

An all-in-one guide to assist Applicants in navigating the complexities involved with FEMA PA and EHP compliance.

FDEM EHP Greenbook

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Introduction

This document provides guidance to Applicants regarding Environmental and Historic Preservation (EHP) compliance requirements for Federal Emergency Management Agency (FEMA) Public Assistance (PA) grants. Since EHP is a complicated topic involving many federal and state laws, along with permit requirements from multiple regulatory agencies, this guide will not be fully comprehensive. It will, however, provide a basic understanding of the process and offers helpful resources.

Environmental and Historic Preservation Review Process

The National Environmental Policy Act (NEPA) acts as the legal basis for FEMA's EHP review. NEPA requires Federal Government entities to perform a comprehensive environmental assessment to ensure funding is being used in an environmentally responsible way. EHP review is a dynamic process which starts at the beginning of project development and ends with the EHP final review process step. Applicants will work closely with their assigned FEMA EHP Specialist throughout this process. Applicants are required to provide information about the project's scope of work to the EHP Specialist, so a Record of Environmental Consideration (REC) report can be developed for the project. This report will inform the Applicant what conditions must be met for the project to be considered in compliance with applicable environmental laws. **It is important for Applicants to wait until EHP has finished its full review and issued a REC report before starting work. Proceeding without the proper EHP review could jeopardize federal funding.**

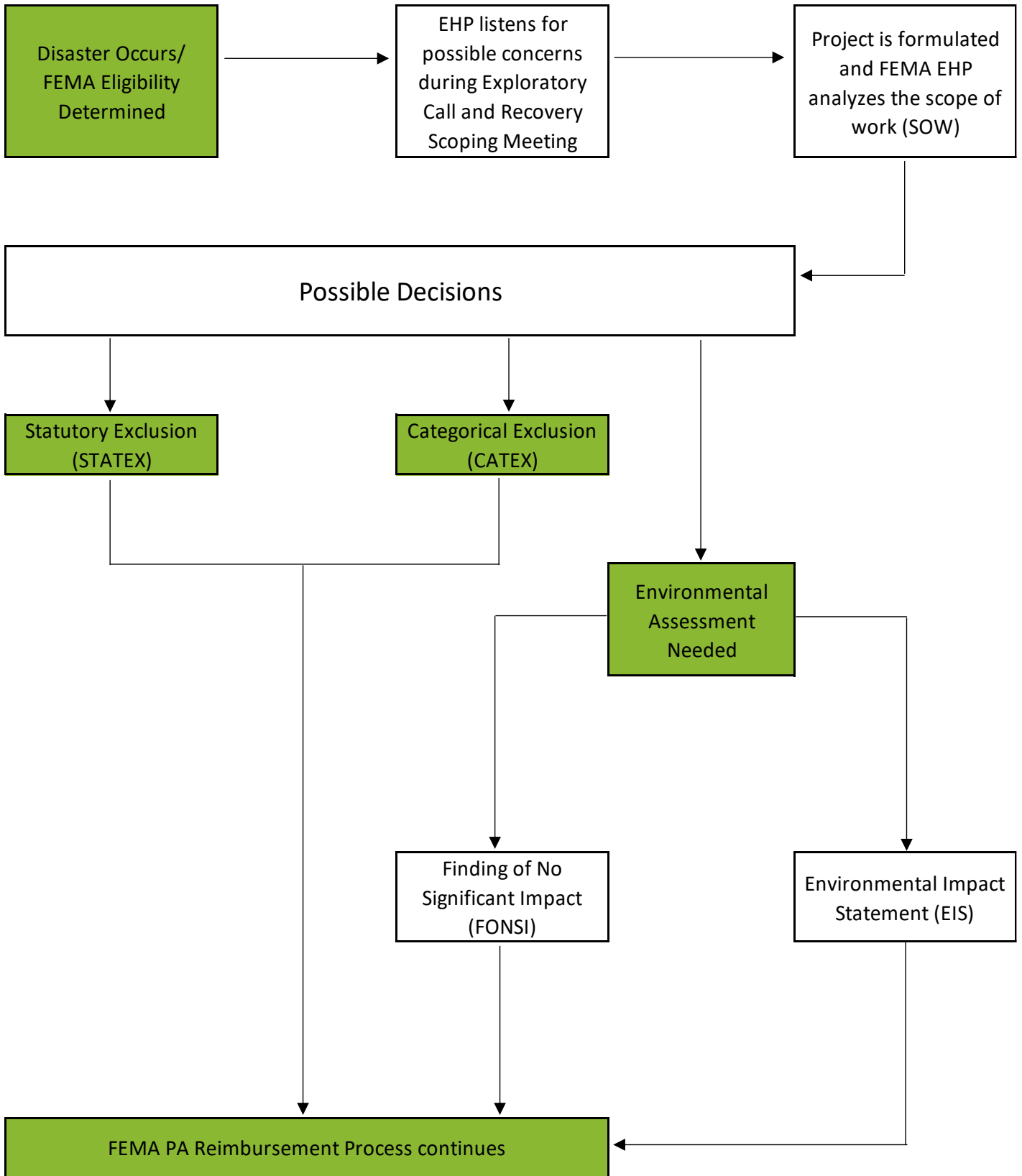
There are several EHP outcomes for projects during the EHP review (See Figure 1):

- **Statutory Exclusion (STATEX)**: This means the project activity is statutorily excluded from NEPA review. Congress has the power to determine which actions are excluded. For a complete list of excluded actions, please refer to [FEMA Statutory Exclusions](#). **However, even though the project may be exempt from NEPA review, the Applicant is still required to comply with all Federal and State environmental laws and Executive Orders.**
- **Categorical Exclusion (CATEX)**: Categorical Exclusions are a list of actions that FEMA has determined will have no significant impact on the environment. For a complete list of categorical exclusions, please refer to [FEMA Categorical Exclusions](#).
- **Environmental Assessment (EA)**: If the actions of a project cannot be statutorily or categorically excluded, then an EA is required. The purpose of an EA is to determine if significant environmental impacts will occur because of the action. During the EA, the environmental concerns are reviewed and will involve:
 - Assessing whether appropriate permits have been obtained by the Applicant
 - Determining whether project actions affect any threatened species or sensitive landscapes
 - Adherence to the required public comment period
 - The identification of alternative actions and their possible consequences

FEMA EHP will review the EA and analyze whether the actions of the project can be classified as a Finding of No Significant Impact (FONSI) or if a Notice of Intent (NOI) needs to be issued. If the EA results in a FONSI, the project can proceed to the next project review process step once all the appropriate permits and conditions are followed. If the EA results in a NOI, then the actions of the project require a more in-depth review and an Environmental Impact Statement (EIS) must be conducted by FEMA EHP in conjunction with various regulatory agencies.

- **Environmental Impact Statement (EIS)**: This is an extensive review, which fully outlines and documents the impact the action will have on the environment. A Record of Decision (ROD) is prepared by FEMA EHP. The ROD specifically outlines what actions must be taken to minimize the environmental impact as much as possible.

Figure 1



FEMA Project Phases

Phase I – Operational Planning

- Exploratory Call – This is the initial call an Applicant has with their FEMA Program Delivery Manager (PDMG) to discuss their disaster related impacts and damages
- Recovery Scoping Meeting – This call happens after the exploratory call and involves a more in-depth discussion of an Applicant’s disaster related damages (This call starts the 60-day regulatory timeframe for Applicants to submit disaster related damages to FEMA)

During both meetings, a FEMA EHP Specialist is usually present. The EHP Specialist will listen for any potential EHP concerns.

