

**MEMORANDUM OF AGREEMENT BETWEEN THE DEPARTMENT OF
HOMELAND SECURITY/FEDERAL EMERGENCY MANAGEMENT AGENCY AND
THE U.S. ENVIRONMENTAL PROTECTION AGENCY**

I. Parties:

The parties to this Memorandum of Agreement (MOA) are the U.S. Department of Homeland Security/Federal Emergency Management Agency (DHS/FEMA) and the U.S. Environmental Protection Agency (EPA).

A. DHS/FEMA

1. **PRIMARY MISSION:** The primary mission of FEMA is helping people before, during, and after disasters. As part of its mission and consistent with Executive Order 14008, *Tackling the Climate Crisis at Home and Abroad*, DHS/FEMA is prioritizing climate change activity. In addition, through Executive Order 13985, [Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/) and Executive Order 14091, [Further Advancing Racial Equity and Support for Underserved Communities Through the Federal Government](https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/16/executive-order-on-further-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/), DHS/FEMA helps people before, during and after disasters, including undertaking equity initiatives to identify and address gaps and barriers experienced by underserved and historically marginalized communities. (The Executive Orders can be accessed via: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/> and <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/16/executive-order-on-further-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>)

Consistent with the National Incident Management System, DHS/FEMA must engage more effectively with partners at all levels of government during all phases of emergency management so that readiness is aligned with requirements. Within the federal government, this engagement includes adaptable integration and coordination across agencies that enables individuals and communities to leverage federal programs and assistance.

2. **SPECIFIC ACTIVITIES:** In support of the primary mission of DHS/FEMA, the Administrator:
 - a. Applies the 2022-2026 FEMA Strategic Plan to incorporate climate adaptation into national preparedness and community grants and projects. Areas of exploration relevant to this Agreement include but are not limited to establishing partnerships with other agencies and organizations that possess climate science and climate change adaptation expertise, evaluating how climate change considerations can be incorporated into grant investment strategies with specific focus on infrastructure and evaluation methodologies or tools, and understanding how climate change will impact local communities and engage them in addressing those impacts. Within the Resilience Office, the Office of Environmental Planning and Historic Preservation (OEHP) provides technical assistance and oversight to check that projects comply with environmental and historic preservation laws and executive orders, including those related to environmental justice under Executive Order 12898, *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income*

Populations. OEHP also leads DHS/FEMA's effort to implement the Federal Flood Risk Management Standard (FFRMS). The FFRMS is a flood resilience standard that

is required for federally funded projects and provides a flexible framework to increase resilience against flooding and help preserve the natural values of floodplains and wetlands. To expedite federal environmental and historic preservation compliance reviews, the National Unified Federal Review (UFR) Coordinator, housed within OEHP, leverages existing interagency relationships and agreements to expedite federal agency compliance reviews of disaster recovery projects.

- b. Through the Office of Response and Recovery, implements the National Disaster Recovery Framework to guide and promote effective recovery, particularly for those incidents that are large-scale or catastrophic, specifically through the activation of the Community Assistance (CA) Recovery Support Function (RSF). The CA RSF supports and builds necessary recovery capacities and community planning capabilities of state, local, tribal, and territorial (SLTT) governments to effectively and equitably plan for, manage, and implement disaster recovery activities. The CA RSF National Coordinator serves as a standing member of the Recovery Support Function Leadership Group, a national-level interagency body established to improve the effectiveness of coordinated federal recovery support.
- c. Through the Resilience Office, administers a range of programs designed to reduce the risk of future losses to homes, businesses, schools, public facilities, and critical facilities from natural disasters. DHS/FEMA aims to prepare communities, reduce suffering, and speed recovery through its portfolio of resilience programs, which includes Hazard Mitigation Assistance (HMA), Mitigation Planning, Building Sciences, Risk Mapping, Assessment and Planning (Risk MAP), and other resilience and preparedness grants and programs. The Resilience Office also manages the agency's requirements for SLTT governments to develop and implement hazard mitigation plans. Hazard mitigation plans are required under several statutes, including Section 322 of the Stafford Act (42 U.S. Code [U.S.C.] § 5165), Section 1366 of the [National Flood Insurance Act of 1968](https://www.fema.gov/sites/default/files/2020-07/national-flood-insurance-act-1968.pdf) (<https://www.fema.gov/sites/default/files/2020-07/national-flood-insurance-act-1968.pdf>) (42 U.S.C. § 4104c), and Section 8A of the National Dam Safety Program Act (33 U.S.C. § 467f-2), prior to applying for and/or receiving certain DHS/FEMA nonemergency assistance and hazard mitigation project grants. Mitigation plans are the blueprint for actions to reduce risk and improve resiliency to future natural hazards. The Resilience Office provides support to the Mitigation Framework Leadership Group (MitFLG), a national coordinating structure focused on integrating federal efforts to deliver the mitigation core capabilities identified in the National Mitigation Framework. The MitFLG also leads the interagency coordination to enhance DHS/FEMA efforts to implement the National Initiative to Advance Building Codes.
- d. Through the Resilience Office, delivers assistance in a manner consistent with equity principles outlined in Executive Order 13985, [*Advancing Racial Equity and Support for Underserved Communities through the Federal Government*](#) and Executive Order 14091, [*Further Advancing Racial Equity and Support for Underserved Communities through the Federal Government*](#). These executive orders have leveraged federal agency focus and prioritization of program delivery, technical support, and funding to

