



FEDERAL EMERGENCY MANAGEMENT AGENCY ENVIRONMENTAL CONSIDERATIONS GREENSHEET FEMA 4247-DR-OK



Environmental & Historic Preservation for Disaster Recovery

This “Greensheet” provides you with guidance on the agency’s environmental and historic preservation review process. If you are seeking funding for disaster recovery from FEMA, please read this carefully.

As is the case with all federal funding, certain requirements related to the environment and historic preservation must be fulfilled. This brochure is provided to help you better understand these factors that must be considered as you begin to apply for FEMA funding.

The information and assistance described here will help avoid any undue environmental and historic preservation roadblocks or funding delays.

The most important message we can convey is that we are available to help you with these regulatory requirements throughout the application procedure.

Please identify any potential environmental or historic preservation concerns and discuss with our staff as soon as possible. This will help us address any issues and expedite funding.

As the FEMA Region 6 Regional Environmental Officer, I pledge to assist you in understanding and complying with all federal and state environmental and historic preservation requirements.

The FEMA EHP staff are available to answer your questions and to direct you to the appropriate resources to ensure that all required regulatory obligations are met and all possible considerations are explored for FEMA funded projects.

We look forward to working with you.

Sincerely,

Kevin Jaynes
Regional Environmental Officer
FEMA Region 6
Kevin.Jaynes@fema.dhs.gov

Environmental Laws and Project Requirements



The National Environmental Policy Act (NEPA) directs federal agencies to consider the environmental effects of actions they are funding. There are numerous environmental and historic preservation laws that may come into play when repairing disaster damaged infrastructure. This brochure is not intended to be inclusive of all possible applicable laws, but those routinely encountered in disaster recovery.

Some projects will require consultation with appropriate State, Federal, and/or Tribal regulatory entities prior to approval of funding and initiation of construction.

Failure to comply with applicable Federal, State, and local environmental and historic preservation laws could jeopardize or delay potential funding.

Some of the Federal Laws that may affect FEMA funding

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

Some projects may proceed without detailed environmental review

- Emergency protective measures to immediately protect lives and property
- Debris removal and disposal to appropriate permitted landfill
- Repairs to pre-disaster condition or temporary repairs (under 45 years old)

Projects that require an environmental review

- Debris disposal (to a site other than a licensed landfill)
- Where the footprint is different than pre-disaster conditions
- Involving hazard mitigation
- Involving threatened or endangered species, wetlands, or floodplains
- Improved or alternate projects
- Other project where the scope of work has changed
- Building/Structure Demolition

Waterways, Including Culverts and Bridges



The Clean Water Act (Section 404), and Section 10 of The United States (US) Rivers and Harbors Act of 1899 may apply to actions proposed in or adjacent to waters of the US including wetlands. This includes any part of the surface affecting waters of the US water tributary system (natural waters including small streams, lakes, and wetlands) as well as isolated man-made waters.

The US Army Corps of Engineers (USACE) administers both laws. For any project involving work in a waterway (proposed or completed), the applicant must notify the USACE.

Obtaining permits, prior to construction, is the responsibility of the project applicant. See page 4 for

USACE contact information.

It is the applicant's responsibility to provide documentation that they have met the requirements of USACE permits.

The following activities in waters of the US often trigger the need for permits:

- Construction and/or demolition
- Dredging and filling
- In-stream debris removal
- Bridge, culvert and dam repair or replacement
- Stream bank repairs or stabilization, including retaining walls
- Utility replacement

Floodplains



FEMA reviews all projects that take place in the **floodplain** as required by Executive Order 11988. This could require the "8-Step" process, which considers and evaluates alternatives and includes public review.

Project approvals and permits are often needed from the local floodplain administrator.

Some projects are exempt from floodplain review, including debris removal (staging requires local floodplain administrator approval) and repairs or replacements when the cost is under \$5,000.

Wetlands

Similar to floodplains, an "8-Step" process is usually required whenever a proposed project will cause any modification to a wetland.

Project approvals and permits are often needed from the USACE. See page 4 for contact information.

Debris should never be stored in a wetland, **even temporarily**. Debris removal and work involving wetlands should be coordinated with the USACE.

Threatened and Endangered Species



Lesser Prairie-Chicken

Under Section 7 of the Endangered Species Act, FEMA must consult with the US Fish and Wildlife Service (USFWS) when FEMA-funded projects have the potential to affect a threatened or endangered species or the habitat of a protected species. Projects that have the potential to impact threatened or endangered species must be coordinated and impacts avoided. If your project occurs within a natural area or a streambed, your potential to adversely affect endangered species greatly increases. Be sure to alert your FEMA project specialist of projects in close proximity to these areas. The consultation must be done **before** work on a project is begun. See page 4 for contact information.

For a full listing of current Oklahoma threatened and endangered species, see the website listed for the USFWS:

http://ecos.fws.gov/tess_public/reports/species-listed-by-state-report?state=OK&status=listed

Please contact the FEMA EHP Team if you need more information.

