

J. Template Environmental Checklist for FEMA/HUD

Using the Template Environmental Checklist for FEMA and HUD Responsible Entities EHP Reviews

As discussed in the Unified Federal Review Guidance for EHP Practitioners, the Template Environmental Checklist for FEMA/HUD is designed for use when multiple similar projects are anticipated between the Agencies with joint-funding requirements including cost share requirements.

The Template Checklist requires modification before it can be used. Experienced environmental and historic preservation (EHP) Practitioners familiar with the proposed projects should be involved in the modification of this template checklist. This five-page instruction sheet walks you through the considerations which should be addressed when tailoring the template for use with a specific set of disaster recovery projects.

Regular open communication between FEMA, HUD, and HUD's responsible entity (RE) will help in identifying joint-funding that may become available, a determination which could lead to using the Template Checklist. Please note that additional funding decisions or project types could be identified at a later date in the review process and/or funding sources could also be changed to where joint funding is no longer applicable.

Identifying the Potential for Joint Funding

Hazard Mitigation Grant Program and Community Development Block Grant Program

Following a major disaster declaration, Congress may appropriate funds for HUD's Community Development Block Grant (CDBG) Disaster Recovery (DR) program. Sometimes the projects funded through this program are the same project types as those eligible for funding through FEMA's Hazard Mitigation Grant Program (HMGP). Once Congress appropriates funds to HUD for the CDBG-DR program, conversations should begin at the regional and headquarters levels between FEMA, HUD, and, once identified, HUD's RE regarding the potential of joint funding for disaster recovery projects. HUD's environmental reviews are conducted by its RE, typically a state or local Agency, making early coordination with the state and its RE all the more important. Ultimately, the logistics of project review will need to be discussed by all parties involved (FEMA, HUD, HUD's RE, Tribal, state, and local Applicants) but at this early stage, identification of potential joint funding is important. Depending on the situation, there are different options on how to approach project review between two Agencies, which will be explained below under "coordinating reviews."

FEMA's HMGP and HUD's CDBG-DR require Tribal, state, or local decision making to prioritize where dollars will be spent. Projects under these programs are determined by the state and are often prioritized well in advance of when funds are available and dispersed. Under the HMGP and CDBG programs, it is often the state who determines when there will be joint Federal funding on a disaster recovery project. Timing is critical in order for there to be smooth coordination between Agencies planning to share (or adopt) EHP project reviews. If a state chooses to use HUD CDBG-DR funding as the "cost-share," required of HMGP projects, then coordination should begin immediately among the parties involved.

The state will know how Agency funds will be applied and the timing of disbursement, and therefore, which Agency's EHP review will be completed first.

Other Funding Programs

For projects that are funded under FEMA's Public Assistance (PA) Program (or any other Agency disaster recovery program), it might be more difficult to identify the co-mingling of funds between Agencies. PA projects are often developed and approved quickly in order to get money to the affected community as soon as possible. Communication with Applicants and between Federal Agencies is critical for awareness about a funding overlap and/or when EHP compliance has already been initiated or completed. This overlap may be particularly relevant to debris removal, public housing, Improved Projects, or Alternate Projects under the PA program.

Early coordination between FEMA and HUD's RE should address the scope of the environmental review which will be performed. HUD requires its RE's to aggregate projects and evaluate activities as a single project if the activities are related geographically or functionally. FEMA typically reviews each PA Applicant's project separately; however, in some cases FEMA will complete a programmatic environmental assessment (PEA) and reviews are tiered off of the PEA. An RE seeking to adopt a FEMA PA review may need to supplement the review if the activity is one which is geographically or functionally connected to other activities receiving funding from the RE.

Coordinating project reviews should be done to the greatest extent possible. It is important to understand what elements of the project each Agency is funding and the costs involved. Projects funded through FEMA's PA program are often more complex projects and could be large infrastructure projects. Unlike HMGP funding, PA funding does not typically result in numerous similar projects but focus more directly on single resources or large infrastructure projects.

