



NEW HAMPSHIRE DISASTER 4740 FEDERAL EMERGENCY MANAGEMENT AGENCY ENVIRONMENTAL & HISTORIC REQUIREMENTS



Environmental Planning and Historic Preservation (EHP) Compliance During Disaster Recovery

Dear Applicant,

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.

Be sure to:

- ✓ Identify any potential environmental concerns, problems, or questions and discuss these with EHP staff as soon as possible.
- ✓ Contact permitting agencies to determine if you will need approvals or permits.
- ✓ Comply with all permit conditions.
- ✓ Submit all relevant permits, and correspondence with state or federal agencies, with your FEMA grant application.

Early coordination with regulatory agencies will address compliance concerns and expedite funding. See the last page of this brochure for agency contact information.

Eric Kuns leads our Environmental unit at the Joint Field Office. Contact him at eric.kuns@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
(978) 914-0378



*Above: Damaged Culvert; Credit: Jason Spencer
Below: Damaged Fencing; Credit: Kathryn Emmitt*



Environmental Laws and Project Compliance

Obtaining permits is the sole responsibility of the Applicant. Required permits and notifications must be obtained **prior to initiating any site activity. If the project is an emergency action to address immediate threats to life or property, notify regulatory agencies as soon as possible, and share a copy of the documentation with FEMA for review.**



Damaged Cemetery; Credit: Kathryn Emmitt

Help Us Help You!

Provide the following:

- ◇ 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 or support?

**These documents are needed for initial project review, additional documentation may be required.*



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Actions that May Trigger Elevated EHP Review

Impacts to Historic Resources

① **REPAIRS TO, OR DEMOLITION OF, BUILDINGS 45 YEARS OLD OR OLDER**

can negatively impact their historic integrity.

② **NEW GROUND DISTURBANCE**

can negatively impact archaeological sites and other cultural resources.

FEMA must be aware of **any** structure (e.g., buildings, walls, bridges, culverts) that is 45 years old or older **and** whenever a project is in an area that may contain an archaeological site. FEMA may consult with the State Historic Preservation Officer (SHPO) while working with the Applicant to develop measures to avoid adversely affecting the historic structure or site.

Work with Debris

FEMA is required by law to track all debris "cradle to grave." Provide the type, quantity, address, and coordinates of where the debris was collected, staged, and its final disposition, including vegetative debris disposal sites. If debris removal required ground disturbance, provide locations and a description of the work performed.

For guidance on debris and specific state permitting requirements, contact NH Department of Environmental Services (DES) Public Information and Permitting Unit. Burning of vegetation 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 the DES Air Resources Division.

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" on page 3).

Removal of root balls (see image to the right) or 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 root ball back into place. If the root ball must be removed prior to EHP review, thoroughly document the area, including coordinates, and take clear photographs. Root ball removal is of particular concern within and adjacent to cemeteries.

Work In, Near or Affecting Water and 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. 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 Permit (GP) and do not require an individual USACE permit. However, work under a GP 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).

Floodplains

FEMA reviews all projects located 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> 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>



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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. **See below for specific best practices for species in the impacted counties.**

The State has an expanded list including state-protected species. It is recommended that Applicants contact the NH Fish and Wildlife Nongame and Endangered Wildlife Program prior to work at <http://www.wildlife.state.nh.us/nongame/endangered-list.html>. See page 4 of this Greensheet for additional contact information.

Bat Best Practices:



Northern Long-eared Bat
(All Photos Credit: USFWS)

1. Contact NH Fish and Wildlife Non-Game and Endangered Wildlife Program prior to tree removal. They can identify sensitive areas (hibernacula) and roosting trees.
2. Avoid tree removal within 150 feet of roost trees and 0.25 miles of hibernacula.
3. Remove as few trees as possible, especially between April 15 to October 31.
4. If you must remove trees during summer months, cut them in the evening after bats that may be present have exited the tree.
5. Use existing access routes and previously disturbed areas to move and stage equipment. Avoid or minimize ground disturbance in undisturbed/undeveloped habitat.



Canada Lynx

Canada Lynx Best Practices:

1. Instruct vehicle and equipment operators to drive carefully, especially at dawn and dusk, and in remote areas.
2. Use existing access routes and previously disturbed areas to move and stage equipment. Avoid or minimize ground disturbance in undisturbed/undeveloped habitat.



Dwarf Wedgemussel

Dwarf Wedgemussel Best Practices:

1. Avoid or minimize work in the Connecticut River watershed.
2. Implement measures to prevent discharge or sediment and pollutants into aquatic habitats.
3. Before starting work in the Connecticut River watershed, employ a qualified individual to survey for, and relocate, Dwarf wedgemussels that may be adversely affected. *NH Fish and Wildlife Non-Game and Endangered Wildlife Program to determine if this is appropriate for your project.*
4. Use existing access routes and previously disturbed areas to move and stage equipment. Avoid or minimize ground disturbance in undisturbed/undeveloped habitat.

Minority and Low-Income Populations

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, and drainage improvements / actions in floodplains

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



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Contact Information

General

Federal Emergency Management Agency (FEMA)
Environmental Planning and Historic Preservation (EHP)
Concord Joint Field Office
Eric Kuns, EHP Advisor
(202) 805-9089
eric.kuns@fema.dhs.gov

Region 1 Office
David Robbins, Regional Environmental Officer
david.robbs@fema.dhs.gov
65 Old Marlboro Rd
Maynard, MA 01754

Federal Emergency Management Agency (FEMA)
Public Assistance (PA)
Field Office
Lily Steiner, Infrastructure Branch Director
(857) 206-5157
lily.steiner@fema.dhs.gov

**Homeland Security & Emergency Management
Incident Planning and Ops Center**
Austin Brown, Chief of Mitigation and Recovery
(603) 227-8767
Austin.t.brown@dos.nh.gov

Regulatory (Permits)

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

Wetlands Bureau
irm@des.nh.gov
(603) 271-2147

Water Division
(603) 271-3434

Public Information and Permitting Unit
(603) 271-3306

Air Resources Division
(603) 271-1370
Shelley Marshall, Administrative Supervisor
(603) 271-1386
shelley.a.marshall@des.nh.gov

Rivers Management and Protection Program
Local Advisory Council Information:
[https://www.des.nh.gov/water/rivers-and-lakes/
rivers-management-and-protection](https://www.des.nh.gov/water/rivers-and-lakes/rivers-management-and-protection)

Civil Rights and Environmental Justice
Vincent Perelli, Environmental Justice Coordinator
(603) 271-8989
vincent.r.perelli@des.nh.gov

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

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

Technical Assistance

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

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

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

Dept of Natural and Cultural Resources Natural Heritage Bureau
Sabrina Stanwood, Administrator
(603) 892-8824
sabrina.stanwood@dncr.nh.gov
172 Pembroke Rd
Concord, NH 03301

**Office of Planning and Development,
Floodplain Management Program**
Katie Paight, State Floodplain Management Program Coordinator
(603) 271-1755
Kathryn.o.paight@livefree.nh.gov
107 Pleasant Street
Concord, NH 03301

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. This brochure is not intended to be inclusive of all possible laws, but those routinely encountered in disaster recovery.