



NEW HAMPSHIRE DISASTER 4065 FEDERAL EMERGENCY MANAGEMENT AGENCY ENVIRONMENTAL CONSIDERATIONS GREENSHEET



Environmental and Historic Preservation Considerations during Disaster Recovery

As you repair and rebuild your community, environmental and historic preservation concerns may seem unimportant. However, as with all federally funded projects, 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.** The facts, procedures and contact

information that follows should help you make good decisions and facilitate project review.

Please identify any potential environmental concerns or problems and discuss these with our Joint Field Office (JFO) Environmental staff as soon as possible. This will help us address issues and expedite funding.

Our work is under the direction of FEMA's Federal Coordinating Officer, James N. Russo. We also coordinate closely with NH Homeland Security & Emergency Management.

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



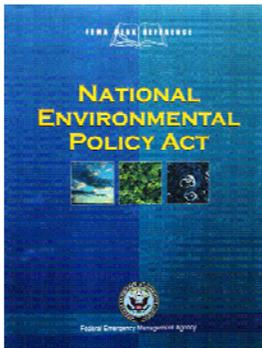
Peter Thomas leads our Environmental unit at the JFO in Essex Junction, VT. Please contact him at peter.thomas2@fema.dhs.gov for any environmental or historic preservation assistance.

Sincerely,

Jack Sullivan
Regional Environmental Officer

Jack.Sullivan@fema.dhs.gov
(617) 832-4791
June 22, 2012

Environmental Laws and Project Requirements



NEPA requires all federal agencies to insure that due consideration is given to the environment during project development. In addition, other environmental laws and executive orders that commonly come into play when rebuilding or replacing an eligible public facility are listed below. Most recovery activities require minimum historic or environmental review, while limited environmental concerns

generated by others are easily addressed. For a few major projects, FEMA and Applicant consultation with a number of State and Federal environmental agencies are required and issuance of permits must take place before construction begins.

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

Federal Laws & Executive Orders

- Clean Water Act (especially Sections 404 & 401)
- Executive Order for Floodplain Protection
- Executive Order for Wetlands Protection
- Endangered Species Act
- Magnuson-Stevens Fishery Conservation and Management Act
- National Historic Preservation Act
- Executive Order for Environmental Justice

Some projects proceed without detailed review

- Emergency Protective Actions and Debris Removal
- Temporary repairs and most repairs of facilities to their pre-disaster condition

Some projects require an environmental review

- Debris disposal
- Where the footprint is different than the pre-disaster footprint
- Where hazard mitigation measures are added
- When threatened or endangered species, wetlands or floodplains are affected

Some projects require review and consultation

- Repair or replacement of historic buildings or structures more than 50 years old
- Improved or alternate projects
- The scope of work has substantially changed



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Waterways, including Culverts and Bridges



Obtaining permits, prior to construction, is the responsibility of the project applicant.

For **any** project involving work in a waterway, including construction, bank stabilization, dredging or filling, the applicant **must** obtain and comply with applicable federal and state permits.

Sections 404 and 401 of the *Clean Water Act* apply to actions affecting waters of the United States, including any part of the surface water tributary system (smaller streams, lakes, ponds and wetlands). The U.S. Army Corps of Engineers (USACE) administers Section 404; the NH Division for Environmental Services (DES) oversees Section 401 and issues water quality certificates.

DES also administers a number of State laws related to waterways.

For all culverts providing stream crossings, work should be done in conformance with the Code of Administrative Rules, Chapter Env-Wt 900 Stream Crossings.

Many state-permitted actions are eligible under the USACE's *Programmatic General Permit, State of New Hampshire (2011)*, and do not require an individual Corps permit. However, work under a general permit may still require notifying the USACE, following good construction practices, and conforming to the terms of other permits.

See the following websites or contact information on page 4.

