

Unified Federal Review Process

Newsletter



Issue 3

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The Unified Federal Review Process

The Unified Federal Environmental and Historic Preservation Review Process (UFR Process) was established on July 29, 2014, by the execution of a Memorandum of Understanding (MOU) among eleven federal agencies involved in the environmental and historic preservation (EHP) reviews associated with disaster recovery assistance. The UFR Process focuses on the federal EHP requirements applicable to disaster recovery projects following a presidentially declared disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.

Through the UFR Process, federal agencies that fund or permit disaster recovery projects and those that perform EHP reviews associated with the decision-making process will coordinate their independent EHP review processes leading to expedited decision making, which can result in faster delivery of assistance and implementation of recovery projects. The UFR Process recognizes the important role of tribes, state agencies, localities and the stakeholders working together with federal agencies to coordinate EHP reviews.

Over the next several years, the UFR Steering Committee, comprised of the Advisory Council on Historic Preservation (ACHP), the Council on Environmental Quality (CEQ), the Department of Homeland Security (DHS) and the Federal Emergency Management Agency (FEMA) will focus on implementing the UFR Process, reviewing the processes annually and updating it as necessary. This will include engaging stakeholders in the field, hosting webinars and attending conferences to educate federal, state, local, tribal and territory partners in the UFR Process.

About the UFR Newsletter

The UFR Newsletter will serve as outreach to multiple federal, state, local, tribal and territory stakeholders as a way to showcase UFR Process efforts aimed at supporting communities affected by disaster. The newsletter will allow agencies to stay involved with efforts to further develop a UFR Process across the nation. If you would like to add an article to the newsletter, please email: federal-unified-review@fema.dhs.gov





Butte and Valley Fires, FEMA-4240-DR-CA

By Alessandro Amaglio, Regional Environmental Officer (FEMA Region IX)

While deployed as the Unified Federal Review (UFR) Advisor for the 2015 Butte and Valley Fires disaster in northern California, my responsibilities included ensuring implementation of the UFR Process by coordinating environmental and historic preservation (EHP) reviews with our interagency partners for the disaster and long-term recovery operations.

Shortly after my arrival and the opening of the FEMA Joint Field Office (JFO), I invited EHP Practitioners, leadership and program staff of all federal agencies with a role in the disaster (Environmental Protection Agency [EPA], U.S. Department of Housing and Urban Development [HUD], Natural Resources Conservation Service [NRCS], Small Business Administration [SBA], U.S. Army Corps of Engineers [USACE], and U.S. Fish and Wildlife Service [USFWS]), as well as the affected federally recognized Tribes and the California State Historic Preservation Officer (SHPO) to a Kick-off meeting in October 2015 in order to discuss roles and responsibilities aimed at expediting the EHP review process while avoiding unnecessary duplications of effort.

Contrary to my previous experience in Hawaii during Tropical Storm Iselle in late 2014, where our key counterpart,

the National Park Service, was fully aware of the UFR Process and its requirements, very few of the invited agencies at the Butte and Valley Fires Kick-off meeting were aware of the 2014 Memorandum of Understanding Establishing the Unified Federal Environmental and Historic Preservation Review Process ([UFR MOU](#)). Consequently, my colleagues and I spent extensive time educating multiple parties on the UFR Process, including sharing the UFR MOU, which describes the commitments made by each agency to participate in the UFR Process.

Some agencies such as EPA, USFWS, USACE and the Middletown Rancheria of Pomo Indians of California Tribes embraced the UFR Process and were very supportive and engaged throughout the recovery efforts – however, other agencies expressed reluctance to participate in the process. Overall, the UFR Process was critical in expediting recovery efforts, as well as critical to the implementation of FEMA's Fire Management Assistance Grant-Hazard Mitigation Grant Program Pilot programs. Additionally, a [Disaster-Specific MOU](#) was pursued in order to create a “precedent” for interagency collaboration during future events and was executed in February 2016. This Disaster-Specific MOU was especially beneficial as it committed agencies to



share data as well as programmatic tools which added efficiency to the environmental review process.

The late execution of the Disaster-Specific MOU, due to the required education of our local UFR partners, as well as the reluctance on the part of some key partners to become a signatory emphasizes the need for additional UFR education efforts during steady state operations and more aggressive support by agencies at the national level in ensuring that regional representatives are fully informed on the UFR Process prior to future events.