3. underserved communities. Many of these same communities are vulnerable to natural and human-caused hazard emergencies and disasters and there are ample opportunities to reduce climate change vulnerability through enhanced natural environments. (The Executive Orders can be accessed via: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/> and <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/02/16/executive-order-on-further-advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government/>)
 - a. Through the Resilience Office, delivers funding and place-based technical assistance to SLTT communities to support hazard mitigation investments and promote resiliency. As an example, the Building Resilient Infrastructure and Communities (BRIC) Direct Technical Assistance (DTA) provides support to communities that may not have the resources to begin climate resilience planning and project solution design on their own under the BRIC program. Through process-oriented, hands-on support, BRIC DTA will work to enhance a community's capacity to design holistic, equitable climate adaptation solutions that advance numerous community-driven objectives. The following DHS/FEMA programs also support hazard mitigation investment in SLTT resiliency: Public Assistance (PA), Fire Management Assistance (FMAG), Hazard Mitigation Grant Program (HMGP), HMGP Post-Fire, BRIC, Flood Mitigation Assistance (FMA), Safeguarding Tomorrow Revolving Loan Fund Program, and High Hazard Potential Dam (HHPD) program.

B. EPA

1. **PRIMARY MISSION:** EPA's mission is to ensure that all Americans are protected from significant risks to human health and the environment; that national efforts to reduce environmental risks are based on the best available science; that federal laws protecting human health and the environment are fairly and effectively enforced; that all parts of society have access to accurate information sufficient to effectively participate in managing human health and environmental risks; and that environmental protection contributes to making our communities and ecosystems diverse, sustainable, and economically productive. As of 2022, EPA's [Equity Action Plan](#) outlines priority actions that work to break through barriers and advance equity and justice across its efforts to ensure clean water, air and land for all communities. The Equity Action Plan can be accessed via: (<https://www.epa.gov/environmentaljustice/equity-action-plan>)
2. **SPECIFIC ACTIVITIES:** In support of EPA's primary mission, the Office of Policy (OP) is the primary policy arm of EPA and works to support agency priorities and enhance decision-making. OP provides multidisciplinary analytic skills, management support, and special expertise in the following areas: regulatory policy and management, environmental economics, community revitalization, climate adaptation, environmental permitting, and stakeholder engagement.

The Climate Change Adaptation Program in the OP oversees and coordinates EPA's work focused on ensuring the agency continues to fulfill its mission of protecting human health and the environment even as the climate changes and disruptive impacts increase. This includes integrating climate adaptation planning into EPA programs, policies, rulemaking processes, enforcement actions, and operations to ensure they are effective even as the climate changes. EPA's [Climate Adaptation Plans](#), including the 2021 agencywide Climate Adaptation Action Plan and the resulting Climate Adaptation Implementation Plans from 20 of EPA's offices outline EPA's change vulnerabilities and over 400 specific commitments made from across the agency to further EPA's adaptation-related priorities. A major goal is to consult and partner with states, tribes, territories, local governments, community groups, businesses and other federal agencies to strengthen adaptive capacity and increase the resilience of the nation, with a particular focus on advancing environmental justice. EPA's Climate Adaptation Plans can be accessed via: (<https://www.epa.gov/climate-adaptation/climate-adaptation-plans>)

OP's Office of Community Revitalization (OCR) supports locally led, community-driven efforts to revitalize local economies and improve environmental and human health outcomes. To accomplish this work, OCR collaborates with other EPA programs; federal agencies; regional, state, and local governments; and a broad array of nongovernmental and private-sector partners to bring additional resources to communities and to leverage public and private-sector investments. Assistance is provided at the community's request on issues that include disaster recovery and resilience and green and complete street designs (see Addendum B). OCR provides technical assistance in response to community requests, produces tools, research, case studies and other information on a variety of topics; shares examples of community strategies and projects that can be models for other places; and convenes diverse interests to encourage better growth and development.

EPA's Office of Homeland Security (OHS) supports implementation of EPA Order 2074,

U.S. EPA National Approach to Disaster Mitigation and Recovery. Order 2074 provides 1) a mechanism for leveraging agency programs and resources in support of disaster mitigation and recovery activities and 2) a structure for how regional offices and national programs will coordinate to support states, tribes, territories, and local communities preparing for or recovering from disasters. OHS supports the implementation of standard operating procedures across EPA programs and regions in order to coordinate mitigation and recovery activities across agency programs and regions, representation of the agency at federal mitigation and recovery planning groups, and coordination with DHS/FEMA and other federal agencies on specific disaster mitigation and recovery efforts.

EPA's Office of Water (OW) assists regional efforts on disaster mitigation and recovery in all areas pertaining to our nation's water resources as well as drinking water, groundwater, and wastewater management. Water resources include oceans, wetlands, estuaries, and watersheds. Such efforts primarily support the Infrastructure Systems RSF and the Natural and Cultural Resources RSF. Also, OW provides significant financial support for disaster mitigation and recovery for water resources and water infrastructure through various programs including the EPA's Drinking Water and Clean Water State Revolving Fund Programs (SRF). In 2019, EPA's OW and DHS/FEMA entered a Memorandum of Understanding to combine EPA SRF program funds with FEMA's disaster assistance program grants to build disaster mitigation and climate resilience for water and wastewater infrastructure. Additionally, OW provides technical assistance, guidance, and tools on climate resilience of water and wastewater utilities; advice on mitigation, monitoring, assessment, and restoration of water resources; and implementation of green infrastructure.

EPA's Office of Environmental Justice and External Civil Rights (OEJECR) supports the agency's mission by providing leadership on EPA's environmental justice and external civil rights priorities. OEJECR coordinates implementation of those priorities across the agency's national programs, regions, the Administrator's Office, and across their partnerships with other federal agencies and coregulators in state, tribal, and local governments and communities. OEJECR provides resources and other technical assistance on civil rights and environmental justice, engages with communities with environmental justice concerns, and provides support for community-led action.

