

# **Rosebud Sioux Tribe – Severe Storms, Straight-line Winds, and Flooding**

## **Denial of Appeal**

### ***Denied on December 12, 2013***

On September 10, 2013, President Cyril L. Scott requested a major disaster declaration due to severe storms, straight-line winds, and flooding during the period of July 30-31, 2013. President Scott requested Public Assistance and Hazard Mitigation for the Rosebud Sioux Tribe. The Tribal President further requested 100 percent federal funding for the Public Assistance program. On September 26, 2013, President Scott’s request was denied. On October 29, 2013, President Scott appealed the denial. During the period of August 19-21, 2013, joint federal and tribal Preliminary Damage Assessments (PDAs) were conducted in the requested area 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 state, tribal, and affected local governments, and that Federal assistance is necessary.<sup>1</sup>

On December 12, 2013, the Tribal President’s appeal for a major disaster declaration was denied based on the determination that the damage was not of such severity and magnitude that warrants supplemental federal assistance.<sup>2</sup>

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

#### **Individual Assistance – (Not Requested)**

- Total Number of Residences Impacted:<sup>3</sup> -
  - Destroyed - -
  - Major Damage - -
  - Minor Damage - -
  - Affected - -
  
- Percentage of insured residences:<sup>4</sup> -
- Percentage of low income households:<sup>5</sup> -
- Percentage of elderly households:<sup>6</sup> -
- Total Individual Assistance cost estimate: N/A

#### **Public Assistance**

- Primary Impact: Damage to roads and bridges
- Total Public Assistance cost estimate: \$472,158

- per capita impact:<sup>7</sup> \$43.44
- per capita impact indicator:<sup>8</sup> \$1.39

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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 (44 CFR § 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 CFR § 206.48(b)(3)).

<sup>6</sup> Ibid (44 CFR § 206.48(b)(3)).

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

<sup>8</sup> Statewide Per Capita Impact Indicator for FY14, *Federal Register*, October 1, 2013.