
FEMA-MEMA Policy and Procedures

Environmental and Historic Resources

FEMA-1604-DR-MS

September 15, 2005

Department of Homeland Security/FEMA
Mississippi Emergency Management Agency
Joint Field Office
515 Amite Street
Jackson, MS 39201



FEMA





FEMA



Federal Emergency Management Agency

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515 Amite
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The Department of Homeland Security's Federal Emergency Management Agency (FEMA) and the Mississippi Emergency Management Agency (MEMA) are here to assist communities in responding to and recovering from the damages as a result of Hurricane Katrina beginning August 29, 2005. This information package is designed to address the necessary federal and state regulations and guidelines to facilitate your application process. This is not intended to be inclusive of all possible applicable laws, but those routinely encountered in disaster recovery.

In addition to assisting applicants in gathering current information for informed decision making, we are responsible for ensuring that numerous state and federal environmental and historic preservation laws and Executive Orders are met. It is necessary for any applicant receiving FEMA and state assistance to obtain and comply with all applicable local, state, and federal laws, requirements and permits. Please be aware that failure to comply may jeopardize federal funding.

We are available for technical assistance. If you have any questions or need assistance, please contact the Jackson, Joint Field Office for the FEMA Environmental Specialist at (601) 965-2200.

We look forward to working with you.

Alessandro Amaglio
Environmental Liaison Officer
FEMA

**ENVIRONMENTAL & HISTORIC PRESERVATION
CONSIDERATIONS AND CONTACTS
FEMA 1604-DR-MS**

The Department of Homeland Security's Federal Emergency Management Agency (FEMA) is a partner with the Mississippi Emergency Management Agency (MEMA) to assist communities in responding to and recovering from this disaster. A part of FEMA's responsibility is to ensure that numerous environmental and historic preservation laws and Executive Orders are met. It is necessary that any applicant receiving FEMA assistance comply with all applicable local, tribal, state and federal laws, requirements and permits. Failure to comply may jeopardize federal funding.

If you have any questions or need technical assistance, please contact the FEMA Environmental Specialist in the Joint Field Office (JFO) at 601-503-2090.

DEBRIS MANAGEMENT

Debris removal includes clearance, collection, staging, removal and/or disposal of items such as trees, gravel, building components, wreckage, white goods, vehicles, hazardous waste, and personal property. For debris removal expenses to be eligible for federal funding, the work must be necessary to:

- Eliminate an immediate threat to lives, public health and safety.
- Eliminate immediate threats of significant damages to improved public or private property.
- Assist the economic recovery of the affected community.

Debris must be separated into classes. Separation classes include vegetation (trees, branches, limbs); household trash (garbage, paper, food); household hazardous wastes (paints, cleaners, pesticides, solvents, oil); white goods (stoves, refrigerators, appliances); and other materials (trash, building materials, carpets, furniture). Debris separation is necessary to properly handle, transport, and dispose of asbestos containing material, lead-based paint, and other hazardous materials and toxic wastes. This is not only a legal requirement, but is also fundamental in order to protect public health and safety.

Disposal of Disaster Related Vegetative Debris by Burning

The Mississippi Department of Environmental Quality (MDEQ) gives emergency authorizations for the burning and/or disposal of vegetative debris only, based on compliance with all applicable regulations or guidelines. MDEQ guidance should be obtained in selecting suitable sites for burn locations and obtaining the temporary authorization to burn/dispose of this disaster's debris. On MDEQ's web site (www.deq.state.ms.us) a current "Vegetative Debris Disposal" directive for debris resulting from hurricane Katrina can be found. A dedicated telephone line **601-961-5281** has been set up for questions concerning the handling of all debris except hazardous materials. This line is available from 8:00 am to 7:00 pm. Additional phone numbers are listed below and on MDEQ's web site.

