



FEMA & NYSOEM 4020-DR-NY Greenbook Guide to Environmental & Historic Preservation Compliance Disaster Recovery Operations



Dear Applicant,

The New York State Office of Emergency Management (NYSOEM) and the Federal Emergency Management Agency (FEMA) are here to assist communities in responding to and recovering from the damages of Hurricane Irene, the federally-declared disaster. As you endeavor to repair and rebuild your communities, environmental and historic preservation concerns may be the last thing on your mind. We ask for you to join us in being stewards of the human environment and to use techniques for recovery construction and management that help avoid and minimize adverse impacts to environmental and cultural resources. Please familiarize yourself with the compliance requirements involved for federal disaster recovery grants. It is important that compliance needs are met to avoid potential loss of your project's eligibility for federal funding. A cooperative and informed process can help minimize delays in grant approval and help ensure that projects are implemented to achieve recovery goals and to protect natural and cultural resources.

What can you do for environmental & historic preservation stewardship and compliance, and to help expedite your project's approval?

1. **Obtain all necessary permits.** Applicants have the responsibility to obtain all applicable local, state and federal permits prior to construction. FEMA does not obtain permits. Permits such as a permit from U.S. Army Corps of Engineers (USACE), New York State Department of Environmental Conservation (NYSDEC) or the New York City Department of Environmental Protection (NYCDEP) for work in waterways are the responsibility of the applicant. Please be aware that failure to obtain applicable permits may jeopardize federal funding. If you have existing permits for your proposed recovery project, please provide copies to your assigned NYSOEM/FEMA Project Specialists. FEMA can often expedite the federal agency environmental compliance review based upon existing permit documentation. Permits are not typically required for grant approval to occur if work has not been initiated, but permits are required to be obtained prior to construction. Applicants will be required to submit copies of acquired permits to NYSOEM/FEMA.
2. **Adhere to permit conditions for implementing work** and also adhere to other conditions of FEMA's grant approval that may have resulted from environmental & historic preservation compliance consultations with resource agencies.
3. **Provide clear and complete scope of work information** for your proposed project applications. Environmental & historic preservation compliance reviews may sometimes require more detailed information for assessing potential impacts to historic properties or environmental habitats. We appreciate your cooperation in working with our team to collect necessary supplemental information. Please include any available sketches or design plans for your proposed project. Please provide site information about any proposed temporary staging areas for your project.

4. **Provide background information** about environmental or cultural resources in your project area. We ask that you participate with the FEMA/NYSOEM Project Specialist Team in filling out the Special Considerations Questionnaire for your project(s). This questionnaire helps identify potential environmental and cultural resource concerns that will be evaluated during compliance reviews.
5. **Use Best Management Practices** during construction to minimize impacts to resources. Best Management Practices include soil erosion and sedimentation control, dust control, noise control and other protective measures.
6. **Identify urgent issues.** Notify your NYSOEM/FEMA Team if you have a recovery project that might involve adverse impacts to environmental/cultural resources, and you urgently need to move forward with implementation prior to FEMA's award of grant money. It is important that the appropriate resource/regulatory agencies be engaged as soon as possible, before the work is done. If work is conducted prior to FEMA's environmental & historic preservation review of your project, and the project was not coordinated with resource or regulatory agencies before action was taken, federal funding of the project can potentially be jeopardized. It can be very challenging, and sometimes impossible by statute, for FEMA to consult with resource agencies after-the-fact. Examples of emergency/urgent recovery projects that might require you to conduct early notice to involved parties include emergency demolition of a known or potentially eligible historic structure, demolition of an unstable bridge, or emergency streambank stabilization within a riparian corridor that has known endangered or threatened species habitat. In these cases, communications with applicable resource agencies, such as New York State Historic Preservation Office, U.S. Fish & Wildlife Service, National Marine Fisheries Service, USACE, NYSDEC and NYCDEP should be initiated as soon as possible, in addition to securing necessary permits before work is started. It is very important that you communicate with NYSOEM/FEMA when informal consultations have started so that your efforts are not duplicated by FEMA, and to maintain a coordinated and collaborative process. FEMA has legal responsibility for effects findings of the proposed grant projects. The contacts for various resource and regulatory agency contacts are included in this Greenbook for your reference and use during emergency/urgent situations.

How are proposed disaster recovery grant projects reviewed by FEMA for environmental & historic preservation compliance?

FEMA is required as a federal funding agency to conduct environmental and historic preservation reviews of proposed actions in accordance with laws, regulations, and executive orders. FEMA's environmental and cultural resource professionals conduct the necessary federal consultations and compliance reviews **prior** to grant approval. The types of agency consultations, reviews, and investigations are determined by the environmental and cultural resources in your project area, and based upon your project's potential to impact those resources. FEMA's compliance with some laws or executive orders may require consultations with other federal or state agencies, while compliance with other laws may require public notices or simply documentation of project effect. Field investigations, study research or environmental assessment reports might also be required for some projects with potential to adversely impact the human environment.

Major laws and executive orders commonly involved with FEMA’s environmental review:

National Environmental Policy Act, Endangered Species Act, National Historic Preservation Act, Coastal Zone Management Act, Rivers and Harbors Act, Coastal Barrier Resources Act, Resource Conservation and Recovery Act, Clean Water Act, Clean Air Act, Marine Mammal Protection Act, Magnuson-Stevens Fishery Conservation and Management Act, CERCLA (Superfund), Farmland Protection Policy Act, Migratory Bird Treaty Act, Bald and Golden Eagle Protection Act, Wild & Scenic Rivers Act, Executive Order 11990 Wetlands Protection, Executive Order 11988 Floodplain Management, Executive Order 12898 Environmental Justice, and Executive Order 13112 Invasive Species.

