



FEMA & NJOEM
Greenbook Guide to
Environmental & Historic Preservation Compliance
for
Disaster Recovery Operations



Dear Applicant,

The New Jersey State Office of Emergency Management (NJOEM) and the Federal Emergency Management Agency (FEMA) are here to assist communities in responding to and recovering from the damages of 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 or approvals prior to construction. FEMA does not obtain permits. Permits may be required from U.S. Army Corps of Engineers (USACE), or the New Jersey Department of Environmental Protection (NJDEP), for work in waterways or wetlands. Regional approvals may be required from such agencies such as Pinelands Commission. 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 NJOEM/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 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.
- 2. Adhere to permit conditions for implementing work** and also adhere to other conditions of FEMA's grant approval that may have resulted from FEMA's 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/NJOEM 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 NJOEM/FEMA Team if you have a recovery project that might involve adverse impacts to environmental or 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 or 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. Typically permanent work projects should not be initiated prior to environmental & historic preservation compliance review completion by FEMA in order to avoid loss of eligibility for federal funding, and to avoid costly mitigation that might be required to remediate an uncoordinated project. 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 Jersey State Historic Preservation Office, U.S. Fish & Wildlife Service, National Marine Fisheries Service, USACE, Pinelands Commission, and NJDEP should be initiated as soon as possible, in addition to securing necessary permits before work is started. It is very important that you communicate what informal consultations you may have started to NJOEM/FEMA 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 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 and project information as a consultation package to resource agencies that manage or have oversight of those resources. The consultation package includes the description of the proposed action, project maps and 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).

FEMA may need to do some upfront research to develop the consultation packages. 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 or cultural resources. The most common type of consultations that FEMA completes for environmental & historic preservation compliance reviews are:

- FEMA consultation with New Jersey State Historic Preservation Office (NJSHPO) 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 coordinate 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, U.S. Army Corps of Engineers, and New Jersey Department of Environmental Protection (NJDEP).

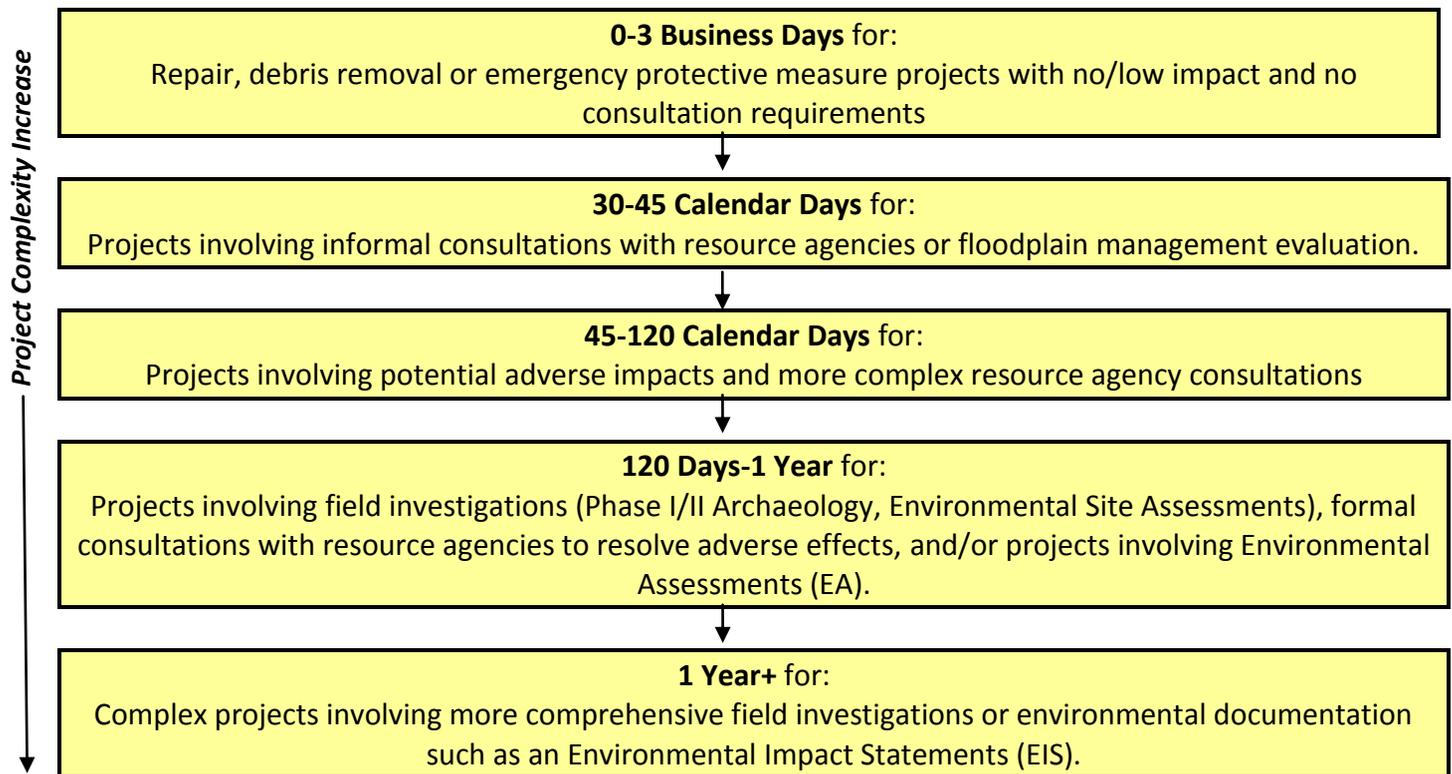
The **level of review** and **associated timeline** for federal environmental compliance varies by project type.

