



Federal Emergency Management Agency

Washington, D.C. 20472

1. **Date Published:** August 17, 1999
2. **Response and Recovery Directorate Policy Number:** 9560.3
3. **Title:** Model Programmatic Agreement - Historic Review
4. **Purpose:** This policy makes available the Model Programmatic Agreement (Agreement) to accomplish FEMA's Section 106 requirements under the National Historic Preservation Act of 1966, as amended (NHPA).
5. **Scope and Audience:** The Agreement is intended for Federal Emergency Management Agency (FEMA) personnel in coordinating historic review for FEMA undertakings using Public Assistance grant funds.
6. **Background:**
 - A. Section 106 of NHPA requires all Federal agencies to review the effect of an agency undertaking on historic properties prior to funding the project, activity, or program. 36 CFR 800.2(e) defines historic properties as "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register of Historic Places."
 - B. FEMA developed the Agreement as an alternative to Section 106 compliance (36 CFR 800.13), in order to simplify and expedite coordination and to provide specific guidance to consulting parties in the historic review process. The Agreement also exempts routine disaster recovery activities with little potential of adversely affecting historic properties from the review mandated by Section 106 of NHPA.
 - C. The Advisory Council on Historic Preservation published new regulations guiding Section 106 compliance (36 CFR 800), which took effect on June 17, 1999.
7. **Policy:**
 - A. FEMA personnel should follow the standard Section 106 review procedures for undertakings in States in which an Agreement does not exist.
 - B. FEMA personnel should utilize the Agreement as a basis for the development of separate Programmatic Agreements for each State. The signatories may execute the Agreement

either prior to or immediately following a declared disaster to facilitate an immediate exchange of information about historic properties in the disaster area. The four required signatories are:

1. FEMA;
 2. the Advisory Council on Historic Preservation;
 3. the State Emergency Management Agency; and,
 4. the State Historic Preservation Office
- C. The Agreement is in effect immediately after all four signatories have signed the document and will continue to be in effect for four years. If a disaster occurs near the end of the four-year period, the Model Programmatic Agreement will remain in effect until the close of that disaster.
- D. Agreements executed under the former regulations (prior to June 17, 1999) will continue to be valid until they expire. However, the signatories of existing Agreements may seek to amend the Agreement to be in accordance with the new regulations. All references to Standard Section 106 (36 CFR 800) in existing Agreements must follow the new regulations.
- E. FEMA must revise all Agreements negotiated and signed after June 17, 1999 to meet the requirements of the new regulations. Consult with FEMA Headquarters to revise the Programmatic Agreement accordingly.
- 8. Supersession:** This policy updates the previous Model Programmatic Agreement.
- 9. Authorities:** National Historic Preservation Act of 1966, as amended; 36 CFR 800.
- 10. Originating Office:** Infrastructure Division, Response and Recovery Directorate
- 11. Review Date:** Two years from date of publication
- 12. Signature:**



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- 13. Distribution:** Regional Directors, Regional and Headquarters R&R Division Directors

ATTACHMENT: MODEL PROGRAMMATIC AGREEMENT