

# Memorandum of Understanding Establishing the Unified Federal Environmental and Historic Preservation Review Process for Disaster Recovery Projects

## I. Purpose

The Department of Homeland Security (DHS); the Department of Transportation (DOT); the U.S. Department of Housing and Urban Development (HUD); the U.S. Environmental Protection Agency (EPA); the Department of the Army (Civil Works); the Department of the Interior (DOI); the Department of Commerce (DOC); the Department of Agriculture (USDA); the Department of Energy (DOE); the Advisory Council on Historic Preservation (ACHP); and the Council on Environmental Quality (CEQ) (collectively, the “Parties,” or individually, a “Party”) enter into this Memorandum of Understanding (MOU) to establish the Unified Federal Review (UFR) process for conducting environmental and historic preservation reviews for Disaster Recovery Projects, as called for by the Sandy Recovery Improvement Act of 2013 (Pub. L. 113–2, div. B, §1106, Jan. 29, 2013, 127 Stat. 45).

Consistent with existing authorities, this MOU enhances the working relationships of the Parties by reflecting newly focused executive commitments to utilize existing and new tools to expedite and unify the process for completing environmental and historic preservation reviews required for Disaster Recovery Projects while maintaining the technical rigor and public participation associated with those reviews.

## II. Background

The Sandy Recovery Improvement Act of 2013 added Section 429 to the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Pub. L. 93-288, as amended, 42 U.S.C. 5121 et. seq.) (the “Stafford Act”) calling for an expedited and unified interagency review process to ensure compliance with environmental and historic preservation review requirements under Federal law relating to Disaster Recovery Projects, in order to accelerate the recovery process, consistent with applicable law.

DHS and specifically its component FEMA have responsibility for implementing the Stafford Act and, together with CEQ and ACHP, have led the interagency development of the UFR Process. The UFR Process established by this MOU builds upon existing efforts to expedite project reviews, such as the work of the Steering Committee on Federal Infrastructure Permitting and Review Process Improvement established under Executive Order 13604.

## III. Definitions

For the purposes of this MOU:

*Disaster Recovery Project* means an action 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, post-disaster needs resulting from changed circumstances, or sustainability in those capabilities, or (b) provide hazard mitigation activities.

*Note:* An action may be a disaster recovery project even while other "disaster response" actions continue to neutralize ongoing threats to the preservation of life and other property. There is no calendar deadline after which projects to restore a semblance of normal life in a disaster area are no longer considered disaster recovery projects. An action may be preliminary to actual restoration, such as providing debris removal or temporary housing. Furthermore, a community's facilities may include those that are man-made or part of the natural environment, whether in public or private ownership.

*Disaster-Specific Mechanism* means either the disaster-specific Memorandum of Understanding or the Data Sharing Agreement Content.

See Appendix A for descriptions of these and other mechanisms of the UFR.

*Environmental and Historic Preservation Reviews or EHP Reviews* means the Federal review necessary to comply with environmental and historic preservation law.

*Federal Agency Decision* means any approval, disapproval, concurrence, or non-concurrence by a Federal agency that is required as part of the EHP review process associated with providing Federal funding or a Federal permit, license, or other determination necessary for a Disaster Recovery Project to proceed.

*Steering Group Agencies* or, *Steering Group* means DHS, including specifically FEMA, CEQ, and ACHP.

#### IV. Authorities

##### General

Section 429 of the Stafford Act requires the President, in consultation with the Council on Environmental Quality and the Advisory Council on Historic Preservation, to develop a unified interagency review process to ensure compliance with environmental and historic requirements under Federal law relating to Disaster Recovery Projects in order to expedite the recovery process, consistent with applicable law.

##### DHS

The Department of Homeland Security enters into this agreement by the authority granted by section 429 of the Stafford Act and by delegation of the President. The specific

involvement of FEMA is by delegation of the Secretary of Homeland Security and authority granted by Title IV of the Stafford Act.

DOT

The Department of Transportation enters this MOU pursuant to 49 U.S.C. § 301.

HUD

The authority for the Department of Housing and Urban Development to enter this MOU is sections 2 and 3 of the Department of Housing and Urban Development Act (42 U.S.C. § 3531 and 3532).

EPA

The authority for the Environmental Protection Agency to enter into this MOU includes Section 102(2)(G) of the National Environmental Policy Act, 42 U.S.C. § 4332(2)(G), Section 104(b)(2) of the Clean Water Act (33 U.S.C. § 1254(b)(2)), and Section 103(b)(2) of the Clean Air Act (42 U.S.C. § 7403(b)(2)).