It is important to acknowledge if one or both Agencies require that the projects be initiated or completed by a certain date. For instance, some supplemental HUD CDBG-DR appropriations have required the funds be expended within two years of the date they were obligated; additionally, FEMA has period of performance timeframes (four years for PA and three years for HMGP).

Coordinating the Reviews

The manner in which EHP reviews are coordinated will depend on who is performing the review. HUD REs typically use a phased tiered review, first performing a programmatic environmental assessment (PEA) during tier 1 and then performing site specific reviews during tier 2. HUD's tier 2 documentation will not address laws that were previously addressed in the tier 1 (PEA). FEMA can also produce PEAs (much like HUD's tier 1) and then perform site specific analysis if necessary. FEMA often performs a site specific review for each project and addresses all laws on the environmental checklist for each individual project.

HUD Responsible Entity Led Tiered Review

If the HUD RE is conducting the review, coordination during the tier 1 phase will ensure that FEMA is aware of the scope of the PEA being conducted, that FEMA's needs are addressed in the document, and that FEMA will be able to adopt that assessment for its purposes or participate in the development of the PEA as a co-Lead Agency. During the tier 1 review, FEMA and the RE should modify the Template Environmental Checklist for the tier 2 site specific reviews. The template will be used for the site specific tier 2 reviews and may be modified to include the following:

- Adding state or local review or permitting requirements.
- Adding state- and/or disaster-specific agreements, with Agencies such as the State Historic Preservation Office, Tribes, and U.S. Fish and Wildlife Service (FWS).
- Identifying which impacts were fully assessed during tier 1 and noting on the template that these impacts do not need further study during tier 2.
- Identifying the impacts partially assessed during Tier 1 and noting what site-specific information or assessment is needed to conclude the review.
- Identifying the impacts which could not be assessed during Tier 1 and noting what site-specific information or assessment is needed to conclude the review.
- Adding project conditions to Section V of the Checklist which may be applicable for compliance with specific laws (e.g. Conditions set out in Programmatic Agreements for Section 106 of the National Preservation Act).
- Additional review requirements, or modifications to existing ones, necessary due to the nature of the proposed project (e.g. HUD regulations require different level of toxic waste review depending on whether the proposed project is single family or multi-family/nonresidential).

Once the tier 2 checklist has been approved by all Agencies, the tier 2 reviews can be conducted and the resulting reviews used by all Agencies.

FEMA or Responsible Entity Led Site Specific Review

If FEMA or the RE will be performing the review using their site-specific approach first, then coordination should occur as early as possible after joint funding has been identified. During this coordination, FEMA, HUD, and HUD's RE can identify what modification(s)

needs to be made to the environmental checklist in order for it to be sufficient for later use by FEMA or adoption by HUD's RE. It should also be discussed whether or not the two Agencies will be completing sections of the checklist that are not normally part of their EHP review (such as airports and noise not being a part of FEMA's regular review) or if the Agency adopting the review will fill in certain portions not completed on the checklist. Every situation is unique and this depends on the Agencies and the projects involved.

Data Sharing and Storage

Agencies must have a way to share EHP reviews and information. While not essential, a data sharing platform would be beneficial in order for Agencies to share project review documentation. Platforms such as SharePoint, MAX.gov, or HUD's Environmental Review Online System (HEROS) can be utilized to provide a secure repository for project review documentation which can be accessed by both Agencies. In addition, some REs, Agencies, or contractors performing reviews, may have the capability to host a database to store project reviews and can provide other Agencies with access. If nothing else, depending on the size and number of files, the project reviews could be transmitted through email.

Record keeping for adopted reviews will likely involve saving a copy of the other Agencies EHP review documentation and attaching a Memo for Record (MFR). The MFR must note that:

1. The review Agency's EHP documentation has been reviewed for sufficiency;
2. That a determination of sufficiency has been made;
3. Whether that determination resulted in the review being approved for adoption, disapproved, or whether additional information was needed; and
4. That the EHP review is complete.

