



### Grant Programs Directorate Policy

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- I. **TITLE:** Environmental Planning and Historic Preservation (EHP) Policy Guidance
- II. **DATE OF ISSUANCE:** August 1, 2013
- III. **POLICY STATEMENT:** All Federal agencies must consider the environmental effects of their programs and actions. As such, Agencies must have processes in place to review and assess their Federally-funded activities – including those funded by grants. This policy is intended to ensure that all Federal Emergency Management Agency (FEMA) Grant Programs Directorate (GPD) programs and activities comply with applicable Federal environmental planning and historic preservation (EHP) laws, Presidential Executive Orders (EOs), and regulations.
- IV. **PURPOSE:** The purpose of this policy is to standardize the process under which GPD-funded projects undergo environmental planning and/or historic preservation reviews. This review process analyzes GPD-funded activities' potential impacts on environmental resources and/or historic properties. These projects include, but are not limited to: work that disturbs land or vegetation; work in or near water, including wetlands or floodplains; repair, renovation, retrofitting, relocation, demolition, or other modification of buildings, structures, or infrastructure; and new construction. EHP review of GPD-funded activities ensures that FEMA complies with all required Federal environmental planning and historic preservation laws, EOs, and regulations.
- V. **SCOPE AND EXTERNAL AUDIENCE:** All FEMA Directorates are responsible for their activities' EHP legal compliance requirements. However, GPD's grantees and sub-grantees also have significant roles in assisting FEMA with those responsibilities and this policy directs grantees and sub-grantees in their legal compliance. This policy applies to all non-disaster Preparedness Grants and Fire Grants, administered and managed by FEMA GPD and regional offices.
- VI. **AUTHORITY:** 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)



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- 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. 44 CFR Part 10, Environmental Considerations
- Q. 40 CFR Part 1508, Protection of Environment, Terminology and Index
- R. 36 CFR Part 800, Protection of Historic Properties
- S. Executive Order 11988, Floodplain Management, May 24, 1977
- T. Executive Order 11990, Protection of Wetlands, May 24, 1977
- U. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, February 16, 1994
- V. Executive Order 13112, Invasive Species, February 3, 1999

**VII. OBJECTIVES:** The objective of this policy is to establish a GPD EHP policy structure that: clarifies what Federal EHP requirements apply to a grant-funded action and what review options are available; defines roles and responsibilities within GPD and among grantees and sub-grantees; and further improves review process effectiveness to assure FEMA, grantees, and sub-grantee's compliance with EHP legal requirements.

**VIII. DEFINITIONS, ABBREVIATIONS, AND FORMATTING:**

- A. ACHP - President's Advisory Council on Historic Preservation.
- B. EHP - Environmental Planning and Historic Preservation.



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- C. EA - Environmental Assessment. A NEPA document of the analysis of a proposed federal action on the quality of the human environment.
- D. FCC - Federal Communications Commission.
- E. Major Federal Action - Actions with effects that may be major and potentially subject to Federal control and responsibility. "Major" reinforces but does not have meaning independent of "significantly" (see 40 CFR § 1508.27). Actions include new and continuing activities, including programs and projects entirely or partly funded, assisted, conducted, regulated, or approved by Federal agencies and approval of specific projects such as construction or management activities located in a defined geographic area including actions approved by permit or other regulatory decision as well as Federal and Federally assisted activities.
- F. FEMA - Federal Emergency Management Agency.
- G. GPD - FEMA Grant Programs Directorate.
- H. Historic Property - A property that is listed in, or eligible for listing in, the National Register of Historic Places.
- I. IB - Information Bulletin.
- J. NEPA - National Environmental Policy Act of 1969.
- K. NHPA - National Historic Preservation Act of 1966.
- L. OEHP - FEMA Office of Environmental Planning and Historic Preservation.
- M. OMB - Office of Management and Budget.
- N. PEA - Programmatic Environmental Assessment. A NEPA document of 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.
- O. REO/DREO - Regional Environmental Officer/Deputy Regional Environmental Officer. Each of FEMA's 10 regions has an REO who provides environmental planning and historic preservation technical assistance, guidance, and other services for all FEMA Programs in the region.
- P. Section 106 - NHPA Section 106 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.
- Q. SHPO - State Historic Preservation Office(r). SHPOs have been established in all States and Territories and were created by the Federal government in 1966



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- under NHPA Section 101 to help Federal agencies administer the Section 106 review process (see Section 106, above) in their state or territory. Each SHPO has a State Historic Preservation Officer to administer their programs.
- R. THPO - Tribal Historic Preservation Office(r). Officially designated by a Federally-recognized Indian tribe to assume SHPO functions on Tribal lands as authorized by NHPA Section 101(d)(2) provisions.
  - S. Undertaking – 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.

### IX. POLICY DETAILS:

#### A. EHP Screening Form

Grantees or sub-grantees proposing 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 infrastructure; or that involve new construction, including replacement or relocation of facilities, *must* participate in the EHP review process. The EHP review process involves submission of a detailed project description, the proposed project's purpose and need (goals and/or objectives), and supporting documentation to GPD for their evaluation to determine if the proposed project may impact environmental resources and/or historic properties.

