



PURPOSE OF THIS PUBLICATION

To provide awareness and guidance for the **preservation** and **protection** of the natural and cultural aspects of **environmental** and **historic resources** when seeking Federal assistance.

INTENDED AUDIENCE

This publication is intended for local and State officials, Federally recognized Tribal governments and other **disaster-recovery** stakeholders **applying for** and/or **receiving recovery funding** through Federal Emergency Management Agency (FEMA).

Environmental + Historic Preservation (EHP) review

All Federally funded projects <u>must</u> comply with the *National Environmental Policy Act* (NEPA) of 1970, as amended. [42 USC 4321 & 4331-4335] Under NEPA, the Federal agency responsible for funding a project **must consider** the project's *impacts* on the **natural**, **cultural** and **socioeconomic** conditions. In the environmental and historic preservation (EHP) world, you may hear that called **impact**.

Failure to comply with NEPA can result in project **delays** and **denial** of funding. The Federal Emergency Management Agency (FEMA), through the Environmental and Historic Preservation (EHP) Program, engages in a **review process** (EHP review) to ensure FEMA-funded activities comply with NEPA.

To understand the **FEMA EHP review** and formulate a **project schedule** that adheres to **Federal grant-funding requirements**, you need to know about EHP concerns that could have an impact on your project.

WHAT DETERMINES THE DEPTH OF EHP REVIEW?

All projects funded through FEMA receive an **EHP rev** identifies if and what **conditions** are needed to ensure compliance. The depth of EHP review is dependent on a number of factors.

- Special Consideration Questions form as a tool to trigger reviews for possible negative impacts to protected resources from your proposed project.
- Other FEMA-funded grant programs utilize the project Scope of Work (SOW) to determine the level of EHP review needed.

Regardless of the FEMA grant program to which you are applying, the SOW and the **project's location** determine the depth of EHP review.

The FEMA EHP Team considers a range of Federal laws, regulations and *Executive Orders* (EOs) to ensure **compliance** *prior* to funding.

AVOID DELAYS WITH EHP REVIEW

Those applying for (Applicants) or those receiving (Subrecipients) FEMA assistance can greatly aid FEMA in *streamlining* the EHP review by:

- Writing detailed project descriptions.
- Anticipating requirements under applicable laws (see insert).
- Designing projects to address requirements or avoid problem areas by involving FEMA EHP during the early planning stages of your project.

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U.S. DEPARTMENT OF HOMELAND SECURITY (DHS) FEMA SPECIAL CONSIDERATIONS QUESTIONS, FF 90-120

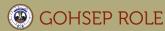
Remember ... any changes to approved SOW results in an additional EHP review!

FEMA ROLE

FEMA EHP reviews the **proposed SOW** for **compliance** with Federal environmental and historic preservation laws and EOs. The FEMA EHP program integrates the protection and enhancement of environmental, historic and cultural resources into FEMA's mission, programs and activities, to include disaster response, recovery and emergency preparedness.

FEMA consults with **regulatory agencies** and **other interested parties** to determine the impacts and requirements for project compliance. FEMA is required to notify **the public, Tribal government** representatives, **historic societies** and **other stakeholders.** [44 CFR Parts 9 610]

FEMA EHP provides environmental and historic preservation **technical assistance** to local, State, and Federal partners, grantees, and Subrecipients for compliance with Federal environmental and historic preservation laws and EOs. [44 CFR 200 207(c)]

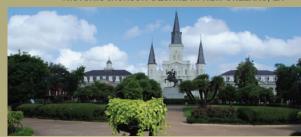


We can help.

The Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) has a vested interest in the success of your projects and in helping you keep eligible funding obligated for your project.

 GOHSEP EHP staff monitors projects to ensure appropriate implementation. Technical support is available for compliance with FEMA regulations and grant supported activities.
 [2 CFR 200.328(a)]

HISTORIC JACKSON SQUARE IN NEW ORLEANS, LA



EXCLUSIONS TO ENVIRONMENTAL ASSESSMENTS (EAS)

REVIEW EXCLUSIONS					
STATEX	CATEX				
Emergency/critical + essential needs.	Project will not have significant effect on the environment. FEMA creates a list of project tasks with no adverse effects on EHP concerns. [44 CFR 10.8(d)]				
Must comply with applicable local + State + Federal regulations.	Stipulations may be attached to the grant to ensure that the project is performed as proposed in compliance with CATEX regulations + all local + State + Federal regulations.				
Examples:	Examples:				
Emergency debris removal.	Window/roof replacement on a non- historic facility.				
Establishing a temporary medical triage/clinic.	Procurement of goods/services for emergency operational activities.				

