



# NORTH DAKOTA 2021 DISASTER DECLARATION 4613 EHP GREEN SHEET



## SEVERE STORM, STRAIGHT-LINE WINDS, & FLOODING DISASTER DECLARATION DR-4613

### FEMA Environmental / Historic Preservation and Disaster Recovery



As you repair and rebuild your communities, environmental and historic preservation concerns may seem unimportant. However, as with all federal funding, certain requirements related to the environment must be fulfilled. This brochure is provided to help you better understand environmental factors that you must consider as you apply for FEMA funding.

The information and assistance described here will help avoid any environmental roadblocks or time delays. The most important message is that we are available to help you with all environmental requirements. Contained here are facts, procedures, and contacts to help you through the process.

You can help by identifying any potential environmental or historic issues, concerns, or problems related to your projects and discuss these with FEMA staff as soon as possible.

Our work is under the direction of FEMA Federal Coordinating Officer, Lance Davis. We also coordinate closely with the North Dakota Department of Emergency Services (NDDDES).

As the Environmental and Historic Preservation Advisor, I pledge to assist you in understanding and complying with all environmental requirements.

Please contact me anytime.

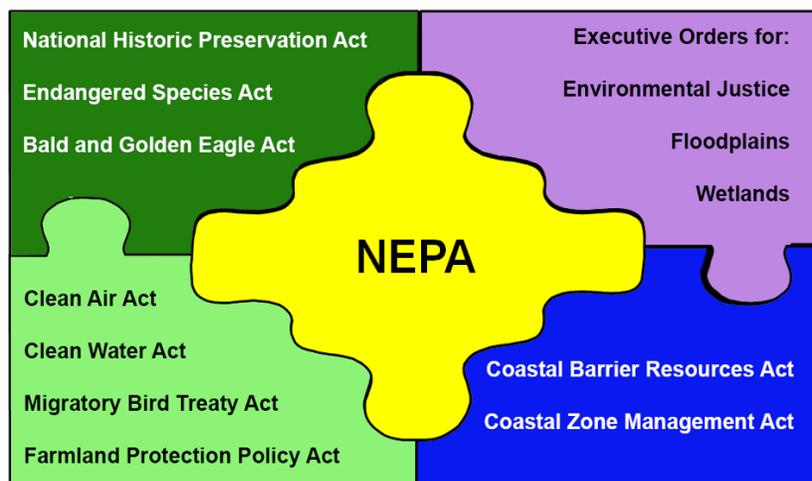
Charles Bello  
Environmental and Historic  
Preservation Advisor  
FEMA Region VIII  
[charles.bello@dhs.gov](mailto:charles.bello@dhs.gov)  
720-245-1400

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### Environmental Laws and Project Requirements:

In addition to the National Environmental Policy Act (NEPA), listed below are the other primary environmental laws and executive orders that come into play when rebuilding or replacing a “public assistance” facility. Some activities can proceed without environmental or historic review, others may require environmental consideration and, in some of the major projects, consultation with the State, Tribes, and FEMA is necessary before construction begins.

**Please note that failure to comply with applicable environmental and historic preservation laws could jeopardize or delay potential funding.**



## **NHPA—National Historic Preservation Act**

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

Archaeological resources also require special attention. Paramount among these are Tribal resources, of which North Dakota has a rich legacy. Any proposed project which alters a previously undisturbed area (e.g., relocating a utility, road realignment, a material borrow area for construction, preparation of debris staging, stockpiling or burning sites) must be reviewed by FEMA and the ND SHPO or applicable THPO for archeological concerns.

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

For borrow material taken from a *non-ND* Department of Transportation certified site, a completed disaster-specific site request form (which may be obtained from FEMA EHP or SHPO) must be submitted to SHPO, approved, and attached to the applicant's project worksheet.



**IMPORTANT:** FEMA EHP must be notified of any ground disturbance or scope change beyond repair in-kind **BEFORE** construction begins.

