

2016 Hampton Roads Hazard Mitigation Plan
Public Input on the Mitigation Planning Process
Provided by Brian Donegan, Norfolk Resident
June 27, 2016

Summary

These comments are based on direct observation of public meetings, interviews with Hampton Roads District Planning Commission (HRPDC) representatives, correspondence with HRPDC representatives and a review of the Draft Hampton Roads Hazard Mitigation Plan Update with Appendices, as posted to the HRPDC website on May 24, 2016.

The processes used to conduct public outreach, collect public input and feedback, and incorporate public input into the decision-making and planning for 2016 Hampton Roads Hazard Mitigation Plan do not comply with requirements 44 CFR §201.6 as interpreted and articulated in Federal Emergency Management Agency (FEMA) *Local Mitigation Plan Review Guide*, October 1, 2011. Additionally, the draft 2016 Hampton Roads Hazard Mitigation Plan is presented in a manner that makes it difficult for an external reviewer to accurately gauge the actual level and effectiveness of public outreach and planning process involvement.

Background

The Stafford Act and Title 44 Code of Federal Regulations (CFR) §201.6 require that local mitigation plans comply with a number of requirements to be eligible for FEMA funding and programs such as Pre-Disaster Mitigation (PDM) and Hazard Mitigation Grant Program (HMGP). These programs require a multi-hazard mitigation plan that has been reviewed and approved by FEMA using the *Local Mitigation Plan Review Guide (Guide)*.

The *Guide* contains explicit definitions and direction and for reviewing and approving plans. This analysis is limited to an examination of the process used to produce the 2016 Hampton Roads Hazard Mitigation Plan (HRHMP) with emphasis on the requirements for public input and involvement.

The *Guide* emphasizes two key points relevant to this analysis. The Guide is clear that "*Process is as important as the Plan itself*" and that reviewers shall "*Review for Intent, as well as Compliance.*"

Specifically regarding public involvement in the process, the Guide reiterates the requirements of 44 CFR §201.6(b) and 6(b).1:

§201.6(b) An open public involvement process is essential to the development of an effective plan. In order to develop a more comprehensive approach to reducing the effects of natural disasters, the planning process shall include:

- (1) An opportunity for the public to comment on the plan during the drafting stage and prior to plan approval;

RECEIVED

JUN 28 2016

The Guide further defines the intent of these sections:

Overall Intent. The planning process is as important as the plan itself. Any successful planning activity, such as developing a comprehensive plan or local land use plan, involves a cross-section of stakeholders and the public to reach consensus on desired outcomes or to resolve a community problem.

The *Guide* provides specific criteria for participation in the planning process by posing detailed questions (Emphasis as included in the *Guide*):

A3. Does the Plan document how the public was involved in the planning process during the drafting stage?

“a. The plan **must** document how the public was given the opportunity to be involved in the planning process and how their feedback was incorporated into the plan. “

“b. The opportunity for participation **must** occur during the plan development, which is prior to the comment period on the final plan and prior to the plan approval / adoption.”

The *Guide* also provides specific definitions for use in applying these criteria (Emphasis as included in the *Guide*):

“Involved in the process means engaged as participants and given the chance to provide input to affect the plan’s content. This is more than simply being invited (See “opportunity to be involved in the planning process” in A2 below) or only adopting the plan.”

“An opportunity to be involved in the planning process means that the stakeholders are engaged or invited as participants and given the chance to provide input to affect the plan’s content.”

The analysis that follows examines the effectiveness of the outreach used to generate public involvement, the incorporation of public feedback into the planning processes prior to the comment period on the final plan and the characterization of these activities as reported in the plan.

Analysis

Public Outreach

While *Guide* provides the criteria for evaluating public outreach it is important that effectiveness be viewed from the perspective of what is reasonable, customary, and practically achievable in the local area. This analysis relies on the guidance of FEMA’s *Local Mitigation Planning Handbook*, March 2013 (*Handbook*) for a measure of reasonable and customary practice. The 2011 and 2006 Southside Hampton Roads Hazard Mitigation Plans (SSHRMP) are used to measure practically achievable outreach in the local area.

