

~SUMMARY OF ACHP HOSTED LISTENING SESSIONS~
SHPO Concerns and FEMA's Prototype Programmatic Agreement

Common Concerns of Participants:

Following the completion of the four listening sessions with representatives of 15 State Historic Preservation Offices (SHPOs), the following themes emerged as the key issues expressed by participants:

1. **Lead Agency:** It is important to build in language that addresses the identification of overlapping jurisdictions and projects receiving funds from multiple federal agencies.
2. **FEMA and SEMA Roles and Responsibilities:** There is a wide range of experiences dealing with FEMA and SEMAs. It would be preferable to have consistency in roles and responsibilities so that there is greater accountability and expectations are reasonable. There seems to be a great divide in what FEMA does for Public Assistance project reviews and its limited role in the other grant programs. FEMA should also have more archaeologists to deploy to disasters.
3. **SHPO Staffing and Data:** SHPO staff tends to be overburdened during large disasters and would benefit from effective mechanism to be reimbursed for travel expenses and hire temporary staff to provide support on FEMA projects. Many SHPOs have data available in databases and in GIS, but sometimes there are fees to gain access.
4. **Documentation:** FEMA staff does a good job with documentation; however, that is not always the case with SEMA staff and rarely the case with FEMA applicants. What is FEMA doing to educate SEMAs and applicants about documentation standards? Can FEMA SOI staff have a greater role in reviewing non-Public Assistance projects?
5. **Annual Reporting:** This is a good idea but FEMA doesn't seem to follow through very often on this requirement of existing statewide programmatic agreements.
6. **Training and Guidance:** SHPOs seemed open to conducting joint workshops for SEMA and grant applicants. SHPOs like kick-off meetings and Greenbooks and wondered what other education opportunities and tools are available. SHPOs are also interested in learning more about FEMA programs and operations.
7. **Pre-Disaster Planning:** Are there any opportunities for funding for pre-disaster planning? What is the best way to maintain relationships with FEMA and SEMA when there are no active field offices related to disaster declarations? How can FEMA support the use of GIS to empower the SHPOs to more effectively provide assistance in the future?
8. **Relationships with SEMAs:** The roles of SEMA vary widely and it would be good to have better relationships with SEMA overall. How can improved collaboration be captured in the Prototype and subsequent statewide programmatic agreements?
9. **Changes in Scopes of Work:** There are some notices but not many. Since FEMA the scopes of work tend to change often, should the SHPOs be hearing more from FEMA and SEMA? Who is the responsible for notification – FEMA or SEMA?

10. **Project Close-Out:** Only two SHPOs commented on the fact that they get contacted by SEMAs during project close-out to discuss compliance with project conditions. Should more SHPOs be hearing from SEMAs?
11. **After-the-Fact Consultation:** It would be good to formalize the process in the Prototype because it inevitability happens with FEMA projects. FEMA applicant may initiate disaster repairs on their own, sometimes without the forethought that they will be applying for federal funds later in the future.
12. **Section 110(k) Anticipatory Demolition:** This doesn't seem to be a prevalent issue for any of the SHPOs.
13. **Unexpected Discoveries:** Language should be in the Prototype that clearly outlines the timelines associated with discoveries and the extent to which fieldwork will be conducted to evaluate such discoveries for National Register eligibility.
14. **Curation of Artifacts:** Is there an official FEMA policy on when artifacts will be curated? How much will FEMA encourage applicants to donate recovered materials? The decision making process needs to be clearly outlined in a stipulation.
15. **Allowances for Routine FEMA-funded Activities:** Most SHPOs like the ideas behind the allowances but believe they should be carefully defined and terms like "in-kind" and "previously disturbed soils" made clear so that they are not as open to much interpretation by non-SOI staff who might be applying the allowances.
16. **Review Timeframes:** Most SHPOs agreed that there should be a phased/tiered approach to providing concurrence on FEMA reviews. Possible categories included: 1) emergency actions, 2) Public Assistance projects, and 3) all other grant projects.
17. **Memoranda of Agreements (MOAs):** FEMA MOAs tend to take a long time; is there some way to wrap them up quicker? It is a good idea to have language in the Prototype that clarifies FEMA's role in the actual implementation of mitigation for adverse effects.
18. **Standard Treatment Measures:** This idea has potential, but the parameters of when and how it will be suggested to SHPOs need to be clearly stated. Also, will there be public participation in standard treatment measures? How "defined" are they going to be?
19. **Dispute Resolution:** There should be language that clarifies the process and how it is conducted when the dispute does not involve FEMA. Reexamine the "timely objections" concept and its application.
20. **Public Participation:** It is important to have FEMA's approach to engaging the public clarified in the Prototype. Sometimes FEMA does quite a bit to engage the public, other times not. Does FEMA have a consistent approach to public participation nationwide?
21. **Duration:** Most SHPOs suggested 5 year duration stipulations with options to renew. It might also be good to add language that would automatically extend the agreement if another disaster hit just as the programmatic agreement was about to expire.

