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## DR-4699-CA Public Notice 003

English

<b>Notice Date</b>	September 11, 2023
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### **PUBLIC NOTICE: MAJOR DISASTER DECLARATION | FEMA-4699-DR-CA**

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 California, local and Indian tribal governments, and private nonprofit organizations under major disaster declaration FEMA-4699-DR-CA. This notice applies to the Individual Assistance (IA), Public Assistance (PA), and Hazard Mitigation Grant (HMGP) programs implemented under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207. This public notice concerns activities that may affect historic properties, activities that are located in or affect wetland areas and the 100-year floodplain, and 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-4699-DR-CA and Overview of Authorized Assistance**

The President declared a major disaster for the State of California on April 3, 2023, as a result of the severe winter storms, straight-line winds, flooding, landslides, and mudslides that began on February 21, 2023 and are continuing, pursuant to his authority under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288 (1974) (codified as amended at 42 U.S.C. § 5121 et seq.) (Stafford Act).

This declaration, numbered FEMA-4699-DR-CA, has authorized Individual Assistance (assistance to individuals and households) for Kern, Madera, Mariposa, Mendocino, Mono, Monterey, San Benito, San Bernardino, Santa Cruz, Tulare, and Tuolumne Counties.

The following counties have been authorized for Public Assistance (Assistance for emergency work and the repair or replacement of disaster-damaged facilities): Alpine, Amador, Butte, Calaveras, Del Norte, Fresno, Glenn, Inyo, Kern, Kings, Los Angeles, Madera, Mariposa, Merced, Monterey, Modoc, San Benito, San Francisco, Santa Cruz, Sierra, Trinity, Tulare, and Tuolumne Counties.

The Hazard Mitigation Grant Program (assistance for actions taken to prevent or reduce long term risk to life and property from natural hazards) is available statewide.

Additional counties may be designated at a later date if requested by the state and warranted by the results of further damage assessments.

Amendment No. 1, issued April 14, 2023, to the notice of major disaster declaration for the State of California (FEMA DR-4699-CA), dated April 3, 2023, identified the following county as eligible for Individual Assistance: San

Bernardino County; identified the following counties as eligible for Public Assistance: Alpine, Fresno, Kings, Merced, Sierra, and Trinity Counties; and identified the following counties as eligible for Public Assistance (already designated for Individual Assistance): Kern, Mariposa, San Benito, and Tuolumne Counties.

Amendment No. 2, issued May 2, 2023, to the notice of major disaster declaration for the State of California (FEMA DR-4699-CA), dated April 3, 2023, identified the following counties for Individual Assistance: Madera, Mendocino, Mono; identified the following counties as eligible for Public Assistance: Amador, Butte, Del Norte, Glenn, Inyo, Madera, Modoc, San Francisco; and identified the following county as eligible for Public Assistance (already designated for Individual Assistance): Santa Cruz County.

Amendment No. 3, issued May 25, 2023, to the notice of major disaster declaration for the State of California (FEMA DR-4699-CA), dated April 3, 2023, identified the following counties for Individual Assistance: Butte; identified the following counties as eligible for Public Assistance: El Dorado, Humboldt, Lake, Marin, Napa, Nevada, Sacramento, San Luis Obispo, Santa Barbara, Santa Clara and Shasta and identified the following county as eligible for Public Assistance (already designated for Individual Assistance): Mono County.

Amendment No. 4, issued June 9, 2023, to the notice of major disaster declaration for the State of California (FEMA DR-4699-CA), dated April 3, 2023, identified the following counties for Individual Assistance: San Luis Obispo. Identified the following counties as eligible for Public Assistance: Plumas, Solano, and Sonoma.

Amendment No. 5, issued June 30, 2023, to the notice of major disaster declaration for the State of California (FEMA DR-4699-CA), dated April 3, 2023, identified the following counties for individual assistance: Nevada County (already designated for Public Assistance).

Amendment No 6. issued July 14, 2023, provided notice that the incident period for this disaster is closed effective July 10, 2023.

Amendment No. 7, issued July 24, 2023, to the notice of major disaster declaration for the State of California (FEMA DR-4699-CA), dated April 3, 2023, identified the following counties for Public Assistance: Alameda, Imperial, San Bernadino (already designated for Individual Assistance), San Joaquin, Stanislaus, and Ventura.

Amendment No. 8, issued September 1, 2023, to the notice of major disaster declaration for the State of California (FEMA DR-4699-CA), dated April 3, 2023, identified the following counties to include snow assistance under the Public Assistance program: Inyo and Los Angeles.

Individual Assistance is authorized by Section 408 of the Stafford Act. FEMA may provide IA program funding for disaster-related emergency housing. These actions may adversely affect a floodplain/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 repair of structures as minimum protective measures. This will be the only public notice concerning these actions.

The Public Assistance Program is authorized by Sections 403, 406, and 407 of the Stafford Act. FEMA may provide financial assistance under the Public Assistance Program for the State of California, local and Indian tribal governments, and private nonprofit organizations to perform debris removal and emergency protective measures.

The Hazard Mitigation Grant Program is authorized by Section 404 of the Stafford Act. Under the Hazard Mitigation Grant Program, FEMA may provide financial assistance for the State of California, local and Indian tribal governments, and private nonprofit organizations to implement mitigation measures to reduce the risk of life and property from future disasters during the recovery from the major disaster. In the course of developing project proposals, subsequent public notices will be published if necessary, as more specific information becomes available.

## **II. Public Notice – Financial Assistance for Activities that Affect Historic Properties or Located in or that Affect Wetlands 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 or a Coastal High Hazard Zone; 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 California 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 will be the only public notice regarding the actions described above for which FEMA may provide financial assistance under the Individual Assistance, Public Assistance, and Hazard Mitigation Grant Programs. Interested persons may obtain information about these actions or a specific project by writing to the Federal Emergency Management Agency Region RIX Office, Acting Regional Environmental Officer, Scott Fletcher, 1111 Broadway, Suite 1200, Oakland, CA 94607. All comments concerning this public notice must be submitted in writing to the Region RIX Office within 30 days of its publication.

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