

**MITIGATION JOB AID #7:
INSTRUCTIONS FOR COORDINATING ENVIRONMENTAL AND HISTORIC
PRESERVATION COMPLIANCE FOR HMGP PROJECT APPLICATIONS**

The FEMA environmental/historic preservation review is the process of reviewing proposed FEMA-funded projects and activities to ensure that they are in compliance with Federal environmental/historic preservation laws and Executive orders. This is required on all FEMA HMGP grant applications.

IMPORTANT NOTE – DO NOT CONTACT THE ENVIRONMENTAL AGENCIES UNTIL YOUR PROJECT HAS BEEN SELECTED BY THE STATE AND YOU RECEIVE SPECIFIC INSTRUCTIONS.

The two blocks of information required in the HMGP application package are items #10 and #11 on the HMG PROJECT CHECKLIST.

ITEM 10. ENVIRONMENTAL AND HISTORICAL REQUIRED INFORMATION

This section should provide the back-up discussion and documentation for the completion of item #11, the Record of Environmental Consideration form. The most effective method to provide this information is to follow the guideline below and provide the answer to each question or statement in the same order. For any structural or drainage project, this must include ground level photos of the site from all sides with identifying comments.

Projects funded under the Hazard Mitigation Grant Program (HMGP) must comply with certain environmental requirements. Coordination with all appropriate agencies and individuals is very important. The first step is to determine if the individual project is categorically excluded from the need to prepare an environmental document. The types of projects that do not need the environmental analysis are those that will not result in any physical change to the environment. Such projects include:

- Development of Mitigation Action Plans
- Public education programs and training activities
- Some warning systems such as reverse 911
- Most individual safe room projects require historical clearance only
- Most flood prone property buy out projects require historical clearance and debris issue clearance from TCEQ only

If it is determined that a project meets the categorical exclusion (CATEX) criteria, provide a brief explanation describing the project and why there will be no impact to the environment.

All other projects should include an environmental analysis to aid in the compliance with environmental requirements. Information provided in this analysis should be as complete and thorough as possible to expedite approval.

TIPS:

- “Yes” or “no” answers will not be sufficient,
- Both beneficial and adverse impacts must be addressed
- On separate paper, a letter in paragraph fashion must address the following issues
- All issues must be addressed. If the subject of the paragraph does not apply to your project, do not just write ‘not applicable’. Explain in a sentence or two why you believe the subject is not applicable.

1. A discussion of existing resources in the project area.

The first item in this section should be the projects’ estimated center of mass **lat/long (decimal degrees to 5 decimal places)**. Provide a description of the project area. Include natural and historic resources, significant cultural or social issues, and land use concerns. It is important to note the existence of any special resources in this section, such as endangered species, historic or archaeological sites, wetlands, etc.

2. An analysis of the environmental effects of the proposed project and alternatives.

This is the major section of the environmental analysis. Provide as much background information on the existing conditions as necessary to assist in the evaluation of the potential impacts. It is important to include information on the impacts of the alternatives as well as the proposed project. **Documentation, such as letters, permit applications, or copies of actual permits, should be included as attachments.**

A. LAND USE AND SOCIOECONOMIC ISSUES:

- 1) Determine whether or not the proposed project is consistent with land use in the area.
- 2) Identify and describe effects of the relocation of any structures due to the project.
- 3) Describe how the project might have a significant effect on the economic activities of the area.
- 4) Describe the project effects on any parks or recreational areas.
- 5) Does the proposed activity or project require a Coastal Zone Consistency Determination? Indicate how the project is consistent with the State coastal zone management plan.
- 6) Identify the project effects on any prime and unique farmlands, or farmlands with statewide or local importance.
- 7) Is the project located in a floodway or floodplain? If so, hydrologic analysis may be required. For documentation, attach a letter from the chief elected official or floodplain administrator stating that the community participates in the National Flood Insurance Program and that the requirements of your floodplain management ordinance will be implemented regarding this project; and if any structures will be built as part of the project, state what steps will be taken to ensure that the 100-year flood elevation requirements will be met.

