

NFIP and CRS Administration on the Lummi Indian Reservation



Lummi Natural Resources Department
Monika Lange, Natural Resources Analyst

NORFMA CRS Users Group Meeting
Everett, WA
January 17, 2013



Overview

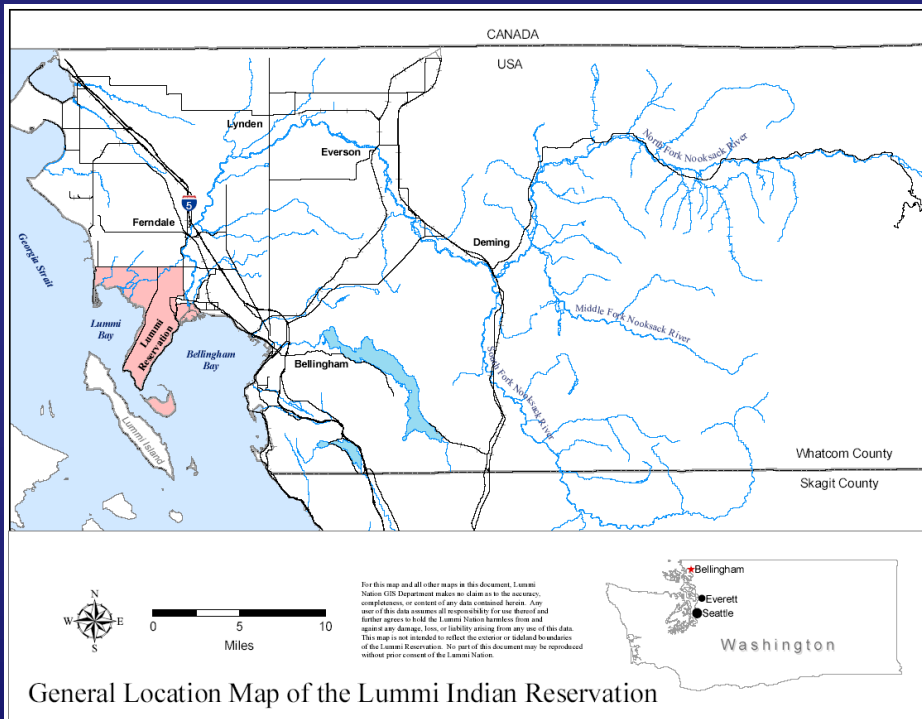
- Summary Information about the Lummi Nation
 - Flood Situation on the Reservation
 - Flood Damage Prevention and Mitigation
 - NFIP and CRS Administration
 - Special Issues on the Reservation
 - Advantages and Challenges
 - GAO Report
 - Future Inquiry
-



