

# PHASE I AND SME EHP DELIVERBABLES

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## PURPOSE

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This document may help communities and subrecipients in developing their request for proposals (RFPs) or requests for quotes (RFQs) for Environmental and Historic Preservation subject matter experts. This document provides the expected deliverables for both Phase I (the project-wide EHP review) and Phase II (site specific EHP review). In the interest of continuity, The CWMP recommends conducting a procurement for both Phase I and Phase II and awarding both phases to the same SME(s).

Any community, jurisdiction, or sub-recipient using this document should ensure that they follow all applicable agency, local, state, and federal procurement guidelines. For more information, the CWMP recommends that entities using this document consult with their contracting department, review applicable local and state laws, and familiarize themselves with [2 CFR 200](#) if using federal funds.

## BACKGROUND INFORMATION

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The [Click or tap here to enter text.](#) is currently working with the California Governor's Office of Emergency Services to pilot the California Wildfire Mitigation Program (CWMP), which will be funded, in part, by a FEMA Hazard Mitigation Grant. The CWMP Home Hardening Initiative aims to perform defensible space and retrofit measures on existing residential homesites to mitigate against wildfire losses. The program proposes to target [Click or tap here to enter text.](#) areas within [Click or tap here to enter text.](#) County: [Click or tap here to enter text.](#)

Homeowners within the project areas who apply to participate in the program will receive a home assessment by program staff to identify the defensible space and retrofit measures which are recommended to increase protection against wildfires. The program has a defined list of measures that may be taken on homesites (attached). Not every home will receive all measures, but no homesite will have measures more extensive than those listed as eligible under the program.

The infusion of federal funds into the program requires compliance with federal and state environmental regulations, including NEPA, CEQA, and Section 106. As such, [Click or tap here to enter text.](#) seeks the professional services of qualified subject matter experts to inform the possible environmental impacts of this program in the proposed project areas including biological, archaeological, architectural, and historical research services. A Subject Matter Expert in Archaeology or Architectural History is someone that meets the Secretary of the Interior's Historic Preservation Professional Qualification Standards in their respective field. A Subject Matter Expert in Biology or

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Botany is someone with at least one year of experience conducting reviews in California and experience with the pertinent species of concern for management areas.

## PHASE I ENVIRONMENTAL AND HISTORIC PRESERVATION REVIEWS AND DELIVERABLES

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Phase I of the project will involve a review of the project area and a list of specific parcels within the project area to identify those for which the proposed program measures may have little to no environmental impact (referred to as “no issue”). This desk review and mapping analysis will involve analyzing the project area and the draft list of “no issue” parcels against U.S. Fish and Wildlife Service (USFWS) layers for critical habitats and endangered species, Secretary of Interior National Registry of Historic Places layers, Native American Heritage Commission, U.S. Census Bureau Areal Hydrography layers for bodies of water, U.S. Geological Survey for wetlands, and FEMA's National Flood Hazard Layer. There are [Click or tap here to enter text.](#) number of parcels on the draft “no issue” list. The firm awarded the contract for this opportunity will be provided with an excel spreadsheet listing the “no issue” parcels which should be reviewed during Phase I. The draft “no issue” parcel list excludes parcels with a year-built date 45 years or greater from the date of review, according to local Property Assessors records which has been approved by FEMA as the system of record for the Program. The draft “no issue” parcels should be searched for applicable records in the California Historic Resources Information System (CHRIS) records, and other available sources of information. Any parcel determined to be historically or culturally significant should be flagged for removal from the list.

Subject Matter Experts should evaluate the project area and the list of “no issue” parcels, considering the program's eligible hardening measures which may be performed on homesites participating in the program. These reviews should culminate in the production of the materials described below, which will be provided to FEMA for review and any necessary consultations:

### BIOLOGY AND BOTANY

Reviews must be completed by a Biologist and Botanist with at least one year of experience conducting reviews in California, and experience with the pertinent species of concern for the management areas. These reviews should include the following:

1. Property address and latitude/longitude coordinates for each “no issue” parcel.
2. US Fish and Wildlife Service (USFWS) Information for Planning and Consultation (IPaC) report for the parcel.
3. California Natural Diversity Database report showing that the parcel is not in or adjacent to Federal ESA species sighting polygons. Dated reporting should be

