

Environmental and Historic Preservation and Disaster Recovery

As with all federal funding, certain environmental and historic preservation requirements must be fulfilled as you repair and rebuild your communities. This brochure is provided to help you better understand environmental factors that you must consider as you apply for FEMA funding.

The information and assistance described here will help avoid any environmental roadblocks or time delays.

The most important message is that we are available to help you with all environmental requirements. Contained here are facts, procedures, and contacts to help you through the process.

Please identify any potential environmental concerns or problems and discuss these with our environmental and historic

preservation staff as soon as possible. This will help us address issues and expedite funding.

Our work is under the direction of FEMA Federal Coordinating Officer Andrew Grant. We also coordinate closely with the California Governor's office of Emergency Services (CalOES).

As the acting Region IX Regional Environmental Officer, I pledge to assist you in understanding and complying with all environmental requirements.

Please contact myself, the EHP Advisor, CalOES, or FEMA Public Assistance for any environmental or historic assistance.

Sincerely,

Kenneth Sessa
Acting Regional Environmental Officer



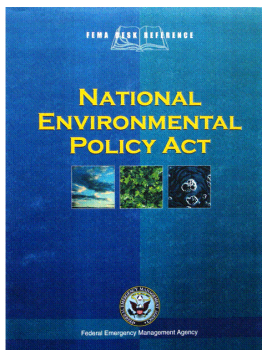
FEMA, Region IX
U.S. Department of Homeland Security
1111 Broadway, Suite 1200
Oakland, California 94607-4052
Cell: (816) 283-7960

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See website link below for disaster-specific information:
<https://www.fema.gov/disaster/4683>

FEMA-EHP-DR4683CA@fema.dhs.gov

Environmental Laws and Project Requirements



In addition to NEPA, listed below are the other primary environmental laws and executive orders that come into play when rebuilding or replacing a "public assistance" facility. Some activities can proceed without environmental or historic review, others require some environmental consideration, and in

some of the major projects, consultation with the State, other Federal agencies, and FEMA is necessary before construction begins.

Failure to comply with applicable environmental and historic laws could jeopardize or delay potential funding.

Federal Laws Include

Endangered Species Act
National Historic Preservation Act
Clean Water Act (Section 404)
Resource Conservation and Recovery Act
Executive Order 11988 - Floodplain Management
Executive Order 11990 - Wetlands Protection
Executive Order 12898 - Environmental Justice

Some projects proceed without complex review

Emergency Protective Actions and Debris Removal from Rights-of-Way
Repairs to pre-disaster condition or temporary repairs (unless older than 45 yrs)

Some projects require various levels of review

Debris removal that includes ground disturbing activity
Where the footprint is different than pre-disaster conditions
Involving hazard mitigation
Involving threatened or endangered species, wetlands or floodplains

Some projects require review and consultation

Improved or alternate projects
Other projects where the scope of work has changed



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

Waterways, Including Culverts and Bridges

The Clean Water Act and the U.S. Rivers and Harbors Act apply to actions affecting waters of the United States. 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 U.S. Army Corps of Engineers (USACE) administers both laws.

Examples of actions requiring permits include any temporary or permanent construction, demolition, and any dredging or filling in any part of surface water tributaries or systems, including cutting roads and repair of damaged facilities. Debris removal below the ordinary high watermark may require permitting as well.

For projects involving work proposed or completed in a waterway, and for repairs to previously authorized serviceable structures deviating from their original dimensions in any way (i.e. size, length, depth, profile, type, etc.), a new or modified permit from the USACE may be required.



Floodplain Map

Floodplains and Wetlands

FEMA reviews all projects that take place in the **floodplain** as required by Executive Order 11988. For major projects, this could require the "8-Step" process, which evaluates practicable alternatives and includes public review.

Some projects are exempt from floodplain review, including debris removal and repairs or replacements when the cost is less than \$5,000.

Project approvals and permits are often needed from the USACE.

As with floodplains, per Executive Order 11990, an "8-Step" process" may be required whenever a project has the potential to modify a **wetland**. Project approvals and permits may be required from the USACE, and the California Department of Fish and Wildlife (CDFW).

Debris should never to be stored in a wetland, even on a temporary basis. Debris removal from a wetland should be coordinated with the USACE, the USFWS, and CDFW.

Threatened and Endangered Species

Under the Endangered Species Act, any project that may have the potential to affect federally threatened or endangered species must coordinate with the USFWS to develop measures to avoid and/or minimize impacts to such species. **Endangered species** are in danger of extinction throughout the area and habitats in which they usually occur. **Threatened species** are those that could become endangered in the near future. California has over 300 federally endangered, threatened, proposed or candidate species (listed species).

It is very important to know whether a proposed project might impact one or more listed species or designated critical habitat. Applicants should contact experts at FEMA, the USFWS, and CDFW who can help determine if a listed species or critical habitat may be affected by a proposed project. For information on listed species in the counties included in DR-4683, consult the following:

<https://www.fws.gov/species/search>

FEMA Biological Opinion <https://fema.gov/disaster/4683/news-media>



California red-legged frog

Historic Preservation and Tribal Relations

Any proposed project which may affect historic properties must be reviewed by FEMA and the California State Historic Preservation Officer (SHPO) in accordance with the Programmatic Agreement (Agreement) among FEMA, SHPO, and CalOES (signed October, 2019).

A **historic property** is any prehistoric or historic building, site, district, structure or object significant in American history, architecture, archaeology, engineering and culture.

Any structure (e.g., buildings, walls, bridges, culverts) **45 years old** or older may be eligible for listing on the National Register of Historic Places. Archaeological resources also require special attention. Paramount among these are Tribal resources,

of which California has a rich legacy.

