

Appendix H

FEMA Historic Preservation Review Procedures for

Vermont Hazard Mitigation Assistance Acquisition/Demolition Projects

The Federal Emergency Management Agency (FEMA) provides funding for the Acquisition/Demolition of flood prone private properties through its Hazard Mitigation Assistance (HMA) grants including the Hazard Mitigation Grant Program (HMGP), Flood Mitigation Assistance (FMA), Building Resilient Infrastructure and Communities (BRIC), and Pre-disaster Mitigation (PDM) grant programs. FEMA and Vermont Emergency Management (VEM) recognize that because private property acquisition and demolitions involve private landowners, there is an additional need for clarity in the review process and for the projects to be reviewed as efficiently as possible.

When an acquisition and demolition project is submitted to FEMA for HMA grant funding, it is reviewed by HMA program staff for program eligibility, cost effectiveness (if applicable), and technical feasibility, and by Environmental and Historic Preservation (EHP) staff for EHP review. Only after all required project details have been provided to FEMA through the request for information (RFI) process and the project's eligibility has been confirmed, EHP will begin its formal review with external stakeholders. The EHP review entails FEMA EHP staff review of the grant for compliance with a variety of Federal and State Environmental and Historic Preservation laws, regulations, and executive orders, including Section 106 of the National Historic Preservation Act (NHPA) and under the terms of FEMA's Section 106 *Prototype Programmatic Agreement Among FEMA, the Vermont State Historic Preservation Officer, and the Department of Public Safety Vermont Emergency Management*. FEMA's Historic Preservation (HP) Specialists review the project for potential effects to both standing structures and archaeological resources. Archaeology and standing structures reviews are done concurrently, with findings of effect determined by the combined effects of the undertaking. Each acquisition and demolition project is different and requires FEMA's application of professional judgement throughout the consultation process to identify exceptional circumstances which may cause some variation from the pathways detailed below and represented graphically in the flowcharts (*see attached flowcharts*). The project is also reviewed by FEMA EHP staff for compliance with environmental laws; however, the process outlined in this document is just the Historic Preservation portion of the EHP review.

Due to programmatic differences between HMGP grants and FMA, BRIC, and PDM grants, the initial/pre-review will take place at different times. Differences will be noted below in the narrative description. Please be advised that this is not an HMA program document. For HMA program information, please visit www.fema.gov/grants/mitigation. The actual decision to fund any grant is made by HMA program and going through this EHP review process does not guarantee funding for a project.

Project Review

For HMGP, conceptual projects can be submitted for a "pre-review" by VEM to FEMA before the official submission of the grant application(s). If VEM chooses to take advantage of the opportunity for technical assistance, property(ies) proposed for acquisition/demolition would then be sent to the appropriate FEMA HMA program specialist(s), who would then transmit the proposed project details to FEMA HP staff.

As BRIC and FMA are nationally available grant programs, FEMA Region I is not able to offer project specific EHP technical assistance during sub-application development. As such, Region I will not complete a pre-review for acquisition and demolition projects being submitted for either FMA, BRIC, or PDM

consideration. Although completion of a pre-review is unallowable, FEMA Region 1 HMA Branch staff may provide technical assistance to include outreach and training as well as discuss programmatic requirements upon request.

BRIC and FMA projects are submitted on a yearly cycle to FEMA for consideration. If a project is identified for further review, FEMA HP staff will begin the full review of the project and submit requests for information (RFIs) as necessary to gather the necessary information to complete project review.

Pre-Review/Initial Review

When the Pre-Review/Initial Review for Historic Preservation takes place is dependent upon the HMA program under which the grant sub-application is being submitted:

- HMGP – Pre-Review can occur prior to the official grant application submission.
- BRIC/FMA/PDM – Initial Review occurs once the project has been identified for further review.

This stage primarily consists of an analysis of the potential level of effort required for each project, and an identification of the need for any additional information/project details.

