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# FEMA Policy: Grant Programs Directorate Environmental Planning and Historic Preservation

## FEMA Policy #108-023-1, Revision 2

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### **BACKGROUND**

All Federal Emergency Management Agency (FEMA) Programs and Offices are responsible for the Environmental Planning and Historic Preservation (EHP) legal compliance requirements. However, recipients and subrecipients of Grant Programs Directorate (GPD) administered grants also have significant roles in assisting FEMA with those responsibilities. This policy will assist GPD recipients and subrecipients in meeting their legal compliance with EHP requirements and applies to all grants administered and managed by FEMA GPD. This policy supersedes FEMA Policy #108-023-1, Grant Programs Directorate Environmental Planning and Historic Preservation Policy Guidance (Revision 1) dated, July 26, 2018, and FEMA GPD Information Bulletin No. 404, Responsibility for Costs Incurred Implementing Environmental Planning and Historic Preservation Activities, April 13, 2015.

### **PURPOSE**

This policy is intended to ensure that all FEMA GPD grant programs and activities, and FEMA GPD grant recipients and subrecipients comply with applicable federal EHP laws, Presidential Executive Orders and regulations.

### **PRINCIPLES**

- A. Provide clear guidance to FEMA GPD grant recipients on their requirements for completing the EHP compliance review process.
- B. Provide clear, simple statements of how FEMA GPD intends to implement its authorities, actions and/or programs.

### **REQUIREMENTS**

#### **A. EHP Review Process**

Outcome: FEMA GPD recipients and subrecipients have the information necessary to meet all EHP review process requirements for FEMA GPD-administered and managed projects.

1. Who is required to participate in the EHP review process: Recipients or subrecipients receiving funds administered or managed by GPD, with projects that involve changes to the natural or built environment, including but not limited to construction of communication towers; modification or renovation of existing buildings, structures, facilities and



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infrastructure; or that involve new construction, including replacement or relocation of facilities are required to participate in the EHP review process. For each project involving changes to the natural or built environment, recipients and subrecipients must initiate and complete the EHP review process before beginning any work on the project.

2. It is FEMA policy to coordinate with recipients and subrecipients as early as possible to comply with federal EHP laws and executive orders, including the review process required by the National Environmental Policy Act (NEPA).
3. As part of the review process FEMA considers environmental justice impacts as required by Executive Orders 12898<sup>1</sup>, 13985<sup>2</sup> and 14008<sup>3</sup>, which direct each federal agency to avoid disproportionately high and adverse human health or environmental effects on low-income and minority populations and other disadvantaged communities that have been historically marginalized.
4. The EHP review process begins post-award when the grant recipient and subrecipient submit an EHP Screening Form, including a detailed project description, the project's purpose and needs (goals and/or objectives), and supporting documentation to GPD for evaluation to determine whether the proposed project may impact environmental resources and/or historic properties.
5. Funds will not be released, and work under the award may not commence, until all EHP requirements are met.
6. Timelines for completing each project's EHP review will vary depending on the project's complexity, the project grant application and supporting documents' completeness and accuracy, and the project's potential to impact environmental resources including historic properties and endangered or threatened species. An EHP review may take 30 to 45 working days for proposed activities having little potential to impact environmental resources and/or historic properties. Whereas a project that has the potential for significant impacts may take up to one year or more to review. During the project planning phase, recipients and subrecipients should consider these timelines and allot sufficient time for their projects' EHP reviews. Inadequate project descriptions or documentation of the presence of environmental resources and historic properties in a project site and surrounding project area may significantly delay the review timeliness and delay project implementation. Recipients and subrecipients are responsible for providing all necessary documentation, as well as responding to requests for additional information. Recipient or subrecipient failure to meet all applicable federal, state, local, tribal and territorial EHP legal requirements, to comply with project conditions established during the EHP review, or to obtain applicable permits and approvals may result in project delays or loss of funds, or in worst case situations, may result in litigation or monetary penalties under certain environmental laws. To help ensure EHP compliance, recipients, including State Administrative Agencies, are responsible for ensuring their subrecipients have completed the EHP review process and are compliant with all EHP special and standard conditions

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<sup>1</sup> [EO 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations](#)

<sup>2</sup> [EO 13985, Advancing Racial Equity and Support for Underserved Communities through the Federal Government](#)

<sup>3</sup> [EO 14008, Tackling the Climate Crisis at Home and Abroad](#)



imposed on the project before moving forward with the grant funded activity.