22. **Consideration of Alternatives:** There should be language in the Prototype that captures a commitment from FEMA to encourage exploration of project alternatives when there are adverse effects.
23. **New Approaches:** Early initiation of large scale windshield surveys for mass casualties. Perhaps try some radical new approaches with more preservation outcomes.
24. **FEMA Debris Removal Policy:** The policy should be revised to address the proper handling of trees in National Register eligible or listed historic districts and National Historic Landmarks (NHL). Trees may be contributing to such districts and landmarks, and are not therefore merely debris.
25. **FEMA Alternate Projects Policy:** This policy should be revised to cover the historic preservation review of related/associated actions. FEMA's existing policy of only following the money can lead to the abandonment of historic properties and adverse effects that are not considered nor mitigated.

Wednesday, May 26, 2010 10:00 am- 11:30 am (ET)

Participants:

1. Georgia DNR Historic Preservation Division/State Historic Preservation Office
 - Karen Anderson-Cordova , Planning & Local Assistance Unit Manager karen.anderson-cordova@dnr.state.ga.us
 - Betsey Shirk, Environmental Review Coordinator, elizabeth.shirk@dnr.state.ga.us
2. Michigan State Historic Preservation Office
 - Martha MacFarlane-Faes, Environmental Review Coordinator, faesm@michigan.gov
 - Brian Grennell, Environmental Review, grennellb@michigan.gov
3. Montana Historic Society/State Historic Preservation Office
 - Josef Warhank, Historian / Compliance Officer, jwarhank@mt.gov
4. Ohio Historical Society/State Historic Preservation Office
 - Lisa Adkins, Architecture Reviews Manager, ladkins@ohiohistory.org
 - Justin Cook, History Reviews Manager, jcook@ohiohistory.org
5. Pennsylvania Historical & Museum Commission/State Historic Preservation Office
 - Susan Zacher, Highway Projects Coordinator, szacher@state.pa.us

Wednesday, May 26, 2010, 3:00pm – 4:30 pm (ET)

Participants:

1. California Office of Historic Preservation/California Department of Parks and Recreation
 - Mark Beason, State Historian II, mbeason@parks.ca.gov
2. Ohio Historical Society/State Historic Preservation Office
 - Dave Snyder, Archaeology Reviews Manager, dsnyder@ohiohistory.org
3. Oklahoma Historical Society/State Historic Preservation Office
 - Timothy Baugh, Section 106 Coordinator Historical Archeologist, tbaugh@okhistory.org

Tuesday, June 8, 2010, 10:00 am – 11:30 am (ET)

Participants:

1. Colorado Office of Archaeology & Historic Preservation
 - Amy Pallante, Architectural Review, amy.pallante@chs.state.co.us
2. Minnesota Historical Society/State Historic Preservation Office
 - Mary Ann Heidemann, Manager of Government Programs and Compliance, maryann.heidemann@mnhs.org
 - Kelly Gragg-Johnson, Review and Compliance Associate, kelly.graggjohnson@mnhs.org
3. Missouri DNR/State Historic Preservation Office
 - Judith Deel, Archaeologist, judith.deel@dnr.mo.gov
 - Rebecca Prater, Historian, rebecca.prater@dnr.mo.gov
4. New York State Office of Parks, Recreation, & Historic Preservation/State Historic Preservation Office
 - John Bonafide, Historic Preservation Services Coordinator, john.bonafide@oprhp.state.ny.us
5. Ohio Historical Society/State Historic Preservation Office
 - Mark Epstein, Department Head, mepstein@ohiohistory.org
6. Texas Historical Commission/State Historic Preservation Office
 - Elizabeth Butman, State Coordinator for Project Review, elizabeth.butman@thc.state.tx.us
 - Linda Henderson, History Reviewer, linda.henderson@thc.state.tx.us

Tuesday, June 8, 2010, 3:00 pm – 4:30 pm (ET)

Participants:

1. Iowa State Historical Society/State Historic Preservation Office
 - Jerome Thompson, Interim Administrator/SHPO, Jerome.Thompson@iowa.gov
 - Barbara Mitchell, Deputy SHPO/Architectural Historian, Barbara.Mitchell@iowa.gov
 - Doug Jones, Archaeologist, Doug.Jones@iowa.gov
 - Jeremy Ammerman, Architectural Historian for Disaster Recovery Efforts, Jeremy.ammerman@iowa.gov
2. New Mexico Historic Preservation Division/State Historic Preservation Office
 - Michelle Ensey, Archaeological Reviewer, michelle.ensey@state.nm.us

Wednesday, June 9

Participants:

1. United States Virgin Islands State Historic Preservation Office
 - Sean L. Krigger, Architectural Historian/Senior Planner, sean.krigger@vishpo.com

Discussions:

General:

