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*Preserving America's Heritage*

December 17, 2013

Mr. W. Craig Fugate  
Administrator  
Federal Emergency Management Agency  
500 C Street SW  
Washington, DC 20472

Ref: Prototype Programmatic Agreement for FEMA Programs

Dear Mr. Fugate:

Since 2010, the Federal Emergency Management Agency (FEMA), a legacy agency under the Department of Homeland Security, has been working with the Advisory Council on Historic Preservation (ACHP) to develop a prototype programmatic agreement (PPA) that would provide FEMA with the ability to comply with the requirements of Section 106 of the National Historic Preservation Act (NHPA) while carrying out FEMA's mission of mitigation, response and recovery efforts nationwide. A PPA provides a framework for FEMA to develop state by state agreements that would expedite Section 106 compliance for disaster recovery activities, while still providing flexibility for stakeholders in coordinating historic preservation reviews.

Accordingly, I hereby designate the attached document as a PPA under 36 CFR §800.14(b)(4). It was developed by FEMA with input from the ACHP, the National Conference of State Historic Preservation Officers (NCSHPO), federally-recognized Indian tribes and Native Hawaiian organizations (NHO). It addresses FEMA's responsibilities under Section 106 for its programs, and enables streamlining of Section 106 reviews by establishing review protocols and methods for resolving adverse effects. Recent disasters such as Hurricane Sandy and the Colorado flooding have demonstrated the need for flexible and expedited historic preservation reviews following a disaster so that communities can focus on recovery efforts. This PPA provides FEMA and State Emergency Management Agencies (SEMAs) with a valuable tool to assist them in meeting the requirements of Section 106 as they determine how best to rebuild communities.

Provisions within the PPA may be modified to allow States to focus on specific concerns and improve the management of effects on historic properties. When modifying the PPA, FEMA, SHPOs and SEMAs should focus on modifications to highlighted areas in the attached document to further tailor historic preservation reviews to unique circumstances within a specific State. These areas include:

- Timeframes and communication methods,
- The roles and responsibilities of the PA's signatories,
- References to applicable local and state laws, and
- Programmatic allowances.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

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The other stipulations within the PPA should be retained as they reflect understandings between FEMA and the ACHP that were critical to developing the framework for this tool. Moreover, they summarize the consultations that were conducted to take into account the effect of FEMA's programs on historic properties. Modifications to those sections highlighted in the attached PPA will not change the status of the document as a PPA, so long as the modifications (1) are agreed to by FEMA, SEMA and the relevant SHPO, and (2) do not substantially change the consultative role given to other consulting parties.

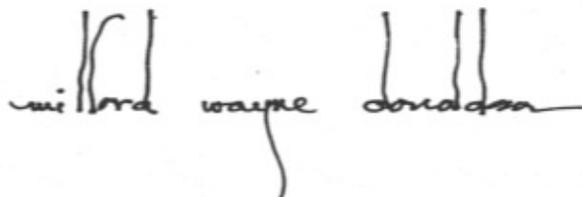
While the PPA offers a number of efficiencies to SEMAs and SHPOs, if the required signatories in a given state choose not to adopt the PPA, FEMA must comply with its Section 106 responsibilities for the relevant undertakings through other means provided by 36 C.F.R. part 800, including development of a Programmatic Agreement (PA) under 36 C.F.R. § 800.14(b). Further, the designation of the attached document by the ACHP does not supersede PAs that may already be in place. Should a state choose to use the PPA to replace an existing PA, it would need to be executed by FEMA and other signatories before it goes into effect for that state, so we encourage the parties to begin developing such agreements well before a state's current PA expires. In any circumstance, FEMA remains responsible for consultation with federally recognized Indian tribes for these activities.

FEMA must file all executed PPAs with the ACHP prior to their use. This will enable the ACHP to monitor the effectiveness of the PPA and engage FEMA in future discussions regarding necessary changes or additions based on patterns and trends.

We appreciate FEMA's cooperation and ongoing support of historic preservation initiatives. We are particularly appreciative of the efforts of FEMA's Preservation Officer, Mr. John Ketchum, and FEMA's Regional Environmental and Historic Preservation staff. Their contributions were invaluable.

We look forward to working with FEMA as a partner in this important interagency agreement.

Sincerely,

A handwritten signature in cursive script, reading "Milford Wayne Donaldson". The signature is written in dark ink and is positioned above the typed name.

Milford Wayne Donaldson, FAIA  
Chairman

Enclosure