

Environmental and Historic Preservation (EHP) Overview – Public Assistance Applicant Briefing

WARNING: This presentation has a LOT of information. Please know you can refer to it later and reach out to us for help at any time.

February 5, 2025

www.CalOES.org



Cal OES
GOVERNOR'S OFFICE
OF EMERGENCY SERVICES

Agenda:

What is EHP and why does it matter?

EHP Regulatory Requirements & Compliance

Where to confirm required EHP monitoring conditions?

Demonstrating compliance with EHP project monitoring
conditions

Key Takeaways

Question & Answer

An aerial photograph of a residential neighborhood, showing rows of houses and streets, overlaid with a semi-transparent blue filter. The sky is filled with soft, white clouds. The overall tone is calm and professional.

What is EHP and why does it matter?

What is EHP and why does it matter?

What is the purpose of FEMA's EHP review process?

- The FEMA EHP review process was established to ensure FEMA-funded disaster response and recovery projects comply with environmental and historic preservation laws and regulations.

In FEMA's words: [Environmental Planning and Historic Preservation | FEMA.gov](#)

"The integrity of our natural and historic landscape is important to us all, and steps taken to strengthen or rebuild communities can have long-term environmental and cultural impacts. To ensure proper stewardship of historic properties and the environment, there are more than 30 federal regulations, directives, and legal mandates — in addition to a number of state laws and codes — in place to protect these resources."

Why does it matter?

Well...compliance is necessary for:

- Protecting and preserving potentially impacted environmental, historical, and culturally significant sites and resources and minimizing adverse effects
- Receiving the fully awarded project amount
- Preventing legal action
- Avoiding negative publicity

What is EHP and why does it matter?

Who is responsible?

All parties are responsible for EHP compliance.

FEMA

For a Recipient or applicant to receive federal funds, FEMA must confirm compliance with EHP-related federal regulations. FEMA reviews each FEMA PA project to determine which EHP conditions are applicable, and that compliance has been demonstrated by the SR through project closeout.

Cal OES (Applicant)

The State is the applicant and provides sub-applicants/sub-recipients training, technical assistance, and project oversight to sub-recipients to support federal, state, and local compliance. Cal OES staff review documentation to support recommendations to FEMA with goal of maximizing federal funding opportunities.

Sub-Applicant

Sub-applicants coordinate with Cal OES and FEMA through site visits, briefings, and regular meetings to collaboratively formulate PA projects. Sub-applicants are ultimately responsible for providing necessary permits and project documentation at Closeout to demonstrate compliance.

Note: Sub-applicants / sub-recipients are responsible for all EHP compliance requirements.

What is EHP and why does it matter?

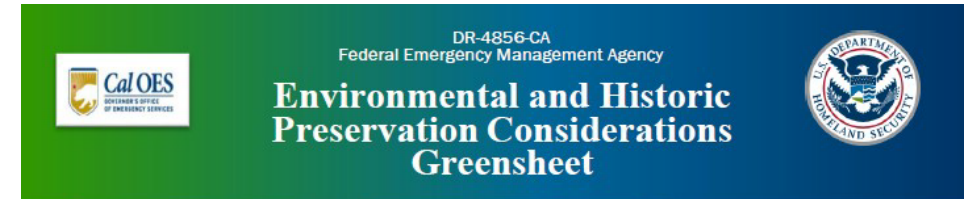
EHP Related Considerations

Source: *California Incident DR-4683 Federal Emergency Management Agency Environmental Considerations Greensheet*

- There are numerous EHP conditions that may be applicable / required relating to:
 - Waterways, Including Culverts and Bridges
 - Floodplains and Wetlands
 - Threatened and Endangered Species
 - Historic Preservation and Tribal Relations
 - Debris Disposal and Hazardous Materials

Always reach out to your Cal OES EHP Point of Contact (POC) for consultation!

RecoveryEHP@caloes.ca.gov



Environmental and Historic Preservation and Disaster Recovery

As you protect, repair, and rebuild your disaster-damaged communities, environmental and historic preservation issues may not seem like a priority. Whenever Federal funding is requested, however, certain environmental and historic preservation requirements must be fulfilled. This brochure is provided to help you better understand environmental and historic preservation factors that you must consider as you apply for FEMA funding. The information described here will help you avoid funding delays and other hurdles as you undertake recovery efforts.

The most important message is that the FEMA Environmental and Historic Preservation (EHP) staff is committed to helping you identify and meet environmental and historic preservation compliance responsibilities. This document provides an

overview of compliance requirements, procedures, and contacts.

You can help by identifying any potential environmental or historic issues, concerns, or problems related to your projects and discuss these with FEMA staff as soon as possible.

Our work is performed under the direction of FEMA's Federal Coordinating Officer, Curtis Brown, and in close coordination with the California Governor's Office of Emergency Services (CalOES). The CalOES serves as the main point of contact for applicants, oversees grant administration, and is committed to following all environmental and historic preservation requirements in its disaster recovery operations.

As the Regional Environmental Officer, I pledge to assist you in understanding and complying with all applicable environmental and historic preservation requirements.

Charles Bello leads the EHP unit at the Joint Field Office in 75 N. Fair Oaks, Pasadena, CA, 91103. Please contact them, other FEMA EHP staff, CalOES, or FEMA Public Assistance staff for any environmental or historic preservation compliance assistance.

Sincerely,

Jeffery Smyly
Regional Environmental Officer
FEMA Region 9
01/23/2025

Environmental Laws and Project Requirements

The National Environmental Policy Act (NEPA) is the primary environmental law that directs Federal agencies to consider the environmental effects of their actions (including funding). In addition to NEPA, listed below are the other major environmental and historic preservation laws and executive orders that are triggered when protecting, rebuilding, or replacing public infrastructure.

Many activities can proceed without environmental or historic review, others require some consideration for environmental and historic preservation compliance. Some projects need very detailed reviews, such as consultation and (or) permitting/authorization with State, Tribal, and Federal regulatory agencies prior to work beginning. Failure to comply with applicable environmental and historic preservation laws and other requirements could jeopardize or delay potential funding.

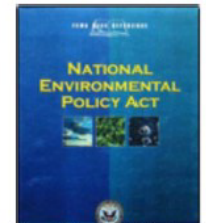


Figure 1. Image of National Environmental Policy Act book.

Federal Laws and Executive Orders

- National Environmental Policy Act
- National Historic Preservation Act
- Endangered Species Act
- Clean Water Act
- Magnuson-Stevens Act
- Executive Order 11988: Floodplain Management
- Executive Order 11990: Protection of Wetlands
- Executive Order 12896: Environmental Justice

Additional Laws

- Magnuson-Stevens Fishery Conservation Management Act
- Farmland Protection Act
- Wild and Scenic Rivers Act
- Coastal Zone Management Act

Some projects may not need detailed review.

