

# ENVIRONMENTAL AND HISTORICAL PRESERVATION CHECKLIST

Please provide the following information as it appears on your application.

Disaster Declaration #: FEMA-4332-DR-TX

Name of Sub-Applicant Organization/Agency: \_\_\_\_\_

Project Title: \_\_\_\_\_

## MAINTENANCE ASSURANCE DESCRIPTION:

1. Identify any maintenance activities required to preserve the long-term mitigation effectiveness of the project. Below provide the annual cost of maintenance before mitigation and what the maintenance will include. Not needed if project is not tied to an existing capital improvement. (Either describe in 1,500 characters or less or attach a separate Word document).
2. Attach a maintenance schedule, estimated costs, and a signed maintenance commitment letter, if required, to the application submission. (See sample Maintenance letter on page 8 of this document).

## NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

1. Is the community where the project is located participating in the NFIP? YES NO  
If "YES", are they in good standing? YES NO  
NFIP Community ID Number: \_\_\_\_\_ YES NO
2. Is this project located in a floodplain/floodway designated on a FEMA Flood Insurance Rate Map (FIRM)?  
(Note: Maps can be obtained from the Map Service Center at <https://msc.fema.gov/portal>.)

If "YES", please mark the project location(s) and structure(s) on the FIRM and attach with the application and provide the following information:

A. FIRM Panel Number(s): \_\_\_\_\_

B. FIRM Zone Designations:

Special Flood Hazard Area (SFHA):

A	AO	AH	A1-30	AE	A99	AR	AR/AE
AR/AO	AR/A1-30	AR/A	V	VE	V1-30		

Moderate Flood Hazard Area (shaded): B X

Minimal Flood Hazard Area (unshaded): C X

Floodway:

Coastal Barrier Resource Act (CBRA) Zone:

(Federal regulations strictly limit Federal funding for projects in this Zone. Coordinate check with your state agency before submitting an application for a CBRA Zone project)

C. If a FIRM map is not available, please check the box:

# ENVIRONMENTAL QUESTIONNAIRE

## SECTION I – REGULATIONS

The Council on Environmental Quality (CEQ) has developed regulations to implement the National Environmental Policy Act (NEPA). These regulations, as set forth in Title 40, Code of Federal Regulations (CFR), Parts 1500-1508, require an investigation of the potential environmental impacts of a proposed federal action and an evaluation of alternatives as part of the environmental assessment process. The FEMA regulations that establish the agency-specific process for implementing NEPA are set forth in 44 CFR, Part 10. FEMA will assist in obtaining NEPA clearance.

Environmental data is required for project applications when submitting a project to the Texas Division of Emergency Management for the FEMA Hazard Mitigation Grant Program.

Please Note: Environmental review is typically the most time consuming aspect of project funding approval.

## SECTION II - ENVIRONMENTAL CHECKLIST

### Environmental Checklist Instructions

Select appropriate answer by clicking the appropriate box (an X should appear in the box).

Provide a detailed response to each question and attach supporting documentation in order to comply with FEMA's front loading requirements discussed in [Hazard Mitigation Assistance Unified Guidance 2015](#).

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### YES NO N/A NATIONAL HISTORIC PRESERVATION ACT

Are any structures involved in the project? **If yes**, provide construction dates of all structures

Dates: \_\_\_\_\_

Was consultation with the State Historic Preservation Officer (SHPO) conducted?

**If yes**, provide date \_\_\_\_\_ and attach all formal correspondence with application.

Was consultation with the Tribal Historic Preservation Officer (THPO) conducted?

**If yes**, provide date \_\_\_\_\_ and attach all formal correspondence with application.

**Coordinating Agency:** *The SHPO and/or THPO*

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### YES NO N/A ARCHEOLOGICAL RESOURCES PRESERVATION ACT

Will there be any ground disturbance?

Will there be any potential disturbance to cultural resources?

Was consultation with SHPO/THPO conducted?

**If yes**, provide date \_\_\_\_\_ and attach all formal correspondence with application.

**Coordinating Agency:** *The SHPO and/or THPO*

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### YES NO N/A ENDANGERED SPECIES ACT

Will there be any disturbance to the physical environment?

Are any threatened or endangered species present in the project area?