Project Review and Resolving Differences

The Agency which is adopting a project review will need to comply with its internal EHP review documentation requirements. The review practices for one Agency may differ from the practices employed at another Agency. It is important to discuss these Agency practices during the planning process so that expectations can be managed between Agencies. It would be helpful to discuss if any of these differences should be reflected in the environmental checklist.

It would also be helpful to understand the nuances of the funding programs for both Agencies and whether there could be any conflicting criteria that could disrupt the review process and possibly result in denial of funds by the adopting Agency. Since there are many program eligibility requirements (performance timeframes for the expenditure of funds, use of codes and standards developed post-disaster, etc.), it is advisable to engage experienced program staff from both agencies early in the process to identify differences in program requirements and determine whether they will impact the number of projects being jointly-funded.

If a project requires consultation with another resource Agency (State Historic Preservation Office, FWS, etc.), the appropriate resource Agency and/or Tribes should be notified before any project reviews are completed. It is important that the Federal Agencies involved help resource Agencies and Tribes understand how the Agencies will be working together on the project reviews and ensure that they are comfortable with the approach. In addition to any meetings or phone calls, it would also be desirable to have written documentation such as a notification letter sent to these Agencies and/or Tribes. The Agency adopting the EHP review may also need to contact another Federal Agency to ensure compliance with a particular authority (e.g. FWS or NMFS) to ensure the adopting Agency's Endangered Species Act Section 7 consultation requirement is complete.

If an Agency determines that a project review is insufficient for their adoption, they may develop internal procedures for resolution. Contact information for the project reviewer should always be located on the environmental checklist in case there are questions that need further clarification. If there appears to be a multitude of issues with incoming project reviews, it is best to try to resolve the issues with the other Agency before determining that their documentation cannot be used and moving forward with an additional review of the projects.

Template Environmental Checklist for FEMA/HUD

HUD Grant Number:

Date Submitted for EHP Review:

Date of Desktop EHP Review:

Responsible Entity:

Certifying Officer:

Name of Reviewer and Contact Information:

Project Name/Number:

Project Location:

Estimated total project cost:

Grant Recipient:

Recipient Address:

Project Representative:

Project Representative Telephone Number:

Project Description:

Documentation Requirements

No Documentation Required. **(Review Concluded)**

(Short version) All consultation and agreements implemented to comply with the National Historic Preservation Act, Endangered Species Act, and Executive Orders 11988, 11990, and 12898 are completed and no other laws apply. **(Review Concluded)**

(Long version) All applicable laws and executive orders were reviewed. Additional information for compliance is attached to this REC.

National Environmental Policy Act (NEPA) Determination

- Statutorily excluded from NEPA review. **(Review Concluded)**
Programmatic Categorical Exclusion - (Reference PCE in comments) **(Review Concluded)**
- Categorical Exclusion (or Exempt [HUD Part 58 only])
 - No Extraordinary Circumstances exist.
Are project conditions required? Yes (see Section V) No **(Review Concluded)**
 - Extraordinary Circumstances exist (See Section IV).
 - Extraordinary Circumstances mitigated. (See Section IV comments)
Are project conditions required? Yes (see Section V) No **(Review Concluded)**
 - Environmental Assessment
 - Supplemental Environmental Assessment (Reference EA or PEA in comments)
 - Environmental Impact Statement

Comments:

Reviewer and Approvals

Project is Non-Compliant (See attached documentation justifying selection).

FEMA or HUD Responsible Entity (RE) Environmental Reviewer.

Name:

Signature _____, Date _____.

FEMA Regional Environmental Officer or RE Certifying Official or delegated approving official.

Name:

Signature _____, Date _____.

