



Unified Federal Review

Guidance for Environmental and Historic Preservation Practitioners

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FEMA



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Abbreviations and Acronyms

ACHP – Advisory Council on Historic Preservation

APE – Area of Potential Effects

CBRA – Coastal Barrier Resources Act

CBRS – Coastal Barrier Resources System

CDBG – Community Development Block Grant

CDBG-DR – Community Development Block Grant Disaster Recovery

CDOT – Colorado Department of Transportation

CEQ – Council on Environmental Quality

CMP – Coastal Management Program

CWA – Clean Water Act

CZMA – Coastal Zone Management Act

DHS – Department of Homeland Security

DOT – Department of Transportation

EA – Environmental Assessment

EFH – Essential Fish Habitat

EHAD – Environmental/Historic Preservation Advisor

EHP – Environmental and Historic Preservation

EIS – Environmental Impact Statement

EO – Executive Order

EPA – Environmental Protection Agency

ESA – Endangered Species Act

ESFLG – Emergency Support Function Leadership Group

FAQ – Frequently Asked Question

FCC – Federal Communications Commission

FCO – Federal Coordinating Officer

FDRC – Federal Disaster Recovery Coordinator

FEMA – Federal Emergency Management Agency

FFRMS – Federal Flood Risk Management Standard

FHWA – Federal Highway Administration

FIRM – Flood Insurance Rate Maps

FONSI – Finding of No Significant Impact

FS – Forest Service

FWS – Fish and Wildlife Service

GIS – Geographic Information Systems

HQ - Headquarters

HUD – U.S. Department of Housing and Urban Development

IT – Information Technology

LiDAR – Light Detection and Ranging

MMPA – Marine Mammal Protection Act

MOA – Memorandum of Agreement

MOU – Memorandum of Understanding

MSA – Magnuson-Stevens Fishery Conservation and Management Act

NCR RSF – Natural and Cultural Resources Recovery Support Function

NDRF – National Disaster Recovery Framework

NEPA – National Environmental Policy Act

NFIP – National Flood Insurance Program

NHO – Native Hawaiian Organization

NHPA – National Historic Preservation Act

NJ – New Jersey

NMFS – National Marine Fisheries Service

NOAA – National Oceanic and Atmospheric Administration

NPDES – National Pollutant Discharge Elimination System

NRCS – Natural Resources Conservation Service

NRHP – National Register of Historic Places

NTIA – U.S. Department of Commerce National Telecommunication and Information Administration

NY – New York

OCRM – Office of Ocean and Coastal Resource Management

OPAs – Otherwise Protected Areas

PA – Programmatic Agreement

POC – Point of Contact

PPA – Prototype Programmatic Agreement

RCRA – Resource Conservation Recovery Act

RPAs – Reasonable and Prudent Alternatives

RPMS – Reasonable and Prudent Measures

RSF - Recovery Support Functions

RSFLG – Recovery Support Function Leadership Group

RUS – Rural Utilities Service

SAFETEA-LU – Safe, Accountable, Flexible, Efficient Transportation Equality Act: A Legacy for Users

SBA – U.S. Small Business Administration

SEMA – State Emergency Management Agency

SHPO – State Historic Preservation Officer

SRIA – Sandy Recovery Improvement Act of 2013

TEA-21 – Transportation Equity Act for the 21st Century

THPO – Tribal Historic Preservation Officer

UFR – Unified Federal Review

UFR MOU - Memorandum of Understanding Establishing the Unified Federal Environmental and Historic Preservation Review Process

USACE – U.S. Army Corps of Engineers

USDA – U.S. Department of Agriculture

USGS – U.S. Geological Survey

Foreword

The Federal Government is an active partner in disaster recovery. Federal Agencies, Tribes, state and local governments, communities, and individuals all work together during disaster recovery to restore communities and improve their resiliency against future disasters. Many Federal Agencies provide funding to Applicants seeking Federal assistance. These Funding Agencies provide assistance for a variety of programs to support recovery ranging from rebuilding of infrastructure to social services, housing, and mitigation projects to reduce the impacts of future disasters on local communities. Other Federal Agencies, known as Resource/Regulatory Agencies, provide permits or other Federal determinations and/or special knowledge and expertise to inform the development of disaster recovery projects and ensure that environmental and historic preservation (EHP) requirements under their jurisdiction are met. All Federal Agencies have a responsibility as stewards of the environment to help communities rebuild while effectively managing the use of natural, cultural, and historic resources.

Natural, cultural, and historic resources are vital to many of this Nation's local economies. For example, the fishing, agricultural, and recreational industries all rely on natural, cultural, and historic resources to generate income. Natural resources such as forests and wetlands are also critical to safeguarding communities against future disasters through ecosystem services such as flood protection, buffering, and carbon sequestration. Federal EHP laws, policies, and Executive Orders help Federal and state Agencies protect and preserve natural, cultural, and historic resources for the long-term benefit of communities and their local economies. Federal Agencies must conduct EHP reviews of disaster recovery projects to comply with EHP requirements and carry out their responsibilities as stewards of the environment.

Disaster recovery projects often involve more than one Federal Agency and can require significant interagency collaboration and stakeholder engagement. In 2013, Congress charged the Administration with the task of developing a Unified Federal Review (UFR) process for complying with EHP requirements applicable to disaster recovery projects.¹ Following Presidentially-declared disasters, the UFR Process addresses the coordination challenges Federal Agencies face when multiple Agencies are engaged in the same disaster recovery effort through the use of Tools, Mechanisms, and best practices that are accessible to EHP Practitioners and Applicants for Federal assistance. The UFR Process also recognizes the important role of Federal Agencies, Tribes, states, localities, and the general public in EHP Reviews.

This Practitioner Guidance explains the UFR Process to EHP Practitioners. EHP Practitioners can use this Practitioner Guidance to implement the UFR Process tools, mechanisms, and best practices to facilitate more effective and efficient EHP reviews during disaster recovery. Many Federal Agencies established the UFR Process through the *Memorandum of Understanding*

¹ The Sandy Recovery Improvement Act (SRIA), P.L. 113-2, January 29, 2013.

Establishing the Unified Federal Environmental and Historic Preservation Review Process (UFR MOU). The Parties to the UFR MOU have agreed to advance the UFR Process through several commitments, including a commitment to participate in the use and continuous development and revision of this UFR Guidance for EHP Practitioners and the EHP Guidance for Federal Disaster Recovery Assistance Applicants.

Chapter I. Introduction

The purpose of the UFR Guidance for **EHP Practitioners**² (Practitioner Guidance) is to establish a consistent process and best practices for the **EHP review** of proposed **disaster recovery projects**. This Practitioner Guidance will assist EHP Practitioners to build relationships with **Applicants**, Federal Agencies, Tribes, and state and local Agencies to unify and expedite EHP review of proposed disaster recovery projects. Disaster recovery projects are Federally-funded, approved, or permitted activities resulting from a **Presidentially-declared disaster** as described within the **Robert T. Stafford Disaster Relief and Emergency Assistance Act** (Stafford Act).³ Examples of disaster recovery projects include replacement of critical infrastructure, large-scale mitigation, debris removal, and repair of publicly owned damaged facilities such as schools and sewage treatment facilities.

EHP Practitioners may also use this Practitioner Guidance for EHP review of proposed disaster recovery projects following other disasters and emergencies that are not Presidentially-declared and for use in other situations in which multiple Agencies are involved. The process and best practices described in this Practitioner Guidance support a unified and expedited EHP review whenever multiple **Federal Agencies** are engaged in the same disaster recovery effort.

Introduction to Disaster Recovery

Immediately after a disaster occurs, government Agencies take action to save lives, protect property and the environment, meet basic human needs, stabilize the incident, restore basic services, and establish a safe and secure environment moving toward disaster recovery. These actions constitute the **disaster response**. Many of these actions, such as emergency actions, are exempt from EHP reviews or are expedited by pre-existing interagency agreements. **EHP requirements** are the Federal laws, Acts, regulations, and Executive Orders that support the protection and stewardship of **natural and cultural resources** within the United States and its territories and possessions. EHP Practitioners conduct EHP reviews specific to, and in compliance with, each applicable EHP requirement.

Disaster recovery often begins before disaster response is complete. Applicants apply for **Federal assistance** to fund and permit disaster recovery projects that will rebuild local communities and lead to long-term



TIP

It is never too early to start EHP coordination and planning for a disaster. Early planning and relationship building will help improve Agency coordination and expedite the EHP review when the disaster occurs.

² Blue and bolded text denotes words defined in the glossary located in Appendix A.

³ Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 U.S.C. 5121 et seq.

community resiliency. Before deciding to issue Federal assistance, permits, and other approvals to Applicants, Federal Agencies must comply with EHP requirements.

In a typical disaster recovery project, multiple Federal Agencies will fund, approve, or issue permits to Applicants for Federal assistance. For example, in 2011, multiple **Funding Agencies**, including the Federal Emergency Management Agency (FEMA), Small Business Administration (SBA), U.S. Department of Agriculture (USDA), and Department of Transportation (DOT) were all involved in providing Federal assistance following Hurricane Irene. EHP Practitioners and Applicants need to collaborate in a unified process for EHP reviews that will effectively and efficiently support disaster recovery projects and achieve community resiliency. A collaborative, unified process for EHP reviews will allow Applicants to provide the same EHP information to multiple Federal Agencies and prevent duplication of efforts by Federal Agencies in conducting EHP reviews and EHP data gathering.

Introduction to the UFR Process

The **Sandy Recovery Improvement Act** of 2013 (SRIA) directed the President to “establish an expedited and unified interagency review process to ensure compliance with EHP requirements under Federal law relating to disaster recovery projects, in order to expedite the recovery process, consistent with applicable law.”⁴ With input from Agencies with EHP authority, the Advisory Council on Historic Preservation (ACHP), Council on Environmental Quality (CEQ), the Department of Homeland Security (DHS), and FEMA led the development of a **UFR Process** to expedite and unify the EHP review of disaster recovery projects in accordance with SRIA. Representatives from ACHP, CEQ, DHS, and FEMA met on a weekly basis throughout the creation of the UFR Process to collaborate and oversee development.

ACHP, CEQ, DHS, and FEMA identified Five Elements to guide development of the UFR Process. Refer to Figure 1 for a list of the Five Elements and the associated **Tools and Mechanisms**. The Five Elements and their associated Tools and Mechanisms enable EHP Practitioners to plan and coordinate differently from the traditional EHP review process during disaster recovery through the following ways: 1) Unified and standardized EHP requirements and guidance will allow EHP Practitioners across Federal Agencies to work together to accomplish EHP reviews more efficiently; 2) A central repository for information about EHP reviews (i.e., one stop source) for proposed disaster recovery projects will support transparency and information sharing for EHP Practitioners and Applicants; 3) New interagency agreements and templates will clarify roles and responsibilities for EHP reviews among Federal Agencies and programmatically address some EHP issues in advance of disasters; and 4) Support for the continued development of the **Natural and Cultural Resources Recovery Support Function** (NCR RSF) will continue to build on the efforts already underway in the Federal Government to leverage Federal resources and available programs to meet local community recovery needs. These efforts include identifying and addressing gaps and inconsistencies within Federal

⁴ The Sandy Recovery Improvement Act (SRIA), P.L. 113-2, January 29, 2013.

regulations, policies, and programs related to natural and cultural resource issues. The Five Elements also provide the following outcomes for those recovering from disasters:


- Faster delivery of Federal assistance to rebuild following a disaster.
- Transparency about the EHP review process for disaster recovery projects and what may be required before a Federal Agency may award Federal assistance.
- Clear understanding about what EHP information to provide the Federal Government.
- Streamlined application processes for Federal assistance, in which Federal Agencies accept data in multiple formats so duplicate EHP information is no longer needed.
- Direct access to the latest information about disaster recovery through a [UFR Webpage](#).
- Contact information for Federal and state Agencies that can provide Federal assistance and relevant information.
- Access to existing IT resources with relevant EHP information that can assist in the development of applications for Federal assistance where such EHP information is necessary.

UFR Element	Tools and Mechanisms
Formalizing the Unification and Standardization of EHP Requirements	<ul style="list-style-type: none"> • Prototype Programmatic Agreement for Section 106 of the NHPA • Federal Flood Risk Management Standard
Developing Standards and Guidance for EHP Practitioners to Unify the Federal Review Process	<ul style="list-style-type: none"> • Unified Federal Review Guidance for EHP Practitioners (Practitioner Guidance) • Data Standards List • Template Environmental Checklist for FEMA/HUD
Providing One Stop Source for EHP Information and Resources	<ul style="list-style-type: none"> • UFR Webpage <ul style="list-style-type: none"> • IT Resources List, Data Sharing Agreement Content, Data Standards List, Disaster-Specific MOU, Agency POC List, EHP Skills Checklist, EHP UFR Disaster Recovery Training and Training for Recovery Leadership, Practitioner Guidance, Applicant Guidance, and EHP Library • Applicant Guidance
Developing Interagency Agreements that Formalize Roles, Responsibilities, and Commitments of the UFR	<ul style="list-style-type: none"> • MOU Establishing the Unified Federal Environmental and Historic Preservation Review Process • Disaster-Specific MOU • Data Sharing Agreement Content
Supporting the Continued Development of the NCR Recovery Support Functions as Part of the National Disaster Recovery Framework	<ul style="list-style-type: none"> • EHP Skills Checklist • EHP UFR Disaster Recovery Training and Training for Recovery Leadership • Concept of Operations

Figure 1: The Five Elements of the UFR established by the MOU

This Practitioner Guidance supports EHP Practitioners as they implement the UFR Process and promote EHP policies that are not always understood or fully utilized in the context of disaster recovery. Specifically, the Practitioner Guidance helps EHP Practitioners:

- Meet EHP requirements during disaster recovery.
- Implement existing EHP guidance and best practices that promote a unified Federal approach to disaster recovery.
- Promote resilient and sustainable communities.
- Understand that the Nine Core Principles of the **National Disaster Recovery Framework** (NDRF) are consistent in every respect with the principles and values of EHP planning and reviews (including National Environmental Policy Act (NEPA) and CEQ Regulations).
- Recognize that the NCR RSF plays a major role in helping support recovery to a resilient, durable, and sustainable community.
- Recognize the roles of the other recovery support functions.
- Recognize the role of the **UFR Advisor** and HQ UFR Coordinator.
- Promote better decisions, not better documents.
- Coordinate with other Federal Agencies, reducing redundancy, and promoting efficient and effective EHP reviews.



KEY UFR ROLES

Nine Core Principles of the NDRF


- Individual and Family Empowerment.
- Leadership and Local Primacy.
- Pre-Disaster Recovery Planning.
- Partnerships and Inclusiveness.
- Public Information.
- Unity of Effort.
- Timeliness and Flexibility.
- Resilience and Sustainability.
- Psychological and Emotional Recovery.

Since disasters vary in size, scope, and participants involved, the UFR Process is able to be adapted as needed for specific disasters.

Applicability to EHP Practitioners

This Practitioner Guidance is directed toward two audiences: 1) EHP Practitioners within Funding Agencies and 2) EHP Practitioners within **Resource/Regulatory Agencies**. Much of the Practitioner Guidance also applies to the Federal EHP Practitioner conducting EHP reviews for disaster recovery projects internal to a Federal Agency – projects to rebuild Federal facilities or manage Federal land following a disaster. This Practitioner Guidance contains information about key UFR roles in yellow textboxes for all audiences. All audiences may also benefit from the best practices contained in green text boxes throughout this Practitioner Guidance.

Funding Agencies provide Federal assistance to Tribes, states, local communities, businesses, and individuals through grants, loans, and other programs



KEY UFR ROLES

Definition of the EHP Practitioner

Agency staff responsible for conducting or contributing to EHP reviews. When the responsibility for conducting the EHP review is delegated or assigned to someone other than the Federal Agency staff, these individuals also meet the definition of EHP Practitioner for the purposes of this Guidance. This definition includes HUD responsible entities under HUD’s CDBG Program, who are grantees that must complete an EHP review of all proposed project activities prior to committing CDBG funds.

to aid in the recovery from a disaster. Funding Agencies include Agencies such as FEMA, the Department of Housing and Urban Development (HUD), the SBA, the DOT, and the Natural Resources Conservation Service (NRCS), to name just a few. EHP Practitioners within Funding Agencies are responsible for ensuring compliance with EHP requirements associated with the Applicant's proposed project, called the EHP review. This Practitioner Guidance contains brown tip boxes for EHP Practitioners within Funding Agencies to help them implement the UFR Process.

Another user of this Practitioner Guidance is the Federal EHP Practitioner within a Resource/Regulatory Agency, who consults, permits, or approves a proposed project by working with the Applicant or EHP Practitioner within a Funding Agency. Resource/Regulatory Agencies have the protection of the environment and/or cultural resources as part of their mission and regulatory authority, and review or evaluate applications for projects through consultations or issuance of permits. Resource/Regulatory Agencies include but are not limited to U.S. Fish and Wildlife Service (FWS), Environmental Protection Agency (EPA), and the National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS). The EHP Practitioner within a Resource/Regulatory Agency supports the UFR Process through early coordination and strategic planning with the Funding Agency. Resource/Regulatory Agencies should help to develop more efficient tools for their specific resource and permitting or consultation requirements that can be leveraged for disaster recovery projects through the UFR. Throughout this document, specific roles for Resource/Regulatory Agencies in the UFR Process are highlighted. Resource/Regulatory Agencies may review the blue information boxes throughout this Practitioner Guidance for information specific to their role in the UFR Process.

HUD is a primary conduit of disaster recovery funding through their Community Development Block Grant (CDBG) Disaster Recovery (DR) program. Unlike disaster recovery assistance from other Federal Agencies, the EHP reviews associated with CDBG-DR funding are conducted by the grant recipient, known as the HUD responsible entity. The HUD responsible entity assumes the role of the Federal Agency for purposes of these EHP reviews and should be treated accordingly by other Federal Agencies. For instance, a HUD responsible entity should be invited to interagency coordination meetings, can serve as a cooperating or lead agency alongside a Federal Agency in the NEPA process, and is required to perform consultations under Section 106 of the National Historic Preservation Act (NHPA). HUD responsible entities are included in the definition of EHP Practitioners in this Practitioner Guidance and should be recognized as special partners at the Tribal, state, or local level. HUD can act as a liaison to HUD responsible entities, sharing points of contact with Federal Agencies and providing HUD responsible entities with this Practitioner Guidance and access to UFR trainings.

Chapter Summary

- SRIA directed the President to “establish an expedited and unified interagency review process to ensure compliance with environmental and historic requirements under Federal law relating to disaster recovery projects, in order to expedite the recovery process, consistent with applicable law.”
- This Practitioner Guidance establishes a consistent process and best practices for the EHP review of proposed disaster recovery projects.
- Since disasters vary in size, scope, and participants involved, the UFR Process can be adapted as needed for specific disasters.
- This Practitioner Guidance is directed toward EHP Practitioners within Funding Agencies and Resource/Regulatory Agencies.

Chapter II. Overview of the UFR Process

The UFR Process coordinates Federal Agency EHP reviews for proposed disaster recovery projects associated with Presidentially-declared disasters under the Stafford Act. The *purpose* of the UFR Process is to improve Federal decision making to allow for more timely and planned processes that yield better outcomes for communities and the environment when Federal funds and permits are used for disaster recovery projects.

Figure 2 depicts the UFR Process during disaster recovery, including the use of Tools and Mechanisms that will help EHP Practitioners implement the UFR Process. The typical Federal assistance process is depicted in **green**; the expedited UFR Process portion of the recovery process is depicted in **blue**. The end-state for the UFR Process is community recovery and resiliency. Although not every disaster recovery process is the same, this graphic of the UFR Process can be easily adapted to the needs of individual Agencies.



TIP

The point at which disaster response ends and disaster recovery begins is not a clear line; disaster response may be ongoing while disaster recovery begins. For this reason, coordination with disaster response efforts is critical and the information that is gathered during the response phase should be utilized during disaster recovery planning.

The four key questions that EHP Practitioners need to consider during the UFR Process are:

1. Are there other Funding Agencies involved?
2. Are there other Resource/Regulatory Agencies involved?
3. Is the proposed project covered by existing analyses or agreements?
4. How can the Tools and Mechanisms unify and expedite the EHP review?

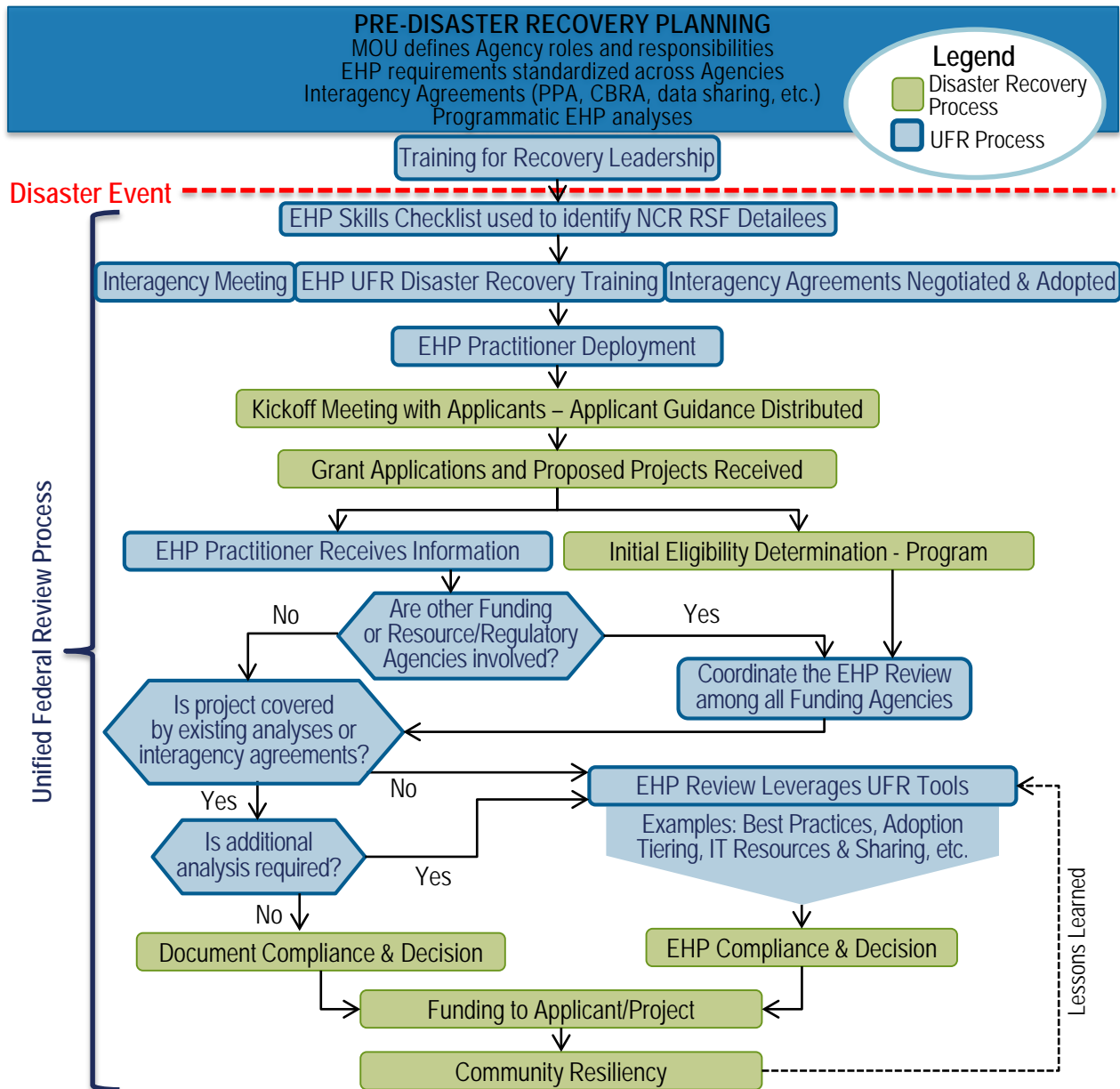


Figure 2: UFR Process Map: The new expedited UFR process is highlighted in blue to show the tools, mechanisms and, steps of the UFR process. The green highlights the existing disaster recovery process on how EHP reviews are integrated.

How the UFR Process Changes the EHP Review for Proposed Disaster Recovery Projects

The UFR Process uses existing EHP requirements and best practices, through the Tools and Mechanisms, to change the way EHP Practitioners conduct an EHP review for proposed disaster recovery projects. A chart describing each Tool and Mechanism and its location within the Guidance is located at the end of this chapter. The UFR Process does not change the EHP requirements under existing Federal law, but rather provides efficiencies that will expedite EHP reviews.

The Tools, which *support* the UFR Process, include:

- [UFR Webpage](#) containing Tools and Mechanisms, and other resources, such as a reference Library that contains examples and tools.
- EHP Agency Point of Contact List (Agency POC List).
- EHP Guidance for Federal Disaster Recovery Assistance Applicants (Applicant Guidance).
- IT Resources List.
- EHP Disaster Recovery Skills Checklist (EHP Skills Checklist).
- EHP UFR Disaster Recovery Training.
- Training for Recovery Leadership.
- Data Standards List.
- Template Environmental Checklist for FEMA and HUD.