Phase II – Damage Intake and Eligibility Analysis

Phase III – Scoping and Costing

During phases II and III, the Applicant will need to provide information about the damages and proposed scope of work to the FEMA EHP Specialist. Some common examples are:

- Purpose and need for the project
- Location of project (latitude/longitude in decimal degrees)
- Property considerations
- Does the project include all or a portion of land owned or managed by:
 - Federal Government
 - State Government
 - Tribal Government
 - Local Government
- Detailed description of project scope of work, including:
 - Property and damage descriptions
 - If the proposed work involves demolition, modification/mitigation, new construction, or excavation
 - Whether ground disturbance will occur (depth, width, and length of disturbance)
 - Description of project implementation
 - Description of size of project area
 - Description of alternatives and why those alternatives were not chosen
- General documentation, this includes:
 - Actual or estimated construction date for building and structures
 - Copies of architectural or engineering documents, if available
 - Related consultations or correspondence with SHPO, USFWS, USACE, etc.
 - Completed Archeological/historical surveys or environmental assessments
 - If the project will stay within the pre-disaster footprint or will be expanded
 - Any documentation related to the historical significance of the property
 - Description of public involvement e.g., public notices, outreach, etc.
 - Photographs of the project site
 - Copies of applicable permits

Phase IV – Obligation

During this phase, FEMA EHP final review will verify all consultations with regulatory agencies have been completed and all applicable project conditions have been met.

Six Mistakes Which Can Delay or Defund A Project

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

Historic Preservation

Along with confirming compliance with environmental laws, FEMA must confirm project compliance with the National Historic Preservation Act (NHPA). This is referred to as a section 106 review.

- All projects are subject to this review. There are no exemptions for emergency work under NHPA
- Only measures such as search and rescue to protect life and health from an immediate danger are exempt; qualification is at the discretion of the FEMA Historic Preservation Officer
- The consultations with the State Historic Preservation Office (SHPO) and the Tribal Historic Preservation Office (THPO) cannot be performed after the fact
- Not all historic places will be labeled previously as such, or look like a typical historic site
- The age of the building, occurrence of ground disturbing activities, and historic and cultural significance of the project site are some of the factors that will be considered during the section 106 review

Environmental Applicant Guidance by Project Type

For FEMA specific environmental information, please refer to the current version of FEMA's Public Assistance Program and Policy Guide (PAPPG).

Emergency Work

Per PAPPG V 4.0 pg. 98, the Applicant should provide the following documentation to facilitate the EHP review for Emergency Work (Category A and B):

- ✓ Site Map containing geographical coordinates in latitude/longitude (in decimal degrees) for all locations where work will be performed
- ✓ Dates of construction along with photographs of facilities within the project area

- ✓ Any known environmental issues or historic preservation concerns e.g., floodplain/wetlands, asbestos present within a facility, protected species, located in an archaeologically sensitive area, etc.
- ✓ Environmental Assessments
- ✓ Historic property designations/surveys, including archaeological surveys
- ✓ Copies of permits and correspondence with regulatory agencies such as, the SHPO/THPO, USACE, USFWS, NMFS, EPA, FDEP, etc.

It is a good idea to submit this information as soon as possible. Not submitting necessary information in a timely manner could cause delays with the EHP review and the obligation of your project.

Category A – Debris

Debris projects can have many factors that might cause an environmental impact. FDEM recommends Applicants to have a Debris Management Plan (DMP). Having a DMP can streamline an Applicant’s debris removal process and EHP review because final disposal sites and disposal method would be pre-identified. While debris removal is usually statutorily excluded from NEPA review, the Applicant still needs to comply with all environmental laws and regulations. Potential environmental/historic issues to consider:

- Debris is in a floodplain, wetland, an area with endangered or threatened species, or could impact important archaeological, cultural, or historic resources
- All Disaster Debris Management Sites (DDMS) need to be authorized by FDEP (you can pre-authorize DDMS’s), reference: [FDEP DDMS Guidance](#)
- Open pile burning of debris needs prior authorization from the [Florida Forest Service](#)
- For vegetative debris, it important to document who disposed of the debris; name, location, and WACS ID of DDMS and final disposal site; how debris was disposed (ex. Burning, mulching, etc.); and copies of any permits or notices of no permit needed documentation
- For hazardous waste, disposal must occur at a FDEP permitted facility

Category B – Emergency Protective Measures

Emergency protective measure projects are usually statutorily excluded from NEPA review. Again, this does not mean category B projects are exempt from following federal, state, or local environmental/ historic preservation laws. Potential environmental/ historic issues to consider include:

- Emergency protective measures work occurs in a floodplain, wetland, is in an area with endangered or threatened species, or could impact important archaeological, cultural, and historic resources
- Vector control has very specific requirements to be determined eligible by FEMA, reference: Appendix G of the PAPPG V4 pg. 236 and [FL State Agricultural Response Team Vector Control](#)
- Beaches could be eligible for emergency sand placement (emergency berm) if the sand used meets applicable environmental regulations, reference: PAPPG V4, Ch. 7, II, X4 pg. 137 Emergency Berms on Beaches
- If hazardous materials are present, the Applicant must comply with all Federal, State, and local environmental laws

If there is a hazardous materials spill, please alert the State Watch Office (SWO) at 850-815-4001.

Permanent Work (Categories C-G)

Permanent work is statutorily excluded (STATEX) from NEPA review if the facility is restored to pre-disaster design. If a project deviates from pre-disaster design, it could qualify for a categorical exclusion (CATEX). If the project does not qualify for a CATEX, then FEMA will perform a much more in-depth environmental review. If the permanent work will affect culturally or historically significant resources, additional permissions may be needed from regulatory agencies such as the SHPO/THPO, the Advisory Council on Historic Preservation, and the National Park Service.

The Applicant should allow FEMA to perform an EHP review before starting any permanent work. Not doing so could jeopardize funding.

Per current PAPPG V4 pg. 143, the Applicant should provide the following to facilitate the EHP review for Permanent Work (Categories C-G):

- ✓ Site Map containing geographical coordinates in latitude/longitude (in decimal degrees) for all locations where work will be performed
- ✓ Dates of construction along with photographs of facilities within the project area
- ✓ Any know environmental issues or historic preservation concerns e.g., floodplain/wetlands, asbestos present within a facility, protected species, located in an archaeologically sensitive area, etc.
- ✓ Environmental Assessments
- ✓ Historic property designations/ surveys, including archaeological
- ✓ Copies of permits and correspondence with regulatory agencies such as, SHPO/THPO, USACE, USFWS, NMFS, EPA, FDEP, etc.

Category G- Parks, Recreational, Other

Beaches

Sand replacement for beaches is eligible for reimbursement under certain conditions:

- The beach is not a federally constructed shoreline under USACE authority
- The beach is engineered i.e., beach was constructed of imported sand of the proper grain size to a designed elevation, width, and slope
- The Applicant has maintained the beach, as in follows a strict maintenance/ Renourishment program.

For more information on what does or does not constitute as beach maintenance please refer to PAPPG V4 Ch 8, IX, E1, Beaches pg. 180.

Necessary Documentation to Support Beach Eligibility

Figure 3

- ❖ Design studies, plans, construction documents, and as-builts for the original nourishment
- ❖ Documentation and details of the maintenance plan, including how the need to renourish is determined and funded
- ❖ Renourishment history, design studies, and as-builts for every Renourishment, including construction documents if applicable

Permits and Documentation

Depending on the project, FEMA EHP may require Applicants to apply for certain permits. Even if you are sure your project does not need a specific permit, it is better to apply and receive a letter from the regulatory agency saying a permit is not necessary. FEMA is not a regulatory agency and cannot make the decision on whether a permit is needed for your project. If possible, all permits need to be obtained before any work on the project is performed. It is the responsibility of the Applicant to apply for applicable permits, understand permit conditions, and submit the necessary documentation (surveys, studies, assessments, exemptions, etc.) to FEMA EHP for review. To avoid delays with your project, it is a good idea to apply for all permits that may be applicable to the work being performed.

