



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.