



VERMONT DISASTER 4330
 FEDERAL EMERGENCY MANAGEMENT AGENCY
 ENVIRONMENTAL CONSIDERATIONS GREENSHEET



Environmental and Historic Preservation Considerations during Disaster Recovery

As you repair and rebuild your community, please recognize that federally-funded projects must comply with all environmental and historic preservation laws and regulations.

This brochure provides an overview of environmental and historic preservation laws that you must consider as you apply for FEMA funding.

We are available to help you achieve compliance with all environmental and historic preservation requirements!

A list of contacts is provided on the last page of this brochure.

As you identify potential environmental and historic preservation concerns or problems, we strongly encourage you to discuss them with FEMA Public Assistance and Environmental and Historic Preservation staff as soon as possible.

We work under the direction of FEMA's Federal Coordinating Officer, Mark Landry, and in close coordination with the Vermont Division of Emergency Management and Homeland Security.

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



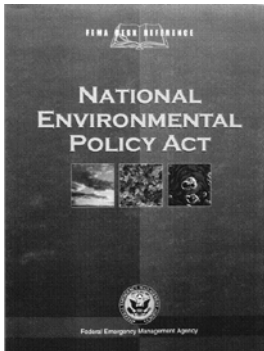
Anita Uhlan leads our Environmental unit in Vermont. Please contact her or Tom Perry, Public Assistance Branch Chief, for any environmental or historic preservation assistance.

Sincerely,

David Robbins
 Regional Environmental Officer
 August 23, 2017

David.robbs@fema.dhs.gov
 978-914-0378

Environmental Laws and Project Requirements



NEPA requires all federal agencies to ensure 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 the limited environmental concerns

generated by others can be easily addressed. For some larger projects, FEMA and the Applicant are required to consult with a number of state and federal environmental agencies, 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 Water Act (especially Sections 401 & 404)
- Executive Order 11988 for Floodplain Protection
- Executive Order 11990 for Wetlands Protection
- Endangered Species Act
- Magnuson-Stevens Fishery Conservation and Management Act
- National Historic Preservation Act
- Executive Order 12898 for Environmental Justice

Projects proceed without detailed review when...

- They are for Emergency Protective Actions or Debris Removal
- Facilities are temporarily or permanently repaired to pre-disaster condition

Projects require an environmental review when...

- Debris is disposed of, particularly if it does not go to a landfill
- The project footprint is different than the pre-disaster footprint
- Hazard mitigation measures are added
- Threatened or endangered species, wetlands or floodplains are affected

Projects require review and consultation when...

- A building/structure over 50 years old is repaired or replaced
- A project is an Improved Project or Alternate Project
- The scope of work has substantially changed



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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 VT Division for Environmental Conservation (DEC) oversees Section 401 and issues water quality certificates.

DEC also administers a number of State laws related to waterways.

Applicants should contact DEC permit specialists to obtain guidance on state permit requirements (see contact list). Culverts providing stream crossings will require a stream alteration permit from DEC.

Many state-permitted actions are eligible under the USACE's *Programmatic General Permit, State of Vermont (2012)*, and do not require an individual Corps permit. However, work under a general permit still requires notification to the USACE, the use of good construction practices, and adherence to the terms associated with other permits.



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.

Projects exempt from floodplain review include emergency protective actions, debris removal (but not disposal), and projects under \$5,000 in total cost.

New construction or the replacement or improvement of any facility located in a floodplain may also require approval or a permit from a local floodplain administrator or State floodplain manager to ensure NFIP compliance.

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 the DEC permit specialist (see contact list) to obtain guidance on permit requirements, or search the DEC Webpage (<http://www.anr.state.vt.us/dec/dec.htm>).

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



Indiana Bat

Threatened and Endangered Species and Essential Fisheries Habitat

Under the *Endangered Species Act*, projects that might affect threatened or endangered species must be coordinated, and adverse effects must be avoided whenever possible. FEMA will review all projects to determine if a species is likely to be affected.

Endangered species are those in danger of extinction throughout the area in which they usually live. **Threatened species** are those that could become endangered in the near future. Vermont has seven federally-listed endangered, threatened, or candidate species. For a list of federal species by town, consult:

http://www.fws.gov/newengland/EndangeredSpec-Consultation_Project_Review.htm

The State has an expanded listing of species and critical habitats. For a full federal and state listing consult: <http://www.vtfishandwildlife.com/Conserve/wildlife/> and click on Vermont's Endangered and Threatened Species.



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Historic Preservation: Structures and Sites

Some historic resources are very obvious, while others are less so. Structures (e.g., buildings, walls, bridges, stone culverts) that are more than **50 years old** may be eligible for listing on the National Register of Historic Places. Such structures must be reviewed by FEMA and the VT Division for Historic Preservation, State Historic Preservation Office (SHPO) to determine their historical significance and eligibility for listing.

Archaeological resources can rarely be seen, therefore, any project which proposes to alter a previously undisturbed area (e.g., relocation of a utility, road realignment, formation of a new material borrow site, or preparation of debris staging, stockpiling or burning sites) must be reviewed by FEMA and the VT SHPO to determine the area's archeological potential, and whether 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 might be adversely affected, different measures can be taken to avoid, minimize, or mitigate such adverse effects. FEMA, the VT SHPO, and the Applicant will consult to decide what measures, if any, are to be taken.



