

# Mitigation Training Workshop for Colorado OEM

## INTRODUCTION TO FEMA'S ENVIRONMENTAL & HISTORIC PRESERVATION (EHP) COMPLIANCE REQUIREMENTS

UNIT 7



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# Objectives

- Introduce the National Environmental Policy Act (NEPA)
- Discuss FEMAs Environmental Planning and Historic Preservation (EPH) review
- Review the three levels of review
- Discuss project planning considerations
- Learn some tips for a timely review



# FEMA's EHP Review

- It is FEMA's policy to integrate environmental and historic preservation considerations into its emergency preparedness, hazard mitigation, disaster planning, and response and recovery activities.
- This work is accomplished through FEMA's *Environmental Planning and Historic Preservation (EHP) Compliance Requirements* process.



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# What are potential EHP compliance considerations?

- Endangered Species
- Cultural Resources
  - historic properties & districts
  - archaeological sites
- Air & water quality
- Habitat
- Fish & Wildlife
- Floodplains
- Wetlands
- Coastal Zones
- Agricultural Lands
- Geology



- Environmental Justice
- Land Use
- Hazardous Materials
- Traffic



# Potential Environmental Impacts

- New ground disturbance activities
- Air/water pollution
- Habitat destruction
- Impacts to breeding & feeding areas or patterns
- Alteration of historic properties & districts



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# FEMA's EHP Compliance Review

Overseen by FEMA's Office of Environmental Planning and Historic Preservation (OEHP)

- HQ office in Washington, DC
- Ten Regional offices
  - Regional Environmental Officer & some support staff

EHP compliance is the responsibility of FEMA Grant Programs; OEHP serves as a technical support office



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# Who is OEHP

- FEMA's Office of Environmental Planning and Historic Preservation (OEHP) engages in a review process to ensure that FEMA-funded projects and activities comply with various Federal laws to include:
  - National Environmental Policy Act (NEPA)
  - National Historic Preservation Act (NHPA)
  - Endangered Species Act (ESA)
  - Clean Water Act (CWA)
  - Clean Air Act (CAA)
  - Coastal Zone Management Act (CZMA)
  - Coastal Barrier Resources Act (CBRA)
  - Migratory Bird Treaty Act (MBTA)
  - Magnuson-Stevens Fishery Conservation and Management Act (MSA)
  - Executive Order 11988 – Floodplains Management
  - Executive Order 11990 – Wetland Protection
  - Executive Order 12898 – Environmental Justice



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# EHP Laws and Executive Orders: The basis for FEMA's EHP Review

**Endangered Species Act**

**National Historic  
Preservation Act**

**Executive Orders:  
Environmental Justice  
Floodplains  
Wetlands**

**NEPA**

**Clean Air Act**

**Clean Water Act**

**Resource Conservation &  
Recovery Act**

**Coastal Barrier  
Resources Act**

**Coastal Zone**

**Management Act**



# FEMA's EHP Compliance Review

- Is required by Federal laws, regulations and Executive Orders
- Ensures FEMA actions, including grant-funded projects, are in compliance with EHP requirements
- Review must be complete before work is initiated and any project is funded
- Grantee must comply with any conditions placed on project as result of EHP review



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# FEMA's EHP Compliance Review

- The goal of the environmental compliance requirements is to protect our nation's water, air, coastal, fish and wildlife, agricultural, historical, and cultural resources, as well as to minimize potential adverse effects to children, low-income, and minority populations
- Submitted environmental requests assists the federal government in making informed decisions



# FEMA's EHP Compliance Review

May require consultation with resource and regulatory agencies, including:

- State Historic Preservation Office
- US Fish and Wildlife Service
- US Army Corps of Engineers



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# FEMA's EHP Review

May require preparation of written analyses or agreements required under EHP laws, including:

- Environmental Assessment (NEPA)
- Biological Assessment (ESA)
- Memorandum of Agreement (NHPA)

Some EHP laws and EOs require public involvement & a public comment period



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# Environmental Review Conditions

- An environmental review must be completed prior to the initiation or completion of any project work.
- Initiating work before an environmental review is completed may result in a **non-compliance finding** and the withholding of grant funds.
- Some project change of scope requests must be resubmitted for environmental review.
- If an approved project has a change in the SOW, the grantee must stop work and wait for the environmental review to be completed and approved on the new SOW before re-initiating work.



# Consequences of Non-Compliance

- Project delays
- Denial of funding
- De-obligation of funding
- Negative publicity
- Civil penalties
- Lawsuits



# Levels of Environmental Review

- Categorical Exclusion (CATEX)
- Environmental Assessment (EA)
- Environmental Impact Statement (EIS)





# Projects that can be CATEX'd

- Project types/actions that are not likely to have any impact on the environment, barring extraordinary circumstances.
- Purchases of equipment including vehicles, boats, ID cards, hand-held or portable equipment, navigation or communication equipment, or other supplies for mobile units. (Note: Please provide information on how the equipment will be installed)
- Classroom and web-based training, conferences and workshops conducted within enclosed facilities.
- Personnel, administrative, fiscal and management activities that involve no resources other than manpower and/or funding.



