



FEMA

FEDERAL EMERGENCY MANAGEMENT AGENCY
ENVIRONMENTAL COMPLIANCE GREENSHEET
FEMA DR-4611-LA-IDA



Environmental and Historic Preservation Guidance

As a condition of Federal Emergency Management Agency (FEMA) funding, projects must be reviewed for compliance with all applicable environmental laws, regulations, and executive orders (EOs). This “Greensheet” provides you, the Applicant, with guidance on FEMA’s Environmental and Historic Preservation (EHP) review process to help you understand your obligations to ensure that all Federal and State compliance requirements are met and how compliance may impact project funding. FEMA EHP staff is available to answer questions and direct you to other resources as required.

Federal Laws and Executive Orders Routinely Encountered During Review

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| National Environmental Policy Act (NEPA) | Coastal Zone Management Act (CZMA) |
| National Historic Preservation Act (NHPA) | Coastal Barrier Resources Act (CBRA) |
| Resource Conservation and Recovery Act (RCRA) | EO 11988 Floodplain Management |
| Endangered Species Act (ESA) | EO 11990 Wetlands Protection |
| Clean Water Act (CWA) | EO 12898 Environmental Justice |
| Clean Air Act (CAA) | |

Environmental Compliance and Federal Funding

NEPA requires Federal Agencies to assess the environmental and cultural effects of their actions prior to making funding decisions. NEPA incorporates other environmental and historic preservation laws, regulations, and executive orders into the final consideration of the proposed project and its potential alternatives. FEMA has developed several levels of environmental review to streamline the types of projects commonly funded for disaster recovery. A clear scope of work is needed to determine the level of review required under NEPA which can impact project timelines. Some projects may require additional regulatory permitting or consultation with State, Federal, Local, or Tribal entities. FEMA EHP will advise applicants on what to expect during the review process. This guidance includes information regarding many, but not all, of the laws routinely addressed during disaster recovery project review. **The Applicant has several compliance responsibilities that may be required before funding can be approved or work can proceed. Failure to comply with applicable Federal, State, and local environmental and historic preservation laws could jeopardize or delay potential funding.**

EHP Review Requirements

Project types such as emergency protective measures and some debris removal activities may not require a detailed EHP review. However, permits from regulatory agencies are required (i.e. SHPO, DEQ, USACE, etc.).

Project types that may require a detailed EHP review and consultation include, but are not limited to:

- Work in streams or waterways
- Debris disposal in areas not previously permitted
- Projects located on the beach
- Improved or alternate projects
- Projects that may affect historic properties or endangered species
- New construction and changes in footprint

Debris and Hazardous Materials

Debris cleanup must be documented from removal to final disposition. For debris taken to a permitted landfill, **the location and permit number for the landfill** should be included in the project worksheet. It is important to note, the removal of root balls must be approved by FEMA EHP prior to removal. **Temporary emergency staging** sites for the stockpiling, reduction, and/or burning of disaster debris must be approved by the Louisiana Department of Environmental Quality (LDEQ) and the Louisiana State Historic Preservation Office (SHPO). Applicants are required to complete the LDEQ Emergency Debris Site (EDS) Request Form and the SHPO Site Request Form and fax or email the appropriate form to each agency. Once approved, the forms will

be returned to the Applicant. **The applicant must provide FEMA with the approved forms.** If sand bagging has been used, it should be determined if the bags have become contaminated. If so, they must be disposed of in a licensed landfill. Even if temporary, debris must never be staged in a wetland area. Debris can be temporarily staged, stockpiled, or burned in a floodplain during emergency situations when no other alternative is available. However, when the initial emergency is over, the debris or resulting ash must be removed from the floodplain. For staging, stockpiling, or burning debris in a floodplain, a floodplain permit must be obtained from the local or state floodplain administrator. **Debris removal from wetlands should be coordinated with the United States Army Corps of Engineers (USACE) and may require FEMA consultation with the United States Fish and Wildlife Service (USFWS).** Burn permits may be required by some municipalities.

The debris site request forms and other resources can be found here:

<https://www.deq.louisiana.gov/index.cfm?md=pagebuilder&tmp=home&pid=disaster-debris-management>

Hazardous materials must be disposed of in a manner consistent with all State, Local, and Federal laws. For any debris and/or building demolition containing asbestos, accreditation and disposal approvals may be needed. For these situations, an applicant should **contact the LDEQ.** The applicant is responsible for obtaining and complying with all required permits. Asbestos Disposal Verification Forms (ADVF) and guidance can be obtained at: <https://www.deq.louisiana.gov/page/hurricane>.

Coastal Areas

Projects located in mapped Coastal Zone Management Act (CZMA) areas or Coastal Barrier Resources Act (CBRA) units may require additional consistency review or consultation with the Louisiana Department of Natural Resources (LDNR) Office of Coastal Management or USFWS prior to FEMA approval. **The Applicant is responsible for obtaining any required approvals or Coastal Use Permit(s) (CUP) prior to the commencement of work.** The LA CZMA maps and information can be found here:

http://www.dnr.louisiana.gov/assets/OCM/CoastalZoneBoundary/CZB2012/maps/Revised_CZB_with_Contact_Info.pdf If an applicant doesn't know whether their proposed activity will occur within the Louisiana Coastal Zone Management Area, or if the proposed action is located in the Louisiana Coastal Management Area but think the proposed activity may be exempt from Coastal Use Permitting or Authorization, they can use LDNR's self-determination tool: <http://sonris-www.dnr.state.la.us/gis/Permit/>.

Most new or substantially improved residences, businesses, or other developments in the CBRS are not eligible for certain federal funding and financial assistance. The CBRA Mapper can be accessed here: <https://www.fws.gov/cbra/Maps/Mapper.html>.