B. AIR AND WATER QUALITY ISSUES:

- 1) What effect will the project have on air quality?
- 2) Will the project require any dredging and/or disposal of any material (including construction) in any wetlands or waterways? Does the project require a Corps of Engineers (USACE) Section 11 and/or Section 404 permit? The Nationwide Permit Program under 33 CFR 330.5 automatically covers some activities. Those discharges not covered require more formalized authorizations. Please consult the regulation or call the appropriate Corps office for more information. NOTE: If you need to call the USACE office to obtain the above information, please provide the date and the name and phone number of the person contacted.
- 3) Describe the project scope of work activities that will modify streambeds and banks or remove streambed or bank material in the project area.
- 4) How will the project affect any declared current wild and scenic river or any river being studied for inclusion as a wild and scenic river?

C. NATURAL RESOURCES ISSUES:

- 1) Describe the vegetation communities present in the project area, emphasizing the identification (species) and quantification (acreage) of dominant vegetation cover types (vegetation map of project area). Also, identify sensitive ecosystems which occur in the project area, such as springs, natural waterways, floodplains, riparian vegetation corridors, wetlands, bays, estuaries, native grasslands, etc.
- 2) Describe areas within the project area defined as wetlands by the U.S. Army Corps of Engineers.
- 3) Describe the occurrence of threatened or endangered species (or their habitats) as listed by the U.S. Fish and Wildlife Service and the Texas Natural Heritage Program. The 'Green Book' published by the FEMA environmental staff for each disaster can be of great use in this.
- 4) Identify public use and open space areas in the vicinity of the proposed project, such as parks, natural areas, wildlife preserves and management areas, and designated wild and scenic areas. Identify areas of high recreational significance, such as hiking trails, river systems used by float or canoe enthusiasts, or areas known for high quality hunting and fishing.

D. ARCHAEOLOGICAL AND HISTORICAL ISSUES:

- 1) Identify historical resources likely to be impacted by the proposed project.
- 2) Contact any local historical societies or authorities to determine if the project site is located in any area of archaeological, cultural, or historical significance.

NOTE: a letter from the State Historical Preservation Officer (SHPO) is required on all project applications, but should not be requested until the project is selected at the State level.

E. FOR ACQUISITION PROJECTS:

- 1) Describe the infrastructure in the area; typical lot size, type of wastewater discharge (septic or community plant), and neighborhood drainage method (none, roadside ditch, underground storm sewer, swales, and presence of retention features). Identify the type of local drainage systems the neighborhood systems discharge into. (fully concrete lined, open channel with rock stabilization, sculpted grass lined channel, unmodified native stream)
- 2) Identify the degree of disturbance of occurring native vegetation, especially trees, and the degree to which residential landscaping has modified vegetation and landform throughout the community.

F. HAZARDOUS MATERIAL ISSUES:

- 1) Discuss any hazardous materials present including any underground storage tanks, hazardous building materials such as asbestos and lead that are present, or hazardous waste sites.

G. PUBLIC INVOLVEMENT ISSUES:

Depending on the type of project, there may be minimal public notification (e.g., newspaper announcement) or there may be considerable public involvement (e.g., public hearings or town hall or neighborhood meetings). The level of public notification should be included in the documentation, including dates and copies of any notices.

NOTE: This section provides the basic information required by FEMA to determine the level of environmental/historical compliance issues that must be addressed before the project can be approved. Being clear and thorough in your explanations can avoid unnecessary delays in project approval.

ITEM 11. RECORD OF ENVIRONMENTAL CONSIDERATIONS FORM:

TIP: The more clearly you explain your results in the comments box or each section – the easier it is for FEMA to evaluate your project.

Record of Environmental Consideration

See 44 Code of Federal Regulation Part 10.