Consultations generally involve FEMA sending correspondence/project information as a consultation package to resource agencies that manage or have oversight of those resources. The consultation package includes description of proposed action, project maps, photographs, an assessment of potential impacts, a description of proposed impact minimization measures to be incorporated into the project design, and/or construction implementation (if any), and FEMA’s determination of potential effect on the subject resource(s).

Consultations can be informal or formal depending upon the extent of adverse impacts on the managed resources. Consultations may also involve phone or meeting discussions with resource agencies to arrive at an effects determination and to determine final conditions for project implementation. The goal of consultations is to obtain resource agency concurrence with FEMA’s effects determination and to collaboratively develop project conditions. The outcome of consultations is a coordinated project for protection of natural and cultural resources. The most common type of consultations that FEMA completes for environmental & historic preservation compliance reviews are:

- FEMA consultation with New York State Historic Preservation Office (NYSHPO) in accordance with the National Historic Preservation Act.
- FEMA consultation with U.S. Fish & Wildlife Service (USFWS) in accordance with the Endangered Species Act, Migratory Bird Treaty Act, and/or Coastal Barrier Resources Act.
- FEMA consultation with National Oceanic & Atmospheric Administration National Marine Fisheries Service (NMFS) in accordance with the Endangered Species Act, Magnuson-Stevens Fishery Conservation & Management Act, and/or the Marine Mammal Protection Act.

FEMA also consults and coordinates projects with Tribal Historic Preservation Offices and other agencies such as the National Park Service, U.S. Department of Agriculture-Natural Resources Conservation Service, Environmental Protection Agency, and U.S. Army Corps of Engineers. NYSOEM consults with New York State Department of State-Division of Coastal Resources and New York State Department of Environmental Conservation (NYSDEC).

The **level of review** and **associated timeline** for federal environmental compliance varies by project type. Grant proposals that do not involve physical actions (i.e. overtime hours or minor mobile equipment purchases) typically receive automatic environmental compliance approval without the involvement of FEMA’s environmental or historic preservation specialists.

Projects that involve minor repairs and are anticipated to have no adverse impact on the human environment, and don’t require any interagency consultations, are approved quickly by FEMA’s environmental compliance team. The goal for the disaster recovery team is to review and approve the compliance for these types of no-impact/low-impact projects within three (3) business days.

Other projects may involve more complex special considerations, resource agency consultations, site investigations, or environmental assessment documentation. The grant approval time is project specific for these more complex reviews. If you have questions on timeline, please review with your assigned NYSOEM/FEMA Project Specialist Team. Our State and Federal Team is interested in improving the transparency of the environmental compliance process for grant applicants, including mutual understanding of review and approval timelines.

The general performance target for FEMA's environmental & historic preservation compliance reviews from the time of receipt of complete scope of work information in our computer database is approximately up to:

0-3 Business Days for: Repair, debris removal or emergency protective measure projects with no/low impact and no consultation requirements

30-45 Calendar Days for: Projects involving informal consultations with resource agencies or floodplain management evaluation

45-120 Calendar Days for: Projects involving potential adverse impacts and more complex resource agency consultations

120 Days-1 Year for: Projects involving field investigations (Phase I/II Archaeology, Environmental Site Assessments), formal consultations with resource agencies to resolve adverse effects, and/or projects involving Environmental Assessments (EA).

1 Year+ for:

Complex projects involving more comprehensive field investigations or environmental documentation such as an Environmental Impact Statements (EIS).

FEMA's environmental & historic preservation compliance reviews are streamlined. We do strive to expedite reviews as much as practicable to help get funding to your community for speedy recovery from a disaster incident. Most disaster recovery projects are statutorily or categorically exempt from compliance with the National Environmental Policy Act, however other federal regulations must be complied with.

The consultations that FEMA conducts with resource agencies can sometimes result in the identification of mandatory project conditions. These conditions are conservation measures to limit the potential for adverse effects to the human environment which occur during construction. Conditions will be listed on your approved grant package. Examples of conditions are: use of best management practices to minimize sedimentation in a waterway, limitations on when construction can occur due to nesting shorebirds or spawning fish; avoidance of archaeologically sensitive areas during construction; or guidelines for restoring historic structures. If you have any questions concerning conditions, please discuss them with your assigned NYSOEM/FEMA Project Specialists.

Applicants can work collaboratively with NYSOEM/FEMA to complete environmental and historic resource investigations: If your applicant team has the capability and interest in undertaking some component of the federal environmental and historic preservation compliance process (i.e. Phase I

Archaeological Investigation or NEPA document preparation), and has available qualified professionals to conduct the work, please bring that interest to the attention of your assigned NYSOEM/FEMA Project Specialists as soon as practicable.

Early notice and useful documentation: It is important that roles & responsibilities are reviewed early in the process to avoid duplication of efforts and to coordinate requirements so that the investigations or assessments to be undertaken will meet federal standards. Applicants who have existing permits, approvals, plans and/or diagrams relating to their recovery project should provide copies of these documents to the NYSOEM/FEMA team. Applicants who have already coordinated with SHPO, because their project involved permits or approvals from another federal agency (e.g. USACE), should provide copies of all pertinent information to their NYSOEM/FEMA team. If your project requires an individual permit from the USACE or other federal permit/authorization, and you plan to apply for a permit early on in disaster recovery, please bring that to the attention of your assigned NYSOEM/FEMA team. FEMA has the ability to work cooperatively with other federal agencies to avoid duplication of federal agency reviews and consultations.

