

Public Notice: Major Disaster Declaration FEMA-4354-DR-ME

Release Date: February 21, 2018

The Federal Emergency Management Agency (“FEMA”) within the U.S. Department of Homeland Security is giving public notice of its intent to provide financial assistance to the State of Maine, local and tribal governments, and private nonprofit organizations under major disaster declaration FEMA-4354-DR-ME. FEMA is also giving public notice that, in some cases, it may provide financial assistance for activities that may affect historic properties, may be located in or affect wetland areas or the 100-year floodplain, and/or may involve critical actions within the 500-year floodplain.

I. Public Notice – Major Disaster Declaration FEMA-4354-DR-ME and Overview of Authorized Assistance

The President declared a major disaster for the State of Maine on January 2, 2018, as a result of a severe storm and flooding (“incident”) that occurred from October 29 to November 1, 2017, 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-4354-DR-ME, authorized the Public Assistance Grant Program for Cumberland, Franklin, Hancock, Kennebec, Knox, Lincoln, Oxford, Penobscot, Piscataquis, Sagadahoc, Somerset, Waldo, and York Counties and the Hazard Mitigation Grant Program statewide. Public Assistance may also be authorized for additional counties at a later date.

The Public Assistance Grant 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 Maine, local governments, and private nonprofit organizations to perform debris removal, emergency protective measures, and permanent restoration of facilities damaged or destroyed by the incident. In the case of permanent restoration of damaged or destroyed facilities, FEMA may provide financial assistance for the restoration for facilities to their pre-disaster condition, in conformity with applicable codes and standards, and



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including hazard mitigation measures to reduce the effects of future flooding or other hazards. A “facility” is any publicly or privately owned building, works, system, or equipment, built or manufactured, or an improved and maintained natural feature. Land used for agricultural purposes is not a facility.

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 Maine, local governments, and private nonprofit organizations to take mitigation measures to reduce the risk of life and property from future disasters during the recovery from the major disaster.

II. Public Notice – Financial Assistance for Activities Located in or that Affect Wetlands Areas or Floodplains or that Affect Historic Properties

Some of the activities for which FEMA provides financial assistance under the 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/or may involve critical actions within the 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, Pub. L. No. 89-655 (1966) (codified as amended at 54 U.S.C. § 300101 *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/or 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

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 alternatives to avoid adverse effects and incompatible developments in those areas. The regulations at 44 C.F.R. pt. 9 set forth the FEMA policy, procedure, and responsibilities for implementing the Executive Orders. Certain actions are totally excluded from being covered by 44 C.F.R. pt. 9, such as emergency protective measures necessary to save lives and protect property and public health.



For those actions not excluded from 44 C.F.R. pt. 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.

FEMA has determined that there are normally no practicable alternatives outside the floodplain or wetlands for repairs to certain damaged facilities and structures for which FEMA is providing financial assistance under the Public Assistance Grant Program. These include Public Assistance projects for the restoration of building contents, materials, and equipment and also projects for the restoration of facilities or structures that meet all of the following:

1. The FEMA estimated cost of repairs is less than 50% of the estimated replacement cost of the entire facility or structure and is less than \$100,000.
2. The facility or structure is not located in a floodway or coastal high hazard area.
3. The facility or structure has not sustained structural damage from flooding in a previous Stafford Act major disaster or emergency.
4. The facility or structure has not sustained structural damage on which a flood insurance claim has been paid.
5. The restoration of the facility or structure is not a critical action. A critical action means an action for which even a slight chance of flooding is too great.

For these types of Public Assistance projects, FEMA may provide financial assistance under the Public Assistance Grant Program to restore the facility to its pre-disaster condition, in conformity with applicable codes and standards, and including hazard mitigation measures to reduce the effects of future flooding or other hazards. Code or standard-triggered upgrades and/or hazard mitigation measures could include, for example, increasing the



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size of a culvert. This is the only public notice that FEMA will provide before providing financial assistance for such restoration activities. Other Public 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.

FEMA also intends to provide Hazard Mitigation Grant Program funding to the State of Maine for the State, local, and tribal governments and private nonprofit organizations to perform various mitigation projects. 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. FEMA will publish subsequent public notices regarding such projects as necessary as more information becomes available.

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 an opportunity to comment on such projects before the expenditure of any federal funds. A Public Assistance and Hazard Mitigation Grant Program 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. FEMA may, on the other hand, provide additional public notices if a proposed FEMA undertaking would adversely affect a historic property.

III. Further Information or Comment

This will be the only public notice regarding the actions described above for which FEMA may provide financial assistance under the Public Assistance and Hazard Mitigation Grant Programs. Interested persons may obtain information about these actions or a specific project by writing to the following:

Federal Emergency Management Agency



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Processing Center

Attn: Federal Coordinating Officer, FEMA-4354-DR-ME

63 Old Marlboro Road

Maynard, MA, 01754.

All comments concerning this public notice must be submitted in writing to FEMA within 15 days of its publication.



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