

PUBLIC NOTICE

FEMA 3582-EM-MS

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 Mississippi, local and Indian tribal governments, and private nonprofit organizations under major disaster declaration FEMA-3582-EM. This notice applies to the Public Assistance (PA) program 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 that may affect historic properties, activities that are located in or affect wetland areas and the 100-year floodplain, and activities that 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 – Emergency Declaration FEMA-3582-EM and Overview of Authorized Assistance

The President declared an emergency declaration for the State of Mississippi on August 30, 2022, with an incident period of August 30, 2022, as a result of the City of Jackson's and Hinds County's Water Crisis, 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, tribal and certain private-non-profit organization applicants for emergency work Categories B located in Hinds County in the State of Mississippi. The Public Assistance Program is authorized by Sections 403, 406, and 407 of the Stafford Act. This will be the only public notice concerning these actions. Additional designations may be made at a later date if requested by the state and warranted by the results of further damage assessments.

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

Some of the activities for which FEMA provides financial assistance under the Public Assistance Grant Program 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 that for certain types of facilities there are normally no alternatives to restoration in the floodplain or 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 emergency assistance including temporary repairs.

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 the study of alternate locations. Subsequent public notices regarding such projects will be published if necessary, as more specific 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 (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 that is included in, or eligible for inclusion in, the National Register of Historic Places (NRHP). For historic properties that 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 that receive 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 that FEMA Programs can start to work with them on specific projects from the beginning of the application process.

This may be the only public notice regarding the actions described above for which FEMA may provide financial assistance under the Public Assistance Program. Interested persons may obtain information about these actions or a specific project by writing to the Federal Emergency Management Agency Region IV - 3005 Chamblee Tucker Rd, Atlanta, GA 30341-4112 or by email at FEMA-R4EHP@fema.dhs.gov. Please include in the subject line of the email "FEMA-3582-EM EHAD". Comments should be sent in writing at the above address within 30 days of the date of this notice.