- Colorado – Most of their experiences with FEMA involve non-disaster programs such as Pre-Disaster Mitigation Program (PDM) and Flood Mitigation Assistance Program (FMA).
- Georgia – FEMA Region 4 has indicated that they intend to pursue the negotiation of a programmatic agreement with the Georgia SHPO. The Georgia SHPO is interested in having standardized protocols to improve the consultation process.
- Iowa – They still have not received any mitigation for cumulative effects cause by all of the demolitions, but GIS planning tools would be a good start.
- Iowa – In May 2008 they had tremendous flooding and began consulting even before there was an actual declaration. At this point they feel knowledgeable about FEMA Public Assistance and HMGP.
- Missouri – They don't actually communicate with the FEMA regional office much.
- Montana – There have not been many disaster declarations in Montana in the last decade so the SHPO doesn't have much of a relationship with FEMA or extensive knowledge of FEMA programs.
- New Mexico – They have had limited experience with FEMA. Most of the experience is with flood events. They began negotiations with FEMA back in 2003 on a statewide programmatic agreement but they haven't heard from FEMA on this effort in a few years.
- New York – Most of their disasters involve ice storms and coastal flooding. They feel they have a good working relationship with FEMA when it comes to disaster recovery programs.
- Ohio – They believe that there are too many limitations on the use of Stafford Act funds. Because of the way the Act reads it prohibits direct use of FEMA funds for things like reimbursing SHPOs for disaster planning activities and temporary staff to join FEMA in field offices.
- USVI – Their experiences with FEMA have generally been good, and think the prototype PA will be very helpful.

Roles and Responsibilities

- Lead Agencies
 - Ohio – It is important to clarify the issue of who makes the decision on the lead agency issue within the Prototype PA. What is the process?
 - Missouri – They would like to have a better understanding of how FEMA works with other federal agencies like HUD and NRCS. They would like to know more about the nexus between CBDG grant funds and FEMA funds – when are they used on the same project? NRCS has grants to clean up blockages in drainages but FEMA also funds this type of work – are these funds used on the same water drainage projects? There should be more discussion between federal agencies to avoid duplication of federal efforts.
 - Pennsylvania – Sometimes the roles of the players and agencies are unclear and so is their level of involvement in the review process. Where jurisdictions lie and if there is a comingling of FEMA funds with other federal agency funds?
- FEMA and SEMA
 - Iowa – This last flood event was the 1st disaster with archaeologists and there tend to be big problems if archaeologists aren't brought in by FEMA. More archaeologists are needed at the Iowa Recovery Office because FEMA has some very large projects coming up with potential impacts to archaeological sites. Also, FEMA should host weekly phone calls with SHPOs during the operation of active field offices so that SHPOs may have a better understanding of pending work flow and hot topic issues.

- Michigan – FEMA uses professional staff and contractors, although the pattern is one of multiple people working different steps of the consultation process with no one person being the central point of contact.
- Montana – The Montana SHPO often deals more directly with SEMA. SEMA lacks SOI professionals to complete reviews.
- New Mexico – They do not have much interaction with SEMA. The SHPO has a GIS database that only archaeologists can use and when FEMA doesn't have archaeologists they do not have access to the data. FEMA needs to bring in more archaeologists to access SHPO data because when they don't, the SHPO archaeologists have to do FEMA's work for them.
- Ohio – When there is an active field office FEMA does a good job of bringing in qualified staff. When field offices close the SHPO deals more with FEMA contractors and the contractors seem to do a good job. However, the SEMA does the majority of the HMGP reviews and they lack SOI professionals. This often means that the SHPO has to pick up the slack and it creates an additional burden.
- Oklahoma – They have quite a few tornadoes & floods and end up having considerable involvement with FEMA staff. They set up quarterly meetings with FEMA staff to facilitate work flow.
- Texas – The SHPO has a good working relationship with FEMA. SEMA submits HMGP projects to the SHPO and together they created general guidelines for SEMA use but they would prefer to formalize the arrangement in a programmatic agreement. Lately, they have been seeing quite a few safe rooms in garages and it would be nice to have a way to avoid seeing some of those projects.
- SHPO
 - Ohio – They would like to explore options with FEMA to bring in SHPO Liaisons during disaster declarations. They tend to be overburden when FEMA field offices are open and having FEMA funded SHPO Liaisons could expedite project review. They have a sliding scale fee for access to site files and FEMA does pay a fee.
 - Georgia – They contract out site file management so FEMA, like other federal agencies, pays for access to the site files.
 - Iowa – Regarding SHPO staffing and costs, the SHPO tried to get reimbursed from FEMA through SEMA but it had to be classified as Administrative Costs and that presented some problems for timely reimbursement. Are there better ways to reimburse SHPO staff for travel costs? HUD is funding two SOI staff members at SEMA for the next 18 months; has FEMA thought about doing the same thing for the IA SEMA? It is important for FEMA to share information electronically and to make sure that the State Archaeologist (in a different office) gets archaeological survey data. The Iowa Site Inventory is maintained by a separate office. They have problems getting accurate lists of buyout properties from FEMA HMGP staff. There should be more of an effort on FEMA's end to exchange data on a regular basis. Montana – There have not been many disaster declarations in Montana in the last decade so the Montana SHPO often deals more directly with SEMA.
 - New Mexico – SHPO staff tend to be overburden when FEMA does not have enough archaeologists to access the SHPO GIS archaeology database. Only SOI archaeologists can access the archaeology database.
 - New York – They have a hearty online GIS system that includes archaeological probability layers. They plan to update it in the next couple of years.
 - Missouri – They have a GIS database for listed properties, but need some help bringing it up to speed. They do not have the staff to enter in properties that have been determined eligible through the section 106 process.

