



# FEDERAL EMERGENCY MANAGEMENT AGENCY ENVIRONMENTAL CONSIDERATIONS GREENSHEET Mississippi



## Environmental Planning & Historic Preservation for Disaster Recovery

FEMA's Environmental Planning & Historic Preservation (EHP) specialists are available to assist subgrantees in gathering current environmental and cultural information for informed decision-making during project development and implementation. FEMA is responsible for ensuring that numerous state and federal environmental and historic preservation laws and Executive Orders (EOs) are, or will be, met in order to provide project funding.

Early identification of projects having potential EHP compliance issues, and coordination with appropriate federal, state, and local regulatory agencies is needed to prevent delays in the review, approval, and funding of projects.

## Environmental Laws and Project Requirements

The National Environmental Policy Act (NEPA) directs federal agencies to consider the impacts of the actions they are funding. There are also numerous additional environmental planning and historic preservation laws that may come into play when repairing disaster damaged infrastructure. This brochure is not intended to be inclusive of all possible applicable laws, but those routinely encountered in disaster recovery.

Some projects will require consultation with appropriate State, Federal, Tribal, or local regulatory entities prior to approval of funding and initiation of construction.

Failure to comply with applicable Federal, State, Tribal or local environmental planning and historic preservation laws could jeopardize or delay potential funding.



### Federal Laws commonly triggered by FEMA funding

- National Environmental Policy Act (NEPA)
- National Historic Preservation Act (NHPA)
- Clean Water Act (CWA)
- Section 404 Endangered Species Act (ESA)
- Clean Air Act (CAA)
- EO 11988 Floodplain Management
- EO 11990 Wetlands Protection

### Projects that may require more detailed review

- All work in or near water
- Where the footprint is different than pre-disaster conditions
- Involving hazard mitigation
- Involving threatened or endangered species, wetlands, or floodplains
- Improved or alternate projects
- Debris disposal (including temporary debris storage sites)
- Building/Structure Demolition

**EVEN IF A PROJECT IS ONLY TO RESTORE THE FACILITY TO PRE-DISASTER CONDITIONS there are circumstances when actions initiated or completed prior to EHP review may jeopardize FEMA funding.**

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## Waterways, Including Culverts and Bridges

Section 401 Permits may be required from the Mississippi Department of Environmental Quality and Section 404 Permits may be required from the U.S. Army Corps of Engineers (USACE). Joint 401/404 permits may be obtained to streamline the permitting process.

**Culvert size increases will require a Hydrologic and Hydraulic (H&H) study from a licensed engineer.**

Projects that may require permits include:

- Work proposed in a waterway, including tributaries, wetlands, small streams and lakes.

Actions that may require permits include:

- Construction and demolition;
- Dredging, filling any part of surface water;
- Repairing or replacing a bridge, culvert or dam.



**Obtaining permits prior to construction is the responsibility of the project Applicant**

**For additional information visit: <http://www.mdeq.state.ms.us>**

## Floodplains and Wetlands



Activities occurring in a floodplain or a wetland must comply with Executive Order (EO) 11988 on Floodplain Management and EO 11990 on Protection of Wetlands. These include:

- Any modifications or construction in a floodplain or wetland must be reviewed by FEMA and may require an individual public notice;
- Debris can only be temporarily staged/stockpiled in a floodplain during emergency situations when no other alternative is available;
- Debris removal from a wetland must be coordinated with USACE, U.S. Fish and Wildlife Service (USFWS), MDEQ

**For information on floodplain permitting, contact your local Floodplain administrator**

## Historic and Archaeological Resources

FEMA may be required to complete consultation with the State Historic Preservation Office or tribes prior to beginning any work on projects including, but not limited to:

- Repair or demolition of structures or buildings built before 1975,
- Ground disturbing activities including projects in farmland, parking lots, or forested areas,
- Use of borrow pits,
- Stone fences, walls and stone bridge abutments.
- Work on historic bridges must be coordinated with MS Department of Transportation, Environmental Division.



**For additional information visit: <http://www.mdah.ms.gov>**

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## Debris Disposal and Hazardous Materials



MDEQ issued guidance on emergency debris disposal on 02/25/2019. It can be found at: <https://www.mdeq.ms.gov/land/waste-division/solid-waste-management-programs/emergency-debris-information/>

- FEMA and MEMA must be informed of the final location of all debris.
- Staging areas will require site approval from your regional MDEQ office.
- Demolition of structures, regardless of asbestos content, must be coordinated with your regional MDEQ office.
- Hazardous debris such as asbestos or appliances with coolants may be subject to other Federal laws, such as the Toxic Substance Control Act (TSCA) or the Resource Conservation and Recovery Act (RCRA)

Debris removal includes:

- clearance
- collection
- staging
- removal
- disposal

Types of debris:

- trees and vegetative debris
- building components
- wreckage
- white goods
- hazardous waste

The applicant is responsible for coordinating with MDEQ and for obtaining and complying with all required permits before burning, salvaging or disposing of debris.

## Threatened and Endangered Species

Under Section 7 of the Endangered Species Act, FEMA must consult with the US Fish and Wildlife Service (USFWS) when FEMA-funded projects have the potential to affect a threatened or endangered species or the habitat of a protected species.

- Endangered or threatened species within a county are listed on USFWS and Mississippi Department of Wildlife, Fisheries and Parks (MDWFP) websites.
- Critical habitat, which may be located in or near water and streambeds, forested areas, fields, or along the road edge, is defined by USFWS and must not be adversely impacted by a project.
- Tree removal may impact Migratory Bird and Endangered Species habitat, and may require consultation with USFWS.



For additional information visit: <http://www.mdwfp.com> or <http://www.ecos.fws.gov>



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