The Mechanisms, which *implement* the UFR Process, include:

- Memorandum of Understanding Establishing the UFR EHP Review Process (UFR MOU).
- UFR Guidance for EHP Practitioners (Practitioner Guidance).
- Prototype Programmatic Agreement for Section 106 of the National Historic Preservation Act (PPA).
- Federal Flood Risk Management Standard (FFRMS).
- Disaster-Specific Memorandum of Understanding (Disaster-Specific MOU).
- Data Sharing Agreement Content.

The Tools and Mechanisms support and implement a unified and expedited EHP review for proposed disaster recovery projects in the following ways:

1. ***Tools and Mechanisms are in place before a disaster occurs.*** The UFR MOU and other pre-existing interagency agreements standardize EHP requirements and establish the commitments and parameters by which Agencies collaborate to satisfy their EHP requirements and pre-position data, analyses, and interagency agreements to support the EHP review. The Tools and Mechanisms establish the roles of different Agencies during EHP reviews and expedite the satisfaction of consultation requirements for typical activities that the Funding and Resource/Regulatory Agencies determine will not generate sufficient impacts to warrant a larger review. This is in contrast to a typical EHP review outside of the UFR Process that often results in a project-by-project consultation and review by each lead Agency with duplication of efforts. Where some Agencies have already had success expediting EHP reviews for disaster recovery projects, those experiences are now being captured as best practices in the UFR Process.
2. ***Tools and Mechanisms are scalable to the needs of a particular disaster.*** Since inclusion of Tribal, state, and local entities is a priority for effective disaster recovery and disasters vary in size and scope, EHP Practitioners must scale EHP efforts accordingly. Federal Agencies need tools to coordinate EHP reviews while maintaining flexibility for the EHP Practitioner to adjust the proposed disaster recovery project's EHP review based on the level of impacts. For example, Agencies may establish a Disaster-Specific MOU, scaling the level of commitments based on the needs of the disaster.

3. ***Tools and Mechanisms empower the Applicant.*** EHP Practitioners recognize that the Applicant plays an important role in disaster recovery by proposing projects for Federal assistance, permits, or approvals, and providing necessary information to conduct the EHP review. Yet Applicants may not be aware of the information they need to provide and how they can support the EHP review when seeking Federal assistance, permits, or approvals from multiple Federal Agencies. To address this concern, the UFR Process includes Applicant Guidance so Applicants can look to one source for guidance during disaster recovery. The Applicant Guidance advises Applicants to communicate the status of proposed projects when seeking Federal assistance, permits, or approvals so Federal Agencies can collaborate to eliminate duplication of EHP reviews of the same or similar projects. It encourages Applicants to design their projects with natural and cultural resources in mind, not only to expedite the EHP review, but also to help improve the future sustainability and resiliency of their communities. The Applicant Guidance also includes a table of EHP requirements applicable to disaster recovery projects, including the role of Applicants and Federal Agencies in the EHP review.
4. ***Tools and Mechanisms enable EHP Practitioners to share data.*** Upon review of a project application, EHP Practitioners often need additional information to begin the EHP review but may not have readily available sources to remedy this gap. The Tools and Mechanisms include compilations of data sources and methods to share data between Federal Agencies so the EHP review does not slow or stall. For example, the UFR Process includes a list of IT Resources maintained by Federal, Tribal, and state Agencies so EHP Practitioners can find the data they need to begin the EHP review.
5. ***Tools and Mechanisms expedite compliance with EHP requirements.*** Many of the EHP requirements for disaster recovery projects have efficiencies inherent to their authorizing laws and regulations, such as procedures for the adoption of existing EHP reviews within CEQ regulations for NEPA. However, many of these efficiencies are not fully taken advantage of because EHP Practitioners may lack guidance, time, awareness, and resources to apply these efficiencies in the context of disaster recovery. Disaster recovery projects are different from many other types of projects because of the urgency associated with getting recovery funding out to communities quickly and the number of Agencies and **stakeholders** that are involved. The Tools and Mechanisms apply existing efficiencies within EHP requirements to disaster recovery projects and introduce new compliance pathways for specific EHP requirements. For example, the UFR Process promotes the use of a PPA. The PPA is a programmatic approach which stipulates roles and responsibilities of participants, exempts some undertakings from Section 106 review, establishes protocols for consultation with stakeholders, helps with identification and evaluation of historic properties, and expedites the assessment and resolution of adverse effects.

Tools and Mechanisms Tables

Use these tables to locate discussion of Tools and Mechanisms in this Guidance.

Table of Mechanisms

Mechanisms	Utility	See Pages
Data Sharing Agreement Content	A compilation of content areas for parties to consider when developing data sharing agreements, including, sample language from previous agreements, examples of EHP-related data sharing agreements. This should be used in coordination with the Data Standards List.	11, 17, 36, 38, 46, 76
Disaster-Specific MOU	The Disaster-Specific MOU, and its accompanying guidance, provides a ready framework for developing disaster-specific interagency coordination during disaster recovery. This mechanism provides the Parties with the flexibility needed to tailor and specify their coordination efforts to the needs of particular recovery projects.	11, 17, 30, 31, 32, 35, 37, 38, 47, 77, 78
FFRMS	The FFRMS provides a minimum level of risk reduction against flood hazards, relying upon the best available, actionable science, and is consistent across Federal Agencies for their compliance with Executive Order 11988.	11, 71, 72
PPA	The FEMA PPA establishes a national model for FEMA to negotiate Section 106 state-specific programmatic agreements with State Historic Preservation Officers (SHPOs), State Emergency Management Agencies (SEMAs), and/or Tribe(s). The FEMA PPA is accompanied by a Frequently Asked Questions (FAQ) document that explains the purpose of the PPA and when and how other Federal Agencies can become a signatory to the state programmatic agreement. The FAQ also explains how other Federal Agencies can develop their own PPA that is modeled after the FEMA PPA.	11, 12, 23, 56
UFR MOU	For the EHP Practitioner, the UFR MOU serves as the foundation of the UFR Process by identifying Federal Agencies and determining their roles in the interagency EHP review process. All participating Parties are committed to the roles and responsibilities of the UFR Process captured in the UFR MOU.	1, 11, 20, 21, 30, 31, 32, 38, 46, 77, 78

Table of Tools

Tools	Utility	See Pages
Agency POC List	A reference tool that provides EHP Practitioners, as well as Applicants for Federal assistance, with access to Federal and state Agency contact information to support the EHP reviews for proposed disaster recovery projects.	11, 30, 31, 38, 42, 44, 45, 46, 74, 77
Applicant Guidance	An information tool available to Applicants for Federal disaster relief providing an overview of the UFR Process and information on EHP review requirements.	11, 12, 40, 41, 42, 44, 47, 77
EHP UFR Disaster Recovery Training	Training for Agency staff on the UFR Process and associated EHP requirements encountered during disaster recovery.	11, 28
EHP Skills Checklist	A checklist to assist the coordinating Agency of the NCR RSF in identifying appropriate staff to deploy in support of the NCR RSF under the NDRF.	11, 33
Training for Recovery Leadership	An executive level training that provides the Federal Disaster Recovery Coordinator (FDRC), Federal Coordinating Officer (FCO), Recovery Office Directors (ROD), and other Recovery Leadership with information on the UFR Process. The training will cover the UFR Process and its relationship to the NDRF, roles and responsibilities, Tools and Mechanisms that can support the EHP review, and management of staff to successfully implement the UFR Process.	11, 17, 28
IT Resources List	A matrix of existing IT resources (e.g., databases, decision support systems, websites, Geographic Information Systems (GIS) mapping tools, and authoritative data set sources) that are useful in obtaining the various kinds of information needed to perform an EHP review of proposed disaster recovery projects.	11, 33, 40, 43, 44, 45, 46, 74, 77
UFR Webpage	The UFR Webpage is a one-stop source of information for Applicants and EHP Practitioners to navigate EHP reviews for disaster recovery. The UFR Webpage contains all of the Tools and Mechanisms, organized so that EHP Practitioners and Applicants are directed toward the Tools and Mechanisms relevant to their role in the EHP review. The UFR Webpage also contains a UFR Library, which is a compilation of EHP requirements, best practices, and existing interagency agreements.	5, 11, 24, 31, 33, 36, 37, 40, 43, 44, 77
Data Standards List	The Data Standards List is a compilation of common standards among Federal Agencies and is provided as an attachment to the Data Sharing Agreement Content. The Data Standards List covers natural and cultural resources, general standards for GIS data, as well as Federal and state Agency-specific and resource-specific standards. Data standards facilitate the development, sharing, and use of data so that information can be exchanged and/or used consistently among all participants.	11, 13, 36, 46, 77
Template Environmental Checklist for FEMA and HUD	This template and its accompanying instructions is designed for use by FEMA and HUD responsible entities when jointly funding multiple similar projects (e.g., the large scale rebuilding or elevation of single family homes following a major hurricane). This guidance provides a blueprint for the Agencies to conduct and adopt a large number of EHP reviews.	11, 50

Chapter Summary

- The UFR Process does not change EHP requirements, but instead identifies ways to use existing efficiencies, with the new Tools and Mechanisms, to improve the EHP review of proposed disaster recovery projects for projects involving multiple Federal Agencies.

Chapter III. Pre-Disaster Recovery Planning: Preparing for EHP Review

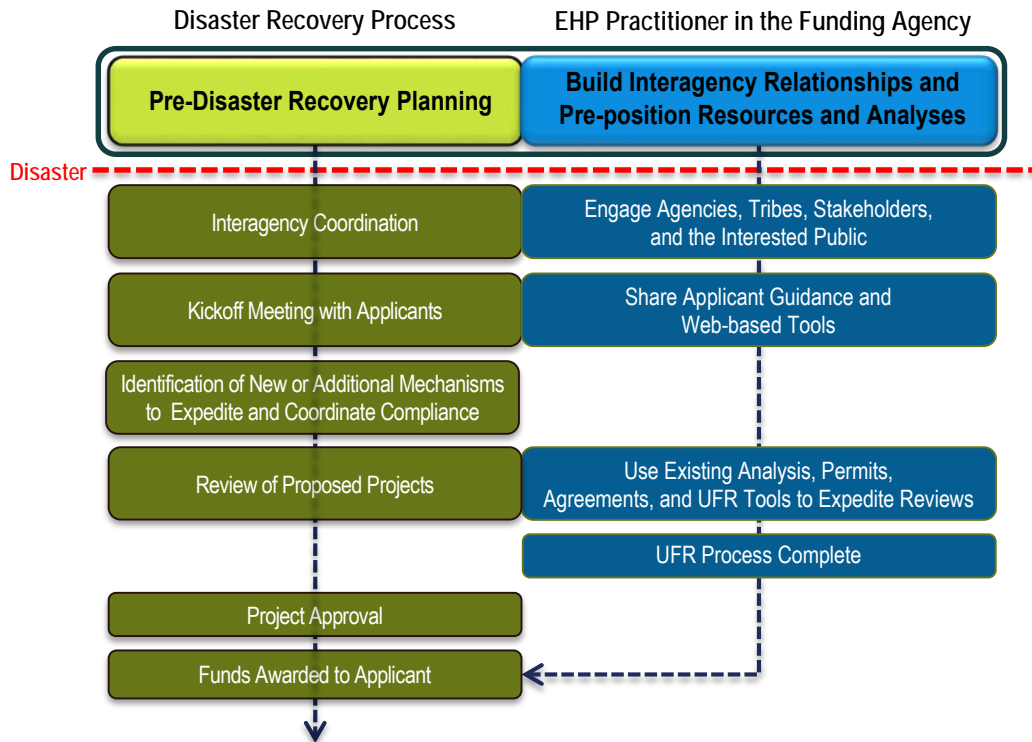


Figure 3: Disaster Recovery Process for the Funding Agency EHP Practitioner⁵

The first part of this chapter explains how the UFR Process uses the NDRF for disaster recovery to build interagency relationships. The second part of this chapter discusses how EHP Practitioners can pre-position EHP data, agreements, and analyses.

Coordination with the NDRF

The NDRF is a structure that enables effective recovery support to disaster-impacted Tribes, states, non-governmental organizations, and territorial and local jurisdictions. It is a flexible framework for Federal, state, and local Agencies to operate in a unified and collaborative manner. It also focuses on how best to restore, redevelop, and revitalize the health, social, economic, natural, and environmental fabric of the community and build community resiliency. The UFR Process integrates with the NDRF, complementing

⁵ The process maps in Figure 3 and contained throughout Chapters III through VI assume that the project is eligible and meets all EHP requirements and will therefore be approved. Practitioners should be aware that projects may not be approved either because they are ineligible or because they do not meet necessary EHP requirements.

its goals and utilizing its organizational structure to implement the UFR Process.

The NDRF establishes 1) core recovery principles, roles, and responsibilities of recovery coordinators and other stakeholders, 2) a coordinating structure to facilitate communication and coordination among all stakeholders, and 3) guidance for pre- and post-disaster recovery planning. For more information on the NDRF, visit www.fema.gov/national-disaster-recovery-framework. Figure 4 illustrates how the Five Elements of the UFR Process align with each of the NDRF's six recovery support functions. See Chapter IV to learn about appropriate stakeholders to engage during the disaster recovery process.

The NDRF includes the following roles that facilitate interagency and stakeholder coordination in support of the UFR Process:

1. Federal Disaster Recovery Coordinator

The FEMA Federal Disaster Recovery Coordinator (FDRC) is responsible for coordination and collaboration among the various stakeholders involved in disaster recovery, including Agencies, Tribes, local governments and community organizations. FDRCs, Federal Coordinating Officers (FCOs), and Recovery Office Directors manage the Federal response and recovery to a disaster. The FDRCs, FCOs, and Recovery Office Directors (Recovery Leadership) coordinate relief through field offices and take actions to provide Federal assistance.

In large-scale disasters and catastrophic incidents to which an FDRC is deployed, the FDRC decides whether to deploy any of the six Recovery Support Functions (RSF) and specifically the NCR RSF during disaster recovery. In addition, the FDRC may identify the need for a UFR Advisor, who will then report directly to the FDRC or other disaster recovery leadership and assume his/her roles and responsibilities for the UFR process as described below. The FDRC should consult with the EHP Advisor (EHAD) and the HQ UFR Coordinator in determining this need.

In the event that the FDRC or other disaster recovery leadership does not activate the UFR Advisor, then the FDRC, in consultation with the EHAD, will make the initial determination as to whether to implement a Disaster-



KEY UFR ROLES

Role of the HQ UFR Coordinator

The HQ UFR Coordinator resides in the FEMA Office of Environmental Planning and Historic Preservation and supports the UFR Process in the following ways:

- Facilitates (in pre-disaster and during disaster recovery) UFR compliance strategies and performance across RSFs.
- Provides progress reports to the NCR RSF.
- Develops and tracks metrics on UFR implementation and success.
- Provides recommendations on ongoing and future UFR development needs.
- Coordinates with Emergency Support Function Leadership Group (ESFLG) on UFR needs associated with response actions.
- Integrates UFR Process into Recovery doctrine, guidance, and policy.
- Coordinates implementation of UFR training.
- Integrates UFR scenarios into recovery exercises (and response, as needed).

Specific Mechanism for the UFR Process. If a determination to implement a Disaster-Specific Mechanism is made, then the FDRC will raise this matter for discussion at a meeting of the Recovery Support Function Leadership Group (RSFLG) where all Parties will participate in tailoring the Disaster-Specific Mechanism to the needs of the current recovery. The UFR Process includes Training for Recovery Leadership to implement the UFR Process. EHP Practitioners should visit the [UFR Webpage](#) to access the Training for Recovery Leadership.

When the NDRF is not activated or when no FDRC has been named, the FEMA EHAD and/or FEMA Regional Environmental Officer will be the lead in coordinating UFR compliance strategies for the recovery effort. In addition, the FEMA Regional Environmental Officer will serve as the pre-disaster equivalent to the HQ UFR Coordinator at the regional level.

2. Natural and Cultural Resources Recovery Support Function

The NDRF structure includes six (6) RSFs. The objectives of the RSFs are to “facilitate the identification, coordination, and delivery of Federal assistance needed to supplement recovery resources and efforts by Tribal, state, and local governments, as well as private and nonprofit sectors.” The NCR RSF serves as a coordination role for natural and cultural resources protection among Federal Agencies, Tribes, states, nongovernmental partners, and stakeholders. The NCR RSF will support the FDRC when the FDRC chooses to deploy the NCR RSF. The UFR Process will need the support of the NCR RSF to be fully effective. For more information on the role of the NCR RSF visit: http://www.fema.gov/pdf/recoveryframework/natural_cultural_resources_rsf.pdf.

3. UFR Advisor

The UFR Advisor is a role developed by the UFR Process to act as a liaison between and among coordinating agencies. The UFR Advisor will typically be a FEMA employee, but if FEMA is unable fill the role during a disaster due to capacity issues, the UFR Advisor may come from other support Agencies of the NCR RSF. If needed, a UFR Advisor will engage to support the disaster recovery leadership in the Joint Field Office or other deployment locations. Over the span of the disaster, there may be multiple UFR Advisors if there are multiple Joint Field Offices. The UFR Advisor will make the determination whether to use disaster-specific mechanisms to support interagency coordination, such as a Disaster-Specific MOU. If activated, the role of the UFR Advisor can include, but is not limited to:

- Acts as a liaison and coordinator between and among the Agencies and across RSFs on identifying opportunities to expedite EHP compliance and to promote unification during disaster recovery.
- Facilitates the development of disaster-specific MOUs to identify **cooperating Agencies** and their roles and responsibilities.
- Facilitates meetings across Agencies to share EHP compliance information and prioritizes/coordinates the implementation of UFR actions and strategies.
- Identifies specific UFR strategies for inclusion in the Mission Scoping Assessment and Recovery Support Strategy, and facilitates implementation of those strategies as deemed necessary by the FDRC.

- Identifies data sharing opportunities and facilitates the development of data sharing agreements to simplify unified data use.
- Participates in relevant recovery support function coordination meetings to identify compliance needs and strategies.
- Works with the disaster recovery leadership to identify communication opportunities with Tribal, state, and local Applicants to identify and anticipate any UFR needs; work with Federal Agencies to leverage existing meetings or schedule new meetings to identify and anticipate any UFR needs.
- Works with the RSFs and the Infrastructure Working Group to identify proposed recovery projects that require coordinated EHP compliance; once identified, coordinate with the appropriate environmental leads within each Funding Agency to identify a coordinated EHP compliance strategy; in coordination with environmental leads within each Funding Agency, implement EHP compliance strategy, which may include, but is not limited to, coordination with Resource/Regulatory Agencies.
- Coordinates Federal technical assistance capabilities that may be available to support communities in meeting EHP compliance responsibilities.

RSF	NDRF Recovery Support Functions	UFR Process Element(s)
Community Planning and Capacity Building	<p>Develops pre-disaster partnerships with others such as Federal Agency extension programs, universities, national professional associations, and nongovernmental organizations, to facilitate recovery capacity-building activities and expansion of resources available to communities after a disaster for planning and decision making.</p> <p>Develops multidisciplinary recovery tools and best practices.</p> <p>Identifies and leverages programs that assist communities to prepare, collect, and analyze relevant existing and future data necessary to plan and manage complex disaster recovery.</p>	<p>Formalizing the Unification and Standardization of EHP Requirements</p> <p>Developing Standards and Guidance for EHP Practitioners to Unify the Federal Review Process</p> <p>Providing One Stop Source for EHP Information and Resources</p> <p>Developing Interagency Agreements that Formalize Roles, Responsibilities, and Commitments of the UFR</p>
Economic	<p>Identifies statutory, regulatory, and policy issues that contribute to gaps, inconsistencies, and unmet needs in economic recovery.</p> <p>Develops initiatives and incentives to facilitate the integration of Federal efforts and resources with private capital and the business sector.</p> <p>Works to apply and integrate plans developed pre-disaster to most effectively leverage Federal resources and available programs to meet local community recovery needs while integrating with the private sector to facilitate early and productive engagement.</p>	<p>Formalizing the Unification and Standardization of EHP Requirements</p> <p>Developing Standards and Guidance for EHP Practitioners to Unify the Federal Review Process</p> <p>Providing One Stop Source for EHP Information and Resources</p> <p>Developing Interagency Agreements that Formalize Roles, Responsibilities, and Commitments of the UFR</p>

Figure 4: NDRF Integration Table

RSF	NDRF Recovery Support Functions	UFR Process Element(s)
Health and Social Services	<p>Coordinates and leverages applicable Federal resources for health and social services. Identifies and coordinates with other Federal, Tribal, state, and local partners to assess food, animal, water, and air conditions to ensure safety.</p> <p>Provides technical assistance in the form of impact analyses and supports recovery planning of public health, health care, and human services infrastructure.</p>	<p>Formalizing the Unification and Standardization of EHP Requirements</p> <p>Developing Standards and Guidance for EHP Practitioners to Unify the Federal Review Process</p> <p>Providing One Stop Source for EHP Information and Resources</p> <p>Developing Interagency Agreements that Formalize Roles, Responsibilities, and Commitments of the UFR</p>
Housing	<p>Identifies gaps and coordinates a resolution of conflicting policy and program issues.</p> <p>Maintains robust and accessible communications throughout the recovery process between the Federal Government and all other partners to ensure ongoing dialogue and information sharing.</p>	<p>Developing Standards and Guidance for EHP Practitioners to Unify the Federal Review Process</p> <p>Providing One Stop Source for EHP Information and Resources</p>
Infrastructure Systems	<p>Develops guidance and standard procedures for rapid activation of RSF capabilities to support community recovery.</p> <p>Identifies relevant statutory and/or regulatory programs, potential capabilities and/or limiting factors pertaining to recovery support for infrastructure systems.</p> <p>Provides a forum for interagency coordination, information sharing, and exchange of effective practices.</p> <p>Supports the specific authorities and programs within the jurisdiction of participating departments and Agencies. Infrastructure Systems Recovery action plan:</p> <ul style="list-style-type: none"> ▪ Avoids redundant use of limited capital resources. ▪ Helps resolve conflicts. ▪ Sets a firm schedule for future infrastructure recovery projects. 	<p>Formalizing the Unification and Standardization of EHP Requirements</p> <p>Developing Standards and Guidance for EHP Practitioners to Unify the Federal Review Process</p> <p>Providing One Stop Source for EHP Information and Resources</p> <p>Developing Interagency Agreements that Formalize Roles, Responsibilities, and Commitments of the UFR</p>

Figure 4: NDRF Integration Table (Continued)

RSF	NDRF Recovery Support Functions	UFR Process Element(s)
Natural and Cultural Resources	<p>Identifies relevant Federal programs and incentives that have a role in supporting the preservation, protection, conservation, rehabilitation, recovery, and restoration of natural and cultural resources during recovery.</p> <p>Identifies gaps and inconsistencies within and between Federal regulations, policies, program requirements, and processes affecting natural and cultural resources.</p> <p>Works to leverage Federal resources and available programs to meet local community recovery needs.</p> <p>Addresses government policy and Agency program issues, gaps, and inconsistencies related to natural and cultural resource issues.</p>	<p>Formalizing the Unification and Standardization of EHP Requirements</p> <p>Developing Standards and Guidance for EHP Practitioners to Unify the Federal Review Process</p> <p>Providing One Stop Source for EHP Information and Resources</p> <p>Developing Interagency Agreements that Formalize Roles, Responsibilities and Commitments of the UFR</p> <p>Supporting the Continued Development of the NCR Recovery Support Functions as Part of the National Disaster Recovery Framework</p>


Figure 4: NDRF Integration Table (Continued)

Pre-Positioning EHP Data, Agreements, and Analyses

The first step in the UFR Process is **Pre-Disaster Recovery Planning** and includes actions to support the recovery before the disaster occurs and during disaster response. Pre-Disaster Recovery Planning includes building relationships between Federal Agencies, Tribes, states, and stakeholders and **pre-positioning** EHP information. The UFR MOU facilitates interagency coordination by formalizing roles and responsibilities. The UFR MOU includes:

- UFR Definitions.
- Authorities of the Agencies involved to enter into the UFR Process.
- Commitments of the Parties to the UFR Process.
- Issue Elevation Procedures.

During Pre-Disaster Recovery Planning, EHP Practitioners should coordinate across Agencies and within their own Agencies with the goal of identifying EHP information (e.g., studies, datasets, and GIS systems) that should be shared in order to facilitate the UFR Process.



**GUIDANCE FOR
RESOURCE/REGULATORY
AGENCIES**

Prior to a disaster, Resource/Regulatory Agencies should familiarize their staff with the NDRF and UFR Process to consider how these frameworks could improve their review of disaster recovery projects and facilitate interagency communication between Resource/Regulatory and Funding Agencies.