Action taken or assistance provided in support of local and State **emergency assistance** efforts to save lives, protect property and public health and safety, and lessen or avert the threat of a catastrophe [44 CFR 10.8(c)] can be **statutorily excluded** (STATEX) from an *Environmental Assessment* (EA).

Other projects may be *categorically excluded* (CATEX) because they are so common and have **little** or **no effect** on environmental and historic preservation concerns. [44 CFR 10.8(d)]

FEMA EHP reviews the *Special Considerations Questionnaire* to determine the **level of impact** a proposed project might have on the landscape.

If a project is granted a STATEX or CATEX, the project is allowed to **move forward** through the grant approval process.

PERMITS

Prior to starting work, you must **obtain** and **retain** the appropriate **permits** and **approval letters** from the **respective agencies** for compliance with NEPA requirements. [2 CFR 200.333]

GOHSEP **encourages** Subrecipient (Applicant) to upload all **important grant documentation** to the **documents** tab on the appropriate Louisiana grants management website – **LouisianaPA.com** or **LouisianaHM.com**.

These permits must be retained for **future project compliance verification** and grant closeout.

Outcomes of EHP review

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

FEMA EHP reviews the proposed project to determine if the undertaking has the potential to pose *adverse impacts* to **protected resources**. If the project work does not pose any known adverse impacts, FEMA issues a record of environmental consideration (REC) and the project is allowed to *move* **forward** through the approval process.

PROJECT AGREEMENTS

Some projects may *require* certain measures to be taken to meet compliance. FEMA may request the Subrecipient (Applicant) and other stakeholders sign an agreement that specifies measures to take in order to **avoid**, *minimize*, or **mitigate** the adverse effects resulting from the undertaking. For example: FEMA will coordinate programmatic agreements, memorandums of understanding (MOUs), or memorandums of agreement (MOAs) to comply with Federal regulations.

ENVIRONMENTAL ASSESSMENT (EA)

Projects with **complex** concerns to consider require a more **in-depth** project evaluation. In these cases, an environmental assessment (EA) is used to analyze the SOW and consider alternatives.

Regulatory agencies and stakeholders are consulted about possible **impacts** to the protected resources being considered. If the resulting analysis produces no significant impact to the protected resources, then a **finding of no significant impact** (FONSI) is issued under the EA. FEMA **prepares and submits an EA if required** [44 CFR 10.5(a)] and allows the project to **continue** through the approval process.

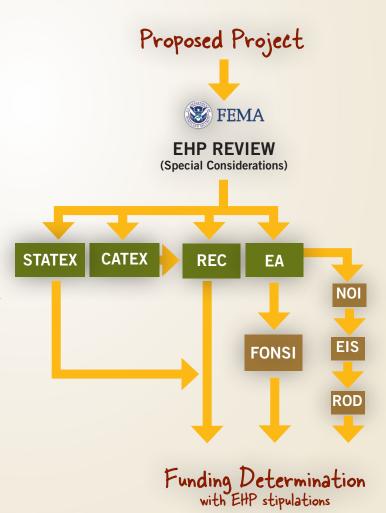
If an EA has a finding of **significant impact**, an environmental impact statement (EIS) will be required. A notice of intent (NOI) to implement an EIS will be issued by the agency through **public notice** and to the Subrecipient (Applicant) stating reasons why an EIS is required.

ENVIRONMENTAL IMPACT STATEMENT (EIS)

An Environmental Impact Statement (EIS) is **required** when the project work has an *irreversible* and **negative effect** on **protected resources**, as well as the **community**.

A detailed study of the project's impact to the environment, historic resources, economy and landscape is conducted with **proposed alternatives** identified. This study is open to the public for review and comments.

The final EIS will result in a record of decision (ROD) after all sensitive issues are evaluated, studied and public meetings are conducted.



Four (4) Steps to compliance

(Failure to comply can jeopardize funding.)

1 Plan your project with sufficient detail!

Depending on the project, most reviews that require design need sufficient **plans** that include:

- To-scale drawings
- Elevation views
- **Site location** along with a narrative of the proposed SOW

Obtain permits and FEMA approval before proceeding with non-emergency work!

Regardless of the project (STATEX or CATEX included), *all* regulatory permits and **consultation letters** must be obtained **prior** to physical work.

Comply with permit requirements!

