



FEMA



FEDERAL EMERGENCY MANAGEMENT AGENCY ENVIRONMENTAL and HISTORIC PRESERVATION GREENSHEET: FEMA-4641-DR-NE

Environmental and Historic Preservation Guidance

As a condition of Federal Emergency Management Agency (FEMA) funding, projects must be reviewed for compliance with all applicable environmental laws, regulations, and executive orders (EO). This “Greensheet” provides you, Applicant, with guidance on FEMA’s Environmental and Historic Preservation (EHP) review processes to help you understand your obligations to ensure that all Federal and State compliance requirements are met and how compliance may impact project funding. FEMA EHP staff are available to answer questions and direct you to other resources as needed.

Federal Laws and Executive Orders

National Environmental Policy Act (NEPA)	EO 11988 Floodplain Management
National Historic Preservation Act (NHPA)	EO 11990 Wetlands Protection
Clean Water Act (CWA)	EO 12898 Environmental Justice
Endangered Species Act (ESA)	

Environmental and Historic Preservation Compliance and Federal Funding

NEPA requires Federal Agencies to assess the environmental effects of their actions, such as funding disaster recovery projects, prior to making funding decisions. NEPA incorporates the other environmental and historic preservation laws into the final consideration of the proposed project or its potential alternatives. FEMA has developed several levels of environmental and historic preservation review to streamline the types of projects commonly funded for disaster recovery. **A clear scope of work is needed to determine the level of review required under NEPA which can impact project timelines.** Some projects may require additional regulatory permitting or consultation with State, Federal, or Tribal entities. FEMA EHP will advise Applicants on what to expect during the review process. This guidance includes information regarding many, but not all, of the laws routinely addressed during disaster recovery project review. **Applicants have certain compliance responsibilities which they may be required to fulfill before funding can be approved or work can proceed. Failure to comply with applicable Federal, State, and local environmental and historic preservation laws could delay or jeopardize potential funding.**

Debris and Hazardous Materials

For any debris removal projects, applicants must follow the disposal guidance provided by the Nebraska Department of Environment and Energy (NDEE). No contact, approval or permits are needed to take solid waste debris to a licensed landfill or approved construction and demolition landfill. Hazardous materials must be disposed of in a manner consistent with all State and Federal laws. Debris should not be staged within the floodplain and should never be staged in a wetland area, even temporarily. Debris removal from wetlands should be coordinated with the US Army Corps of Engineers (USACE) and may require FEMA consultation with the US Fish and Wildlife Service (USFWS).

Burning disaster debris will require two permits. The first permit, issued by the NDEE, ensures compliance with Nebraska Air Quality Regulations and considers both environmental and human health effects. The second permit, issued by the local fire authorities, is issued for fire safety purposes. Vegetative debris (branches, brush, or trees) can be separated from other debris and then sent to a permitted community burn site, shredded and/or used for mulch or compost, or be taken to a landfill.

If burning of vegetative debris is being considered in an area other than a permitted community burn site, call NDEE’s toll free number at (877) 253-2603 or e-mail NDEE at NDEE.moreinfo@Nebraska.gov. For additional information about open fires or to obtain an open fire permit application, please visit: <http://www.deq.state.ne.us/>. The applicant is responsible to comply with burn regulations, including obtaining and complying with permits and conditions established by the permits. Debris removal guidance, Natural Disaster Debris Management, is available from the Nebraska Department of Environmental Quality at <http://deq.ne.gov/publica.nsf/pages/10-008> or from the NDEQ program staff.

Work in or near Water or Wetlands

Projects that involve work in or near water or wetlands (including dredging or filling, in-stream debris removal, bank stabilization, or changes to culverts, crossings, or bridges) may require a permit from the US Army Corps of Engineers (USACE). For all work in Waters of the United States (WOTUS), applicants must submit sufficient documentation to demonstrate compliance with the Clean Water Act. Any coordination with or permit from USACE or NDEE should be provided to the FEMA Program Delivery Manager (PDMG). You are responsible for obtaining any required approvals or permits from USACE prior to the commencement of work.