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provided for Federally protected Threatened and Endangered\* (T&E) wildlife and plant occurrences using a 3-mile buffer. A community-level map of T&E species occurrences also should be provided for a 3-mile buffer around the project area boundaries with a legend symbolizing each T&E wildlife species. A community-level map of plant occurrences with a 3-mile buffer applied around the project area boundaries also should be provided with a legend symbolizing each T&E plant species. If possible, display these data and the “no issue” parcels at a scale of 1:46,000. If unable to distinguish parcels at this scale, divide community-level map(s) into different areas as necessary to show CNDDDB data in relation to the project. If no wildlife or plant occurrences are visible within 3 miles of project area boundaries, extend the buffer further to show the nearest occurrences. Include an assessment of possible impacts and proposed protection measures. \*Also include Proposed Threatened & Endangered species as of June 2023 (e.g.).

4. Map printout of data from the USFWS Environmental Conservation Online System Threatened and Endangered Species Active Critical Habitat Report system showing that the property is not within critical habitat for any ESA species. A community-level map with a 3-mile buffer applied around the project area boundaries showing critical habitat, scaled at 1:75,000 or as appropriate, with species legend should be provided. If no critical habitat is visible within a 3-mile buffer around project area boundaries, extend this buffer to show the nearest critical habitat to the project area boundaries.
5. USFWS National Wetland Inventory map showing that the vegetation clearance zone is not within 150 feet of a wetland or waterway. A community level map(s) at an appropriate scale should be provided showing any wetland areas within 3 miles of the project area boundaries. If no occurrences are visible within a 3-mile buffer around the project area boundaries, extend this buffer further to show the nearest wetland or waterway occurrences in relation to project area boundaries. If parcels are spread out or difficult to distinguish in relation to National Wetland Inventory data, provide parcel specific maps for each proposed “no issue” parcel with 150-foot buffer applied beyond the 100-foot construction/defensible space zone with a legend demonstrating that no wetlands or waterways are present within that area.
6. A statement indicating that no vegetation clearing work will occur during bird nesting season (February 1 through August 31). If work must occur during this time, for compliance with the Migratory Bird Treaty Act and California Fish and Game Code, nesting bird surveys must be conducted by a qualified USFWS approved avian biologist no more than 7 days prior to planned work to locate nests within and adjacent to (150 feet beyond) the proposed work area. If no protected nesting birds are detected, the work may proceed, however, if construction activities pause for more than 7 days, another nesting bird survey

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must be conducted before construction can resume. Additional information on specific requirements, if a nest is detected, is detailed in the *CA Home Hardening Phase I Property Conditions* document. Post-clearance prior to or at grant closeout, proof of when vegetation clearing occurred, and the biological survey/monitoring having occurred (if required) will be necessary.

7. A community-level USFS CalVeg Land Cover map with a 1-mile buffer applied beyond the project area boundaries and an assessment/discussion of findings. If these data fail to provide a clear picture of the surrounding land cover, this buffer should be extended to 3 miles or until a sufficient overview of the surrounding land cover is captured.
8. A report on the methodology and findings for each area of assessment above. The report should include a table with data fields for each Federally protected wildlife and plant species by scientific name, common name, ESA status, number of occurrences, growth form, habitat types, blooming period, indication if critical habitat, potential to occur within work area(s), and potential to be impacted by the project. Occurrences in CNDDDB greater than 75 years old may be removed from the analysis. Note on the provided Excel spreadsheet any parcels that should be removed from the proposed "no issue" properties list, noting the factor affecting removal (wetland, presence of critical habitat, etc.). These parcels will undergo additional review during Phase II of the project if the homeowner applies to the program.

## ARCHITECTURAL HISTORY

1. Certification based on California Historical Resource Information System (CHRIS) records and other available sources of information that the property is not individually listed or eligible for listing in the National Register of Historic Places (NRHP) and not in or adjacent to a National Register of Historic Places (NRHP) listed or NRHP-eligible historic district as verified by CHRIS records.
2. Property address and parcel number.
3. Building year of construction.
4. Source of the information utilized to determine building age.
5. Provide a report of methodology and findings for each area of assessment. The report should identify the parcel number and address of all properties to be removed from the proposed "no issue" list. Also note on the provided Excel spreadsheet any parcels that should be removed from the proposed "no issue" properties list, citing the factor affecting removal (age of building, NRHP status, etc.). These parcels will undergo additional review if the homeowner applies to the program.