This Greenbook is designed to provide general guidance for environmental and historic compliance, including contact information. It is not intended to be inclusive of all possible applicable laws, but attempts to list and discuss the requirements routinely encountered for this type of disaster recovery effort. To learn more about FEMA’s Environmental Planning & Historic Preservation program visit: www.fema.gov/plan/ehp/ehpreview/index.shtm

NYSOEM is the main point of contact for applicants and the public, oversees grant administration, and is committed to following all environmental laws and regulations in its disaster recovery operations under the Stafford Act.

<u>New York State Office of Emergency Management</u>	
1220 Washington Avenue	Recovery Office Phone: 518 292-2293
Building 22, Suite 101	Recovery Office Fax: 518 322-4984
Albany, NY 12226-2251	www.dhSES.ny.gov/

The Greenbook includes the following four (4) sections:

- 1. DEBRIS MANAGEMENT**
- 2. PERMITS** – background on types of permits and points of contacts for resource and regulatory agencies
- 3. SPECIAL CONSIDERATIONS** – tips on how to fill out the required Special Considerations Questionnaire for your project applications. Your NYSOEM/FEMA Project Specialist Team will help you fill out the questionnaire form.
- 4. BEST MANAGEMENT PRACTICES AND CONDITIONS** – tips on how to construct repair and reconstruction projects with protection measures for the environment. Web links for more information about preservation techniques for recovery of water damaged records and cultural collections.

DEBRIS MANAGEMENT

Applicants are responsible for obtaining all necessary permits or clearances for debris management in accordance with local, state and federal laws and regulations. The NYSDEC oversees and regulates debris and hazardous waste management in conjunction with the Environmental Protection Agency. Check with your County and Municipal Government for local guidelines for proper debris and waste management practices in your area. Burning of debris is discouraged, and open burning requires a permit from NYSDEC. FEMA's Public Assistance Debris Management Guide is available at www.fema.gov/government/grant/pa/policy.shtm

For more information on debris management, a fact sheet titled "PUBLIC ASSISTANCE PROGRAM DEBRIS REMOVAL FACT SHEET FOR LOCAL GOVERNMENTS FEMA-4020-DR-NY" is available on the NYSOEM website and is available from your assigned NYSOEM/FEMA Project Specialist Team. www.dhSES.ny.gov/oem/recovery/documents/DR-4020-SOEM-FEMA-Debris-Fact-Sheet.pdf

For Information regarding Sanitation & Waste Management in NYS visit:

NYSDEC Solid Waste Management website at: www.dec.ny.gov/chemical/292.html

NYSDEC Hazardous Waste Guidance website at: www.dec.ny.gov/regulations/8489.html

NYSDEC Solid Waste Guidance website at: www.dec.ny.gov/regulations/8492.html

NYSDEC Burning Advisory website at: www.dec.ny.gov/chemical/58519.html

Special Notice for Woody Debris

Two invasive insects are destructive to the State's forest and street trees and pose a concern for woody debris management. The Emerald Ash Borer has spread across northern New York, and the Asian Longhorned beetle has been found downstate in New York City metropolitan area and Long Island. Both the US Department of Agriculture (USDA) and the New York State Department of Agriculture and Markets (NYSDAM) have issued regulations to control the spread of these insects. Additionally, the City of New York has issued regulations for control of the Asian Longhorned beetle. Given the volume of debris associated with disaster recovery operations, it is recommended that all woody tree debris be treated as regulated materials. **Quarantined Counties:** *The quarantine for Emerald Ash Borer includes the following counties: Greene, Orange, and Ulster Counties. The quarantine zone for the Asian Longhorned Beetle includes Amityville, and portions of Staten Island, Brooklyn, Manhattan, Queens, and the Bronx.*



Regulations stipulate that regulated materials can move freely within quarantined areas. Moving regulated materials out of quarantined areas requires a compliance agreement with the New York State Department of Agriculture and Markets (NYSDAM) for intrastate transport or with USDA for interstate transport and application of an approved treatment method. For disaster recovery debris clearance, the most practicable options are generally to leave the debris within the quarantined area or to chip the debris down to the acceptable size. Debris must be chipped down to less than one inch in two

Debris management continued

dimensions. To procure compliance agreements and for general questions, applicants should contact one of the following:

Emerald Ash Borer (EAB) websites:

NYSDEC EAB: www.dec.ny.gov/animals/7253.html

NYSDAM Homepage: www.agmkt.state.ny.us/

USDA-APHIS EAB: www.aphis.usda.gov/plant_health/plant_pest_info/emerald_ash_b/index.shtm

For Western New York intrastate transport, contact Jared Spokowsky of NYSDAM @ 315-374-8346.

For Eastern New York intrastate transport, contact Ethan Angell of NYSDAM @ 518-275-9489.

For interstate transport, contact the USDA-APHIS @ 845-883-6445.

Asian Longhorned Beetle (ALB) websites:

NYSDEC ALB: www.dec.ny.gov/animals/7255.html

NYSDAM ALB: www.agmkt.state.ny.us/PI/ALB.html

USDA-APHIS ALB: www.aphis.usda.gov/plant_health/plant_pest_info/asian_lhb/index.shtml

NYC Department of Parks & Recreation ALB website:

www.nycgovparks.org/sub_your_park/trees_greenstreets/beetle_alert/beetle_alert.html

Beetle Busters Info: www.beetlebusters.info In New York, @ 866 265-0301 or @877-STOP-ALB.

Permits

Obtaining authorization/permits is the responsibility of the applicant or person performing the work and must be done prior to initiating any site activity. Copies of permits should be submitted to NYSOEM/FEMA team. Funding may be denied or jeopardized if work was conducted without prior authorization/permits. The below is not an inclusive list of all permit types, but is intended to highlight some of the typical permits involved with environmental and historic resource protection.