USACE Regulatory Office for Nebraska: <https://www.nwo.usace.army.mil/missions/regulatory-program/nebraska/>

Cultural Resources

Section 106 of the NHPA requires Federal agencies to consider the effects of their activities on historic properties before approving the expenditure of Federal funds. FEMA has executed a Programmatic Agreement (PA) with Nebraska's State Historic Preservation Office (SHPO) which allows FEMA EHP to expedite review for many of the types of disaster recovery work that have been demonstrated through experience not to have an adverse effect on historic properties. Projects involving properties that are 45 years of age or older may require FEMA consultation with the Nebraska SHPO. All ground disturbing activities, including staging areas and borrow sources, must be reviewed by a FEMA archaeologist, and may require FEMA consultation with Nebraska SHPO and Federally-recognized tribes. Land that has been plowed or used for agriculture is not considered previously disturbed and must be evaluated. A clear scope of work, including the age of any existing buildings or structures, and the location and description of all ground disturbing activities, is required to complete a review of any project.

Check National Register of Historic Places:

<https://www.nps.gov/maps/full.html?mapId=7ad17cc9-b808-4ff8-a2f9-a99909164466>

Floodplains and Wetlands

FEMA reviews all projects to determine if they affect or will be affected by the floodplain and/or wetlands under Executive Orders (EO) 11988 and 11990. The objective of these orders is to minimize and/or avoid future impacts to the natural and beneficial values of floodplains and wetlands, as well as impacts to facilities repaired using Federal funds. Projects located within these resource areas may require the use of the "8-step" decision making process, requiring public notification and involvement in the consideration of the proposed project and any practicable alternatives. Applicant is responsible for obtaining any required approvals or permits from the local floodplain administrator for any projects located within the floodplain and the USACE for projects located in wetlands.

To check a flood map on FEMA's Flood Map Service Center: <https://msc.fema.gov/portal/home>

Threatened or Endangered Species and Critical Habitat

Projects that involve work in water or are located within a natural area may have the potential to effect Threatened or Endangered Species and/or Critical Habitat. The Endangered Species Act, as enforced by the US Fish and Wildlife Service (USFWS), requires Federal agencies to consider the impacts of projects on these species. FEMA can expedite the review of many types of disaster recovery work which have been demonstrated through experience not to cause adverse effects. Some projects may require additional consultation with USFWS specific to the work to be performed and individual species of concern. The presence of Threatened or Endangered Species and/or Critical Habitat may affect project design, construction timeframes, or require best management practices to minimize adverse effects. Projects with the potential to affect Federally protected species may require FEMA consultation with the USFWS prior to the commencement of work.

Federally protected species in your area can be found at the following website: <https://ecos.fws.gov/ipac/>

Environmental Justice

Executive Order (EO) 12898 directs each federal agency to avoid disproportional and high adverse human health or environmental effects to low-income and minority populations. Applicants can play a critical role in achieving Environmental Justice by identifying the presence of low-income and minority populations so that disproportionate impacts to human health and environmental hazards can be considered early in the project development stage, and avoided, when possible. To find out more: <https://www.epa.gov/enviornmentaljustice>

The types of projects that may trigger EO 12898 include, but are not limited to:

- Temporary housing
- Debris staging and disposal
- Road repair that requires detours
- Temporary or relocation actions
- Drainage improvements / actions in floodplains

CONTACT INFORMATION

FEDERAL AGENCIES

FEMA Region VII Regional Environmental Officer

Kate Stojavljevic
11224 Holmes Road
Kansas City, MO 64131
Phone: (202) 705-1192
Kate.Stojavljevic@fema.dhs.gov

FEMA Environmental & Historic Preservation Manager (EHP)

Keegan Donovan
11224 Holmes Road
Kansas City, MO 64131
Telephone: (301) 873-2988
keegan.donovan@fema.dhs.gov

U.S Army Corps of Engineers

Wehrspann Field Office
8901 South 154th Street
Omaha, NE 68138-3635
(402) 896-0896
FAX (402) 896-0997
<http://www.nwo.usace.army.mil/Missions/RegulatoryProgram/Nebraska.aspx>

US. Fish and Wildlife Service

Ecological Services Field Office
Region: Mountain-Prairie Region
(6)
Telephone: (308) 382-6468
Fax: (308) 384-8835
9325 South Alda Road
Wood River, NE 68883
Web Address:
<http://www.fws.gov/nebraskaes/>
Project submissions:
nebraskaes@fws.gov

U.S. Department of Agriculture, Natural Resources Conservation Service (NRCS)

100 Centennial Mall North, Rm 152
Lincoln, NE 68508
Telephone: (402) 437-5300
<http://www.ne.nrcs.usda.gov/>

STATE AGENCIES

Nebraska Emergency Management Agency (NEMA)