7. Costs incurred to comply with FEMA's EHP requirements are the responsibility of recipients and subrecipients. This includes costs associated with the preparation, collection, or assembly of the necessary documentation, the submission of the EHP Screening Form, and/or the consultation fees for the development of an Environmental Assessment (EA) or an Environmental Impact Statement (EIS) and treatment measures that need to be completed for Section 106 of the National Historic Preservation Act (NHPA). Recipients and subrecipients may use grant funds or the recipient's and subrecipient's own funds for these costs, however, FEMA will not amend grant awards to provide additional funds to cover these costs.

## **B. EHP Screening Form**

Outcome: Recipients and subrecipients Understand the use of the [EHP Screening Form \(FEMA Form Number 207-FY-21-100\)](#) approved by Office of Management and Budget (OMB) as OMB Control Number 1660-0115.

1. Recipients and subrecipients are required to complete an [EHP Screening Form](#) for all GPD-administered or managed projects except those projects described in Section C, below. The [EHP Screening Form](#) must be submitted to GPD by the direct recipient of FEMA funds.
2. The [EHP Screening Form](#) and associated documentation are submitted to GPD in order to begin the project's EHP review.
3. The [EHP Screening Form](#) must include all requested information and documentation for the project type, which may include maps, photographs, brochures and other relevant project information. The [EHP Screening Form](#) includes instructions to help grant recipients provide the correct information for their project. Although the [EHP Screening Form](#) has been designed to address the information required for most projects, GPD may request additional information in order to complete the EHP review.
4. Completed [EHP Screening Forms](#) should be emailed to [GPD-EHP Inbox](#).
5. Questions about filling out an [EHP Screening Form](#), the status of the EHP review, or any other questions related to the EHP review process, may be addressed to the assigned GPD Program Analyst or the GPD EHP team by e-mail to [GPD-EHP Inbox](#).

## **C. Streamlined EHP Review of GPD Projects**

Objective: Provide a streamlined EHP review process for certain types of FEMA GPD-funded projects.

1. FEMA has determined that some GPD project types have no environmental impacts, therefore recipients and subrecipients are not required to submit an EHP Screening Form or EHP documentation. Specifically, these project types include:<sup>4</sup>

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<sup>4</sup> Analyses of the potential environmental effects of project types described in Sections C.1.a - e can be found in the *Final Programmatic Environmental Assessment: Grant Programs Directorate Programs* (July 2010). Each of the project types meet Categorical Exclusions found in Appendix A of the Department of Homeland Security, Instruction Manual 023-01-001-01, Revision 01, *Implementation of the National Environmental Policy Act* (Revised 2017).



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- a. *Planning*: Development of policies, plans, procedures, mutual aid agreements, strategies and other publications that comply with relevant laws, Presidential Executive Orders, regulations, and guidance and are needed to perform assigned missions and tasks.
- b. *Management and Administration*: Hiring personnel; overtime and backfill expenses. This includes regular-time operational costs for existing positions assigned to full-time counterterrorism duties; the development, revision, documentation and/or distribution of regulations, directives, manuals, information bulletins, and other guidance documents; technical assistance activities that involve no resources other than human resources and/or funding; and other personnel, administrative, fiscal and management activities that involve no resources other than manpower or funding.
- c. *Classroom-based Training*: Training conducted in a classroom setting to include the establishment, support, conduct and attendance of classroom-based training. This excludes training involving any hazardous activities, hazardous materials, toxic waste, or other controlled substances or materials. Training topics may include, among others, chemical, biological, radiological, nuclear and explosives (CBRNE) responsiveness, national security threats and catastrophic events, cyber/agriculture/food security, intelligence gathering and analysis, citizen and community preparedness, and volunteer training.
- d. *Exercises*: Exercises may be discussion-based or operations-based.
  - i. Discussion-based exercises include seminars, workshops, and tabletop exercises. These types of exercises are only hypothetical actions on the part of the participants and are strictly notional.
  - ii. Operations-based exercises include drills, functional exercises, and full-scale exercises.
    - (1) A drill is a coordinated, supervised activity usually employed to test a single, specific operation or function within a single agency.
    - (2) Functional exercises are a type of exercise that examines and/or validates the coordination, command, and control among various multi-agency coordination centers, such as emergency operation centers and joint field offices. A functional exercise does not involve any "boots on the ground", or first responders or emergency officials responding to an incident scenario in real time. All actions are simulated and may include CBRNE, cyber, agricultural, and natural or technological disaster scenarios.
    - (3) Full Scale exercises is a multi-agency, multi-jurisdictional operations-based exercise involving actual deployment of resources in a coordinated response as if a real incident had occurred.
  - iii. Drills and full-scale exercises: An [EHP Screening Form](#) will not need to be provided for exercises planned to take place at facilities such as fire and police academies, search and rescue training facilities, and explosive testing centers provided the type of activity planned is one that the facility was designed to



conduct.

