

Environmental and Historic Preservation (EHP) Public Assistance (PA) Overview

DR-4856-CA: California Fires & Straight-line Winds

Key Regulatory Considerations

1. California Environmental Quality Act (CEQA):

- The California Environmental Quality Act (CEQA) requires government agencies to consider the environmental consequences of their actions before approving plans and policies or committing to a course of action on a project.
- For more information about CEQA, see the Governor's Office of Planning and Research CEQA 101 (QR code available on the applicant briefing slide show- see page 2)

2. Section 106 of the National Historic Preservation Act (NHPA):

- FEMA evaluates whether a project could impact properties listed or eligible for listing on the National Register of Historic Places (NRHP). Projects that could adversely affect historic properties may require mitigation measures or alternatives.
- The CEQA counterpart is known as AB-52. This is required when there is no federal nexus and addresses tribal consultation.

3. California Endangered Species Act (CESA):

- The applicant will need to assess their project are to determine if any State of California threatened or endangered species are likely to be in the project area. Consult with California Fish and Wildlife (CDFW) as needed to confirm if any permitting action is needed.

4. Clean Water Act (CWA):

- Compliance with the CWA is necessary for projects that may involve any water, storm water, or water conveyance features. Consultation and permitting will be necessary for any watercourse, culverts, laydown yards, staging areas, disaster debris, etc.

What is EHP?

All FEMA-funded projects must comply with local, tribal, state and federal regulations and laws. EHP considerations are any potential impacts to natural and cultural resources—resulting from PA project work—that may require regulatory agency review to determine whether legal requirements have been met. EHP considerations are identified and evaluated throughout all phases of PA Program Delivery including through demonstration of compliance provided at project closeout.

EHP compliance is necessary for protecting and preserving potentially impacted environmental, historical, and culturally significant sites and resources and minimizing adverse effects, retaining fully funded federal awards, preventing legal action, and avoiding negative publicity.

Best Practices for PA Applicants:

1. Early Planning and Consultation:

Engage with EHP experts, federal, state, local, tribal, and territorial agencies, and other stakeholders to identify any potential environmental or historical concerns. Early identification can streamline the approval process and help identify potential mitigation needs.

2. Accurate Documentation:

Thoroughly document the project's Scope of Work (SOW), location, and potential impacts. Detailed site evaluations, repair plans, environmental assessments, and cultural resource surveys can assist in identifying potential conflicts and provide a basis for decision-making. Upload all correspondences with regulatory agencies into Grants Portal to prevent documentation loss over time and to reduce requests for more information.

3. Proactive Communication with Regulatory Agencies:

Proactively communicate any changes to the SOW as soon as possible to Cal OES and FEMA. Common triggers prompting an in-depth EHP review include but are not limited to new ground disturbance, removal of standing trees, and / or projects involving a change to the pre-disaster design, function, or capacity.

4. Project-based Monitoring:

For projects with long-term environmental or historical implications, establish monitoring programs to ensure compliance with EHP requirements throughout the duration of the project's lifecycle.

Common EHP Monitoring Conditions

****All Federal, State, and Local Environmental Laws must be followed to ensure compliance****

Waterways, Including Culverts and Bridges

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

CWA Sections 401 and 404

- US Army Corps of Engineers (USACE)
- CA Waterboards
- Water control facilities
- Water conveyance maintenance
- Staging/Lay down yards

Historic Preservation and Tribal Relations

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

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

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.*

Debris Disposal and Hazardous Materials

Clean Air Act, Resource Conservation and Recovery Act

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

Threatened and Endangered Species

Endangered Species Act

ESA Section 7

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

Other Considerations

Conditions relating to completion of SOW

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

Demonstrating Compliance with EHP Monitoring Conditions

Once all project work is complete, Subrecipients 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.

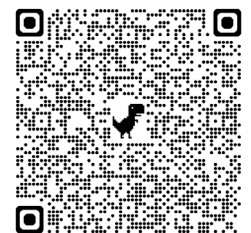
Required EHP documentation may include, but is not limited to:

- Necessary permits;
- Correspondence records with Federal / State Regulatory Agencies; and
- Final compliance, action, and monitoring Closeout reports

Contact Us

Melissa Ronan
Melissa.ronan@caloes.ca.gov
CalOES EHP Recovery
RecoveryEHP@caloes.ca.gov

Cassandra Green
Cassandra.green@caloes.ca.gov



Link to online EHP resources