Programmatic General Permit, State of New Hampshire: http://www.nae.usace.army.mil/Regulatory/SGP/amendedNH_PGP.pdf
New Hampshire Stream Crossing Guidelines: http://www.unh.edu/erg/stream_restoration/nh_stream_crossing_guidelines_unh_web_rev_2.pdf
Stream Crossing PowerPoint: <http://des.nh.gov/organization/divisions/water/wetlands/documents/stream-rules-presentation.pdf>
Stream Crossing Webpage: http://des.nh.gov/organization/divisions/water/wetlands/streams_crossings.htm

Floodplains

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

Repair of a facility located in a floodplain requires approval/permit from the local floodplain administrator. Additional approvals and permits may be required by the DES and the USACE.

Projects exempt from floodplain review include emergency protective actions, debris removal (but not disposal) and repairs or replacements under \$5,000.

Wetlands

As required by *Executive Order 11990*, an "8-Step" review process may be required whenever a project would modify a wetland by filling or other means.

DES Rules/Regulatory: <http://des.nh.gov/organization/divisions/water/wetlands/categories/rules.htm>
Or contact DES, *Public Information and Permitting Unit*, 603-271-3306.

Debris should never to be stored in a wetland, even temporarily. Debris removal from a wetland should be coordinated with DES, USACE and the U.S. Fish and Wildlife Service.

Threatened and Endangered Species and Essential Fisheries Habitat

Under the *Endangered Species Act*, projects that might affect threatened or endangered species must be coordinated and adverse effects must be avoided whenever possible. **Endangered species** are those in danger of extinction throughout the area in which they usually occur. **Threatened species** are those that could become endangered in the near future. New Hampshire has 16 federally-listed endangered, threatened or candidate species, including dwarf wedge mussels in the Connecticut River. The State has an expanded listing of species and critical habitats. For a full federal and state listing, consult: http://www.wildnh.com/Wildlife/Nongame/endangered_list.htm. FEMA will review all projects to determine if a species is likely to be affected.

The *Magnuson-Stevens Fishery Conservation and Management Act* governs projects involving fill or other activities that have the potential to impact "essential fish habitat" for Atlantic salmon in the Connecticut River and its tributaries. FEMA will consult with the National Marine Fisheries Service when necessary.



Piping Plover



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Historic Preservation: Structures and Sites

Some historic resources are very obvious, others less so. Structures (e.g., buildings, walls, bridges, stone culverts) that are more than **50 years old** may be eligible for listing on the National Register of Historic Places. Such structures must be reviewed by FEMA and the NH Division for Historical Resources, State Historic Preservation Office (SHPO) to determine their historical significance and eligibility for listing.

Archaeological resources can rarely be seen. Therefore, any project which proposes to alter a previously undisturbed area (e.g., relocating a utility, road realignment, a new material borrow site for construction, or preparation of debris staging, stockpiling or burning sites) must be reviewed by FEMA and the NH SHPO to determine the area's archeological potential and whether or not a field survey is warranted. Land that has been plowed or used for agriculture is not considered previously disturbed and must be evaluated.

If historic resources might be adversely affected, different measures can be taken to avoid, minimize, or mitigate such adverse effects. FEMA, the NH SHPO, and the applicant will consult to decide what measures, if any, are to be taken.



Stone Box Culvert

Woody Debris Disposal and Hazardous Materials

Collection and disposal of woody debris is often required after storms producing heavy winds, rain or ice. In areas with extensive damage, towns may set up sites for short-term active management of storm debris. Active management includes woody debris collection, sorting, firewood processing, chipping, and burning. Above-ground active management sites do not require a DES permit. However, while chipping is preferred to burning, the burning of material is restricted to limbs and trunks less than 5 inches in diameter and a written permit from a local fire official is required. Requests to burn woody material larger than 5 inches in diameter must be submitted to DES, Air Resources Division (603) 271-1370.

For general guidance on debris and specific state permitting requirements related to all types of debris, the applicant should contact DES, *Public Information and Permitting Unit*, at (603) 271-3306. To insure that all policies are understood, the applicant will be asked by FEMA to fill out and sign a "Debris Management Information Form".

Debris Websites

Management of Collected Debris Following Severe Storm Events Fact Sheet (CO-23):
<http://des.nh.gov/organization/commissioner/pip/factsheets/co/documents/co-23.pdf>

Open burning of construction and demolition debris:
<http://des.nh.gov/organization/commissioner/pip/factsheets/co/documents/co-20.pdf>

and the law: <http://www.gencourt.state.nh.us/rsa/html/X/125-C/125-C-10-c.htm>

NH DRED Fire Permits: <http://www.nhdfi.org/fire-control-and-law-enforcement/permits.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.



