



Environmental and Historic Preservation Considerations Greensheet

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.

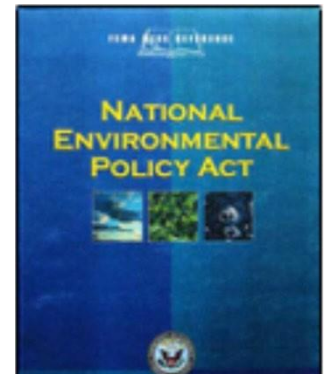


Figure 1. Image of National Environmental Policy Act book.

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 12898: 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

Waterways, Including Culverts and Bridges



Figure 2. Image of sea turtle on beach sand.

The Clean Water Act (CWA) applies to actions affecting “waters of the United States”. This includes any part of a surface water system: natural waters including oceans, seas, bays, lagoons, streams, lakes, and wetlands; as well as isolated human-made waters. The U.S. Army Corps of Engineers (USACE) and CA State Water Resources Board (Water Board) administer this law.

For projects involving work proposed or completed in a waterway, CWA permits from the USACE may be required. Repairs to previously permitted structures may require amendments or

modifications to existing permits.

Examples of actions requiring CWA permits include construction, demolition, and any dredging or filling in any part of surface waters, tributaries, or systems. Obtaining CWA permits is the responsibility of the applicant must be done prior to any work being conducted. Exceptions exist for emergency actions that address immediate threats to life or property, in which case USACE should have been notified and there should be documentation of the contact made by the applicant.

Floodplains, Wetlands, and the Coastal Zone

Executive Order 11988 requires FEMA to review all projects for the potential to affect or be affected by the floodplain. For projects that take place in or affect a floodplain, FEMA must seek ways to avoid, minimize, or mitigate to the extent practicable long- and short-term impacts associated with occupancy and modification of the floodplain. Depending on the potential for impacts, an alternative analysis and public review may be required. For additional information about work in or affecting a floodplain, contact FEMA and the California National Flood Insurance Program (NFIP) Coordinator. Executive Order 11990 requires FEMA to review all projects to evaluate the

potential to affect a wetland. The applicant may be required to obtain a permit/authorization from USACE. Depending on the potential for impacts, an alternative analysis and public review may be required for work affecting a wetland. Debris should never be stored in a wetland or a floodplain, even temporarily. Debris removal from a wetland should be coordinated with USACE and DOH.

Projects within Coastal Zones must be consistent with California coastal zone management programs. An individual Federal Consistency Determination from the State planning board may be required for certain projects. The applicant is responsible for obtaining any

such approval.

Federal Flood Risk Management Standard (FFRMS) Policy Considerations: Actions that involve new construction, substantial improvement, or repair of substantial damage, whether in or out of a wetland or Special Flood Hazard Area, may require an FFRMS floodplain determination. Applicants should work with the FEMA Point of Contact to determine if this policy is applicable to their project and how the FFRMS floodplain should be determined. Where applicable, this Policy also requires incorporation of nature-based solutions when possible. Additional details on this Policy can be found at the FEMA FFRMS webpage.

Protected Species and Habitats



Figure 3. Image of goose on a rock.

Under the Endangered Species Act (ESA), for any project that has the potential to affect Federally threatened or endangered species or their habitats, FEMA must consult with the U.S. Fish and Wildlife Service (USFWS) or National Marine Fisheries Service (NMFS). Typically, this process results in the development of measures to avoid or minimize impacts to such species or habitats.

It is very important to know whether a proposed project might impact protected species or habitat. Applicants can contact experts at FEMA, USFWS, NMFS, or state environmental agencies that can help determine if protected species or habitat may be affected by a proposed project.

The applicant must also comply with the Magnuson-Stevens Fishery Conservation and Management Act (MSA). MSA protects marine fisheries management in U.S. federal waters and “Essential Fish Habitat” (EFH). FEMA must consult with NMFS if a project may adversely affect EFH for any species. FEMA, NMFS, and state environmental agencies can assist with identification of and impacts to EFH.

Historic Preservation



Figure 4. Image of damaged two-story building.

