



## Environmental Planning and Historic Preservation Policy

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- I. **TITLE:** “Other Federal Agency Clearance for Environmental Assessments”
- II. **DATE OF ISSUANCE:** December 18, 2013
- III. **POLICY STATEMENT:** The FEMA regulations (44 CFR 10.9(c) and the Council on Environmental Quality (CEQ) regulations (40 CFR Parts. 1500-1508) have specific requirements for completed environmental assessments (EA) under the National Environmental Policy Act (NEPA).
- IV. **PURPOSE:** There have been many questions concerning the level of input and clearance required from other Federal Agencies for environmental assessments (EA) generated by FEMA.
- V. **SCOPE AND EXTERNAL AUDIENCE:** This policy is applicable to Environmental and Historic Preservation review under NEPA when an environmental assessment is necessary.
- VI. **AUTHORITY:** FEMA's environmental law compliance is governed by the National Environmental Policy Act of 1969, as amended (PL 91-190).
- VII. **OBJECTIVES:** To clarify requirements necessary for completed environmental assessments.
- VIII. **DEFINITIONS, ABBREVIATIONS, AND FORMATTING:**

CEQ	Council on Environmental Quality
EHP	Environmental and Historic Preservation
FEMA	Federal Emergency Management Agency
NHPA	National Historic Preservation Act
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
OEHP	Office of Environmental and Historic Preservation
REO	Regional Environmental Officer



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USACE	United States Army Corps of Engineers
USFWS	United States Fish and Wildlife Service
EA	Environmental Assessment

**IX. POLICY DETAILS:** When completing an environmental assessment, the FEMA regulations (44 CFR 10.9(c)) and the Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508) require that we involve affected Federal, State and local agencies and concerned groups to the extent practicable. In addition, however, there are numerous other requirements that must be considered in evaluating each project. Three that are of particular importance address:

1. The identification of historic, archeological or cultural resources which could require a Section 106 consultation under the National Historic Preservation Act (NHPA) with the State Historic Preservation Officer (36 CFR Part 800)
2. The occurrence of threatened or endangered species which could require a Section 7 consultation with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) (50 CFR Part 402)
3. The undertaking of any work, structure, or activity occurring in, or affecting any body of water in the United States, including wetlands and coastal waters which could require review by the U.S. Army Corps of Engineers (USACE) to determine whether a section 404 (40 CFR Part 6) permit under the Clean Water Act is required.

Each of these resources should be discussed in the “existing conditions” portion of the EA indicating a determination of whether they are or are not found in or near the project area. If it is shown that the project results in adverse impacts to any of these resources, then specifically defined procedures and consultations may be required and compliance with these procedures documented in the EA.

**X. ROLES & RESPONSIBILITIES:** It is FEMA’s responsibility to comply with all environmental and historic preservation laws. The Office of Environmental and



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Historic Preservation (OEHP) and all Regional Environmental Officers (REOs) are responsible for ensuring that all completed EA's have the above mentioned requirements.

- XI. **MONITORING AND EVALUATION:** OEHP will monitor the compliance objectives of this policy and, in accordance with Directive 112-12 will review, supersede or rescind the document if changes become necessary in order to ensure its fullest effectiveness.
- XII. **RESPONSIBLE OFFICE:** The Office of Environmental and Historic Preservation is the originating office for this policy document, with overall responsibility for policy updates and enforcement. If you have any questions, please contact Kristin Leahy, Environmental Officer at 202-646-2741.
- XIII. **SUPERSESSION:** This policy reissues Environmental Policy Memo #2, issued May 24 1994, and all previous guidance on this subject.
- XIV. **REVIEW DATE:** This policy will expire on December 18, 2016 OR be reviewed 3 years from the date of issuance in accordance with Directive 112-12.

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