



MASSACHUSETTS DISASTER 4110-MA  
 FEDERAL EMERGENCY MANAGEMENT AGENCY  
 ENVIRONMENTAL CONSIDERATIONS GREENSHEET



## Environmental and Historic Preservation Considerations during Disaster Recovery

As you repair and rebuild your community, environmental and historic preservation concerns may seem unimportant. However, as with all federally funded projects, certain requirements related to the environment must be fulfilled. This brochure is provided to help you better understand environmental factors that you must consider as you apply for FEMA funding.

The information and assistance described here will help avoid any environmental roadblocks or time delays.

The most important message is that **we are available to help you with all environmental requirements.** The facts, procedures and contact

information that follows should help you make good decisions and facilitate project review.

Please identify any potential environmental concerns or problems and discuss these with our Joint Field Office (JFO) Environmental staff as soon as possible. This will help us address issues and expedite funding.

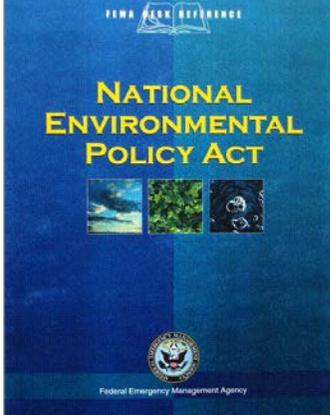
Our work is under the direction of FEMA's Federal Coordinating Officer, James N. Russo. We also coordinate closely with the Massachusetts Emergency Management Agency (MEMA)

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



Sincerely,  
 Jack Sullivan  
 Regional Environmental Officer

jack.sullivan@fema.dhs.gov  
 (617) 832-4791



## Environmental Laws and Project Requirements

The National Environmental Policy Act (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 applicable environmental and historic preservation laws could 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 reviews

- Emergency protective actions
- Temporary repairs and most repairs of facilities to their pre-disaster condition

### Some projects require detailed reviews

- 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



MASSACHUSETTS DISASTER 4110-MA  
 FEDERAL EMERGENCY MANAGEMENT AGENCY  
 ENVIRONMENTAL CONSIDERATIONS GREENSHEET



### 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.

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 Massachusetts Department of Environmental Protection (MA DEP) oversees Section 401 and issues water quality certificates.

Many state-permitted actions are eligible under the USACE's *Programmatic General Permit, State of Massachusetts (2012)*, and do not require an individual Corps permit. However, work under a general permit may still require: notifying the USACE, following good construction practices and conforming to the terms of other permits which are available online at <http://www.nae.usace.army.mil/Missions/Regulatory/StateGeneralPermits/MassachusettsGeneralPermit.aspx>

MA DEP administers a number of State laws related to waterways. The applicant should contact MA DEP to obtain guidance on state permit requirements, 617- 292-5789.

### Floodplains



FEMA reviews all projects that take place in the **floodplain** as required by *Executive Order 11988*. For major projects, this could require an "8-Step" process, which includes an evaluation of alternatives and public notification.

Repair of a facility located in a floodplain requires approval/permit from the local floodplain administrator. Additional approvals and permits may be required by the MA DEP and the USACE.

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

### Wetlands

As required by *Executive Order 11990*, an "8-Step" review process may be required whenever a project would modify a wetland by filling or other means. The applicant should contact their local Conservation Commission or MA DEP to obtain guidance on permit requirements for work involving wetlands.

Debris should never be stored in a wetland, even temporarily. Debris removal from a wetland should be coordinated with MA DEP, USACE and the U.S. Fish and Wildlife Service.

### Threatened & Endangered Species

#### Essential Fisheries Habitat



Northern Red-Bellied Cooter

Under the *Endangered Species Act*, projects that might affect threatened or endangered species must be coordinated and adverse effects must be avoided whenever possible. **Endangered species** are those in danger of extinction throughout the area in which they usually occur. **Threatened species** are those that could become endangered in the near future. Massachusetts has 20 federally-listed endangered, threatened or candidate species. The State has an expanded listing of species and critical habitats. For a full federal and state listing, consult: [http://www.mass.gov/dfwele/dfw/nhosp/species\\_info/esa\\_list/rare\\_occurrences.htm](http://www.mass.gov/dfwele/dfw/nhosp/species_info/esa_list/rare_occurrences.htm). FEMA will review all projects to determine if a species is likely to be affected.

