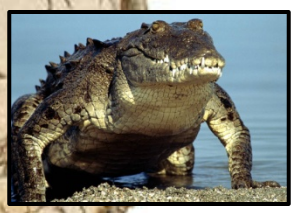
FDEM

The Florida Greenbook: Environmental and Historic Preservation Compliance



Florida Division of Emergency Management

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The Florida Greenbook:
Environmental and Historic Preservation Compliance

Florida Division of Emergency Management
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100
http://www.floridadisaster.org

Contributing Authors:

Henry Hernandez
Ginger Shirah
Rick Knowles
Adele Balmer

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INTRODUCTION

It is the goal of the National Environmental Policy Act (NEPA), which includes the environmental and historic preservation review process, to ensure the environment is considered before any federal action or funding is implemented. At the Florida Division of Emergency Management (FDEM) it is important that as we prepare for, recover from, and mitigate against disasters, NEPA compliance requirements are met. The Federal Emergency Management Agency (FEMA) and the State of Florida jointly fund eligible, cost-effective, and environmentally, culturally, and historically sound projects. The review process evaluates FEMA funded projects for compliance with federal, state and local laws designed to protect citizens, the environment, and cultural and historic resources.

The Florida Greenbook: Environmental and Historic Preservation Compliance was prepared to provide an overview of the environmental review process. The objectives of this guide are as follows:

- Provide a review of federal environmental laws and executive orders.
- Provide a review of historic preservation laws and executive orders.
- Define the roles and responsibilities of the applicant, State, and FEMA.
- Outline the environmental review process by project type.

All FDEM projects that receive any federal funding are subject to review for environmental and historic preservation compliance. NEPA mandates that any project using federal funding is legally required to undergo environmental review.

Failure to complete the proper environmental review could result in delays or jeopardize federal funding. If the project is implemented before NEPA review has been completed, funding may be denied. No funds for project costs will be released until the environmental review is complete and the project has been obligated by FEMA.

Ghost Orchid (Dendrophylax lindenii)
Endangered species - native to the Everglades and other South Florida wetlands

FEDERAL ENVIRONMENTAL LAWS

The following section will provide an overview of the federal environmental laws which may apply to projects seeking federal reimbursement. NEPA applies to all federal projects. Other laws may apply to specific project types, locations, and potential resources. These laws are generally addressed during the NEPA review process. ***Appendix A*** contains contact information for all review/regulatory agencies.

In addition to the NEPA review process the project must meet all applicable federal, state and local environmental laws and regulations.

National Environmental Policy Act

NEPA was established to create a cohesive national environmental policy and to provide federal agencies with a decision-making process to protect and maintain the environment. NEPA stipulates that prior to funding or implementing an action, federal agencies must consider the effect the proposed undertaking may have on the environment. Under this legislation, agencies are required to address each project on a larger scale, taking into account all consequences as well as the effect of accumulated impacts on the environment. Through NEPA's mandate for public disclosure, the public must be given an opportunity to participate in the decision-making process. NEPA requires not only that the proposed action be evaluated, but that several alternatives are evaluated, including a no action alternative. A review of an action under the NEPA process has several possible outcomes:

- Statutory Exclusion (STATEX)
  An action may be exempt from review under NEPA. Only Congress can statutorily exclude an action. For a complete list of excluded actions, please see 44 CFR 10.8 (c). Generally these are emergency actions (i.e., life and safety issues, search and rescue), debris removal, and repair or restoration to pre-disaster condition. **However, exemption from further NEPA review does not preclude compliance with all other laws.**

- Categorical Exclusion (CATEX)
  A categorical exclusion is a list of actions that FEMA has determined to have no significant impact on the environment. Currently FEMA has 19 categories of actions which include such things as studies, acquisitions, elevations, retrofits, and small-scale construction. Please see 44 CFR 10.8 (d)(2) for details.

- Environmental Assessment (EA)/FONSI/NOI-EIS
  An EA is a brief and concise review to determine if an action (project) will have a significant effect on the environment. The project applicant prepares the EA, which is then submitted to FEMA for evaluation. FEMA can either grant a Finding of No Significant Impact (FONSI), thus concluding the environmental review process, or a Notice of Intent to prepare an Environmental Impact Statement (EIS).

- Environmental Impact Statement (EIS)
  An EIS is a much more extensive review of impacts analyzing and documenting the impact the action will have on the environment. A Record of Decision (ROD) is prepared which outlines the necessary actions that must be taken.

Reviewing Agency:

- Federal Emergency Management Agency

Clean Water Act

The Clean Water Act (CWA) was enacted to control industrial and municipal water pollution and requires states to set minimum water quality standards. It established a system requiring permits for specific regulated activities, regardless of the existence of federal funding. Section 401 allows for states to set and monitor their own water quality standards. Section 404 of the Act mandates that discharge of dredged and fill material in any part of wetlands or water bodies requires appropriate permits. Applicants are responsible for obtaining and complying with all required permits from the appropriate regulatory agencies.

Regulatory Agency (ies):

- U.S. Army Corps of Engineers
- Florida Department of Environmental Protection
- Florida Water Management Districts

Endangered Species Act

The Endangered Species Act (ESA) creates a program for the conservation and protection of threatened and endangered species. In addition, the law protects against the destruction or modification of critical habitat of threatened and endangered species.

Reviewing Agency (ies):

- U.S. Fish and Wildlife Service
- NOAA/National Marine Fisheries Service
- Florida Fish and Wildlife Conservation Commission

Florida Black Bear (Ursus americanus floridanus)
Native endangered species

Fish and Wildlife Coordination Act

The Fish and Wildlife Coordination Act (FWCA) establishes a review process to protect fish and wildlife and their habitat from the impact of water resources development projects. The Act requires consideration of the effect that water-related projects will have on fish and wildlife resources. Exempt from the provisions of this act are impoundments less than 10 acres and land management programs by federal agencies on federal land. This act requires mitigation for project-related losses.

Reviewing Agency (ies):

- U.S. Fish and Wildlife Service
- NOAA/National Marine Fisheries Service

Clean Air Act

The Clean Air Act (CAA) was passed to maintain and protect the quality of air resources. The Act sets requirements which apply to debris burning, demolition of properties, and construction dust.

Regulatory Agency (ies):

- Florida Department of Environmental Protection
- Florida Division of Forestry
- U.S. Environmental Protection Agency

Executive Order 11988: Floodplain Management

The Floodplain Management Executive Order was issued to avoid or minimize long and short-term adverse impacts associated with the occupancy and modification of floodplains. For most projects, the floodplain is delineated by the 100-year flood line, but for critical projects, such as fire stations, schools and hospitals, the 500-year flood line demarcates the floodplain. This Executive Order also requires federal agencies to avoid direct or indirect support of floodplain development if practicable alternatives exist.

Reviewing Agency:

- Federal Emergency Management Agency

Eight-Step Planning Process for Compliance with Executive Order 11988 and 11990

1. Determine project location
2. Encourage public involvement
3. Identify and evaluate alternatives
4. Minimize impacts
5. Re-evaluate alternatives
6. Issue findings and provide public explanation
7. Identify all potential impacts
8. Comply with Executive Orders

Executive Order 11990: Wetland Protection

The Wetland Protection Executive Order was issued to avoid the adverse impacts associated with the destruction or modification of wetlands. Alternatives and mitigation measures must be taken into account by federal agencies if wetlands would be impacted as a result of their actions. The process is similar to EO 11988

Reviewing Agency:

- Federal Emergency Management Agency

Farmland Protection Policy Act

The purpose of the Farmland Protection Policy Act (FPPA) is to minimize the unnecessary conversion of “prime” or “unique” farmland for non-agricultural uses.

Reviewing Agency:

- Natural Resources Conservation Service

Coastal Barrier Resources Act

The Coastal Barrier Resources Act (CBRA) was enacted to protect coastal barrier islands and their resources. The Act also creates the Coastal Barrier Resources System. Under CBRA, there are strict limitations on federal expenditures in designated CBRA units; however there are certain project specific allowances on a project by project basis.

Regulatory Agency:

- U.S. Fish and Wildlife Service

Coastal Zone Management Act

The Coastal Zone Management Act (CZMA) creates a comprehensive management program for states to preserve and protect coastal resources such as wetlands, floodplains, estuaries, beaches, dunes, barrier islands, and coral reefs, as well as the fish and wildlife using those habitats.

Regulatory Agency (ies):

- Florida Department of Environmental Protection
- Florida Water Management Districts

Loxahatchee River

Wild and Scenic Rivers Act

The Wild and Scenic Rivers Act (WSRA) protects free-flowing rivers and establishes a classification system as wild, scenic and recreational. There are two bodies of water falling under this act in Florida, the Loxahatchee River and Wekiva River.

Reviewing Agency (ies):

- U.S. Army Corps of Engineers
- U.S. Fish and Wildlife Service
- National Park Service
- U.S. Forest Service

National Historic Preservation Act

Section 106 of the National Historic Preservation Act (NHPA) requires that federal agencies consider the effect of an action on a property listed or eligible for listing on the National Register of Historic Places. These properties include historic, archeological, architectural, engineering, or cultural sites or objects. Examples of historic properties include homes, buildings, and bridges.

Reviewing Agency (ies):

- State Historic Preservation Office
- Tribal Historic Preservation Office
- Advisory Council on Historic Preservation

Fort Jefferson Lighthouse

Executive Order 13175: Consultation and Coordination with Indian Tribal Governments

The Tribal Consultation and Coordination with Indian Tribal Governments Executive Order was issued to establish regular and meaningful consultation and collaboration with Tribal Officials in the development of Federal Policies that have tribal implications. This includes federal actions on Tribal ancestral lands.

Reviewing Agency:

- Tribal Historic Preservation Office

Executive Order 12988: Environmental Justice

Executive Order 12988: Environmental Justice is defined as the fair treatment of people of all races, cultures, and income with respect to the development, implementation, and enforcement of environmental laws, regulations, programs and policies.

Reviewing Agency:

- Federal Emergency Management Agency

Migratory Bird Treaty Act

The Migratory Bird Treaty Act (MBTA) is a treaty between the United States, Canada, Mexico, Japan, and Russia. This act protects migratory birds by making it illegal "to pursue, hunt, shoot, wound, kill, trap, capture, or collect, or any attempt to carry out these activities" without a take permit. The list of birds was revised in 2010 to protect over 1000 species of birds, but does allow 170 species of game birds to be hunted seasonally and with permits.

Reviewing Agency:

- NOAA/National Marine Fisheries Service

Magnuson-Stevens Fishery Conservation and Management Act

The Magnuson-Stevens Fishery Conservation and Management Act (MSA) was enacted to protect the United States fisheries. The aim of the Act is to decrease overfishing, and encourage conservation and protection of essential fish habitat. The original act also phased out foreign fishing in United States waters.

Reviewing Agency:

- U.S. Fish and Wildlife Service

Florida Burrowing Owl (*Athene cunicularia)*
Native species of "special concern

Six Things that Can Delay and/or Defund Your Project

1. Thinking your project does not need environmental and historic review.
2. Starting your project BEFORE the environmental review is complete.
3. Assuming that because your project is statutorily excluded it does not have to comply with environmental laws.
4. Not providing a defined scope of work and project location.
5. Not informing the State/FEMA of any changes in the scope of work before initiating any changes.
6. Not adhering to ALL conditions of environmental permits received.

ENVIRONMENTAL REVIEW ROLES AND RESPONSIBILITIES

The environmental review process is a team effort. The following table outlines the role and responsibilities of the applicant, State, and FEMA.

Applicant	• Submit a complete project worksheet or mitigation application package. • Coordinate project review with necessary regulatory agencies and obtain concurrence/permits.
State Agency	• Review application package for completeness to ensure necessary environmental review information and documentation is included. • Determine project review requirements by federal and state agencies. • Conduct site inspection and provide technical assistance to applicant, if necessary. • Coordinate with local, state, and federal agencies.
FEMA	• Ensure project complies with federal laws and executive orders. • Conduct site inspections with the State, as needed. • Provide technical assistance to the State and applicant, if necessary. • Coordinate consultations with other federal agencies, if necessary.

Everglades (The River of Grass)

GENERAL ENVIRONMENTAL GUIDANCE FOR APPLICANTS

A complete project scope of work must be submitted to the State to include following information:

- Purpose and need of project
- Detailed, accurate project description or scope of work
- Documentation – Maps, including FIRM map, plans, drawings, permits, and studies
- Project alternatives (if applicable)
- Project location (narrative)
- Project area maps (with project site marked)
- Accurate project location latitude and longitude in decimal degrees
- Project horizontal limits and vertical depths of ground disturbance.
- Photographs
- Preliminary project plans (if applicable)
- Public Notice (if applicable)

For Public Assistance eligibility questions or requirements, please refer to the Public Assistance Guide FEMA 322.

for Mitigation projects, refer to the Hazard Mitigation Grant Program (HMGP) or Hazard Mitigation Funding Under Section 406 (Stafford Act).

FEMA review requirements can vary a great deal from project to project. The following are different review levels by project type.

