



# ENVIRONMENTAL CONSIDERATIONS GREENSHEET FEMA 4226 DR AR



## Environmental & Historic Preservation for Disaster

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 the Federal Emergency Management Agency (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 that we can convey is that we are available to help you with environmental requirements throughout the application process.

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

The FEMA environmental staff is available to answer your questions and to direct you to other resources needed to ensure that all environmental 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](mailto: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 all applicable local, state, and federal laws can jeopardize potential funding.

### Some of the Federal Laws that may affect FEMA funding

- National Environmental Policy Act (NEPA)
- National Historic Preservation Act (NHPA)
- Section 404 of Clean Water Act (CWA)
- 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 a 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)

### Some projects may require a review & consultation

- 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 projects where the scope of work has changed
- Building/structure demolition

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### Waterways, Including Culverts and Bridges

Section 404 of the Clean Water Act (CWA) and Section 10 of the 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 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. **Obtaining permits prior to construction is the responsibility of the project applicant.** See page 4 for 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. See page 4 for contact information.

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 and the US Fish and Wildlife Service (USFWS). See page 4 for contact information.



Piping Plover

### Threatened and Endangered Species

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 with USFWS and impacts avoided. If your project occurs within a natural area or a streambed, the potential to adversely affect threatened or 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 has begun. See page 4 for contact information.

For a full listing of current Arkansas threatened and endangered species, see the following USFWS website:

<https://ecos.fws.gov/ipac/>

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### 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. Work involving these structures must be reviewed by FEMA in conjunction with the State Historic Preservation Office (SHPO).

Archaeological resources also require special attention. Any proposed project which impacts a recorded archaeological site (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 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 debris disposal, staging, processing and burning activities within the State of Arkansas, once a federal declaration is issued, both the Arkansas Department of Environmental Quality (ADEQ) and SHPO must approve the temporary and/or permanent storage of debris outside of a certified or properly licensed landfill.

Applicants are required to complete the "Request to Burn, Stage or Grind Material" form (page 5) and submit to ADEQ. See page 4 for contact information. In addition, Applicants are required to complete the "Debris" form (page 6) and submit to SHPO. See page 4 for contact information.

No contact, approval or permits are needed to take any debris to a certified landfill, however the landfill location & permit

number should be included in the project worksheet.

A copy of the approved form(s) must be submitted to the Project Specialist to be included with the project worksheet.

If a proposed disposal, staging or burning site is within a delineated critical habitat of any federally protected species, approval for the proposed activity must be obtained from the U.S. Fish and Wildlife Service prior to using the site.

Asbestos accreditation and disposal approvals may be needed for building demolition. For these situations, an applicant should contact ADEQ. See page 4 for contact information.



### 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 issued 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.

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### **CONTACTS**

#### ***FEMA Regional Office***

Environmental and Historic Preservation (EHP)  
Kevin Jaynes  
Regional Environmental Officer  
Office: 940-383-7224  
[kevin.jaynes@fema.dhs.gov](mailto:kevin.jaynes@fema.dhs.gov)

#### ***Joint Field Office***

Environmental and Historic Preservation (EHP)

Adam Borden  
EHP Advisor  
Cell: 225-436-4031  
[adam.borden@fema.dhs.gov](mailto:adam.borden@fema.dhs.gov)

#### ***Arkansas Department of Emergency Management (ADEM)***

Office: (501)-683-6700  
Fax: (501) 683-7892  
[recoverybranch@adem.arkansas.gov](mailto:recoverybranch@adem.arkansas.gov)

#### **Public Assistance**

Jodi Lee  
ADEM Recovery Branch Manager  
Office: (501)-683-6736  
Fax: (501) 683-7892  
[jodi.lee@adem.arkansas.gov](mailto:jodi.lee@adem.arkansas.gov)

Clay Bewley  
ADEM State Public Assistance Officer  
Office: (501) 683-6757  
Fax: (501) 683-7892  
[clay.bewley@adem.arkansas.gov](mailto:clay.bewley@adem.arkansas.gov)

Ali Rye  
ADEM State Public Assistance Officer  
Office: (501) 683-6735  
Fax: (501) 683-7892  
[ali.rye@adem.arkansas.gov](mailto:ali.rye@adem.arkansas.gov)

#### **Hazard Mitigation**

Lacye Blake  
State Hazard Mitigation Branch Manager  
Office: (501) 683-6724  
Fax: (501) 683-7890  
[lacye.blake@adem.arkansas.gov](mailto:lacye.blake@adem.arkansas.gov)

