

PROGRAMMATIC INITIAL PUBLIC NOTICE
FEMA GRANT PROGRAMS
Floodplain Management and Protection of Wetlands
Executive Orders 11988, 11990, 13690, and NHPA
44 CFR, Part 9
California, Arizona, Nevada, and Hawaii and the Pacific Islands

The U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) is providing programmatic early public notice of its intent to provide Federal financial assistance to eligible entities under a variety of Non-Disaster Grant Programs. A summary of the purpose of each of these Non-Disaster Grant Programs is attached to this notice as Appendix A. This notice is intended to enable the public to respond to this proposal and to allow the public to have an impact on the decision and outcome of activities resulting from distribution of some grant funds.

I. Public Notice – Overview of Authorized Assistance

FEMA provides grants to the states of California, Arizona, Nevada, Hawaii, Pacific Island U.S. territories, and Federally-recognized tribes within those states and territories (i.e., Grant Applicants), for eligible projects proposed by local governments or private non-profit entities that have applied for federal financial assistance from FEMA through a Grant Applicant. These grants are administered through the programs included in Appendix A, and are intended to promote FEMA's mission to support citizens and first responders to ensure that as a nation we work together to build, sustain and improve our capability to prepare for, protect against, respond to, recover from and mitigate all hazards.

II. Public Notice – Financial Assistance for Activities that Affect Historic Properties or are Located in or that Affect Floodplains or Wetlands

Some of the activities for which FEMA provides financial assistance may affect historic properties, may be located in or affect wetland areas or the 100-year floodplain, and/or may involve critical actions within the 500-year floodplain. In those cases, FEMA must comply with Executive Order 11988, Floodplain Management; Executive Order 11990, Protection of Wetlands; the National Historic Preservation Act of 1966, Pub. L. No. 89-655 (1966) (codified as amended at 16 U.S.C. § 470 et seq.) ("NHPA"); and the implementing regulations at 44 C.F.R. pt. 9 and 36 C.F.R. pt. 800. The executive orders, NHPA, and/or regulations require FEMA to provide public notice for certain activities as part of approving the award of financial assistance for specific projects.

A. Federal Actions in or Affecting Floodplains and Wetlands

Executive Orders 11988 and 11990 require that all federal actions (including federal awards of financial assistance) in or affecting floodplains or wetlands be reviewed for alternatives to avoid adverse effects and avoid direct and indirect support of floodplain development and new construction in wetlands in those areas. FEMA's regulations at 44 C.F.R. pt. 9 set forth the policy, procedure, and responsibilities for implementing the Executive Orders. As detailed in those regulations, FEMA will identify and evaluate practicable alternatives to carrying out a proposed action in the wetlands or floodplain and use social, economic, historical, environmental, legal, and safety factors when analyzing the practicability of the alternatives. Where there is no practicable alternative, FEMA will undertake a detailed review to determine what measures can be taken to minimize potential harm to lives and risk from flooding, the potential adverse impacts the action may have on others, and the potential adverse impact the action may have on floodplain and wetland values.

FEMA has determined that there are normally no practicable alternatives outside the floodplain or wetlands for repairs to certain damaged facilities and structures for which FEMA is providing financial assistance from its grant programs. Generally, these are facilities that meet all of the following criteria:

1. The FEMA estimated cost of repairs/improvements is less than 50% of the estimated replacement cost of the entire facility or structure.
2. The facility or structure is not located in a floodway or coastal high hazard area.
3. The facility or structure has not sustained structural damage from flooding in a previous Stafford Act major disaster or emergency.
4. The facility or structure has not sustained structural damage on which a flood insurance claim has been paid.
5. The restoration of the facility or structure is not a critical action. A critical action means an action for which even a slight chance of flooding is too great.

For a facility meeting the above criteria, FEMA may provide financial assistance under its grant programs, in conformity with applicable codes and standards, and including hazard mitigation measures to reduce the effects of future flooding or other hazards. Hazard mitigation measures could include, for example, increasing the size of a culvert to decrease the risk of future washouts. This may be the only public notice that FEMA will provide before providing financial assistance for such restoration activities to the states of California, Arizona, Nevada, Hawaii, Pacific Island U.S. territories, and Federally-recognized tribes within those states and territories for activities that may be located in or affect floodplains or wetlands. Other activities and those involving facilities that do not meet the above criteria above must undergo more detailed review,

including an evaluation of practicable alternatives. FEMA may publish subsequent public notices regarding such projects as necessary as more information becomes available.

B. Federal Actions Affecting Historic Properties

Section 106 of the NHPA requires FEMA to consider the effects of its activities (known as “undertakings”) on any historic property and to afford the Advisory Council on Historic Preservation (“ACHP”) an opportunity to comment on such projects before the expenditure of any federal funds. FEMA’s grant funding is generally an “undertaking” for the purposes of the NHPA; and a historic property is any property that is included in, or eligible for inclusion in, the National Register of Historic Places (“NRHP”). For historic properties that will not be adversely affected by FEMA’s undertaking, this may be the only public notice. FEMA may, on the other hand, provide additional public notices if a proposed FEMA undertaking would adversely affect a historic property, or if public involvement is completed in conjunction with other aspects of its Environmental and Historic Preservation Review (e.g., public review of a National Environmental Policy Act document).

C. Further Information or Comment

Interested persons may obtain information about FEMA Region IX’s actions under the programs listed in Appendix A by writing to the FEMA Region IX Environmental Officer at FEMA, 1111 Broadway, Suite 1200, Oakland, California 94607, or fema-rix-ehp-documents@fema.dhs.gov, or calling (510) 627-7027. All requests should be received no later than October 24, 2016.