the plan; however, the AOG reserves the right to limit comments that are excessively long due to the size of the plan.

STEP 4. Specific to risk assessment and hazard mitigation, needs analysis, and capital investment strategies, the AOG will make initial contact and solicitation for input from each incorporated jurisdiction within the region. All input is voluntary. Staff time and resources do not allow personal contact with other agencies or groups, however, comments and strategies are welcomed as input to the planning process from any party via regular mail, FAX, e-mail, phone call, etc. In addition, every public jurisdiction advertises and conducts public hearings on their planning, budget, etc. where most of these mitigation projects are initiated. Input can be received from these prime sources by the region as well.

STEP 5. The final draft of the Natural Hazard Pre-Disaster Mitigation Plan will be presented to the SEUALG Executive Director for adoption and approval to submit the document to State authorities. SEUALG policies on adoption or approval of items will be in force and adhered to. This document is intended to be flexible and in constant change so comments can be taken at any time of the year for consideration and inclusion in the next update. Additionally, after FEMA approval of the plan, the plan will be promulgated for each local jurisdiction for adoption by resolution.

STEP 6. The following policies will guide AOG staff in making access and input to the Natural Hazard Pre-Disaster Mitigation Plan as open and convenient as possible:

A. Participation:

All citizens of the region are encouraged to participate in the planning process, especially those who may reside within identified hazard areas. The AOG will take whatever actions possible to accommodate special needs of individuals including the impaired, non-English speaking, persons of limited mobility, etc.

B. Access to Meetings:

Adequate and timely notification to all area residents will be given as outlined above to all hearings, forums, and meetings.

C. Access to Information:

Citizens, public jurisdictions, agencies and other interested parties will have the opportunity to receive information and submit comments on any aspect of the Natural Hazard Pre-Disaster Mitigation Plan, and/or any other documents prepared for distribution by the AOGs that may be adopted as part of the plan by reference. The AOG may charge a nominal fee for printing of documents that are longer than three pages.

D. Technical Assistance:

Residents as well as local jurisdictions may request assistance in accessing the program and interpretation of mitigation projects. AOG staff will assist to the extent practical, however, limited staff time and resources may prohibit staff from giving all the assistance requested. The AOG will be the sole determiner of the amount of assistance given all requests.

E. Public Hearings:

The AOG will plan and hold public hearings according to the following priorities:

1. Hearings will be conveniently timed for people who might benefit most from mitigation programs.
2. Hearings will be accessible to people with disabilities (accommodations must be requested in advance according to previously established policy).
3. Hearings will be adequately publicized. Hearings may be held for a number of purposes or functions including to: Identify and profile hazards, Develop mitigation strategies, and Review plan goals, performance, and future plans.

F. Future Revisions:

Future revisions of the plan shall include:

1. Expanded vulnerability assessments to include flood and dam failure inundation.
2. Continue the search for more specific mitigation actions.
3. An analysis of progress of the plan as it is revised.
4. Expanded look into how the identified natural hazards will affect certain populations including the young and elderly.