

# Unified Federal Review Process



## Unified Federal Environmental and Historic Preservation Review: Fact Sheet for State Emergency Management Agencies

*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

Anytime 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 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 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 focuses on the federal EHP requirements applicable to disaster recovery projects following a presidentially declared disaster under the Stafford Act. Through the UFR Process, federal agencies that fund or permit disaster recovery projects and those that perform EHP reviews associated with those projects will coordinate their independent review processes leading to expedited decision making, which can result in efficient delivery of assistance and implementation of 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. 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

#### 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.

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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, the UFR advisor, when needed. 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 at a disaster when the National Disaster Recovery Framework<sup>1</sup> (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 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. The UFR Process could be applied to Hazard Management Grant Program projects outside of the declared disaster area or could even apply to non-disaster mitigation funding such as Flood Mitigation Assistance and Pre-Disaster Mitigation Grants.

## How the State Emergency Management Agency Can Support the UFR Process

State emergency managers play a key role in the UFR Process by often assessing damages to natural and cultural resources. The UFR Process acknowledges that preserving life and safety is the number one priority after an emergency or disaster; however, the process also recognizes the importance of safeguarding natural and cultural resources during the response period. To support the UFR Process state emergency managers should consider the following:

- Incorporate and consider natural and cultural resources into the development of state emergency management plans for response, recovery and planning activities. This should include working with state historic preservation officer (SHPO)/tribal historic preservation officer (THPO) and other state agencies to identify natural and cultural resources.
- After a disaster, work with the SHPO/THPO and other state agencies to identify natural and cultural resources on state lands that should be minimally impacted or avoided.
- Develop guidance on protecting natural and cultural resources in coordination with SHPO/THPO and other state agencies for first responders.
- Build partnerships with the SHPO/THPO and other state agencies to strengthen communication lines so that roles and responsibilities are clearly defined in the event of an emergency or disaster.

## *Early coordination with applicants and FEMA program staff*

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 because 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 to 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 with Public Assistance. In cases such as this, EHP staff will rely on Public Assistance and state agency staff to deliver information on EHP reviews and the UFR Process.

<sup>1</sup> For more information on the NDRF please visit: <http://www.fema.gov/national-disaster-recovery-framework>.