

Tribal Declarations Pilot Guidance Second Draft

Side-By-Side

Issue	First Draft Tribal Declarations Pilot Guidance	Changes in second draft
Public Assistance criteria – Impacts of the Disaster (page 30)	<ul style="list-style-type: none"> - Proposed to evaluate impacts in the context of the damage <ul style="list-style-type: none"> o i.e. impacts to critical infrastructure, amount of infrastructure damaged, cost of resources being used to respond/recover, direct impact on the tribal government’s budget and/or the tribal economy 	<ul style="list-style-type: none"> - Expanded the ‘Impacts of the Disaster’ section to include more specific factors: <ul style="list-style-type: none"> o Types and amounts damaged o Economic Impact of the Incident o Tribal Government Resources o Demographics o 24-month disaster history o Evaluation of previous mitigation efforts o Programs of other Federal assistance o Insurance o Unique Conditions that Affect Tribal Governments o Other Relevant Information
Public Assistance criteria – Estimated Cost of Assistance (N/A)	<ul style="list-style-type: none"> - Eliminated the per capita indicator currently used in regulations - Proposed a \$1 million minimum damage amount for tribes with “service populations” 10,000 and greater and to utilize a \$500,000 minimum damage amount for tribes with service populations fewer than 10,000 	<ul style="list-style-type: none"> - Eliminated the Estimated Cost of Assistance factor. Will assess impacts of the disaster to determine need for PA.

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Public Assistance criteria – Minimum Damage Amount (page 30)	N/A	<ul style="list-style-type: none"> - Proposes the adoption of a minimum damage amount of \$300,000. - A tribal government must sustain at least \$300,000 in Public Assistance-eligible damages or costs before FEMA will consider a PA declaration. - FEMA will evaluate the impacts of the disaster to make a recommendation to the President. - This amount does not measure tribal capacity or the need for supplemental Federal Assistance.
Individual Assistance eligibility (page 32)	<ul style="list-style-type: none"> - Enrolled members of that tribe whose primary residence was impacted by the disaster - Enrolled member of the tribe can live on tribal lands or off tribal lands were eligible - Proposal did not include non-tribal members or enrolled members of other tribes 	<ul style="list-style-type: none"> - Clarifies that sheltering/emergency protective measures for non-enrolled members is eligible. - <i>FEMA seeks to discuss with tribes how to verify the identities of non-enrolled members who apply for Individual Assistance given the 25% non-Federal cost share.</i>
Individual Assistance criteria – Concentration of Damages (page 32)	<ul style="list-style-type: none"> - Modifications included: <ul style="list-style-type: none"> o Replaced “enrolled members” where “individuals” are listed as eligible recipients. o Proposed consideration of percentage of tribal households impacted by an incident in order to provide additional context to a request for a declaration. o Removed IA table listed in 44CFR206.48(b)(6) 	<ul style="list-style-type: none"> - Changes “Concentration of Damages” to “Uninsured Home and Personal Property Losses” - Clarifies that FEMA evaluates the amount of damage - Clarifies that FEMA evaluates the magnitude of damage

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Individual Assistance criteria – Trauma (page 32)	No changes proposed.	<ul style="list-style-type: none"> - Change the name of the factor to ‘Casualties’ - Includes cultural or spiritual facilities and deaths of government or spiritual leaders - Creates a separate factor for ‘Impact to Community Infrastructure’
Individual Assistance criteria – Special populations (page 32)	<ul style="list-style-type: none"> - Removed American Indian and Alaskan Native populations from “special populations”. 	<ul style="list-style-type: none"> - Changes the name of the factor to ‘Disaster Impacted Population Profile’ - Modifies this factor to reflect current terminology for at-risk populations.
Public and Individual Assistance Criteria - Tribal Government Resources (pages 31-32)	N/A	<ul style="list-style-type: none"> - FEMA will consider the tribal government’s efforts and resources (funding, staff, etc.) that have been or will be used to respond to or recover from the event.
Definitions (pages 8-9)	<ul style="list-style-type: none"> - Proposed new definitions for enrolled tribal member and tribal lands 	<ul style="list-style-type: none"> - Modifies definition of tribal lands (removed sentence on what tribal lands does not include)
Entities and individuals who can request Stafford Act declarations (page 25)	<ul style="list-style-type: none"> - Clarified Chief Executive may only request for their tribe, cannot combine damages with other tribes - Organizations such as Alaskan Native corporations may not request declarations on government’s behalf. 	<ul style="list-style-type: none"> - Further clarifies why the statute prohibits pooling damage.
Public Assistance eligibility (page 16)	<ul style="list-style-type: none"> - Damages to PNPs were not included - FEMA solicited comment on whether tribes want eligible PNPs on tribal lands to be eligible entities for assistance 	<ul style="list-style-type: none"> - Includes private non-profit organizations organized or doing business under tribal law
Tribal Population Data Source (page 34)	<ul style="list-style-type: none"> - Proposed to use a tribe’s service population listed in American Indian Population and Labor Force Reports published by the Bureau of Indian Affairs (BIA) to determine tribal populations. 	<ul style="list-style-type: none"> - Proposes using the enrolled population on or near tribal lands, as reported by the tribe.

No Changes Proposed

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Cost Share Adjustment Criteria	- Proposed maintaining the per capita indicator in regulation (adjusted annually by the Consumer Price Index)	No changes proposed.
Where to submit PDA and declaration requests	- Tribes with lands that cross FEMA Regions submit PDA and declaration requests to the Region in which tribal headquarters is located.	No changes proposed.
Notification of requests and declaration determinations.	- Included language to ensure that states and tribes are made aware when PDAs and declarations are requested and when declaration determination made by the other entity	No changes proposed.
Options for tribes to seek Stafford Act assistance	- Clarified that there are three ways a tribe may seek Stafford Act assistance: 1) via its own request 2) via a state declaration 3) by seeking one or more types of assistance through its own request, and other types of assistance through a state declaration.	No changes proposed.
'Unique circumstances that affect tribal governments' factors	- Propose a new factor for PA and IA to allow tribes to discuss circumstances not considered in the other factors used in quantifying the need for a declaration.	No changes proposed.
Individual Assistance criteria – Average amount of individual assistance by State	- Removed IA table listed	No changes proposed.

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Mitigation Plan requirement	<ul style="list-style-type: none"> - Retained the initial 30 day time frame to submit approved plan. - Allowed tribes the option to request an extension up to 120 days - Should the President authorize PA Categories C-G and/or HMGP and the tribe does not have an approved plan, FEMA will still develop PA Project Worksheets and Hazard Mitigation applications - FEMA funds would not be obligated until a plan is approved. 	No changes proposed.
Tribal Leadership Disputes	<ul style="list-style-type: none"> - In the event of an internal dispute over Chief Executive or Acting Chief Executive, FEMA will consult with the BIA for guidance. - If no formal guidance is forthcoming, FEMA will review applicable governing documents of the tribe, including constitutions, ordinances, statues and regulations. 	No changes proposed.
Timelines to submit declaration requests	<ul style="list-style-type: none"> - Proposed to maintain the 30 day time limit to submit declaration requests, request other forms of assistance and areas and appeals. - Maintained option to request additional time to submit requests and appeals. 	No changes proposed.