Trust Responsibility and Tribes. For Federally recognized Tribes, the U.S. government acknowledges the political sovereignty and Tribal identity of **Indian Tribes**. That recognition requires the Federal government to consult with Indian Tribes on a government-to-government basis. This consultation is further supported by several executive directives including Executive Order 13175, “Consultation and Coordination with Indian Tribal Governments” (2000), which directs Federal Agencies to respect Tribal self-government and sovereignty, Tribal rights, and Tribal responsibilities whenever they formulate policies “significantly or uniquely affecting Indian Tribal governments.” The executive order applies to all Federal Agencies and encourages “meaningful and timely” consultation with Tribes, and consideration of compliance costs imposed on Tribal governments when developing policies or regulations that may affect Indian Tribes. Questions regarding your Agency's trust responsibility to Indian Tribes should be directed to your Tribal liaison/Native American coordinator or Office of General Counsel.

Treaties and Tribes. In planning for disaster response, EHP Practitioners should be aware of treaties the United States may have signed with Indian Tribes whose ancestral lands are within the planning area. Most treaties acknowledge and recognize the Tribes' inherent sovereignty as distinct, independent Nations and their rights to hunt, fish, gather resources, and access sacred sites within their lands. Treaties do not diminish with time and thus are still enforceable. Federal Agencies and EHP Practitioners need to be mindful of treaty obligations when carrying out programs with the potential to impact treaty-protected resources and rights. Indian Tribes should be consulted when proposed projects have the potential to affect property that is subject to treaties.

Review existing interagency agreements. EHP Practitioners should utilize existing agreements instead of negotiating new interagency processes or agreements, wherever possible. The UFR MOU is one of the main interagency agreements EHP Practitioners should review before coordinating with other Federal Agencies in disaster recovery.

Develop and implement interagency agreements for EHP requirements. EHP Practitioners from Funding Agencies and Resource/Regulatory Agencies should work together to create interagency agreements and protocols that will expedite consultation and permit processes for proposed disaster recovery projects. EHP Practitioners should determine their own Federal Agencies' internal review and approval process for interagency agreements in advance of a disaster.



TIP

Disaster recovery needs good data and science to support good decisions. EHP reviews should be based on current science and data that is generally not more than five years old and must account for new data related to climate science and adaptation.

Consider preparing programmatic NEPA analyses ahead of a disaster. EHP analyses required at the time of a disaster can be more efficient if a programmatic NEPA analysis has been prepared ahead of time. Although disasters are unpredictable, certain elements of disasters and disaster recovery are known and can be analyzed prior to the event. For example, in 2003, FEMA prepared a Programmatic Environmental Assessment (PEA) for Recurring Actions in California. The PEA evaluated typical recurring actions undertaken by FEMA within the state of California in preparation for, and in the wake of, disasters. The purpose of this document was to facilitate FEMA's compliance with NEPA by addressing the impacts of actions typically funded in response to flood, earthquake, fire, rain, and wind disasters and to prevent future disasters resulting from these types of events.

EHP Practitioners should consider whether there are decisions that are being made within their Agencies such as new disaster recovery plans that should be analyzed programmatically in the NEPA process. Programmatic approaches can be based on region of the country, program, or type of disaster. Programmatic approaches can include criteria, for example, for how to manage waste and debris; what type of rebuilding would be more resilient and flood proof or fireproof; and other important decisions that could be made well in advance of a disaster. If there is no decision to be made then a NEPA programmatic review is not necessary; however, there may still be value in pre-positioning information through relevant studies that could be included in subsequent NEPA documentation. By pre-positioning this type of information, EHP Practitioners can help their Agencies not only expedite the review of proposed disaster recovery projects, but also make better decisions about how to conduct projects in a more sustainable and resilient manner.

Develop procedures for taking historic properties into account for emergencies and disaster response and recovery activities. Federal Agencies, in consultation with the appropriate SHPOs/ Tribal historic preservation officers (THPOs), affected Indian Tribes and Native Hawaiian organizations (NHOs), State Emergency Management Agencies (SEMAs), State Mitigation Officers (SMOs), and the ACHP, should develop procedures for taking **historic properties** into account for emergencies and disaster response and recovery activities. Such



TIP

Invasive species are plants, animals, or pathogens that are non-native to the ecosystem and whose introduction causes or is likely to cause harm. Executive Order 13112 on Invasive Species requires Federal Agencies to prevent and control invasive species and not to promote their spread through their actions; encourage invasive species planning and action at Tribal, state, regional, and local, ecosystem-based levels; facilitate the development of a coordinated network among Federal Agencies to document, evaluate, and monitor invasive species; and facilitate establishment of a coordinated, up-to-date information-sharing systems.

Disaster recovery activities such as debris removal and construction can introduce and spread invasive species. Information about invasive populations prior to a disaster can ensure staging areas and transportation corridors do not become pathways for invasive species to spread. Predicting invasive species is difficult; therefore, a robust early detection program needs to be in place to find invasive populations while they are still localized followed by effective rapid response capacity. Federal Agencies should work to share resources and form strategic partnerships to protect environmental resources from invasive species, which often overwhelm local resources.

procedures would help ensure efficient and timely Section 106 reviews. Additionally, cultural resources should be incorporated into the development of the state and local mitigation planning efforts. For example, FEMA has developed, in coordination with the ACHP, SHPOs/THPOs, Indian Tribes and NHOs, a PPA for disaster response, recovery, and preparedness projects occurring across the Nation. The PPA establishes a framework that promotes consistency for dealing with historic preservation reviews across states, ensures flexibility and responsiveness to Tribal and state concerns, and expedites reviews for many activities demonstrated to have little or no effects to historic properties.

As another example, in 2009, the ACHP issued a Program Comment to the U.S. Department of Agriculture Rural Utilities Service (RUS), the U.S. Department of Commerce National Telecommunications and Information Administration (NTIA), and FEMA to relieve them from conducting duplicate reviews under Section 106 of the NHPA when these Agencies assist a telecommunications project subject to Section 106 review by the Federal Communications Commission (FCC). The Program Comment was developed in response to the American Recovery and Reinvestment Act and the monies dedicated to the expanse of broadband services across the nation. The Program Comment sought to streamline the Section 106 review of the construction and modification of communication towers and antennas for which FCC and RUS, NTIA, or FEMA share Section 106 responsibility.

Under the Program Comment, RUS, NTIA, and FEMA do not need to comply with Section 106 with regard to the effects of communication facilities construction or modification that has either undergone or will undergo Section 106 review, or is exempt from Section 106 review, by the FCC under the 2004 FCC Nationwide Programmatic Agreement (PA) and/or the 2001 FCC Collocation PA. The program comment allows other Agencies, who were not involved in the initial negotiations to appropriately use the FCC Nationwide PA to comply with their Section 106 responsibility for an undertaking that is subject to the FCC Nationwide PA. This Program Comment will terminate in September 2015, unless it is amended to extend the period in which it is in effect.

During Disaster Response

The following recommendations should guide EHP Practitioners during Pre-Disaster Recovery Planning after a disaster occurs.

Evaluate data and studies needed. Immediately following the disaster, Applicants (such as infrastructure owners), their representatives, and Resource/Regulatory Agencies conduct



TIP

EHP Practitioners should consult with ACHP to determine appropriate program alternatives. These program alternatives, described under 36CFR §800.14, allow Federal Agencies to develop their own procedures to implement Section 106 of the NHPA, which would substitute normal procedures under ACHP's regulations. Program alternatives include: alternate procedures, programmatic agreements, exempted categories, standard treatments, and program comments. For additional information please visit the ACHP's FAQ on program alternatives: <http://www.achp.gov/altpro.html>

preliminary damage assessments to determine the magnitude and impact of a disaster's damage. The level of detail for preliminary damage assessments is limited and primarily used to determine if Federal assistance is required for recovery. EHP Practitioners should request the information collected, if the EHP Practitioner was not already engaged in the preliminary damage assessment, and use this information to identify and prepare for applicable EHP requirements. For example, if a preliminary damage assessment reveals properties listed or eligible for listing on the National Register of Historic Places (NRHP), the EHP Practitioners may need to conduct a Section 106 review for proposed disaster recovery projects to rebuild a damaged building or other infrastructure in the area. The preliminary damage assessment would be utilized to prepare SHPO, THPO, Tribes, and other consulting parties for the level of effort required during the Section 106 review. The process of evaluating data and studies is typically part of the scoping process and public outreach within the EHP review.

Applicants, or their representatives, typically conduct more detailed damage assessments in the recovery phase. Gaps in data should be identified early to inform development of future, more detailed damage assessments or other studies.

Use existing Guidance to inform the approach to EHP reviews. EHP Practitioners should review the ACHP and CEQ Guidance, existing CEQ efficiencies outlined in the CEQ Regulations, and the "Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act (2012), the concise EA Guidance attached to various NEPA guidance on emergencies (e.g., 2010), and other guidance documents to understand process efficiencies before disaster recovery begins. For additional information on Section 106 assistance: <http://www.achp.gov/usersguide.html>. See the catalog of tools and other information on the [UFR Webpage](#) for additional guidance documents.

Begin to identify the appropriate levels of EHP review. The EHP Practitioner reviews data gathered during disaster response and existing data in the region and disaster area. This data will inform the determination of the appropriate scope of EHP review (for example, whether an EA under NEPA or informal consultation under the Endangered Species Act (ESA) is appropriate).

Unify EHP reviews through the Planning Process. The UFR Process facilitates concurrent EHP reviews as may be achieved through NEPA, rather than sequential or duplicative reviews. Using NEPA to integrate EHP requirements is discussed in greater detail within Chapter VI, including concepts such as tiered NEPA reviews. Figure 5 illustrates how the common EHP review requirements may be integrated into the NEPA process. Where text is contained within brackets, such as "[Scoping]," the EHP requirement includes this step informally in the review process. For additional information on integrating NEPA and Section 106, see the Handbook at: http://www.achp.gov/docs/NEPA_NHPA_Section_106_Handbook_Mar2013.pdf.

The following chart identifies key steps in the various EHP reviews and how to align them. Note that this chart is not intended to cover every possible requirement or step that could arise during an EHP review.

EO 12898	§ 106 of the NHPA	ESA	MMPA	CBRA	CZMA	MSA	CWA § 402	CWA § 404/ RHA § 10	EO 11988 and EO 11990	RCRA	NEPA
Scoping	Initiate Section 106			Scoping	[Scoping]		[Scoping]	[Scoping] Determine Permit Type	[Scoping]	[Scoping]	Scoping <i>Categorical Exclusion</i>
Public Participation	Identify Historic Properties					Notification		Permit Application Public Involvement	Initiate Early Public Notice Identify Alternative	Early Public Scoping	Identify Alternatives
Determining the Affected Environment	Assess Adverse Effects	Biological Assessment	Determine whether Authorization is Necessary	Analysis	Effects Analysis	EFH Assessment	Determine Permit Type	Federal Coordination Analyze Impacts	Analyze Impacts		Impacts Analysis
Analyze Impacts		Initiate Formal Consultation	Submit Application			Initiate EFH Consultation	Permit Application State Certification		Minimize Impacts Re-evaluate Alternatives	Permit Application Permit Review	Prepare Draft EA or EIS
Alternatives	Public Involvement	Biological Opinion (RPM)	Begin Public Review Process	CBRA Consultation	State Review		Prepare Draft Permit	State Certification		Revisions	Public Involvement
	Resolve Adverse Effects	Reasonable and Prudent Alternatives	Authorization, Review, Approval, and Issuance			EFH Conservation Recommendations	Public Involvement		Initiate Final Public Notice	Preliminary Decision Public Review	Final EA or EIS
				Consistency Determination			Permit Review, Approval, and Issuance	Issue Permit Decision Post Permit Decision		Final Permit Decision	Document the Decision
	Federal Action	Federal Action	Federal Action	Federal Action	Federal Action	Federal Agency Response	Federal Action		Implement Action	Implement Action	Federal Action
Mitigation	Post Action Mitigation	Post Action RPMs			Mitigation			Compensatory Mitigation	Post Action Mitigation		Post Action Mitigation

Figure 5: EHP Requirement Integration Chart

Chapter Summary

- Pre-Disaster Recovery Planning serves as disaster preparation and includes building relationships and communication between Federal Agencies, Tribes, state Agencies, and stakeholders, and pre-positions EHP information in advance of a disaster.
- Pre-Disaster Recovery Planning emphasizes the need to strengthen interagency relationships and coordination efforts and train staff in preparation for disasters.
- EHP Practitioners should engage in Pre-Disaster Recovery Planning before and after a disaster occurs.

Chapter IV. Interagency Coordination: How to Initiate the EHP Review

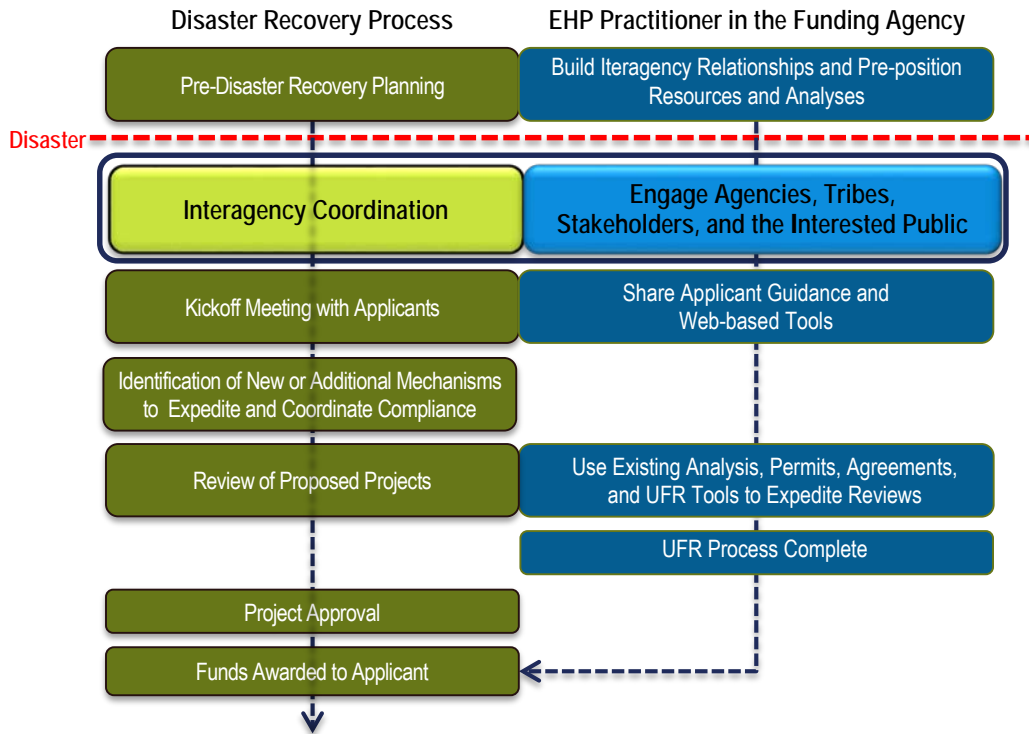


Figure 6: Disaster Recovery Process for the Funding Agency EHP Practitioner

At the start of the disaster recovery process, and on an ongoing basis, EHP Practitioners must identify which Federal Agencies, Tribes, and state Agencies should be engaged. Because all of the parties may not be known at the start - projects may evolve - engagement is an ongoing effort and the Agencies and Tribes may change. However, it is important to start engagement as early as possible. Once an appropriate group of Federal Agencies, Tribes, and state Agencies have been identified, EHP Practitioners should work together to identify and share EHP resources such as staff time and EHP information. Interagency collaboration can occur in different formats, such as in-person meetings, conference calls, or web meetings. The UFR Process encourages EHP Practitioners to also coordinate stakeholder outreach strategies with the Applicant to help identify potential EHP issues early and avoid conflict with community priorities for recovery. This chapter discusses how EHP Practitioners should engage with other Agencies and stakeholders in the disaster recovery process, Tools and Mechanisms to identify the appropriate participants to engage, and ways to leverage interagency resources once those participants are identified.

Who Should be Engaged at the Start of Disaster Recovery?

The first step for interagency coordination during disaster recovery is to determine which participants to engage. EHP Practitioners should engage Funding Agencies, Resource/Regulatory Agencies, Tribes, state and local Agencies including HUD **responsible entities**, SHPOs, NHOs, and other stakeholders, including the interested public and vulnerable, overburdened populations. Each stakeholder and Federal and state Agency will have a different role to play. Depending on the specific EHP requirement, the interested stakeholder could be a consulting party with specific rights pursuant to the EHP requirement or just an interested member of the general public. The level of engagement with the general public may vary; however, early engagement with the public should be considered whenever possible because it will help to identify the public's concerns related to natural and cultural resources early in the process of proposing a project. EHP Practitioners should err on the side of being more inclusive than less so when engaging potential stakeholders and other Federal and state Agencies.

EHP Practitioners should engage Resource/Regulatory Agencies as soon as possible for proposed projects where it is likely Resource/Regulatory Agencies will be required to review or approve proposed projects through consultations or issuance of permits. For example, if it is likely the project area will impact a species protected by the ESA, Funding Agencies should consult with FWS and NOAA's NMFS under Section 7 of the ESA as soon as possible. If the Funding Agency enters into formal consultation, FWS or NMFS will issue a biological opinion on whether the action will jeopardize the continued existence of a listed species. See Chapter VI for more information on Resource/Regulatory Agencies' roles within certain EHP requirements.



TIP

Consider ways to build interagency relationships with your peers. Develop a list of Federal, Tribal, state, and local contacts in your region and introduce yourself. Utilize the EHP Agency Point of Contact List in the Appendix and at the [UFR Webpage](#). Practitioners should coordinate with Regional offices or appropriate Agency contacts to understand Tribal outreach protocols. Contact Tribes as early as possible and allow sufficient time for consultation. If a Tribe does not respond to an initial request to engage in consultation, the Agency should not assume that the Tribe has no interest. In such a case, the Agency should pursue additional efforts to initiate Tribal consultation.

Ensure that all staff that will be involved in disaster recovery are trained on the UFR Process. The EHP UFR Disaster Recovery Training and Training for Recovery Leadership can be used to educate other EHP Practitioners about the UFR Process.



TIP

EHP Practitioners should involve the whole community. A sustainable recovery plan includes input from Tribal, state, and local officials and is supported by Federal Agencies, which is informed by an assessment of current vulnerabilities and mitigation to extreme weather events. Also, methods for engaging the public in a disaster area may need to be different from those for engaging the public under normal circumstances.

The process of identifying appropriate participants is ongoing during disaster recovery. Additional participants may join later when additional funding is received or a consultation or permit is needed. EHP Practitioners should routinely evaluate whether new stakeholders should engage. Examples of potential non-Federal stakeholders to include in the disaster recovery process include the following parties:

Local Government Officials are those officials with jurisdiction over the project area in which effects may occur. These officials may be a county or city manager or their deputies, the planning director, or the local historic preservation planner officer, or certified local government contact. Local officials have knowledge of the extent of the damage from the disaster and understand the planning, regulatory, and environmental issues that often intersect with the EHP review of Federally-funded projects.

The State Historic Preservation Officer (SHPO) is the state official responsible for preservation related duties and reflects the interests of the state and its citizens in the preservation of their cultural heritage. The SHPO is the Federal Agency's point of contact in the Section 106 process and advises and assists the Federal Agency in carrying out its Section 106 responsibilities. SHPOs/THPOs also can assist in identifying other parties that should be engaged in the Section 106 process. The SHPO is also viewed as a partner to the ACHP.

Click here for additional information on locating a SHPO: www.ncshpo.org/find/index.htm

The Tribal Historic Preservation Officer (THPO) is the Tribal official responsible for all or part of the functions of the SHPO with respect to Tribal lands. Off Tribal lands, the THPO is the officially designated representative of the Tribe in Section 106 consultations. The THPO provides advice to and consults with the Federal Agency in the EHP review. For proposed projects or activities that are located on Tribal lands, the THPO is the Federal Agency's primary partner in the Section 106 process. Off Tribal lands, the THPO is the officially designated representative of the Tribe in Section 106 consultations.

Click here for additional information on locating a THPO: www.achp.gov/thpo.html.

For additional information on Tribal consultation:
www.achp.gov/docs/consultation-indian-tribe-handbook.pdf

Indian Tribes and NHOs must be consulted on undertakings that may affect historic properties of religious and cultural significance to them, regardless of location. A Federal Agency must conduct government-to-government consultation with Federally-recognized Indian Tribes. Such consultation should be conducted in a sensitive manner respectful of Tribal sovereignty. Indian Tribes and NHOs possess special expertise in identifying and assessing the eligibility of properties that may



GUIDANCE FOR RESOURCE/REGULATORY AGENCIES

Resource/Regulatory Agencies are key participants in interagency meetings. Their role is integral to discussions on roles and responsibilities, proposed projects, permitting needs and processes, and timelines.

possess religious and cultural significance to them for the National Register of Historic Places. They also possess expertise in assessing effects to these resources.

Under Section 1110 of the SRIA, which amends Sections 401 and 501 of the Stafford Act for requesting disaster declarations, Federally-recognized Indian Tribal governments now have the option to make their own request for a Presidential emergency or major disaster declaration independently of a state, or to seek assistance under a declaration for a state. For information about recent Tribal outreach related to declarations by Tribes: <http://www.fema.gov/tribal-consultation>.

In Hawaii, Agencies should be aware that NHOs may not currently reside on the island containing a historic property to which its members attach religious and cultural significance.

Click here for additional information on locating Indian Tribes and NHOs. <http://egis.hud.gov/tadat/Tribal.aspx>.

For additional information on Native Hawaiian consultation: www.achp.gov/Native%20Hawaiian%20Consultation%20Handbook.pdf

Other interested participants may include individuals or organizations with a demonstrated interest in the proposed project, including those with a legal or economic interest, or who are concerned with the project's effects on natural or cultural resources. For example, local park and land preservation committees and environmental clubs are potential interested participants. Although some of these entities may become actively involved in the EHP review as consulting parties, many others may only want to stay informed about project planning. These entities include property owners, local colleges and universities, local historic preservation societies, and neighborhood associations. Statewide and national environmental and preservation organizations, such as the National Trust for Historic Preservation, frequently request consulting party status due to their interest in a project's effects to historic properties.

Once the participants are identified, EHP Practitioners should collaborate to determine roles and responsibilities. Whether a Federal or state Agency is a Funding or Resource/Regulatory Agency will dictate the role each Agency plays in the EHP review. Interagency coordination meetings facilitate early coordination among Federal, state, and local Agencies to discuss damages, define roles and responsibilities, and develop a plan of action for disaster recovery. The following sections discuss Tools and Mechanisms to support interagency coordination at the beginning of disaster recovery.

Tools and Mechanisms to Identify the Appropriate Participants

The Tools and Mechanisms that will help EHP Practitioners identify the appropriate Federal, Tribal, state, and local Agencies and their roles include 1) a UFR MOU that addresses the specific commitments of the UFR Parties; 2) an Agency POC List to assist EHP Practitioners to identify necessary Federal, Tribal, state, and local Agencies and contacts during disaster recovery; and 3)

a Disaster-Specific MOU to define roles and responsibilities during EHP reviews after a disaster has occurred. In addition to these three Tools and Mechanisms, EHP Practitioners can utilize the Interagency Meeting Checklist.

The UFR MOU

For the EHP Practitioner, the UFR MOU serves as the first building block to identifying Federal Agencies and determining their roles in the interagency EHP review process. All participating Parties are committed to the roles and responsibilities of the UFR Process captured in the UFR MOU, including a commitment to interagency coordination and the UFR Process. See Chapter III for a discussion of the UFR MOU. The UFR MOU can be found at the [UFR Webpage](#).



TIP

The UFR MOU is a *pre-disaster* agreement that documents each Agency's roles and responsibilities associated with EHP reviews for *all* disaster recovery projects as acknowledged by the UFR effort.

The Disaster-Specific MOU is a *post-disaster* agreement that defines EHP roles and responsibilities during a *specific* disaster recovery effort. The UFR MOU can be utilized and taken into consideration while drafting Disaster-Specific MOUs.

EHP Agency Point of Contact List

The Agency POC List provides EHP Practitioners, as well as Applicants for Federal assistance, with access to Federal and state Agency EHP program contact information. Contact information includes offices, phone numbers, and mailing addresses. The Agency POC List contains a description of each Agency's primary role and authority, organized by disaster events and affected resources. EHP Practitioners can use this Tool to learn which Agencies are appropriate to contact based on their expertise. The Agency POC List can be found in Appendix B as well as on the [UFR Webpage](#).

Disaster-Specific Memorandum of Understanding

The Disaster-Specific MOU is a template agreement to assist and define the relationship between Federal, Tribal, state, and local (e.g., HUD responsible entities⁶) Agencies during disaster recovery efforts. HUD responsible entities are not party to the UFR MOU, but they should be invited to be parties to any Disaster-specific MOU developed as part of the UFR Process. The template format of the Disaster-Specific MOU allows for tailoring amongst the parties to establish roles, commitments, coordination schedules, and priorities for parties in the context of a particular disaster. It can also list points of contact between Federal, Tribal, state, and local Agencies. A Disaster-Specific MOU should list out existing agreements so as not to duplicate or contradict established coordination structures. See Appendix C for an example and guidance on developing a Disaster-Specific MOU. The guidance should be used in conjunction with the Interagency Meeting Checklist discussed below and found in Appendix D.

