Environmental and Historic Preservation
Considerations during Disaster Recovery

As you repair and rebuild your community, please recognize that federally-funded projects must comply with all environmental and historic preservation (EHP) laws and regulations.

This brochure provides an overview of environmental and historic preservation laws that you must consider as you apply for FEMA funding. A list of contacts is provided on the last page of this brochure.

We are available to help you achieve compliance with all environmental and historic preservation requirements!

As you identify potential environmental and historic preservation concerns or problems, we strongly encourage you to discuss them with the New Hampshire DR-4457-NH Field Office’s environmental and historic preservation staff as soon as possible.

We work under the direction of FEMA’s Federal Coordinating Officer, James McPherson, and in close coordination with the New Hampshire Homeland Security and Emergency Management.

As the Regional Environmental Officer, I pledge to assist you in understanding and complying with all environmental and historic preservation requirements. Lois Coulter leads our Environmental unit in New Hampshire.

Please contact her or George DePaolo, Infrastructure Branch Director, for any environmental or historic preservation assistance.

Sincerely,
David Robbins
Regional Environmental Officer
david.robbins@fema.dhs.gov
Phone: (978) 914-0378

Environmental Laws and Project Requirements

NEPA requires all federal agencies to ensure 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 minimal historic or environmental review, while limited environmental concerns generated by others are easily addressed.

For a few major projects, FEMA must consult with appropriate State or Federal agencies. These projects may also require the applicant to coordinate with State or Federal regulatory agencies for required permitting prior to construction.

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

Federal Laws & Executive Orders

- Clean Air Act
- Clean Water Act (especially Sections 404 & 401)
- Executive Order for Floodplain Management
- Executive Order for Wetlands Protection
- Endangered Species Act
- National Historic Preservation Act

Some projects proceed without detailed review

- Emergency Protective Actions and Debris Removal
  Facilities are temporarily or permanently repaired using in kind materials

Some projects require an environmental review

- Debris processing, staging and disposal
- Where the footprint is different than the pre-disaster footprint
- Where hazard mitigation measures are added
- Where wetlands or floodplains are affected

Some projects require review and consultation

- Repair or replacement of structures 50 years old or more
- Improved or alternate projects
- When federal threatened or endangered species, essential habitats and coastal areas are affected
**Waterways, including Culverts and Bridges**

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. **Permits need to be obtained prior to work beginning.** 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 (NH DES) oversees Section 401 and issues water quality certificates.

NH DES also oversees a number of State laws related to waterways. For all culverts providing stream crossings, work should conform with New Hampshire's 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 and do not require an individual USACE permit. However, work under a general permit may still require notifying the USACE (including but not limited to signing and submitting a Self-Verification Form, or the Pre-Construction Notification and Compliance Certification Form), following good construction practices, and conforming to the terms of other permits.

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


**Floodplains**

FEMA reviews all projects that take place in a floodplain as required by Executive Order 11988. For major projects, this requires an approval process, which includes an evaluation of project alternatives and public notice.

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

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

**Wetlands**

As required by Executive Order 11990, an approval process is required whenever a project could modify a wetland by filling or other means. Information can be found at NH DES Rules/Regulatory site: [http://des.nh.gov/organization/divisions/water/wetlands/categories/rules.htm](http://des.nh.gov/organization/divisions/water/wetlands/categories/rules.htm) or contact NH DES, Public Information and Permitting Unit, 603-271-3710.

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

**Threatened and Endangered Species and Essential Fish Habitat**

Under the Endangered Species Act, projects that may affect threatened or endangered species or designated critical habitat must be coordinated with the U.S. Fish and Wildlife Service or National Marine Fisheries Service and adverse effects must be avoided whenever possible. Endangered species are those species in danger of extinction throughout all or significant portions of their range. Threatened species are those that could become endangered within the foreseeable future. New Hampshire has 16 federally protected species. The State has an expanded list including state-protected species. For a full federal and state listing, contact NH Fish and Wildlife Non-Game Division, or [http://www.wildlife.state.nh.us/nongame/endangered-list.html](http://www.wildlife.state.nh.us/nongame/endangered-list.html). FEMA will review all projects to determine if ESA-listed species or designated critical habitat may be affected.
Historic Preservation: Structures and Sites

Some historic resources are very obvious, others less so. Structures (e.g., buildings, walls, bridges and 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, 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.

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 at (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 may be asked by FEMA to fill out and sign a “Debris Management Information Form”.

