



Grants Management Technical Assistance (GMTA) Program

Environmental Planning and Historic Preservation (EHP) Program



FEMA

September 25, 2012

Welcome

Sherry Wilder, Grants Management Specialist, FEMA GMTA
Program Manager

Farrah Gosford, IEM Senior Planner and GMTA Task Lead
(Facilitator)

Lisa Nine Accordini, Senior Staff Associate, National Criminal
Justice Association

Pat Scida, Environmental Protection Specialist, FEMA
(Presenter)



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Goal of GMTA Webinar Series

The goal of the Grants Management Technical Assistance Webinar Series is to proactively reduce grants management issues and assist grantees by providing resources, subject matter expertise, and guidance that can be used to successfully manage grants.



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General Housekeeping/Questions

- All questions must be received no later than close of business on Friday, September 28, 2012
- All questions will be addressed and posted in a Q&A no later than Friday, October 5, 2012
- If you have more than one person participating in the webinar with you, please send a list of the participants to GMTA.Request@iem.com

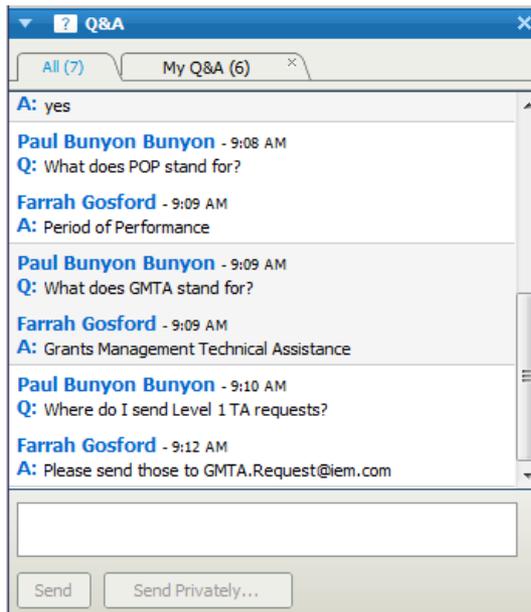


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Submitting Questions

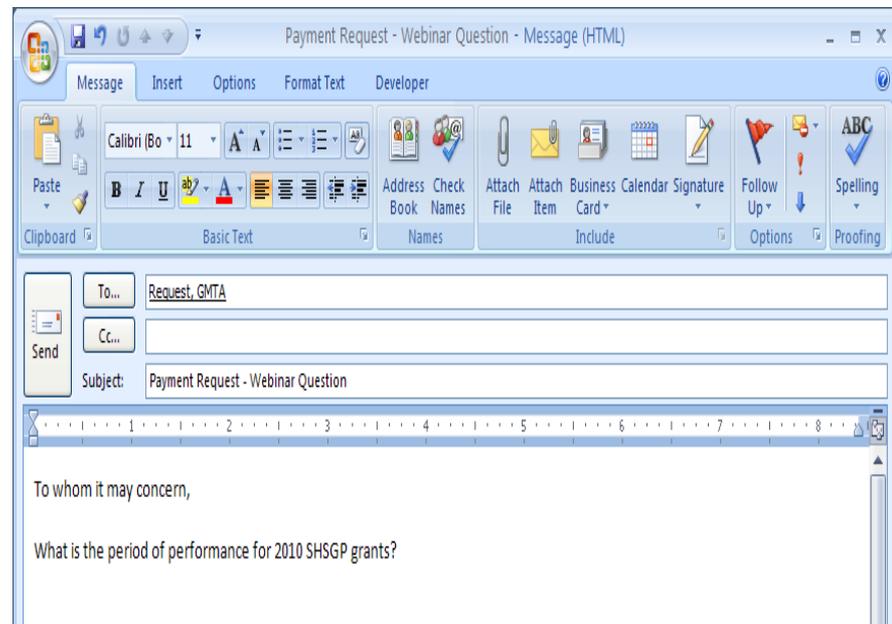
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Submit questions via the Q&A function on the left-hand side of your screen



2

Submit questions via email by contacting GMTA.Request@iem.com



Questions and answers from this webinar will be posted in a Q&A. Location will be sent out by ASKCSid when available.



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Environmental and Historic Preservation



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Agenda

- Introduction to EHP Compliance
- GPD EHP Review Process
- How to make the EHP Review go smoothly
- Questions



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Why is EHP Review Required?

- The National Environmental Policy Act of 1969 (NEPA) requires that the Federal government examine the proposed impacts of its actions before project implementation
 - This applies to grant-funded actions
 - NEPA does not mandate preservation, only informed decision-making
- State, local, or Tribal processes cannot replace NEPA compliance. However, materials prepared for other entities can be submitted with the EHP Review Packet for the Grant Programs Directorate (GPD)
- NEPA compliance has always been included in the special conditions of the grant award and the grant guidance



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Environmental Laws and Executive Orders

National Environmental Policy Act (1969), NEPA

Biological Laws:

- Endangered Species Act (1973), ESA
- Fish and Wildlife Coordination Act (1934), FWCA
- Migratory Bird Treaty Act (1918), MBTA
- Bald and Golden Eagle Protection Act (1940), BGEPA
- Magnuson-Stevens Fishery Conservation Act (2006), FCA
- EO 13112 Invasive Species (1999)

Socioeconomic Laws:

- Farmland Protection Policy Act (2007), FPPA
- EO 12898 Environmental Justice (1994)

Historic Properties:

- National Historic Preservation Act (1966), NHPA

Water Resources Laws:

- EO 11988 Floodplain Management (1977)
- EO 11990 Protection of Wetlands (1977)
- Clean Water Act (1972), CWA
- Wild and Scenic Rivers Act (1968), WSRA

Pollution Control and Debris Management:

- Clean Air Act (1970), CAA
- Resource Conservation and Recovery Act (1976), RCRA
- Comprehensive Environmental Response, Compensation and Liability Act (1990), CERCA



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What Is an EHP Review?

