

Lesson Overview

This lesson describes the areas of responsibility for environmental/historic preservation review in different FEMA programs.

Lesson Objectives

At the completion of this lesson, you will be able to:

- Describe the five main areas of responsibility for environmental and historic preservation review.
- Describe how responsibilities differ from program to program.

FEMA-Funded Activities

Key Points

- The main areas of responsibility in environmental/historic preservation review are:
 - Legal Responsibility
 - Oversight/Management
 - Legwork
 - Project Development
 - Project Implementation
- FEMA, the Tribe/State, the applicant, and Federal or State regulatory agencies may have different responsibilities depending on the program.

Major Areas of Responsibility

Ensuring environmental/historic preservation compliance requires that all parties fulfill their responsibilities. These responsibilities are categorized into five major areas.

Legal Responsibility	<ul style="list-style-type: none"> ▪ Ensure environmental review is done properly under the law. ▪ Conduct formal consultation with certain agencies, as required by law or regulations.
Oversight/Management	<ul style="list-style-type: none"> ▪ Manage the process to ensure that environment/historic preservation is built into program implementation. ▪ Ensure that applicants have been properly advised of environment/historic preservation requirements. ▪ Provide assistance/guidance to applicants. ▪ Ensure review proceeds expeditiously. ▪ Ensure projects and grant conditions are implemented properly. ▪ Conduct any necessary followup.

Major Areas of Responsibility (Continued)

Legwork	<ul style="list-style-type: none"> ▪ Collect data, maps, and baseline information. ▪ Prepare analyses, correspondence, and agreements. ▪ Conduct informal consultation. ▪ Issue public notices. ▪ Document the review.
Project Development	<ul style="list-style-type: none"> ▪ Develop an accurate scope of work containing sufficient detail. ▪ Identify alternatives. ▪ Coordinate with appropriate specialists early in project planning.
Project Implementation	<ul style="list-style-type: none"> ▪ Implement the project as proposed. ▪ Implement any grant conditions. ▪ Obtain permits. ▪ Seek appropriate approval for scope changes.

Responsible Entities

FEMA has overall responsibility for oversight of the environmental/historic preservation review process. As FEMA is the entity that is held legally responsible for ensuring compliance with Federal historic preservation laws and many Federal environmental laws, FEMA cannot delegate this responsibility.

The remaining responsibilities are divided up among FEMA, the Tribe/State, the Applicant, and the Federal/State Resource Agencies, depending on the project and the program.

General Responsibilities

This chart indicates who is generally responsible for each major area of responsibility.

Major Area	Responsible Party			
	FEMA	Tribe/State	Applicant	Federal/State Resource Agencies
Legal Responsibility	✓			
Oversight/Management	✓	✓		
Legwork	✓	✓	✓	✓
Project Development	✓	✓	✓	
Project Implementation		✓	✓	

FEMA Management Positions

FEMA is legally responsible for ensuring compliance with laws applying to Federal actions. The table below outlines some of the FEMA personnel involved and their role in environmental compliance.

Position	Responsibilities
Undersecretary for Emergency Preparedness and Response Directorate (EPR), Regional Director (RD), Federal Coordinating Officer (FCO)	<ul style="list-style-type: none"> ▪ Has overall legal responsibility for environmental/historical preservation review compliance. ▪ Has overall funding authority.
Regional and Headquarters Program Managers	<ul style="list-style-type: none"> ▪ Ensure that proper procedures are followed for program actions. ▪ Ensure that environmental review has been completed and approved before a project is approved for funding.
Environmental Officer (EO), Federal Preservation Officer (FPO)	<ul style="list-style-type: none"> ▪ Provides nationwide oversight, guidance, interagency coordination, and technical assistance. ▪ Reviews and approves certain high-level documents.
Regional Environmental Officer (REO) Environmental Liaison Officer (ELO)	<ul style="list-style-type: none"> ▪ Oversees regional environmental/historic preservation review process. ▪ Approves and certifies the adequacy of the review for certain levels of environmental compliance.

Resolution of Environmental/Historic Preservation Issues

In most cases, environmental/historic preservation issues in a disaster operation can be resolved at the DFO.

More complex environmental/historic preservation issues often require the involvement of the REO, Regional program managers, or the Office of General Counsel (OGC).

FEMA Headquarters, including the Environmental Officer, Federal Preservation Officer, OGC, and program managers, assists in the resolution of complex or controversial issues and provides policy guidance.

Delegating Responsibilities to the Tribes/States

Where possible, FEMA works with Tribes/States to delegate greater responsibility to manage and implement FEMA programs.

For environmental/historic preservation review, Tribes/States are assuming more responsibility for collecting required information and making initial determinations.

However, FEMA must still serve as the final review authority for all environmental/historic preservation reviews related to Federal laws and Executive orders.

Public Assistance (PA): Tribal/State Management of Disasters

Under the PA Program, Tribal/State Management of Disasters (SMD) gives more authority and responsibility to Tribes/States. SMD operates through an Operations Agreement between FEMA and individual Tribes/States.

FEMA piloted SMD in three States and now has made it available to any Tribe/State with the capability to manage disasters.

FEMA still conducts environmental/historic preservation review, although Tribes/States may perform legwork activities.

Hazard Mitigation Grant Program (HMGP): Managing Grantee

The HMGP Managing Grantee initiative operates through a Memorandum of Understanding and regulations implementing the Disaster Mitigation Act of 2000.

As a Managing Grantee, Tribe/State mitigation staff perform some or all of the functions usually performed by FEMA staff, including:

- Reviewing proposals for conformance with Federal regulations.
 - Completing benefit-cost analyses.
 - Performing environmental/historic preservation documentation for FEMA review and approval.
 - Coordinating with environmental/historic preservation resource officials.
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Lesson Summary

You have now completed the final lesson in the Disaster Operations and FEMA Programs section of this course. You should be able to:

- Describe the five main areas of responsibility for environmental review.
 - Describe how responsibilities differ from program to program.
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