Debris Websites

Resources for Storm & Flood Readiness, Cleanup & Recovery
http://des.nh.gov/organization/commissioner/pip/storm/index.htm#wdebris

Management of Collected Debris Following Severe Storm Events Fact Sheet (CO-23)

Open burning of construction and demolition debris:

Statute:
http://www.gencourt.state.nh.us rsa/html/X/125-C/125-C-10-c.htm

NH Department of Forests and Lands Burn Permits: https://nhdflweb.sovsportsnet.net/

Other Considerations

Hazard mitigation projects reduce the threat of future damages: examples include retrofitting for wind damage or elevating for flood protection. All hazard mitigation projects will be subject to a thorough review by FEMA as they usually involve ground disturbance or alter a facility’s footprint.

Projects involving any ground disturbance outside the previously disturbed footprint, even if within the right-of-way, may require archaeological review prior to construction. Examples include facility realignment, borrow areas, utility burial, access roads, etc.
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 Joint Field Office staff 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 DR-4457-NH Field Office
312 Hurricane Lane
Williston, VT 05495
Lois Coulter
EHP Advisor
lois.coulter@fema.dhs.gov
(202) 440-2387

NH Homeland Security & Emergency Management
Fallon Reed
Planning Chief/State Coordinating Officer
(603) 223-3628
fallon.reed@dos.nh.gov

Vanessa Urango
State Public Assistance Coordinating Officer
(603) 223-3602
Vanessa.Urango@dos.nh.gov
33 Hazen Drive
Concord, NH 03305

NH National Flood Insurance Program
Jennifer Gilbert
Floodplain Mgt. Coordinator.
Office of Energy and Planning
Concord, NH 03301
(603) 271-1762
jennifer.gilbert@nh.gov

U.S. Army Corps of Engineers Regulatory/Permits
Richard Kristoff
Senior Project Manager
New England District Office
696 Virginia Road
Concord, MA 01742-2751
(978) 318-8171
Richard.C.Kristoff@usace.army.mil

U.S. Fish and Wildlife Service – Threatened and Endangered Species
Tom Chapman
Supervisor
New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301
603-227-6410
tom.chapman@fws.gov

Natural Resources Conservation Service
https://www.nrcs.usda.gov/wps/portal/nrcs/main/nh/contact/local/
Grafton County: (603) 353-4651

NH Division for Historical Resources/State Historic Preservation Office
Benjamin Wilson, SHPO
19 Pillsbury Street
Concord, NH 03301-3570
Benjamin.Wilson@dnrc.nh.gov
(603) 271-8850

NH Natural Heritage Bureau
Division of Forests and Lands – Dept. of Natural and Cultural Resources
Sabrina Stanwood, Administrator
172 Pembroke Rd
Concord, NH 03301
(603) 271-2861
Sabrina.stanwood@dnrc.nh.gov

NH Fish & Game, Nongame and Endangered Wildlife Program
Melissa Doperalski
11 Hazen Drive
Concord, NH 03301
(603) 271-1738
(603) 271-2461
melissa.doperalski@wildlife.nh.gov

NH Department of Transportation
7 Hazen Drive
Concord, NH 03301
Cultural Resources
Jill Edelmann
Cultural Resource Program Manager
(603) 271-7968
Jillian.edelmann@dot.nh.gov

Environmental
Ron Crickard
Chief, Project Management Section
(603) 271-3266
Ronald.crickard@dot.nh.gov

NH Department of Environmental Services (NH DES)
29 Hazen Drive
Concord, NH 03302-0095
(603) 271-3503
www.des.state.nh.us/
www.des.nh.gov/contactus/index.htm

NH DES, Wetlands Div.
Collis Adams
Wetlands Bureau Administrator
11 Hazen Drive
Concord, NH 03305
(603) 271-4054
Collis.adams@des.nh.gov
cc: MaryAnn Tilton
MaryAnn.Tilton@des.nh.gov

Public Information and Permitting Unit
(603) 271-3306
Timothy W. Drew, Administrator
timothy.drew@des.nh.gov
AirResourcesDivision@des.nh.gov
(603) 271-1370
https://www.des.nh.gov/organization/divisions/air/index.htm

Solids Waste Management Bureau
(603) 271-2925
solidwasteinfo@des.nh.gov

Water Division
(603) 271-3434
watershed@des.nh.gov
coastal@des.nh.gov