

PUBLIC NOTICE FEMA 4333-DR-ID

The Federal Emergency Management Agency (FEMA) hereby gives notice to the public of its intent to reimburse eligible applicants for eligible costs to repair and/or replace facilities damaged by Flooding, Landslides, and Mudslides occurring on May 6-June 16, 2017. This notice applies to the Public Assistance (PA) and Hazard Mitigation Grant (HMGP) programs implemented under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207.

Under a major disaster declaration (FEMA 4333 DR-ID) signed by the President on August 27, 2017, the following counties have been designated adversely affected by the disaster and eligible for Public Assistance: Blaine, Camas, Custer, Elmore, and Gooding. Additional counties may be designated at a later date. All counties in the State of Idaho are eligible for HMGP.

This public notice concerns activities that may affect historic properties, activities that are located in or affect wetland areas or the 100-year floodplain, and critical actions within the 500-year floodplain. Such activities may adversely affect the historic property, floodplain or wetland, or may result in continuing vulnerability to flood damage.

Presidential Executive Orders 11988 and 11990 require that all federal actions in or affecting the floodplain or wetlands be reviewed for opportunities to relocate, and evaluated for social, economic, historical, environmental, legal and safety considerations. Where there is no opportunity to relocate, FEMA is required to undertake a detailed review to determine what measures can be taken to minimize future damages. The public is invited to participate in the process of identifying alternatives and analyzing their impacts through this notification.

FEMA has determined that for certain types of facilities there are normally no alternatives to restoration in the floodplain/wetland. These are facilities that meet all of the following criteria: 1) FEMA's estimate of the cost of repairs is less than 50-percent of the cost to replace the entire facility, and is less than \$100,000; 2) the facility is not located in a floodway; 3) the facility has not sustained major structural damage in a previous presidentially declared flooding disaster or emergency; and 4) the facility is not critical (e.g., the facility is not a hospital, generating plant, emergency operations center, or a facility that contains dangerous materials). FEMA intends to provide assistance for the restoration of these facilities to their pre-disaster condition, except that certain measures to mitigate the effects of future flooding or other hazards may be included in the work. For example, a bridge or culvert restoration may include a larger waterway opening to decrease the risk of future washouts.

For routine activities, this will be the only public notice provided. Other activities and those involving facilities that do not meet the four criteria are required to undergo more detailed review, including study of alternate locations. Subsequent public notices

regarding such projects will be published if necessary, as more specific information becomes available.

In many cases, an applicant may have started facility restoration before federal involvement. Even if the facility must undergo detailed review and analysis of alternate locations, FEMA will fund eligible restoration at the original location if the facility is functionally dependent on its floodplain location (e.g., bridges and piers), or the project facilitates an open space use, or the facility is an integral part of a larger network that is impractical or uneconomical to relocate, such as a road. In such cases, FEMA must also examine the possible effects of not restoring the facility, minimize floodplain/wetland impacts, and determine both that an overriding public need for the facility clearly outweighs the Executive Order requirements to avoid the floodplain/wetland, and that the site is the only practicable alternative. State of Idaho and local officials will confirm to FEMA that proposed actions comply with all applicable state and local floodplain management and wetland protection requirements.

FEMA also intends to provide HMGP funding to the State of Idaho to mitigate future disaster damages. These projects may include construction of new facilities, modification of existing, undamaged facilities, relocation of facilities out of floodplains, demolition of structures, or other types of projects to mitigate future disaster damages. In the course of developing project proposals, subsequent public notices will be published if necessary, as more specific information becomes available.

The National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties. Those actions or activities affecting buildings, structures, districts or objects 50 years or older or that affect archeological sites or undisturbed ground will require further review to determine if the property is eligible for listing in the National Register of Historic Places (Register). If the property is determined to be eligible for the Register, and FEMA's undertaking will adversely affect it, FEMA will provide additional public notices. For historic properties not adversely affected by FEMA's undertaking, this will be the only public notice.

