Prepare + Prevent + Respond + Recover + Mi2gate

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)

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 unmarked burial act + cemetery act

Best practices

- Manage your expectations.
- Know the rules.
- Do your part.
- INSIST THAT OTHERS DO THE SAME. Start getting ready now.
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.

Two-step FEMA process

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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.
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.

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).

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.
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.

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.

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).
EHP

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

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Questions?
For more information + to download materials from today’s seminar:

gohsep.la.gov/outreach.aspx