FEMA HP staff will begin the archaeological review by utilizing the Vermont Environmental Predictive Model for Locating Precontact Archaeological Sites (Predictive Model) to determine the number of pre-contact sensitivity indicators present within the project area.

For review of standing structures, FEMA HP staff will first determine the age of the property and if needed, will conduct cursory research on the property to be demolished by conducting a surface level review of property records, historic maps and aerial photographs, town histories, existing property surveys, and additional sources of information as necessary to provide a preliminary assessment of the property's historic eligibility potential for listing in the National Register of Historic Places (NRHP).

For HMGP projects, FEMA will transmit information regarding its initial assessment of the archaeological sensitivity and potential eligibility of standing structures to VEM to help in the development of the formal sub-application(s). For all other grants FEMA will provide this initial information to VEM to help inform sub-applicants of the potential timelines and steps needed to complete the Section 106 process, including necessary consultations and the potential need for archaeological surveys.

SHPO/THPO Consultation

For HMGP projects¹, HP staff will initiate consultation with the State Historic Preservation Officer (SHPO)/Tribal Historic Preservation Officer(s) (THPOs) once a formal application has been submitted to FEMA, all requested information from RFIs has been provided (including any necessary disclosure documentation for Personally Identifiable Information), and the project has been determined to be technically feasible, cost effective, and program eligible. The SHPO/THPO consultation process typically takes 3-6 months to be completed, depending on the sensitivity of the resources (archaeological and standing structures), and workloads for other grant programs. However, the review timeline could be extended based on the complexity of the project, timeframes for the completion and submission of archaeology surveys, and whether any resources (above or below ground) are adversely affected.

¹ The Historic Preservation Review is done concurrently with the rest of the EHP review process, including the need for additional review under other laws, regulations, and Executive Orders. Some of those reviews may also necessitate consultation with outside agencies that may take more or less time than the HP review timeframes discussed here.

Archaeology

FEMA HP staff will begin the archaeological review by completing the Vermont Environmental Predictive Model for Locating Precontact Archaeological Sites (Predictive Model) to determine the pre-contact archaeological sensitivity of the project area. FEMA staff may also review the United States Department of Agricultural Natural Resources Conservation Service (NRCS) Soils Survey, historic maps, and aerial photographs, as well as any existing archaeological surveys of the project area if needed to determine the historical archaeological potential and soil conditions to help gauge feasibility of avoidance measures.

If the Predictive Model score is less than 32 and there are no other indicators of archaeological sensitivity² and there are no NRHP eligible standing structures that will be affected by the undertaking, FEMA will submit a SHPO/THPO consultation letter with a finding of “No Historic Properties Affected”³ and include the standard unanticipated discoveries conditions. If SHPO/THPO concurrence is received, this would conclude FEMA’s obligations under Section 106, unless inadvertent discoveries are made. Projects will be conditioned for inadvertent archaeological discoveries (*see below for standard conditions*).

If the area is determined to be archaeologically sensitive (Predictive Model score is 32 or above and/or possessing other indicators of archaeological sensitivity), FEMA will determine if there are favorable conditions that allow for the application of avoidance measures (*see avoidance measures below*). These favorable conditions would include the following: well-drained soils and previously hardened paved surfaces from which equipment can work. Paved surfaces are engineered and hardened surfaces, such as driveways, roadways, parking lots, or existing hard-topped or graveled surfaces with an engineered sub-base.

If favorable conditions exist for the use of archaeological avoidance measures and there are no eligible standing structures that will be affected by the project, FEMA will submit a consultation letter with a finding of “No Adverse Effect”⁴ including avoidance measures to the SHPO/THPO and standard project conditions for inadvertent discoveries (*see standard conditions below*). If SHPO/THPO concurrence is received this would conclude FEMA’s obligations under Section 106, unless inadvertent discoveries are made or there is a change in the Scope of Work.