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 NJOEM/FEMA Project Specialist Team. Our State and Federal Team is interested to improve the transparency of the environmental compliance process for grant applicants, including mutual understanding of review and approval timelines.

The general performance target for duration until completion of 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**:



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. FEMA has completed 96% of disaster recovery grant reviews in 30 days or less for the 157,000 projects our agency reviewed within the last three years. Our resource agency partners do their part to expedite and prioritize disaster recovery project reviews. Most informal consultations are completed within thirty (30) days thanks to resource agency partners.

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 NJOEM/FEMA Project Specialists.

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 NJOEM/FEMA Project Specialists as soon as practicable. Applicants can work collaboratively with NJOEM/FEMA to complete environmental and cultural resource field investigations, information gathering, study documentation preparation, and project coordination. 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. If your project requires an individual permit from the U.S. Army Corps of Engineers 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 NJOEM/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.

Please direct all questions through your assigned NJOEM/FEMA Project Specialist Team. NJOEM 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.

NJ Office of Emergency Management

**NJ State Police Division Headquarters,
P.O. Box 7068, West Trenton, NJ 08286
www.ready.nj.gov**

Public Assistance Program Information: <http://ready.nj.gov/plan/public-assist.html>

For more information contact the NJOEM Public Assistance staff at 609-882-2000 ext. 2500 or email lppau@gw.njsp.org

If technical environmental or cultural resource questions for FEMA come up after the Joint Field Office closure, please feel free to contact the FEMA Region II Regional Environmental Officer, Ms. Megan Jadrosich, at Megan.Jadrosich@dhs.gov or 212-680-3635.

The Greenbook includes the following three (3) sections:

PERMITS – background on types of permits and points of contacts for resource and regulatory agencies

SPECIAL CONSIDERATIONS QUESTIONNAIRE – tips on how to fill out the required Special Considerations Questionnaire for your project applications. Your NJOEM/FEMA Project Specialist Team will help you fill out the questionnaire form.

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. Included at the close of this section is NJDEP's "Guidelines for Stream Cleaning". This guidance is also available at www.nj.gov/dep/landuse/stream_cleaning_guidelines.pdf.

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 NJOEM/FEMA. Funding may be denied or jeopardized if work was conducted without prior authorization/permits. The list below is not inclusive of all permit types, but is intended to highlight some of the typical permits involved with environmental and historic resource protection.

Water Resources include, but are not limited to; rivers, streams, creeks, lakes, ponds, freshwater and tidal wetlands, bays and oceans. There are many local, state, and Federal guidelines and rules regarding protection of water resources. The applicant needs to ensure that all consultation and permit requirements are met for activities in, affecting and/or discharging to water resources. This may be as simple as a phone call to a regulatory agency to determine no permit is needed, or the applicant may be required to comply with a number of regulations and obtain several permits. Applicants should include the disaster declaration number FEMA-4021-DR-NJ, FEMA-4033-DR-NJ, or other 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)

Structures in or affecting navigable waterways 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 (CWA) for certain waters of the State of New Jersey. The State of New Jersey has assumed administration of the federal Section 404 program for much of the interior, non-tidal waters and wetlands in NJ; however, USACE has retained responsibility for the Federal 404 program in certain waters in New Jersey. Proposed activities in Greenwood Lake, the Delaware River above head-of-tide, and in any tidally flowed waters or wetlands, may require both a Federal 404 permit from the ACOE and a State permit under this chapter. Proposed activities in wetlands or waterways of the Hackensack Meadowlands District would require application to USACE, not NJDEP, to obtain a 404 permit.

USACE has two regulatory offices that oversee federal permitting for the State of New Jersey: Philadelphia and New York Districts. The regulatory boundary for USACE New York District is found at www.nan.usace.army.mil/business/buslinks/regulat/index.php?regbound. USACE Philadelphia District has available an interactive regulatory boundary map at www.nap.usace.army.mil/cenap-op/regulatory/district_boundaries.html.

