



Environmental Planning and Historic Preservation Compliance Requirements for Preparedness Grant Projects

Table of Contents

I.	Introduction	1
II.	Purpose	1
III.	Writing Good Project Descriptions (Statement of Work)	1
IV.	Environmental Planning and Historic Preservation Requirements & Responsibilities	3
V.	Project Types that Trigger EHP Review	4
VI.	Environmental & Historic Preservation Laws and Executive Orders	8
VII.	EHP Review Process	14
VIII.	Helpful Resources	15

I. Introduction

It is the Federal Emergency Management Agency’s (FEMA) policy to integrate environmental planning and historic preservation (EHP) considerations into its hazard mitigation, disaster response and recovery, and emergency preparedness activities. FEMA, through its EHP Program, engages in a review process to ensure that FEMA-funded activities comply with various Federal EHP laws and Executive Orders (EOs). The goal of these compliance requirements is to protect the nation’s water, air, coastal, wildlife, agricultural, historical and cultural resources, as well as to minimize potential adverse effects to children and to low-income and minority populations.

II. Purpose

This document expands on the information provided in the Grant Programs Directorate (GPD) Information Bulletin No. 271, December 5, 2007, and is intended to provide general EHP guidance to grant recipients to assist with ensuring EHP compliance of FEMA-funded projects. It is not intended to be inclusive of all possible applicable EHP laws and requirements. Rather, it identifies and discusses the requirements routinely encountered for FEMA-funded projects, particularly those types of projects typically funded under GPD’s Homeland Security Grant Program (HSGP), Infrastructure Protection Program (IPP), and Emergency Management Performance Grants Program (EMPG).

III. Writing Good Project Descriptions (Statement of Work)

A project’s design and implementation should take into consideration impacts on surrounding natural, cultural, and historic resources. A complete and accurate project

statement of work (SOW) is crucial to determine the applicability and level of FEMA's EHP review and to expedite consultation that may be required with other Federal and state agencies and Tribes.

Documentation

Inadequate project descriptions and/or documentation of the presence of environmental resources and historic properties in a project area may cause significant delays in the timelines of project reviews and affect the project's implementation. Grantees should provide FEMA with a detailed SOW in electronic format as soon as the project is identified. Critical information to include in a project's SOW includes:

- Basic project information (name of project, name of grant and grantee, grant award number, fiscal year, overall purpose and scope of the project, estimated cost, etc.).
- Precise location of the project (street address, city, and state, or latitude and longitude coordinates).
- Visual documentation (site/structure photographs; plans/drawings that define the size and precise location of proposed work; US Geological Survey topographic, flood and wetlands maps; aerial photographs, etc.).
- Description of the project, including (as applicable):
 - Dimensions/acreage/square footage of structure and/or land affected, with height and structural support information for all communication towers.
 - Extent and depth of ground disturbance for new construction and structure modification, including trenching for utility lines, installation of fencing and light posts, tower footings and pads, etc.
- Special elements of the project, including:
 - Special equipment that will be used, staging areas, access roads, easements, etc.
 - Extent of structural modification.
- Year affected building/structure was built (if applicable).
- Information about features, resources, and potential adverse impacts at or near the site, including:
 - Water bodies (rivers, lakes, streams, wetlands, etc.).
 - Floodplains.
 - Historic and cultural resources (historic districts, buildings, landscapes, bridges, piers, dams, archaeological sites, etc.).
 - Migratory birds.
 - Threatened and endangered species and/or critical habitat.
 - Vegetation, including general types of plants, trees, or lack thereof.
 - Geologic features.
 - Tribal cultural and religious sites.
 - Special areas (forests, wildlife refuges, reserves, etc.).
- Any recent or relevant studies, reports, or surveys that were prepared for other agencies or purposes and provide information on environmental resources and/or historic properties in the project area.