2433 N.W. 24th Street
Lincoln, NE, 68524-1801
Telephone: (402)471-7421
Fax :(402)471-7433
<http://www.nema.ne.gov/>

Nebraska Department of Environment and Energy (NDEE)

1200 "N" Street, Suite 400
P.O. Box 98922
Lincoln, Nebraska 68509
Telephone: (402) 471-2186
<http://www.deq.state.ne.us/>

NDEE Wastewater Program:

Telephone: (402) 471-4285

Nebraska Game and Parks Commission

2200 N. 33rd St.
Lincoln, NE 68503-0370
Ph. (402) 471-0641
<http://outdoornebraska.ne.gov/>

Nebraska State Historic Preservation Office (SHPO)

Nebraska State Historical Society
P.O. Box 82554, 1500 R Street,
Lincoln, NE 68501
Telephone: (402) 471-4787
<http://www.nebraskahistory.org/histpres/>

Nebraska Department of Natural Resources (NeDNR)

301 Centennial Mall South
Lincoln, Nebraska 68509-4676
Telephone :(402) 471-2363
Fax: (402) 471-2900
<http://dnr.nebraska.gov/>

CWA Section 401 Coordinator (NDEE)

Suite 400, The Atrium Building
1200 N Street
Lincoln, NE 68509-8922
Phone: 402-471-2875
Email:
ndee.401certification@nebraska.gov

NDEE FIELD OFFICES

Lincoln Office

245 Fallbrook Blvd.
PO Box 98922
Lincoln, Nebraska 68509-8922
(402) 471-2186
FAX (402) 471-2909

Omaha Office

8901 South 154th Street, Suite 5
Omaha, NE 68138-3621
(402) 679-1429

North Platte Office

200 South Silber
North Platte, NE 69101
(308) 530-0874 or (308) 530-0875

Holdrege Office

1308 2nd Street
Holdrege, NE 68949
(308) 991-1972 or (308) 991-1780

Scottsbluff Office

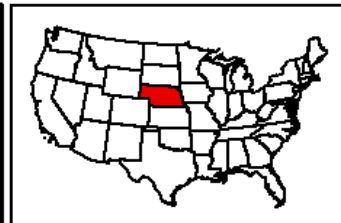
Scottsbluff State Office Building
505A Broadway, Suite 200
Scottsbluff, NE 69361-3515
(308) 641-7273 or (308) 765-9293