# CATEX's (Continued)

- Installation of security measures on mobile units (buses, train cars, ferries, etc.) that are less than 50 years old and are not national landmarks.
- Development, revision, documentation, and/or distribution of regulations, directives, manuals, information bulletins, and other guidance documents.
- Technical assistance activities that involve no resources other than manpower and/or funding.
- Field-based training activities and exercises that use existing facilities, established and approved procedures, and conform with existing land use designations.



# Environmental Assessment (EA)

- As defined in 40 CFR an EA is the public document in which environmental and other pertinent information on a proposed action are presented, providing a basis for a determination whether to prepare an Environmental Impact Statement (EIS) or a Finding of No Significant Impact (FONSI)
- An EA shall be prepared for each action not excluded as a CATEX
- 6 months – one or more years



# Environmental Impact Statement

- Must be prepared if the action is not excluded by either a CATEX or an environmental assessment
- A document required by NEPA for users whose agency actions may significantly affect the quality of the human environment.
- Can take 3-5 years



# Preparedness Project Types that Trigger EHP Review

- New construction
- New ground disturbance activities
- Modification of buildings and structures 50+ years old & impacts on historic districts



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# New Construction

## Examples:

- Security guard building
- Dock/pier, boat house
- Homes
- Office buildings
- Government installations
- Road
- Towers





# New ground disturbance activities

Examples:

- Installation of physical security enhancements including fencing, lighting, cameras, & pedestrian or vehicle barriers, etc.
- In particular:
  - Does the project involve new ground disturbance activities?



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# Modification of Buildings & Structures 50+ Years Old

## Examples:

- Equipment installation (e.g. physical security/access controls) on, in, or in the vicinity of historic buildings, piers, bridges, ferries, rail cars, etc.
- Building renovation/hardening (e.g. doors, gates, windows)



# Tips for a Timely EHP Review

Take EHP considerations into account during project planning and budgeting

- Easier to avoid or resolve issues if identified early
- Reach out to state resource agencies early

Provide detailed project Statement of Work to FEMA

- *What* work is being proposed, *where* will it take place, and *how* will it be carried out?



# Tips for a Timely EHP Review

Be aware that EHP review may increase timeline for project implementation

If an EA or EIS is required Grant funds may be used for preparation of EHP reports



# Project Planning

The following factors affect the amount of time it takes to complete the EHP Review:

- completeness of the project Statement of Work (SOW)
- complexity of the project
- project location & the types of resources affected
- whether consultation with SHPO, FWS. etc. (required under certain laws) is needed



# Roles and Responsibilities

## *FEMA's Grant Programs Directorate –*

- Incorporates EHP compliance requirements into grant programs and processes
- Conducts initial screening of projects for EHP considerations (i.e. identification of potential impacts to natural or biological resources or historic properties)
- Submits complex projects to FEMA's Office of Environmental Planning and Historic Preservation (OEHP) for further review, if appropriate



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# Roles and Responsibilities

*FEMA's Office of Environmental Planning & Historic Preservation –*

- Conducts and documents the EHP compliance review of those FEMA-funded projects with potential to impact the environment or historic properties
- Consults with resource and regulatory agencies
- Provides policy guidance and subject matter expertise to support FEMA's EHP compliance responsibilities
- Identifies opportunities to improve integration of EHP requirements into FEMA programs



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# Sources of EHP Guidance

A variety of information is available at:

<http://www.fema.gov/plan/ehp>



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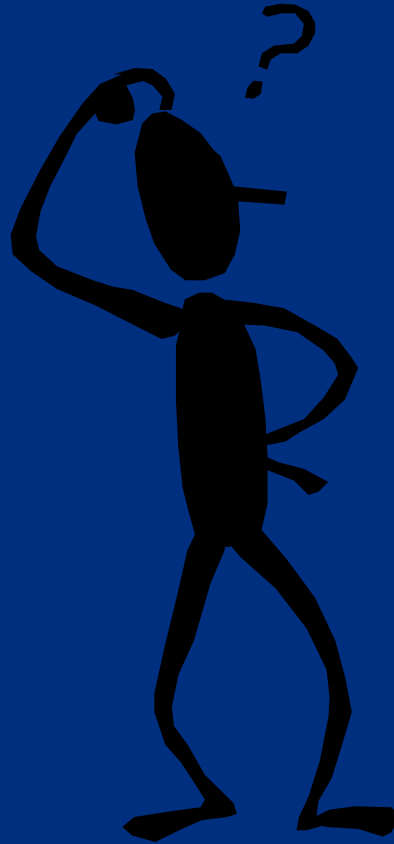
# Summary

- Introduced the NEPA process
- Discussed FEMA's EPH
- Reviewed the various levels of review
- Discussed project planning considerations
- Covered some NEPA tips for a timely review



# *NEPA & Historical Review*

- Questions



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