



FEMA-4058-DR-IN Joint Field Office



General Contacts

FEMA Environmental Staff

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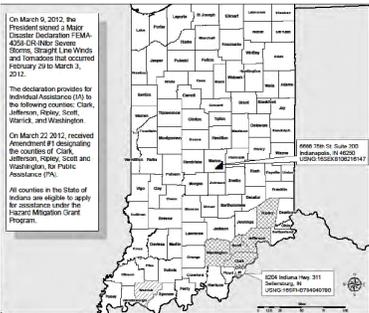
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Some Federal Laws to consider before project implementation:

- National Environmental Policy Act
- National Historic Preservation Act
- Endangered Species Act
- Clean Water Act
- Executive Orders on Floodplain Protection, Wetlands and Environmental Justice

Disaster Recovery Environmental and Historic Preservation Considerations

The Federal Emergency Management Agency (FEMA) and the Indiana Department of Homeland Security work together to help communities prepare for, respond to and recover from disasters. It is FEMA's policy to ensure that disaster response, recovery, and mitigation responsibilities are carried out in a manner that is consistent with Federal environmental and historic preservation laws. FEMA uses all practical means to protect, restore and enhance the quality of the environment.

As you repair and rebuild your community, environmental and historic preservation concerns may not be foremost in your

mind. With that said, it is important to remember that grants given by FEMA are subject to Federal historic and environmental laws and executive orders.

Applicants for Federal and state disaster assistance must comply with all applicable local, state, and Federal laws, permits and conditions. Not complying can delay or jeopardize funding.

This information sheet will help you identify possible issues for environmental and historic preservation (EHP) concerns when working with the Public Assistance Program.

Please work with your Project Specialists to notify the FEMA EHP staff if a concern arises. Early identification of potential environmental and historic preservation concerns can help expedite funding.

We are available to help you with your EHP requirements. Please contact us with any questions. We look forward to working with you in assisting Indiana recover from this disaster event.

The FEMA EHP Team
FEMA-4058-DR-IN

Complying with Environmental and Historic Preservation Law

There are many environmental laws and executive orders that apply to FEMA funded projects. Most repair-in-kind replacement projects proceed quickly. However, projects with special historic or environmental issues will require additional consultation with FEMA and the appropriate state or Federal agencies.

Projects requiring an environmental review **must** be approved **prior** to starting any construction or repair. Some examples are provided in the box on the right.

Remember, applicants are responsible for complying with all local, state and Federal laws that apply to their project.



Short's goldenrod

Helpful Websites

- <http://histpres.com/tag/indiana-shpo>
- <http://www.fema.gov>
- <http://www.in.gov/dhs/>
- <http://www.in.gov/idem/>
- <http://www.in.gov/dnr/>
- <http://www.lrl.usace.army.mil/>

Projects that can proceed without a detailed EHP review:

- Emergency Protective Measures
- Debris removal to licensed landfill
- Repair to pre-disaster condition

Examples of projects that require an EHP review:

- Establishment of debris staging areas
- Projects involving facilities over 50 years old
- Projects involving hazard mitigation
- Projects involving threatened or endangered species
- Projects in wetlands or floodplains
- Projects involving new ground disturbance

Examples of projects needing EHP review and consultation:

- Alternate or Improved Projects
- New Construction Projects

Debris Disposal and Hazardous Waste

For all debris removal projects, applicants complete an “Emergency Debris Management Certification Form” to self-certify disposal method. For staging of debris, the Indiana Department of Environmental Management Ag and Solid Waste Compliance Section gives approval for storage of debris outside of certified or properly licensed landfill. No contact, approval, or permits are needed to take any debris to a certified landfill. Debris burning is governed by the IDEM Office of Air Quality. If debris burning is necessary, an Open Burning Variance is required for burning woody debris, except for small amounts of residential burning. Asbestos accreditation and disposal approvals may be needed for building demolition.

Indiana Department of Environmental Management

Debris Disposal

Agricultural & Solid Waste Compliance
(317) 234-6965

Open Burning Approvals

Office of Air Compliance
(317) 232-8342



Floodplains and Wetlands

FEMA reviews all projects that take place in the **floodplain** and/or **wetlands** as required by Executive Orders 11988 and 11990. For major projects, this could require the “8-Step” process, which looks at and evaluates alternatives and includes public review.

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

Applicants can help the EHP review process by providing complete scopes of work, exact locations, dates of construction and other relevant information.

Keep in mind...

New Ground disturbance outside the previously disturbed footprint, even in the right-of-way (including facility realignment, borrow areas, utility burial, utility pole replacement, access roads, etc.) **may** need to be reviewed for archaeological concerns prior to construction.

Environmental Justice

FEMA does not exclude any persons and populations from participating in benefits because of race, color, or national origin.

Hazard mitigation projects

reduce the threat of future damages. Examples include retrofitting to protect against wind damage or elevating for flood protection. Hazard mitigation projects are thoroughly reviewed by FEMA especially when they involve ground disturbance or alter a project’s footprint.

Working in and near Waterways and Wetlands

For **any** project involving work in a waterway, applicants **must** notify and provide documentation of contact with Indiana Department of Environmental Management (either a copy of a permit or letter). Repair to previously authorized serviceable structures deviating from their original dimensions in **any** way (i.e. size, length, depth, profile, type, etc.) may also require a new or modified permit from the U.S. Army Corps of Engineers

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

as well as isolated man-made waters. The USACE administers both laws. Examples of actions that may require permits include any construction, demolition, and any dredging or filling in any part of surface water tributaries or systems including cutting roads, culvert work, and repair of damaged facilities.

Securing required permits is a condition of federal funding.

IDEM Permitting

<http://www.in.gov/idem/4395.htm>
(317) 233-8488

U.S. Army Corps of Engineers

<http://www.lrl.usace.army.mil/>
(502) 315-6733

Historic Preservation

FEMA is required by National Historic Preservation Act to take into account the impacts of its activities (including demolition, repair and reconstruction) on historic properties before work begins. Some historic properties are very obvious, others less so. Any building or structure (i.e. walls, bridges or culverts) **50 years or older** may be eligible for the National Register of Historic Places. These structures must be reviewed by FEMA in consultation with the Indiana State Historic Preservation Office (SHPO).

Archaeological resources also require special attention. Any proposed project which involves ground disturbance in previously undisturbed areas (i.e. relocating a utility, road realignment, a material borrow area for construction, or preparation of debris staging, stockpiling or burning sites) **must be reviewed by FEMA and the SHPO** for

archaeological concerns. Agricultural ground is not considered previously disturbed ground.

Different measures can be taken if historic properties are affected. It is essential to involve the FEMA EHP Team early in the process, if historic properties are involved.

Tribal relations—

Indiana has a rich legacy of tribal resources. FEMA consults with tribal governments when projects may affect cultural or historic properties.

Threatened and Endangered Species – Certain disaster recovery activities may have the potential to impact Federal and/or state threatened or endangered species in the designated area. Under Section 7 of the Endangered Species Act, FEMA must consult with the US Fish and Wildlife Service when FEMA-funded projects have the potential to affect a threatened or endangered species. The consultation must be done before work on a project is begun. **There are Federally endangered or threatened species in all of the declared counties for DR-4058-IN.**