Emergency Actions (e.g., search and rescue, emergency care, life and safety issues):

- Debris removal (not necessarily storage, staging, or disposal)
- Repairs/restoration to pre-disaster condition (with no footprint change, including the construction limit of disturbance), unless the structure is 50 years or older or has historical significance
- Temporary repairs, unless the structure is 50 years or older or has historical significance

Before the following projects can be implemented, all applicable environmental and historic preservation considerations must be addressed:

- Debris staging and disposal (other than to an appropriately permitted landfill)
- Any project where the footprint is different than pre-disaster condition
- Projects with Section 406 mitigation
- Any project affecting a site 50 years or older or has historical significance
- Any project affecting a state or federal listed or proposed threatened, endangered, or other protected species or habitat
- Any project affecting a wetland or a body of water
- Any project affecting a floodplain
- Any project with known or potential environmental concerns

The following actions, whether approved by the State or FEMA, must have an environmental review completed by FEMA before physical work can start:

- Improved projects
- Alternate projects
- Projects where the scope of work has been changed

SPECIAL ENVIRONMENTAL REVIEW REQUIREMENTS FOR HAZARD MITIGATION GRANT PROJECTS

Florida State Clearinghouse Review for Hazard Mitigation Grant Program

The Florida State Clearinghouse (SCH) a streamlined review process for state agency involvement in determining consistency with state laws, policies, plans and programs. The Clearinghouse was created by Presidential Executive Order 12372 and Governor's Executive Order 95-359, reviews all federal assistance applications for compatibility with these Executive Orders. The Clearinghouse also reviews projects, programs and documents under the National Environmental Policy Act (environmental assessments, environmental impact statements, etc.), the National Historic Preservation Act, and the federal Coastal Zone Management Act and determines compliance and consistency with the Florida Coastal Management Program (FCMP).

The Clearinghouse routes projects to various state agencies depending on the type of project and its location. Typical agencies include:

Florida Department of Environmental Protection (FDEP)
Florida Department of Transportation (FDOT)
State Historic Preservation Officer (SHPO)
Water Management District (as applicable)
Florida Coastal Zone Management Program (a division of FDEP)
Regional Planning Council (as applicable)
Florida Fish and Wildlife Conservation Commission (FWC)
Governor's Office of Planning and Budgeting
Florida Department of Agriculture and Consumer Services (DACS)

The Clearinghouse review process takes about 60 days. Project types, which are forwarded to the Clearinghouse for consistency determination, include small-scale drainage improvement projects, road elevations and other projects as necessary. Projects disturbing new ground or impacting historic structures will require a review from the Clearinghouse. At the end of the Clearinghouse review, the applicant will be issued a clearance letter, which informs the applicant of potential concerns or inconsistencies regarding the proposed activity. The clearance letter will also include information on obtaining necessary state permits and will inform the applicant if there is a need to submit additional information for review. Please visit the DEP Clearinghouse Manual for more information. Permits and exemptions from the Florida Dept. of Environmental Protection or the Water Management Districts constitute CZMA consistency and compliance.

Florida's Old Capitol Building
Tallahassee, Florida

Public Notice
A public notice may be required for projects that will have a significant impact to the environment and community, will impact the floodplain or will impact wetlands. Typical projects that require a public notice are new construction, drainage improvement projects and multiple acquisition or elevation projects. See *Appendix H* for a sample public notice.

ENVIRONMENTAL REVIEW REQUIREMENTS BY PROJECT TYPE

The environmental review requirements depend on the proposed action or scope of work (project activity). This section outlines information and compliance requirements for a few common projects: beaches, roadwork, debris, vector control, acquisitions and retrofits, and drainage improvements.

NOTE: Keep in mind that all projects will be evaluated on a case by case basis. If a project type is not discussed here, it does not mean this type of project is ineligible for funding or exempt from environmental review. This is not a comprehensive list of projects. FDEM Environmental and Historical Preservation staff will gladly assist and answer any questions you may have.

Bathtub Reef
Martin County

Beaches

Florida has approximately 1200 miles of coastline, over 650 miles of open sandy beaches, with over 200 miles that have been restored. Often storms erode the coastline, or leave potentially hazardous escarpments on the beach. Beaches and shore lines could be eligible for emergency sand placement or permanent restoration. Project location, scope of work, sand source, and potential impacts to flora and fauna are all important components to be considered. Since these areas may be environmentally sensitive, coordination with multiple agencies may be required. See FEMA Policy 9580.8 Eligible Sand Replacement on Public Beaches for additional guidance.

All beach projects undergo extensive review by the State and FEMA. The scope of work will determine the level of review and environmental consultation.
For more information on beaches, please see FDEP's Beach Erosion Control Program (BECP) at http://www.dep.state.fl.us/beaches/programs/becp/index.htm or ***Appendix B***

Roads and Bridges

Road and bridge repair is often essential after a storm. Many times, priority is given to roadway repairs for access to emergency and essential services. Road and bridge work can be critically important, however proper documentation for FEMA reimbursement will be required.

For more information on roads and bridges, please see ***Appendix C***.

Debris

In the aftermath of a storm, debris must be cleared, removed, and disposed of to eliminate any health and safety risk. Debris can include downed trees, silt, sand, building components, wreckage, and personal property. Debris must be separated for proper handling, transport and disposal of hazardous materials and toxic waste (e.g., asbestos containing materials, lead-based paints, household chemicals).

For more information on debris, please see ***Appendix D***.

Pensacola Beach Debris
Hurricane Ivan

Vector Control

In the wake of an emergency, increased mosquito populations may pose a serious health threat and potentially hamper response and recovery efforts. Take the necessary actions to prevent a health and safety threat as soon as possible, but be informed of the documentation requirements following a Presidential Disaster Declaration.

In certain circumstances, FEMA may reimburse short-term abatement costs that are in excess of usual costs. The FEMA vector control policy (Recovery Policy 9523.10) can be found at: http://www.fema.gov/9500-series-policy-publications/952310-eligibility-vector-control-mosquito-abatement.

For more information and instructions on vector control, please see ***Appendix E***.

Acquisition and Retrofit Projects

Acquisition and retrofit projects are designed to protect public and private (i.e., residential) property by addressing actual wind and/or flood damage or its potentiality. Some types of these projects include:

- Acquisition/Demolition - The acquisition of an existing at-risk structure and, typically, the underlying land, and conversion of the land to open space through the demolition of the structure. The area shall be dedicated and maintained in perpetuity for uses compatible with open space, recreational, or wetlands management practices.
- Retrofit/upgrade to current code - Installation of hurricane protection measures such as storm shutters, and impact resistant products. Modifications to the structural elements of a building (roof retrofits and roof upgrades, strengthening of foundation anchors, load path, etc.).
- Floodproofing – Floodproofing can be achieved by modification of the existing structures. This may include structural strengthening of walls, special doors and closures for other openings, and measures to handle seepage. Lift stations can also be floodproofed by modifying the structure, elevating interior elements, or raising transformers among others.
- Structure Elevation – Physically raising an existing structure to an elevation at or above the Base Flood Elevation (BFE) or higher if required by FEMA or local ordinance. Structure elevation may be achieved through a variety of methods, including elevating on continuous foundation walls; elevating on open foundations, such as piles, piers, posts, or columns; and elevating on fill.
- Safe Room Construction **–** Safe room construction projects are designed to provide immediate life safety protection for people in public and private structures from tornado and severe wind events, including hurricanes. This type of project includes retrofits of existing facilities or new safe room construction projects, and applies to both single and multi-use facilities.

For more information on acquisitions and retrofit projects, please see ***Appendix F.***

Residential Structure Elevation

Drainage Improvements

Small-scale drainage projects can improve inadequate drainage or storm water capacity in a given area. Typical drainage or storm water management projects could include installation of new culverts, pipe or culvert upgrades, ditch improvements, detention/retention ponds, swales, water control structures, outfalls and road elevations.

For more information on drainage improvement projects, please see ***Appendix G.***

Box Culvert

Retention Pond
Celebration, FL

SPECIAL CONSIDERATIONS - "NINE QUESTIONS"

The FEMA environmental review team uses a "Special Considerations" questionnaire to help evaluate what environmental and historic resources might be involved. Eight of the nine questions address environmental and historic preservation considerations. They are summarized below for your information. They have been expanded in order to specifically address issues in the state of Florida.

The Florida DEM Environmental/Debris Section personnel are trained to work with the applicants and Public Assistance Coordinators during meetings, site visits and by phone to help answer these questions.

FEMA uses the term "Special Considerations" to describe issues (other than program eligibility) that affect the scope of work and funding for a project.
They include:

- Floodplain management
- Insurance
- Hazard mitigation
- Compliance with federal laws and regulations that pertain to protection of the environment and historic preservation, including but not limited to:
    - National Environmental Policy Act (NEPA): NEPA outlines Federal policy for the protection and maintenance of the environment and provides a process that all Federal agencies must follow.
    - National Historic Preservation Act (NHPA): NHPA outlines Federal policy for the preservation of historic resources through the National Register for Historic Places
    - Clean Air Act
    - Clean Water Act
    - Endangered Species Act
    - Coastal Zone Management Act
    - Fish and Wildlife Coordination Act
    - Coastal Barrier Resources Act
    - Magnuson-Stevens Fishery Conservation and Management Act (MSA)
    - Farmland Protection Policy Act (FPPA)
    - Wild and Scenic Rivers Act (WSRA)
    - Migratory Bird Treaty Act
    - Resource Conservation and Recovery Act
    - Executive Orders, including Floodplain Management (11988), Wetland Protection (11990), and Environmental Justice (12898)

When answering the nine Questions:

- It is very important to accurately complete the Nine Questions Sheet for each and every project. Early identification of Special Considerations issues will allow the appropriate steps to be taken, thereby reducing the risk of delaying the approval of grants.
- Review the Nine Questions in detail. An FDEM Environmental Specialist will be available to discuss and assist in completing questions two through eight of the Special Considerations section for your project. The FEMA Public Assistance Coordinator (PAC), whenever possible, should invite all relevant FEMA Specialist (Environmental, Historic, Insurance or Hazard Mitigation) to the kickoff meeting.
- A "Yes" answer to any of the nine questions does not mean that the project will not be funded, only that any special issues must be reviewed and resolved in a satisfactory manner prior to obligation of funds.
- Answer based on *known* information; **do not guess or assume**.
- Collect relevant information and background documents if at all possible (e.g. before-and-after photos, maps, documents) related to issues that come up.

Question 1 – Insurance Coverage

Does the damaged facility or item of work have insurance coverage and/or is it an insurable risk (e.g. buildings, equipment, vehicles, etc.)?

- Answer "Yes" to this question if the applicant has insurance for the damaged facility and/or if it is an insurable risk. Insurable facilities/activities include buildings, wastewater treatment plants, parks, and some debris removal activities.
- If the applicant has flood insurance or general insurance obtain a copy of the policy and review with Insurance Specialist.
- If insurance settlement has been made obtain a copy of the proof of loss statement and provide to Insurance Specialist.
- Has the facility been damaged in any previous declared disaster? If so, the applicant must have met all previous insurance requirements from the last disaster to be eligible for further assistance (i.e. obtain and maintain insurance). Any applicant who has been sanctioned by the National Flood Insurance Program (NFIP) is not eligible for funding under the Public Assistance program.
- If the structure/facility is not insured and the eligible damage exceeds $5,000.00, the applicant must obtain an insurance policy for the full amount of the Project Worksheet (PW). (Type of insurance available depends on whether or not the facility is located in a Special Flood Hazard Area.) Failure to obtain insurance will result in a hold on FEMA funding.

You may contact FDEM Recovery Bureau's Public Assistance Program. Contact information for the Public Assistance program may be found on the FDEM website:

http://www.floridadisaster.org/Recovery/contacts.html

Question 2 – Floodplain, Coastal High Hazard Area, or Wetland

Is the damaged facility located within a floodplain or coastal high hazard area and/or does it have an impact on a floodplain or wetland?

- Answer "Yes" if your project may be located in any of the following landscapes or regulated areas:

  Floodplain: Land that may be submerged by floodwaters. FEMA evaluates activities with reference to the 100-year (FIRM Zone A) and 500-year (FIRM Zone B) floodplain of a given waterway.

  Coastal High Hazard Area: area of 100-year coastal flood (FIRM Zone V)

  Wetland and Floodplains: an area inundated or saturated by surface or ground water frequently enough to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, estuaries, and similar areas.

Flood Insurance Rate Map

Flood Insurance Rate Maps (FIRMs) delineate floodplains and coastal high hazard areas; they are available for download from http://www.fema.gov/hazard/map/firm.shtm. FDEM/FEMA will assist with obtaining Flood Insurance Rate Maps, as well as evaluating mapping for potential wetland resources and coastal zone areas. While not the official FIRM map, FEMA has a Flood Hazard Layer for Google Earth available for download from:

https://hazards.fema.gov/femaportal/wps/portal/NFHLWMSkmzdownload

Wetlands and Floodplains

Wetland Mapping is available from the US Fish and Wildlife Service. The FWS website offers a map of wetlands in every state. The FWS National Wetland Inventory Mapping is at:

http://www.fws.gov/wetlands/Data/Mapper.html

Online wetlands mapping is a tool to aid in assessment of environmental site conditions. Field verification of wetlands presence/absence by a qualified wetland professional is recommended to supplement use of online mapping when wetland indicators are present at the site such as low lying topography with saturated soils and potentially visible standing water, wetland plants, high water marks on trees, wrack line in fences or ground vegetation with sedimentation deposited by waters that have receded.

When working in or near a floodplain or wetlands FEMA will require that the applicant/Subgrantee contact and have a consultation with the county Floodplain Manager with a written determination from the County Floodplain Manager. The Subgrantee will be required to have this documentation on file and present it to FEMA for review during closeout activities.

If you do not know the Floodplain Manager for your county you can get the county Floodplain Manager's contact information from the FDEM Mitigation Bureau's State Floodplain Management Office:

http://www.floridadisaster.org/Mitigation/SFMP/Index.htm

> **NOTE:** If your project is in a floodplain then there is a 90% and greater chance that the project is also in a wetland area. Only a biologist or field ecologist with experience in wetland identification and delineation is able to tell the difference.