## NATIONAL FLOOD INSURANCE PROGRAM (NFIP)

Verification of National Flood Insurance Program (NFIP) participation if the property address is located within a floodway or the 100-year floodplain as based on the Flood

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Insurance Rate Map (FIRM). A FIRMette can be utilized, which is a web-based tool that displays the FIRM or flood map index selected for specific areas of interest. If the entire area of assessment is outside of the 100-year floodplain, this may be demonstrated in a community-level map(s) at a scale of 1:45,000 or a scale similar to those provided for the biological review. Parcel-specific maps are requested for those properties inside the 100-year floodplain.

## ARCHAEOLOGY

1. Certification based on CHRIS records, a California Native American Heritage Commission (NAHC) Sacred Lands File search, and other available sources of information that the property does not contain any identified archaeological sites, other recorded cultural resources, or identified tribal cultural resources and is not likely to contain cultural materials on the ground surface in the location where work is proposed.
2. Results of the California Native NAHC Sacred Lands File search and associated Native American contact list and their responses. The deliverables should include the request for a search of the Sacred Lands File and the NAHC's response and Native American contact list. FEMA will contact the Tribes and individuals identified.
3. Provide a report of methodology and findings for each area of assessment, noting parcels to be flagged for removal from the draft "no issue" list. The report should identify the parcel number and address of all properties to be removed from the proposed "no issue" list.
4. FEMA will be responsible for all tribal notifications and consultations. SME will be available to participate in consultations if requested by FEMA.

Phase I deliverables should include an update to the provided "no issue" Excel spreadsheet, flagging for removal any parcels that should be removed from the "no issue" properties list, citing the factor(s) affecting removal (proximity to known archaeological sites, NAHC results, biological surveys etc.). Some parcels may be flagged for multiple reasons. These parcels will undergo additional review during Phase II if the homeowner applies to the program.

## PHASE II ENVIRONMENTAL AND HISTORIC PRESERVATION REVIEWS AND DELIVERABLES

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As homeowners from within the project area apply to the Program and are determined to be eligible (confirmed to be the legal owner who authorizes access to the property), local project staff will complete a home assessment and prepare a Scope of Work with proposed defensible space and retrofit measures to harden the homesite against the risk of wildfire. Local project staff will determine if the homesite is on the "no issue"

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parcel list approved by FEMA and if the proposed Scope of Work exceeds any of the property conditions established by FEMA for the program using the "EHP Site-Specific Checklist" (developed by Cal OES and FEMA).

Any property that was not identified as a "no issue" parcel will be referred to the Phase II SME by local project staff for further review and analysis. Additionally, any "no issue" property with a Scope of Work Flag that exceeds the property conditions established by FEMA for the program will be referred to the Phase II SMEs for review.

SMEs in the fields of Biology, Botany, Architectural History/Historic Architecture, and Archeology are required to support the program with site specific reviews of the defensible space and retrofit measures to be performed at specific homesites that are determined to be 'Issue' properties and/or that have a Scope of Work Flag.

'Issue' properties are those within the project area that are located on a parcel with any of the following characteristics:

- Located in a special flood area.
- Within or within 150 feet of Federally designated critical habitat.
- Within or within 150 feet of a California Natural Diversity Database Endangered Species Act (ESA) species observation polygon.
- Contains a wetland or a body of water or is within 150 feet from a wetland or body of water.
- Has a building or structure that is individually listed or eligible for listing in the National Register of Historic Places (NRHP) or within an NRHP-listed or NRHP-eligible historic district.
- Is a Mills Act property or a property in or adjacent to a state or local historic district as verified by County or other local sources.
- Has a building or structure that would be subject to home hardening and was constructed 45 years ago or greater at the time of application to the program.
- The proposed Scope of Work exceeds any of the property conditions on the "Phase I Property Conditions" document.

