



GREENSHEET

FEDERAL EMERGENCY MANAGEMENT AGENCY OREGON DISASTER #4055



Environmental and Historic Considerations

Severe Winter Storm, Flooding, Mudslides, and Landslides — January 17-21, 2012

This "Greensheet" provides you with guidance on the agency'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 communities, 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 environmental roadblocks or funding delays.

The most important message is that the FEMA Environmental and Historic Preservation staff is available to help

you meet your environmental requirements. In this Greensheet you will find facts, procedures, and contacts to help you through the process.

Please identify any potential environmental concerns or problems and discuss these with our Joint Field Office (AFO) environmental staff as soon as possible. This will help us address any issues and expedite funding.

Our work is performed under the direction of FEMA Federal Coordinating Officer Dolph Diemont. We coordinate closely with the Oregon Office of Emergency Management (OEM) State Coordinating Officer Paulina Layton and her staff.

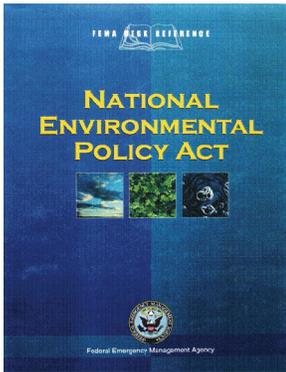


Old River Road, Lincoln County (February 2012).

As the Regional Environmental Officer, I pledge to assist you in understanding and complying with all environmental requirements. Bert Bowen leads our environmental team in Salem. Please contact the team, OEM, or FEMA Public Assistance for any environmental or historic preservation assistance.

Sincerely,

Mark Eberlein
Regional Environmental Officer



Environmental Laws and Project Requirements

The National Environmental Policy Act (NEPA) directs federal agencies to consider the environmental effects of actions they are funding. There are numerous environmental and historic preservation laws and executive orders that may come into play when repairing or replacing a damaged facility eligible for funding under the FEMA Public Assistance (PA) program. Some activities

can proceed without environmental or historic review; others require some environmental consideration. Some projects require consultation with regulatory agencies before FEMA funding is approved and construction begins. Failure to comply with applicable federal, state, and local environmental and historic preservation laws could jeopardize or delay potential funding.

Federal Laws

- Endangered Species Act
- National Historic Preservation Act
- Magnuson-Stevens Fisheries Act
- Clean Water Act (especially Section 10 & 404)
- Executive Order for Wetlands Protection
- Executive Order for Floodplain Protection
- Executive Order for Environmental Justice

Some projects proceed without detailed review:

- Emergency protective actions and some debris removal
- Emergency or temporary repairs unless facility is 50 years old or older or in-water

Some projects require a detailed environmental review:

- Debris removal in streams or debris disposal in areas not previously authorized.
- When the project footprint is different than the pre-disaster size and place.
- Projects near threatened or endangered species, wetlands, or floodplains.
- Improved or alternate projects.
- Projects where the scope of work has changed.

Water Resources



Cedar Valley Road, Curry County (February 2011).

Any project involving work, proposed or completed, that has the potential to impact streams, lakes, estuaries and wetlands must obtain approval from the Oregon Department of State Lands (DSL) and a permit may be required under Oregon's Removal-Fill Law, enacted in 1967. *For removal and fill activities that would cause only minimal individual and cumulative environmental impacts, and would not result in long-term harm to water resources of the state, the project may be eligible for approval under a General Authorization. This is a much simpler and quicker process than obtaining an individual permit.* Some projects may also be exempt from permitting if they restore a structure to what it was before and don't go past the original footprint of the structure. Applicants for FEMA-funded projects should contact a DSL resource coordinator to determine compliance requirements. The Oregon Department of Fish and Wildlife (ODFW) may also need to be consulted regarding in-water work windows and fish passage requirements. Documentation of all correspondence, authorizations, and compliance with DSL and ODFW should be kept in project files.

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

At the federal level, the applicant must comply with permit requirements for the U.S. Army Corps of Engineers (USACE) under the Clean Water Act of 1972 and/or the Rivers and Harbors Act of 1899. This includes any project that involves the placement of fill material into waters of the United States, particularly when work will be conducted below the ordinary high water mark of a water body or in a wetland. Unless it is an emergency action (immediate threat to life and property), USACE permit compliance is required prior to initiating any site activities. *For emergency actions, the applicant should contact the USACE as soon as possible after the onset of the major hazard to describe the nature and location of the hazard to water resources and to determine whether additional steps may need to be taken to further minimize the effects of the initial response action.*

Floodplains



FEMA reviews all projects that take place in a floodplain, as required by Executive Order 11988. 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 <\$5,000.