Historic Preservation and Tribal Relations

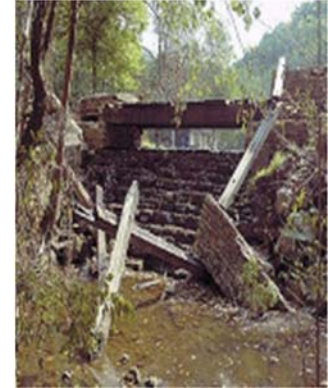
FEMA is required by Section 106 of the National Historic Preservation Act to take into account the impacts of its activities (including demolition, repair and reconstruction) on historic properties before work begins. Any building or structure **45 years or older** may be eligible for the National Register of Historic Places. These structures must be reviewed by FEMA in conjunction with the State Historic Preservation Office (SHPO), and/or interested Tribal stakeholders.

Archaeological resources also require special attention. Any proposed project which impacts a recorded archeological site; (e.g. relocating a utility, road alignment, a material borrow area for construction, or preparation of debris staging, stockpiling or burning sites); must be reviewed by FEMA in conjunction with SHPO

and/or interested Tribal stakeholders for archaeological concerns prior to work.

Ground disturbing activities, including "return to pre-disaster" within a Right of Way (ROW), can still have the potential to affect archaeological resources.

Land that has been plowed or used for agriculture is not considered previously disturbed and must be evaluated. It is important to involve the FEMA Environmental & Historic Preservation Team early in the process if historic properties are involved.



Civilian Conservation Corps-era damaged dam

Debris Disposal and Hazardous Materials

For emergency burning, burial and/or stockpiling of solid waste or debris within the State of Oklahoma, the Oklahoma Department of Environmental Quality (ODEQ) must approve the temporary and/or permanent storage / staging of debris outside of a certified or properly licensed landfill.

Applicants are responsible for contacting ODEQ Office for approval. ODEQ along with the Oklahoma Department of Emergency Management will assist the Applicant with filling out the Emergency Disposal Site Evaluation & Registry Form. The Emergency Disposal Site Evaluation & Registry Form can be obtained by contacting the ODEQ office. See page 4 for contact information.

A copy of the approved ODEQ form must also be submitted to the Project Specialist to be included with the project worksheet.

No contact, approval, or permits are needed to take any debris to a certified landfill, however the landfill location and permit number should be included in the project worksheet.

If sandbagging has been used, it should be determined if the bags have become contaminated. If so, they must be disposed of in a licensed landfill.

Asbestos accreditation and disposal approvals may be needed for building demolition. For these situations, an applicant should contact the ODEQ.



Other Considerations



Hazard mitigation projects reduce the threat of future damages. Retrofitting for wind damage or elevating for flood protection are examples. All hazard mitigation projects will be subject to a thorough review by FEMA as they usually involve ground disturbance or alter a project's footprint.



Projects involving **any ground disturbance** outside previously disturbed footprint, even if within the right-of-way (including facility realignment, borrow areas, utility burial, utility pole replacement, access roads, etc.) may require archaeological review prior to construction.

Environmental Justice Executive Order 12898 was created to minimize negative health or environmental impacts on minority and low-income populations. All projects are examined to avoid these impacts. FEMA will not exclude any persons and populations from participating in benefits because of race, color, or national origin.

ENVIRONMENTAL CONSIDERATIONS GREENSHEET
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CONTACTS

FEMA Regional Office

Environmental and Historic Preservation (EHP)
Kevin Jaynes, Regional Env. Officer
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Oklahoma Department of Emergency Management

Public Assistance
Alden Graybill
Recovery/Mitigation Manager
Office: 405-521-2481
Fax: 405-521-4053
alden.graybill@oem.ok.gov

Michael Teague
Infrastructure Branch Supervisor
Office: 405-521-2481
Fax: 405-521-4053
michael.teague@oem.ok.gov

Hazard Mitigation
Annie Vest
Mitigation Officer
Office: 405-521-2481
Fax: 405-521-4053
annie.vest@oem.ok.gov

Debris Burning and Asbestos

Oklahoma Department of Environmental Quality (ODEQ)
ODEQ Local Office: 1-800-522-0206
ODEQ Local Office: 405-702-6100

Richard McDaniel
Environmental Complaints & Local Services
Office: 405-702-6188
Cell: 405-388-3763
Fax: 405-702-6226
richard.mcdaniel@deq.ok.gov

**Debris Staging, Processing or Disposal
(if not in a permitted landfill)**

Loree Boyanton
Environmental Complaints & Local Services
Office: 405-702-6177
Fax: 405-702-6101
loree.boyanton@deq.ok.gov

Oklahoma Indian Affairs Commission

Barbara Warner
Executive Director
Office: 405- 521-3828
Fax: 405- 522-4427

U.S. Bureau of Indian Affairs (BIA)

BIA - Southern Plains Region
David Anderson
Emergency Management Liaison
Environmental Scientist
Office: 405-247-1532
Fax: 405- 247-9707
David.anderson@BIA.gov

BIA - Eastern Oklahoma Region
Brent Gohring
Division Chief
Natural Resources
Office: 918-781-4684
Office: 918-781-4642
Fax : 918-781-4644

National Forest

U.S. Forest Service
Ouachita National Forest
John Baldwin
District Ranger
Office: 580-494-6402 ext. 119
Fax: 580-494-6406
jbaldwin@fs.fed.us

Threatened & Endangered Species and Wetlands

United States Fish and Wildlife Service (USFWS)
Ken Collins
Office: 918-581-7458 ext. 230
Fax: 918- 581-7467
ken_collins@fws.gov

Work in Waters

U.S. Army of Corps of Engineers
Shane Charlson
Office: 918-669-7395
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Fax : 918-669-4306
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Work in Wetlands

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