The *Magnuson-Stevens Fishery Conservation and Management Act* governs projects involving fill or other activities that have the potential to impact Essential Fish Habitat in Massachusetts waters. FEMA will consult with the National Marine Fisheries Service when necessary.



MASSACHUSETTS DISASTER 4110-MA  
 FEDERAL EMERGENCY MANAGEMENT AGENCY  
 ENVIRONMENTAL CONSIDERATIONS GREENSHEET



### Historic Preservation: Structures & Sites



Some historic resources are very obvious, others less so. Structures (e.g., buildings, walls, bridges, stone culverts) that are **50 years old or more** may be eligible for listing on the National Register of Historic Places. Such structures are reviewed by FEMA and possibly by the NH State Historic Preservation Office (SHPO) to determine their historical significance and whether the proposed repairs might have an adverse effect on the structure's historic characteristics.

Archaeological resources and Native American traditional cultural properties 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 State Historic Preservation Officer (SHPO) to determine the area's archaeological 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 will 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.



### MA DEP Severe Weather Emergency Declaration

Specific Guidance has been issued by the Commonwealth of Massachusetts, Executive Office of Energy & Environmental Affairs - Department of Environmental Protection. A copy of this guidance "Amended Severe Weather Emergency Declaration" is attached to this document.

The Provision applies to Essex, Suffolk, Norfolk, Plymouth, Barnstable, Bristol, Dukes and Nantucket counties. Guidance is provided on debris management, repair to structures, pumping and discharge of waters, and installation of temporary diversion structures.

### Snow Disposal Guidance



Finding a place to dispose of collected snow poses a challenge to municipalities and businesses as they clear roads, parking lots, bridges, and sidewalks. While we are all aware of the threats to public safety caused by snow, collected snow that is contaminated with road salt, sand, litter, and automotive pollutants such as oil also threatens public health and the environment.

As snow melts, road salt, sand, litter, and other pollutants are transported into surface water or through the soil where they may eventually reach the groundwater. Road salt and other pollutants can contaminate water supplies and are toxic to aquatic life at certain levels. Sand washed into water bodies can create sand bars or fill in wetlands and ponds, impacting aquatic life, causing flooding, and affecting our use of these resources.

The MA DEP's Snow Disposal Guidance can be found at <http://www.mass.gov/dep/water/laws/snowdisp.htm> and apply to all public agencies and private businesses disposing of snow in the Commonwealth.

### Other Considerations

**Hazard mitigation projects** reduce the threat of future damages. Adding riprap for flood protection are examples. All hazard mitigation projects will be subject to a thorough review by FEMA.

**Any ground disturbance** outside previously disturbed footprint, even if within the right-of-way may require archaeological review prior to construction.

**Environmental Justice** Executive Order 12898 strives to minimize negative health or environmental impacts on minority and low-income populations. FEMA will not exclude any persons or populations from participating in benefits because of race, color, or national origin.





MASSACHUSETTS DISASTER 4110-MA  
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 additional 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. FEMA staff at the Joint Field Office is available to answer questions and to direct you to other consultation resources, to ensure that all environmental considerations are addressed.

### FEMA Joint Field Office (JFO)

15 Rye Street  
Portsmouth, NH

Lynn Starnes  
Environmental & Historical Advisor  
Phone: 940-255-8928  
[Lynn.Starnes@fema.dhs.gov](mailto:Lynn.Starnes@fema.dhs.gov)

Tim Barnett  
Infrastructure Branch Director  
(617) 595-7386  
[Tim.barnett@fema.dhs.gov](mailto:Tim.barnett@fema.dhs.gov)

### Massachusetts Emergency Management Agency (MEMA)

Scott MacLeod  
Disaster Recovery Manager  
508-820-1445  
[Scott.MacLeod@state.ma.us](mailto:Scott.MacLeod@state.ma.us)