All proposed projects which may affect historic properties must be reviewed by FEMA and the State Historic Preservation Officer (SHPO). A historic property is any prehistoric or historic building, site, district, structure, or object significant in American or State history, architecture, archaeology, engineering, or culture.

Any structure (e.g., buildings, walls, bridges, culverts) 50 years old or older may be eligible for listing on the National Register of Historic Places and considered a historic property. Archaeological resources require special attention and may also require coordination with name applicable organizations. Any proposed project that may alter previously undisturbed ground (e.g.,

new construction, utility relocation, road realignment, borrow pit development, site preparation for debris or equipment staging) must be evaluated for potential effects to historic properties before work can begin. Land that has been graded, plowed, or used for agriculture is not necessarily considered previously disturbed and must also be reviewed.

Various strategies can be taken if historic properties are affected. It is critical to involve FEMA and the SHPO to identify and evaluate potential historic properties, to make determinations of effect, and to decide what measures, if any, can be taken to avoid or mitigate effects.

Debris Disposal and Hazardous Materials



Figure 5. Image of debris staged on the side of the road.

No FEMA or disaster-specific contacts, approvals, or permits are required to collect, haul, or transfer solid waste debris to a licensed landfill.

Reopening closed landfills or hardfills, using unlicensed sites, or creating temporary debris staging areas requires FEMA and GPS coordinates, and current permit number. The applicant is also responsible for identifying debris material types and ensuring the permitted landfill can accept the debris.

Facilities with potential asbestos containing materials (ACMs) must be tested prior to demolition. ACMs, if present, must be abated and disposed of in compliance with federal and state requirements.

Management of storm-related debris (e.g., removal, staging, storage, sorting, and disposal) must be conducted in accordance with Federal and State solid and hazardous waste regulations.

Other Considerations



Figure 6. Image of bulldozer removing soil from a pit.

Any project involving ground disturbance outside the previously disturbed footprint, even if within an existing right-of-way (e.g., facility relocation, material borrowing, utility pole or fence replacement, and access road construction), may require archaeological and DOH review.

For the use of a permitted landfill, the applicant is responsible for sharing the Landfill information, including address, biological reviews prior to construction.

Executive Order 12898 strives to minimize adverse health or environmental impacts on minority and low-income populations. FEMA evaluates projects to avoid these impacts. In addition, FEMA must not exclude any persons or populations from participating in the public EHP review because of race, color, national origin, income, education, or language. Complying with Local, County, and State laws and ordinances and obtaining territorial permits and other approvals are the responsibility of the applicant. In addition, the applicant is responsible for complying with any Federal EHP laws that would be triggered if FEMA-funding was not being requested.

More information is available at [FEMA's Public Assistance Program's debris removal policy and guidance](#).

Hazard Mitigation projects reduce the threat of future disaster damage. Examples include retrofitting roofs or windows against wind damage and elevating facilities for flood protection. All hazard mitigation projects are subject to a more thorough environmental and historic preservation review.

The Heritage Emergency National Task Force (HENTF) is a partnership between FEMA and the Smithsonian Institution with members from over 60 federal agencies and national service organizations. After a disaster, HENTF provides technical assistance to Local, County, and State governments and to private nonprofit arts, cultural, and history organizations regarding the salvage of records and collections.

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 Smyly, REO
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FEMA EHP Advisor
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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 Gayrard, Infrastructure Branch Director
Phone: (510) 504-8045 Email: Michael.Gayrard@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. McCuen Boulevard, Mather, CA 95655 Phone: (916) 307-1030
Email: Patricia.nelson@caloes.ca.gov Email: RecoveryEHP@caloes.gov

Gabe Kearny, Tribal Advisor Phone: (916) 926-9542
Email: Gabe.kearny@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, NFIP Coordinator
3464 El Camino, Ste. 210, Sacramento, CA 95821 Email: Kelly.soule@water.ca.gov
National Marine Fisheries Services (NOAA) 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@nahc.ca.gov

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

U.S. Army Corps of Engineers Regulatory Program
Website: <https://usace.maps.arcgis.com/apps/webappviewer/index.html?id=7344e62432694199af7790aa47a32fdd>

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) 558-1784

California Coastal Commission
Website: <https://coastal.ca.gov/cdp/cdp-forms.html> [Appeal Forms](#)