

# UNIFIED FEDERAL REVIEW PROCESS *Newsletter*

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## IN THIS ISSUE

Update from the UFR Steering Group	1
National Park Service and FEMA Sign Data Sharing Agreement	2
Best Practices – A Permanent Housing Mission on the Pine Ridge (Oglala Sioux) Indian Reservation	3
UFR Administration Transition	6
Message from the National UFR Coordinator	7

## ADDITIONAL UNIFIED FEDERAL REVIEW TOOLS NOW AVAILABLE

The following courses are now available as Independent Study (IS) classes through **FEMA's Emergency Management Institute:**

- **IS-215 UFR Advisor Training** – This course is required training for those individuals seeking to obtain the UFR Advisor specialty.
- **IS-216 UFR Recovery Leadership Training** – The purpose of this course is to help Recovery Leadership understand the UFR Process and the key role that Federal Disaster Recovery Coordinators (FDRCs) and Federal Coordinating Officers (FCOs) play in the UFR Process.

Additional UFR Tools are available via the **UFR Library**.

## UPDATE FROM THE UFR STEERING GROUP



**UFR Steering Group** From left: Ryan Potosnak, Katherine Zeringue, Amy Weinhouse, Jennifer Hass, Michael Drummond, Diana Matteson, Bill Bresnick. **Not Pictured:** Charlene Vaughn, Kristin Fontenot, Ted Boling.

Beginning in June 2016, the Unified Federal Environmental and Historic Preservation Review (UFR) Steering Group restructured the format of its meetings to enable in-depth conversations on how each of the eleven UFR MOU signatory departments and agencies can successfully implement the UFR Process. Each bi-monthly Steering Group meeting now includes a UFR MOU signatory agency participant, whereas prior to June 2016, the Steering Group met on its own. Overall, this format is intended to provide an opportunity for collaboration and discussion regarding efforts to implement the UFR Process nationwide.

To date, the Steering Group has met with the Department of Housing and Urban Development (HUD) and the Federal Highway Administration/Department of Transportation (FHA/DOT). These discussions identified factors that have been the most helpful, as well as key challenges, in furthering UFR implementation.

## THE UFR PROCESS

*The Unified Federal Environmental and Historic Preservation Review Process (UFR Process) was established on July 29, 2014, by the execution of a Memorandum of Understanding (MOU) among eleven federal agencies involved in the environmental and historic preservation (EHP) reviews associated with disaster recovery assistance. The UFR Process focuses on the federal EHP requirements applicable to disaster recovery projects following a Presidentially-declared disaster under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.*

*Through the UFR Process, federal agencies that fund or permit disaster recovery projects and those that perform EHP reviews associated with the decision-making process, will coordinate their independent EHP review processes leading to expedited decision making, which can result in the faster delivery of assistance and the implementation of recovery projects. The UFR Process recognizes the important role of tribes, state agencies, localities and the stakeholders working together with federal agencies to coordinate EHP reviews.*

*Over the next several years, the UFR Steering Committee, comprised of the Advisory Council on Historic Preservation (ACHP), the Council on Environmental Quality (CEQ), the Department of Homeland Security (DHS), and the Federal Emergency Management Agency (FEMA), will focus on implementing the UFR Process, reviewing the processes annually and updating it, as necessary. This will include engaging stakeholders in the field, hosting webinars and attending conferences to educate federal, state, local, tribal and territory partners in the UFR Process.*

Agencies noted workshops and presentations by UFR team members have been the most helpful in supporting their agency's implementation of the UFR Process. Specifically, the national UFR workshops hosted by the Steering Group in 2015, including participation of their headquarters and regional colleagues in these workshops, as well as presentations given by UFR Team members about the UFR Process during key internal meetings/conferences were highly valued.