⁶ It is important to note that HUD's responsible entities that assume Federal environmental responsibility can serve as the Lead Agency.

Interagency Meeting Checklist

To help facilitate the development of the Disaster-Specific MOU, EHP Practitioners should utilize the Interagency Meeting Checklist to engage in internal planning for disaster recovery. Federal disaster recovery leadership may convene an interagency meeting with the help of the UFR Advisor prior to the Kickoff Meeting. EHP Practitioners should consider their roles and responsibilities based on Agency missions and authorities and the UFR MOU, and priorities for helping communities recover from the disaster. Finally, EHP Practitioners should consider Agency staffing resources, existing data, and points of contact that will provide for EHP reviews of proposed disaster recovery projects.

The Interagency Meeting Checklist records internal planning notes to share with Agencies at an interagency coordination meeting. It contains questions to consider before and during the meeting. EHP Practitioners should use the Interagency Meeting Checklist to foster discussion of the utility of a Disaster-Specific MOU for disaster recovery efforts. See Appendix D for a copy of the Interagency Meeting Checklist.



TIP

During an interagency coordination meeting, EHP Practitioners should discuss how to collaborate during EHP reviews for data sharing and meeting coordination and whether anyone else should participate.

Since most EHP Practitioners outside of FEMA do not routinely participate in disaster recovery, many EHP Practitioners do not understand other Agencies' assistance programs or the resources they provide during disaster recovery. EHP Practitioners must develop an understanding of Federal Agency roles and information needs at the outset of the disaster recovery process if they are to effectively coordinate EHP reviews.

Steps to Address Resource Needs for EHP Reviews

Through identifying staffing, data, technical assistance and funding needs, EHP Practitioners can manage the influx of EHP reviews that arise during disaster recovery and apply resources where they are needed. The following steps help to 1) identify existing and needed resources; 2) share resources among Federal and state Agencies to support EHP reviews; and 3) avoid duplication of effort in EHP reviews.

Step 1: Identify existing and needed staff, funds, and technical assistance.

To help predict future disaster-specific needs, EHP Practitioners should identify both available resources and any additional needed resources during an interagency coordination meeting to make each other aware of these resources within each Agency, which will help expedite coordination and EHP review efforts. The Interagency Meeting Checklist contains staffing, data, and funding issues to consider when preparing for interagency coordination of EHP reviews.

Staffing

One of the challenges during disaster recovery is deploying qualified EHP staff to conduct EHP reviews in the field based on the specific needs of the disaster. For example, historic districts affected by disasters need historic preservation specialists, where disasters that largely affect the habitat of an endangered or threatened species require environmental specialists. A single disaster may require the need for multiple types of EHP specialists with expertise in historic preservation, environmental, and floodplain considerations. The UFR Process addresses this challenge with a set of EHP Skills Checklists, one for natural resources and one for cultural resources. The EHP Skills Checklists will help the NCR RSF identify individuals that have the requisite knowledge, skills, and experience to expedite EHP reviews in the field. The EHP Skills Checklists can also be utilized by EHP Practitioners whose agencies support the NCR RSF to evaluate what skill sets they may need to add to their teams. The EHP Practitioner should notify the FDRC, UFR Advisor, or supervisor of staffing needs to complete EHP reviews. The EHP Skills Checklist is located in Appendix E and at the [UFR Webpage](#).

Data

The IT Resources List is a matrix of existing databases, decision support systems, websites, GIS mapping services, and authoritative data set sources that contain EHP information. This Tool includes the pertinent authorities for EHP review, and contains Federal, Tribal, and state resources that are available within a particular Federal Agency, across many Agencies, or to the general public. Applicants and EHP Practitioners can use the IT Resources List to search by EHP requirement, state, or resource issue. The IT Resources List is in Appendix F and on the [UFR Webpage](#).

Funds for EHP reviews

There are over 90 programs that make funding available to Applicants for disaster recovery efforts. However, EHP review activities, including environmental reviews and/or identification of historic resources and mitigation may or may not be an allowable post-disaster recovery expense within a particular Federal Agency's disaster recovery program. EHP Practitioners should be current on which Federal disaster recovery programs include EHP review activities and make Applicants aware of the availability of EHP funding within these Federal programs. A list of assistance programs can be found online at the FEMA National Disaster Recovery Program Database: asd.fema.gov/inter/ndhpd/public/searchHousingProgramForm.htm.

Step 2: Consider how to share staff, data, technical assistance, and funding between Federal, Tribal, and state Agencies.

Three ways Federal Agencies can collaborate and unify EHP reviews is through the establishment of liaison positions, interagency agreements, and serving as Cooperating

Agencies (i.e. Federal/state Agencies with specific expertise and skills on natural and cultural resources that participate through the NEPA process in the EHP review). EHP Practitioners should determine whether any of these best practices are currently used in their Agency and, if not, consider whether to implement them with other Federal and state Agencies to enhance interagency coordination.

Liaison Positions

Agencies use liaison positions to facilitate interagency communication and information sharing. An **Agency liaison** is a staff member who is paid for by one Federal or state Agency to support another Federal, Tribal, or state Agency for a mutually beneficial purpose. Federal or state Agencies can also host Tribal staff at their offices as liaisons and fund liaison positions within Tribes. Liaison positions can be created solely to assist in disaster recovery efforts, while others can permanently assist in ongoing interagency communication. Liaison positions can be established to meet the needs of a new disaster recovery effort.

Liaisons are often used to manage additional workloads for Resource/Regulatory Agencies. For example, recognizing the importance of adequate staff capacity to expedite and streamline the environmental review process to improve project delivery, Section 1309 of the Transportation Equity Act for the 21st Century (TEA-21) in 1998 and SAFETEA-LU Section 6002 in 2006, both provided for Federal funding to support the activities of transportation liaisons. Transportation liaisons may be funded with state transportation funding or regular Agency operating funds as well, and may be housed in resource Agencies. Liaisons are able to assist in the review, consultation, and permitting process of Resource/Regulatory Agencies to expedite EHP reviews and facilitate interagency communication. Resource/Regulatory Agencies should consider how interagency liaisons could manage additional workloads to assist in the review, consultation, or permitting process to expedite reviews and facilitate interagency communication.

EHP Practitioners seeking to institute a liaison position should approach their supervisors and the Federal or state Agency with which they desire to establish a relationship to ask whether funds and authority exist to support this position, whether the other Agency would welcome the engagement, and whether the position would be best established as a disaster-specific or long-term coordination role.



BEST PRACTICE EXAMPLE

In 2013, the Colorado Department of Transportation (CDOT) coordinated with the regional FWS to place a liaison who would support interagency communication and provide FWS with additional EHP review capabilities. The CDOT liaison has helped to identify and coordinate use of available resources by assisting in the negotiation of programmatic agreements. After seeing the benefits of this liaison position, the Colorado SHPO, the Colorado Department of Public Health and Environment, and the regional Forest Service (FS) requested CDOT to provide liaisons for their offices to facilitate interagency communication.

Interagency Agreements

Agencies create interagency agreements to provide efficiencies for routine reviews that will have little to no effects to natural or cultural resources and provide standard treatments when dealing with these resources. Interagency agreements are documents signed by Federal/state Agencies that stipulate roles, responsibilities, and timeframes for interagency engagement. Examples of commonly used interagency agreements include a Programmatic Agreement (PA), Memorandum of Agreement (MOA) and Memorandum of Understanding (MOU) such as the Disaster-Specific MOU discussed in this chapter.

Some interagency agreements allow Federal and/or state Agencies to adopt each other's EHP reviews. After the Colorado floods in 2013, the Colorado SHPO, the USACE Omaha District, and ACHP consulted to quickly negotiate a PA for emergency activities that would require Section 404 of the Clean Water Act permits. The PA could also be used for disaster recovery projects. The PA that was executed defines the Permit Area/Area of Potential Effects (APE) for proposed maintenance activities evaluated by USACE and standardizes assessments of effects such activities have on historic properties that fall within the Permit Area/APE. The PA allows the USACE to reach permit decisions expeditiously while still addressing historic properties in a predictable and consistent manner. ACHP participation is only required to resolve procedural issues for dispute resolution should the SHPO and USACE not come to an agreement on a project.

Other interagency agreements make fact-based determinations that expedite EHP reviews. Another example, as the result of Hurricane Sandy, FEMA entered into separate programmatic agreements with the New Jersey (NJ) and New York (NY) SHPOs, ACHP, the New Jersey and New York SEMAs, and several Tribes that outlined the roles and responsibilities of the signatories. This expedited consultation of FEMA funded disaster recovery projects, and exempted from further review many other FEMA undertakings that demonstrated to have either predictable or little or no effects to historic properties. The agreements also allowed responsible entities of HUD in NJ and NY to adopt FEMA's expedited Section 106 review process to fulfill their respective Section 106 responsibilities when providing financial assistance for the types of disaster recovery activities outlined in Appendix A of the agreements.



BEST PRACTICE EXAMPLE

The National Park Service's National Center for Preservation Technology and Training recently adapted the Rapid Building and Site Condition Assessment forms developed with over 20 Agencies during Hurricane Katrina into a mobile application. This redesigned tool now functions on tablets and smartphones, enabling teams of inspectors to quickly survey historic structures after an incident. The application collects images, location data, structural information, data on nearby hazards, and other indicators in real-time. Volunteers field-tested this tool in New York during Hurricane Sandy, and the National Park Service is incorporating further improvements. This tool helps to expedite site documentation, which is a necessary step to allow emergency measures such as stabilization to take place.

Data Sharing Agreement Content and Data Standards

The UFR Process includes a Data Sharing Agreement Content and **Data Standards** List to facilitate the negotiation of successful data sharing agreements between Agencies. The Data Sharing Agreement Content includes sample language from other agreements that can be incorporated into a data sharing agreement. The Data Standards List is a compilation of common standards among Federal Agencies and is provided as an attachment to the Data Sharing Agreement Content. The Data Standards List covers natural and cultural resources, general standards for GIS data, as well as Federal and state Agency-specific and resource-specific standards. Data standards facilitate the development, sharing, and use of data so that information can be exchanged and/or used consistently among all participants. The Data Sharing Agreement Content and Data Standards List can be found in Appendix G and H and at the [UFR Webpage](#).

Cooperating Agencies

Cooperating agencies are Federal, Tribal, state, or local Agencies with specific jurisdiction, expertise or skills on natural and cultural resources that formally participate in the NEPA process during the EHP review. The cooperating agency role originates from NEPA, but is a concept that can be applied across all types of EHP reviews. Under Section 106 of the NHPA, for example, there is a similar framework for engaging other Agencies, individuals, and organizations as consulting parties. Special expertise can be found in many intergovernmental partners, such as Federal, Tribal, state, and local governments. EHP Practitioners can request staff from other Agencies to participate in their EHP reviews when the EHP Practitioners recognize a need for additional knowledge and experience that their Agency does not possess. Cooperating Agency relationships are also valuable to Federal Agencies with overlapping authorities and areas of expertise. EHP Practitioners should finalize cooperating Agency relationships before initiating EHP reviews. Before a disaster occurs, EHP Practitioners should identify what their internal Federal Agency rules and approvals are for interagency agreements to adequately plan for the time it takes to establish cooperating Agency relationships.



TIP

The following parties must be consulted during Section 106 review:

- ACHP.
- SHPOs.
- Federally recognized Indian Tribes/THPOs.
- NHOs.
- Local governments.
- Applicants for Federal assistance, permits, licenses, and other approvals.

Other individuals and organizations with a demonstrated interest in the project may participate in Section 106 review as consulting parties due to the nature of their legal or economic relation to the undertaking or affected properties, or their concern with the undertaking's effects on historic properties. Their participation is subject to approval by the responsible Federal Agency.

Step 3: Consider how to avoid duplication of EHP reviews

The following suggestions will help EHP Practitioners to overcome the typical causes for duplication of EHP reviews. EHP Practitioners should consider these recommendations when coordinating with other Federal and state Agencies to discuss whether there are approaches that will allow for greater collaboration, for instance, partnering with a HUD CDBG grant recipient, a responsible entity, for EHP reviews.

Accept EHP information from Applicants in multiple formats

Federal and state Agencies may have different forms and procedures for collecting EHP information and assessing impacts from a disaster. This can make it difficult for Federal Agencies to compare EHP information from other Federal and state Agencies in different formats. EHP Practitioners should think creatively for ways to accept EHP information from Federal, state, and local Agencies regardless of format. EHP reviews and data collection prepared by qualified, experienced EHP Practitioners can reduce the burden within other Federal, state, and local Agencies that need the same EHP data. It is possible that legal or policy barriers may impede interagency sharing of EHP information. EHP Practitioners should consult with Agency legal counsel to identify these barriers in advance.



BEST PRACTICE EXAMPLE

The Federal Highway Administration (FHWA) has developed a process where they receive the necessary EHP information from state Agencies. This process is attributed to the state-based organizational model of FHWA. The state-based model allows FHWA to create personal relationships with state counterparts, promoting trust and understanding between Federal and state Agencies.

Understand how other Funding Agencies support disaster recovery

Funding Agencies should be aware of 1) funding already being allocated to disaster recovery projects by other Funding Agencies, and 2) other Agencies' programs to support disaster recovery. To understand the status of other involved Agencies' funding for EHP review activities, EHP Practitioners need to reach out to their counterparts in other Federal Agencies through interagency coordination as discussed in Chapter III and meetings with the FDRC and UFR Advisor through the UFR Process. Applicants can help EHP Practitioners by sharing information on proposed projects they have with other Federal Agencies and other state and local Agency programs to which they have applied for additional assistance. EHP Practitioners should encourage Applicants to communicate project and funding information across Federal Agencies.

To understand more about other Funding Agencies' programs, EHP Practitioners should share information about their Federal or state Agency's organization, roles, authorities, and programs for disaster recovery and EHP review. The UFR Process developed one-page summaries about Federal Agencies' roles in disaster recovery in conjunction with the Disaster-Specific MOU. An example one-page summary can be found in Appendix C and on the [UFR Webpage](#).

Understand the timing of each Funding Agency's EHP review

The approach to EHP reviews varies Agency-by-Agency, state-by-state, and disaster-by-disaster, influenced by each Funding Agency's unique policies and procedures. Federal Agencies do not always receive their appropriations from Congress at the same time, which means that their Federal assistance and associated EHP reviews start at different times during disaster recovery. Understanding the timing of Funding Agencies' EHP reviews can be crucial in preventing duplication of EHP reviews and the unnecessary expenditure of the associated time and financial resources. EHP Practitioners should track the timing of Funding Agencies' involvement for each disaster. Federal and state Agencies who were the first to participate in disaster recovery should help coordinate interagency efforts and share EHP reviews with other Funding Agencies.

Chapter Summary

- The first step to beginning interagency coordination within the UFR Process is to determine the participants involved: Funding Agencies, Resource/Regulatory Agencies, Tribes, state Agencies, and other stakeholders. EHP Practitioners should utilize the UFR MOU, Agency POC List, Interagency Meeting Checklist, and Disaster-Specific MOU to assist with this process.
- EHP Practitioners should consider how to avoid duplication of EHP reviews and efforts by examining his/her Agency's approach to EHP reviews, the availability of staff, data, technical assistance, and funding, and the diverse timing of Federal and state Agencies appearing in the disaster recovery process.
- EHP Practitioners should identify available resources and gaps. Typical Agency needs include staffing, data, technical assistance, and funding.
- EHP Practitioners should brainstorm how to share staff, data, technical assistance, and funding between Federal and state Agencies to support EHP reviews, especially for Resource/Regulatory Agencies. Discuss the utility of liaison positions and interagency agreements, such as Data Sharing Agreement Content or a Disaster-Specific MOU for your Agency.

Chapter V. Kickoff Meetings: Empowering the Applicant in the EHP Review

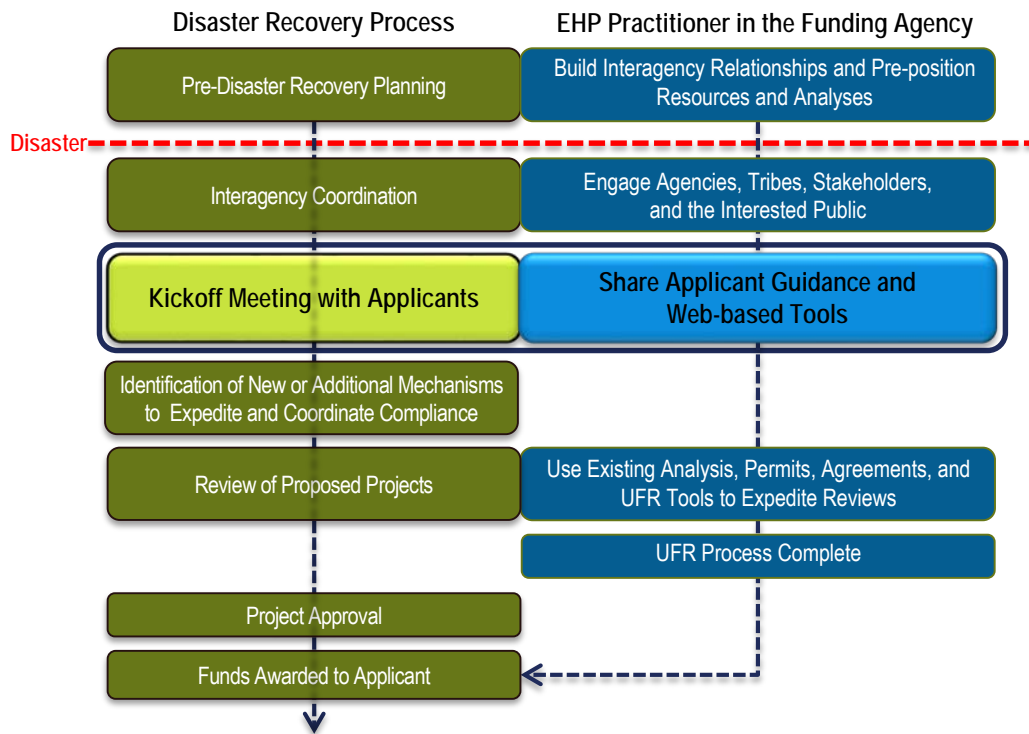


Figure 7: Disaster Recovery Process for the Funding Agency EHP Practitioner

Active Engagement of Applicants in the UFR Process

Applicants can be Tribes, state Agencies, local governments and organizations, communities, or individuals. In order to achieve an expedited EHP review, an informed and involved Applicant is necessary. EHP Practitioners can support active engagement of Applicants in the UFR Process by using these best practices:

- Work with Applicants to identify potential consulting parties, cooperating Agencies, and interested stakeholders.
- Work closely with Applicants to help consider alternatives that support resiliency and reflect the realities of climate change and the need for climate adaptation.
- Work with Applicants to identify natural and cultural resources potentially affected or impacted by the proposed recovery project and to develop the necessary information for EHP review.
- Work closely with Applicants to design projects before applications are received.

- Provide Applicants with regular updates on the progress of the EHP review and project application for greater transparency.

Kickoff Meetings, hosted by FEMA, provide the first opportunity for EHP Practitioners to share information with Applicants, and help to set the stage for a unified and expedited EHP review. EHP Practitioners should use Kickoff Meetings to communicate relevant EHP information to Applicants. Both EHP Practitioners and Applicants are empowered to take an active role in the EHP review by using Tools and Mechanisms and coordinating EHP information across Federal and/or state Agencies as discussed in the next section of this chapter.

EHP Practitioners can also use Kickoff Meetings to empower program staff to support the EHP review. Program staff at FEMA lead Kickoff Meetings and are the face of the Funding Agencies for Applicants, but EHP Practitioners from other Funding Agencies are encouraged to attend Kickoff Meetings if possible or coordinate with their FEMA counterparts to share information to be distributed at the Kickoff Meeting. Applicants submit their entire project application, including EHP information necessary to complete the EHP review, directly to program staff. For this reason, EHP Practitioners should build relationships with their program staff and help program staff identify the types of EHP information that Applicants should submit with their project application. The program staff can help explain the EHP review process to the Applicant with guidance from EHP Practitioners. EHP Practitioners should provide program staff with information about the likely EHP review requirements and impacts associated with a specific disaster prior to Kickoff Meetings.



TIP

The EHP Practitioner should be aware that some activities performed during disaster response might require EHP review. For completed or partially completed emergency work, request the Applicant to provide copies of permits and/or copies of notification to the regulatory Agencies during the application for funding assistance or copies of emails or telephone logs verifying contact, results of the contact, required permits, and conditions.

Tools for Applicants

Some of the Tools can be helpful for, and utilized by, Applicants in EHP review preparation. EHP Practitioners should provide Tools to Applicants at Kickoff Meetings. Through the UFR Process, EHP Practitioners can supply Applicants with the Applicant Guidance, a one-stop source for EHP review information at the [UFR Webpage](#), and existing resource inventories and studies from the IT Resources List, when appropriate. These Tools, discussed previously in Chapter IV, are reviewed below to demonstrate how they can improve Applicants' 1) awareness of the requirements for EHP reviews during disaster recovery and 2) ability to collaborate with Federal Agencies throughout the EHP review.

Coordination between Applicants and Federal Agencies

EHP Practitioners should encourage Applicants to coordinate with each Federal Agency engaged in their proposed disaster recovery projects to request existing EHP reviews that relate to proposed projects. EHP Practitioners should ask Applicants to share those EHP reviews with

each Federal Agency involved in the project. When Applicants are able to provide this EHP information, it will help to expedite and unify the EHP review, as it will save EHP Practitioners time by pre-positioning the necessary information for the EHP review. EHP Practitioners can incorporate this information by reference into NEPA reviews or adopt existing NEPA analyses for the proposed disaster recovery project to avoid conducting a redundant EHP review.

The Applicant Guidance provides direction to Applicants on the UFR Process and answers many of the most common questions and concerns encountered during an EHP review for proposed disaster recovery projects. Contents of the Applicant Guidance include:

- EHP requirements applicable to proposed disaster recovery projects.
- Roles and responsibilities for Agencies and Applicants during EHP reviews.
- Guidance for submitting information in the project application to support EHP review.
- Clarification about the types of projects that usually require EHP review.
- Information about funding sources.
- Summaries of Federal EHP requirements.



GUIDANCE FOR RESOURCE/REGULATORY AGENCIES

EHP Resource/Regulatory Agencies are key participants in the EHP review and should be involved in the kickoff meetings with Applicants. Their knowledge of the processes in conjunction with the Applicants' knowledge of the local conditions will lead to expedited EHP reviews.

The Applicant Guidance also addresses the engagement of multiple Federal Agencies in one proposed project and the issue of Applicants starting work prior to Federal approval, both factors that can slow or prevent approval of proposed disaster recovery projects.



BEST PRACTICE EXAMPLE

FEMA, the Florida Division of Emergency Management, and the Florida State Emergency Response Team published The Florida Greenbook: Environmental and Historic Preservation Compliance. This guidance makes available information such as Federal Environmental Laws, Environmental Review Roles and Responsibilities, General Environmental Guidance for Applicants, Special Environmental Review Requirements for **Hazard Mitigation** Assistance, Environmental Review Requirements by Project Type, and Public Assistance and Mitigation Program Resources. It is used by Applicants to effectively prepare for the NEPA review process contributing to its efficient and effective completion.

www.floridadisaster.org/Recovery/documents/FLGreenbook.pdf

The Indiana Department of Homeland Security and The State of Indiana, in coordination with FEMA, have worked to help communities prepare for, respond to, and recover from disasters. They developed a state specific Disaster Recovery Environmental and Historic Preservation Considerations document that helps to convey regionally specific information pertaining to EHP recovery projects. This document is to be used as a quick reference guide by which Applicants can assess EHP review requirements for their projects.

www.in.gov/dhs/files/DR4058_Environ_Greensheet.pdf

EHP Practitioners should direct Applicants to use the Applicant Guidance as a reference throughout the EHP review. Before Kickoff Meetings with the Applicants, EHP Practitioners should develop supplemental information such as fact sheets and Agency POC Lists for the specific disaster event. At Kickoff Meetings, EHP Practitioners or their program counterparts can provide both the Applicant Guidance and supplemental disaster-specific information to the Applicant. The following checklist contains examples of locally applicable information that may be useful in preparing disaster-specific information for the Applicant.