The Oregon Department of Land Conservation and Development (DCLD) is the designated state agency for floodplain coordination. Cities and counties may issue floodplain permits and applicants should coordinate with their planning and permitting departments.

Wetlands

The U.S. Fish and Wildlife Service is the principal federal agency that provides information to the public on the extent and status of the nation's wetlands through its National Wetlands Inventory program.

An 8-step review process may be required when a project would modify a wetland. Project approvals and permits are coordinated through the Oregon DSL at the state level and the USACE at the federal level.

Debris should never be staged or stored in a wetland, even temporarily.

Protected Species



Oregon Coast Coho Salmon (*Oncorhynchus kisutch*); re-listed as threatened on 2/11/08.

Under the Endangered Species Act (ESA), projects must avoid impacts that might affect federally-listed threatened or endangered species. The National Marine Fisheries Service (NMFS) and U.S. Fish and Wildlife Service (USFWS) are the two federal agencies with ESA jurisdiction. Consultation is conducted with them as appropriate when a listed species has the potential to be affected. In addition, the Magnuson-Stevens Fishery Conservation and Management Act requires conservation measures for any activities that have the potential to adversely affect Essential Fish Habitat (EFH), administered by NMFS, and the Bald and Golden Eagle Protection Act, administered by the USFWS, requires that project activities minimize potential impacts to these species.

The USACE is the lead ESA agency for projects requiring a USACE permit. In Oregon, NMFS and USACE have issued Standard Local Operating Procedures for Endangered Species (SLOPES) to streamline the ESA/EFH consultation process for projects that have the potential to affect listed salmon and steelhead. By **meeting** the design criteria and terms and conditions established in SLOPES during the USACE permitting process, no further consultation is required for ESA/EFH.

Historic Preservation and Tribal Relations

Some historic resources are very obvious and others are less so. Any structure (e.g., buildings, walls, bridges) **50 years old or older** may be eligible for the National Register of Historic Places. These structures must be reviewed by FEMA and at times the Oregon State Historic Preservation Office (SHPO).

Archaeological resources also require special attention. Any proposed project which alters a previously undisturbed area (e.g., relocating a utility, realigning a road, constructing a material borrow area, or preparing debris staging sites) must be

reviewed by FEMA and the SHPO for archaeological concerns **before** work can be conducted in these areas. It is important to involve FEMA, the SHPO, and interested Tribes to make these determinations and to decide what measures, if any, are to be taken.

Under Oregon state law ORS 358.905-995 it is a class B misdemeanor to impact an archaeological site on public or private land, and under state law ORS 97.740-760 impacts to Native American graves and cultural items are a Class C felony.



**Former Naval Air Station
Tillamook Headquarters
Building; circa 1940s
(FEMA-1733-DR-OR).**

Debris Disposal and Hazardous Materials

The Oregon Department of Environmental Quality (DEQ) oversees and regulates debris and hazardous waste management in conjunction with the U.S. Environmental Protection Agency. Debris from disasters (wood, rocks, soil, silt, and building and structure wreckage) must be deposited at a government-approved site. Other options for disposing of large quantities of disaster debris (such as stockpiling, on-site burial, or burning) require special consideration and approval from the DEQ.

Proper care must also be taken in the handling of suspected hazardous or toxic waste. The applicant is

responsible for following and documenting the handling, management, transport, and disposal of hazardous and toxic materials. The DEQ should be consulted for further guidance when applicable.

The use of authorized and/or permitted facilities for debris and waste disposal is required for FEMA-funded projects. Documentation of compliance should be kept in project files and may be required for the grant application and/or at close out.

Other Considerations



Port of Brookings Harbor (February 2012).

Coastal zone A consistency review may be required by the Oregon Coastal Zone Management Program (OCMP) for projects that are likely to affect Oregon's coastal resources. The lead agency responsible for applying OCMP standards is the Oregon Department of Land Conservation and Development (DLCD). Applicants need to directly coordinate with DLCD, along with city and county coastal planning departments, and obtain a consistency determination before FEMA can approve the project.



Belmont Avenue bridge culvert damage, Albany (February 2012).

Hazard mitigation projects reduce the threat of future damage. Examples of mitigation include increasing the size of culverts and relocation or elevation of structures for flood protection. All hazard mitigation proposals undergo environmental review, as they usually involve ground disturbance or change in the project footprint or affect historic structures.



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.

OREGON DISASTER #4055 GREENSHEET

CONTACTS

The following agencies can be contacted for more detailed information and guidance on the laws and requirements for environmental and historic preservation compliance. FEMA staff in the Joint Field Office in Salem can assist in answering questions and guide you to the appropriate agencies.