Key challenges agencies identified to further implementation of the UFR Process included:

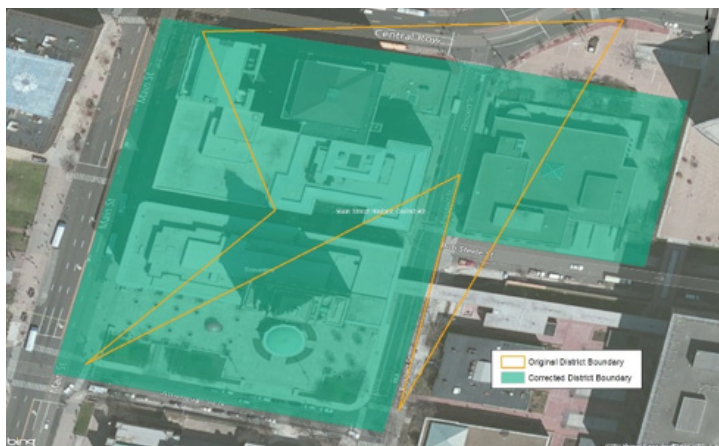
- Lack of regional staff dedicated to supporting and further implementing the UFR Process at the regional-level;
- Challenges for staff who are tasked with UFR implementation while working to comply with multiple Executive Orders and legislative requirements; and
- Lack of communication with the correct agency points-of-contact for interagency coordination.

The Steering Group has taken into account the challenges and lessons learned voiced during these meetings. For example, FEMA is working to obtain funding for a Regional UFR Coordinator to be staffed at each of the ten FEMA regions, and the Steering Group will continue to pursue solutions to the challenges brought to their attention during these conversations.

Moving forward, the UFR Steering Group will continue to meet with individual agencies in 2017 to support the implementation of the UFR Process nationwide.

## **NATIONAL PARK SERVICE AND FEMA SIGN DATA SHARING AGREEMENT**

In August 2016, FEMA's Office of Environmental Planning and Historic Preservation (OEHP) and the National Park Service's (NPS's) Cultural Resources Geospatial Information Systems (CRGIS) facility signed a data sharing agreement outlining roles and responsibilities for FEMA's use of NPS data in the EHP review process. NPS's CRGIS facility hosts a number of geospatial datasets including the National Register of Historic Places (NRHP). As a result of this coordination, NPS is now hosting the NRHP geospatial data publicly as a live data feed. A key feature of this agreement gives appropriately qualified (*Secretary of the Interior's Historic Preservation Qualification Standards [SOI]*) FEMA EHP reviewers access via Environmental Assessment GIS Tool for EHP Reviews (ENVAS). While this data cannot be shared outside of FEMA EHP, it is valuable for FEMA's internal review process. This opportunity to better enable sharing of key geospatial datasets was identified during participation of both agencies in the UFR Working Group.



*An example of the difference between the original and corrected historic district boundary for Main Street District #2 in Connecticut.*

On a related note, FEMA Region I led a project to improve the quality for the NRHP Districts data in Massachusetts and Connecticut in coordination with FEMA Headquarters (HQ), NPS, FEMA Corps and the Massachusetts and Connecticut State Historic Preservation Officers. As a result, over 2,000 mapped Historic Districts have been corrected and published via the live data feed. Improvement of Historic Districts data in additional states is planned in the future. Additionally, FEMA will continue to strengthen its relationship with NPS by working on an addendum to this data sharing agreement to integrate the new Native American Graves Protection and Repatriation Act (NAGPRA) data that will be available soon.

To request a copy of the executed data sharing agreement between FEMA and NPS, please email [federal-unified-review@fema.dhs.gov](mailto:federal-unified-review@fema.dhs.gov).

For more information on FEMA/NPS data sharing efforts, contact Ms. Kimberly Pettit, GISP, EHP GIS Coordinator (FEMA), at [kimberly.pettit@fema.dhs.gov](mailto:kimberly.pettit@fema.dhs.gov).

## **BEST PRACTICES — A PERMANENT HOUSING MISSION ON THE PINE RIDGE (OGLALA SIOUX) INDIAN RESERVATION (Wazí Ah-áŋ-haŋ Oyáŋke), PINE RIDGE, SOUTH DAKOTA**

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Between May 8 and May 29, 2015, a series of severe weather events delivered widespread wind and flooding damage to the Pine Ridge (Oglala Sioux) Indian Reservation. Based on the devastating impacts of this prolonged weather event, the Oglala Sioux Tribe (OST) requested and received an Individual Assistance disaster declaration from the President (*FEMA-4237-DR-Oglala Sioux Tribe*). Because of a pre-existing housing shortfall and a lack of available rental housing within the Reservation, FEMA's typical measures to deliver temporary housing assistance were not feasible. In concert with FEMA Headquarters, FEMA Region VIII implemented a unique Permanent Housing Construction (PHC) mission to meet the needs of the tribe.