Any proposed project that may alter a previously undisturbed ground (e.g., relocating a utility, road realignment, a material borrow area for construction, debris removal or preparation of debris staging, stockpiling or burning sites) must consider potential effects to historic properties and Tribal resources.

Land that has been plowed or used for agriculture is not considered previously disturbed and must be evaluated.

Different measures can be taken if historic and Tribal resources are affected. It is important to involve FEMA and the California SHPO offices to make these determinations, and to decide what measures, if any, are to be taken.



Damaged historic dam

Debris Disposal and Hazardous Materials

For any debris removal projects, applicants must consider hazardous waste and follow the disposal guidance provided by CalOES and FEMA. The guidance, *Disaster Debris Management*, is available at:

www.caloes.ca.gov/office-of-the-director/operations/recovery-directorate/recovery-operations/debris-management/ or from the Cal OES Program staff.

Approval or permits may be required to take solid waste debris to an existing landfill. Emergency Waivers from the Local Enforcement Agency, CalRecycle, and/or other State agencies, may be required to accept debris. More guidance is available at:

www.calrecycle.ca.gov/swfacilities/permitting/guidance/stdswaiver/

Asbestos, if present, must be removed prior to building demolition. Clean up and disposal of hazardous materials requires careful considerations.

Guidance for emergency response, disposal of hazardous materials and household waste is provided by CA Dept of Toxic Substances in the following website:

<https://dtsc.ca.gov>

FEMA's Public Assistance Debris Management Guide can be found on the website: www.fema.gov/sites/default/files/documents/fema_debris-monitoring-guide_sop_3-01-2021.pdf

Other Considerations



Hazard mitigation projects reduce the threat of future damage. 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 strives to minimize negative health or environmental impacts on minority and low-income populations. 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.

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.

CONTACTS

This publication presents an overview of the many laws and requirements for environmental clearance of FEMA Public Assistance projects. There are many other details not here that may prove useful for environmental compliance. The FEMA staff in California are available to answer any questions you may have and to direct you to other resources that may be needed to ensure that all environmental considerations are explored for FEMA-funded projects.

Environmental and Historic Preservation Advisor

Kristin Morris
(202) 330-2388
Kristin.Morris@fema.dhs.gov

Acting Regional Environmental Officer

Scott Fletcher
1111 Broadway, Suite 1200
Oakland, CA 94607-4052
(816) 283-7960
Scott.fletcher@fema.dhs.gov

Heritage Emergency National Task Force

Lori Foley, Coordinator
Office of Environmental Planning/Historic Preservation
Federal Insurance and Mitigation Administration, FEMA
lori.foley@fema.dhs.gov
(202) 826-6303
<https://culturalrescue.si.edu/hentf>

California Governor's Office of Emergency Services

Patricia Nelson, Environmental Officer
10370 Peter A. McCuen Boulevard
Mather, CA 95655
(916) 307-1030
patricia.nelson@caloes.ca.gov
RecoveryEHP@caloes.ca.gov

FEMA RIX- Floodplains

1111 Broadway, Suite 1200
Oakland, CA 94607
(510) 627-7184

CA Dept. of Water Resources - NFIP Compliance

Kelly Soule, State of California NFIP Coordinator
3464 El Camino, Ste. 210
Sacramento, CA 95821
Kelly.Soule@water.ca.gov

FEMA- Environmental Justice

Kenneth Sessa
(816) 283-7960
kenneth.sessa@fema.dhs.gov

California Coastal Commission

See website link below for coastal development permit applications:
<https://www.coastal.ca.gov/cdp/cdp-forms.html>

U.S. Army Corps of Engineers Regulatory Program

See website link below for appropriate office contact:
<http://www.usace.army.mil/Contact/Office-Locator/>

Natural Resources Conservation Service

See website link below for appropriate office contact:
<https://offices.sc.egov.usda.gov/locator/app>

National Marine Fisheries Service- NOAA

See website link below for appropriate office contact:
<http://www.westcoast.fisheries.noaa.gov/>

U.S Fish and Wildlife Service - threatened & endangered species

See website link below for appropriate office contact:
<https://www.fws.gov/offices/Directory/ListOffices.cfm?statecode=6>

EPA Hazardous Debris and Materials

Bill Jones, USF10 I EPA Region 9
75 Hawthorne Street
San Francisco, CA 94105
415-972-3275
Jones.bill@epa.gov

Cal OES Debris Specialist

Cole Glenwright
3650 Schriever Avenue
Mather, CA 95655
(916) 425-0302
cole.glenwright@caloes.ca.gov

California Department of Fish and Wildlife

Habitat Conservation Planning Branch
1416 Ninth Street, 12th Floor
Sacramento, CA 95814
(916) 653-4875

California Office of Historic Preservation

Julianne Polanco, State Historic Preservation Officer
1725 23rd Street, Suite 100 Sacramento, CA 95816
(916) 445-7000
julianne.polanco@parks.ca.gov

Native American Heritage Commission

1550 Harbor Blvd, Suite 100
West Sacramento, CA 95691
(916) 373-3710

California State Water Resource Control Boards

See website link below for appropriate office contact:
https://www.waterboards.ca.gov/waterboards_map.html

CalOES Tribal Advisors

Kymber Keaton
916-716-5589
TribalAffairs@CalOES.ca.gov

Alex Shariatmadari

916-754-6942
Alex.Shariatmadari@CalOES.ca.gov

FEMA Tribal Advisors

Pamela Joe
1111 Broadway, Suite 1200
Oakland, CA 94607
202 341-2821
pamela.joe@fema.dhs.gov

Christopher Poehlmann

510-725-7958
Christopher.Poehlmann@FEMA.dhs.gov