Hazardous Waste Disposal

The disposal of household hazardous waste or other hazardous waste should be done at permitted facilities only. These wastes should be separated from other solid waste or debris for collection. MDEQ recommends that local officials contract with knowledgeable disposal contractors for the collection and disposal of these wastes. Environmental Protection Agency contacts for hazardous waste are:

- **Hancock Co. Carter Williamson, Division Supervisor (404) 229-9507**
- **Harrison Co. Chris Russell, Division Supervisor (404) 229-9513**
- **Jackson Co. Terrance Byrd, Division Supervisor (404) 229-9511**

Contact MDEQ, Groundwater Assessment and Remediation Division or the Environmental Compliance and Enforcement Division for further information on dealing with hazardous wastes. Contact: **Jerry Banks at (601) 961-5221, Fax (601) 961-5300, or Don Watts at (601) 961-5155, Fax (601) 961-5674**

Solid Waste Disposal

The disposal of Classes I and II rubbish should occur at permitted facilities only. For disposal of solid waste, contact your local county solid waste office or MDEQ, Office of Pollution Control for disposal directions. On MDEQ's web site (www.deq.state.ms.us) a current "Building and Structural Debris Disposal" directive for debris resulting from Hurricane Katrina can be found. A dedicated telephone line **601-961-5281** has been set up for questions concerning the handling of all debris except hazardous materials. This line is available from 8:00 am to 7:00 pm. Additional phone numbers are listed below and on the MDEQ's web site.

Special Considerations

- **Asbestos:** Demolition and renovation of homes, commercial or public structures, regardless of asbestos content, must be coordinated with the MDEQ, Air Division. The applicant is responsible for obtaining and complying with all required permits before burning, salvaging or grinding flood debris. **MDEQ, Air Division** must be notified before beginning any of these activities. For instructions regarding how to deal with this situation contact **Louis Forshee at telephone (601) 961-5769, fax (601) 961-5725.**

HURRICANE KATRINA DISASTER RECOVERY FOR ENVIRONMENTAL EMERGENCIES & INFORMATION CALL THE FOLLOWING NUMBERS AT MDEQ:

601-961-5281

601-961-5724

601-961-5399

601-961-5554

HISTORIC PRESERVATION

Additional considerations are involved when the disaster area includes historic structures listed or eligible for listing on the National Register of Historic Places. These structures are subject to Section 106 of the National Historic Preservation Act. Work on any structure receiving federal assistance that is 49 years or older, or that otherwise has specific historic cultural significance, must be reviewed under Section 106 before any demolition, construction or permanent repair activity starts. The **Mississippi Department of Archives and History** is the responsible agency

and houses the State Historic Preservation Officer (SHPO). To expedite review by the SHPO, please note the following:

For architectural review of historic and potentially historic structures submit:

1. A detailed project description describing the property/structure.
2. The age of the structure if known. If not known, get a copy of the tax card for the structure.
3. Exact location/address – road route numbers.
4. Current and past use of the structure.
5. Clear photographs showing the entire structure, hard copy or digital format (no photo copies please).

The SHPO must review any proposed project that impacts any previously undisturbed area (e.g., relocating a utility, road realignment, or borrow material for construction) for archaeological considerations before initiating construction. However, plowing or other agricultural impacts do not constitute a disturbance.

For work that involves surface-level or subsurface ground disturbances, submit:

1. A brief description of all proposed work (include depth for subsurface impacts).
2. An accurate map of the project area, please mark the project site (the SHPO prefers a USGS topographic quad sheet whenever available).
3. NOTE - If any buried cultural materials are encountered after the work begins, (e.g., wells, cisterns, foundations, basements, prehistoric Indian artifacts, or human burials) cease work and immediately call the SHPO and MEMA.

