
**Tribal Consultation on
Community Disaster Resilience Zones Act of 2022
Implementation Framing Paper**
August 2, 2023, 3 - 5 p.m. Eastern Time

Overarching Consultation Questions

How can FEMA equitably designate Community Disaster Resilience Zones on areas under the jurisdiction of Indian tribal governments?

What are additional strategies to effectively implement the Community Disaster Resilience Zones Act of 2022 for tribal communities?

What additional feedback would tribal leaders want to contribute to FEMA regarding the Community Disaster Resilience Zones implementation?

Background

The [Community Disaster Resilience Zones Act of 2022](#), Public Law 117–255, 136 Stat. 2363, amended title II of the [Robert T. Stafford Disaster Relief and Emergency Assistance Act](#) (42 U.S.C. 5121 et seq.) (Stafford Act) to add a new section 206 (42 U.S.C. 5136) that requires the:

- (1) maintenance of a natural hazard assessment program and development and maintenance of products for the public's use that show the risk of natural hazards through use of natural hazard risk ratings at the census tract level; and
- (2) designation of, at the census tract level, community disaster resilience zones based on the natural hazard risk ratings derived from a natural hazard risk product maintained by the natural hazard assessment program.

Section 206 also provides FEMA the discretion to:

- (1) increase the federal cost share to not more than 90% under the [Building Resilient Infrastructure and Communities grant program](#) for mitigation projects within, or primarily benefiting, a community disaster resilience zone;
- (2) provide financial and technical assistance to state, local, tribal and territorial governments for project planning assistance to carry out activities in preparation for a mitigation project within, or that primarily benefits, a community disaster resilience zone; and
- (3) establish a process for FEMA certification, and provide certification for mitigation projects within, or primarily benefiting, a community disaster resilience zone.

Section 206(d) (42 U.S.C. 5136(d)) requires that FEMA designate zones at the census tract level based on the natural hazard risk ratings derived from a natural hazard risk product maintained by the natural hazard assessment program.

At a minimum, the community disaster resilience zones must include the 50 census tracts with the highest individual hazard risk ratings nationwide and at least 1% of high-risk census tracts in each state and territory, maintaining a geographic balance across coastal, inland, urban, suburban, and rural areas and including census tracts on tribal lands.

FEMA is planning to leverage the [National Risk Index](#) as a starting point for identifying census tracts for zone designation. The [National Risk Index](#) is an interactive tool that shows which communities are most at risk to natural hazards. It includes data about the expected annual losses from individual natural hazards, social vulnerability and community resilience.

The natural hazard risk ratings used to designate the zones may also use any other elements determined by the President. Section 206(d)(4) specifies that community disaster resilience zone designations shall be effective for a period of no less than five years.

As amended by the Community Disaster Resilience Zones Act, section 206(h) (42 U.S.C. 5136(h)) provides FEMA the discretion to provide financial and technical assistance to state, local, tribal, and territorial governments that plan to perform a resilience or mitigation project within, or that primarily benefits, a community disaster resilience zone.

Section 206(h)(2) specifies that the purpose of this assistance is to support activities or preparation for a resilience or mitigation project or seek an evaluation and certification for a resilience or mitigation project before permanent work of the project begins. Section 206(h)(4) provides that FEMA may use funding it sets aside pursuant to section 203(i) of the Stafford Act (42 U.S.C. 5133(i)) to fund the financial and technical assistance for resilience or mitigation project planning.

FEMA remains committed to its responsibility under Executive Order 13175: Consultation and Coordination with Indian Tribal Governments, reaffirmed by President Biden's [January 26, 2021, Memorandum](#) on *Tribal Consultation and Strengthening Nation-to-Nation Relationships*, and reflected in the 2022-2026 [FEMA's National Tribal Strategy](#), to engage in meaningful consultation and collaboration with tribal officials. In addition, [FEMA's Tribal Policy](#) outlines a framework for nation-to-nation relations between FEMA and Tribal Nations that recognizes tribal sovereignty, self-governance, and FEMA's responsibilities, consistent with applicable authorities.

The purpose of the tribal consultation is to discuss the implementation of the Community Disaster Resilience Zones Act. The virtual consultation will be hosted on the Zoom for Government platform. Please [register here](#) to attend.

Discussion Questions

FEMA seeks input from Tribal Nations on the implementation and designation of Community Disaster Resilience Zones. Below are questions for your consideration. These questions are not in order of priority and are not meant to be an exhaustive list of discussion topics. FEMA welcomes broader input on our activities in support of Tribal Nations.

1. The Community Disaster Resilience Zones Act requires FEMA to designate benefiting zones at the U.S. census tract level. How should FEMA define which U.S. census tracts are defined as tribal?
2. FEMA is planning to leverage the National Risk Index as a starting point for identifying census tracts for zone designation. What additional criteria should FEMA consider in identifying tribal lands?
3. What are the best geospatial resources to most accurately represent tribal lands eligible for designation? What role should tribal census tracts play?
4. Should designation be executed by tribes for all where corresponding census tracts would receive the designation or should all census tracts identified as tribal be assessed individually

for their natural hazard risk?

5. How should FEMA help tribes prioritize census tracts and resources based on the level of risk and vulnerability in each community, as well as the unique characteristics of each community, so that resources can be allocated more efficiently and effectively to support disaster resilience efforts?
6. How can FEMA partner with Tribal Nations with community disaster resilience zones?
7. Are there specific considerations that should be taken into account to designate zones in tribal lands?
8. What are the significant barriers that potential tribal community disaster resilience zones face in accessing and leveraging federal resources, and how can FEMA and other federal agencies assist them in overcoming these barriers and make this process more equitable?
9. What are potential unintended consequences of designating these zones and/or implementing other parts of this legislation that should be considered?
10. What would be the most useful and equitable way for FEMA to provide financial and technical assistance to benefit tribal lands with Community Disaster Resilience Zones to plan, apply for, and evaluate resilience or mitigation projects?
11. What is the most equitable way for FEMA to implement a certification process to minimize applicant burden while ensuring the most beneficial projects move forward?
12. Resilience or mitigation projects may happen in areas where individuals/groups will be temporarily or permanently displaced until the completion of the projects. How can FEMA best ensure any residents displaced by resilience or mitigation projects receive equitable treatment?

All consultation materials may be found at: [Tribal Consultations | FEMA.gov](https://www.fema.gov/tribal-consultations). The consultation record will remain open for 30 days after the virtual session for tribal leaders to submit feedback or comments to FEMA-CDRZ-RFI@fema.dhs.gov. Final feedback and comments are due by Tuesday, September 5, 2023.