Projects may result as NON-Compliant if FEMA is unable to consult with SHPO prior to construction.

## **Other Considerations**

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



Projects involving **any ground disturbance** outside previously disturbed footprint, even if within the right-of-way may require archaeological review prior to construction.

## **CWA-Clean Water Act**

Projects that may require permits include:

- Any repair, construction, demolition, dredging, or filling proposed in a waterway; including lakes, streams, creeks, tributaries, and wetlands.
- Repairing or replacing a bridge, culvert or dams.

The U.S. Army Corps of Engineers (USACE) administers the Clean Water Act, and Applicants must contact them prior to the start of work for any required permits.



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

## **Endangered Species Act Migratory Bird Treaty Act Bald and Golden Eagle Protection Acts**

Three laws protect wildlife in North Dakota:

**The Endangered Species Act**, projects that may affect threatened or endangered (T&E) species and their habitats must be coordinated to avoid impact.

**The Migratory Bird Treaty Act** stipulates protection for not only migratory birds, but also for habitats and environments necessary for the birds' survival. Some migratory birds are also listed as threatened or endangered species.

**The Bald and Golden Eagle Protection Act** provides special rules to protect these species and their nesting areas, especially during the nesting season itself. North Dakota is home to 9 species protected under the ESA and has many designated Critical habitat areas.

**IMPORTANT:** If T&E Species, Bald or Golden Eagle, or critical habitat are potentially impacted by a proposed project, FEMA is required to consult with Federal and State wildlife agencies prior to the start of project work.

For a full listing of T&E Species, consult the following:

<https://www.fws.gov/endangered/>



## **Floodplains**

FEMA reviews all projects that take place in a **floodplain** as required by Executive Order 11988. The Applicant is responsible for coordinating with their local floodplain manager for any projects located within a floodplain. For major projects, this could require further review using the “8-Step” process, which looks at and evaluates alternatives, and includes public review.

## **Wetlands**

FEMA also reviews all projects that take place in **wetlands** as required by Executive Order 11990. As with floodplains, an “8-Step” process may be required whenever a project would modify a wetland. Project approvals and permits are needed from the ND State Water Commission, USACE, and U.S. Fish and Wildlife Service (USFWS) for work in wetlands.

## **Debris Disposal and Hazardous Materials**

For any debris removal projects, Applicants must follow the disposal guidance provided by the ND Department of Health. No contact, approval, or permits are needed to take solid waste debris to a licensed landfill or approved construction and demolition landfill. For temporary storage of debris outside of licensed or approved landfills, applicants must contact FEMA for site approval.

Debris should not be burned, but, if no reasonable alternative is available, an emergency approval for burning clean woody debris may be requested from the ND Department of Health.

This overview 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/local permits and clearances may effect compliance and jeopardize federal funding.

## CONTACTS

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

### **Federal Contacts**

#### **FEMA Joint Field Office (JFO)**

Denver Federal Center  
Building 710, Box 25267  
Denver, CO 80225-0267

#### **FEMA - Environmental**

Steve Hardegen  
Regional Environmental Officer  
303-235-4714  
[steven.hardegen@fema.dhs.gov](mailto:steven.hardegen@fema.dhs.gov)

#### **FEMA - Environmental**

Charles Bello  
EHP Advisor  
720-245-1400  
[charles.bello@fema.dhs.gov](mailto:charles.bello@fema.dhs.gov)

#### **FEMA - Floodplains**

Thomas Birney, Natural Hazard  
Program Specialist  
FEMA-Region VIII  
303-235-4802  
[thomas.birney@fema.dhs.gov](mailto:thomas.birney@fema.dhs.gov)

#### **US Army Corps of Engineers**

Patricia McQueary Prog Manager.  
1513 South 12th St  
Bismarck, ND 58504  
701-225-0015  
[patricia.l.mcqueary@usace.army.mil](mailto:patricia.l.mcqueary@usace.army.mil)