Applicants should include the disaster declaration number FEMA-4020-DR-NY on any of their state and federal permit applications to identify the project as an emergency or recovery priority.

U.S. Army Corps of Engineers (USACE)

Construction activities in or over any navigable waterway of the U.S. are regulated by USACE under Section 10 of the Rivers and Harbors Act. Placement of any dredged or fill material in any waters of the United States, including coastal and inland wetlands, is regulated by USACE under Section 404 of the Clean Water Act. The Disaster Recovery Operation for 4020-DR-NY involves two different Districts of USACE: New York District and Buffalo District. The regulatory boundary for New York District USACE is found at www.nan.usace.army.mil/business/buslinks/regulat/index.php?regbound

The Districts have made available an emergency and regional general permit that will expedite implementation of most types of emergency disaster recovery activities. It is recommended that if an emergency or regional general permit does not cover your proposed action, you review available nationwide permits. If the emergency permit, regional general permit, or nationwide permits do not cover the action, contact USACE to initiate coordination of an individual permit. If you are unsure what permit might be required, contact USACE for guidance.

Permits continued

USACE Buffalo District has issued an Emergency Permit for disaster recovery projects.

For more information visit: www.lrb.usace.army.mil/regulatory/

USACE New York District has also issued a Regional General Permit for disaster recovery projects.

NYDGP-15: www.nan.usace.army.mil/business/buslinks/regulat/pnotices/NYDGP15.pdf

For more information regarding USACE NY District NYDGP-15, visit:

www.nan.usace.army.mil/business/buslinks/regulatpnotices/201100984.pdf

USACE Buffalo District contact: Ms. Margaret Crawford @ 315 704-0256, Regulatory Branch - Auburn Field Office, 7413 County House Road, Auburn, New York 13021. Email:

Margaret.a.crawford@usace.army.mil

USACE New York District contact for upstate counties: Mr. Andrew Dangler @ 518-266-6350; USACE Upstate Regulatory Field Office, ATTN: CENAN-OP-RU, Building 10, 3rd Floor North, 1 Buffington Street, Watervliet Arsenal, Watervliet, NY 12819-4000; Email: Andrew.C.Dangler@usace.army.mil

Ulster County projects contact: USACE NY District Western Permits Section Chief @ 917 790-8411; USACE NY District Regulatory Branch, RM 1937, 26 Federal Plaza, NY, NY 10278-0090; Email:

cenan.publicnotice@usace.army.mil

U.S. Coast Guard Bridge Administration

Construction of a new bridge or causeway across navigable waterways of the U.S. or reconstruction of a modification an existing bridge or causeway may require a permit from the U.S. Coast Guard (USCG). Federal law prohibits the construction of these structures unless the Coast Guard first authorizes them. The USCG authority is in accordance with Section 9 of the Rivers and Harbors Act of 1899 and the General Bridge Act of 1946. The purpose of these Acts is to preserve the public's right of navigation and to prevent interference with interstate and foreign commerce. If a proposed bridge project requires dredging or filling of the waterway, a Section 404 permit from USACE is likely also required.

A Bridge Permit Application Guide is available at: www.uscg.mil/hq/cg5/cg551/BPAG_2008.pdf General information about USCG Bridge Administration is found at www.uscg.mil/hq/cg5/cg551/ including a link to District Bridge contacts.

New York State Department of Environmental Conservation (NYSDEC)

Activities in wetlands, waterways and floodplains are regulated by NYSDEC in accordance with the State's Environmental Conservation Law and its implementing regulations.

NYSDEC issued an Emergency Authorization August 26, 2011 for work in navigable waters, streams and wetlands, regulated under Environmental Conservation Law Article 15 and Article 24. This authorization expires October 8, 2011. www.dec.ny.gov/regulations/regulations.html

NYSDEC also issued General Permit GP-0-11-007. This permit is available from September 1, 2011 to September 30, 2012. www.dec.ny.gov/regulations/regulations.html

Applicants may use the Jurisdictional Inquiry (JI) form to verify which USACE regional permit, NYDEC permit, or emergency authorization is needed for potential projects. Permits are issued individually by each agency. The Jurisdictional Inquiry form will be available from the NYSOEM/FEMA Project Specialist Team, and on the NYSOEM website.

For more information visit: Freshwater Wetlands Permits: www.dec.ny.gov/permits/6058.html

Protection of Waters Program: www.dec.ny.gov/permits/6042.html NYSDEC Regional Permit

Administrators : <http://www.dec.ny.gov/about/39381.html>

NYSDEC Region Contacts: Permit Administrator:

Region 1 Nassau and Suffolk: Mr. Peter Scully @ 631-444-0365

Region 2 Brooklyn, Bronx, Manhattan, Queens and Kings, Richmond (Boroughs of Manhattan, Brooklyn, Bronx, Queens and Staten Island) Mr. John Cryan @ 718-482-4975

Region 3 Dutchess, Orange, Putnam, Rockland, Sullivan, Ulster & Westchester: Mr. Alec Ciesluk @ 845-256-3054

Region 4 Albany, Columbia, Greene, Montgomery, Rensselaer, Schenectady and Schoharie: Mr. William Clarke @ 518-357-246; Sub-office; Delaware & Otsego: Mr. Alec Ciesluk @ 845-256-3054 or Ms. Martha Bellinger @ 607-652-7741

Region 5 Clinton, Essex, Franklin & Hamilton: Mr. Michael McMurray @ 518-897-1234; Sub-office Fulton, Saratoga, Warren & Washington: Mr. Marc Migliore @ 518-623-1281.

Region 6 Jefferson, Lewis & St. Lawrence: Mr. Larry Ambeau @ 315-785-2245 or 2246; Sub-office Herkimer & Oneida: Mr. Patrick Clearey @ 315-793-2555.

