FEDERAL EMERGENCY MANAGEMENT AGENCY
ENVIRONMENTAL COMPLIANCE GREENSHEET
FEMA 4950-DR-OK

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 (EO). 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. EHP staff is available to answer questions and direct you to other resources as needed.

Federal Laws and Executive Orders Routinely Encountered During Review

National Environmental Policy Act (NEPA)
National Historic Preservation Act (NHPA)
Clean Water Act (CWA)
Endangered Species Act (ESA)
EO 11988 Floodplain Management
EO 11990 Wetlands Protection

Environmental Compliance and Federal Funding

The National Environmental Policy Act (NEPA) requires Federal Agencies to assess the environmental effects of their actions, such as funding disaster recovery projects, prior to making funding decisions. NEPA incorporates the other environmental and historic preservation laws 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, or Tribal entities. EHP will advise Applicants on what to expect during the review process. This "Greensheet" includes information regarding many, but not all, of the laws routinely addressed during disaster recovery project review. **The Applicant has several compliance responsibilities which 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.**

Debris and Hazardous Materials

Debris management 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. Temporary emergency staging and disposal sites for the stockpiling, reduction, burning, and/or burial of disaster debris must be permitted by the Oklahoma Department of Environmental Quality (ODEQ) and approved by both the Oklahoma State Historic Preservation Officer (SHPO) and the Oklahoma Archaeological Survey (OAS). The Oklahoma Department of Emergency Management and Homeland Security (OEM) and ODEQ will assist the Applicant in registering the site and completing the Emergency Disposal Site Evaluation & Registry Form, which specifies the activities approved at each site. ODEQ will then forward the form to SHPO and OAS for approval. **The Applicant must provide FEMA with the approved form.** Hazardous materials must be disposed of in a manner consistent with all State and Federal laws. Debris should not be staged within the floodplain and should never be staged in a wetland area, even temporarily. **Debris removal from wetlands should be coordinated with the US Army Corps of Engineers (USACE) and may require consultation with the US Fish and Wildlife Service (USFWS).** Oklahoma State disaster debris guidelines can be found at

https://oklahoma.gov/content/dam/ok/en/oem/documents/DisasterDebrisManagementMunicipal.pdf

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, or mitigation measures or changes to culverts, crossings, or bridges, may require a permit from The U.S. Army Corps of Engineers (USACE). **The Applicant is responsible for obtaining any required approvals or permits from USACE prior to the commencement of work.**

Cultural Resources

Section 106 of the National Historic Preservation Act (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 executed a Programmatic Agreement (PA) with SHPO and OAS which allows FEMA to expedite many of the types of disaster recovery work that have been demonstrated through experience not to have an adverse effect on historic properties. Projects involving properties that are **45 years** of age or older may require FEMA consultation with SHPO and OAS. **All ground-disturbing activities, including staging areas and borrow sources, must be reviewed by a FEMA Archaeologist,** and FEMA may need to consult with SHPO, OAS, and Federally Recognized Tribes. A clear scope of work, including **the age of any existing buildings or structures** and the location and description of **all ground-disturbing activities,** is required to complete a review of the project.

Floodplains and Wetlands

FEMA reviews all projects to determine if they affect or will be affected by the floodplain and/or wetlands under Executive Order (EO) 11988 and EO 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 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 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 the wetland.**

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 (T&E), species proposed for listing, or critical habitat. FEMA can expedite the review of many types of disaster recovery work which have been demonstrated through experience not to cause adverse effects. Some projects may require additional consultation with USFWS specific to the work to be performed and individual species of concern. The presence of T&E 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.** Information about the Federally protected species in your area can be found at: https://ipac.ecosphere.fws.gov/

Borrow Sources for Fill Materials

All borrow or fill material must come from pre-existing stockpiles, material reclaimed from maintained roadside ditches, provided the designed width or depth of the ditch is not increased, or commercially procured material from a source existing prior to the event. For any FEMA-funded project requiring the use of a non-commercial source or a commercial source that was not permitted to operate prior to the event (for example, a new pit, agricultural fields, road right of ways, etc.), in whole or in part, regardless of cost, the Applicant must notify FEMA and the State prior to extracting fill material. **FEMA must review the source for compliance with applicable federal environmental planning and historic preservation laws, and executive orders prior to a subrecipient or their contractor commencing borrow extraction**. Consultation and regulatory permitting may be required. Non-compliance with this requirement may jeopardize receipt of federal funding. **Documentation of borrow sources utilized is required at closeout**.

Contact Information

FEMA EHP
LaToya Leger-Taylor
Regional Environmental Officer
Mobile: (940) 703-9058
latoya.leger@fema.dhs.gov

Karen Teer
EHP Advisor
Mobile: (832)784-6338
Karen.Teer@fema.dhs.gov

US Army Corps of Engineers
ATTN: Regulatory Office
2488 East 81st Street
Tulsa, OK 74137
918-669-7400
CESWT-RO@usace.army.mil

Oklahoma Archeological Survey
Kary Stackelbeck, Ph.D.
State Archaeologist of Oklahoma
405-325-7211
kstackelbeck@ou.edu

Debra Green, Ph.D.
Assistant State Archaeologist of Oklahoma
405-325-7211
dgreen@ou.edu

Oklahoma Emergency Management
Sofia Checketts
State Public Assistance Manager
Office: 405-301-3065
sofia.Checketts@oem.ok.gov

Oklahoma Department of Environmental Quality
Jennifer Sides – Debris Sites
Complaints & Spills Reporting Manager / Emergency Response Coordinator
Oklahoma Department of Environmental Quality
Office 405-702-6185
Cell 405-659-6801
Jennifer.Sides@deq.ok.gov

Loree Boyanton
Environmental Programs Manager Emergency Response Coordinator
Office: 405-702-6178
Cell: 405-249-1966
Loree.Boyanton@deq.ok.gov

Oklahoma Historical Society
Kristina Wyckoff
Section 106 Coordinator
Oklahoma State Historic Preservation Office
405-521-6381
kristina.wyckoff@history.ok.gov