In support of EPA's primary mission, EPA's 10 regional offices and national environmental programs work with federal, tribal, state, local, community and nongovernmental partners to improve community environmental and public health outcomes through implementation of national environmental programs and partnerships that support smarter growth, sustainability, green infrastructure, and resilience in pre-disaster planning and recovery.

II. Authority:

This Agreement is authorized under the provisions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 100-707, as amended (Stafford Act), 42 U.S.C. § 5121 et seq.; the Homeland Security Act of 2002, Pub. L. No. 107-296, as amended; the National Flood Insurance Act of 1968, as amended, 42 U.S.C. § 4001 et seq.; Section 8A of the National Dam Safety Act, Pub. L. No. 92-367 of 1972 (codified as

amended at 33 U.S.C. § 467f-2); National Environmental Policy Act (NEPA), 42 U.S.C. § 4331 et seq. for DHS/FEMA; and Section 20 of the Federal Insecticide, Fungicide, and Rodenticide Act, 7 U.S.C. 136r; Section 10 of the Toxic Substances Control Act, 15 U.S.C. 2609; Section 104 of the Clean Water Act, 33 U.S.C. 1254; Section 8001 of the Solid Waste Disposal Act, 42 U.S.C. 6981; and Section 103 of the Clean Air Act, 42 U.S.C. 7403. Should any funds be transferred between agencies associated with an interagency agreement (IAA) or an amendment, such funds will be transferred pursuant to the appropriate, applicable legal authority for reimbursable agreements.

III. Background and Purpose:

Climate change adaptation and mitigation measures applied to pre- and post-disaster development and redevelopment are a major part of ensuring that investments and future growth improve equity, environmental, economic, and public health outcomes. Climate change adaptation will also help SLTTs and their communities become more resilient to future hazards that may occur, including becoming more resilient to the impacts from climate change. Underserved communities can be especially vulnerable to some hazards because of proximity and poor development, design, and/or construction codes and standards and infrastructure that do not meet current design codes or standards. In 2009, EPA and DHS/FEMA entered an IAA to provide smart growth financial and technical assistance. This IAA was part of DHS/FEMA's long-term recovery efforts in five communities in Iowa impacted by floods and tornadoes that occurred in spring 2008.

To develop this collaboration further, DHS/FEMA and EPA entered into an MOA in 2010 to achieve the following goals:

- 1) Enhanced agency collaboration.
- 2) Smart growth technical assistance.
- 3) Community resiliency and climate adaptation.
- 4) Cross training and joint training.

Under the 2010 MOA, DHS/FEMA and EPA collaborated in multiple communities to advance these four goals. The MOA also built on interagency collaborative approaches found in the Housing and Urban Development-Department of Transportation-EPA Partnership for Sustainable Communities and emphasized the importance of supporting collaborative efforts between DHS/FEMA and EPA regional offices.

Following the 2016 MOA renewal, DHS/FEMA and EPA continued to strengthen the collaboration and expanded project work beyond the original focus on smart growth and building codes to include climate change adaptation, equity, disaster debris planning, external trainings for water utilities on planning for resilience, and resilient green infrastructure design assistance. The two agencies have begun to scope and select technical assistance projects together, including new links between DHS/FEMA's BRIC DTA and EPA's Equitable Resilience Technical Assistance program. DHS/FEMA has included EPA in state consultations for hazard mitigation programs, in BRIC grant review teams, and in review of state hazard mitigation plans.

This MOA reflects the continued mutual intent of both parties to coordinate DHS/FEMA and EPA networks of nationwide, regional, and community-based expertise, practices,

initiatives and programs to work with communities to understand and reduce vulnerability to natural hazard events, recover from disasters that occur, and achieve economic, environmental and public health outcomes as part of redevelopment and recovery efforts. The MOA sets forth the terms by which DHS/FEMA and EPA will enhance agency cooperation and provide subject matter expertise and relevant resources (e.g., technical assistance, personnel) 1) to incorporate resiliency and equity into hazard mitigation planning and long-term disaster recovery efforts and 2) likewise to incorporate hazard resilience into climate change adaptation and environmental programs and assistance for SLTTs and their communities.

Cooperative efforts may focus on disciplines such as natural hazard risk analysis and reduction; preparedness; equity and technical assistance; recovery planning; climate change adaptation and hazard mitigation planning; urban design and planning; development, implementation and enforcement of disaster-resistant codes, standards and model ordinances; watershed and water infrastructure planning; economic development; housing and equitable development; mitigation project development; and fostering community-based disaster risk reduction and environmental protection partnerships. In accordance with Executive Order 13985, *Advancing Racial Equity and Support for Underserved Communities Through the Federal Government*, DHS/FEMA and EPA remain dedicated to effective and equitable distribution of agency support, ensuring equitable decision-making and equitable access to federal resources.

The 2023 renewal of the MOA will continue to build on the original goals in the following ways:

- First, this MOA supports more efficient recovery that builds long-term resilience, including assignment of EPA Sustainability Advisors after major disasters, identification of place-based assistance, and providing pathways to further scientific knowledge that can inform future mitigation, preparedness, response, and recovery.
 - Both agencies will work toward this goal through ongoing coordination in national, regional, and field offices of activities between EPA's community revitalization and place-based technical assistance programs and DHS/FEMA's disaster recovery planning and hazard mitigation programs. As of 2019, EPA has designated Disaster Mitigation and Recovery Coordinators in each region and national program office. These EPA staff will continue to engage regularly with counterparts at DHS/FEMA.
- Second, DHS/FEMA and EPA will work collaboratively to build SLTT resilience through joint training, technical assistance, and other supportive guidance.
 - In particular, DHS/FEMA and EPA intend to provide technical assistance to SLTT partners to integrate climate science into plans, align various plans to support resilience, and develop competitive grant proposals for long-term resilience projects. This technical assistance may support project scoping, planning and design development, funding application

development, and mitigation project implementation.