In order to standardize and streamline this review process, GPD developed an EHP Screening Form and received Office of Management and Budget (OMB) approval to use the Form. The EHP Screening Form has been assigned a FEMA Form Number (024-0-1) and an OMB Number (1660-0115). Grantees and sub-grantees are required to submit a completed EHP Screening Form for all GPD-funded projects except those projects delineated in Sections IX.B. and C. below. The EHP Screening Form is an integral part of the GPD projects' EHP review and must be completed in full and accurately, and submitted to GPD by the direct recipient of FEMA funds. While the EHP Screening Form has been designed to be a comprehensive compilation of



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required information, be aware that GPD may request additional information on the proposed project under review.

The EHP Screening Form and associated, photographs, maps, and other relevant documents are submitted to GPD in order to begin the projects' EHP review. GPD may accept the older version of the EHP Screening Form for review that was released with the now superseded IB # 329, but grantees and/or sub-grantees are encouraged to use FEMA Form 024-0-1 (attached) in all future EHP review submissions for GPD-funded projects.

The grantee is responsible to ensure their sub-grantees have received EHP approvals from GPD before their sub-grantees start or carry out their proposed projects. To help ensure EHP compliance, State Administrative Agencies (and other grantees) are encouraged to forward the attached EHP Screening Form to their sub-grantees before their sub-grantees start their projects. The EHP screening form must be submitted to GPD *and* the EHP review of the project must be completed before funds are released to carry out the proposed project.

Timelines for the completion of the EHP review for each project will vary depending on the proposed project's complexity, the project grant application and supporting documents' completeness and accuracy, and the project's potential to impact environmental resources and/or historic properties. An EHP review may take 30 to 45 working days for proposed activities having little potential to impact environment resources and/or historic properties (i.e., EHP resources). A project that has the potential for significant impacts on EHP resources, such as new construction or installation of communication towers greater than 200 feet, may take up to one year or more to review. During the project planning phase, grantees and/or sub-grantees should consider these timelines and allot sufficient time for their projects' EHP reviews.

Inadequate project descriptions and/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. Grantees and sub-grantees are responsible for providing all



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necessary documentation, as well as responding to GPD and/or Regional requests for additional information, in a timely manner. Sub-grantee or grantee failure to meet all applicable Federal, State, Tribal, and local EHP legal requirements, to comply with project conditions established during the EHP review, and/or to obtain applicable permits and approvals may result in project delays or loss of funds.

The attached EHP Screening Form and Instructions will help in gathering all needed information for an effective EHP review. Completed EHP Screening Forms should be forwarded to GPD's EHP Team at [GPDEHPinfo@fema.dhs.gov](mailto:GPDEHPinfo@fema.dhs.gov). Additionally, questions about an EHP Screening Form's status, request for technical assistance, or for any questions related to the EHP review process, may be addressed to the assigned Program Analyst or the GPD EHP Team by e-mail at [GPDEHPinfo@fema.dhs.gov](mailto:GPDEHPinfo@fema.dhs.gov).

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

FEMA has determined that some GPD project types have no environmental impacts, as documented in the Programmatic Environmental Assessment (PEA).<sup>1</sup> Grantees and sub-grantees are not required to provide any further EHP documentation for project types identified in the PEA. Specifically these project types include:

- *Planning*: Development of policies, plans, procedures, mutual aid agreements, strategies, and other publications that comply with relevant laws, EOs, regulations, and guidance and are needed to perform assigned missions and tasks.
- *Management and Administration*: Hiring personnel; overtime and backfill expenses. This includes regular-time operational costs for existing positions assigned to full-time counterterrorism duties; development, revision, documentation, and/or distribution of regulations, directives, manuals, Information Bulletin, and other guidance documents; technical assistance activities that involve no resources other than manpower and/or funding; and

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<sup>1</sup> Grant Programs Directorate Programmatic Environmental Assessment (2010)





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other personnel, administrative, fiscal and management activities that involve no resources other than manpower and/or funding.

- *Classroom-based Training:* Training conducted in a classroom setting to include the establishment, support, conducting, 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, CBRNE, national security threats and catastrophic events, cyber/agriculture/food security, intelligence gathering and analysis, citizen and community preparedness, and volunteers' training.
- *Table-top Exercises and Functional Exercises:* These include seminars, workshops, tabletop exercises, and games. These types of exercises are only hypothetical actions on the part of the participants, and are strictly notional. Functional exercises are a type of operations-based exercise that examine and/or validate the coordination, command, and control between various multi-agency coordination centers, such as emergency operation centers (EOCs) and joint field offices (JFOs). 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.

*Note on drills and full-scale exercises:* Grantees contemplating training and exercises that fall into the categories of drills or full-scale exercises, i.e., activities not exempted by the PEA, will need to submit the EHP Screening Form. Examples of drills or full-scale exercises are any type of explosive, chemical, biological, radiological, or fire scenario that is not executed at a facility that has been previously approved for such use. An EHP Screening Form will not need to be provided for those exercises that are planned to take place at previously approved facilities, such as, fire and police academies, search and rescue training facilities, and explosive testing centers. Any type of exercise that requires any type of land, water, or vegetation disturbance or building of temporary structures must undergo an EHP review.



