

# **Environmental Planning and Historic Preservation (EHP) Compliance**



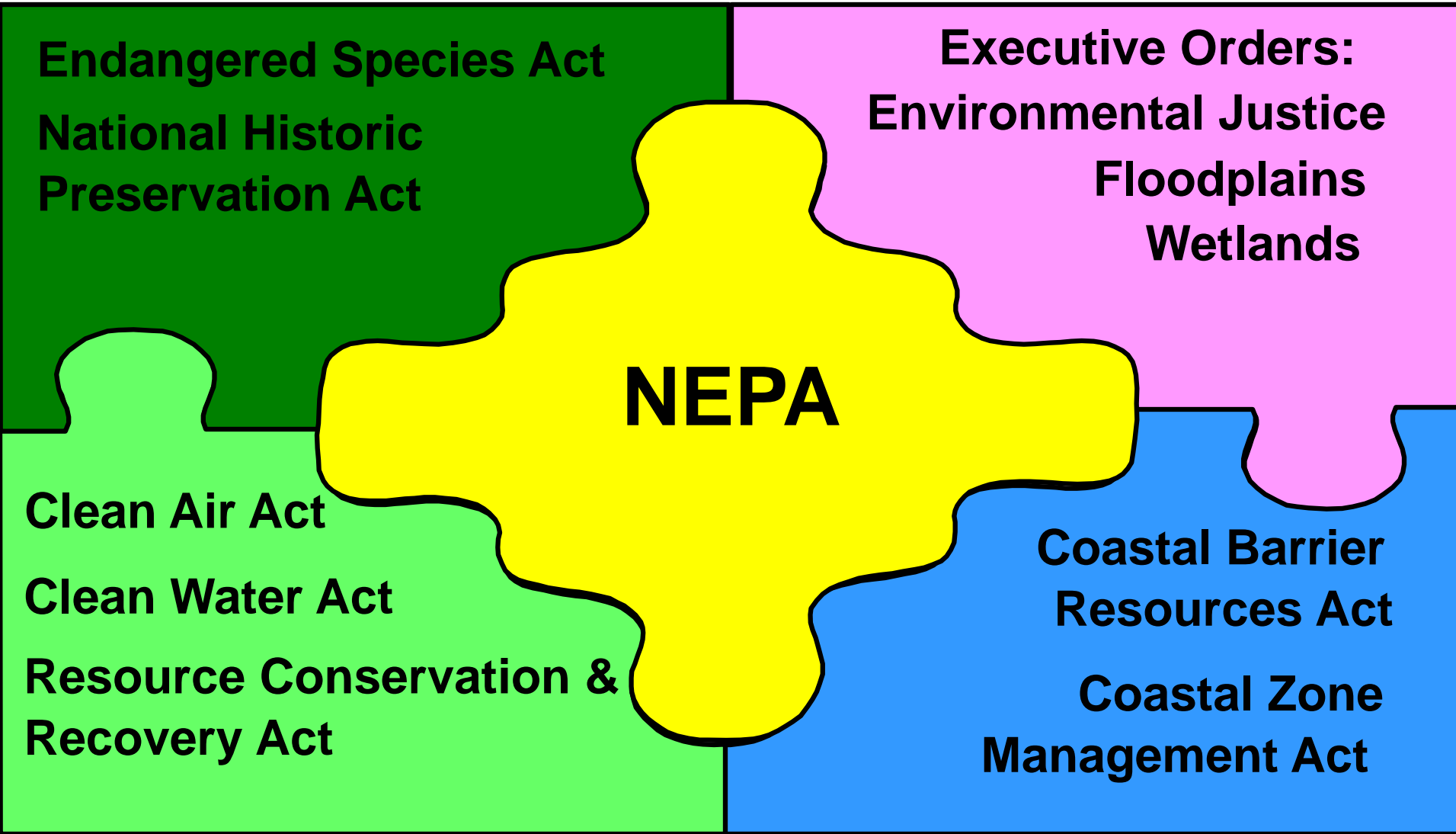
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# Why is EHP Review Required?

- The National Environmental Policy Act of 1969 (NEPA) requires all federal agencies to examine the proposed impacts of their actions prior to project implementation
  - This applies to grant-funded actions
  - NEPA does not mandate preservation, only informed decision-making
- NEPA serves as an “umbrella regulation” and provides a process through which other EHP laws and regulations can be considered
- NEPA compliance has always been included in the special conditions of FEMA’s grant awards and in the grant guidance kits
- State, local, or tribal processes cannot replace NEPA compliance; however, materials prepared for other entities can be submitted to the Grant Programs Directorate (GPD) along with the EHP Review Packet



# EHP Laws and Executive Orders



# Environmental and Historic Preservation Considerations

- Floodplains
- Wetlands
- Cultural Resources
  - Historic properties
  - Archaeological sites
- Endangered Species
- Air and Water Quality
- Noise
- Fish and Wildlife (including habitat)
- Environmental Justice
- Socioeconomic Resources
- Land Use
- Hazardous Materials
- Traffic
- Geology (Topography, Soils)
- Coastal Zones
- Agricultural Lands



