Public Notice

The Federal Emergency Management Agency (FEMA) hereby gives final public notice to the public of its intent to reimburse the Kentucky Transportation Cabinet with Public Assistance (PA) federal grant funds for the proposed repair or replacement of flood damaged linear facilities throughout the area serviced under its authority and jurisdiction.

These facilities were damaged by severe flooding, landslides, and mudslides that occurred during the incident period of February 3 through February 29, 2020 and under the major disaster declaration FEMA-DR-4540-KY signed by the President on April 28, 2020.

An initial disaster‐wide Public Notice was published on May 1, 2020 for DR-4540 severe storms, flooding, landslides, and mudslides. Comments and other information received were fully evaluated by FEMA along with evaluation of social, economic, environmental, and safety considerations.

This notice serves as a cumulative disaster final notice for FEMA’s funding action for certain roadway repairs located within the floodplain. This final public notice concerns road repair activities that substantially conform to their pre-disaster design and dimensions, allowing minor upgrades for mitigation and standard methods of repair as defined in this section. These sites and activities may be located in Special Flood Hazard Areas (SFHAs) or may affect floodplains or wetlands.

The proposed action scopes of work (SOWs) include: the repair or replacement of fill, gravel, asphalt, chip and seal, and concrete road surfaces and sub-bases; removal of debris from, reestablishment, or regrading of roadway ditches; and in-kind replacement of lost roadway shoulder fill material including previously existing quantities of rip rap that washed out. Minor mitigation or standard methods of repair allowable under this programmatic final public notice include: the replacement of lost fill material on roadway shoulders with riprap; and the stabilization of roadway embankments with rail and cribbing or gabion baskets, where no alternative is practicable. All other mitigation methods or standard methods of repair must be reviewed individually.

This notice does not apply to projects that include repair of existing or installation of new culverts, low water crossings, bridges, or polybags and other methods of repair that include the addition of concrete.

FEMA has determined that the only practicable alternative is to fund the repair of several roads already located within the floodplain prior to the event. Other alternatives considered included relocation and abandonment. These alternatives were ultimately dismissed due to the resulting adverse social and economic impacts to the local community as well as potential limitations of safety response times.

Funding for the proposed projects will be conditional upon compliance with all applicable federal, tribal, state, and local laws, regulations, floodplain standards, permit requirements, and conditions. This action complies with the National Flood Insurance Program (NFIP) requirements.

For the above stated actions, this will be the final public notice provided. Other activities and those involving facilities that do not meet the criteria described above are required to undergo more detailed review including study of alternative locations. Subsequent project specific final public notice(s) regarding such projects will be published, if necessary, as more specific information becomes available.

The National Historic Preservation Act requires federal agencies to take into account the effect of their undertakings on historic properties. Actions affecting buildings, structures, districts, or objects that are greater than or equal to 45 years of age or that affect known archeological sites or undisturbed ground will require further review.

The projects occupancy within the floodplain was determined by referencing the relevant Community Flood Insurance Rate Maps (FIRMs), on 06/30/2020. Projects will be located in the designated counties of Bell, Boyd, Butler, Clay, Harlan, Henderson, Hickman, Johnson, Knott, Knox, Lawrence, Leslie, Letcher, Lewis, Magoffin, McCracken, McCreary, Menifee, Metcalfe, Monroe, Morgan, Owsley, Perry, Pike, Powell, Union, and Whitley Counties. Site specific flood map information is available on request and will be included in the Record of Environmental Consideration (REC).

This will serve as the final public notice regarding the above‐described action(s) funded by the FEMA PA program.

Interested persons may submit comments, questions, or requests for project-specific maps by writing to the Federal Emergency Management Agency, Region 4, 3005 Chamblee‐Tucker Road, Atlanta, Georgia 30341, or by emailing FEMA‐R4EHP@fema.dhs.gov. Comments should be sent in writing with the subject line, “FINAL PUBLIC NOTICE FEMA-4540-DR-KY, involving roads for similar, and minor repairs,” at the above addresses within 15 days of the date of this notice.