For the 2016 HRHMP effort, HRPDC project leadership determined that effective outreach would consist of two public meeting held at the beginning of the development process in March of 2015. Members of the public were given the opportunity to provide verbal input that was to be documented in the meeting minutes and were also offered the opportunity to provide written input by responding to a hardcopy survey distributed at these meetings. During an interview conducted in a public meeting on May 31, 2016, an HRPDC representative confirmed that the hardcopy surveys were only distributed at these meetings. (Transcript of May 31, 2016 public meeting)

At the conclusion of the March meetings, the HRHMP documents that four citizens had been touched by public outreach. (HRHMP Appendix C). HRPDC project leadership evaluated this level of outreach. Although a third meeting had been planned but was cancelled due to inclement weather, it was not rescheduled because this level of outreach was “deemed sufficient by project leaders.” (HRHMP pg. 2:9)

Seven months elapsed between the March public meetings and the first Planning Committee meetings in October 2015. During this time, HRPDC representatives report that approximately eight hardcopy surveys were submitted. This number could not be independently verified. All public comments were withheld from the draft HRHMP. (HRHMP Appendix D) At the May 31, 2016 public meeting, a member of the public requested to review the withheld survey data. HRPDC could not make it available, but reported that approximately eight surveys were returned before the Planning Committee meetings but that the data was not available. (Contemporaneous notes from May 31, 2016 public meeting) The HRHMP documents that no further formal public outreach was performed until three open public meetings were held to review “the final Hazard Mitigation Plan on May 31, June 2 and June 9, 2016.” (HRHMP pg. 2:9).

HRPDC reports entering the October Planning Committee meetings with weak records of public feedback and having engaged four to eight members of the public. These meetings represented the first opportunity for public input to be considered in the planning and decision making process. In particular, these meetings represented the public’s only opportunities to have the Planning Committee consider the incorporation of specific hazards into the plan and to address concerns regarding hazards that had been omitted from the existing plans. The HRHMP documents that at these meetings the “committee members present voted on their mitigation priorities and ranked the hazards...” (HRNMP pg. 2:6) The HRPDC website documents that, although outreach had touched only four to eight citizens, a decision was made to announce these meetings only on the HRPDC website. Specifically, no media announcements were made to inform the public of these meetings. “These meetings are open to the public and will be advertised on the HRPDC web site, but will not be advertised in the newspapers.” (HRPDC website accessed June 26, 2016).

The HRHMP further documents that no members of the general public were invited to participate in the Planning Committee meetings. (HRHMP Appendix C, applicable email headers) However, at the March 3, 2015 meeting it was announced that if members of the public provided contact information on the sign in sheet then they would receive invitations to follow-on Planning Committee meetings. (Contemporaneous notes from the March 3, 2015 public meeting) The HRHMP documents that none of the four interested members of the public were subsequently invited to the Planning Committee meetings. (HRHMP Appendix C, applicable email headers and sign in sheets) An HRPDC representative confirmed during an interview on May 31, 2016 that this commitment was made at the March 3, 2015 public meeting and that invitations to the general public were not subsequently sent. (Transcript of May 31, 2016 public meeting)

Clearly, this level of outreach falls short of the best, reasonable practice advocated in the *Handbook*. Shortcomings in outreach as measured against best practices provided in the *Handbook* are too numerous to detailed here. It is informative, however, to compare the actual outreach achieved during this plan revision to that achieved in the 2006 and 2011 SSHRMP revision efforts. Over 320 members of the public provided input for the 2006 revision:

“The survey was available at each public meeting and was also made available on the internet. Email notifications were sent to civic leagues in the region to make them aware of the survey’s availability. Hard copies of the survey were distributed at municipal and county offices. A total of 329 surveys were completed and returned.” (2011 SSHRMP pg. 2:10)

Over 260 members of the public provided feedback for the 2011 revision:

“Similar to 2006, the Public Participation Survey was designed to capture data and information from residents and business owners that might not be able to attend public meetings or participate through other means in the mitigation planning process. The Committee designed an electronic survey that was posted on Survey Monkey for several months in early 2011, and advertised extensively by HRPDC. Two-hundred sixty-nine (269) responses to the Public Participation Survey provided input for the Mitigation Planning Committee...”

The evidence supports the conclusion that public outreach for the HRHMP failed to reach a reasonable and practically achievable level. The HRHMP and correspondence with HRPDC representatives indicate that a total of eight citizens signed in to the five public meetings held in 2015/2016. This indicates that outreach was 30 times less effective than during the 2011 SSHRMP even though the SSHRMP affected only 6 of the 22 communities included in the HRHMP. In absolute terms, HRPDC has documented that outreach touched less than *1/1000 of 1 percent* of the over 1.6 M citizens covered by the HRHMP. Furthermore, it appears that HRPDC project leadership evaluated this level of outreach and made a purposeful decision to forgo additional, readily available opportunities for outreach such as:

- Rescheduling/scheduling additional public meetings between March and October 2015.
- Broadly advertising all Planning Committee meetings in an attempt to compensate for poor attendance at the initial two public meetings.
- Using cost-free, government and community group websites and social media to advertise meetings, solicit participation, and gather survey input.
- Actively advertising the effort through established networks of community groups such as civic leagues.
- Proactively engaging and identifying interested members of the public as stakeholders if they opted to provide contact information via sign-in sheets or survey forms.