- Funding investments may be supported through PA, FMAG, HMGP, HMGP Post-Fire, BRIC, FMA, Safeguarding Tomorrow Revolving Loan Fund program, and HHPD, as well as through EPA Bipartisan Infrastructure Law (BIL) and Inflation Reduction Act (IRA) funds, Section 319 Nonpoint Source Pollution, regional watershed, solid waste and recycling programs, and other funding mechanisms. DHS/FEMA and EPA will continue to promote their 2019 MOU to combine EPA SRF program funds with DHS/FEMA's disaster assistance program grants to build disaster mitigation and climate resilience for water and wastewater infrastructure.
- Third, DHS/FEMA and EPA will promote and foster engagement and collaboration for underserved and vulnerable communities to broaden the impacts of programs and support mitigation actions that follow the principles of environmental justice and equity, including when assistance and new tools are provided to address climate and disaster-related public health issues.
 - This MOA also seeks to provide a collaborative framework for policy and guidance based on this assistance, such as policy relating to hazard mitigation planning and grants, climate adaptation, and equity to create more resilient communities and community lifelines.

IV. Responsibilities:

A. DHS/FEMA and EPA will continue to expand opportunities to integrate resilient development, mitigation planning, environmental planning, and project development, as part of long-term disaster recovery through the following activities:

1. Work on joint technical assistance, funding guidance, and grant review.
2. Leverage and evaluate existing tools and develop new ones as needed.
3. Conduct cost-benefit analyses, or other measures of effectiveness, of nature-based solutions and other multi-benefit resilience projects.
4. Coordinate EPA and DHS/FEMA involvement in related federal workgroups and in any projects or efforts with other federal agencies that support goals outlined in this MOA and by connecting new lines of work from within each agency to this MOA workgroup.
5. Identify topics of mutual interest to focus on each year.
6. Highlight case studies of effective projects for both internal and external audiences.
7. Share programmatic expertise on the execution of revolving loan fund programs.

B. DHS/FEMA Responsibilities:

1. Advance the mission assignment (MA) and IAA processes by providing training and templates prior to an event as well as technical assistance after an event to expedite the process (see Addendum B).
2. Liaise between DHS/FEMA, EPA, and other federal agencies to facilitate interagency agreements, assist in standardizing interagency consultation processes, and identify data sharing opportunities to support RSF coordination and hazard mitigation activities.
3. DHS/FEMA will provide access to hazard mitigation plan status and current planning activities to help inform EPA-led programs and the inclusion of hazard mitigation information in climate adaptation and other environmental assistance efforts.
4. DHS/FEMA will coordinate governmental and nongovernmental partners to share or identify ways to strategically and equitably combine resources, including planning technical assistance, program support, resources to support recovery planning priorities, capacity building, post-disaster training, and resilience initiatives. In addition, DHS/FEMA will support integrated operations to communicate and coordinate with relevant DHS/FEMA program areas to share available guidance materials, tools, and training for developing local and tribal pre-disaster recovery and resilience plans with the EPA.
5. DHS/FEMA will coordinate with EPA to identify opportunities to support projects that advance agency initiatives such as climate adaptation, equity, and nature-based solutions.

C. EPA Responsibilities

1. When non-disaster community technical assistance has potential hazard mitigation opportunities, EPA will coordinate with DHS/FEMA and promote resilient and safe development practices. Example EPA projects or programs include climate change assessments, environmental justice assistance, smart-growth policy support, brownfields clean up and redevelopment, water infrastructure or watershed planning, and other appropriate EPA-led programs.
2. EPA will coordinate with DHS/FEMA and other partners in pre- and post-disaster recovery processes and provide technical assistance in the areas of smart growth, sustainability, climate adaptation, energy efficiency, equity, and environmental protection.
3. EPA will coordinate with DHS/FEMA as needed and as requested to review hazard mitigation plans; guide Risk MAP projects; and provide other appropriate input on hazard mitigation or long-term recovery opportunities.
4. Serve as the Sustainability Advisor for recovery operations when requested by DHS/FEMA and agreed to by EPA, through an MA. This position will advise the DHS/FEMA Interagency Recovery Coordination team; RSFs; federal, state, and tribal partners; and local officials on sustainable communities, climate change adaptation, and materials and products for recovery planners on the use of sustainable, green, resilient, and equitable principles and practices.

V. Points of Contact:

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VI. Other Provisions:

A. Nothing in this MOA is intended to conflict with current law or regulation or the

directives of DHS/FEMA or EPA. If a term of this MOA is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this MOA shall remain in full force and effect.