- Analysis of pertinent project information to determine EHP compliance
- All projects funded with Federal grant dollars must comply with EHP laws, regulations, and Executive Orders and be certified by GPD
- Projects must receive EHP approval from GPD before initiation
- Grantees must provide all relevant EHP materials to GPD via the GPD EHP Inbox at GPDEHPinfo@fema.dhs.gov
- Grant funds may be used for preparation of EHP documentation



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What Are EHP Considerations?

- Floodplains
- Wetlands
- Cultural Resources
 - Historic properties
 - Archaeological sites
- Endangered Species
- Air and Water Quality
- Noise
- Fish and Wildlife (including habitat)
- Coastal Zones
- Agricultural Lands

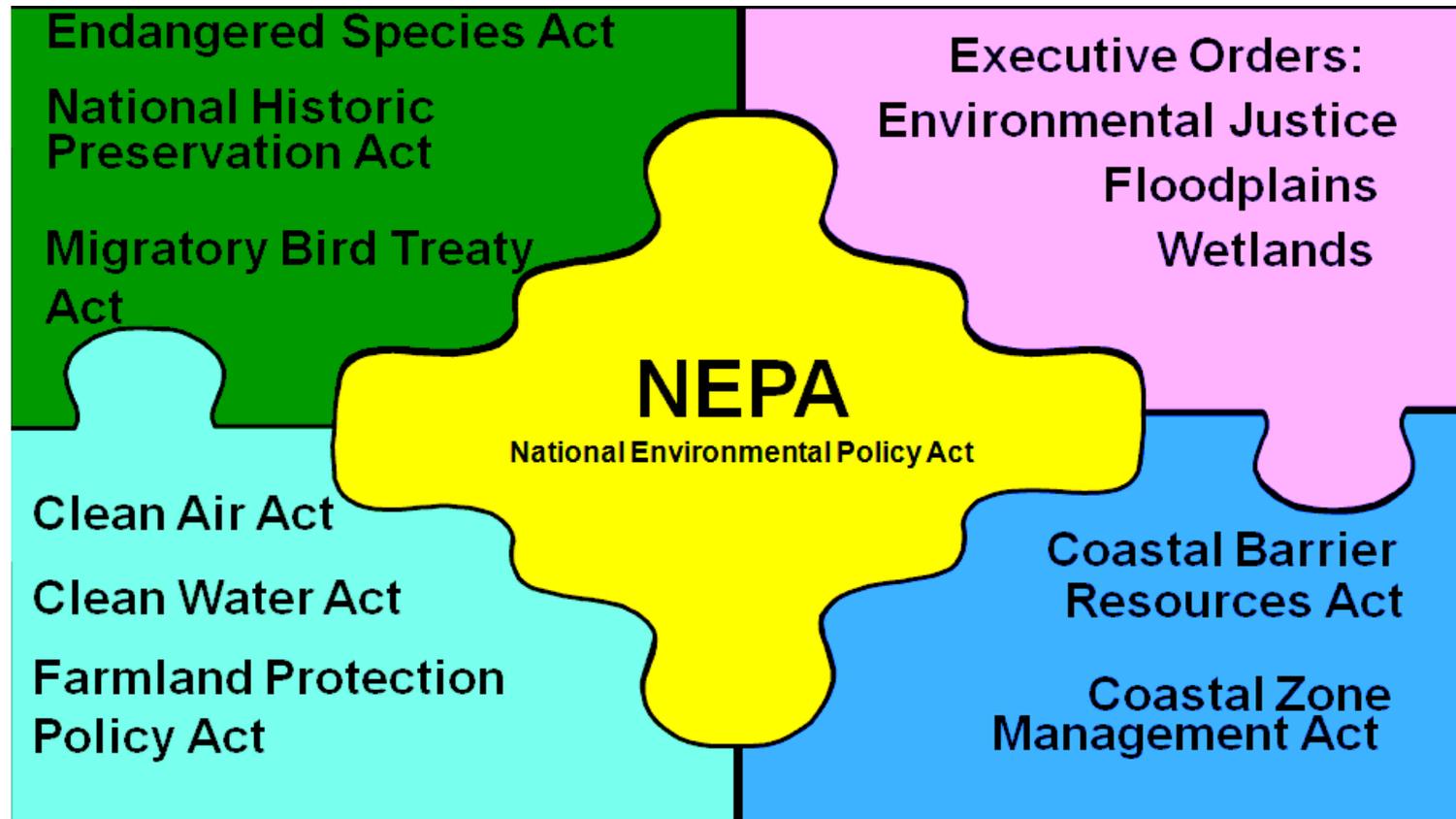


- Environmental Justice
- Socioeconomic Resources
- Land Use
- Hazardous Materials
- Traffic
- Geology (Topography, Soils)



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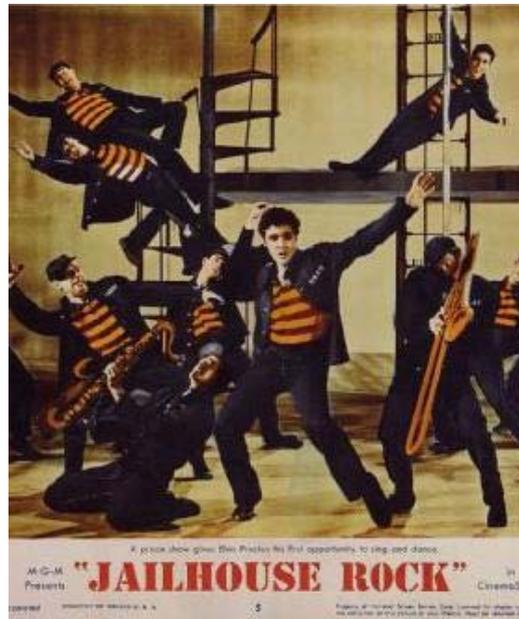
EHP Laws and Executive Orders: The Basis for FEMA's EHP Review



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It's Required – But What's in it for Me?