Note: FEMA is aware that regulatory agencies may issue an “Emergency Final Order” (EFO) that extends previous exemptions given following a declared event. FEMA will only accept a determination of qualification for an exemption from the regulatory agency that is authorized by Statute to grant the exemption.

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

General Permit

Per USACE’s South Atlantic Division website “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 (5) years. In most cases, if the Applicant is complying with the conditions outlined in the general permit, their project will receive authorization from USACE. If the Applicant’s project does not comply with the conditions outlined in the general permit, they can still receive authorization, but will need to apply for a “standard permit”. A standard permit requires a much more in-depth review, and takes additional time compared to a general permit. To find a list of General Permits specific to USACE’s South Atlantic District Jacksonville click [here](#).

Nationwide Permits

A nationwide permit (NWP) is a type of general permit which authorizes activities on a nationwide level. Like general permits, these are also renewed every five (5) years. The last nationwide permits were reviewed in 2017. For a current summary of the nationwide permits, click [here](#).

Note: Nationwide permits are not exemptions. USACE should be consulted and a letter confirming that the project qualifies for a NWP needs to be obtained from the USACE. FEMA will require a copy of this letter to confirm that the appropriate permit was obtained for the project. It is the Applicant’s responsibility to keep record of these letters and include them in the project file.

Standard Permit

A Standard Permit is required if your project does not qualify for a general permit. Standard permits require a 15–30 day public comment period where the Applicant must make publicly available the permit drawings and

project description. The permitting process for Standard Permits can take anywhere from 60-120 days from the receipt of a complete permit application, though larger or controversial projects may take longer.

FDEP/FWMD – (Wetlands and Floodplains)

Joint Coastal Permit (JCP)

Per [Section 161.055 F.S.](#), FDEP can initiate concurrent processing of applications for coastal construction permits, environmental resource permits, and sovereign submerged lands authorizations. This consolidation of multiple permits is referred to as a Joint Coastal Permit (JCP)

A JCP is required for activities that meet all 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

To apply for a JCP, click [here](#).

Environmental Resource Permit (ERP)

Per the [FDEP](#) website, “The Environmental Resource Permitting (ERP) Program regulates activities in, on, or over surface waters or wetlands, as well as any activity involving the alteration of surface water flows. This includes new activities in uplands that generate stormwater 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 department or one of the state's water management districts, in accordance with the division of responsibilities specified in operating agreements between the department and the water management districts. The ERP 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 FDEP/FWMD. If a project is borderline or adjacent to a wetland area but will not have a direct impact on the wetland area, the Applicant is required to obtain a “No Permit Required Letter” from FDEP/FWMD.

Exemptions

Once your project is determined to have dredging or filling in the landward extent of wetlands or other surface waters, the next step to check if the project activity qualifies for any exemptions contained within [Section 401.813 F.S.](#) and [62-312.050, F.A.C.](#). FEMA requires documentation of the exemption determination by the authorized regulatory agency. Applicable exemptions can be verified [here](#).

General Permit

If the project’s activity does not qualify for an exemption or fall under the no permit required category, the next step in the process is to see if the activity would qualify for a general permit. General Permit criteria are outlined in [Sections 62-312.801 - .822 F.A.C.](#). If General Permit criteria are applicable, a Notice of Intent to

Construct Works Pursuant to Wetland Resource General Permit must be submitted to FDEP at least 30 days prior to beginning work. Once submitted, unless told otherwise during the 30-day review period, the Applicant may assume they qualify for the general permit. General Permits can be submitted [here](#).

Individual Permits

Individual Permits are issued for all other activities which require permits but do not qualify for Exemptions or General Permits. Individual Permits can be applied for [here](#).

Pre-Application Meetings

Meeting with the FDEP and/or FWMD can be conducted prior to submitting an application. These agencies can provide guidance on various things such as need for permits, whether the activity is located within the landward extent of surface waters and wetlands, if the activity qualifies for an exemption or general permit, permit submission process, and information on permit fees. Online help for ERP permits can be found [here](#).

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

Coastal Construction Control Line Permits (CCCLP)

The Coastal Construction Control Line (CCCL) is an area along the coast where structures and activities which can cause beach erosion, dune destabilization, damage to upland properties, interference with public access, and possible effects on sea turtles and dune vegetation are regulated. Due to these regulations, the Applicant may be required to apply specialized design and construction techniques. For more information on CCCLPs please go [here](#).

Mapping Resources:

[Locate the CCCL](#)

EHP Profile

The EHP profile section in Grants Portal contains the REC report which outlines any environmental concerns or conditions FEMA has for a project. Environmental conditions are certain criteria an Applicant must follow for their project to remain in compliance with EHP. Conditions may include requirements to obtain permits, consultations with certain agencies, etc. The conditions can be general or specifically negotiated with regulatory agencies depending on the work to be performed in the project. **If conditions are not followed the project will be non-compliant with EHP and FEMA may de-obligate project funding.**

Project Closeout

At project closeout, all concerns, recommendations, and conditions outlined in the REC report in Grants Portal must be found satisfactory by FEMA EHP for closeout to occur. If the Applicant does not prove proper supporting documentation, FEMA EHP could put the closeout of the project on hold until all outstanding conditions are met. These documents could include things such as permits, letters, photos of the site, emails, statements, etc.

References

List of Acronyms

Agencies

ACHP – Advisory Council on Historic Preservation

EPA – Environmental Protection Agency

FDF – Florida Division of Forestry

FWC – Florida Fish and Wildlife Conservation Commission

FDEM – Florida Division of Emergency Management

FDEP – Florida Department of Environmental Protection

FEMA – Federal Emergency Management Agency

FWMD – Florida Water Management District

FSART – Florida State Agricultural Response Team

NRCS – National Resources Conservation Service

SHPO – State Historic Preservation Office

SWO – State Watch Office

THPO – Tribal Historic Preservation Office

USACE – United States Army Corps of Engineers

USFWS – United States Fish and Wildlife Service

Terminology

CATEX – Categorical Exclusion

CCCL – Coastal Construction Control Line

CCCLP – Coastal Construction Control Line Permit

DMP – Debris Management Plan

DDMS – Disaster Debris Management Site

EA – Environmental Assessment

EO – Executive Order

EFO – Emergency Final Order

EHP – Environmental and Historic Preservation

EIS – Environmental Impact Statement

ERP – Environmental Resource Permit

FIRM – Flood Insurance Rate Map

FONSI – Finding of No Significant Impact

JCP – Joint Coastal Permit

NOI – Notice of Intent

NWP – Nationwide Permit

PAPPG – Public Assistance Program and Policy Guide

REC – Record of Environmental Consideration

SOW – Scope of Work

SFHA – Special Flood Hazard Area

STATEX - Statutory

TDMS – Temporary Debris Management Site

WACS – Water Assurance Compliance System (ID)

Environmental Policy

CAA – Clean Air Act

CWA – Clean Water Act

CBRA – Coastal Barrier Resources Act

Environmental Policy Continued

ESA – Endangered Species Act

FPPA – Farmland Protection Policy Act

FWCA – Fish and Wildlife Coordination Act

MSA - Magnuson-Stevens Fishery
Conservation and Management Act

MBTA - Migratory Bird Treaty Act

NEPA – National Environmental Policy Act

NHPA – National Historic Preservation Act

NMFS – National Marine Fisheries Service

RCRA – Resource Conservation and
Recovery Act

WSR – Wild and Scenic Rivers Act

List of Resources

FEMA

[PAPPG V 3.1 \(Incidents Declared Before 6/1/2020\)](#)