Incorporation of Public Feedback

The *Guide* clearly defines the requirements for including the public in the planning process and documenting how public feedback was incorporated. The key attribute of adequate public feedback incorporation is that it “**must** occur during the plan development, which is prior to the comment period on the final plan.” These criteria must be evaluated against and applied in the context of the process and timeline that were actually executed for the development of the HRHMP.

As detailed in the Public Outreach section above, the only opportunities to generate public feedback that could have been incorporated into the plan to satisfy the 44 CFR §201.6 requirements were those that occurred between March and October 2015. Beginning in October 2015 the Planning Committee identified those hazards it felt were relevant to the region and completed the initial decision-making associated with plan development. Therefore, the only point in the HRHMP development process where substantive public feedback could be practically incorporated in a meaningful way was in October 2015. The products of the October meetings became the entering arguments for all the Planning Committee work that followed.

After those meetings, the decision-making and planning processes were so advanced that to incorporate substantive public comment would require reconvening the Planning Committee to develop the plan from new entering arguments. This would not be practical. Such activity would be a misuse of grant funding, taxpayer dollars and municipal staff time. As a result, for this analysis, incorporation of public feedback is only considered meaningful and compliant with the requirements of 44 CFR §201.6 if it occurred prior to or during the October meetings of the Planning Committee.

The HRHMP documents that at the October planning Committee meetings:

“The Committee reviewed the Hazard Identification and Vulnerability Assessment information updated by the consultant prior to this meeting.” (HRHMP pg. 2:6)

The actual information used for this update to the Committee is not included in the HRHMP. However, the HRHMP does not indicate that the minutes of the March 2015 public meetings were presented to, summarized for, or incorporated into the information provided to Planning Committee at the these meetings. Similarly, the HRHMP does not mention the use of any written public feedback such as survey results in the planning process, especially during the initial decision-making stages of planning that occurred in October 2015.

The HRHMP intentionally omits all public comments received between the beginning of the plan development and the final public meetings held in May and June 2016. Appendix D of the plan as released to the public for review states:

“This Appendix provides a copy of the 2015/2016 Public Participation Survey and a summary of results collected.

RESULTS WILL BE SUMMARIZED FOLLOWING LAST PUBLIC MEETINGS”

This demonstrates unambiguous intent to withhold the extent and content of citizen feedback from public scrutiny until the after the formal public review period has closed. As a result, it is impossible to use the information in the plan to determine if any substantive public feedback was received, considered by the planning committee, and evaluated for incorporation in the plan. However, correspondence between the one member of the public and the HRPDC representative designated to receive survey inputs is available (Email between Donegan and HRPDC representative July 2015). This correspondence establishes the fact that substantive written feedback was received from the public. There is no evidence in the HRHMP, however, that this feedback was presented to Planning Committee or that it was in anyway incorporated into the planning.

For example, part of this feedback specifically recommended that the Planning Committee consider incorporating 2 of the 16 types of natural disasters that *Ready.gov* recommends all citizens consider in their personal planning. These two natural disasters are a threat to all geographic areas and are of de facto relevance to Hampton Roads. Additionally, both were discussed at the March 3, 2015 public meeting. The meeting minutes in HRHMP Appendix C do accurately document part of that discussion. Additionally, this public input proposed a methodology for effectively considering risks common to multiple hazards. Despite this evidence that substantive concern regarding two federally recognized and locally relevant natural disasters was repeatedly provided by the public, there is no documentation that indicates this feedback was presented to the Planning Committee for consideration. Furthermore, there is no evidence that any of the public’s concerns as articulated in public meeting minutes or surveys were incorporated into the planning process.

An HRPDC representative was interviewed at the May 31, 2016 public meeting to determine if project leadership believed that any public feedback was received that was relevant to the Hazard Identification and Vulnerability Assessment process. The HRPDC representative acknowledged that substantive public feedback that was relevant to this first step in the plan development process was in fact received prior to the October meetings. The HRPDC representative was questioned to determine how public feedback, such as that described above, was incorporated into the planning.