Example: An SOW that simply says “installation of CCTV cameras” does not describe whether the project will involve ground disturbance or building modification to wire or mount the cameras. An SOW with this limited project description would not be adequate for determining the level of review for EHP considerations. The grantee should answer the following questions:

- Where will the cameras be mounted? (e.g. on existing poles or structures or on new poles?) If the latter, has the ground where the new poles will be placed been previously disturbed?
- If mounted on existing structures (such as buildings or bridges), how old are the structures?
- Will the cameras use existing electrical distribution systems, or will new lines be dug? If the latter, has the ground been previously disturbed?

The purpose of asking such questions is to determine if there are potential concerns under the National Historic Preservation Act that may not be immediately apparent, such as ground disturbance or alterations to historic properties.

Changes in Statements of Work

If a project changes from what was initially proposed, reviewed and approved by FEMA, it may trigger new EHP review. Therefore, the grantee must notify FEMA of any changes to the SOW. The grantee shall not implement the project until the changes are reviewed and approved by FEMA.

IV. Environmental Planning and Historic Preservation Requirements & Responsibilities

Site selection is a key factor that can affect the number and complexity of EHP issues that may need to be addressed for a project. Grantees are responsible for identifying environmental resources and historic properties in the project area. This information should be included in the SOW and submitted to FEMA in the initial stage of project formulation.

A variety of EHP information can be gathered through internet research using the websites identified in Section VI of this guidance. Grantees may also contact the appropriate local, State and/or Federal agencies responsible for the protection and management of environmental and cultural resources. Grantees may also choose to hire an environmental contractor (such as a biologist, archaeologist, botanist or other qualified professional) during the site selection process to conduct a site evaluation. Lastly, grantees may also contact the appropriate FEMA Regional Environmental Officer (REO) for assistance with EHP compliance.

It is important to distinguish between informal and formal consultation. Grantees are encouraged to contact resource agencies such as the US Fish and Wildlife Service (USFWS), State Historic Preservation Office (SHPO), or other Federal, state or local

agency/organization directly for information about the presence of EHP resources in the project area. However, responsibility for compliance with Federal EHP laws and EOs lies with FEMA, and therefore it will still be necessary for the agency to initiate formal consultation with the appropriate resource agencies once a project SOW has been submitted to FEMA if potential impacts to EHP resources are anticipated. Grantees should make clear in their communication with resource agencies that they are **NOT** initiating consultation with that agency; instead, grantees should indicate that they are simply collecting information about the project area and the potential presence of environmental resources and historic properties.

Based on the review of the SOW, FEMA may determine that projects with the potential to have significant adverse impacts to EHP resources and/or public controversy require additional evaluation and documentation, and FEMA will notify the grantee accordingly. Examples of documents required to identify and evaluate impacts to EHP resources include Environmental Assessments, Biological Assessments, and surveys for historic/archaeological properties. Such documents are required to fulfill compliance responsibilities under Federal EHP laws and must be prepared by qualified professionals with EHP expertise, and may require a public comment period. Grantees are responsible for the preparation of such documents as well as for the implementation of any mitigation measures identified during FEMA's EHP review that are necessary to address potential adverse impacts to environmental resources or historic properties. Costs associated with the preparation of EHP documents are allowable grant expenditures.

Project reviews may take several weeks or months to complete, so sufficient time and resources must be incorporated into the project planning process to accommodate EHP requirements. The identification of potential EHP concerns early-on during site selection and project formulation can help reduce the time required for FEMA's EHP review, as well as reduce any costs borne by the grantee for environmental mitigation for a proposed project.

Failure of the grantee to meet Federal, State and local EHP requirements, comply with project conditions established during FEMA's EHP review, and/or obtain applicable permits may result in project delays and denial of funding.

V. Project Types that Trigger EHP Review

Several types of projects and activities have the potential to impact environmental resources and historic properties through ground disturbance, impact to wetlands, floodplains, coastal zones, and other water resources, alteration of historically-significant properties, and impact to threatened and endangered species and migratory birds.