FEMA-4641-DR-NE: Severe Storms, Straight-Line Winds, and Tornadoes

Incident Period: December 15, 2021



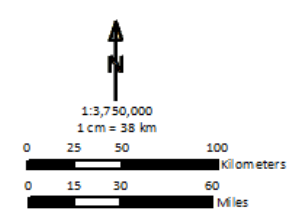
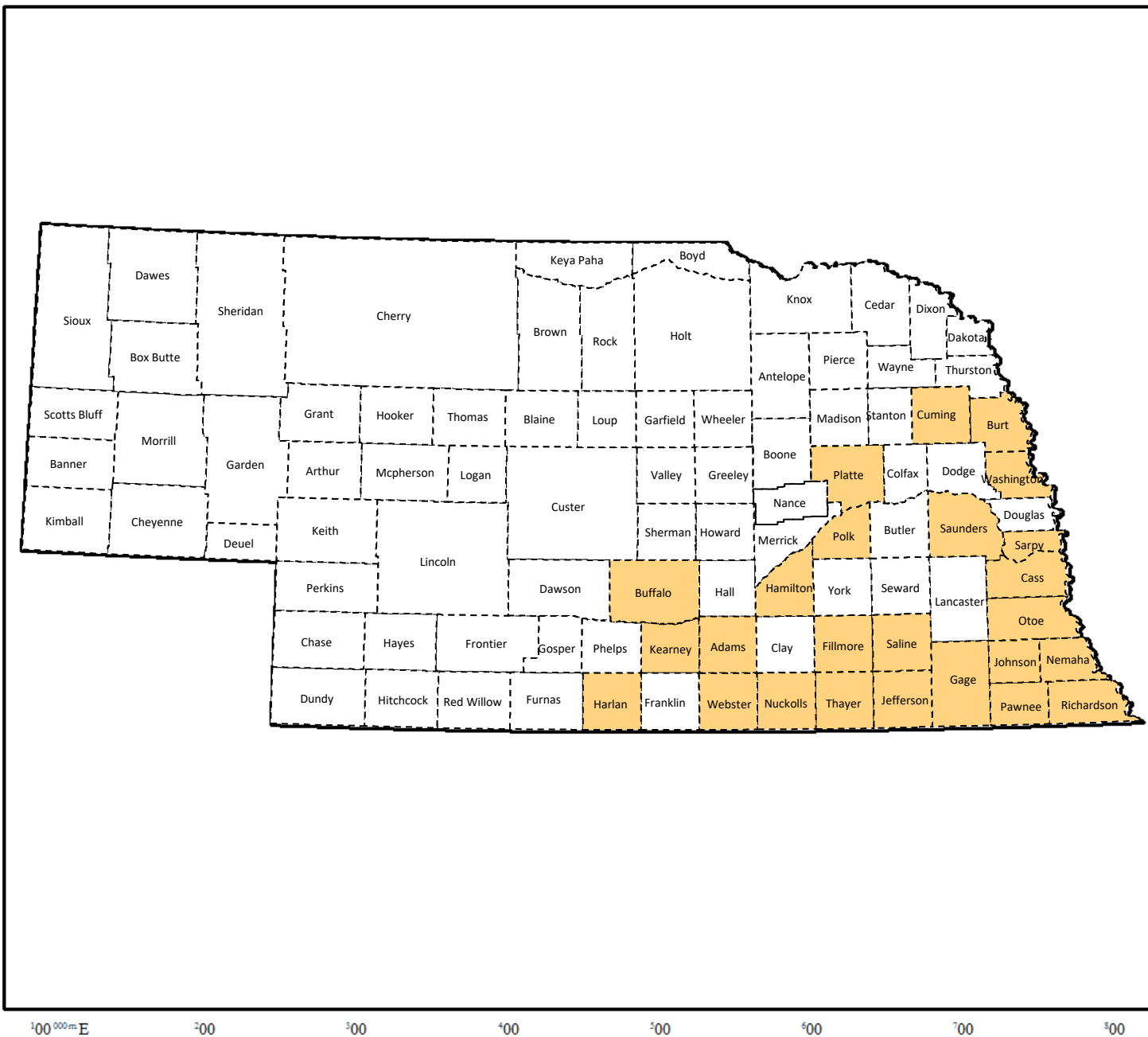
FEMA



Data Layer / Map Description:

All designated areas in the State of Nebraska are eligible to apply for assistance under the Hazard Mitigation Grant Program

- No Designation
- Public Assistance
- Individual Assistance
- Individual Assistance and Public Assistance



This guidance document is advisory in nature but is binding on an agency until amended by such agency. A guidance document does not include internal procedural documents that only affect the internal operations of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules and regulations made in accordance with the Administrative Procedure Act. If you believe that this guidance document imposes additional requirements or penalties on regulated parties, you may request a review of the document.

Open Burning

Nebraska has regulated open burning (fires) since 1972. The Department of Environment and Energy (NDEE) enforces the state regulations pertaining to open fires. The open fire regulations are in Chapter 30 of Title 129 – Nebraska Air Quality Regulations. Title 129 can be downloaded from NDEE’s website at <http://dee.ne.gov>.

“Open fires” is the burning of any matter in such a manner that the products of combustion (for example smoke) resulting from such fires are emitted directly into the air without passing through an adequate stack, duct, or chimney. Open fires create air pollution that can directly affect the health and well-being of people who live or work near an open fire site. The complex mixture of pollutants found in smoke has been linked to increased occurrence of respiratory infection and ear infection, and increased symptoms of respiratory illnesses. Fine particles can cause lung irritation in healthy people. They can also cause respiratory illnesses and worsen asthma in at-risk groups such as children, the elderly and those with pre-existing illness. Air pollution from open fires can cause property damage to nearby residential and commercial properties. In addition to smoke and odors, open fires emit carbon monoxide and nitrogen oxides that contribute to the formation of ground-level ozone (smog).

In general, open fires are prohibited statewide, but there are allowable exceptions that require TWO burn permits be issued prior to the burning activity. The first permit, issued by the NDEE, ensures compliance with Title 129-Nebraska Air Quality Regulations and takes into consideration both environmental and human health effects. The second permit, issued by the local fire authorities, is issued for fire safety purposes. Exceptions to the open burning prohibition in which the NDEE will issue a written permit on a case-by-case basis include

- Destruction of dangerous materials, diseased vegetation or abatement of a fire hazard;
- Destruction of straw used as winter insulation cover on agricultural products;
- Destruction of materials after cleanup of a natural disaster (for example tornados);
- Destruction of trees, brush and untreated lumber as a result of clearing land for construction or clearing for right-of-way; and
- Destruction of trees, brush, and untreated lumber at community sites.

