Dear Applicant,

This brochure is designed to help you better understand the environmental and historic factors that must be considered as you repair and rebuild your community and to provide general guidance, including contact information. Because FEMA awards are federally funded, Applicants for FEMA assistance must comply with all applicable federal, state and local laws, executive orders, regulations, and permitting requirements.

The most important message is that we are available to help you achieve compliance with all environmental and historic preservation requirements!

Please be sure to:
1. Identify any potential environmental concerns, problems, or questions and discuss these with EHP staff as soon as possible,
2. Contact relevant permitting agencies to determine if you will need approvals or permits,
3. Comply with all permit conditions,
4. And submit all relevant permits, and correspondence with state or federal agencies, with your FEMA grant application.

Early coordination with relevant agencies will help you to address compliance concerns and expedite funding. If you are unsure if you need a permit, you should reach out for assistance. The last page of this brochure provides contact information for many of the relevant agencies.

EHP works under the direction of FEMA’s Federal Coordinating Officer, William Roy and in coordination with the New Hampshire’s Office of Homeland Security and Emergency Management. Corinna Giles leads our Environmental unit at the field office. Please contact her at corinna.giles@fema.dhs.gov for any environmental or historic questions, concerns, or assistance.

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

Sincerely,

David E. Robbins, Regional Environmental Officer
David.Robbins@fema.dhs.gov

Environmental Laws and Project Compliance

The National Environmental Policy Act (NEPA) requires all federal agencies to consider the effects of their actions, and the actions they fund, on the environment prior to grant approval. The level of NEPA review required depends on the scope of work and any environmental and historic laws, regulations, and executive orders that may apply.

The location of the project and the complexity of the work determine the level of review required. The actions that may trigger advanced NEPA review are detailed in the following pages. Use this Greensheet as a guide to developing project strategies, this will help to ensure compliance with the laws and avoid potential delay or deobligation of funds.

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

Obtaining permits is the sole responsibility of the Applicant. Required permits and notifications must be issued prior to initiating any site activity. If the project is an emergency action to address immediate threats to life or property, regulatory agencies should be notified as soon as possible, and documentation should be submitted to FEMA EHP for review.

Initial EHP Requirements

- Clear and complete project description (Scope of Work)
- Maps & accurate GPS Coordinates (latitude + longitude)
- Existing environmental documentation
  - Include any permits and approvals
  - Debris management plan (if applicable)
- Photographs
- Historic structures and areas of environmental concern will require extra photographs
- Sketches or design plans
- Date of construction for built structures
- Community information
  - Will there be public opposition and/or support?
Actions that May Trigger Elevated EHP Review

Not all projects will require consultation and advanced EHP review, there are certain activities and circumstances that can trigger further review. Below are some, but not all, of the most common triggers:

**Impacts to Historic Resources**

1. **Repairs to, or Demolition of, Buildings 45 Years Old or Older** can negatively impact their historic integrity.

   To be sure that grants are in compliance with historic preservation regulations, FEMA needs to be made aware of any structure (e.g., buildings, walls, bridges, culverts) that is 45 years old or older or whenever a project is in an area that may contain an archaeological site. FEMA may consult with the State Historic Preservation Officer (SHPO) and other interested parties while working with the Applicant to develop measures to avoid adversely affecting the historic property.

2. **New Ground Disturbance** can negatively impact archaeological sites and other cultural resources.

**Work with Debris**

FEMA is required by law to track all debris “cradle to grave.” Please provide the type, quantity, address, and coordinates (latitude/longitude) of where the debris was collected, staged, and its final disposition, including vegetative debris disposal sites. If debris removal required ground disturbance, such as excavation and rootballs, provide locations and a description of the work performed.

For general guidance on debris and specific state permitting requirements related to all types of debris, the applicant should contact NH Department of Environmental Services (DES) Public Information and Permitting Unit at 603-271-3306. 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.

**Hazardous Waste** Examples of hazardous materials include propane cylinders, discarded paints and solvents, cleaning chemicals, containers of pesticides, lead acid batteries, used oil filters and motor oil, and items containing chlorofluorocarbons (CFCs), treated wood, and asbestos. Proper care must be taken in handling and disposing of suspected hazardous or toxic waste.

https://www.des.nh.gov/waste/hazardous-waste

**Water Resources**

NH has a joint permitting process with DES and USACE for work in water. Applicants should be sure to receive permitting, or documentation that permitting is not required, from both DES and USACE for any project with work in or near water. See Page 3 for more information on permitting requirements for projects with work in or near water resources.

**Tree or Vegetation Removal**

Removal of trees and vegetation can have multiple environmental concerns. Trees, even leaners and hangers, can be home to federally-recognized Endangered Species (see ‘Protected Species and Habitats’ below). Removal of rootballs (see image to the right) or vegetative root systems can cause new ground disturbance, which may impact archaeological sites (see “Impacts to Historic Resources” above).

Whenever possible, the preferred treatment for upended trees is to cut the tree at the base and tip the rootball back into place. If the rootball must be removed prior to EHP review, thoroughly document the area, including location coordinates, and take clear photographs. Rootball removal is of particular concern within, and adjacent to, cemeteries.

**Protected Species and Habitats**

All FEMA-funded activities must comply with both the Endangered Species Act (ESA) and the Magnuson-Stevens Fishery Conservation and Management Act (MSA) which protects Essential Fish Habitat (EFH).

