

PUBLIC NOTICE

Release Date: Apr 29, 2025

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 winter storms and flooding (FEMA-4863-DR-VA) occurring from February 10th to February 18th. 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.

The President signed major disaster declaration FEMA-4863-DR-VA on April 4th, 2025, approving federal assistance for the PA program. The following counties have been designated as adversely affected by the disaster and eligible for PA only, which includes emergency work, and permanent work (Categories A through G): Amelia, Appomattox, Bedford, Bland, Botetourt, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Craig, Cumberland, Dickenson, Floyd, Franklin, Giles, Grayson, Halifax, Lee, Lunenburg, Montgomery, Nottoway, Page, Pittsylvania, Powhatan, Prince Edward, Pulaski, Rockingham, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe Counties as well as the independent city of Bristol. Additional counties or areas may be added at a later date.

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 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 a 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 emergency actions, including emergency work essential to save lives and protect property, public health, and safety performed pursuant to Stafford Act sections 403 and 502 are exempt from the EO 11988 decision making process.

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 wetlands or floodplains and use 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 has determined that for certain types of facilities there are normally no alternatives to restoration in the floodplain/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 \$364,000; 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. Critical public facilities include those for emergency services, medical care, utilities, other essential community services, major communication centers, and facilities designed for bulk storage of chemicals, petrochemicals, and hazardous or toxic substances. FEMA intends to provide assistance for the restoration of these facilities to their pre-disaster condition, except those certain measures to mitigate the effects of future flooding or other hazards may be included in the work. 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 study of alternate locations. Subsequent public notices regarding such projects will be published, if necessary, as more specific information becomes available. FEMA



may not take an action if it is inconsistent with the criteria of the National Flood Insurance Program (NFIP) or any more restrictive, federal, state, or local floodplain management standards or building codes.

FEMA intends to provide PA program funding for repair and replacement of disaster-damaged, publicly owned facilities and specific facilities of certain private non-profit (PNP) organizations. 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 Virginia State Historic Preservation Officer, the Virginia Department of Emergency Management, the Catawba Indian Nation, the Chickahominy Indians Eastern Division, the Delaware Nation, the Delaware Tribe of Indians, the Nansemond Indian Nation, and the Upper Mattaponi Indian Tribe. 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. The act 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 program. Interested persons may obtain information about these actions or a specific project by writing to the Federal Emergency Management Agency, Joint Field Office, One Alpha Place, 201 Resting Tree Dr. Bristol, Virginia 24202, or by email: FEMA-R3-EHP PublicComment@fema.dhs.gov. Comments should be (addressed) sent in writing to Jeffrey Jones, the Federal Coordinating Officer, at the above address within 15 days of the date of this notice.

