



FEDERAL EMERGENCY MANAGEMENT AGENCY ENVIRONMENTAL CONSIDERATIONS GREENSHEET FEMA 4222-DR-OK



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 provides information to help you understand the factors that must be considered as you begin to apply for Federal Emergency Management Agency (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 we can convey is that we are available to help you with all 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 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 funding

- National Environmental Policy Act (NEPA)
- National Historic Preservation Act (NHPA)
- 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



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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
- Repairs to pre-disaster condition or temporary repairs (under 45 years old)

Some projects that require a 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

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.

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

See below for USACE permit form; page 5 for contacts and page 14 for the USACE Regulatory Boundaries Map.

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. The objective is to make the project or facility more resilient and less likely to be damaged in the next flood event. 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 for work in the floodplain. See page 5 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.



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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 5 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 15 for the Ecological Services Field Office Areas of Responsibility Map.

Threatened and Endangered Species

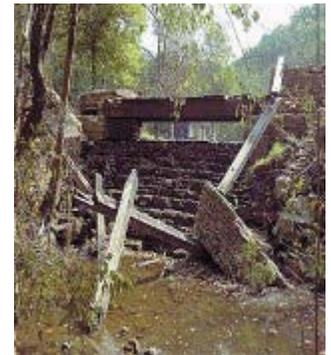
Under Section 7 of the Endangered Species Act, FEMA must consult with the US Fish and Wildlife Service (USFWS) when FEMA-funded projects have the potential to affect a threatened or endangered species or the habitat of a protected species. Projects that have potential to impact threatened or endangered 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 5 for contact information.



For a full listing of current threatened and endangered species in Oklahoma, see the website listed for the US Fish and Wildlife Service: http://ecos.fws.gov/tess_public/reports/species-listed-by-state-report?state=OK&status=listed

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 THC 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.

Debris Disposal and Hazardous Materials

For emergency burning, burial and/or stockpiling of solid waste or debris within the State of Oklahoma, the Oklahoma Department of Environmental Quality (ODEQ) must approve the temporary and/or permanent storage /staging of debris outside of a certified or properly licensed landfill.



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Applicants are responsible for contacting ODEQ Office for approval. ODEQ along with the Oklahoma Department of Emergency Management will assist the Applicant with filling out the Emergency Disposal Site Evaluation & Registry Form.

The Emergency Disposal Site Evaluation & Registry Form can be obtained by contacting the ODEQ office. See page 4 for contact information.

A copy of the approved ODEQ form must also be submitted to the Project Specialist to be included with the project worksheet.

No contact, approval, or permits are needed to take any debris to a certified landfill, however the landfill location and permit number should be included in 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 ODEQ.

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.



FEMA

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CONTACTS

FEMA Regional Office

Environmental and Historic Preservation (EHP)
Kevin Jaynes, Regional Env. Officer
Office: 940-383-7224
Kevin.jaynes@fema.dhs.gov

Joint Field Office

DR-4222- OK EHP Advisor

Name
Cell
Fax: 405-319-8007
Email Address

Oklahoma Department of Emergency Management

Public Assistance

Alden Graybill
Deputy Director
Office: 405-521-2481
Fax: 405-521-4053
alden.graybill@oem.ok.gov

Michael Teague
Public Assistance Coordinator
Office: 405-521-2481
Fax: 405-521-4053
michael.teague@oem.ok.gov

Hazard Mitigation

Annie Vest
Mitigation Officer
Office: 405-521-2481
Fax: 405-521-4053
annie.vest@oem.ok.gov

Debris Burning and Asbestos

Oklahoma Department of Environmental Quality (ODEQ)
ODEQ Local Office: 1-800-522-0206
ODEQ Local Office: 405-702-6100

Richard McDaniel
Environmental Complaints & Local Services
Office: 405-702-6188
Cell: 405-388-3763
Fax: 405-702-6226
richard.mcdaniel@deq.ok.gov

Debris Staging, Processing or Disposal (if not in a permitted landfill)

Loree Boyanton
Environmental Complaints & Local Services
Office: 405-702-6177
Fax: 405-702-6101
loree.boyanton@deq.ok.gov

Oklahoma Indian Affairs Commission

Barbara Warner
Executive Director
Office: 405- 521-3828
Fax: 405- 522-4427

U.S. Bureau of Indian Affairs (BIA)

BIA - Southern Plains Region
Mike Reed
Emergency Management Liaison
Environmental Scientist
Office: 405-247-1549
Cell: 405-640-6918
Fax: 405- 247-9707
michael.reed@bia.gov

BIA - Eastern Oklahoma Region
Brent Gohring
Division Chief
Natural Resources
Office: 918-781-4684
Office: 918-781-4642
Fax : 918-781-4644

National Forest

U.S. Forest Service
Ouachita National Forest
John Baldwin
District Ranger
Office: 580-494-6402 ext. 119
Fax: 580-494-6406
jbaldwin@fs.fed.us

Threatened & Endangered Species and Wetlands

United States Fish and Wildlife Service (USFWS)
Ken Collins
Office: 918-581-7458 ext. 230
Fax: 918- 581-7467
ken_collins@fws.gov

Work in Waters

U.S. Army of Corps of Engineers
Shane Charlson
Office: 918-669-7395
Office: 918-669-7400
Fax : 918-669-4306
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Work in Wetlands

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