### MEMA Disaster Recovery Program

Lorraine Eddy  
Coordinator  
508-361-4901  
[Lorraine.Eddy@massmail.state.ma.us](mailto:Lorraine.Eddy@massmail.state.ma.us)

### US Army Corps of Engineer New England District Office

Karen Kirk Adams  
Chief of Permits for Wetlands and Waterways  
696 Virginia Road  
Concord, MA 01742-2751  
978-318-8828  
[Karen.K.Adams@usace.army.mil](mailto:Karen.K.Adams@usace.army.mil)

### National Oceanic & Atmospheric Administration-National Marine Fisheries Service

Carol Shè  
Marine Habitat Resource Specialist  
55 Great Republic Drive  
Gloucester, MA 01930  
(978) 675-2154  
[carol.she@noaa.gov](mailto:carol.she@noaa.gov)

### U.S. Fish and Wildlife Service - threatened & endangered species

Susi von Oettingen  
Endangered Species Specialist  
70 Commercial Street, Suite 300  
Concord, NH 03301-5087  
(603) 223-2541, ext. 22  
[susi.vonoettingen@fws.gov](mailto:susi.vonoettingen@fws.gov)

### Massachusetts Department of Environmental Protection (MA DEP)

MA DEP Headquarters  
1 Winter Street  
Boston, Massachusetts 02108  
Main Phone: 617-292-5500

### Winter Storm Resources - February 2013

<http://www.mass.gov/dep/floodcleanup.htm>  
Emergency Planning Support  
Pat Hurley  
617- 292-5641  
[Patrick.Hurley@State.MA.US](mailto:Patrick.Hurley@State.MA.US)

#### Central Region, Worcester

627 Main Street  
Worcester, Massachusetts 01608  
Main Phone: 508-792-7650  
Service Center / Permit Assistance:  
508-792-7683

#### Northeast Region, Wilmington

205B Lowell Street  
Wilmington, Massachusetts 01887  
Main Phone: 978-694-3200  
Service Center / Permit Assistance:  
978-694-3200

#### Southeast Region, Lakeville & Barnstable

20 Riverside Drive  
Lakeville, MA 02347  
Main telephone: 508-946-2700  
Service Center / Permit Assistance:  
508-946-2714

#### Western Region, Springfield

436 Dwight Street  
Springfield, MA 01103  
Main telephone: 413-784-1100  
Service Center / Permit Assistance:  
413-755-2214

#### MA DEP Debris Management

<http://www.mass.gov/dep/recycle/laws/policies.htm>

#### MA DEP Water, Wastewater & Wetlands

Permits:  
<http://www.mass.gov/dep/water/approvals/wwforms.htm>

### Massachusetts Historical Commission

Brona Simon  
State Historic Preservation Officer  
220 Morrissey Boulevard  
Boston, MA 02125-3314  
617-727-8470  
[brona.simon@sec.state.ma.us](mailto:brona.simon@sec.state.ma.us)

Jonathon Patton  
Project Review and Compliance  
617-727-8470  
[jonathan.patton@sec.state.ma.us](mailto:jonathan.patton@sec.state.ma.us)

### Massachusetts Division of Fisheries & Wildlife (MDFW)

Tom French  
Natural Heritage Program  
1 Rabbit Hill Rd  
Westborough, MA 01581  
508-389-6356  
[tom.french@state.ma.us](mailto:tom.french@state.ma.us)

### Massachusetts Office of Coastal Zone Management

Robert Boeri  
Executive Office of Environmental Affairs  
251 Causeway Street, Suite 800  
Boston, MA 02114-2104  
617- 626-1050  
[robert.boeri@state.ma.us](mailto:robert.boeri@state.ma.us)

### Department of Conservation & Recreation (DCR) Flood Hazard Management Program

Richard Zingarelli  
State Hazard Mitigation Officer/NFIP  
Coordinator Hazard Mitigation  
251 Causeway Street  
Boston, MA 02114-2104  
617- 626-1406  
[richard.zingarelli@state.ma.us](mailto:richard.zingarelli@state.ma.us)