[PAPPG V 4 \(Incidents Declared on or After 6/1/2020\)](#)

<https://www.fema.gov/>

[FEMA Statutory Exclusions](#)

[FEMA Categorical Exclusions](#)

[Environmental Assessment Tools and Templates](#)

[National Historic Preservation Act | FEMA.gov](#)

Laws and Executive Orders

- [NEPA](#) - NEPA was first signed into law in January 1970, with the goal of requiring federal agencies to evaluate the environmental consequences of their actions before making decisions. NEPA acts as the legal basis for FEMA's EHP review. The NEPA EHP review is a comprehensive look at the environmental effects of all proposed actions.
- [NHPA](#) - The National Historic Preservation Act was enacted in 1966 to protect important historic and cultural resources. FEMA is required by section 106 of this act to consider the project's effect on historic properties. A historic property is any district, building, structure, object, or site that is eligible for listing in the National Register of Historic Places (NRHP) due to the property's significance at the national, state, or local level in American history, architecture, archaeology, engineering, or culture. FEMA, in coordination with the State Historic Preservation Officer (SHPO)/ Tribal Historic Preservation Officer (THPO), and other consulting parties, must identify historic properties that may be affected by the proposed project and assess adverse effects of the actions.

FEMA must then obtain concurrence from the SHPO/THPO on the eligibility of the identified historic properties and the effects on them. If there are adverse effects, FEMA, in cooperation with the Applicant and State, consults with the SHPO/THPO and other consulting parties on ways to avoid or treat adverse effects to historic properties and develops a project-specific Memorandum of Agreement with the SHPO/THPO that outlines the agreed-upon treatment measures. To streamline this process, FEMA has established a Programmatic Agreement with the Florida SHPO and interested Tribes to allow many actions to be reviewed by FEMA Historic Preservation personnel without a consultation process.

- [CWA](#) - The Clean Water Act was enacted to regulate discharge of pollutants into waters of the US and to regulate quality standards for surface waters. This act makes it unlawful to discharge any pollutant from a specific source into navigable waters without the appropriate CWA permits from the U.S. Army Corps of Engineers (USACE) or State regulatory agency. For Florida, the regulatory agencies are the Florida Department of Environmental Protection (FDEP) and the Florida Water Management Districts (FWMD).

- [CAA](#) - The Clean Air Act was enacted to preserve air quality. Permits may be required from various regulatory agencies such as FDEP, Florida Division of Forestry (FDF), and the U.S. Environmental Protection Agency for activities such as debris burning, demolition of damaged properties, and construction dust.
- [CBRA](#) - The Coastal Barrier Resources Act was enacted to protect undeveloped coastal barriers along the Atlantic, Gulf and Great Lakes coasts. The coastline is broken into Coastal Barrier Resource System (CBRS) units which restricts Federal funding for projects which encourage development within the unit.
- [CZMA](#) - The Coastal Zone Management Act was enacted to protect and manage the Nation's coastal resources. This act requires participating States to develop their own coastal zone management plans. Projects located in or near CZMA areas must follow the State's coastal zone management plan. Before a project in a CZMA area is approved, FEMA jointly reviews the project with the State's regulatory agency (in this case they would be FDEP and FWMD) to verify the project consistently follows the plan's outlined provisions. Resources: [FDEP Coastal Management Program](#); [List of Florida Water Management Districts](#)
- [ESA](#) - The Endangered Species Act requires Federal agencies and Applicants receiving grant funding to be conscientious of the conservation of threatened or endangered species and critical habitats. During the environmental assessment (EA), FEMA will consult with U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) to verify projects will not negatively affect listed threatened or endangered species or critical habitats. Resources: [USFWS Threatened and Endangered Species List](#) ; [Florida Fish and Wildlife Conservation Commission Threatened and Endangered Species List](#)
- [FPPA](#) – The Farmland Protection Policy Act restricts the conversion of “prime” or “unique” farmland for non-agricultural uses. FEMA must consult with the National Resources Conservation Service (NRCS) to identify the possible impacts to affected farmland.
- [FWCA](#) – The Fish and Wildlife Coordination Act requires FEMA to consider the effects to fish and wildlife, when a project results in the control or modification of a natural stream or water body. FEMA will be required to consult with agencies such as USFWS and NMFS, depending on the project. Resources: [USFWS FWCA](#) ; [Full Text FWCA](#)
- [MBTA](#) – The Migratory Bird Treaty Act declares it unlawful to pursue, hunt, take, capture, kill, or sell migratory birds. FEMA must confer with USFWS if a project will affect a listed migratory bird.
- [MSA](#) – The Magnuson-Stevens Act allows for the management and maintenance of sustainable fisheries in U.S. waters by protecting essential fish habitat including the water and substrate needed to maintain healthy fisheries. If a project could have a potential negative effect on essential fish habitats, FEMA is required to coordinate with NMFS.
- [RCRA](#) – The Resource Conservation and Recovery Act allows for the cooperation between Federal, State, and Local partners to control and manage hazardous and non-hazardous solid waste. The EPA establishes minimum regulatory standards which are executed by the State regulatory Agency (FDEP). RCRA requires safe disposal of waste, encourages the recycling of waste material where possible, and assists in cooperative efforts between State and Local agencies.
- [WSR](#) - The purpose of the Wild and Scenic Rivers Act is to preserve free flowing rivers, which are listed in or under study for inclusion in the National Wild and Scenic Rivers System. If a project is being performed on rivers with a WSR classification, FEMA must consult with the state regulatory agency (FDEP). Florida currently has two WSRA rivers, the Wekiva River and the Loxahatchee River.

- [EO 11988](#) - Federal agencies are required by this executive order to avoid or minimize activities that negatively affect floodplains. To achieve this, Federal Agencies, through a highly documented process are required to evaluate the effects of projects located near or within floodplains.
- [EO 11990](#) - Federal agencies are required by this executive order to avoid or minimize activities which would negatively affect designated wetlands along with the promotion of activities which would preserve and enhance wetland functions. Federal agencies must evaluate the effects of projects located near or within wetlands.
- [EO 12898](#) - Federal agencies are required by this executive order to consider the environmental and health effects of an activity and to make sure these effects do not disproportionately and adversely affect minority and low-income populations. This also referred to as environmental justice.

Work Categories A&B

[FDEP DDMS Guidance](#)

[Florida Forest Service](#)

[FL State Agricultural Response Team Vector Control](#)

Insurance

[FDEM Insurance Library](#)

[Flood Insurance Rate Map](#)

Environmental Considerations and Permitting

[EPA Superfund Site Mapper](#)

[USACE's South Atlantic District Jacksonville Website](#)

[USACE Nationwide Permit](#)

Joint Coastal Permit

[Section 161.055 F.S.](#)

[Joint Coastal Permit Application](#)

Environmental Resource Permit

[Section 401.813 F.S.](#)

[62-312.050, F.A.C.](#)

[Verify Exemptions Here](#)

[Sections 62-312.801 - .822 F.A.C.](#)

[ERP General Permit Submission](#)

[ERP Individual Permit Submission](#)

[ERP Permit Help](#)

Coastal Construction Control Line Permit

Special Considerations

FEMA Form [90-120](#), also known as the Special Considerations Questions form, contains nine questions that help identify and evaluate environmental and historic factors which may affect the project. Answering yes to any of these questions does not affect project eligibility; it simply brings special considerations to the attention of FEMA.