Thankfully, the specific nature of this disaster allowed FEMA to move forward with emergency provisions while still negotiating the UFR Process and each agency's role within for this declaration. However, had this been a larger event with substantial infrastructure projects, the lack of pre-disaster coordination and education, agreement among key partnering agencies, and clear national level support, would have undermined the success and basic purpose of the UFR Process. Ideally, a region-specific MOU would expedite the implementation process, resulting in substantially increased benefit for survivors and the recovery process in general.

UFR Tips for Hurricane Season:

With the start of hurricane season upon us, below are a few basic preparedness tips:

- Know where to go. If you are ordered to evacuate, know the local hurricane evacuation route(s) to take and have a plan for where you can stay.
- Put together a disaster supply kit, including a flashlight, batteries, cash, first aid supplies, and copies of your critical information if you need to evacuate.
- Make a family emergency communication plan. (For example, include a meet-up location for family members)
- Download the FEMA App.  

For more information, please visit: <https://www.ready.gov/hurricanes>



Integrated FEMA/HUD Environmental and Historic Preservation (EHP) Compliance Reviews

By Michael Audin, Acting Regional UFR Coordinator (FEMA Region II)

When a large number of properties repeatedly flood, the state may initiate a home acquisition or buyout program and/or an elevation assistance program through both the Federal Emergency Management Agency's (FEMA) Hazard Mitigation Grant Program (HMGP) and the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant – Disaster Recovery (CDBR-DR). Typically, each federal agency's programs are managed by the state and are often combined into a new or existing state funded programs. Although the FEMA and HUD programs have similar eligibility requirements, the applications for each program differ slightly, and each program provides different maximum amounts for elevations, which are determined by the state.

When the state chooses to run both FEMA and HUD acquisition/elevation programs and allows eligible property owners to apply for both, the potential for duplication of effort is high, even with good interagency coordination. This potential exists because eligible property owners may apply to both programs and, after they are approved, choose the program which offers them more money and turn down the other. The existing process generally allows each agency access only to applications to its program. Therefore, each agency would conduct separate environmental and historic preservation (EHP) reviews, which usually results in a duplication of efforts and inefficient utilization of state and federal manpower resources.

In addition, HUD is unique from FEMA in that HUD's regulations apply to the HUD federal assistance programs where the environmental review

responsibility is legally assumed by units of state and local government otherwise known as "Responsible Entities" (REs). These REs have jurisdiction over the area in which a project is located. This scenario removes HUD staff from the day to day administration of the actual EHP reviews; however, HUD staff provide technical assistance and guidance to the RE. Depending on where a property is located, there could be two different entities simultaneously conducting EHP reviews on the same property for acquisition/elevation programs – FEMA, and the HUD's Responsible Entity. This constitutes an increased potential for the duplication of efforts and inefficient utilization of manpower resources.

A case in point was during Superstorm Sandy in the State of New Jersey, where both FEMA and HUD, through the New Jersey Department of Community Affairs is the HUD RE, but the New Jersey Department of Environmental Protection (NJDEP) assumed the RE responsibilities for all HUD funded environmental reviews administered elevation programs. The FEMA grant program allowed up to \$30,000 to elevate the home, whereas the HUD program allowed up to \$150,000 to elevate and repair the home. Approximately 3,000 eligible residents applied for both programs. The property owners that were approved for the HUD program accepted it and opted out of the FEMA program. The result was an approximate 80% dropout rate in the FEMA elevation program.

When FEMA and HUD both fund an acquisition or elevation program in the same state for the same event or area, FEMA suggests that an

integrated EHP review would save time, reduce duplication of effort and federal funds. One possible way of integrating the review process is to form a combined EHP review group comprised of members of all involved entities (FEMA, HUD, and HUD REs). This group could ensure that the requirements set by each agency are met and that all involved parties have a complete copy of the reviews. Both federal agencies could use the integrated EHP review to evaluate properties directly funded by FEMA and HUD for the acquisitions and elevations programs. These applications could also potentially be used for global match purposes to satisfy FEMA's 25% non-federal cost-share requirement under that FEMA HMGP, as current program requirements only allow for FEMA to fund 75% of the project.