- B. Nothing in this MOA is intended to restrict the authority of either party to act as provided by statute or regulation.
- C. This MOA, upon execution, contains the entire agreement of the parties and no prior written or oral agreement, express or implied, shall be admissible to contradict the provisions of this MOA.
- D. Any information shared under this MOA will comply with the Privacy Act, and to the extent required and allowable, the Freedom of Information Act, and any other applicable statute, executive order, or regulation.
- E. The use of federal facilities, supplies and services undertaken under this MOA will comply with regulations promulgated by DHS/FEMA under the Stafford Act guaranteeing nondiscrimination and prohibiting duplication of benefits (see 44 CFR §§ 206.11 and 206.191).
- F. This MOA is between DHS/FEMA and EPA and does not confer or create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by any third person or party (public or private) against the United States, its agencies, its officers, or any person; or against EPA, their officers or employees or any other person. This MOA creates neither a partnership nor a joint venture, and neither party has the authority to bind the other. This MOA is not intended to be enforceable in any court of law or dispute resolution forum.
- G. The parties will use or display each other's name, emblem, or trademarks only in the case of projects and only with prior written consent of the other party. The DHS seal is protected by 18 U.S.C. §§ 506, 701 and 1017, among other laws, and use of the seal is controlled by the DHS Office of Public Affairs through DHS Management Directive No. 0030 (MD 0030). Written permission is required to use the DHS seal. Any party to this MOA that is not a federal entity may only use an official DHS seal or logo upon written permission from DHS.
- H. Liability: The parties agree—subject to any limitations imposed by law, rule, or regulation—to cooperate in good faith to resolve any claims involving their respective employees promptly and, whenever appropriate, without litigation. For all claims or suits arising under this MOA, each party's designated legal representative will, within seven calendar days of receipt, provide each other's designated legal representatives copies of any documents memorializing such claims. Nothing in this MOA shall be construed as a waiver of any sovereign immunity of the United States. The Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671-2680 provides the exclusive remedy against the United States for tort claims for monetary damages for personal injury or death or property damages, resulting from the negligent or wrongful act or omissions of federal employees acting within the scope of their employment.
- I. This MOA is not a fiscal or funds obligation document. Any services, equipment or personnel provided to DHS/FEMA to accomplish the goals anticipated under this MOA are done so without expectation of reimbursement or the payment of fees related to the provisions of such services, equipment or personnel unless otherwise agreed. Any specific work or activity that involves the transfer of funds, services or property among the parties will require execution of a separate agreement, such as an IAA, and will be

contingent upon the availability of appropriated funds. Such activities must be independently authorized by appropriate statutory or other authority. This MOA does not provide such authority.

- J. Other federal agencies may participate in IAAs or collaborative projects executed by DHS/FEMA and EPA under this MOA, as appropriate, if mutually agreed to by all parties. Other federal agencies participating in collaborative projects may sign and become parties to IAAs or to pre- and post-disaster recovery processes or technical assistance projects but will not be parties to this MOA.
- K. Any ancillary reimbursement agreements must be in writing and signed by both parties.

VII. Effective Date:

The terms of this MOA will become effective upon the signature of both parties.

VIII. Modifications:

This MOA may be modified upon the mutual, written consent of the parties.

IX. Termination:

The terms of this MOA, as modified with the consent of both parties, will remain in effect until seven years after date of signature. The MOA may be extended by mutual written agreement of the parties. Either party, upon 60 days written notice to the other party, may terminate this MOA.

X. Approved By:

Victoria Arroyo
Associate Administrator
U.S. EPA Office of Policy

**VICTORIA
ARROYO** Digitally signed by
VICTORIA ARROYO
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Ted Stanich
Associate Administrator
U.S. EPA Office of Homeland Security

**TED
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Victoria Salinas
Senior Official Performing the Duties of Deputy
Administrator, Resilience
DHS/FEMA



**Date: 2023.07.28
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Anne Bink
Associate Administrator for Response and
Recovery
DHS/FEMA

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BINK** Digitally signed by
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Addenda

- Addendum A: DHS/FEMA and EPA Coordination Opportunities
- Addendum B: Sample Interagency Agreement
- Addendum C: EPA's Disaster Resilience Blanket Purchase Agreement
Summary of Tasks and Services Available

Addendum A: DHS/FEMA and EPA Coordination Opportunities

As previously stated, this MOA reflects the continued mutual desire of DHS/FEMA and EPA to coordinate networks of nationwide, regional, and community-based expertise, practices, initiatives, and programs to work with communities to reduce vulnerability to natural hazard events, recover from disasters that occur, and achieve economic, environmental, and public health outcomes as part of redevelopment and recovery efforts. Coordination can include leveraging resources, information/data sharing, and existing federal and other nonfederal relationships:

- Resources: staff time, funding, and technical assistance.
- Information/data sharing: mitigation plan status, environmental justice communities, green infrastructure implementation, recovery plan status, wastewater/drinking water infrastructure, brownfields, and DHS/FEMA Stafford Act program implementation.
- Federal partnerships: partnerships or activities identified in the National Disaster Recovery Framework or Federal Interagency Operational Plan, Federal Green Infrastructure Collaborative, and other relevant active MOA or MOU documents.
- Nonfederal relationships: local, state, and tribal governments; universities; nonprofit organizations; and community-based organizations.

The manner in which the varieties of coordination can be leveraged will depend on the proposed activity and circumstance. Below are examples of opportunities to coordinate pre- and post-disaster.