#### **US Fish and Wildlife Service**

Jessica Johnson  
3425 Miriam Ave.  
Bismarck, ND 58505  
701-355-8507  
[jessica.n.johnson@fws.gov](mailto:jessica.n.johnson@fws.gov)

#### **National Wildlife Refuges**

U.S. Fish and Wildlife Service  
Mountain-Prairie Region  
P.O. Box 25486, DFC  
Denver, CO 80225-0486  
303-236-4365

#### **National Park Service**

Intermountain Region  
12795 Alameda Pkwy  
Denver, CO 80225  
303-969-2500

### **State Contacts**

#### **Department of Emergency Services**

[www.nd.gov/des/](http://www.nd.gov/des/)  
Fraine Barracks Lane, Bldg 35  
P.O. Box 5511  
Bismarck, ND 58504  
701-328-8100  
800-773-3259

#### **State Historic Preservation Office**

Lisa Steckler-Review and Compliance  
612 East Boulevard Ave  
Bismarck, ND 58505  
701-328-2666  
[lsteckler@nd.gov](mailto:lsteckler@nd.gov)

#### **ND Dept of Agriculture**

[www.nd.gov/ndda](http://www.nd.gov/ndda)  
Plant Industries Division  
1929 N. Washington St , Suite SS  
Bismarck, ND 58501  
701-328-2231

#### **ND State Water Commission**

John Paczkowski-Regulatory Division  
900 East Boulevard Ave, Dept 770  
Bismarck, ND 58505  
701-328-3446  
[jpaczkowski@nd.gov](mailto:jpaczkowski@nd.gov)

#### **ND Game and Fish**

Threatened and Endangered Species  
Steve R. Dyke  
100 North Bismarck Expressway  
Bismarck, ND 58501  
701-328-6347  
[sdylke@nd.gov](mailto:sdylke@nd.gov)

#### **ND Dept of Health—Section 401 Wa- ter Certification and Quality**

Peter N. Wax  
918 East Divide Ave  
Bismarck, ND 58501  
701-328-5268  
[pwax@nd.gov](mailto:pwax@nd.gov)

#### **ND Dept of Health-General Con- struction, Storm Water Permits**

Dallas J. Grossman  
918 East Divide Ave  
Bismarck, ND 58501  
701-328-5242  
[dgrossman@nd.gov](mailto:dgrossman@nd.gov)

#### **Projects in the Floodplain**

For permits for work in the floodplain  
contact your local FP administrator. A  
list can be found at:  
[www.swc.nd.gov](http://www.swc.nd.gov)

#### **State Forest Services**

Thomas Claeys-State Forest Manager  
307 First St East  
Bottineau, ND 58318  
701-328-9945  
[thomas.claeys@ndsu.edu](mailto:thomas.claeys@ndsu.edu)

#### **Natural Resources Conservation Service**

Mary Podoll-State Conservationist  
220 E. Rosser Ave– Room 270  
P.O. Box 1458  
Bismarck, ND 58502  
701-530-2000  
[Mary.podoll@nd.usda.gov](mailto:Mary.podoll@nd.usda.gov)

#### **Debris Removal**

Diana Trussell-  
Solid Waste Prog Manager  
918 East Divide Ave.  
Bismarck, ND 58501  
701-328-5166  
[dtrussell@nd.gov](mailto:dtrussell@nd.gov)

#### **ND Dept of Health-Asbestos Removal**

Justin Otto-Asbestos -IAQ Coordinator  
918 East Divide Ave.  
Bismarck, ND 58501  
701-328-5246  
[jotto@nd.gov](mailto:jotto@nd.gov)

### **Tribal Contact**

#### **U.S. Bureau of Indian Affairs**

Great Plains Regional Office  
Sebastian LeBeau  
115 4th Ave. SE  
Aberdeen, SD 57401  
605-226-7343  
[Sebastian.lebeau.ii@bia.gov](mailto:Sebastian.lebeau.ii@bia.gov)