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CONTACTS

This publication presents an overview of the more common laws and requirements for environmental clearance of FEMA Public Assistance projects. There are many other federal and state environmental laws and regulations that may apply in specific circumstances and must be considered for a FEMA-funded project to be in full compliance. The FEMA staff in the Joint Field Office in Essex Junction, VT is available to answer any questions you may have and to direct you to other resources that may be consulted to ensure that all environmental considerations are addressed.

FEMA Joint Field Office (JFO)

30 Allen Martin Drive
Essex Junction, VT
(802) 662-8500

Peter Thomas, Environmental/Historic
Preservation Advisor and Manager
Peter.Thomas2@fema.dhs.gov
(802) 309-0190

Tim Barnett, FEMA Public Assistance
Branch Director
Tim.Barnett@fema.dhs.gov
(802) 662-8601

NH Homeland Security & Emergency Management

Michael Poirier, Planning Chief & State
Coordinating Officer
33 Hazen Drive
Concord, NH 03305
(603) 223-3639
mike.poirier@dos.nh.gov

NH National Flood Insurance Program

Jennifer Gilbert, Floodplain Mgt. Coord.
Office of Energy and Planning
107 Pleasant Street
Concord, NH 03301
(603) 271-1762
jennifer.gilbert@nh.gov

U.S. Army Corps of Engineers Regulatory/Permits

New England District Office
Richard Roach
696 Virginia Road
Concord, MA 01742-2751
(978) 318-8211
richard.a.roach@usace.army.mil

U.S. Fish and Wildlife Service - threatened & endangered species

Susi von Oettingen
Endangered Species Specialist
70 Commercial Street, Suite 300
Concord, NH 03301-5087
(603) 223-2541, ext 22
susi_vonoettingen@fws.gov

National Oceanic & Atmospheric Admin, National Marine Fisheries Service

Lou Chiarella, Supervisory Marine
Habitat Resource Specialist
55 Great Republic Drive
Gloucester, MA 01930
(978) 281-9277
lou.chiarella@noaa.gov

Natural Resources Conservation Service

2 Madbury Road
Durham, NH 03824-2043
(603) 868-7581
<http://www.nh.nrcs.usda.gov/>

NH Division for Historical Resources/ State Historic Preservation Office

Edna Feighner, Review Coordinator
19 Pillsbury Street
Concord, NH 03301-3570
edna.feighner@dcr.nh.gov
(603) 271-2813

NH Department of Transportation, Cultural Resources Section

Jillian Edelmann
Cultural Resource Manager
7 Hazen Drive
Concord, NH
(603) 271-7968
jedelmann@dot.state.nh.us

NH Natural Heritage Bureau Division of Forests and Lands

Sara Cairns, Data Manager/Biologist
PO Box 1856
Concord, NH 03302
(603) 271-2215 ext 302
scairns@dred.nh.gov

NH Fish & Game, Wetlands Div

Mike Marchand
11 Hazen Drive
Concord, NH 03305
(603) 271-3016
michael.marchand@wildlife.nh.gov

Southwestern N.H. (Region 4)

15 Ash Brook Court, Keene, NH
03431
reg4@wildlife.nh.gov
603-352-9669

New Hampshire Department of Environmental Services (DES)

29 Hazen Drive
Concord, NH 03302-0095
<http://www.des.nh.gov>

For general guidance and specific
project permit requirements contact:

DES, Public Information and Permitting Unit

(603) 271-3306
(603) 271-2867 (fax)
Timothy W. Drew, Administrator
timothy.drew@des.nh.gov

For resource-specific information
contact:

NHDES, Air Resources Division

(603) 271-1370
(603) 271-1381 (fax)
desair@des.nh.gov

NHDES, Waste Management Division

(603) 271-2900
(603) 271-2456 (fax)

NHDES, Water Division

(603) 271-3434
(603) 271-2982 (fax)