The composition of this integrated EHP group could be determined proportionally by total funds allocated. For example, a \$300 million FEMA program and a \$300 million HUD program might have an equal number of staff members dedicated to the effort. One of the challenges is staffing of the integrated EHP group because of the delegation of EHP authority to the state or city. The integrated EHP group would most likely be staffed with FEMA and state/city personnel or contractors, but would also need HUD agency representation for consistency and coordination. This puts federal and state/city staffs into one group--neither necessarily having authority over the other. The chain of command would need to be clearly defined from the start, including how the state personnel or contractors integrate with the federal staff and who makes final decisions when there are conflicts. This style of combined EHP review may be more challenging than normal, but the benefits may outweigh the effort.

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The benefits of this configuration includes a single EHP review that incorporates the information required by both agencies to determine compliance with federal law and executive orders. Both agencies would gain from the single EHP review whether it was completed for the primary grant program or for the secondary grant program. The single EHP review would also ensure that the same information is provided to both agencies. This would reduce administration costs by no longer needing the secondary funding agency to review the EHP review of the primary funding agency. The single EHP review would make it possible for property owners to apply for both programs simultaneously and not have to go through the EHP process again.

Prior to instituting an integrated EHP review group and process, the stakeholder agencies would need to establish a way to create an integrated staff structure and a single EHP review process. The integrated review group would also need to agree in advance on the information to be needed from the programs to complete the EHP reviews, the designation of a lead agency, the group's organization, staffing, chain of command and notification to programs when an EHP

review is completed and any other needed processes and logistics. A process would also need to determine how to proceed if one entity finishes its program significantly earlier than the other. Once all of the structure and processes (information needed, lead agency, staff structure, operation procedures, etc.) are agreed upon they would need to be memorialized in a written agreement so that all parties understand the process and requirements needed to satisfy the single EHP review. The single EHP review will most likely vary slightly by region, but the basic information needed and the review process should be very similar.

Establishing an integrated EHP review program could decrease the likelihood of duplication of efforts and benefits thereby reducing administrative costs, because both agencies would see the total acquisition/elevation assistance program for the state or city instead of just their own program. In addition, the integrated EHP group would also streamline the EHP review process and expedite the delivery of funds to disaster survivors allowing for a faster recovery.

Property owners would certainly agree that they be well served if there was one unified EHP review and inspection of their home/structure post-flood event, so they don't have to endure numerous house inspections to satisfy a variety of federal reviews under different program requirements. When the federal government unifies its operations across the federal family, the state, community, businesses and property owners, all will benefit.

Coming Soon!

The following materials will be available in the coming months at the [UFR Library](#):

- **UFR Performance Measures** – Regional, disaster-specific, and national performance measures to determine effectiveness of the UFR process are under development.
- **UFR Briefing Packages** – Briefing packages to introduce the UFR Process and the tools and mechanisms available to expedite EHP reviews will be finalized in the coming months. One briefing package will be targeted at senior federal leadership, and the other will be targeted at federal EHP practitioners and program support staff.

The following courses will be offered in the coming months as an Independent Study Class through [FEMA's Emergency Management Institute](#):

- **UFR Advisor Training** – This course will be required training for those individuals seeking to obtain the UFR Advisor specialty.
- **UFR Recovery Leadership Training** – The purpose of this course is to help Recovery Leadership understand the UFR Process and the key role that Federal Disaster Recovery Coordinators (FDRC) and Federal Coordinating Officers (FCO) play in the UFR Process.

Message from the National UFR Coordinator

The drive towards full UFR implementation continues full steam ahead! As I approach the one year mark since joining the UFR team as the National UFR Coordinator I am proud of the progress that has been made with the help of the countless members of our interagency network in implementing the UFR at the headquarters, regional, and field level. Since the release of our last newsletter we have seen the execution of another disaster-specific MOU, the kick-off of regionally based UFR working groups, the publishing of an official UFR Advisor Standard Operating Procedure, and the completion of two UFR training courses that will soon be available for environmental and historic preservation practitioners and disaster recovery leadership. Our work continues to provide an even clearer picture of the benefits that a unified and collaborative approach to environmental and historic preservation has on supporting disaster survivors in effective and efficient disaster recovery. On behalf of the UFR Team, I thank you all for your commitment to the advancement of the UFR Process, and I look forward to sharing more of our successes in the future. - Ryan Potosnak



UFR Team* pictured above from left to right: Ryan Potosnak, Meghan Hesse, Diana Matteson.
*Not pictured: Michael Drummond.