If the Predictive Model score is 32 or higher with no signs of extensive previous disturbance and conditions are not favorable for the application of avoidance measures (poorly drained soils based on NRCS Soils Survey, lack of hardened surfaces from which the work can be completed, or the existence of known archaeological sites), FEMA will submit a SHPO/THPO consultation letter proposing a Phase I Archeological Survey. FEMA Region I retains the right to recommend an Archaeology Resources Assessment (ARA) if FEMA feels it is more appropriate but will recommend the use of a Phase I survey as its standard practice. If SHPO/THPO concurrence for the survey is received, FEMA will notify the Applicant of the need for the sub-applicant to hire a qualified archaeological consultant to conduct the Phase I Survey. Once the survey is completed, and the End of Field (EOF) Notification is submitted to FEMA,

² A location is determined to be archaeologically sensitive if the Vermont Environmental Predictive Model score is 32 or higher, or if there is other evidence of potential archaeological sensitivity (i.e. from historic maps, aerials, oral history, or lidar imagery).

³ Historic Preservation reviews for Archaeological Resources and Standing Structures are done concurrently and while there may be different levels of effect for each of the different resources, FEMA will make one finding of effect for the undertaking. The finding of effect referenced here could be impacted by the results of the review for standing structures.

⁴ See note 3.

FEMA will review the EOF to determine if the report meets the minimum state standards⁵ and if any significant findings were made. If no significant findings are made and the EOF meets the required standard, FEMA will submit a final SHPO/THPO consultation letter with a finding of “No Historic Properties Affected”⁶ including the standard unanticipated discoveries conditions. Once SHPO/THPO concurrence is received, FEMA has fulfilled its obligations under Section 106.

Determination/Resolution of Effects

If significant findings are made during the Phase I Archaeological Survey and/or if an NRHP eligible standing structure is determined to be adversely affected, and there is no way to avoid effects to the resource, FEMA will submit a SHPO/THPO consultation letter with a finding of “Adverse Effect” and propose resolution through the Abbreviated Consultation Process (ACP) outlined in Stipulation II.C.6.a. of the FEMA’s Statewide PA. This will involve the application of appropriate Treatment Measures in Appendix C of the FEMA’s Section 106 Statewide PA (further archaeological survey, monitoring and data recovery, interpretive panels, public outreach, documentation etc.)⁷. Once SHPO/THPO concurrence on the finding of effect and the appropriateness of the ACP is received and the parties agree on the appropriateness of the utilization of the ACP by signing ACP memo, then the pre-award HP review process is complete. There may be circumstances that instead warrant the development of a Memorandum of Agreement (MOA); however, FEMA will pursue the ACP whenever practicable. Any MOA must be fully executed prior to project award. Typically, it takes 6-12 months to develop a plan for the resolution of adverse effects to archaeological resources or standing structures. However, it may take longer depending on the sensitivity of the effected resources and whether an MOA needs to be developed.

Post-Award

If the ACP has been utilized for either archaeological resources or standing structures, after the project has been awarded by program and before construction, FEMA, the SHPO/THPO, VEM, and the sub-applicant will work together to develop a treatment measure implementation plan for the resolution of the adverse effects. On a case-by-case basis, this meeting may occur prior to award. Once the Treatment Measures are complete and documentation provided to FEMA and the other consulting parties as instructed in implementation plan, FEMA’s obligations under Section 106 are complete. However, depending on the nature of the treatment measure(s) some may need to be completed before construction, while others may be finalized after construction.

Typically, implementation and completion of the treatment measures takes 1 to 2 years, depending on the timelines developed as part of the MOA or the Treatment Measure Implantation Plan.

⁵ If the report does not meet the minimum state standards for an archaeological survey it will be returned to the applicant so that steps can be taken to bring it into compliance with the state standards.

⁶ See note 3.

⁷ If the Abbreviated Consultation process is determined not to be appropriate for an individual undertaking, for example because of the sensitivity of the resources or the presence of burials, FEMA will pursue resolution through the development of a Memorandum of Agreement (MOA) or other agreement document as appropriate.