1. Does the damaged facility or item of work have insurance and/or is it an insurable risk? (e.g., buildings, equipment, vehicles, etc.)
 - Answer yes if the damaged facility is covered by insurance or is an insurable risk
 - Copies of general/ flood insurance policies must be provided to the Insurance Specialist for review
 - If there is an insurance settlement, a copy of the settlement documentation must be uploaded to FEMA's Grants Portal
 - If the facility was damaged in a previously declared event, an Applicant's insurance policy must meet all previous obtain and maintain requirements for the project to be considered eligible. For more information on insurance requirements, please refer to the [FDEM Insurance Library](#).
2. 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?
 - If any of the below landscapes or regulated areas apply, answer yes:
 - Floodplain - Any land area susceptible to being inundated by floodwaters from any source
 - Coastal High Hazard Area - Special Flood Hazard Areas (SFHAs) along the coasts that have additional hazards due to wind and wave action (these areas are identified on Flood Insurance Rate Maps (FIRMs) as zones V, V1-V30 and VE)
 - Wetlands - Areas where water covers the soil or is present either at or near the surface of the soil all year or for varying periods of time during the year, including during the growing season. Ex: Swamps, marshes, bogs, estuaries, etc.

Mapping Resources:

[Flood Insurance Rate Map](#)

[USFWS Wetlands Mapper](#)

3. Is the damaged facility or item of work located within or adjacent to a Coastal Barrier Resource System (CBRS) Unit or an Otherwise Protected Area?
 - Use the CBRS Mapper to determine if your project is within or adjacent a CBRS Unit

Mapping Resources:

USFWS CBRS Mapper

4. Will the proposed facility repairs/reconstruction change the pre-disaster condition? (e.g., footprint, material, location, capacity, use or function)?
 - This includes changes to materials used, re-enlargement, alignment, relocation, etc. (changes to the facility's footprint can trigger a higher level of environmental review)
5. Does the Applicant have a hazard mitigation proposal or would the Applicant like technical assistance for a hazard mitigation proposal?
 - Hazard mitigation - any sustained action taken to reduce or eliminate long-term risk to people or property from natural hazards and their effects
6. Is the damaged facility on the National Register of Historic Places or the state historic listing? Is it older than 50 years? Are there other, similar buildings near the site?
 - The National Historic Preservation Act (NHPA) requires Federal agencies to consider historic sites/properties in the planning and execution of the project
7. Are there any pristine or undisturbed areas on or near the project site? Are there large tracts of forestland?

This consideration may apply if:

 - The project located in an environmentally sensitive area, such as a wetland, estuary, wildlife habitat
 - There are endangered or threatened species in the area who could be affected by the project
 - Sediment from the project will be discharged into freshwater tributaries
8. Are there any hazardous materials at or adjacent to the damaged facility and/or item of work?
 - Consider if the project involves the handling, transportation, storage, and/or disposal of hazardous material
 - Consider if there are known contamination sites adjacent to the project area

Mapping Resources:

EPA Superfund Site Mapper

9. Are there any other environmental or controversial issues associated with the damaged facility and/or item of work?
 - For this question, list any details which may not have fit for the other questions
 - Consider if your project will have potential Environmental Justice (a.k.a. EO 12898) concerns (answer yes or unsure if you think Environmental Justice issues may be a possibility)
 - Consider if your project proposes/ involves berms, levees, or flood control works
 - Consider if your project is a CAT A Debris Removal and involves sediment removal from a waterway



FEDERAL EMERGENCY MANAGEMENT AGENCY ENVIRONMENTAL CONSIDERATIONS GREENSHEET FEMA DR-4399-FL



INTRODUCTION

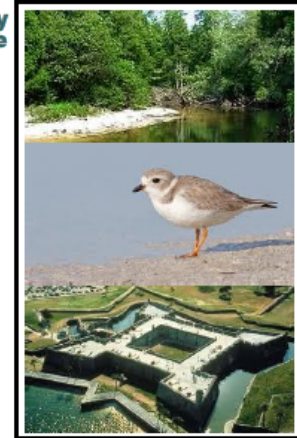
FEMA is responsible for ensuring that numerous state and Federal environmental planning and historic preservation laws and Executive Orders (EOs) are or will be met in order to provide project funding. FEMA's Environmental Planning & Historic Preservation (EHP) Specialists are available to assist subrecipients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

To prevent delays in the review, approval, and funding of projects, early identification of potential EHP compliance issues is important to coordinate with appropriate Federal, state, and local regulatory agencies as required.

Failure to comply with Federal, state, and local laws, executive orders, regulations, permit conditions, etc., including those not specifically mentioned in this document, may jeopardize FEMA's ability to fund a project and in some cases may involve civil and even criminal penalties. Compliance with EHP requirements should be addressed during every stage of project development, review, and closeout.

EVEN IF A PROJECT IS TO RETURN BACK TO PRE-DISASTER CONDITION there may be times when actions initiated or completed prior to EHP review may jeopardize FEMA funding. Common examples include projects that:

- Affect beaches, rivers, lakes, canals, wetlands, or other bodies of water;
- Affect a 100-year floodplain, or critical facilities in the 500-year floodplain;
- Affect structures that are 45 years or older, historic or potentially historic places, (including State and National Landmarks of any age) or are projects that may affect archaeological resources (change in footprint or work in undisturbed ground);
- Have known or suspected environmental concerns including clean-up or disposal of hazardous materials;
- Are located in environmentally sensitive areas such as parks, nature preserves, or near endangered species or their habitat;
- Involve Improved or Alternate projects, Hazard Mitigation, or Scope of Work (SOW) changes.



Vector Control Activities

- Before any vector control activities commence, contact Florida Division of Emergency Management (FDEM).
- Documentation needed prior to spraying: Letter from the health department indicating a serious health threat or nuisance that is severely hampering the recovery effort; trap data (for adulticide use) or dip data (for larvicide use), spray/dip area maps detailing the zone affected, and chemical and concentration to be used.
- After spraying, notify FDEM and FEMA of dates of application.
- For current "No Spray Zone" maps, contact FDEM and FEMA.

For additional information visit www.flsart.org/vector_control

Debris Removal From Water

- If debris removal must be done with equipment in the water, the subrecipient must obtain the appropriate permits from the Florida Dept. of Environmental Protection (FDEP), Bureau of Beaches and Coastal Systems and U.S. Army Corps of Engineers (USACE).
- If debris removal can be done from the land, or by hand, from the water, then no permits are necessary.
- If debris removal, by any method, must be done in estuaries, bays, or offshore waters, then coordination with the National Marine Fisheries Services may be necessary if a proposed activity may adversely affect threatened or endangered species or a critical habitat.

Federal Laws

- National Environmental Policy Act (NEPA)
- Endangered Species Act (ESA)
- National Historic Preservation Act (NHPA)
- Clean Water Act (CWA)
- Executive Order for Floodplains (EO 11988)
- Executive Order for Wetlands (EO 11990)

Projects that may require consultation

- Changes in scope of work
- Ground disturbance, even within the right-of-way
- Facilities 45 years old or older
- Debris removal from water
- Improved or alternate projects
- Any hazard mitigation

FEDERAL EMERGENCY MANAGEMENT AGENCY ENVIRONMENTAL CONSIDERATIONS GREENSHEET FEMA DR-4399-FL

Debris Management Sites

- Sites must be authorized by FDEP prior to use and adhere to FDEP guidance (link below).
- Only construction and demolition debris, land clearing debris, yard trash, vegetative waste, or Class III waste may be stored at the staging area.
- Site should not be located in or near potable water wells, water bodies, or wetlands.
- Closure of staging areas must be in accordance with FDEP guidance.