Department of the Army (Civil Works)

The authority for Department of the Army (Civil Works) to enter into this MOU are pursuant to its responsibilities under Section 404 of the Clean Water Act (33 U.S.C. § 1344), Sections 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. § 401, 403), and Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33 U.S.C. § 1413).

DOI

The Department of the Interior authorities include, but are not limited to the ESA (16 U.S.C. § 1531 et seq.), the Bald and Golden Eagle Protection Act, 16 U.S.C. § 668-668c, and the Migratory Bird Treaty Act (16 U.S.C. § 703 et seq.), the Archaeological Resources Protection Act, 16 U.S.C. § 470aa-mm, the National Historic Preservation Act, 16 U.S.C. § 470 et seq., and the Native American Graves Protection and Repatriation Act of 1990, 25 U.S.C. § 3001 et seq.

DOC

The authorities for the Department of Commerce to enter into this MOU are as follows: NOAA, 16 U.S.C. § 1361 et seq.; 16 U.S.C. § 661 et seq.; 16 U.S.C. § 1531 et seq.; 16 U.S.C. § 1801 et seq., 16 U.S.C. § 1451 et seq.; 16 U.S.C. § 1431 et seq.; EDA, 42 U.S.C. § 3121 et seq.

USDA

The authority for the Department of Agriculture to enter into this MOU is the Agriculture Credit Act of 1978 (16 U.S.C. § 2201 et seq.) and the Organic Administration Act of 1897 (16 U.S.C. § 473-475, 477-482, 551).

DOE

The Department of Energy enters into this agreement pursuant to section 646 of the Department of Energy Organization Act (42 U.S.C. § 7256).

ACHP

The Advisory Council on Historic Preservation enters into this MOU in accordance with 16 U.S.C. § 470j(a)(1) and (6).

CEQ

The authority for the Council on Environmental Quality to enter into this MOU is the National Environmental Policy Act (42 U.S.C. § 4321 et seq.).

V. Commitments of the Parties to the UFR Process

The Steering Group Agencies, collectively or individually, as appropriate, will:

1. Provide staffing and resources to lead the implementation and support future activities of the UFR Process.
2. Conduct regular meetings of the Parties' points of contact to coordinate the implementation and continued development of the UFR Process during the first twelve months following the execution of this MOU.
3. Document and apply lessons learned during implementation of the UFR Process and regularly convene meetings to provide guidance and make decisions on the continued development and implementation of the UFR Process.
4. Review the UFR Process annually and update the UFR Process, as necessary and consistent with the provisions of this MOU.
5. Provide current information about this MOU and the tools and mechanisms addressed herein to any Federal agency that subsequently acquires a role or responsibility in a Federal Agency Decision as defined in this MOU.
6. Make available to the Parties and State, Local, and Tribal entities, the mechanisms and tools set forth in appendices A and B.
7. Conduct training for Federal disaster recovery leadership (see Appendix C: Roles and Responsibilities).
8. Oversee the implementation of the UFR Advisor position (see Appendix C: Roles and Responsibilities).

In fulfillment of their roles and responsibilities outlined in Appendix C: Roles and Responsibilities, the Parties will:

1. Each provide and fund its own staff and resources for efforts under this MOU and attend regular meetings to implement and continue the development of the UFR Process and resulting agreements.
2. Designate one or more appropriate point(s) of contact (POC) to coordinate implementation of the UFR Process.
3. Exercise flexibility in conducting EHP reviews, wherever possible and practicable, to achieve a coordinated review process.
4. Implement the mechanisms and tools of the UFR set forth in appendices A and B to this MOU to provide, as expeditiously as possible, the necessary Federal Agency Decision for which the Party is responsible.