EHP considerations must be addressed BEFORE the following actions can be taken:

- Projects affecting an historic or potentially historic property
- Projects affecting an Indian traditional cultural property/religious site

- Projects involving ground disturbing activities in areas of previously undisturbed ground
- Projects affecting a current or proposed threatened or endangered plant or animal species or their habitat
- Projects affecting a wetland, floodplain, river, lake, coastal area, or other body of water
- Projects involving hazardous materials
- Projects with known or expected environmental concerns
- Projects with a high level of public controversy

Projects funded under GPD with the potential to impact EHP resources include, but are not limited to, the following:

- communication towers
- physical security enhancements
- new construction
- renovation/modifications to buildings and structures that are 50 years old or older

Grantees must receive written approval from FEMA prior to the use of grant funds for project implementation. For more information on the specific EHP laws and EOs that may be triggered by these types of projects and the kinds of documentation and evaluation that may be required to fulfill compliance responsibilities under Federal EHP laws, see Section VI.

Communications Towers

The erection of new towers or height extensions of existing towers may impact migratory birds, threatened and endangered species, scenic landscapes, archaeological resources, historic properties and districts, Indian traditional cultural properties, and farmland.

FEMA may need to consult with resource agencies such as the State Historic Preservation Office, US Fish and Wildlife Service, and Natural Resources Conservation Service regarding proposed tower projects, as well as with interested Tribes.

Physical Security Enhancements

Physical security enhancements include, but are not limited to, the following:

- Surveillance and detection equipment such as closed-circuit television (CCTV) cameras, motion detection systems, ID card readers, x-ray devices, and sonar devices;
- Security measures and access controls such as lighting, fencing, doors, and gates.

The following are examples of potential impacts of physical security-related projects to EHP resources:

- Ground-disturbing activities associated with the installation of physical security measures, including trenching to lay wiring, may impact archaeological resources, water resources, or threatened or endangered species;
- The placement of equipment inside or on historic structures (buildings, bridges, piers, etc.) may adversely affect the historic character of those structures;
- The installation of outdoor physical security measures may impact historic districts and viewsheds.

It is important to note that although a variety of physical security equipment is listed on the DHS Authorized Equipment List (<https://www.rkb.mipt.org/lists.cfm>), the purchase and installation of such equipment using FEMA grant funds is not exempt from EHP review. For example, certain types of low-level sonar devices used for intrusion detection are not considered to have any adverse impacts to wildlife. However, grantees must consider *where* such devices are placed. For example, sonar equipment or cameras mounted on a building, bridge, pier, or other structure having or potentially having historic significance would require EHP review.

For projects involving physical security enhancements, FEMA may need to consult with resource agencies such as the State Historic Preservation Office and the US Fish and Wildlife Service or National Marine Fisheries Service (NMFS).

New Construction

New construction includes the construction of emergency operation centers, security guard kiosks, equipment buildings (such as those accompanying communications towers), and waterside structures such as dock houses, piers, etc.

Construction projects and associated ground disturbance may impact a variety of resources, including archaeological, water, air, and/or endangered species. FEMA may need to consult with a variety of agencies, such as the State Historic Preservation Office and US Fish and Wildlife Service. The grantee may be required to obtain a permit from the US Army Corps of Engineers (for projects affecting water resources) and adhere to state or local requirements regarding noise and air quality.

Renovation and Modifications to Buildings and Structures that are 50 Years Old or Older

This category includes building renovation, retrofitting (e.g. the installation of doors, windows, etc.), architectural modification, the installation of physical security equipment, access controls or other measures (e.g. surveillance and detection equipment, lighting, fencing, etc.), or other actions that may adversely affect the character of historic properties.

FEMA may need to consult with the State Historic Preservation Office on these types of projects.