Debris cannot be staged, stored, reduced or disposed of in wetlands

For specific guidance on debris removal, visit FDEP's Guidance for Hurricane Generated Debris at: http://www.dep.state.fl.us/mainpage/em/files_debris_guidance.pdf

Reduction of Debris by Burning

- Prior to burning, contact the Florida Forest Service.
- Coordinate with FDEP district office to ensure compliance with air regulations.
- Dispose of ash in a permitted facility or land spread in areas approved by local governments

For additional information visit www.floridaforestservice.com/field_operations/

Debris Final Disposal

All debris must be disposed of in accordance with Florida Solid Waste regulations. Debris should be taken to an FDEP permitted landfill or by some other method authorized by FDEP.

- Class I wastes, including all mixed waste, non-recyclables and residuals generated from debris segregation (excluding asbestos containing material) must go to a Class I landfill or to a waste-to-energy landfill;
- Uncontaminated vegetative debris may be disposed of in permitted lined or unlined landfills, permitted land clearing debris facilities, registered yard trash processing facilities, or permitted construction and demolition debris disposal;
- Construction and demolition debris may be taken to a permitted construction and demolition debris disposal or recycling facility;
- Hazardous waste must be removed by authorized hazardous waste transporters and taken to a permitted hazardous waste facility.

White goods:

- Must be separated from vegetative debris and solid waste.
- Unsalvageable be taken to a Class I landfill or recycling facility.
- CFCs should be removed by a certified technician

Whole tires:

- Must be separated from vegetative debris and solid waste;
- The State of Florida bans the disposal of whole tires in landfills.

For additional information visit http://www.dep.state.fl.us/waste/categories/solid_waste/ or contact FDEP.

Roadways, Bridges, and Culverts

- A FDEP permit is **required** for any dredging, filling, construction or reconstruction of culverts and bridges. The permit must be obtained prior to any disturbance. Coordination with USACE is **required** for activities beyond the mean high water line or waters of the U.S.
- Coordination with the United States Coast Guard (USCG) is **required** for activities affecting bridges (including temporary bridges used for construction access or traffic detours) that cross navigable waters of the U.S.
- If culverts will not be repaired to pre-disaster condition, an hydrologic and hydraulic study may be required.

Debris Removal from Beaches and Adjacent Roads

- Coordination with the FDEP, Division of Waste Management and U.S. Fish and Wildlife Service (USFWS) as soon as possible, preferably prior to beginning debris removal.
- Sand should, as much as possible, be separated from debris prior to the removal, and placed in suitable sites to reduce beach sand loss. Contact the USFWS district office nearest the project location.
- Seaweed should be removed to a Class III permitted landfill.
- Coordination with the National Marine Fisheries may also be necessary if a proposed activity may adversely and significantly affect threatened or endangered species or a critical habitat.



Root Ball Removal has the potential to adversely affect historic properties including:

- Cemeteries
- Battlegrounds
- Historic Districts
- Archaeologically Sensitive Areas

For additional technical assistance and best management practices on root ball removal, contact FDEM and FEMA.



FEDERAL EMERGENCY MANAGEMENT AGENCY ENVIRONMENTAL CONSIDERATIONS GREENSHEET FEMA DR-4399-FL

Ground Disturbing Activities or Work Outside Footprint

- Any projects that impact a previously undisturbed area or are expanding outside the original footprint must be reviewed by FEMA for archeological, endangered species, and other EHP concerns **PRIOR** to initiating any work.
- Land that has been plowed or used for agriculture is not considered previously disturbed ground and must be evaluated.
- If buried or cultural remains are encountered during construction, all work must cease immediately and coordination with FEMA, SHPO and the Tribes is **required** before work can resume.

Buried or cultural remains may include:

- Prehistoric Indian artifacts
- Historic artifacts
- Human burials
- Wells
- Basements and foundations

Building Repair and Demolition

If a building requires demolition, the subrecipient must notify the local DEP District Office. For more information visit <http://dep.state.fl.us/secretary/dist/>

Asbestos Removal

- Asbestos removal must be coordinated with FDEP, Division of Air Resource Management or the local pollution control agency prior to any demolition or renovations of buildings that contain asbestos or asbestos-containing materials.
- All asbestos containing materials must be deposited at a waste disposal site licensed and permitted to handle this material.

For more information visit <http://dep.state.fl.us/air/emission/asbestos.htm>

Historic Preservation

- Any property, whether building, bridge, object, district, or landscape, that is 45 years old or older, OR any property with exceptional importance OR any property with specific cultural significance **must** be reviewed for compliance with federal laws **PRIOR** to any demolition, construction, or repair activity.

For more information visit <http://www.flheritage.com/preservation/>

Examples include:

- Dade Battlefield, Bushnell
- Castillo de San Marcos, St. Augustine
- Maple Leaf Shipwreck, Jacksonville
- Ybor City Historic District, Tampa

Permitting Requirements for Activities In or Near Water, Wetlands, and Beaches

Environmental Resource Permit (ERP)

- Needed for activities that alter surface water flows. Includes new activities in uplands that generate stormwater runoff from construction, as well as dredging and filling in wetlands and other surface waters.
- In addition to these activities, this permit also addresses permission to use sovereign submerged lands.
- Required for activities above the mean high water mark.
- Permit from FDEP Office of Submerged Lands and Environmental Resources Coordination or Water Management District Offices.

For additional information visit www.dep.state.fl.us/water/wetlands/erp/

Emergency Beach Berms

- Permits may be required by FDEP for work on emergency beach berms;
- FEMA may be required to complete consultation concerning Threatened and Endangered species with USFWS prior to initiation of work;
- If work is located within a Coastal Barrier Resource Act (CBRA) Zone, additional environmental review may be required by FEMA. Please contact FEMA if project activities are within a CBRA zone.

To determine if the project is in a CBRA Zone, please visit www.fws.gov/CBRA/



FEDERAL EMERGENCY MANAGEMENT AGENCY ENVIRONMENTAL CONSIDERATIONS GREENSHEET FEMA DR-4399-FL

Joint Coastal Permit

Required for activities that meet 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
- Activities that are likely to affect the distribution of sand along the beach

<http://www.dep.state.fl.us/beaches/programs/envpermt.htm>

Coastal Construction Control Line (CCCL) Permit

- Permits are issued through FDEP, Beaches and Coastal Management Division and are required for any construction project seaward of the CCCL line and should be obtained prior to the start of construction.
- The CCCL defines that portion of the beach and dune system subject to severe fluctuations based on a 100-year storm event.
- On sandy beaches where no CCCL line has been established, coastal construction is prohibited within 50 feet of the mean high water line.

For additional information visit www.dep.state.fl.us/beaches/programs/ccclprog.htm

- Permits are issued through the FDEP Beaches, Inlets, and Ports Program
- A copy of the permit application will be forwarded to the USACE, and other Federal Agencies requiring consultation, for separate processing of the federal dredge and fill permit, if necessary.