Question 3- Coastal Barrier, Otherwise Protected Area, or Coastal Zone

Is the damaged facility or item of work located within or adjacent to a Coastal Barrier Resource system Unit or/and Otherwise Protected Area?

- Answer "Yes" if your project is located within/adjacent to any of the designated Coastal Barrier Resources System Units (CBRS) or Other Protected Area (OPA). Make sure to note the location of the structure and if known the date of construction.

The Coastal Barrier Resources Act (CBRA) restricts investment of federal funding for projects within CBRS Units and OPA to only certain project types or exceptions. The US Fish and Wildlife Service maintains an on-line map of all CBRA units in Florida at: http://www.fws.gov/CBRA/Maps/Locator/FL.pdf

Review your project area's Flood Insurance Rate Map to see if you are in a CBRS Units or OPA.

Otherwise Protected area / Coastal Zone Management Act

If the project is located in one of the Florida counties that border the ocean on or near the coast, including "coasts" of major rivers, sounds, lakes, etc., answer "Yes" to this question, note the name of the body of water and the distance away from the project site. In 1981 the State of Florida was approved to conduct federal consistency reviews. The Florida Dept. of Environmental Protection was designated as the lead agency. For planning and developing coordinated projects and initiatives relating to coastal resource protection and management and for completing federal consistency reviews of federally-licensed and permitted activities, only the geographical area encompassed by the 35 Florida coastal counties and the adjoining territorial sea is utilized. Note in your description that this project is not within a CBRA or OPA but may need consistency review with Florida's Coastal Management Program (FCMP). To learn more about Florida's Coastal Management Program and the Florida State Clearinghouse (Federal Consistency Review) visit the Florida DEP website at: http://www.dep.state.fl.us/cmp/default.htm.

NOTE: The Florida Dept. of the Environmental Protection (DEP) is authorized to conduct federal consistency reviews.

The following FDEP programs conduct the state's federal consistency reviews:

- **The Office of Intergovernmental Programs, Florida State Clearinghouse**
  The Florida State Clearinghouse coordinates federal consistency reviews of proposed federal activities, requests for federal funds, and applications for all federal licenses and permits that do not require an analogous state permit.
- **The Division of Water Resource Management, District Offices**
  The District Offices coordinate federal consistency reviews of environmental resource permits (ERPs) for activities requiring an analogous federal license or permit.
- **The Division of Water Resource Management, Bureau of Beaches and Coastal Systems (BBCS)**
  The BBCS coordinates consistency reviews of ERPs for activities requiring an analogous federal license or permit that affect existing coastal conditions or natural shore and inlet process.
- **The Office of Intergovernmental Programs, Offshore Projects Unit**
  The Offshore Projects Unit coordinates consistency reviews of direct federal activities and federal license and permit activities that are proposed in the offshore Outer Continental Shelf (OCS) waters.
- **Florida's Water Management Districts (WMD)**, in partnership with the DEP, regulates activities in wetlands and other waters of the state. Pursuant to Sections 380.23 and 373.428, F.S., the WMDs are responsible for conducting federal consistency reviews as part of permit reviews in coastal counties under Section 373 part IV, F.S.

A wetland permit or Environmental Resource Permit (ERP) from the FDEP or one of the Water Management Districts constitutes federal consistency review for CZM.

Question 4 - Archeological Sites, Farmland Protection, Varied Environmental Impacts, etc.

Will the proposed facility repairs/reconstruction change the pre-disaster condition (e.g. footprint, material, location, capacity, use, function)?

- Answer "Yes" if the project involves any of the following activities in previously undisturbed soils: excavation, substantial ground compaction or staging of materials. Please describe the anticipated depth and footprint dimensions of any proposed ground disturbance in your project scope of work descriptions.

Projects involving changes to the pre-disaster condition can involve a higher level of environmental & historic preservation review. Projects involving new ground disturbance are evaluated for potential impact to archaeological resources and wildlife habitat.

- Answer "Yes" to this question if the project will change the pre-disaster condition in any way, including change in footprint, material, location, capacity, use or function. Note the nature of the change on the 9 Questions sheet.
- Change in footprint: realignment or enlargement does constitute a change in the footprint. Also, if a proposed project involves excavation of previously undisturbed ground, answer "Yes" to this question and note details of change.
- Change in material: a change in materials does constitute a change to be noted. For example, answer "Yes" to this question for projects that involvement placement of riprap where there was none before, and note specific changes in materials.
- Change in location: when a project involves relocation, the 9 Questions must be answered for the new location. If the new location has the potential to impact neighborhoods or communities with minority or low-income populations, active farmland, or previously undisturbed areas, make a note of this situation on the 9 Questions sheet.

Upgrades to Codes & Standards

Upgrades to meet current codes and standards do constitute a change from the pre-disaster condition. Therefore, this question should be answered "Yes" and the upgrades noted.

Question 5 - Hazard Mitigation Proposals and Requests for Technical Assistance

Does the applicant have a hazard mitigation proposal or would the applicant like technical assistance for hazard mitigation?

- *Hazard Mitigation*: a funding source for cost-effective measures that would reduce or eliminate the threat of future damage to a facility damaged during the disaster. The measures must apply only to the damaged elements of a facility.
- Answer "Yes" to this question if the applicant has included a Hazard Mitigation proposal, is intending to include a Hazard Mitigation proposal, or is applying for funding of completed work that FEMA would consider to be Hazard Mitigation.
- Answer "Yes" to this question if the applicant requests technical assistance in preparing a Hazard Mitigation proposal.

Many Hazard Mitigation proposals involve repair or reconstruction that constitutes a change from the pre-disaster condition. If this is the case, answer "Yes" to question #5 for the reasons described earlier in this section.

Question 6 - Historic, Archeological or Cultural Significance

Is the damaged facility on the National Register of Historic Places or the State Historic Listing? Is it older than fifty years? Are there more, similar buildings near the site?

The National Historic Preservation Act (NHPA) requires that Federal agencies consider historic properties in their project planning and execution. Historic property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register of Historic Places maintained by the Secretary of the Interior, The State Historical Listing is maintained by the Florida Department of State. FEMA is required to consider the impact of the agency's undertakings on all historic properties. This includes not just those properties that meet the criteria for listing and is deemed "eligible for listing". Historic structures can be buildings, bridges, dams, culverts, landscapes, historic districts, battlegrounds, fences, walls, and more. Please include the date of construction on your questionnaire for man-made structures.

- Answer "Yes" if any of the following are true or suspected;
- If the facility/site is listed in the National Register of Historic Places or a National Landmark
- If the facility appears to be at least 50 years old
- If there is any reference to "old" buildings or other structures, or structures constructed of stone or brick masonry
- If the facility/site is located in a Historic District
- If the facility/site is located in a cemetery
- If the facility/site has any known tribal resources

NOTE: The type of materials to be used can be very important for repair of historic structures. Please describe the materials proposed for repair/reconstruction in appropriate detail, as well as number of units and location of any proposed renovations for historic structures.

Question 7 - Environmentally Pristine and Undisturbed Areas, Forestland

Are there any pristine or undisturbed areas on, or near, the project site? Are there large tracts of forestland?

- Answer "Yes" if your project is in or near a wetland, estuary, or environmentally sensitive area, such as a
  wildlife habitat for candidate threatened or endangered species.
- Answer "Yes" if there is known Bald Eagle habitat within your project area.
- Answer "Yes" if your project is in or near an area known to be habitat for a State or Federally listed candidate (C), threatened (T) and endangered (E) plant and animal species for the State of Florida.

The U.S. Fish and Wildlife Service has available a listing of C, T and E species found in Florida presence by county at http://www.fws.gov/endangered/. The marine species managed by NOAA-Fisheries is found at http://www.nmfs.noaa.gov/pr/species/. The list of species protected by the Florida Fish and Wildlife Conservation Commission under the Florida Endangered Species Act is available at http://myfwc.com/wildlifehabitats/.

- Answer "Yes" if your project is located within or could discharge sediments to coastal waters, estuaries, tidal rivers. Your project may have to be reviewed for Essential Fish Habitat considerations.
- Answer "Yes" if your project is located within or could discharge sediments to freshwater tributaries utilized by anadromous fish. Anadromous fish are species that live adult lives in the ocean, but move into freshwater streams to reproduce. The Magnuson-Stevens Fishery Conservation and Management Act established measures to protect marine and estuarine Essential Fish Habitat (EFH). EFH is defined as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity." For a list and/or maps of designated EFH and EFH species descriptions visit:

Florida Panhandle – http://www.fws.gov/panamacity/specieslist.html
North Florida - http://www.fws.gov/northflorida/gotocty.htm
South Florida - http://www.fws.gov/verobeach/

- Answer "Yes" if your project is located on/adjacent to any of the following designated Wild & Scenic Rivers: The Loxahatchee River or the Wekiva River.
- Answer "Yes" if your project is located on or is adjacent to rivers listed on the Nationwide Rivers Inventory (NRI). Federal agencies are responsible to ensure that funded actions do not alter the free-flowing character of designated rivers or diminish their outstanding resource values. The NRI list can be found at http://www.nps.gov/ncrc/programs/rtca/nri/states/fl.html.

Question 8 - Hazardous Materials

Are there any hazardous materials at or adjacent to the damaged facility or item of work?

- Answer "Yes" if your project involves handling, transport, disposal, or storage of hazardous materials. The removal of asbestos or lead from a structure during renovation and construction activities should be listed here. Documentation of reporting, removal and disposal should be submitted.

If there are known contaminated sites adjacent to your property that could impact your project, please answer "Yes". EPA has an online mapping tool that can be used to search for known contamination sites. It is available at http://www.epa.gov/emefdata/em4ef.home.

To report an actual or potential spill or releases of oil or any other hazardous substances, immediately notify the
FDEM State Watch Office at 1-800-320-0519 or 850-413-9911.

Question 9: Other Environmental or Controversial Issues

Are there any other environmentally or controversial issues associated with the damaged facility and/or item of work?

Question #9 is an opportunity to bring to your Project Specialist's attention any other environmental or cultural resource concerns you are aware of for your project and/or site. Examples include environmental justice issues, potential for public controversy, new construction on prime or protected farmland, and contamination concerns when the possible contaminants are not legally defined as "hazardous" wastes.

- If there are any other environmental or controversial issues related to the project, answer "Yes" to this question, note the issues on the Nine Questions Sheet, give an explanation and gather relevant information.
- If there are potential environmental justice issues, answer "Yes" or "Unsure" to this question and note issue. *Environmental Justice* is the fair treatment and meaningful involvement of all people, regardless of race, ethnicity, culture, income or education level with respect to the development, implementation and enforcement of environmental laws, regulations and policies.
- If the project involves or proposes *berms, levees or flood control works*, answer "Yes" to this question and note the structure/proposed structure.
- If the project is Category A Debris Removal and involves *sediment removal from a waterway*, answer "Yes" and note reason.

EHP Comments

Following the Special Considerations Section of the **approved** Project Worksheet (PW) is a comments section that includes comments addressing environmental concerns resulting from the environmental review process. These comments contain conditions that the applicant must follow to maintain compliance with environmental issues and address the identified environmental concerns. These conditions are based on the different environmental laws and executive orders that FEMA must ensure are complied with before any money can be granted for the project. These conditions may include requirements to obtain permits, consultations with agencies, requirements and specifications for different types of work as negotiated during consultation with other federal and state agencies. It is imperative that the conditions and concerns found in this section be addressed completely for the project. Not following these conditions could jeopardize funding for the project or have funding already granted de-obligated or recovered.

Project Closeout

At project closeout all concerns, recommendations, and conditions found in the comments section must be addressed satisfactorily. At closeout all documents, permits, letters, emails, statements and supporting documents in response to the EHP comments section must be included in the closeout package for review and approval by the FEMA EHP section. If any of these documents is missing FEMA EHP could place the project worksheet on hold until all portions of the comments section are satisfied.

PERMITS, CONDITIONS AND DOCUMENTATION

Once the NEPA process has been satisfactorily completed it is frustrating to find that the project is placed on hold during the environmental review process. Lack of documentation is the biggest culprit that brings the environmental review process to a screeching halt. Many projects may be missing documentation confirming consultation with Federal and State agencies, acquisition of permits or permit exemptions, failure to adhere to all permit conditions and failure to provide documentation of disposal of hazardous materials such as asbestos and lead paint removed during construction activities among others.

Permits

Wetlands, Floodplains and Beach Projects

Aside from local building permits and certifications needed, there are some permits that may be required during the course of the project. All permits should be obtained prior to commencement of the project if at all possible. The most common permits encountered are Environmental Resource Permits (wetland permits). Three agencies issue wetland permits in Florida, the US Army Corps of Engineers (USACE), the Florida Dept. of Environmental Protection (FDEP) and the Florida Water Management Districts (FWMD).

U.S. Army Corps of Engineers (USACE) - (Wetlands, Floodplains and Beach Projects)

General Permit

The term "general permit" means a Department of the Army authorization that is issued on a nationwide or regional (District-wide or more limited geographic scope) basis for a category of activities when: those activities are substantially similar in nature and cause only minimal individual and cumulative impacts. General permits are a way to reduce the burden of the regulatory program on the public and ensure timely issuance of permits while effectively administering the laws and regulations which establish and govern the program.

General permits are reviewed every five years. An assessment of the cumulative impacts of work authorized under the general permit is performed at that time if it is in the public interest to do so. In most instances, anyone complying with the conditions of the general permit can receive project specific authorization. Anyone not complying with the conditions of a general permit may still receive authorization via a "standard permit", but the application must be individually evaluated and coordinated with third parties, including the federal and state resource agencies. Review of an application for a "standard permit" takes additional time to complete as conflict resolution may be required.

