

PUBLIC NOTICE

FEMA – 4861 – DR – WV

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 severe storms, straight-line winds, flooding, landslides, and mudslides (FEMA-4861-DR-WV) occurring from February 15th through February 18th, 2025. This notice applies to the Public Assistance (PA), Individual Assistance (IA), 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.

The President signed major disaster declaration FEMA-4861-WV on February 26, 2025, approving federal assistance for the IA and HMGP programs. This declaration was amended to include federal assistance for the PA program on March 19, 2025. The following counties have been designated as adversely affected by the disaster and eligible for both PA and IA: Logan, McDowell, Mercer, Mingo, Raleigh, Wayne, and Wyoming. The following counties have been designated for PA only: Boone, Greenbrier, Lincoln, Monroe, and Summers. Additional counties may be designated at a later date. All counties in the State of West Virginia are eligible for HMGP.

Some of the activities for which FEMA provides assistance 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, 54 U.S.C. § 300101 *et seq.* (“NHPA”); and the implementing regulations at 44 C.F.R. pt. 9 (*Floodplain Management and Protection of Wetlands*) and 36 C.F.R. pt. 800 (*Protection of Historic Properties*). The executive orders, NHPA, and/or regulations require FEMA to provide public notice for certain activities as part of approving the award of assistance for specific projects.

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 certain 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. Other 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 intends to provide IA program funding for disaster-related housing, PA program funding for repair and replacement of disaster-damaged, publicly owned facilities and specific facilities of certain Private Non-Profit organizations, and HMGP funding to mitigate future disaster damages. These projects may adversely affect a floodplain/wetland or may result in continuing vulnerability to floods. Actions may include repair, restoration or construction of housing or private bridges, purchase and placement of travel trailers or manufactured housing units, repair of structures as minimum protective measures, 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. This will be the only public notice concerning these actions. In the course of developing project proposals, subsequent public notices will be published, if necessary, as more specific information becomes available.

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 federal assistance 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. It will also be the only public notice if the work is an immediate rescue and salvage operation to preserve life and property (36 C.F.R. § 800.12(d)) or falls within the list of programmatic allowances set forth in the Programmatic Agreement among FEMA, the West Virginia State Historic Preservation Officer, the West Virginia Emergency Management Division, and the Delaware Nation. FEMA may, for other projects, provide additional public notices if a proposed FEMA undertaking would adversely affect a historic property.

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 funding. 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.

As noted, this may be the only public notice regarding the above-described actions under the PA, IA, and HMGP programs. Interested persons may obtain information about these actions or a specific project by writing to the Federal Emergency Management Agency, Joint Field Office, 300 Capitol Street, Suite 200 Charleston, West Virginia 25301, or by email: FEMA-R3-EHP-PublicComment@fema.dhs.gov. Comments should be (addressed) sent in writing to Mark O'Hanlon the Federal Coordinating Officer, at the above address within 15 days of the date of this notice.