- Many types of emergency actions or debris removal
 - Repairs exactly to pre-disaster condition or temporary repairs
- Some projects require more extensive review.*
- Debris disposal in areas not previously permitted
 - Projects that change the pre-disaster condition of the facility
 - Repairs that include hazard mitigation or to facilities over 45 years old
 - Projects located near bodies of water, wetlands, or floodplains.
- Some projects may need review and consultation.*
- Improved or alternate projects
 - Projects that include new ground disturbance

What is EHP and why does it matter?

Common EHP Compliance Regulations

Waterways, Including Culverts and Bridges

Federal Clean Water Act, U.S. Rivers and Harbors Act

CWA Sections 401 and 404

- US Army Corps of Engineers (USACE)
- Navigable waters
- Water control facilities
- Water conveyance maintenance
- Regional General Permit (RGP)

Floodplains and Wetlands

Watershed and Flood Prevention Act, EO - 11988

Executive Orders

- Floodplain maps
 - FIRMette
- Wetland definitions
 - Vegetation & animals



**2025 brings significant updates to FEMA Floodplains and wetlands requirements.*

Threatened and Endangered Species

Endangered Species Act

ESA Section 7

- Multiple agency impact review
 - USFWS
 - CDFW
 - Regional/local



What is EHP and why does it matter?

Common EHP Compliance Regulations

Historic Preservation and Tribal Relations

National Historic Preservation Act, Native American-related Acts, Programmatic Agreement

NHPA Section 106

- Native American Graves Protection & Repatriation Act
- American Indian Religious Freedom Act
- CA SHPO
- Historic = 45 years

Debris Disposal and Hazardous Materials

Clean Air Act, Resource Conservation and Recovery Act

CAA, CARB, RCRA

- Vegetation vs. federal & state regulated materials
- Local/State agencies
- Commercially regulated recycling or disposal facilities
- Cradle to grave (RCRA)

Other Considerations

Conditions relating to completion of Scope of Work

- Hazard mitigation
- Ground disturbance
- Environmental Justice
- Heritage Emergency National Task Force (HENTF)



What is EHP and why does it matter?

The FEMA EHP Greensheet – Resource Overview

- The FEMA EHP Greensheet is a guide which provides helpful information on the EHP review process and is intended to help sub-applicants understand how to comply with EHP laws and regulations.
- What is included in the Greensheet?
 - Guidance on how to comply with EHP conditions
 - Overview of Environmental Laws
 - Overview of Project Requirements / Procedures
 - Contact List

Environmental Laws and Project Requirements

The National Environmental Policy Act (NEPA) is the primary environmental law that directs Federal agencies to consider the environmental effects of their actions (including funding). In addition to NEPA, listed below are the other major environmental and historic preservation laws and executive orders that are triggered when protecting, rebuilding, or replacing public infrastructure.

Many activities can proceed without environmental or historic review, others require some consideration for environmental and historic preservation compliance. Some projects need very detailed reviews, such as consultation and (or) permitting/authorization with State, Tribal, and Federal regulatory agencies prior to work beginning. Failure to comply with applicable environmental and historic preservation laws and other requirements could jeopardize or delay potential funding.

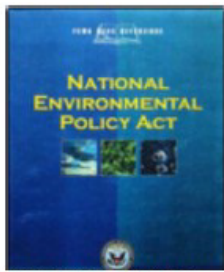


Figure 1. Image of National Environmental Policy Act book.

Federal Laws and Executive Orders

- National Environmental Policy Act
- National Historic Preservation Act
- Endangered Species Act
- Clean Water Act

Some projects may not need detailed review.

- Many types of emergency actions or debris removal
- Repairs exactly to pre-disaster condition or temporary repairs

Some projects require more extensive review.

- Debris disposal in areas not previously permitted



DR-4856-CA Federal Emergency Management Agency Environmental and Historic Preservation Considerations Greensheet



Contacts

This brochure presents an overview of many environmental and historic preservation laws that FEMA and applicants must comply with before approving Public Assistance projects. There are, of course, details beyond the scope of this document that may prove useful for you to better understand environmental and historic preservation requirements. You may contact the agencies listed below for more information on these requirements and for guidance on environmental and historic preservation review, permitting, and approval processes. FEMA staff in the Joint Field Office and the Region IX Office can assist in answering questions and directing you to the appropriate agencies to ensure all environmental and historic preservation considerations are adequately addressed for FEMA-funded projects. More information is available at FEMA's EHP program website.

FEMA Regional Environmental Officer (REO) Jeff Srinly, REO
1111 Broadway, Suite 1200, Oakland, CA 94607-4052
Phone: (202) 710-1773
Email: Jeffrey.srinly@fema.dhs.gov

FEMA EHP Advisor Charles Bello, EHP Advisor Phone: (720) 245-1400
Email: Charles.Bello@fema.dhs.gov

FEMA Tribal Advisors Pamela Joe, Tribal Advisor Phone: (202) 341-2821
Email: Pamela.Joe@fema.dhs.gov

Christopher Poehmann, Tribal Advisor Phone: (510) 725-7958
Email: christopher.poehmann@fema.dhs.gov

FEMA Public Assistance Michael Gaynard, Infrastructure Branch Director
Phone: (510) 504-8046 Email: Michael.Gaynard@fema.dhs.gov

FEMA 406 Hazard Mitigation Patrick Holloway
Phone: (202) 746-7595
Email: Patrick.Holloway@fema.dhs.gov

FEMA Region IX NFIP – Floodplains Broadway, Suite 1200 Oakland, CA 94607
Phone: (510) 627-7184

California Governor's Office of Emergency Services Patricia Nelson, Environmental Officer
10370 Peter A. McQueen Boulevard, Mather, CA 95665 Phone:(916) 307-1030
Email: Patricia.nelson@caloes.ca.gov Email: RecoverEHP@caloes.gov

Gabe Kearny, Tribal Advisor Phone: (916) 926-9542
Email: Gabe.kearney@caloes.ca.gov

Alex Shariatmadari, Tribal Advisor Phone: (916) 754-6942
Email: alex.shariatmadari@caloes.ca.gov

Helen López, Tribal Advisor (916) 612-9009
Email: helen.lopez@caloes.ca.gov

California Environmental Protection Agency Scott Lichtig, Deputy Secretary for Environmental Policy and Emergency Response
Contact: Bonnie Waltz (916) 883-0958 Website: <https://calepa.ca.gov/>

California Dept. of Water Resources Kelly Soule, NFP Coordinator
3464 El Camino, Ste. 210, Sacramento, CA 95821 Email: Kelly.soule@water.ca.gov
National Marine Fisheries Services (NMFS) Website:
<http://www.westcoast.fisheries.noaa.gov/>

US Fish and Wildlife Service Website: <https://www.fws.gov/office/caribbean-ecological-services/contact-us>

California Dept. of Fish and Wildlife- Habitat Conservation Planning Branch Mailing: P.O. Box 944209, Sacramento, CA 94244-2090
Email: hcpb@wildfire.ca.gov Phone: (916) 445-0411