Under this little-used Stafford Act Authority, a disaster-specific solution was implemented in which every privately owned dwelling damaged by the storm event was reviewed to determine one of three possible outcomes: 1) provide a fully furnished Manufactured Housing Unit (MHU) as a replacement; 2) provide funds under the Permanent/Semi-Permanent Housing Construction (PHC) Authority to repair dwellings to a safe, secure, and functional standard in accordance with HUD standards of habitability; or 3) at the election of the dwelling owner, provide financial assistance in the amount of the FEMA verified loss, up to the maximum grant assistance allowed under the Stafford Act.

This was the largest housing project ever undertaken on the Pine Ridge Indian Reservation by any federal agency. Approximately two-thirds of the recovery effort entailed installing three-bedroom MHUs on individual lots spread across roughly 3,500 square miles within one of the largest Native American reservations in the U.S. This unique response and recovery effort highlights the devastating impact of weather events on the economically depressed reservations of the

Great Plains. It also demonstrates how the effects of disasters can be lessened by a collaborative approach among tribal, federal, and state governments. This partnership also included prioritizing the importance of recognizing and protecting historic sites and environmental resources.

A salient point of this unique housing project is that FEMA's EHP reviews followed all tribal ordinances and codes. In addition, FEMA's consultations and permitting protocols were conducted in the spirit of the UFR.

Of the almost 1,900 applications for disaster assistance received, approximately 400 of the most extensively damaged properties were initially assessed as eligible for the PHC program. Through intensive individual case management (*using tribal liaisons fluent in the Lakota language*), satisfactory solutions were tailored to meet the needs of each impacted family, which in the case of the Oglala Sioux, normally includes a multi-generational household of 7-11 family members. In addition to providing a dwelling replacement unit or repairing an existing structure, the PHC mission also entailed repairing/installing septic systems, wells, water lines, electric systems, and improved road access. The primary compliance issues known and prepared for ahead of time centered on the National Environmental Policy Act (NEPA) and Presidential Executive Orders for Wetlands, Floodplains, and Environmental Justice, as well as the review of endangered/threatened species, cultural/historic properties, solid waste disposal, unexploded ordnance (UXO), and air quality.

The Reservation is divided into nine Districts, and land ownership is complex. The Tribal Council and the Bureau of Indian Affairs (BIA) Realty Office were FEMA's main points of contact for land issues. Logistical challenges were present throughout the year-long effort on the Reservation given its size, remoteness, general lack of infrastructure, poverty, and harsh climate. A majority of the work occurred at very remote sites, many of which were inaccessible during periods of snow and rain.

Approximately 150 FEMA staff worked for over a year at the main disaster offices in Hot Springs (*off-Reservation*) and also at the Forward Field Office in Pine Ridge. FEMA's EHP team mission assigned technical assistance contractors from the U.S. Environmental Protection Agency (EPA) and the U.S. Army Corps of Engineers. However, most of the workforce consisted of FEMA Reservists and Region VIII staff with experience working similarly complex Individual Assistance events.

Shortly after preparations, FEMA began months of field inspections. "Strike Teams," consisting of about five individuals per team, including EHP staff, were sent to each property to assess damaged trailers and houses, and collect data that included physical damages, determination of a property's relative location with respect to flood hazard zones, environmentally and historically sensitive areas, access, and utilities.

Because of the unique needs of the Oglala Sioux community, the EHP team developed a unique four-page form for recording specific environmental and historic preservation concerns. Data categories included elevation, topography, distance to water, erosion, vegetation, ingress/egress, hazardous materials (hazmat) spills or concerns, presence of asbestos/lead, debris issues (*including white goods*), proximity to wetlands, floodplains, wildlife easements, prime/unique farmland/soils, septic leach field dimensions/conditions, historic sites/traditional cultural properties/sacred sites, etc.

