



DR-4833

# SAN CARLOS APACHE TRIBE WATCH FIRE FEDERAL EMERGENCY MANAGEMENT AGENCY ENVIRONMENTAL CONSIDERATIONS GREENSHEET



## Environmental and Historic Preservation and Disaster Recovery

As with all federal funding, certain environmental and historic preservation requirements must be fulfilled as you repair and rebuild your community. This brochure is provided to help you better understand environmental factors that you must consider as you apply for FEMA funding.

The information and assistance described here will help avoid any environmental roadblocks or time delays.

The most important message is that we are available to help you with all environmental requirements. Contained here are facts, procedures, and contacts to help you through the process.

Please identify any potential en-

vironmental concerns or problems and discuss these with our environmental and historic preservation staff as soon as possible. This will help us address issues and expedite funding.

Our work is under the direction of FEMA Federal Coordinating Officer Benigno Ruiz. We also coordinate closely with Tribal Emergency Management.

As the FEMA Region 9 Regional Environmental Officer, I pledge to assist you in understanding and complying with all environmental requirements.

Please contact myself, the FEMA EHP staff, or FEMA Public Assistance for any environmental or historic preservation questions.

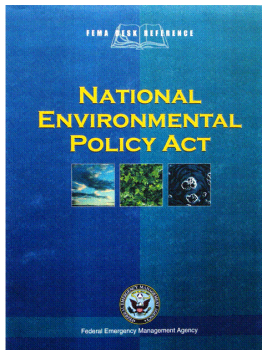


Sincerely,

*Jeffrey Smyly*  
Regional Environmental Officer

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U.S. Department of Homeland Security  
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Oakland, California 94607-4052  
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## Environmental Laws and Project Requirements



In addition to NEPA, listed below are the other primary environmental laws and executive orders that come into play when rebuilding or replacing a "public assistance" facility. Some activities can proceed without environmental or historic review, others require some environmental consideration, and in

some of the major projects, consultation with other Federal agencies, and FEMA is necessary before construction begins.

Failure to comply with applicable environmental and historic laws could jeopardize or delay potential funding.

### Federal Laws Include

- Endangered Species Act
- National Historic Preservation Act
- Clean Water Act (Section 404)
- Resource Conservation and Recovery Act
- Executive Order 11988 - Floodplain Management
- Executive Order 11990 - Wetlands Protection
- Executive Order 12898 - Environmental Justice

### Some projects proceed without complex review

- Emergency Protective Actions and Debris Removal from Rights-of-Way
- Repairs to pre-disaster condition or temporary repairs (unless older than 45 yrs)

### Some projects require various levels of review

- Debris removal that includes ground disturbing activity
- Where the footprint is different than pre-disaster conditions
- Involving hazard mitigation
- Involving threatened or endangered species, wetlands or floodplains

### Some projects require review and consultation

- Improved or alternate projects
- Other projects where the scope of work has changed

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

### Waterways, Including Culverts and Bridges

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 (natural waters including small streams, lakes, and wetlands) as well as isolated man-made waters. The U.S. Army Corps of Engineers (USACE) administers both laws.

Examples of actions requiring permits include any temporary or permanent construction, demolition, and any dredging or filling in any part of surface water tributaries or systems, including cutting roads and repair of damaged facilities. Debris removal below the ordinary high watermark may require permitting as well.

For projects involving work proposed or completed in a waterway, and for repairs to previously authorized serviceable structures deviating from their original dimensions in any way (i.e. size, length, depth, profile, type, etc.), a new or modified permit from the USACE may be required.



Floodplain Map

### Floodplains and Wetlands

FEMA reviews all projects that take place in the **floodplain** as required by Executive Order 11988. For major projects, this could require the "8-step Process," which evaluates practicable alternatives and includes public review.

As with floodplains, per Executive Order 11990, an "8-step Process" may be required whenever a project has the potential to modify a **wetland**. Project approvals and permits may be required from the USACE.

Some projects are exempt from floodplain review, including debris removal and repairs or replacements when the cost is less than \$18,000.

Debris should never be stored in a wetland, even on a temporary basis. Debris removal from a wetland should be coordinated with the USACE and the US Fish & Wildlife Service (USFWS).

Project approvals and permits are often needed from the USACE.



**Cactus Ferruginous Pygmy Owl.** Photo: Rachel Laura/USFWS

### Threatened and Endangered Species

Under the Endangered Species Act, any project that may have the potential to affect federally threatened or endangered species must coordinate with the USFWS to develop measures to avoid and/or minimize impacts to such species. **Endangered species** are in danger of extinction throughout the area and habitats in which they usually occur. **Threatened species** are those that could become endangered in the near future. Arizona has over 60 federally endangered, threatened, proposed or candidate species (listed species).

It is very important to know whether a proposed project might impact one or more listed species or designated critical habitat. Applicants should contact experts at FEMA, or the USFWS, who can help determine if a listed species or critical habitat may be affected by a proposed project. For information on listed species included in areas within DR-4833, consult the following:

**USFWS Arizona Ecological Services Field Office** (<https://www.fws.gov/office/arizona-ecological-services>)

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## Historic Preservation and Tribal Relations

Any proposed project which may affect historic properties must be reviewed by FEMA and the San Carlos Apache Tribe Historic Preservation Officer (THPO) in accordance with the National Historic Preservation Act (NHPA).

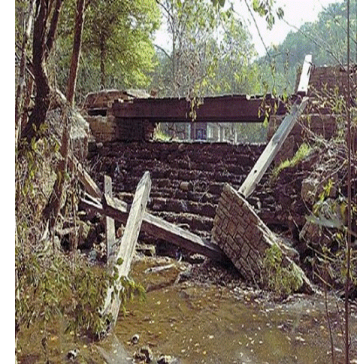
Under the NHPA, a **historic property** is any historic building, site, district, structure or object significant in American history, architecture, archaeology, engineering and culture.