Pre-Disaster

Identifying and implementing mitigation, planning and resilience activities prior to an event can expedite and streamline the recovery process. Examples of DHS/FEMA and EPA coordination prior to an event include but are not limited to the following:

- Leveraging new BIL and IRA funds, including through new Climate Justice Block Grants that can support Climate Resiliency and Adaptation planning, project design and implementation.
- Leveraging EPA Building Blocks for Sustainable Communities, which provides quick, targeted technical assistance to selected communities using a variety of tools to simulate a discussion about growth and development and strengthen local capacity to implement sustainable approaches. Collaborating with DHS/FEMA when implementing this technical assistance can enhance community participation with the following tools:
 - Flood Resilience for Riverine and Coastal Communities.
 - Regional Resilience Toolkit.
 - Smart Growth Guidelines for Sustainable Design and Development.
 - Sustainable Strategies for Small Cities and Rural Areas.
 - Sustainable Land Use Code Audit.
- Leveraging EPA [Equitable Resilience Technical Assistance](#), an American Rescue Plan-funded assistance program offered to four state and tribal governments to plan and design projects that build resilience to impacts from climate change, natural disasters, and/or industrial or hazardous materials risk. EPA can leverage DHS/FEMA risk reduction and

recovery and BRIC DTA expertise to support implementation of designs and plans developed through Equitable Resilience assistance. The Equitable Resilience Technical Assistance website can be accessed via: (<https://www.epa.gov/arp/equitable-resilience-technical-assistance-projects-states-and-tribes>).

- State, tribal, and local governments engage in hazard mitigation planning to identify natural hazards that impact them, identify strategies and activities to reduce any losses from those hazards, and establish a coordinated approach to implementing the plan. Integrating sustainable development and resilience concepts into the mitigation planning process can further efforts to reduce losses from future events; DHS/FEMA and EPA can collaborate to review mitigation plans that incorporate these concepts. Furthermore, DHS/FEMA and EPA can work together to encourage SLTT governments to align mitigation planning with other relevant planning processes (e.g., land use, capital investment, open space).
- The DHS/FEMA HMA Division can leverage EPA expertise during the review of the FMA and BRIC grant applications. EPA can assess and provide input for projects that may propose green infrastructure or sustainable development concepts for flood risk reduction in their application. BRIC DTA gives full support to communities that may not have the resources to begin climate resilience planning and project solution design on their own. Through process-oriented, hands-on support, BRIC DTA will work to enhance a community's capacity to design holistic, equitable climate adaptation solutions that advance numerous community-driven objectives. Also, the DHS/FEMA HMA Division can leverage EPA expertise on revolving loan funds for the continued improvement and implementation of the Safeguarding Tomorrow RLF Program.
- The CA RSF coordinates assistance among federal and nonfederal partners to help local governments and tribes prepare for disaster recovery. The CA RSF works through partners to communicate and coordinate the availability of guidance materials, tools, and training for developing local and tribal pre-disaster recovery and resilience plans. The RSF also builds a network of agencies and organizations that are prepared to aid tribes and local governments with planning when disaster strikes. DHS/FEMA can collaborate with EPA to check that relevant climate adaptation and sustainable development concepts are included in the recovery planning process to increase community resilience.
- DHS/FEMA's OEHP provides expertise in facilitating compliance that results in better decisions and stronger communities. The Interagency Coordination Branch within OEHP is responsible for implementing the UFR process, as described in Section 429 of the Sandy Recovery Improvement Act of 2013.

Post-Disaster

A [Presidential Major Disaster Declaration](#) makes long-term federal recovery and mitigation programs available that are designed to help disaster survivors, businesses and public entities, including the DHS/FEMA HMGP and HMGP Post-Fire and activation of the CA RSF. After an event, deployed DHS/FEMA components and EPA can leverage existing programs, technical assistance, and/or initiatives to maximize the recovery effort. For example, the Federal Disaster Recovery Coordinator, CA RSF Field Coordinator, and/or the Mitigation Branch Director can coordinate with EPA staff that are engaged in a Building Blocks or other EPA technical assistance projects in or adjacent to the disaster-impacted area to enhance their understanding of the impacted community, making available long-term federal recovery and mitigation programs designed to help disaster survivors, businesses and public entities, including the DHS/FEMA HMGP and HMGP Post-Fire and activation of the CA RSF. Information regarding Presidential Major Disaster Declarations can be accessed via: (<https://www.fema.gov/disaster/how-declared>).

Increased funding and technical assistance associated with a disaster declaration may also provide the opportunity to supplement existing efforts or create new project or funding opportunities; DHS/FEMA components can integrate EPA subject matter experts to better inform the recovery process. For example, EPA subject matter experts can provide advice and guidance for applicants who may want to use green infrastructure or sustainable development projects to reduce their risk to future events. DHS/FEMA environmental and historical preservation subject matter experts can provide environmental compliance advice and guidance to applicants as they develop post-disaster recovery projects. Where appropriate, DHS/FEMA components can also use MAs or IAA to task the EPA to provide essential assistance during the recovery phase of a disaster.

EPA and DHS/FEMA have agreed to create a field operations guide, which will further capture and explore specific pre- and post-disaster coordination opportunities. This guide will be shared and socialized with relevant partners to promote the use of the MOA and clarify areas of coordination.

Addendum B: Sample Interagency Agreement

Interagency Reimbursable Work Agreement EPA - FEMA
ATTACHMENT A - Statement of Work
August 6, 2021

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Project Title

2020 Oregon Wildfire Disaster Resilience Technical Assistance

Purpose

Under the Interagency Reimbursable Work Agreement (IRWA), FEMA is requesting technical assistance from the Environmental Protection Agency (EPA) to support resilient wildfire recovery in Oregon.

Objective

This support will augment planning activities and planning capacity-building for selected communities and/or jurisdictions in Oregon impacted under DR-4562-OR. This agreement is based on a Memoranda of Agreement signed in 2010 or 2016 between EPA and DHS-FEMA and is authorized in Section 402 (3) of the Robert T. Stafford Act.

Service/Performance Work Statement

This IRWA will support Oregon Wildfire-impacted communities to recover from this devastating event with plans for resilient and sustainable infrastructure, economies, housing, and resources. Through this technical assistance agreement, the EPA will provide Oregon communities with technical assistance to support plans for risk reduction through resilient and sustainable planning and projects. This technical assistance must provide equitable outcomes for the whole-community and ensure engagement with traditionally underrepresented communities.

