



2024 Annual Convention Ridgefield, Washington

RESOLUTION #2024 – 43

“CALLING ON THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) TO REVISE THE NATIONAL FLOOD INSURANCE PROGRAM TO DEVELOP GUIDANCE FOR RESTORATION ACTIVITIES”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for natural, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives and Tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of ATNI; and

WHEREAS, for several decades Federal Emergency Management Agency (FEMA) Region X maintained a “Policy on Fish Enhancement Structures in the Floodway” that recognized the urgent need to restore anadromous fish habitat and allowed for “less than the maximum hydraulic analyses” cases where informed judgement confirmed that the project was

designed to minimize any impact to flood levels and that no structures would be impacted by any rise; and

WHEREAS, in 2020, the “Policy on Fish Enhancement Structures in the Floodway” policy was rescinded and resulted in the current National Flood Insurance Programs (NFIP) standards to not differentiate between requirements for habitat restoration projects versus development projects or provide any exceptions for projects or provide any exceptions for projects that pose no risk to existing structures; and

WHEREAS, FEMA’s Frequently Asked Questions on the rescindment stated that “habitat restoration floodway projects have the potential to alter the risk communicated by a community’s flood maps and therefore must undergo the same rigorous review as other floodway development. NFIP regulates only provide one set of requirements for all floodway development”; and

WHEREAS, the rigorous reviews required under the NFIP regulations can be too costly for restoration projects that are operating on tight, piecemeal budgets; and

WHEREAS, the “no-rise” analyses and the Conditional Letter of Map Revisions (CLOMR) they inform are lengthy processes that can delay and cause uncertainty in habitat restoration construction timelines; and

WHEREAS, any delays and increased costs have the potential to cause a project to miss the “fish window,” a narrow construction season when crews can do in-water construction when it is least disruptive to aquatic life; and

WHEREAS, the impact of missing a fish window could result in restarting the permitting process if winter storms alter the river channel to the point of rendering the previous hydraulic analysis obsolete; and

WHEREAS, unintended consequences of the NFIP have resulted in delayed construction, cost increases, stalled public investment, fewer habitat gains, jeopardized landowner participation, and infringed on Tribal treaty rights as Tribes cannot conduct their salmon habitat restoration in a timely manner; and

WHEREAS, preliminary responses from a survey conducted by the Puget Sound Partnership in Washington indicated that at least 26 salmon recovery projects, representing an investment of over \$170 million in state and federal funding, are experiencing delays and cost increases; and

WHEREAS, the current regulations of the NFIP have impacted the implementation of projects directly in the usual and accustomed areas of the Skokomish Indian Tribe, Lummi Nation, Yakama Nation, and Nooksack Indian Tribe; now

THEREFORE, BE IT RESOLVED, that ATNI calls on FEMA to revise the NFIP’s definition of development to add specific definitions for restoration activities; and

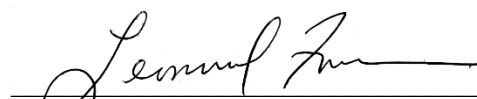
BE IT FURTHER RESOLVED, that ATNI also calls on FEMA to develop new guidance for those restoration activities, incorporating a safe level of flexibility for no-rise analyses and providing expedited review and map revision processes; and

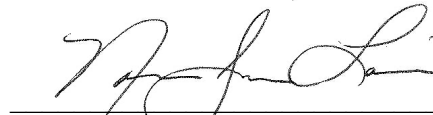
BE IT FURTHER RESOLVED, that this resolution shall be the policy of ATNI until it is withdrawn or modified by subsequent resolution; and

BE IT FINALLY RESOLVED, that this resolution shall be forwarded to the National Congress of American Indians for consideration and vote.

CERTIFICATION

The foregoing resolution was adopted at the 2024 Annual Convention of the Affiliated Tribes of the Northwest Indians, held at ilani Casino Resort, Ridgefield, Washington on September 29 – October 3, 2024 with a quorum present.


Leonard Forsman, President


Norma Jean Louie, Secretary