California Office of Historic Preservation Julianne Polanco, State Historic Preservation Officer 1725 23rd Street, Suite 100 Sacramento, CA 95816
Phone: (916) 445-7000
Email: julianne.polanco@parks.ca.gov

California Native American Heritage Commission
1550 Harbor Blvd., Suite 100, West Sacramento, CA 95691
Phone: (916) 373-3710
Email: nahc@nalic.ca.gov

California State Water Resource Control Boards
Website: https://www.waterboards.ca.gov/waterboards_rmap.html

U.S. Army Corps of Engineers Regulatory Program
Website: <https://usace.mrs.usace.army.mil/webappviewer/index.html?id=7344e62432694199af7790aa47a326dd>

California Air Resource Board Phone: (800)-242-4450
Email: helpline@arb.ca.gov Website: <https://ww2.arb.ca.gov/contact-us>

EPA Hazardous Debris and Materials
75 Hawthorne Street, San Francisco, CA 4105 Phone: (415) 947-8000
Website: <https://www.epa.gov/aboutepa/forms/contact-epas-pacific-southwest-office-region-9/contacts>

California Dept. of Resources Recycling and Recovery 1001 I Street Sacramento, CA 95814
Phone: (916) 322-4027
Website: <https://calrecycle.ca.gov/StateAgency/>

California Department of Public Health
Website: https://www.cdph.ca.gov/Pages/contact_us.aspx Phone: (916) 658-1784

California Coastal Commission
Website: <https://coastal.ca.gov/cdp/cdp-forms.html#AppealForms>

ge the pre-disaster condition of the facility
le hazard mitigation or to facilities over 45 years old
ear bodies of water, wetlands, or floodplains.
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de new ground disturbance

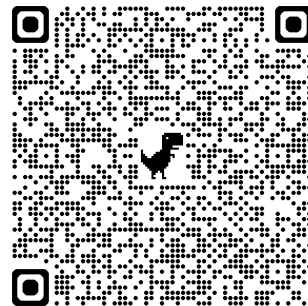


What is EHP and why does it matter?

Comprehensive EHP Guide

Resource: *Cal OES Environmental Directory, Rev9*

- What is included in the Environmental Directory?
 - Flowcharts that illustrate the Disaster Recovery Process
 - List of Acronyms
 - State and Federal regulatory agencies
 - State and Federal Environmental Law and Regulations Summaries
 - Frequent Asked Questions



QR Code to CalOES EHP resources page

Environmental Directory



Technical Assistance Program
California Governor's Office of
Emergency Services

July 2020

An aerial photograph of a residential neighborhood, showing numerous houses with gabled roofs and some trees. The entire image is overlaid with a semi-transparent blue filter. The sky is filled with soft, white clouds.

EHP Regulatory Requirements & Compliance

EHP Regulatory Requirements & Compliance

“Umbrella” Environmental Laws

- California Environmental Quality Act (CEQA)
 - <https://ceqasubmit.opr.ca.gov/>
 - As of Jan 1, 2024 - Senate Bill (SB) 69 (Cortese, 2023) must file with County Clerk and Governor’s Office of Planning and Research
- National Environmental Policy Act (NEPA)
 - <https://ceq.doe.gov/>



QR Code to OPR CEQA form



QR Code to EPA NEPA page

A screenshot of the CEQA Submit website's login page. The page has a blue header with the text "CEQA Submit". Below the header is a "Log On" section. Inside this section is a "Log In" box with a blue header. The text inside the box says "To log in, you will need a key emailed to you." There is an "Email *" field with a placeholder "Enter official work email". Below the field is a "Request key" button with an envelope icon. At the bottom of the page are two buttons: "I have a key already" with a checkmark icon and "Create an account" with a person icon.

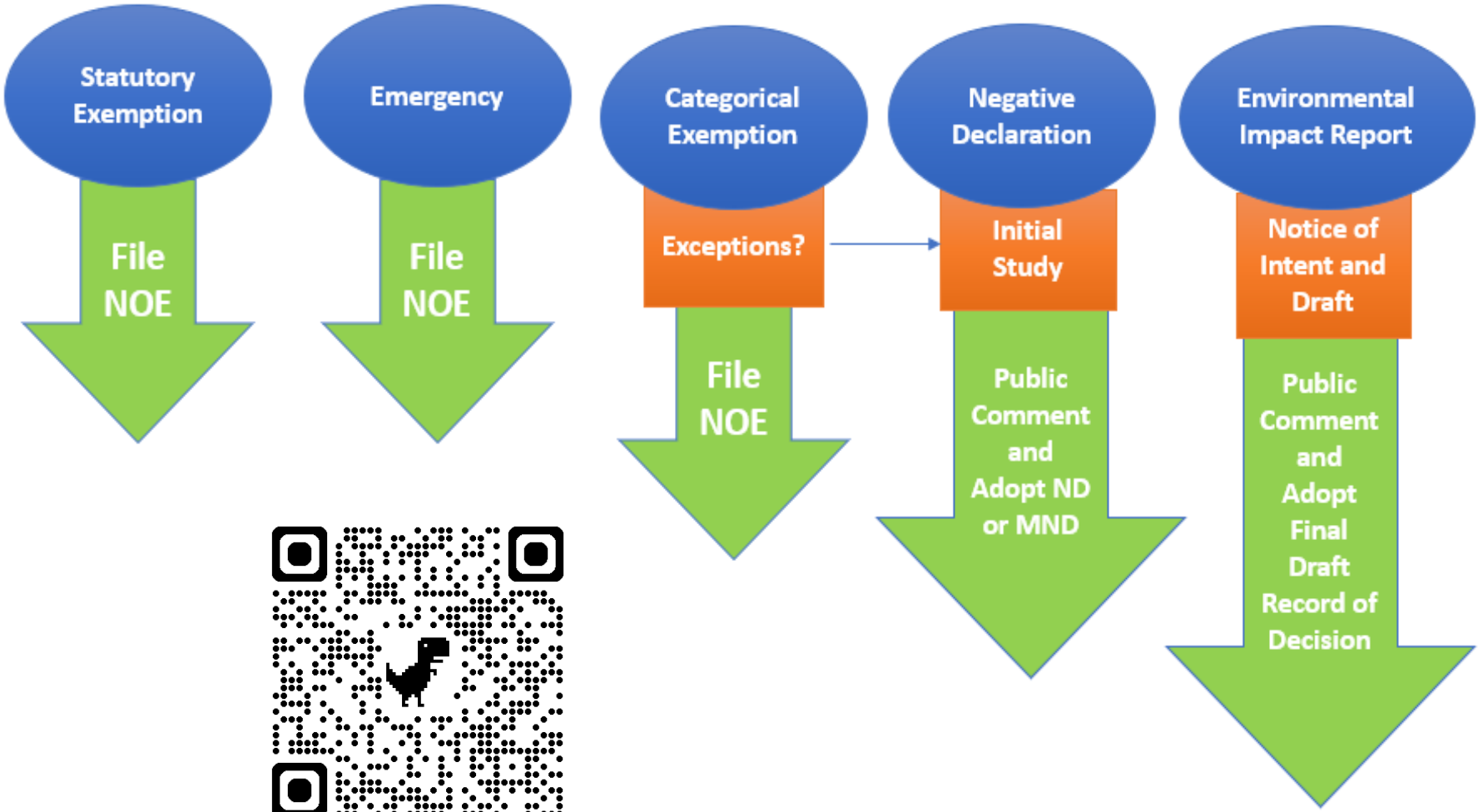
EHP Regulatory Requirements & Compliance

California Environmental Quality Act (CEQA)

What is CEQA / Notice Of Exemption?