Floodplain Management Permits

If your project is located within the 100-Year Special Flood Hazard Area (SFHA) or 500-Year floodplain, your project may require a permit from your local floodplain management administrator. Floodplain permits or other approvals are most frequently required for new construction projects and projects potentially involving substantial repair, replacement, or structural modification. Depending upon your community, this floodplain management requirement might be a component of your building permit or may be a separate floodplain management permit/authorization. Contact your local government for more information. Projects undertaken or funded by any state agency, or on state land, must comply with the New York Code of Rules and Regulations, Title 6, Part 502: "Floodplain Management Criteria for State Projects." The State contact for Floodplain Management is the NYSDEC Division of Water, Bureau of Flood Protection and Dam Safety @ 518 402-8185. The NYSDEC website for more information is www.dec.ny.gov/lands/24267.html

Coastal Zone Management Consistency

If your project is in a coastal zone and your project requires a federal permit from USACE or other federal authorization from a federal agency other than FEMA, your project may require submittal of a Federal Consistency Assessment Form to seek a consistency determination by the New York State Department of State Division of Coastal Resources (NYSDOS). Contact NYSDOS-Division of Coastal

Permits continued

Resources @ 518 474-6000; 99 Washington Avenue, Suite 1010, Albany, NY 12231-0001 or visit www.nyswaterfronts.com/consistency_federal.asp

State Pollution Discharge Elimination System

New construction projects (new site development) can involve a requirement for a NYSDEC State Pollution Discharge Elimination System (SPDES) permit for construction due to potential site disturbance and for sedimentation and erosion control. www.dec.ny.gov/regs/4585.html#16213 and dowinfo@gw.dec.state.ny.us

State Environmental Quality Review Act

The State Environmental Quality Review Act (SEQR) is the state equivalent of the federal National Environmental Policy Act. SEQR Environmental Assessment requirements are typically not required for repair activities, but can be required for projects involving new construction. Similar to permits, grantees/applicants are responsible for compliance with SEQR prior to construction, if applicable. For more information, including a SEQR Handbook, visit the NYSDEC website for SEQR: www.dec.ny.gov/permits/357.html

New York City Department of Environmental Protection (NYCDEP)

If your project is located within NYCDEP watershed, you might need a permit or other approval from the NYCDEP www.nyc.gov/html/dep/html/watershed_protection/regulatory.shtml

Adirondack Park Agency (APA) Activities within the boundaries of the Adirondack Park may require a permit from APA. www.apa.state.ny.us/Regulations/index.html

Other Resource Agency Contacts

New York State Historic Preservation Office: Mr. John Bonafide @ 518237-8643; Peebles Island State Park, PO Box 189, Waterford, NY 12188-0189; <http://nysparks.state.ny.us/shpo>

U.S. Fish & Wildlife Service, New York, Field Office: @ 609 753-9334; 3817 Luker Road, Cortland, NY 13045; FW5ES NYFO@fws.gov

National Park Service: Mr. Chuck Barscz @ 215 597-6482; 200 Chestnut Street, Rm. 260, Philadelphia, PA 19106

USDA-NRCS: The Galleries of Syracuse, 441 South Salina Street, Suite 354, Syracuse, NY 13202-2450; www.ny.nrcs.usda.gov/contacts/offices/state

NOAA-Fisheries: Milford Field Office, 212 Rodgers Avenue, Milford, CT 06460-6499; <http://mi.nefsc.noaa.gov>

SPECIAL CONSIDERATIONS

For the repair/recovery work for which you are requesting funding, the NYSOEM/FEMA Team uses a “Special Considerations” questionnaire to help evaluate what environmental and historic resources might be involved. Eight of the nine (9) questions address environmental and historic preservation considerations. They are summarized below for your information. Question #1 is related to Insurance. Your NYSOEM/FEMA Project Specialists are trained to work with you during meetings and site visits to answer these questions. When in doubt, answer “unsure” and the NYSOEM/FEMA team will evaluate.

Question #2

Is the damaged facility located within a floodplain or coastal high hazard area and/or does it have an impact on a floodplain or wetland?

Answer “Yes” if your project may be located in any of the following landscapes or regulated areas:

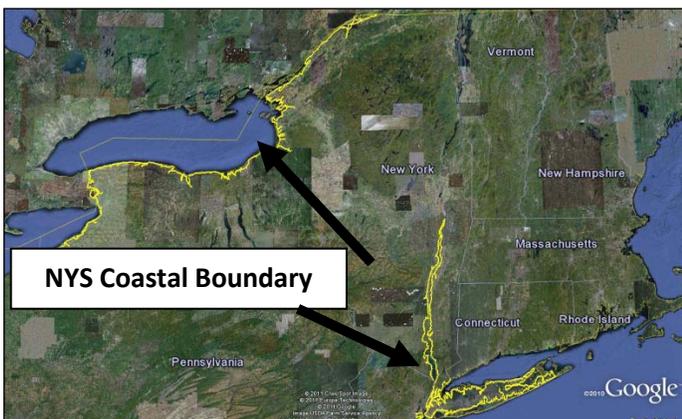
Floodplain: land that may be submerged by floodwaters. FEMA evaluates activities with reference to the 100-year and 500-year floodplain of a given waterway. Flood Insurance Rate Maps (FIRMs) delineate floodplains and coastal high hazard areas; www.fema.gov/hazard/map/firm.shtm

Coastal High Hazard Area: area of 100-year coastal flood

Wetland: an area inundated or saturated by surface or ground water frequently enough to support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands include swamps, marshes, bogs, estuaries, and similar areas. Wetland Mapping is available from two online interactive mapping websites: National Wetland Inventory Mapping is at: www.fws.gov/wetlands/Data/Mapper.html and NYSDEC wetlands mapping is available at: <http://www.dec.ny.gov/imsmaps/ERM/viewer.htm>

NYS Coastal Zone: an area within the delineated State Coastal Area Boundary.