*NOTE:* Recipients contemplating exercises or trainings (i.e., activities not exempted by the Programmatic Environmental Assessment (PEA)<sup>5</sup> at any other facility will need to submit the [EHP Screening Form](#). Any type of exercise that requires any type of land, water or vegetation disturbance or building of temporary structures must undergo an EHP review.

- e. *Purchase of Mobile and Portable Equipment (no installation):* These are equipment devices that do not require any fixed installation and may be transported, such as hand-held radios, personal protective equipment, mobile/satellite phones, dive equipment, boats, response and mobile command vehicles, and other similar devices that do not require installation.
2. EHP Review for Previously Approved Facilities - FEMA has determined that GPD EHP often performs environmental reviews of multiple projects proposed for the same facility, such as upgrades and renovations or exercises, and trainings held in successive years. GPD EHP does not keep a list of facilities that have been previously approved for training activities or construction. To reduce repetitive reviews, GPD EHP has developed a strategy for “previously approved facilities”.

a. Training<sup>6</sup>

“Previously approved facilities” for exercises and trainings are facilities for which a recipient or subrecipient has received environmental review and approval by GPD EHP for a specific activity, or group of activities at a specific location. The location can be indoors and/or outdoors but must be clearly defined. The approval of facilities is done on a case-by-case basis with each recipient or subrecipient in the following manner:

- i. After an [EHP Screening Form](#) has been submitted for a specific activity at a specific location, and that project has been approved by GPD EHP, that facility can be considered an “approved facility” for that specific type of activity.
- ii. All “previously approved facilities” under this definition will remain valid for an individual recipient, and its subrecipients, for the year in which a project has been approved plus two additional years.
- iii. During the valid project period, the recipient is not required to submit additional [EHP Screening Forms](#) for subsequent activities of the same type at that location.
- iv. An [EHP Screening Form](#) must be submitted for all training activities that are different than those previously approved or that take place at a different location, even within the approved facility.

If there are environmental concerns at a previously approved facility that would make it ineligible for a three-year approval, those concerns will be noted as a condition on the EHP Approval Memo, and those facilities would require more frequent reviews of training exercises, as indicated in the EHP Approval

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<sup>5</sup> For a copy of the 2010 PEA please email the [GPD EHP inbox](#).

<sup>6</sup> Training under “previously approved facilities” applies to training activities that are not already exempt per Section C.1.



Memo.

- v. The updated definition of previously approved facilities includes training activities or exercises that take place at facilities that are not specifically designed for a specific training activity.
- b. Construction Projects Inside Buildings Less than 43 Years of Age  
As with exercises, and trainings, the approval of facilities for construction projects at buildings that are less than 43 years of age is done on a case-by-case basis with each recipient or subrecipient in the following manner:
  - i. After an [EHP Screening Form](#) has been submitted for construction on the interior of a building that is less than 43 years of age, and that project has been approved by GPD EHP, that facility can be considered “previously approved” for subsequent interior construction projects at that location.
  - ii. All “previously approved facilities” under this definition will remain valid for an individual recipient, and its subrecipients, for the year in which a project has been approved plus two additional calendar years.
  - iii. All proposed activities at the location that include exterior changes or ground disturbance do require submittal of an [EHP Screening Form](#).

#### **D. EHP Requirements for GPD-Funded Communications Projects**

Objective: FEMA GPD recipients and subrecipients are compliant with the EHP review requirements for GPD-funded communications projects, as required by Section 106 of the NHPA for communications facilities.

1. When upgrading communications systems or otherwise implementing communications projects, FEMA’s recipients and subrecipients carry out a wide range of activities, from replacing and retuning mobile and portable equipment to replacing or upgrading fixed equipment to constructing communication facilities. GPD has identified several types of communications projects that are not subject to the EHP review process. These activities are:
  - a. Software upgrades and/or returning/reprogramming of existing equipment;
  - b. Purchase of mobile and portable or plug-in equipment where no equipment requires permanent installation in or on existing buildings or structures; and
  - c. Replacement of components within existing consoles, sirens or radios.
2. FEMA-funded communications projects or activities involving installation of equipment on or in existing buildings or structures and all other communications projects not described above will require the completion of an [EHP Screening Form](#) as described in Section A above.
3. NHPA Section 106 Review Requirements for Communication Facilities:  
[NHPA Section 106](#) requires all federal agencies to consider the effect of their undertakings on historic properties through consultation with the relevant State Historic Preservation Office (SHPO), Tribal Historic Preservation Office for federally recognized



tribes and Native Hawaiian organizations. Many GPD-funded towers are also regulated by the Federal Communications Commission (FCC). The FCC has executed two Programmatic Agreements (PAs) with the Advisory Council on Historic Preservation (ACHP) which were put in place to streamline and expedite the Section 106 review of the project. These PAs are:

