



# IDAHO DISASTER 4589 FEDERAL EMERGENCY MANAGEMENT AGENCY ENVIRONMENTAL CONSIDERATIONS GREENSHEET



## Environmental and Historic Preservation and Disaster Recovery

A note from the Regional Environmental Officer:

This “Greensheet” provides you with some guidance on the FEMA’s environmental and historic preservation review process. If you are seeking funding for disaster recovery from FEMA, **please read this carefully.**

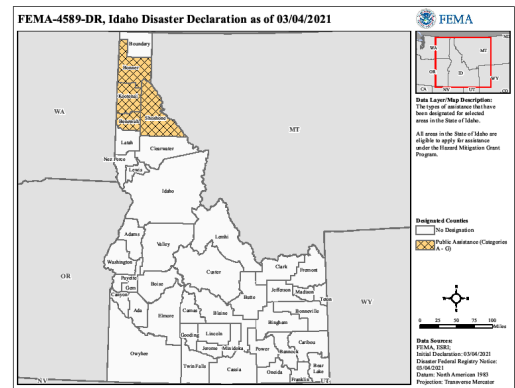
As you repair and rebuild your community, environmental and historic preservation concerns may seem unimportant. As with all federal funding, however, certain requirements related to the environment must be addressed. The information and assistance described here will help you avoid funding delays or risks.

The most important message is that the FEMA Environmental and Historic Preservation (EHP) staff are available to help you meet requirements. In this

“Greensheet” you will find facts, procedures and contacts to help you through the process. Additional EHP information is available from the Region X: Mitigation Division Environmental Planning And Historic Preservation Program at: <http://www.fema.gov/region-x-mitigation-division>.

Please identify any potential environmental concerns or questions as early as practicable and discuss these with your assigned Project Delivery Manager (PDMG) as your projects are formulated and FEMA’s EHP staff will help with resolution.

Our work is performed under the direction of FEMA Federal Coordinating Officer Thomas J. Dargan. We coordinate closely with Idaho Bureau of Homeland Security (IBHS) State Coordinating Officer Jay



Baker and staff.

As the Regional Environmental Officer, I pledge to assist you in understanding and complying with all environmental requirements. Please feel free to contact IBHS or FEMA Public Assistance for any environmental or historic preservation compliance assistance.

Science Kilner  
Regional Environmental Officer  
[science.kilner@fema.dhs.gov](mailto:science.kilner@fema.dhs.gov)  
(425) 487-4735

## Environmental Laws and Project Requirements

The National Environmental Policy Act (NEPA) is a major environmental law that directs federal agencies to consider the environmental effects of actions they are funding. There are additional environmental and historic preservation laws and executive orders that may come into play with disaster response and recovery activities and repairing or replacing damaged facilities eligible for PA program funding. Some activities can proceed with no or limited environmental or historic preservation review and others require more detailed review, including consultation/coordination with state/federal resource/

regulatory agencies and or affected tribes before work can proceed.

Projects on tribal reservation lands will need to comply with tribal laws, with emphasis on environmental and cultural resources requirements.

Failure to comply with applicable federal, tribal, state, and local environmental and historic preservation laws could jeopardize or delay potential federal funding.

### Federal Laws

- Endangered Species Act
- National Historic Preservation Act
- Magnuson-Stevens Fishery Conservation and Management Act
- Clean Water Act (especially Section 404)
- Migratory Bird Treaty Act
- Executive Orders for Wetlands Protection, Floodplain Management, and Environmental Justice

### Most projects proceed without detailed review:

- Most emergency protective measures
- Most debris removal and disposal
- Most temporary repairs and permanent repairs substantially to pre-disaster condition

### Some projects may require more detailed review:

- Debris removal in streams or debris disposal in areas not previously permitted/approved
- Permanent repairs that are not substantially to pre-disaster condition, include codes and standards upgrades, and or mitigation elements
- Improved or alternate projects
- Projects that may affect protected species, historic properties, floodplains, wetlands, or involve work in previously undisturbed ground

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### Waterways, Including Culverts and Bridges

The Clean Water Act (CWA) and the Rivers and Harbors Act (RHA) apply to in-water work or work within 200 ft. of waters of the United States. This includes any part of the surface area's tributary system (natural waters, including small streams, lakes and wetlands) as well as isolated man-made waters. All projects must comply with the Clean Water Act (CWA), including Section 404 which pertains to the U.S Army Corps of Engineers (USACE) permit requirements relating to the discharge of dredged or fill material into waters of the U.S. including wetlands.

