



SOUTH DAKOTA 2019 DISASTERS GREEN SHEET

SEVERE WINTER STORMS, SNOWSTORM, SEVERE STORMS, TORNADOES AND FLOODING DR-4440; DR-4463; DR-4467; & DR-4469



FEMA Environmental / Historic Preservation (EHP) and Disaster Recovery

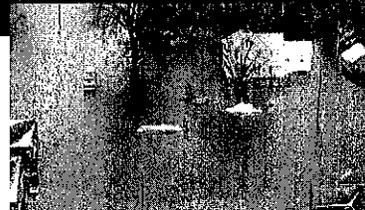
As you repair and rebuild your communities, environmental and historic preservation concerns may seem unimportant. However, as with all federal funding, certain requirements related to the environment must be fulfilled. This brochure is provided to help you better understand environmental factors that 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 EHP staff are available to help you with all environmental requirements. Contained here are facts, procedures, and contacts to help you through the process.

Please identify any potential Environmental / Historic Preservation concerns or issues and discuss these with our EHP staff as soon as possible—this will help us address issues and expedite funding.

Our work on this Disaster is under the direction of FEMA Federal Coordinating Officer, James R. Stephenson. We are also coordinating closely with the South Dakota Office of Emergency Management (SDOEM).

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

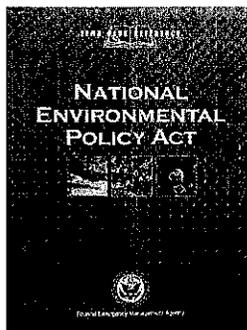


Please contact EHP Advisor, Charles Bello (720-245-1400; charles.bello@fema.dhs.gov) for any environmental or historic preservation questions or concerns.

Sincerely,

Steven E. Hardegen
Regional Environmental Officer
steven.hardegen@fema.dhs.gov
303-235-4714
303-547-8539 (cell)

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.

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

- Endangered Species Act
- National Historic Preservation Act
- Clean Water Act (especially Section 404)
- Farmland Protection Policy Act
- Executive Order for Wetlands Protection
- Executive Order for Floodplain Protection
- Executive Order for Environmental Justice

Some projects proceed without detailed review

- Emergency Protective Actions and Debris Removal (not staging)
- Repairs to pre-disaster condition or temporary repairs (unless 50+ years old)

Some projects require an environmental review

- Debris disposal
- Where the footprint is different than pre-disaster conditions
- Involving hazard mitigation
- Involving threatened or endangered species, wetlands or floodplains

Some projects require review and consultation

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

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USFWS Management Areas

Any project that is proposed within a U.S. Fish and Wildlife Service (USFWS) property, including National Parks, Wildlife Refuges, National Grass Lands, Wildlife Management Areas, Water Fowl Production Areas, Wetland Management Districts, easements, migratory bird nesting sites, or other protected areas will require special coordination with USFWS to avoid potential trespass violations. Special use or right-of-way permits will be necessary for construction affecting property interests administered by the USFWS.

WILD AND SCENIC RIVERS

MISSOURI RIVER—This designation consists of two separate segments—from the Fort Randal Dam downstream to the backwaters of Lewis and Clark Lake, and from Gavins Point Dam downstream to Ponca State Park. The National Park Service should be contacted for work in or near these segments.



Waterways — Culverts — Bridges

The Clean Water Act and the U.S. Rivers and Harbors Act apply to actions affecting "Waters of the United States." This includes any part of the surface water tributary system (natural waters including small streams, lakes, and wetlands) as well as isolated man-made waters.

The U.S. Army Corps of Engineers (USACE) administers both laws, and applicants should contact them prior to the start of work for any required permits.

Examples of actions requiring permits include any repair, construction, demolition, or dredging or filling in any part of surface water tributaries or systems.

Floodplains

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

Project approvals and permits are often needed from the U.S. Army Corps of Engineers (USACE), the U.S. Natural Resources Conservation Service (NRCS), and the local floodplain manager.

Some projects are exempt from floodplain review, including debris removal and repairs or replacements when the cost is less than \$5,000.

Staging of debris in the floodplain is to be avoided. Debris disposal in the floodplain is not permitted.

Wetlands

All projects in a **wetland** are reviewed by FEMA as per Executive Order 11990. An "8-Step" process may be required whenever a project would modify a wetland. Project approvals and permits are needed from the SD-DENR, USACE, and the U.S. Fish and Wildlife Service (USFWS) for work in wetlands.