- Improve projects where possible
- Identify issues early and avoid impacts
- It's the law
- Retain funding



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EHP Review MUST Be Completed Prior to Project Initiation

- Why?
 - The intent of EHP decision making – before critical resources are impacted
- The Bottom Line?
 - EHP noncompliance will jeopardize receipt of FEMA grant funds



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Type A, B, and C Projects

- Type A Projects
 - No potential for adverse EHP impact
 - Classroom-based Training
 - Purchase of Mobile and Portable Equipment
 - Approved by Program Analyst
- Type B Projects
 - Projects that will not result in adverse impacts on resources and that do not require additional consultation
- Installation of antennas, base radios, repeaters, and sirens, cameras, lighting, access control with little/no ground disturbance on buildings < 50 years old.
- Approved by FEMA GPD
- Type C Projects
 - Projects with Extraordinary Circumstances: NRHP-listed building, historic district, ground disturbance in a floodplain or wetland.
 - Communication towers
 - New construction
 - Approved by FEMA Regional Environmental Officer



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EHP Review Packet

- EHP Screening Form
 - Basic project and grantee information
 - Detailed project description
 - Project location (physical address or latitude-longitude)
 - Extent (length, width, depth) of ground disturbance:
 - New construction and structure modification
 - Utility line placement
 - Fencing, light posts, installations, etc.
 - Age of structure on or adjacent to where equipment will be installed
 - Labeled, color photographs (ground-level and aerial)
- For Type C Projects, additional documentation may be required



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How to Make EHP Reviews Go Smoothly

- Complete the GPD EHP Screening form and include:
 - Project Location:
 - Physical address of structure/facility or lat/long (GPS coordinates) if no address is available
 - Project location map (aerial)
 - Point of Contact
 - Date the structure involved was constructed; age of building
 - Detailed scope of work: What you are doing, where you are doing it, and how you are doing it
 - Clearly labeled color photographs (ground-level) showing the exact location of activities
 - Example: Location cameras will be installed on a building



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How to Make EHP Reviews Go Smoothly (cont.)

- Include in the GPD EHP Screening form:
 - Ground Disturbances:
 - Dimensions/acreage/square footage of structure and/or land affected
 - Project site map with areas and activities labeled
 - Any equipment or material staging areas
 - Design drawings, if possible, showing where equipment will be installed or for construction activities



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Section D: Project Details

3. Site photographs, maps, and drawings
- a. Attach site photographs. Site photographs are required for all projects. Use the following as a checklist for photographs of your project. Attach photographs to this document or as accompanying documents in your submission.
- Labeled, color, ground-level photographs of the project site **Required**
 - Labeled, color photograph of each location where equipment would be attached to a building or structure **Required**
 - Labeled, color aerial photograph of the project site **Required**
 - Labeled, color aerial photographs that show the extent of ground disturbance (if applicable) **Attached**
 - Labeled, color ground-level color photographs of the structure from each exterior side of the building/structure (applicable only if building/structure is more than 45 years old) **Attached**
- b. Are there technical drawings or site plans available? Yes No



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Photos: The Good, The Bad, and The Ugly

711 South Camino Del Pueblo, Bernalillo nm - Google Maps

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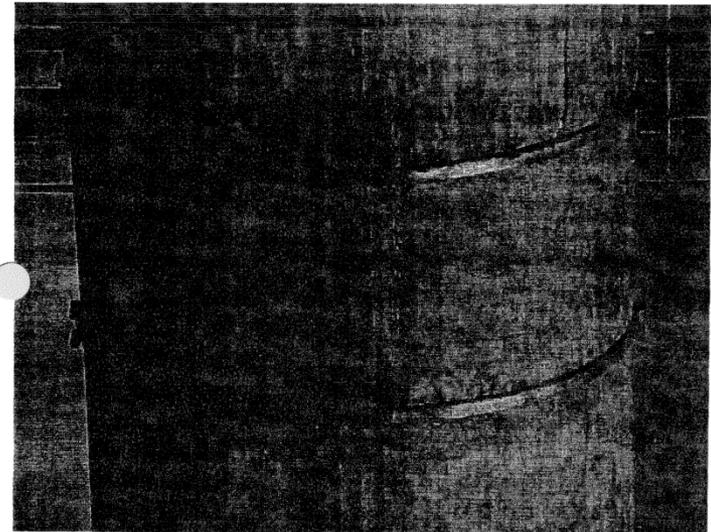
Google maps

To see all the details that are visible on the screen, use the "Print" link next to the map.