1. Statutory exemptions are created by the Legislature for certain circumstances, such as Emergency Response activities.
2. Categorical Exemptions are created through the regulatory process and are found in CEQA Guidelines §§ 15300-15333 and most commonly apply to Permanent Work associated with Disaster Recovery Activities.
3. Notices of Exemption must be filed with the Office of Planning and Research for Statutory or Categorical Exemptions.
4. There are CEQA Exemption Exceptions and if they apply an Initial Study is generally required.
5. If the Initial Study concludes that the project will not cause a significant impact to the environment, the agency can prepare a Negative Declaration (ND) or Mitigated ND.
6. If the Lead CEQA agency determines that the project may have a significant impact on the environment, an Environmental Impact Report (EIR) must be prepared.

CEQA



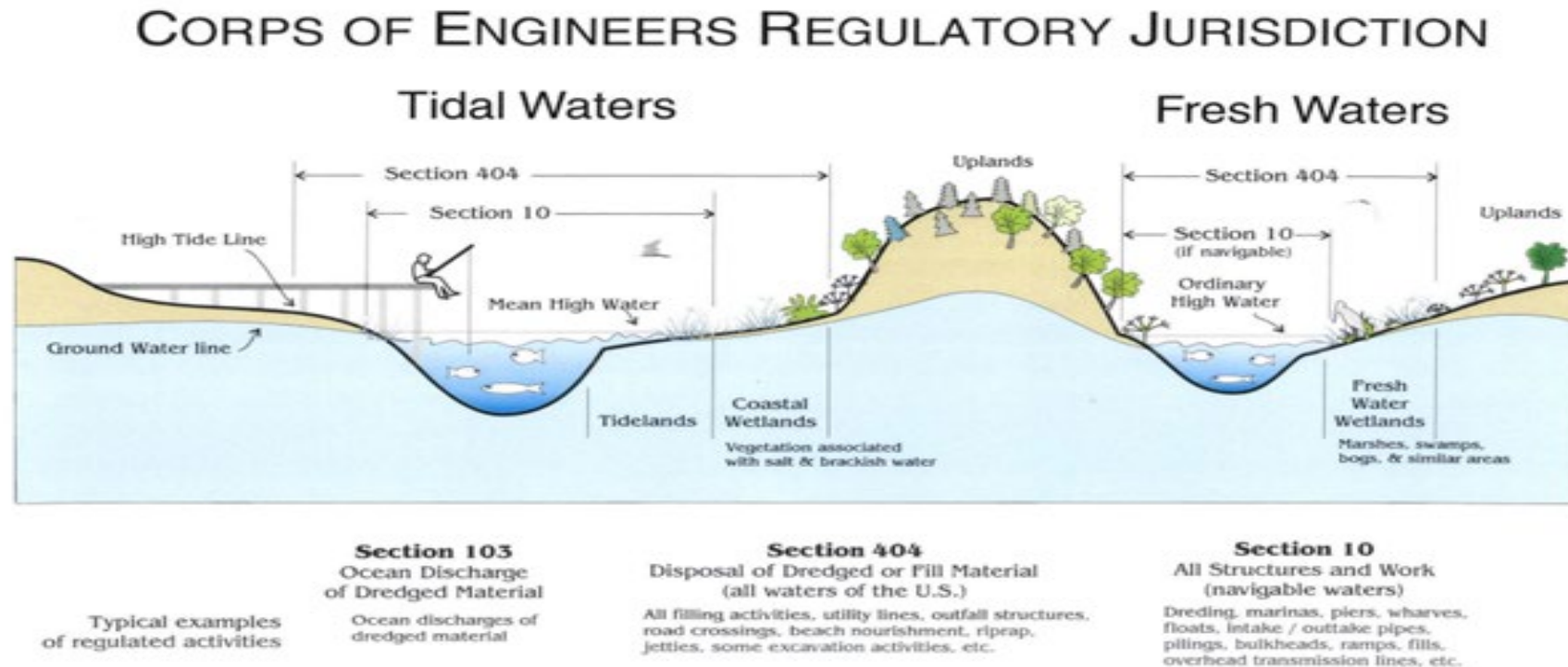
EHP Regulatory Requirements & Compliance

Resource	State	Federal
Special Status Species	California Endangered Species Act (CDFW)	Endangered Species Act (USFWS)
Cultural, Tribal, and Historic Preservation	California Native American Historic Resource Protection Act (SHPO)	National Historic Preservation Act (SHPO)
Water Resources	<ul style="list-style-type: none"> a. Porter Cologne Water Quality Control Act (Water Boards, RWQCB) b. California Fish and Game Code (CDFW) 	<ul style="list-style-type: none"> Clean Water Act (USEPA, USACE) • Sections 401 and 402 administered by the State Water Boards • Section 404 administered by USEPA and USACE
Air	California Clean Air Act (CARB)	Clean Air Act (USEPA)
Migratory Birds	California Migratory Bird <u>Protection</u> Act (CDFW)	Migratory Bird <u>Treaty</u> Act (USFWS)
	<ul style="list-style-type: none"> • Other State Laws (e.g., California Coastal Act) • Executive Orders (e.g., wetlands/floodplains) 	<ul style="list-style-type: none"> • Other Federal Laws (e.g., Coastal Zone Management Act) • Executive Orders (e.g., wetlands/floodplains)

EHP Regulatory Requirements & Compliance

Body: The **US Army Corps of Engineers (USACE)** maintains jurisdiction over two broad categories of water including Navigable Waters of the United States and Waters of the United States

The **State of California – Waterboards** maintains jurisdiction over all other waters of the state including Culverts, Bridges, Bank Erosion, Springs / Seeps / Wetlands, Drainages, etc.



