

# **PUBLIC NOTICE**

## **FEMA-4700-DR-AR**

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 a severe winter storm, occurring January 30 to February 2, 2023. 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 FEMA-4700-DR-AR, signed by the President on April 4, 2023, the following counties have been designated eligible for PA Categories Drew PA Category A (Debris Removal), Category B (Emergency Protective Measures) and Categories C – G (Permanent Work), including Direct Federal Assistance, under the major disaster declaration: Bradley, Calhoun, Cleveland, Dallas, Desha, Grant, Jefferson, Lincoln, Nevada, Ouachita, Searcy, and Stone. Additional counties may be designated at a later date. All counties in the State of Arkansas are eligible for HMGP under FEMA-4700-DR-AR.

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 be 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% 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 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 flood control facilities), 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 Arkansas 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 Arkansas 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 damage. In the course of developing project proposals, subsequent public notices will be published, if necessary, as more specific information becomes available.

Executive Order 14030, Climate-Related Financial Risk (May 20, 2021), reinstated Executive Order 13690, Establishing a Federal Flood Risk Management Standard and a Process for Further Soliciting and Considering Stakeholder Input (January 30, 2015), which established the Federal Flood Risk Management Standard (FFRMS), as such, will be utilized by FEMA in identifying the applicable design standard for project types incorporating either the FFRMS-Freeboard Value Approach (FVA) or FFRMS-0.2-Percent-Annual-Chance Flood Approach for specific non-critical and critical actions per FEMA (HMA) Policy FP-206-21-0003-0001 and FEMA (PA) Policy 104-22-0003. The PA FFRMS partial implementation policy applies to PA projects in the 1% (100-year) annual chance floodplain (and to the 1% (100-year) and 0.2% (500-year) 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 HMGP FFRMS partial implementation policy applies to projects involving structure elevation, dry floodproofing, and mitigation reconstruction in the 1% (100-year) annual chance floodplain (and the 1% (100-year) and 0.2% (500-year) annual chance floodplains for critical actions). 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, which incorporate additional elevation requirements beyond the base flood elevation.

The National Historic Preservation Act requires federal agencies to consider 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.

Presidential Executive Order 12898, Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, directs each federal agency to avoid disproportionate and high adverse human health or environmental effects to low-income and minority populations. FEMA aims to identify low income and minority communities at the onset of a declared event to gain better understanding of how response and recovery efforts, including mitigation may impact such groups and communities. Additionally, once low income and minority communities have been identified, FEMA aims to minimize any potential adverse impacts related to FEMA's response, recovery, and mitigation activities in those communities.

Interested persons may obtain information about these actions or a specific project by writing to Dorothy Cook, Acting Regional Environmental Officer, Federal Emergency Management Agency, Region 6, 800 North Loop 288, Denton, TX 76209 or [FEMA-R6-EHP@fema.dhs.gov](mailto:FEMA-R6-EHP@fema.dhs.gov). Comments should be sent in writing within 15 days of the date of this notice.