5. Take the steps necessary to achieve readiness to implement the UFR, to include:
  - a. Disseminate, within 90 days of entering this MOU, the UFR Guidance for EHP Practitioners to all its component offices (e.g., headquarters and field offices) for use in performing pre-disaster planning and reviewing Disaster Recovery Projects.
  - b. Provide training on the UFR to agency staff identified for deployment to support the UFR Advisor or engaged in Disaster Recovery Project reviews.
  - c. Make available, within 90 days of its completion, the EHP Guidance for Federal Disaster Recovery Assistance Applicants document on Federal agency websites that identify relevant Federal funding opportunities from their agency.
  - d. Respond to requests by FEMA to verify the following information on a quarterly basis: agency website URLs, agency POC information, and training opportunities.
6. Participate in the development of Disaster Specific Mechanisms when the Federal disaster recovery leadership, in consultation with the UFR Advisor, the EHP Advisor (EHAD, see Appendix C: Roles and Responsibilities), and the Parties' regional EHP officers or other designated official, determines any such mechanism is necessary to expedite and unify EHP reviews during disaster recovery, including such mechanisms as:
  - a. Disaster-specific Memoranda of Understanding (Disaster-specific MOU) to specify roles and responsibilities, leverage pre-existing agreement documents, and outline data to facilitate an efficient and coordinated EHP review process.
  - b. Data sharing agreements to facilitate the exchange of data and information that may be needed to perform environmental or historic preservation reviews for Disaster Recovery Projects.
7. Provide the Steering Group, upon FEMA request and as needed, with lessons learned during implementation of the UFR Process, the Parties' perspective on the UFR Process, and guidance, agreements, and templates that may inform the further development of the UFR Process.
8. Align EHP reviews with those of other Federal agencies jointly funding a Disaster Recovery Project using the tools and mechanisms identified in the Unified Federal Review Guidance for EHP Practitioners and, where appropriate, adopt EHP reviews conducted by another agency when that review would satisfy all or part of the review required.
9. Provide technical assistance to agencies and the Steering Group on ways to create efficiencies in EHP reviews after a disaster, including the development of programmatic approaches that support the UFR.
10. Provide notification to the Federal Coordinating Officer (FCO), as soon as is practicable, that the Party is providing funding for one or more Disaster Recovery Projects in a Presidentially-declared disaster area for which that FCO has responsibility.

## VI. Issue Elevation

Any issue or dispute that arises between or among the Parties during the course of the EHP review associated with a Disaster Recovery Project shall be addressed expeditiously to avoid delay in making the Federal Agency Decision(s) on a proposed project. This provision is intended to ensure that all Parties work as collaboratively and quickly as possible to resolve any issues or disputes that could delay a Federal Agency Decision. If there is a dispute resolution process established in an applicable law, regulation, or a legally binding agreement then it will be implemented using, to the maximum extent practicable, the timeframes in this provision.

Federal agencies involved in reaching a Federal Agency Decision(s) for a proposed Disaster Recovery Project will seek to resolve issues or disputes at the earliest possible time through discussion at the lowest appropriate organizational level, i.e., project-level staff who have day-to-day involvement in a project. If an issue cannot be resolved through meetings among the project-level staff, then the staff will notify the appropriate agency personnel having regional management responsibilities over this issue. The regional management staff will enter discussions to resolve the issue or dispute and will have ten days in which to do so, unless, at the end of the ten day period, all regional management staff involved in the issue or dispute agree that progress toward resolution is being made, in which case the discussions may be extended for an additional ten days. Where appropriate, the project applicant should be engaged and its issues should also be addressed through this collaborative process.

Should discussions among those regional managers fail to achieve resolution within 20 days or where there are no such personnel with regional management responsibilities in an agency involved, then the dispute will be elevated to a senior agency official at the agency's headquarters office. The senior agency official will promptly contact his/her counterparts at the other agencies involved in the dispute to expeditiously address the matter and to avoid delay in the timely completion of the Federal Agency Decision. If a resolution of the matter cannot be achieved at this level the matter will be elevated to the relevant signatories of this agreement for resolution.

If an agency has vested, by regulation, the ultimate decision making authority for a Federal Agency Decision in a particular agency official, then that official will participate as the senior agency official, but will notify their headquarters office of the nature of the issue and their participation in this process.

In the event a matter is elevated to the signatories of this MOU and FEMA was not already a Party to the issue elevation process, then the FEMA Administrator will join the process.

As appropriate, the agency whose Federal Agency Decision is the subject of the issue or dispute will provide the other agencies involved in the issue or dispute with the necessary guidance and direction regarding the proper application of its relevant authorities. Nothing herein precludes any Party involved in the issue from consulting with relevant offices of other executive branch departments or agencies.

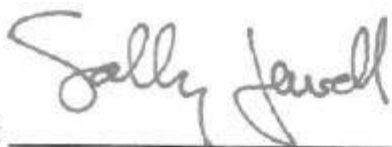
## VII. Administrative Provisions

1. Nothing in this MOU is intended to or will be construed to change the legal authorities or responsibilities of the Parties including those applicable to preliminary and final action on permits, licenses, or any other Federal Agency Decision required for Federal decisions on proposed Disaster Recovery Projects.
2. Nothing in this MOU obligates the Parties to any current or future expenditure of resources beyond those legally available and specifically does not obligate any Party to expend funds not appropriated by Congress, nor is this an obligation of funds document.
3. Nothing in this MOU is intended to or will be construed to restrict the Parties from participating in any other activities or arrangements with public or private agencies, organizations, or individuals.
4. This MOU is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
5. Any public statement on behalf of the Parties shall be coordinated with all the Parties, through the Steering Group.