Contacts:

- **H.T. Holmes, Director, Mississippi Department of Archives & History**
Telephone: (601) 576-6854 Fax: (601) 576-6975
- **Kenneth H. P'Pool, Historic Preservation Director**
Telephone: (601) 576-6942 Fax: (601) 576-6955
- **Tom Waggener (POC), Section 106, National Historic Preservation Act, Reviews**
Telephone: (601) 576-6946 Fax: (601) 576-6955
- **Jim Woodrick Point of contact**
Telephone: (601) 576-6908 Fax: (601) 576-6955

Department of Transportation, Environmental Division:

Must be contacted if there are any “construction activities” involving historic bridges or right-of-way earth disturbing projects within the state of Mississippi. Contact:

- **Claiborne Barnwell, Chief**
Telephone: (601) 359-7920 Fax: (601) 359-7355

WORK IN OR AFFECTING TRIBAL LANDS

There is four Federally recognized Indian tribe in Mississippi. Also, several other tribes have lived here in the past. To find out whether any Native American people may have an interest in the resources within a project area, go to <http://www.cast.uark.edu/other/nps/nacd> and enter a County or State. Any tribes having an interest in the project area will be identified. If so the FEMA Environmental Liaison Officer at the JFO, phone (601) 965-2200.

- **Mississippi Band of Choctaw Indians**
Phillip Martin, Chief (601) 656-5251
Doug Weaver, Point of Contact (601) 650-1508
Mr. Ken Carleton, THPO (601) 650-0316
FEMA Tribal Liaison Officer, Helbent Fraizer (601) 663-7687

ENVIRONMENTAL JUSTICE – EXECUTIVE ORDER 12898

Executive Order 12898 assures that all projects are reviewed to assure that disproportionately high and adverse human health or environmental effects of any action are minimized. All projects will be evaluated for their effects on minority and low-income populations. Executive Order 12898 also assures that FEMA will not exclude any persons and populations from participating in benefits because of race, color, or national origin. Please address questions about this subject to:

- **Environmental Liaison Officer**
Telephone (601) 965-2200

WATERS OF THE UNITED STATES - SECTION 10, 401 and 404 PERMITS

Sections 401 and 404 of the Clean Water Act (CWA), and Section 10 of the Rivers and Harbors Act, apply to actions affecting waters of the United States. This includes any part of the surface water tributary system (natural waters including small streams, lakes, ponds, and wetlands) as well as man made lakes or ponds within rivers or streams. The U. S. Army Corps of Engineers (USACE) administers Sections 404 and 10. MDEQ administers Section 401 of the CWA. Examples of actions requiring permits include construction, demolition, and any dredging or filling in any part of surface water tributaries or systems, including cutting roads, and repair of damaged facilities.

Dredging and Filling/Bridges and Culverts: Obtaining permits is the responsibility of the applicant. Unless it is an emergency action, i.e., immediate threat to life or property, obtaining permits must be done prior to executing any physical disturbance action. A permit to work in rivers and/or streams is required for any dredging or filling, and construction or reconstruction of culverts or bridges.

To obtain information, including securing permits related to this disaster, contact:

- **United States Army Corps of Engineers (USACE) Mobile District**
Davis Findley, PhD., Chief of Permitting
Telephone: (251) 690-2658 Fax: (251) 690-2660
Locate other District Offices serving your area at:
<http://www.usace.army.mil/where.html#Divisions>
Click on the appropriate Division name for access to the contact information.
- **Mississippi DEQ Water Quality Management Branch**
Robert Seyfarth, Branch Chief
Telephone: (601) 961-5160 Fax: (601) 961-5376

COASTAL MANAGEMENT

The Mississippi Department of Marine Resources (DMR) is responsible for management of all marine life, public trust wetlands, adjacent uplands and waterfront areas.

Contact:

- **Tina Shumate or Jerry Brashier, Comprehensive Resource Management Plan,**
Mississippi Department of Marine Resources
Telephone: (228) 374-5028 Fax: (228) 374-5008

Coastal Barrier Resources Act

The Coastal Barrier Resources Act (CBRA) restricts Federal expenditures and financial assistance that encourage development of coastal barriers so that damage to property, fish, wildlife, and other natural resources associated with the coastal barrier is minimized. Coastal barriers are located along the Atlantic and Gulf coasts and along the Great Lakes. They are identified on FIRMs as Coastal Barrier Resources System (CBRS) units.

