



COUNTY OF ERIE

WILLIAM E. GEARY, JR.

COMMISSIONER

DEPARTMENT OF PUBLIC WORKS

PUBLIC NOTICE

The County of Erie has applied to the Federal Emergency Management Agency (FEMA) under the Hazard Mitigation Grant Program for the Streambank Stabilization of Ellicott Creek on North Forest Road (CR 294). The project is located along Ellicott Creek in the Town of Amherst, Erie County, New York, on the south side of North Forest Road between Stahl Road and Baron Court, as shown below. This grant application was applied for under the declaration numbered FEMA-DR-4480-NY.



As indicated on the following pages, this Public Notice is required as the project 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.

Additional information on the grant application for the proposed project is available by contacting:

Jonathan DePlanche
Department of Public Works, Highways
95 Franklin St.
Buffalo, NY 14202
716-858-6605
Jonathan.DePlanche@erie.gov

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**PUBLIC NOTICE
EMERGENCY AND DISASTER DECLARATIONS
FEMA-DR-4480-NY**

The Federal Emergency Management Agency (“FEMA”) within the U.S. Department of Homeland Security is giving public notice of its intent to provide financial assistance to the State of New York, local governments, and private nonprofit organizations under the national emergency and the disaster declarations issued by the President for the State of New York on March 13 and March 20, 2020, respectively, as a result of the Coronavirus Disease 2019 (“COVID-19”). FEMA is also giving public notice that, in some cases, it may provide financial 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. Overview of Authorized Assistance

The President declared on March 13, 2020 that an emergency exists nationwide and subsequently declared on March 20, 2020 that a disaster exists in the State of New York pursuant to 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”) as a result of COVID-19 beginning on January 20, 2020 through May 11, 2023. FEMA has administratively numbered the declaration for the State of New York as FEMA-DR-4480-NY. Under this declaration, FEMA will provide financial and/or direct assistance to the State of New York under the Hazard Mitigation Grant Program as authorized by Section 502 of the Stafford Act.

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 the Hazard Mitigation Grant Program 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 the award of assistance for specific Hazard Mitigation 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 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 actions are 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.

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 that impacts or is impacted by wetlands or floodplain and use social, economic, historic, environmental, legal, and safety factors when analyzing the practicability of the alternatives. Where there is no practicable alternative, FEMA will undertake a

Public Notice

Emergency and Disaster Declarations
FEMA DR-4480-NY

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 Hazard Mitigation 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.

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 Hazard Mitigation 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 New York State Historic Preservation Officer, and the New York State Division of Homeland Security and Emergency Services. FEMA may, for other projects, provide additional public notices if a proposed FEMA undertaking would adversely affect a historic property.

III. Further Information or Comment

This will be the only public notice regarding the actions described above for which FEMA may provide assistance under the Public Assistance and Hazard Mitigation Grant Programs. Interested persons may obtain information about these actions, planned to take place in your municipality, from your local municipal office (village, borough, town, etc.) and may submit comments by writing to the following:

Federal Emergency Management Agency
Attn: Environmental & Historic Preservation
26 Federal Plaza
New York, NY, 10278
Or sending an email to:

FEMAR2COMMENT@fema.dhs.gov

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