- a. *The Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission* (Nationwide PA) (October 2004).
  - b. *The Nationwide Programmatic Agreement for the Collocation of Wireless Antennas* (FCC Collocation PA) (March 2001).
4. The ACHP issued a [Program Comment](#) (Issued in 2009, amended in 2015) on the Nationwide PA and the FCC Collocation PA to avoid duplicating the FCC's Section 106 reviews when other federal agencies are funding communications projects and, thus, required to comply with Section 106. Under this guidance, FEMA may adopt the FCC's Section 106 findings and, as such, does not have to complete its own Section 106 process for the effects of the construction or modification of communication facilities. If, however, the proposed GPD-funded communication facilities project contains additional components not covered by the FCC's Section 106 review, GPD must ensure compliance with Section 106 and complete appropriate consultations.
  5. For GPD administered or managed projects, the [Program Comment](#) only provides exemptions from Section 106 requirements. The [Program Comment](#) does not provide exemption from any other EHP laws, EOs, regulations, or consultation process.
  6. GPD recipients and subrecipients must complete the FCC's Section 106 review process using the [Tower Construction Notifications | Federal Communications Commission \(fcc.gov\)](#) when submitting the [EHP Screening Form](#) to GPD for review. This will enable FEMA and GPD to determine whether the proposed project complies with Section 106 under FCC's PAs and process or if FEMA must comply through its own Section 106 consultation.
  7. Questions about the Section 106 review process should be directed to the designated GPD Program Analyst or through email to the [GPD-EHP Inbox](#).

## **E. Projects Initiated or Completed without EHP Review**

Objective: Federal environmental planning and historic preservation laws and executive orders are followed by completing EHP reviews before GPD-administered or managed projects are initiated or completed.

1. If an [EHP Screening Form](#) is submitted for a project that has already been initiated and/or completed, or if work is initiated and/or completed during the course of EHP review, the project may not be funded, depending on the scope of work, the level of NEPA review required, and any EHP regulations that apply. These reviews are limited to the criteria defined in Section 3.7., of [FEMA Instruction 108-1-1, EHP Direction and Instruction, Oct. 10, 2018](#).



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## F. Contact Information

Objective: To provide a single point of contact for recipients and subrecipients to submit EHP review information and to obtain answers to EHP review questions.

1. All EHP materials should be submitted to the GPD-EHP Inbox ([GPDEHPinfo@fema.dhs.gov](mailto:GPDEHPinfo@fema.dhs.gov)) which is capable of receiving files up to 15 MB in size.

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Pamela S. Williams  
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June 13, 2023  
Date

*This policy represents FEMA's interpretation of a statutory or regulatory requirement and/or sets forth standard operating procedures. The policy itself does not impose legally enforceable rights and obligations but sets forth a standard operating procedure or agency practice that FEMA employees must follow to be consistent, fair, and equitable in the implementation of the Agency's authorities.*





## ADDITIONAL INFORMATION

### REVIEW CYCLE

FEMA Policy 108-023-1, revision 2, *Grant Programs Directorate Environmental Planning and Historic Preservation Policy Guidance* will be reviewed, reissued, revised, or rescinded within four (4) years of the issue date.

### AUTHORITIES and REFERENCES

#### Authorities

Environmental planning and historic preservation legal compliance is governed by the following authorities:

- A. National Environmental Policy Act of 1969, as amended (PL 91-190)
- B. National Historic Preservation Act of 1966, as amended (PL 89-665)
- C. Endangered Species Act of 1973, as amended (PL 93-205)
- D. Fish and Wildlife Coordination Act, as amended (PL 73-121)
- E. Migratory Bird Treaty Act of 1918, as amended (PL 65-186)
- F. Bald and Golden Eagle Protection Act of 1940, as amended (PL 76-567)
- G. Magnuson-Stevens Fishery Conservation and Management Act, as amended (PL 94-265)
- H. Clean Water Act, as amended (PL 92-500)
- I. Wild and Scenic Rivers Act, as amended (PL 90-542)
- J. Coastal Barrier Resources Act, as amended (PL 97-348)
- K. Coastal Zone Management Act, as amended (PL 92-583)
- L. Clean Air Act of 1963, as amended (PL 88-206)
- M. Resource Conservation and Recovery Act, as amended (PL 94-580)
- N. Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (PL 96-510)
- O. Farmland Protection Policy Act (PL 97-98)
- P. 40 CFR Part 1508, Protection of Environment, Terminology and Index
- Q. 36 CFR Part 800, Protection of Historic Properties
- R. Title VI of the Civil Rights Act of 1964
- S. 44 CFR Part 7