	Source	Applicable Information
<input checked="" type="checkbox"/>	Agency Points of Contact	List of applicable Tribal, state, and regional/local points of contact who have roles in the EHP review process, specific to the location and Applicant.
<input checked="" type="checkbox"/>	Agency Websites	Websites of any locally applicable regulatory Agencies, such as the state departments of environmental protection or water management, which have information on the regulations applicable to EHP reviews. This information can cover a wide range of environmental resources that may have further restrictions or permit requirements than those addressed at the Federal level.
<input checked="" type="checkbox"/>	IT Resources and Databases	In addition to the IT Resources List, lists of Tribal, state, and regional/local Agencies that provide information needed for EHP reviews. Examples include databases of locations of endangered and threatened species, designated wild and scenic rivers.
<input checked="" type="checkbox"/>	Permitted Waste Facilities	List and provide locations and contact information of waste management facilities and the types and quantities of waste accepted. Include options for contaminated waste, vegetative debris, construction and demolition materials, and other waste. This information should not be limited to nearby waste management facilities only.
<input checked="" type="checkbox"/>	Interagency Agreements	List of existing interagency agreements between Federal, Tribal, state, and local entities or NHOs. These can be as simple as shared information collection forms to as complex as permitting and mitigation arrangements.
<input checked="" type="checkbox"/>	Permits	List of Tribal, state, and regional/local EHP permits that could be required in addition to the Federal permits.
<input checked="" type="checkbox"/>	Resource Issues	List of specific resource issues that may be unique to the area, such as coastal zones, historic places, and critical habitats.

Figure 8 Sample Checklist

UFR Webpage

The [UFR Webpage](#) is a one-stop source of information for Applicants and EHP Practitioners to navigate EHP reviews for disaster recovery. The UFR Webpage contains all of the Tools and Mechanisms, organized so that EHP Practitioners and Applicants are directed toward the Tools and Mechanisms relevant to their role in the EHP review. The UFR Webpage also contains a UFR Library, which is a compilation of EHP requirements, best practices, and existing interagency agreements. EHP Practitioners should direct Applicants to the Resources for Applicants section of the website at Kickoff Meetings to help them through the disaster recovery process. The UFR Webpage will be updated with the latest

disaster-specific information, so EHP Practitioners should advise Applicants to check the UFR Webpage periodically for updates.

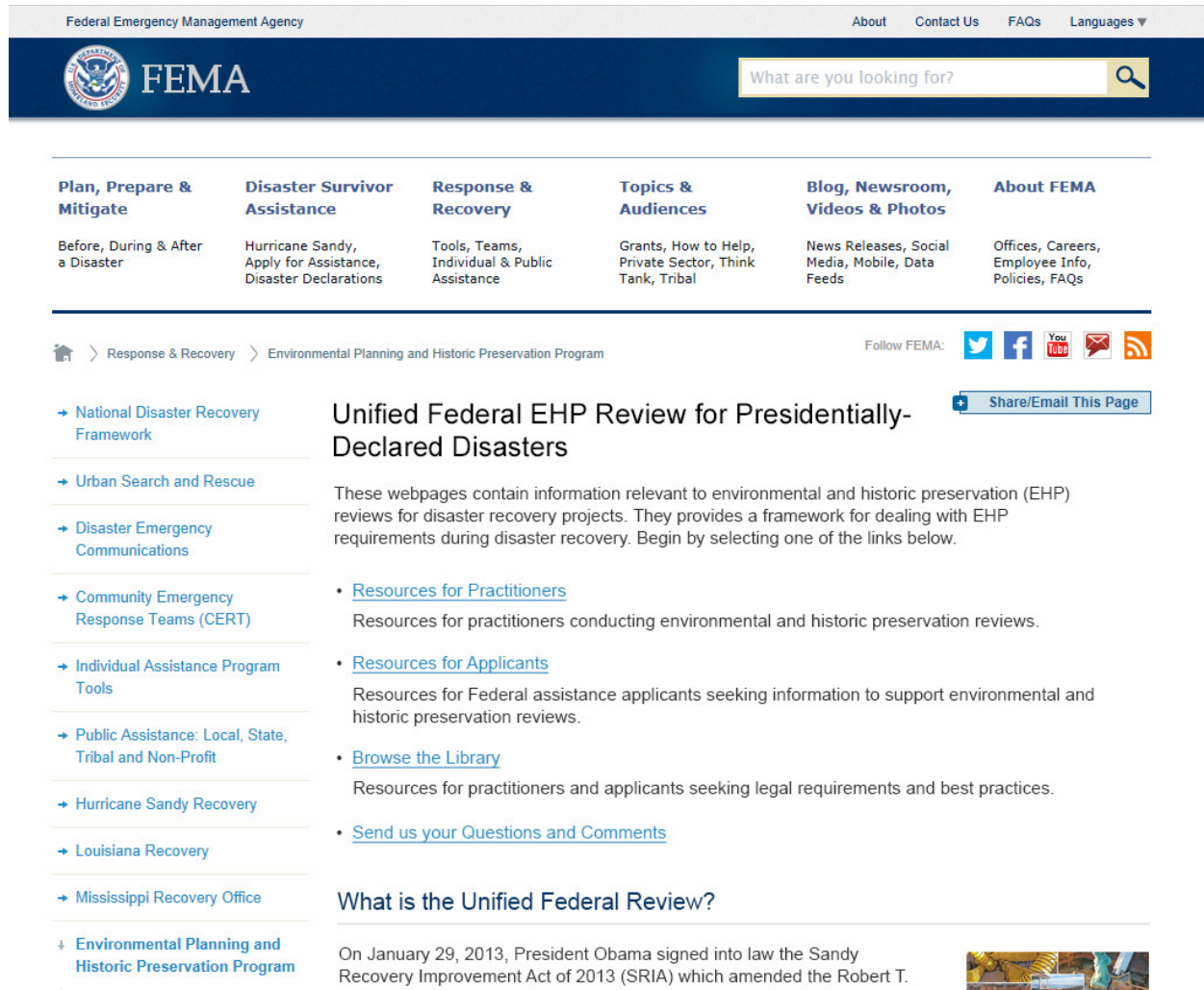


Figure 9: UFR Webpage

Existing Studies, Inventories, and EHP reviews (NEPA, ESA, Section 106 of the NHPA, etc.)

Whenever possible, Applicants should be aware of existing EHP information related to their projects. EHP Practitioners should direct Applicants to the [UFR Webpage](#), where Applicants can find and use the Agency POC List and the IT Resources List to identify existing studies and inventories that can inform the EHP review. See Chapter IV of this Guidance for more information about these Tools.

Chapter Summary

- Kickoff Meetings provide the opportunity to share information with the Applicants, setting the stage for expedited EHP reviews. Funding and Resource/Regulatory Agencies should attend Kickoff Meetings.

- The Applicant Guidance and [UFR Webpage](#) are the primary sources of EHP information for Applicants and should be presented at Kickoff Meetings.
- Applicants should be aware of existing EHP information related to their proposed projects.

Chapter VI. Review of Proposed Projects: Applying the UFR Process to EHP Requirements for Disaster Recovery Projects

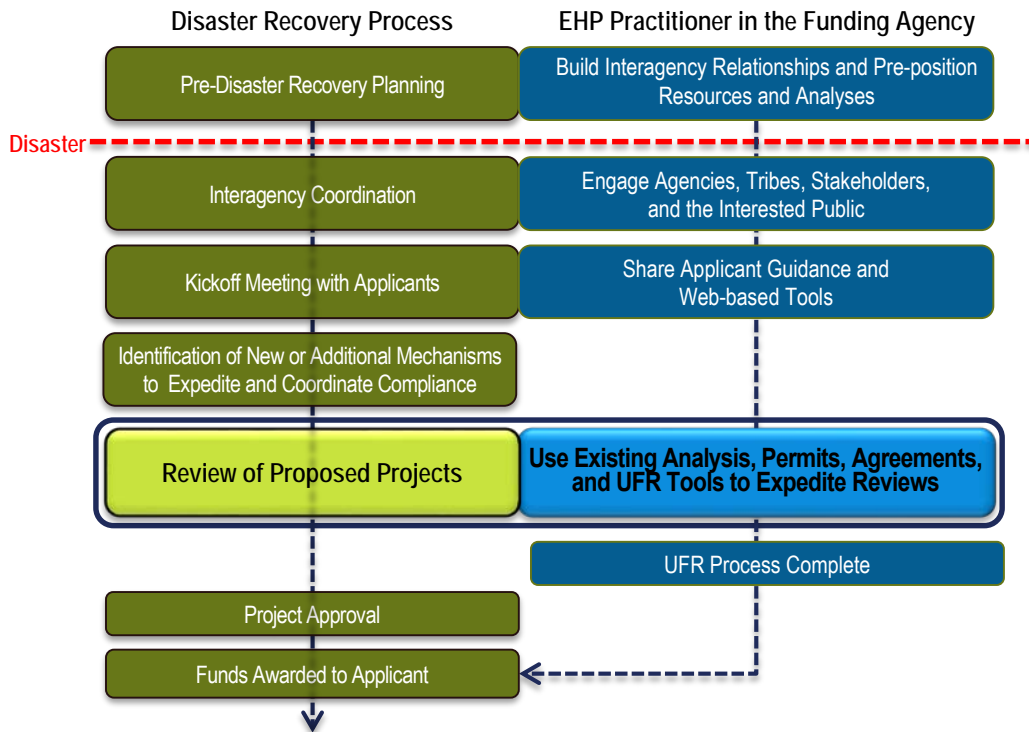


Figure 10: Disaster Recovery Process for the Funding Agency EHP Practitioner

Once the EHP Practitioner has received a proposed project for review from the funding program, the EHP Practitioner can identify the applicable EHP requirements for the proposed project. A close relationship with program offices will help to ensure that the EHP Practitioner receives the appropriate EHP information from the original submission of the project application as soon as it is received. The EHP Practitioner should review the project application to be sure the EHP information is complete. As part of this review, the EHP Practitioner should review the damage assessments and other studies and support the Applicant in locating missing data through the Agency POC List and IT Resources List discussed in Chapter IV.

This chapter provides guidance on how to apply the UFR Process to applicable EHP requirements in order to expedite and unify the EHP review. EHP Practitioners should read this chapter to learn about ways to make the EHP review stronger and more efficient for each common EHP requirement for proposed disaster recovery projects.

Applicability of Common EHP Requirements to Disaster Recovery Projects

Before beginning the EHP review, the EHP Practitioner must determine whether an EHP requirement does or does not apply and if the proposed project is exempt under an EHP requirement. Even if the proposed project is not exempt from EHP requirements, some projects by their nature may not require EHP review. Examples of disaster recovery actions that do not typically trigger EHP requirements because there is no potential for impacts include:

- Post-Disaster Employment Services.
- Basic Needs Assistance Services.
- Healthcare.

Once it has been determined that the proposed project triggers an EHP requirement and is not exempt, statutorily or otherwise, the EHP Practitioner is ready to begin the EHP review.

As discussed in Chapter IV, Federal and state Agencies expedite EHP reviews through the formation of interagency agreements and pre-positioning programmatic permits and analyses with the creation of:

- Interagency agreements like MOAs, MOUs, and PAs.
- Consultation letters and protocols.
- Programmatic NEPA documents, Biological Assessments, and other analyses.
- Standardized forms.
- Guides, surveys, and other methodologies.
- Reference lists and tables (See the [UFR Webpage](#) for an EHP Resource Library with useful information).

The EHP Practitioner should look for and support the formation of these Tools and Mechanisms that will help them expedite reviews.



GUIDANCE FOR RESOURCE/REGULATORY AGENCIES

The UFR Process quickly identifies issues that require consultation, manages disaster recovery workloads, and encourages programmatic approaches that expedite and unify EHP reviews to save time and resources.

Building relationships with Funding Agencies early in the disaster recovery process expedites consultations. Funding Agencies should provide additional available support upon request. For example, Funding Agencies may provide staff to share EHP information and support additional workloads during disaster recovery.

Tools and Mechanisms Applicable to All Types of EHP Requirements:

- **To gather and review EHP information.** Use the IT Resources List, Agency POC List, Data Sharing Agreement Content, and Data Standards List (see Chapter IV).
- **To quickly resolve disputes with other Agencies and determine Agency responsibilities during the UFR Process.** Use the UFR MOU (see Chapter IV).

- **To solidify commitments between Funding and Resource/Regulatory Agencies to coordinate with other Agencies for disaster-specific purposes and prioritize the use of Federal funding for disaster recovery.** Use the Disaster-Specific MOU (see Chapter IV).

These Tools and Mechanisms are contained or referenced in the Appendices to this Guidance.

Common EHP Requirements for Disaster Recovery Projects

The remainder of this chapter presents efficiencies specific to each common EHP requirement for proposed disaster recovery projects. The requirements discussed in this chapter are some of the most commonly encountered requirements for proposed disaster recovery projects, but this list is not exhaustive and the EHP Practitioner must make a determination of what EHP requirements apply to specific projects as early as possible. The primary Resource/Regulatory Agency responsible for oversight and/or consultation and state or local Agency roles is listed in each section. For additional information on who to contact for a specific resource area see the EHP Agency Point of Contact list at the [UFR Webpage](#). Although Funding Agencies are not required to incorporate state and local requirements in the EHP Review unless specified in a specific Federal law like the Coastal Zone Management Act (CZMA), it is important for EHP Practitioners to know these requirements exist to effectively support Applicants in identifying necessary permits and consultation requirements. For additional information about each EHP requirement and the respective roles of Funding and Resource/Regulatory Agencies and Applicants in the EHP review, see the Applicant Guidance at the [UFR Webpage](#).



TIP

NEPA efficiencies include:

- Programmatic NEPA Analyses.
- Concise Environmental Assessments.
- Lead/Cooperating Agency Relationships.
- Adoption.
- Incorporation by Reference.

Each EHP requirement discussed below also contains a process map depicting an overview of its EHP review process. The purpose of these process maps is to depict the primary steps an EHP Practitioner should be aware of for each EHP requirement, recognizing that each EHP requirement may have variable processes depending on the proposed disaster recovery project. Where text is contained within brackets, such as “[Scoping],” the EHP requirement includes this step informally in the review process.

National Environmental Policy Act

NEPA requires Federal Agencies to consider the potential impacts of their proposed action on the **human environment**.

Oversight Agencies: CEQ for guidance and regulations and individual agencies for NEPA implementing procedures.

State/local Agencies: State Agencies may have additional requirements in a state law or regulation similar to NEPA (See www.nepa.gov for a list of states with NEPA-like requirements).

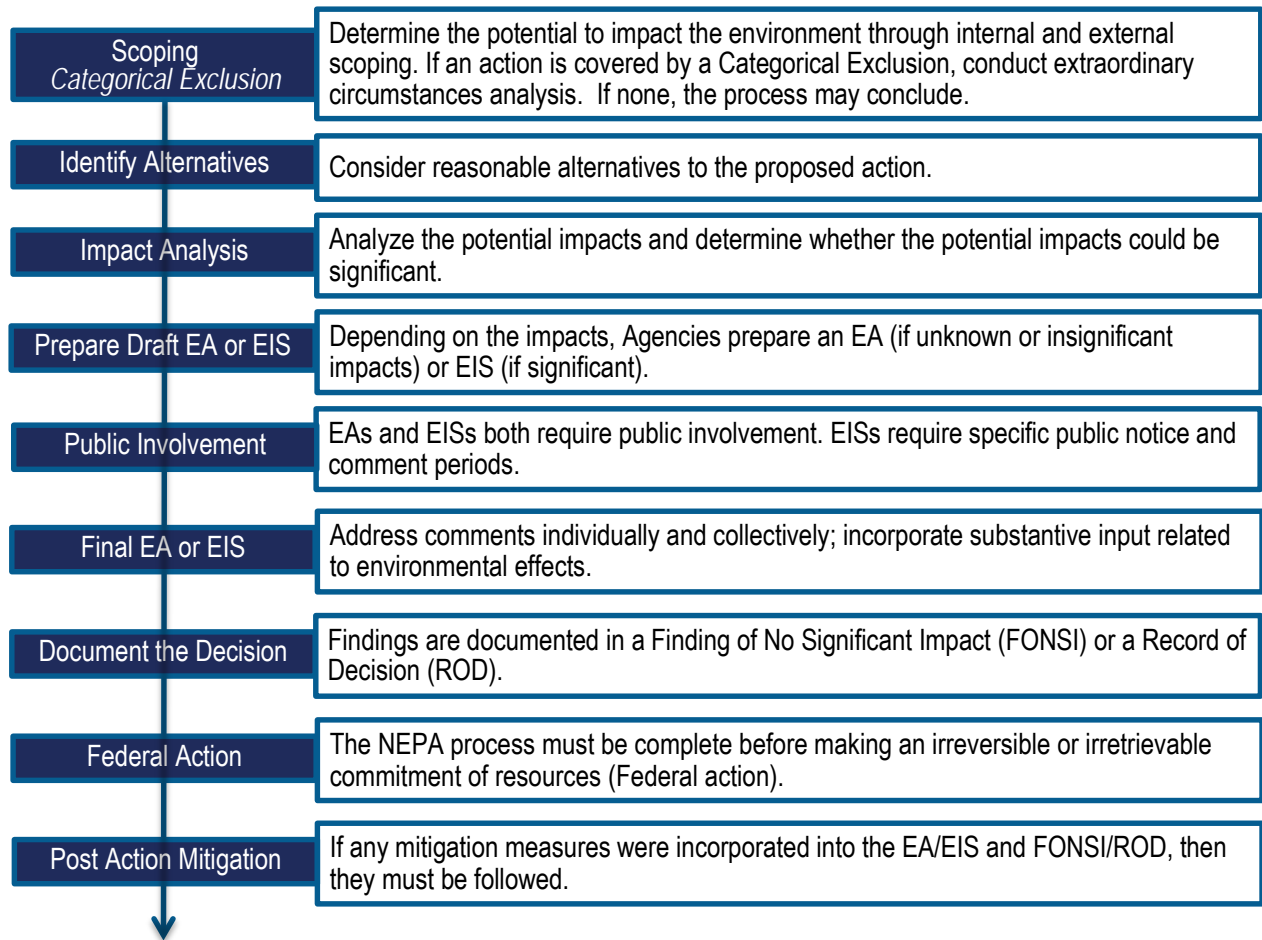


Figure 11: NEPA Process Map

Process Efficiencies and Best Practices

The NEPA process allows for resilient and sustainable community recovery through informed Federal decision making. Ultimately, NEPA is about ensuring that Agencies make informed decisions, not about creating documents. NEPA provides a flexible framework that is consistent with the need to respond efficiently and effectively to Federal assistance applications.

CEQ regulations allow Federal Agencies to look for ways to expedite NEPA reviews by using existing relevant analyses and data, adopting other Agency’s analyses, incorporating information by reference, and tiering reviews to reduce redundant documentation. Federal Agencies should identify these efficiencies in the initial planning stages whenever possible. NEPA allows for the development of concise EAs for proposed projects related to disasters and other emergencies. Concise and focused EAs can be prepared quickly and should tailor the length of the analysis to the complexity of the issue. (See CEQ: Preparing Focused, Concise and Timely Environmental Assessments, September 2010).

Cooperating Agencies

One way to unify and expedite EHP review is through the lead / cooperating Agency relationship. Proposed disaster recovery projects that require Federal decisions should be the subject of one NEPA analysis whether one or more Agency approval is necessary for the proposed project to proceed. EHP Practitioners should seek out similar and related projects to the proposed project that is the subject of the NEPA analysis. If similar or related projects are identified, the EHP Practitioner should work with EHP Practitioners from those Federal Agencies preparing the similar or related project to determine whether it is practical and more efficient to prepare a joint NEPA analysis or use incorporation by reference. As a part of this process, EHP Practitioners should consider engaging state and local Agencies and Resource/Regulatory Agencies as cooperating Agencies.

Special expertise can be found in Federal Agencies and shared by cooperating Agencies through the NEPA process. For this reason, EHP Practitioners should coordinate reviews and permit evaluations across Federal Agencies. Resource/Regulatory Agencies are one common type of Federal Agency with special expertise, but land management Agencies and data gathering Agencies are similarly knowledgeable about EHP resources and impacts. For example, recent advancements in technology have enabled the rapid collection and analysis of data showing the impacts of disasters on natural and cultural resources. Scientists frequently use remote sensing technology to measure effects on natural resources by comparing areas before and after disasters. This type of analysis is particularly useful for coastal communities affected by hurricanes. The National Oceanic and Atmospheric Administration (NOAA) offers a variety of tools to these communities, including Coastal LiDAR, which assesses beach erosion, island breaching, and coastline elevation changes. The U.S. Geological Survey (USGS) also uses terrestrial LiDAR technology to collect storm surge and peak flow data immediately. USGS is developing tools to monitor erosion patterns to inform coastal erosion models.



BEST PRACTICE EXAMPLE

Template Environmental Checklist for FEMA and HUD, for EHP reviews of jointly funded disaster recovery projects: During past large scale and catastrophic disasters such as Hurricane Katrina and Hurricane Sandy, FEMA and HUD were two of the primary Agencies responsible for disaster recovery funding. FEMA and HUD developed a Template Environmental Checklist for FEMA and HUD, and accompanying instructions, to guide FEMA and HUD through the process of developing joint EHP review documentation which meets both FEMA's and HUD's EHP requirements. The Template Environmental Checklist for FEMA and HUD and its accompanying instructions are designed for use when multiple similar projects are anticipated between FEMA and HUD with joint funding. While the template checklist was created for FEMA and HUD funded projects in mind, it is adaptable to use by other Agencies. The Template Environmental Checklist for FEMA and HUD can be utilized at the local disaster level by Federal, state and/or responsible entities that are carrying out the EHP review in coordination with their regional and headquarters counterparts. It can also be utilized as an educational and informational tool for headquarters-level employees who may want to build off this guidance for other initiatives. See Appendix J.

Future Risk Analysis

In order to support a sustainable and enduring recovery process, EHP Practitioners should consider the following recommendations for NEPA reviews of proposed disaster recovery projects:

- **Incorporate future risks.** Projections of increased risk cannot be overlooked in the development of mitigation and recovery plans for the future. Some risks are very clear and should be explicit in the EA/EIS and the decision-making process. Potential risks include susceptibility to future disasters and potential sea level rise.
- **Use current data.** NEPA analyses should be based on current science and data and must account for new data related to climate science and adaptation. Available data should be checked to ensure it is still applicable and not out of date.
- **Avoid duplicate analyses.** NEPA reviews should use tiering, incorporation by reference, and the combining of EHP documentation to avoid duplicate analysis and documentation. Where an existing NEPA analysis exists, it should be reviewed for potential adoption if it applies to the proposed project.

NEPA Process Efficiencies and Best Practices

NEPA has existing regulatory efficiencies that have been explained in previous CEQ guidance, but are underutilized in practice. These include pre-positioning programmatic NEPA analyses ahead of a disaster, broadly using cooperating Agencies to share NEPA analyses instead of each Agency conducting an independent NEPA review, and preparing concise environmental assessments. See www.NEPA.gov and CEQ Guidance *Improving the Process for Preparing Efficient and Timely Environmental Reviews under the National Environmental Policy Act* (2012) and Attachment 2 within *Memorandum for Heads of Federal Departments and Agencies: Emergencies and NEPA* (2010), for additional efficiencies and guidance that promotes a unified Federal approach to disaster recovery.

There are additional efficiencies that can be used to expedite a NEPA review. When a large project requires a programmatic analysis, subsequent analyses can be tiered off the original NEPA analysis to eliminate duplication. When project circumstances change, a supplemental analysis can be prepared instead of preparing a completely new NEPA review. When another analysis exists about a same or similar project, and the existing analysis contains information relevant to the proposed action, the existing analysis can be incorporated by reference and used in the NEPA analysis for the proposed action. These process efficiencies are described in CEQ regulations and guidance.



TIP

Some Agencies allow Applicants to prepare all or portions of NEPA analyses on behalf of Federal Agencies. In these cases, the EHP Practitioner retains responsibility for reviewing and finalizing the NEPA analysis and associated decision documents.

EHP requirements contain many of the same components, such as scoping of potential impacts, impacts analyses, consultation with Resource/Regulatory Agencies, and documentation requirements. Many EHP Practitioners integrate other EHP requirements into the NEPA process, using the NEPA process to satisfy the impacts analysis, documentation, and public involvement requirements for the other EHP requirements. This integration requires the EHP Practitioner to time the EHP reviews of other requirements to parallel the NEPA process. By obtaining or anticipating necessary permits and consultation requirements, integrating other EHP requirements into the NEPA process helps the EHP Practitioner manage the timing and avoid delaying the NEPA process for other compliance requirements. See Figure 5 for examples of the types of EHP requirements that may be integrated with the NEPA process.



TIP

In 2013, ACHP and CEQ issued guidance on how to integrate NEPA and Section 106 of the NHPA. This handbook provides practical guidance on how to make the EHP Review more efficient by coordinating the reviews or by using “substitution” of the NEPA review for the Section 106 Process. The Handbook is located at http://www.achp.gov/docs/NEPA_NHPA_Section_106_Handbook_Mar2013.pdf

Executive Order 12898 “Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations”

Executive Order 12898 requires each Federal Agency to make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effect of its programs, policies, and activities on minority populations and low-income populations.