I. Compliance Review for Environmental Laws (other than NEPA)

A. National Historic Preservation Act

- Not type of activity with potential to affect historic properties. **(Review Concluded)**
- Applicable executed Programmatic Agreement. Otherwise, conduct standard Section 106 review.
 - Activity meets Programmatic Allowance # Are project conditions required?
 - Yes (see Section V)
 - No **(Review Concluded)**
 - Addressed in Environmental Assessment (Tier 1)**

HISTORIC BUILDINGS AND STRUCTURES

- No historic properties or National Register Historic Districts that are listed in the National Register of Historic Places or are 45/50 years or older in project area. **(Review Concluded)**
- Building, structure, or district listed or 45/50 years or older in project area and activity not exempt from review.
 - Determination of No Historic Properties Affected (FEMA or RE finding on file) Are project conditions required? Yes (see Section V) No **(Review Concluded)**
 - Determination of Historic Properties Affected (FEMA or RE finding/ on file)
 - Property a National Historic Landmark and National Park Service was provided early notification during the consultation process. If not, explain in comments. No Adverse
 - Effect Determination (FEMA or RE finding/ on file).
Are project conditions required? Yes (see Section V) No **(Review Concluded)**
 - Adverse Effect Determination (FEMA or RE finding/ on file)
 - Resolution of Adverse Effect completed. (MOA on file) Are project conditions required Yes (see Section V) No **(Review Concluded)**

ARCHEOLOGICAL RESOURCES

- Project affects only previously disturbed ground. **(Review Concluded)**
- Project affects undisturbed ground.
 - Project area has no potential for presence of archeological resources
 - Determination of no historic properties affected (FEMA or RE finding on file). **(Review Concluded)**
 - Project area has potential for presence of archeological resources
 - Determination of no historic properties affected (FEMA or RE finding on file)
Are project conditions required Yes (see Section V) No **(Review Concluded)**
 - Determination of historic properties affected

- NR eligible resources not present (FEMA or RE finding on file).
Are project conditions required Yes (see Section V) No **(Review Concluded)**
- NR eligible resources present in project area. (FEMA or RE finding on file)
 - No Adverse Effect Determination. (FEMA or RE finding on file)
Are project conditions required? Yes (see Section V) No **(Review Concluded)**
 - Adverse Effect Determination. (FEMA or RE finding on file)
 - Resolution of Adverse Effect completed. (MOA on file)
Are project conditions required? Yes (see Section V) No **(Review Concluded)**

Comments
Correspondence/Consultation/References:

B. Endangered Species Act [50 C.F.R. Part 402; 16 USC 668 et seq.; and 16 USC 703 et seq.]

- No listed species and/or designated critical habitat present in areas affected directly or indirectly by the Federal action. **(Review Concluded)** **Addressed in Environmental Assessment (Tier 1)**
- Listed species and/or designated critical habitat present in the areas affected directly or indirectly by the Federal action.
 - No effect to species or designated critical habitat.
Are project conditions required? Yes (see Section V) No **(Review Concluded)**
 - May affect, but not likely to adversely affect species or designated critical habitat (FEMA or RE determination/USFWS/NMFS concurrence on file)
Are project conditions required? Yes (see Section V) No **(Review Concluded)**
 - Likely to adversely affect species or designated critical habitat
 - Formal consultation concluded. (Biological Assessment and Biological Opinion on file)
Are project conditions required? Yes (see Section V) No **(Review Concluded)**

Comments:
Correspondence/Consultation/References:

C. Coastal Barrier Resources Act

- Project is not on or connected to CBRA Unit or Otherwise Protected Area **(Review Concluded)**.
- Project is on or connected to CBRA Unit or Otherwise Protected Area. (FEMA or RE determination/USFWS consultation on file)
 - Proposed action an exception under Section 3505.a.6 **(Review Concluded)**
 - Proposed action not excepted under Section 3505.a.6.
Are project conditions required? Yes (see Section V) No **(Review Concluded)**
 - Addressed in Environmental Assessment (Tier 1)**

