



NEW HAMPSHIRE DISASTER 4329
 FEDERAL EMERGENCY MANAGEMENT AGENCY
 ENVIRONMENTAL CONSIDERATIONS GREENSHEET



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 helpful State and Federal 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-4329-NH Field Office's environmental and historic preservation staff as soon as possible.

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

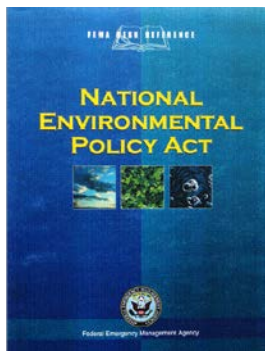
As the Regional Environmental Officer, I pledge to assist you in understanding and complying with all environmental and historic preservation requirements.



Sincerely,

David Robbins
 Regional Environmental Officer
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 (978) 914-0378
 Fax: (617) 956-7574
 August 10, 2017

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 all applicable environmental and historic preservation laws can jeopardize or delay FEMA funding.

Federal Laws & Executive Orders

- Clean Air Act
- Clean Water Act (especially Sections 404 & 401)
- Coastal Zone Management Act
- Executive Order for Floodplain Protection
- Executive Order for Wetlands Protection
- Endangered Species Act
- Fish & Wildlife Coordination Act
- Magnuson-Stevens Fishery Conservation and Management Act
- National Historic Preservation Act

Some projects proceed without detailed review

Emergency Protective Actions and Debris Removal

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



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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. **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 (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* and do not require an individual Corps 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.

Programmatic General Permit, State of New Hampshire: <http://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/New-Hampshire-General-Permit/>

New Hampshire Stream Crossing Guidelines: <https://www.des.nh.gov/organization/divisions/water/wetlands/documents/nh-stream-crossings.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 requires an approval process, which includes an evaluation of project alternatives and public notification.

Repair of a facility located within a floodplain requires approval/permit from the local floodplain administrator. Additional approvals and permits may be required by 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 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 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 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>. FEMA will review all projects to determine if ESA-listed species or designated critical habitat may be affected.

The *Magnuson-Stevens Fishery Conservation and Management Act* governs "in-water" activities that could potentially impact "essential fish habitat" for various species in the Connecticut, Merrimack, Androscoggin, Saco, Cochecho, Lamprey Rivers and their tributaries. FEMA will consult with



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 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, 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 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):

<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>

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

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

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, utility pole replacement, access roads, etc.



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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 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-4329-NH Field Office

63 Old Marlboro Road
Maynard, MA, 01754
(978) 461-5311

Anita Uhlán
EHP Advisor
Anita.Uhlan@fema.dhs.gov
(617) 470-3909

Thomas Perry
FEMA Public Assistance Branch Chief
Thomas.perry@fema.dhs.gov
(617) 956-7611

NH Homeland Security & Emergency Management

Fallon Reed
Planning Chief/State Coordinating Officer
33 Hazen Drive
Concord, NH 03305
(603) 223-3628
fallon.reed@dos.nh.gov

NH National Flood Insurance Program

Jennifer Gilbert
Floodplain Mgt. Coordinator.
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

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

National Marine Fisheries Service – Essential Fish Habitat:

Mike Johnson
Habitat Conservation Division
55 Great Republic Drive
Gloucester, MA 01930
(978) 281-9130
mike.r.johnson@noaa.gov

National Marine Fisheries Service – Threatened and Endangered Species:

Zachary Jylkka
Protected Resources Division
55 Great Republic Drive
Gloucester MA 01930
(978)-282-8467

Natural Resources Conservation Service

<https://www.nrcs.usda.gov/wps/portal/nrcs/main/nh/contact/local/>
Belknap County: (603) 527-5880
Carroll County: (603) 447-2771
Cheshire County: (603) 756-2988
Coos County: (603) 788-4651
Grafton County: (603) 353-4651
Hillsborough County: (603) 673-2409
Merrimack County: (603) 223-6027
Rockingham County: (603) 679-2790
Strafford County: (603) 749-3037
Sullivan County: (603) 542-4891

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 Natural Heritage Bureau Division of Forests and Lands

Sara Cairns, Data Manager/Biologist
172 Pembroke Rd
Concord, NH 03301
(603) 271-2215 ext. 302
Sara.cairns@dred.nh.gov

NH Fish & Game, Nongame and Endangered Wildlife Program

John Kanter, Supervisor
11 Hazen Drive
Concord, NH 03301
(603)271-3017
john.kanter@wildlife.nh.gov

NH Fish & Game, Wetlands Div.

Mike Marchand
Wetlands Biologist
11 Hazen Drive
Concord, NH 03305
(603) 271-3016
michael.marchand@wildlife.nh.gov
Cc Kim Tuttle
Kim.tuttle@wildlife.nh.gov

NH Department of Transportation

7 Hazen Drive
Concord, NH 03301

Cultural Resources

Jill Edelmán
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 (DES)

29 Hazen Drive
Concord, NH 03302-0095
(603) 271-3503
<http://www.des.state.nh.us/>

Public Information and Permitting Unit

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

Air Resources Division

(603) 271-1370
desair@des.nh.gov
<http://des.nh.gov/organization/divisions/air/index.htm>

Solid Waste Management Bureau

(603) 271-2925
solidwasteinfo@des.nh.gov
<http://des.nh.gov/organization/divisions/waste/swmb/index.htm>

Water Division

(603) 271-3434
<http://des.nh.gov/organization/divisions/water/index.htm>
watershed@des.nh.gov
coastal@des.nh.gov