Debris removal and emergency protective measures in designated CBRS units may be eligible for public assistance provided the actions eliminate the immediate threat to lives, public health and safety and protect improved property. Advanced consultation with the USFWS is not required before approval of emergency measures.

However, FEMA must consult with the USFWS to allow the USFWS the opportunity to provide written comments before permanent work funding is approved

- **United States Fish and Wildlife Service**
Cindy Bohn, Regional Coastal Coordinator
Telephone (404) 679-7122
- **United States Fish and Wildlife Service**
Paul Necise, Biologist
Telephone (228) 493-6631

THREATENED AND ENDANGERED SPECIES

The **U.S. Department of the Interior's Fish and Wildlife Service (USFWS)** and **MDEQ, Water Quality Management Branch** are charged with protection of fish and wildlife resources, particularly wetland and upland habitats, and threatened and endangered species. In this role, the USFWS and MDEQ provide comments to FEMA regarding the impacts of specific FEMA-funded projects. It is recognized that certain categories of projects typically have no adverse environmental impacts and that a detailed project review by USFWS and MDEQ is not warranted for such projects.

There are numerous federal and state Threatened and Endangered Species within the declared counties. If you believe any state or federal listed or proposed species may be affected (positively or negatively) by your ground disturbing or other actions, additional information may be obtained from the USFWS and/or MDEQ. Formal consultation may be required.

- **United States Fish and Wildlife Service**
Curtis James, Assistant Field Supervisor
Telephone: (601) 321-1131 Fax: (601) 965-4340

- **United States Fish and Wildlife Service**
Will McDearman, Wildlife Biologist
Telephone: (601) 321-1131 Fax: (601) 965-4340
- **Mississippi Wildlife, Fisheries, & Parks, Natural Heritage Program**
Thomas Mann, Zoologist
Telephone: (601) 354-7303 Fax: (601) 354-7227

The USFWS is the primary contact for work involving threatened and endangered species, however they share some of the duties in the coastal regions with the National Oceanic and Atmospheric Administration Fisheries Section (NOAA Fisheries).

- **NOAA Fisheries, Operations, Management and Information Division** 727-824-5301

EXECUTIVE ORDER (EO) 11988, FLOODPLAIN MANAGEMENT

Any new construction in a floodplain must comply with EO 11988 and must follow the eight-step process, including public notification, as identified in 44 CFR Part 9. For specific information contact:

- Your local county or city floodplain administrator for specific information, or
- **Gregor Blackburn, FEMA National Floodplain Insurance Program (NFIP) Coordinator** Telephone (703) 669-7373
- **Al Goodman, Mississippi Emergency Management Agency, NFIP Coordinator**
Telephone: (601) 506-9637 Fax: (601) 366-5349

Actions exempt from this EO are debris removal and repairs or replacements under Section 402, Stafford Act, which are under \$5,000.

EXECUTIVE ORDER 11990, PROTECTION OF WETLANDS

Any modification to a wetland must comply with EO 11990 and must also follow the eight-step process, including public notification, as identified in 44 CFR Part 9. Debris cannot be stored in a wetland, even temporarily. Debris removal from a wetland and/or any other demolition, repair, or construction within a wetland must be coordinated with the **U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service**, and the **MDEQ Water Quality Management Branch**, at the numbers given above.