Comments:
Correspondence/Consultation/References:

D. Clean Water Act

- Project would not affect any waters of the U.S. **(Review Concluded)**
- Project may affect waters, including wetlands, of the U.S.
 - Project exempted as in kind replacement or other exemption. **(Review Concluded)**

- Project may require Section 404/401/or Section 9/10 (Rivers and Harbors Act) permit, including qualification under Nationwide Permits.
- Are project conditions required? Yes (see Section V) No **(Review Concluded)**
- Addressed in Environmental Assessment (Tier 1)**

Comments:

Correspondence/Consultation/References:

E. Coastal Zone Management Act [Sections 307 (c), (d)]

- Project is not located in a coastal zone area and does not affect a coastal zone area **(Review concluded)**
- Project is located in a coastal zone area and/or affects the coastal zone
 - State administering Agency does not require consistency review. **(Review Concluded).**
 - State administering Agency requires consistency review.
 - Project is consistent Yes No
 - Are project conditions required? Yes (see Section V) No **(Review Concluded)**
 - Addressed in Environmental Assessment (Tier 1)**

Comments:

Correspondence/Consultation/References:

F. Fish and Wildlife Coordination Act [16 U.S.C. 661- 666c]

- Project does not affect, control, or modify a waterway/body of water. **(Review Concluded)**
- Project affects, controls, or modifies a waterway/body of water.
 - Coordination with USFWS conducted
 - No Recommendations offered by USFWS. **(Review Concluded)**
 - Recommendations provided by USFWS.
 - Are project conditions required? Yes (see Section V) No **(Review Concluded)**
 - Addressed in Environmental Assessment (Tier 1)**

Comments:

Correspondence/Consultation/References:

G. Clean Air Act [Clean Air Act, Sections 176(c) & (d), & 40 C.F.R. Parts 6, 51, 90 & 93]

- Project will not result in permanent air emissions. **(Review Concluded)**
- Project is located in an attainment area. **(Review Concluded)**
- Project is located in a non-attainment area.
 - Coordination required with applicable state administering Agency.
 - Are project conditions required? Yes (see Section V) No **(Review Concluded)**
 - Addressed in Environmental Assessment (Tier 1)**

Comments: None

Correspondence/Consultation/References:

H. Farmland Protection Policy Act [7 C.F.R. Part 658]

- Project does not affect designated prime or unique farmland. **(Review Concluded)**
- Project causes unnecessary or irreversible conversion of designated prime or unique farmland.
 - Coordination with Natural Resource Conservation Commission required.
 - Farmland Conversion Impact Rating, Form AD-1006, completed.
 - Are project conditions required? Yes (see Section V) No **(Review Concluded)**
- Addressed in Environmental Assessment (Tier 1)**

Comments:
Correspondence/Consultation/References:

I. Migratory Bird Treaty Act

- Project not located within a flyway zone. **(Review Concluded)**
- Project located within a flyway zone.
 - Project does not have potential to take migratory birds.
 - Are project conditions required? Yes (see Section V) No **(Review Concluded)**
 - Concluded** Project has potential to take migratory birds.
 - Contact made with USFWS
 - Are project conditions required? Yes (see Section V) No **(Review Concluded)**
- Addressed in Environmental Assessment (Tier 1)**

Comments:
Correspondence/Consultation/References:

J. Magnuson-Stevens Fishery Conservation and Management Act [16 U.S.C. 1801 et seq.]

- Project not located in or near Essential Fish Habitat. **(Review Concluded)**
- Project located in or near Essential Fish Habitat.
 - Project does not adversely affect Essential Fish Habitat.
 - Are project conditions required? Yes (see Section V) No **(Review Concluded)**
 - Project adversely affects Essential Fish Habitat (FEMA or RE determination/USFWS/NMFS concurrence on file)
 - NOAA Fisheries provided no recommendation(s)
 - Are project conditions required? Yes (see Section V) No **(Review Concluded)**
 - NOAA Fisheries provided recommendation(s)
 - Written reply to NOAA Fisheries recommendations completed.
 - Are project conditions required? Yes (see Section V) No **(Review Concluded)**
- Addressed in Environmental Assessment (Tier 1)**

