

## **PUBLIC NOTICE**

The U.S. Department of Homeland Security's Federal Emergency Management Agency (FEMA) hereby gives notice to the public of its intent to provide financial assistance to the State of Florida, local and tribal governments, and private nonprofit organizations under major disaster declaration, FEMA-4673-DR-FL. This notice applies to the Individual Assistance (IA) and Public Assistance (PA) programs implemented under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207 (Stafford Act). This public notice concerns activities which may affect historic properties, activities located in or affecting wetland areas and the 100-year floodplain, and activities which may involve 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.

### **I. Public Notice – Major Disaster Declaration FEMA-4673-DR-FL and Overview of Authorized Assistance**

The President declared a major disaster for the State of Florida on September 29, 2022, as a result of Hurricane Ian, pursuant to his authority under the Stafford Act. This declaration authorized FEMA to provide, through its Public Assistance Program, reimbursement or direct Federal assistance to eligible state, local, and tribal governments, and certain private-non-profit organizations for emergency work under Categories A and B, for Charlotte, Collier, DeSoto, Flagler, Hardee, Hendry, Highlands, Hillsborough, Lake, Lee, Manatee, Orange, Osceola, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, and Volusia Counties in the State of Florida.

The following counties have been designated as eligible for PA, Category B, including Direct Federal Assistance: Alachua, Baker, Bay, Bradford, Brevard, Broward, Calhoun, Citrus, Clay, Columbia, Dixie, Duval, Escambia, Flagler, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hendry, Hernando, Holmes, Indian River, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Marion, Martin, Miami-Dade, Monroe, Nassau, Okaloosa, Okeechobee, Orange, Palm Beach, Pasco, Putnam, Santa Rosa, St. Johns, St. Lucie, Sumter, Suwannee, Taylor, Union, Wakulla, Walton and Washington. The following tribes have been designated as eligible for PA, Category B, including to Direct Federal Assistance: Miccosukee Tribe of Indians of Florida and Seminole Tribe of Florida.

The following counties have been designated as eligible for PA, Category C through G for permanent work: Charlotte, Collier, Hardee, Hendry, Highlands, Lake, Lee, Manatee, Polk, and Sarasota.

Amendment No. 5, issued October 5, 2022, to the notice of major disaster declaration for the state of Florida (FEMA DR-4673-FL), dated September 29, 2022, identified the following counties eligible for Category A, including Direct Federal Assistance: Indian River and Monroe. Additionally, the following counties have been found eligible for PA Category C through G for permanent work: DeSoto, Flagler, Hillsborough, Putnam, Seminole, St. Johns, and Volusia.

Amendment No. 6, issued October 7, 2022, to the notice of major disaster declaration for the state of Florida (FEMA DR-4673-FL), dated September 29, 2022, identified Palm Beach County eligible for Individual Assistance, including Direct Federal Assistance.

Amendment No. 7, issued October 10, 2022, to the notice of major disaster declaration for the state of Florida (FEMA DR-4673-FL), dated September 29, 2022, identified Orange, and Osceola counties eligible for PA Category C through G, permanent work. Additionally, Brevard County has been identified eligible for Category A, and C through G for permanent work.

Amendment No. 8, issued October 11, 2022, to the notice of major disaster declaration for the state of Florida (FEMA DR-4673-FL), dated September 29, 2022, identified Brevard, Hendry, Monroe, and Okeechobee counties eligible for Individual Assistance. Additionally, Glades and Okeechobee counties have been found eligible for Category A, and C through G for permanent work.

Amendment No. 9, issued October 14, 2022, to the notice of major disaster declaration for the state of Florida (FEMA DR-4673-FL), dated September 29, 2022, identified Glades and Pasco counties eligible for Individual Assistance; and Sumter County eligible for Category A, and C through G for permanent work.

Amendment No. 10, issued October 27, 2022, to the notice of major disaster declaration for the state of Florida (FEMA DR-4673-FL), dated September 29, 2022, identified Duval County eligible for PA Category A, and C through G for permanent work. Additionally, Pinellas County eligible for PA categories C through G for permanent work.

Amendment No. 11, issued November 10, 2022, gives notice that the incident period for this disaster (FEMA-4673-DR-FL) was closed effective November 4, 2022.

Amendment No. 12, issued November 10, 2022, to the notice of major disaster declaration for the state of Florida (FEMA DR-4673-FL), dated September 29, 2022, identified Martin County eligible for PA Category A, and C through G for permanent work.

The Public Assistance Program is authorized by Sections 403, 406, and 407 of the Stafford Act. These actions may include the establishment of mobile testing sites, temporary medical facilities, temporary staging locations, and temporary sheltering for at-risk populations. This will be the only public notice concerning these actions.

The Hazard Mitigation Grant Program (HMGP) will be available statewide. Additional designations may be made at a later date if requested by the State and warranted by the results of further damage assessments.