Resource/Regulatory Agency: While CEQ and EPA can provide Agencies with insight on environmental justice issues as Co-Chairs of the Interagency Working Group on Environmental Justice, implementation of the Executive Order is the responsibility of all agencies. Many agencies have environmental justice strategies and guidance in place to assist with implementation.

State/local Agencies: Some states and local Agencies have environmental justice laws, policies, and requirements.

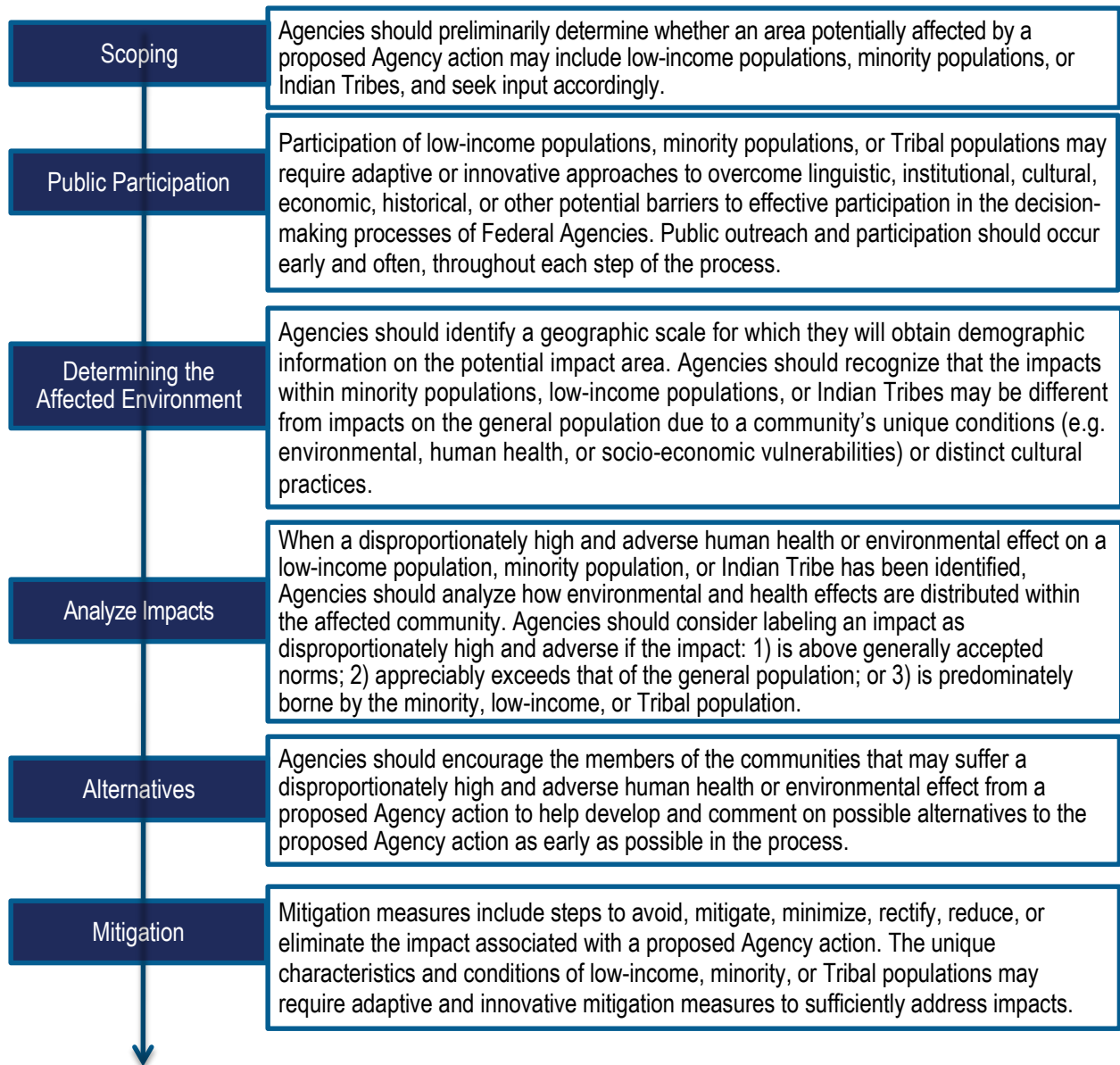


Figure 12: EO 12898 Process Map

Process Efficiencies and Best Practices

Environmental justice considerations can be especially important following a Presidentially-declared disaster. It may be that the disaster itself caused disproportionate harm and devastation to neighborhoods or regions with minority populations, low-income populations, or Tribes and NHOs. Even if that is not the case, Executive Order 12898 provides Federal EHP Practitioners with a process to ensure that, as rebuilding activities are planned, potential environmental impacts do not disproportionately affect low-income and minority populations. A key principle in effectively addressing environmental justice concerns is to identify potentially affected communities, engage with those communities, listen to and

validate the concerns of those communities, and consider those concerns during the decision-making process.

The first step in the process is to determine the affected environment which is based on the footprint of the proposed action. The second step is to identify any minority populations, low-income populations, or Indian Tribes and NHOs in the area where a disaster recovery project is being planned. This can be done through the use of GIS tools which can analyze census or other demographic data. EPA hosts a GIS tool to assist EHP Practitioners with their environmental justice analysis. That tool, EJView can be accessed here: <http://epamap14.epa.gov/ejmap/entry.html>. Many states also maintain GIS tools as well.

When engaging with minority populations, low-income populations, or Indian Tribes and NHOs, EHP Practitioners should be aware that language, cultural, and other barriers may need to be overcome in order to effectively reach out to these communities. For instance, Internet access is typically lowest among low-income populations, so an outreach strategy which focuses on providing information and taking comment via the Internet may not reach a potentially affected community. Language barriers may be overcome by translating project materials into different languages. Cultural barriers may be overcome by identifying which dates, times, and locations for public meetings will be most effective at reaching particular communities.

When a potential disproportionately high adverse environmental or health impact to an environmental justice community has been identified, additional outreach to the potentially affected communities should be undertaken to receive comments and identify possible alternatives. In assessing alternatives, steps to avoid, mitigate, or minimize the potential impacts should be identified.

Additional Resources:

The Interagency Working Group (IWG) on Environmental Justice (EJ) has compiled a NEPA / EJ Resource Compendium which gathers into one place the publicly available NEPA and EJ-related documents from Federal Agencies (e.g. regulations, guidance, and circulars), with hyperlinks to each document. The NEPA / EJ Resource Compendium can be accessed at: <http://www.epa.gov/environmentaljustice/resources/publications/interagency/nepa-ej-compendium.pdf>

Key references from the NEPA / EJ Resource Compendium are available here: <http://www.epa.gov/compliance/nepa/nepaej/nepa-ej-policies-guidance.html>

The Presidential Memorandum accompanying EO 12898 emphasizes the important role of NEPA in advancing environmental justice by requiring that:

- Each Federal Agency shall analyze the environmental effects, including human health, economic, and social effects of Federal actions, including effects on minority and low-income communities, when such analysis is required by NEPA. Mitigation measures outlined or analyzed in an environmental assessment, environmental impact statement, or record of decision, whenever feasible, should address significant and adverse environmental effects of proposed Federal actions on minority and low-income communities.
- Each Federal agency shall provide opportunities for community input in the NEPA process, including identifying potential effects and mitigation measures in consultation with affected communities and improving the accessibility of meetings, crucial documents, and notices.

The Presidential Memorandum accompanying EO 12898 is available here:

http://www.epa.gov/environmentaljustice/resources/policy/ej_guidance_nepa_ceq1297.pdf

National Historic Preservation Act

Section 106 of the NHPA requires each Federal Agency to identify and assess the effects of its actions or undertakings on historic properties that are listed on or eligible for the National Register of Historic Places. The responsible Federal Agency must consult with appropriate Applicants for Federal assistance, Indian Tribes, NHOs, state and local officials, and members of the public and consider their views and concerns about historic preservation issues when making final project decisions. State Agencies may have additional requirements in a state law or regulation similar to NHPA. Contact the SHPO in the state you are working in to determine if there are other requirements. (The National Conference of State Historic Preservation Officers maintains a list of SHPO contact information: <http://www.ncshpo.org/find/index.htm>)

Oversight Agency: ACHP.

State/local Agencies: SHPOs, THPOs.

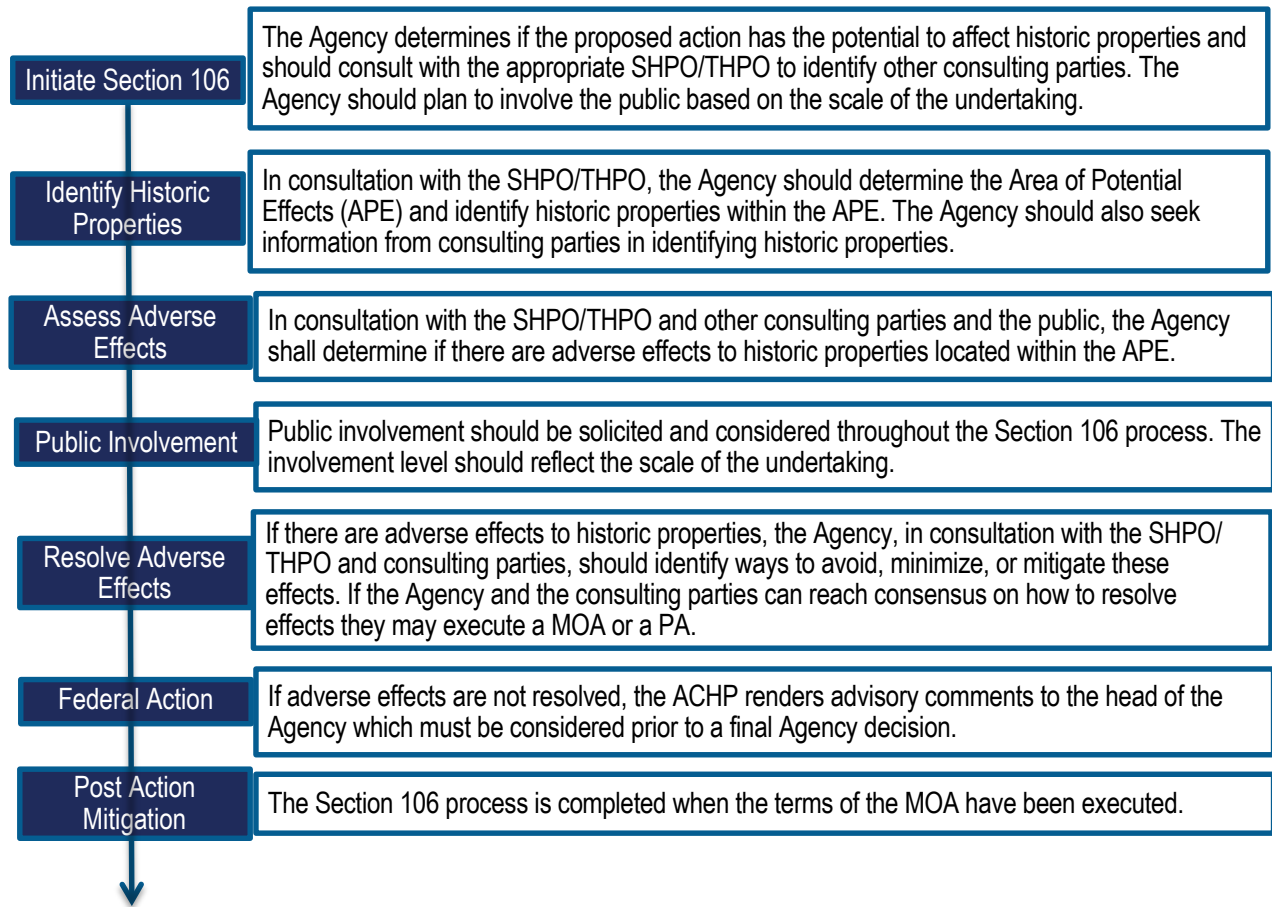



Figure 13: NHPA Process Map

Process Efficiencies and Best Practices

Under 36 CFR § 800.14 of Section 106, there are several program alternatives that Federal Agencies can develop to comply with Section 106 responsibilities. These program alternatives must be developed in coordination with the ACHP, Tribes and/or NHOs, and SHPOs/THPOs. These alternatives include alternate procedures, PAs, exempted categories, program comments and standard treatments. Should an Agency want to pursue any of these alternatives, they should consult with the ACHP to determine the appropriate alternative.

For additional information and examples on program alternatives, please go here: <http://www.achp.gov/progalt/>

A common program alternative that many Agencies use are PAs, which can be used on a national, statewide, or regional scope for similar or repetitive undertakings, for undertakings with repetitive effects on historic properties, or for situations where the effects to historic properties cannot be fully determined prior to the approval of an undertaking.



TIP

EHP Practitioners within Funding Agencies should identify pre-existing PAs that may assist in fulfilling their Section 106 responsibilities for types of activities that are outlined in the existing agreement.

The UFR Process includes a PPA that allows FEMA in negotiation with Tribes and NHOs, SHPOs/THPOs, and SEMAs to develop a state-specific PA that can expedite the review of routine activities with limited potential to affect historic properties, without further participation from the ACHP. The PPA provides predictability in the treatment of historic properties, outlines roles and responsibilities of signatories, and allows states to tailor the agreement to focus on specific concerns and improve the management of effects on historic properties. The PPA also allows Federal Agencies, including states and units of government who have assumed environmental responsibilities of HUD, with concurrence from signatories, to use the PPA to satisfy their Section 106 responsibilities when the types of activities the Agency is undertaking are the same listed in Appendix A of the PPA. For example, HUD successfully used a FEMA negotiated programmatic agreement with New York and New Jersey for Community Development Block Grant funding for Hurricane Sandy projects.

For additional information about the FEMA PPA, please go here: www.achp.gov/fema_prototype_pa.html

See Appendix I for a copy of the PPA.

Federal Agencies are also encouraged to coordinate compliance with Section 106 to meet the requirements of NEPA, as pursuant to 36 CFR § 800.8. Agencies should consider their Section 106 responsibilities as early as possible in the NEPA process, and plan for public participation, analysis, and review in such a way that it meets the purposes and requirements of both statutes in a timely and efficient manner. If an Agency determines that they will substitute NEPA for the Section 106 process, the Agency should notify the SHPO/THPO and ACHP in advance. If this substitution process is not used, the two EHP reviews should be coordinated to avoid duplication of EHP processes. It should be noted that if a project or activity is categorically excluded from NEPA review under an Agency's NEPA procedures, the Agency official shall determine if it still qualifies as an undertaking requiring review under Section 106.

For additional information on NEPA/Section 106, please go here: http://www.achp.gov/docs/NEPA_NHPA_Section_106_Handbook_Mar2013.pdf

Relationship of NHPA Section 110(k) to NHPA Section 106 Reviews

After a disaster, homeowners and businesses sometimes quickly take action to preserve their homes and businesses to ensure that further damage does not occur. Due to the exigency of the situation, the work is often completed before a Section 106 review is completed and can complicate matters when a disaster recovery grant is supposed to come in the form of a reimbursement for a completed project. Typically, before reimbursements are granted, Federal Agencies must ensure that they comply with Section 106 prior to the completion of the project. Specifically, Section 110(k) of the NHPA states that:



TIP

Early coordination with Tribes, NHOs, SHPOs/THPOs, and other consulting parties is essential to the Section 106 process. Tribes, NHOs, and SHPOs/THPOs often possess information about historic properties that can be used to identify potential issues for disaster recovery project planning.

Each Federal Agency shall ensure that the Agency will not grant a loan, loan guarantee, permit, license, or other assistance to an Applicant who, with intent to avoid the requirements of section 106 of this Act, has intentionally significantly adversely affected a historic property to which the grant would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Agency, after consultation with the Council, determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the Applicant.

If a situation arises that a Federal Agency believes triggers Section 110(k), EHP Practitioners should consult immediately with the SHPO/THPO and ACHP to discuss the issue and attempt to find a way to approach the issue. EHP Practitioners should also consult with Federal or state Agency program managers and legal counsel during the review of background information provided by the Applicant.

Endangered Species Act

Section 7 of the ESA requires Federal Agencies to actively engage in the conservation and recovery of threatened or endangered species.

Resource/Regulatory Agency: FWS and NOAA's NMFS (collectively, the Services).

State/local Agencies: Some state Agencies have additional requirements for state listed threatened or endangered species.

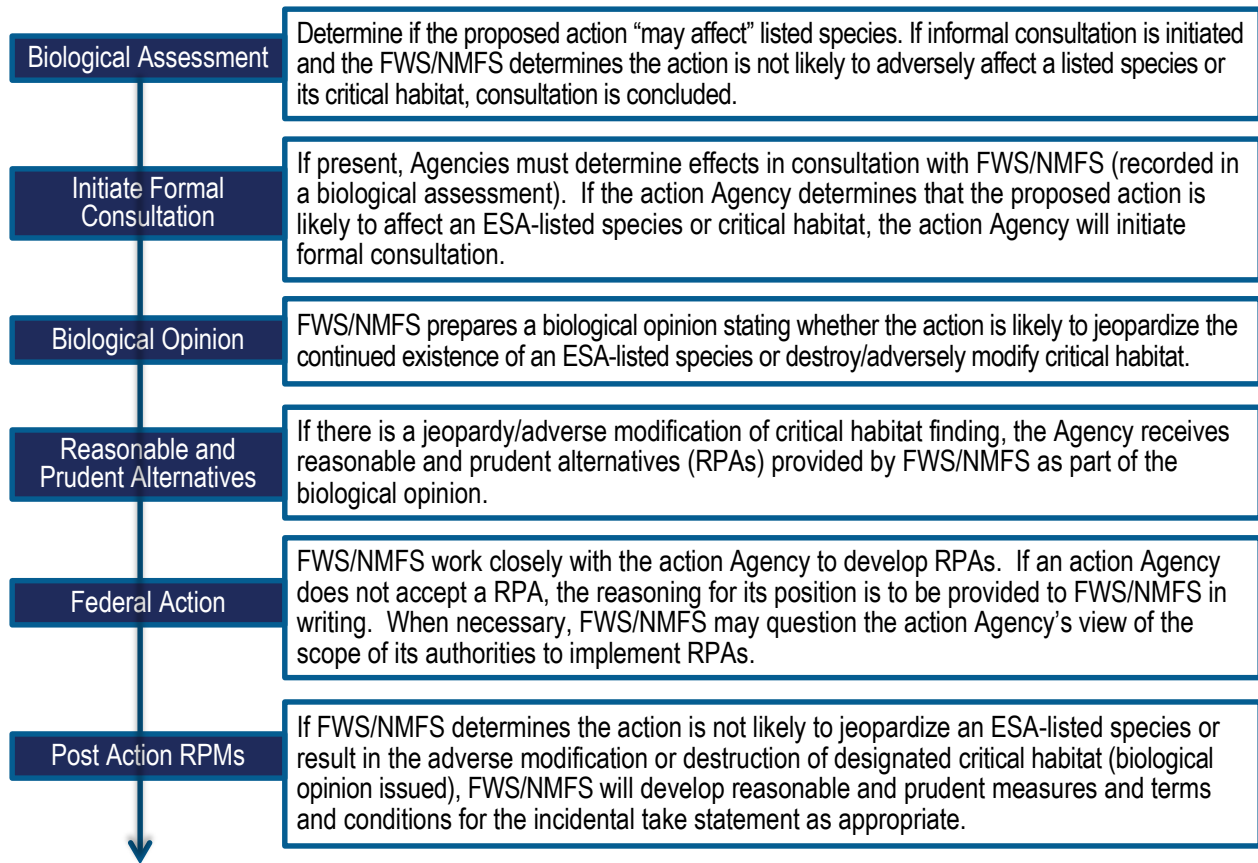


Figure 14: ESA Process Map

Process Efficiencies and Best Practices

The EHP review will proceed more efficiently by building relationships with Resource/Regulatory Agencies at the outset of the disaster recovery process, which for the ESA includes the Service(s). The UFR Process encourages interagency coordination meetings before the FEMA Kick-off meeting with Applicants. During the interagency coordination meetings, the EHP Practitioner should talk to the Service(s) about the types of actions that will likely be taken in response to the disaster, the types of concerns from a listed species standpoint, and the steps an Applicant can take to minimize potential impacts to expedite ESA Section 7 compliance. Listed species can be found at <http://www.fws.gov/endangered/> and <http://www.nmfs.noaa.gov/pr/species/esa/>.

During this initial coordination, the EHP Practitioner should also work with the Resource/Regulatory Agencies to identify interagency agreements at the national, regional, and state level applicable to proposed disaster recovery projects. Examples of available tools to expedite the process include:

- An MOU or MOA issued by the Service(s) that indicates certain project types that do not require written comments from the Service(s).

- An MOU between the Funding Agency and the Service(s) to enhance interagency coordination on a state level and facilitate completion of informal and formal ESA consultations/conferences in a consistent, efficient, and effective manner.
- A programmatic biological assessment and/or opinion for typically recurring projects on a regional basis.
- A matrix of ESA determinations by project type and species.
- Protocol agreements for identifying activities that do not require written interaction beyond ordinary concurrence processes and unlikely to jeopardize species, and to identify mitigation and monitoring measures for categories of work that may be funded.

Any pre-existing agreements or analyses will help expedite the consultation process and ESA Section 7 compliance.

Federal Agencies may designate a non-Federal representative to conduct informal consultation or prepare a biological assessment by giving written notice to the Service(s). Applicants should be encouraged to become non-Federal representatives when they demonstrate minimum competency requirements as established by their Agency. Non-Federal representatives can save time and staff resources by taking on this responsibility. Furthermore, the EHP Practitioner should investigate whether EHP compliance costs are eligible as part of the grant award and make Applicants aware of such funding opportunities.



GUIDANCE FOR RESOURCE/REGULATORY AGENCIES

The use of programmatic Biological Opinions and ESA reference lists or matrices that identify potentially impacted species and habitat for a set of potential actions can expedite the Section 7 ESA consultation process. UFR Practitioners that need to perform Section 7 ESA consultations should contact the FWS and NMFS early in the disaster recovery process to determine whether these practices are appropriate.



BEST PRACTICE EXAMPLE

Collaboration efforts between the USFWS and FEMA in NJ have led to the preparation of an ESA Matrix and a how-to-guide, developed with input from an FWS expert in Section 7 consultations. This matrix identifies 137 potential post disaster activities and determines which, if any, of NJ’s endangered species could be affected. The how-to-guide takes the user step-by-step through the process to determine the level of ESA review – No Affect, Consultation Required, or Further Information Required. With these tools, you can quickly assess the potential impact on endangered species based on your location in NJ and the reconstruction activity being reviewed, significantly reducing the time for this evaluation.

Marine Mammal Protection Act

The Marine Mammal Protection Act authorizes the Secretaries of Commerce and Interior to conserve and protect marine mammals and generally prohibits the “take” (e.g., harassing, hunting, or killing) of marine mammals. Several exceptions to the general moratorium on take exist, however, and the Services may issue authorizations to take marine mammals if certain statutory and regulatory requirements have been satisfied.

Resource Agency: NOAA’s NMFS, FWS.

State/local Agencies: None.

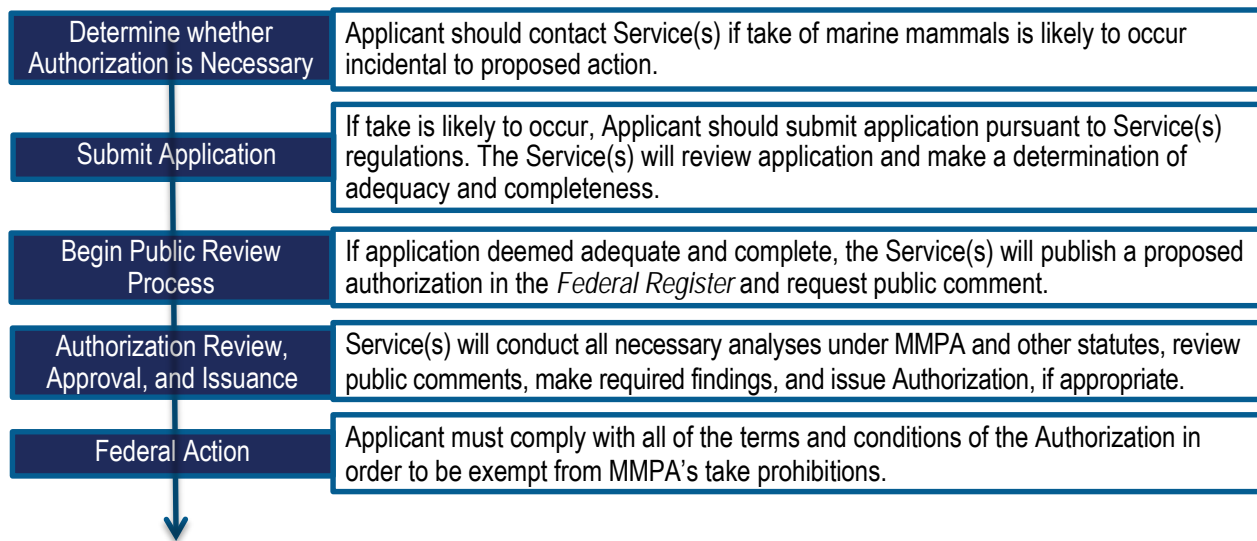


Figure 15: MMPA Process Map

Process Efficiencies and Best Practices

The EHP review will proceed more efficiently by building relationships with Resource/Regulatory Agencies at the outset of the disaster recovery process. The UFR Process encourages interagency coordination meetings before the kick-off meeting with Applicants. During the interagency coordination meetings, the EHP Practitioner should talk to the Service(s) about the types of actions that will likely be taken in response to the disaster, the types of concerns from a marine mammal standpoint, and the steps an Applicant can take to minimize potential impacts to expedite MMPA compliance. All cetaceans (whales, dolphins, porpoises) and most pinnipeds (seals and sea lions) are under NMFS’ jurisdiction, while the FWS is engaged only for certain species (e.g., walrus, sea otter, manatee).