Comments:
Correspondence/Consultation/References:

K. Wild and Scenic Rivers Act [Sections 7 (b), (c)]

- Project is not along and does not affect Wild or Scenic River (WSR) - **(Review Concluded)**
- Project is along or affects WSR

- Project adversely affects WSR as determined by NPS/USFS. **FEMA cannot fund the action.** (NPS/USFS/USFWS/BLM consultation on file) **(Review Concluded)**
- Project does not adversely affect WSR. (NPS/USFS/USFWS/BLM consultation on file)
Are project conditions required? Yes (see Section V) No **(Review Concluded)**
- Addressed in Environmental Assessment (Tier 1)**

Comments:
Correspondence/Consultation/References:

L. Other Relevant Laws and Environmental Regulations

II. Compliance Review for Executive Orders

A. E.O. 11988 – Floodplains [HUD 24 C.F.R. Part 55, FEMA 44 C.F.R. Part 9]

- No Effect on Floodplains/Flood levels and project outside Floodplain - **(Review Concluded)**
- Located in Floodplain or Effects on Floodplains/Flood levels
 - No adverse effect on floodplain and not adversely affected by the floodplain.
Are project conditions required? Yes (see Section V) No
 - Does the project include a structure requiring flood insurance? Yes No **(Review Concluded)**
 - Beneficial Effect on Floodplain Occupancy/Values **(Review Concluded).**
 - Possible adverse effects associated with investment in floodplain, occupancy or modification of floodplain environment
 - 5 or 8 Step Process Complete - documentation on file
Are project conditions required? Yes (see Section V) No **(Review Concluded)**
- Addressed in Environmental Assessment (Tier 1)**

Comments:
Correspondence/Consultation/References:

B. E.O. 11990 - Wetlands

- No Effects on Wetland(s) and project located outside Wetland(s) - **(Review Concluded)**
- Located in Wetland or effects Wetland(s)
 - Beneficial Effect on Wetland - **(Review Concluded)**
 - Possible adverse effect associated with constructing in or near wetland
 - Review completed as part of floodplain review
 - 8 Step Process Complete - documentation on file
Are project conditions required? Yes (see Section V) No **(Review Concluded)**
- Addressed in Environmental Assessment (Tier 1)**

Comments:
Correspondence/Consultation/References:

C. E.O. 12898 - Environmental Justice For Low Income and Minority Populations

- No Low income or minority population in, near, or affected by the project - **(Review Concluded)**
- Low income or minority population in or near project area
 - No disproportionately high and adverse impact on low income or minority population- **(Review Concluded)**
 - Disproportionately high or adverse effects on low income or minority population
Are project conditions required? Yes (see Section V) No **(Review Concluded)**
 - Addressed in Environmental Assessment (Tier 1)**

Comments:

Correspondence/Consultation/References:

III. Other Environmental Issues

A. Railroad/Highway/Airport Noise Assessment [24 C.F.R. Part 51B]

- Project site is located within 3000 feet of a railroad, 1000 feet of a heavily traveled roadway, or 15 miles of a commercial or military airport? Yes, a noise assessment is required. No **(Review Concluded)**
- Addressed in Environmental Assessment (Tier 1)**

B. Hazardous Materials

- Is the site located in proximity to any thermal and/or explosive hazardous materials?
(Attach map showing location and type of hazards for new construction only.)
- Yes, compliance with 24 CFR Part 51(c) will be required. No **(Review Concluded)**
- Addressed in Environmental Assessment (Tier 1)**

C. Water Quality and Aquifers [40 C.F.R. Part 149]

- Will the proposed site affect a sole source or other aquifer?
- Yes, contact the Environmental Protection Agency for additional information. No **(Review Concluded)**
- Addressed in Environmental Assessment (Tier 1)**

D. Toxic Waste

- Is the site located near any dumps, landfills, industrial sites, or other locations containing toxic waste and/or radioactive materials? Is the site on, or adjacent to, any CERCLIS or Superfund sites (attach CERCLIS, NPS listings, etc., if applicable). No **(Review Concluded)**
- Addressed in Environmental Assessment (Tier 1)** State environmental office has issued a No Further Action Letter or a Remediation Plan (see Section V).