PUBLIC ASSISTANCE

During recovery phases and development of eligible permanent repairs of damaged infrastructure resulting from this declaration, FEMA personnel can be reached at the Jackson, MS, JFO:

- **Denis Coliten, Public Assistance Officer at (510)-517-4773**
email: denis.coliten@dhs.gov
- **Coney Metcalf Jr., Deputy Public Assistance Officer at (404) 909-1052**
email: cony.metcalf@dhs.gov

Mississippi Emergency Management Agency (MEMA)

The State of Mississippi administers the Public Assistance and Hazard Mitigation programs following a disaster. MEMA Points of Contact are:

- **Larry Bowman, MEMA, Public Assistance Recovery Branch Chief at (601) 366-2336**
email: lbowman@msema.org
- **David Roberts, MEMA, Public Assistance Section Chief at (601) 960-9030**
email: droberts@msema.org

After closure of the Jackson, MS JFO, MEMA personnel can be contacted at:

- Mississippi Emergency Management Agency
1410 Riverside Drive
Jackson, MS 39296
Telephone: (601) 352-9100 Fax: (601) 352-8314

HAZARD MITIGATION

- **Bob Boteler, State Hazard Mitigation Officer, (601) 259-2343, Fax (601) 366-5349**
email: bboteler@msema.org

REMINDER

In order to allow FEMA to provide monetary aid through federal funding, applicants must obtain and comply with all local, state, and federal environmental and historic preservation laws, requirements, and permits. Our environmental specialists are ready to provide applicants with any assistance needed in order to ensure full compliance. Please be aware that failure to comply may jeopardize FEMA's ability to provide applicants with federal funding.

**SUMMARY OF ENVIRONMENTAL CONSIDERATIONS
GENERAL GUIDANCE TO APPLICANTS
FOR PUBLIC ASSISTANCE**

Numerous federal environmental and historic preservation laws require compliance in order for applicants to receive ANY federal funds for projects. The following are the laws that usually affect FEMA funded projects:

- National Environmental Policy Act (NEPA)
- Endangered Species Act
- National Historic Preservation Act
- Clean Water Act (Section 401 & 404)
- Clean Air Act
- EO 11988 Floodplain Management
- EO 11990 Wetlands Protection
- EO 12898 Environmental Justice

Applicants are allowed to complete the following work in accordance with specific policy guidance from FEMA:

- Emergency Actions (e.g. search and rescue, emergency care, issues of life safety)
- Debris Removal (not necessarily disposal or staging/storing)
- Repairs/restoration to pre-disaster condition (with no significant change in footprint, including the immediate construction area), unless the structure is older than 49 years
- Temporary repairs, unless the structure is older than 49 years

Before the following actions can be taken, NEPA and other environmental and historic preservation considerations must be addressed:

- Debris staging/storage areas and debris disposal (other than in a permitted landfill)
Reminder: the snag and drag method is preferred over pushing debris from streams
- Any project where the footprint is different than pre-disaster condition
- Projects with Section 406 mitigation (mitigation included with permanent repair)
- Any project affecting a historic, or potentially historic, site or structure
- Any project affecting a threatened, endangered or proposed species
- Any project affecting a wetland
- Any project affecting a floodplain
- Any project with known or suspected environmental impact

The following actions, whether approved by the State or FEMA, must have an environmental review by FEMA prior to initiating construction:

- Public Assistance Improved Projects
- Public Assistance Alternate Project
- Other Public Assistance projects where the approved scope of work has been changed
- FMA, Hazard Mitigation Grant Program (HMGP), Unmet Needs and other FEMA funded projects

HURRICANE KATRINA DISASTER RECOVERY DEBRIS MANAGEMENT

Emergency authorizations are given for the burning and/or disposal of vegetative debris only, based on compliance with all applicable regulations or guidelines. The disposal of Class I rubbish should occur at permitted facilities only. If at all possible, all waste should be transported to a permitted disposal facility.

The following items should be addressed in selecting a site and requesting a temporary authorization:

1. For those sites chosen as burn sites for vegetative debris the following Air Regulations apply and must be considered when selecting and operating a burn site. Proposed sites that do not meet these requirements cannot be approved.
 - Open burning without a forced-draft air system (air curtain burner and/or industrial fan) must not occur within 500 yards of an occupied dwelling.
 - Open burning using a forced-draft air system must not occur within 50 yards of an occupied dwelling.
 - Open burning must not occur within 500 yards of a commercial or private airport property or any area associated with airport flight operations.
2. Because there are specific requirements for their use, MDEQ recommends that cities and counties refrain from choosing 16th Section Land for emergency disposal and/or burn sites.
3. Cities and counties should coordinate with the local Fire Department Officials in further selecting a burn site.
4. To request a temporary authorization, the city or county official should submit a written request to MDEQ which states the following:
 - That an emergency situation exists within that specific jurisdiction;
 - That the situation requires temporary disposal sites;
 - The request should include a site map and directions which identify the temporary disposal location;
 - The request should include an estimate of the time necessary to complete all clean-up operations, including but not limited to collection and final disposal;
 - The request should include a description of the proposed disposal operations; and
 - The request should include a description of final closure of the site.
 - The request can be faxed to 601-961-5703, Attn: Michelle Vinson

5. The Department strongly recommends that all proposed temporary sites be owned or controlled by the city and/or county. In the event that the proposed property is owned or controlled by a private entity, then the responsibility for the site will be held by both the local government and the private entity. Furthermore, in addition to the items listed within #4 above, a letter from the owner or controller of the property indicating acceptance of responsibility for the site and acknowledging the proposed use of the site should be included with the written request.
6. Upon receipt of the request MDEQ personnel may conduct an inspection of the proposed property to ensure that no wetlands, water bodies or other nearby structures (schools, hospitals or similar facilities) will be impacted by burning and/or disposal operations.
7. If an authorization can be granted MDEQ will issue a letter of temporary authorization to the city and/or county requesting the authorization. This letter of temporary authorization will outline the operating requirements, time limitations and any other guidelines that may apply.
8. It is the responsibility of the operator to remove and properly dispose of any prohibited wastes, which may have been inadvertently or illegally disposed at the site. If the operator has any doubts about the acceptability of a type of waste, contact the MDEQ, Solid Waste & Mining Division, at 601-961-5171 for assistance.

**EMERGENCY DEBRIS MANAGEMENT SITE CERTIFICATION FORM
HURRICANE KATRINA
FEMA-1604-DR-MS**

This form is to be used as a checklist for local officials who want to meet federal environmental requirements for reimbursement by the Federal Emergency Management Agency (FEMA). The completion of this form will facilitate the federal environmental and historic preservation reviews as required by law. **It is the applicant's responsibility to comply with the emergency authorization requirements for the burning and/or disposal of vegetative debris issued by the Mississippi Department of Environmental Quality (MDEQ). The primary MDEQ contact is 601-961-5281.** The disposal of Class I rubbish (see attached description of this type of waste) should occur at permitted facilities only. **The applicant must attach this form to their public assistance project worksheet. Individual certifications are required for each burning, disposal, and/or staging or stockpiling site.**

APPLICANT _____ PA ID # _____

DEBRIS STAGING, PROCESSING, DISPOSAL OR BURNING AT AN APPROVED LANDFILL

City/Town to be served: _____

Address: _____

City: _____ Zip: _____

Phone #: _____ Fax #: _____

County: _____

Landfill Permit #: _____ Landfill name and location: _____

EMERGENCY DEBRIS STAGING, PROCESSING, DISPOSAL OR BURNING SITES OTHER THAN APPROVED LANDFILLS

If a temporary staging, stockpiling, processing or burning site, submit:

Legal description/GPS Lat-Long: _____

Directions to Site: _____

***All debris staging, stockpiling, processing, disposal or burning sites other than approved landfills must have authorization from the MDEQ.**

APPLICANT OFFICIAL

DATE

TITLE

PHONE NUMBER

Mississippi Department of Environmental Quality