It is recommended that applicants review available state programmatic general permits (SPGP 17 & 19) and nationwide permit types to see if one of those permits covers the proposed action. If the SPGP and 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. Applicants are responsible to submit copies of Preconstruction Notifications (if applicable) to NJOEM/FEMA, for NWP or SPGP. More information on SPGP and NWP is on the following page.

Permits continued...

NJ SPGP 17: This general permit authorizes the construction of structures; performance of work; and the discharge of dredged and fill material in substantially developed artificial tidal lagoons and their access channels.

NJ SPGP 19: This general permit is for existing and proposed non-commercial piers, docks, mooring piles, boat lifts, timber breakwaters, and the replacement of existing bulkheads within eighteen (18) inches of existing serviceable bulkhead structures.

Read more about NJ SPGP at www.nap.usace.army.mil/cenap-op/regulatory/njspgp.html.

A summary table of Nationwide Permits (NWP) is available at:

www.usace.army.mil/CECW/Pages/nw_permits.aspx.

Applicants shall review required general conditions and regional general permit conditions. Adherence to these conditions is mandatory for permit coverage to be valid.

www.nap.usace.army.mil/cenap-op/regulatory/nwp/nwp_2007_gen_cond.pdf (General Conditions)

www.nap.usace.army.mil/cenap-op/regulatory/nwp/NWP_reg_cond_NJ_08.pdf (Regional Conditions)

For more information about **USACE Philadelphia District** Regulatory Branch and Permits visit:

www.nap.usace.army.mil/cenap-op/regulatory/permits.html (Permits)

www.nap.usace.army.mil/cenap-op/regulatory/forms.html (Forms)

USACE Philadelphia District, Regulatory Branch, 100 Penn Square East, Wanamaker Building, Philadelphia, PA 19107; Regulator of the Day: (215) 656-6728; fax (215) 656-6724.

Additional phone and email contacts for Philadelphia District are found at:

www.nap.usace.army.mil/cenap-op/regulatory/contact.html.

For more information regarding **USACE New York District** permits, visit:

www.nan.usace.army.mil/business/buslinks/regulat/index.php.

USACE New York District, Regulatory Branch, RM 1937, 26 Federal Plaza, NY, NY 10278-0090; (917) 790-8511 (Eastern Permit Section); fax (212) 264-4260; 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 right of navigation and to prevent interference with interstate and foreign commerce. The Secretary of Transportation delegated this authority to the Commandant, USCG, by Department of Transportation Order 1100.1 dated 31 March 1967 (49 CFR 1.46(c)). If a proposed bridge project requires dredging or filling of the waterway, a Section 404 permit from USACE is likely also required.

Permits continued...

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 Jersey Department of Environmental Protection

Activities in wetlands and waterways are regulated by NJDEP in accordance with delegated Section 404/401 regulatory responsibilities as authorized by the Clean Water Act. NJDEP also regulates wetlands, waterways, floodplains, and other habitat and resource areas in accordance with State Laws:

- Freshwater Wetlands Protection Act (N.J.S.A 13:9B) and Freshwater Wetland Protection Act Rules, as amended (N.J.A.C. 7:7A)
- Flood Hazard Area Control Act (N.J.S.A 58:16A) and Flood Hazard Control Act Rules (N.J.A.C. 7:13)
- Wetlands Act of 1970 (N.J.S.A 13:9A)
- Waterfront Development Act (N.J.S.A. 12:5-3)
- NJ Water Pollution Control Act (N.J.S.A. 58:10A)
- Coastal Area Facility Review Act (CAFRA) (N.J.S.A. 13:9)
- Tidelands Act (N.J.S.A. 12:3)
- 90 Day Construction Permit Rules (N.J.A.C. 7:1C)
- Coastal Permit Program Rules (N.J.A.C. 7:7)
- Coastal Zone Management Rules (N.J.A.C. 7:7E)
- NJ Endangered Species Conservation Act of 1973 (N.J.S.A. 23:2A *et seq.*)
- Highlands Water Protection and Planning Act (N.J.A.C. 7:38)
- Stormwater Management Rules (N.J.A.C. 7:8)
- Surface Water Quality Standards (N.J.A.C. 7-9B)

The NJDEP Division of Land Use Regulation Program (LURP) has a Technical Support Center to assist you with any questions you may have regarding Land Use Regulations. This center is equipped to answer questions about Freshwater Wetland, Flood Hazard Area, Waterfront Development, Coastal Area and Highlands regulations. In addition, the Technical Support Center will assist in checking the status of all LURP permit applications. You may contact the Technical Support Center either by using our [Online Contact Form](#), email us directly at LURTechSupport@dep.state.nj.us, or by using one of the telephone numbers below:

For Freshwater Wetland or Highlands questions call (609) 777-0454.

For Waterfront Development, C.A.F.R.A. or Flood Hazard Area questions call (609) 984-0162.