Has critical habitat been identified in the project area?

Was consultation with U.S. Fish and Wildlife Service (USFWS) and Texas Parks and Wildlife Department (TPWD) conducted?

**If yes**, provide date \_\_\_\_\_ and attach all formal correspondence with application.

**Coordinating Agency:** *The USFWS and TPWD*

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**YES NO N/A FISH AND WILDLIFE COORDINATION ACT**

Is the project located in or near a waterway or body of water?

Will the project cause any modification to the waterway or body of water?

Was consultation with USFWS, National Marine Fisheries Service (NMFS), and TPWD conducted?

If yes, provide date \_\_\_\_\_ and attach all formal correspondence with application.

**Coordinating Agency:** USFWS, TPWD and NMFS

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**YES NO N/A FARMLANDS PROTECTION POLICY ACT**

Is the project located in or near designated prime and unique farmlands?

Will the project convert any designated prime and or unique farmlands?

Was consultation with Natural Resources Conservation Service (NRCS) conducted?

If yes, provide date \_\_\_\_\_ and attach all formal correspondence with application.

**Coordinating Agency:** WEJEO\ d\ AC\&|c\^q\ ÁÜÜÉ\ d\ -O\ }•^!çæ\ } ÁÖçā\ Á -Sç\ áÜ•[ ^!&Á\| ç&ç\ } D

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**YES NO N/A CLEAN AIR ACT**

Will the project result in temporary or permanent air emissions?

Was consultation Texas Commission on Environmental Quality (TCEQ) conducted?

If yes, provide date \_\_\_\_\_ and attach all formal correspondence with application. **Coordinating**

**Agency:** Environmental Protection Agency (EPA) and TCEQ

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**YES NO N/A CLEAN WATER ACT (Section 404), RIVERS AND HARBORS ACT (Section 10)**

Will the project involve dredging or disposal of dredged material, excavation, adding fill material or result in any modification to waters\* of the U.S.?

Will the project involve bank stabilization or installing transmission in waters\* of the U.S.?

Will the project be near or in navigable waters\*?

Was consultation with the U.S. Army Corps of Engineers (USACE) conducted?

If yes, provide date \_\_\_\_\_ and attach all formal correspondence with application.

Will a permit be required?

Have you submitted an application to the USACE?

If yes, attach all formal correspondence with application.

Does a nationwide permit apply?

Does a general permit apply?

\* "waters" includes waters subject to ebb and flow of tide, wetlands, lakes, rivers, streams, mudflats, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments, tributaries, territorial seas, and wetlands adjacent to waters previously identified.

**Coordinating Agency:** USACE

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**YES NO N/A WILD AND SCENIC RIVERS ACT**

Is the project located near or in a designated wild or scenic river?

Was consultations TPWD ro USFWS conducted?

**If yes**, provide date \_\_\_\_\_ and attach all formal correspondence with application.

**Coordinating Agency:** *USFWS and the U.S. Forest Service within their jurisdiction and TPWD.*

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**YES NO N/A WILDERNESS ACT**

Is the project located near or in a designated wilderness or coastal wildlife area?

Was consultations with TPWD or USFWS conducted?

**If yes**, provide date \_\_\_\_\_ and attach all formal correspondence with application.

**Coordinating Agency:** *USFWS, National Park Service and the Bureau of Land Management (BLM), General Land Office and TPWD.*

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**YES NO N/A OTHER RELEVANT LAWS AND ENVIRONMENTAL REGULATIONS**

Do any other laws and/or regulations apply to the project?

**If yes**, please reference the regulation below and attach proper documentation to application.

Regulation: \_\_\_\_\_

**Coordinating Agency:** *Applicable State Statutory Requirements, Executive and Administrative Orders and any local environmental requirements.*

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**EXECUTIVE ORDERS**

**YES NO N/A E.O. 11988 – FLOODPLAINS**

Is the project located in a FEMA-identified 100-year or 500-year floodplain?

Is the project located in a FEMA-identified floodway?

Is the project depicted on a FEMA Flood Insurance Rate Map (FIRM)?

**If yes**, attach the map with application

Was consultation with local floodplain administrator and state water control agency conducted?