## References

- A. FEMA Directive 108-1: Environmental Planning and Historic Preservation Responsibilities and Program Requirements
- B. FEMA Instruction 108-1-1: Instruction on Implementation of the Environmental Planning and Historic Preservation Responsibilities and Program Requirements
- C. Department of Homeland Security Directive 023-01: Implementation of the National Environmental Policy Act
- D. Executive Order 13112, Invasive Species, February 3, 1999
- E. Executive Order 11988, Floodplain Management, May 24, 1977
- F. Executive Order 11990, Protection of Wetlands, May 24, 1977
- G. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 16, 1994

## DEFINITIONS

- A. **Applicant** is defined as the entity applying for assistance from FEMA or the pass-through entity.
- B. **Environmental Assessment** is defined as a NEPA document consisting of the analysis of a proposed federal action on the quality of the human environment.
- C. **Historic Property** means any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places maintained by the Secretary of the Interior. This term includes artifacts, records, and remains that are related to and located within such properties. The term includes properties of traditional religious and cultural importance to an Indian tribe or Native Hawaiian organization and that meet the National Register criteria.
- D. **Major Federal Action** means an activity or decision subject to federal control and responsibility (see 40 CFR 1508.1(q)). Actions include new and continuing activities, including projects and programs entirely or partly funded, assisted, conducted, regulated, or approved by federal agencies; new or revised agency rules, regulations, plans, policies, or procedures; and legislative proposals (40 CFR 1508.1(q)(2)).
- E. **National Historic Preservation Act (NHPA) Section 106** is defined as a process that requires Federal agencies to take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment. The historic preservation review process mandated by Section 106 is outlined in regulations issued by ACHP.
- F. **Programmatic Environmental Assessment** is defined as a NEPA document including the analysis of multiple individual actions' individual and cumulative environmental impacts or impacts that are generic or common to a class of proposed federal agency actions.
- G. **Recipient** means an entity, usually but not limited to non-federal entities that receives a federal award directly from a federal awarding agency. The term recipient does not include subrecipients or individuals that are beneficiaries of the award.
- H. **Regional Environmental Officer/Deputy Regional Environmental Officer** is defined as the



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individuals in each of FEMA's 10 regions that provide environmental planning and historic preservation technical assistance, guidance, and other services for all FEMA Programs in the region.

- I. **State Historic Preservation Office (SHPO)** is defined as offices established in all states and territories that were created by the Federal Government in 1966 under NHPA Section 101 to help federal agencies administer the Section 106 review process (see NHPA Section 106, above) in their state or territory. Each SHPO has a State Historic Preservation Officer to administer their programs.
- J. **Subrecipient** means an entity, usually but not limited to non-federal entities, that receives a subaward from a pass-through entity to carry out part of a federal award; but does not include an individual that is a beneficiary of such award. A subrecipient may also be a recipient of other federal awards directly from a federal awarding agency.
- K. **Tribal Historic Preservation Office(r)** is defined as an office(r) designated by a federally-recognized Indian tribe to assume SHPO functions on tribal lands as authorized by NHPA Section 101(d)(2) provisions.
- L. **Undertaking** is defined as a program, project, or activity funded in part or whole under the direct or indirect jurisdiction of a federal agency, including those carried out by or on behalf of a federal agency; those carried out with federal financial assistance; and those requiring a federal permit, license or approval.

## MONITORING AND EVALUATION

FEMA's Office of Environmental Planning and Historic Preservation (OEHP) will monitor the GPD EHP Branch's implementation of the processes outlined in this document as well as Regional Environmental Office (REO) involvement in GPD's EHP review process. In addition, input from recipients on the clarity and usefulness of this policy will be used to determine if this policy is working as intended and how the policy should be revised in the future.

## QUESTIONS

Please address any questions or concerns regarding this policy to [GPDEHPinfo@fema.dhs.gov](mailto:GPDEHPinfo@fema.dhs.gov).