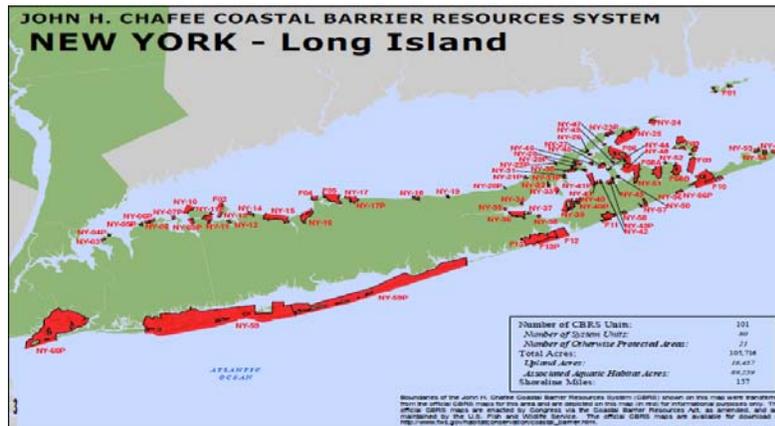
A map of NYS Coastal Zone Boundary is found at www.nyswaterfronts.com/maps.asp



Question #3

Is the damaged facility or item of work located within or adjacent to a Coastal Barrier Resource System Unit or an Otherwise Protected Area?

Answer “Yes” if your project is located within/adjacent to any of the designated Coastal Barrier Resources System Units (CBRS) along the coastline of the Great Lakes, Long Island Sound and Atlantic Ocean. Review your project area’s Flood Insurance Rate Map to see if you are in a CBRS Units or Otherwise Protected Area. www.fws.gov/habitatconservation/coastal_barrier.html



Question #4

Will the proposed facility repairs/reconstruction change the pre-disaster condition (e.g. footprint, material, location, capacity, use, function)?

Question #5

Does the applicant have a hazard mitigation proposal or would the applicant like technical assistance for hazard mitigation?

Questions #4 and #5 are both helpful for FEMA’s understanding of the scope of work. Projects involving changes to the pre-disaster condition can involve a higher level of environmental & historic preservation review. Projects involving new ground disturbance are evaluated for potential impact to archaeological resources. Answer “Yes” if the project area is mapped as an archaeologically sensitive area and the proposed project involves any of the following activities in previously undisturbed soils: excavation, substantial ground compaction or staging of materials. Please describe the anticipated depth and footprint dimensions of any proposed ground disturbance in your project scope of work descriptions.

The type of materials to be used can be very important for repair of historic structures. Please describe materials proposed for repair/reconstruction in appropriate detail, as well as number of units and location of any proposed renovations for historic structures. Modification of wildlife and fisheries habitat is also evaluated when a new project footprint or a change in materials is proposed. New site construction can typically involve a higher level of National Environmental Policy Act (NEPA) documentation, such as an Environmental Assessment (EA).

Question #6

Is the damaged facility on the National Register of Historic Places or the state historic listing? Is it older than fifty years? Are there more, similar buildings near the site?

The National Historic Preservation Act (NHPA) requires that Federal agencies consider historic properties in their project planning and execution. Historic property means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. Any structure or facility that is 50 years or older could be eligible for listing in the National Register of Historic Places. Historic structures can be buildings, bridges, dams, culverts, landscapes, historic districts, battlegrounds, fences, walls, and more.

Answer “Yes” if the facility/site is listed in the National Register of Historic Places:

www.nationalregisterofhistoricplaces.com/NY/state.html#pickem

Answer “Yes” if the facility is listed as a National Landmark:

www.nps.gov/nhl/designations/Lists/NY01.pdf

Answer “Yes” if the facility appears to be at least 50 years old, If there is any reference to “old” buildings or other structures, or structures constructed of stone or brick masonry , the facility/site is located in an Historic District, the facility/site is located in a cemetery, the facility/site has any known tribal resources.



The NYSHPO’s website offers an online interactive mapping resource helpful in locating historic properties and archaeologically sensitive areas <http://nysparks.state.ny.us/shpo/>

Cultural and Archaeological Resources

Projects involving excavation outside the original footprint such as extending or upsizing a culvert, building a new bridge or repairing an old one, constructing a temporary road, laying down new utilities will require a historic review to ensure that archeological sites eligible for listing in the National Register of Historic Places are not impacted. Staging equipment and materials on undisturbed ground, armoring previously undisturbed stream banks, burial of debris, dredging activities in the nearshore or offshore, or any other activities which may impact previously undisturbed areas must be coordinated with the NYSEMO/FEMA Team.

Disaster Recovery Assistance

The recent flooding in various parts of the state has seriously affected people's lives, homes, livelihoods, and communities. Many of the affected areas have suffered impacts to historic resources, including cultural institutions, "Main Streets", and neighborhoods. As part of the recovery and rebuilding efforts, the NYS OPRHP has in its toolbox information and programs that can be of help for affected owners of historic buildings, from basic clean-up to rehabilitation. The links below provide information on this help. For more assistance, please call the Division for Historic Preservation at (518) 237-8643. <http://nysparks.state.ny.us/shpo/>

- Disaster Response Resource Guides
- Responding to Floods
- Tips for the Care for Water-Damaged Family Heirlooms and Other Valuables
- Response & Salvage Recommendations for Books, Paper items and Photographs (pdf)

The Heritage Emergency National Task Force has numerous publications and tips posted online on recommended practices for cultural institutions to respond and recover from storm damages, including methodologies on salvaging collections. Online videos on handling wet books and paper records are posted online: www.heritagepreservation.org/programs/TFresources.html.