The U.S. Fish and Wildlife Service (USFWS) and the National Marine Fisheries Service (NMFS) are the two federal agencies with ESA jurisdiction. Under the ESA, projects must avoid or minimize impacts that are likely to adversely affect threatened or endangered (“listed”) species. To see if your project may impact endangered species, visit: https://ecos.fws.gov/ipac/.

FEMA must consult with NMFS and USFWS before funding any activities that have the potential to affect listed species or their habitat. ESA and MSA frequently require conservation measures (such as project or timing restrictions) to minimize potential impacts.

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.
**Work Along Coastlines and in Water Resources**

For **any** projects 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, while the NH DES oversees Section 401 Water Quality Certification. DES also administers a number of State laws related to waterways. The Applicant should contact DES to obtain guidance on state permit requirements. Any copies of correspondence with USACE and/or NH DES should be attached to your grant application.

Many state-permitted actions are eligible under the USACE General Programmatic Permit and do not require an individual USACE permit. However, work under a general permit may still require notifying the USACE, and will require good construction practices, and conforming to any specific conditions imposed by USACE. It is always a best practice to obtain written correspondence from USACE and/or NH DES regarding permitting requirements for your project(s).

To obtain guidance contact the U.S. Army Corps of Engineers Regulatory Office: New England District.

USACE [https://www.nae.usace.army.mil/Missions/Regulatory/](https://www.nae.usace.army.mil/Missions/Regulatory/)

NH Stream Crossing Website: [https://www.des.nh.gov/land/roads/stream-crossings](https://www.des.nh.gov/land/roads/stream-crossings)

Obtaining permits is the responsibility of the Applicant and must be done **PRIOR** to initiating any site activity, including site preparation and the establishment of staging areas (with the exception of emergency actions that address immediate threats to life or property). If you are unsure if you need a permit, reach out to the appropriate agency as soon as possible.

### 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 notice.

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

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.

### 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 the NH DES Rules/Regulatory site: [https://www.des.nh.gov/water/wetlands/permit-assistance](https://www.des.nh.gov/water/wetlands/permit-assistance)

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.

A source for Wetland maps is the USFWS National Wetlands Inventory geospatial maps. You can access these maps at: [http://www.fws.gov/wetlands/Data/ Mapper.html](http://www.fws.gov/wetlands/Data/ Mapper.html)

### 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. The following types of projects 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

Opportunities to avoid, minimize, or mitigate potential impacts to vulnerable communities should be considered during project development and implementation.

**Wetlands in NH**

Credit: [https://www.des.nh.gov/water/wetlands](https://www.des.nh.gov/water/wetlands)
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.

Federal Emergency Management Agency (FEMA)
Public Assistance (PA)
Field Office
Brian Donnelly, Infrastructure Branch Director
(202) 384-2412
brian.donnelly@fema.dhs.gov

Environmental Planning and Historic Preservation (EHP)
Field Office
Corrina Giles, EHP Advisor
(202) 655-8666
corrina.giles@fema.dhs.gov

Region 1 Office
David Robbins, Regional Environmental Officer
(978) 914-0378
david.robbins@fema.dhs.gov
99 High Street, 6th Floor
Boston, MA 02110

Homeland Security & Emergency Management
Incident Planning and Ops Center
Fallon Reed, Preparedness, Mitigation and Recovery Section Chief
(603) 223-3626
fallon.reed@dos.nh.gov

Maria Eklund, Public Assistance Program Planner
603-223-3602
mmediaeklund@dos.nh.gov
110 Smokey Bear Blvd
Concord, NH 03301

Office of Strategic Initiatives
Floodplain Management Program
Samara Ebinger, Principal Planner
603-271-1755
samara.m.ebinger@livefree.nh.gov
107 Pleasant Street
Concord, NH 03301

U.S. Army Corps of Engineers Regulatory / Permits
New England District Office
696 Virginia Road
Concord, MA 01742-2751
(978) 318-8171
cenae-r.nh@usace.army.mil

U.S. Fish and Wildlife Service
Threatened and Endangered Species
Audrey Mayer, Supervisor
603-496-5181
audrey_mayer@fws.gov

Federal Activities and Endangered Species
David Simmons, Acting Supervisor
603-333-5440
david_simmons@fws.gov or newengland@fws.gov
New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301

Natural Resources Conservation Service
Becky Ross, State Conservationist
603-868-9931
273 Locust Street, Suite 2D
Dover, NH 03820
https://www.nrcs.usda.gov

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

Dept of Natural and Cultural Resources Natural Heritage Bureau
Sabrina Stanwood, Administrator
(603) 892-8624
sabrina.stanwood@dnrc.nh.gov
172 Pembroke Rd
Concord, NH 03301

Fish & Game, Wildlife Division
(603) 271-2461
wildlife@wildlife.nh.gov
11 Hazen Drive
Concord, NH 03301

Department of Transportation
603-271-3734
7 Hazen Drive
Concord, NH 03301

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

Wetlands Bureau
603-271-2147

Water Division
603-271-3434

Air Resources Division
Shelley Marshall, Administrative Supervisor
603-271-1386
shelley.a.marshall@des.nh.gov

Solid Waste Management Bureau
Nelson E. Ordway, Executive Secretary
603- 271-2925
nelson.ordway@des.nh.gov
solidwasteinfo@des.nh.gov

Environmental Laws and Project Requirements

Please note: If any part of a project is complete, all required permits for the completed work must be submitted with the project grant application. Failure to comply with all applicable Federal, State and local environmental laws could jeopardize or delay potential funding.