



FEDERAL EMERGENCY MANAGEMENT AGENCY ENVIRONMENTAL CONSIDERATIONS GREENSHEET FEMA 4228-DR-LA



Environmental and Historic Preservation and 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 that we can convey is that we are available to help you with environmental 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 Region 6 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

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 laws could jeopardize or delay potential funding.

Some of the Federal Laws that may affect FEMA

- **National Environmental Policy Act**
- **National Historic Preservation Act**
- **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 from improved property and disposal to appropriate permitted landfill

Some projects that require review and 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



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

Waterways, Including Culverts and Bridges

The Clean Water Act (CWA) Section 404 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. For any project involving work in a waterway (proposed or completed), the applicant must notify the USACE.

Repair to previously authorized serviceable structures deviating from their original dimensions in any way (i.e. size, length, depth, profile, type, etc.), may also require a new or modified permit from the USACE.

Contact information for the USACE is on page 4.

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

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 levee 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.

Updated Preliminary Digital Flood Insurance Rate Maps (DFIRMS) have been provided to Louisiana coastal parishes. They provide an accurate picture of coastal Louisiana flood risks and are used as the best available data for FEMA Public Assistance (PA) grant reviews where available. For more information on the current status of floodplain maps in Louisiana, please visit:

http://www.lsuagcenter.com/en/family_home/home/design_construction/Laws+Licenses+Permits/Getting+a+Permit/Your+Flood+Zone/flood_maps/

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. Contact information is located on page 4.

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).



Brown Pelican

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 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. Contact information is on page 4.

For a full listing of current Louisiana threatened and endangered species, see the website listed for the US Fish and Wildlife Service:

http://www.fws.gov/lafayette/pdf/LA_T&E_Species_List.pdf

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 has the potential to impact archeological sites; (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.



A historic Louisiana schoolhouse

Debris Disposal and Hazardous Materials

For debris disposal, staging, processing and burning activities within the State of Louisiana, both the Louisiana Department of Environmental Quality (LDEQ) and the LSHPO must approve the temporary and/or permanent storage of debris outside of a certified or properly licensed landfill.

Applicants are required to complete the Emergency Debris Site Request Form (pages 5-7) & the LSHPO Site Request Form (page 8) and submit to LDEQ.

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.

Debris burning is governed by the LDEQ. A copy of the approved LDEQ forms must be submitted to the Project Specialist to be included with 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 LDEQ.

For any debris with Formosan termite contamination, contact the Louisiana Department of Agriculture & Forestry. Contact information is on page 4.



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.

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CONTACTS

Joint Field Office

Environmental and Historic Preservation (EHP)

Name Linda Ryder
Cell:(225) 329-5482
Email Address:
linda.ryder@fema.dhs.gov
1500 Main St. Baton Rouge, LA
70802

Louisiana Governor's Office of Homeland Security & Emergency Preparedness (GOHSEP)

7667 Independence Blvd.
Baton Rouge, LA 70806
Main: 225-925-7500
Fax: 225-925-7501

Technical Services—EHP Concerns
Ellen Ibert
Office: 225-334-7748
Cell: 337-208-7602
ellen.ibert@la.gov
1500 Main Street
Baton Rouge, LA 70802

Debris Burning, Staging, Processing or Disposal

Louisiana Department of Environmental Quality (LDEQ)
Office: 866-896-5337

Asbestos
Chris Mayeaux
Office: 225-219-0789
Chris.mayeaux@la.gov

Solid Waste
Dutch Donlon
Office: 225-219-3386
Dutch.Donlon@la.gov

Mia Townsel
Office: 225-219-1665
Mia.townsel@la.gov

Hazardous Waste
Tom Harris
Office: 225-219-3043
Tom.harris@la.gov

Ground Disturbance and Archaeological Sites

Louisiana State Historic Preservation Office

Charles "Chip" McGimsey
Office: 225-454-9274
Fax: 225-342-4480
cmcgimsey@crt.la.gov

Historic Structures

Mike Varnado
Office: 225-219-4596
mvarnado@crt.la.gov

Threatened & Endangered Species and Wetlands

United States Fish and Wildlife Service

Amy Trahan
Office: 337-291-3126
Fax: 337-291-3139
Amy_trahan@fws.gov

Louisiana Department of Wildlife & Fisheries

Carolyn Michon
Office: 225-765-2357
Fax: 225-765-2452
cmichon@wlf.la.gov

Coastal Zone Management Act (CZMA)

Louisiana Department of Natural Resources

Jay Pecot
Office: 225-342-0884
Fax: 225-242-9439
Jay.Pecot@LA.gov

Waterways, Wetlands & Floodplain

US Army Corps of Engineers

New Orleans District
Martin Mayer
Office: 504-862-2225
Fax: 504-862-2289
Martin.s.mayer@usace.army.mil

Robert Heffner
Office: 504-862-1288
Fax: 504-862-2289
Robert.a.heffner@usace.army.mil

Vicksburg District
Jennifer Mallard
Office: 601-631-5853
Fax: 601-631-5459
Jennifer.a.mallard@usace.army.mil

Charles Allred
Office: 601-631-5546
Fax: 601-631-5459
charles.d.allred@usace.army.mil

Louisiana Natural & Scenic Rivers

Louisiana Department of Wildlife & Fisheries
Chris Davis
Office: 225-765-2642
rcdavis@wlf.la.gov