<http://maps.google.com/>

2/15/2011



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Fitch County Courthouse, 33 2nd Street, Fitch, Kansas

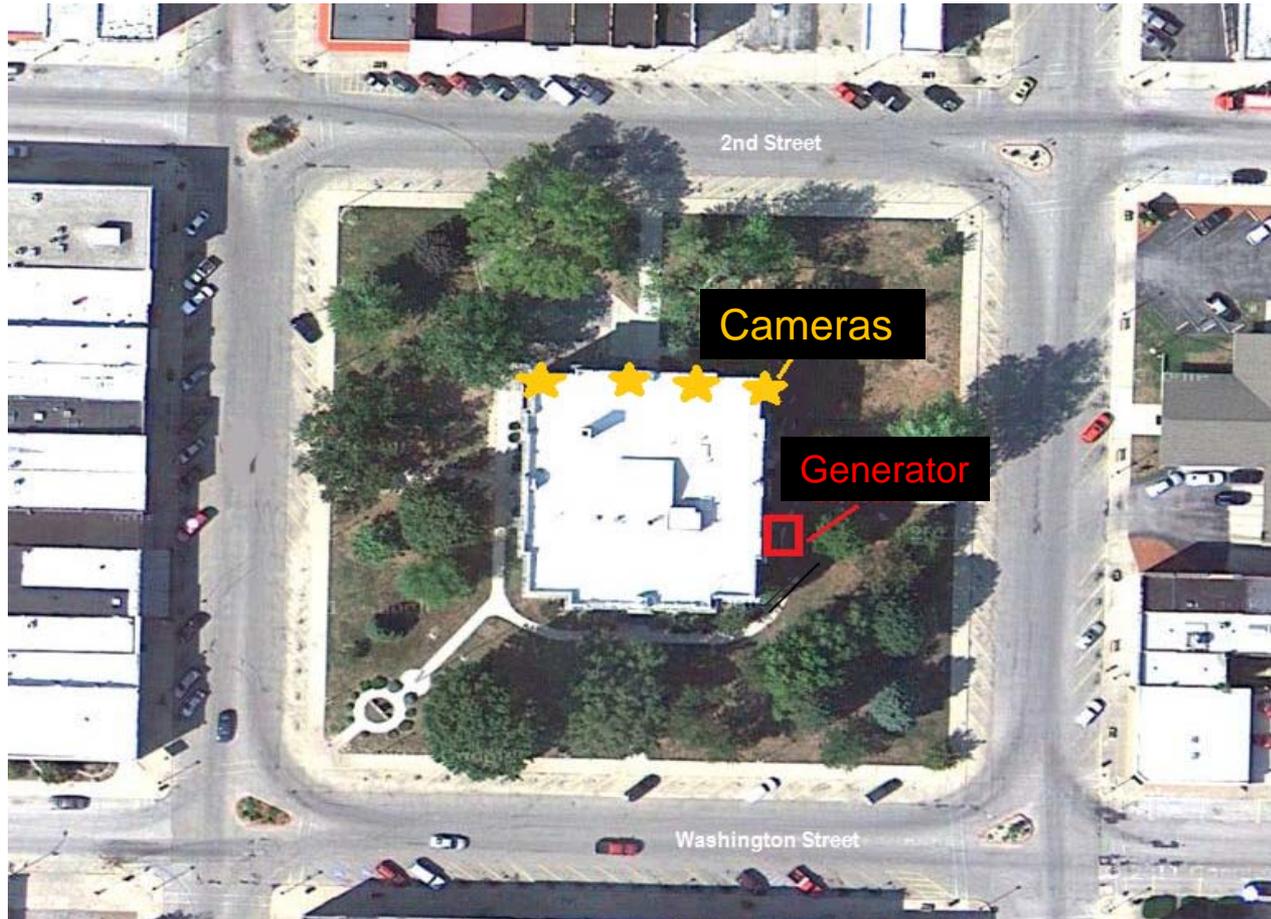


Buildings More than 45 Years Old



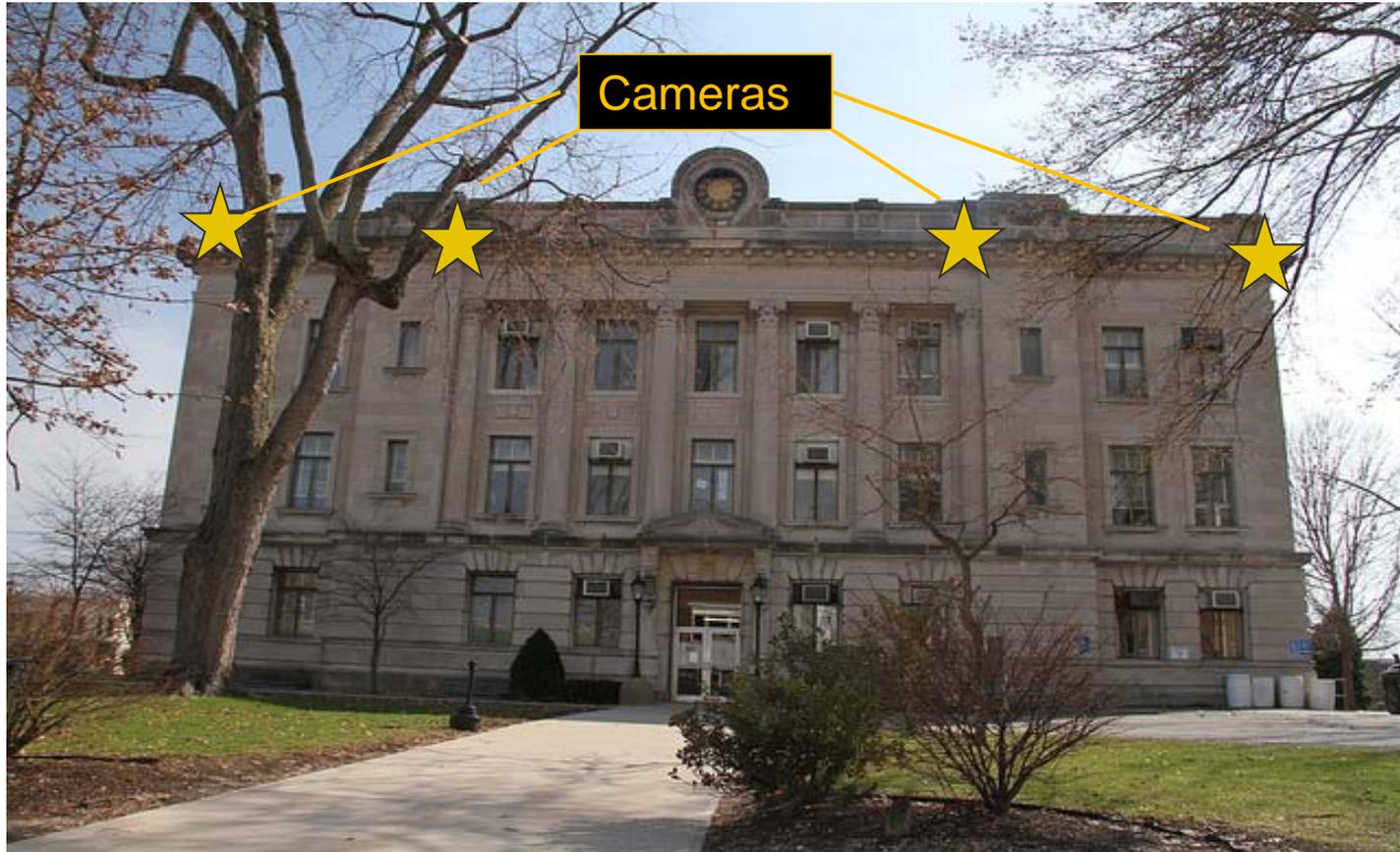
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Fitch County Courthouse, 33 2nd Street, Fitch, Kansas



