

Environmental and Historic Preservation and Disaster Recovery

As you repair and rebuild your communities, environmental and historic preservation concerns may seem unimportant. However, as with all federal funding, certain requirements related to the environment must be fulfilled. This brochure is provided to help you better understand environmental factors that you must consider as you apply for FEMA funding.

The information and assistance described here will help avoid any environmental roadblocks or time delays.

The most important message is that we are available to help you with all environmental requirements. Contained here are facts, procedures, and

contacts to help you through the process.

Please identify any potential environmental concerns or problems and discuss these with our Joint Field Office (JFO) environmental staff as soon as possible. This will help us address issues and expedite funding.

Our work is under the direction of FEMA Federal Coordinating Officer, Chris Van Alstyne. We also coordinate closely with Nebraska Emergency Management Agency.

As the Regional Environmental Officer, I pledge to assist you in understanding and complying with all environmental



requirements. Please contact him NEMA, EHAD or FEMA Public Assistance for any environmental or historic assistance.

Sincerely,

Kenneth Sessa
Regional Environmental Officer

Kenneth.Sessa@fema.dhs.gov
(816) 283-7960

Environmental Laws and Project Requirements

In addition to the National Environmental Policy Act, NEPA, listed below are the other primary environmental laws and executive orders that may come into play when rebuilding or replacing a "public assistance" facility.

In Order to provide accurate and timely review, all projects require maps to be attached. Maps should include Section, Township, Range and County. The entire relevant section(s), with the project area clearly defined, should be depicted. When possible, a labeled road intersection and GPS coordinates should be identified.

Some activities can proceed without environmental or historic review, others require some environmental consideration, and in some of the major projects, consultation with other federal agencies, the State, and FEMA is necessary before construction begins.

Federal Laws

- Endangered Species Act
- National Historic Preservation Act
- Clean Water Act (especially Section 404)
- Wild and Scenic Rivers Act
- Executive Order for Wetlands Protection
- Executive Order for Floodplain Protection
- Executive Order for Environmental Justice

Some projects proceed without detailed review

- Emergency Protective Actions and Debris Removal
- Repairs to pre-disaster condition or temporary repairs (unless 50 years old)

Some projects require an environmental review

- Debris disposal
- Where the footprint is different than pre-disaster conditions
- Involving hazard mitigation
- Involving threatened or endangered species, wetlands or floodplains

Some projects require review and consultation

- Improved or alternate projects
- Other projects where the scope of work has changed

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Obtaining permits, prior to construction, is the responsibility of the project applicant.

Waterways, Including Culverts and Bridges

Repair to previously authorized serviceable structures deviating from their original dimensions in **any** way (i.e. size, length, depth, profile, type, etc.) may require a new or modified permit from the U. S. Army Corps of Engineers (USACE). The Department of Natural Resources and USACE has a coordination/joint application process. Please refer to the DNR and USACE website for relevant information.

The Clean Water Act and The U.S. 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, and wetlands) as well as isolated man-made waters. The U.S. Army Corps of Engineers administers both laws. Examples of actions requiring permits include any construction, demolition, and any dredging or filling in any part of surface water tributaries or systems including cutting roads, and repair of damaged facilities.

For all culvert work, if no permit is required, at a minimum, signed documentation of a telephone call to the DNR and USACE is required and should be provided to the FEMA project officer.



Floodplains

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

Project approvals and permits are often needed from the DNR, the U. S. Army Corps of Engineers, and the U. S. Natural Resources Conservation Service.

Some projects are exempt from floodplain review including debris removal and repairs or replacements when the cost is less than \$5,000.

Wetlands

As with floodplains, an "8-Step" process may be required whenever a project would modify a wetland. Project approvals and permits are needed from the DNR and the USACE.

Debris should never be stored in a wetland, even temporarily. Debris removal from a wetland should be coordinated with the DNR, the U. S. Army Corps of Engineers, and the U.S. Fish and Wildlife Service.

Threatened and Endangered Species



Higgins eye pearly mussel

Projects that might affect threatened or endangered species must be coordinated, and impacts avoided, under the Endangered Species Act. **Endangered species** are in danger of extinction throughout the area in which they usually occur. **Threatened species** are those that could become endangered in the near future. Nebraska has numerous federally endangered, threatened, or candidate species. Nearly all counties in Nebraska have at least one of these species. It is very important to know whether a proposed project might impact a critical habitat of one of these species. Critical habitats may be located in or near water or forested areas, but may also be fields or road edge. Applicants should contact experts at the Nebraska Game and Parks Commission, the U.S Fish and Wildlife Service and FEMA who can help determine if a critical habitat is potentially impacted by a proposed project. For a full listing of Threatened and Endangered Species in the counties included this disaster consult the following:

<http://www.fws.gov/nebraskaes/Library/NECounty2013.pdf>

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Historic Preservation and Tribal Relations

Some historic resources are very obvious, others less so. Any structure (e.g., buildings, walls, bridges, culverts) **50 years old** may be eligible for the National Register of Historic Places. These structures must be reviewed by FEMA and the NE State Historic Preservation Office (SHPO).

