



SEVERE WINTER STORMS, FLOODING, AND MUDSLIDES
DR-4307-NV
FEDERAL EMERGENCY MANAGEMENT AGENCY
ENVIRONMENTAL CONSIDERATIONS GREENSHEET



Environmental and Historic Preservation and Disaster Recovery

As you repair and rebuild your storm-damaged communities, environmental and historic preservation issues may not seem like a priority. Whenever federal funding is requested, however, certain environmental and historic preservation requirements must be fulfilled. **This brochure is provided to help you better understand environmental and historic preservation factors that you must consider as you apply for FEMA funding.** The information described here will help you avoid funding delays and other hurdles as you undertake recovery efforts.

The most important message is that the FEMA Environmental and Historic Preservation (EHP) staff is committed to helping you identify and meet environmental and historic preservation compliance responsibilities. This document provides an overview of compliance

requirements, procedures, and contacts.

You can help by identifying any potential environmental or historic issues, concerns, or problems related to your projects and discuss these with FEMA staff as soon as possible.

Our work is performed under the direction of FEMA's Federal Coordinating Officer, Rosalyn L. Cole, and in close coordination with her counterpart, Nevada State Coordinating Officer, Caleb S. Cage. In fact, the Nevada Division of Emergency Management (NDEM) serves as the main point of contact for applicants, oversees grant administration, and is committed to following all environmental and historic preservation requirements in its disaster recovery operations under the Robert T. Stafford Act.

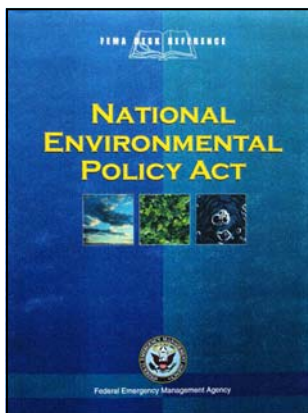


As the Regional Environmental Officer, I pledge to assist you in understanding and complying with all applicable environmental and historic preservation requirements. Please contact me, other FEMA EHP staff, NDEM staff, or FEMA Public Assistance staff for any environmental or historic preservation compliance assistance.

Sincerely,

Alessandro Amaglio
Regional Environmental Officer
FEMA Region IX

April 3, 2017



Environmental Laws and Project Requirements

The National Environmental Policy Act (NEPA) is the primary environmental law that directs federal agencies to consider the environmental effects of their actions (including funding). In addition to NEPA, listed below are the other major environmental and historic preservation laws and executive orders that are triggered when rebuilding or replacing damaged public infrastructure. Many activities can proceed without environmental or historic review, others

require some consideration for environmental and historic preservation compliance, and some projects need very detailed reviews, including consultation with state and federal regulatory agencies, before construction begins.

Failure to comply with applicable environmental and historic preservation laws and other requirements could jeopardize or delay potential funding.

Federal Laws and Executive Orders

- National Historic Preservation Act
- Endangered Species Act
- Clean Water Act
- Comprehensive Environmental Response, Compensation, and Liability Act
- Executive Order 11988: Floodplain Management
- Executive Order 11990: Protection of Wetlands
- Executive Order 12898: Environmental Justice

Some projects may not need detailed review

- Emergency protective measures or debris removal
- Repairs exactly to pre-disaster condition or temporary repairs

Some projects require more extensive review

- Debris disposal in areas not previously permitted
- Projects that change the pre-disaster condition of the facility
- Repairs that include hazard mitigation or to facilities over 45 years old
- Projects located near bodies of water, wetlands, or floodplains

Some projects may need review and consultation

- Improved or alternate projects
- Projects that include new ground disturbance

Waterways, Including Culverts and Bridges

The Clean Water Act (CWA) and the U.S. Rivers and Harbors Act (RHA) apply to actions affecting “waters of the United States”. This includes any part of a surface-water system: natural waters including rivers, streams, lakes, and wetlands; as well as isolated human-made waters. The U.S. Army Corps of Engineers (USACE) and Nevada Division of Environmental Protection (NDEP) administer the laws.



For projects involving work proposed or completed in a waterway, CWA or RHA permits from the USACE and NDEP are required. Repairs to previously permitted structures may require amendments or modifications to existing permits. Examples of actions requiring CWA or RHA permits include construction, demolition, and any dredging or filling in any part of surface waters, tributaries, or systems.

Obtaining CWA and RHA permits is the responsibility of the applicant performing the work and must be done prior to initiating any site activity. Exceptions exist for emergency actions that address immediate threats to life or property, in which case USACE and NDEP should have been notified and documentation of the contact made by the applicant.