Stone Box Culvert

Debris Disposal

Collection and disposal of woody debris is often required after storms producing heavy winds, rain, or ice. In areas with extensive damage, towns may set up sites for short-term active management of storm debris. Active management includes: woody debris collection and sorting, firewood processing, chipping, and burning. Above-ground active management sites or Temporary Debris Staging and Reduction (TDSR) Sites do not require a DEC permit. However, these sites must be evaluated and approved by a FEMA specialist for proximity to wetlands, floodplains, and archaeological sites. The applicant must also fill out a FEMA Debris Management Information Form when using such a site. While chipping is preferred to burning, the burning of clean woody material is allowed but may require a permit from a local fire official.

VT DEC requires separation of reusable, recyclable, banned-from-disposal, and hazardous wastes during debris disposal. For general guidance on debris and specific state permitting requirements related to all types of debris, the applicant should contact VT DEC Debris Management Waste Management & Prevention Division at (802) 828-1138, or visit the VT DEC solid waste management website at <http://dec.vermont.gov/waste-management>



Storm debris

Other Considerations



Hazard mitigation projects reduce the threat of future damages. Examples include retrofitting for wind damage or elevating for flood protection. All hazard mitigation projects will be subject to a thorough review by FEMA, as they usually involve ground disturbance or alter a project's pre-disaster footprint.



Projects involving **any ground disturbance** outside a previously disturbed footprint, even if within the right-of-way (including facility realignment, borrow areas, utility burial, utility pole replacement, access roads, etc.) 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. Projects are examined to avoid these impacts. FEMA will not exclude any persons or populations from participating in benefits because of race, color, or national origin.



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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 they must be considered for a FEMA-funded project to be in full compliance. The FEMA staff in Vermont 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.

FEMA Joint Field Office (JFO)

26 Terrace Street
Montpelier, VT 05602

Anita Uhlán
EHP Advisor
617-832-4788
anita.uhlan@fema.dhs.gov

Tom Perry
FEMA Public Assistance Branch Chief
(202) 320-7583
Thomas.perry@fema.dhs.gov

Vermont Emergency Management

45 State Drive
Waterbury, VT 05671-1300
(802) 244-8721
(800) 347-0488 toll free

Kimberly Canarecci, Recovery and
Mitigation Section Public Assistance Officer
(802) 585-4209
Kim.canarecci@vermont.gov

Lauren Oates, State Hazard Mitigation
Officer
(802) 241-5363
(800) 347-0488 toll free
lauren.oates@vermont.gov

National Flood Insurance Program (NFIP)

Rob Evans
River Corridor and Floodplain Manager
(802) 490-6152
rob.evans@vermont.gov

U.S. Army Corps of Engineers Regulatory/Permits

Vermont Field Office
Michael Adams
11 Lincoln Street, Room 210
Essex Junction, VT 05452
(802) 872-2893
michael.s.adams@usace.army.mil

U.S. Fish and Wildlife Service – Threatened and Endangered Species

Tom Chapman, Supervisor
New England Field Office
70 Commercial Street, Suite 300
Concord, NH 03301-5087
(603) 227-6410
Tom_chapman@fws.gov

VT Division for Historic Preservation/ State Historic Preservation Office

National Life Building, 6th Floor
Montpelier, VT 05620-1501
James Duggan, Historic Preservation
Review Coordinator
(802) 477-2288
James.Duggan@vermont.gov

Vermont Agency of Natural Resources: Water Quality Division- River Management Engineers

Northwest District:
Chris Brunelle
(802) 777-5328
chris.brunelle@vermont.gov

Northeast District:
Patrick Ross P.E.
(802) 279-1143
patrick.ross@vermont.gov

Central District
Jaron Borg
(802) 371-8342
jaron.borg@vermont.gov

Southwest District
Scott Jensen
(802) 490-6962
scott.jensen@vermont.gov

Southeast District
Josh Carvajal
(802) 345-3510
joshua.carvajal@vermont.gov

Region map:
http://dec.vermont.gov/sites/dec/files/wsm/rivers/docs/RME_districts.pdf

VT Department of Environmental Conservation

Website:
<http://dec.vermont.gov/environmental-assistance>

For general guidance and specific
project permit requirements
contact:

Northeast:

Pete Kopsco, Permit Specialist
374 Emerson Falls Road, Suite 4
St. Johnsbury, Vermont 05819
(802) 505-5367
pete.kopsco@vermont.gov

Northwest:

Jeff McMahon, Permit Specialist
111 West Street
Essex, VT 05452
(802) 477-2241
jeff.mcmahon@vermont.gov

Southeast:

Jackie Carr, Permit Specialist
100 Mineral Street, Suite 303
Springfield, VT 05156
(802) 279-4747
jackie.carr@vermont.gov

Southwest:

Rick Oberkirch, Permit Specialist
450 Asa Bloomer State Office Bldg
88 Merchants Row
Rutland, VT 05701-5903
(802) 282-6488
rick.oberkirch@vermont.gov

VT DEC Permit Handbook:

<http://dec.vermont.gov/environmental-assistance/permits/handbook>

Debris Management:

VT ANR/DEC
Waste Management & Prevention
Division
Switchboard: (802) 828-1138

Jim (Buzz) Surwilo
(802) 522-5056
james.surwilo@vermont.gov