Any structure (e.g., buildings, walls, bridges, culverts) **45 years old** or older may be eligible for listing on the National Register of Historic Places. Archaeological resources also require special attention. Paramount among these are cultural resources important to the San Carlos Apache Tribe.

Any proposed project that may alter a previously undisturbed ground (e.g., relocating a utility, road realignment, a material borrow area for construction, debris removal or preparation of debris staging, stockpiling or burning sites) must consider potential effects to historic properties and Tribal resources.

Land that has been plowed or used for agriculture is not considered previously disturbed and must be evaluated.

Different measures can be taken if historic and Tribal resources are affected. It is important to involve FEMA and the San Carlos Apache Tribe THPO office to make these determinations, and to decide what measures, if any, are to be taken.



**Damaged historic dam**

## Debris Disposal and Hazardous Materials

For any debris removal projects, applicants must consider hazardous waste and follow the disposal guidance provided by the Tribe's Waste Management Plan or disposal guidance provided by FEMA. The FEMA Debris Monitoring Guide (March 2021) is available at: [https://www.fema.gov/sites/default/files/documents/fema\\_debris-monitoring-guide\\_sop\\_3-01-2021.pdf](https://www.fema.gov/sites/default/files/documents/fema_debris-monitoring-guide_sop_3-01-2021.pdf)

No contact, approval or permits are needed to take solid waste debris to a licensed landfill or approved construction and demolition landfill. If sandbags have been used, information on how to properly dispose of them is in the guidance listed above.

Asbestos, if present, must be removed prior to building demolition. Clean up and disposal of hazardous materials re-

quires careful considerations. Guidance for emergency response and disposal of hazardous materials is provided by the EPA on the following website: <https://www.epa.gov/asbestos/overview-asbestos-national-emission-standards-hazardous-air-pollutants-neshap>

FEMA's Public Assistance Debris Management Guide can be found on the website: <https://www.fema.gov/assistance/public>

## Other Considerations



**Hazard mitigation projects** reduce the threat of future damage. Retrofitting for wind damage or elevating for flood protection are examples. All hazard mitigation projects will be subject to a thorough review by FEMA as they usually involve ground disturbance.



Projects involving **any ground disturbance** outside previously disturbed footprint, even if within the right-of-way (including facility realignment, borrow areas, utility burial, utility pole replacement, access roads, etc.) may require archaeological review prior to construction.

**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.

**The Heritage Emergency National Task Force (HENTF)** is a partnership between FEMA and the Smithsonian Institution with members from over 60 federal agencies and national service organizations. After a disaster, HENTF can provide technical assistance to Tribal governments regarding the salvage of records and collections. HENTF's online resources are located here: <https://culturalrescue.si.edu/>

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## CONTACTS

This publication presents an overview of the many laws and requirements for environmental clearance of FEMA Public Assistance projects. There are many other details not here that may prove useful for environmental compliance. The FEMA staff in Region 9 are available to answer any questions you may have and to direct you to other resources that may be needed to ensure that all environmental considerations are explored for FEMA funded projects.

### FEMA Region 9 Environmental/Historic Preservation

#### **Jeffrey Smyly**

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jeffrey.smyly@fema.dhs.gov

### Heritage Emergency National Task Force

#### **Lori Foley, Coordinator**

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(202) 826-6303  
<https://culturalrescue.si.edu/who-we-are/hentf>

### **Mary (Tess) Johnson**

EHP Advisor  
1111 Broadway, Suite 1200  
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(202) 341-2109  
mary.johnson@fema.dhs.gov

### U.S. Army Corps of Engineers - Regulatory Program

Regulatory Division, Arizona Branch  
Los Angeles District, U.S. Army Corps of Engineers  
splregulatoryaz@usace.army.mil

### FEMA Region 9 Tribal Liaison

#### **Pamela Joe**

Regional Tribal Liaison - Arizona  
National Preparedness Division  
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pamela.joe@fema.dhs.gov

### **Christina Schroeder**

Regulatory New Mexico/Texas Branch Chief  
Albuquerque District, U.S. Army Corps of Engineers  
SPA-RD-NN@usace.army.mil

### FEMA Region 9 Flood Mitigation & Insurance

1111 Broadway, Suite 1200  
Oakland, CA 94607-4052  
(510) 627-7184

### U.S. Fish and Wildlife Service

#### **Nichole Engelmann**

Wildlife Biologist  
9828 North 31st Avenue #C3  
Phoenix, Arizona 85051-2517  
(480) 734-6958  
nichole\_engelmann@fws.gov  
[www.fws.gov/southwest](http://www.fws.gov/southwest)

### San Carlos Apache Tribe Historic Preservation and Archeology

#### **Vernelda Grant, Director**

Tribal Historic Preservation Officer/NAGORA Rep.  
San Carlos Apache Tribe  
P.O. Box 0  
San Carlos, Arizona 85550  
(928) 961-3380  
apachevern@yahoo.com  
<https://www.scatsn.gov/archeology-2/>

### Environmental Protection Agency Region 9

75 Hawthorne Street  
San Francisco, CA 94105  
(415) 947-8000  
Asbestos questions; (415) 947-8704  
Green Book Nonattainment Areas  
[www.epa.gov/green-book](http://www.epa.gov/green-book)

### San Carlos Apache Tribe Department of Environmental Protection

#### **Christy Sangster-Begay, Director**

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