You must **comply** with *all* stipulations identified in the permits, consultation letters and grant requirements.

Retain documentation!

All permits and consultation letters must be **retained** for *future* **project compliance verification** and grant closeout.

You may elect to proceed without FEMA approval. However, failure to meet EHP regulations puts Federal funding at extreme risk.

What else do I need to know?

It is YOUR responsibility to have a working knowledge of AND comply with local + State + Federal laws, regulations and policy.

ACRONYMS

APE Area of Potential Effect
CATEX Category Exclusion

CFR Code of Federal Regulations
DHS U.S. Department of Homeland

Security

EA Environmental Assessment
EIS Environmental Impact Statement
EHP Environmental and Historic

Preservation

FEMA Federal Emergency Management

Agency

FONSI Finding of No Significance **GOHSEP** Governor's Office of Homeland

Security and Emergency

Preparedness

MOA Memorandum of Agreement
MOU Memorandum of Understanding
NEPA National Environmental Policy Act

NOI Notice of Intent

REC Record of Environmental

Consideration

ROD Record of Decision
SOW Scope of Work
STATEX Statutory Exclusion

REFERENCES

2 CFR

http://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl

42 USC

http://uscode.house.gov/browse/prelim@title42/chapter55&edition=prelim

44 CFR

ecfr.gov/cgi-bin/text-idx?SID=55b626c34d 6c81858c72b0fddaaeff48&mc=true&tpl=/ ecfrbrowse/Title44/44chapterI.tpl

Clean Air Act (CAA)
epa.gov/air/caa/

Clean Water Act (CWA)
epa.gov/oecaagct/lcwa.html

Coastal Barriers Resources Act (CBRA) fws.gov/cbra/

Coastal Zone Management Act (CZMA) epa.gov/oecaagct/lzma.html

Endangered Species Act (ESA)

fws.gov/ENDANGERED/laws-policies/index.html

EO 11988 Floodplain Management fema.gov/environmental-planning-andhistoric-preservation-program/executiveorder-11988-floodplain-management

EO 11990 - Protection of Wetlands

fema.gov/environmental-planning-andhistoric-preservation-program/executiveorder-11990-protection-wetlands

EO 12898 - Environmental Justice fema.gov/environmental-planning-and-historic-preservation-program/executive-order-12898-environmental-justice

Farmland Protection Policy Act (FPPA)
ecfr.gov/cgi-bin/text-idx?SID=56ce33b5e9
9e8b6a50471df99176f272&node=7:6.1.3.6.
28&rgn=div5

Fish and Wildlife Conservation Act (FWCA) fws.gov/laws/lawsdigest/fwcon.html

Louisiana Historic Cemetery Preservation

crt.state.la.us/cultural-development/ archaeology/state-legislation/chapter-21-B/index

Louisiana Unmarked Human Burial Sites Preservation Act

crt.state.la.us/cultural-development/ archaeology/state-legislation/chapter-10-A/index

National Environmental Policy Act (NEPA) epa.gov/compliance/basics/nepa.html

National Historic Preservation Act (NHPA) achp.gov/docs/nhpa%202008-final.pdf

Resource Conservation and Recovery Act (RCRA)

epa.gov/oecaagct/lrca.html



For more information on EHP, contact GOHSEP at 225.925.7500.

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Who to call?



Please use the following contacts for further information on your specific project concerns.

