STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

EXECUTIVE OFFICE

November 30, 2010

The Honorable Barack Obama
The President of the United States of America
The White House
1600 Pennsylvania Avenue
Washington, D. C. 20500

Through: Nancy Ward, Regional Administrator
FEMA Region IX
1111 Broadway
Oakland, CA 94607

Subject: Request for Major Disaster Declaration for Flash Flood Emergency on behalf of the Havasupai Tribal Nation

Dear Mr. President:

Under the provisions of Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (Stafford Act), and implemented by 44 CFR § 206.36, I respectfully request that you declare a major disaster for the Sovereign Tribal Nation of the Havasupai Tribe, Coconino County, State of Arizona, as a result of flash flooding that occurred from October 3-6, 2010. Rainfall and flooding began on October 3, 2010 and continued through October 6, 2010 impacting the concentrated area of Havasu Canyon. The Havasupai Indian Reservation is located in a very unique and isolated geographic region, deep within an inner gorge of the Grand Canyon. The reservation is surrounded by layers of cliffs, towering more than half a mile above the canyon bottom. The 1000' deep canyon encompasses a portion of the trail to and from the entire village of Supai and is a floodplain for Havasu Creek. The creek drains the canyon and surrounding highlands. There are no roads to Supai Village, so the Reservation is only accessible via horseback, foot or chartered helicopter. The nearest towns are located approximately 60 miles to the trailhead at Hilltop. The sole source of revenue for the Havasupai Tribe is tourism.

Rainfall and Flooding – Havasu/Cataract Creek Watershed (October 3-6, 2010):

In early October, a moderately strong low pressure system swung into the west coast and stalled over southern California. Had the storm occurred later in October, northern Arizona normally would receive widespread light rain fall. However, in this event considerable residual monsoonal moisture lay across the southern half of the state. Counterclockwise flow around the

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large low pressure system produced strong southerly winds across Arizona that drove ample amounts of moisture northward during the period. The moisture helped destabilize the atmosphere and, with the added lift provided by terrain, produced widespread thunderstorms with isolated heavy rainfall, hail, and even several tornadoes (October 6th). This was a very unique meteorological event.

Heaviest precipitation occurred from central to north-central/northwest Arizona. The Havasu/Cataract Creek watershed lies in this area and received heavy rainfalls over a 4-day period. While much of the rainfall was not directly over the Supai Village, the precipitation over and adjacent to the 25-mile stretch between Heather Wash and Supai caused the flooding.

It's important to note that the vast majority of thunderstorms produced by the larger low pressure system contained hail. This caused overestimates of precipitation by radar. (As an example, 1.04 inches of rain was measured at Flagstaff on October 5th while the radar estimate was 1.96 inches: an 88% overestimate.) For the watershed under consideration, overestimates were likely from 40% to 60%. This results in revised estimates of 1.1 to 1.6 inches of precipitation over a 4-day period across a broad area within about 25 miles upstream and upslope of Supai.

Precipitation on the 3rd and 4th had quickly saturated soils in the area. Additional rainfall on the 5th had nowhere to go but downstream and downslope, ultimately causing flooding at Supai late on the 5th. Peak stream flow was approximately 1,500 cubic feet per second, as measured by the Supai gauge.

This weather data was provided by NOAA National Weather Service Office in Flagstaff, AZ. A copy of their letter is included in TAB #1 of the enclosures. Also included in TAB #1 are some maps that depict the location of the Havasupai Tribe within Coconino County.

Event Impacts and Actions Taken:

Beginning October 3, through October 6, 2010, the heavy rains resulted in flash flooding in Cataract Creek causing three (3) major surges of water into Supai Canyon. This flash flooding resulted in the evacuation of 143 tourists out of the Canyon; no human lives were lost however three (3) pack horses were swept away in the flood.

This storm has severely damaged this community and public infrastructure that supports the Havasupai Tribe's sole source of income: tourism. Infrastructure impacts include bridges, campgrounds and trails which pose a threat to the health and safety of the Tribal members and local residents. The main trail leading into Supai Village is not passable and the severe damage to the trails and campgrounds also prevents mail delivery and supplies from entering into the village and threatens the financial livelihood of the Tribe. This impact has caused the indefinite closure of Havasu Canyon to tourism. Tourism dollars are the sole source of income to the Tribal members. Loss of work and distance to other employment options makes it near impossible to sustain revenue income for livelihood of the Tribal members. The flood of 2008 caused similar impacts and temporarily displaced Tribal members off the reservation. The Tribal members will again endure another extended loss of income due to this current flooding event.