SMEs will review the property package, which will include the "Site Specific Checklist" (indicating the factors which prevented the parcel from being "No-Issue") and the home assessment report (includes pictures of the parcel that depict the overall home site, structure, and areas where work is proposed, and a summary of the defensible space and retrofit measures proposed to be performed by the program).

## ARCHITECTURAL HISTORY

SME will:

1. Review the reports prepared during Phase I of the project, as applicable.

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2. Review home assessment report/site specific Scope of Work for homesites with a year-built date of 45 years or greater for which a home hardening retrofit activity is proposed.
3. Review the home assessment report for any properties that are determined to be of historical or cultural significance due to their listing on a local register, the California Register of Historical Resources (CRHR), or NRHP as an individual property or element of a historic district; their status as indicated in the California Built Environment Resources Directory; their status as a Mills Act property, as verified by County or other local sources; and/or California Historic Resources Information System (CHRIS) records indicating the property is in or adjacent to a state or local historic district.
4. Review the home hardening retrofit Scope of Work against *the Programmatic Allowances in Appendix B of the 2019 Programmatic Agreement* among FEMA, Cal OES, and the California State Historic Preservation Officer. If the retrofit does not meet Programmatic Allowances, the SME will evaluate the building or structure for listing in the National Register of Historic Places (NRHP) following significance criteria under 36 CFR 60. The SME also will assess whether the proposed scope would result in an adverse effect to the building or structure per Section 106 of the National Historic Preservation Act.
5. Participate in consultation(s) with FEMA and other federal, state, or local partners as necessary if the building or structure is determined to be NRHP-eligible to develop and agree upon the scope and materials used. This may require field visits.

Upon review of specific properties and measures proposed to be performed by the program, the SME will provide input regarding whether the project should be approved as proposed with no concerns or will propose alternative methods or materials to best preserve the historical integrity of the property and avoid adverse effects. SMEs should meet Secretary of the Interior-qualifications and have experience conducting NRHP evaluations within the project vicinity.

**DELIVERABLE: CWMP SME REVIEW FORM OR EQUIVALENT.**

## ARCHAEOLOGY

SME will:

1. Review the reports and maps prepared by SMEs during Phase I of the project, as applicable.
2. Review the home assessment report/site specific Scope of Work to determine if project activities meet Programmatic Allowances II.F.2.a-d (see Bullet 8 above for definition of 'Issue' properties) for defensible space measures.

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3. Review CHRIS records, NAHC Sacred Lands File search results, and other available sources of information to determine if a property contains any identified archaeological sites, other recorded cultural resources, identified tribal cultural resources, or may possess a high likelihood of containing cultural materials on the ground surface in the location where the work is proposed if the home assessment report/site specific Scope of Work does not meet Allowances II.F.2.a-d.
4. Participate in consultation(s) with FEMA and other federal, state, or local partners as necessary.
5. If requested, provide technical expertise and support related to the assessment, NRHP evaluation, and avoidance or mitigation of unexpected discoveries (prehistoric or historic period cultural materials or features).

Upon review of specific properties and measures proposed to be performed by the program, the SME will provide input regarding whether the project should be approved as proposed or will propose alternative methods or mitigation measures to avoid adverse effects to any cultural resources associated with the property. SMEs should meet appropriate Secretary of the Interior-qualifications and have experience conducting NRHP evaluations of archaeological resources within the project vicinity. SME should note in the property report any allowances applied from the 2019 Programmatic Agreement.

**DELIVERABLE: CWMP SME REVIEW FORM OR EQUIVALENT**

## BIOLOGICAL & BOTANY RESOURCES SUPPORT

Reviews must be completed by a Biologist and Botanist with at least one year of experience conducting reviews in California and one year of experience with the pertinent species of concern for the management areas.

These SME's will:

1. Review the reports and maps prepared by Subject Matter Experts during Phase I of the project, as applicable.
2. Review proposed measures to be performed at homes located within wetland, special flood, or critical habitat areas based upon:
  - a. USFWS Information for Planning and Consultation (IPaC) reports and maps of the project area showing critical habitat for any ESA species within the property area or within a 3-mile buffer.
  - b. California Natural Diversity Database report showing that the property is within or adjacent to ESA species sighting polygons. Occurrences in CNDDDB greater than 75 years old may be removed from the analysis.
  - c. USFWS National Wetland Inventory map showing that the vegetation clearance zone is within 150 feet of a wetland or waterway.