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- *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 (PPE), mobile/satellite phones, dive equipment, boats, response and mobile command vehicles, and other similar devices that do not require installation.

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

When upgrading communications systems or otherwise implementing communications projects, FEMA's grantees or sub-grantees 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 communications projects that will *NOT* require the submission of the EHP Screening Form or any other documentation. Those activities are:

- Software upgrades and/or retuning/reprogramming of existing equipment.
- Purchase of mobile and portable or plug-in equipment where no equipment requires permanent installation in or on existing buildings or structures.
- Replacement of components within existing consoles, sirens or radios.

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 IX.A., above.

### **D. National Historic Preservation Act (NHPA) Section 106 Review Requirements for Communication Facilities**

GPD funds a variety of projects related to communication facilities, including the construction, replacement, or repair of towers as well as the installation or repair of associated equipment such as antennas or repeaters. NHPA Section 106 requires Federal agencies to take into account the effect of their undertakings on historic properties through consultation with the relevant State Historic Preservation Office (SHPO), Tribal Historic Preservation Office (THPO) for Federally-recognized tribes, and Native Hawaiian organizations (NHOs).





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Many GPD-funded towers are also regulated by the Federal Communications Commission (FCC), and the FCC as a Federal agency is required to comply with Section 106. The FCC has executed two Programmatic Agreements (PAs) with the Advisory Council on Historic Preservation (ACHP) – the Nationwide Programmatic Agreement for Review of Effects on Historic Properties for Certain Undertakings Approved by the Federal Communications Commission (Nationwide PA) (October 2004) and the Nationwide Programmatic Agreement for the Collocation of Wireless Antennas (FCC Collocation PA) (March 2001). These agreements were put in place to streamline and expedite the Section 106 review of the project.

In October 2009, the ACHP issued a Program Comment 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. Furthermore, all other EHP laws, EOs, and regulations must be complied with to complete the EHP review of the project. In other words, for GPD-funded 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.

GPD grantees and sub-grantees must complete the FCC's Section 106 review process and submit all resulting review documents to GPD using the attached *National Historic Preservation Act Section 106 Review Requirements for Communication Facilities* when submitting the EHP Screening Form to GPD for review. This will enable FEMA and GPD to determine if the proposed project complies with Section 106 under FCC's Programmatic Agreements and process or if FEMA must comply through its own Section 106 consultation.



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Questions about this Section 106 review process should be directed to the designated GPD Program Analyst or through email at [GPDEHPinfo@dhs.gov](mailto:GPDEHPinfo@dhs.gov).

### E. Contact Information

All EHP materials should be submitted to: [GPDEHPinfo@fema.dhs.gov](mailto:GPDEHPinfo@fema.dhs.gov). The GPD-EHP inbox can receive files up to 15 MB in size. (Note: Grantees or sub-grantees should not send EHP material to [askCSID@dhs.gov](mailto:askCSID@dhs.gov) for processing.)

- X. **ROLES & RESPONSIBILITIES:** The GPD EHP Branch is responsible for implementation of the process outlined in this document. The Regional Environmental Officers (REOs) are responsible for assuring compliance with all EHP regulations for projects that are not categorically excluded by GPD-EHP. Generally, these are actions that require project-specific consultation with regulatory agencies, public notices and comment periods, legal reviews, an Environmental Assessment/Finding of No Significant Impact, or an Environmental Impact Statement and Record of Decision. The FEMA Office of Environmental Planning and Historic Preservation (OEHP) is responsible for maintaining FEMA's EHP program policy and monitoring of compliance across all FEMA Directorates.
- XI. **MONITORING AND EVALUATION:** OEHP will monitor GPD EHP Branch implementation of the processes outlined in this document as well as REO involvement in GPD's EHP review process and Regional EHP review process.
- XII. **RESPONSIBLE OFFICE:** The GPD EHP Branch is responsible for implementing GPD's EHP process and this document's content.
- XIII. **SUPERSESSION:** This IB consolidates six previous GPD EHP IBs and supersedes those documents' guidance.
  - A. IB 271 - Environmental Planning and Historic Preservation Requirements for Grants, December 5, 2007.
  - B. IB 329 and IB 329 Clarification - Environmental Planning and Historic Preservation Requirements for Grants, September 2, 2009.



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- C. IB 345 - Grant Programs Directorate Programmatic Environmental Assessment, September 9, 2010.
  - D. IB 351 - National Historic Preservation Act Section 106 Review Requirements for Communication Facilities, January 14, 2011.
  - E. IB 356 - Environmental Planning and Historic Preservation (EHP) Screening Form, February 17, 2011.
  - F. IB 371 - Streamlined submission of Environmental and Historic Preservation (EHP) Review Packets and Narrow-banding EHP Requirements, August 31, 2011.
- XIV. REVIEW DATE:** This policy will be reviewed three (3) years from the date of issuance in accordance with Directive 112-12.

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**Brian E. Kamoie**  
**Assistant Administrator**  
**Grant Programs Directorate**