- Texas – During Hurricane Ike, they had SHPO staff on the ground with FEMA to provide in-person concurrence calls on the spot so that work could move forward. They were told that they would be reimbursed for their travel but now it turns out that they are not going to be and this is a financial hardship on the SHPO. FEMA should be better about paying for SHPO assistance when there is an extraordinary need. Assistance was offered to the SHPO in the form of securing contractors, but they were not interested in that particular arrangement because they wanted to maintain control. Is there a better way?
- Documentation
 - California – The documentation received from FEMA is pretty much standard quality and it generally comes from FEMA contractors.
 - Colorado- The quality of documentation they receive on non-disaster grant programs is inadequate. It is rarely clear on those types of grants who is actually making the call. What can FEMA do about this?
 - Georgia –The documentation that comes directly from FEMA is good, but what comes in from SEMA and directly from FEMA grant applicants is often insufficient. In those cases, the SHPO has to ask for more documentation and this can delay SHPO concurrence.
 - Iowa - Their office does not accept electronic submittals (only hard-copies) and in general finds FEMA documentation to be sufficient. They have problems getting accurate lists of buyout properties from FEMA HMGP staff.
 - Michigan –FEMA staff does a good job of documenting the Identification and Evaluation process and make good eligibility calls using standardized SHPO forms. The documentation coming from FEMA is better now than it used to be; the current FEMA Region 5 Regional Environmental Officer (REO) has a better understanding of what is required than her predecessor.
 - Missouri – They have a good relationship with SEMA and receive documentation directly from them on HMGP projects. The quality of the documentation depends on who is preparing it. It varies; it is better when it comes from FEMA but FEMA doesn't send much correspondence their way. They do not have an electronic submittal process but are willing to explore the possibility with FEMA if FEMA can provide some ideas, support, and technology.
 - New Mexico - Electronic submittals are okay as long as hard-copies are also sent to the SHPO. Sometimes the information in consultation letters is a little below average, depends on what type of property is being assessed.
 - New York –FEMA staff use the SHPO GIS system and a customized form to submit documentation packages electronically. It is easy to review hundreds of projects relatively quickly when FEMA submit the documentation as outlined per their arrangement. They are happy with the arrangement and find it quite effective.
 - Ohio - FEMA staff do a good job following SHPO standards when submitting documentation, this includes the FEMA REO. SHPO staff has also trained SEMA how to use SHPO forms and research systems, so the Ohio SEMA probably does a better job of documentation on FEMA projects than other SEMAs. FEMA seems to want to limit the level of archaeological survey it completes, much like HUD. The expected level of FEMA effort for Step 2 Identification and Evaluation should be a stipulation in the Prototype so that FEMA uses a more consistent approach for particular types of projects like buyouts.
 - Pennsylvania – They are happy with documentation that comes from FEMA, but there is a problem with documentation related to other FEMA grant programs such as the Assistance to Firefighters Grant Program (AFG). The documentation submitted

directly by applicants is generally quite poor. What is FEMA doing to educate grant applicant about submitting documentation directly to SHPOs?

- Ohio – FEMA field offices have qualified staff that does very good work documenting projects. This has been a pattern for the last 8-9 years.
- Oklahoma – They have a two-page form that works well and qualified FEMA staff is doing a good job using it.
- Texas – FEMA staff do a good job of preparing documentation but the submittals from FEMA grant applicants are often inadequate. FEMA should take more control over what gets submitted to the SHPOs for the various non-disaster programs. The documentation should be consistent. Most of the SHPO data is in databases and GIS and FEMA has access to it. They are accepting electronic submissions from FEMA for Hurricane Ike recovery projects and did not require hardcopies.
- Annual Reporting
 - California – They like the idea of an annual report.
 - Missouri – Since they haven't seen an annual report they wonder if that might be too much work. Perhaps it would be more effective to have quarterly meetings. Quarterly meetings will foster relationship building so this is a good idea.
 - Oklahoma – They like the idea of an annual report.
 - Pennsylvania – FEMA is not good about submitting annual reports cited in the statewide programmatic agreement with Pennsylvania. They need to fulfill that portion of the programmatic agreement.
 - Texas – FEMA isn't very good about annual reports, perhaps there can be a shared website where the SHPO can just access FEMA data when it needs to?
- Training and Guidance
 - California – They like the idea of educational opportunities that will improve communication between FEMA, SEMA, SHPO, and grant applicants.
 - Georgia – FEMA staff attend kick-off meetings to educate applicants, which is a very good approach. Does it always happen? Is there enough FEMA staff at a field office to educate applicants?
 - Iowa – During the last flood even they found out that SEMA staff didn't know about Section 106. It was a last minute education effort. They think that there are significant opportunities for FEMA to develop education materials and workshops for applicants and SEMA staff. In June, SEMA is hosting a table top disaster exercise and the SHPO has been invited. More opportunities like this would be welcomed.
 - New Mexico – They would like to have a better understanding of FEMA program and the review process. They would welcome joint workshops with FEMA staff.
 - Ohio – The OH SHPO agreed with the GA SHPO, the kick-off meetings with applicants do make a difference and educational materials such as FEMA Greenbooks are a good idea. But if there is no field office then education of grant applicants is haphazard and may not happen at all. Stepping up education efforts is always a good idea. What tools are currently available? How can FEMA and SHPO work together to better educate SEMA and applicants?