#### ***Arkansas Natural Resources Commission***

Floodplain Management  
Michael Borengasser  
State Climatologist  
Office: (501) 682-3969  
Fax: (501) 682-3991  
[michael.borengasser@arkansas.gov](mailto:michael.borengasser@arkansas.gov)

#### ***Debris and Asbestos***

Arkansas Department of Environmental Quality (ADEQ)  
ADEQ Helpline: (501) 682-0923

Dean Vanderhoff  
Emergency Response Section Manager  
Office: (501) 682-0716  
[vanderhoff@adeq.state.ar.us](mailto:vanderhoff@adeq.state.ar.us)

Water Division  
Lazendra Hairston  
Biologist  
Office: (501) 682-0028  
Fax: (501) 682-0910  
[hairstonl@adeq.state.ar.us](mailto:hairstonl@adeq.state.ar.us)

Asbestos  
Torrence Thrower  
Environmental Program Coordinator  
Office: (501) 682-0740  
Fax: (501) 682-0880  
[thrower@adeq.state.ar.us](mailto:thrower@adeq.state.ar.us)

Waste Tire Disposal and Recycling  
Elizabeth Hoover  
Environmental Program Coordinator  
Office: (501) 682-0585  
Fax: (501) 682-0880  
[ehoover@adeq.state.ar.us](mailto:ehoover@adeq.state.ar.us)

Air Quality  
Tim Cain  
Assistant Chief, Air Division  
Office: (501) 683-5765  
Fax: (501) 682-0880  
[cain@adeq.state.ar.us](mailto:cain@adeq.state.ar.us)

Solid Waste  
Bryan Leamons  
Engineer Supervisor  
Office: (501) 682-0601  
Fax: (501) 682-0611  
[leamons@adeq.state.ar.us](mailto:leamons@adeq.state.ar.us)

#### ***Ground Disturbance, Archaeological Sites or Historic Structures***

Arkansas State Historic Preservation Office  
Steve Imhoff  
Senior Archeologist/106 Review Coordinator  
Office: (501) 324-9270  
Fax: (501) 324-9184  
[steve.imhoff@arkansasheritage.org](mailto:steve.imhoff@arkansasheritage.org)

#### ***Threatened & Endangered Species***

United States Fish and Wildlife Service  
Alyssa Bangs  
Fish and Wildlife Biologist  
Office: (501) 513-4472  
Fax: (501) 513-4480  
[alyssa\\_bangs@fws.gov](mailto:alyssa_bangs@fws.gov)

#### ***Work in Waters and Wetlands***

U.S. Army of Corps of Engineers Little Rock District  
Lisa Boyle  
Regulatory Project Manager  
Office: (501) 324-5295  
[lisa.a.boyle@usace.army.mil](mailto:lisa.a.boyle@usace.army.mil)

Memphis District  
Roger Allan  
Chief, Western Section, Regulatory Branch  
Office: (901) 544-3682  
[Roger.S.Allan@usace.army.mil](mailto:Roger.S.Allan@usace.army.mil)

Vicksburg District  
Cori Carraway  
Chief, Permit Section  
Office: (601) 631-5369  
[regulatory@usace.army.mil](mailto:regulatory@usace.army.mil)

Natural Resources Conservation Service  
Walter Delp, P.E.  
Arkansas State Conservation Engineer  
Office: (501) 301-3141  
Fax: (855) 681-7044  
[walter.delp@ar.usda.gov](mailto:walter.delp@ar.usda.gov)

**REQUEST TO BURN, STAGE or GRIND MATERIAL**

– complete one form per site unless same practices to be conducted at all sites –  
Arkansas Department of Environmental Quality – Fax 501/682-0880



**LOCATION:** *(Street Address or Nearest Address PLUS GPS (in decimal degree) from the center of operations)*



**MATERIAL TO BURN AT SITE (separate piles):**

- Vegetative (virgin, not chipped/ground)
- Structure Debris – DIMENSIONAL WHITE WOOD ONLY (NO shingles/tar paper, plastic, PVC, vinyl, OSB, suspect asbestos or other undesirables)
- NO BURNING** – See "Material to Stage" below

**MATERIAL TO STAGE for Later Removal:** (check all that apply)

- |   |  |
|---|--|
| <input type="checkbox"/> Vegetative, including chipping/grinding operations | <input type="checkbox"/> E-Goods         |
| <input type="checkbox"/> Construction & Demolition Debris                   | <input type="checkbox"/> Household Trash |
| <input type="checkbox"/> White Goods  | <input type="checkbox"/> Scrap Metal     |
| <input type="checkbox"/> Other: _____                                       |  |