**If yes**, provide date \_\_\_\_\_ and attach all formal correspondence with application.

**Comments:** *A letter is required from the State Community Assistance Program Coordinator indicating the community is in good standing with the NFIP.*

**Coordinating Agency:** *Local community floodplain administrator and the Texas Water Development Board.*

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**YES NO N/A E.O. 11990 – WETLANDS**

Is the project in an area that is inundated or saturated by surface or ground water (e.g. swamps, marshes, bogs, etc.) or in or near identified wetlands\*?

Is the project depicted on a National Wetlands Inventory (NWI) map?

**If yes**, attach the map and all formal correspondence with application

\* "Wetlands" are identified by obtaining a National Wetlands Inventory (NWI) map from the USFWS, the USACE, or their websites. The Natural Resource Conservation Service also has wetland maps for agricultural land.

**Coordinating Agency:** *USFWS, USACE and NRCS*

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**YES NO N/A E.O. 12898 – ENVIRONMENTAL JUSTICE**

Is the project in an area of low income or minority populations?

Will the project disproportionately impact any low income or minority populations?

Is any socio-economic data attached?

**Comments:** *If the project would disproportionately adversely affect low income or minority populations, or would disproportionately assist higher income populations at the exclusion of lower income or minority populations, then E.O. 12898 must be addressed.*

**Coordinating Agency:** *Local census office*

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**EXTRAORDINARY CIRCUMSTANCES (FEMA 44 CFR §10.8 (d)(3))**

If Extraordinary Circumstances exist within an area affected by an action, such that an action that is categorically excluded from NEPA compliance may have a significant adverse environmental impact, an environmental assessment shall be prepared. Please answer "Yes" or "No" to the questions below:

**YES NO**

Greater scope or size than normally experienced for a particular category of action;

Actions with a high level of public controversy;

Potential for degradation, even though slight, of already existing poor environmental conditions;

Employment of unproven technology with the potential adverse effects or actions involving unique or unknown environmental risks;

Presence of endangered or threatened species or their critical habitat, or archaeological cultural, historical or other protected resources;

Presence of hazardous or toxic substances at levels which exceed Federal, State, or local regulations or standards requiring action or attention;

Actions with the potential to affect special status areas adversely or other critical resources such as wetlands, coastal zones, wildlife refuge and wilderness areas, wild and scenic rivers, sole or principal drinking water aquifers;

Potential for adverse effects on health or safety; and

Potential to violate a Federal, State, local, or tribal law or requirement imposed for the protection of the environment.

Potential for significant cumulative impact when the proposed action is combined with other past, present and reasonably foreseeable future actions, even though the impacts of the proposed action may not be significant by themselves.

## **G97 HCB 'H!' 5 @19 FB5 HJ9G NARRATIVE**

Alternative #1 – No Action Alternative - evaluates the consequences of taking no action and leaving conditions as they currently exist. Please describe the benefits of this action and the shortfalls or gaps associated with this action. *(Either describe in 1,500 characters or less or attach a separate Microsoft Word document)*

ALTERNATIVE #2 - Proposed Action – this is the sub-applicant's proposed project. Explain why the proposed action is the preferred alternative. Identify how the preferred alternative would solve a problem, why the preferred alternative is the best solution and benefits the community, why and how the alternative is environmentally preferred and why the project is the economically preferred alternative. Also include the shortfalls or gaps associated with the proposed action. *(Either describe in 1,500 characters or less or attach a separate Microsoft Word document)*

ALTERNATIVE #3 – Second Alternative - is the second alternative to the Proposed Project above and would also solve the problem. It would be a viable project that could be substituted in the event the proposed project is not chosen. Identify how this project would solve the problem, the community benefits and why it is an environmental and economical alternative. Also include the shortfalls or gaps associated with this action. *(Either describe in 3,500 characters or less or attach a separate Microsoft Word document.)*

## SECTION IV – PUBLIC NOTICE PROCEDURES

NEPA is a planning and disclosure process. Therefore both NEPA and EO 11988 require notification of the public

- A. when a project and its alternatives are initially being developed and scoped; and
- B. after the completion of the final draft environmental assessment, and before the signing of the Finding of No Significant Impacts (FONSI) and any action taken.

