



MAINE DISASTERS 4736 & 4737 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.

Lynch Vuong leads our Environmental unit at the field office. Contact her at Lynch.Vuong@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 bridge; Credit: Kathryn Emmitt

Below: Road washout; 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.**



Washout around culvert; 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 ME 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.

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 and Section 10 of the Rivers and Harbors Act of 1899. ME DEP oversees Section 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. 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 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 ME DEP 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 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/index.html> Debris should never be stored in a wetland, even temporarily. Debris removal from a wetland should be coordinated with ME DEP, 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 ME Department of Inland Fisheries and Wildlife: <https://www.maine.gov/ifw/fish-wildlife/wildlife/endangered-threatened-species/listed-species.html>. FEMA will review all projects to determine if ESA-listed species or designated critical habitat may be affected.



Northern Long-eared Bat

Bat Best Practices:

1. Contact ME Department of Inland Fisheries and Wildlife 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.



Atlantic Salmon

Atlantic Salmon Best Practices:

1. In Atlantic salmon habitat in Maine, replacement crossings should be at least 1.2 times the bankfull width of the stream.
2. Use standard erosion and sediment control measures to avoid or minimize sediment reaching streams, ponds, and lakes.
3. Limit instream work to July 15 through September 30.
4. Conduct instream work in the dry (e.g., inside a dewatered cofferdam).
5. Contact the Maine Field Office if work is in an area where juvenile Atlantic Salmon are present.

Avoid or minimize ground disturbance in undisturbed/undeveloped habitat.



Piping Plover

Bird Best Practices:

1. Avoid Work in coastal habitats between April 1 and September 30
 2. Minimize vehicles and machinery in coastal habitats
 3. Avoid sand fencing in coastal habitat between April 1 and September 30
- 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)
Field Office
Lynch Vuong, EHP Manager
(202) 717-3698
lynch.vuong@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
Carrie Gay, Infrastructure Branch Director
(202) 440-2374
carrie.gay@fema.dhs.gov

Maine Emergency Management Agency (MEMA)
Naomi Petley, Public Assistance Officer
(207) 215-2764
naomi.m.petley@maine.gov

Regulatory (Permits)

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

U.S. Army Corps of Engineers Regulatory/Permits
cenae-r-me@usace.army.mil
442 Civic Center Drive, Suite 350
Augusta, ME 04330

Technical Assistance

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

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

National Marine Fisheries Service
55 Great Republic Drive
Gloucester, MA 01930
Protected Resources Division
nmfs.gar.esa.section7@noaa.gov

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

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

Natural Resources Conservation Service
Damaris Mortenson, Acting State Conservationist
(207) 990-9585
damarys.mortenson@usda.gov
967 Illinois Avenue, Suite #3
Bangor, ME 04401

ME National Flood Insurance Program (NFIP)
Sue Baker, Program Coordinator
(207) 287-8063
sue.baker@maine.gov

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.