## VIII. Effective Date, Modification, and Termination

1. This MOU is effective July 29, 2014, and as to any Federal agency which is not a signatory as of that date, upon signature by the head of the agency.
2. This MOU shall not be modified except (a) through written agreement executed by all Parties, or (b) in the case of accession, without other modification, through the signature of the head of a Federal agency with a newly acquired role or responsibility in a Federal Agency Decision as defined in this MOU signifying its commitment to the terms and conditions herein or as amended by all Parties. Modifications which do not make fundamental changes to central provisions of the MOU may be signed by an appropriate official by designation or delegation. The head of any agency making such delegation will notify the FEMA Administrator of any such delegation or designation.
3. Any Party may terminate participation in this MOU 30 days after providing written notice signed by the head of the agency to the other Parties. Any Party which, by its own regulations cannot enter into an MOU which extends beyond a specified term of years will notify the FEMA Administrator of such term and will be deemed to terminate participation at the end of such specified term unless it notifies the other Parties of its continued participation prior to the expiration of that term.

IX. Signatories

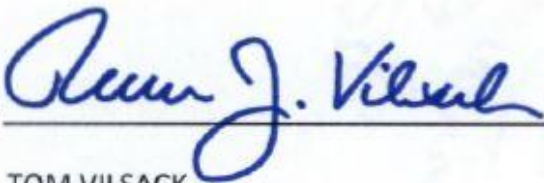


By: \_\_\_\_\_

SALLY JEWELL  
SECRETARY OF THE INTERIOR

JUL 23 2014

Date: \_\_\_\_\_

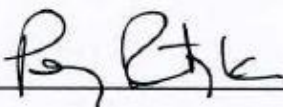


By: \_\_\_\_\_

TOM VILSACK  
SECRETARY OF AGRICULTURE

JUL 25 2014

Date: \_\_\_\_\_

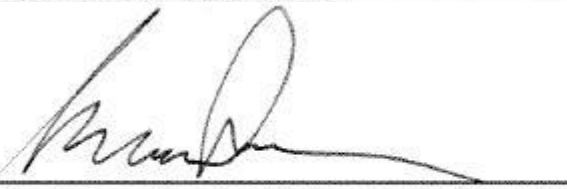


By: \_\_\_\_\_

PENNY PRITZKER  
SECRETARY OF COMMERCE

JUL 22 2014

Date: \_\_\_\_\_



By: \_\_\_\_\_

SHAUN L. S. DONOVAN  
SECRETARY OF HOUSING AND URBAN DEVELOPMENT

7/18/14

Date: \_\_\_\_\_



By: \_\_\_\_\_

ANTHONY R. FOXX  
SECRETARY OF TRANSPORTATION

30-7-14

Date: \_\_\_\_\_



By: 

ERNEST J. MONIZ  
SECRETARY OF ENERGY

Date: JUL 24 2014

By: 

JEH CHARLES JOHNSON  
SECRETARY OF HOMELAND SECURITY

Date: JUL 29 2014

By: 

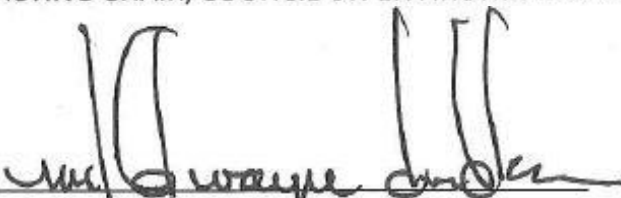
BOB PERCIASEPE  
DEPUTY ADMINISTRATOR, ENVIRONMENTAL PROTECTION AGENCY

Date: 7-24-2014

By: 

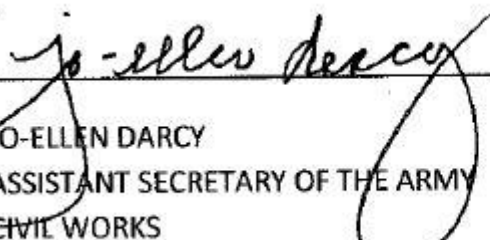
MICHAEL J. BOOTS  
ACTING CHAIR, COUNCIL ON ENVIRONMENTAL QUALITY

Date: 07/17/14

By: 