Coordination

- Pre-Disaster Planning
 - Georgia – Past experience with FEMA includes issues with the National Flood Insurance Program and a recent grant that impacted 1950s structures in Savannah. There needs to be more pre-disaster planning in the form of identification, evaluation, and development of context statements.

- Pennsylvania – FEMA funded a pre-disaster planning project, the Milton demonstration project, and it was a great idea but it is unclear whether or not there was truly follow-up afterwards to make it effective.
- Michigan – They have not been involved in pre-disaster planning with FEMA or SEMA. There are missed opportunities for pre-disaster coordination especially with SEMA; this is especially significant since SEMA is ever-present and FEMA only comes around when there is a presidentially-declared disaster. Recently the Department of Energy (DOE) began coordinating more effectively with the SHPO; perhaps FEMA can take a look at what they are doing as a potential model.
- Missouri – It would be good to establish a cooperative agreement for data sharing with FEMA to facilitate pre-disaster planning. The MO SHPO has GIS databases but could use some FEMA assistance (funding & data) to bring them up-to-date. Can FEMA fund such work as part of pre-disaster planning?
- Texas – More could be done with using GIS for pre-disaster planning. The TX SHPO would like better maps of disaster-prone counties so they can do a better job of understanding what historic properties might be at risk in the future.
- Relationships with SEMAs
 - California – They have very little interaction with SEMA.
 - Georgia – The role of SEMA varies depending on the grant program, this makes it hard to have consistency since roles and responsibilities between FEMA and SEMA seem blurred. SEMA is acceptable to work with directly but there seem to be complications with things like repetitive flood damaged properties that get tangled in a web of applicant, SEMA, and FEMA confusion. On these types of projects SEMA could do more to facilitate the process and keep things moving.
 - New York – They have a good relationship with both FEMA & SEMA, but there are some cases where the SHPO gets caught in the middle and does not enjoy it.
 - Michigan – Indicated that SEMA is under the Michigan State Police so they should be a concurring party on the statewide and should be more participatory in the process.
 - Montana – SEMA has not established a relationship with the SHPO. The SHPO would rather deal with FEMA because SEMA doesn't understand Section 106.
 - Ohio – SEMA must be an invited signatory to the statewide programmatic agreement since they are a "managing state," meaning a state that FEMA has delegated the authority to administer and manage HMGP.
 - Pennsylvania – SEMA staff does not readily share information and do not make efforts to collaborate with the SHPO. They do not understand Section 106 and do not have SOI professionals on staff. It is a good idea to formalize the role of SEMA with greater clarity, even though it will vary considerably state by state.
- Changes in Scopes of Work
 - Ohio – Occasionally they receive notice from SEMA regarding changes to scopes of work that include elevation changes. In at least one case, such a change created an adverse effect and necessitated the creation of an MOA. SEMA occasionally seems frustrated with applicants during this process because the applicants are hesitant to commit to particular actions in a timely manner.
 - Pennsylvania – They do not hear from SEMA or FEMA when projects are withdrawn and will not be funded. It would be good for the SHPO to receive a notification about project withdrawal.
- Project Close-Out
 - Michigan – They receive notification from SEMA on projects of particular interest to the SHPO.

- Ohio – They do get contacted by SEMA during the project close-out process. This process usually happens years after a disaster declaration and it is important to see if project conditions were actually implemented by FEMA applicants.

After-the-Fact Consultation

- Iowa – A need exists to iron out the process for after-the-fact consultation and such language should be captured in the Prototype. After-the-fact consultation is a reality, so it is best to develop a consistent approach to addressing the situation.
- Minnesota – They understand temporary measures to safeguard property but in general do not provide concurrence on such consultation requests as they feel it is bad policy.
- New York – They are fine with receiving after-the-fact consultation if the documentation makes it clear what the state the property was in before the disaster related repairs and clearly defines the final outcome and impacts of the repairs. They tend not to penalize FEMA grant applicants whose circumstances necessitated swift action, permitted the effects are not egregious.
- Ohio – Sometimes this can be an issue but most of the time they like to use a measure of reason for Public Assistance projects where applicants were trying to take care of the property and were not always aware that they would be applying for FEMA funding after the event. It would be good to have some guidance on this in the Prototype.