**PROPERTY OWNER:** (if other than City or County, attach "permission to use" statement from land owner)

**SITE SECURITY & CONTACT:**

- Describe how site will be monitored during the day and how it will be secured at night to prevent illegal/improper use or dumping): \_\_\_\_\_
- Name & contact info for complaints/problems regarding site and operations (cell phone preferred): \_\_\_\_\_

**WASTE MATERIAL MANAGEMENT & RETURNING SITE TO NORMAL PLAN:**

(address ash and any other material remaining at site and how site will be returned to preexisting status)

- Remove to approved landfill (Name & Phone # \_\_\_\_\_)
- Beneficial Use via Land Application\*
- Beneficial Use via Waste to Energy  
(Permitted Facility Name & Phone # \_\_\_\_\_)
- Ground material to be made available as mulch (stage time limited to 120 days)

\*Beneficial use of any waste materials via land application requires written prior approval of the Department. A plan must be submitted to the ADEQ and approved prior to land application. The plan at a minimum must include detailed site plans, chemical analysis of the waste material and the land application site and a recommended application rate as determined by a soil scientist.

**Contact Information for Local Government Official:**

<b>COUNTY:</b> _____	<b>CITY:</b> (optional) _____
Judge's Name: _____	Mayor's Name: _____
Phone: _____	Phone: _____
E-Mail: _____	E-Mail: _____
Fax: _____	Fax: _____
Address: _____	Address: _____

**Signatures:** \_\_\_\_\_

County Judge

Mayor

- For vegetative under Act 944 of 2005 (ACA 8-4-316, amended 2011), County Judge MUST make request regardless of the site being in a city.
- For non-vegetative structure wood debris burning under an Emergency Order issued by ADEQ Director, Judge or Mayor can sign.
- Where the burning will be in town, it is suggested to have both Judge and Mayor sign.

**ARKANSAS HISTORIC PRESERVATION PROGRAM**

**DEBRIS ACTIVITY GROUND DISTURBANCE FORM**

**FEMA 4226-DR-AR**

Applicants are responsible for filling out the top part of this form in its entirety and **fax or email** this form and a topographical map identifying the location to the Arkansas Historic Preservation Program for certification. Maps can be generated at [mapper.acme.com](http://mapper.acme.com). Applicants should attach the signed form to the project worksheet. For questions, please contact Steve Imhoff, (501) 324-9270 or [steve.imhoff@arkansasheritage.org](mailto:steve.imhoff@arkansasheritage.org).

**REQUESTING REGISTRATION AS A (check all that apply):**

- Emergency Burn Site
- Temporary Staging/Stockpiling Site
- Temporary Chipping/Grinding Site

**APPLICANT:**

Name: \_\_\_\_\_

Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Cell: \_\_\_\_\_ Fax: \_\_\_\_\_ County: \_\_\_\_\_

**LEGAL DESCRIPTION AND LAT/LONG OF EMERGENCY SITE (REQUIRED):**

Township: \_\_\_\_\_ Range: \_\_\_\_\_ Section: \_\_\_\_\_ Quarter-section(s): \_\_\_\_\_

Latitude: \_\_\_\_\_ Longitude: \_\_\_\_\_ (degree decimal)

- Please include a topographical map identifying the location of the site. Maps can be generated at [mapper.acme.com](http://mapper.acme.com).

**SITE OWNER (if other than City or County, land owner must grant a legal access agreement):**

Name: \_\_\_\_\_

If a **NEW** road is needed to access a staging or burn site, provide the following information:

Road Length/Width: \_\_\_\_\_ Start Lat/Long: \_\_\_\_\_ End Lat/Long: \_\_\_\_\_

- Please include a topographical map identifying the location of any new roads. Maps can be generated at [mapper.acme.com](http://mapper.acme.com).

**Discovery Clause**—In the event that archeological deposits, including any Native American pottery, stone tools, bones, or human remains, are uncovered, the project shall be halted and the applicant shall stop all work immediately in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the finds. All archeological findings will be secured and access to the sensitive area restricted. The applicant will inform FEMA immediately and FEMA will consult with the State Historic Preservation Office (SHPO) or Tribal Historic Preservation Office (THPO) and Tribes and work in sensitive areas cannot resume until consultation is completed and appropriate measures have been taken to ensure that the project is in compliance with the National Historic Preservation Act (NHPA).