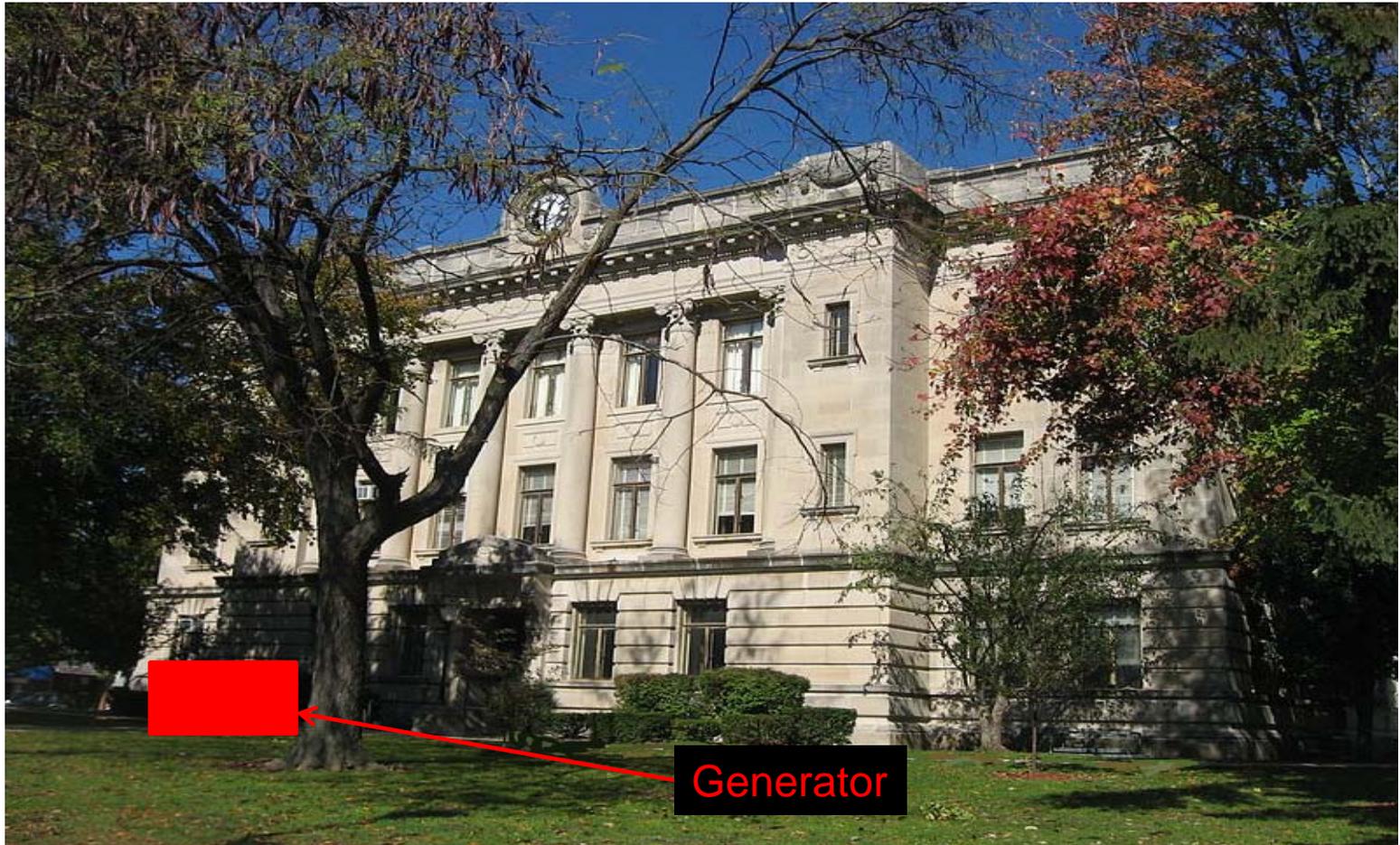
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Fitch County Courthouse, 33 2nd Street, Fitch, Kansas: North Facade