FDEM Greenbook is available at www.floridadisaster.org/globalassets/importedpdfs/FLGreenbook.pdf

JOINT FIELD OFFICE CONTACTS

FEMA Public Assistance

Annie Ford
Annie.Ford@fema.dhs.gov
850-445-4543

Sidney Melton
Sidney.Melton@fema.dhs.gov
940-208-4566

FDEM Public Assistance Officer

Melissa Shirah
Melissa.Shirah@em.myflorida.com
850-815-4403

FEMA Environmental Advisor

Holly Pelt
Holly.Pelt@fema.dhs.gov
407-913-8067

FEMA Hazard Mitigation

Laura McSweeney
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425-492-4364

Jose Mateo Morel
Jose.MateoMorel@fema.dhs.gov
816-398-3302

FDEM Hazard Mitigation Officer

Miles Anderson
Miles.Anderson@em.myflorida.com
850-413-9816

FDEM Mitigation Environmental Specialist

Paula Catledge
407-856-5019
Paula.Catledge@em.myflorida.com

FEDERAL AGENCIES

U.S. Fish and Wildlife Services

Panama City Field Office
Phone: 850-769-0552
www.fws.gov/panamacity

North Florida Ecological Services Office
Phone: 904-731-3336
<http://www.fws.gov/northflorida/>

South Florida Ecosystem Field Office

Phone: 772-562-3909
<http://www.fws.gov/verobeach/>

U.S. Army Corps of Engineers (USACE)

Jacksonville District Regulatory Division
Phone: 904-232-1177
District Offices contact info:
<http://www.saj.usace.army.mil/Missions/Regulatory/OfficeLocations.aspx>

National Oceanic and Atmospheric Administration (NOAA) Fisheries Service

Southeast Regional Office
Phone: 727-824-5301
<http://sero.nmfs.noaa.gov>

U.S. Department of Agriculture (USDA), Natural Resource Conservation Service

(NRCS) - Florida State Office
Phone: 352-338-9500
<http://www.fl.nrcs.usda.gov>

STATE AGENCIES

Florida Department of Environmental Protection (FDEP) Regulatory Programs

Phone: 850-245-3029
www.dep.state.fl.us
FDEP District Office contacts can be found:
<http://www.dep.state.fl.us/secretary/dist/>

Florida's Water Management Districts (WMD) - District Offices contact info:

www.dep.state.fl.us/secretary/watman/

State Historic Preservation Office

Compliance and Review
Jason Aldridge
Phone: 850-245-6333
<http://dos.myflorida.com/historical/preservation/compliance-and-review/>

Florida Forest Service

Phone: 850-681-5800
<http://www.floridaforestservice.com/index.html>

Florida Fish and Wildlife Conservation Commission

Florida Fish and Wildlife Conservation Commission
Phone: 850-488-4676
www.myfwc.com

Florida Division of Emergency Management (FDEM)/Florida Flood Insurance Program (NFIP) Coordinator

Steve Martin, CFM
Phone: 850-413-9960
<http://www.floridadisaster.org/Mitigation/SFMP/Index.htm>

Record of Environmental Consideration Example

12/18/2020
15:55:30

FEDERAL EMERGENCY MANAGEMENT AGENCY

REC-01

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project: [REDACTED]
Title: [REDACTED] Park - Stage

NEPA DETERMINATION

Non Compliant Flag: No
EA Draft Date: [REDACTED] EA Final Date: [REDACTED]
EA Public Notice Date: [REDACTED] EA Fonsi [REDACTED] Level: STATEX
EIS Notice of Intent [REDACTED] EIS ROD Date: [REDACTED]

Comment The City of [REDACTED] State; CAT G, 0% complete. The applicant will use contracts for the replacement of the [REDACTED] Park & Pavilion and walkway ([REDACTED]) back to its in-kind pre-disaster design, function and capacity within the existing footprint. Pavilion built c. 1930; will replace 1,792 LF wood floor deck together with joists, piles, posts, purlins, headers and bracing. Will replace 1,440 SF of standing seam steel, painted roof with roof trusses, king post, railings, wooden railing, steel plate connectors, wood bench. Will replace wood decking, joists, pilings, bracing to Walkway, together with railings and deck supports. Total Costs: \$289,011.00. No HMP. - jlawre16 - 08/04/2020 20:45:40 GMT

CATEX CATEGORIES

Catex Category Code	Description	Selected
	No Catex Categories were selected	

EXTRAORDINARY

Extraordinary Circumstance Code	Description	Selected ?
	No Extraordinary Circumstances were selected	

ENVIRONMENTAL LAW / EXECUTIVE ORDER

Environmental Law/ Executive Order	Status	Description	Comment
Clean Air Act (CAA)	Completed	Project will not result in permanent air emissions - Review concluded	
Coastal Barrier Resources Act (CBRA)	Completed	Project is on or connected to CBRA Unit or otherwise protected area	Per consultation with USFWS conducted on 11/05/2020. See attached correspondence. - jlawre16 - 11/09/2020 12:04:08 GMT
	Completed	Proposed action an exception under Section 3505.a.6 - Review concluded	
Clean Water Act (CWA)	Completed	Project would affect waters, including wetlands, of the U.S.	CWA: SEE CONDITIONS. - jlawre16 - 08/26/2020 16:20:11 GMT
	Completed	Project may require Section 404/401 or Section 9/10 (Rivers and Harbors Act) permit, including qualification under Nationwide Permits - Review concluded	
Coastal Zone Management Act (CZMA)	Completed	Project is located in a coastal zone area and/or affects the coastal zone	CZMA: SEE CONDITION. - jlawre16 - 08/26/2020 16:25:26 GMT

NOTE: All times are GMT using a 24-hour clock.

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RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project 17-1

Title: 17-1

Environmental Law/ Executive Order	Status	Description	Comment
	Completed	State administering agency requires consistency review - Review concluded	
Executive Order 11988 - Floodplains	Completed	Located in floodplain or effects on floodplain/flood levels	EO 11988: The project is located in Zone VE per County FIRM Panel # 12045C0341G dated 04/16/2009. See 8-step checklist attached. SEE CONDITION. - jlawre16 - 08/26/2020 16:39:01 GMT
	Completed	Possible adverse effects associated with investment in floodplain, occupancy or modification of floodplain environment	
	Completed	8 Step Process Complete - documentation attached - Review concluded	
Executive Order 11990 - Wetlands	Completed	Located in wetlands or effects on wetlands	EO 11990: A review of the National Wetland Inventory (NWI) online mapper, accessed 08/26/2020, for the site indicates that the area is in or adjacent to a designated wetland. However, the project is repair of facility to pre-disaster form, function, and footprint, which is not likely to affect wetlands. See 8-step checklist attached. - jlawre16 - 08/26/2020 16:41:52 GMT
	Completed	Possible adverse effect associated with constructing in or near wetland	
	Completed	Review completed as part of floodplain review - Review concluded	
Executive Order 12898 - Environmental Justice for Low Income and Minority Populations	Completed	Low income or minority population in or near project area	
	Completed	No disproportionately high and adverse impact on low income or minority population - Review concluded	
Endangered Species Act (ESA)	Completed	Listed species and/or designated critical habitat present in areas affected directly or indirectly by the federal action	Per USACE NMFS Florida State-wide PBO dated 12/04/2015, the proposed project falls under Conservation Measures in Appendix A.2 regarding Installation, Maintenance, and Removal of Pile-Supported Structures and Anchored Buoys - Pile-supported structures include docks, boatlifts, mooring piles, chickees (i.e., over-water camping platforms used in national parks), aids-to-navigation (ATONs)/private aids-to navigation (PATONs) (e.g., pile-supported signs or anchored floating

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project : ...

Title: ...

Environmental Law/ Executive Order	Status	Description	Comment
	Completed	Determination of No Historic Properties Affected (FEMA finding/SHPO/THPO concurrence attached) - Review concluded	
	Completed	Project affects only previously disturbed ground - Review concluded	
State Hazardous Materials and Solid Waste Laws	Completed	Review concluded	SHM&SW: SEE CONDITION. - jlawre16 - 08/26/2020 16:32:18 GMT
Wild and Scenic Rivers Act (WSR)	Completed	Project is not along and does not affect Wild and Scenic River - Review concluded	

CONDITIONS

Special Conditions required on implementation of Projects:

EO 11988 CONDITION: The subgrantee must obtain floodplain permit from the local floodplain administrator before work begins. Failure to comply with these conditions may jeopardize FEMA funding; verification of compliance will be required at project closeout.

