

## **Initial Public Notice for DR-4420-NE**

### **Date of Notice:**

Wednesday, May 15, 2019

The U.S. Department of Homeland Security, Federal Emergency Management Agency (FEMA) hereby gives notice to the public of its intent to reimburse state and local Nebraska governments and agencies, and eligible private nonprofit organizations for costs incurred to repair and/or replace facilities damaged by severe winter storms, straight-line winds, and flooding during the period of March 09 to April 01, 2019.

This notice applies to the 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 USC §§ 5121-5207, as amended.

Under a major disaster declaration (FEMA-4420-DR-NE) signed by the President on March 21, 2019, the following counties in the state of Nebraska have been designated adversely affected by the disaster and are eligible for Public Assistance: Adams, Antelope, Banner, Blaine, Boone, Box Butte, Boyd, Brown, Buffalo, Burt, Butler, Cass, Cedar, Cherry, Cheyenne, Clay, Colfax, Cuming, Custer, Dakota, Dawes, Dawson, Deuel, Dixon, Dodge, Douglas, Fillmore, Franklin, Frontier, Furnas, Gage, Garden, Garfield, Gosper, Greeley, Hall, Harlan, Holt, Howard, Jefferson, Johnson, Kearney, Keya Paha, Kimball, Knox, Lancaster, Lincoln, Logan, Loup, Madison, Merrick, Morrill, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Phelps, Pierce, Platte, Polk, Richardson, Rock, Saline, Sarpy, Saunders, Scotts Bluff, Seward, Sheridan, Sherman, Sioux, Stanton, Thayer, Thurston, Valley, Washington, Wayne, Webster, Wheeler, and York Counties and the Santee Sioux Nation for debris removal and emergency protective measures (Categories A and B), including direct federal assistance, under the Public Assistance program at 75 percent federal funding.

The following tribes are under consideration for PA, Ponca Tribe of Nebraska, and Omaha Tribe of Nebraska. If there is sufficient damage, they may become eligible for PA in the near future.

The entities designated for Individual Assistance (IA) include the Santee Sioux Nation and the following Counties in Nebraska: Antelope, Boone, Boyd, Buffalo, Burt, Butler, Cass, Colfax, Cuming, Custer, Dodge, Douglas, Hall, Howard, Knox, Madison, Nance, Nemaha, Pierce, Platte, Richardson, Saline, Sarpy, Saunders, Stanton, Thurston, and Washington Counties. In addition, Holt County is under consideration for IA. If there is sufficient damage, it may become eligible for IA in the near future.

All counties in the state of Nebraska are eligible for the Hazard Mitigation Grant Program (HMGP).

This public notice concerns public assistance activities that may affect historic properties, activities that are located in, or affect wetland areas or the 100-year floodplain (areas

determined to have a one-percent probability of flooding in any given year), 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.

Such activities may include restoring facilities located in a floodplain with eligible damage to pre-disaster condition. Examples of such activities include, but are not limited to, the following:

1. Non-emergency debris removal and disposal;
2. Non-emergency protective measures;
3. Repair/replacement of roads, including streets, culverts, and bridges;
4. Repair/replacement of public dams, reservoirs and channels;
5. Repair/replacement of public buildings and related equipment;
6. Repair/replacement of public water control facilities, pipes and distribution systems;
7. Repair/replacement of public utilities, including sewage treatment plants, sewers and electrical power distribution systems; and
8. Repair/replacement of eligible private, nonprofit facilities (hospitals, educational centers, emergency and custodial care services, etc.).

The President's Executive Order 11988, Floodplain Management, and Executive Order 11990, Protection of Wetlands, requires that all federal actions in or affecting the 100-year floodplain or wetland areas be reviewed for opportunities to move the facility out of the floodplain or wetland and to reduce the risk of future damage or loss from flooding and minimize harm to wetlands. However, FEMA has determined that in certain situations there are no alternative to restoring an eligible facility located in the floodplain to its pre-disaster condition. These situations meet all the following criteria:

1. The FEMA estimated cost of repairs is less than 50 percent of the estimated cost to replace the facility and the replacement cost of the facility is less than \$100,000;
2. The facility is not located in a floodway or coastal high hazard area;
3. The facility has not sustained structural damage in a previous presidentially declared flood disaster or emergency;
4. The facility is not defined as critical (e.g., hospital, generating plant, contains dangerous materials, emergency operation center, etc.).

FEMA will provide assistance to restore the facilities described above to their pre-disaster condition except when measures to mitigate the effects of future flooding may be incorporated into the restoration work. For example, insufficient waterway openings under culverts and bridges may cause water backup to wash out the structures. The water backup could wash out the facility and could damage other facilities in the area. Increasing the size of the waterway opening would mitigate, or lessen, the potential for this damage. Additional examples of mitigation measures include providing erosion protection at bridge abutments or levees and extending entrance tubes on sewage lift stations.

Disaster assistance projects to restore facilities, which do not meet the criteria listed above, must undergo a detailed review. The review will include a study to determine if the facility can be moved out of the floodplain. The public is invited to participate in the review. The public may identify alternatives for restoring the facility and may participate in analyzing the impact of the alternatives for repairing the facility and the floodplain. An address and phone number for obtaining information about specific assistance projects is provided at the end of this Notice. The final determination regarding the restoration of these facilities in a floodplain will be announced in future Public Notices.

Due to the urgent need for and/or use of certain facilities in a floodplain, actions to restore the facility may have started before the federal inspector visits the site. Some of these facilities may meet the criteria for a detailed review to determine if they should be relocated. Generally, facilities may be restored in their original location where at least one of the following conditions applies:

1. The facility, such as a flood-control device or bridge, is functionally dependent on its floodplain location;
2. The facility, such as a park or other open-use space, already represents sound floodplain management and, therefore, there is no need to change it;
3. The facility, such as a road or a utility, is an integral part of a larger network that could not be relocated economically;
4. Emergency action is needed to address a threat to public health and safety.

The effects of not relocating the facilities will be examined. In each case, the examination must show an overriding public need for the facility at its original location that clearly outweighs the requirements in the Executive Order to relocate the facility out of the floodplain. FEMA also will consult state and local officials to make certain that no actions taken will violate either state or local floodplain protection standards. The restoration of these facilities may also incorporate certain measures designed to mitigate the effects of future flooding. This will be the only Notice to the public concerning these facilities.

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.

FEMA also intends to provide Hazard Mitigation Grant Program (HMGP) funding under Section 404 of the Stafford Act to the state of Nebraska for the purpose of mitigating future disaster damages. Hazard mitigation projects may involve the construction of a new facility (e.g., retention pond, or debris dam), modification of an existing undamaged facility (e.g., improving waterway openings of bridges or culverts), and the relocation of

facilities out of the floodplain. Subsequent Notices will provide more specific information as project proposals are developed.

Information about assistance projects may be obtained by submitting a written request to the Regional Administrator, DHS-FEMA Region VII; 11224 Holmes Road; Kansas City, MO 64131. The information may also be obtained by calling: (816) 283-7060, between the hours of 8 a.m. and 4:30 p.m. Central Time, Monday through Friday. Comments should be sent in writing to the Regional Administrator, at the above address, within 15 days of the date of publication of this Notice.