

**Environmental/Historic Preservation Job Aid for
National Preparedness Projects (FY07 and Previous FY)**

I. Introduction

The purpose of this job aid is to assist Preparedness Officers (POs) in screening projects for environmental and historic preservation (EHP) considerations to determine the level, if any, of EHP review that is required. This document also provides guidance to POs for working with grant applicants to capture critical information during project formulation that will assist in expediting the EHP review.

This document focuses on project types/activities, rather than particular National Preparedness Directorate (NPD) grant programs, to capture those activities that cut across all programs and could trigger EHP review. It will be modified as adequate to accommodate new conditions.

II. Applicant's Responsibilities

A complete and accurate project scope of work (SOW) is crucial to determine the applicability of EHP review and to expedite consultation with other federal, state and tribal agencies. Applicants should provide NPD with a detailed SOW as soon as the project is identified. Critical information to include in a project's SOW includes:

- Location of the project (street address, city and state or latitude and longitude)
- Description of the project, including:
 - Dimensions/acreage/square footage of structure and/or land affected, in particular note height of communication towers
 - Extent and depth of ground disturbance for new construction and structure modification, including laying of utility lines, installing fencing and light posts, etc.
 - Special equipment that will be used, staging areas, and access roads, etc.
- Year the existing facility was built
- Elements of the project including:
 - Associated ground disturbance work
 - Special equipment that will be used
 - Extent of the modification of the structure
- Information about resources in the vicinity of the project, including:
 - Water bodies (rivers, lakes, streams, wetlands, etc.)
 - Historic resources (historic districts, buildings, etc.)
 - Special areas (forests, wildlife refuges, reserves, etc.)
 - Floodplains

Large ground disturbing projects and controversial projects should include information regarding alternatives that have been evaluated for the project.

If a project changes from what was initially proposed and reviewed by FEMA, it may trigger new EHP review. Therefore, applicants must notify NPD of these changes before initiating the project.

III. NPD Responsibilities

Before Submitting a Project for EHP Review

POs must ensure that their project files have complete information before initiating the request for EHP review. Projects submitted for review with missing information cannot be reviewed and will be returned to the PO and removed from the queue. When returning a project to the PO, EHP will include a cover memo (Appendix #) identifying the deficiencies, so that the necessary information can be gathered and the project re-submitted for review.

POs should work with the applicant to collect the information identified in Section II above.

Example: A SOW that simply indicates “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 following are helpful questions to ask the applicant:

- Where will the cameras be mounted? (e.g. on existing poles or structures or on new poles?)
- 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?

The purpose of asking such questions is to determine if there are potential NHPA issues that may not be immediately apparent, such as ground disturbance or alterations to historic buildings

How to Submit a Project for EHP Review

If a project is identified as needing review from the EHP staff, it should be submitted through email, rather than hard copy to the NPD EHP liaison. The PO should provide the following information in the email to clearly identify the project: the program name, fiscal year, award number, and grant recipient name; project type and brief synopsis; and location (street address, city, and state).

The email should include the following attachments:

- Scope of Work (SOW)
- Site plans, USGS topographic and FIRM maps, aerial photographs, ground and structure photos, etc., if available
- NEPA/EHP Checklist, with substantive answers (i.e. not simply “No”)
- A one-sheet to document the outcome of the EHP review (see Appendix A)

Changes in Scope of Work

If the applicant notifies NPD of a change in SOW, the PO must determine the significance of the changes and consult NPD EHP liaison or EHP as appropriate.

Documentation

Inadequate environmental and historic preservation documentation can cause significant disruptions to programs and timelines for the review and implementation of projects. Non-compliance with federal laws and agency requirements in one project can place the entire program at risk. Documentation of the EHP review process is a key factor in avoiding these problems and helping ensure success in the case of a legal challenge. Therefore, NPD must properly document its determination of the need for EHP review for Type B and Type C projects. The one-sheet provided in Appendix A will assist in this process. It is encouraged that NPD document projects that do not require further EHP review (Type A projects) to reduce the risk of successful legal challenge to a program.

Because of the potential for significant adverse effects to environmental and/or historic and cultural resources or public controversy, some projects may require additional evaluation or assessment. See Appendix B for typical kinds of reports. The grantee submitting the request is responsible for the costs and staff /contract resources necessary for preparing such reports.

Conditions

In some instances, EHP will approve a project only if certain conditions are met. NPD is responsible for conveying those project conditions to the applicant, and monitoring the implementation of the project to ensure that those conditions are met. Three standard conditions are listed on the Record of Environmental Consideration (REC) (see Appendix C for an example), but additional conditions that address EHP considerations or mitigate impacts may also apply to a particular project.