A list of the applicable general permits can be obtained by contacting a project manager in your geographical location.

Nationwide Permits

An integral part of the USACE's regulatory program is the concept of nationwide permits for minor activities. Nationwide permits (NWPs) are activity specific, and are designed to relieve some of the administrative burdens associated with permit processing for both the applicant and the Federal government. In addition to the NWP general conditions, Division Engineers are authorized to add regional conditions specific to the needs and/or requirements of a particular region or State. Regional conditions are an important mechanism to ensure that impacts to the aquatic environment authorized by the NWPs are minimal, both individually and cumulatively. Anyone not complying with the terms and conditions of a NWP may still receive authorization via a "standard permit", but the application must be individually evaluated and coordinated with third parties, including the federal and state resource agencies. Review of an application for a "standard permit" takes additional time to complete, as conflict resolution may be required.

NWPs can only be authorized for a five-year period, at which time they must be re-evaluated for their impacts on the aquatic environment. The current NWPs became effective on March 19, 2007.

Following is a listing of all the Nationwide Permits available to applicants:

- Aids to Navigation
- Structures in Artificial Canals
- Maintenance
- Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
- Scientific Measurement Devices

- Survey Activities
- Outfall Structures and Associated Intake Structures
- Oil and Gas Structures on the Outer Continental Shelf
- Structures in Fleeting and Anchorage Areas
- Mooring Buoys
- Temporary Recreational Structures
- Utility Line Activities
- Bank Stabilization
- Linear Transportation Projects
- U.S. Coast Guard Approved Bridges
- Return Water From Upland Contained Disposal Areas
- Hydropower Projects
- Minor Discharges
- Minor Dredging
- Oil Spill Cleanup
- Surface Coal Mining Operations
- Removal of Vessels
- Approved Categorical Exclusions
- Indian Tribe or State Administered Section 404 Programs
- Structural Discharges
- Aquatic Habitat Restoration, Establishment, and Enhancement Activities
- Modifications of Existing Marinas
- Residential Developments
- Moist Soil Management for Wildlife
- Maintenance of Existing Flood Control Facilities
- Completed Enforcement Actions
- Temporary Construction, Access, and Dewatering
- Cranberry Production Activities
- Maintenance Dredging of Existing Basins
- Boat Ramps
- Emergency Watershed Protection and Rehabilitation
- Cleanup of Hazardous and Toxic Waste
- Commercial and Institutional Developments
- Agricultural Activities
- Reshaping Existing Drainage Ditches
- Recreational Facilities
- Storm water Management Facilities
- Mining Activities
- Repair of Uplands Damaged by Discrete Events
- Discharges in Ditches
- Pipeline Safety Program Designated Time Sensitive Inspections and Repairs
- Existing Commercial Shellfish Aquaculture Activities
- Coal Re-mining Activities
- Underground Coal Mining Activities

Standard Permit

A Standard Permit is required when a proposed project does not meet the criteria to qualify for a General Permit, or a Nationwide Permit. A Standard Permit usually has a 21-day comment period under public noticing, though it can be as short as 15 days or up to 30 days. A copy of the permit drawings and a description of the project are mailed out to the adjacent property owners and the applicant and their consultant. All other interested parties have to access pending public notices from the web. Processing time for these types of permits is usually 60 to 120 days from the receipt of a complete application in non-controversial projects. Controversial or larger projects may take longer.

A General Permit is usually issued by the District USACE Office having jurisdiction over the specific region within the state.

The Regulatory Division of the Jacksonville District, U.S. Army Corps of Engineers uses standardized "Special Conditions" for Standard Permit authorizations.

FDEP/ FWMD – (Wetlands and Floodplains)

The Environmental Resource Permit Program regulates activities involving the alteration of surface water flows. This includes new activities in uplands that generate storm water runoff from upland construction, as well as dredging and filling in wetlands and other surface waters. Environmental Resource Permit applications are processed by either the FDEP or one of the state's water management districts, in accordance with the division of responsibilities specified in operating agreements between the FDEP and the water management districts. The Environmental Resource Permit Program is in effect throughout the State.

No Permit Required

When a project is not located within the landward extent of wetlands or other surface waters no permit is required by the FDEP/WMD. However, for projects that are borderline or adjacent to a wetland area but will have no direct impact on the wetland area, it is required that a "No Permit Required Letter" be obtained from the FDEP or WMD.

Exemptions

Once an activity is determined to consist of dredging or filling within the landward extent of wetlands or other surface waters, the next step is to determine whether the activity qualifies for any of the exemptions contained in Section 403.813(1), F.S., and Section 62-312.050, F.A.C. Such a determination can be made by a permit applicant simply by reviewing the criteria in the applicable statute and rule. An application is not required, but it is suggested because a determination that an activity qualifies for an exemption under Chapter 403, F.S., does not necessarily mean that the activity does not need other state, federal, or local authorizations. Also, FEMA requires documentation of the determination by the authorized agency that the project is exempt. Through the submittal of an application, the application is distributed to other agencies so those agencies can make their own determination regarding the need for other authorizations. The submittal of such an application does not require the submittal of an application fee. In any case, a determination that an activity qualifies for an exemption does not relieve the requirement that water quality standards must be maintained during the performance of the work, nor from the requirement to obtain all other needed Federal, State, and local approvals.

General Permits

Once FDEP determines that an activity located within the landward extent of wetlands or other surface waters does not qualify for one of the exemptions described above, the next step would be to determine whether the activity qualifies for any of the general permits contained in Sections 62-312.801 - .822, F.A.C. A general permit is a self-executing permit which does not undergo individual review by the FDEP or any FWMD. If the activity meets all the criteria of the applicable listed general permit, a Notice of Intent to Construct Works Pursuant to Wetland Resource General Permit must be provided to the FDEP or District at least 30 days prior to initiating activity. Once the notice has been submitted, an applicant may presume they qualify for the general permit unless notified by the FDEP or FWMD that the activity does not qualify 30 days after notice was received by the FDEP or FWMD. The notice requires the submittal of an application fee. As with exemptions, an activity which qualifies for a wetland resource general permit still is also subject to any other state, local and federal authorizations which may be required.

Individual Permits

For those activities which require permits but which do not qualify for a general permit, an individual permit is required. To apply for an individual permit, a Joint Application for Works in the Waters of Florida must be submitted to the appropriate FDEP or FWMD office. A copy of the joint application form may be obtained by

contacting the local office of the FDEP or FWMD. To be considered by the FDEP or District, the application must be submitted with the complete, appropriate processing fee.

When submitting an application for an individual permit to the FDEP, the fee for the permit is dependent upon whether the activity is a "short form" application, which would be processed by one of the six FDEP district offices, or a "standard form" application, which would be processed by the Bureau of Submerged Lands and Environmental Resources in Tallahassee. Most applications are processed as "standard form" (District Review) projects by the FDEP district offices. Projects which do not meet the short form criteria are processed by the Bureau of Submerged Lands and Environmental Resources in Tallahassee as "standard form" (Bureau Review) applications.

Pre-Application Meetings

Both the FDEP and the FWMD staff are available for pre-application meetings to discuss applications prior to their submittal. Through such a meeting, staff can help the applicant through the large number of options that exist regarding whether a permit is needed, whether the activity is located within the landward extent of surface waters and wetlands, whether the activities may qualify for an exemption or general permit, which agency to whom the application should be submitted, and the proper fee for the application. Further, staff can help recommend ways for applicants to minimize project impacts prior to the submittal of an application. Therefore, it is recommended that agency staff be consulted prior to preparing the permit.

Prior to construction or any dredging and filling in surface waters and wetlands, an applicant is required to obtain all necessary State, federal and local authorizations, The FDEP, FWMD's, and the U. S. Army Corps of Engineers (USACE) have developed a joint application process. Under this process, the FDEP or the FWMD will serve as the initial agency to which the application should be submitted. Once received, the agency will distribute a copy of the application to the USACE. Both the USACE and the FDEP or FWMD will independently process the application, including separate requests for additional information and separate evaluation processes.

Generally, the USACE will not issue their permit until the FDEP or the FWMD issues the required state authorization under Chapter 403, F.S., because issuance of such a Chapter 403, F.S., permit will also constitute state water quality certification under Section 401 of the Clean Water Act. The USACE cannot issue their corresponding federal permit without a state water quality certification.

Activities that are located on sovereign submerged lands may also require a corresponding authorization from the Board of Trustees of the Internal Improvement Trust Fund (BOT). When a wetland resource permit application is received for activities which appear to be located on sovereign submerged lands, a copy of the application and drawings is forwarded to the Division of State Lands in the FDEP for determination of ownership. In the event the activity is located on state-owned submerged lands, the appropriate type of authorization is processed by the FDEP.

In addition to the above, a separate permitting process exists for altering mangroves when the mangrove alteration does not occur as part of a wetland resource permit or exemption. The law which covers mangrove alterations is Chapter 403.9321 – 403.9333, F.S.

FDEP – Bureau of Beaches and Coastal Systems - (Beach Projects)

Coastal Construction Control Line (CCCL) Permits

Recognizing the value of the state's beaches, the Florida legislature initiated the Coastal Construction Control Line Program to protect the coastal system from improperly sited and designed structures which can destabilize or destroy the beach and dune system. Once destabilized, the valuable natural resources are lost, as are its important values for recreation, upland property protection and environmental habitat. Adoption of a coastal construction control line establishes an area of jurisdiction in which special siting and design criteria are applied for construction and related activities. These standards may be more stringent than those already applied in the rest of the coastal building zone because of the greater forces expected to occur in the more seaward zone of the beach during a storm event.

Joint Coastal Permit (JCP)

The FDEP implemented section 161.055, of the Florida Statutes, initiating concurrent processing of applications for coastal construction permits, environmental resource permits, wetland resource (dredge and fill) permits, and sovereign submerged lands authorizations. These permits and authorizations, which were previously issued separately and by different state agencies, have now been consolidated into a Joint Coastal Permit (JCP). The consolidation of these programs and the assignment of responsibility to a single bureau (DEP's Bureau of Beaches and Coastal Systems) has eliminated the potential for conflict between permitting agencies and helped ensure that reviews are conducted in a timely manner. A copy of the permit application is forwarded to the United States Army Corps of Engineers for separate processing of the federal dredge and fill permit, if necessary.

A JCP is required for activities that meet all of the following criteria:

- Located on Florida's natural sandy beaches facing the Atlantic Ocean, the Gulf of Mexico, the Straits of Florida or associated inlets;
- Activities that extend seaward of the mean high water line;
- Activities that extend into sovereign submerged lands; and
- Activities that are likely to affect the distribution of sand along the beach.

Activities that require a JCP include beach restoration or nourishment; construction of erosion control structures such as groins and breakwaters; public fishing piers; maintenance of inlets and inlet-related structures; and dredging of navigation channels that include disposal of dredged material onto the beach or in the near shore area.

Beach restoration and nourishment have been the main methods of managing beach erosion and maintaining beach habitat. However, the Bureau of Beaches and Coastal Systems also evaluates innovative technologies that might be more effective, less costly and less likely to cause adverse impacts. Applicants wishing to test a new technology (as an experimental JCP) are encouraged to schedule a pre-application consultation with Bureau staff to see if similar methods have already been tested, consider adverse impacts and discuss the theoretical potential to solve an erosion problem. Experimental projects require a reliable experimental test plan to determine the success or failure of the technology.

FEMA Beach Project Closeout Checklist (Appendix B)

Any beach projects involving the disturbance of any sand on beaches (e.g., emergency beach berms, beach re-nourishment, beach boardwalks, dune crossovers, lifeguard towers, etc.) should have included "Reasonable and Prudent Measures" and "Terms and Conditions" (measures and conditions) placed on the project by the U.S. Fish and Wildlife Service (USFWS) as a condition of FEMA approval. Compliance with these measures and conditions is a non-discretionary requirement needed to ensure that Federal requirements of the Endangered Species Act have been met. **Failure to comply with these project conditions could jeopardize funding for the project.**

Reporting Requirements

These measures and conditions typically restrict work on beach projects to certain times of the year (e.g., outside of the March 1 to October 31 sea turtle nesting season, depending on the county); institute avoidance measures; and/or require sea turtle nest monitoring. Additionally, these measures and conditions include a requirement for the Applicant to issue a compliance report within 60 days of project completion to USFWS and FEMA detailing their compliance efforts to date, and plan for future compliance (if applicable).

For all projects, the Applicant's compliance report should, at a minimum, include: the location of the project (using R-monuments [preferred] and/or GPS coordinates); the linear feet of beach affected; the dates of construction activities; permits and any agency coordination; the species affected; a description of what measures (e.g., habitat restoration, dune plantings, etc.) were implemented to avoid and/or minimize impacts; and sea turtle nest monitoring dates and details (if applicable).

For emergency beach berms and beach re-nourishment projects the Applicant's compliance report should also include: the sand source and beach compatibility analysis; dune slope ratio; and escarpment height and length.
For beach projects that could impact beach mice (Bay, Broward, Gulf, Indian River, Lee, Okaloosa, Santa Rosa, St. John's, Walton counties,) or piping plover habitat (all counties except Citrus, Dixie, Hernando, Levy Nassau, Palm Beach, St. Lucie, Wakulla) additional protective measures, including habitat restoration and population monitoring, may be required by USFWS.

Permit Conditions

"Permit Conditions" are specific requirements written into a permit that address agency concerns about water quality, notifications, storm water runoff, and adverse impacts to adjacent properties, fisheries, habitats, wetlands, hydrology, etc. Permit conditions are found towards the last pages of the permit before the plans and drawings.
Not meeting permit conditions is one of the biggest reason projects have difficulty navigating through the environmental review process.