To contact the Bureau of Tidelands, call (609) 292- 2573.

Assistant Commissioner, Marilyn Lennon: (609) 292-1932.

Send regular mail to this address: Mail Code 501-02A, Department of Environmental Protection, Division of Land Use Regulation, P.O. Box 420, Trenton, New Jersey 08625-0420

Send courier or hand deliveries to this address: Department of Environmental Protection, Division of Land Use Regulation, 501 E. State Street, Second Floor, Trenton, New Jersey 08609

Permits continued...

For more information visit regarding NJDEP LURP:

www.nj.gov/dep/landuse/ and for application forms visit: www.nj.gov/dep/landuse/forms/index.html.

NJDEP's "Guidelines for Stream Cleaning" is included in the Best Management and Conditions section of this Greenbook. Emergency permits are addressed in 7:7A-8.1 and 7:7A-8.2 of the Freshwater Wetlands Protection Act Rules, 7:7-1.7 of Coastal Permit Program Rules.

For general information about Mosquito Control and West Nile Virus, visit:

www.state.nj.us/dep/mosquito/ and for more information regarding permit requirements visit: www.nj.gov/dep/enforcement/pcp/bpo-permits.htm.

Debris Disposal Requirements and Permits

Applicants are responsible for obtaining all necessary permits or clearances for debris management in accordance with local, state and federal laws and regulations. The NJDEP Solid & Hazardous Waste Management Program oversees and regulates debris and hazardous waste management in conjunction with the Environmental Protection Agency (EPA). Check with your County and Municipal Governments for local guidelines. Open burning of debris is discouraged, and would require a permit from NJDEP. FEMA's Public Assistance Debris Management Guide is available at www.fema.gov/government/grant/pa/policy.shtm.

Woody debris management (handling, disposal or recycling of trees, shrubs, and wood products) in Middlesex and Union Counties should adhere to Asian Longhorned Beetle quarantine protocols. Woody debris shall not be transported outside quarantine zones without proper treatment, such as chipping. Refer to New Jersey State Department of Agriculture's website and Hurricane Irene announcement at: www.state.nj.us/agriculture/news/hottopics/approved/topics110827.html. There is also a hotline number for questions or concerns regarding this invasive insect at 1-866-BEETLE1.

For more information about NJDEP Solid and Hazardous Waste Management Program, visit: www.nj.gov/dep/dshw/.

NJDEP Bureau of Landfill and Hazardous Waste Permitting has a database menu to search for debris disposal activity by type and licensed facilities that can provide debris management or disposal services at: www.nj.gov/dep/dshw/lhwp/index.html.

NJDEP Bureau of Landfill and Hazardous Waste Permitting: (609) 984-6985; fax (609) 833-9839; Mailing Address: P O Box 420, Mail Code: 401-02C, 401 East State, Street, 2nd Floor, West Wing, Trenton, NJ 08625-0420. Mr. Robert Confer is Bureau Chief.

To report actual or potential spills or releases of oil or hazardous substances, immediately notify the NJDEP at 1-877-WARNDEP, and the National Response Center at 1-800-424-8802.

Permits continued...

Floodplain Management Permits

If your project is located within the 100-Year floodplain, also referred to as the Special Flood Hazard Area, or the 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 may also be required for construction projects involving substantial repair, replacement, or structural modification. Depending upon your community's local laws and ordinances and your project type, 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. The floodplain is managed through federal laws, including those associated with the National Flood Insurance Program, Executive Order 11988 Floodplain Management which applies to federal agencies; and state laws, such as the Flood Hazard Area Control Act, and other state land use laws and regulations.

Emergency Permits are discussed at 7:13-12.1 of the Flood Hazard Control Act Rules "Requirements for issuing an emergency permit". An emergency permit is an authorization to undertake a regulated activity that the NJDEP will issue when conditions warrant immediate action to protect the environment and/or public health, safety and welfare.

The State contact for Floodplain Management is the NJDEP Bureau of Dam Safety and Flood Control. Contact information for this office is (609) 292-2296. For more information on the Flood Hazard Control Act, visit: www.nj.gov/dep/landuse/se.html.

Soil Conservation & Sedimentation Erosion Control

New Jersey has 15 soil conservation districts that implement the New Jersey Soil Erosion & Sediment Control Act. Soil Conservation District offices can provide technical assistance regarding construction techniques and conservation measures. Applicants are responsible for obtaining applicable permits from the Conservation District to undertake land disturbance activities associated with new construction. The Stormwater Discharge Permit Program requires construction activities including clearing, grading, and excavating that disturb one acre or more obtain authorization of a construction general permit (5G3). This permit must be acquired in addition to a Soil Erosion and Sediment Control Plan certification through the local Soil Conservation District. Contacts for Soil Conservation Districts are found at: www.nj.gov/agriculture/divisions/anr/nrc/conservdistricts.html.