# EHP Compliance Reviews

- GPD is responsible for certifying that all projects funded with federal grant dollars comply with the applicable EHP laws, regulations, and Executive Orders
- An analysis of pertinent project information is used to determine the appropriate amount of documentation required for EHP compliance
- Complex projects will typically require more information to reach a determination
- Grantees must receive EHP approval before initiating GPD-funded projects



# Importance of EHP Compliance

## Compliance

- Protection of natural and cultural resources
- Improved project planning
- Cost efficient
- Programmatic and financial compliance
- Efficient project implementation
- Improved community relations

## Non-Compliance

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



# EHP Review Packet

- Grantees must submit a complete EHP Review Packet to GPD
  - Grant funds may be used for preparation of EHP documentation
- The review packet must include a completed EHP Screening Form and details on the following:
  - A detailed project description, including what work is being proposed, where it will be accomplished, and how the work will be done
  - Project location (physical project address or latitude-longitude)
  - Labeled, color, aerial, and ground-level site photographs that indicate where equipment will be installed and ground disturbance will occur
  - Design plans or construction drawings for new construction/renovation
  - Age of any buildings on/in/adjacent to which equipment will be installed.
  - Dimensions (length, width, and depth) of ground disturbance
  - Previously completed environmental studies or previously completed agency coordination or consultation documents



# GPD EHP Review Process

- Once the grantee submits a complete EHP Review Packet, GPD conducts a preliminary screening of the project and its potential impacts
- GPD categorizes projects as Type A, B, or C depending on the nature and location of the project
- Projects qualifying as a Categorical Exclusion (CATEX) may be approved by GPD staff, however other more complicated projects involving Extraordinary Circumstances may require consultation with other federal, state, or tribal agencies





# Categorical Exclusion

- A Categorical Exclusion (CATEX) is defined as a category of actions that do not individually or cumulatively have a significant effect on the human environment
- 44 CFR §10.8 provides a comprehensive list of FEMA's CATEXs:
  - Classroom-based training
  - Portable equipment
  - Administrative actions
  - Preparation and distribution of documents
  - Certain kinds of activities at existing facilities
- Even if an action is categorically excluded from further NEPA review, all other EHP laws, Executive Orders, and permitting requirements still apply



# Extraordinary Circumstances

- If the nature or location of a proposed action renders it substantially different from a typical action of its category, it cannot be approved as a Categorical Exclusion and requires further review/consultation
- Some examples of Extraordinary Circumstances include:
  - Greater scope
  - Public controversy
  - Unproven technology
  - Presence of threatened or endangered species
  - Hazardous/toxic substances
  - Increasing the height of an existing communications tower
  - Installation of utility systems
  - Health and safety
  - Legal violation
  - Cumulative impact
  - Historic properties/landmarks
  - Degradation of environmental conditions
  - Existence of wetlands/floodplains



# Type A Projects

- Projects with no potential for adverse EHP impact
- Type A Categorical Exclusions (CATEXs) under 44 CFR §10:
  - Management and Administration (CATEX i)
  - Planning (CATEX iii)
  - Classroom-based Training (CATEX v)
  - Tabletop Exercises and Functional Exercises (CATEX v)
  - Training and Operational Exercises in Existing Facilities (CATEX v)
  - Purchase of Mobile and Portable Equipment (CATEX vi)
  - Software Upgrades (CATEX vi)
  - Plug-in Equipment (CATEX vi)
  - Replacement Components within Existing Consoles, Sirens, or Radios (CATEX vi)



# Type B Projects

- Projects that will not result in adverse impacts on resources and that do not require additional consultation
- Type B Categorical Exclusions (CATEXs) under 44 CFR §10:
  - Physical security enhancements, including cameras, lighting, TWIC, and access control (CATEX xv)
  - Communications equipment and systems, including antennas, base radios, repeaters, and sirens (CATEX ix)
  - Renovations/upgrades/modifications to structures include bollards, fencing, security doors (CATEX xvi, xvii)



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# Type C Projects

- Projects that could result in adverse impacts on resources and that require additional consultation
- Examples include:
  - Type B Projects being implemented under Extraordinary Circumstances (e.g., installation on a building on the National Register of Historic Places, extensive ground disturbance)
  - New Construction or renovation
  - Communications towers
  - Docks or other port structures
- May require:
  - Environmental Assessment
  - Public Notice
  - Archaeological Survey
  - Memoranda of Agreement