Avoidance Measures

AVOIDANCE MEASURE (construction matting): Non-timber construction matting must be utilized anywhere heavy equipment will be driven, temporarily parked, or staged onsite except for those areas within three (3) feet of a non-historic dwelling or outbuildings, the immediate areas surrounding the septic system (if present) and well (if present), and existing paved surfaces, which are engineered and hardened surfaces, such as driveways, roadways, or parking lots, or existing hard-topped or graveled surfaces with an engineered sub-base.

AVOIDANCE MEASURE (snow fencing): No work should take place outside of the vicinity of the dwelling and outbuildings, and the immediate areas surrounding the septic system and well. Snow fencing will be used to mark off the areas where no work is to be completed and where no vehicles may be driven, parked, or staged.

AVOIDANCE MEASURE (archaeological and Tribal construction monitoring): A Secretary of the Interior (SOI) qualified archaeologist and/or Tribal representative will be present onsite during construction activities involving the removal of hardened surfaces from which work is completed to monitor the site and determine if archaeological resources are uncovered. If such resources are uncovered, work must immediately stop in the vicinity of the discovery and reasonable measures will be taken to avoid or minimize harm to the finds. The Subrecipient and their contractor shall secure all archaeological discoveries and restrict access to discovery sites. The Subrecipient shall immediately report the archaeological discovery to the Recipient (VEM) and the FEMA Deputy Regional Environmental Officer Mary Shanks, 617-901-2204; FEMA will determine the next steps.

AVOIDANCE MEASURE (work from hardened surfaces): Previously hardened surfaces, such as existing driveways, roadways, or parking lots, must be utilized anywhere heavy equipment will be driven, temporarily parked, or staged onsite. If additional staging areas or access routes are to be established on non-hardened surfaces, the Subrecipient must notify FEMA prior to construction or use. FEMA must review the staging area(s) and/or access route(s) for compliance with all applicable federal environmental planning and historic preservation laws, regulations, and executive orders. Documentation in the form of photographs showing the staging and temporary and permanent access areas in use and shortly after construction is complete is required at closeout.

AVOIDANCE MEASURE (photographs of compliance): All work must be photographed and documented showing avoidance measures while in place and after their removal. Photos should be taken before work starts to show existing conditions, while work is ongoing (including those that show the avoidance measures in place, including snow fencing, construction matting, or work from hardened surfaces), and after work is complete and all construction equipment and demolition debris has been removed from the project location showing that the fencing or matting has been removed.

Standard Inadvertent Discoveries Project Conditions

NHPA CONDITION (artifacts): Stop work if archaeological deposits (for example Indian pottery, stone tools, shell, old house foundations, old bottles) are found/uncovered during construction. The project proponent and/or their contractor must immediately stop all work in the vicinity of the find, take reasonable measures to avoid or minimize harm to the finds, secure all archaeological finds (without removing them), and restrict access to the area of the find. The project proponent must immediately report the archaeological discovery to the State Emergency Management Agency and the FEMA Deputy Regional Environmental Officer Mary Shanks, 617-901-2204. FEMA will determine the next steps.

NHPA CONDITION (human remains): Stop work if human remains are discovered. The project proponent and their contractor must immediately stop all work in the vicinity of the discovery and take reasonable measures to avoid or minimize harm to the remains, protect all human remains discoveries, and restrict access to discovery sites. The project proponents and their contractor must follow all state laws associated with the discovery of human remains, including immediately notifying the proper authorities. Violation of state law will jeopardize FEMA funding for this project. The project proponent will inform the Office of the Chief Medical Examiner, the State Archaeologist, the State Emergency Management Agency, and the FEMA Deputy Regional Environmental Officer Mary Shanks, 617-901-2204. FEMA will consult with the SHPO and Tribes, if remains are of tribal origin. Work in the vicinity of the discovery(s) may not resume until consultation is completed and appropriate measures have been taken to ensure that the project is compliant with the National Historic Preservation Act and the Native American Graves Protection and Repatriation Act.