EPA can assist with land use planning, economic recovery, sustainable design for communities and other partners that have been impacted by the 2020 DR-4562-OR Oregon Fires. Under this IRWA, EPA contractor support to fire-impacted communities can include, but is not limited to:

1. Watershed protection, including drinking water protection and flood mitigation
2. Water infrastructure planning, including assessment and planning for water utilities
3. Economic recovery, including recreation economies
4. Green infrastructure for multiple benefits, including design assistance for project sites
5. Housing recovery, including planning for affordable housing and workforce development
6. Community visioning, including transportation, economic development, and more
7. Updating plans and policies to support sustainable recovery and long-term resilience
8. Other assistance as determined necessary that may help with disaster recovery and long-term community resilience

Responsibilities

EPA representatives will maintain close coordination with DR-4562-OR FEMA and Oregon Office of Emergency Management (OEM) Leadership; and the FEMA Federal Disaster Recovery Officer, State, Recovery Function #1 leadership from Oregon Department of Land Conservation and Development (DLCD); the State Hazard Mitigation Officer; the FEMA Region IO Community Planning and Capacity Building Field Coordinator; and State Recovery Function agencies and the Regional Solutions Teams.

Deliverables:

1. Technical Assistance for up to five (5) wild-fire impacted Oregon communities, regions, or partnerships resulting in enhanced resilience.
2. EPA will provide quarterly progress reports for each project to the Federal Disaster Recovery Officer for DR-4562-0R and/or the Regional Recovery POC as determined during transition
3. EPA will provide a final written closeout report on lessons learned and best practices at the end of the period of performance

EPA Commitments:

1. EPA will provide 50% FTE staff time to assist in the implementation of this IRWA, including advisory, data, and technical support.
2. EPA will work with FEMA, OEM, and DLCD to develop a process for communicating and promoting inclusive access to EPA technical assistance.
3. EPA will coordinate closely with FEMA, DLCD and OEM in selecting counties to assist, and will coordinate closely on preparing a final scope of work for contractors.
4. EPA will use contract support, as needed.
5. EPA will provide a Contracting Officer's Representative for oversight of contract resources.

Performance Period

This agreement will have a base period of performance of eighteen (18) months, from August 16, 2021, through February 15, 2023. Additional option periods will be determined by FEMA Region X Recovery Division and/or designated Federal Coordinating Officer should one be assigned at time of contract end date based on outstanding requirements and are subject to the availability of funds.

Estimated Total Cost

Budget summary/detail- The indirect cost rate for EPA Region 10 is 13.08% for 2021. The indirect costs are calculated as a part of the total costs and not added to the total costs.

| Activity | Direct cost | Indirect cost | Total cost |
|------------------------------|-------------|---------------|------------|
| Procure/Technical Assistance | \$442,165 | | |
| Indirect Costs | | \$57,835 | |
| Total | \$442,165 | \$57,835 | \$500,000 |

Agency Approvals

Approvals by the following are documented, the required forms below
Anthony Barber, USEPA Region 10
Kathy Tsing-Choy, USEPAIA Center West
Patricia Hayden, FEMA
Blaine McMahon, Jr. FEMA

Statutory Authority

Section 402 (3) of the Robert T. Stafford Act.

Start and End Dates

August 16, 2021-February 15, 2023

Other Required Forms

7000A form from FEMA
7000B form from FEMA.

Addendum C: EPA's Disaster Resilience Blanket Purchase Agreement Summary of Tasks and Services Available

Background

The EPA OP has set up a new blanket purchase agreement (BPA) to provide technical assistance and associated research related to disaster mitigation and long-term recovery from disasters including COVID-19. EPA intends to provide technical assistance, design work, and develop new tools and resources that can address risks from wildfires, drought, hurricanes, extreme heat, flooding, earthquakes, landslides, sea level rise, winter storms, pandemics, and more.

The four tasks described in the BPA include the following:

- Task 1 – Technical Assistance Based on Existing EPA Tools
- Task 2 – Disaster Resilient Design Assistance
- Task 3 – Research and Pilots for New Disaster Resilience Tools
- Task 4 – Public Engagement, Communications and Funding Assistance

The core subject matter of the assistance will center upon disaster resilience, but the expertise required includes topics such as redevelopment and land use; green infrastructure for multiple benefits; equitable development; geographic information systems and scenario planning tools; and public engagement, including with vulnerable, disadvantaged, and environmental justice communities.

EPA has awarded this BPA to four consultant teams that will be under contract for a base year and three option years (up to four years total). More details on the four tasks are provided below.

Task 1 – Technical Assistance Based on Existing EPA Tools

Since 2010, EPA has worked with DHS/FEMA to deliver technical assistance to communities through an MOA. A number of past technical assistance reports are available at <https://www.epa.gov/smartgrowth/smart-growth-strategies-disaster-resilience-and-recovery>, and some example tools include the following:

- Regional Resilience Toolkit.
- Smart Growth Fixes for Climate Adaptation and Resilience.
- Flood Resilience Checklist.
- Planning Framework for Climate-Resilient Economy.
- Tribal Green Building Toolkit.

In addition, other EPA programs such as OW and Office of Resource Conservation and Recovery have developed tools and resources that can be used to help communities plan for and recover from disasters, including these examples:

- Disaster Debris Recovery Tool and Training.
- Drought Response and Recovery Guide for Water Utilities.
- Climate Resilience and Awareness Tool.
- State Drinking Water Program All-Hazard Preparedness, Mitigation, Response and Recovery Checklist.