Lummi Nation Overview



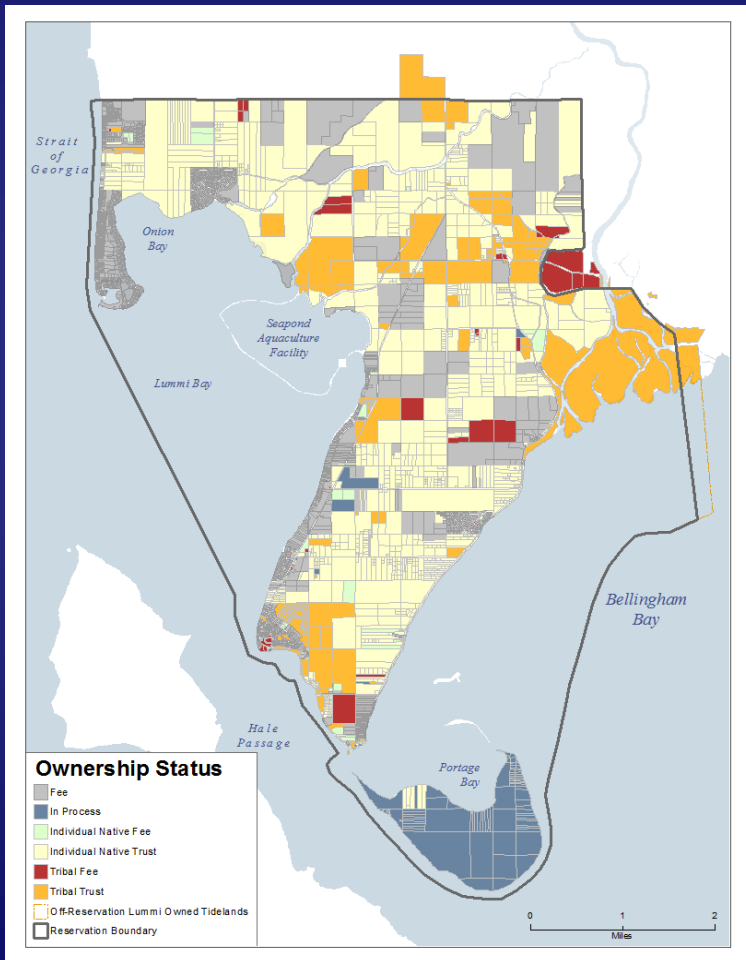
Brief History – The Reservation



- The Lummi Indian Reservation was created and reserved for the exclusive use of the Lummi people by the 1855 Point Elliot Treaty.
- The Reservation is intended to be a permanent, economically viable homeland for the Lummi people.



The Lummi Reservation Today



- The Lummi Reservation is comprised of approximately 12,500 acres of upland and about 7,000 acres of tidelands.
- The Lummi Nation and/or enrolled members own about 75 percent of uplands.
- The Lummi Nation owns 100 percent of the tidelands.
- Ownership Status:
 - Trust
 - Individual Trust
 - In Process (fee to trust)
 - Tribal Fee
 - Fee

Lummi is a Fishing Tribe



Lummi is a Fishing Tribe





The Lummi People



- There are approximately 4,650 enrolled Lummi tribal members.



- Approximately 2,650 tribal members live on Reservation – the remainder live in the region or elsewhere.