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Upon review of specific properties and measures proposed to be performed by the program, the SME will provide input to either approve those measures as proposed or provide alternative methods or mitigations to best preserve the environmental integrity of the property.

If the proposed work at the homesite impacts a species included in the FEMA/USFW Programmatic Biological Opinion (PBO) covering the project area, the SME should incorporate the existing Avoidance and Minimization Measures (AMM) where feasible. If the AMM cannot be implemented, the SME should note this in their report to support FEMA's consultation process with US Fish & Wildlife. If the work at a homesite impacts a species NOT addressed in the PBO, the SME should contact the regional USFWS field office to obtain AMM's and note this in their report.

**DELIVERABLE: CWMP SME REVIEW FORM OR EQUIVALENT**

In addition to reviewing 'Issue' parcels and those with scope of work flags as previously described, the Biology SME will:

1. If work must be performed during bird nesting season (Feb 1 – Aug 31), compliance with Migratory Bird Treaty Act and California Fish and Game Code is required. A qualified USFWS-approved avian biologist must perform nesting bird surveys no more than seven days prior to the commencement of site work during Migratory Bird Season (February 1 – August 31) and, if work pauses for more than seven days to locate nests within and adjacent to (150 feet beyond) the proposed work area, perform another nesting bird survey before construction resumes. If no protected nesting birds are detected, the work may proceed, however if construction activities pause for more than 7 days, another nesting bird survey must be conducted before construction can resume.
2. If an active nest is detected during the survey, either work must be suspended until the young have fledged OR the following will apply:
  - a. An exclusionary buffer will be established around the nest. The buffer distance will be determined by the USFWS-approved biologist considering several factors: presence of natural buffers (vegetation/topography), nest height, location of foraging territory, nature of the proposed activities, and baseline levels of noise and human activity. The buffer may range from 50 feet to over 250 feet in width.
  - b. The biologist must monitor the nest during construction for signs of adverse effects including distress/disturbance (since "take" is not authorized). If adverse effects are detected, then the biologist will have the authority to stop all construction activity in the vicinity of the nest.
  - c. The biologist must continue to monitor the nest and will determine when the young have fledged. Once young have left the nest the buffer and

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- exclusion zone may be removed and construction activities within these areas may resume.
- d. The survey should extend 150 feet beyond the proposed work area.
  - e. No work will occur within 500 feet of an active Federally protected Threatened or Endangered species nest, for all other species, if an active nest of any bird species is identified, the project biologist will designate a species-specific no equipment/no activity buffer of a minimum of 100 feet (2,640 feet for eagles) around the nest. The biologist will assess each active nest for the species tolerance to human activity, vegetation or other materials that may screen the nest from noise or view of the work, the nature of the work, or other environmental factors.
  - f. Monitor the nest during construction for signs of species disturbance (since “take” is not authorized).
  - g. If adverse effects are detected, request that construction activity in the vicinity of the nest be halted.
  - h. Continue to monitor the nest and determine when young have fledged.
  - i. Once young have left the nest OR the beginning of the nonbreeding season is reached, the exclusionary buffer may be removed and construction activities within these areas may resume.
  - j. Participate in consultation(s) with FEMA and other federal, state, or local partners as necessary.
  - k. Conduct field visits as required.

After the review of the appropriate reviews as described above, the SME(s) will return the stated deliverable to [Click or tap here to enter text.](#) SME's may use the “CWMP SME Review Form” created for the program (and approved by FEMA) or a similar document containing the same information (indicating: no adverse impact or concerns, alternate methods or materials, or proposed mitigations along with any additional reports prepared by the SME). FEMA will review the property package including the Subject Matter Expert Review and Certification Form. If FEMA has questions regarding the property and requires additional input from the SME or any support with subsequent consultations, this will be communicated through the [Click or tap here to enter text.](#)

## ENROLLED ACTIVITIES, ROUTINE HOMEOWNER MAINTENANCE AND DEFENSIBLE SPACE COMPLIANCE

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