



FEMA



FEDERAL EMERGENCY MANAGEMENT AGENCY ENVIRONMENTAL and HISTORIC PRESERVATION GREENSHEET: FEMA-4822-DR-NE

Environmental and Historic Preservation Guidance

As a condition of Federal Emergency Management Agency (FEMA) funding, projects must be reviewed for compliance with all applicable environmental laws, regulations, and executive orders (EO). This “Greensheet” provides you, Applicant, with guidance on FEMA’s Environmental and Historic Preservation (EHP) review processes to help you understand your obligations to ensure that all Federal and State compliance requirements are met and how compliance may impact project funding. FEMA EHP staff are available to answer questions and direct you to other resources as needed.

Federal Laws and Executive Orders

National Environmental Policy Act (NEPA)	EO 11988 Floodplain Management
National Historic Preservation Act (NHPA)	EO 11990 Wetlands Protection
Clean Water Act (CWA)	EO 12898 Environmental Justice
Endangered Species Act (ESA)	EO 13690/14030 Federal Flood Risk Management Standard (FFRMS)

Environmental and Historic Preservation Compliance and Federal Funding

NEPA requires Federal Agencies to assess the environmental effects of their actions, such as funding disaster recovery projects, prior to making funding decisions. NEPA incorporates the other environmental and historic preservation laws into the final consideration of the proposed project or its potential alternatives. FEMA has developed several levels of environmental and historic preservation review to streamline the types of projects commonly funded for disaster recovery. **A clear scope of work is needed to determine the level of review required under NEPA which can impact project timelines.** Some projects may require additional regulatory permitting or consultation with State, Federal, or Tribal entities. FEMA EHP will advise Applicants on what to expect during the review process. This guidance includes information regarding many, but not all, of the laws routinely addressed during disaster recovery project review. **Applicants have certain compliance responsibilities which they may be required to fulfill before funding can be approved or work can proceed. Failure to comply with applicable Federal, State, and local environmental and historic preservation laws could delay or jeopardize potential funding.**

Debris and Hazardous Materials

Debris cleanup must be documented from removal to final disposition. For debris taken to a permitted landfill, the **location and permit number for the landfill** should be included in the grant application. Temporary staging site locations should be included in the project as well. Hazardous materials must be disposed of in a manner consistent with all State and Federal laws. Sandbags that have come into contact with floodwaters may require additional handling for proper disposal. Placement of sand in playgrounds, sandboxes, or other areas of direct human contact soon after use in floodwater-contaminated sandbags should be avoided. Debris should not be staged within the floodplain and should never be staged in a wetland area, even temporarily. **Debris removal from wetlands should be coordinated with the US Army Corps of Engineers (USACE) and may require FEMA consultation with the U.S. Fish and Wildlife Service (USFWS).**

Any proposed project that alters a previously undisturbed area (e.g., relocating a utility, road realignment, a material borrow area for construction, or preparation of debris staging, stockpiling or burning sites) must be reviewed by FEMA and the Nebraska State Historic Preservation Office (SHPO) for archaeological concerns. Land that has been plowed or used for agriculture is not considered previously disturbed and must be evaluated. Different measures can be taken if historic resources are affected. It is important to involve FEMA and the SHPO prior to initiating any work in an undisturbed location.

Cultural Resources

Section 106 of the National Historic Preservation Act (NHPA) requires Federal Agencies to take into account the effects of their activities on historic properties prior to the approval of the expenditure of Federal funds. FEMA has executed a Programmatic Agreement (PA) with the Nebraska State Historic Preservation Office (SHPO) which allows us to expedite many of the types of disaster recovery work that have been demonstrated through experience not to have an adverse effect on historic properties. Projects involving properties that are **45 years of age** or older may require FEMA consultation with SHPO. All ground disturbing activities, including staging areas and borrow sources, must be reviewed by a FEMA Archaeologist and may require FEMA consultation with SHPO and Federally Recognized Tribes. **A clear scope of work, including the age of any existing buildings or structures and the location and description of all ground disturbing activities, is required to complete a review of the project. Any proposed project that alters a previously undisturbed area (e.g., relocating a utility, road realignment, a material borrow area for construction, or preparation of debris staging, stockpiling or burning sites) must be reviewed by FEMA and the Nebraska State Historic Preservation Office (SHPO) for any archaeological concerns.**

Floodplains and Wetlands

FEMA reviews all projects to determine if they affect or will be affected by the floodplain and/or wetlands under EO 11988, EO 13690, and EO 11990. The objective of these orders is to minimize and/or avoid future impacts to the natural and beneficial values of floodplains and wetlands as well as impacts to facilities repaired using Federal funds. Projects located within these resource areas may require the use of the "8-step" decision making process, requiring public notification and involvement in the consideration of the proposed project and any practicable alternatives. EO 13690 establishes higher standards for protecting facilities against flood risk. FEMA's current implementation of this order is to floodproof or elevate structures to higher standards than base flood elevation in the following situations: new construction, relocation, or repairing damaged facilities where damage exceeds 50% of the value of the structure. Actions that involve new construction, substantial improvement, or repair of substantial damage, whether in or out of a wetland or Special Flood Hazard Area, may require a Federal Flood Risk Management Standard (FFRMS) floodplain determination. Applicants should work with the FEMA Point of Contact to determine if this policy is applicable to their project and how the FFRMS floodplain should be determined. Where applicable, this Policy also requires incorporation of nature-based solutions when possible. Additional details on this Policy can be found at the [FEMA FFRMS webpage](#).