E. Runway Clear Zones or Clear Zone [24 C.F.R. Part 51D]

- Is the site located near a runway clear zone of a civil airport, or clear zone of a military airfield? Yes, has the homebuyer been advised of the house's proximity to the runway/clear zone? The homebuyer MUST sign a Notice to Prospective Buyers, acknowledging receipt of this information. No **(Review Concluded)**
- Addressed in Environmental Assessment (Tier 1)**

Identify other potential environmental concerns in the comment box not clearly falling under a law or executive order (see environmental concerns scoping checklist for guidance).

Comments:

Correspondence/Consultation/References:

IV. Extraordinary Circumstances

Based on the review of compliance with other environmental laws and Executive Orders, and in consideration of other environmental factors, review the project for extraordinary circumstances.

* A "Yes" under any circumstance may require an Environmental Assessment (EA) with the exception of (ii) which should be applied in conjunction with controversy on an environmental issue. If the circumstance can be mitigated, please explain in comments. If no, leave blank.

Yes

- (i) Greater scope or size than normally experienced for a particular category of action.
- (ii) Actions with a high level of public controversy.
- (iii) Potential for degradation, even though slight, of already existing poor environmental conditions.
- (iv) Employment of unproven technology with potential adverse effects or actions involving unique or unknown environmental risks.
- (v) Presence of endangered or threatened species or their critical habitat, or archaeological, cultural, historical, or other protected resources.
- (vi) Presence of hazardous or toxic substances at levels which exceed Federal, Tribal, state, or local regulations or standards requiring action or attention.
- (vii) Actions with the potential to affect special status areas adversely or other critical resources such as wetlands, coastal zones, wildlife refuges, wilderness areas, wild and scenic rivers, and sole or principal drinking water aquifers.
- (viii) Potential for adverse effects on health or safety.
- (ix) Potential to violate a Federal, Tribal, state, or local law or requirement imposed for the protection of the environment.
- (x) Potential for significant cumulative impact when the proposed action is combined with other past, present and reasonably foreseeable future actions, even though the impacts of the proposed action may not be significant by themselves.

<i>Comments:</i> None

V. Environmental Review Project Conditions

General comments: None

Project Conditions:

1. 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).

2. Unusable equipment, debris, and material shall be disposed of in an approved manner and location. In the event significant items (or evidence thereof) are discovered during implementation of the project, Applicant shall handle, manage, and dispose of petroleum products, hazardous materials, and toxic waste in accordance to the requirements and to the satisfaction of the governing Federal, state, and local Agencies.
3. Applicant must obtain any required elevation certificate from the local floodplain administrator before work begins. Elevation must meet applicable Federal, state, and local requirements.
4. If any asbestos containing materials, lead based paint, and/or other hazardous materials are found during remediation or repair activities, the Applicant must comply with all Federal, state, and local abatement and disposal requirements under the National Emissions Standards for Hazardous Air Pollutants (NESHAP).
5. The Applicant is required to obtain and comply with all Federal, state, and local permits, approvals, and requirements prior to initiating work on this project.
6. Changes, additions, and/or supplements to the approved listed properties and the scope of work which alter the existing scope of work, including additional work not funded by FEMA but performed substantially at the same time, will require re-submission of the application prior to construction to FEMA for re-evaluation under the National Environmental Policy Act.

Monitoring Requirements: