

PUBLIC NOTICE
MAJOR DISASTER DECLARATION
FEMA 4398–DR–GU

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 U.S. Territory of Guam (Guam), local governments, and private nonprofit organizations under major disaster declaration FEMA-4398-DR-GU. 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 U.S.C. §§ 5121-5207. 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 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 – Major Disaster Declaration FEMA 4398–DR–GU and Overview of Authorized Assistance

The President declared a major disaster for Guam on October 1, 2018, as a result of Typhoon Mangkhut that occurred September 10-11, 2018, pursuant to his authority under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288 (1974) (codified as amended at 42 U.S.C. § 5121 *et seq.*) (Stafford Act).

This declaration, numbered FEMA 4398–DR–GU, has authorized reimbursement through the Public Assistance Program, including direct federal assistance, for emergency work (Categories A-B) and permanent work (Categories C-G) island wide. The Hazard Mitigation Grant Program is available for all areas of Guam. Additional designations may be made at a later date if requested by Guam and warranted by the results of further damage assessments.

The Public Assistance Program is authorized by Sections 403, 406, and 407 of the Stafford Act. FEMA may provide financial assistance under the Public Assistance Program for Guam, local governments, and private nonprofit organizations to perform debris removal, emergency protective measures, and permanent restoration of facilities damaged or destroyed by the incident. In the case of permanent restoration of damaged or destroyed facilities, FEMA may provide financial assistance for the restoration of facilities to their pre-disaster condition, in conformity with applicable codes and standards, and including hazard mitigation measures to reduce the effects of future flooding or other hazards. A “facility” is any publicly or privately-owned building, works, system, or equipment, built or manufactured, or an improved and maintained natural feature. Land used for agricultural purposes is not a facility.

The Hazard Mitigation Grant Program is authorized by Section 404 of the Stafford Act. Under the Hazard Mitigation Grant Program, FEMA may provide financial assistance for Guam, local governments, and private nonprofit organizations to implement mitigation measures to reduce the risk of life and property from future disasters during the recovery from the major disaster. In the course of developing project proposals, subsequent public notices will be published if necessary, as more specific information becomes available.

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

Some of the activities for which FEMA provides financial assistance under its Individual Assistance, Public Assistance, and Hazard Mitigation Grant Programs 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, 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/or 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

Executive Orders 11988 and 11990 require that all federal actions (including federal awards of financial assistance) in or affecting floodplains or wetlands be reviewed for alternatives to avoid adverse effects and incompatible developments in those areas. FEMA's regulations at 44 C.F.R. pt. 9 set forth the policy, procedure, and responsibilities for implementing the Executive Orders. As detailed in those regulations, 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.

FEMA has determined that there are normally no practicable alternatives outside the floodplain or wetlands for repairs to certain damaged facilities and structures for which FEMA is providing financial assistance under the Public Assistance Program. Specifically, these are facilities that meet all of the following criteria:

1. The FEMA estimated cost of repairs is less than 50% of the estimated replacement cost of the entire facility and 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 from flooding in a previous Stafford Act major disaster or emergency.
4. The facility has not sustained structural damage on which a flood insurance claim has been paid.
5. The restoration of the facility is not a critical action. A critical action means an action for which even a slight chance of flooding is too great.

For a facility meeting the above criteria, FEMA may provide financial assistance under the Public Assistance Program to restore the facility to its pre-disaster condition, in conformity with applicable codes and standards, and including hazard mitigation measures to reduce the effects of future flooding or other hazards. Hazard mitigation measures could include, for example, increasing the size of a culvert to decrease the risk of future washouts. This is the only public notice that FEMA will provide before providing financial assistance for such restoration activities. Other restoration activities and those involving facilities that do not meet the criteria above must undergo more detailed review, including an evaluation of practicable alternatives. FEMA may publish subsequent public notices regarding such projects as necessary as more 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 an historic property.

III. Further Information or Comment

This will be the only public notice regarding the actions described above for which FEMA may provide financial assistance under its Individual Assistance, Public Assistance, and Hazard Mitigation Grant Programs. Interested persons may obtain information about these actions or a specific project by writing to the Federal Emergency Management Agency Joint Field Office, Retirement Fund Building, Isa Drive, Capitol Hill, Saipan, MP. Comments should be sent in writing to Mr. Benigno Bern Ruiz, Federal Coordinating Officer, at the above address within 15 days of the date of this notice.