The following table summarizes the laws/EOs and resources potentially associated with a particular type of project, as well as the resource agencies that FEMA may need to consult with:

Issue	Possible Law/Requirement	Consulting Entity	Examples
Project near or involving an historic building or district	National Historic Preservation Act (NHPA)	State Historic Preservation Office	<ul style="list-style-type: none"> - Installing surveillance and detection equipment on or in an historic building - Installing outdoor physical security measures (e.g. fencing, lighting) and access controls near or in an historic district
<p>Project in a wilderness or scenic area</p> <p>Project area is potentially an Indian Traditional Cultural Property</p>	<p>National Environmental Policy Act (NEPA)</p> <p>National Historic Preservation Act (NHPA)</p> <p>Clean Air Act (CAA)</p> <p>Migratory Bird Treaty Act (MBTA)</p> <p>Endangered Species Act (ESA)</p>	<p>State Historic Preservation Office/Tribal Historic Preservation Office</p> <p>State Environmental Quality Agency</p> <p>US Fish and Wildlife Service</p>	<ul style="list-style-type: none"> - Interoperability (communications) towers
Project at a port facility	<p>Coastal Zone Management Act (CZMA)</p> <p>Clean Water Act (CWA)</p> <p>Endangered Species Act (ESA)</p> <p>Coastal Barrier Resources Act (CBRA)</p> <p>National Historic Preservation Act (NHPA)</p>	<p>State Coastal Management Agency</p> <p>State Environmental Quality Agency</p> <p>US Fish and Wildlife Service</p> <p>State Historic Preservation Office</p>	<ul style="list-style-type: none"> - Physical security equipment & enhancements - Dock/pier construction - Security guard kiosk construction

VI. Environmental and Historic Preservation Laws and Executive Orders

To receive Federal funding, GPD projects must comply with a variety of Federal EHP laws and Executive Orders. Depending on the nature of the project, the following may apply:

- National Environmental Policy Act (NEPA)
- National Historic Preservation Act (NHPA)
- Endangered Species Act (ESA)
- Clean Water Act (CWA)
- Rivers and Harbors Act (Section 10)
- Coastal Zone Management Act (CZMA)
- Clean Air Act (CAA)
- Migratory Bird Treaty Act (MBTA)
- Executive Orders for Wetlands (11990) and Floodplains (11988)
- Executive Order on Environmental Justice (12898)
- Farmland Protection Policy Act (FPPA)
- Resource Conservation and Recovery Act (RCRA)
- Native American Graves Protection and Repatriation Act (NAGPRA)
- Others as appropriate

For certain types of projects, FEMA must consult with other agencies responsible for the protection and management of cultural and natural resources.

Threatened and Endangered Species

Federally-listed threatened and endangered plant and animal species (TES) and their critical habitat are protected by the Endangered Species Act (ESA). ESA is one of the few environmental laws where there are criminal penalties associated with a violation. Grantees should check the TES list on the USFWS website at <http://www.fws.gov/angered/wildlife.html> to determine if there are TES in the project area. Grantees may also contact the appropriate state agency (such as a Department of Natural Resources) or the USFWS to request TES information.

Section 7 of ESA requires FEMA to consult with the USFWS or NMFS when a funded project may affect a federally-listed species or designated critical habitat. FEMA must ensure that the action will not have any adverse impacts. Section 7 consultation determines which species or habitat could be affected, and what mitigation is required to reduce adverse effects. Major actions may require a Biological Assessment, followed by a Biological Opinion. If FEMA receives a biological opinion from USFWS or NMFS stating that the project will “jeopardize continued existence” of a species or their critical habitat, the project cannot proceed as is, and must be canceled, relocated, or redesigned.

Professional assistance such as an engineer, biologist, or botanist may be required to analyze, document, and/or design projects to reduce affects to listed species and critical

habitat. Consultation with the USFWS and/or NMFS must be completed before a project can be implemented.