The HRPDC representative that facilitated the October meetings was asked a direct question regarding public feedback:

"Was it (public feedback) provided to the planners?"

HRPDC representative responded:

"I can't say that it was."

(Contemporaneous notes and transcript from May 31, 2016 public meeting)

This interview with the HRPDC representative corroborates that the HRHMP contains no evidence to indicate the incorporation of public feedback into the planning process because no evidence exists. Therefore, when the 44 CFR §201.6 criteria are applied to the HRHMP development process and timeline it is clear that public feedback was not incorporated into the plan in any meaningfully compliant way. As explained above, at this point in the plan development process there is no reasonable, cost effective action to remediate this intentional omission of public feedback.

Characterization of Public Outreach and Feedback Incorporation

While it is not explicitly stated in the *Guide* as a requirement, the public, State, and Federal reviewers reasonably expect that the HRHMP accurately report the facts regarding public outreach, opportunity for public involvement, and incorporation of public feedback.

The HRHMP appears to misrepresent certain facts regarding these activities. The narrative it presents regarding public outreach and feedback incorporation is in some cases inaccurately optimistic and in others factually in error.

Below are excerpts from the HRHMP with observations regarding their accuracy, including supporting rationale. Quotations from the HRHMP are presented, with emphasis added in bold and page numbers in parenthesis. Observations and supporting rationale follow the quotations.

- A community-based planning team made up of local government officials and key stakeholders, **including citizens**, has continually helped guide the development of this Plan. The committee organized ...(2:3)
 - Although all members of the planning team are citizens of their respective communities in a general sense, the HRHMP presents no evidence that citizen members of the general public were included on the planning team. Table 2-2 lists the members of the Planning Steering Committee, which were the only individuals to be offered broad participation and hence considered actual members of the "team." Furthermore, the context of the statement above implies that "team" and the "committee" are the same entity. The table lists one "Citizen Member," Mr. Speitz of Chesapeake who, in fact, is a Natural Event Mitigation Advisory Committee member appointed to serve, without pay but in a governmental position per the city charter. Even if Mr. Speitz is counted as

- member of the general public he is the single member on the team, hence use of the term “citizens” is misleading.
- An accurate representation would omit the references that imply “citizens” were part of the team.
- **Additional participation and input from other identified community staff, stakeholders and the general public was sought** by the Steering Committee during the planning process through e-mails, advertisements and *public notices aimed at informing people about the status of the Plan.* (2:4)
 - The HRHMP contains no evidence to support the assertion “additional participation and input” was sought from the general public. This statement itself is clear that that any “additional” communication regarding the plan was “aimed at informing people about the status of the Plan” not the solicitation of participation or input. Contributing to this misrepresentation is the omission of the fact that HRPDC had email and contact information from interested citizens who had already volunteered time to attend the public kick-off meetings. Such members of the public clearly “self-identified” as participants yet HRPDC failed to provide any follow-on communication with even this tiny group of known, willing participants.
 - An accurate representation would omit the references to the seeking additional input from the general public.
 - Participants in the Kickoff Meeting discussed the overall approach to updating the Hazard Mitigation Plan, **with emphasis placed on priorities for outreach and public participation**, as well as the steps necessary to meet the requirements of the DMA 2000,... (2:8)
 - While it may be true that such emphasis was discussed, the facts presented previously in this analysis support a conclusion that no practical emphasis was actually placed on outreach and public participation. Since this narrative was crafted at the end of the process, it is a misrepresentation to imply that the approach actually did place emphasis on these attributes.
 - An accurate representation would omit the references to these attributes. Alternatively, it would be accurate to state that although it was an aspiration to emphasize these attributes such emphasis was not achieved.
 - Public input was sought using three primary methods: (1) open public meetings; (2) **postings regarding committee meetings** (which were open to the public); and, (3) the posting of the draft Hazard Mitigation Plan on **Internet web sites and at government offices.** (2:9)
 - The HRHMP contains no evidence of postings regarding committee meetings. It appears that a single post regarding committee meetings was made on the HRPDC website. Similarly, the HRHMP contains no evidence that the draft plan was posted on internet websites or made broadly available at government offices. Website searches for “mitigation plan” performed on the official city websites of Virginia Beach, Norfolk, Chesapeake and Newport News produce no relevant results regarding committee meetings or availability of the plan for review. (Note the Chesapeake web site contains one calendar entry for the May 31, 2016 final plan review but no copy of the plan).
 - Unless evidence to support these assertions can be produced, an accurate representation would make it clear that committee meetings information and draft plan were only available on the HRPDC website.