Conditions are found in all permits issued by the USACE, Florida FDEP and FWMD. "General conditions" are conditions found in all issued permits. They are general in nature and by the most part address administrative legal concerns and general criteria that are common for all projects. "Specific Conditions" are tailored to the permitted project and address specific concerns that the agency may have about the project. These conditions address special requirements that must be met prior to, during or after project completion. The most significant of these conditions to the applicant for FEMA funding are those conditions that require special studies, surveys, assessments, mitigation, time frames, sampling and consultations. Specific requirements for protection of endangered species in the form of special endangered species assessments, surveys and studies may be required in this section. It is imperative the applicant read this section carefully and maintain compliance with these special conditions. Failure to comply with these permit conditions could cause FEMA to deny funding for the project.

NOTE: *FEMA will be looking for documentation that all permit conditions were met. Remember that the Fish and Wildlife Service and National Marine Fisheries Service may require that surveys and studies of endangered species be conducted by ecological experts approved by the FWS to conduct studies for specific species. You should contact the Fish and Wildlife Service and request a list of consultants approved to survey the particular species addressed in your permit.*

Documentation

Documentation is the most important part of the process. Many projects are delayed or lose obligated funding due to lack of proper documentation!

Projects in Wetlands and/or Floodplains

- If your project requires a wetland permit make sure you have copies of all wetland permits obtained from the FDEP/FWMD and the USACE.
- If your project qualifies for a general permit or nationwide permit make sure you have copies from the FDEP/FWMD and USACE of the general permits and/or written concurrence from the USACE that your project qualifies for a Nationwide Permit.

NOTE: *Nationwide permits are not exemptions. The USACE should be consulted and a letter confirming that the project qualifies for a particular NWP should be obtained from the USACE. FEMA will require a copy of this letter to confirm that the appropriate permit was obtained for the project. Soon after an event the USACE may be very busy. During other declared emergencies the USACE have encouraged applicants to obtain concurrence of the use of a NWP by email. If you obtain concurrence by email you must make sure that a copy of the email is printed and placed in the project file. USACE personnel do not keep emails beyond a certain period of time.*

- If your project qualifies for an exemption make sure you have a letter from the FDEP/FWMD and the USACE stating that your project is exempt. We strongly advise against verbal confirmation since it does not satisfy FEMA's requirement for documentation. You should at a minimum have an email from the DEP and USACE representative confirming that your project is exempt from permitting or requires no permit

NOTE: *FEMA is aware that the FDEP may issue an "Emergency Final Order" (EFO) that extends exemptions from regulatory requirements for certain projects following a declared event. Likewise the USACE may issue emergency permitting procedures. FEMA will apply the exemptions under those emergency orders to qualifying projects. However, FEMA will not make a determination of qualification for an exemption, nor will they accept a determination of qualification for exemption from the applicant or their consultant for projects after the emergency orders expire. FEMA will only accept a determination of qualification for an exemption from the regulatory agency that is authorized by Statute to grant the exemption.*

- Make sure you have copies of all the specific studies, surveys and assessments of endangered species conducted in compliance of special conditions and you have a letter or email from the FWS and/or the NMFS or other appropriate agency stating that your study was concluded in compliance and they have no further concerns with your project.

- If your project is in a floodplain you should have copies of consultations with the County Floodplain Manager with the outcome of the consultations. **All projects in floodplain areas need to have a consultation with the County Flood Plain Manager and a 15 day public notice prior to any work in the floodplain**. If you do not know who the Floodplain Manager for your county is, the FDEM State Floodplain Manager's office keeps a list of all County Flood Plain Managers. You may reach the FDEM State Floodplain Manager at floods@em.myflorida.com or by phone at 850-413-9960.

NOTE: *If your project is in a floodplain then there is a 90% chance that the project is also in a wetland area. Only a biologist or field ecologist with experience in wetland identification and delineation is able to tell the difference.*

Beach Projects

- Keep all copies of the FDEP Joint Coastal Permit (JCP) and USACE permit or letter stating the project is exempt from certain permit requirements.
- Sometimes a field permit is issued. Make sure you keep a copy of the field permit onsite and for the file, these will be needed at project closeout for proof of compliance with all local, state, and federal regulations .
- If your project involves any type of beach work, make sure you fill out a FEMA Beach Project Closeout Checklist.
- If your project is beach re-nourishment, you will need an FDEP Joint Coastal Permit and a permit from the USACE.
- Beach re-nourishment projects will have to follow USFWS guidelines for protection of endangered and protected species and critical habitats in which these species live.
- If your project is the construction or repair of an emergency beach berm you will need an FDEP JCP and a permit from the USACE.
- Emergency berm repair and construction projects must follow the guidelines for "Emergency Berm Construction and Repair".

Debris

Every county and city should have a Debris Management Plan on hand. A Debris Management Plan will save time, money and headaches when a disaster hits. It will also set the stage to obtain the documentation that will support your grant applications. All Debris Management Plans should be submitted to the Florida DEM Debris Specialist for review and FEMA concurrence of compliance with FEMA guidelines for Debris

Management Plans. A Debris Management Plan that conforms to FEMA guidelines will help Category A FEMA grant applications navigate through the review process quicker.

Temporary Debris Storage Sites

All temporary debris storage sites should be annually pre-approved by the FDEP Solid Waste Program and a copy of the pre-approval letter should be kept on file with a duplicate copy forwarded to the FDEM Debris Specialist for FDEM debris records.

FDEP needs to be notified prior to use of the pre-approved temporary debris storage site. The appropriate FDEP District Office will then issue a letter of approval for use of the site. Upon closure of the temporary debris storage site a request for final inspection of the site needs to be submitted to the FDEP for a compliance inspection. A copy of the Temporary Debris Storage Site Closure Compliance Inspection needs to be kept on file and submitted along with all other documentation to FEMA at project closeout.

Vegetative Debris

When handling and disposing of vegetative debris proper documentation of the handling of the debris material is required by FEMA EHP. The environmental review process will require specific documentation to be included in the grant application file.

If the debris was staged on site at a parking lot or other area and disposed of directly to a permitted landfill from the property:

- Document the name and address of the landscaping company or contractor that handled and disposed of the debris
- Document the name, address, and facility DEP identification number for the permitted landfill that the debris was taken to

If the debris was removed from the area and taken to a temporary debris storage site:

- Document the name and address of the landscaping company or contractor that handled and disposed of the debris
- Document the name, address, and facility FDEP identification number for the temporary debris storage site the debris was taken to
- Keep a copy on file of the FDEP Pre-Authorization for Disaster Debris Management Site letter for the site the debris was taken to
- Document the name, address and facility FDEP identification number for the permitted facility of final disposal
- Keep a copy of correspondence and permits issued for burning vegetative debris from FDEP and/or the Florida Division of Forestry

Solid Hazardous Materials and Solid Waste (SHM&SW)

Projects that will disturb asbestos or lead paint containing materials have special handling and reporting requirements.

If asbestos or lead paint is encountered during a project:

- Stop work immediately.
- Have a Florida DBPR certified and licensed Asbestos Consultant/Surveyor conduct an asbestos survey.
- Have the material removed by a Florida DBPR licensed asbestos/lead paint abatement company.
- Make sure an FDEP “Notice of Demolition or Asbestos Renovation” is submitted to the FDEP at least 10 working days prior to beginning the removal of the asbestos containing material.
- Keep a copy of the notification in the project file.
- Make sure to note the name of the company that will be performing the work.

- Make sure to note the name, address and FDEP ID# of the landfill where the material will be disposed with a copy of the material disposal manifest.

A statement from the applicant indicating that asbestos or lead paint (as the case may be) was encountered during renovation needs to be included with the above documentation in the file folder and submitted to FEMA with all other documentation in the file.

If "**no**" asbestos or lead paint is encountered during reconstruction/renovation after suspect material is sampled and found clean, a statement from the applicant needs to be submitted indicating that no hazardous materials were encountered during the renovation/reconstruction activities and that all waste generated was disposed of in accordance with FDEP solid waste regulations. Additionally, lab results indicating that suspect material was found to be clear of asbestos or lead paint needs to be kept on file and submitted with other documentation.
It is recommended that the above statement be placed in the file of record and submitted with other documents for projects that involve inside and outside demolition and disposal of construction debris from reconstruction projects.

USFWS Biological Opinions Documents for Florida

There are several biological opinions from the U.S. Fish and Wildlife Service that address projects in Florida that may have impacts regulated under the Endangered Species Act. These documents are a result of formal consultations between Agencies. These agreements set criteria for projects located in areas where endangered/threatened species and/or their habitats may be affected. By having formal consultations with the USFWS for disaster related projects statewide the length of time and effort it would take for consultation on a project by project basis is eliminated. The criteria and guidelines agreed to in the consultation documents would not likely adversely affect federally protected species or their habitat. Immediately following a declared event a new consultation will take place or these documents will be extended to cover the specific event occurrence.

There are four major agreements that may influence some projects directly in Florida:

- Repair and Replacement of Pre-existing Facilities Post-Disaster of Federally Declared Disaster Statewide Florida
- FEMA Emergency Berm Repair for the Florida Coast
- FEMA EHP Guidance Repair or Replacement of Stream Crossings
- USFWS Statewide Programmatic Biological Opinion for the USACE Planning and Regulatory Shore Protection Activities in Florida

Repair and Replacement of Pre-existing Facilities Post-Disaster of Federally Declared Disaster Statewide Florida (Appendix C)

An agreement was reached through formal consultation between FEMA and the USFWS that addressed projects that were strictly for repair or replacement of pre-existing facilities in Florida. The document outlines conservation measures that if implemented for reconstruction and repair projects would result in a determination of Not Likely to Adversely Affect (NLAA) by the USFWS. Projects that use these conservation measures must meet certain criteria to qualify for the NLAA finding:

- The projects must be within the same footprint
- The facility must be replaced based upon pre-disaster conditions
- The facility must maintain the same function, capacity and location
- Minor upgrades may be permitted to meet current codes and standards
-

The document is seventy pages long and is broken down by the following project categories:

- Structural Repairs and Restoration
- Repair of Roads
- Debris Removal and Cleanup

- Beach and Dune Restoration (other than berms)
- Repair of In-Water Structures or Drainage Structures Not Associated with Roads

FEMA Emergency Berm Repair and Construction for the Florida Coast (Appendix C)

This biological opinion written on April 3, 2008 by the USFWS in consultation with FEMA gives detailed guidance on emergency berm construction along Florida's coastline. It provides specifications not only for size of the berm but also addresses any endangered species that might be present at the project site with instructions on how to avoid impacts to those species and their habitat. Projects that implement the guidelines under this document will be found not likely to adversely affect threatened or endangered species or adversely modify critical habitat.

USFWS Statewide Programmatic Biological Opinion for the USACE Planning and Regulatory Shore Protection Activities in Florida (Appendix C)

This guidance document was written on August 22, 2011 by the USFWS in consultation with the USACE. It gives detailed guidance for beach re-nourishment projects on the Florida coast to avoid impacts to endangered and threatened species. The document address different regions along the Florida coastline to give guidance specific to each region according to the uniqueness of the endangered and threatened species found in each. Following these guidelines will give a finding of not likely to adversely affect endangered or threatened species.

FEMA EHP Guidance Repair or Replacement of Stream Crossings (Appendix C)

This particular document was written by the USFWS in consultation with FEMA on June 24, 2009 and while it is specific to the north Florida flood disasters of 2009 these guidelines have been extended every year to cover current events. The document addresses bridges, culvert road crossings over streams and low water crossings. The document not only addresses specific work requirements but also gives specifications for culvert design and size for the crossings. These guidelines are for those bridges and roads that are located in areas where threatened/endangered/candidate (T/E/C) species are found or their critical habitat or are upstream of where T/E/C species are found or their critical habitat and within the 100 year floodplain. A letter of verification by a professional engineer certifying that the culvert crossings were built to the specifications found in this guideline will be required by FEMA EHP in order to satisfy the Endangered Species Act (ESA). All crossings of these types will require permits from the FDEP/WMD and the USACE.

Historic Preservation

All projects submitted for FEMA funding after a declared event will undergo a review to determine if a consultation with the State Historic Preservation Office (SHPO) is warranted as required under the National Historic Preservation Act (NHPA). This review is referred by FEMA as a Section 106 review. There are several things to remember about NHPA and historical sites that will help when looking at potential restoration projects:

- Unlike NEPA, there are no exemptions for emergency work under the NHPA
- Under this agreement, FEMA is prohibited from funding projects that have not satisfied Section 106 review
- There are NO after the fact consultations given so don't forget to check for historic compliance
- All projects whether emergency measures or not are subject to a historic review
- Only measures like search and rescue to protect life and health from an immediate danger is exempt and qualification is at the discretion of the FEMA Historic Preservation Officer
- Not all historic places will be labeled as such or look like a typical historical site

- If the damaged facility is 50 years old or older then it may be considered a historical site
- Always research the construction dates of the facilities and include those dates in the PW under the project description

Statewide Historic Preservation Programmatic Agreement

FEMA, the Florida State Historic Preservation Office, and the Florida Division of Emergency Management have entered into a Memorandum of Understanding that addresses projects in Florida that may have impacts regulated under the National Historic Preservation Act. These documents are a result of formal consultations between Agencies. This agreement sets criteria for projects located in areas where historic and or archaeological sites may be affected. By having a formalized agreement on the review process for disaster related projects statewide the length of time and effort it would take for consultation on a project by project basis is eliminated. This document separates projects by type and places specific conditions to meet the requirements of the NHPA. The MOU expedites the review by allowing FEMA to make decisions on historic review requirements based on the conditions in the document by project type.