Historic preservation regulatory agencies

PROJECT CONCERNS	WHO TO CALL	
Ground-disturbing activities. Impact to archaeological resources, to include shipwrecks within State waterways. Impact/repairs to properties – 45 years or older or that have cultural significance to history and eligible for listing on the National Register of Historic Place (NRHP). Impact to historic districts. Human remains 50 years or older. Unmarked + marked cemeteries.	Louisiana Office of Cultural Development – Louisiana State Historic Preservation Office (SHPO) Division of Historic Preservation – Structures and Historic Districts Division of Archaeology – Ground Disturbance Activities and Discovery Human Remains crt.state.la.us/cultural-development/historic-preservation/ (225) 342-8160	Œ
Discovery of human remains.	Local Coroner + Police louisianasca.org/parish-offices/	
Activities within or along the boundary of a designated national park.	National Parks Service (NPS) nps.gov/contacts.htm Southeastern Archaeology Center (SEAC) nps.gov/seac/index.htm	©
Conflicts associated with:	Louisiana Governor's Office of Indian Affairs gov.state.la.us/index.cfm?md=pagebuilder&tmp=home&cpid=186 (225) 219-8715	
Conflicts associated with:	Advisory Council of Historic Places (ACHP) achp.gov	ACHIP
 Impact to navigable water-ways and tributaries to include lakes/ponds + stock tanks + mining pits. Wetlands/floodplains. 	U.S. Army Corps of Engineers (USACE) usace.army.mil/Contact.aspx	H-H
Bridges over navigable water-ways.	U.S. Coast Guard (USCG) uscg.mil (225) 298-5400	٥
 Impact within wetlands/floodplains. Flood elevation requirements. 	Local Floodplain Manager Ifma.org/contactus.htm	
Impact to natural + scenic rivers. Hazardous material spills.	Louisiana Department of Transportation and Development (DOTD) http://wwwsp.dotd.la.gov/Inside_LaDOTD/Pages/Contact_Us.aspx (877) 452-3683	POTP COLUMN SEYMMENTS
Environmental justice – impact to minority + low income populations.	U.S. Department of Justice (202) 514-2000 http://www.justice.gov	©
Conflicts associated with:	Environmental Protection Agency (EPA), Council of Environmental Quality epa.gov/compliance/contact/nepa.html	
Unmarked cemeteries. Human remains.	Louisiana Attorney General (225) 326-6079 https://www.ag.state.la.us	

Environmental regulatory agencies

PROJECT CONCERNS	WHO TO CALL	
Wetlands/floodplains. Endangered species – threats to the wildlife + fishery. Impact to coastal barrier resources. Impacts to coastal zone resources.	Louisiana Department of Wildlife and Fisheries (LDWF) wlf.louisiana.gov/ (225) 765-2800 Environmental Protection Agency (EPA), Council of Environmental Quality epa.gov/compliance/contact/nepa.html Louisiana Department of Natural Resources (LDNR) wlf.louisiana.gov/ (225) 765-2800 U.S. Fish and Wildlife Services (USFWS) fws.gov/offices/Directory/ListOffices.cfm?statecode=22	
• Hazardous spills.	Louisiana State Police (LSP) Isp.org/contact.html Louisiana Department of Transportation and Development (DOTD) http://wwwsp.dotd.la.gov/Inside_LaDOTD/Pages/Contact_Us.aspx (877) 452-3683 Louisiana Department of Environmental Quality (LDEQ) deq.louisiana.gov/portal/ABOUT/ContactInformation.aspx (866)-896-LDEQ Environmental Protection Agency (EPA), Council of Environmental Quality epa.gov/compliance/contact/nepa.html	POID WARRANT VINEAR
 Endangered marine species. Disposal of dredged soil. 	National Marine Fisheries Service (NMFS) nmfs.noaa.gov/aboutus/contactus.html U.S. Army Corps of Engineers (USACE) usace.army.mil/Contact.aspx U.S. Fish and Wildlife Services (USFWS) fws.gov/offices/Directory/ListOffices.cfm?statecode=22	NOAA FISHERIES SERVICE
 Protection of farmlands. Impact to coastal zone resources. Coastal use permits. 	U.S. Department of Agriculture (USDA) usda.gov/wps/portal/usda/usdahome?navtype=MA&navid=AGENCI OFFICES National Resources Conservation Service nrcs.usda.govt	ES_ USDA
Impact to drinking water.	Louisiana Department of Health and Hospitals (DHH) http://new.dhh.louisiana.gov (225) 342-9500 Louisiana Department of Environmental Quality (LDEQ) deq.louisiana.gov/portal/ABOUT/ContactInformation.aspx (866)896-LDEQ	DEPARTMENT OF HEALTH AND HOSPITALS DEQ
 Cremation + burial of animal carcasses. Animal carcasses. Termite infested demolition properties. 	U.S. Department of Agriculture (USDA) usda.gov/wps/portal/usda/usdahome?navtype=MA&navid=AGENCI OFFICES Louisiana Department of Environmental Quality (LDEQ) deq.louisiana.gov/portal/ABOUT/ContactInformation.aspx (866) 896-LDEQ Louisiana Department of Agriculture and Forestry (LDAF) (225) 922-1234	ES_ USDA DEQ
 Debris + solid waste disposal. Hazardous materials + hazardous waste. Contaminants + discharges + spills. Cremation of animal carcasses. 	Louisiana Department of Environmental Quality (LDEQ) deq.louisiana.gov/portal/ABOUT/ContactInformation.aspx (866) 896-LDEQ Environmental Protection Agency (EPA), Council of Environmental Quality epa.gov/compliance/contact/nepa.html	DEQ