



MAINE EMERGENCY MANAGEMENT AGENCY ENVIRONMENTAL CONSIDERATIONS GREENSHEET



Environmental Planning and Historic Preservation (EHP) Considerations during Disaster Recovery

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:

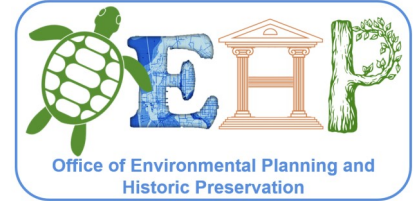
- ✓ identify any potential environmental concerns, problems, or questions and discuss these with EHP staff as soon as possible,
- ✓ contact relevant permitting agencies to determine if you will need approvals or permits,
- ✓ comply with all permit conditions,
- ✓ and submit all relevant permits, and 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 Maine Emergency Management Agency. 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
(978) 914-0378



Damage in Biddeford, ME



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 EHP review are detailed in the following pages. Use this *Green-sheet* as a guide to developing project strategies, this will help to ensure compliance with the laws and avoid potential delay or deobligation of funds.

Obtaining permits is solely the 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 *Documents to Gather*

- ◇ 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.*



MAINE DISASTER 4647 FEDERAL EMERGENCY MANAGEMENT AGENCY ENVIRONMENTAL CONSIDERATIONS GREENSHEET



Actions that May Trigger Elevated EHP Review

Not all projects will require consultation and advanced EHP review, however, 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.

② **NEW GROUND DISTURBANCE**

can negatively impact archaeological sites and other cultural resources.

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/or Tribal Historic Preservation Officers (THPO) while working with the Applicant to develop measures to avoid adversely affecting the historic structure or site.

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

Work with Debris

FEMA is required by law to track debris “cradle to grave.” Please provide the type, quantity, address, and coordinates (latitude/longitude) of where the debris was collected as well as its final disposition, including vegetative debris disposal sites. If any Debris Management Sites (DMSs) were utilized in the processing of debris, please provide those locations as well. If debris removal required ground disturbance, such as excavation and root balls, 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 the Department of Environmental Protection (DEP) Bureau of Remediation and Waste Management. Chipping debris is preferred to burning, the burning of material requires a permit from the Town Forest Fire Warden, Forest Ranger or local fire prevention official.

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. Contact DEP Hazardous Waste Staff.*

EHP in Maine

More information on the role of EHP in Maine can be found at: <https://www.maine.gov/mema/grants/environmental-planning-historical-properties>

Protected Species and Habitats



Peregrine Falcon (above)
Rusty Patch Bumble Bee (below)
Credit: iPac and Maine IFW



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.

For a full federal and state listing, contact ME Department of Inland Fisheries and Wildlife, or <https://www.maine.gov/ifw/fish-wildlife/wildlife/endangered-threatened-species/listed-species> FEMA will review all projects to determine if ESA-listed species or designated critical habitat may be affected.



MAINE DISASTER 4647 FEDERAL EMERGENCY MANAGEMENT AGENCY ENVIRONMENTAL CONSIDERATIONS GREENSHEET



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 ME DEP oversees 401 Water Quality Certification. DEP also administers a number of State laws related to waterways. The Applicant should contact DEP to obtain guidance on state permit requirements. Any copies of correspondence with USACE and/or ME DEP should be attached to your grant application.

Many state-permitted actions are eligible under the USACE Regional General Permits and do not require an individual USACE permit. However, all work within USACE jurisdiction requires notification to USACE and conforming to any specific conditions imposed by USACE. Additionally, Applicants may require a Section 10 permit for any work in navigable waters. It is always a best practice to obtain written correspondence from USACE and/or ME DEP regarding permitting requirements for your project(s).

To obtain guidance contact the U.S. Army Corps of Engineers Regulatory Office: New England District.
USACE: <http://www.nae.usace.army.mil/Missions/Regulatory/State-General-Permits/Maine-General-Permit/>
Maine Stream Crossings: https://www.maine.gov/dacf/mfs/policy_management/water_resources/downloads/maine_stream_crossings.pdf
Maine Stream Survey Manual: https://www.maine.gov/dep/water/monitoring/rivers_and_streams/vrmp/stream-survey-manual/surmanv1_mainbody.pdf

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 ME DEP 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 ME DEP Water Resource website: <https://www.maine.gov/dep/water/monitoring/>

Debris should never be stored in a wetland, even temporarily. Debris removal from a wetland should be coordinated with ME DEP, USACE and the USFWS.