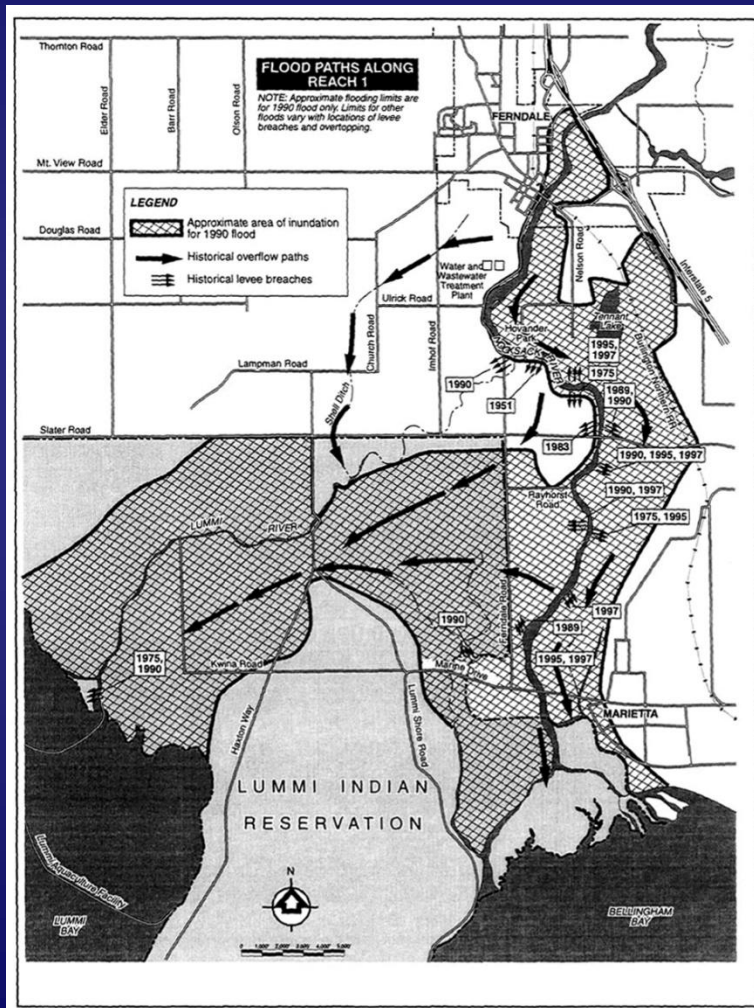
The Lummi Government

- The Lummi Nation is a sovereign government and has been since time immemorial.
 - The Lummi Nation was one of ten tribes nationally that initiated the Self-Government Demonstration Project (1988).
 - The Lummi Nation is governed by an elected 11 member Lummi Indian Business Council, various commissions, and the General Council (all voting enrolled members).
 - There are numerous departments (e.g., Cultural, Economic Development, Police, Education, Health, Planning, Natural Resources), an independent Tribal Court system, and a Lummi Tribal Sewer and Water District.
-



Flooding Situation on the Lummi Indian Reservation

Riverine Flooding



- The Nooksack River is a regular source of flooding; mostly in October through February.
- Damage to residences, roads, Natural Resources Department facilities
- Road closures (Marine Drive, Slater Road) are common annually throughout the rainy months; Haxton Way floods if levee breached or overtopped.



Riverine Flooding

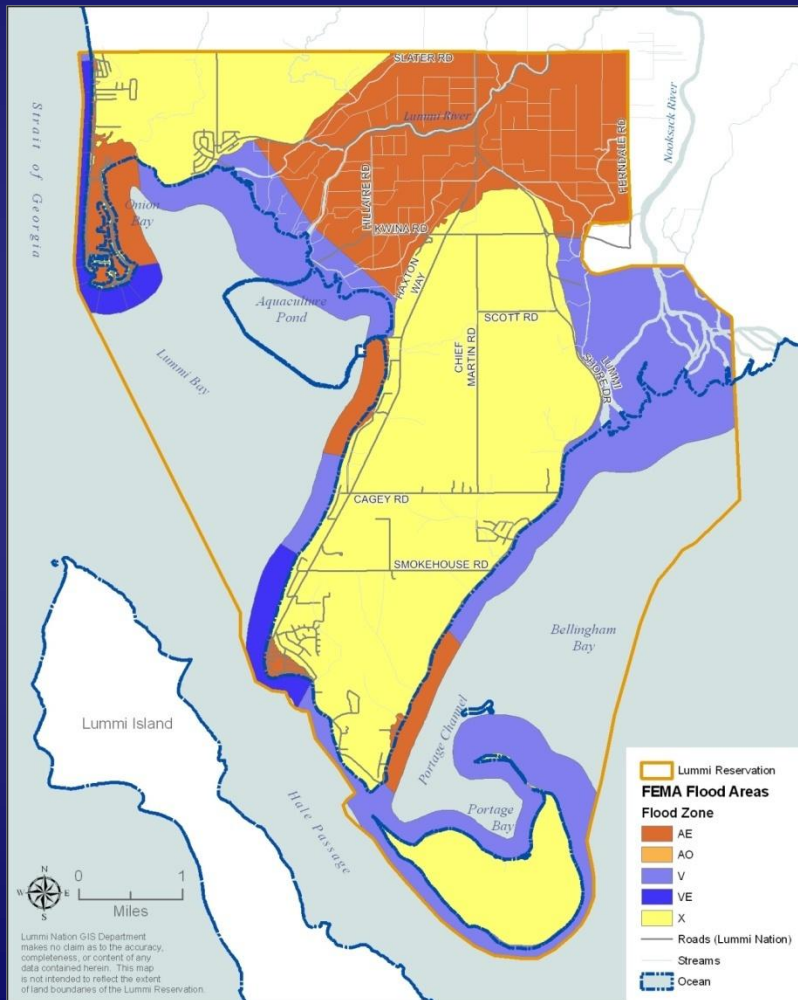
- Recent major floods:
 - November 10, 1990: 100-year Flood
 - November 24, 1990: 100-year Flood
 - January 1-4, 1997: Levee overtopped due to ice dam.
 - October 18, 2003: 10-year Flood
 - October 21, 2003: 10-year Flood
 - November 7, 2006: 10-year Flood
 - January 8, 2009: 50-year Flood