NPD EHP Liaison

The NPD EHP liaison is the principal point of contact between NPD staff and the EHP staff. Responsibilities of the NPD EHP liaison include:

- Ensuring completeness of NPD projects before submitting to EHP for review,

- Initial screening of projects,
- Identifying opportunities for integrating compliance of environmental and historic planning considerations into NPD programs,
- Identifying training needs within NPD,
- Coordinating for the adequate funding of environmental and historic preservation planning compliance, including analysis, documentation, mitigation, and monitoring.
- Represent NPD interests as they relate to environmental and historic preservation planning including identifying areas where policy is needed, identifying projects needing immediate attention, and identifying compliance issues needing resolution.

IV. EHP Responsibilities

EHP is responsible for conducting and documenting review and compliance for NPD projects where there are potential impacts to environmental and/or historic and cultural resources (see Types B and C in Section V).

EHP reviews consider the following Public laws and Executive Orders:

National Environmental Policy Act (NEPA)
National Historic Preservation Act (NHPA)
Endangered Species Act (ESA)
Clean Water Act (CWA)
Clean Air Act (CAA)
Coastal Zone Management Act (CZMA)
Coastal Barrier Resources Act (CBRA)
Migratory Bird Treaty Act (MBTA)
Magnuson-Stevens Fishery Conservation and Management Act (MSA)
Executive Order 11988 – Floodplains Management
Executive Order 11990 – Wetland Protection
Executive Order 12898 – Environmental Justice

The EHP staff may need to consult with various state and federal agencies as part of this review process. The following table summarizes some of these consultation requirements, as well as the laws and resources potentially associated with a particular type of project:

| Issue | Possible Law/Requirement | Consulting Entity | Approximate Timeframe | Example |
|--|--|--|---|--|
| Project near or involving an historic district/historic building | National Historic Preservation Act (NHPA) | State Historic Preservation Office (SHPO)/ Tribal Historic Preservation Officer (THPO) | 1 month if no issues 3-4 months if adverse impacts | <ul style="list-style-type: none"> - Installing outdoor fencing/lighting/cameras for a critical facility in or near an historic district - Installing security equipment/access controls (card readers/lighting/cameras) on or inside an historic building |
| Project in a wilderness or scenic area that is potentially an Indian Traditional Cultural Property | National Environmental Policy Act (NEPA) National Historic Preservation Act (NHPA) Clean Air Act (CAA) Migratory Bird Treaty Act (MBTA) Endangered Species Act (ESA) | State Historic Preservation Office (SHPO)/ Tribal Historic Preservation Officer (THPO) State Environmental Quality Agency US Fish and Wildlife Service | 1 month if no issues 6 months if adverse impacts | Interoperability towers |
| Security enhancements in a port facility | Coastal Zone Management Act (CZMA) Clean Water Act (CWA) Endangered Species Act (ESA) Coastal Barrier Resources Act (CBRA) National Historic Preservation Act (NHPA) | State Coastal Management Agency State Environmental Quality Agency US Fish and Wildlife Service State Historic Preservation Officer (SHPO) | 1 month if no issues 4-6 months if adverse impacts | <ul style="list-style-type: none"> - water cameras, sonar - dock/wharf construction - installing fencing/gates/lighting |

Once the review is complete, EHP will notify the PO and provide a copy of the REC for the project to include in the grant file.

V. Timeframes for EHP Review

In addition to the amount of time involved in conducting agency consultation, NPD must take into account other factors and requirements that add time to the EHP review process. Some laws and Executive Orders, such as NEPA, National Historic Preservation Act (NHPA), EO 11988 and EO 11990, require documentation (See Appendix B) that may take substantial time to prepare. Other important requirements include public notice and comment periods and scoping/public involvement activities. Typically, a public notice and comment period runs for 30 days.

It is also important to highlight the Federal government's responsibility to consult with Tribes. Federal actions affecting Tribes, their resources, Traditional Cultural Properties and archaeological sites may require FEMA to initiate government-to-government consultation. It is difficult to estimate the timeframe for this type of consultation. However, knowledge of this requirement is important in establishing expectations with grant applicants for projects involving Tribal concerns.

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 an applicant's communication with federally-recognized Indian Tribes and State Historic Preservation Officers, required under NHPA. For more information, please visit <http://wireless.fcc.gov/outreach/notification/>.