PUBLIC ASSISTANCE AND MITIGATION PROGRAM RESOURCES

Florida Division of Emergency Management http://www.floridadisaster.org

Florida Department of Community Affairs. Handbook for Hazard Mitigation Projects. 2001.Chapter 6. http://www.floridadisaster.org/publications/HazardMitigationProjects.PDF

Federal Emergency Management Agency. National Environmental Policy Act FEMA NEPA Desk Reference. 1996. http://www.fema.gov/library/viewRecord.do?id=3249

Federal Emergency Management Agency. Hazard Mitigation Assistance Unified Guidance. http://www.fema.gov/library/file;jsessionid=000B683BACC466F6E178D785BF6C9A10.Worker2Library?type=publishedFile&file=fy_10_hma_guidance_final_september_2009.pdf&fileid=9bac8e50-9e46-11de-9e27-001cc4568fb6

FEMA 9500 Series Policies	http://www.fema.gov/government/grant/pa/9500toc.shtm
FEMA Policy Guide	https://www.fema.gov/media-library/assets/documents/25651
FEMA Policy Digest	http://www.fema.gov/government/grant/pa/policy.shtm
44 CFR	http://www.access.gpo.gov/nara/cfr/waisidx_07/44cfrv1_07.html

Federal Environmental Laws

National Environmental Policy Act	http://ceq.hss.doe.gov/nepa/regs/nepa/nepaeqia.htm
Clean Water Act	http://cfpub.epa.gov/npdes/cwa.cfm?program_id=45
Executive Order 11988: Floodplain Management	http://www.fema.gov/plan/ehp/ehplaws/eo11988.shtm
Executive Order 11990: Wetland Protection	http://www.epa.gov/wetlands/regs/eo11990.html
Endangered Species Act	http://www.fws.gov/laws/lawsdigest/ESACT.HTML
Fish and Wildlife Coordination Act	http://www.fema.gov/plan/ehp/ehplaws/fwca.shtm
Clean Air Act	http://www.epa.gov/air/caa/
Farmland Protection Policy Act	http://www.nrcs.usda.gov/programs/fppa/
Coastal Zone Management Act	http://coastalmanagement.noaa.gov/czm/czm_act.html
Coastal Barrier Resources Act	http://www.fws.gov/habitatconservation/cbra4.html#cbrs
Wild and Scenic Rivers Act	http://www.rivers.gov/
National Historic Preservation Act	http://www.achp.gov/nhpa.html
Executive Order 13175: Consultation and Coordination with Indian Tribal Governments	http://ceq.hss.doe.gov/nepa/regs/eos/eo13175.html
Executive Order 12988: Environmental Justice	http://www.epa.gov/fedreg/eo/eo12988.htm
Migratory Bird Treaty Act	http://www.law.cornell.edu/uscode/usc_sup_01_16_10_7_20_II.html
Magnuson-Stevens Fishery Conservation and Management Act	http://www.nmfs.noaa.gov/msa2005/

State Agencies

Florida Division of Emergency Management http://www.floridadisaster.org/	
Recovery Bureau, Public Assistance Branch Tallahassee Office Florida Division of Emergency Management 2555 Shumard Oak Boulevard Tallahassee, Florida 32399-2100 (850) 413-9969	State Environmental/Debris Officer Henry Hernandez (850) 922-5914 enrique.hernandez@em.myflorida.com Deputy State Environmental Officer Ginger Shirah ginger.shirah@em.myflorida.com (850) 410-1598 Environmental Specialist Justin Wallheiser justin.wallheiser@em.myflorida.com (850) 410-3286 Deputy State Debris Officer Rick Knowles (850) 410-2341 richard.knowles@em.myflorida.com Debris Specialist Samuel Cannon (850) 410-1985 samuel.cannon@em.myflorida.com
Mitigation Bureau, State Logistics Response Center 2702 Directors Row Orlando, FL 32809	Environmental Specialist, Mitigation Adele Balmer (407) 856-5040 adele.balmer@em.myflorida.com

Water Management Districts	
Northwest Florida WMD 81 Water Management Drive Havana, FL 32333 (850) 539-5999 http://www.nwfwmd.state.fl.us/	Jurisdiction: Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington counties; also includes the western portion of Jefferson County.
Suwannee River WMD 9225 County Road 49 Live Oak, FL 32060 (386) 362-1001 http://www.srwmd.state.fl.us/	Jurisdiction: Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Madison, Suwannee, Taylor, Union, and portions of Alachua, Baker, Bradford, Jefferson, Levy, and Putnam counties.
St. Johns River WMD 4049 Reid Street, P.O. Box 1429 Palatka, FL 32178-1429 (386) 329-4500 http://floridaswater.com/	Jurisdiction: Brevard, Clay, Duval, Flagler, Indian River, Nassau, Seminole, St. Johns, Volusia, and portions of Alachua, Baker, Bradford, Lake, Marion, Okeechobee, Orange, Osceola and Putnam counties.
South Florida WMD 3301 Gun Club Road P.O. Box 24680 West Palm Beach, FL 33406-4680 (561) 686-8800 http://www.sfwmd.gov/	Jurisdiction: Broward, Collier, Dade, Glades, Hendry, Lee, Martin, Monroe, Palm Beach, St. Lucie, and portions of Charlotte, Highlands, Okeechobee, Orange, Osceola and Polk counties.
Southwest Florida WMD 2379 Broad Street Brooksville, FL 34604-6899 (352) 796-7211 http://www.swfwmd.state.fl.us/	Jurisdiction: Citrus, DeSoto, Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Sarasota, Sumter, and portions of Charlotte, Highlands, Lake, Levy, Marion and Polk counties.

Florida Department of Environmental Protection http://www.dep.state.fl.us/	
Northwest District 160 W. Government Street, Suite 308 Pensacola, FL 32502 (850) 595-8300	Jurisdiction: Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, and Washington counties; also includes the western portion of Jefferson County.
Northeast District 8800 Baymeadows Way Suite 100 Jacksonville, FL 32256 (904) 256-1700	Jurisdiction: Alachua, Baker, Bradford, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Lafayette, Levy, Madison, Nassau, Putnam, St. Johns, Suwannee, Taylor, and Union counties; also includes a portion of Jefferson County.
Central District 3319 Maguire Blvd. Suite 232 Orlando, FL 32803 (407) 897-4100	Jurisdiction: Brevard, Indian River, Lake, Orange, Osceola, Seminole, and Volusia counties; also includes a portion of Marion County.
Southwest District 13051 N. Telecom Parkway Temple Terrace, FL 33637 (813) 470-5700	Jurisdiction: Citrus, DeSoto, Hardee, Hernando, Hillsborough, Manatee, Pasco, Pinellas, Polk, Sarasota, and Sumter counties; also includes a portion of Marion County.
South District 2295 Victoria Avenue Suite 364 Fort Myers, FL 33902-2549 (239) 344-5600	Jurisdiction: Charlotte, Collier, Glades, Hendry, Highlands, Lee, and Monroe counties.
Southeast District 400 N. Congress Avenue 3rd Floor West Palm Beach, FL 33401 (561) 681-6600	Jurisdiction: Broward, Dade, Martin, Okeechobee, Palm Beach, and St. Lucie counties.
Florida State Clearinghouse Florida Department of Environmental Protection http://www.dep.state.fl.us/secretary/oip/state_clearinghouse/	Florida State Clearinghouse 3900 Commonwealth Blvd. M.S. 47 Tallahassee, FL 32399-3000 (850) 245-2118

State Historic Preservation Office http://www.flheritage.com/	Florida Department of State Division of Historical Resources 500 S. Bronough St. Tallahassee, FL 32399-0250 (850) 245-6333

Florida Fish and Wildlife Conservation Commission http://myfwc.com/	Florida Fish & Wildlife Conservation Commission 620 South Meridian Street Tallahassee, FL 32399-1600 (850) 488-4676

Florida Forest Service http://www.freshfromflorida.com/Divisions-Offices/Florida-Forest-Service	Florida Division of Forestry 3125 Conner Boulevard Tallahassee, FL 32399 (850) 681-581010

Florida Department of Transportation http://www.dot.state.fl.us/	Florida Department of Transportation 605 Suwannee Street Tallahassee, Florida 32399-0450 (850) 414-4100

Federal Agencies

Federal Emergency Management Agency	
FEMA Region IV 3003 Chamblee Tucker Road Atlanta, GA 30341 Phone: (770) 220-5200 http://www.fema.gov/about/contact/regioniv.shtm	Jurisdiction: Florida, Alabama, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

U.S. Department of Interior, Fish and Wildlife Service	
USFWS Panama City Ecological Services Office 1601 Balboa Avenue Panama City, FL 34205 Phone: (850)769-0552 http://www.fws.gov/PanamaCity/	Jurisdiction: Florida Panhandle Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Walton, Washington, and Wakulla counties.
USFWS North Florida Ecological Services Office 7915 Baymeadows Way, Suite 200 Jacksonville, FL 32256-7517 Phone: (904) 731-3336 http://www.fws.gov/northflorida/	Jurisdiction: Alachua, Baker, Bradford, Brevard, Citrus, Clay, Columbia, Dixie, Duval, Flagler, Gilchrist, Hamilton, Hernando, Hillsborough, Lafayette, Lake, Levy, Madison, Manatee, Marion, Nassau, Orange, Pasco, Pinellas, Putnam, St. Johns, Seminole, Sumter, Suwannee, Taylor, Union, and Volusia counties.
USFWS South Florida Ecological Services Office 1339 20th Street Vero Beach, FL 32960 Phone: (772) 562-3909 http://www.fws.gov/verobeach/	Jurisdiction: South Florida Broward, Charlotte, Collier, Dade, DeSoto, Glades, Hardee, Hendry, Highlands, Indian River, Lee, Martin, Monroe, Okeechobee, Osceola, Palm Beach, Polk, Sarasota, and St. Lucie counties.

U.S. Army Corps of Engineers **Jacksonville District** http://www.saj.usace.army.mil/index.htm	
USACE Pensacola Permitting Section 41 North Jefferson Street, Suite 301 Pensacola, FL 32502 (850) 439-3474 Gainesville Field Office 2831 NW 41st Street, Unit 130, Gainesville, FL 32606 (352) 264-7672	Jurisdiction: Alachua, Bradford, Citrus, Columbia, Dixie, Escambia, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Madison, Okaloosa, Santa Rosa, Sumter, Suwannee, Taylor, and Union counties.
USACE Panama City Permitting Section 1002 West 23rd Street, Suite 350 Panama City, FL 32405 (850) 763-0717	Jurisdiction: Bay, Calhoun, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Wakulla, Walton, and Washington counties.
USACE Jacksonville Permitting Section 701 San Marco Blvd., Room 372 Jacksonville, FL 32207 (904) 232-1681	Jurisdiction: Baker, Clay, Duval, Flagler, Marion, Nassau, Putnam, and St. Johns counties.
USACE Cocoa Permitting Section 400 High Point Drive, Suite 600 Cocoa, FL 32926 (321) 504-3771	Jurisdiction: Brevard, Indian River, Lake, Orange, Osceola, Seminole, and Volusia counties.
USACE Tampa Permitting Section The Atrium 10117 Princess Palm Avenue, Suite 120 Tampa, FL 33610-8302 (813) 769-7073	Jurisdiction: DeSoto, Hardee, Highlands, Hillsborough, Manatee, Pasco, Pinellas, Polk, and Sarasota counties.
USACE Fort Myers Permitting Section 1520 Royal Palm Square Blvd., Suite 310 Fort Myers, FL 33919 (239) 334-1975	Jurisdiction: Charlotte, Collier, Glades, Hendry, and Lee counties.
USACE Palm Beach Gardens Permitting Section 4400 PGA Boulevard, Suite 500 Palm Beach Gardens, Florida 33410 (561) 472-3528	Jurisdiction: Broward, Martin, Okeechobee, Palm Beach, and St. Lucie counties.
USACE Miami Permitting Section 9900 SW 107th Ave., Suite 203 Miami, FL 33176-2785 (305) 526-7181	Jurisdiction: Miami-Dade and Monroe counties.

Advisory Council on Historic Preservation http://www.achp.gov/	Advisory Council on Historic Preservation 401 F Street NW, Suite 308 Washington, DC 20001-2637 (202) 517-0200

U.S. Department of Agriculture **Florida Natural Resource Conservation Service** http://www.fl.nrcs.usda.gov/	Florida Natural Resource Conservation Service 2614 N.W. 43rd St. Gainesville, FL 32606-6611 (352) 338-9500

U.S. Department of Commerce **National Marine Fisheries Service** http://sero.nmfs.noaa.gov/	National Marine Fisheries Service Southeast Regional Office 263 13th Avenue South St. Petersburg, FL 33701 (727) 824-5301

Florida DEM
Beaches Quick Guide
Public Assistance Projects

Florida has approximately 1200 miles of coastline, over 650 miles of open sandy beaches, with over 200 miles that have been restored beaches. Often storms erode the coastline, or leave potentially hazardous escarpments on the beach. Beaches and shore lines could be eligible for emergency sand placement or permanent restoration. Project location, scope of work, sand source, and potential impacts to flora and fauna are all important components to be considered. Since these areas may be environmentally sensitive, coordination with multiple agencies may be required. All beach projects undergo extensive review by the State and FEMA. The scope of work will determine the level of review and environmental consultation.