Debris shall not be staged, even temporarily, or disposed of in a wetland. Debris removal from a wetland should be coordinated with the USACE, SD-DENR, and the USFWS.

The SD-DENR Surface Water Quality Department is a good source for finding out the detailed requirement for work involving wetlands.

Threatened and Endangered Species

Under the **Endangered Species Act**, projects that might affect threatened or endangered (T&E) species must be coordinated, and impacts avoided. **Endangered species** are in danger of extinction. **Threatened species** are those that could become endangered in the near future.

All counties in South Dakota have at least one T&E species. Critical habitats may be located in or near water or forested areas, but may also be in fields or along road edges. It is very important to know whether a proposed project might impact a critical habitat for any of these species. Applicants should contact FEMA environmental staff with project details. FEMA will coordinate with the USFWS. For a full listing of T&E Species in the counties, consult the following:

<http://www.fws.gov/mountain-prairie/endspp/>
http://www.fws.gov/southdakotafieldoffice/endedangered_species_newVersionP2.htm

USFWS recommends the development of an Avian Protection Plan for utility companies. For more information on electrical utility repair and migratory bird protection, consult the following: "Suggested Practices for Avian Protection on Power Lines: The State of the Art in 2006" and "Mitigating Bird Collisions With Power Lines: the State of the Art in 1994."

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Historic Preservation and Tribal Relations

Some historic resources are very obvious, others less so. Any structure (e.g., buildings, walls, bridges, culverts) **50+ years old** may be eligible for listing on the National Register of Historic Places. These structures must be reviewed by FEMA and the SD 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 South 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 SD SHPO or 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 potentially taken from a non-commercial source, FEMA must be notified and a review completed BEFORE any ground disturbance/ material removal occurs.

Different measures can be taken if historic resources are affected. It is important to involve FEMA and the SD SHPO or THPO offices as early as possible to make these determinations, and to decide what measures, if any, are to be taken.



Damaged CCC-era dam.

Debris Disposal and Hazardous Materials

For any debris removal projects, applicants must follow the disposal guidance provided by the SD Department of Environment and Natural Resources, Waste Management Program (WMP). Guidance publications are available on the department website, or from WMP staff. 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 WMP and FEMA for site approval. Prior to setting up a household hazardous waste collection (Clean

Sweep), notify WMP staff and follow their guidance.

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 SD Dept. of Environment and Natural Resources, Air Quality Section. Asbestos, if present, must be removed prior to building demolition. Contact the SD Dept. of Environment and Natural Resources, Asbestos Program for guidance.

Waste Management:

<http://denr.sd.gov/des/wm/wmp/wmpmainpage.aspx>

Debris Burning Guidance:

<http://denr.sd.gov/des/aq/openburn.aspx>

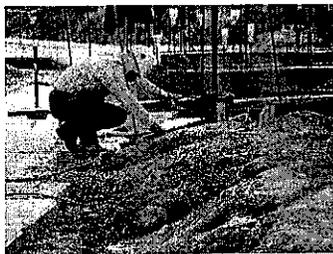
Asbestos Removal Guidance:

<http://denr.sd.gov/des/wm/asb/asbhomepage.aspx>

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 (including facility realignment, borrow areas, utility burial, utility pole replacement, access roads, etc.) may require archaeological review prior to construction.



Environmental Justice Executive Order 12898 strives to minimize negative health or environmental impacts on minority and low-income populations. Projects are examined to avoid these impacts. FEMA will not exclude any persons and populations from participating in benefits because of race, color, or national origin.

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CONTACTS

This publication presents an overview of the many laws and requirements for environmental clearance of FEMA Public Assistance projects. There are many other details not listed here that may prove useful for environmental compliance. The FEMA EHP 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)

U.S. Department of Homeland Security
FEMA Joint Field Office (JFO)
5000 Empire Mall,
Sioux Falls, South Dakota 57106-6523
Phone—Charlie Bello 720-245-1400

FEMA - Environmental

Steven Hardegen
Regional Environmental Officer
Denver Federal Center
Building 710, Box 25267
Denver, CO 80225-0267
303-235-4714
steven.hardegen@fema.dhs.gov

Charles A. Bello
Disaster Environmental Section Advisor
720-245-1400
charles.bello@fema.dhs.gov