Floodplains and Wetlands

Executive Order 11988 requires FEMA to review all projects for the potential to affect or be affected by the floodplain. **For projects that take place in or affect a floodplain, FEMA must seek ways to avoid, minimize, or mitigate to the extent practicable long- and short-term impacts associated with occupancy and modification of the floodplain.** Depending on the potential for impacts, an alternative analysis and public review may be required. For additional information about work in or affecting a floodplain, contact FEMA

and the Nevada National Flood Insurance Program (NFIP) Coordinator.



Executive Order 11990 requires FEMA to review all projects to evaluate the potential to affect a wetland. The applicant may be required to obtain a permit from USACE and NDEP. **Depending on the potential for impacts, an alternative analysis and public review may be required for work affecting a wetland.**

Debris should never be stored in a wetland or a floodplain, even temporarily. Debris removal from a wetland should be coordinated with USACE and NDEP.

Protected Species and Habitats

Under the Endangered Species Act (ESA), for any project that has the potential to affect federally threatened or endangered species or their habitats, FEMA must consult with the U.S. Fish and Wildlife Service (USFWS). Typically this process results in the development of measures to avoid or minimize impacts to such species or habitats.

Crucial to this process is knowing whether a proposed project might impact protected species or habitat. Twelve federally endangered, threatened, or proposed species are known to occur in the counties declared under this disaster. Critical habitat is designated for four of these species. **Applicants can contact experts at FEMA, USFWS, or the Nevada Department of Wildlife (NDOW) who can help determine if protected species or habitat may be affected by a proposed project.**



Historic Preservation

All proposed projects that may affect historic properties must be reviewed by FEMA and the Nevada State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO). A historic property is any prehistoric or historic site, building, structure, district, or object significant in American history, architecture, archaeology, engineering, or culture, generally 50 years of age or older, and eligible or listed in the National Register of Historic Places (NRHP).

Any proposed FEMA project that may modify a building or facility 45 years of age or older or that may alter previously undisturbed ground must be evaluated by FEMA for potential effects to historic properties before the



work can begin. Archaeological resources, including those of tribal origin, require special attention.

New construction, utility relocation, road reassignment, borrow pit development, and site preparation for debris or equipment staging must be reviewed by FEMA. Land that has been graded, plowed, or used for agriculture is not necessarily considered previously disturbed and must also be reviewed.

It is critical to involve FEMA and the SHPO (or THPO) to identify and evaluate potential historic properties, to make determinations of effect, and to decide what measures, if any, can be taken to avoid or mitigate effects.

Debris Disposal and Hazardous Materials

Management of storm-related debris (removal, staging, storage, sorting, and disposal) must be conducted in accordance with federal and state solid and hazardous waste regulations. Hazardous materials are regulated by the U.S. Environmental Protection Agency (USEPA) and NDEP. **Any action that results in disturbance of potentially contaminated materials (including soil and water) must comply with all federal and state requirements.**

No FEMA or disaster-specific contacts, approvals, or permits are required to transfer non-hazardous, solid-waste debris to a licensed landfill. **Reopening closed landfills or hardfills, using unlicensed sites, or creating temporary debris staging**

areas requires FEMA review.

Facilities potentially containing asbestos building materials must be tested prior to demolition. Asbestos building materials, if present, must be abated and disposed of in compliance with federal and state requirements.



Other Considerations



Hazard mitigation projects reduce the threat of future disaster damage. Examples include elevating facilities for flood protection and seismic retrofits of buildings. All hazard mitigation projects are subject to a more thorough environmental and historic preservation review.

Executive Order 12898 on **environmental justice** strives to minimize adverse health or environmental impacts on minority and low-income populations. FEMA evaluates projects to avoid these impacts. In addition, FEMA must not exclude any persons or populations from participating in the public review process because of race, color, national origin, income, education, or language.

Any project involving **ground disturbance** outside the previously disturbed footprint, even if within an existing right-of-way (such as facility relocation, material borrowing, utility pole or fence replacement, and access road construction), may require archaeological and biological reviews prior to construction.

Complying with **state laws and local ordinances and obtaining permits and other approvals** are the responsibility of the applicant. In addition, the applicant is responsible for complying with any federal EHP laws that would be triggered if FEMA-funding was not being requested.



CONTACTS

This brochure presents an overview of many environmental and historic preservation laws that FEMA and applicants must comply with before approving Public Assistance projects. There are, of course, details beyond the scope of this document that may prove useful for you to better understand environmental and historic preservation requirements. You may contact the agencies listed below for more information on these requirements and for guidance on environmental and historic preservation review, permitting, and approval processes. **FEMA staff in the FEMA-NDEM Joint Field Office and the FEMA Region IX Office can assist in answering questions and directing you to the appropriate agencies to ensure that environmental and historic preservation considerations are adequately addressed for FEMA-funded projects.** More information regarding FEMA's EHP program is available at www.fema.gov/environmental-planning-and-historic-preservation-program.

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