Delaware & Raritan Canal Commission

The D&R Canal Commission administers a land-use regulatory program within the area where new development could have drainage, visual or other ecological impact on the Canal Park. The area within which there could be a drainage impact is almost 400 square miles, including parts of Mercer, Hunterdon, Somerset, Middlesex and Monmouth Counties. Major projects (those that involve an acre or more of impervious surface as of 1980) must meet the Commission's standards for managing storm water runoff. If a project of any size is proposed for an area that is within 1,000 feet of the canal, the project is reviewed for its visual impact on the park. Further, the Commission reviews large projects that

Permits continued...

are within a mile of the park for their traffic impact, and the Commission requires the preservation of corridors along the major streams that enter the park. For more information visit: www.dandrcanal.com/drcc/regulatory.html.

New Jersey Pinelands Commission

The Pinelands region is protected through the enactment of federal and state laws which seek to preserve, protect, and enhance the environmental resources existing there. This is accomplished by The Pinelands Comprehensive Management Plan (CMP) which determines the type, amount, and location of development that can be accommodated while still ensuring that the Pinelands remain protected. The New Jersey Pinelands Commission has jurisdiction to review land use and development for consistency with the CMP. The Commission's regulations contain an "emergency provision" to address circumstances where immediate action is necessary to address a condition that is dangerous to life, health or safety.

For more information about permit requirements visit: www.state.nj.us/pinelands/appli/ and for a map of the Pinelands visit: www.nj.gov/pinelands/landuse/gis/maps/.

New Jersey Meadowlands Commission (NJMC)

The New Jersey Meadowlands Commission is the zoning and planning agency for a 30.4-square-mile area along the Hackensack River covering parts of 14 municipalities in Bergen and Hudson Counties in New Jersey.

For more information about land use requirements, visit:

www.njmeadowlands.gov/applications/intro.html.

A zoning map is available at [www.njmeadowlands.gov/applications/docs/zone05_11X17%20\(2\).pdf](http://www.njmeadowlands.gov/applications/docs/zone05_11X17%20(2).pdf).

The phone contact for NJMC Land Use Management is (201) 460-1700.

New Jersey Highlands Council

All "major Highlands development," as defined by the Highlands Act, in the Highlands Preservation Area is regulated and will require NJDEP approval, unless otherwise exempted by the Act. If your property is located within the Highlands Preservation Area and your proposed project does not meet the definition of major Highlands development, then your project is not subject to the DEP Highlands Rules. Applicants can utilize online interactive web mapping at www.nj.gov/dep/gis/depsplash.htm to check whether their project is/in or adjacent to the Highlands Preservation Area. If your property is located within the Highlands Preservation Area and your proposed project meets the definition of major Highlands development, then your project may be regulated. Some activities and projects, however, may be exempt.

For more information about Highlands Planning & Preservation visit: www.highlands.state.nj.us/.

Other Resource Agency Contacts

New Jersey State Historic Preservation Office: (609) 984-0176; fax (609) 984-0578; Mailing Address: Mail Code 501-04B, State of NJ, Department of Environmental Protection, Historic Preservation Office, PO Box 420, Trenton, NJ 08625-0420.

Additional staff phone and email contacts at www.nj.gov/dep/hpo/whos_who_10_27_2010.pdf. Main page: www.nj.gov/dep/hpo/.

U.S. Fish & Wildlife Service, New Jersey Field Office: (609) 646-9310; fax (609) 646-0352; email fw5es_njfo@fws.gov; Mailing Address: U.S. Fish and Wildlife Service, 927 N. Main Street, Building D, Pleasantville, NJ 08232; Additional staff phone and email contacts available at www.fws.gov/northeast/njfieldoffice/contact.html; Main page: www.fws.gov/northeast/njfieldoffice/.

National Park Service: Mr. Chuck Barscz @ (215) 597-6482; Mailing Address: 200 Chestnut Street, Room 260, Philadelphia, PA 19106; www.nps.gov/nero/rivers/.

USDA-NRCS: (State Office): (732) 537-6040; fax (732) 537-6095; Mailing Address: Natural Resources Conservation Service, 220 Davidson Avenue, 4th Floor, Somerset, NJ 08873. Additional field office, staff phone and email contacts available at www.nj.nrcs.usda.gov/contact/directory/directory.pdf. Main page: www.nj.nrcs.usda.gov/.

NMFS: (732) 872-3023; NOAA National Marine Fisheries Service, Habitat Conservation Division, James J. Howard Marine Sciences Laboratory, 74 Magruder Road, Sandy Hook, Highlands, NJ 07732; www.nero.noaa.gov/hcd/.

SPECIAL CONSIDERATIONS QUESTIONNAIRE

For the repair/recovery work for which you are requesting funding, the NJOEM/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 NJOEM/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 NJOEM/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.

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.