VI. NPD Projects and EHP Review

The EHP review for NPD grant projects can be divided into the following three types:

- Type A - project types/actions that do not require environmental and historic preservation review;
- Type B - project types/actions that do not require review if certain conditions are met;
- Type C – complex projects or projects with potential adverse effects on resources that require review.

Several types of projects and actions funded by NPD have the potential to affect environmental and/or historic and cultural resources through ground disturbance, impacts to wetlands, coastal zones and other water resources, impacts to viewsheds, alterations to historically significant buildings and structures, and impacts to endangered species and migratory birds.

Type A

The following project types/actions do not need EHP review:

- 1) Purchases:
 - Vehicles
 - Patrol boats
 - ID cards
 - Hand-held or portable equipment
 - Navigation or communication equipment for vehicles, boats, or other mobile units
- 2) Classroom and web-based training, conferences and workshops
- 3) Personnel, administrative, fiscal and management activities
- 4) Development and distribution of information bulletins
- 5) Technical assistance activities
- 6) Installation of security measures on mobile units (buses, train cars, ferries, etc.) as long as these mobile units are less than 50 years old
- 7) Placement of floating barriers

Projects fitting these characteristics do not need to be submitted to the EHP staff. NPD must document this determination through the one-sheet provided

Type B

The following project types/actions do not need to be submitted for EHP review as long as certain project conditions are met; if those conditions are not met, then the project must be submitted for EHP review.

- 1) **Security and surveillance equipment**, including but not limited to: closed-circuit television (CCTV) cameras, motion detection systems, and ID card readers.

Conditions:

- Must utilize existing infrastructure for electrical distribution systems and equipment placement;
- Ground disturbance is limited to areas previously disturbed¹;
- Equipment must be installed in or on structures that are less than 50 years old.

¹ In considering whether the project is taking place in **previously disturbed area** consider whether the entire footprint of the project is within a previously disturbed area including associate components of the project like staging areas for materials and equipment and access areas to and from the project. EHP is available as a resource to identify the definition of previously disturbed areas for a particular state.

- 2) **Physical security enhancements**, including but not limited to lighting, barriers, fencing, and gates.

Conditions:

- Must involve only the replacement/upgrade of existing infrastructure;
- Ground disturbance is limited to areas previously disturbed.

- 3) **Installation of generators**

Conditions:

- Must be installed on existing infrastructure;
- Must only supply power to buildings that are less than 50 years old;
- Must not involve any ground disturbance.

- 4) **Field exercises**

Conditions:

- Must not involve use of chemical/biological agents, explosives, fire, sonar, or other materials that could alter the environment;
- Must not involve alteration or demolition of structures that are 50 years old or greater.

Projects clearly and entirely meeting these conditions do not need to be submitted to the EHP staff. NPD must document this determination through the one-sheet provided. For FY07, projects that fail to meet these criteria must be submitted to the EHP staff for review.

Type C

The following project types/actions require EHP review:

- 1) **Communication towers**
 - During the transitional period, EHP would like to see all communication tower projects. This will help enable EHP to develop Programmatic Agreements for streamlining the review of tower projects in the future.
- 2) Any project that directly or indirectly involves ground-disturbing activities beyond areas previously disturbed, including:
 - Laying of utility lines/underground conduits
 - Fencing, poles, gates, foundations
 - New construction (EOCs, guard stations, fire stations, equipment sheds, docks/wharves, etc.)

- 3) Modification to or renovation/alteration of existing facilities that are 50 years old or greater

These projects should always be submitted to the EHP staff for review. Submitting these projects as early as possible once the information identified herein is complete will expedite the review process. NPD is responsible for ensuring that the information needed is complete and accurate.

VII. Helpful Resources

The following resources provide information and training on EHP review and compliance:

- *IS 253: Coordinating Environmental and Historic Preservation Compliance* (on-line course available through FEMA’s Knowledge Center at <https://kc.fema.net>)
- FEMA’s EHP website: <http://www.fema.gov/plan/ehp/>, and in particular the “EHP Guidance for FEMA Grant Applicants” page <http://www.fema.gov/plan/ehp/ehp-applicant-help.shtm>, with links to the following resources:
 - *Useful Information for Expediting the EHP Review*
 - *eLearning Tool for FEMA Grant Applicants*
- Federal Communications Commission’s Environmental and Historic Preservation website: <http://wireless.fcc.gov/siting/environment.html>

