

# Navajo Nation - Flooding Denial of Appeal

## *Denied on November 28, 2016*

On September 21, 2016, President Russell Begaye requested a major disaster declaration due to flooding during the period of August 3-5, 2016. President Begaye requested the Individuals and Households Program and Hazard Mitigation for the Navajo Nation. On October 12, 2016, the President's request was denied. On November 9, 2016, President Begaye appealed the denial. On August 18, 2016, joint federal and tribal Preliminary Damage Assessments (PDAs) were conducted in the requested areas and are 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 tribe and the affected local governments, and that Federal assistance is necessary.<sup>1</sup>

On November 28, 2016, the President's appeal for a major disaster declaration was denied based on the determination that the impact to individuals and households from this event is not of the severity and magnitude as to warrant supplemental federal assistance.<sup>2</sup>

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

#### **Individual Assistance**

- Total Number of Residences Impacted:<sup>3</sup> 27
  - Destroyed - 10
  - Major Damage - 5
  - Minor Damage - 2
  - Affected - 10
  
- Percentage of insured residences:<sup>4</sup> 0.0%
- Percentage of low income households:<sup>5</sup> 90.0%
- Percentage of elderly households:<sup>6</sup> 10.1%
- Total Individual Assistance cost estimate: \$518,246

#### **Public Assistance – (Not requested)**

- Primary Impact: -
- Total Public Assistance cost estimate: -
- Statewide per capita impact:<sup>7</sup> -
- Statewide per capita impact indicator:<sup>8</sup> \$1.43

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<sup>1</sup> 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).

<sup>2</sup> 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).

<sup>3</sup> 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.

<sup>4</sup> By law, Federal disaster assistance cannot duplicate insurance coverage. 42 U.S.C. § 5155 and 44 C.F.R. § 206.48(b)(5).

<sup>5</sup> Special populations, such as low-income, the elderly, or the unemployed may indicate a greater need for assistance. 44 C.F.R. § 206.48(b)(3).

<sup>6</sup> Ibid. 44 C.F.R. § 206.48(b)(3).

<sup>7</sup> Based on State population in the 2010 Census.

<sup>8</sup> Statewide Per Capita Impact Indicator for FY17, *Federal Register*, October 1, 2016.