Task 2 – Disaster Resilient Design Assistance

This task is intended to help communities develop an innovative and implementable vision of distinctive, environmentally friendly neighborhoods that incorporate innovative green infrastructure systems to address site-specific disaster risks while achieving other community, economic, and environmental goals. This design assistance is adapted from EPA's Greening America's Communities. Final reports for cities that have received past assistance can be found at the following link: www.epa.gov/smartgrowth/greening-americas-communities. Deliverables prepared under Task 2 are intended to be more streamlined (less deliverables).

Disaster resilient design and planning strategies might include, but are not limited to, the following:

- Aesthetically and functionally valuable landscape architecture designs for green infrastructure (GI) that result in both community and environmental benefits, such as protecting critical water infrastructure, preventing combined-sewer overflows, improving air quality, and lowering ambient temperatures (heat island reduction).
- Planning, design and development strategies for better climate change adaptation and disaster resilience; including urban flood management techniques for extreme storm events and designs for reducing urban heat island effects.
- Aesthetically and functionally valuable GI designs that result in community, economic, and water and air quality benefits.
- “Green and complete streets” designs that serve all modes of transportation safely and effectively, including automobiles, pedestrians, bikes, and public transportation, while also addressing stormwater runoff and heat island effects.
- Design solutions that support social distancing during pandemics by creating safe places for people to walk, run, bike and gather outdoors; this may include tactical or temporary design solutions.
- Transit-oriented, brownfield, infill and corridor redevelopment designs that improve walkability, bicycle access and economic revitalization.
- Planning, design and development strategies for encouraging redevelopment in distressed neighborhoods.
- Planning, design and development strategies for leveraging significant community investment (e.g., a new courthouse, sewer replacement, park).

This assistance will help EPA-selected communities to advance resilient design strategies. Through this design assistance, EPA and federal partners such as DHS/FEMA and U.S. Army Corps of Engineers will help communities identify specific locations, design options, and strategies to implement GI for multiple benefits. Information from EPA about GI being supported by DHS/FEMA flood management programs can be found at the following link: <https://www.epa.gov/nps/using-low-impact-development-and-green-infrastructure-get-benefits-fema-programs>.

Task 3 – Research and Pilots for New Disaster Resilience Tools

This task involves an emerging line of work related to disaster resilience at a variety of scales, including site scale, local, tribal, regional, and state or territorial, with the intention of creating flexible, tailored assistance for a single recipient or a single agency working with multiple communities. For example, EPA and DHS/FEMA have worked in several communities on enhancing community resiliency in both hazard mitigation plans and during the process of long-term recovery from natural disasters. Through these longer-term projects, EPA has produced tools that can help other communities around the country, including tools that have been deployed in the approach described in both Tasks 1 and 2. For example, EPA’s assistance to the State of Vermont in 2013 resulted in the Building Blocks Flood Resilience Checklist Tool. Also, since 2017 EPA has worked with the Institute of Museum and Library Services to tailor several Building Blocks tools to apply in other communities where public, anchor institutions are interested in contributing to broader revitalization efforts.

The goal of projects that fall under Task 3 are twofold: 1) provide tailored, in-depth assistance to a state, regional agency, community, tribe, or other group of partners and 2) provide an opportunity for EPA to create new tools or refine existing resources that can be used by other communities nationwide. These longer time frame technical assistance efforts may focus on any one of a variety of topics and require specific subject matter expertise, such as those listed in the Background section on page 1. We anticipate funding two to three call orders of this type each year.

Task 4 – Public Engagement, Communications and Funding Assistance

Public Engagement

In some cases, communities may require more support to bridge long-standing divisions, which becomes known after selection of the communities. If EPA determines that it would be timely and beneficial to the processes described in Tasks 1, 2 and 3, EPA may exercise the option to do the following:

- Hold targeted planning session(s) around issues of equitable development, environmental justice, and creating meaningful engagement for underserved, vulnerable, and disadvantaged communities.

- Hold tailored public engagement training for steering committee members before workshops delivered under Tasks 1-3 above.
- Extend the duration of the core workshop to hold additional interviews and planning meetings with key stakeholders, or underserved, vulnerable, and disadvantaged communities.

Capturing Workshop Results and Lessons Learned Dissemination

As an optional task, the Contractor should document the workshops and/or the implementation actions through multimedia methods selected in consultation with EPA—such as film, voice-recording, and photography—to produce videos, podcasts, story maps, computer graphic animation-based stories, etc., for communities identified by EPA/OSC. Videos, computer graphic stories, and the like should be approximately three to seven minutes in length, and podcasts should be no more than 12 minutes in length. These should feature interviews with workshop participants, should capture what was discussed at the workshop, and should be used as a tool for telling the community's story, i.e., how recovery planning from a specific disaster leads to other community and economic advantages. Footage for the product should be taken during the workshop site visit or during a separate site visit and shall be provided to EPA in a format suitable for posting online (e.g., YouTube). The Contractor shall provide an estimate of the cost to produce each video as part of the proposal for this optional task (price per video), which may or may not be funded.

Funding and Financing for Resilience

Figuring out how to fund a project or resilience initiative is a difficult challenge to solve for almost all jurisdictions. No matter the project, financial hurdles are frequently cited as the reason for not acting. As an optional task, the Contractor shall help technical assistance recipients in Tasks 1, 2 or 3 develop successful funding and financing plans, including ways to build a network of funders. The Contractor may also be asked to provide additional training for key staff and leaders in how to make the business case for resilience projects developed as part of assistance provide in Tasks 1, 2 or 3.