The EHP team played a large role in Tribal consultation and permitting. Region VIII EHP staff completed a Programmatic Environmental Assessment and a resulting Finding of No Significant Impact within two months. EHP established an accurate location on the ground for each site, incorporating these points into a Geographic Information System using a version of the FEMA GeoPlatform Map Viewer developed by specialists working in Region VIII. The following layers were used extensively by EHP (*and were made available to the Tribe*): Provisional Flood Hazard Areas (*30m Hazus delineation*); National Wetlands Inventory Maps; Badlands Bombing Range boundary; Holocene Geology and U.S. Department of Agriculture soils; Wounded Knee National Historic Landmark boundaries; and roads network; and aerial imagery (*house sites, water crossings, and natural features*).

Recognizing the significance of cultural resources to the EHP review, one of the first things EHP did during the early response stages was to formally initiate the Section 106 consultation review process for all elements of the proposed housing mission with the Oglala Sioux Tribe Cultural Affairs and Historic Preservation Office (THPO). EHP understood that the THPO was the regulatory arm of the Oglala Sioux Tribe for Federal undertakings concerning all aspects of cultural and historic preservation—as per three distinct tribal ordinances issued within the past decade. FEMA also fully understood that the 2013 Oglala Sioux Tribal Cultural Affairs and Historic Preservation Plan outlined the responsibilities the Tribe assumes pursuant to the National Historic Preservation Act of 1966.

FEMA agreed to defer to the THPO all determinations related to cultural affiliation and rights of possession for any human remains, associated funerary and sacred objects, and other items of cultural patrimony that might come to light as a result of housing mission construction activities. A lengthy series of negotiations occurred among EHP, BIA, THPO, and the NPS related to initial archaeological/cultural surveys of each project site. The negotiations also concerned work within the Wounded Knee National Historic Landmark and on any Traditional Cultural Properties/Use sites. Cultural monitoring by THPO/EHP staff was mandatory at any location where ground disturbance occurred. Communication occurred daily between the THPO and EHP, and the collaboration was respectful, efficient, and successful.

During the EHP review of the various tribal ordinances an utterly fascinating aspect of the Tribe's history came to light that had to be dealt with as part of the combined housing mission: the Badlands Bombing Range. This “Special Hazards” (*unexploded military ordnance*) portion of the Reservation was appropriated in 1942 by the U.S. Secretary of War for gunnery and munitions proficiency practice.

Another important aspect of the EHP review process was establishing whether any MHU was sited in a flood hazard area. Although no part of the Reservation is mapped through the National Flood Insurance Program (NFIP), EHP developed a procedure for identifying what were termed “Provisional Flood Hazard Boundaries” across the Reservation, employing FEMA's Hazus-MH MR2 Loss Estimation Software in combination with a close-interval National Elevation Dataset. Hazus is GIS-based natural hazard loss estimation software that uses digital elevation models to generate a flood hazard model to the 1% annual chance (100-year) of flooding. EHP used this approach to identify base flood hazard areas in the absence of official flood mapping products in order not to locate permanent housing in the floodplain.

Construction and demolition debris and any items containing hazardous materials also required special consideration. Disposal followed all applicable tribal regulations, and was regulated through the OST Department of Public Health and Hazardous Materials and Waste Management Division, in cooperation with the EPA and South Dakota Department of Natural Resources.

Seven species are listed as Endangered, Threatened, Candidate, or Proposed by the U.S. Fish and Wildlife Service under the Endangered Species Act that historically occurred, occur, or may potentially occur within the OST boundaries. Fortunately, none of the work at the housing sites was determined to affect any of these species.

In summary, the recovery efforts for this Major Disaster Declaration were unique and fascinating, and ultimately extremely rewarding for all who supported this project. The EHP staff certainly was excited to be part of it and enjoyed their long-term commitment in the field. FEMA's primary goal at the beginning of the emergency response, and throughout the recovery process, was to provide disaster survivors of the Pine Ridge Reservation a safe, secure, and habitable dwelling within our federal agency guidelines.

There is unanimous consensus that this goal was achieved, and that the Oglala Lakota Oyate greatly benefited from the federal government effort. From an EHP perspective, it was also readily apparent that the natural and cultural resources occurring in such a unique environmental and historical setting were well protected.

Acknowledgments: I am grateful for the input received on this report from Federal Coordinating Officer Gary Stanley and Region VIII Environmental Officer Steve Hardegen. I acknowledge the assistance on many aspects of the various permitting processes obtained from OST Tribal liaisons. Finally, I sincerely thank my EHP colleagues Rose Fosha and Sharla Azizi for a job well done.

