

Arizona Flooding – Denial of Appeal

Denied on December 4, 2009

On October 6, 2008, Former Governor Janet A. Napolitano requested that the Federal Government provide any and all assistance required by the Havasupai Tribe due to flooding on Cataract Creek and the Havasupai Reservation during the period of August 15-17, 2008. The request was submitted outside the 30-day regulatory deadline, and no request for time extension had been received. On August 19, 2009, Governor Janice K. Brewer submitted an amended request for a major disaster declaration for the Sovereign Tribal Nation of the Havasupai Tribe. The Governor specifically requested Public Assistance and Hazard Mitigation for the Havasupai Tribal areas located in Coconino County. On October 8, 2009, Governor Brewer’s amended request was denied. On November 4, 2009, Governor Brewer appealed the denial. On October 28, 2008, a joint Federal, State, local, and Tribal Preliminary Damage Assessment (PDA) was conducted in the Havasupai Tribe and is summarized below. PDAs estimate damages immediately after an event and are considered, along with several other factors, in determining whether a disaster is of such severity and magnitude that effective response is beyond the capabilities of the State and the affected local governments, and that Federal assistance is necessary.¹

On December 4, 2009, the Governor’s appeal for a major disaster declaration was denied based on the determination that the original request did not meet procedural requirements for submitting a request under 44 C.F.R. 206.36.²

Summary of Damage Assessment Information Used in Determining Whether to Declare a Major Disaster

Individual Assistance - (*Not requested*)

- Total Number of Residences Impacted:³ N/A
 - Destroyed - -
 - Major Damage - -
 - Minor Damage - -
 - Affected - -

- Percentage of insured residences:⁴ -
- Percentage of low income households:⁵ -
- Percentage of elderly households:⁶ -
- Total Individual Assistance cost estimate: N/A

Public Assistance

- Primary Impact: Emergency Protective Measures
- Total Public Assistance cost estimate: \$1,890,976
- Statewide per capita impact:⁷ \$0.37
- Statewide per capita impact indicator:⁸ \$1.29
- Countywide per capita impact: Coconino County (\$16.26)
- Countywide per capita impact indicator:⁹ \$3.23

¹ The preliminary damage assessment (PDA) process is a mechanism used to determine the impact and magnitude of damage and resulting needs of individuals, businesses, public sector, and community as a whole. Information collected is used by the State as a basis for the Governor's request for a major disaster or emergency declaration, and by the President in determining a response to the Governor's request (44 CFR § 206.33).

² When a Governor's request for major disaster assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (Stafford Act) is under review, a number of primary factors are considered to determine whether assistance is warranted. These factors are outlined in FEMA's regulations (44 CFR § 206.48). The President has ultimate discretion and decision making authority to declare major disasters and emergencies under the Stafford Act (42 U.S.C. § 5170 and § 5191).

³ Degree of damage to impacted residences:

- Destroyed – total loss of structure, structure is not economically feasible to repair, or complete failure to major structural components (e.g., collapse of basement walls/foundation, walls or roof);
- Major Damage – substantial failure to structural elements of residence (e.g., walls, floors, foundation), or damage that will take more than 30 days to repair;
- Minor Damage – home is damaged and uninhabitable, but may be made habitable in short period of time with repairs; and
- Affected – some damage to the structure and contents, but still habitable.

⁴ By law, Federal disaster assistance cannot duplicate insurance coverage (44 CFR § 206.48(b)(5)).

⁵ Special populations, such as low-income, the elderly, or the unemployed may indicate a greater need for assistance (44 CFR § 206.48(b)(3)).

⁶ Ibid (44 CFR § 206.48(b)(3)).

⁷ Based on State population in the 2000 Census.

⁸ Statewide Per Capita Impact Indicator for FY10, *Federal Register*, October 1, 2009.

⁹ Countywide Per Capita Impact Indicator for FY10, *Federal Register*, October 1, 2009.