

The Role of the Office of Historic Preservation in Disasters

The role of the Office of Historic Preservation (OHP) in disasters is essentially limited to:

- Providing technical assistance, and database information in conjunction with its Information Centers (ICs) and,
- Ensuring that projects and programs carried out or sponsored by federal and state agencies comply with federal and state historic preservation laws and are planned in ways to avoid or minimize adverse effect to historic resources.

OHP regulatory authority can be found in [California Public Resources Code Section 5024.6](#).

What the OHP can do

- Work with the appropriate IC(s) to provide database information to responsible agencies and certain designated first responders to identify historic and cultural resources within the impacted area.
- Provide information and technical assistance to local, state, and national organizations to promote the preservation and enhancement of historical resources (PRC 5024.6.h).
 - For disasters, the OHP interprets this as providing information and technical assistance to agencies, jurisdictions, and the public on how to treat historic properties during a disaster. The OHP will also specifically contact the coordinator of any designated Certified Local Governments (CLGs) within the impacted area for any more specific information and/or technical advice that may be needed.
- Review and comment on the impact on historical resources of publicly funded governmental agency projects and programs per applicable regulations and any current agreement documents.
 - This may include funded undertakings under state and federal regulations including but not limited to PRC 5024.6.j, Section 106, and the FEMA California Programmatic Agreement with the OHP and CalOES.

What the OHP cannot do

- Inspect any property or review any proposed project work that does not have a state or federal mandate and/or funding.
- Serve as staff to agencies or jurisdictions to perform their actual regulatory responsibilities and/or prepare review and/or consultation submittals. OHP staff members cannot help to prepare documents for any undertaking in which the OHP has a regulatory role to comment and/or consult.
 - However, the OHP can provide assistance to state and federal agencies in any effort to streamline their Section 106 responsibilities through the regulatory review and consultation process.

Public Resources Code 5028

This state statute outlines limitations on work that can be done to historically listed properties damaged in a natural disaster. It is intended to limit demolition and significant alterations to historic buildings unless the structure presents an imminent threat to the public or an adjacent property, or the OHP determines that the structure may be demolished or significantly altered.

Local governments may request an OHP determination on whether a historically listed structure may be demolished or significantly altered. The OHP shall base its finding on a number of factors including a recommendation from a local team of residents in the affected county. However, it should be noted that the process to do so does not readily lend itself to emergency timelines.

Emergency Declarations

- When the Governor declares a state of emergency, the California Assistance Act provides state funds for public buildings, roads, and infrastructure.
 - For state emergency assistance to private or public entities, the OHP does not have a regulatory role and would not typically be involved.
 - For assistance to state agency owned property, the OHP would be involved in the review of work involving historic resources per PRC 5024.5.

- For federally declared disasters, federal undertakings would trigger Section 106 responsibilities. Depending upon the nature and timing of the undertaking, and/or the existence of an interagency agreement document, the OHP may or may not have a role.
 - Federal undertakings involving immediate rescue and salvage operations conducted to preserve life or property are exempt from the provisions of Section 106 (36 CFR §800.12.d.) and OHP review. These undertakings must be in response to a disaster or emergency declared by the President, a tribal government, the Governor of California, or an immediate threat to life or property.
 - For typical presidentially declared disasters, FEMA has a Programmatic Agreement (signed in 2014 and good through 2019) with the OHP and the California Governor's Office of Emergency Services (Cal OES) that documents FEMA's Section 106 responsibilities for applicable undertakings (which includes declared disasters). Under this PA:
 - FEMA Undertakings that conform to Programmatic Allowances are documented without OHP review or notification, unless the undertaking involves a National Historic Landmark (NHL).
 - For FEMA Undertakings that do not meet any of the allowances, FEMA conducts either an expedited or standard Section 106 review. The OHP is involved in this review unless the Undertaking

is an immediate rescue and salvage operation conducted in response to an event to preserve life and property.

It should also be noted that:

- Other federal agency funding (such as SBA loans) may also trigger Section 106 responsibilities and require consultation with the OHP prior to a project being fully funded.

Agency Responsibilities for Historic and Cultural Resources

- Federal agencies should note that pass through grants or loans may also be subject to Section 106 and that they are responsible for ensuring that all work under their respective programs meets the appropriate Section 106 requirements. This may include, but not be limited to, the identification and review of historic and cultural properties (and possible OHP consultation).
- While the OHP usually deals with FEMA on disaster related issues, other federal and state agencies may have responsibilities under Section 106 or PRC 5024.5 and/or have an agreement document that regulates agency undertakings and OHP consultation requirements. Those agreement documents may also cover emergency situations that describe agency responsibilities in such situations.

Secretary of the Interior's Standards

Regardless of our involvement, the Office of Historic Preservation always recommends that work impacting historic and cultural properties follow the Secretary of the Interior's Standards for the Treatment of Historic Properties.

Please visit the OHP Disasters and Historic Resources webpage for additional information and resources: www.ohp.parks.ca.gov/disasters.