

Coronavirus Pandemic Response: Historic Preservation Compliance for Emergency Protective Measures

Release Date: Jun 5, 2020

FEMA Office of Environmental Planning and Historic Preservation facilitates timely and prompt compliance reviews for coronavirus (COVID-19) pandemic activities, including Section 106 of the National Historic Preservation Act (Section 106). This activity requires federal agencies to consider effects of undertakings they carry out, license, or assist on historic properties and provide the Advisory Council on Historic Preservation a reasonable opportunity to comment on them.

Coronavirus Pandemic Emergency Procedures

In accordance with 36 CFR § 800.12(a) of the Section 106 regulations, FEMA, in consultation with the Advisory Council on Historic Preservation, State Historic Preservation Officers, and Tribal Historic Preservation Officers, Indian Tribes and Native Hawaiian organizations (consulting parties), developed emergency procedures to govern its Section 106 responsibilities for approval of direct Federal assistance and funding of emergency protective measures to save lives and to protect improved property and public health and safety in response to COVID-19 pandemic (COVID-19 emergency undertakings).

FEMA anticipates that vast majority of COVID-19 emergency undertakings will not have potential to affect historic properties, such as procurement and storage of supplies, commodities and equipment; reimbursement for administrative actions including supplies and staff; and collection and storage of medical waste, or pose limited potential to affect historic properties such as modification of existing facilities. However, in rare circumstances where existing facilities are insufficient, new construction of temporary medical facilities, shelters or emergency operations centers may affect historic properties.

FEMA developed the COVID-19 Emergency Procedures after determining that the existing expedited procedures for emergency undertakings outlined in the Section



FEMA

Page 1 of 2

106 regulations; FEMA Programmatic Agreements with states, territories and tribes; and the FEMA personnel and consulting parties needed to carry out these procedures were inadequate for COVID-19 emergency undertakings.

On April 6, 2020, FEMA proposed the COVID-19 Emergency Procedures to the consulting parties for their consideration and requested comments by April 13, 2020. As part of this consultation, FEMA convened separate conference calls on April 8th and 9th, with state, territory, tribal and Native Hawaiian historic preservation officers and stakeholders. Based on comments provided by the consulting parties, FEMA significantly revised the original proposal for COVID-19 Emergency Procedures, including the addition of a process to resolve any adverse effects to historic properties resulting from COVID-19 emergency undertakings, and on May 13, 2020, submitted a final proposal to the Advisory Council for formal consideration.

The Advisory Council approved FEMA's proposed Emergency Procedures on May 14, 2020: <https://www.achp.gov/news/achp-approves-fema-section-106-emergency-procedures-covid-19-emergencydisaster-response>. The procedures will expire on December 31, 2021, unless otherwise amended, and will ensure that FEMA fulfills its Section 106 compliance responsibilities expeditiously and equitably for all COVID-19 emergency undertakings.

For More Information

Questions regarding the COVID-19 Emergency Procedures should be directed to Federal Preservation Officer John Ketchum at john.ketchum@fema.dhs.gov.

For more information about the FEMA Public Assistance program and the COVID-19 pandemic response, contact your [State Emergency Management Agency](#) or tribal office or visit [FEMA.gov/disasters/coronavirus](https://www.fema.gov/disasters/coronavirus).