Obtaining permits is the responsibility of the applicant or person performing the work and must be done **prior** to initiating any site activity. With the exception of emergency actions that address immediate threats to life or property, in which case the regulatory agencies should have been notified and documentation of the contact should have been made by the applicant. To apply for all permits in **one** application, file a Joint Aquatic Resources Permit Application (JARPA) and send the completed application to each agency that may require a permit or approval to the USACE, Idaho Department of Lands (IDL), and Idaho Department of Water Resources (IDWR). IDWR also has permitting for emergency work. **For Project Worksheets involving work that may trigger such permitting, please note what coordination has been done with regulatory agencies.** For additional information see:

<http://www.idwr.idaho.gov/streams/>

<http://www.idl.idaho.gov/>

<http://www.nww.usace.army.mil/Business-With-Us/Regulatory-Division/>

<http://www.idwr.idaho.gov/RulesStatutesForms/StreamChannel/StreamChannelForms.htm>

### Floodplains & Wetlands

FEMA reviews all projects that take place in a floodplain, as required by Executive Order 11988. For some projects, this could require completing the "8-step" process, which looks at and evaluates project alternatives and includes public review. Some projects are exempt from floodplain review, such as debris removal, emergency protective measures, and repairs or replacements when the cost is less than \$5,000. **Note this review is independent of what may be required by the local floodplain administrator per the National Flood Insurance Program, contact your local floodplain administrator to ensure appropriate permitting is secured for work in or affecting the floodplain.**

As with floodplains, the "8-step" review process may be required when a project would adversely affect a wetland, as required by Executive Order 11990. A project permit might also be required from USACE or the local jurisdiction. Debris cannot not be stored in a wetland, even temporarily. Debris removal from a wetland must be coordinated with the Idaho Department of

### Stormwater Permits

Stormwater management programs pursuant to State and Federal law require permits to discharge stormwater from construction of more than 1 acre to be in compliance with federal Clean Water Act requirements. These include construction stormwater general permits issued by the DEQ for construction that will disturb more than 1 acre. See:

<https://www.deq.idaho.gov/permitting/water-quality-permitting/npdes/stormwater-permits/>

<http://www.deq.idaho.gov/water-quality/ipdes/>



Bull Trout

### Protected Species

- **All FEMA funded activities must comply with both the Endangered Species Act (ESA) and the Magnuson-Stevens Fishery Conservation and Management Act (MSA).**
- Under ESA, projects must avoid impacts that may affect threatened or endangered species or designated critical habitat. The National Marine Fisheries Service (NMFS) and the USFWS are the two federal agencies with jurisdiction. Listed species and critical habitat are within the designated disaster area. For completed projects, in particular in-water work where listed species may be present, the applicant must show compliance with ESA (e.g., at least by having contacted NMFS and/or USFWS). For information on listed species in your area see: [IPaC: Home \(fws.gov\)](http://www.fws.gov)
- FEMA must consult with NMFS and USFWS for any activities that have the potential to affect federally listed species' critical habitat or Essential Fish Habitat (EFH). ESA and MSA frequently require conservation measures (e.g., project or timing restrictions) to minimize impacts.
- The Bald & Golden Eagle Protection Act and Migratory Bird Treaty Act also may require minimizing impacts to these birds.

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## Historic Preservation and Cultural Considerations

Any structures (e.g., buildings, bridges, etc) that are at least **50 years old** (with some exceptions) may be eligible for listing in the National Register of Historic Places. The age of the structure being repaired must be provided, so review per Section 106 of the National Historic Preservation Act (NHPA) can be done. Some projects will require FEMA to consult with the Idaho State Historic Preservation Officer (SHPO) or Tribal Historic Preservation Officer (THPO). Adverse affects to historic resources must be avoided or minimized if possible; and if not resolved through consultation.

Archaeological resources and cultural properties may also require special attention, and may include consultation. The

extent of ground disturbance during site work must be provided to facilitate review. Proposed work which affects a previously undisturbed area (e.g., relocating a utility, realigning a road, or excavating a material borrow area) must be evaluated for archaeological concerns **before** work proceeds. Similarly, adverse effects avoidance and minimization measures may be required.

FEMA will consult with the THPO on projects within Reservation boundaries, as well as when a project may affect historic properties that may have religious and or cultural significance to a Tribe.

## Debris Disposal and Hazardous Materials

Debris from disasters (e.g., woody and rocky material/ sediment, building wreckage) must be managed in accordance with federal, tribal, state, and local regulations. Handling and disposing of large quantities of disaster debris (such as stockpiling, on-site burial, or burning) require special consideration and approval from Idaho DEQ, Tribal Government, and/or a local clean air agency. Solid waste facilities may be permitted by the local jurisdictional health departments.

