



PUBLIC NOTICE
FEMA 4473-DR-PR

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 the Puerto Rico earthquakes occurring from December 28, 2019, to February 4, 2020. This notice applies to FEMA's Public Assistance (PA) program and Hazard Mitigation Grant Program (HMGP) implemented under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. §§ 5121-5207.

Under a major disaster declaration (FEMA-4473-DR-PR) signed by the President on January 16, 2020, and amended March 11, 2020, the following municipalities have been designated as adversely affected by the disaster and eligible for PA and HMGP: Adjuntas, Guánica, Guayanilla, Jayuya, Juana Díaz, Lajas, Las Marías, Mayagüez, Peñuelas, Ponce, Sabana Grande, San Germán, Utuado and Yauco.

This public notice concerns activities that may affect historic properties, activities located in affected wetland areas or the 100-year floodplain, and critical actions within the 500-year floodplain. Such activities may adversely affect historic properties, floodplains or wetlands, or may result in continuing vulnerability to earthquake damage.

Presidential Executive Orders 11988 and 11990 require that all federal actions in or affecting the floodplain or wetlands be reviewed for opportunities to relocate, and evaluated for social, economic, historical, environmental, legal, and safety considerations. Where there is no opportunity to relocate, FEMA is required to undertake a detailed review to determine what measures can be taken to minimize future damage. The public is invited to participate in the process of identifying alternatives and analyzing their impacts.

FEMA has determined that for certain types of facilities there are normally no alternatives to restoration in the floodplain/wetlands. These are facilities that meet all the following criteria:

1) FEMA's estimate of the cost of repairs is less than 50 percent 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. Critical public facilities include those for police, fire protection/emergency services, medical care, education, libraries, utilities and other essential community services, the administrative and support facilities essential to their operation, as well as major communication centers and facilities designed for bulk storage of chemicals, petrochemicals, hazardous or toxic substances or floatable materials. FEMA intends to provide assistance for the restoration of these facilities to their pre-disaster condition. Included in that restoration work may be certain measures to mitigate the effects of future flooding, earthquakes or other hazards.

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 alternative locations. Subsequent public notices regarding such projects will be published, if necessary, as more specific information becomes available.

In many cases, an applicant may have started facility restoration before federal involvement. Even if the facility must undergo detailed review and analysis of alternate locations, FEMA will fund eligible restoration at the original location if the facility is functionally dependent on its floodplain location (e.g., bridges and flood-control facilities). Eligible restoration funding will also consider whether the project facilitates an open space use or the facility is an integral part of a larger network such as a road, which may be impractical or too costly to relocate. In such cases, FEMA must consider several factors: 1) examine the possible effects of not restoring the facility; 2) minimize floodplain/wetland impacts; and 3) determine that an overriding public need for the facility clearly outweighs the Executive Order requirements to avoid the floodplain/wetland and that the site is the only practical alternative. The Commonwealth of Puerto Rico and local officials will confirm to FEMA that proposed actions comply with all applicable Commonwealth, local floodplain management and wetland protection requirements.

FEMA intends to provide Hazard Mitigation Grant Program funding to the Commonwealth of Puerto Rico to mitigate future disaster damage. 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. In the course of developing project proposals, subsequent public notices will be published, if necessary, as more information becomes available.

The National Historic Preservation Act requires federal agencies to take into account the effects of their undertakings on historic properties. Those actions or activities affecting buildings, structures, districts or objects 50 years or older, or actions and activities that affect archaeological 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.

As noted, this may be the only public notice regarding the above-described actions under the Public Assistance and Hazard Mitigation Grant programs. Interested persons may obtain information about these actions or a specific project by writing to: U.S. Department of Homeland Security, Federal Emergency Management Agency, Region II, Caribbean Area Office, P.O. Box 70105, San Juan, Puerto Rico 00936-8105. Questions may also be communicated by written e-mail to FEMAR2COMMENT@fema.dhs.gov. Comments should be addressed to Federal Coordinating Officer Alex Amparo at the above address within 15 days of the date of this notice.