As noted, this may be the only public notice regarding the above-described actions under the PA and HMGP programs. Interested persons may obtain information about these actions or a specific project by writing to the Federal Emergency Management Agency, Joint Field Office, 4040 W. Guard St., Building 600, Boise, Idaho 83705, or by calling Karie Roach, 312-618-8516. Comments should be sent in writing to Timothy B. Manner, Federal Coordinating Officer, at the above address within 15 days of the date of this notice.



BACKGROUND

FEMA is required by law to provide public notice of the agency's intent to provide federal assistance and grant opportunities post-disaster via the Public Assistance (PA), Individual Assistance (IA), or Hazard Mitigation Grant (HMGP) programs. FEMA is also required to engage in appropriate levels of public involvement for federal actions that require compliance under the National Environmental Policy Act (NEPA), National Historic Preservation Act (NHPA), EO11988: Floodplain Management, EO11990: Wetlands Protection, and EO12898: Environmental Justice. FEMA also must give notice of the agency's intent to protect the civil rights of persons with disabilities as required by the Rehabilitation Act.

The RX Environmental Planning and Historic Preservation (EHP) Office drafts the disaster-wide public notice, which is required to meet both EHP compliance requirements and federal grant public noticing requirements, and then coordinates with leadership and our internal partners to ensure the notice is published. Nationally and in RX, the most common method of meeting these requirements is to place a public notice in the newspaper of record or in papers with the widest circulation in the declared counties. On average, this method may generate at most 5-10 comments per disaster, with the usual number being close to or at zero.

In August 2016, the Regional Environmental Officers (REOs) and leadership from the Office of Environmental Planning and Historic Preservation (OEHP) discussed the disaster-wide public notice process. The RVII REO, Ken Sessa, suggested a different approach to the process, such as publishing the disaster-wide public notice in the Federal Register, may be more effective than the agency's traditional methods.

While the Federal Register is not widely read, building on Mr. Sessa's suggestion, RIV EHP vetted the following approach to the public notice process with OEHP, the Office of Chief Counsel (OCC), and External Affairs as a new, more effective approach to meeting public notice and involvement requirements. It is anticipated that this approach may increase the reach of the disaster-wide public notice to disaster survivors.

PUBLIC NOTICE PROCESS (ELECTRONIC APPROACH)

Step 1: Draft disaster-wide public notice (ensure 508-compliant) using existing OCC-approved template.

Step 2: In partnership with External Affairs, draft media advisory regarding disaster-wide public notice.

Step 3: Circulate draft public notice and media advisory for review amongst JFO senior and program leadership, including the FCO, DFCO, COS, Ops Chief, JFO Program Branch Directors, (IA, PA, and HMA), External Affairs, and OCC.

Step 4: Post disaster-wide public notice on FEMA website (request assistance from External Affairs).

Step 5: Send disaster-wide public notice to state emergency management agency for posting on state website.

Step 6: External Affairs sends out media advisory with copy of public notice attached to EA Stakeholder groups (news media outlets, tribal entities, intergovernmental organizations, disability coordinators, congressional offices, private sector, etc.).

Step 7: Print copies of disaster-wide public notice for posting and distribution at Disaster Recovery Centers (DRCs), Mitigation Outreach Sites, Applicant Briefings (with request to post locally attached), and Kickoff-Meetings (with request to post locally attached).

Step 8: Address comments received.

USE OF THE ELECTRONIC METHOD

How to best distribute the disaster public notice will be decided on a disaster by disaster basis at the JFO. In some instances the electronic approach may be the best method of circulation, while in some instances the traditional publication in the newspaper of record will be most appropriate. In fact, both methods could be utilized on the same disaster.

With the development of the electronic approach to circulating the disaster public notice, FEMA has an additional option when it comes to making sure legal requirements are met, and disaster survivors are best served.