MILFORD WAYNE DONALDSON  
CHAIRMAN, ADVISORY COUNCIL ON HISTORIC PRESERVATION

Date: 16 JUL 2014

By: 

JO-ELLEN DARCY  
ASSISTANT SECRETARY OF THE ARMY  
CIVIL WORKS

Date: July 17, 2014

## Appendix A: Unified Federal Review (UFR) Mechanisms

The Unified Federal Review Mechanisms include:

A. Unified Federal Review Guidance for Environmental and Historic Preservation (EHP) Practitioners

A guidance document that describes, defines, and establishes a consistent UFR Process, information requirements, and best practices for EHP reviews of disaster recovery projects. The guidance walks EHP practitioners through the UFR Process during a typical disaster recovery timeline and explains how to utilize and incorporate UFR mechanisms and tools during EHP reviews.

B. Prototype Programmatic Agreement (PPA) for Section 106 of NHPA

In December 2013, the ACHP designated a FEMA PPA for FEMA's Section 106 compliance, allowing FEMA to use the PPA as a basis for negotiation of state-specific programmatic agreements. This ACHP-approved PPA may be used after consultation with the relevant state historic preservation officers (SHPOs), state emergency management agencies (SEMAs), Indian tribes, Native Hawaiian organizations, and other consulting parties, and proper execution, to address State-specific approaches to disaster recovery. The executed agreement will govern FEMA's Section 106 review responsibilities in a given State, including for FEMA funded disaster recovery projects. An accompanying frequently asked questions document developed by the ACHP addresses when and how other Federal assistance agencies can become signatories to FEMA Statewide Programmatic Agreements, or how they may develop their own PPAs modeled after the FEMA version.

C. Disaster-Specific Memorandum of Understanding

This template disaster-specific memorandum of understanding and its accompanying implementation process provide a ready framework for developing disaster-specific interagency coordination necessary during the recovery from disasters. This mechanism provides the Parties with the flexibility needed to tailor and specify their coordination efforts to the needs of particular recovery projects. Federal disaster recovery leadership, in consultation with the UFR Advisor, the EHP Advisor, and the Parties' regional EHP officers or other designated official, will make an initial determination if a disaster-specific MOU is necessary; if so, the necessary Parties will convene with the necessary State, Local, and Tribal entities to develop the MOU, with the assistance of the UFR Advisor.

D. Data Sharing Agreement Content

A compilation of content areas for parties to consider when developing data sharing agreements, sample language from previous agreements, examples of EHP-related data sharing agreements, and a compilation of existing digital data standards for natural and cultural resources in particular, as well as general standards for Geographic Information Systems (GIS) data. Federal disaster recovery leadership, in consultation with the UFR

Advisor, the EHP Advisor (EHAD, see Appendix C), and the Parties' regional EHP officers or other designated official, will make an initial determination if a disaster-specific Data-Sharing Agreement is necessary; if so, the necessary Parties will convene with the necessary State, Local, and Tribal entities to develop the agreement, with the assistance of the UFR Advisor.

## Appendix B: Unified Federal Review Tools

The Unified Federal Review Tools include:

- A. UFR Webpage on [www.fema.gov](http://www.fema.gov)  
A one-stop source of information for Applicant and EHP Practitioners to navigate EHP reviews for disaster recovery projects. The UFR Webpage contains all of the UFR Tools and Mechanisms, organized so that EHP practitioners and Applicant are directed toward the UFR Tools and Mechanisms relevant to their role in the EHP Review. The UFR Webpage also contains a UFR Library, which is a compilation of EHP requirements, best practices, and existing interagency agreements.
- B. EHP Agency Point of Contact List  
A national reference tool that provides EHP practitioners, as well as applicants for Federal assistance, with access to agency contact information to support the EHP review process.
- C. EHP Guidance for Federal Disaster Recovery Assistance Applicants  
An information tool available to applicants for Federal disaster relief providing an overview of the UFR Process and information on EHP review requirements.
- D. IT Resources List  
A matrix of existing IT resources (e.g., databases, decision support systems, websites, GIS mapping tools, and authoritative data set sources) that are useful in obtaining the various kinds of information needed in performing an EHP review of disaster recovery projects and/or that are used to perform such a review itself.
- E. EHP Disaster Recovery Skills Checklist  
A checklist to assist the coordinating agency of the Natural and Cultural Resources Recovery Support Function (NCR RSF) in identifying appropriate staff to deploy in support of UFR EHP review process.
- F. Unified Federal Review Training
  - i. EHP UFR Disaster Recovery Training  
Training for agency staff deploying under the NCR RSF that will provide information on the UFR EHP review process encountered during disaster recovery.
  - ii. Training for Recovery Leadership  
Executive-level training that provides the FDRC and Federal Coordinating Officer with information on the UFR EHP process. The training will cover roles and responsibilities, key issues of which coordinators should be aware, and potential obstructions to efficient EHP processes that could trigger the need for a UFR Advisor.
- G. Data Standards List