Migratory Birds

For communications tower projects, FEMA consults with the USFWS under the Migratory Bird Treaty Act (MBTA). Grantees should consider USFWS recommendations for tower design and location that may help reduce bird kills and collisions, especially if the proposed tower would be located in a major North American flyway or located near a wildlife refuge. If a project cannot be designed in conformity with the USFWS guidelines, the grantee must provide a reasonable justification to FEMA.

USFWS guidance on the siting, construction, and operation of communications towers is available at <http://www.fws.gov/migratorybirds/issues/towers/comtow.html>. Information on the MBTA is available on-line at <http://www.fws.gov/migratorybirds/intrnltr/treatlaw.html>

Other Wildlife Resources, Fish, and Ecosystems

In addition to the laws specifically protecting threatened and endangered species and migratory birds, there are several laws and Executive Orders related to the protection of fish and wildlife resources such as bald eagles, marine mammals, fish and wildlife used for subsistence consumption, and ecosystems such as marine protected areas, essential fish habitat, and coral reefs. Some of these laws and EOs include: Fish and Wildlife Coordination Act (FWCA), Marine Mammals Protection Act (MMPA), Bald and Golden Eagle Protection Act (BGEPA), EO 13158, Marine Protected Areas, Magnuson-Stevens Fishery Conservation and Management Act (MSA), and EO13089, Coral Reef Protection.

Wetlands, Floodplains, Coastal Zones and other Water Resources

There are many local, State and Federal guidelines and laws regarding the protection of water resources. For FEMA-funded projects involving construction, demolition, dredging, filling, excavation, or other ground disturbing activities in or near water resources, grantees must ensure all consultation and permitting requirements are met. This may be as simple as a phone call to a regulatory agency to determine no permit is needed, or the grantee may be required to obtain and comply with several permits.

Executive Order (EO) 11988 (Floodplain Management) requires federal agencies to avoid, to the extent possible, actions within or affecting the floodplain. For most projects, FEMA's regulations (44CFR Part 9) for implementing this EO apply to the 100-year floodplain. However, for projects that involve critical facilities (e.g. hospital, emergency operation center, facility where hazardous materials are used or stored, communications tower etc.), the regulations also apply to the 500-year floodplain. FEMA uses Flood Insurance Rate Maps (FIRMs) to identify the regulatory 100-year and 500-year floodplains.

Executive Order 11990 (Protection of Wetlands) requires federal agencies to avoid, to the extent possible, adverse impact of wetlands. The U.S. Army Corps of Engineers (USACE) regulates the discharge of dredged or fill material into waters of the U.S., including wetlands, pursuant to Section 404 of the Clean Water Act (CWA) and Section 10 of the Rivers and Harbors Act. If it likely that a USACE permit is required for a project, information on permitting requirements and the permitting process can be found on-line at <http://www.usace.army.mil/cw/cecwo/reg/>.

Grantees should review FIRMs, available on FEMA's website at <http://www.fema.gov/business/nfip/mscjumppage.shtm>, to determine if their proposed project is located in either the 100-year or 500-year floodplain, and are encouraged to use the USFWS' Wetlands Mapper at <http://www.fws.gov/nwi/> to determine if the proposed project is located in a wetland. Grantees may also contact the appropriate state agency (such as a Department of Natural Resources) for information on wetlands. Grantees should include a copy of the FIRM and wetlands map when submitting a SOW to FEMA.

Projects proposed to be located in a floodplain or wetland must follow an eight-step planning and decision-making process, including public notification, evaluation of project alternatives, and development of ways to avoid, minimize, or compensate for all adverse impacts. If there is a reasonable alternative outside the floodplain or wetland, FEMA cannot fund the project within a floodplain or wetland. FEMA generally relies on the CWA Section 404 permit process as a substitute for the decision-making process required under Executive Order 11990 and FEMA's regulations (44 Code of Federal Regulations Part 9) for projects impacting wetlands. The CWA 404 permit process requires that the project alternative with the potential for the least environmental impact be chosen.