VIII. EHP Points of Contact

| | | | |
|----------------------------------|-------------------------|--------------|--|
| Angela Gladwell | EHP Unit Chief | 202-646-3193 | angela.gladwell@dhs.gov |
| Laura Shick | EHP Point of Contact | 202-646-2685 | laura.shick@dhs.gov |
| Chad Clifford | Office of Chief Counsel | 202-646-4187 | Chad.T.Clifford@dhs.gov |
| Jeffrey Hall | NDP EHP Liaison | 202-786-9778 | Jeffrey.Hall1@dhs.gov |
| Regional Environmental Officers: | | | |
| Region I | Jack Sullivan | 617-832-4791 | jack.sullivan@dhs.gov |
| Region II | Rob Tranter | 212-680-3528 | robert.tranter@dhs.gov |
| Region III | Kate McManus | 215-931-5510 | kate.mcmanus@dhs.gov |
| Region IV | William Straw | 770-220-5432 | william.straw@dhs.gov |
| Region V | Amanda Ratliff | 312-408-5440 | amanda.ratliff@dhs.gov |
| Region VI | Don Fairley | 940-898-5469 | donald.fairley@dhs.gov |
| Region VII | Ken Sessa | 816-283-7960 | kenneth.sessa@dhs.gov |
| Region VIII | Bob Cox | 303-235-4714 | bob.cox@dhs.gov |
| Region IX | Sandro Amaglio | 510-627-7284 | alessandro.amaglio@dhs.gov |
| Region X | Mark Eberlein | 425-487-4735 | mark.eberlein@dhs.gov |

Appendix A: EHP Documentation Sheet for NPD Projects

DATE:

MEMORANDUM TO: Grant File

From: [Name of Preparedness Officer]

SUBJECT: EHP Review Determination
Grant Recipient Name
Award No. 0000-XX-XX-0000
Project Location: [city, state]
Project Type: [example - interoperability tower
construction]

The referenced project has been reviewed by NPD for compliance with environmental and historic preservation requirements. NPD has reached the following determination concerning the grant-funded project(s):

This is a Type A project and no further review is required.

Project involves (check all that apply):

- Purchase of vehicle, boat, ID cards, hand-held or portable equipment, or navigation or communication equipment for mobile units
- Classroom and web-based training, conferences and workshops
- Personnel, administrative, fiscal and management activities
- Installation of security measures on mobile units (buses, train cars, ferries, etc.) that are less than 50 years old
- Development and distribution of information bulletins
- Technical assistance activities
- Placement of floating barriers
- Other (must specify: _____)

This is a Type B project that meets specified conditions. No further review required. All of the following conditions are met:

- Project does not directly or indirectly involve any new ground disturbing activities, such as utility/sewer/electric lines or other underground conduits, fencing, gates, poles, foundations, etc.;
- Project does not involve new construction (EOC, guard station, fire station, equipment shed, dock/wharf, communication tower, etc.);
- Project will not affect structures that are 50 years old or greater;
- Project does not involve the use of hazmat chemical/biological agents, explosives, fire, sonar, or other materials that could alter the environment.

This is a Type C project. It will be submitted to EHP for review.

Appendix B: List of Environmental and Historic Preservation Assessments/Studies*

| EHP Requirement | Assessment/ Study/ Documentation | Average Cost | Trigger |
|--|--|-------------------------|--|
| National Environmental Policy Act (NEPA) | Environmental Assessment (EA) | \$30,000 - \$50,000 | An action that does not fit a Categorical Exclusion and does not have significant environmental impacts |
| | Environmental Impact Statement (EIS) | \$500,000 - \$1,000,000 | Significant impact to the environment |
| National Historic Preservation Act (NHPA) | Phase I Archeological Survey | \$10,000 per 5 acres | Archeological resources are expected |
| | Phase II Archeological Survey | ?? | ?? |
| | Site evaluation?? | ?? | ?? |
| Endangered Species Act (ESA) | Site survey | \$10,000 per 5 acres | To inspect if there are threatened or endangered species in the area. |
| | Biological Assessment/ Biological Evaluation | \$30,000 - \$50,000 | To evaluate if project will have adverse effects on threatened or endangered species or designated critical habitat |
| | Biological Opinion | ?? | To evaluate if the project's adverse impacts to T and E species will jeopardize the species or will modify the critical habitat. |
| Wetlands (Clean Water Act Section 404 or E.O. 11990) | Wetlands delineation | \$10,000 per 5 acres | Project is near a wetland or will impact wetlands. |
| Hazardous Materials (RCRA, CERCLA, etc.) | Phase I Environmental Site Assessment | ?? | Identification of hazardous pollutants/wastes in a site. |
| | Phase II Environmental Site Assessment | ?? | A more detailed investigation. |

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* This information does not include data and costs related to mitigation of impacts.

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