Coastal Flooding

- The coastline of the Reservation is vulnerable to coastal flooding in low-lying areas: Gooseberry Point, Sandy Point Peninsula
- Damage to residential buildings, hatchery, and commercial/industrial facilities at Gooseberry Point.
- Road erosion and debris deposit along roadways





Coastal Flooding

- Recent major floods:
 - December 2000
 - December 2001
 - January 2003
 - November 2003
 - February 2006





Flood Damage Prevention and Mitigation



Planning Efforts

- 1997:
 - Flood Plain Regulations: Lummi Code of Laws Title 15A
 - Membership in NFIP – Emergency Phase
- 2001: Flood Damage Reduction Plan
- 2004:
 - Final FIRMs issued (preliminary in 1999, 2002, 2003)
 - Regular Phase of NFIP
 - Flood Damage Reduction Plan became part of the Lummi Nation Multi-Hazard Mitigation Plan 2004 (updates 2007 and 2010)
- 2010: Membership in CRS; Class 8
- Next FIRM update probably 2014 – 16



NFIP/CRS Administration

- Lummi Code of Laws Title 15A : Floodplain Regulation
 - NFIP administered through the Lummi Planning Department (LPD); Floodplain Administrator is Director of LPD
 - Lummi Natural Resources Department (LNR): technical support; GIS Manager; CRS Coordinator
 - Lummi Code of Laws Title 15 – Permit Process:
 - Land Use and Floodplain Development Applications: LPD
 - Review and conditioning by Technical Review Committee (TRC) – LPD, LNR, Cultural Resources Department, Lummi Sewer and Water District, Lummi Police Department, others as needed
 - LPD issues/denies LU permit and separate Floodplain Development Permit for proposals located in floodplains.
-



NFIP/CRS Stats

- Approx. 4,706 residents on Reservation – tribal members and non-members
 - 1,939 residences, 36 community buildings (2011) on Reservation
 - SFHA: Approx. 9,124 acres
 - 520 buildings in Floodplain, 400 on fee land
 - 171 policies (under the Lummi Community Number)
 - Mostly Residential, Governmental-Commercial, Private-Commercial, No Heavy Industry
 - Approx. 2,750 acres of flood plain designated by the Tribal government for the Lummi Nation Wetland and Habitat Mitigation Bank and habitat restoration projects
-



Special Considerations

- The Reservation has a limited land base.
 - Parcels were assigned to families.
 - Parcels can have highly divided ownership through inheritance of assigned parcels.
 - Jurisdictional Issues: County claims jurisdiction over fee lands owned by non-Indians on Reservation
 - Issuance of insurance policies under County Community Number with better CRS rating for fee lands. Access to grandfathering rates only for fee lands.
-



Advantages and Challenges

- Advantages:
 - Small Area: Building stock and construction “visible”
 - Detailed GIS data about building stock and terrain
 - Most major developments are tribal and “accessible” for floodplain planning
- Challenges:
 - Limited land base/assigned parcels: Not able to avoid development in floodplain
 - Jurisdictional/cooperative issues with County; most residential buildings in floodplain on fee land
 - Many tribal members cannot afford NFIP premiums
 - No full-time NFIP/CRS staff



GAO Report

- GAO Report issued January 2013:
Flood Insurance – Participation of Indian Tribes in Federal and Private Programs
<http://www.gao.gov/products/GAO-13-226>
- Why do only 37 of 566 federally recognized Indian tribes participate in the NFIP?
(5 tribes holding 82% of policies)
- Conclusions:
 - Lack of mapping in rural areas
 - Lack of tribal administrative capacity
 - Affordability of premiums
 - Status of Indian lands; regulation authority



Future Inquiry/Goals

- Acquire more information about NFIP policies on the Reservation
 - Store and retrieve information using the tribal GIS system
 - Acquire information about rates and group insurance options identified in GAO report
 - Second staff member to become CFM
-



More Information:

- LNR Website (Water Resources Division – Multi-Hazard Mitigation):
<http://lnnr.lummi-nsn.gov/LummiWebsite/Website.php?PageID=72>
 - Lummi Nation Atlas: www.lummi-nsn.gov
 - Contact:
Monika Lange
Natural Resources Analyst
Lummi Natural Resources Department
(360) 384-2396
monikal@lummi-nsn.gov
-