Each State's Department of Environmental Quality (DEQ) requires grantees to obtain a permit whenever there is discharge of wastewater pollutants to surface waters and groundwater. Projects, especially construction and ground-disturbing activities, including clearing, grading and excavation, may require a National Pollutant Discharge Elimination System (NPDES) permit for point sources and/or a Storm Water Pollution Prevention Plan (SWPPP) to address erosion/sedimentation issues. Grantees should contact their state DEQ for information on permitting requirements. All required permits should be obtained prior to the initiation of ground-disturbing activities.

When working on or near a coastal zone (which includes beaches, islands, salt marshes, transitional or intertidal areas, and other coastal areas), particular care must be taken to preserve this special environment. States with a shoreline in the coastal zone or those that border the Great Lakes have a Coastal Zone Management Plan (CZMP) to reduce uncontrolled coastal development in accordance with the Coastal Zone Management Act (CZMA). Projects falling within these coastal zones must be evaluated to ensure that they are consistent with each state's CZMP. CZMA applies to any action that would occur within or outside the coastal zone that affects any land, water use, or natural resource of the coastal zone. Grantees must submit their proposals to the State agency in charge of

Coastal Zone Management to obtain a consistency determination. FEMA cannot approve a grant without the State agency's consistency approval.

More information on CZMA is available on the National Oceanic and Atmospheric Administration's website at <http://coastalmanagement.noaa.gov/consistency/welcome.html>. A list of State Coastal Management contacts is also available on this website.

Historic Properties and Archaeological Resources

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to go through a review process to consider the effects of proposed actions on historic properties, which includes consultation with the State Historic Preservation Office (SHPO), and the Advisory Council on Historic Preservation (ACHP) if necessary. Historic properties are defined as archeological sites, standing structures, or other historic resources listed in or eligible for listing in the National Register of Historic Places (NRHP). These properties may be eligible for listing in the NRHP if they possess significance at the national, tribal, state, or local level in American history, architecture, archeology, engineering, or culture. A listing of NRHP properties is available on the National Park Service website at <http://www.nr.nps.gov/>. A list of SHPOs is available on-line at <http://www.ncshpo.org/stateinfolist/fulllist.htm>.

If a project has the potential to impact any structure that is 50 years old or older (or otherwise has specific historical, cultural, or architectural significance), it must receive Section 106 review.

Projects involving ground disturbing activities, particularly in previously undisturbed areas, have the potential to impact to archaeological resources, and therefore must be reviewed under Section 106. Ground disturbance is defined as any activity that compacts or disturbs the ground within a project area. The project area is defined as all areas where project activities will occur, including the actual construction activities, permanent easements, temporary construction easements, staging areas for supplies and equipment, and borrow pits. Ground disturbance can also be caused by the use of hand tools, heavy equipment, and heavy trucks. Trenching, bulldozing, excavating, scraping, plowing, and grading are typical examples of ground disturbance activities.

Adverse effects to historic properties, including archeological resources, include the damage, degradation, or loss of any resource, as well as the loss of integrity or intactness of the resource or its surroundings. If a project is anticipated to have an adverse effect to an historic property, then the grantee should consider ways to avoid the effects, minimize the effects, or, if necessary, compensate for the effects.

The Section 106 review may result in a substantive agreement (called a Memorandum of Agreement) with the SHPO outlining how FEMA and the grantee will resolve any adverse effects to historic properties. FEMA's Section 106 review and resolution of

adverse effects must be completed prior to project implementation. Information on Section 106 is available on the ACHP website at <http://www.achp.gov/work106.html>.

Indian Religious Sites & Traditional Cultural Properties

Certain types of projects have the potential to impact Tribal interests, and it is important to note that tribes may have cultural interests in locations other than their seat of government. Projects affecting Federally-recognized Tribes, their resources, Traditional Cultural Properties and archaeological sites may require FEMA to initiate government-to-government consultation. This consultation occurs between FEMA and a tribe's Tribal Historic Preservation Officer (THPO).