1. The Public Assistance Policy Digest (FEMA 321 / January 2008, pg 12) states:

a. Emergency placement of sand on natural or engineered beaches may be eligible when necessary to protect improved property from an immediate threat. An eligible berm may be built to a profile to protect against a storm that has a 20 percent chance of occurring in a given year, or to the berm's pre-storm profile, whichever is less.

b. A beach is considered eligible for permanent repair if it is an improved beach and has been routinely maintained prior to the disaster. A beach is considered to be an improved beach if the following criteria apply:

   i. The beach was constructed by the placement of sand to a designed elevation, width, grain size, and slope.

   ii. The beach has been maintained in accordance with a maintenance program involving the periodic renourishment of sand.

2. Eligibility Requirements

a. You must be an **Eligible Applicant** as defined in the Public Assistance Policy Digest, pg 41, and have the legal responsibility (see pg 44) to perform beach work. http://www.fema.gov/pdf/government/grant/pa/pdigest08.pdf.

b. The FEMA Disaster Assistance Fact Sheet DAP9580.8, Eligible Sand Placement on Public Beaches, can be found at: http://www.fema.gov/pdf/government/grant/pa/9580_8.pdf.

3. Documentation Requirements

a. Latitude and longitude of project in decimal degrees

b. R-monuments or V-monuments

c. Linear feet of beach involved/affected

d. Above or below mean high water line

e. Dates of construction (start to finish)

f. Potentially affected threatened or endangered species

g. U.S. Fish and Wildlife Service Conservation and Other Minimization Measures Required – statement of compliance with all general and specific permit and project conditions

h. Turtle monitoring program (monitoring results/report)

i. In or near CBRA unit

j. Latitude and longitude of sand source in decimal degrees

k. Dune slope ratio

l. Escarpment height and length

4. Potential Agency Coordination

a. Federal

   i. U.S. Army Corps of Engineers

   ii. U.S. Fish and Wildlife Service

   iii. NOAA/National Marine Fisheries Service

b. State

   i. Florida Department of Environmental Protection

   ii. Florida Fish and Wildlife Conservation Commission

   iii. Water Management Districts

   iv. State Historic Preservation Officer

5. Point of Contact

To coordinate your beach restoration activities or for more information please contact:

Ginger Shirah
Deputy State Environmental Officer
Environmental and Debris Section
Public Assistance Branch, Recovery Bureau
Florida Division of Emergency Management
Desk Phone: (850) 410-1598
ginger.shirah@em.myflorida.com

Justin Wallheiser
Environmental Specialist
Environmental and Debris Section
Public Assistance Branch, Recovery Bureau
Florida Division of Emergency Management
Desk Phone: (850) 410-3286
justin.wallheiser@em.myflorida.com

Florida DEM

Roads and Bridges Quick Guide

Public Assistance Projects

Please review the following guidelines for reimbursement of road and bridge repair costs you may incur as a result of a disaster. Road and bridge repair is often essential after a storm. Many times, priority is given to roadway repairs for access to emergency and essential services. Road and bridge work can be critically important, however proper documentation for FEMA reimbursement will be required.

1. The Public Assistance Policy Digest (FEMA 321 / January 2008, pg 12) states:

a. Eligible work includes repair to surfaces, bases, shoulders, ditches, culverts, low water crossings, and other features, such as guardrails. Damage to the road must be disaster-related to be eligible for repair. In addition, repairs necessary as the result of normal deterioration, such as "alligator cracking," are not eligible because it is pre-disaster damage. Pg. 115

b. **Bridges** are eligible for repair or replacement under the Public Assistance Program, unless they are on a Federal-Aid Road (see **Federal-Aid Roads**). Eligible work includes repairs to decking, guardrails, girders, pavement, abutments, piers, slope protection, and approaches. Pg. 13

2. Eligibility Requirements

a. You must be an **Eligible Applicant** as defined in the Public Assistance Policy Digest, pg 41 and have the legal responsibility (see pg 44) to perform work. http://www.fema.gov/pdf/government/grant/pa/pdigest08.pdf.

b. The FEMA road and bridge policy can be found at: http://www.fema.gov/government/grant/pa/pag07_t.shtm.

3. Documentation Requirements

Under Section 106 of the National Historic Preservation Act and EO 13175 FEMA must consult with the State Historic Preservation Officer (SHPO) and Tribal Governments. In order to do this, details of the fill source for the road work is required for all pits used, including commercial. Include these details in the scope of work

For each material used, whether sand, lime rock, or shell rock, include in the project worksheet:

a. Location of the borrow pit (latitude and longitude in decimal degrees)
b. Horizontal limits and vertical depths of disturbance at borrow pit
c. Aerial photos of borrow pit
d. Verification of whether the pit has been expanded outside of its original footprint or permitted area

4. Potential Agency Coordination

a. Federal
   i. U.S. Army Corps of Engineers
   ii. U.S. Fish and Wildlife Service
   iii. NOAA/National Marine Fisheries Service
   iv. U.S. Coast Guard
   v. Tribal Governments

c. State
   i. Florida Department of Environmental Protection
   ii. Florida Fish and Wildlife Conservation Commission
   iv. Florida Water Management Districts
   v. State Historic Preservation Officer

5. Point of Contact

To coordinate your beach restoration activities or for more information please contact:

Ginger Shirah
Deputy State Environmental Officer
Environmental and Debris Section
Public Assistance Branch, Recovery Bureau
Florida Division of Emergency Management
Desk Phone: (850) 410-1598
ginger.shirah@em.myflorida.com

Justin Wallheiser
Environmental Specialist
Environmental and Debris Section
Public Assistance Branch, Recovery Bureau
Florida Division of Emergency Management
Desk Phone: (850) 410-3286
justin.wallheiser@em.myflorida.com

Florida DEM

Debris Quick Guide

Public Assistance Projects

In the aftermath of a storm, debris must be cleared, removed and disposed of to eliminate any health and safety risk. Debris can include downed trees, silt, sand, building components, wreckage, and personal property. Debris must be separated for proper handling, transport and disposal of hazardous materials and toxic waste (e.g., asbestos containing materials, lead-based paints, household chemicals).

1. **The Public Assistance Policy Digest (FEMA 321 / January 2008, page 31)** states for debris removal to be eligible, the work must be necessary to:
   a. Eliminate an immediate threat to lives, public health and safety
   b. Eliminate immediate threats of significant damage to improved public or private property when the measures are cost effective
   c. Ensure the economic recovery of the affected community to the benefit of the community-at-large
   d. Mitigate the risk to life and property by removing substantially damaged structures and associated appurtenances as needed to convert property acquired using FEMA hazard mitigation program funds to uses compatible with open space, recreation, or wetlands management practices

2. **Eligibility Requirements**
   a. You must be an **Eligible Applicant** as defined in the Public Assistance Policy Digest, pg 41, and have the legal responsibility (see pg 44) to remove debris.
   b. Debris must be generated by the disaster event and deposited on improved, public or private non-profit property or brought to the public right-of-way.
   c. Private property debris removal should also be the legal responsibility of the applicant and pre-approved by FEMA.

3. **Documentation Requirements**
   a. Location of temporary debris management site(s) and site authorization by FDEP
   b. Verification that debris will not be staged or disposed of in floodplains or wetlands
   c. Verification that temporary staging areas will be restored to pre-disaster condition
   d. Verification that final disposition/disposal is in FDEP permitted facility by waste class or other method authorized by FDEP
   e. Burn authorization by FDOF or local fire department for vegetative debris
   f. Marine debris has special concerns depending on what it is and where it is located.

   For more information about debris, please see FEMA 325: Debris Management Guide.

4. **Potential Agency Coordination**
   a. Federal
      i. U.S. Army Corps of Engineers
      ii. U.S. Fish and Wildlife Service
      iii. NOAA/National Marine Fisheries Service
   b. State
      i. Florida Department of Environmental Protection
      ii. Florida Fish and Wildlife Conservation Commission
      iii. Water Management Districts
      iv. State Historic Preservation Officer

5. **Point of Contact**

   For more information or for any questions please contact:

Rick Knowles
Deputy State Debris Officer
Environmental and Debris Section
Public Assistance Branch, Recovery Bureau
Division of Emergency Management
Desk Phone: (850) 410-2341
richard.knowles@em.myflorida.com

Samuel Cannon
Debris Specialist
Environmental and Debris Section
Public Assistance Branch, Recovery Bureau
Division of Emergency Management
Desk Phone: (850) 487-1985
samuel.cannon@em.myflorida.com

Florida DEM

Vector Control Quick Guide

Public Assistance Projects

Please review the following guidelines for reimbursement of mosquito abatement costs you may incur as a result of a disaster. Be reminded, take the necessary actions to prevent a health and safety threat as soon as possible, but know the rules for reimbursement following a Presidential Disaster Declaration.

1. **The Public Assistance Policy Digest (FEMA 321 / January 2008, pg. 137)** states:
   a. Vector Control measures may be eligible for PA Program assistance in the disaster area as emergency protective measures when there is a serious health hazard. FEMA may provide reimbursement for such costs at the written request of the State or local public health officials. Verification of the threat by the State and local health agencies in accordance with established ordinances is required.
   b. FEMA may reimburse short-term abatement costs that are in excess of usual costs. The eligible costs are calculated by comparing the disaster-related costs to the most recent three non-disaster years of expenses for the same period. This includes both adulticide (aerial and ground spraying) and larvicide.

2. **Eligibility Requirements**
   You must be an **Eligible Applicant** as defined in the Public Assistance Policy Digest, pg. 41, and have the legal responsibility (see pg. 44) to perform vector control. http://www.fema.gov/pdf/government/grant/pa/pdigest08.pdf. The FEMA vector control policy (Recovery Policy 9523.10) can be found at: http://www.fema.gov/government/grant/pa/9523_10.shtm.

3. **Documentation Requirements**
   a. A letter from the department of health (DOH) indicating a serious health threat or a mosquito nuisance that is severely hampering the recovery effort.
   b. Trap data (for adulticide use) or dip data (for larvicide use) must be collected verifying the hazard.
   c. Three years of baseline data.
   d. Spray/dip area maps detailing the zones affected.
   e. The chemical used, application method and concentration used. Chemical must be an EPA approved chemical for use in Florida.
   f. Dates of application.

4. **Vector Control Public Assistance Process**
   a. Enter a mission in EM Constellation immediately for assistance and consultation. If you do not have access to EMC please call one of the contacts below for assistance. Entering a mission into EM Constellation begins the documentation process for Public Assistance and initiates contact and support from the Dept. of Agriculture and Consumer Services (DACS) mosquito control section. Entering a mission for Vector Control assistance in EMC does not obligate the county to proceed with vector control or public assistance. It only initiates contact and coordination with DEM, DACS and DOH.
   b. Surveillance (trap) data needs to be collected early in order to meet the requirements of the Public Assistance Program. Begin collecting surveillance data as soon as possible (DACS can assist with trapping, training, trap collection and mosquito identification). Sample data sheets can be found at http://www.flsart.org/pdf/Trap_Spreadsheet_Template.xls
   c. Applications for Vector Control reimbursement should contain 3 years of baseline data to support increase in normal mosquito population. Not having three years of baseline data does not preclude you from getting Public Assistance. Public Assistance determinations are made on a case by case basis by FEMA.
   d. Applications for Vector Control reimbursement must contain a letter from the County Health Department indicating a serious health effect or a mosquito nuisance that is seriously hampering the recovery efforts. A sample DOH letter can be found at http://www.flsart.org/pdf/Sample%20County%20Health%20Department%20Letter.pdf
   e. Aerial maps showing the areas to be sprayed and the trap locations (physical address or GPS coordinates). Florida Department of Agriculture and Consumer Services (DACS) can assist with spray maps and spraying (aerial and ground). Spray maps for some counties may be found at http://www.flsart.org/vector_control/countyspray.jsp

   f. Information indicating the chemical to be applied and its properties needs to be provided. Information on some common chemicals is found here http://www.flsart.org/vector_control/
   g. Authorization from the Florida Dept. of Environmental Protection (FDEP) must be obtained if State lands are to be sprayed. If spray maps are drafted by DACS, authorization from FDEP for spraying over State Lands is coordinated by DACS.

5. FEMA Concurrency Review

a. All documents are to be uploaded to EM Constellation as an update to the original mission requesting Vector Control assistance. All documents are gathered by the Division of Emergency Management – Environmental and Debris Section (EDS) and submitted to FEMA for review and concurrency from the CDC and the US Fish and Wildlife Service (USFWS). Once concurrency is received Vector Control applications may be initiated. **Note that concurrency from the CDC is a requirement for Public Assistance and the CDC may not provide after the fact concurrency. CDC concurrency is coordinated by FDEM through FEMA EHP.**

b. If a second application of adulticide (aerial and ground) or larvicide is required post spray trap data must indicate a need for a second spraying and all documentation including a new letter from the DOH has to be submitted for concurrency with the CDC and the USFWS.

6. Recommendations

a. It is strongly recommended that a mission be entered into EM Constellation requesting vector control assistance whether DACS assistance will be required or the county will be using its own resources.

b. If you are not sure you will be applying for public assistance start the process anyway and follow the guidelines. It is much easier than trying to meet all the requirements after the fact. Also, CDC and USFWS do not have to give after the fact concurrency.

c. Communication with EDS should be initiated as early as possible so coordination with FEMA for concurrency review can begin early in the process.

d. Vector Control efforts that will be submitted to FEMA for Public Assistance should not be initiated until the FEMA concurrency review is completed.

e. Give special attention to areas to be sprayed and chemicals used since changes in spray zones or chemicals may require a second FEMA concurrency review which could delay vector control operations.

f. Make use of resources provided by DACS and EDS it will make acquiring public assistance for vector control easier and faster.

