

Tribal Nation Declaration Process Overview

Federal Emergency Management Agency | March 2024



FEMA

Tribal Nation Declarations Overview

- Disaster Declaration Process Overview
- Assistance Available by Declaration Type
- Requirements for Stafford Act Assistance
- Program Evaluation Factors for Major Disasters
- Cost Share Adjustments



Stafford Act Declaration Process



- In anticipation of *or* following a significant incident, a Tribal Nation may request an emergency or major disaster declaration from the President through their FEMA Regional Office.
- **For an emergency declaration**, Preliminary Damage Assessments (PDAs) are not required.
- **For a major disaster declaration**, the FEMA Regional Office deploys staff to conduct PDAs in conjunction with Tribal Nation representatives.
- FEMA submits a recommendation to the President regarding the request for a declaration based on several factors.
- Declaration decisions are at the **sole discretion of the President**.



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Assistance Available by Declaration Type

Emergency Declaration	Major Disaster Declaration
<p>Limited to immediate and short-term assistance that is essential to save lives, and protect public health, safety, and property</p>	<p>Declaration may include all programs, Individual Assistance, Public Assistance, and Hazard Mitigation; or some of the programs</p>
<ul style="list-style-type: none"> • Public Assistance may include emergency work - debris removal (Category A) and emergency protective measures (Category B) • Direct Federal Assistance • Technical assistance 	<ul style="list-style-type: none"> • Public Assistance may include both emergency work (Categories A-B) and permanent work (Categories C-G) • Direct Federal Assistance • Technical assistance
<ul style="list-style-type: none"> • Individuals and Households Program <ul style="list-style-type: none"> ○ Temporary Housing (financial or direct assistance) ○ Repairs ○ Replacement ○ Permanent Housing Construction ○ Other Needs Assistance: <ul style="list-style-type: none"> ▪ Medical, dental, funeral expenses ▪ Personal property, transportation, childcare, and miscellaneous items ▪ Serious Needs Assistance, and Displacement Assistance • Crisis Counseling Program 	<ul style="list-style-type: none"> • Individuals and Households Program <ul style="list-style-type: none"> ○ Temporary Housing (financial or direct assistance) ○ Repairs ○ Replacement ○ Permanent Housing Construction ○ Other Needs Assistance: <ul style="list-style-type: none"> ▪ Medical, dental, funeral expenses ▪ Personal property, transportation, childcare, and miscellaneous items ▪ Serious Needs Assistance, and Displacement Assistance • Crisis Counseling Program • Disaster Unemployment Assistance • Disaster Case Management • Disaster Legal Services
<p>Hazard Mitigation Grant Program (HMGP) not available under an emergency declaration</p>	<p>Hazard Mitigation Grant Program</p>

Required Activities for Declaration Options

Requirement	Tribal Declaration	Tribe is a direct recipient under a State declaration	Tribe is a sub-recipient under the State	State Declaration
FEMA-Tribe Agreement	✓	✓		✓ (FSA)
Public Assistance Administrative Plan	✓	✓*		✓
Hazard Mitigation Plan	✓	✓*		✓
Hazard Mitigation Administrative Plan	✓	✓*		✓
IA Other Needs Assistance Administrative Plan	✓*	✓*		✓*
Other IA Grant Program Administration Plans**	✓*	✓*		✓*
Damage Assessments	✓			✓
Minimum \$250k Estimated Damage	✓			✓ (\$1M)
25% Non-Federal Cost Share	✓	✓	✓	✓
Grants Portal Project Worksheet Submissions	✓	✓	✓	✓
Federal Grants Management Compliance	✓	✓	✓	✓



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Disaster Assistance Plan Requirements (1/2)

- **Emergency Plan**: Describes how a Tribal Nation will provide resources to satisfy unmet needs. The emergency plan must be activated in order to request an emergency or major disaster declaration.
- **Hazard Mitigation Plan**: Required for Fire Management Assistance Grants (FMAG), Public Assistance (PA) Categories C-G, the Hazard Mitigation Grant Program (HMGP), and project grants under the Flood Mitigation Assistance (FMA) and Building Resilient Infrastructure and Communities (BRIC) grant programs.
- **Federal Grants Management Compliance**: Compliance with *2 C.F.R. part 200 – Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*. These regulations describe financial administration requirements for FEMA grants, as well as auditing and reporting requirements, among others. Failure to comply with grants management requirements may result in loss of funding.



Disaster Assistance Plan Requirements (2/2)

- **Public Assistance (PA) Administrative Plan**: Disaster-specific plan after the President declares an emergency or major disaster authorizing PA. In order for PA funding to be obligated to the Tribal Nation, a disaster-specific PA Administrative Plan must be developed.
- **Individual Assistance (IA) Other Needs Assistance (ONA) Administrative Option Selection**: In order to provide Other Needs Assistance to eligible disaster survivors, the Tribal Nation first needs to determine who (i.e., FEMA, Tribal Nation, or joint) is going to administer the program and be responsible for each functional element listed in the ONA Administrative Option Selection form.
- **Hazard Mitigation Grant Program (HMGP) Administrative Plan**: A procedural guide detailing how the Recipient will administer its HMGP. Recipients must have an approved HMGP Administrative Plan before receiving HMGP funds.



Tribal Nation Program Evaluation Factors

Individual Assistance: FEMA evaluates the following factors:

1. Uninsured Home and Personal Property Losses
2. Availability of Housing Resources
3. Casualties
4. Impact to Community Infrastructure
5. Disaster Impacted Population Profile
6. Voluntary Agency and Other Assistance
7. Tribal Government Resources
8. Unique Conditions that Affect Tribal Governments
9. Other Relevant Information

Public Assistance: Absent extraordinary circumstances, FEMA considers a declaration request from a Tribal Nation only if it is determined that the Tribal Nation sustained **a minimum of \$250,000 in PA-eligible estimated damage or costs.**

When minimum is met or exceeded, FEMA then evaluates the request based on incident impact and Tribal Nation's capabilities:

1. Types and Amounts Damaged
2. Economic Impact of the Incident
3. Tribal Government Resources
4. Demographics
5. 24-month Disaster History
6. Evaluation of Previous Mitigation Efforts
7. Programs of Other Federal Assistance
8. Insurance
9. Unique Conditions that Affect Tribal Governments
10. Other Relevant Information



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Request to Adjust Federal Cost Share

- Standard cost share for Public Assistance: 75% Federal / 25% non-Federal.
- If warranted by the needs of the disaster, FEMA may recommend up to 100% Federal funding for emergency work for a limited period in the initial days of the disaster.
- FEMA recommends a Public Assistance cost share adjustment to 90% whenever a declared disaster is so extraordinary that actual Federal obligations, excluding FEMA administrative costs, meet or exceed \$179 per capita (Calendar Year 2024).



Request to Adjust Federal Cost Share

Assistance Program	Cost Share	Waivable Y/N
Individual Assistance – Housing Assistance, Crisis Counseling Program, Disaster Unemployment Assistance, Disaster Case Management, and Disaster Legal Services	100% Federally funded	N/A
Individual Assistance – Other Needs Assistance	75% Federal / 25% non-Federal	No – Stafford Act Section 408(g)(2)
Public Assistance – All Categories	75% Federal / 25% non-Federal	Yes – 44 CFR § 206.47
Public Assistance – Direct Federal Assistance	75% Federal / 25% non-Federal	Yes – 44 CFR § 206.47
Hazard Mitigation – Hazard Mitigation Grant Program	75% Federal / 25% non-Federal	No – Stafford Act Section 404(e)



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