“Treated” lumber and other wood products is material that has been changed or altered through a chemical process which contain paint, resin, preservatives, or other similar substances. Examples include, but are not limited to

- Painted lumber wood siding (e.g., from a house or other buildings, fences, or interior house trim);
- Glued particleboard or plywood (e.g., cabinets or flooring);
- Creosoted wood (e.g., railroad ties, telephone poles, bridge planks or fence posts);
- Stained wood flooring, doors, trim, cabinets, or decking); and

- Wood preserved with fungicide or pesticide (e.g., shingles, siding, or decking).

There are several types of fires that may be set without prior approval from the NDEE provided they do not cause a public nuisance or traffic hazard. These types of fires still may require a permit from the local fire chief. These include

- Fires set solely as part of a religious activity, for recreational purposes, or for outdoor cooking of food for human consumption on other than commercial premises;
- Fires set for training of public and industrial firefighting personnel. Fire-fighting personnel must complete the appropriate notifications to the NDEE and State Fire Marshal, and must comply with the federal asbestos regulations when conducting fire-training exercises. For further information refer to the "Policies & Guidelines for Fire Training Exercises" guidance document on the NDEE website;
- Fires set in the operation of smokeless flare stacks for the combustion of waste gases, provided they meet the requirements of Title 129, Chapter 20, Particulate Emissions; Limitations and Standards;
- Fires set in an agricultural operation for the destruction of trees or vegetation collected from the operation's property, or for agriculturally related materials that are potentially hazardous and where disposal by burning is recommended by the manufacturer;
- Fires set to destroy household refuse on residential premises containing ten or less dwelling units, by individuals living on the premises (unless prohibited by local ordinances); and
- Fires set for plant or wildlife management, provided such burning is conducted by the Nebraska Game and Parks Commission, the US Forest Service, the University of Nebraska, or other groups as determined by NDEE.

An individual, business, or community may request a burn permit application from the NDEE Air Quality Program or the application can be downloaded from NDEE's website. Two open fire permit applications, general and community, are available. Individuals, businesses, or other entities wishing to conduct open fire activities must submit a General Open Fire Permit Application. The permit application forms are short and require information to be submitted regarding the type of material that will be burned and where and when the open fire will take place. There are no permit fees. General Open Fire Permits are valid for up to six months. A permit extension may be requested and will be evaluated on a case-by-case basis.

A Community Open Fire Permit Application must be submitted for the purpose of destroying trees, brush, and untreated lumber at community sites. If the community site is the same site in which non-burnables are deposited the burn area must be distinctly separate from the disposal area for non-burnables. For example, leaves and grass clippings are placed in a pile separate from the tree and brush pile. Community Open Fire Permits are valid for up to six-year terms.

It takes usually less than two weeks for an application to be processed, at which time an open fire permit will be either issued or denied. Permits will state the period of time when open fires may occur at the location and when the permit expires. NDEE may need to inspect the open fire site prior to a permit being issued.

For information about open fires or to obtain an open fire permit application, please contact the Air Quality Program at (402) 471-2189.

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Treated Wood Disposal Procedures

The Nebraska Department of Environment and Energy (NDEE) encourages the recycling of wood fence posts, railroad ties, telephone poles and other treated lumber damaged during storm events or needing to be replaced due to natural deterioration. Treated wood in general commonly contains pentachlorophenol, creosote, chromium or arsenic; therefore recycling and disposal methods may be different than that of non-treated wood. These materials should be reused whenever possible to eliminate the need for testing and any disposal expenses.

Open burning is **not** a permitted means of disposal for treated wood. For safety reasons, do not burn treated wood in a fireplace. Furthermore, burial on site is also not a permitted means of disposal for treated wood, nor is chipping for mulch. Burning creates new compounds that can be more dangerous than the original treatment chemicals, causes chemicals to escape into the atmosphere during the burn, and the ashes contain the remaining chemicals that are now highly mobile to contaminate surface and groundwater. Similarly, chipping greatly increases the surface area of the wood and exposes unweathered parts of the material which can more easily release chemicals to the environment.