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Fitch County Courthouse, 33 2nd Street, Fitch, Kansas: East Facade



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Fitch County Courthouse, 33 2nd Street, Fitch, Kansas: South Facade



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Fitch County Courthouse, 33 2nd Street, Fitch, Kansas: West Facade



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Fitch County Courthouse, Street View from East Facade



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Fitch County Courthouse, Street View from North Facade



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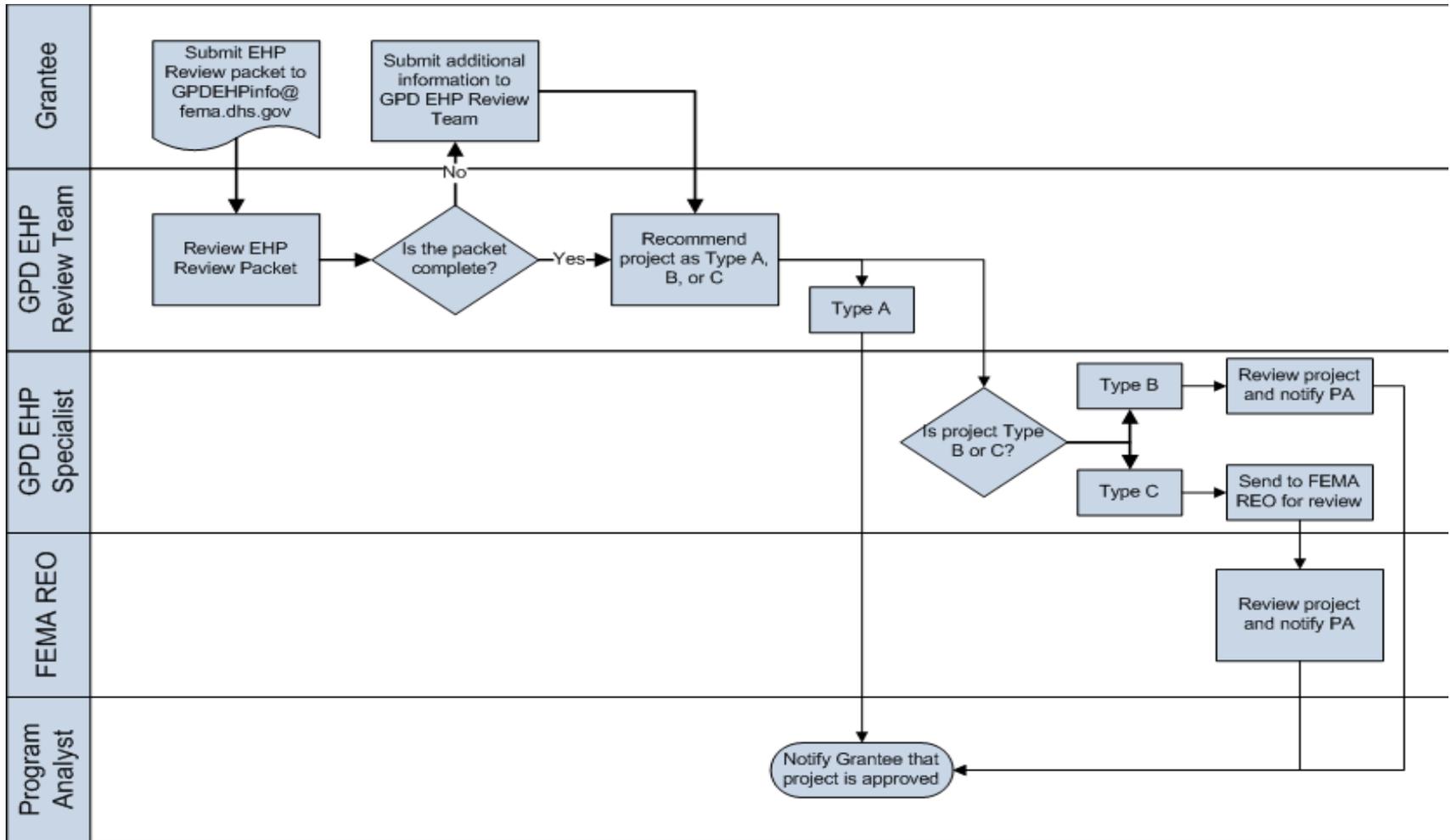
Common Reasons for EHP Delays

- Poor or absent ground-level photographs
- Inadequate project description
- Poor or absent aerial photographs
- Extent of ground disturbance
- No project location (physical addresses or latitude-longitude)



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EHP Review Process



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What to Expect with a GPD EHP Review

- Complete and submit EHP Screening Form and information to GPD/EHP
- Grantee will receive confirmation and project ID number within 5 to 10 business days
- GPD EHP reviews EHP packet. Notifies grantee if additional information is needed within 10 to 15 business days of initial receipt
- GPD/EHP completes compliance review and makes a determination within 15 to 25 days of initial receipt, the outcome will be (CATEX or sent to the Regional Environmental Office for further review)
- Grantee and PA notified of GPD-EHP review results



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Common EHP Compliance Issues

- Subgrantees should already be complying with:
 - Clean Air Act
 - Clean Water Act -401 and 404 Permits
 - Resource Conservation and Recovery Act
 - State and Local laws
- FEMA EHP will assist in compliance with:
 - Endangered Species Act
 - Executive Order 11988- Floodplains
 - National Environmental Policy Act
 - National Historic Preservation Act