Tribal Nations:

The NYSEMO/FEMA Team will communicate with Tribal Nations to discuss opportunities for federal disaster assistance.

St. Regis Mohawk Indian Nation , St. Regis Band of Mohawk Indians, Arnold L. Pritup, THPO @518-358-2272, 412 State Route 37, Akwesansne, NY 13655

Shinnecock Indian Nation, Shinnecock Indian Nation Tribal Office @ 631-283-6143; PO Box 5006, Southampton, NY 11969 sination@optonline.net and www.shinnecocknation.com/index.asp

Unkechaug Indian Nation of Poospatuck Indians, on the Poospatuck Reservation @516-281-6464; P.O. Box 86, Mastic, Long Island, NY 11950.

Question #7

Are there any pristine or undisturbed areas on, or near, the project site? Are there large tracts of forestland?

Question #8

Are there any hazardous materials at or adjacent to the damaged facility or item of work?

Answer "Yes" if your project involves handling, transport, disposal, or storage of hazardous materials. If there are known contaminated sites adjacent to your property that could impact your project, please answer "Yes". EPA has an online mapping tool that can be used to search for known contamination sites www.epa.gov/emefdata/em4ef.home or NYSDEC www.dec.ny.gov/chemical/8437.html

Special Considerations continued

To report actual or potential spills or releases of oil or hazardous substances, immediately notify the NYSDEC 24 Hour Spill Hotline 1-800-457-7362 (within NY State) or 518 457-7362 (outside NY State), and the National Response Center at 1-800-424-8802.

The Occupational Safety and Health Administration has resource guides to safe cleanup including mold cleanup at: www.osha.gov/OshDoc/hurricaneRecovery.html

Question #9

Are there any other environmental or controversial issues associated with the damaged facility or item of work?

Question #9 is an opportunity to bring to your Project Specialist's attention any other environmental/cultural resource concerns you are aware of for your project and/or site. Examples include environmental justice issues, potential for public controversy, new construction on prime or unique farmland, and contamination concerns when the possible contaminants are not legally defined as "hazardous" wastes.

Answer "Yes" if your project involves woody debris removal and is located within the Emerald Ash Borer or Asian Longhorned Beetle quarantine zones.

Answer "Yes" if your project is located within or could discharge sediments to coastal waters, estuaries, tidal rivers. Your project may have to be reviewed for Essential Fish Habitat (EFH) considerations. Also answer "Yes" if your project is located within or could discharge sediments to freshwater tributaries utilized by anadromous fish. Anadromous fish are species that live adult lives in the ocean, but move into freshwater streams to reproduce. The Magnuson-Stevens Fishery Conservation and Management Act established measures to protect marine and estuarine EFH. EFH is defined as "those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity."

For maps of designated EFH and EFH species descriptions visit: www.nero.noaa.gov/hcd/webintro.html

Answer "Yes" if your project is located on/adjacent to rivers listed on the Nationwide Rivers Inventory. The list of NRI river segments can be found at www.nps.gov/ncrc/programs/rtca/nri/ Federal agencies are responsible to ensure that funded actions do not alter the free-flowing character of designated rivers or diminish their outstanding resource values.

Answer "Yes" if your project may impact threatened and endangered species.

THREATENED AND ENDANGERED SPECIES

Federally listed candidate (C), threatened (T), endangered (E), proposed (P), delisted (D) plant and animal species for the State of New York protected by the Endangered Species Act. Also view www.fws.gov/northeast/nyfo/es/CoListCurrent.pdf

COMMON NAME	ENDANGERED SPECIES STATUS	COUNTIES LOCATED IN
Atlantic sturgeon	P	Dutchess, Orange, Putnam, Rockland, Westchester
Bald eagle	D	Albany, Clinton, Columbia, Delaware, Dutchess, Franklin, Greene, Hamilton, Orange, Otsego, Putnam, Rensselaer, Rockland, Saratoga, Schoharie, Sullivan, Ulster, Westchester
Bog turtle	T	Albany, Columbia, Dutchess, Orange, Otsego, Putnam, Rockland, Sullivan, Ulster, Warren, Westchester
Dwarf wedgemussel	E	Delaware, Dutchess, Orange, Sullivan
Green turtle	T	Suffolk
Hawksbill turtle	E	Suffolk
Indiana bat	E	Albany, Clinton, Columbia, Essex, Greene, Orange, Putnam, Rensselaer, Rockland, Saratoga, Schenectady, Schoharie, Sullivan, Ulster, Warren, Washington, Westchester
Karner blue butterfly	E	Albany, Saratoga, Schenectady, Warren
Kemp's ridley turtle	E	Suffolk
Leatherback turtle	E	Suffolk
Loggerhead turtle	T	Suffolk
New England cottontail	C	Columbia, Dutchess, Putnam, Westchester
Northern monkshood (plant)	T	Delaware, Sullivan, Ulster
Piping plover	T	Nassau, Queens, Suffolk
Roseate tern	E	Nassau, Queens, Suffolk
Sandplain gerardia (plant)	E	Nassau, Suffolk
Seabeach amaranth (plant)	T	Nassau, Queens, Suffolk
Shortnose sturgeon	E	Albany, Bronx, Columbia, Dutchess, Greene, Kings, Nassau, New York, Orange, Putnam, Queens, Rensselaer, Richmond, Rockland, Suffolk, Ulster, Westchester
Small whorled pogonia (plant)	T	Nassau, Orange, Rockland, Suffolk, Ulster, Washington

Federally protected marine mammals in coastal waters of New York: Blue, Fin, Humpback whale, Sei, and Sperm whales: www.nmfs.noaa.gov/pr/species/esa/fish.htm

The list of NYSDEC State Endangered, Threatened & Species of Special Concern protected as defined by 6 NYCRR § 182.2(g) and 193.3(b): www.dec.ny.gov/animals/7494.html

Best Management Practices and Conditions

Use of Best Management Practices during construction can make all the difference in minimizing impacts to environmental or cultural resources. Best Management Practices can include such measures as silt fences, staging heavy equipment on impervious cover, use of hand tools in sensitive landscapes, turbidity barriers, and timing of work. If you are working in wetlands, waterways, threatened /endangered species habitats; or other sensitive areas; conditions may be required for work to be compliant with local, state and federal laws, regulations, and executive orders.