- Upon completion of a final draft Plan, the Committee held three open public meetings on the final Hazard Mitigation Plan on May 31, June 2 and June 9, 2016. The meeting was advertised in the same manner, and provided furthermore opportunities for the public and identified stakeholders *to review and comment on all sections of the Plan* prior to local approval and adoption. (2:9)
 - This is factually incorrect. It is clear that the draft HRHMP omits all records of public input, providing only a placeholder in Appendix D. Since 44 CFR §201.6 mandates that this information be included in the plan and that it be evaluated to determine compliance, this is an essential element of the documentation. This portion of the required documentation was intentionally withheld from public review and comment. Furthermore, it could not be produced upon a request from the public at the May 31 meeting. (Contemporaneous notes from the May 31, 2016 public meeting)
 - An accurate representation would make it clear that an incomplete draft plan was made available for review and that information required for the public to verify compliance with 44 CFR §201.6 requirements was intentionally omitted.

- Advertisements and general notifications on the posting and availability of the draft Plan for public review *were disseminated by each community through their respective web sites.* (2:9)
 - This is factually incorrect. The HRHMP provides no evidence of this assertion and, as described above, searches on the web sites of the region's four most populous cities produced no postings of the draft plan.
 - Unless evidence to support this assertion can be produced, an accurate representation would make it clear that the draft plan was only available on the HRPDC website.

- The meetings and subsequent 2-week review period after the June 9 meeting, provided citizens with a final opportunity *to review the content of each of the Plan's sections, to ask questions* and suggest possible revisions.
 - The reference to *each* of the Plan's sections is factually incorrect. As described above a significant and essential portion of the plan was not available for review and was not made available upon a direct request.
 - Furthermore, although it is true that there was an opportunity to ask questions, no direction was provided explaining how to ask questions or submit comments on the plan. The HRPDC website offers only following direction in this regard:
 "Make plans to join us at one three convenient locations and times listed in the box below to share your comments and thoughts on the DRAFT Hampton Roads Hazard Mitigation Plan Update."
 - There is no statement indicating that public input or questions regarding the plan will be taken, other than at the meetings. Although there are general "contact us" links available on the page, they are not specific to HRHMP review process. While the public could use the "contact us" links to ask how to comment on the plan without attending a meeting, HRPDC did not provide any guidance that facilitated public communication except at the meetings.
 - The absence of instructions and contact information on the HRPDC website is appropriately viewed in the context of the information that was actually provided to those who attended the public meetings in May and June 2016. Those few attendees received written instructions, a form to submit comments and a card from an HRPDC representative with contact information. No similar information was posted to the HRPDC website. Additionally, HRPDC representatives offered

- live help to transcribe comments at the public meetings if a member of the public requested. Clearly, website access alone did not meet the standard for public facilitation that HRPDC recognized as appropriate and practical.
- Furthermore, correspondence with HRPDC documents that answers to simple questions were not readily provided. One member of the public requested a count of attendees at May and June 2016 meetings, which was promptly acknowledged but not answered by an HRPDC representative. This request, for three numbers, was answered only following a second request made 10 days later. The requested information was supplied one workday prior to the expiration of the public comment period. (Email correspondence between Donegan and Sadler, HRPDC)
 - An accurate representation would make it clear that an incomplete draft plan was made available for review and that information required for the public to verify compliance with 44 CFR §201.6 requirements was intentionally omitted. Furthermore, since it does not appear that HRPDC had a mechanism in place to solicit, receive, track and respond to questions/comments in a timely manner these reference should be removed.
- A public survey was distributed at all public meetings to solicit additional feedback from attendees *and to provide data to inform the Mitigation Action Plan.* (2:10)
 - As detailed previously, the HRHMP provides no evidence that any feedback from the public was actually used to inform the plan. Furthermore, as also detailed previously, feedback received at the final public meetings could not be feasibly or effectively incorporated into the planning process as required by 44 CFR §201.6.
 - An accurate representation would make it clear that public outreach generated only approximately eight responses and that the information received was not incorporated into the planning process.
 - Throughout the planning process, HRPDC maintained a web site at: <http://www.hrpdcva.gov/departments/emergency-management/hampton-roads-hazard-mitigation-plan/> that provided a thorough description of the planning process and posted the public meeting information. The *page also posted a copy of the draft plan well prior to the final Public Meetings to provide the public an opportunity to comment.* Those comments are addressed through the standard comment/response format documented in Appendix E. (2:10)
 - The highlighted statement is factually incorrect.
 - It is true that HRPDC website contained a notification that asserted: “A culmination of over a year and a half of work is complete and the Hampton Roads Hazard Mitigation Plan Update is now in DRAFT format and ready for Public Review.”
 - This notice was posted approximately one month prior to the first public meeting to review the final draft HRHMP. However, at the time this post was made:
 - The draft plan had not been compiled and the Planning Committee Members continued to revise the plan through May 20, 2016. (HRHMP Appendix E)
 - The draft plan was not available on the website. “Dead” links were posted and labelled: “Draft Hampton Roads Hazard Mitigation Plan Update (PDF) (Link will be live when the Draft is available.)” (HRPDC website accessed May 13, 2016)