Actions taken by tribal, county, state and federal agencies to support and respond to this event were:

- Provided for public and incident personnel safety;
- Conducted search and rescue missions;
- Provided timely and accurate public information and emergency notification; and
- Facilitated damage assessments with Arizona Geological Survey, United States Army Corp of Engineers, Bureau of Indian Affairs, State of Arizona Division of Emergency Management and Federal Emergency Management Agency.

In response to the situation, I have taken appropriate action under State law and directed the execution of the State Emergency Plan on October 8, 2010, in accordance with Section 401 of the Stafford Act. On October 8, 2010, I declared a State of Emergency for Coconino County. On October 13, 2010, the Havasupai Tribe held a Tribal Council Meeting and declared a state of disaster due to these devastating conditions and requested support and assistance from any and all local, county, State and Federal government agencies, to the full extent of resources of the United States of America and the State of Arizona. During the 2010 Annual Convention of the National Congress of American Indians, held at the Albuquerque Convention Center in Albuquerque, NM November 14-19, 2010, signed Resolution #ABQ-10-026; Request for the Federal Emergency Management Agency to Respond to and Assist Native American and Alaska Native Communities with Disaster Relief Efforts. Specifically, this request is to urge FEMA to respond and support the Havasupai Tribe for the impacts associated with this flash flooding event.

Copies of the State and Havasupai Tribe declarations of emergency and the National Congress of American Indians Resolution #ABQ-10-026 are included in TAB #2

Due to the devastating impact from the flash flooding events of October 3-6, 2010, and limitation of accessing the remote area additional time was needed in order to accurately articulate the total public infrastructure impacts. On October 29, 2010, in accordance with 44 CFR § 206.36(a), I requested a 30-day time extension to December 3, 2010 to submit a request for major disaster declaration for the impacts related to the flash flooding on Havasupai Nation. That request was approved on November 9, 2010.

On October 7, 2010 and October 15, 2010 the Arizona Geological Survey conducted assessments of the affected areas in Havasu Canyon. On October 20, 2010, DHS/FEMA, Bureau of Indian Affairs, the Arizona Division of Emergency Management and Havasupai Tribe conducted assessments of the damaged areas. On October 29, 2010, the Arizona Division of Emergency Management, the US Army Corp of Engineers and the Havasupai Tribe continued with further assessments of the damage area.

A copy of the assessment evaluation from the Arizona Geological Survey is included in TAB #3 of the enclosures. A report of the assessment evaluation from the US Army Corp of Engineers

was provided to the Tribe; however the Tribe found error and has requested the report to be revised. At this time a copy of the report is not available.

Public Assistance Impacts:

On October 29, 2010, a joint Preliminary Damage Assessment (PDA) was conducted in Havasu Canyon. As documented during the joint preliminary damages assessment, the Havasupai Tribe sustained impacts in six different Public Assistance program categories: Categories A-D and F-G. The most severe impacts were costs expended for debris removal (Category A) and water control facilities (Category D).

Category A:
The flooding of Havasu Creek, which winds through the village of Supai and the Havasu Falls campground, created a significant amount of debris in the surrounding areas. Rock, silt, vegetation, and uncontained domestic refuse can be found in several areas of the Village, and throughout the entire campground area. Additionally, as the campers who were in the area at the time had to be evacuated immediately, a substantial amount of their campground items were left behind and will need to be unearthed and removed. Because of the limitation on space and means of disposal, all debris will need to be sorted and burned, packaged and removed, or moved to another location for reuse per Tribal and environmental standards.

Category B:
At the time of the flooding, approximately 143 tourists were staying at the lodge and in the Havasu Falls campground. Costs were incurred to call in staff and provide emergency notification to the campers, as well as conduct welfare checks, emergency flood protection, and ultimately, evacuations. As the campers were evacuated from the lower-lying campground area to the Village, it was necessary to shelter and feed them until all campers could be safely evacuated by helicopter. The trail that provides ingress/egress was damaged and flooded as well, thereby preventing evacuation by trail or horseback.

Category C:
Land access to the Village and Havasu Falls is limited to a walking/horse trail that winds down into the canyon and traverses the creek in several areas. Once in the Village, the trail opens into a network of dirt roads to allow access for all-terrain vehicles for residents. The trails and roads are critical to the daily lives and livelihood of the Tribal residents, and suffered significant damage during the flooding incident. Ten bridges were either destroyed or damaged to the point of compromising their structural integrity (erosion of their foundation); 2.8 miles of road were damaged and will require grading and reshaping; and over 10 miles of trail will require crews to repair and reshape them in order to make them safe and passable before land access is restored. Supply deliveries and tourism can then resume.