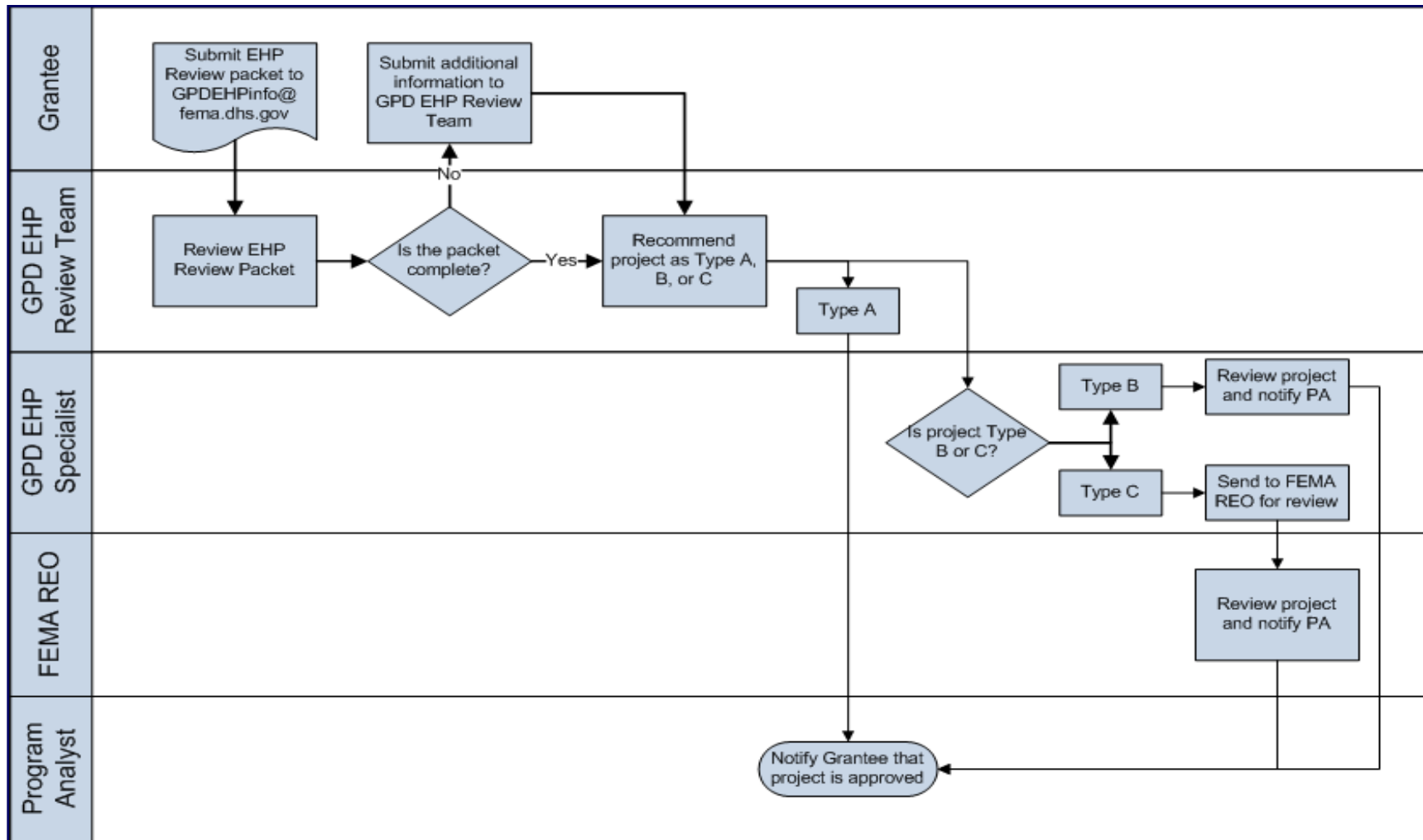
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# Roles and Responsibilities

Role	Primary Responsibilities
<b>Grantee</b>	<ul style="list-style-type: none"> <li>▪ Comply with EHP laws and regulations</li> <li>▪ Submit EHP Review Packets to GPDEHPinfo@dhs.gov</li> <li>▪ Receive EHP approval before beginning project work</li> </ul>
<b>GPD Program Analyst (PA)</b>	<ul style="list-style-type: none"> <li>▪ Approve Type A projects</li> <li>▪ Facilitate communications among the grantee, the GPD-EHP Staff, and the FEMA Regional Environmental Officer (REO)</li> </ul>
<b>GPD EHP Staff</b>	<ul style="list-style-type: none"> <li>▪ Approve Type B projects</li> <li>▪ Work with grantees to collect sufficient data for a defensible EHP compliance determination</li> <li>▪ Coordinate with REOs on Type C projects</li> </ul>
<b>FEMA Regional Environmental Officer (REO)</b>	<ul style="list-style-type: none"> <li>▪ Coordinate and consult with partner agencies and offices for Type C projects</li> <li>▪ Issue a Record of Environmental Consideration (REC) and Finding of No Significant Impact (FONSI) if no adverse effects are found</li> <li>▪ Work with the grantee to identify next steps if adverse effects exist</li> </ul>



# EHP Review Process for Compliant Projects



# Questions?



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