\_\_\_\_\_  
**Applicant signature certifying they read the above clause**

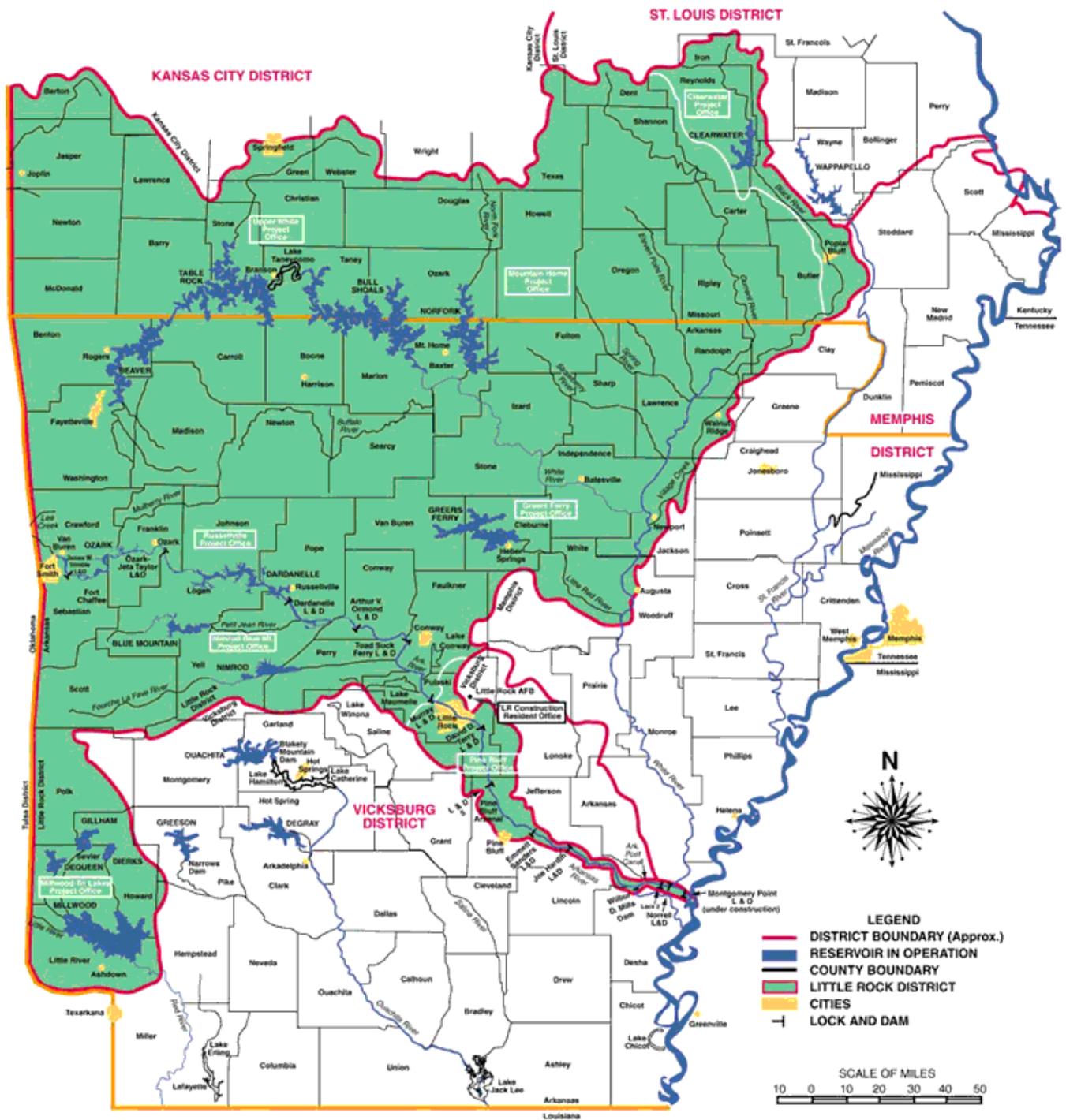
\_\_\_\_\_  
**Date**

**Email or Fax to:** Arkansas Historic Preservation Program (Attn: Steve Imhoff/Section 106 Review), EMAIL: [section106@arkansasheritage.org](mailto:section106@arkansasheritage.org) or FAX: (501) 324-9184

Arkansas Historic Preservation Program certifies that the above referenced site:

\_\_\_ No known historic properties will be affected by this undertaking.

\_\_\_ Is located at an archaeological or historic site and an alternate area must be considered.



**Points of Contact**  
**U. S. ARMY CORPS OF ENGINEERS**  
 Regulatory Activities – Little Rock District and Adjacent Districts

Vicksburg District  
 ATTN: CEMVK-OD-F  
 4155 Clay Street  
 Vicksburg, MS 39183-3435  
 (601) 631-7660

Memphis District  
 ATTN: CEMVM-OD-R  
 167 N. Main Street  
 Room B-202  
 Memphis, TN 38103  
 (901) 544-3471

Little Rock District  
 ATTN: CESWL-RD  
 700 West Capitol Avenue  
 Little Rock, AR 72201-3221  
 (501) 324-5295