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Endangered Species Act of 1973 (as applicable)

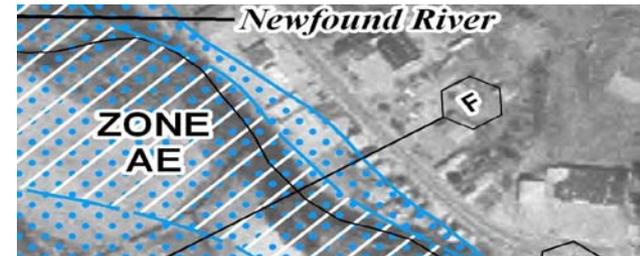
- INTENT: Federally funded projects shall seek to *avoid adversely affecting* threatened and endangered species and their critical habitat
- Project review may require:
 - USFWS and/or NMFS consultation
 - Modification of project
 - Biological Assessment (technical contracts, time delays, \$\$\$)
 - Additional project conditions
- Estimated timeframes:
 - 2 to 9 months



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Executive Order 11988 of 1977- Floodplains (as applicable)

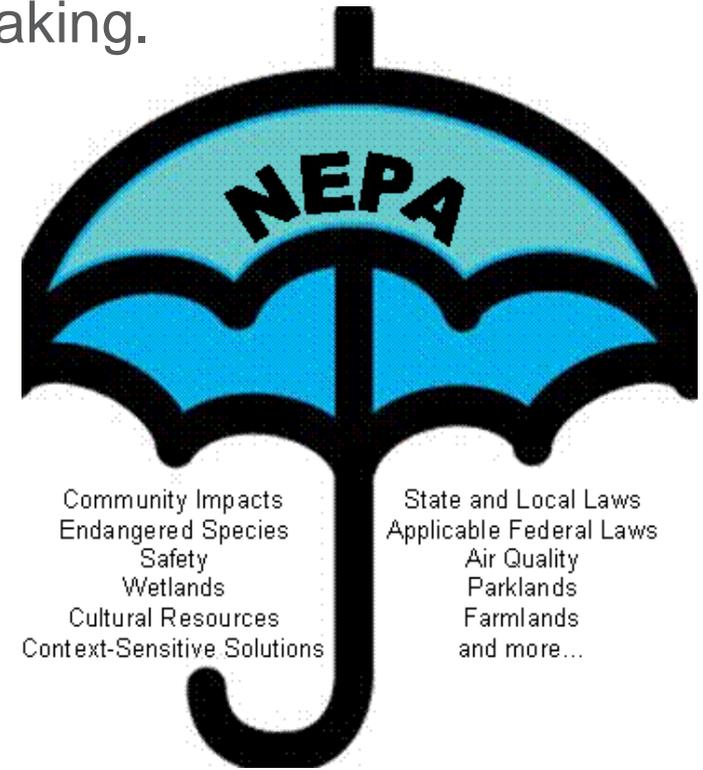
- INTENT: Federally funded projects shall avoid adverse impacts associated with the occupancy and modification of floodplains wherever there is a practicable alternative.
- Project review may require:
 - Increased subgrantee involvement
 - Identification and evaluation of practicable alternatives
 - 8-step process documentation
 - Public involvement and comment periods
 - Additional project conditions
- Estimated timeframes:
 - 1 to 6 months



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National Environmental Policy Act of 1969 (always applicable)

- INTENT: Federally funded projects shall give equal consideration to environmental, financial, and technical factors during planning and decision-making.
- Project review may require:
 - CATEX or EA + FONSI
 - Resource agency consultation
 - Technical studies (technical contracts, time delays, and \$\$\$)
 - Public involvement and comment periods
 - Additional project conditions
- Estimated timeframes:
 - 1 to 12 months



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National Environmental Policy Act (cont.)

- Typical triggers for complex NEPA review:
 - Protected resources (e.g., endangered species)
 - Changes to drainage systems, wetlands, or floodplains
 - Hazardous or toxic substances
 - Significant cumulative impacts
 - Public controversy
- Examples:
 - Construction over five acres
 - New communication towers



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National Historic Preservation Act of 1966 (always applicable)

- INTENT: Federally funded projects shall consider project impacts to resources eligible for listing or listed on the National Register of Historic Places (includes archaeological sites)
- Project review may require:
 - SHPO consultation, if not exempt
 - Need to modify projects
 - Legal agreements
 - Public involvement
 - Treatment to offset loss (technical contracts, time delay, \$\$\$)
 - Additional project conditions
- Estimated timeframes:
 - 1 to 12 months



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National Historic Preservation Act (cont.)

- How can subgrantees help themselves? Preemptive front-loading!
 - Conduct initial background check for projects with buildings 50+ yrs old and new construction projects with ground disturbance
 - Historic building? Sensitive for archaeology?
 - » Check SHPO websites, historic property inventories, or call them
 - » Check National Register of Historic Places website
<http://www.nps.gov/nr/research>
 - Send written hard-copy requests to SHPO for project review; include scope of work, maps, photos and equipment specs
 - Include SHPO correspondence with EHP Screening Forms and email to GPDEHPinfo@dhs.gov
- Will this help expedite EHP review? YES!!!



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National Historic Preservation Act—Special Topic: Communications Projects

- Subgrantees should start the FCC process before submitting projects to FEMA
- Subgrantees will need to coordinate with the FCC when:
 - FCC licensed operating spectrum is involved
 - FCC Antenna Registration System is required
 - FCC permission is needed (for any reason)
 - Replacement or installation of towers over 200 feet tall



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National Historic Preservation Act— Special Topic: Communications Projects (cont.)

