

**PUBLIC NOTICE
MAJOR DISASTER DECLARATION
FEMA-4516-DR-NH**

The Federal Emergency Management Agency (“FEMA”) within the U.S. Department of Homeland Security is giving public notice of its intent to provide assistance to the State of New Hampshire, local and tribal governments, and certain private nonprofit organizations under the major disaster declaration issued by the President on April 3, 2020, as a result of the Coronavirus Disease 2019 (“COVID-19”). FEMA is also giving public notice that, in some cases, it may provide assistance for activities that 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.

I. Public Notice – Major Disaster Declaration FEMA-4516-DR-NH and Overview of Authorized Assistance

The President declared a major disaster on April 3, 2020 as a result of COVID-19 that occurred from January 20, 2020 and continuing 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, designated FEMA-4516-DR-NH, authorized Public Assistance Category B. Pursuant to Section 403 of the Stafford Act, FEMA may provide financial and/or direct assistance under Public Assistance Category B for emergency protective measures taken to respond to COVID-19 that are not authorized under other federal statutes. State, tribal, and local government entities and certain private nonprofit organizations throughout the entire state are eligible to apply for Public Assistance Category B. Additional assistance under FEMA-4516-DR-NH may be approved in the future.

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

Some of the activities for which FEMA provides assistance under FEMA-4516-DR-NH 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 Federal assistance awards.

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 the 100-year floodplain, 500-year floodplain (for critical actions), 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

Public Notice

Major Disaster Declaration

FEMA-4516-DR-NH

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 under Public Assistance Category B. 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, 100-year floodplain, or 500-year floodplain (for critical actions) 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 and 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 an opportunity to comment on such projects before the expenditure of any federal funds. A Public Assistance Category B 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. This will be the only public notice for Public Assistance Category B projects that have limited or no potential to adversely affect a historic property, for projects for immediate rescue and salvage operation to preserve life and property (36 C.F.R. § 800.12(d)), or projects falling within the list of programmatic allowances set forth in the Programmatic Agreement among FEMA, the New Hampshire State Historic Preservation Officer, and New Hampshire Homeland Security and Emergency Management. FEMA, for other projects, may provide additional public notices if a proposed FEMA undertaking would adversely affect a historic property.

III. Further Information or Comment

As detailed above, this will be the only public notice regarding for certain direct and financial assistance activities under Public Assistance Category B. Interested persons may obtain information about these actions or a specific project by writing to the following:

Federal Emergency Management Agency
Attn: Capt. W. Russell Webster (USCG Ret.), Federal Coordinating Officer
99 High Street, 6th Floor
Boston, MA 02110

All comments concerning this public notice must be submitted in writing to FEMA within 15 days of its publication.