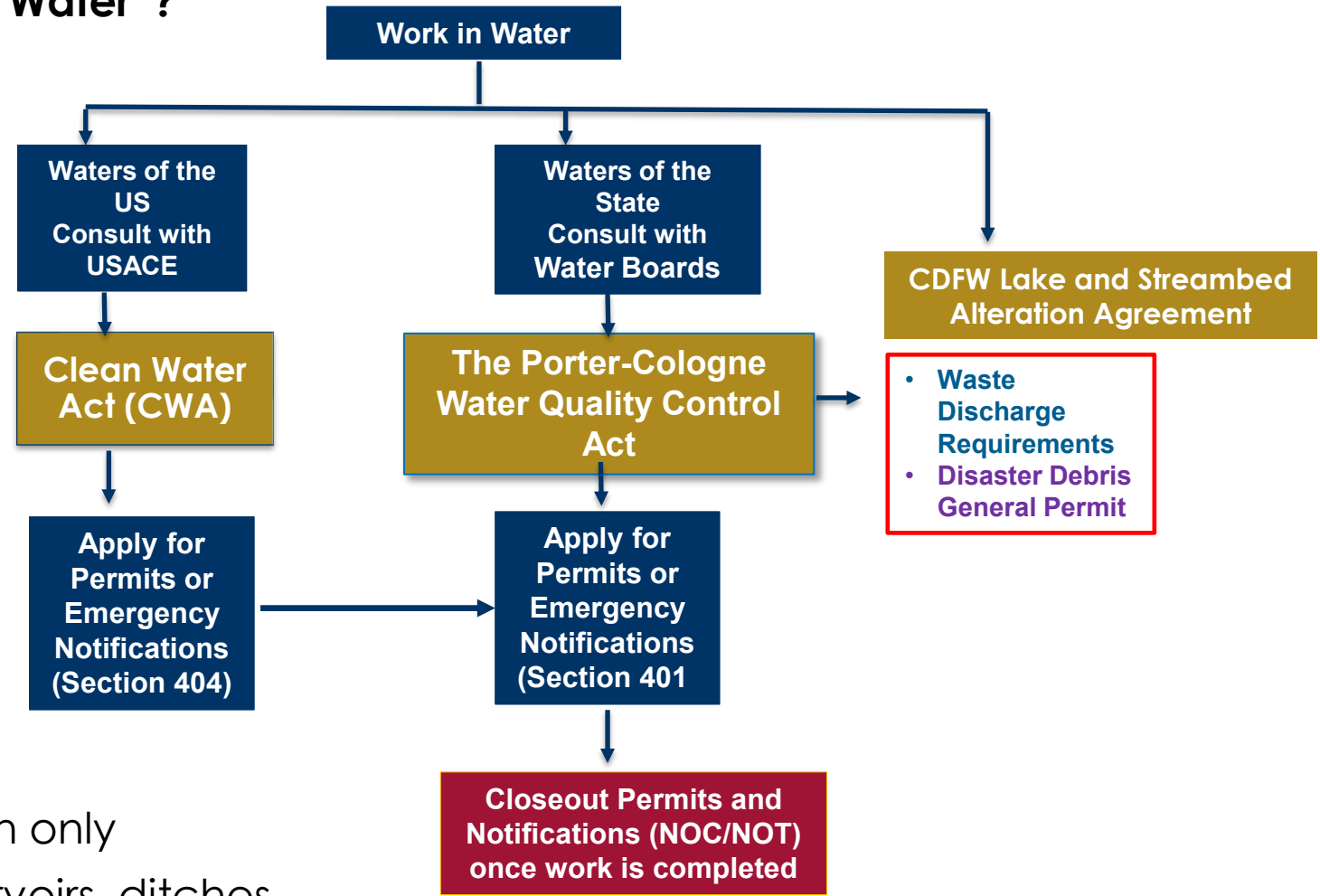
EHP Regulatory Requirements & Compliance

What work is associated with “Work in Water”?

- Culverts
- Wetlands
- Streambanks
- Watercourses
- Bridge
- Debris
- Laydown Yards
- Staging areas

Types of watercourses:

- Perennial: Continuous flow
- Intermittent: Seasonal Flows
- Ephemeral: Flows after precipitation only
- Man-made: channels, canals, reservoirs, ditches



EHP Regulatory Requirements & Compliance

Ordinary High-Water Mark (OHWM) Field Guides



A Field Guide to the Identification of the Ordinary High-Water Mark (OHWM) in the Arid West Region of the Western United States.

Any work performed at or below the OHWM will require consultation with the appropriate regulatory agencies.

EHP Regulatory Requirements & Compliance

Waterboards Jurisdiction



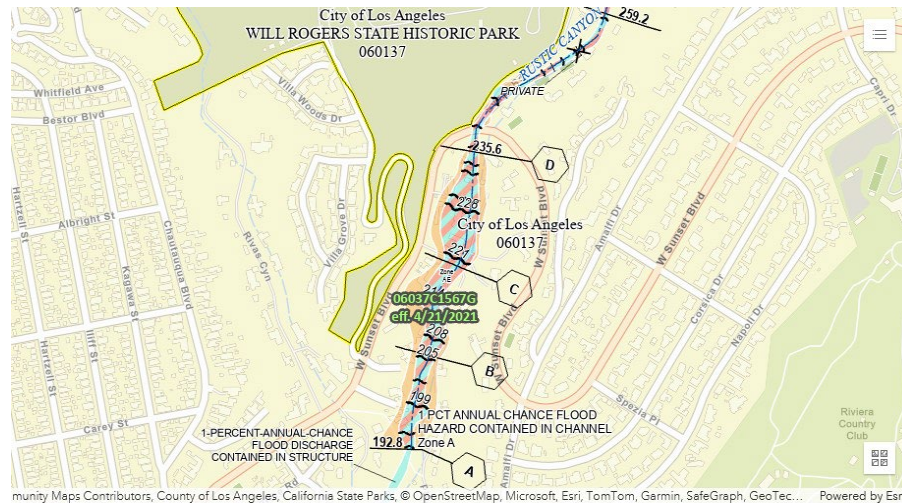
- State Water Resources Control Board (SWRCB) oversees stormwater concerns.
- SWRCB Order WQ 2020-0004-DWQ
 - General Waste Discharge requirements for disaster-related wastes
- CWA Section 401 Water Quality Certification/Waste Discharge Requirements
- CWA Section 402 NPDES Storm Water Permits