- If Subgrantees are unsure about the need to involve the FCC, they should visit <http://wireless.fcc.gov/siting>
- If clarification is still needed after that, they should contact:
 - Stephen DeSordo, AICP
Federal Preservation Officer
Federal Communications Commission
Phone: 202-418-1986
Email: Stephen.Delsordo@fcc.gov



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National Historic Preservation Act— Special Topic: Communications Projects Takeaway Message

- Projects triggering FCC involvement should not be submitted to FEMA for EHP review until the subgrantee has initiated the FCC Section 106 review process
- Further details can be found in:
 - FEMA GPD Info Bulletin #351 (Jan. 2011)
 - http://esupport.fcc.gov/wtb-training/FEMA_GPD_IB_351.pdf



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Takeaway Messages

- EHP reviews are required under federal laws – this is not “optional”
- EHP reviews must be completed before work begins and funds are released
- EHP reviews are process driven; rarely any mandated outcomes
- Complete scopes of work and clear documentation = EHP review foundation
- Legwork upfront can shorten project review timeframes



NEPA – Signed by President Nixon, 1969



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Takeaway Messages

- Public involvement is key in many EHP laws.
- Review time factors:
 - Quality of documentation
 - Scope and complexity
 - Resources impacted and degree
 - Technical studies
 - Legal agreements
 - Public controversy
- Work changes require resubmission for EHP considerations.
- EHP review is not meant to deny/stop projects.



Doniphan County Courthouse
Square Historic District



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Technical Assistance



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Technical Assistance

- Level 1
 - Information Sharing
 - Collecting/Sharing Promising Practices
 - Networking with Subject Matter Experts
- Level 2
 - Creation of New Resources (i.e. PPT)
- Level 3
 - Direct TA Deliveries and Direct TA Workshops
 - Fundamentals of Grants Mgt. Workshops Series 2012



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Technical Assistance Resources

- GPD Technical Assistance Webpage
<http://www.fema.gov/grants-management-toolkit>
- Technical Assistance Catalog
http://www.fema.gov/pdf/about/divisions/npd/npd_technical_assistance_catalog.pdf



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Requesting Technical Assistance

- To request Level 1 & 2 Technical Assistance, send email to GMTA.Request@iem.com or call 703.414.8195
- To request Level 3, on-site, Technical Assistance, complete TA request form
http://www.fema.gov/pdf/about/divisions/npd/npd_technical_assistance_requestform.pdf
- Send Level 3, on-site TA request form to FEMA-TARequest@fema.gov



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Technical Assistance

- Charles White, Acting Branch Chief
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- Sherry Wilder, Grants Management Specialist
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Q&A

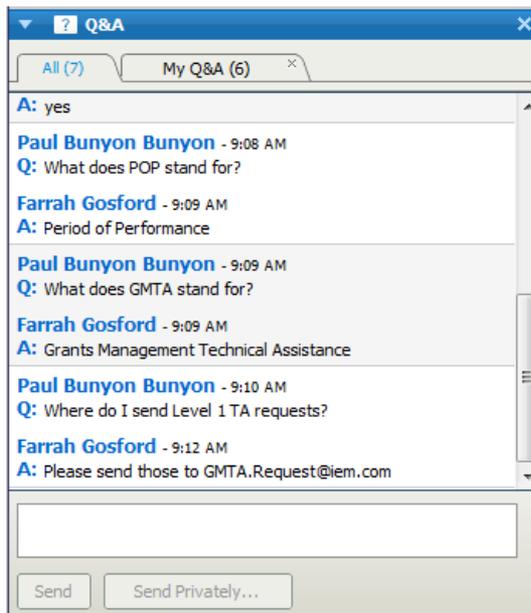


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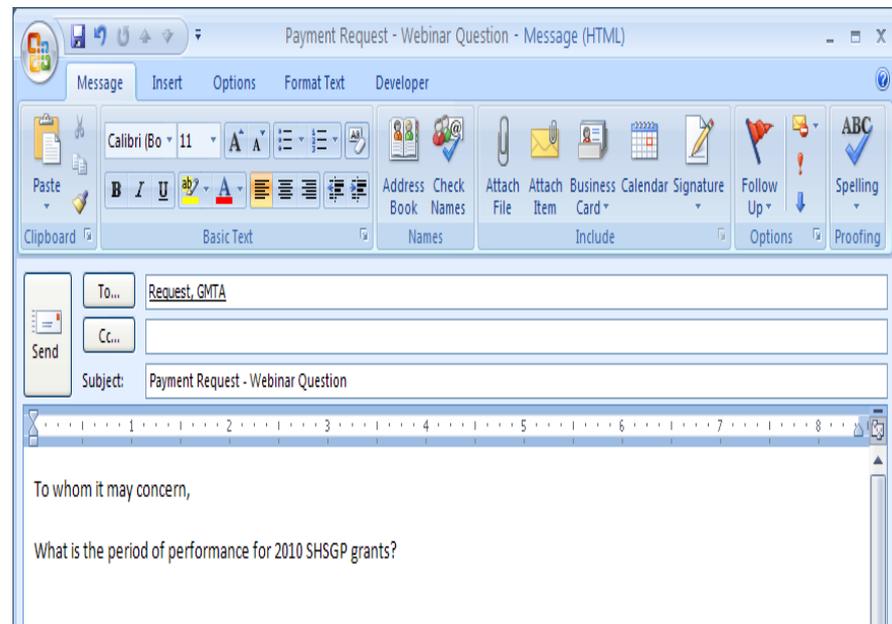
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Shortnose Sturgeon



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