Note that proper care must be taken in identifying, staging, handling, and disposing of suspected hazardous waste.

The applicant is responsible for following and documenting

the handling, management, transport, and disposal of these materials. Failure to do so could jeopardize federal funding. For Project Worksheets involving debris disposal, please include the disposal location.



## Other Considerations

### Environmental Justice

Executive Order 12898 strives to minimize disproportionately high and adverse impacts on low-income and minority populations. Demographics are obtained for the impacted area and projects are examined to avoid these impacts.

**Hazard mitigation** includes elements in a proposed project that helps avoid or reduce the threat of future damage to that facility. Examples of wildfire hazard mitigation may include retrofitting buildings with ignition resistant building materials or undergrounding/realigning overhead power lines. All hazard mitigation proposals for Public Assistance projects must undergo environmental review before work proceeds.

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## CONTACTS

You may contact the following regulatory/resource agencies for more detailed information and guidance on their respective approval, authorization, or permitting requirements and available technical assistance. FEMA staff can also assist in answering questions and guiding you to the appropriate agencies, and provide additional detail on FEMA's review of proposed projects.

**FEMA Region 10**  
Science Kilner  
425-487-4713  
science.kilner@fema.dhs.gov

Charles E. Ditters  
FEMA EHP Advisor  
(907)764-0062  
charles.ditters@fema.dhs.gov

**Idaho Office of Emergency Management**  
<https://ioem.idaho.gov/>  
Jarod Dick  
(208) 258-6515 work  
[jdick@imd.idaho.gov](mailto:jdick@imd.idaho.gov)

**Idaho Bureau of Homeland Security  
Emergency Management Division**  
<http://bhs.idaho.gov/>  
Val Larson  
208-258-6513 work  
208-921-5816 cell  
vlarson@bhs.idaho.gov

**Idaho Dept. of Environmental Quality**  
<https://deq.idaho.gov/>  
Coeur d'Alene Regional Office:  
Benewah, Bonner, Boundary, Kootenai,  
and Shoshone  
<http://www.deq.idaho.gov/regional-offices-issues/coeur-dalene.aspx>  
(208) 769-1422

Mark Dietrich  
208-373-0193  
mark.dietrich@deq.idaho.gov

**Idaho Dept. of Water Resources**  
<http://idwr.idaho.gov/forms/streams.html>

Maureen O'Shea  
208-287-4928  
maureen.oshea@idwr.idaho.gov

**Idaho Dept. of State Lands**  
<http://www.idl.idaho.gov/>

Eric Wilson  
208-334-0200  
ewilson@idl.idaho.gov

**Idaho Dept. of Water Resources**  
<http://www.idwr.idaho.gov/streams/>  
7600 N MINERAL DR STE 100  
COEUR D ALENE ID 83815-7763  
[IDWRinfo@idwr.idaho.gov](mailto:IDWRinfo@idwr.idaho.gov)  
Northern Region: (208) 762-2800

**Idaho State Historic Preservation Office**  
<http://history.idaho.gov/state-historic-preservation-office>

Ken Reid  
208-334-3861 ext. 110  
ken.reid@ishs.idaho.gov

**Idaho Dept. of Fish and Game**  
<http://fishandgame.idaho.gov/>  
Kiira Siitari  
208-769-1414 work  
208-258-0296 cell  
kiira.siitari@idfg.idaho.gov

**U.S. Fish and Wildlife Service (USFWS) -**  
<http://www.fws.gov/idaho/>

Scott Grunder  
509-893-8030  
scott\_grunder@fws.gov

**National Marine Fisheries Service (NMFS) - ESA & EFH -**

Bob Reis  
208-882-6148  
bob.reis@noaa.gov

**U.S. Army Corps of Engineers  
Regulatory Branch -**  
<http://www.nww.usace.army.mil/BusinessWithUs/RegulatoryDivision/ContactUs.aspx>

Mike Burgan  
208-433-4475  
michael.a.burgan@usace.army.mil

**USDA—NRCS**  
<http://www.nrcs.usda.gov/wps/portal/nrcs/site/id/home>

Aubrey Hoxie  
208-378-5700 work  
aubrey.hoxie@id.usda.gov

**Idaho Floodplain/NFIP Administrators for NFIP- Participating Communities:**

**Benewah County:**

Tina Thomson  
tthomson@benewahcounty.org  
(280) 245-4122

**Boundary County:**

John B. Moss  
planning@boundarycountyid.org  
(208) 267-7212

**Kootenai County:**

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Lbasunger@kcgov.us  
(208) 446-1083

Laura Jones  
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(208) 446-1049

**Shoshone County:**

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Mike Fitzgerald  
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