The Data Standards List is a compilation of existing digital data standards for natural and cultural resources and general standards for Geographic Information Systems (GIS) data. This should be used in conjunction with the Data Sharing Agreement Content.

H. Template Environmental Checklist for FEMA and HUD

This template and its accompanying instructions are designed for use by the Federal Emergency Management Agency (FEMA) and the Department of Housing and Urban Development's (HUD) Responsible Entities (RE) when jointly funding multiple similar projects (e.g. the large scale rebuilding or elevation of single family homes following a major hurricane). This guidance provides a blueprint for the agencies to adopt a large number of NEPA reviews conducted by another agency.

## Appendix C: Unified Federal Review Roles and Responsibilities

The roles and responsibilities of the Parties under the UFR Process for environmental and historic preservation reviews following a Presidentially-declared disaster are as follows:

- Department of Homeland Security-  
DHS, through its Office of the Chief Readiness Support Officer Sustainability and Environmental Programs, supports the role of its components, including FEMA, in their efforts to ensure environmental and historic preservation compliance associated with Disaster Recovery programs and projects relating to Presidentially-declared disasters.
  - FEMA, as Executive Agent for DHS, and its Office of Environmental Planning and Historic Preservation (OEHP), will continue to manage the establishment and implementation of the UFR, in consultation with CEQ and ACHP, and will coordinate with FEMA programs and regional offices on policy and guidance, and the environmental and historic preservation (EHP) disaster workforce to support UFR implementation. OEHP will also train specific positions in its EHP disaster workforce to fill the role of UFR Advisor, or from Headquarters, when required to support disaster recovery efforts.

FEMA OEHP will coordinate with the Department of Housing and Urban Development to clarify NEPA processes for disaster recovery projects. Specifically, FEMA OEHP and HUD will identify policies and procedures that can be implemented to ensure that NEPA reviews performed by either agency can be adopted by the other. These policies and procedures will address subjects such as the scope of the review performed, tiering of reviews, and segmentation of reviews.

FEMA OEHP will coordinate with U.S. Fish and Wildlife Service to develop additional MOUs to clarify roles and responsibilities under Section 7 of the Endangered Species Act and to clarify regulations, roles and responsibilities regarding the provision of disaster assistance consistent with the purposes of the Coastal Barrier Resources Act.

FEMA's program offices will plan for and anticipate when the Unified Federal Review process will be appropriate for programs and projects that will involve FEMA funding, and will conduct environmental and historic preservation compliance reviews consistent with the UFR for disaster recovery projects through the various programs of the Stafford Act, or through other programs that are occurring in communities for which disaster recovery is underway.

- Environmental and Historic Preservation Advisor (EHAD)-  
The EHAD serves as the principal EHP expert and advisor on the incident and the primary point of contact for coordinating compliance review.

- Federal disaster recovery leadership-  
 The Federal disaster recovery leadership consists of the Federal Coordinating Officer, the Federal Disaster Recovery Coordinator, and other senior FEMA officials, who coordinate Federal disaster response and recovery activities along with State, Local, and Tribal activities. Federal disaster recovery leadership, in consultation with the UFR Advisor, the EHAD, and the Parties regional EHP officers, will make an initial determination if a Disaster-Specific Mechanism of the UFR Process is necessary. The Federal disaster recovery leadership may activate the UFR Advisor. In the absence of a designated UFR Advisor, the Federal disaster recovery leadership, through the EHAD is responsible for UFR coordination.
  
- National Disaster Recovery Framework-  
 The NDRF provides guidance that enables effective recovery support to disaster-impacted states, tribes, and local jurisdictions. It provides a flexible structure that enables disaster recovery managers to operate in a unified and collaborative manner. It also focuses on how best to restore, redevelop, and revitalize the health, social, economic, natural, and environmental fabric of the community and build a more resilient Nation.
  
