










4

Prepare + Prevent + Respond + Recover + Mitigate

Laws, regulations + Executive Orders (EO)

- 44 CFR 206.226(d)
- *National Environmental Policy Act* (NEPA)
- *National Historic Preservation Act* (NHPA)
- *EO 11988 - Floodplain Management*
- *EO 11990 – Protection of Wetlands*
- *Clean Water Act* (CWA)
- *Fish and Wildlife Coordination Act* (FWCA)
- *Endangered Species Act* (ESA)
- *Resource Conservation and Recovery Act* (RCRA)




5

Prepare + Prevent + Respond + Recover + Mitigate

Laws, regulations + EOs (Continued . . .)

- *Clean Air Act* (CAA)
- *Farmland Protection Policy Act* (FPPA)
- *EO 12898 – Environmental justice*
- *Coastal Zone Management Act* (CZMA)
- *Coastal Barriers Resources Act* (CBRA)
- *Louisiana State Building Code* (adopted International Building Code [IBC] 2006)
- Louisiana **unmarked burial act** + cemetery act



6

Prepare + Prevent + Respond + Recover + Mitigate

Best practices

- **Manage your expectations.**
- **Know the rules.**
- **Do your part.**

- **INSIST THAT OTHERS DO THE SAME.**
Start getting ready now.

getting it right! 7
Prepare + Prevent + Respond + Recover + Mitigate

What is EHP review?

- **Review required by law. Not optional.**
- An **internal review** of ALL PROJECTS seeking FEMA funding . . .
 - Evaluates **compliance** with current regulatory standards.

Procurement:
AVOIDING DHS-OTG Audit Findings!

getting it right! 8
Prepare + Prevent + Respond + Recover + Mitigate

Two-step FEMA process

<p>Recovery program 44 CFR 206.226(f) Assess damages Propose repairs RESTORES Pre-disaster design</p>	<p>Other regulations 44 CFR 206.226(d) EHP review Regulatory compliance CHANGES Pre-disaster design</p>
--	--

getting it right! 9
Prepare + Prevent + Respond + Recover + Mitigate

Review triggers

PROPOSALS that:

- **Disturb** the earth.
- **Change** the footprint.
- **Change** the function.
- Are **located** next to waterways/wetlands/floodplains.
- Are **old properties** built over fifty (50) years ago.

getting it right! 10
Prepare + Prevent + Respond + Recover + Mitigate

Policy goals + compliance strategies

PRESERVE – PROTECT – PROMOTE

Avoid, minimize, or compensate damages.

* * *

APPROVALS + PERMITS FIRST

Do not act first and then seek forgiveness.

getting it right! 11
Prepare + Prevent + Respond + Recover + Mitigate

Nine (9) questions

PROJECT WORKSHEET - PW #52 VERSION 0 - 10/15/06 - ENVIRONMENTAL REVIEW

Project Details | Damage Facility | Cost Estimate | **Special Considerations** | Insurance | Env. Review | Mitigation | Assignments | Ben. Comments | Reviews | Questions | Comments Log

1. Does the damaged facility or item of work have insurance coverage and/or is it insurable? Yes No Unsure

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? Yes No Unsure

3. Is the damaged facility or item of work located within or adjacent to a Coastal Barrier Resource System (land or an "Other Protected Area")? Yes No Unsure

1. Does the damaged facility or item of work have risk (e.g., buildings, equipment, vehicle)

7. Are there any pristine or undisturbed areas on, or near, the project site? Are there large tracts of forestland? Yes No Unsure

8. Are there any hazardous materials at or adjacent to the damaged facility and/or item of work? Yes No Unsure

9. Are there any other environmental or controversial issues associated with the damaged facility and/or item of work? Yes No Unsure

getting it right! 12
Prepare + Prevent + Respond + Recover + Mitigate

9 Special considerations: PWs

DEPARTMENT OF HOMELAND SECURITY
FEDERAL EMERGENCY MANAGEMENT AGENCY
SPECIAL CONSIDERATION QUESTIONS

1. Does the damaged facility or item of work have risk (e.g., buildings, equipment, vehicle)?

Yes No Unsure


Comments




getting it right!  13
 Prepare + Prevent + Respond + Recover + Mitigate

Best practices


- **SURVEY** your properties for **special considerations**.
- **ANSWER** the questions **fully + accurately**.
- **PROVIDE** supporting **documentation**.
- **SECURE** documents **against disaster loss**.
- **PROCURE** services of an **environmental consultant** in your pre-disaster **service contracts**.




getting it right!  14
 Prepare + Prevent + Respond + Recover + Mitigate

EHP consultation

- During PW review, if FEMA **anticipates damages** to the **protected property** it must seek ways to **avoid, minimize** or **offset** those **adverse effects**.
- This is going to **change** your **scope of work** (SOW).



getting it right!  15
 Prepare + Prevent + Respond + Recover + Mitigate

Unavoidable adverse effects

- FEMA + all parties **meet** to discuss work **plan** + seek ways to **avoid adverse effects**.
- If unsuccessful, may:
 - **Trigger NHPA Section 106 consultations**.
 - **Complicate NEPA permitting requirements**.
- Requirements **must be satisfied before** project begins.



