

Unified Federal Review Process



Unified Federal Environmental and Historic Preservation Review: Fact Sheet for the State Governor's Office

Natural resources, cultural institutions and historic properties define communities and contribute to their well-being and unique character. The federal government plays a critical role in helping communities incorporate environmental stewardship and historic preservation into emergency management decisions. As disasters continue to challenge our nation and communities grapple with issues of preparedness and sustainability, federal agencies are working together with tribal, state and local agencies to continually improve upon the processes that are currently in place in order to support the needs of affected communities.

Environmental and Historic Preservation Review

Whenever federal funding is allocated for a disaster recovery project, the project must be reviewed for compliance with environmental and historic preservation (EHP) laws, regulations and executive orders. These are known as EHP requirements. These requirements are aimed at protecting water, air, coastal, wildlife, land, agricultural, historical and cultural resources, as well as minimizing the potential for disproportionately adverse effects to low-income and minority populations.

When federal agencies review applications for assistance, they must ensure compliance with EHP requirements before they can approve or deny federal assistance and permits for the disaster recovery project. These EHP reviews are performed by either an EHP practitioner or responsible entity, depending upon the federal agency from which an applicant is seeking funding.

In addition to the risk of federal prosecution and civil lawsuits, failure to comply with applicable EHP requirements may jeopardize project funding, so it is important that the applicant and grantee understand these requirements. An EHP review must be completed before permits can be issued and funding released.

The Unified Federal Environmental and Historic Preservation Review Process

The Sandy Recovery Improvement Act of 2013 (SRIA) added Section 429 to the Stafford Act, which directs the president to establish an expedited and unified interagency review process. The Unified Federal Environmental and Historic Preservation Review Process (UFR Process) was established on July 29, 2014, by eleven federal departments and agencies entering into a Memorandum of Understanding Establishing the UFR Process (UFR MOU). The UFR Process is intended to apply to all presidentially declared disasters. Its purpose 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. The UFR Process does not change EHP requirements under existing federal law.

A Steering Group consisting of the Advisory Council on Historic Preservation, the Council on Environmental Quality, the Department of Homeland Security and the Federal Emergency Management Agency have led the development of the UFR Process with the support of a working group, which encompasses a broader group of federal agencies that have various roles in disaster recovery and EHP expertise, to assist in developing a unified framework for EHP reviews for disaster recovery projects.

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The UFR Process consists of a set of Tools and Mechanisms that can be utilized to expedite and unify the EHP review of disaster recovery projects. The UFR Process was intentionally designed to be an adaptive and flexible process that can be modified to meet the needs of a specific disaster and the community affected by the disaster in order to strengthen communities from future disasters.

In addition to Tools and Mechanisms, the UFR Process established an improved coordination framework for EHP reviews and a new position for field operations during disasters, the UFR advisor, when needed. The UFR advisor may be a FEMA employee or an employee from one of the other federal agencies under the Natural and Cultural Resources Recovery Support Function of the National Disaster Recovery Framework (NDRF). The UFR advisor serves as a liaison between federal agencies and also helps identify and implement the use of the appropriate disaster-specific Tools and Mechanisms. The FEMA EHP advisor and/or FEMA regional environmental officer will be the lead in coordinating the UFR Process of interagency EHP compliance when the NDRF is not activated at a disaster and the UFR advisor is not deployed.

While the UFR Process is required to establish efficiencies for EHP reviews for presidentially declared disasters, it is the intent of the UFR Steering Group that the UFR Process, including Tools and Mechanisms, will be applicable to other disaster situations that are not covered under the Stafford Act. Application of the UFR Process could also apply to Hazard Mitigation Grant Program projects outside of the declared disaster area, and could even apply to non-disaster mitigation funding such as Flood Mitigation Assistance and Pre-Disaster Mitigation grants.

5 Elements of the UFR Process

- Formalizing the unification and standardization of EHP requirements.
- Developing standards and guidance for EHP practitioners to unify the federal review process.
- Developing interagency agreements that formalize roles, responsibilities and commitments of the UFR Process.
- Providing one stop source for EHP information and resources.
- Supporting the continued development of the NCR Recovery Support Functions as part of the NDRF.

How the State Governor Can Support EHP and the UFR Process

Early coordination with applicants and FEMA program staff

Given the SRIA directive to streamline and expedite the EHP review of disaster recovery projects, it is imperative that state hazard mitigation officers are engaged with FEMA Public Assistance and Hazard Mitigation staff early on at the Joint Field Office (JFO) during the application period so that EHP requirements can be made clear early in the process. These early applications are inherently part of the UFR Process. FEMA employees are available at the JFO to support communication between federal agencies involved in disaster response to help coordinate EHP reviews. The state may be the first to know or recognize the potential for applicants to utilize funding from multiple federal agencies for a proposed project. The applicant may rely on one agency for the bulk of funding and another agency to provide cost-share or match on the same grant project. The state should always inform FEMA of the early identification of potential cost-shares between federal agencies as this is an important part of the UFR Process. In addition, EHP staff may not be able to attend every kickoff meeting. In cases such as this, EHP staff could rely on state agency staff to deliver information on EHP reviews and the UFR Process.