Section 110(k) Anticipatory Demolition

- Most SHPOs – Section 110(k) has not been a much of a problem on FEMA funded projects.

Unexpected Discoveries

- Georgia – The timelines for the process of dealing with inadvertent discoveries should be clearer. FEMA and SEMA do not deal with them often and staff needs better guidance on how to handle the situation in a timely and efficient manner.
- Iowa – They have had several unexpected discoveries related to house demolitions. In these cases the findings were primarily chain walls, cisterns, and privies. FEMA has done a good job reporting discoveries. FEMA and SHPO had to put together an informal protocol on how these things would be handled to cover issues not addressed in their current programmatic agreement. They are interested in working with FEMA to refine language for this stipulation.
- Ohio – There have only two to three notices total from FEMA. Overall, FEMA has been good about getting information to the SHPO and following through. But it is not clear to them how FEMA determines the National Register eligibility of unexpected discoveries. This type of language should be captured in the Prototype.
- Oklahoma – There have been no unexpected discoveries from FEMA to date. They did express the same concern as the OH SHPO about needing clarification on how FEMA intends to evaluate unexpected discoveries since often times only small areas of a site might be exposed and there may not be enough data to make an eligibility call unless additional fieldwork is completed.

Curation of Artifacts

- Georgia – Language clarifying FEMA's approach to curation of artifacts should be included in the Prototype PA and will hopefully be consistent across the nation.
- Ohio – Is there a written FEMA policy on curation that clarifies what the decision making process for what goes into a repository?

- Oklahoma – They only want artifacts to go to one of two repositories in their state. One is Oklahoma University and the other is the Great Plains Museum.
- Pennsylvania – The PA SHPO would like to have a better understanding of the extent to which FEMA will encourage applicants to donate artifacts for formal curation.

Allowances for Routine FEMA-funded Activities

- Georgia – The idea behind the allowances is appreciated since they help manage volume issues and eliminate a considerable number of non-issue consultation letters. However, FEMA needs to improve how it defines in-kind repairs to better understand how the allowances will be used. Who are the people using the allowances?
- Iowa – They have concerns with non-SOI professionals applying allowances. They have observed disconnects internally between FEMA staff – most notably FEMA program staff who want to use the allowances and FEMA SOI staff. FEMA SOI staff is not always the ones making the final calls. The IA SHPO has no real idea often FEMA is using the allowances because they have not seen any reports, although they receive emails twice a month on the status of projects.
- Minnesota – They have concerns about who is making the calls on how and when to use the allowances. Overall “in-kind” for structures is more of a concern because there is more of a ubiquitous understanding on “previously disturbed soils.” It is important to capture a common understanding on what these terms means in the text introducing the allowances in the Prototype.
- Ohio – They agreed with the Georgia SHPO on the benefits behind the allowances but have concerns about when their use requires National Register eligibility calls. Not everyone who is using the allowances is an SOI professional and this can potentially create problems. This SHPO would like clarification on the level of effort used by FEMA staff to examine projects to make sure that the allowances apply. The use of the allowances requires good judgment and common sense. What does FEMA staff do when they are unsure whether or not an allowance applies? Do they call SHPO staff if they have reservations?
- Oklahoma – They are currently working on a programmatic agreement with FEMA and said that they had the most concern about SOI qualified professionals making the judgment calls, especially on projects with ground disturbance.
- Texas – They are pleased with the qualifications of most FEMA staff making the calls on when and how to use allowances. However, the debris removal the allowance shouldn’t be used when the “debris” is a character defining element of a historic property – the language should be revised. They have concerns about non-SOI professionals at FEMA and SEMA misusing the allowances. They believe that FEMA SOI professionals should be making the calls for all of the grant programs.

Review Timeframes

- California – In their current programmatic agreement they have agreed to three days for emergency actions and 21 days for standard reviews. However, 21 days is not long enough to review complex projects. Perhaps there should be a tiered review process where more complex projects receive longer review periods.
- Iowa – There should be three different review periods such as 1) imminent threats funded under Public Assistance, 2) typical Public Assistance projects, and 3) longer term projects in other grant programs. Right now they have a problem with 403 imminent threat lists coming in two years after the disaster and shorten review times are not warranted for such projects. It hardly seems like a disaster after two years has passed. FEMA should be required to indicate what type of review period is desired for what type of project.