There are many guides and technical resources available on Best Management Practices such as:

NYSDEC Construction Storm Water Toolbox: www.dec.ny.gov/chemical/8694.html and storm water Management Training Calendar & Online Training Materials: www.dec.ny.gov/chemical/8699.html

County Soil & Water Conservation Districts can be of technical assistance concerning water resource management : www.nys-soilandwater.org/DisLawPPT/dislaw.html To find your County contact visit: www.agmkt.state.ny.us/soilwater/contacts/county_offices.html

The U.S. Department of Agriculture-Natural Resource Conservation Service (NRCS) for streambank restoration, native plant material, and soils. : www.nrcs.usda.gov/technical/ENG/streambankdocs.html, for native plant material visit: <https://plants.usda.gov>

For information about visit the U.S. Green Building Council for sustainable building design and materials www.usgbc.org/

General Floodplain Cleanup Tips

Working in or near a stream or waterway can have unintended adverse effects on the environment.

Seek out expertise. Stream work is technically demanding; the work you are doing, after all, is necessary because of the tremendous forces that floods develop. It is easy to make mistakes that may result in costly damage in future floods and hamper the health of your stream. Seek out the best design help you can find. NYSDEC and Natural Resources Conservation Service (NRCS) are two likely sources. Similarly, the role of a skilled and observant equipment operator is critical.

Do NOT cause more problems than you solve. Many floods deposit gravel, trees, and other debris that block the stream channel and effectively create a dam. Such blockages create a risk of future flooding and must be removed. However, extensive work in the stream to clear away new gravel bars, dredge out the stream channel, or build makeshift dikes may increase the damage caused in future floods and cause greater loss of land through erosion.

DO NOT get carried away with dredging. The stream may have jumped its banks or changed its course during the last flood. Don't assume that a straighter or wider channel will solve these flooding problems. Dredging out a channel will result in greater damage in the long run, both in the immediate area and downstream. Widening the channel, straightening it, or removing large material will destabilize the streambed and increase the force and velocity of water moving through the channel. This can cause much greater erosion damage and also can cause much more material, including boulders and large

cobble, to move around in the stream during high water. This material in turn can cause blockages at narrow points (such as culverts) and result in a great deal of rock being deposited by floodwaters. Stream dredging also destroys fish habitat; increases water temperature, and can impair overall water quality, which may adversely affect public water systems using this stream for a raw water supply.

Do your best to preserve stream bank vegetation. Trees and shrubs along a stream can do more than almost any other single factor to limit flood damage and erosion. It will hold stream banks together, reducing the risk that the stream will dramatically change course and also reduce the amount of property torn away and shipped downstream by the flood. Vegetation will also slow the flood down, which reduces damage to property. Be extremely careful that your flood cleanup doesn't damage streamside trees and shrubs, and look into planting more vegetation to stabilize stream banks.

Look carefully at unaffected stream areas. It's only natural that floods draw your attention to damaged areas. It's important to consider, though, how undamaged areas endured the same amount of force as sites that "blew out." Natural stream features, such as channel meanders, an appropriate width and depth, and well-vegetated banks, all give a channel natural stability. Imitate or preserve these features in your work by maintaining meanders, stepping down contours with riffles over large rocks and re-vegetating stream banks among other techniques.

Consider the owners of surrounding property. The above points discuss some of the risks of improper flood repair. A straighter, wider channel also flushes the flood and flood debris on to downstream property. The damage inflicted by improperly dredged out streams grows and grows as the flood moves downstream. Consider these downstream effects and consult with an expert before starting your post-flood stream work.

Look for alternatives to riprap. Riprap is a common means of stabilizing banks. It is effective or even necessary, but may have downsides. It can accelerate water velocities during floods, increasing damage immediately downstream or at the next bend. In addition it may increase the water temperature to levels that might be unhealthy for fish and other aquatic organisms. Alternative stabilization methods, such as planting with vegetation, can lessen its downsides.

Do NOT remove gravel bars. Cobble and gravel move quickly and in massive amounts during flood flows in some of New York's rivers and streams. Gravel bars accumulate quickly when the flood begins to drop, but they will move out quickly the next time water rises and do not necessarily cause future floods. On the other hand, they help streams maintain a deep channel that prevents or minimizes sediment, ice, and debris accumulations, all of which do cause flooding. Dangerous gravel accumulations must be removed, but keep in mind that they are symptoms of greater problems

Limit in-stream work with heavy equipment as much as possible. Working in a stream with heavy equipment can damage its bed and banks, and should be limited as much as possible. Adequate channel clearing can often be performed from a bridge or road without damage to banks or stream bottoms. When it is necessary to leave the road, plan your entry and exit routes to minimize damage to banks and vegetation.

Do not start work before notifying the Underground Facilities Protective Organization (UFPO). Call before you dig to avoid any underground utilities that may be located in the area. Call 1-800-962-7962 or 811.