

## **PUBLIC NOTICE FEMA 4846-DR-AK**

The Federal Emergency Management Agency (FEMA) hereby gives notice to the public of its intent to reimburse eligible applicants under the Public Assistance Program (PA) for eligible costs to repair and/or replace infrastructure and facilities damaged by landslides (FEMA 4846-DR-AK) occurring on August 25, 2024. This notice applies to the Public Assistance (PA) Program and Hazard Mitigation Grant Program (HMGP) implemented under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207.

Under the major disaster declaration (FEMA 4846-DR-AK) signed by the President on November 13, 2024, the Borough of Ketchikan Gateway has been designated adversely affected by the disaster and is eligible for Public Assistance (PA). Additional areas may be subsequently designated. All areas in the State of Alaska are eligible to apply for the HMGP.

Presidential Executive Orders 11988 and 11990 require that all federal actions (including federal awards of financial assistance) 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.

The regulations at 44 C.F.R. Part 9 set forth the FEMA policy, procedure, and responsibilities for implementing Executive Orders 11988 and 11990. Certain actions are totally excluded from being covered by 44 C.F.R. Part 9, such as certain emergency protective measures necessary to save lives and protect property and public health. In addition, FEMA has determined that there are no alternatives to relocate certain facilities that occur within the floodplain and/or wetland. These facilities must 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 the minimal cost threshold (currently \$364,000); 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 grant assistance for the restoration of these facilities to their pre-disaster condition, and where applicable, provide assistance to mitigate the effects of future hazards. For routine activities, this will be the only public notice provided.

For those actions not excluded from 44 C.F.R. Part 9, 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. The public is invited to participate in the process of identifying alternatives and analyzing their impacts. Other assistance projects will undergo more detailed review, including

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

For most in-kind facility restoration and associated minor hazard mitigation measures, this will be the only public notice provided. Other activities that affect wetland areas or floodplains may be required to undergo more detailed review, including study of alternate locations. Subsequent public notices regarding such projects will be published, as necessary, as more specific information becomes available.

Some of the activities for which FEMA provides assistance may affect historic properties, may be located in or affect wetland areas or the 1% annual chance (base or 100-year) floodplain, and/or may involve critical actions within the 0.2% annual chance (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, (54 U.S.C. § 300101 et seq.) (“NHPA”); and the implementing regulations at 44 C.F.R. Part 9 (Floodplain Management and Protection of Wetlands) and 36 C.F.R. Part 800 (Protection of Historic Properties). The executive orders, NHPA, and/or regulations require FEMA to provide public notice for certain activities as part of approving the award of assistance for specific projects.

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 an opportunity to comment on such projects before the expenditure of any federal funds. A federal assistance project is 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. For historic properties that will not be adversely affected by FEMA’s undertaking, this will be the only public notice. It will also be the only public notice if the work is an immediate rescue and salvage operation to preserve life and property (36 C.F.R. § 800.12(d)) FEMA may, for other projects, provide additional public notices if a proposed FEMA Undertaking would adversely affect a historic property.

FEMA also intends to provide HMGP funding to the State of Alaska 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. As more specific information becomes available, subsequent projects-specific public notices will be published, as necessary, for actions that occur within or affect floodplains and/or wetlands.

As noted, this may serve as the only public notice regarding some of 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 Region 10 office, 130 228th Street SW, Bothell, Washington 98021-9796 or by email to FEMA-R10-EHP-Comments@fema.dhs.gov. Comments should be sent in writing to Lance Davis, Federal Coordinating Officer, at the above address within 15 days of the date of this notice.