



# NEW HAMPSHIRE DISASTER 4771 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.

Donald Fairley and Charles Barrowclough lead our Environmental and Historic Preservation unit at the NH field office.

Contact them at [Donald.fairley@fema.dhs.gov](mailto:Donald.fairley@fema.dhs.gov) and [Charles.barrowclough@fema.dhs.gov](mailto:Charles.barrowclough@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,  
Mary Shanks, Acting Regional Environmental Officer  
[Mary.shanks@fema.dhs.gov](mailto:Mary.shanks@fema.dhs.gov)



*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 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.**



*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.*



# NEW HAMPSHIRE DISASTER 4771 FEDERAL EMERGENCY MANAGEMENT AGENCY ENVIRONMENTAL & HISTORIC REQUIREMENTS



## 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.

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.

Sources for Wetland maps are the USFWS National Wetlands Inventory geospatial maps: <http://www.fws.gov/wetlands/Data/Mapper.html> and the NH GRANITView geospatial maps: [GRANITView \(unh.edu\)](http://www.granitview.unh.edu)



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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 examples of best practices for common species present in the impacted counties. See expanded list of USFWS Avoidance and Minimization Measures posted at: [Disasters / Incidents – Homeland Security Emergency Management \(nh.gov\)](#)**

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.



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

### Bat Best Practices:

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.



Piping Plover

### Shore Bird Best Practices:

1. Avoid work in coastal habitats between April 1 and September 30.
2. Employ a qualified individual(s) to monitor bird behavior and impacts, identify nesting areas, and direct work vehicles and crews around nests/broods
3. Minimize vehicles and machinery in coastal habitats
4. Avoid sand fencing in coastal habitat between April 1 and September 30



Small Whorled Pogonia

### Small Whorled Pogonia Best Practices:

1. Employ a qualified individual(s) to survey for this species prior to ground disturbance, mark occurrences of the species, and direct work vehicles and crews around occurrences
2. Use existing access routes and previously disturbed areas to move and stage equipment. Avoid or 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.*

## 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

Donald Fairley, EHP Advisor

(202) 805-6874

[Donald.fairley@fema.dhs.gov](mailto:Donald.fairley@fema.dhs.gov)

Charles Barrowclough, EHP Manager

(202) 897-7029

[Charles.barrowclough@fema.dhs.gov](mailto:Charles.barrowclough@fema.dhs.gov)

Region 1 Office

Mary Shanks, Acting Regional Environmental Officer

[Mary.shanks@fema.dhs.gov](mailto:Mary.shanks@fema.dhs.gov)

220 Binney Street, 7th Floor, Cambridge, MA 02142

#### **Federal Emergency Management Agency (FEMA)**

Public Assistance (PA)

Field Office

Abigail Atkinson, Infrastructure Branch Director

(202) 702-4659

[Abigail.atkinson@fema.dhs.gov](mailto:Abigail.atkinson@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](mailto:Austin.t.brown@dos.nh.gov)

### Regulatory (Permits)

#### **Department of Environmental Services (NH DES)**

(603) 271-3503

[www.des.nh.gov](http://www.des.nh.gov)

29 Hazen Drive

Concord, NH 03302-0095

Wetlands Bureau

[Irm@des.nh.gov](mailto: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](mailto: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](mailto:vincent.r.perelli@des.nh.gov)

#### **Solid Waste Management Bureau**

Nelson E. Ordway, Executive Secretary

(603) 271-2925

[nelson.ordway@des.nh.gov](mailto:nelson.ordway@des.nh.gov)

[solidwasteinfo@des.nh.gov](mailto: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

### Technical Assistance

#### **Division for Historical Resources**

Benjamin Wilson, State Historic Preservation Officer

(603) 271-8850

[Benjamin.Wilson@dncr.nh.gov](mailto: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](mailto:Audrey_Mayer@fws.gov)

Federal Activities and Endangered Species

David Simmons, Acting Supervisor

(603) 333-5440

[David\\_Simmons@fws.gov](mailto:David_Simmons@fws.gov) or [newengland@fws.gov](mailto: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](mailto: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](mailto:sabrina.stanwood@dncr.nh.gov)

172 Pembroke Rd

Concord, NH 03301

#### **Office of Planning & Development, Floodplain Management**

Katie Paight

State Floodplain Management Program Coordinator

(603) 271-1755

[Kathryn.o.paight@livefree.nh.gov](mailto: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.