Project Name/Number:

Project Location:

Project Description:

I. Compliance Review for Environmental Laws (other than NEPA)

A. National Historic Preservation Act

- Not type of activity with potential to affect historic properties. **(Review Concluded)**
- Applicable executed Programmatic Agreement (insert date) Otherwise, conduct standard Section 106 review.
 - Activity meets Programmatic Allowance # _____
Are project conditions required? Yes (see section V) No **(Review Concluded)**

HISTORIC BUILDINGS AND STRUCTURES

- No historic properties that are listed or 45/50 years or older in project area. **(Review Concluded)**
- Building or structure listed or 45/50 years or older in project area and activity not exempt from review.
 - Determination of No Historic Properties Affected (FEMA finding/SHPO/THPO concurrence on file)
Are project conditions required? Yes (see section V) No **(Review Concluded)**
 - Determination of Historic Properties Affected (FEMA finding/SHPO/THPO concurrence on file)
 - Property a National Historic Landmark and National Park Service was provided early notification during the consultation process. If not, explain in comments
 - No Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence on file).
Are project conditions required? Yes (see section V) No **(Review Concluded)**

Adverse Effect Determination (FEMA finding/SHPO/THPO concurrence on file)

Resolution of Adverse Effect completed. (MOA on file)
Are project conditions required Yes (see section V) No
(Review Concluded)

ARCHEOLOGICAL RESOURCES

Project affects only previously disturbed ground. **(Review Concluded)**

Project affects undisturbed ground.

Project area has no potential for presence of archeological resources
 Determination of no historic properties affected (FEMA finding/SHPO/THPO concurrence or consultation on file). **(Review Concluded)**

Project area has potential for presence of archeological resources
 Determination of no historic properties affected (FEMA finding/SHPO/THPO concurrence on file)
Are project conditions required Yes (see section V) No **(Review Concluded)**

Determination of historic properties affected
 NR eligible resources not present (FEMA finding/SHPO/THPO concurrence on file).

Are project conditions required Yes (see section V) No
(Review Concluded)

NR eligible resources present in project area. (FEMA finding/SHPO/THPO concurrence on file)

No Adverse Effect Determination. (FEMA finding/SHPO/THPO concurrence on file)

Are project conditions required? Yes (see section V) No
(Review Concluded)

Adverse Effect Determination. (FEMA finding/SHPO/THPO concurrence on file)

Resolution of Adverse Effect completed. (MOA on file)
Are project conditions required? Yes (see section V) No

(Review Concluded)

Comments:

Correspondence/Consultation/References:

B. Endangered Species Act

No listed species and/or designated critical habitat present in areas affected directly or indirectly by the Federal action. **(Review Concluded)**

Listed species and/or designated critical habitat present in the areas affected directly or indirectly by the Federal action.

No effect to species or designated critical habitat. (See comments for justification)

Are project conditions required? Yes (see section V) No **(Review**

Concluded)

May affect, but not likely to adversely affect species or designated critical habitat (FEMA determination/USFWS/NMFS concurrence on file) **(Review Concluded)**

Are project conditions required? Yes (see section V) No **(Review**

Concluded)

Likely to adversely affect species or designated critical habitat

Formal consultation concluded. (Biological Assessment and Biological Opinion on file)

Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments:

Correspondence/Consultation/References:

C. Coastal Barrier Resources Act

Project is not on or connected to CBRA Unit or Otherwise Protected Area **(Review Concluded)**.

Project is on or connected to CBRA Unit or Otherwise Protected Area. (FEMA determination/USFWS consultation on file)

Proposed action an exception under Section 3505.a.6? **(Review Concluded)**

Proposed action not excepted under Section 3505.a.6.

Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments:

Correspondence/Consultation/References:

D. Clean Water Act

Project would not affect any waters of the U.S. **(Review Concluded)**

Project would affect waters, including wetlands, of the U.S.

Project exempted as in kind replacement or other exemption. **(Review**

Concluded)

Project requires Section 404/401/or Section 9/10 (Rivers and Harbors Act) permit, including qualification under Nationwide Permits.

Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments:

Correspondence/Consultation/References:

E. Coastal Zone Management Act

Project is not located in a coastal zone area and does not affect a coastal zone area **(Review concluded)**

Project is located in a coastal zone area and/or affects the coastal zone

State administering agency does not require consistency review. **(Review Concluded)**.

State administering agency requires consistency review.

Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments:
Correspondence/Consultation/References:

F. Fish and Wildlife Coordination Act

Project does not affect, control, or modify a waterway/body of water. **(Review Concluded)**

Project affects, controls or modifies a waterway/body of water.

Coordination with USFWS conducted

No Recommendations offered by USFWS. **(Review Concluded)**

Recommendations provided by USFWS.

Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments:
Correspondence/Consultation/References:

G. Clean Air Act

Project will not result in permanent air emissions. **(Review Concluded)**

Project is located in an attainment area. **(Review Concluded)**

Project is located in a non-attainment area.

Coordination required with applicable state administering agency..

Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments:
Correspondence/Consultation/References:

H. Farmland Protection Policy Act

Project does not affect designated prime or unique farmland. **(Review Concluded)**

Project causes unnecessary or irreversible conversion of designated prime or unique farmland.

Coordination with Natural Resource Conservation Commission required.

Farmland Conversion Impact Rating, Form AD-1006, completed.

Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments:
Correspondence/Consultation/References:

I. Migratory Bird Treaty Act

- Project not located within a flyway zone. **(Review Concluded)**
 Project located within a flyway zone.
 Project does not have potential to take migratory birds. **(Review Concluded)**
Are project conditions required? Yes (see section V) No **(Review**

Concluded)

- Project has potential to take migratory birds.
 Contact made with USFWS
Are project conditions required? YES (see section V) NO **(Review**
Concluded)

Comments:

Correspondence/Consultation/References:

J. Magnuson-Stevens Fishery Conservation and Management Act

- Project not located in or near Essential Fish Habitat. **(Review Concluded)**
 Project located in or near Essential Fish Habitat.
 Project does not adversely affect Essential Fish Habitat. **(Review Concluded)**
Are project conditions required? Yes (see section V) No **(Review**

Concluded)

- Project adversely affects Essential Fish Habitat (FEMA determination/USFWS/NMFS concurrence on file)
 NOAA Fisheries provided no recommendation(s) **(Review Concluded).**
Are project conditions required? Yes (see section V) No **(Review**

Concluded)

- NOAA Fisheries provided recommendation(s)
 Written reply to NOAA Fisheries recommendations completed.
Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments:

Correspondence/Consultation/References:

K. Wild and Scenic Rivers Act

- Project is not along and does not affect Wild or Scenic River (WSR) - **(Review**
Concluded)
 Project is along or affects WSR
 Project adversely affects WSR as determined by NPS/USFS. **FEMA cannot fund the action.** (NPS/USFS/USFWS/BLM consultation on file) **(Review**
Concluded)
 Project does not adversely affect WSR. (NPS/USFS/USFWS/BLM consultation on file)
Are project conditions required? YES (see section V) NO **(Review**

Concluded)

Comments:

Correspondence/Consultation/References:

L. Other Relevant Laws and Environmental Regulations

Identify relevant law or regulations, resolution and any consultation/references

II. Compliance Review for Executive Orders

A. E.O. 11988 - Floodplains

No Effect on Floodplains/Flood levels and project outside Floodplain - **(Review Concluded)**

Located in Floodplain or Effects on Floodplains/Flood levels

No adverse effect on floodplain and not adversely affected by the floodplain.

(Review Concluded),

Are project conditions required? Yes (see section V) No **(Review Concluded)**

Beneficial Effect on Floodplain Occupancy/Values **(Review Concluded)**.

Possible adverse effects associated with investment in floodplain, occupancy or modification of floodplain environment

8 Step Process Complete - documentation on file

Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments:

Correspondence/Consultation/References:

B. E.O. 11990 - Wetlands

No Effects on Wetland(s) and project located outside Wetland(s) - **(Review Concluded)**

Located in Wetland or effects Wetland(s)

Beneficial Effect on Wetland - **(Review Concluded)**

Possible adverse effect associated with constructing in or near wetland

Review completed as part of floodplain review

8 Step Process Complete - documentation on file

Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments:

Correspondence/Consultation/References:

C. E.O. 12898 - Environmental Justice For Low Income and Minority Populations

No Low income or minority population in, near or affected by the project - **(Review Concluded)**

Low income or minority population in or near project area

No disproportionately high and adverse impact on low income or minority population- **(Review Concluded)**

Disproportionately high or adverse effects on low income or minority population

Are project conditions required? YES (see section V) NO **(Review Concluded)**

Comments:
Correspondence/Consultation/References:

III. Other Environmental Issues

Identify other potential environmental concerns in the comment box not clearly falling under a law or executive order (see environmental concerns scoping checklist for guidance).