- A written request for the draft plan that was made to HRPDC by a member of the public on May 13, 2016 was answered with a promise to post within a week but was not answered with any portion of the plan for preliminary review. (Email correspondence between Donegan and HRPDC, Sadler)
 - The plan was posted for public access on May 24, 2016. Three workdays were available for public review between the day the plan was posted and the day of the first public meeting to ask questions and comment on the plan.
 - Furthermore, as described above, the HRPDC website contains no guidance, instructions, or direct contact information to facilitate public communication regarding the plan.
 - An accurate representation would remove the highlighted word “well” and replace it with the word “just.” Additionally, a statement should be added indicating that members of public could have requested instructions for commenting on the plan if they were unable to attend one of the review meetings.
- Draft and then final data produced during the Hazard identification/Risk Assessment, and Vulnerability Analysis **were provided for public review** and committee input following the second workshops. Data were available via:
<https://web1imcloud1.amec.com/6466/Hampton/> **beginning in November 2015.** (2:10)
 - The HRHMP contains no evidence that the subject data were **provided for public review** in any meaningful way. Although the website listed is not restricted from public access, it was never disclosed to the public until the release of the HRHMP on May 24, 2015. This was confirmed during an interview with an HRPDC representative at the May 31, 2016 public meeting. (Transcript of the May 31, 2016 public meeting)
 - A detailed series of internet searches using increasingly explicit search terms culminating with the string “hampton roads mitigation plan data amec.com” failed to yield a link to the site in the first five pages of results. Hence, it is unreasonable to imply that even a determined and well-informed member of the general public could find this site until it was revealed in the HRHMP on May 24, 2016.
 - Furthermore, although the data can be “viewed,” the site contains no context, no description of the data, no user manual or online help and no expressed relationship to any portion of the HRHMP. It unreasonable to imply that a member of the general public could perform an informed review of the data so provided.
 - An accurate representation would remove any reference to public review from this sentence.
- In addition to the Planning Committee meetings, the *committee encouraged open and widespread participation in the mitigation planning process* through the design and publication of newspaper advertisements that promoted the open public meetings. These media advertisements and the HRPDC web page postings provided opportunities for local officials, residents, and businesses to be involved and *offer input throughout the local mitigation planning process.*
 - As described above, these statements do not accurately describe the level of **encouragement** or **opportunities...to... offer input throughout the local mitigation planning process** that were actually achieved.
 - Media advertisements were only used for the initial and final meetings. The HRHMP contains no evidence of other encouragement of any significance.

- As described in the prior section, there was little use of readily available, free internet venues. There is no evidence of widespread use of the official websites of the participating municipalities.
 - As described above, public input was not **encouraged** throughout the process. Furthermore, it was not given consideration when it was received early in the process and was not facilitated through clear direction at the end of the process.
 - An accurate representation would remove any reference to encouraging public participation and would limit comments to an observation of fact that five public meetings were advertised in local newspapers.
- HRPDC published in the Virginian-Pilot, the region's widest circulation daily newspaper, a public notification that it knew to be misleading. The notice, published on May 19, 2016, announced the upcoming public meetings to review the HRHMP and read in part:

“For More Information or *to review the draft 2016 Hampton Roads Hazard Mitigation Plan Update, Visit:* <http://www.hrpdcva.gov/departments/emergency-management/hampton-roads-hazard-mitigation-plan/>” (HRHMP Appendix C, last page)

 - At the time of publication, HRPDC knew that public could not review the plan on the website. Furthermore, two days prior to publication an HRPDC representative expressed in writing that HRPDC intended to withhold the plan from public review until May 24, 2016. (Email correspondence between Donegan and HRPDC, Sadler)
 - An accurate representation would append a page to Appendix C that includes a caveat, which makes it clear that HRPDC withheld the HRHMP from public review until five days after the publication of the notice directing the readers to view it on the website.

