

# Unified Federal Review Process



## Unified Federal Environmental and Historic Preservation Review: Fact Sheet for Tribal Emergency Managers

*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 tribes incorporate environmental stewardship and historic preservation into emergency management decisions. As disasters continue to challenge our nation and tribes grapple with issues of preparedness and sustainability, federal agencies are working together with tribes, states 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 *natural and cultural resources* which include 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 reviews are known as EHP reviews and are performed by an EHP practitioner at a federal agency or responsible entity 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. Project funds and permits will not be released until EHP reviews are complete and the project has been approved and obligated by the funding agency.

### The Unified Federal Environmental and Historic Preservation Review Process (UFR Process)

The UFR Process was established on July 29, 2014, by the execution of a Memorandum of Understanding Establishing the UFR Process among several federal agencies involved in disaster recovery assistance. The UFR Process focuses on the federal EHP requirements applicable to disaster recovery projects following a presidential disaster declaration under the Stafford Act. Through the UFR Process, federal agencies that fund or permit disaster recovery projects, as well as those that perform EHP reviews associated with those projects will coordinate their independent review processes to support an expedited decision-making process. Expedited decision making can result in efficient delivery of assistance and implementation of recovery project funding for federal assistance applicants. The UFR Process also recognizes

#### How is a disaster recovery project defined under the UFR Process?

It is defined as an action or project taken after the immediate threat to life and property in a presidentially declared disaster has been addressed and which action (1) is subject to federal involvement by reason of federal funding (in whole or in part), federal permitting, or other federal approval; and, (2) is to (a) restore a community's facilities to pre disaster condition or to pre disaster capacity with such changes as may, for example, aid efficiency, resilience or sustainability in those capabilities, or (b) provide hazard mitigation activities.

#### What are cultural resources and natural resources?

Cultural resources include sacred sites, archeological sites and archeological collections, as well as historic properties that may not be eligible for the National Register of Historic Places.

Natural resources covers a wide array of resources to include land, air, fish, wildlife, water and biota, Water means salt and fresh water, ground and surface water used for drinking, irrigation, aquaculture and recreational purposes, as well as in its capacity as a fish and wildlife habitat.

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the important role of tribes, states, localities and the general public in working together with federal agencies to effectively coordinate in EHP reviews. The UFR Process does not change EHP requirements under existing federal law.

## How Tribal Emergency Managers Can Support the UFR Process

Tribal 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 tribal emergency managers should consider the following:

- Incorporate and consider natural and cultural resources into the development of tribal 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 tribal agencies to identify natural and cultural resources.
- After a disaster, work with the SHPO/THPO and other tribal agencies to identify natural and cultural resources on tribal lands that should be minimally impacted or avoided.
- Develop guidance on protecting natural and cultural resources in coordination with SHPO/THPO and other tribal agencies for first responders.
- Build partnerships with the SHPO/THPO and other tribal 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*

Early coordination with FEMA Public Assistance and Hazard Mitigation staff at the Joint Field Office (JFO) to identify EHP requirements will expedite the application process. These early coordination efforts are inherently part of the UFR Process and will provide time-savings in the long-term. FEMA staff is available at the JFO to support communication between federal agencies involved in disaster response to help coordinate EHP reviews. Tribal staff 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. Tribal staff 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 tribal agency staff to deliver information on EHP reviews and the UFR Process.

## Tribal Disaster Declarations

On January 29, 2013, President Obama signed the Sandy Recovery Improvement Act of 2013 (SRIA). The Act included a provision to provide federally recognized tribal governments the option to request a presidential emergency or major disaster declaration independent of a state. Tribal governments may still choose to seek assistance under a state declaration request. FEMA will develop declaration procedures specifically for tribal governments that take into account the unique circumstances that affect tribal communities, but are currently using declarations regulations used for state requests. This change reflects tribal governments as sovereign entities and allows tribal governments to determine how they want to seek assistance. For information on the FEMA tribal disaster declaration, please see FEMA's pilot guidance currently under review:

<http://www.fema.gov/media-library-data/1396364830332-2fb965ca421ca78de333ed02c0b5fa47/First+Draft+Tribal+Declarations+Pilot+Guidance.pdf>

For more information on the UFR Process, please visit the UFR Webpage at: <http://www.fema.gov/environmental-historic-preservation/unified-federal-environmental-and-historic-preservation-review>