This declaration also authorized FEMA to provide Individual Assistance in the form of financial assistance and direct services funding assistance to individuals and households under Section 408 of the Stafford Act for Charlotte, Collier, DeSoto, Flagler, Hardee, Highlands, Hillsborough, Lake, Lee, Manatee, Orange, Osceola, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, and Volusia Counties. These actions are not anticipated to have an impact on a floodplain/wetland. This will be the only public notice concerning these actions.

FEMA intends to provide IA program funding for disaster-related emergency housing. These actions may adversely affect a floodplain or wetland, or may result in continuing vulnerability to floods. These actions may include repair, restoration, or construction of housing or private bridges, purchase and placement of travel trailers or manufactured housing units, or minimum repair of structures as protective measures. This will be the only public notice concerning these actions.

## **II. Public Notice – Financial Assistance for Activities Which Affect Historic Properties or Located in or Affect Wetland Areas or Floodplains**

Some of the activities for which FEMA provides financial assistance under the Individual Assistance, Public Assistance, and Hazard Mitigation Grant Programs may affect historic properties, may be located in or affect wetland areas or the 100-year floodplain, and may involve critical actions within the 500-year floodplain. In accordance with all requirements of the National Environmental Policy Act (NEPA), all federal actions must be reviewed and evaluated for feasible alternatives. FEMA must also 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 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**

FEMA has determined for certain types of facilities there are normally no alternatives to restoration in the floodplain or wetland. These are facilities meeting all of the following criteria: 1) FEMA's estimate of the cost of repairs is less than 50% 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 containing dangerous materials). FEMA intends to provide assistance for the restoration of these facilities to their pre-disaster condition, except certain measures to mitigate the effect 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 not meeting the four criteria are required to undergo more detailed review, including the 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 flood control facilities), or the project facilitates an open space use, or the facility is an integral part of a larger network which 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, minimizing floodplain or wetland impacts, and determining both an overriding public need for the facility clearly outweighs the Executive Order requirements to avoid the floodplain or wetland, and the site selected is the only practicable alternative. The State and local officials will confirm to FEMA the proposed actions comply with all applicable federal, state, and local floodplain management and wetland protection requirements.

The Public Assistance (PA) Federal Flood Risk Management Standard (FFRMS) partial implementation policy, effective for all major disasters declared on or after June 3, 2022, applies to PA projects in the 1% annual chance floodplain (1% and 0.2% annual chance floodplains for critical actions) involving new construction of structures, structures that have a substantial damage determination, or structures that require substantial improvement. The policy applies regardless of the cause of damage.

The Hazard Mitigation Assistance (HMA) FFRMS partial implementation policy applies to non-critical actions involving structure elevation, dry floodproofing, and mitigation reconstruction in the 1% annual chance floodplain. For all FEMA programs and project types, if a state, local, tribal, or territorial government has its own higher elevation standard, FEMA requires use of the higher standard. FEMA program policies also reference additional consensus codes and standards, such as ASCE-24-14, that incorporate additional elevation requirements beyond the base flood elevation.

#### **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. An Individual Assistance, Public Assistance, or Hazard Mitigation Grant Program activity is an “undertaking” for the purposes of the NHPA, and a historic property is any property which is included in, or eligible for inclusion in, the National Register of Historic Places (NRHP). For historic properties which will not be adversely affected by FEMA’s undertaking, this will be the only public notice. FEMA may provide additional public notices if a proposed FEMA undertaking would adversely affect a historic property.

#### **III. Further Information or Comment**

The Rehabilitation Act of 1973 protects the civil rights of persons with disabilities. It prohibits discrimination on the basis of disability by the federal government, federal contractors, and by recipients of federal financial assistance. Any recipient or sub-recipient of federal funds is required to make their programs accessible to individuals with disabilities. Its protections apply to all programs and businesses receiving any federal funds. This applies to all elements of physical/architectural, programmatic and communication accessibility in all services and activities conducted by or funded by FEMA. FEMA intends to comply with the Rehabilitation Act in all

federally conducted and assisted programs in alignment with the principals of whole community inclusion and universal accessibility.

Executive Orders 13985 and 14008 further address the need to achieve environmental justice and equity across the federal government. The issuance of the new executive orders more than 20 years after Executive Order 12898 was signed indicates the administration's directive to federal agencies to renew their energy, effort, resources, and attention to environmental justice. FEMA is working with applicants/sub-applicants to identify communities with Environmental Justice concerns and provide an avenue for local groups and non-profits with an Environmental Justice mission to self-identify so FEMA Programs can start to work with them on specific projects from the beginning of the application process.

FEMA also intends to provide HMGP funding to the State of Florida 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.

This may be the only public notice regarding the actions described above for which FEMA may provide financial assistance under the Individual Assistance, Public Assistance, or Hazard Mitigation Programs. Interested persons may obtain information about these actions or a specific project by writing to the Federal Emergency Management Agency Region 4, 3005 Chamblee Tucker Road, Atlanta, Georgia 30341-4112, or by email at [FEMA-R4EHP-FLORIDA@fema.dhs.gov](mailto:FEMA-R4EHP-FLORIDA@fema.dhs.gov). Please include in the subject line of the email, "DR 4673-FL EHAD". Comments should be sent in writing at the above address within 30 days of the date of this notice.