*For more information on FEMA-4237-DR-Oglala Sioux Tribe best practices, contact Charles A. Bello, EHP Advisor, Tribal Relations Specialist (FEMA Region VIII), at [charles.bello@fema.dhs.gov](mailto:charles.bello@fema.dhs.gov).*

## UFR ADMINISTRATION TRANSITION

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The UFR process has grown and evolved since its creation following the passage of the Sandy Recovery Improvement Act (SRIA) in January 2013. From the interagency MOU establishing the UFR process in July 2014, to the deployment or activation of 11 UFR Advisors in support of field operations, the process continues to mature and expand in scope. January 2017 marks the transition of Presidential administrations, which will undoubtedly have impacts on the agencies that are part of the UFR process.

The UFR team has developed two briefing packets, one for agency leadership and one for environmental staff, to ensure that incoming agency leadership understands the function and importance of the UFR Process. Transitions from one administration to the next often bring change to agencies. As these changes occur, it is important to remember the core principles underpinning UFR: unifying and expediting the federal environmental review process for disaster recovery assistance.

The existing UFR process provides agencies with a ready framework to coordinate environmental and historic preservation reviews following a Presidentially-declared disaster. While FEMA is the agency most consistently activated to provide federal relief following a disaster, the UFR process identifies roles and responsibilities for twenty different departments and agencies. In the coming year, the UFR team, under the leadership of FEMA/DHS, CEQ, and ACHP, will continue to engage with the interagency working group at the headquarters level. The UFR team will provide updates on the implementation of the process, build a network of field staff who are trained and ready to take on the role of UFR Advisor during active disaster operations, and assist FEMA regional offices as they develop capacity to support the UFR at the regional level.

The UFR process will continue to grow and adapt to changing circumstances while maintaining the level of preparedness necessary to quickly and efficiently respond to future disaster events. The commitment to efficient and coordinated federal reviews made in the UFR MOU remains in effect and will be called upon when disaster strikes.

*The [UFR Leadership Briefing Package](#) and [UFR Practitioner Briefing Package](#) are available via the [UFR Library](#).*

## MESSAGE FROM THE NATIONAL UFR COORDINATOR

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In this message, I've traditionally taken the opportunity to highlight some of the UFR's recent accomplishments. In this issue, however, I'd be remiss not to share some big changes to the UFR Team. It's with regret and congratulations that we are wishing our ACHP Liaison, Meghan Hesse; and our CEQ Liaison, Michael Drummond farewell. The efforts of both Meghan and Michael have been tremendous, and their work has had significant impacts on the development and implementation of the UFR process. We wish Meghan Hesse congratulations as she and her husband depart for new and exciting opportunities and adventures in Europe. Meghan's work on the development of process and training products for the UFR, such as the UFR Advisor SOP and UFR Online Training courses, leave a legacy that builds the foundations to make the UFR both sustainable and operational to support disaster recovery. We also congratulate Michael Drummond as he accepts a full time position with CEQ as their new Deputy Associate Director for NEPA. Michael's contributions to the finalization and execution of the interagency UFR MOU, as well as forging interagency partnerships and developing measures to review the effectiveness of the UFR Process, will allow us to continue expanding the UFR while ensuring it's accomplishing its purpose and making progress. Both Meghan and Michael will be missed, but the UFR Team will continue to build upon their work to ensure the UFR is fully realized and implemented to support a more integrated, collaborative, and efficient environmental and historic preservation compliance review process.



**UFR Team** From left: Ryan Potosnak, Michael Drummond, Diana Matteson.

Contact Mr. Ryan Potosnak, National UFR Coordinator, at [ryan.potosnak@fema.dhs.gov](mailto:ryan.potosnak@fema.dhs.gov).

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*The Unified Federal Review Process Newsletter serves as outreach to multiple federal, state, local, tribal and territory stakeholders to showcase UFR Process efforts aimed at supporting communities affected by disaster and allow agencies to stay involved with efforts to further develop the UFR Process across the nation. If you would like to add an article to the newsletter, please email [federal-unified-review@fema.dhs.gov](mailto:federal-unified-review@fema.dhs.gov).*