- Michigan – They believe that FEMA needs to do a better job about being clear on what project types are priorities. They understand the need for certain projects types to have abbreviated review timeframes, but encourage discussions on a phased/tiered approach so that not all FEMA projects fall under abbreviated review timeframes.
- Missouri – They believe that expedited reviews for disaster projects make sense and are interested in the NY SHPOs approach using 5, 15, and 30 day turnaround times.
- New Mexico – They are in favor of a standard 30 days review time for non-disaster projects.
- New York – They have multiple timeframes depending on the type of FEMA project. Turnaround times range from 5, 15, and 30 day based on need.
- Ohio – It can be difficult to accommodate requests for expedited review given staffing levels and the lack of FEMA dedicated reviewers. They recommend that FEMA establish priorities and perhaps lump work into two different levels. Such levels would reflect mass casualties requiring expedited review and projects that fall under conventional consultation.
- Pennsylvania – They agreed with comments made by both the Michigan and Ohio SHPOs. They feel that complex projects like FEMA buyouts should not fall under expedited review because they are more complex and deserve more consideration.
- Oklahoma – During ice storms & tornadoes they were giving FEMA 1-day turnaround time because they felt it important to expedite the delivery of disaster funds.
- Texas – During Hurricane Ike recovery they provided a seven day turnaround time on most disaster projects.

Memoranda of Agreements (MOAs)

- Ohio & Michigan - FEMA drags out the MOA writing process; it takes too long. FEMA also expects the SHPOs to write much of the MOAs for them and this is not a SHPO responsibility. It is FEMA's responsibility to initiate and wrap-up the MOA process and to not place undue burden on the SHPOs.
- Missouri – They have only had a problem with one MOA for a project with a safe room attached to a historic school. FEMA's role in actual implementation of the mitigation needs to be clarified.

Standard Treatment Measures

- Iowa – Standard treatment measures may be hard to agree to since properties are so different, disasters are different, and communities vary. Standard treatment measures may be fine, but there needs to be informal discussions prior to suggesting their use to see if they would even be appropriate for particular projects.
- Michigan – This idea has promise and HUD has been successful using this approach with house moving projects. But it is important to be explicit when such standardized treatment measures are appropriate and when they are not. Both the Prototype and statewide programmatic agreements need to be clear about what the triggers will be for Memorandums of Agreement (MOAs) if standardized treatment measures are not employed. Also, there could be a problem if people see this as an “easy out” and they decide it isn't worth considering and exploring alternatives to avoid adverse effects.
- Minnesota – They do not see how this approach would work and have concerns that it could limit flexibility which is what cookie-cutter approaches tend to do.
- Missouri – The idea sounds workable as long as everyone is in consensus and the process is clear and the end product of quality.
- New Mexico – Coming up with such measures would be hard for archaeological sites.

- Ohio – Reiterated thoughts expressed by the MI SHPO. It is important to ensure that there is a method to fall back on site-specific mitigation that can be customized. Also, the trend seems to be that FEMA applicants just walk away from projects if they don't want to complete the MOA process so this might alleviate some of that problem.
- Pennsylvania – Standardized treatment measures are fine for certain projects with lesser adverse effects, but it might not be appropriate for certain types of projects like elevations, buyouts, and bridge washouts. The PA SHPO agreed with the OH SHPO that FEMA applicants sometimes decide against projects that require MOAs. Do FEMA and SEMA encourage this?
- Texas – They do not see many adverse effects for Public Assistance projects, probably because FEMA SOI staff are involved and encourage the exploration of alternatives to avoid adverse effects. However, for some of their buyout projects if standard treatment measures were selected it would have been unlikely that there would have been a public participation component. On this one particular buyout project the public helped formulate the mitigation which was the development of a historic context for Depression Era construction. How does FEMA plan to involve the public if it uses standard treatments?

Dispute Resolution

- All SHPOs - Clarify the dispute resolution process and how it will be followed out with disputes with SEMA in the absence of FEMA.
- California – There is a 21 day timeframe in their current PA and they feel that is not long enough for non-disaster projects. They advised revisiting the notice of “timely objection” language typically in FEMA programmatic agreements because sometimes new information comes to light at a later date and objections may need to be made much later.

Public Participation

- Iowa – There tends to be a significant level of public participation in Iowa because they have 107 CLGs with local interests. There are many historic preservation community groups, a statewide PNP, and the National Trust for Historic Preservation (NTHP) has great interest. Because of this participation some FEMA projects don't actually result in adverse effects, however the value added does vary considerably. Some parties have expressed interest in wanting to consult on FEMA no adverse effects determinations.
- Michigan – It is not clear when and to what level FEMA involves the public. Their efforts should be made more clear and the process transparent.
- Pennsylvania – It is important to understand FEMA's approach to engaging the public; is it written down somewhere in policy form?
- Texas – There should be sufficient outreach to stakeholders as part of the initial disaster response. There are lots of bureaucratic hoops and PNP museums are not always aware that they are eligible for assistance until it is too late. FEMA should work on guiding PNPs through the process better. During Hurricane Ike recovery there was significant public involvement, including weekly stakeholder conference calls with NTHP and local entities. Most of the time the calls with FEMA were separate calls.