Pentachlorophenol or creosote treated wood (e.g. railroad ties or telephone poles) that has been used for its intended purpose is generally not considered a hazardous waste or a special waste. The same is true for arsenic (CCA) treated wood. Debris from treated wood that is not intended to be recycled must be disposed of at a permitted Municipal Solid Waste (MSW) or Construction and Demolition (C&D) landfill. It is recommended that the treated wood be cut into lengths of eight feet or less if possible prior to landfill disposal. This can be done without prior approval from the department; however, it is suggested that you contact the landfill manager prior to transporting the treated wood to ensure acceptance and to receive any special instructions. If the MSW landfill wishes to chip the wood and mix it with an equal portion of soil to be used as alternative daily cover, the landfill owner must first contact the NDEE for approval.

The Department recommends the following recycling alternatives:

- Landscaping Timbers
- Fencing Materials
- Structural Supports
- Guard Rails
- Guard Rail Posts

The above recycling alternatives should not allow the treated wood to be placed in an area where it may come into contact with drinking water or animal and human food supplies. Also, consumers of recycled treated wood materials should be made aware of the type of preservatives used on the wood.

This may be accomplished by the owner of the treated wood providing the consumer with information on proper management and use of the preservative treated wood. An example of this information would be a copy of the Consumers Safety Sheet, found on the Environmental Protection Agency web site (www.epa.gov) *

Treated wood or parts of wood to be recycled can be accumulated for future use. This wood may be stored at a permitted MSW landfill (preferably over the liner) or at a permitted C&D landfill. Also, the responsible party may store the recyclable material on their own property in a manner that does not pose a threat to human health and the environment.

If treated wood has not been sufficiently weathered to expend the preservative within them (i.e. new boards or poles), it may be considered a hazardous waste if disposed. Any type of treated wood that has been painted with lead based paint or contaminated with anything that may be hazardous, is subject to a hazardous waste determination according to Title 128 - Nebraska Hazardous Waste Regulations.

Treated wood that is generated as a result of land clearing or the demolition of buildings, roads, or other structures can be disposed of in a permitted construction and demolition waste disposal area, as long as it is not hazardous as described above.

For further information regarding the disposal or recycling of treated wood, please contact the Waste Management Section of the NDEE or the Environmental Assistance Coordinator at the numbers listed below.

RESOURCES:

- NDEE Home Page <http://dee.ne.gov/>

Contacts:

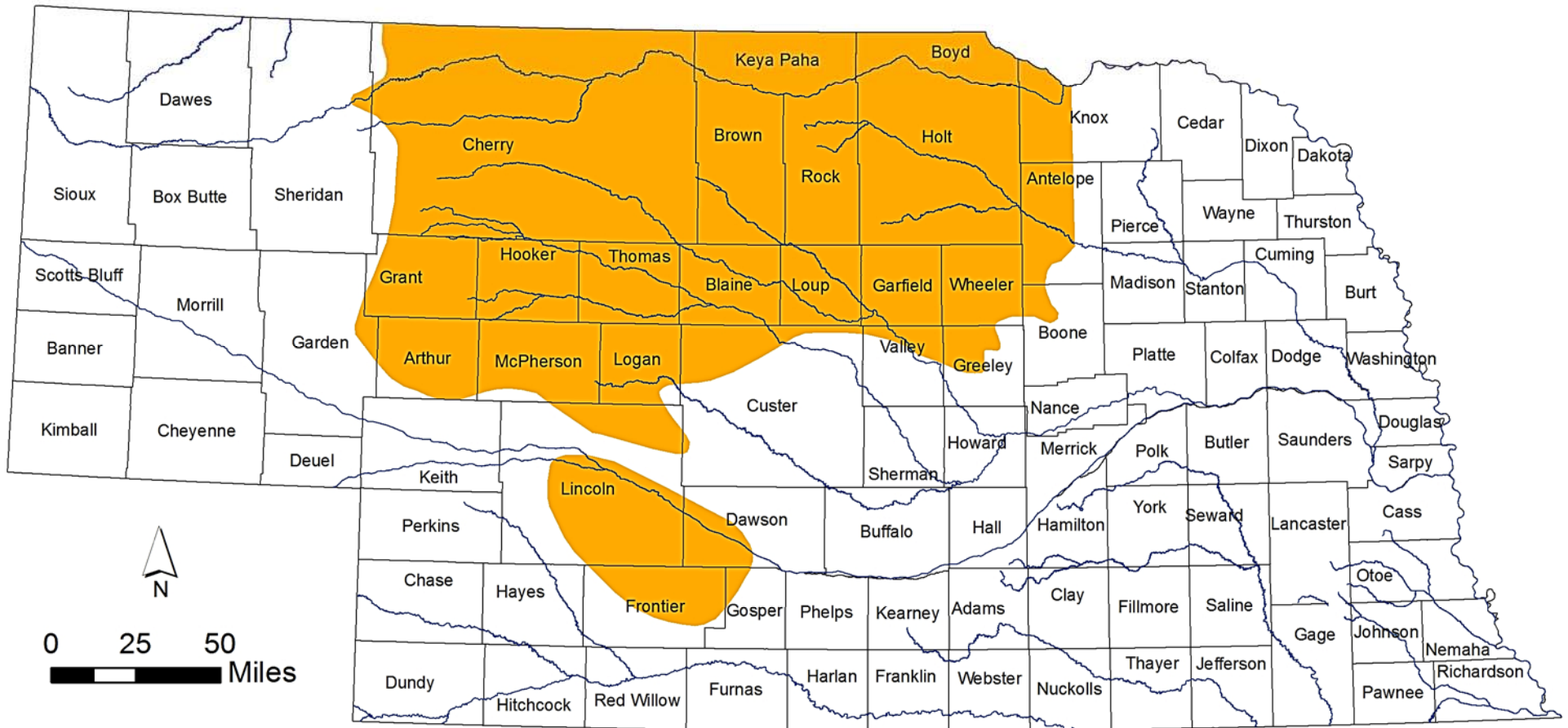
- NDEE Waste Management Section (402) 471-4210
- NDEE Toll Free Number (877) 253-2603
- NDEE Hazardous Waste Compliance Assistant (402) 471-8308
- Email questions to: NDEE.moreinfo@nebraska.gov