During this initial coordination, the EHP Practitioner should also work with the Resource/Regulatory Agencies to identify interagency agreements at the national, regional, and state level applicable to disaster recovery projects. Examples of available expediting tools include:

- An MOU between the Funding Agency and the Service(s) to enhance interagency coordination on a state level and facilitate completion of MMPA authorization processes in a consistent, efficient, and effective manner.
- Protocol agreements for identifying mitigation and monitoring measures for categories of work that may be funded.

Any pre-existing agreements may help to expedite the authorization process and MMPA compliance, though they will not obviate the need to comply with the MMPA's statutory and regulatory processes, e.g., the incidental take application process.

Coastal Barrier Resources Act

The Coastal Barrier Resources Act (CBRA, 16 U.S.C. 3501 *et seq.*) established the John H. Chafee Coastal Barrier Resources System (CBRS), a defined set of geographic units along the Atlantic, Gulf of Mexico, Great Lakes, U.S. Virgin Islands, and Puerto Rico coasts. Most new Federal expenditures and financial assistance are prohibited within the CBRS, unless those activities qualify for an exception under Section 6 of CBRA (16 U.S.C. 3505). The FWS, through the Secretary of the Interior, is responsible for administering CBRA which includes consulting with Federal Agencies that propose spending funds within the CBRS.

Resource/Regulatory Agency: Fish and Wildlife Service.

State/local Agencies: Some state and local Agencies have additional requirements.

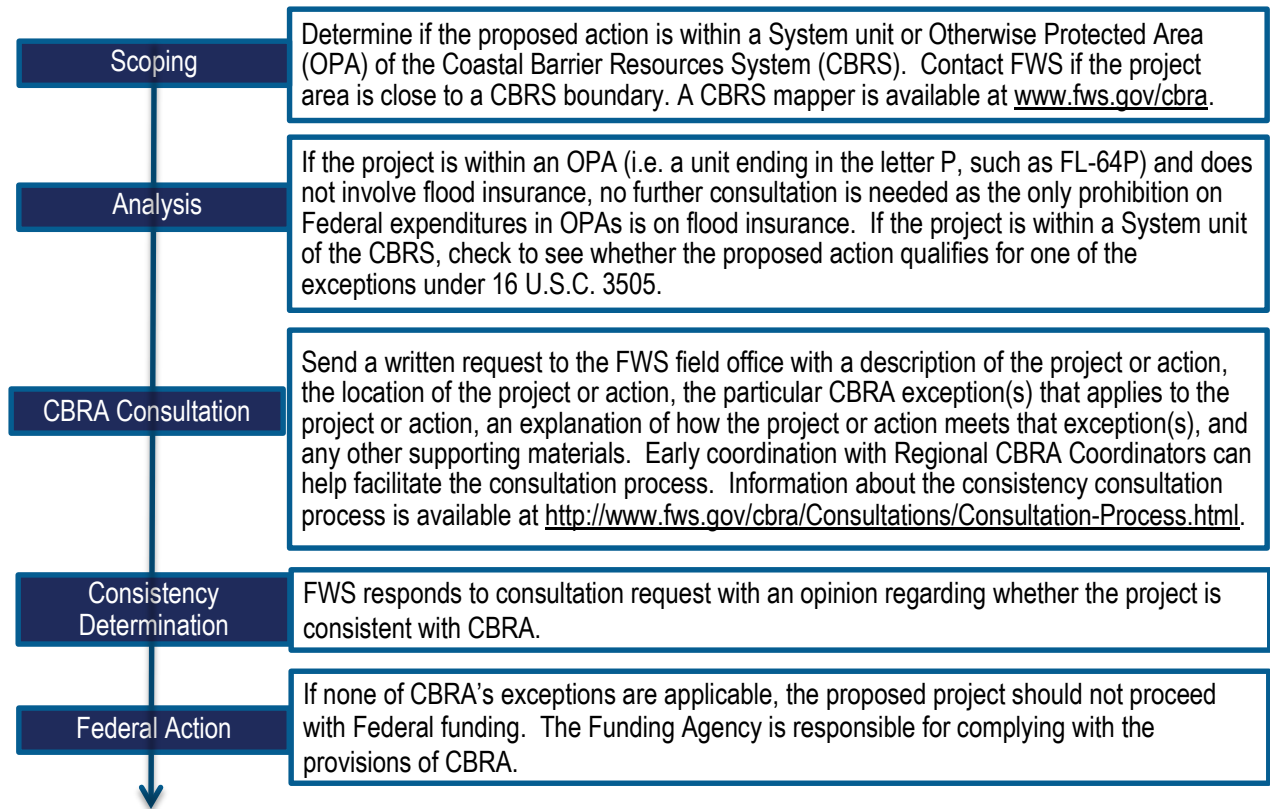


Figure 16: CBRA Process Map

Process Efficiencies and Best Practices

The Funding Agency must first determine whether a proposed project or action is located within a System unit or an Otherwise Protected Area (OPA) of the CBRS (see <http://www.fws.gov/cbra/Consultations/Consultations.html> for information on obtaining CBRS maps and data for this purpose). If a proposed project is located close to a CBRS boundary, the Funding Agency may request assistance from the Service to determine whether the proposed project or action is located within the CBRS. Further consultation with the Service is not needed if the proposed project or action is located within an OPA and is not related to Federal flood insurance. The only Federal spending prohibition within OPAs is the prohibition on Federal flood insurance; other Federal expenditures are permitted so long as they are not tied to the availability of Federal flood insurance.

Any Federal Agency proposing to spend funds within a System unit of the CBRS must send a written request to the appropriate [Service field office](#) with a description of the project or action, the location of the project or action, the particular CBRA exception(s) that applies to the project or action, an explanation of how the project or action meets that exception(s), and any other supporting materials. It is the responsibility of the Funding Agency to provide evidence that a proposed project or action meets an exception under CBRA. It is the Service's responsibility to review the evidence provided and respond to the Funding Agency as to whether or not the proposed funding obligation qualifies for an exception under CBRA. The

Service's response to a consultation request is in the form of an opinion only. The Funding Agency is responsible for complying with the provisions of CBRA. Information regarding CBRA's limitations on Federal expenditures and exceptions to those limitations can be found at <http://www.fws.gov/cbra/Consultations/Limitations-and-Exceptions.html>.

As part of early interagency coordination in the UFR Process, the EHP Practitioner can help expedite the CBRA review by providing the Service with information about the typical projects his/her Agency funds and how those routine projects meet a CBRA exception. If certain activities are believed not to trigger CBRA, that information should be included in the materials prepared for early coordination. The Service can use this information to prepare its staff in advance of CBRA reviews for proposed disaster recovery projects so they can quickly handle requests for consistency determinations. Early coordination with Service Regional CBRA Coordinators may also facilitate the consultation process.

The EHP Practitioner should always check for existing agreements, such as MOUs, that may apply to his/her projects at the outset of the disaster recovery process. This research should be conducted prior to receipt of applications for Federal assistance.

Coastal Zone Management Act

The CZMA encourages coastal and Great Lake states, and U.S. Territories and Commonwealths to better manage land and water uses and natural resources. The CZMA recognizes a national interest in the uses and resources of the coastal zone and in the importance of balancing the competing uses of those resources. If a state chooses to participate in the Federal Coastal Zone Management Program, it develops and submits a coastal management program (CMP) to NOAA for approval.

Federal consistency is the CZMA requirement where Federal Agency activities that have reasonably foreseeable effects on a state's coastal uses or resources must be consistent to the maximum extent practicable with the enforceable policies of a coastal state's Federally approved CMP. Federal license or permit activities and Federal financial assistance activities that have reasonably foreseeable coastal effects must be fully consistent with the enforceable policies of state CMPs. See 15 C.F.R. Part 930 for a complete description of CZMA Federal consistency requirements.

Oversight Agency: NOAA Office of Ocean and Coastal Resource Management.

State/local agencies: A lead state Agency coordinates a state's Federally approved CMP and Federal consistency reviews.

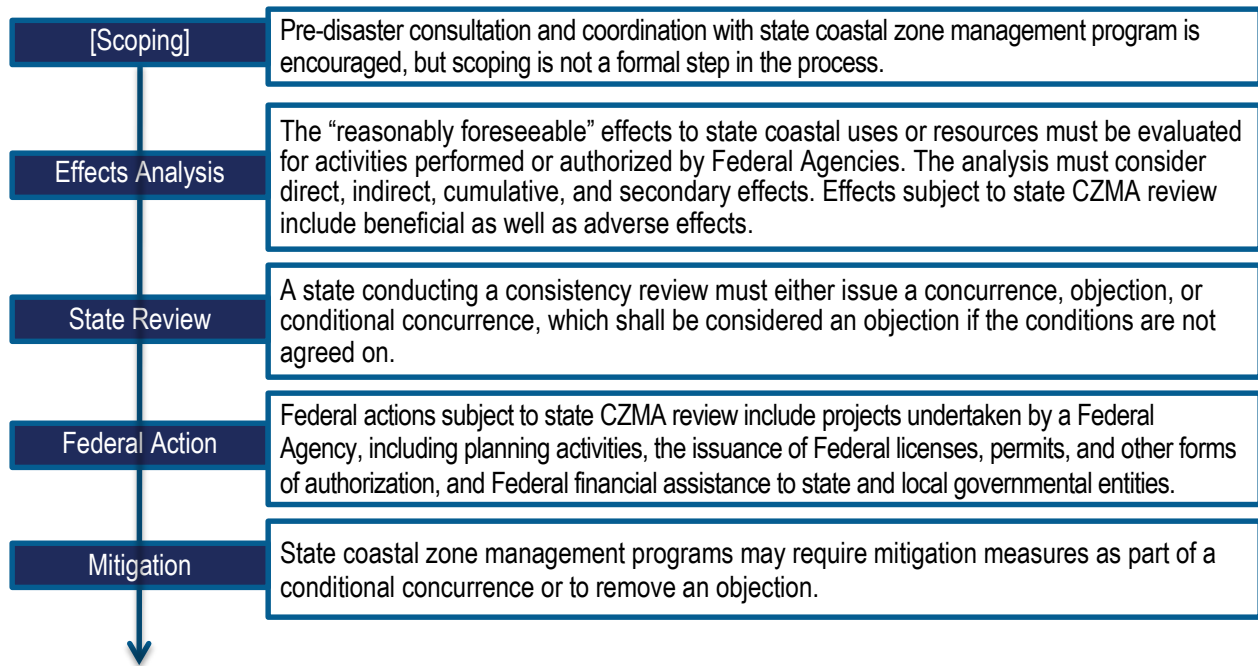



Figure 17: CZMA Process Map

Process Efficiencies and Best Practices

To maximize the benefits of Federal consistency, Federal Agencies should provide routine notification to coastal states of actions affecting uses or resources of the coastal zone. Coastal states should closely monitor Federal actions and develop notification procedures with Federal Agencies. Early consultation and cooperation between Federal Agencies and state CMPs can help Federal Agencies avoid costly last minute changes to projects in order to comply with state CMP policies. State CMPs and Federal Agencies can agree, at any time, to more flexible consistency review procedures, provided that the CZMA’s public participation requirements are met.

The CZMA Federal consistency review process addresses emergency situations for Federal Agency activities. Under 15 C.F.R. § 930.32(b), a Federal Agency may deviate from full consistency with a state’s coastal management program when such deviation is justified because of an emergency or other similar unforeseen circumstance, which presents the Federal Agency with a substantial obstacle that prevents complete adherence to the approved program.



**GUIDANCE FOR
RESOURCE/REGULATORY AGENCIES**

For many Resource/Regulatory Agencies, it is the Applicant's responsibility to request a CZMA determination from the state and provide a copy of the determination to the Resource/Regulatory Agency.

For Federal license or permit activities or Federal financial assistance activities, there is no provision in NOAA's regulations for expediting the CZMA review process in the case of an emergency, except that states and Applicants can mutually agree to a shortened review period. States can also amend their coastal management programs to establish Federal consistency review procedures in emergencies.



TIP

For additional information and resources, Funding Agencies and Applicants can refer to NOAA's Federal consistency website: <http://coastalmanagement.noaa.gov/consistency/welcome.html>.

Regional or national consistency determinations can be established to cover types of activities normally done during disaster relief, which can allow an expedited and unified CZMA review. NOAA should be approached about a regional or national consistency determination before a disaster hits to be prepared for the disaster recovery process.

Magnuson-Stevens Fishery Conservation and Management Act

Section 305 (b) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA 16 U.S.C. 1855(b)) provides that Federal Agencies must consult with the Secretary of Commerce on all actions, or proposed actions, authorized, funded, or undertaken by the Agency, that may adversely affect essential fish habitat (EFH).

Resource/Regulatory Agency: NOAA's NMFS.

State/local Agencies: Private landowners and state Agencies are not required to consult under the Magnuson-Stevens Fishery Conservation and Management Act.

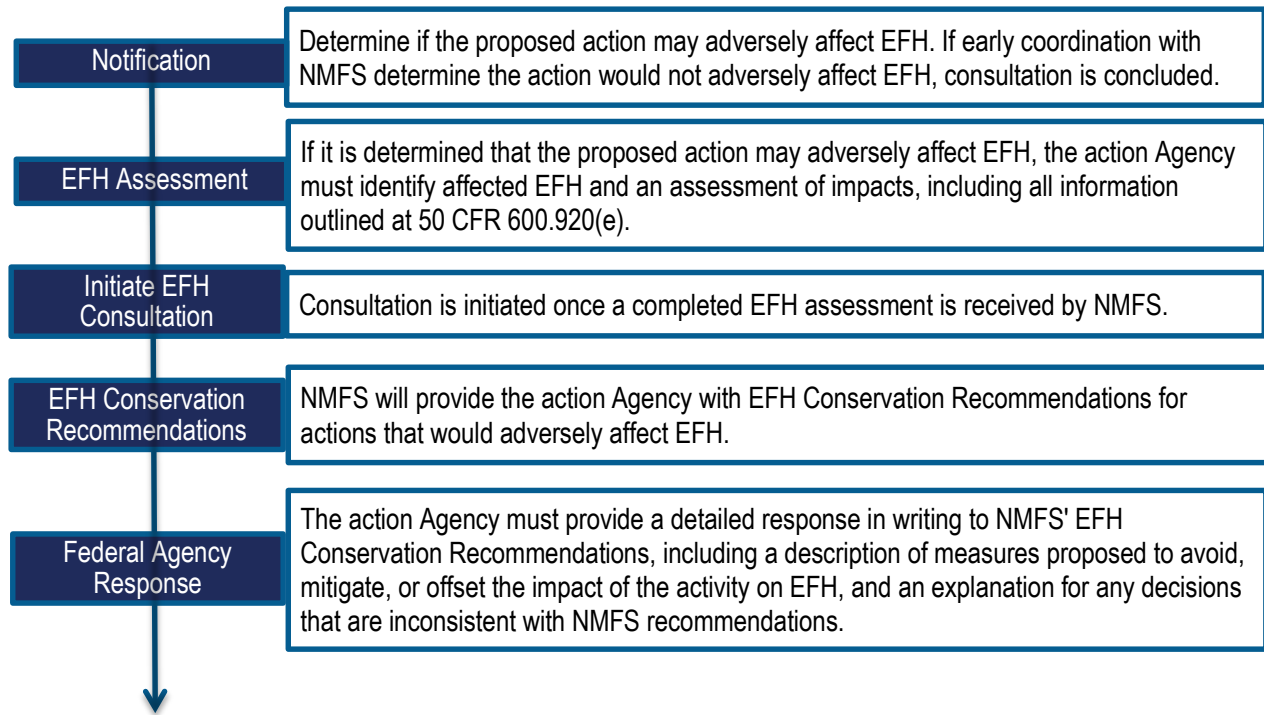


Figure 18: MSA Process Map

Process Efficiencies and Best Practices

Through EFH consultations, NOAA’s NMFS works with Federal Agencies to conserve and enhance EFH. Consultation is required when a Federal Agency authorizes, funds, or undertakes an action that may adversely affect EFH. Because marine fish depend on habitat for survival and reproduction, it is important to protect the habitats that sustain and enhance commercial and recreational fisheries. The Federal Agency must provide NMFS with an assessment of the action’s impacts to EFH, and, if necessary, NMFS provides the Federal Agency with EFH Conservation Recommendations to avoid, minimize, mitigate, or otherwise offset those adverse effects.

An EFH consultation can progress efficiently when Federal Agencies contact and coordinate with NMFS before, or at the onset of an emergency. In general, as well as with the EHP review process, an EFH consultation can be combined with existing environmental review procedures, such as those under the National Environmental Policy Act, the Clean Water Act, the Fish and Wildlife Coordination Act, the Endangered Species Act, and the Federal Power Act, to streamline the requirements and avoid duplication with other environmental reviews.

Consultation is required for emergency **Federal actions** that may adversely affect EFH, such as hazardous material clean-up, response to natural disasters, or actions to protect public safety. Federal Agencies should contact NMFS early in emergency response planning, but may consult after-the-fact if consultation on an expedited basis is not practicable before taking the action.

The EFH guidelines provide specific schedules for completion of abbreviated and expanded consultation. The guidelines state, however, that NMFS, the Federal agency, and in this case, the EHP Practitioner(s), may agree to a modified schedule. For example, NMFS and the Federal Agency may agree to use a compressed schedule or to conduct EFH consultation earlier in the planning cycle for actions with lengthy approval processes or for cases where regulatory approvals or emergency situations cannot accommodate those schedules. Alternatively, NMFS and the Federal Agency may agree to extend the consultation schedule to allow for further analysis of the effects of the action.

Clean Water Act

The Clean Water Act (CWA) was enacted to control industrial and municipal water pollution and protect waters of the United States, including wetlands. The CWA requires states to set minimum water quality standards and requires permits for specific regulated activities, regardless of the existence of Federal funding.

Section 402 of the CWA

Section 402 of the CWA establishes the National Pollutant Discharge Elimination System (NPDES) permit program to regulate point source discharges of pollutants into waters of the United States. Examples of proposed disaster recovery projects that typically require NPDES permits are road and bridge reconstruction. Regulated pollutants include sources of sediment associated with construction and construction site erosion. NPDES permits are also required for storm water discharges from municipal and industrial facilities. Projects that propose to discharge into waters of the United States must first obtain an NPDES permit from EPA or a state authorized to issue NPDES permits, and then comply with the terms of such permits. The Federal Agency responsible for oversight of the NPDES program is EPA. A list of states that have assumed authority for issuing NPDES permits can be found at <http://cfpub.epa.gov/npdes/statestribes/astatus.cfm>.

Resource/Regulatory Agency: EPA.

State/local Agencies: EPA has authorized most states to administer the NPDES program.

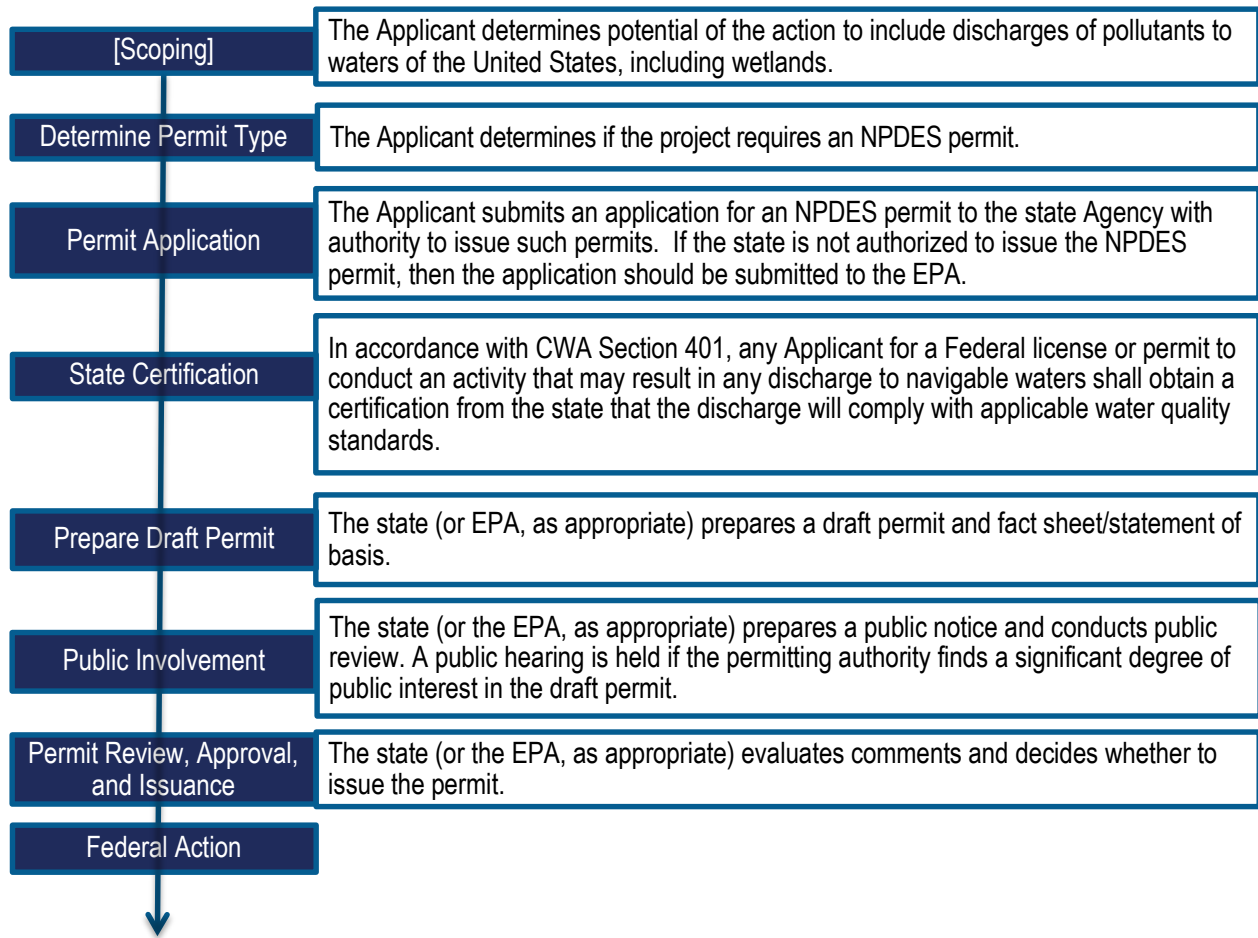


Figure 19: CWA Section 402 Process Map

Section 404 of the CWA

Section 404 of the CWA established a program to regulate the discharge of dredged or fill material into waters of the United States, including wetlands. The basic premise of the program is that no discharge of dredged or fill material may be permitted if:

- A practicable alternative exists that that would have less adverse impact on the aquatic ecosystem;
- The discharge would cause or contribute to violations of any applicable water quality standard; or
- The discharge would cause or contribute to significant degradation of the water of the United States.

Resource/Regulatory Agency: USACE.⁷

⁷ USACE is also responsible for implementation of Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972. This Act established a program to regulate the transportation of dredged material into the ocean for open water disposal. Because most activities under the EHP will not trigger this authority, it is not discussed further.

State/local Agencies: Michigan and New Jersey manage their own Section 404 program.

Section 10 of the Rivers and Harbors Act

Section 10 of the Rivers and Harbors Act established a program to regulate work or structures in, over, under, or otherwise affecting the course, location, or condition of navigable waters of the United States. The basic premise of the program is to protect the navigable capacity of such waters.

Resource/Regulatory Agency: USACE.

State/local Agencies: None.