Duration

- California – 8 years
- Georgia – 5 years with renewal option.
- Iowa – They like the idea of 10 years because of how long disaster recovery can take. Perhaps 5 years with an extension clause. It would be good to capture in the agreement

that if another disasters hits, then the agreement is automatically extended to cover that disaster.

- Michigan – 5 years.
- Minnesota – 5 years
- Missouri – 5 years
- Oklahoma – 5 years
- New York – 5 years, option to revisit and extend.
- Ohio – 5 years; 10 years would probably be too long.

Additional Thoughts:

Consideration of Alternatives:

- Ohio – FEMA needs to make a greater effort to have grant applicants consider alternatives. There should be a greater focus on what is actually needed to complete projects instead of the biggest and the best.

New Approaches:

- Iowa – Immediately following the recent floods, SEMA hired two SOI professionals to conduct windshield reconnaissance surveys. That was an excellent approach and they surveyed 6,000 properties. The early survey data is still being used as a consultation baseline. There was public participation in these surveys, including some involvement from CLGs and the statewide PNP. This survey was done for imminent threat structures and the data was put on an FTP site to facilitate data exchange. Also, state historical societies and PNPs called to report damages to the SHPO and provided the data to SEMA and FEMA.
- Ohio – Why doesn't FEMA try something radically different for situations that are not necessarily time sensitive? There are missed opportunities for big picture ideas that could have more beneficial preservation outcomes.

FEMA Debris Removal Policy:

- Texas – During Hurricane Ike, trees in National Register district were considered contributing but weren't listed on the older National Register form. Dead trees became safety issues and FEMA used an allowance for debris removal which didn't give the SHPO a chance to weigh in about how the work would be done so that there were no adverse effects such as damage to fences & curbs. FEMA just cut trees flush and didn't remove them so there is no way to replant. FEMA should revisit their Debris Policy and make special considerations for National Register eligible and listed districts as well as National Historic Landmarks.

FEMA Alternate Projects Policy:

- Iowa – There are problems with the way FEMA's Alternate Projects Policy is written and implemented. FEMA uses the follow the money approach and it isn't good for historic preservation. This approach makes it difficult to agree on what the undertaking actually is because FEMA wants to limit that definition to not include directly related activities at other locations. In Iowa, FEMA staff are actually using the Alternate Projects Policy to handle Improved Projects too since there is no formal written policy on how to conduct reviews for Improved Projects. FEMA needs to revisit this policy because it encourages abandonment of historic properties and it wasn't formulated with any input from SHPOs. This policy undermines other good work that FEMA does and makes little sense. Also, there are problems with Alternate Projects because applicants pay for mitigation costs so they are hesitant to mitigation adverse effects.

Next Steps:

July and August 2010

- FEMA conducts outreach to State Historic Preservation Offices to solicit tribal feedback on the content of the prototype Programmatic Agreement (prototype PA). During this time FEMA will also conduct similar outreach efforts to Tribal Historic Preservation Officers and tribal representatives.

September 2010

- FEMA circulates the 1st draft of the prototype PA for review to the Advisory Council on Historic Preservation (ACHP), National Conference of State Historic Preservation Officers (NCSHPO), National Association of Tribal Historic Preservation Officers (NATHPO), State Historic Preservation Officers (SHPOs), Tribal Historic Preservation Officers (THPOs), tribes, Native Hawaiian Organizations (NHOs), and the National Emergency Management Association (NEMA).

October –November 2010

- FEMA circulates a 2nd draft of the prototype PA for review.

December 2010

- FEMA submits a final version of the prototype PA to ACHP for designation.

January – December 2011

- FEMA uses the prototype PA as a model to pursue state-specific PAs without further need of ACHP participation. Priority will be given to states and territories that do not have existing PAs with FEMA.

Materials on the ACHP Website: http://www.achp.gov/fema_prototype_pa.html

1. [FEMA's SHPO Considerations Brief](#)
2. [FEMA's Tribal Considerations Brief](#)
3. [Summary of FEMA Programs](#)
4. [Prototype PA Draft Table of Contents](#)
5. [FEMA Executed PA for Hawaii](#)
6. [FEMA Executed PA for Iowa](#)
7. [FEMA Executed PA for Louisiana](#)
8. [FEMA Executed PA for Maine](#)

Materials on FEMA's Website: <http://www.fema.gov/plan/ehp/index.shtm>

- [FEMA's Environmental Planning and Historic Preservation \(EHP\) Program](#)

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~ACHP HOSTED LISTENING SESSIONS ON FEMA PROTOTYPE PA~

FINAL LIST OF SHPO PARTICIPANTS

May and June 2010

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~ACHP HOSTED LISTENING SESSIONS ON FEMA PROTOTYPE PA~

FINAL LIST OF SHPO PARTICIPANTS

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Total Number of SHPOs = 15

Total Number of Participants = 25