Comments:
Correspondence/Consultation/References:

IV. Extraordinary Circumstances

Based on the review of compliance with other environmental laws and Executive Orders, and in consideration of other environmental factors, review the project for extraordinary circumstances.

* A "Yes" under any circumstance may require an Environmental Assessment (EA) with the exception of (ii) which should be applied in conjunction with controversy on an environmental issue. If the circumstance can be mitigated, please explain in comments. If no, leave blank.

Yes

- (i) Greater scope or size than normally experienced for a particular category of action
- (ii) Actions with a high level of public controversy
- (iii) Potential for degradation, even though slight, of already existing poor environmental conditions;
- (iv) Employment of unproven technology with potential adverse effects or actions involving unique or unknown environmental risks;
- (v) Presence of endangered or threatened species or their critical habitat, or archaeological, cultural, historical or other protected resources;
- (vi) Presence of hazardous or toxic substances at levels which exceed Federal, state or local regulations or standards requiring action or attention;
- (vii) Actions with the potential to affect special status areas adversely or other critical resources such as wetlands, coastal zones, wildlife refuge and wilderness areas, wild and scenic rivers, sole or principal drinking water aquifers;
- (viii) Potential for adverse effects on health or safety; and
- (ix) Potential to violate a federal, state, local or tribal law or requirement imposed for the protection of the environment.
- (x) Potential for significant cumulative impact when the proposed action is combined with other past, present and reasonably foreseeable future actions,

even though the impacts of the significant by themselves.

proposed action may not be

Comments:

NEPA Coordination Letters

Based on the completed Record of Environmental Consideration form, the State and FEMA project review will identify those agencies who must be contacted for the completion of the environmental analysis of the project application. The types of agencies or groups whose coordination will be requested will vary depending on the type of project and potential environmental impacts.

REMINDER – PLEASE DO NOT CONTACT THE ENVIRONMENTAL AGENCIES UNTIL YOUR PROJECT HAS BEEN SELECTED BY THE STATE AND YOU RECEIVE SPECIFIC INSTRUCTIONS.

Guidance to the applicant will be provided and response letters requested from specific agencies after the project selection at the State. Appropriate agencies for coordination could include:

- A. Texas Parks and Wildlife Department for impacts to endangered and threatened species and critical habitat as well as fish and wildlife conservation issues.
- B. Texas Historical Commission for impacts to historic and archaeological resources. This agency has information on properties currently listed on the National Register of Historic Places as well as properties being considered for local, State, and Federal listing. A letter from the **STATE HISTORICAL PRESERVATION OFFICER (SHPO)** is mandatory for the application submission of all projects, and the list of addresses involved must be incorporated in the body of the letter not attached.
- C. General Land Office for compliance with Coastal Zone Management programs. A 'favorable' comment from the GLO is required for final approval of projects that take place in the Coastal Management Zone.
- D. Texas Water Development Board for compliance with floodplain management regulations
- E. Texas Commission on Environmental Quality for compliance with water contamination and debris removal issues.

- F. Natural Resources Conservation Services, USDA/NRCS for potential impacts to identified or proposed wild and scenic rivers or other wilderness areas.
- G. U.S. Army Corps of Engineers to identify potential impacts on wetlands or waters of the U. S.; USACE may require a permit for construction in navigable waters or a permit for discharge of material into waters of the U.S.

NOTE: The project applications will not be approved and funded until the requested responses have been returned, and any issues resolved. The information provided will be analyzed at both the State and regional FEMA levels to determine if there will be significant environmental impacts resulting from the proposed project and could require that additional conditions and requirements be attached to the project.

AFTER – THE REVIEW IS COMPLETED SPECIFIC INSTRUCTIONS WILL BE GIVEN AS TO WHICH AGENCIES MUST BE CONTACTED FOR THE PROJECT.

Each agency must be sent the following information:

1. A copy of the project narrative
2. A **COLOR** TOPO map (not a copy) with location information – one can be acquired at no cost on TOPOZONE.COM
3. Project lat/long in decimal degrees (5 places)
4. Pictures of the project or project area