Work in or near Water or Wetlands

Projects that involve work in or near water or wetlands, including dredging or filling, in-stream debris removal, bank stabilization, mitigation measures, or changes to culverts, crossings, or bridges, may require a permit from USACE. **The applicant is responsible for coordinating and obtaining any required approvals or permits from USACE prior to the commencement of work.**

Bridge Permits

The U.S. Coast Guard has jurisdiction over bridges that cross navigable waters of the U.S. Permits for construction and certain types of repair activities are administered through the Bridge Administration Program. **Obtaining permits is the responsibility of the applicant.** Unless it is an emergency action, i.e., immediate threat to life or property, obtaining permits must be procured prior to initiating construction activity.

Cultural Resources/Historic Properties

Section 106 of the NHPA requires Federal Agencies to consider the effects of their activities on historic properties prior to the approval of the expenditure of Federal funds. FEMA has an executed Statewide Programmatic Agreement with SHPO and federally recognized Tribes with an interest in Louisiana that allows FEMA to expedite many types of disaster recovery work that have been demonstrated through experience not to have an adverse effect on historic properties. Projects involving facilities or structures that are **45 years** of age or older may require FEMA consultation with SHPO and/or Tribes. Ground disturbing activities, including staging areas and soil borrow source should be reviewed by FEMA EHP, and may require FEMA consultation with SHPO and Tribes. A clear scope of work, including **the age of any existing buildings or structures** and the location and

description of **ground disturbing activities** is required to complete a review of the project. In the current virtual environment, photographs will be required for the project.

Heritage Emergency National Task Force (HENTF)

The Heritage Emergency National Task Force (HENTF) is a partnership between FEMA and the Smithsonian Institution with members from over 60 federal agencies and national service organizations. After a disaster, HENTF provides technical assistance to Local, County/Parish, State/Territorial, and Tribal governments and to private nonprofit arts, cultural, and history organizations regarding the salvage of records and collections. HENTF's online resources include guidance to help flood survivors salvage photos and other cherished belongings at Save Your Family Treasures. <https://www.fema.gov/media-collection/heritage-emergency-national-task-force>.

Floodplains and Wetlands

FEMA reviews all projects to determine if they affect or will be affected by the floodplain and/or wetland under Executive Orders (EO) 11988 and 11990. The objective of these Orders is to minimize and/or avoid future impacts to the natural and beneficial values of floodplains and wetlands as well as impacts to facilities repaired or replaced using Federal funds. Projects located within these resource areas may require the use of the "8-step" decision making process, requiring public notification and involvement in the consideration of the proposed project and any practicable alternatives. **The applicant is responsible for obtaining any required approvals or permits from the local floodplain administrator for any projects located within the floodplain and USACE for projects located in a jurisdictional wetland.**

Environmental Justice

Executive Order (EO) 12898 directs each federal agency to avoid disproportionate and high adverse human health or environmental effects to low-income and minority populations. Applicants can play a critical role in achieving Environmental Justice by identifying the presence of low-income and minority populations so that disproportionate impacts to human health and environmental hazards can be considered early in the project development stage, and avoided, when possible. The following types of projects may trigger EO 12898 include, but are not limited to:

- temporary housing
- debris staging and disposal
- road repair that requires detours
- temporary or relocation actions
- drainage improvements / actions in floodplains

Threatened and Endangered Species and Critical Habitat

Projects that involve work in water or are located within a natural area may have the potential to affect Threatened and Endangered Species or Critical Habitat. Some projects may require additional consultation with USFWS specific to the work to be performed and individual species of concern. The presence of Threatened and Endangered Species or Critical Habitat may affect project design, construction timeframes, or require best management practices to minimize adverse effects. **Projects with the potential to affect Federally protected species may require FEMA consultation with USFWS prior to the commencement of work.** Federally protected species in your area can be found here: <https://www.fws.gov/southeast/lafayette/project-review/>. FEMA can expedite the review of many types of disaster recovery work which have been demonstrated through experience not to cause adverse effects. Emergency Consultations for locations and/or species under the jurisdiction of the National Oceanic and Atmospheric Administration (NOAA) can be found at: <https://www.fisheries.noaa.gov/content/endangered-species-act-emergency-consultations-southeast> for ESA and <https://www.fisheries.noaa.gov/southeast/habitat-conservation/essential-fish-habitat-emergency-consultations-southeast> for Essential Fish Habitat.

Louisiana Department of Agriculture & Forestry (LDAF)

LDAF has established quarantines for Parishes impacted by Hurricane IDA.

- Citrus Greening Quarantine: Orleans, Washington, Jefferson, St. Bernard, Plaquemines
- Canker Disease Quarantine: Orleans, St. Bernard, Plaquemines, Jefferson, Lafourche, St. Charles, St. James and St. John
- Roseau Cane Scale Quarantine: The quarantine area encompasses all areas south of Louisiana Highway 10 beginning at the Mississippi state line (near Bogalusa) and moving west until intersecting Highway 171 in Vernon Parish; then, moving south on Highway 171 continuing to Highway 190 in DeRidder and turning west on Highway 190; continuing on Highway 190 until reaching the Sabine River.

No regulated materials shall be moved out of the Parishes listed above. For authorizations and further information, please contact the Louisiana Department of Agriculture and Forestry.

<https://www.ldaf.state.la.us/ldaf-programs/horticulture-programs/rograms> - Department of Agriculture and Forestry [Department of Agriculture and Forestry \(state.la.us\)](https://www.ldaf.state.la.us)

Contact Information

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Heritage Emergency National Task Force

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

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US Army Corps of Engineers (USACE) Vicksburg District

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Louisiana State Historic Preservation Office (SHPO)

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