NDEE Publications:

- NDEE Guidance Document – Construction and Demolition Waste in Nebraska
- NDEE Guidance Document – Natural Disaster Debris Management
Guidance documents are available on the NDEE Home Page under “Publications & Forms”
- [Title 128 – Nebraska Hazardous Waste Regulations](#)
- [Title 132 – Integrated Solid Waste Management Regulations](#)
Titles are available on the NDEE Home Page under “Laws/Regs & EQC”, “Rules & Regulations”

*** This document contains links to non-NDEE websites; these links will open in a new tab or window.**

Estimated Current Range of American Burying Beetle (*Nicrophorus americanus*)

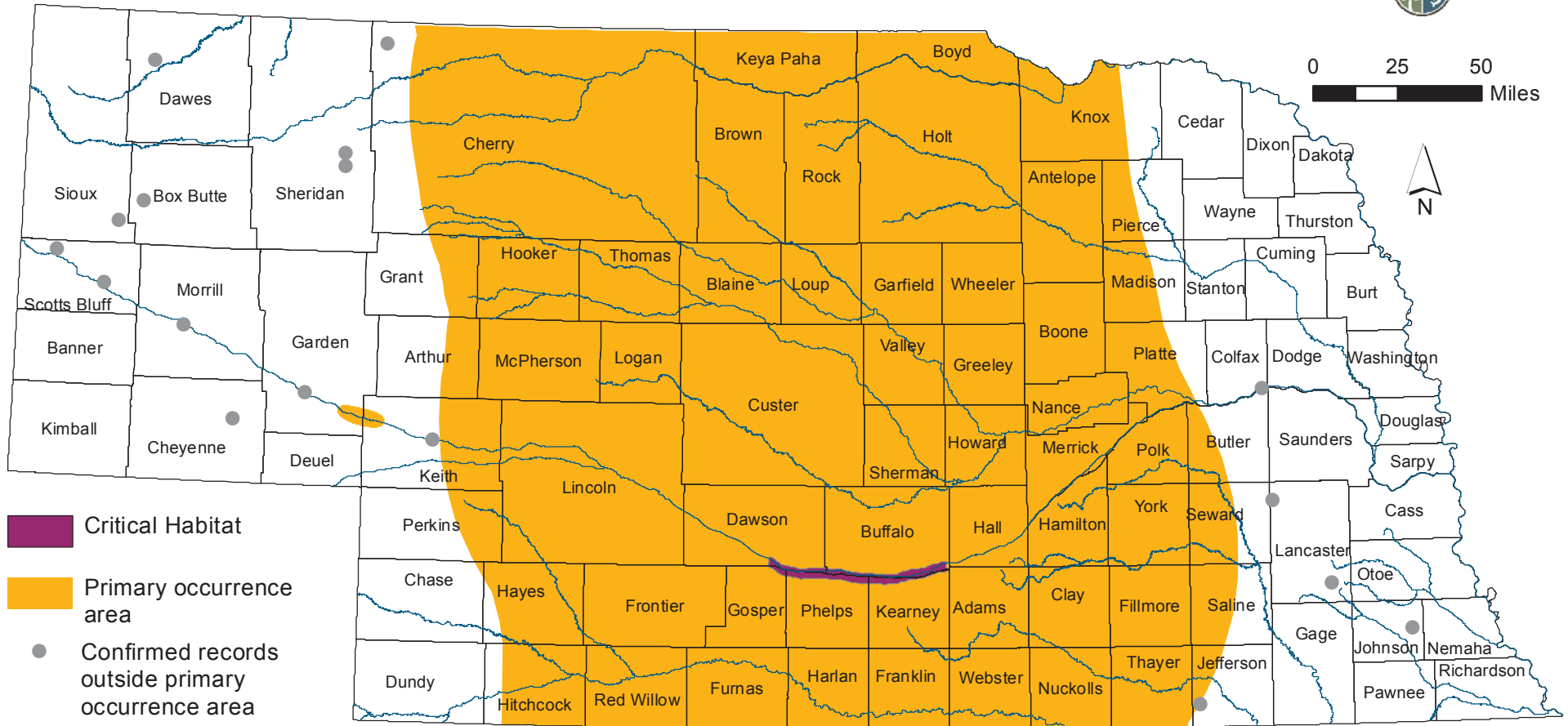





The Sandhills portion of this range was based largely on a distribution model created using data collected from 2001 through 2011 by various government and non-government organizations. Logistic regression was used to predict probability of occurrence of American Burying Beetle based on data collected in the Sandhills and a number of climate, soil, and land cover variables. The model was created by The US Fish and Wildlife Service, University of Nebraska Kearney, Rainwater Basin Joint Venture, and Nebraska Game and Parks Commission. The Sandhills probability model and range map was combined with other known distribution data to create the overall range map shown here. Work is being undertaken to create comparable models outside of the Sandhills.

Map produced by the Nebraska Natural Heritage Program, Nebraska Game and Parks Commission, March 2014.



Whooping Crane (*Grus americana*): Migration Use Area and USFWS-designated Critical Habitat



-  Critical Habitat
-  Primary occurrence area
-  Confirmed records outside primary occurrence area