EHP Regulatory Requirements & Compliance

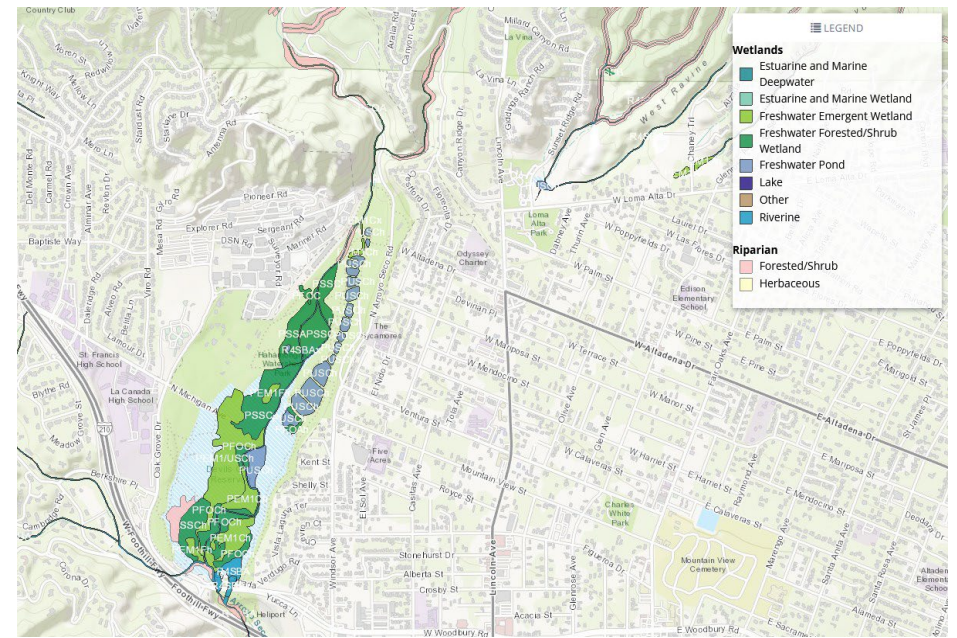
Floodplains and Wetlands

Identify wetlands and floodplains in your project area with these resources.



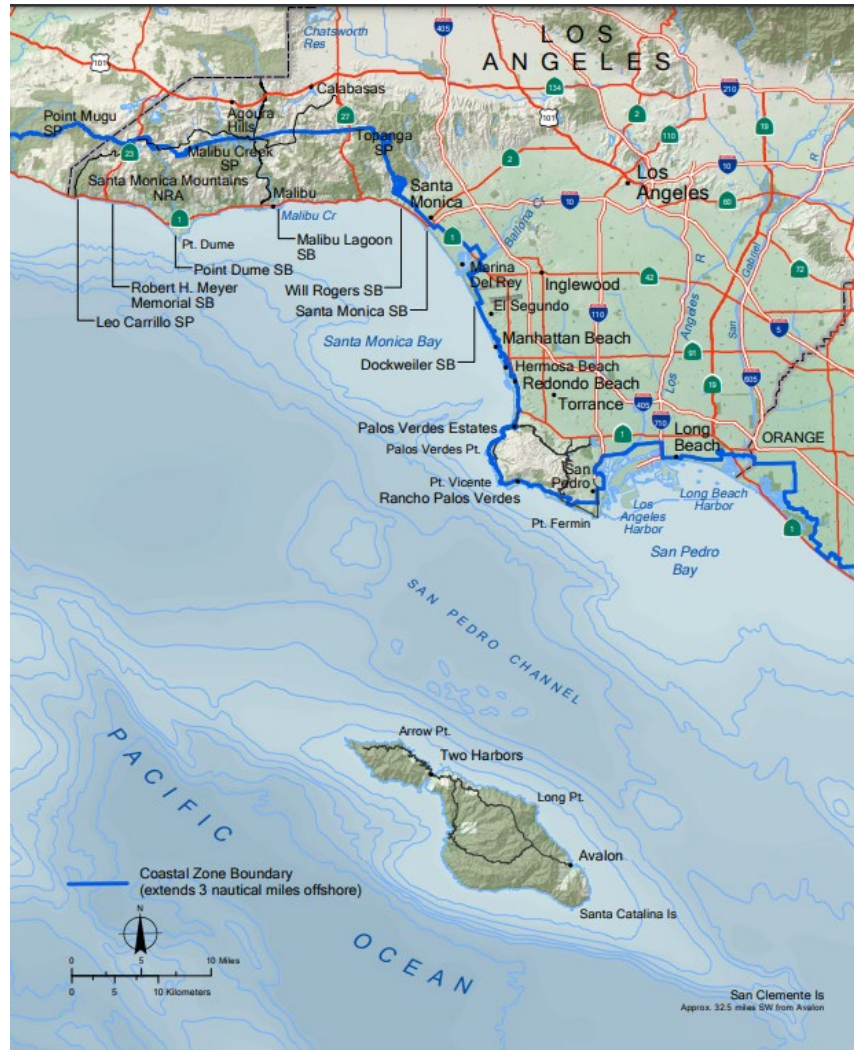
munity Maps Contributors, County of Los Angeles, California State Parks, © OpenStreetMap, Microsoft, Esri, TomTom, Garmin, SafeGraph, GeoTec... Powered by Esri

USA Flood Hazard
<https://msc.fema.gov/portal/home>



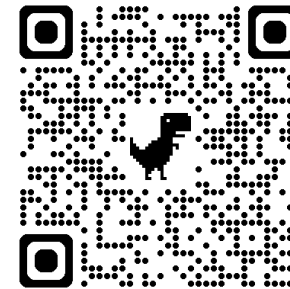
National Wetland Inventory
<https://www.fws.gov/program/national-wetlands-inventory/wetlands-mapper>

CA Coastal Commission Jurisdiction



Coastal Zone Management Act

- 1000 yards inland from the coast
- Activity/Trigger: Construction work within the Coastal Management Zone (e.g., Placement of segregated fill on a beach).
- If immediate action is necessary contact within three days (72 hours) of the disaster or discovery of the danger
- 7 days to obtain Emergency Permits: <https://documents.coastal.ca.gov/assets/cdp/emergency-cdp-appl.pdf>



EHP Regulatory Requirements & Compliance

U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) Jurisdictions

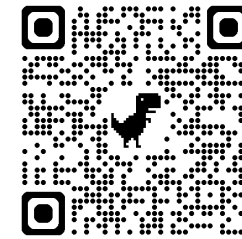
- Endangered Species Act
 - Biological Surveys – Desktop/Field (Hire a biologist)
 - Section 7 requires federal agencies to consult with US Fish and Wildlife Service (this can always be informally preempted by the sub-applicant)
- Migratory Bird Treaty Act
- Keep in contact US Fish and Wildlife Service and/or National Marine Fisheries Service Directly
 - Incidental Take Permits
 - Special Purpose Permits
 - Programmatic Biological Opinions:
 - Avoidance and Minimization Measures
- **Use iPac to aid in identifying species in your project area**
<https://ipac.ecosphere.fws.gov/>



