



FEMA

OFFICE OF ENVIRONMENTAL PLANNING AND HISTORIC PRESERVATION  
PARTNERS IN SHAPING RESILIENT COMMUNITIES



## Environmental and Historic Preservation (EHP) Fact Sheet: Emergency Protective Measures

Environmental resources, cultural institutions, and historic assets define communities and contribute to their well-being and unique character. The Federal Emergency Management Agency (FEMA) plays a critical role by helping communities incorporate environmental stewardship and historic preservation into emergency management decisions. As disasters continue to challenge our nation and communities grapple with issues of preparedness and sustainability, FEMA offers expertise to ensure both legal compliance and informed local, State, Tribal, and national planning.

### Emergency Protective Measures and EHP Review

FEMA's Public Assistance Program funds eligible emergency protective measures taken by a community before, during, and after a disaster to eliminate or reduce an immediate threat to life, public health or safety or significant damage to improved public or private property. While the list of eligible activities includes actions that do not affect the environment (such as provision of food and water), there are several that do have the potential to adversely affect natural, historic, and/or archaeological resources. Examples are:

- Construction and removal of temporary roads and levees;
- Demolition of unsafe structures that pose an immediate threat to the public;
- Provision of temporary facilities for schools and other essential community services; and
- Placement of sand on a beach to protect improved property from waves and flooding.

Although emergency protective measures are statutorily exempted from review under the National Environmental Policy Act (NEPA), these actions may still require review for compliance with other environmental and historic preservation laws, policies, and executive orders.

### Considering EHP Impacts

Most environmental laws contain emergency provisions to expedite response activities that must be taken to prevent imminent loss of human life or damage to improved property. For example, Endangered Species Act regulations allow for expedited and informal consultation between FEMA, the U.S. Fish and Wildlife Service (USFWS), and the National Marine Fisheries Service (NMFS) to address potential effects of emergency activities. Section 106 of the NHPA provides exemptions for immediate rescue and salvage operations conducted to preserve life or property. For other emergency actions, FEMA may follow a streamlined review process outlined in a Statewide Programmatic Agreement or, if one is not in place, apply the expedited review alternatives provided under 36 CFR Part 800.12. Applicants must notify the appropriate local, State, and Federal regulatory agencies as soon as emergency work begins or shortly thereafter. Prior to beginning work, applicants should contact the appropriate State environmental agencies, State Historic Preservation Officer (SHPO), USFWS and/or NMFS, and the U.S. Army Corps of Engineers (USACE). Required permits may include a Clean Water Act Section 404 permit (USACE) and a State-issued Section 401 water quality certificate. Applicants are responsible for obtaining all necessary permits. Work in violation of local, State, or Federal laws may be ineligible for FEMA funding.

### EHP Considerations for Emergency Protective Measures

When planning for emergency protective measures, FEMA advises States, communities, and individual applicants to:

- Avoid new ground disturbance when possible. Should activities reveal artifacts, SHPO should be notified immediately.
- Be aware of any remediation measures. For example, communities are generally required to remove temporary levees within 60 days after the end of the event and return the affected land to pre-disaster condition.
- Verify that all required permits have been obtained and conditions met as it will be required at project closeout.



## Emergency Protective Measures: Grant Application EHP Checklist

The checklist below describes the project information that FEMA requires in order to complete EHP review of an emergency protective measures project.

<input checked="" type="checkbox"/>	<b>Location</b>	State the project location, including both the site address and latitude/longitude in decimal degrees (e.g., 38.5342°N,-77.0212°W) if possible. Identify the project site and define its boundaries on topographic maps and aerial imagery.
<input checked="" type="checkbox"/>	<b>Description of Project Scope of Work</b>	Provide a detailed description of the project scope of work, including plans for ground disturbance (including depth of disturbance and extent of vegetation removal), in-water work, construction, staging areas, and other relevant information.
<input checked="" type="checkbox"/>	<b>Age of Existing Structures</b>	Specify the original age of any buildings where emergency protective measures are implemented and note the age of other structures on the property or within the viewshed.
<input checked="" type="checkbox"/>	<b>Photographs</b>	Submit clear, color photos of emergency protective measure sites before and after any physical changes are implemented. Also provide color photographs of other facilities, structures, or natural or historic resources present within the project viewshed. If remediation is required, document.
<input checked="" type="checkbox"/>	<b>Agency Coordination</b>	Provide copies of permits and communications with applicable agencies, such as the SHPO, USFWS, NMSFS, USACE, or State environmental management agencies.

### Timeframes for EHP Review

Most emergency protective measures are implemented when disasters are imminent or within the response and recovery period. EHP review occurs when the request for reimbursement is submitted. Review typically takes 7 days and includes review of environmental permits and other documentation supporting adequate environmental consideration of the action as noted in the special considerations review in the project worksheet. Should consultation be required to resolve adverse impacts identified under Section 7 of the ESA or Section 106 of the NHPA, the review period may be extended up to a minimum of 60 to 90 days as consultation involves coordination with other agencies and stakeholders.

### EHP Best Practices: Disaster Plans for Historic Properties, Minnesota SHPO

Over the past two decades, Minnesota has suffered major flood and wind-related disasters that led to the demolition of many historic buildings. In order to address this challenge, the Minnesota State Historic Preservation Office developed a document titled *Thinking about the Unthinkable: A Disaster Plan for Historic Properties in Minnesota*. The plan notes several key guidelines that can assist communities in reducing the loss of historic resources during the post-disaster response and recovery period. These guidelines allow time to:

- Properly evaluate damage before making decisions that are irreversible;
- Evaluate historic materials from demolished buildings to be considered for salvage;
- Work with architects and engineers familiar with historic building methods and materials to evaluate damaged buildings;
- Document damage to historic buildings with photographs prior to any activity; and
- Apply the Secretary of the Interior's Standards for Rehabilitation as a guide in rehabilitating disaster-damaged historic buildings.

This sensitive and thoughtful balance of safety and preservation helps avoid loss of valuable historic resources and assists the community in effectively rebuilding for the future.

**Additional Resources:** For more information on EHP review and FEMA grant assistance, contact your State Emergency Management Agency or tribal office or visit <http://www.fema.gov/environmental-planning-and-historic-preservation-program>.