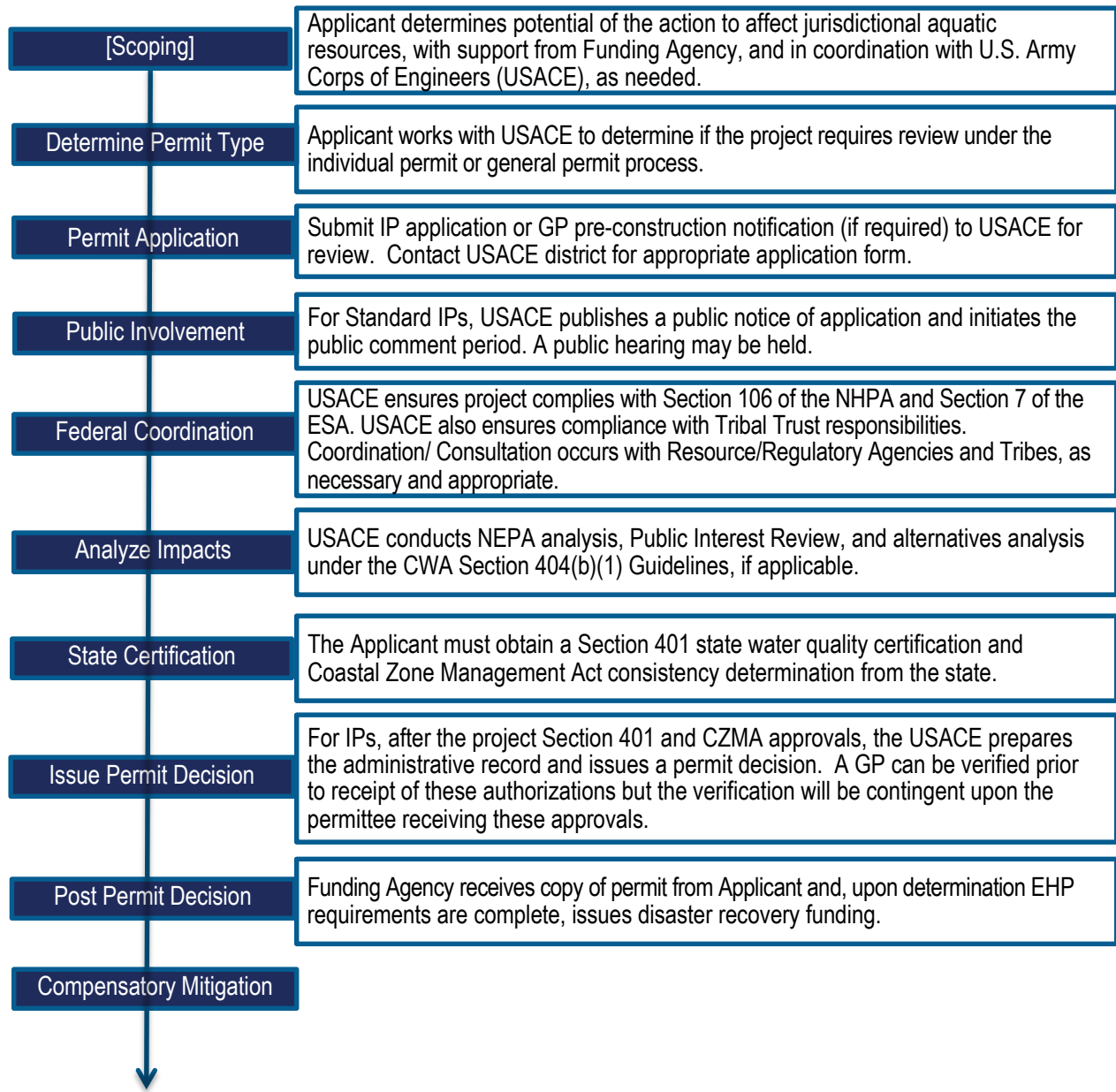


Figure 20: CWA Section 404/RHA Section 10 Process Map

Process Efficiencies and Best Practices

Because compliance with Sections 402 and 404 of the CWA and Section 10 of the Rivers and Harbors Act is the Applicant’s responsibility, the EHP Practitioner’s primary role is to support the Applicant in obtaining necessary permits and certifications. Accordingly, the EHP Practitioner should establish relationships with the appropriate Resource/Regulatory Agency early in the process and should encourage Resource/Regulatory agencies to participate in pre-application meetings with the Applicants at the outset of the disaster recovery process. The EHP Practitioner should consider developing project information sheets to share information with the Resource/Regulatory Agencies in advance of the project proponent submitting an

application. Participation in pre-application meetings and sharing information early in the process can help identify potential issues and regulatory requirements early in the planning process. In addition, such meetings can assist in determining if the activity would likely qualify for an expedited review process such as a general permit or a more extensive review process such as a standard individual permit.

The EHP Practitioner should also identify, with support from Resource/Regulatory Agencies, applicable interagency agreements, such as MOAs and MOUs that can facilitate the permit application review process or other potential efficiencies, such as general permits. For additional information on existing general permits, see the UFR Library at the [UFR Webpage](#).

Note that Section 404/10 permits require compliance with NEPA, Section 7 of the ESA, and Section 106 of the NHPA. Compliance may require the Applicant to conduct field surveys of resources that may be impacted by the activity and for USACE to consult with the appropriate Resource / Regulatory Agencies, if required. In addition, USACE cannot render a permit decision unless/until Section 401 Water Quality Certification and Coastal Zone Management Consistency Determinations are rendered by the state, if applicable.



TIP

Individual Section 404 permits often trigger NHPA, CZMA, and NEPA in addition to ESA. Projects where individual 404 permits are required provide an opportunity to unify the EHP review by utilizing the compliance done for the Individual Permit in the EHP review completed by the Funding Agency.

Executive Order 11988 Floodplain Management and Executive Order 11990 Protection of Wetlands

Executive Orders 11988 and 11990 require Federal Agencies to avoid, minimize, and mitigate harm to floodplains and wetlands from Federal activities.

Resource/Regulatory Agency: FEMA maintains flood maps, designates flood zones, manages the National Flood Insurance Program, and provides guidance to Agencies on the implementation of E.O. 11988; FWS manages the National Wetlands Inventory.

State/local Agencies: Some states and local Agencies have wetland protection programs and floodplain regulations.

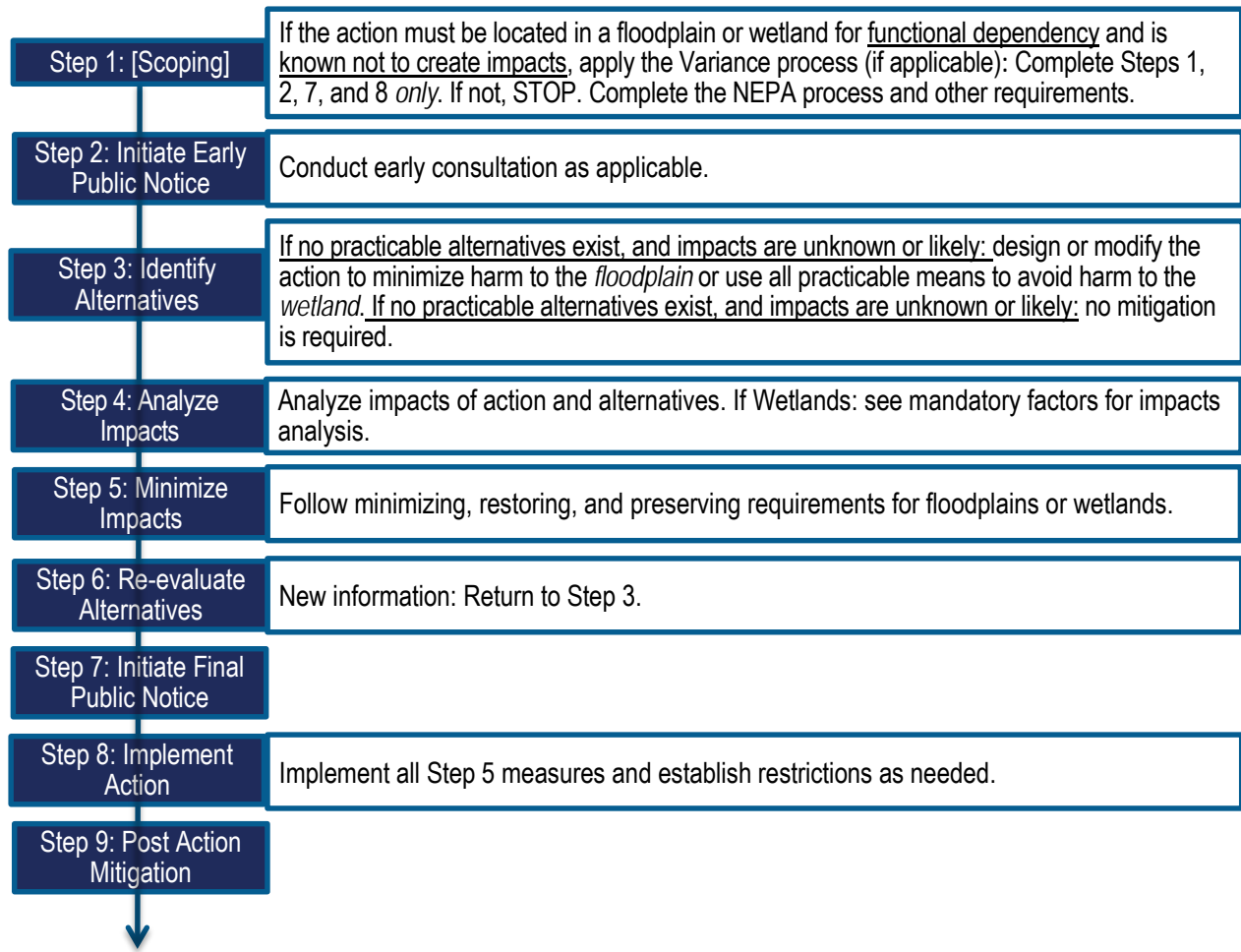



Figure 21: EO 11988 and EO 11990 Process Map

Process Efficiencies and Best Practices

Federal Flood Risk Management Standard

The UFR Process supports the development of a Federal Flood Risk Management Standard (FFRMS) that will provide Federal agencies with a consistent approach to account for sea-level rise and other factors affecting flood risks for Federally funded projects. To improve the Nation’s resilience to flooding and better prepare the United States for the impacts of climate change, the President’s Climate Action Plan directs agencies to “update their flood-risk reduction standards.”⁸ This standard will create a national minimum flood risk management standard,



TIP

Federal Agencies may have higher or more stringent elevation standards than local floodplain managers require. EHP Practitioners should be aware of the distinction between Federal and local requirements and work with programs and Applicants to satisfy EHP compliance.

⁸ The President’s Climate Action Plan, June 2013 accessed at <http://www.whitehouse.gov/energy/climate-change>

ensuring that Federal actions that must be located in the floodplain last as long as intended by considering risks, changes in climate and vulnerability.

The FFRMS seeks to improve the implementation of Executive Order 11988, Floodplain Management, by providing Federal Agencies with a management standard that encourages the use of natural features and nature based approaches in the development of alternatives for Federal actions; and by establishing a higher vertical standard and expanding the floodplain to address trends and uncertainty related to climate and other future changes. The FFRMS will also equip Federal agencies with a set of Guiding Principles that encourage consideration of the following approaches: anticipate a changing environment; implement a transparent and inclusive process; encourage and support regional resilience; adopt sustainable and innovative solutions; and support a holistic approach for flood risk management. EHP Practitioners should implement the FFRMS and utilize the FFRMS Guiding Principles in order to promote better floodplain management and advance the President's Climate Action Plan.

National Flood Insurance Program

When reviewing a proposed project under the UFR Process, the EHP Practitioner should also consider whether the project involves rebuilding in a Special Flood Hazard area under the National Flood Insurance Program (NFIP). If the NFIP may apply, the Applicant should be advised to check FEMA Flood Insurance Rate Maps (FIRM) maps www.msc.fema.gov for insurance implications to their projects.

Resource Conservation and Recovery Act

The Resource Conservation and Recovery Act (RCRA) gives EPA the authority to regulate nonhazardous and hazardous solid waste from the "cradle-to-grave," including the generation, transportation, treatment, storage, and disposal of these wastes.

Resource/Regulatory Agency: EPA.

State/local Agencies: The EPA has delegated authority to all states to regulate solid waste and to most states to regulate hazardous waste. As requirements differ from each other may be more stringent than the Federal requirements, and/or include additional waste streams, it is important for the EHP Practitioner to refer to state requirements for each involved state.

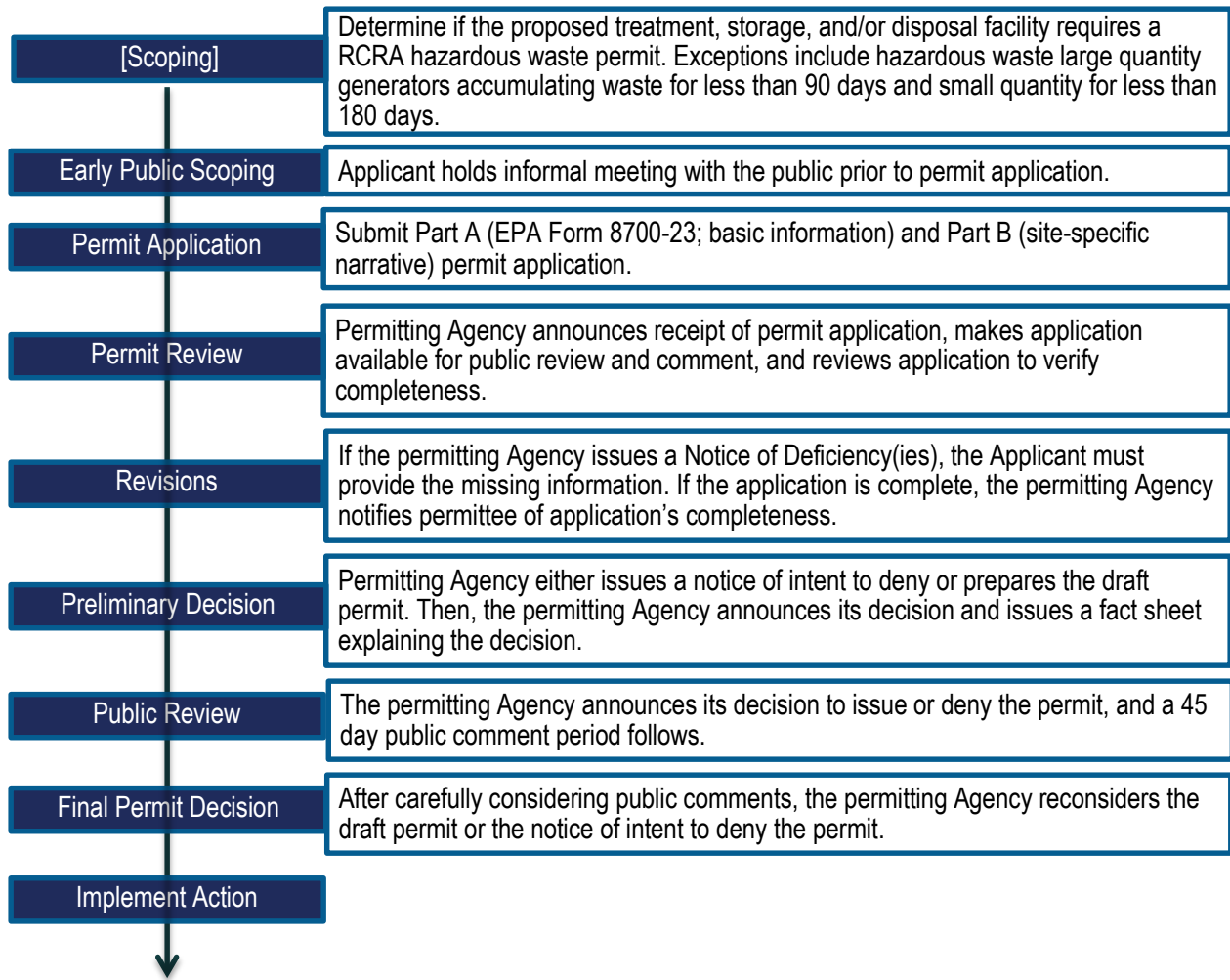


Figure 22: RCRA Process Map

Process Efficiencies and Best Practices

RCRA applies most often during disaster recovery in the context of debris management. Waste/debris-related projects arise in the context of waste and debris created by the disaster, decontamination activities, waste and debris from demolition and construction projects to rebuild post-disaster, and other activities, such as sampling activities. If the proposed project involves new construction of a debris disposal site involving the treatment, storage, and/or disposal of hazardous waste, a RCRA hazardous waste permit may be required and the permit process in Figure 17 applies. Other RCRA requirements apply for actions to transport waste, store waste for less than 180 days (“accumulation,” for small quantity generators of waste), or engage in long-term storage and disposal. Since transport



TIP

- **Debris removal** by FEMA may be statutorily exempted from NEPA.
- Pre-negotiated agreements with permitted solid waste facilities and handlers for debris removal make the RCRA process more efficient.
- Debris removal that responds to immediate rescue and salvage operations to preserve life or property may be exempt under Section 106.

and accumulation have fewer compliance requirements than long-term storage and disposal, the EHP Practitioner should focus on identifying long-term storage and disposal efficiencies.

The UFR Process promotes pre-positioning EHP information before the EHP review begins in order to have a plan in place to effectively meet compliance requirements. For compliance with RCRA, the EHP Practitioner should identify the appropriate storage and disposal facilities before the EHP review begins. It is important to know ahead of time where the permitted facilities are located to avoid slowing the recovery process. Working with local Agencies, the most appropriate facilities to manage debris can be identified and a determination made as to whether new facilities are needed. EHP Practitioners should also work with Applicants and state Agencies to pre-identify and permit temporary staging areas in cooperation with the SHPO and other state and local representatives as part of pre-disaster activities.

Natural disasters can generate tremendous quantities of different types of waste and debris; states/communities should plan for disasters they may face. EPA recommends the development of a waste management plan before a disaster occurs. Guidance for the development of a waste management plan may be found at:
<http://www.epa.gov/wastes/conserva/imr/cdm/pubs/pnidd.pdf>

An effective disaster waste and debris management plan addresses issues beyond initial removal, prioritizes debris management options, and also includes a strategy for recycling and reuse of materials (including mulching/composting) to reduce the burden of volume on disposal facilities. Waste management strategies should take into account environmental and historic areas.

EPA recommends that any waste management plan include a strategy for reuse, recycling, and mulching/composting. Due to the potentially large volumes of material produced in a natural disaster, recycling and reuse will lessen the burden on disposal facilities, cut costs, and provide a valuable material resource. Recycling conserves natural resources by replacing them with recovered products that perform the same function. Reuse and recycling (including mulching/composting), coupled with efficient processing and transportation, not only conserves natural resources but also helps reduce the amount of greenhouse gas emissions and saves landfill space.

EPA also recommends that waste management plans set priorities for reusing and recycling disaster waste and debris materials. Innovative reuse options can be identified in advance rather than trying to find appropriate options after the disaster occurs. These priorities and options should be detailed in a community's waste management plan and pre-negotiated contracts. It is advisable to coordinate with FEMA on these priorities during the planning stage before a disaster to help ensure reimbursement.

EHP Practitioners may use the IT Resources List in Appendix F to identify potential waste disposal and storage sites. EHP Practitioners may also use the Agency POC List to talk to the regulatory Agency and local contacts about who the people and Federal and state Agencies are in the area that are qualified and permitted to transport and dispose of waste. See Appendix B.

Chapter Summary

- A close relationship with program offices will ensure the EHP Practitioner receives the appropriate EHP information from the original submission of the project application.
- Before beginning the EHP review, the EHP Practitioner must determine whether an EHP requirement does or does not apply and if the proposed project meets an exception to an EHP requirement.
- Time is of the essence. Leveraging interagency agreements reached among Federal and state Agencies and pre-positioned programmatic permits and analyses assists in expediting EHP reviews.
- Although state and local requirements do not usually apply to the Funding Agency unless specified in a specific Federal law like the CZMA, it is important to know these requirements exist to support Applicants in identifying necessary permits and consultation requirements.

Chapter VII. UFR Process Summary

The UFR Process is designed to expedite and unify the EHP review of disaster recovery projects. Since disasters vary in size, scope, and participants involved, the UFR Process is flexible and can be adapted as needed for specific disasters. The UFR Process does not change EHP requirements. Instead, the UFR Process identifies ways to make use of the existing processes, with the new Tools and Mechanisms, to improve the timeliness and quality of the EHP reviews of Presidentially-declared disaster recovery projects.

This Practitioner Guidance establishes a consistent process and best practices for the EHP review of proposed disaster recovery projects. This Practitioner Guidance is directed toward EHP Practitioners within Funding Agencies and Resource/Regulatory Agencies. This chapter summarizes the UFR Process as discussed within the Practitioner Guidance.

The UFR Process assists EHP Practitioners through the four major components of disaster recovery relief: Pre-Disaster Recovery Planning; Interagency Coordination; Kickoff Meeting with Applicants; and Review of Proposed Projects. Each of these is discussed in greater detail below. In addition, there are four key questions EHP Practitioners need to consider:

1. Are there other Funding Agencies involved?
2. Are there other Resource/Regulatory Agencies involved?
3. Is the proposed project covered by an existing analysis or agreement?
4. How can the Tools and Mechanisms unify and expedite the EHP review?

These questions should guide EHP Practitioners through the UFR Process during each step of disaster recovery.

Pre-Disaster Recovery Planning

Preparation for the UFR Process should take place prior to a disaster during Pre-Disaster Recovery Planning. Pre-Disaster Recovery Planning includes building relationships and communication between and among Federal and state Agencies, Tribes, and stakeholders. At this time Agencies should emphasize the need to strengthen interagency relationships and coordination efforts and train staff in preparation for disasters. The UFR MOU formalizes roles and responsibilities in the UFR Process and will assist in facilitating interagency communication and coordination. This time also serves as disaster preparation and to pre-position EHP data, agreements, and analyses.

Further, the UFR Process integrates with the NDRF, complementing its goals and utilizing its organizational structure to implement the UFR Process across Federal Agencies, Tribes, states, and stakeholders. The NDRF includes the FDRC, NCR RSF, and the UFR Advisor roles to facilitate interagency and stakeholder coordination in support of the UFR Process.

Interagency Coordination

The first step to beginning interagency coordination within the UFR Process is to determine the participants involved: Funding Agencies, Resource/Regulatory Agencies, state Agencies, and other stakeholders. To assist with this coordination, EHP Practitioners should utilize the UFR MOU, Agency POC List, Interagency Meeting Checklist, and Disaster-Specific MOU.

Once the participants involved have been determined, EHP Practitioners should identify Agency staffing, data, technical assistance and funding needs. EHP Practitioners should then brainstorm how to share Agency resources among and between Federal and state Agencies to support EHP reviews, especially for Resource/Regulatory Agencies. Other steps that will assist with interagency coordination include examining the utility of liaison positions and interagency agreements, such as Data Sharing Agreement Content or a Disaster-Specific MOU for his/her Agency, and consideration of how to avoid duplication of EHP reviews and efforts. Each EHP Practitioner should examine his/her Agency's approach to EHP reviews, the availability of resources, and the diverse timing of Federal and state Agencies appearing in the disaster recovery process.

Kickoff Meeting with Applicants: Empowering the Applicant in the EHP Review

An informed and involved Applicant is necessary to achieve a unified and expedited EHP review. Kickoff Meetings, hosted by FEMA, provide the opportunity for EHP Practitioners in different Agencies to work together to share information with the Applicants, setting the stage for expedited EHP reviews. The Applicant Guidance and [UFR Webpage](#) are the primary sources of EHP information for Applicants and should be presented by FEMA at the Kickoff Meeting.

Further, EHP Practitioners should help make Applicants aware of existing EHP information related to their proposed projects. The Agency POC List is a reference tool providing Applicants and EHP Practitioners with access to national and regional-level Federal Agency contact information. Applicants and EHP Practitioners can use the IT Resources List to search by EHP requirement, state, or resource issue.

Review of Proposed Projects: Applying the UFR Process to EHP Requirements to Disaster Recovery Projects

Once the EHP Practitioner has received a project application through the Federal or state Agency's program office, the EHP Practitioner can review the application to determine if EHP information is complete and identify the applicable EHP requirements to the proposed disaster

recovery project. The UFR Process includes Tools and Mechanisms to help tackle challenges within EHP reviews:

- **To gather and review EHP information-** Use the IT Resources List, Agency POC List, Data Sharing Agreement Content and Data Standards List (see Chapter IV).
- **To quickly resolve disputes with other Federal or state Agencies and determine Agency responsibilities during the UFR Process-** Use the UFR MOU (see Chapter IV).
- **To solidify commitments between Funding and Resource/Regulatory Agencies to coordinate with other Federal or state Agencies for disaster-specific purposes and prioritize the use of Federal funding for disaster recovery –** Use the Disaster-Specific MOU (see Chapter IV).

Utilizing the UFR Process promotes efficiencies and best practices across *all* EHP requirements. The UFR Process encourages early communication and coordination with Resource/Regulatory Agencies to integrate the UFR Process into disaster recovery efforts. The UFR Process also helps determine if state or local EHP requirements are applicable and how to engage those relevant Federal and state Agencies into interagency efforts and the UFR Process.