FEMA Environmental and Historic Preservation (EHP) Office

Bert Bowen, EHP Team Lead
FEMA /OEM Joint Field Office
3723 Fairview Industrial Drive
Salem, OR 97301
Cell (425) 516-3725; Desk (503) 584-5959
bert.bowen@fema.dhs.gov

Mark Eberlein, Regional Environmental Officer, FEMA Region X
130 228th Street SW
Bothell, WA 98021
(425) 487-4735
mark.eberlein@fema.dhs.gov

Department of Environmental Quality (DEQ)

Approved debris and waste disposal sites:
www.deq.state.or.us/lq/sw/disposal/permittedfacilities.htm

Department of Land Conservation and Development (DLCD)—Oregon Coastal Management Program (OCMP)

Juna Hickner, Coastal State-Federal Relations Coordinator
(503) 373-0050, Ext. 253
juna.hickner@state.or.us

Federal consistency (permit review) website: www.oregon.gov/LCD/OCMP/FedCon_Intro.shtml

Department of State Lands (DSL)

Main Office (request resource coordinator for your county)
(503) 986-5200
www.oregon.gov/DSL/PERMITS/contact_us_directory.shtml

Floodplain Management

Chris Shirley, NFIP Coordinator
Oregon Department of Land Conservation and Development (DLCD)
(503) 373-0050, Ext. 250
christine.shirley@state.or.us
www.fema.gov/plan/prevent/floodplain/index.shtml

Tribal Cultural Resources

Karen Quigley, Executive Director
Legislative Commission on Indian Services
(503) 986-1067
karen.m.quigley@state.or.us
www.leg.state.or.us/cis

National Marine Fisheries Service (NMFS)

Benton, Eastern Columbia, Eastern Lane, Linn, Marion, and Polk counties:
Ben Meyer, (503) 230-5425,
ben.meyer@noaa.gov

Western Columbia, Coos, Curry, Douglas, Western Lane, Lincoln, and Tillamook counties:
Ken Phippen, (541) 957-3385,
ken.phippen@noaa.gov

Hood River County:
Marc Liverman, (503) 231-2336,
marc.liverman@noaa.gov

Oregon Department of Fish and Wildlife (ODFW)

Eastern Benton, Linn, Southern Marion, and Polk counties:
Steve Mamoyac, (541) 757-4186,
steven.r.mamoyac@state.or.us

Western Benton, Western Lane and Lincoln counties:
Bob Buckman, (541) 265-8306, Ext. 224,
robert.c.buckman@state.or.us

Eastern Columbia County:
Tom Murtagh, (971) 673-6044,
tom.murtagh@state.or.us

Coos and Curry counties:
Mike Gray, (541) 888-5515,
michael.e.gray@state.or.us

Western Columbia and Tillamook counties:
Chris Knutsen, (503) 842-2741,
chris.j.knutsen@state.or.us

Curry County:
Todd Confer, (541) 247-7605
todd.a.confer@state.or.us

Douglas County
Laura Jackson, (541) 440-3353
laura.s.jackson@state.or.us

Hood River County
Rod French, (541) 296-4628,
rod.a.french@state.or.us

Northern Marion County:
Todd Alsbury, (971) 673-6011
todd.alsbury@state.or.us

SHPO

State Historic Preservation Office (SHPO)
www.oregonheritage.org

Dennis Griffin, Ph.D., State Archaeologist
Below Ground Compliance
(503) 986-0674
dennis.griffin@state.or.us

Julie Osborne or Ian Johnson
Above Ground Compliance
Julie: (503) 986-0661
Ian: (503) 986-0678
julie.osborne@state.or.us
ian.johnson@state.or.us

U.S. Army Corps of Engineers

Benton, Coos, Curry, and Lane counties:
Benny Dean, (541) 465-6769,
benny.a.dean@usace.army.mil

Columbia and Tillamook counties:
Steve Gagnon, (503) 808-4379,
steven.k.gagnon@usace.army.mil

Hood River County:
Karla Ellis, (503) 808-4377,
karla.g.ellis@usace.army.mil

Douglas County:
Carol Franson, (541) 465-6868,
carol.s.franson@usace.army.mil

Lincoln County:
Debra Henry, (503) 808-4391,
debra.j.henry@usace.army.mil

Linn County
Shelly Hanson, (541) 465-6878,
michelle.e.hanson@usace.army.mil

Marion and Polk Counties:
Karen Nelson, (503) 808-4383,
karen.l.nelson@usace.army.mil

U.S. Fish and Wildlife Service

Kevin Maurice, Fish and Wildlife Biologist
(503) 231-6179,
Kevin_Maurice@fws.gov

Cat Brown, ESA Biologist
(503) 231-6179,
Cat_Brown@fws.gov