Source of condition: Executive Order 11988 - Floodplains Monitoring Required: No

EO 11988 PROGRAM CONDITION: Per EO 11988 and 44 CFR Part 9.12(f) requirements, project cannot be obligated until 09/15/2020.

Source of condition: Executive Order 11988 - Floodplains Monitoring Required: No

CWA CONDITION: The subgrantee is responsible for coordinating with and obtaining any required Section 404 permit(s) from the United States Army Corps of Engineers (USACE) and 401 permit(s) from the responsible state or tribal agency prior to initiating work. The subgrantee shall comply with all conditions and pre-construction notification requirements of the required permit(s), including any applicable regional conditions. All coordination pertaining to these activities or compliance with applicable permits must be documented and maintained in the subgrantee's permanent files. Copies must be forwarded to the Recipient (state or tribal EMA) and FEMA as part of the permanent project file. Failure to comply with this requirement may jeopardize receipt of federal funds.

Source of condition: Clean Water Act (CWA) Monitoring Required: No

CZMA CONDITION: The subgrantee is responsible for obtaining any required FDEP Environmental Resource Program (ERP) permits/waivers. Compliance with FDEP requirements constitutes compliance with Florida CZM. Failure to comply with these conditions may jeopardize FEMA funding; verification of compliance will be required at project closeout.

Source of condition: Coastal Zone Management Act (CZMA) Monitoring Required: No

CZMA CONDITION: The subgrantee is responsible for coordinating with and obtaining any required permit(s) from FDEP Beaches and Coastal Management Division. Subgrantee must obtain a Coastal Construction Control Line (CCCL) permit prior to initiating work or verification that no permit was required. The subgrantee shall comply with all conditions of the required permit. All coordination pertaining to these activities should be documented and compliance maintained in their permanent files. Failure to comply with these conditions may jeopardize FEMA funding; verification of compliance will be required at project closeout.

Source of condition: Coastal Zone Management Act (CZMA) Monitoring Required: No

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project :

Title:

ESA CONDITION: The proposed project must adhere to the Conservation Measures and Terms and Conditions of the following Biological Opinions: USFWS Programmatic Piping Plover BO, the USFWS Statewide Programmatic BO for Sand Placement, and the NMFS Florida State-wide PBO. The subgrantee must also adhere to the attached Sea Turtle and Smalltooth Sawfish Construction Conditions and Standard Manatee Conditions for In-Water Work. Failure to comply with these conditions may jeopardize FEMA funding; verification of compliance will be required at project closeout.

Source of condition: Endangered Species Act (ESA)

Monitoring Required: No

ESA CONDITION: Activity PDCs

A2.1. Pile-supported structures include docks and piers, boatlifts, mooring piles and dolphin piles associated with docks/piers; ATONs and PATONs; floating vessel platforms; pilesupported chickee (i.e., small, back-country, over-water, pile-supported, primitive camping shelters) by the National Park Service.

A2.2. Pile-supported docks/piers must have a total of 20 or fewer boat slips permitted to a single applicant (e.g., small marinas and multi-family facilities).

Source of condition: Endangered Species Act (ESA)

Monitoring Required: No

****DISREGARD PREVIOUS CONDITIONS****

ESA CONDITION: The proposed project must adhere to the attached USACE NMFS JAXBO dated 11/20/2017, General Project Design Criteria (PDC) AP.1-14 and Activity Specific PDCs A2.1-15. The subgrantee must also adhere to the attached Sea Turtle and Smalltooth Sawfish Construction Conditions and Standard Manatee Conditions for In-Water Work. Failure to comply with these conditions may jeopardize FEMA funding; verification of compliance will be required at project closeout.

Source of condition: Endangered Species Act (ESA)

Monitoring Required: No

If prehistoric or historic artifacts, such as pottery or ceramics, projectile points, dugout canoes, metal implements, historic building materials, or any other physical remains that could be associated with Native American, early European, or American settlement are encountered at any time within the project site area, the permitted project shall cease all activities involving subsurface disturbance in the vicinity of the discovery. The applicant shall contact the Florida Department of State, Division of Historical Resources, Compliance Review Section at (850)-245-6333. Project activities shall not resume without verbal and/or written authorization. In the event that unmarked human remains are encountered during permitted activities, all work shall stop immediately and the proper authorities notified in accordance with Section 872.05, Florida Statutes.

Source of condition: National Historic Preservation Act (NHPA)

Monitoring Required: No

SHM&SW CONDITION: The subgrantee shall ensure that all demolition debris is disposed of in a manner consistent with FDEP regulations. Failure to comply with these conditions may jeopardize FEMA funding; verification of compliance will be required at project closeout.

Source of condition: State Hazardous Materials and Solid Waste Laws

Monitoring Required: No

Standard Conditions:

Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.

This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.

FEMA EHP Checklist

EHP Checklist

“Yes” indicates that the environmental regulation or statute may apply to your project.

Environmental Regulation or Statute		Yes	No
National Historic Preservation Act			
1.A	Would the proposed project affect, or is the proposed project in close proximity to, any buildings or structures 50 years or more in age?		
1.B	Will the proposed project involve disturbance of ground?		
Endangered Species Act and Wildlife Coordination Act			
2.A	Are federally listed or endangered species, or their critical habitat, present in or near the project area and, if so, which species are present?		
2.B	Will the proposed project remove or affect vegetation?		
2.C	Is the proposed project in or near (within 200 feet), or likely to affect, any type of waterbody or body of water?		
Clean Water Act, Rivers and Harbors Act			
3.A	Will the proposed project involve dredging or disposal of dredged material, excavation, the addition of fill material, or result in any modification to water bodies or wetlands designated as “waters of the United States” as identified by the U.S. Army Corps of Engineers or on the National Wetland Inventory?		
Executive Order 11988 (Protection of Floodplains) and Executive Order 11990 (Protection of Wetlands)			
4.A	Does a Flood Insurance Rate Map, Flood Hazard Boundary Map, hydrological study, or some other source indicate that the project is located in, or will affect, a 100-year floodplain, a 500-year floodplain (if a critical facility), an identified regulatory floodway, or an area prone to flooding?		
4.B	Is the proposed project located in, or will it affect, a wetland as listed in the National Wetland Inventory?		
4.C	Will the proposed project alter a watercourse, water flow patterns, or a drainage way, regardless of its floodplain designation?		
4.D	Is the proposed project located in, or will it affect, a floodplain or wetland? If yes, the 8-step process summarized in Appendix J must be completed.		
Coastal Zone Management Act			
5.A	Is the proposed project located in the State’s designated coastal zone?		
Farmland Protection Policy Act			
6.A	Will the proposed project convert more than 5 acres of “prime or unique” farmland outside city limits to a non-agricultural use?		
Resource Conservation Recovery Act and Comprehensive Environmental Response, Compensation, and Liability Act			
7.A	Is there reason to suspect there are contaminants from a current or past use on the property associated with the proposed project?		
7.B	Are there any studies, investigations, or enforcement actions related to the property associated with the proposed project?		
7.C	Will any project construction or operation activities involve the use of hazardous or toxic materials?		
7.D	Are any of the current or past land uses of the property associated with the proposed project or are any of the adjacent properties associated with hazardous or toxic materials?		
Executive Order 12898 (Environmental Justice for Low Income and Minority Populations)			
8.A	Are there any low-income or minority populations in the project’s area of effect or adjacent to the project area?		
Other Environmental/Historic Preservation Laws (including applicable State laws) or Issues			
9.A	Are other environmental/historic preservation requirements associated with this project?		
9.B	Are any controversial issues associated with this project?		
9.C	Have any public meetings been conducted, or public comment solicited, on the proposed project?		