At a minimum, the HRHMP should present information regarding public outreach, opportunity for public involvement, and incorporation of public feedback accurately. The HRHMP does not accurately represent the facts regarding these required activities.

Conclusions and Recommendations

Conclusions

The facts and analysis presented in the preceding sections lead to the following conclusions:

- HRPDC's attempts at conducting public outreach for and incorporating public feedback into the HRHMP planning process were so ineffective as to obstruct meaningful public participation.
- HRPDC efforts produced no public participation of significance and generated scant public feedback in time to affect the substantive decision making and planning processes.
- Although HRPDC had limited public feedback in its possession, it withheld this from the Planning Committee during decision-making and planning sessions.
- The HRHMP presents a narrative surrounding public outreach, participation, feedback collection and incorporation, and communication with the public that is so inaccurate it

distorts the facts to the point an external reviewer cannot effectively evaluate 44 CFR §201.6 compliance.

As a result, the 2016 Hampton Roads Hazard Mitigation Plan does not comply with requirements 44 CFR §201.6 as interpreted and articulated in FEMA Local Mitigation Plan Review Guide, October 1, 2011. The plan appears to be noncompliant with Element A.3 and only partially compliant with Element A.1

Recommendations

HRPDC should attempt to achieve full compliance with Element A,1 of the *Guide* by implementing the recommendations provided above to correct the misrepresentations in the HRHMP regarding public outreach, participation, feedback collection and incorporation, and communication with the public.

As described in the above section regarding **Incorporation of Public Feedback**, the only point in the HRHMP development process where substantive public feedback could be practically incorporated in a meaningful way was during the Planning Committee meetings of late 2015. After those meetings, the decision-making and planning processes were so advanced that to incorporate substantive public comment would require reconvening the Planning Committee to develop new elements of the plan from new entering arguments. Such activity would be a misuse of grant funding, taxpayer dollars and municipal staff time. At this point in the plan development process there is no reasonable, cost effective, action to remediate the omission of public feedback. As a result, conducting additional public outreach to collect feedback that may alter the structure of the plan is not recommended.

HRPDC should seek agreement with state and federal regulators to move forward with the plan while noting its non-compliance with Element A.3. HRPDC should propose that this deficiency be remediated by the development of detailed corrective action plan. The detailed corrective action itself should be the focus of a concerted effort to generate public involvement. This corrective action plan should be used as the basis for structuring the *Continued Public Involvement* section of the HRHMP.

The current *Continued Public Involvement* section of the HRHMP should be replaced with a new section that incorporates the corrective action plan described above. This section, in its current form, is not credible given the dearth of public involvement achieved during 18 months of supposedly dedicated effort. It is impossible to forecast the success of planned actions such as:

- Advertising meetings of the committee in the local newspaper, public bulletin boards, web sites, social media and City buildings;
- Designating willing citizens and private sector representatives as official members of the planning committee;
- Using local media to update the public about any maintenance or periodic review activities taking place;
- Using questionnaires and Open Houses to obtain public comments on the Plan and its implementation;
- Using community web sites to advertise any maintenance or periodic review activities taking place; and
- Maintaining copies of the Plan in public libraries, on the web, or other appropriate venues. (HRHMP 8:4)

However, it clear that similar aspirations expressed during the past 18 months did not produce any meaningful public involvement. Therefore, HRPDC should conduct a thorough examination to determine how such poor participation was tolerated during the current effort and what best practices could be applied to generate meaningful public participation during HRHMP maintenance and 2021 revision. This examination should be the precursor to and should inform the development of, the corrective action plan.

I appreciate the opportunity to provide these comments. I commend the HRPDC for the achievements that the HRHMP represents, especially concerning the mitigation of hazards such as flooding. I look forward to following the review and evaluation of the HRHMP by state and federal officials. If I can answer any questions regarding the content of this submission, I can be reached using the contact information below.