In particular, communications tower projects have the potential to impact Tribal interests. A voluntary email system known as the Federal Communications Commission's Tower Construction Notification System (TCNS) is a helpful tool for facilitating a grantee's communication with federally-recognized Indian Tribes and State Historic Preservation Officers, required under NHPA. For more information on the TCNS, please visit the FCC website at <http://wireless.fcc.gov/outreach/notification/>. It is important to note, however, that the TCNS is not a replacement for the required government-to-government Section 106 consultation between FEMA and affected Tribes. For towers that will require an FCC license, grantees are encouraged to use the TCNS as a means of identifying potentially interested Tribes prior to submitting a project to FEMA for EHP review.

Air Quality

The Clean Air Act requires that states adopt ambient air quality standards and requires that the U.S. Environmental Protection Agency (EPA) establish primary and secondary National Ambient Air Quality Standards (NAAQS) for seven criteria pollutants considered harmful to the public and the environment.

EPA designates areas in the United States according to the level of compliance for each criteria pollutant. Areas in attainment are those that meet the NAAQS; areas in maintenance are those that meet the NAAQS but have previously been out of compliance; and non-attainment areas are those that do not meet the NAAQS. A list of non-attainment and maintenance areas by pollutant can be found on the EPA's website at <http://www.epa.gov/oar/oaqps/greenbk/>. Areas where background monitoring data are not available for particular criteria pollutants are designated as "unclassified" for those pollutants.

For projects involving the release of air pollutants (during the construction phase and/or during the regular operation of the implemented project), grantees should determine if the project is located in an attainment or non-attainment area. Under the CAA, FEMA is required to make a conformity determination for projects in non-attainment areas.

Hazardous Materials

There are two concerns relating to hazardous or toxic materials. The first are hazardous or toxic materials that already exist at or near the project site either in or on the ground or in existing structures. These must be identified to protect the future users of the site once the project is completed. Examples include asbestos and lead based paint in structures being modified or renovated, and contamination of soil or groundwater from a leaking underground storage tank (UST). The second concern is hazardous or toxic materials that are brought to or generated at the site because of the project itself, most likely during the construction phase but also during the operation of the implemented project, such as any facility (water treatment or chemical plant, refinery, port or rail terminal, etc.) where hazardous materials are routinely used, stored, transported, etc.

If a proposed project involves hazardous materials, grantees must implement appropriate treatment measures, such as obtaining permits from the State regulatory agency for handling hazardous materials; developing and implementing a spill response, containment, and cleanup plan; storing materials in appropriate containers that confine the hazard; keeping equipment properly maintained, etc.

Environmental Justice

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations) mandates that federal agencies identify and address, as appropriate, disproportionately high and adverse human health, environmental, and/or socio-economic effects of their programs, policies, and activities on minority and low-income populations. Grantees should collect socioeconomic and demographic data for the project area to help determine whether there are any potential EO 12898 concerns. If disproportionate impacts are identified, grantees should seek ways to minimize those impacts.

Farmland

The Farmland Protection Policy Act (FPPA) is applicable to a Federally-funded project if it will contribute to the conversion of farmland to non-agricultural uses. Important farmlands are lands with soils that are identified as prime or unique or of statewide or local importance. Prime farmland is characterized as land with the best physical and chemical characteristics for the production of food, feed, forage, fiber and oilseed crops. Prime farmland is either used for food or fiber crops or is available for those crops; it is not urban, built-up land, or water areas.

Grantees may review soil surveys or contact the appropriate state agency (such as a Department of Agriculture) or the National Resources Conservation Service (NRCS) for information about the presence of farmland in a project area. A list of soil surveys by state is available on the NRCS website at http://soils.usda.gov/survey/printed_surveys/. Grantees may also use the NRCS' Web Soil Survey (<http://websoilsurvey.nrcs.usda.gov/app/WebSoilSurvey.aspx>) to create an individual soil

map for the project area. For projects with the potential to adversely affect farmland, FEMA must consult with the NRCS and complete Form AD-1006 “Farmland Conversion Impact Rating.” Form AD-1006 and more information about the FPPA is available on the NRCS website at <http://www.nrcs.usda.gov/programs/fppa/>. For projects (especially communications towers) in rural or agricultural areas, grantees can assist with the FPPA review by providing FEMA with the information requested in Part VI of Form AD-1006.

