PUBLIC NOTICE
FEMA-4694-DR-NY

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 the New York Severe Winter Storm and Snowstorm during the period of December 23 through December 28, 2022. This notice applies to Public Assistance (PA) and the 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 a major disaster declaration (FEMA-4694-DR-NY) signed by the President on March 15, 2023, the following counties have been designated adversely affected by the disaster and eligible for PA and HMGP assistance:

> Public Assistance (PA) (Assistance for emergency work and/or the repair or replacement of disaster-damaged facilities): Erie, Genesee, Niagara, St. Lawrence, and Suffolk Counties
>
> Hazard Mitigation Grant Program (HMGP) (Assistance for actions taken to prevent or reduce long term risk to life and property from natural hazards): All counties in the State of New York are eligible for HMGP.

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

Presidential Executive Orders 11988 and 11990 require that all federal actions in or affecting floodplain or wetlands be reviewed for opportunities to relocate, and evaluated for social, economic, historic preservation, 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.

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, where critical public facilities include those for police, fire protection/emergency services, medical care, education, libraries, utilities, and other essential community services, the administrative and support facilities essential to their operation, as well as major communication centers and facilities designed for bulk storage of chemicals, petrochemicals, hazardous or toxic substances or floatable materials. FEMA intends to provide assistance for the restoration of these facilities to their pre-disaster condition, and certain measures to mitigate the effects of future flooding or other hazards may be included in the work. 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 alternative 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 practical alternative. State of New York and local officials will confirm to FEMA that proposed actions comply with all applicable State and local floodplain management and wetland protection requirements.

FEMA funded projects are reviewed in compliance with Executive Order (EO) 12898 - Environmental Justice, which directs each federal agency to avoid disproportional and high adverse human health or environmental effects to low-income and minority populations. Applicants can play a critical role in achieving Environmental Justice by identifying the presence of low-income and minority populations so that disproportionate impacts to human health and environmental hazards can be considered early in the project development stage, and avoided, when possible. The following types of projects may trigger EO 12898 including but not limited to: debris staging and disposal; road repair that requires detours; temporary or relocation actions; and drainage improvements/actions in floodplains.

FEMA intends to provide HMGP funding to the State of New York 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 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 archaeological 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 U.S. Department of Homeland Security, Federal Emergency Management Agency, Region 2, Leo O'Brien Building, STE 600, 11A Clinton Avenue, Albany, NY 12207-

2335, or via e-mail to FEMAR2COMMENT@fema.dhs.gov. Comments should be sent in writing to the attention of Federal Coordinating Officer Lai Sun Yee at the above address within 15 days of the date of this notice.