Brian Donegan
Norfolk, Virginia
donegan.bt@gmail.com

MEMBER JURISDICTIONS

July 11, 2016

CHESAPEAKE

Mr. Brian Donegan
via email at: donegan.bt@gmail.com

FRANKLIN

RE: Draft 2016 Hampton Roads Hazard Mitigation Plan Update

GLOUCESTER

Dear Mr. Donegan:

HAMPTON

I have read your comments dated June 27, 2016, regarding the Draft 2016 Hampton Roads Hazard Mitigation Plan Update. Thank you for your careful analysis of the public participation aspects of the planning process. Certainly, your point is acknowledged that the planning process was not ultimately as successful at garnering public input as we had anticipated.

ISLE OF WIGHT

JAMES CITY

NEWPORT NEWS

While we will individually address your conclusions and recommendations in the comment/response format of Appendix E in the document, I also wanted to write and inform you of the additional actions we will be taking this summer in an effort to revisit the public comments we have received to date with the entire committee, and to solicit additional public feedback regarding hazards and their impact on the public. In other words, we do not believe it is too late for public input to affect the plan and planning process and we are committed to more effectively gathering and acting upon such public commentary to further revise the plan prior to review by State and Federal officials.

NORFOLK

POQUOSON

PORTSMOUTH

SMITHFIELD

These additional actions include the following:

SOUTHAMPTON

SUFFOLK

SURRY

VIRGINIA BEACH

WILLIAMSBURG

YORK

- We will immediately provide a summary of all public comments to the Planning Committee. Our committee facilitator will generate a series of questions for each community to assist their reading, reflection and use of the materials. Each community's group of committee members will be encouraged to meet "in-house", answer the questions and return their answers. The answers will be analyzed by project leaders and used to make revisions to any or all of the plan sections, as necessary. Records of community responses to these questions will be documented in the plan appendices.
- We will post the Public Participation Survey for Hazard Mitigation Planning on Survey Monkey and post the revised Draft 2016 Hampton Roads Hazard Mitigation Plan Update on the HRPDC web site. We will coordinate with each community's Public Information Officer, or

E-MAILED

JUL 12 2016

Attachment 3
HRPDC

equivalent, to share the links on each community's web sites, library sites, community social media sites, and through the distribution networks communities have with citizen groups such as neighborhood associations, civic and non-profit organizations, businesses and homeowners. We will also share the links with all attendees at all of the meetings we have had for the plan thus far. The links will be live for a minimum of 2 weeks. We will provide a protocol for submitting comments or questions on the draft plan.

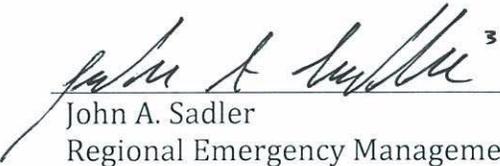
- The summary results of the Survey Monkey survey and comments on the draft plan will be provided to the Planning Committee. Again, a series of questions for each community will be provided to assist their use of the material. And again, the answers will be used to make revisions to any or all of the plan's sections, as facilitated by project leaders. Records of community responses to these questions will be documented in the plan appendices.
- We will repost the revised, complete draft 2016 Hampton Roads Hazard Mitigation Plan Update on the HRPDC web site. We will advertise a new public meeting to solicit feedback on this revised hazard mitigation plan. We will use the network described above, as well as newspaper advertisements, to reach out for input.
- We will conduct another Public Meeting. Based on input from the community Public Information Officers, we will likely term the meeting a "Town Hall" or "Open House" or similar, in an effort to generate interest. In addition, each community leader will be encouraged to bring four interested citizens to the meeting.
- The summary results of comments on the draft plan from the final posting and final public meeting will be provided to the Planning Committee. Again, a series of questions for each community will be provided to assist their use of the material. And again, the answers will be used to make revisions to any or all of the plan's sections. Records of community responses to these questions will be documented in the plan appendices.
- While the HRPDC cannot dictate or mandate how individual communities implement the plan during the subsequent five years after adoption, actions and ideas for encouraging public input during the time between regular plan updates, will be addressed in further detail in the plan. The FEMA Guidance also suggests including "Opportunities for Improvement", so a subsection by this name will be appended to Section 8 to remind subsequent committees of the importance of actively soliciting and including public input.

Our project leaders have carefully developed this approach based on your input and their experience with other planning processes. While there will be a resultant delay in adopting

Mr. Brian Donegan
July 11, 2016
Page 3

the plans for most communities, it is our sincere hope that this intense level of outreach will exceed your expectations and result in plan revisions that amply reflect public input.

Sincerely,



John A. Sadler
Regional Emergency Management
Administrator



Randy R. Keaton
Deputy Executive Director

JAS/ka

copy: Robert A. Crum, HRPDC Executive Director