7. Point of Contact

To coordinate your vector control measures, or for more information, please contact:

FDEM / EDS

Ginger Shirah
Deputy State Environmental Officer
Recovery Bureau
Division of Emergency Management
Environmental and Debris Section
ginger.shirah@em.myflorida.com
(850) 410-1598

Justin Wallheiser
Environmental Specialist
Recovery Bureau
Division of Emergency Management
Environmental and Debris Section
Justin.wallheiser@em.myflorida.com

DACS

Dale Dubberly
MCIRT Incident Commander
Department of Agriculture and Consumer Services
Dale.Dubberly@freshfromflorida.com
(386) 418-5507

Florida DEM

Acquisitions and Retrofit Quick Guide

Mitigation Projects

Acquisition and retrofit projects are designed to protect public and private (i.e., residential) property by addressing actual wind and/or flood damage or its potentiality. These types of projects can include: acquisition/demolition, retrofit/upgrade to current code, installation of storm shutters, floodproofing, elevation, and safe room projects (FEMA 361).

1. Eligibility Requirements

a. You must be an **Eligible Applicant** as defined in the FY 2010 Hazard Mitigation Assistance (HMA) Unified Guidance (page 8). Please access this webpage for more information on eligibility requirements http://www.fema.gov/library/viewRecord.do?id=3649.

b. For specific details regarding eligible applicants, refer to 44 CFR Part 206.434(a) for HMGP and 44 CFR Part 79.6(a) for FMA and SRL. For HMGP and PDM, see 44 CFR Part 206.2(16) for a definition of local governments.

2. Documentation Requirements

a. Location: Street address and latitude and longitude in decimal degrees

b. Date of Construction/Year built

c. Photographs of the structure (front, back sides, away from structure toward street and backyard)

d. If a structure is 50 years or older, a review must be coordinated with the State Historic Preservation Office (SHPO) under Section 106 of the National Historic Preservation Act. SHPO will determine if the structure is eligible for listing on the National Register for Historic Places. If a structure is eligible, SHPO will provide guidance to assure that there is no adverse effect on the structure's historical character.
Contact: State Historic Preservation Office

e. Demolition and elevation projects in areas where multiple structures or more than one structure on the same site occur must be coordinated with the Florida Department of Environmental Protection to satisfy requirements of the National Emission Standards for Hazardous Air Pollutants (NESHAP) under the Clean Air Act.
Contact: Florida Department of Environmental Protection

3. Point of Contact

For more information on acquisitions and retrofit projects please contact:

Adele Balmer, Environmental Specialist, Orlando, FL · 407- 856-5040 · adele.balmer@em.myflorida.com

Florida DEM

Drainage Improvements Quick Guide

Mitigation Projects

Small-scale drainage projects can improve inadequate drainage or storm water capacity in a given area. Typical drainage or storm water management projects can include installation of new culverts, pipe or culvert upgrades, ditch improvements, detention/retention ponds, swales, water control structures, outfalls and road elevations.

1. Eligibility Requirements

a. You must be an **Eligible Applicant** as defined in the FY 2010 Hazard Mitigation Assistance (HMA) Unified Guidance (page 8). Please access this webpage for more information on eligibility requirements http://www.fema.gov/library/viewRecord.do?id=3649.

b. For specific details regarding eligible applicants, refer to 44 CFR Part 206.434(a) for HMGP and 44 CFR Part 79.6(a) for FMA and SRL. For HMGP and PDM, see 44 CFR Part 206.2(16) for a definition of local governments.

2. Documentation Requirements

Project information if deemed necessary, will be forwarded to the Florida State Clearinghouse for environmental consistency determinations with state laws. Florida State Clearinghouse review, if needed, may indicate that certain permits are required – the review does not imply that such permits will be issued. *Disturbing new ground or impacting historic structures will prompt a review.* Permit issuance is based on a case-by-case review of the project by the appropriate regulatory authorities.

a. In accordance with the Clean Water Act, Section 404 and Section 10 of the Rivers and harbors Act, the U.S. Army Corps of Engineers should be consulted on drainage projects as the action has potential to affect "waters of the United States". Drainage projects may require a storm water and/or wetland permitting. Some projects may be exempt from permitting by one or more of the agencies mentioned below.
   Contact: U.S. Army Corps of Engineers
   Water Management Districts
   Florida Department of Environmental Protection

b. Drainage projects may have the potential to affect endangered or threatened species and their habitat. If any state or federal listed species or their habitat will be affected by the proposed project, a review must be coordinated with the respective agency. Further study, evaluation and mitigation measures may be required for projects that will have an adverse effect.
   Contact: U.S. Fish and Wildlife Service (federal listed species)
   Florida Fish and Wildlife Conservation Commission (state listed species)
   National Marine Fisheries Service (marine species)

c. A proposed drainage project in an undisturbed area will require review by the State Historic Preservation Office (SHPO) for archaeological concerns.
   Contact: State Historic Preservation Office (SHPO)

d. Drainage projects which occur in unincorporated areas must be reviewed for possible impact on "prime or unique" farmland or other sensitive agricultural areas.
   Contact: Natural Resource Conservation Service

e. Other required information:
   i. Latitude and longitude of project
   ii. Engineering plans/Drawings
   iii. Hydrologic and Hydraulic calculations or studies, if applicable
   iv. Photographs and maps of project area

3. Point of Contact

For more information on drainage improvement projects please contact:

Adele Balmer, Environmental Specialist, Orlando, FL · 407- 856-5040 · adele.balmer@em.myflorida.com

Sample of Public Notice

JOINT FEDERAL, STATE, LOCAL
PUBLIC NOTICE

The Federal Emergency Management Agency and the Florida Division of Emergency Management have received the following application for federal grant funding.

Under the National Environmental Policy Act (NEPA), federal actions must be reviewed and evaluated for feasible alternatives and for social, economic, historic, environmental, legal, and safety considerations. Under Executive Order (EO) 11988 and EO 11990 FEMA is required to consider alternatives to and to provide public notice of any proposed actions in or affecting floodplains or wetlands. EO 12898 also requires FEMA to provide the opportunity for public participation in the planning process and to consider potential impacts to minority or low-income populations.

Funding for the proposed project will be conditional upon compliance with all applicable federal, tribal, state and local laws, regulations, floodplain standards, permit requirements and conditions.

Applicant:
Example:
Any County Board of County Commissioners
P.O. Box 1234
Any Town, Florida 31234

Project Title:
FEMA -XXXX- DR-FL: Any County Acquisition Project

Location of Proposed Work:
The area affected by this project consists of homes in the following locations:
(*List the addresses of the homes that are in the same area, streets, intersections, etc.*)
Parcel 123, located at 123 Any Street, Any Town
Parcel 124, located at 124 Any Street, Any Town

Proposed Work and Purpose:
Any County plans to acquire and demolish the listed homes because of repetitive substantial damage due to flooding. (Provide a detailed Project Description)

Project Alternatives:
The alternatives to the project that have been and will be considered are: 1) the no action alternative and 2) *identify other feasible alternative (relocation, elevation, etc.)*. These alternatives to the proposed project are not viable because under Alternative 1) (*fill out)*; and Alternative 2) (*fill out).*

Comment Period:
Comments are solicited from the public; local, state or federal agencies; and other interested parties in order to consider and evaluate the impacts of the proposed project. The comments should be made in writing and addressed to the Florida Department of Emergency Management, Bureau of Recovery and Mitigation, 2555 Shumard Oak Blvd., Tallahassee, FL 32399-2100. These are due within 15 days of this notice. The State will forward comments to applicable regulatory agencies as needed. Interested persons may submit comments, obtain more detailed information about the proposed action, or request a copy of the findings by contacting:

John Doe
Any County (xxx) xxx-xxxx

Jane Doe, Environmental Scientist
Florida Division of Emergency Management (xxx) xxx-xxxx

Bill Doe
Federal Emergency Management Agency (xxx) xxx-xxxx

Frequently Asked Questions

What is NEPA and how does it relate to the other laws?

The National Environmental Policy Act (NEPA) requires that an environmental prospective is included in federally funded projects by evaluating the potential environmental impacts of the proposed project and ensuring an appropriate level of public involvement takes place.
To fulfill NEPA requirements, compliance with all other local, state, and federal environmental laws must be met. A fundamental requirement of NEPA is that the review must be completed prior to starting the project. Funding may be jeopardized if this does not happen.

Why is my project subject to NEPA review?

NEPA requires that federal agencies consider the effects of their proposed actions on the human environment before deciding to fund and implement the action. Nearly all actions proposed by a federal agency are subject to the process required by NEPA, and this includes any action carried out using federal funds.

Can my project be exempt from NEPA?

Yes, however, you must be aware that the other environmental laws may still apply and must be addressed. Please see the STATEX and CATEX exemptions in 44 CFR 10.8.

How will I know if the other laws apply to my project?

If your project is near or affects a stream, a wetland or other body of water, requires the destruction of an area of natural vegetation, or is in or near a special resource area, like a wildlife refuge, it is likely that you will need input from someone familiar with these laws.

What is an environmental concurrence?

Not all actions will require the applicant to obtain an environmental permit from the appropriate agency. However, consultations may be required between environmental agencies for concurrence or non-concurrence with the project's scope of work.

If all environmental concurrences are received, will funding be guaranteed?

Not necessarily. Failure to obtain all necessary environmental permits and concurrences could jeopardize funding; however this is only one part of the review process. FEMA ultimately determines eligibility and funding based on a number of factors. See Public Assistance Guide FEMA 322 or FEMA Hazard Mitigation Assistance Unified Guidance.

If my project gets its environmental clearance from FEMA and is subsequently funded, do I still need to get a local, state or federal permit to complete my project?

Generally, yes, unless the local, state or federal regulations have permit exemptions for the work proposed. Remember that FEMA's environmental clearance applies to the construction of the project because of the federal funding action. FEMA and the State will require as a condition of funding that all applicable permits are obtained. Work completion in violation of the law runs the risk of losing its federal grant funding from FEMA.

Are there any training opportunities available to learn more about environmental and historic preservation compliance?

Yes, FDEM can provide training. Please contact the Florida Division of Emergency Management Bureau of Recovery or Mitigation see ***Appendix A***. Additionally, FEMA provides an Individual Study Course online: IS-253 Coordinating Environmental and Historic Preservation Compliance.

Relevant Environmental and Historic Preservation Acronyms Commonly Used

44 CFR 10	Environmental Considerations Regulations
44 CFR 9	FEMA Floodplains and Wetlands Regulations
ACHP	Advisory Council for Historic Preservation
APE	Area of Potential Effect
BFE	Baseline Flood Elevation
BMP	Best Management Practices
CAA	Clean Air Act
CATEX	Categorical Exclusion
CBRA	Coastal Barrier Resources Act
CEQ	Council on Environmental Quality
CERCLA	Comprehensive Environmental Resource Compensation and Liability Act
CRS	Cultural Resources Survey
CWA	Clean Water Act
CZMA	Coastal Zone Management Act
DFO	Disaster Field Office
EA	Environmental Assessment
EIS	Environmental Impact Statement
ELO	Environmental Liaison Officer
EHP	Environmental and Historic Preservation
ERP	Environmental Resource Permit
EO	Executive Order
EO 11988	Floodplain Executive Order
EO 11990	Wetlands Executive Order
EO 12898	Environmental Justice Executive Order
EO 13175	Tribal Consultation Executive Order
EPA	Environmental Protection Agency
ESA	Endangered Species Act
FCMP	Florida Coastal Management Program
FCO	Federal Coordinating Officer
FDEM	Florida Division of Emergency Management
FDEP	Florida Department of Environmental Protection
FDOF	Florida Division of Forestry
FDOT	Florida Department of Transportation
FEMA	Federal Emergency Management Agency
FMA	Flood Mitigation Assistance
FNAI	Florida Natural Areas Inventory
FONSI	Finding of No Significant Impact
FPO	Federal Preservation Officer (FEMA)
FPPA	Farmland Protection Policy Act
FWPCA	Federal Water Pollution Control Act
FWC	Florida Fish and Wildlife Conservation Commission
FWCA	Fish and Wildlife Coordination Act
GIS	Geographic Information Systems
HMGP	Hazard Mitigation Grant Program
JCP	Joint Coastal Permit
MBTA	Migratory Bird Treaty Act
MOA	Memorandum of Agreement
MOU	Memorandum of Understanding
NEPA	National Environmental Policy Act
NESHAP	National Emissions Standards for Hazardous Air Pollutants
NFIP	National Flood Insurance Program
NHPA	National Historic Preservation Act
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration

NRCS	National Resources Conservation Service
NWFWMD	Northwest Florida Water Management District
PA	Public Assistance
PDM	Pre-Disaster Mitigation
PW	Project Worksheet
RCRA	Resource Conservation and Recovery Act
REO	Regional Environmental Officer
ROD	Record of Decision
Section 106	Historic Preservation Review (NHPA)
Section 404	Hazard Mitigation Grant Program (Stafford Act)
Section 404 Permit	Permit Dredge and Fill Permit (CWA)
Section 406	Public Assistance Program (Stafford Act)
Section 7	Endangered Species Act
SHPO/THPO	State (or Tribal) Historic Preservation Officer
SFWMD	South Florida Water Management District
SJRWMD	St. Johns River Water Management District
SOW	Scope of Work
SRL	Severe Repetitive Loss
SRWMD	Suwannee River Water Management District
SWFWMD	Southwest Florida Water Management District
STATEX	Statutory Exclusion
T&E	Threatened and Endangered Species
USACE	U.S. Army Corps of Engineers
USFWS	U.S. Fish and Wildlife Service
USGS	U.S. Geological Survey
WMD	Water Management District
WSRA	Wild and Scenic Rivers Act