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>

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 including, but not limited to: temporary housing, drainage improvements / actions in floodplains, debris staging and disposal, road repair that requires detours, temporary or relocation actions

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



Credit: <https://www.maine.gov/dep/water/monitoring/biomonitoring/index.html>

Other Considerations

- ◇ Hazard Mitigation — Projects that include upgrades/activities to reduce threats of future damages have the potential to change original footprints
- ◇ Coastal Zones— Projects are reviewed according to the federal Coastal Zone Management Act (CZMA) by the ME Coastal Program: <https://coast.noaa.gov/czm/consistency/states/> or <https://www.maine.gov/dmr/mcp/index.htm>
- ◇ Coastal Barrier Resources— Projects are reviewed according to the federal Coastal Barrier Resources Act (CBRA) to protect and conserve these areas. visit: <https://www.fws.gov/cbra>



MAINE DISASTER 4647 FEDERAL EMERGENCY MANAGEMENT AGENCY ENVIRONMENTAL CONSIDERATIONS GREENSHEET



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

Corinna Giles, EHP Advisor
(202) 655-8666
corinna.giles@fema.dhs.gov

Region 1 Office

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

Maine Emergency Management (MEMA)

Naomi Petley, Public Assistance Officer
(207) 215-2764
naomi.m.petley@maine.gov

Hazard Mitigation Office

Heather Dumais, State Hazard Mitigation Officer
(207) 441-9510
heather.dumais@maine.gov

ME National Flood Insurance Program (NFIP)

Sue Baker, Program Coordinator
(207) 287-8063
sue.baker@maine.gov

U.S. Army Corps of Engineers Regulatory/Permits

cenae-r-me@usace.army.mil
442 Civic Center Drive, Suite 350
Augusta, ME 04330

U.S. Fish and Wildlife Service

Maine Ecological Services Field Office
(207) 469-7300
mainefieldoffice@fws.gov
306 Hatchery Road
East Orland, Maine 04431

ME Department of Inland Fisheries and Wildlife

(207) 287-8000
<https://www.maine.gov/ifw/about/contact/email.html>
353 Water Street
Augusta, ME 04330

Maine Natural Areas Program

Lisa St Hilaire, Information Manager
(207) 287-8044
lisa.st.hilaire@maine.gov
93 State Street Station
Augusta, ME 04333

National Marine Fisheries Service

55 Great Republic Drive
Gloucester, MA 01930

Protected Resources Division

nmfs.gar.esa.section7@noaa.gov

Habitat Conservation Division

Chris Boelke, New England Branch Chief
(978) 281-9131
christopher.boelke@noaa.gov

ME Historic Preservation Commission/SHPO

Kirk F. Mohney, State Historic Preservation Officer
55 Capitol Street
65 State House Station
Augusta, ME 04333
(207) 287-2132
kirk.mohney@maine.gov

Natural Resources Conservation Service

Matt Walker, State Conservationist
(207) 990-9585
matt.walker@usda.gov
967 Illinois Avenue, Suite #3
Bangor, ME 04401

ME Department of Marine Resources (DMR)

<https://www.maine.gov/dmr/mcp/index.htm>

Sea-Run Fisheries and Habitat Division

Sean Ledwin, Director
(207) 624-6348
sean.m.ledwin@maine.gov
32 Blossom Lane
Augusta, ME 04333

ME DMR: Coastal Program

Kathleen Leyden, Director
(207) 287-3144
kathleen.leyden@maine.gov
38 State House Station
Augusta, ME 04333

Maine Department of Environmental Protection (DEP)

Augusta Office: (207) 287-7688
Portland Office: (207) 822-6300
Bangor Office: (207) 941-4570

Bureau of Air Quality

Call Regional office & contact:
Department of Agriculture, Conservation, and Forestry at
<https://www.maine.gov/burnpermit>

Bureau of Land Resource Regulation

Mark Stebbins, Permit/License Assistance
(207) 592-4810 or call Regional office
mark.n.stebbins@maine.gov

Bureau of Remediation and Waste Management

Solid Waste: (207) 287-7688 or call Regional office
Hazardous Waste: (207) 287-7688 or call Regional office