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

Flood Insurance Rate Maps (FIRMs) delineate floodplains and coastal high hazard areas; they are available for download from www.fema.gov/hazard/map/firm.shtm. Your Project Specialists from NJOEM/FEMA will assist with obtaining Flood Insurance Rate Maps, as well as evaluating mapping for potential wetland resources and coastal zone areas. While not the official FIRM map, FEMA has available a Flood Hazard Layer available for Google Earth available for download from: <https://hazards.fema.gov/femaportal/wps/portal/NFHLWMSkmzdownload>.

Wetland Mapping is available from two online interactive mapping websites:

National Wetland Inventory Mapping is at:
www.fws.gov/wetlands/Data/Mapper.html.

NJDEP wetlands mapping is available at:
www.nj.gov/dep/gis/geoweb splash.htm.



Online wetlands mapping is a tool to aid in assessment of environmental site conditions. Field verification of wetlands presence/absence by a qualified wetland professional is recommended to supplement use of online mapping when wetland indicators are present at the site such as low lying topography with saturated soils and potentially visible standing water, wetland plants, high water marks on trees, wrack line in fences or ground vegetation with sedimentation deposited by waters that have receded.

A map of NJDEP Coastal Zone Boundary is found at www.state.nj.us/dep/cmp/czm_map.html.

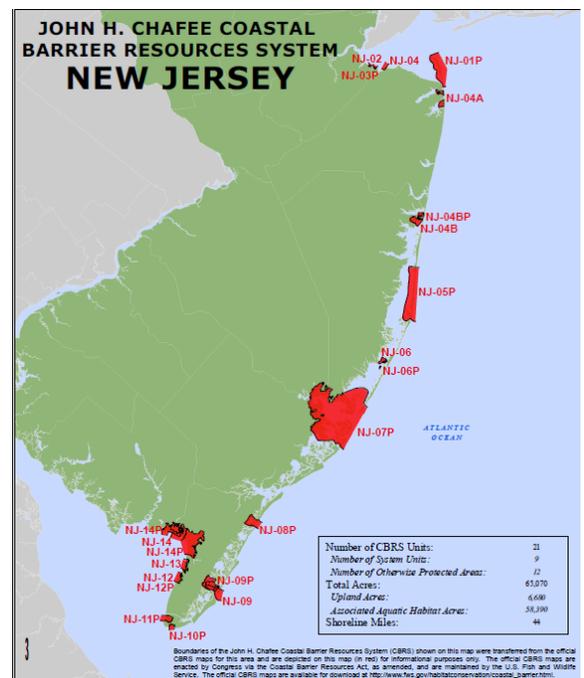
The online interactive mapping tool is available for Coastal Area Facility Review Act boundary: www.nj.gov/dep/gis/geoweb splash.htm

Question #3

Is the damaged facility or item of work located within or adjacent to a Coastal Barrier Resource System Unit or and 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 Atlantic Ocean, Raritan or Delaware Bays. Review your project area’s Flood Insurance Rate Map to see if you are in a CBRS Units or Otherwise Protected Area. Mapping is also available at www.fws.gov/habitatconservation/coastal_barrier.html.

Federal flood insurance is prohibited in Otherwise Protected Areas. Investment of federal funding for projects within CBRS Units is restricted to only certain project types or exceptions, in order to limit development of these coastal barrier lands and aquatic habitats.



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/or 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. FEMA is required to consider the impact of the agency’s undertakings on all historic properties; this includes not just those properties that meets the criteria for listing and is deemed “eligible for listing”. Historic structures can be buildings, bridges, dams, culverts, landscapes, historic districts, battlegrounds, fences, walls, and more.

Please include the date of construction on your questionnaire for man-made structures.

Answer “Yes”

- If the facility/site is listed in the National Register of Historic Places or a National Landmark
- 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
- If the facility/site is located in an Historic District
- If the facility/site is located in a cemetery
- If the facility/site has any known tribal resources



National Register of Historic Places – the list of properties already determined eligible for the National Register can be found at www.nj.gov/dep/hpo/1identify/nrsr_lists.htm. The NJDEP Geoweb online interactive mapping resource can be helpful in locating historic properties and archaeologically sensitive areas at: www.nj.gov/dep/gis/geoweb splash.htm.

Question #7

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

Answer “Yes” if your project is in or near a wetland, estuary, or environmentally sensitive area, such as a wildlife habitat for candidate, threatened or endangered species. Answer “Yes” if there is known Bald Eagle habitat within your project area.