An Applicant for FEMA funding is responsible for obtaining any required approvals or permits from the Nebraska Department of Environment and Energy (NDEE). An Applicant is also responsible for getting approval from the local floodplain administrator for any projects located within the floodplain and the U.S. Army Corps of Engineers (USACE) for projects located in wetlands.

Work in or near Water or Wetlands

Projects that involve work in or near water or wetlands, including dredging or filling, in-stream debris removal, bank stabilization, or changes to culverts, crossings, or bridges, may require a permit from U.S. Army Corps of Engineers (USACE). **An Applicant for FEMA funding is responsible for obtaining any required approvals or permits from the Nebraska Department of Environment and Energy (NDEE) and USACE for projects located in wetlands or waterways.**

Threatened or Endangered Species and Critical Habitat

Projects that involve work in water or are located within a natural area may have the potential to effect Threatened or Endangered Species and/or Critical Habitat. FEMA is able to expedite the review of many types of disaster recovery work which have been demonstrated through experience not to cause adverse effects. Some projects may require additional consultation with U.S. Fish and Wildlife Service (USFWS) specific to the work to be performed and individual species of concern. The presence of Threatened or Endangered Species and/or Critical Habitat may affect project design, construction timeframes, or require best management practices to minimize adverse effects. **Projects with the potential to affect Federally protected species may require FEMA consultation with the USFWS prior to the commencement of work. The State of Nebraska maintains its own database of threatened and endangered species, and may require consultation and permits for actions affecting state-listed species and/or habitat.**

Environmental Justice

Executive Order (EO) 12898 directs each federal agency to avoid disproportionate adverse human health or environmental effects to low-income and or minority populations. Applicants can play a critical role in achieving Environmental Justice by identifying the presence of low-income and minority populations so that disproportionate impacts to human health and environmental hazards can be considered early in the project development stage, and avoided, when possible.

The types of projects that may trigger EO 12898 include, but are not limited to:

- Temporary housing.
- Debris staging and disposal.
- Road repair that requires detours.
- Temporary or permanent relocation actions.
- Drainage improvements / actions in floodplains.

CONTACT INFORMATION

FEDERAL AGENCIES

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Region 7 Tribal Integration Team

James (Jim) D. Rogers
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U.S. Army Corps of Engineers - Omaha District

1616 Capital Ave., Suite 9000
Omaha, NE 68102
Phone: 402-995-2229
Web: <https://www.nwo.usace.army.mil/>

U.S. Fish and Wildlife Service

Ecological Services Field Office
Region: Mountain-Prairie Region (6)
9325 South Alda Road
Wood River, NE 68883
Phone: 308-382-6468
Fax: 308-384-8835
Web: <http://www.fws.gov/nebraskaes/>
Project submissions email to:
nebraskaes@fws.gov

U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS)

100 Centennial Mall North, Rm 152
Lincoln, NE 68508
Phone: 402-437-5300
<http://www.ne.nrcs.usda.gov/>

STATE AGENCIES

Nebraska Emergency Management Agency (NEMA)

2433 N.W. 24th Street
Lincoln, NE, 68524-1801
Phone: 402-471-7421
Fax :402-471-7433
Web: <http://www.nema.ne.gov/>

Nebraska Department of Environment and Energy (NDEE)

245 Fallbrook Blvd. Suite 100
Lincoln, Nebraska 68521-6732
Phone: 402-471-2186
Email: NDEE.moreinfo@nebraska.gov
Web: <http://www.deq.state.ne.us/>

Nebraska Department of Natural Resources (NeDNR)

245 Fallbrook Blvd. Suite 201
Lincoln, Nebraska 68521-6732
Phone :402-471-2363
Fax: 402-471-2900
Web: <http://dnr.nebraska.gov/>

CWA Section 401 Coordinator (NDEE)

245 Fallbrook Blvd. Suite 100
Lincoln, NE 68521-6732
P.O. Box 98922
Lincoln, Nebraska 68509-8922
Phone: 402-471-4221 (Dan Ross)
Email:
ndee.401certification@nebraska.gov

Nebraska State Historic Preservation Office (SHPO)

Nebraska State Historical Society
P.O. Box 82554, 1500 R Street,
Lincoln, NE 68508
Phone: 402-471-3270
Web: <https://history.nebraska.gov/>