- UFR Advisor-  
 The UFR Advisor, if deployed by Federal disaster recovery leadership, will:
  - Act as a liaison between the agencies to promote unification during environmental and historic preservation reviews;
  - Assist the Parties in negotiating Disaster-Specific Mechanisms deemed necessary by identifying cooperating agencies and State, Local, and Tribal entities as necessary parties to the agreements and their roles and responsibilities.
  - Facilitate participation of Federal, State, Local, and Tribal entities to complete unified reviews to include working level meetings to share information and discuss issues.
  - Participate in the NCR RSF coordination meetings to identify compliance needs and strategies.
  - Work with Federal disaster recovery leadership, the Parties, State, Local, and Tribal applicants, and non-governmental organizations to identify needs related to EHP reviews and the UFR.
  - Work with the Recovery Support Functions under the NDRF, the UFR Steering Group, and the working group which supports the Steering Committee on Federal Infrastructure Permitting and Review Process to prioritize recovery projects that require coordinated EHP compliance.
  
- The United States Coast Guard, under 33 USC 525, has authority to issue permits for bridges over navigable waters of the United States. Most infrastructure repairs do not require a bridge permit from the Coast Guard unless the repair affects the approved navigation clearances or approved configuration of the bridge. In

addition, temporary repairs or replacement of severely deteriorated or damaged bridges or construction of new temporary bridges to meet emergency land transportation requirements may be authorized without a Coast Guard bridge permit. This authorization is limited to the minimum period of time required for the bridge to return to normal operation. Permanent retention of any temporary bridge, or construction of a new permanent bridge, will be subject to a Coast Guard bridge permit.

- Department of Transportation-  
DOT operating agencies including those specifically with Emergency Relief Programs will carry out the UFR Process.
  - Federal Highway Administration-  
The FHWA will fulfill its responsibilities for Disaster Recovery Projects under its Emergency Relief Program consistent with the UFR Process.
  - Federal Transit Administration-  
The FTA will fulfill its responsibilities for Disaster Recovery Projects under its Emergency Relief Program consistent with the UFR Process.
- Department of Housing and Urban Development-  
HUD will fulfill its responsibilities for Disaster Recovery Projects under its Community Development Block Grant (CDBG) and other programs, consistent with the UFR Process and will assist its Responsible Entities receiving CDBG-Disaster Recovery funding, through training and technical support, to participate in the UFR Process.

HUD will coordinate with FEMA OEHP to clarify NEPA processes for disaster recovery projects. Specifically, FEMA OEHP and HUD will identify policies and procedures that can be implemented to ensure that NEPA reviews performed by either agency can be adopted by the other. These policies and procedures will address subjects such as the scope of the review performed, tiering of reviews, and segmentation of reviews.

- Environmental Protection Agency-  
The EPA will fulfill its responsibilities relevant to the Disaster Recovery Projects, including, but not limited to, commenting on Federal agency EIS(s) under section 309 of the Clean Air Act (CAA) and other National Environmental Policy Act (NEPA) documents, and exercising the authority to participate in the Clean Water Act (CWA) section 404 permit process. In this regard, EPA, in coordination with the USACE, will review Disaster Recovery Projects that involve the discharge of dredged or fill material in waters of the United States for compliance with the CWA Section 404(b)(1) Guidelines. Additionally, EPA has authority to issue and/or review state and tribe-based permits under the CAA or for activities that involve discharges of pollutants subject to the requirements of the National Pollutant Discharge Elimination System, established under section 402 of the CWA.



The Resource Conservation and Recovery Act (RCRA) gives EPA the authority to control hazardous waste from the "cradle-to-grave," including the generation, transportation, treatment, storage, and disposal of hazardous waste. Many states have been authorized to implement their own hazardous waste programs. In addition, the Comprehensive Environmental Response and Compensation Liability Act (CERCLA, commonly referred to as Superfund) also authorizes EPA to take response actions at contaminated sites.

- Department of the Army Civil Works-  
Department of Army Civil Works has delegated its authority to the U.S. Army Corps of Engineers for administering laws for the protection and preservation of waters of the United States, pursuant to requirements of Section 10 of the Rivers and Harbors Act of 1899 (Section 10), Section 404 of the Clean Water Act of 1972 (Section 404), and Section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (Section 103). Under Section 10, the USACE may authorize work and/or structures in or affecting the course, condition, location, or capacity of navigable waters of the United States. Under Section 404, the USACE may authorize the discharge of dredged or fill material into waters of the U.S., including wetlands, where the USACE determines the proposed action is the least environmentally damaging practicable alternative. Under Section 103, the USACE may authorize the transportation of dredged material excavated from navigable waters of the U.S. for purposes of disposal in ocean waters.
  