The primary occurrence area is a modification of the area identified by the U.S. Fish and Wildlife Service (USFWS) as encompassing 95% of documented Whooping Crane migratory stopovers between 1975 and 2007. The modification consisted of incorporating additional locations known to have repeated use. Data source: USFWS. State-specific Nebraska flyway for Whooping Crane. Vector digital data. Unpublished shapefile received October 27, 2008 from USFWS Nebraska Ecological Services Field Office, Grand Island.

Critical Habitat areas are considered essential for the conservation of a listed species. Data source: USFWS, Region 2. 2003. Whooping Crane critical habitat. Vector digital data. Downloaded October 29, 2008 from <http://crithab.fws.gov>.

Confirmed records are current through Fall 2016. Data source: USFWS Nebraska Ecological Services Field Office. For data disclaimer and full citation see page 2.

Map produced by the Nebraska Natural Heritage Program, Nebraska Game and Parks Commission, January 2017.



Data disclaimer for the confirmed records of whooping crane:

This document or presentation includes Whooping Crane migration use data from the Central Flyway stretching from Canada to Texas, collected, managed and owned by the U.S. Fish and Wildlife Service. Data were provided to the Nebraska Game and Parks Commission as a courtesy for their use. The U.S. Fish and Wildlife Service has not directed, reviewed, or endorsed any aspect of the use of these data. Any and all data analyses, interpretations, and conclusions from these data are solely those of the Nebraska Game and Parks Commission.

Source of confirmed records of whooping crane:

U.S. Fish and Wildlife Service Nebraska Ecological Services Field Office. 2017. Cooperative Whooping Crane Tracking Project-GIS Database (CWCTP GIS). Wood River: U.S. Fish and Wildlife Service Nebraska Ecological Services Field Office.