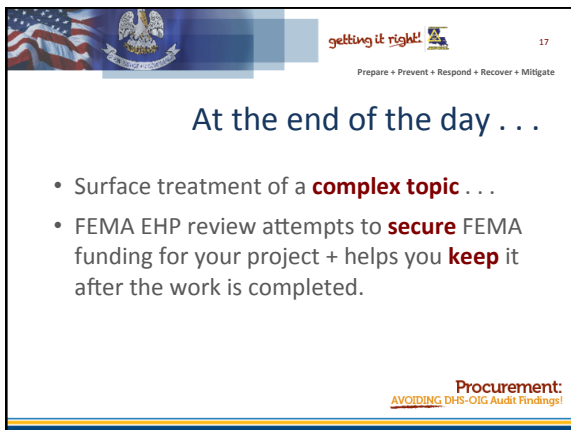
getting it right! 16
 Prepare + Prevent + Respond + Recover + Mitigate

Unavoidable adverse effects

(Historic properties only)

- **Memorandum of Agreement** (MOA) contractually sets out conditions allowing FEMA to participate while producing **unavoidable** adverse effects.
- **Additional compensatory costs** may fall back on the Applicant.

Procurement:
 AVOIDING DHS-OTG Audit Findings!



getting it right! 17
 Prepare + Prevent + Respond + Recover + Mitigate

At the end of the day . . .

- Surface treatment of a **complex topic** . . .
- FEMA EHP review attempts to **secure** FEMA funding for your project + helps you **keep** it after the work is completed.

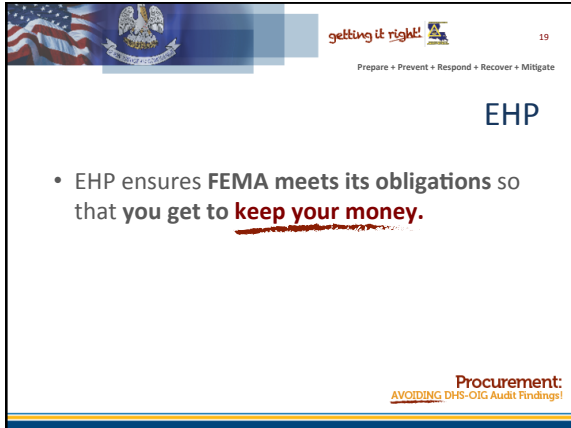
Procurement:
 AVOIDING DHS-OTG Audit Findings!




getting it right! 18
 Prepare + Prevent + Respond + Recover + Mitigate

Key takeaways

- **FEMA + GOHSEP + YOUR interests:**
 - Regulatory non-compliance threatens **everyone**.
- **Manage** your own interests!
 - **Plan** your own project.
 - **Submit** review plans with sufficient detail.
 - Satisfy **review** requirements.
 - **Secure** approvals before proceeding (if changing approved plans, repeat review submittal).



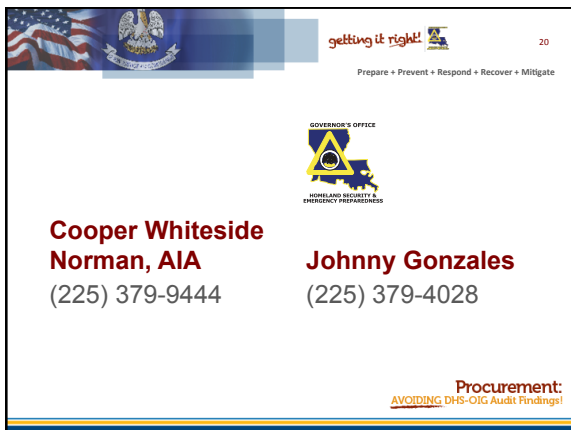
getting it right!  19


Prepare + Prevent + Respond + Recover + Mitigate

EHP


- EHP ensures **FEMA** meets its obligations so that you get to **keep your money.**

Procurement:
AVOIDING DHS-OIG Audit Findings!



getting it right!  20

Prepare + Prevent + Respond + Recover + Mitigate

GOVERNOR'S OFFICE

HOMELAND SECURITY & EMERGENCY PREPAREDNESS

Cooper Whiteside
Norman, AIA
(225) 379-9444

Johnny Gonzales
(225) 379-4028

Procurement:
AVOIDING DHS-OIG Audit Findings!



getting it right!  21

Prepare + Prevent + Respond + Recover + Mitigate

Questions?

Procurement:
AVOIDING DHS-OIG Audit Findings!



getting it right! 22

Prepare + Prevent + Respond + Recover + Mitigate

For more information + to
download materials from
today's seminar:

gohsep.la.gov/outreach.aspx

Procurement:
AVOIDING DHS-OTG Audit Findings!