- Department of the Interior-  
Bureaus and offices in the Department of the Interior will fulfill their responsibilities for Disaster Recovery Projects consistent with the UFR process. In addition, certain DOI bureaus and offices have specific roles in environmental and cultural resources reviews, as follows:
  - National Park Service-  
The NPS will provide reviews, consultations, determinations, and opinions, as authorized and applicable, pertaining to cultural resources under the Archaeological Resources Protection Act, the National Historic Preservation Act, the Native American Graves Protection and Repatriation Act, and other authorities.
  
  - U.S. Fish and Wildlife Service-  
Consistent with its principal trust responsibility to protect and conserve migratory birds, threatened and endangered species, certain marine mammals, and inter-jurisdictional fish, the FWS will work with those Parties who provide funding for Disaster Recovery Projects and project applicants to provide necessary permits, reviews, consultations, and opinions under the Endangered Species Act, Coastal Barrier Resources Act, Migratory Bird Act, Marine Mammal Protection Act, Wild and Scenic Rivers Act and the Bald and Golden Eagle Protection Act.

FWS will coordinate with FEMA OEHP to develop additional MOUs to clarify roles and responsibilities under Section 7 of the Endangered Species Act and to

clarify regulations, roles and responsibilities regarding the provision of disaster assistance consistent with the purposes of the Coastal Barrier Resources Act.

- Natural and Cultural Resources Recovery Support Function-  
DOI, as coordinating agency for NCR RSF, will work with the NCR RSF to support the UFR Advisor's identification and resolution of UFR related needs during disasters for which the NCR RSF is activated. The NCR RSF coordinator will utilize the UFR's EHP Disaster Recovery Skills Checklist to identify qualified volunteers who are available from the supporting agencies to deploy in support of the UFR Process and provide those volunteered staff with access to the EHP UFR Disaster Recovery Training for NCR RSF Deployment.
- Department of Commerce-
  - National Oceanic and Atmospheric Administration – Consistent with its authorities, the National Ocean Service will work to assist state Coastal Zone Managers to engage with Federal agencies and use the UFR Process during the recovery.
  - Consistent with its authorities, the National Marine Fisheries Service will work with those Parties who provide funding for Disaster Recovery Projects and project applicants to provide the permits, reviews, consultations, and opinions necessary under the Endangered Species Act, the Magnuson Stevens Fishery Conservation and Management Act, and National Marine Sanctuaries Act, and authorizations issued pursuant to the Marine Mammal Protection Act.
  - Economic Development Administration – The EDA will fulfill its responsibilities for Disaster Recovery Projects under its Disaster Relief Funding Opportunity program consistent with the UFR Process.
- U.S. Department of Agriculture-
  - Farm Service Agency-  
FSA will fulfill its responsibilities for Disaster Recovery Projects under its authorized disaster assistance programs consistent with the UFR process.
  - U.S. Forest Service-  
USFS will fulfill its responsibilities for Disaster Recovery Projects under its land management responsibilities consistent with the UFR Process, including following established procedures for determining the impact of Presidentially-declared disasters on: historic properties within its inventory; activities taken pursuant to the Wild and Scenic Rivers Act; expedited emergency consultation under section 7 of the Endangered Species Act with Department of Interior/Fish and Wildlife Service and Department of Commerce/National Marine Fisheries Service.
  - Natural Resources Conservation Service-  
NRCS will fulfill its responsibilities under its disaster assistance program consistent with the UFR Process.

- Rural Utilities Service-  
RUS will fulfill its responsibilities for Disaster Recovery Projects under its disaster assistance program consistent with the UFR Process.

- Department of Energy-  
DOE has permitting authorities under Executive Order (EO) 10485, as amended by EO 12038. Under these authorities, DOE is responsible for issuing presidential permits for the construction and operation of electric transmission facilities at the U.S. international border.

DOE will fulfill its responsibilities for Disaster Recovery Projects under its authorities consistent with the UFR process.

- Advisory Council on Historic Preservation-  
The ACHP will participate in consultation under Section 106 of the NHPA, as needed, in accordance with 36 CFR part 800 “Protection of Historic Properties,” for Disaster Recovery Projects.
- Council on Environmental Quality-  
The CEQ will assist in resolving any issues regarding the coordination of the environmental reviews required for Disaster Recovery Projects and provide guidance to Parties as they implement NEPA during disaster recovery.