Category D:
The most costly damage occurred at water control facilities at 4 main sites along the creek. The control facilities were established to control the flow of water and maintain the creek's natural flow through the Village around homes and the campground. The use of rock gabions is

prevalent in many areas along the creek and is usually effective in keeping the water in the channel. The magnitude of this flooding event breached the gabions in two locations, altering their alignment; a third location was undercut for approximately 500 yards of its length allowing flood waters to flow freely over the compromised section.

A fourth site, by far the most critical to the Tribe, is a section of rip-rap that was placed to protect the Tribal burial grounds. The creek has slowly eroded the bank by the burial grounds and is in imminent danger of destroying this area which is sacred to the Tribe. The rip-rap was toppled and almost entirely covered by debris and silt, rendering the structure useless in its current state. Major excavation of the rip-rap and subsequent repairs will need to be performed at an elevated cost to the tribe, as the materials necessary must be flown in by heavy-duty helicopters.

Category F:
A section of normally-dry wash was also inundated with flood waters, and the flow scoured approximately 125 linear feet of material that covers a main section of the Village's sewer line. This sewer line is a critical component of the Village's waste treatment system and services the majority of the 733 Tribal members. The pipe will need to be stabilized, protected, and covered again in order to maintain the integrity of the system.

Category G:
The floodwaters from the incident damaged over 90% of the Havasu Falls campground, a 350+ person capacity improved facility that represents the Tribe's primary source of revenue. Over 20,000 visitors utilize the campground each year, generating roughly $3.6 million in revenue. The campground was completely flooded, and the waters damaged or destroyed 160 heavy duty picnic tables, approximately 3/8 of a mile of access trail, and several walking bridges necessary to traverse the creek and access different portions of the campground. Vegetative debris, rocks, silt, and abandoned camping equipment was strewn about, and the campground will require significant grading and reshaping to restore the grounds to their pre-disaster condition. In addition, the retrieval or purchase and installation of replacement picnic tables will require a substantial amount of funding. The campground has been shut down since the incident, and cannot feasibly reopen until major repairs have been completed.

Estimated Requirements for Public Assistance in accordance with Stafford Act
CATEGORY

County	A	B	C	D	F	G	Total
Coconino							
Havasupai	300,000	30,000	140,000	900,000	50,000	210,000	1,630,000
Totals:	300,000	30,000	140,000	900,000	50,000	210,000	1,630,000

Note: Estimates reflect total eligible costs before any cost sharing.

The PDAs conducted by Joint FEMA/ADEM teams are included in TAB #4. The numbers above are reflective of the damage and cost estimates established by these Joint PDA teams in conjunction with Tribal personnel.

Other Federal Agency Support:

Bureau of Indian Affairs (BIA)
Jim Williams, BIA Superintendent coordinated the initial damage assessment in Supai Canyon that included members from ADEM, FEMA and BIA. This site visit took place October 20, 2010. Jim also coordinated an additional site visit to Supai Canyon on October 26, 2010 that included members of USDA, Rural Development and the Natural Resources Conservation Service (NRCS).

Also on October 26, 2010 BIA Agency Forester, Melvin Hunter, Jr. completed an assessment of the campground. A copy of the information provided that outlines that assessment is included in Tab #5.

Indian Health Services (IHS)
Given the wide ranging nature of the concerns of the Havasupai Tribe, IHS has been contacted and the Director in Rockville, MD has responded. IHS' response will be from different offices and providers serving the Havasupai Tribe. The Director has designated a representative to coordinate response efforts with ADEM in order to appropriately assist the Tribe.

United States Army Corp of Engineers (USACOE)
On October 29, 2010, the Arizona Division of Emergency Management, the USACOE and the Havasupai Tribe continued with further assessments of the damage area. A report of the assessment evaluation from the USACOE was provided to the Tribe; however the Tribe found error and has requested the report to be revised. At this time a copy of the report is not available.

Request for Assistance:

I have determined that this incident is of such severity and magnitude that effective response is beyond the capabilities of the State, Tribal and County governments and that supplementary Federal assistance is necessary. I am specifically requesting the Public Assistance (PA) Program (all categories) and Hazard Mitigation Grant Programs (HMGP) for the Havasupai Tribe.

The total estimated impact to infrastructure equals $1,630,000. The Havasupai Tribe's population as per the 2000 census data equals 503 individuals which equates to $3,240.56 per capita impact to the Tribe. On behalf of the Havasupai Tribe, I am requesting DHS/FEMA to address this situation not as a statewide disaster, but as a Sovereign Tribal Nation disaster. In accordance with 44 CFR § 206.48(a)(1) this event exceeds the minimum $1,000,000 threshold in Public Assistance damages. Also 44 CFR § 206.48(a)(2) allows for the evaluation of localized impact of the disaster for an American Indian Tribal Government. This event meets the criteria of extraordinary concentration of damages that should warrant Federal disaster assistance consistently with 44 CFR § 206.48(a), particularly given the extreme poverty levels in this

community, even though the State per capita threshold of $6,669,821.60 was not met. Please note that the County per capita impact was exceeded at $14.01 with a population of 116,320 in Coconino County.