Federally listed candidate (C), threatened (T) and endangered (E) plant and animal species for the State of New Jersey protected by the Endangered Species Act include:

Bog turtle (T), Piping plover (T), Indiana Bat (E), Dwarf Wedgemussel (E), NE Beach Tiger Beetle (T), Small Whorled Pogonia (T), Swamp Pink (T), Knieskern’s Beaked Rush (T), American Chaffseed (E), Sensitive Joint-vetch (T), Seabeach amaranth (T), Red knot (C), Bog Asphodel (C), Hirsts’ Panic Grass (C) and Atlantic sturgeon (proposed for listing), Shortnose sturgeon (E), Green Turtle (T), Hawksbill Turtle (E), Kemps Ridley Turtle (E), Leatherback Turtle (E), Loggerhead Turtle (T), Blue Whale (E), Fin Whale (E), Humpback Whale (E), Sei Whale (E), Sperm Whale (E)

The U.S. Fish and Wildlife Service, New Jersey Field Office has available a listing of C, T and E species presence by municipality at www.fws.gov/northeast/njfieldoffice/pdf/munlist.pdf. The marine species managed by NOAA-Fisheries is found at www.nmfs.noaa.gov/pr/species/esa/fish.htm.

The list of NJDEP State Endangered, Threatened & Species of Special Concern protected by the NJ Endangered Species Conservation Act is available at www.state.nj.us/dep/fgw/tandespp.htm.

NJDEP’s online mapping tools can be used to find additional site level information at: www.state.nj.us/dep/gis/newmapping.htm.

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 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 Essential Fish Habitat (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 any of the following designated Wild & Scenic Rivers: the Great Egg Harbor River, Lower Delaware River, Maurice River, or Musconetcong River. 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 involves development located within any of the following special areas:

- Pinelands as shown on www.nj.gov/pinelands/landuse/gis/maps/ or www.nj.gov/dep/gis/depsplash.htm#.
- Delaware & Raritan Canal Commission (www.nj.gov/dep/gis/depsplash.htm#).
- Highlands (www.nj.gov/dep/gis/depsplash.htm#).
- Hackensack Meadowlands
[www.njmeadowlands.gov/applications/docs/zone05_11X17%20\(2\).pdf](http://www.njmeadowlands.gov/applications/docs/zone05_11X17%20(2).pdf)

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. It is available at: www.epa.gov/emefdata/em4ef.home. Known contaminated sites are also observed through NJDEP online mapping at: www.state.nj.us/dep/gis/newmapping.htm.

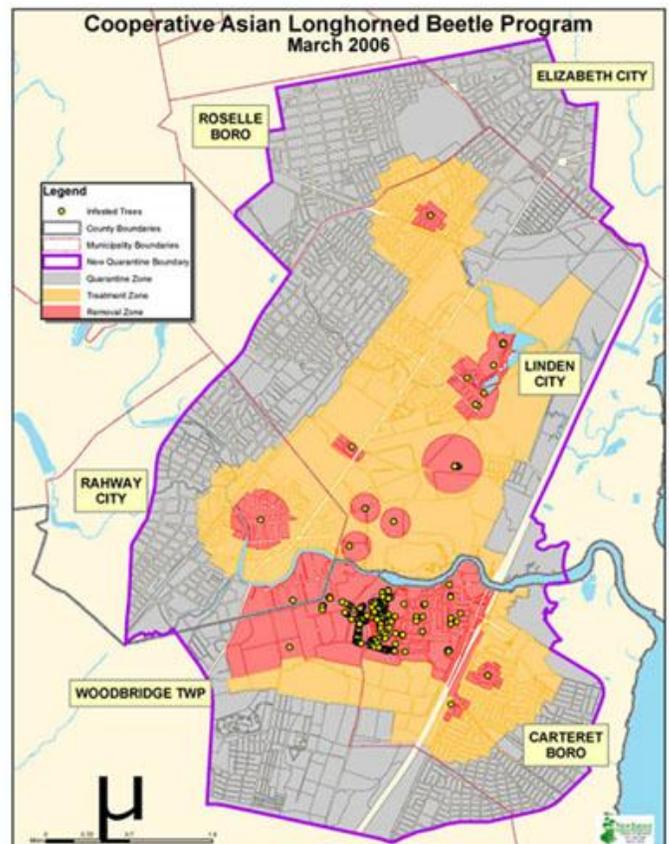
To report actual or potential spills or releases of oil or hazardous substances, immediately notify the NJDEP at 1-877-WARNDEP, and the National Response Center at 1-800-424-8802.

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 or 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 protected 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 Asian Long Horned Beetle Quarantine Zone in Middlesex or Union Counties.



Asian Long Horned Beetle Quarantine Zone Map available at www.nj.gov/agriculture/divisions/pi/prog/asianlonghornbeetle.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.