FEMA - Floodplains

Thomas Birnie, Natural Hazard Program
Specialist for South Dakota
Denver Federal Center
Building 710, Box 25267
Denver, CO 80225-0267
(303) 235-4802; Fax: (303) 235-4849
thomas.birney@fema.dhs.gov

US Army Corps of Engineers

Cathy Juhas
South Dakota Regulatory Office
28563 Powerhouse Road, Room 118
Pierre, South Dakota 57501
605-224-8531; Fax: 605-224-5945
Catherine.D.Juhas@usace.army.mil

U.S Fish and Wildlife Service

Charlene Bessken, USFWS
420 S. Garfield Ave, Suite #400
Pierre, SD 57501
605-224-8693 x 231; Fax: 605-224-9974
charlene_bessken@fws.gov

National Wildlife Refuges

Toni Griffin, Acting Division Chief
U.S. Fish and Wildlife Service
Mountain-Prairie Region (6), Division of
Refuge Planning—P.O. Box 25486, DFC
Denver, CO 80225-0486
303-236-4378

National Grasslands

USDA Forest Service
125 North Main Street
Chadron, NE 69337
308-432-0300

National Wildlife Areas Refuges

Mountain-Prairie Region 6
Division of Refuge Planning
P.O. Box 25486, DFC
Denver, CO 80225-0486
303-236-4304

Tribal Contacts

US Bureau of Indian Affairs

Great Plains Regional Office
115 4th Ave. SE, Aberdeen, SD 57401
605-226-7343; Fax: 605-226-7446

Oglala Sioux Tribe

Emergency Manager Steve Wilson
Oglala Sioux Tribe Dept. of Public Safety
PO Box 300, Pine Ridge, SD 57770
605-441-2950
ostdem75@gmail.com

Rosebud Sioux Tribe

Emergency Manager Bob Oliver
PO Box 910, Rosebud, SD 57570
605-515-1330
Robert.oliver@rst-nsn.gov
Special Assistant to EM Brian Dillon
605-319-1162

Cheyenne River Sioux Tribe

Emergency Manager David Nelson
PO Box 590, Eagle Butte, SD 57625
605-200-0624
dnelson@crstepd.org

Sisseton Wahpeton Ovate—Lake Traverse Reservation

Emergency Manager Jim Pearson
411 Second Ave. E., Sisseton, SD 57262
605-268-2109
gaikowski@hotmail.com

State Contacts

Office of Emergency Management

118 West Capitol Avenue
Pierre, SD 57501
605-773-3231
http://oem.sd.gov/

State Historical Preservation Office

Jay D. Vogt
State Historic Preservation Officer
900 Governors Drive
Pierre, SD 57501
605-773-3458; Fax: 605-773-6041
j.vogt@state.sd.us

State Floodplain Administrator

Marc Macy
605-773-2199
Marc.macy@state.sd.us

SDGF & P Dept.—T&E Species

South Dakota Game Fish and Parks
20641 South Dakota Highway
1806 Fort Pierre, SD 57532
605-223-7660

State Parks

South Dakota Game Fish and Parks
523 East Capitol Ave.
Pierre, SD 57501
605-773-3391
parkinfo@state.sd.us

Prime or Unique Farmlands NRCS

Deanna Peterson, State Soil Scientist
Natural Resources Conservation Service
Federal Building, Room 203
200 Fourth Street, SW
Huron, SD 57350-2475
605-352-1253; Fax: 605-352-1288
deanna.peterson@sd.usda.gov

Debris Removal/Burning

Jim Wendte, Solid Waste Rules
South Dakota Dept. Environmental and
Natural Resources
Waste Management Program
523 East Capitol Ave.
Pierre, SD 57501-3181
605-773-3153; FAX: 605-773-6035

Asbestos Removal/Disposal

Chad Babcock
SD DENR
Waste Management Program
523 East Capitol Avenue
Pierre, SD 57501-3181
605-773-3153
FAX: 605-773-6035

Hazardous Materials Spills

Carrie Jacobson
Hazardous Waste Program
523 East Capitol Ave.
Pierre, SD 57501-3181
605-773-3153

SD Department of Environmental and Natural Resources — Section 401- Navigable Water Bridges & Culverts

Joe Foss Building
523 East Capitol Avenue
Pierre, SD 57501-3181

—Ground Water:

Kim McIntosh—605-773-3296

—Surface Water -NPDES Issues:
Kelli Buscher—605-773-3351

—Section 404 & 401 Certification /
Environmental Impact Statements:
John Miller—605-773-3351