Archaeological resources also require special attention. Paramount among these are Tribal resources, of which Nebraska has a rich legacy. Any proposed project which 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 NE SHPO for archeological 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 NE SHPO offices to make these determinations, and to decide what measures, if any, are to be taken.



CCC era dam damaged

Debris Disposal and Hazardous Materials

For any debris removal projects, applicants must follow the disposal guidance provided by the Nebraska Department of Environmental Quality. No contact, approval or permits are needed to take solid waste debris to a licensed landfill or approved construction and demolition land-fill. If sandbags have been used, information on how to properly dispose of them is in the guidance listed below.

Burning vegetative debris needs to be done in accordance with applicable NDEQ requirements. Branches, Trees and Brush Waste can be separated from other debris and then sent to a permitted community burn site, shredded and used for mulch or composted, disposed in a municipal solid waste (MSW) disposal area or a construction and demolition (C&D) waste disposal area.

If burning of vegetative debris is being considered in an area other than a permitted community burn site, Aaron

Boucher with NDEQ's Air Quality Division must be contacted for prior approval at (402) 471-2189. For additional information about open fires or to obtain an open fire permit application, please visit: <http://www.deq.state.ne.us/>. The applicant is responsible to comply with burn regulations, including obtaining and complying with permits and conditions established by the permits.

Debris removal guidance, *Natural Disaster Debris Management*, is available from the Nebraska Department of Environmental Quality at <http://www.deq.state.ne.us/Publications/Pages/10-008> or from the NDEQ program staff.

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 strives to minimize negative health or environmental impacts on minority and low-income populations. 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.

CONTACTS

This publication presents an overview of the many laws and requirements for environmental clearance of FEMA Public Assistance projects. There are many other details not here that may prove useful for environmental compliance. The FEMA staff in the Joint Field office in Lincoln is available to answer any questions you may have and to direct you to other resources that may be needed to ensure that all environmental considerations are explored for FEMA funded projects.

Federal Agencies

FEMA Region VII
Regional Environmental Officer
 Kenneth Sessa,
 Regional Environmental Officer
 9221 Ward Parkway, Suite 300
 Kansas City, MO 64114
 (816) 283-7960
kenneth.sessa@fema.dhs.gov

U.S Army Corps of Engineers

Wehrspann Field Office
 8901 South 154th Street
 Omaha, NE 68138-3635
 (402) 896-0896
 FAX (402) 896-0997
<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Nebraska.aspx>

U.S. Fish and Wildlife Service
 Ecological Services Field Office
 Region: Mountain-Prairie Region (6)
 Telephone: 308 382-6468
 Fax: 308 384-8835
 Federal Building
 203 West Second Street Grand Island,
 Nebraska 68801-5907
 Location Address:
<http://www.fws.gov/nebraskaes/>

U.S. Department of Agriculture, Natu-
 ral Resources Conservation Service
 (NRCS)
<http://www.ne.nrcs.usda.gov/>

Department of Natural Resources

The Nebraska Department
 of Natural Resources
 301 Centennial Mall South
 Lincoln, Nebraska 68509-4676
 Phone 402-471-2363
 Fax 402-471-2900
<http://www.dnr.state.ne.us/>

FEMA-Environmental Justice
 Kenneth Sessa, Regional
 Environmental Officer
 9221 Ward Parkway, Suite 300
 Kansas City, MO 64114
 (816) 283-7960
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FEMA-Floodplains Risk Analysis

Rich Leonard, Branch Chief
 9221 Ward Parkway, Suite 300
 Kansas City, MO 64114
 (816) 283-7009
rich.leonard@dhs.gov

FEMA-Floodplain Management

Dean Ownby, Branch Chief
 9221 Ward Parkway, Suite 300
 Kansas City, MO 64114
 (816) 283-7045
dean.ownby@dhs.gov

FEMA Tribal Liaison
 9221 Ward Parkway, Ste. 300
 Kansas City, MO 64114

State Agencies

Nebraska Emergency Management
 Agency (NEMA)
 1300 Military Road
 Lincoln, NE 68508-1090
 (402)471-7421
 Fax :(402)471-7433
<http://www.nema.ne.gov/>

Nebraska Department of
 Environmental Quality
 1200 "N" Street, Suite 400
 P.O. Box 98922
 Lincoln, Nebraska 68509
 (402) 471-2186
<http://www.deq.state.ne.us/>

Nebraska Game and Parks
 Commission
 2200 N. 33rd St.
 Lincoln, NE 68503-0370
 Ph. (402) 471-0641
<http://outdoornebraska.ne.gov/>
 Michelle Koch (402) 471-5438
michelle.koch@nebraska.gov

Nebraska State Historic Preservation
 Office
 Nebraska State Historical Society
 P.O. Box 82554, 1500 R Street,
 Lincoln, NE 68501
<http://www.nebraskahistory.org/histpres/>