- Refer to PERMIT section of this Greenbook for general conditions and regional general permit conditions for USACE permits.
- See attached handout on “Guidelines for Stream Cleaning” issued by NJDEP dated August 26, 2011. This handout is also available online at www.nj.gov/dep/landuse/stream_cleaning_guidelines.pdf.
- Conditions exist for woody debris handling within the Middlesex or Union County Quarantine Zones to minimize the spread of an invasive tree-killing insect, the Asian Longhorned Beetle. New Jersey Department of Agriculture’s website has more information about Hurricane Irene cleanup and links: www.state.nj.us/agriculture/news/press/2011/approved/press110831.html.
- Best Management Practices for protection of Endangered Species such as the Indiana bat and Piping Plover are found under species profiles on the USFWS New Jersey Field Office website: www.fws.gov/northeast/njfieldoffice/endangered/index.html.

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

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. For more information visit: www.heritagepreservation.org/programs/TFresources.html.

NJDEP Stormwater Best Management Practices Manual at: www.nj.gov/dep/stormwater/.

New Jersey Department of Transportation Soil Erosion & Sediment Control Manual at: www.nj.gov/transportation/eng/documents/SESC/.

County Soil & Water Conservation Districts can be of technical assistance concerning water resource management. For more information visit: www.nj.gov/agriculture/divisions/anr/nrc/soil.html.

Rutgers Cooperative Research and Extension has fact sheets and other information on lawn and turf care, natural resources, and agriculture at: <http://njaes.rutgers.edu/extension/>.

The U.S. Department of Agriculture-Natural Resource Conservation Service (NRCS) website and field offices are also great sources of information on construction best management practices and other topics such as streambank restoration, native plant material, and soils. For more information on streambank restoration visit: www.nrcs.usda.gov/technical/ENG/streambankdocs.html.

For more information on native plant material visit: <https://plants.usda.gov>.

For information about sustainable building design and materials visit the U.S. Green Building Council website at 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. NJDEP 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. Such vegetation will hold stream banks together, reducing the risk that the stream will dramatically change course and also reducing 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 very common means of stabilizing banks. Often times, it is effective or even necessary, but it may have downsides. It could 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 it 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 Jersey'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 certainly occur (e.g., braided channels and plugged culverts) and must be removed, but keep in mind that they are symptoms of greater problems (like channel dredging or bad culvert design).

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 1-800-962-796

Guidelines for Stream Cleaning
NJ Department of Environmental Protection
Division of Land Use Regulation
Revised August 26, 2011

Major stream cleaning activities in New Jersey's streams and rivers require permits pursuant to the Freshwater Wetland Protection Act Rules (N.J.A.C. 7:7A) and the Flood Hazard Area Control Act Rules (N.J.A.C. 7:13). However in some instances, stream cleaning activities can be conducted without the need to obtain either permit.

1. The following activities may be conducted without the need to obtain either a Flood Hazard Area Permit or a Freshwater Wetland Permit.
 - i. Hand removal and desnagging of tree limbs and other debris that are obstructing flow.
2. Activities that are authorized by a Flood Hazard Area Permit by Rule (See 7:13-7.2(a)5 and 7:13-7.2(d)3) and don't require a Freshwater Wetland Permit:
 - i. The use of machinery to remove a major obstruction from a regulated water that can not be removed by hand, such as a fallen tree, abandoned vehicles, furniture and other large debris provided:
 - a) No wetlands or transition areas are disturbed as a result of the stream cleaning activities.
 - b) No live trees are disturbed in the riparian zone of the stream.
 - c) The machinery is situated outside of the stream where possible.
 - d) No fill or accumulated sediment is removed from the stream.
 - ii. Removal of sediment around bridges, culverts and stormwater outfalls provided:
 - a) Heavy machinery is not used in the stream;
 - b) No trees are removed;
 - c) Sediment removal is limited to within 100 feet from the structure
3. Activities that require a Flood Hazard Area Permit GP1 (7:13-8.3) or a Freshwater Wetland Permit General Permit 26 (7:7A-5.26)
 - i. The removal of accumulated sediment and silt from a water body with a natural bed, provided:
 - a) The water body is no more than 15 wide
 - b) The work is limited to an area no more than 500 in length.
 - ii. Desnagging, removal of debris and garbage from any channel or the removal of any accumulated material from a channel previously lined with concrete or similar material.
 - a) There are no limits on stream width or length of work area for these activities.

The removal of accumulated sediment and silt from a water body does not require a Freshwater Wetland Permit, unless freshwater wetlands or transition areas are disturbed for access to the water. However, if sediment has accumulated to the point that vegetation is growing in it, the area may have become freshwater wetlands and a Freshwater Wetlands Permit may be required. Please contact the Division for additional guidance as needed.

All other stream cleaning activities will require an individual permit under the Flood Hazard Area Control Act Rules at 7:13-9.1. If any activities not discussed above will be conducted in wetlands or wetland transition areas an individual permit may be required under the Freshwater Wetlands Protection Act Rules at 7:7A-7.1. For more information please consult the rules to read the above citations in their entirety. If you have any questions, you may also contact the Division of Land Use Regulation Technical Support Center at (609) 777-0454.