



FEMA

INITIAL PUBLIC NOTICE

FEMA-4718-DR-SD

July 10, 2023

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 flooding during the incident period of April 9 – May 5, 2023. This notice applies to Public Assistance (PA) and Hazard Mitigation Grant Programs (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-4718-DR-SD) signed by President Biden on July 6, 2023, the following counties are eligible for Public Assistance: Brown, Clark, Codington, Day, Faulk, Grant, Hand, Marshall, Potter, and Roberts Counties, and the Sisseton-Wahpeton Oyate of the Lake Traverse Reservation. Additional counties may be designated at a later date. All jurisdictions in the State of South Dakota are eligible for HMGP under FEMA-4718-DR-SD.

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 be 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 damages. The public is invited to participate in the process of identifying alternatives and analyzing their impacts through this notification.

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 \$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 (i.e., hospital, generating plant, emergency operations center, contains dangerous materials). 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.

In many cases, an applicant may have started restoration of a facility prior to 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 piers), or the project

facilitates open space use, or the facility is an integral part of a larger network that is impractical or uneconomical to relocate, such as a road. In such cases, FEMA must also examine the possible effects of not restoring the facility, minimize harm to and within the floodplain, and determine both 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 practicable alternative. State of South Dakota and local officials will confirm to FEMA that proposed actions comply with all applicable State and local floodplain management and wetland protection requirements.

Presidential Executive Order 12898, Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, directs each federal agency to avoid disproportionate and high adverse human health or environmental effects to low-income and minority populations. FEMA aims to identify low income and minority communities at the onset of a declared event to gain better understanding of how response and recovery efforts, including mitigation may impact such groups and communities. Additionally, once low income and minority communities have been identified, FEMA aims to minimize any potential adverse impacts to those communities through encouraging alternative selection of response and recovery actions including HMGP projects.

FEMA also intends to provide HMGP funding to the State of South Dakota to mitigate future disaster damages. These projects may include construction of new facilities, modification of existing facilities, undamaged facilities, relocation of facilities out of floodplains, demolition of structures, or other types of projects to mitigate future disaster damages. In the course of developing project proposals, subsequent public notices will be published, if necessary, as more specific 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 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.

The public is invited to participate in the process of identifying alternatives and analyzing their impacts. As noted, this may be the only public notice regarding the above-described actions under the PA and HMGP programs. Interested persons may obtain information about these actions or a specific project by writing to the Federal Emergency Management Agency – Region 8 EHP Office, Denver Federal Center, Box 25267, Denver, Colorado 80225-0267, or by email at FEMA-R8EHP@fema.dhs.gov. Please include in the subject line of the email “DR-4718-SD EHAD.” Comments should be sent at the above addresses within 30 days of the date of this notice.