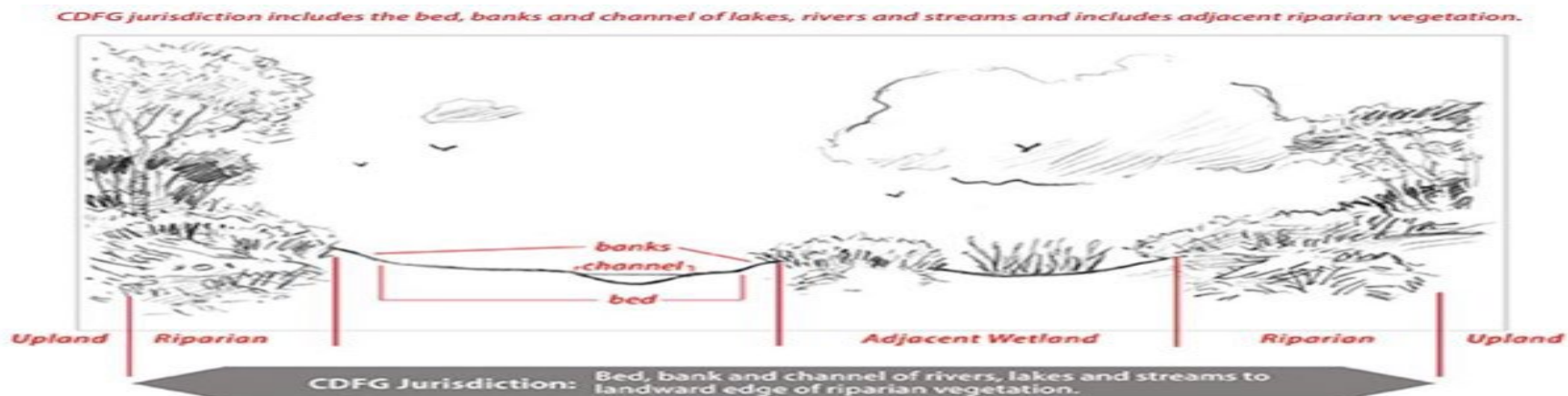
EHP Regulatory Requirements & Compliance

California Department of Fish & Wildlife (CDFW) Jurisdiction

- **Fish and Game Code Section 1600**
 - 1602 Permanent Projects
 - 1610 Emergency Notification
- **CA Endangered Species Act and CA Migratory Bird Protection Act**
 - Biological Surveys– Desktop/Field (e.g. CNDDDB)
 - Contact CDFW
 - Incidental Take Permits
 - Best Management Practices and Species-Specific Measures

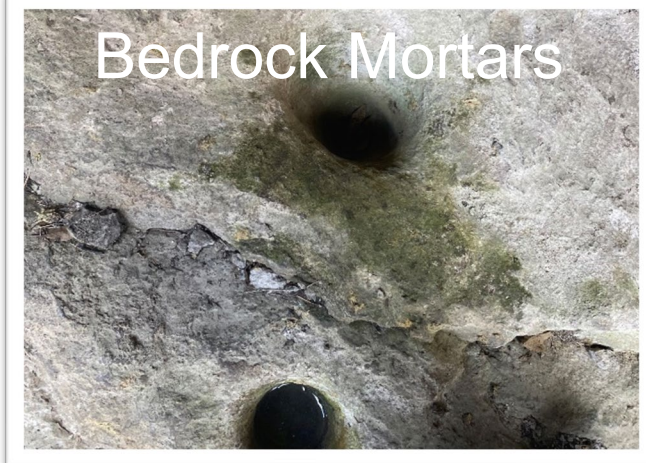


[CDFW Lake and Streambed Alteration page](#)

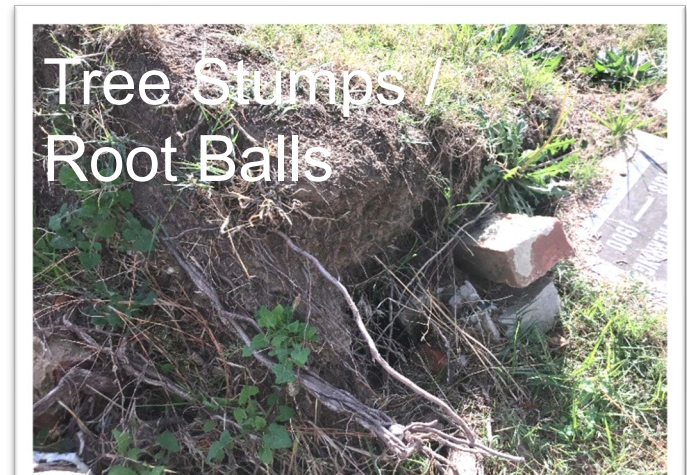


EHP Regulatory Requirements & Compliance

National Historic Preservation Act/Cultural Resource Protections



- Common Triggers / Examples
 - Ground disturbance
 - See definition
 - Root balls
 - Tree stumps
 - Cemeteries
 - Bridges
 - Buildings
 - Burials
 - ...and more



DO NOT START WORK UNTIL THE FEMA

EHP REVIEW IS COMPLETE!

EHP Regulatory Requirements & Compliance

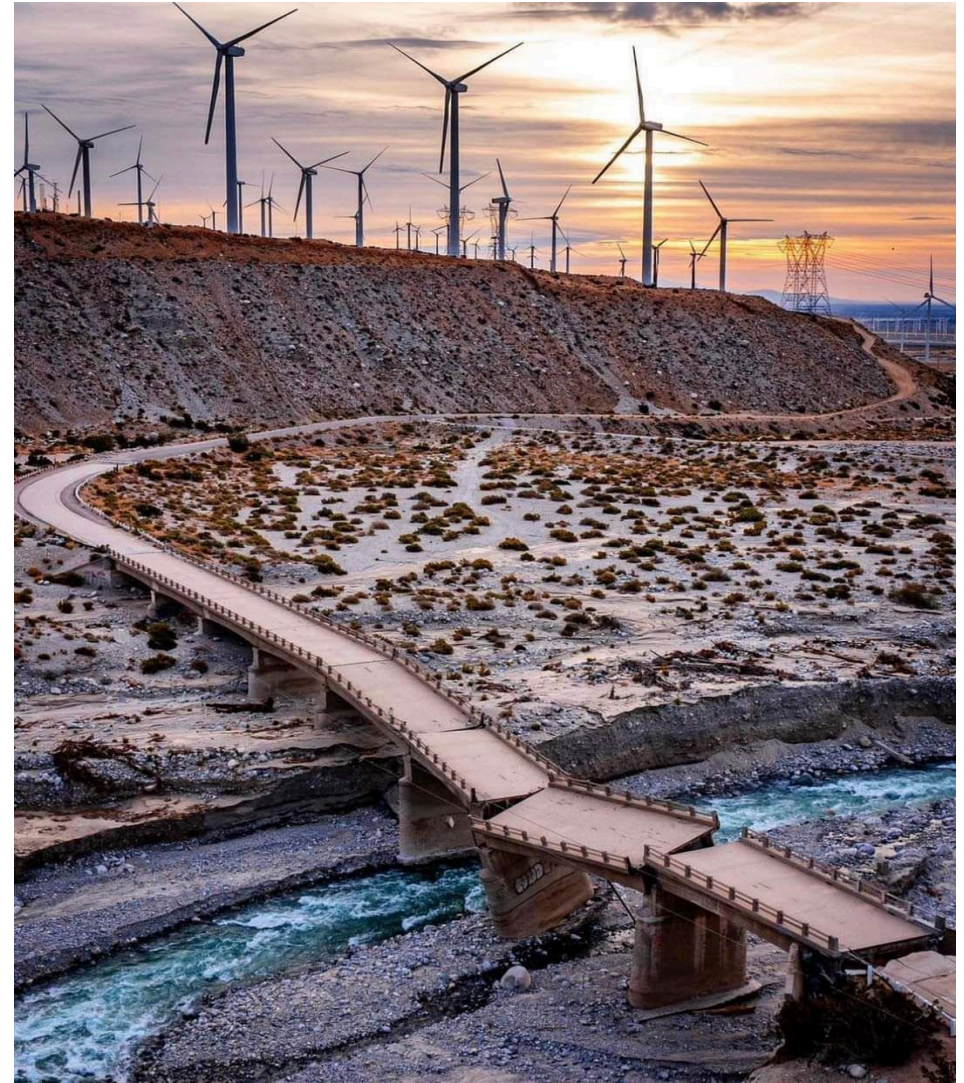
How to approach FEMA PA projects from an EHP perspective?