The requirements of (A), which is referred to as a NOTICE OF INTENT, can usually be met by one of the following:

1. Publishing at the beginning of a disaster FEMA's General Notice for a Presidential Declaration, which issues notification that funds will be provided under the Stafford Act to undertake projects.
2. Publishing a NOTICE OF INTENT in a local newspaper to undertake a project, providing the alternatives, and then giving the public 15 days to respond.
3. Holding one or more public meetings on the project to solicit public comments.

Exactly which of the above vehicles is used to meet the requirements of (A) will usually be determined by the scope of the proposed project, agency coordination, and previous notification and scoping work performed by the applicant. Any comments received during this phase of notification should be addressed in the Environmental Assessment (EA).

The requirements of (B), which is referred to as a FINAL NOTICE, can usually be met by the following:

1. Publishing a FINAL NOTICE in a local newspaper and giving the public 15 days to respond.
2. If no comments are received, the FONSI can be signed and the project can proceed.
3. If comments are received they can be addressed individually and/or in a rewrite of the EA.
4. If significant negative comments are received, the project should be put on hold until the issues are resolved.

An example of a Final Public Notice can be found on page 9.

**Note:** *The above requirements are also to be applied to a project deemed to be a categorical exclusion (CATEX) from the preparation of an EA, but involves EO 11988 (floodplains) and/or EO 11990 (wetlands) and/or potentially or existing contentious issues.*

## SECTION V – PROJECT CONDITIONS AND CERIFICATIONS

Indicate by checking each box below that you will adhere to these listed project conditions.

If during implementation of the project, ground-disturbing activities occur and artifacts or human remains are uncovered, all work will cease and FEMA, TDEM, and the State Historic Preservation Officer (SHPO) will be notified.

If deviations from the approved scope of work result in design changes, the need for additional ground disturbance, additional removal of vegetation, or will result in any other unanticipated changes to the physical environment, FEMA will be contacted and a re-evaluation under NEPA and other applicable environmental laws will be conducted.

If wetlands or waters of the U.S. are encountered during implementation of the project, not previously identified during project review, all work will cease and FEMA will be notified.

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_  
(Name of Authorized Official/Project Officer)

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# Sample Maintenance Letter

Agency Letterhead

Date

Texas Department of Public Safety  
Texas Division of Emergency Management  
Hazard Mitigation Grants Program Unit  
P.O. Box 4087  
Austin, TX 78773-0270

RE: **Name of Grant Sub-applicant and Project Title**

Dear State Hazard Mitigation Officer:

This is to confirm that the name of agency/sub-applicant is committed to performing the necessary maintenance for the entire useful life of this project which is currently estimated for # years once completed. The name of agency/sub-applicant has allocated an annual budget which will allow maintenance to occur as needed to ensure the building/facility remains in good repair and operational. Below are the details of the maintenance:

Entity responsible for the maintenance:

Maintenance Task:

Maintenance Schedule:

Cost of Maintenance:

Associated Budget:

Please contact name and contact information if you have any questions.

Sincerely,

Name  
Title  
Address



**(EXAMPLE) FINAL PUBLIC NOTICE**

**IMPORTANT NOTE:** When describing the project, do not use addresses or names, as this would violate the Privacy Act.

**PUBLIC NOTICE OF A PROJECT PENDING FUNDING BY THE  
FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)**

Notification is hereby given of the Federal Emergency Management Agency's (FEMA's) pending intent to provide Hazard Mitigation Grant Program funding for **community name** to **short project description**. Funds will be provided in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended.

Under the National Environmental Policy Act (NEPA) and EO 11988, FEMA is required to provide public notice of any proposed actions in or affecting floodplains or wetlands.

**Community, county, Texas** proposes to **detailed project description including location, impact on the floodplain and/or wetlands, and why it is the best and/or only solution to the problem.**

FEMA's review has determined that no significant impact to the existing floodplain will result from this project.

Within 15 days, interested persons may submit comments, obtain more detailed information about the action, or request a copy of the findings by contacting FEMA's Region VI office which is located at 800 North Loop 288, Denton, Texas, 76209. Requests can also be made to **local program person-phone number-e-mail address** or to **XXXXXXXX, FEMA Regional Environmental Officer** at **(PHONE)** or **(EMAIL)**.