The National Environmental Policy Act (NEPA)

The National Environmental Policy Act (NEPA) is a planning and decision-making process whereby FEMA must evaluate and document the potential environmental consequences of a proposed project and alternatives, and share this information with the public and other agencies charged with the protection of the nation’s natural and cultural resources. NEPA is the keystone of the EHP review process, and is used to address other laws, regulations, and EOs. The NEPA review process must be completed before a project can begin. While some actions are categorically excluded from NEPA review, projects must comply with all other applicable EHP laws and EOs. As a general rule, if the NEPA review of a project is thoroughly conducted, it is likely that the various other EHP laws and EOs have been adequately addressed as well.

Under NEPA, an Environmental Assessment (EA) is required for projects with the potential to have significant adverse impacts to the environment and/or public controversy. The purpose of an EA is to evaluate the potential impacts of a proposed project and project alternatives on the environment and to inform the public. EAs require a Public Notice and comment period, which typically runs for 30 days. Public Notices are published in a local newspaper, and the EA must be made available locally, such as in a school or library, and can also be posted on FEMA’s website.

An EA will result in a Finding of No Significant Impact (FONSI) if the evaluation of the proposed action and public review period find no potential for significant adverse effects to the human or natural environment. The FONSI may specify conditions that the grantee must meet in order to mitigate potential environmental impacts. FEMA must issue the FONSI before the project may move forward.

VII. EHP Review Process

For the time being, the review of GPD projects is being coordinated at FEMA Headquarters (HQ). As soon as a grantee identifies the specific project they wish to implement, they must prepare a SOW and submit it electronically through their State Administrative Agency (or designee) to their FEMA PO. The PO, in consultation with EHP staff at HQ, will review the SOW to ensure that it contains adequate information for conducting the EHP review. SOWs that do not contain sufficient information will be returned to the grantee; the grantee will need to add the specified missing information and re-submit the project to FEMA.

FEMA has ten Regional Environmental Officers (REOs) (one in each FEMA region) that assist the various FEMA grant programs with EHP review and compliance. Some REOs are supported by additional EHP specialists. These regional EHP staff will assist with the review of GPD projects and may work directly with the grantee to ensure EHP compliance for a project. However, projects must initially be submitted to FEMA via the POs, rather than submitted directly to an REO. HQ will then assign projects to the appropriate regional EHP staff for review.

For projects having the potential to impact environmental resources and/or historic properties, FEMA's EHP review may take several weeks or months to complete. Grantee should incorporate sufficient time and resources into the project planning process to accommodate EHP requirements. Grantees must receive written approval from FEMA prior to the use of grant funds for project implementation.

VIII. Helpful Resources

The following resources provide information on EHP compliance and FEMA's EHP review process:

- ***IS 253: Coordinating Environmental and Historic Preservation Compliance*** (on-line course available at <http://training.fema.gov/EMIWeb/IS/is253.asp>);
- FEMA's EHP website <http://www.fema.gov/plan/ehp/>;
- **Environmental Assessment (EA) Guidance:** EHP staff are currently developing guidance for the preparation of EAs for FEMA actions, which should be finalized and distributed in the next couple of months (grantees will be able to obtain copies from their FEMA PO). In the meantime, examples of EAs that have been prepared for FEMA-funded projects are available at <http://www.fema.gov/plan/ehp/envdocuments/index.shtm>. If an EA is required for a project, FEMA's EHP staff are available to provide guidance to the grantee about what kind of information and analysis to include in the EA.