Who should I consult? Do I need permits?

What laws apply?

- Clean Water Act?
- Porter Cologne Act?
- Fish and Game Code?
- Endangered Species?
- National Historic Preservation Act?
- Floodplains or Wetlands?
- Other laws?

Consult with Cal OES and FEMA EHP to clarify your projects to avoid project delays and potential de-obligation of funding!



An aerial photograph of a residential neighborhood, showing houses, streets, and trees, all overlaid with a dark blue semi-transparent filter. The sky is filled with clouds.

Where to confirm required EHP project monitoring conditions?

Where to confirm required EHP project monitoring conditions?

Purpose of the FEMA Record of Environmental Consideration (REC) Report

- The REC report is a FEMA administrative document that identifies categorical exclusions (CATEX) or statutory exclusions (STATEX) for a given project's SOW and outlines applicable monitoring conditions for Environmental and Historic Preservation (EHP) laws and Executive Orders (EOs). It serves as a formal record of the environmental review process and associated determinations.
- Please note, the REC Report isn't typically available in GP until after FEMA EHP has completed the EHP Review process step.

The screenshot shows the Grants Portal interface. On the left is a navigation sidebar with options like Dashboard, My Organization, Profile, Personnel, Events, Applicant Event Profiles, Exploratory Calls, Recovery Scoping Meetings, Impacts, Work Order Requests, Work Orders, Projects, My Post-Award Ops, My Tasks, Appeal Ops, Calendar, and Subrecipient. The main content area is titled 'Project' and shows details for project 4690DR-CA (4690DR). Below this is a 'Documents' section with filters for SOURCE (All) and DOCUMENT AREA (All). A table lists documents, with one entry for 'Record of Environmental Consideration' (REC-01) uploaded on 03/28/2024. A preview of the REC report is shown on the right, including a 'NEPA DETERMINATION' section with 'Non Compliant Flag: No' and 'Level: CATEX'. The report text describes the project's environmental impact and the agency's determination to categorically exclude it from further review.

Grants Portal navigation example

Example of a REC

Where to confirm required EHP project monitoring conditions?

Example REC Report

National Historic Preservation Act (NHPA)	Completed	Applicable executed Programmatic Agreement. Activity meets Programmatic Allowance (enter date and # in comments) - Review concluded
Resource Conservation and Recovery Act, aka Solid Waste Disposal Act (RCRA)	Completed	Review concluded
Wild and Scenic Rivers Act (WSR)	Completed	Project is not along and does not affect Wild and Scenic River - Review concluded

CONDITIONS

NOTE: All times are GMT using a 24-hour clock.

The Undertaking complies with First Tier Programmatic Allowance 1.A.1(b) (Removal of debris from private property provided that buildings are not affected...) (Appendix B) of the Programmatic Agreement among the Federal Emergency Management Agency (FEMA), State Historic Preservation Office (SHPO) and California Office of Emergency Services (Cal OES) signed October 29, 2019. Thus, the Undertaking does not require SHPO review or notification per Stipulation II.A.1. of the Agreement. See conditions. - tconawa1 - 11/30/2021 21:03:54 GMT

See Conditions. - tconawa1 - 11/30/2021 21:09:06 GMT

- Review the REC to understand the applicable monitoring conditions identified by FEMA EHP
 - Monitoring Required: Yes/No

Special Conditions required on implementation of Projects:

The Subgrantee is responsible for complying with all other applicable subparts of the CAA. Failure to comply with these conditions may jeopardize federal assistance including funding. Any change to the approved scope of work will require re-evaluation for compliance with the Clean Air Act.

Source of condition: Clean Air Act (CAA)	Monitoring Required: No
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All debris, including but not limited to: construction and demolition debris, household items, exposed sandbags, sand, mud, silt, gravel, rocks, boulders, vehicle wreckage, and hazardous materials including electrical transformers must be taken to an appropriately licensed/permited landfill, waste facility or spoil site.

Source of condition: National Historic Preservation Act (NHPA)	Monitoring Required: Yes
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In the event that petroleum products, hazardous materials or toxic waste; or equipment, debris or materials contaminated with these products are discovered during implementation of the Undertaking, Documentation will be provided to the State and FEMA, showing that all materials and items were handled, managed, transported and disposed in accordance to the requirements and to the satisfaction of the governing Local, State and Federal agencies.

Source of condition: Resource Conservation and Recovery Act, aka Solid Waste Disposal Act (RCRA)	Monitoring Required: Yes
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Standard Conditions:

Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.

Demonstrating compliance with EHP monitoring conditions

After my project is obligated, are my EHP responsibilities complete? No!

- Once all project work is complete, SRs are required to demonstrate compliance with all applicable EHP monitoring conditions at closeout.
- Closeout is the final process step to collect all outstanding supporting documentation, validate all project costs, and confirm the work was completed in alignment with the approved SOW.
- Required EHP documentation may include, but is not limited to:
 - Necessary local, state, and federal permits, as well as CEQA documents;
 - Correspondence records with Federal / State Regulatory Agencies; and
 - Final compliance, action, and monitoring Closeout reports



An aerial photograph of a residential neighborhood, showing rows of houses and streets, overlaid with a semi-transparent blue filter. The sky is filled with clouds. The text 'Key Takeaways' is centered in white.

Key Takeaways

Key Takeaways



Sub-applicants / Sub-recipients are ultimately responsible for obtaining and providing all required EHP permits and accompanying documents.

When in doubt, consult your Cal OES / FEMA Points of Contact early;



Project activities / construction can only begin **after** EHP Review is complete, to avoid putting the project / funding at risk;



All applicable environmental laws must be addressed in the EHP process **even if** a Statutory / Categorical CEQA Exemptions are obtained; and



Communicate all project changes to FEMA / Cal OES. **A change in the SOW will require an additional round of FEMA Review, including EHP.**

Contacts

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**Technical Resources: Environmental Directory and Fact Sheets
and this presentation can be found on our website at**

<https://www.caloes.ca.gov/ehp>