The Havasupai's Hazard Mitigation Plan expired on May 6, 2008. Since the Tribe's plan has expired, they will be ineligible for the Public Assistance (categories C-G) and Hazard Mitigation Grant Programs until the plan is updated. Therefore, I respectfully request immediate Federal assistance in updating the Havasupai's expired Tribal Hazard Mitigation Plan in order to meet FEMA's Mitigation Plan Guidance and requirements outlined in 44 CFR § 201.4 and 44 CFR § 201.7.

As Governor, I typically have an annual Emergency Fund of $4,000,000. Budget reductions have reduced the Emergency Fund to $2,900,000 this fiscal year. To date $2,000,000 has been obligated for other state emergencies. Allocations to date are 69% of the total funds available for the year leaving a balance of $900,000 available through June 30, 2011. It has been determined by our Attorney General's Office, in accordance with Arizona Revised Statute (A.R.S.) § 35-192, that the state lacks the authority to utilize the Governor's Emergency Fund to rebuild the Havasupai Tribal infrastructure damaged by the October 3-6, 2010 flash flood event. Therefore, since the State cannot provide financial assistance to the Tribe to repair their damaged infrastructure, I respectfully request the Federal government to assist the Tribe by approving this request for major disaster declaration and authorizing DHS/FEMA under Title V of the Stafford Act, to provide assistance under the Public Assistance and Hazard Mitigation Grant Programs in support of the Havasupai Nation.

I certify that for this current disaster, State and Tribal government expenditures and obligations will include the non-Federal share of costs required by the Stafford Act. Based on information available at this time, tabulation of these estimated expenditures and obligations are as follows:

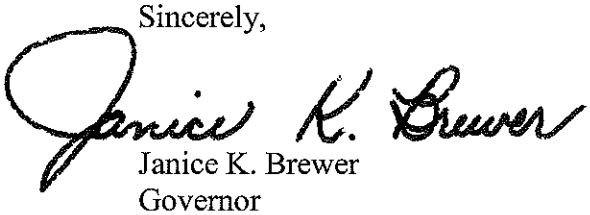
CATEGORY OF ASSISTANCE	COST SHARE AMOUNT
Public Assistance:	Havasupai
Category A - Debris Removal	$75,000.00
Category B – Emergency Protective Measures	$7,500.00
Category C – Roads and Bridges	$35,000.00
Category D – Water Control Facilities	$225,000.00
Category E – Buildings and Equipment	n/a
Category F – Utilities	$12,500.00
Category G – Other (Parks, Recreational Facilities, etc.)	$52,500.00
Total:	$407,500.00

At this time, the State of Arizona is not requesting any Direct Federal Assistance (DFA). If necessary in the future, we will complete the required certifications.

In addition, I anticipate the need for debris removal, which poses an immediate threat to lives, public health, and safety. Pursuant to Sections 403 and 407 of the Stafford Act, 42 U.S.C. §§ 5170b & 5173, the State agrees to indemnify and hold harmless the United States of America for any claims arising from the removal of debris or wreckage for this disaster. The State agrees that debris removal from public and private property will not occur until the landowner signs an unconditional authorization for the removal of debris.

The Havasupai Tribal Council Chairwoman, Bernadine Jones, will be the Tribal Coordinating Officer and the Havasupai Tribe will be a direct Grantee to DHS/FEMA for this request. Chairwoman Jones will work directly with DHS/FEMA in any further damage assessments and will provide additional information or justification, as requested. I have designated Louis B. Trammell, Director of the Arizona Division of Emergency Management under the Department of Emergency and Military Affairs, at (602) 464-6203, as the State Coordinating Officer for this request.

Sincerely,



Janice K. Brewer
Governor

Enclosures
TAB 1 ~ Precipitation/Weather & Maps
TAB 2 ~ Actions Taken
- State Declaration, October 8, 2010
- Havasupai Tribe Declaration, October 13, 2010
- National Congress of American Indians Resolution #ABQ-10-026

TAB 3 ~ Damage Assessment Evaluations
- Arizona Geological Survey

TAB 4 ~ Public Assistance Impacts
- Preliminary Damage Assessments
- Photos

TAB 5 ~ Other Federal Agency Support
- BIA Forester's Report