Additional Standard Conditions

NHPA CONDITION (borrow sources): All borrow, or fill material must come from pre-existing stockpiles, material reclaimed from maintained roadside ditches (provided the designed width or depth of the ditch is not increased), or commercially procured material from a source existing prior to the event. For any FEMA-funded project requiring the use of a non-commercial source or a commercial source that was not permitted to operate prior to the event (e.g., a new pit, agricultural fields, road ROWs, etc.) in whole or in part, regardless of cost, the Subrecipient must notify FEMA and the Recipient (VEM) prior to extracting material. FEMA must review the source for compliance with all applicable federal environmental planning and historic preservation laws and executive orders prior to a Subrecipient or their contractor commencing borrow extraction. Consultation and regulatory permitting may be required. Non-compliance with this requirement may jeopardize receipt of federal funding. Documentation of borrow sources utilized is required at closeout.

NHPA CONDITION (staging and access): Staging of equipment and materials and temporary access routes including, but not limited to, routes between staging and work areas shall take place on existing hardened surfaces such as paved or gravel roadways or parking lots. If additional staging areas or access routes are to be established on non-hardened surfaces, the Subrecipient must notify FEMA prior to construction or use. FEMA must review the staging area(s) and/or access route(s) for compliance with all applicable federal environmental planning and historic preservation laws and executive orders. Non-compliance with this requirement may jeopardize receipt of federal funding. Documentation in the form of photographs showing the staging and temporary and permanent access areas in use and shortly after construction is complete is required at closeout.

FMA/BRIC/PDM Acquisition/Demolition Project Review Flowchart

Project Submission

FEMA HP Project Initial Review

FEMA HP Section 106 Consultation

Determination/Resolution of Effects

Post Award

Acquisition/Demolition Sub-application Submitted for BRIC/FMA/PDM Fiscal Year Cycle and Identified for Further Review

Archaeology Review- FEMA reviews Predictive Model, Historic Maps, NRCS Soils Survey, etc. to determine archaeological potential

Predictive Model Score 32 or higher (archaeologically sensitive) and no signs of extensive previous disturbance

Predictive Model Score less than 32 (not archaeologically sensitive)

If Predictive Model Score is less than 32 and building is less than 45 years of age (and not of exceptional importance), project can be cleared by Programmatic Allowance under the VT Section 106 Programmatic Agreement.

Standing Structures Review- FEMA reviews the structure to be demolished

Less than 45 years of Age

Over 45 Years of Age

Project with Program/Applicant for RFIs and Technical Review

Favorable Conditions for Avoidance Measures (well drained soils and hardened surfaces for equipment to work from.)

No Adverse Effect SHPO/THPO Consultation letter with Avoidance Measure Conditions, including standard unanticipated discoveries conditions

Unfavorable Conditions for Avoidance Measures (poorly drained soils, lack of hardened surfaces to work from, or known archaeological sites)

SHPO/THPO Consultation with ARA Survey or Phase I Archaeological Survey Proposal

SHPO/THPO Consultation with "No Historic Properties Affected" Finding and standard unanticipated discoveries conditions included

SHPO/ THPO Concurrence with Finding of Effect

Building of Exceptional Importance (NRHP-eligible under Criteria Consideration G) and Retains Integrity

Adverse Effect SHPO/THPO Consultation letter with Abbreviated Consultation Process

Building not of Exceptional Important or does not retain integrity (Not NRHP-eligible)

SHPO/THPO Consultation with "No Historic Properties Affected" Finding including standard unanticipated discoveries conditions

Meets NRHP Criteria and Retains Integrity (NRHP-eligible)

Effect evaluation and consultation with SHPO/THPO regarding consideration of alternatives to avoid, minimize, and mitigate potential adverse effects

Does not meet NRHP Criteria or does not retain integrity (not NRHP-eligible)

SHPO/THPO Consultation with "No Historic Properties Affected" finding including standard unanticipated discoveries conditions

SHPO/THPO Concurrence Received on Effect Finding and Use of Avoidance Measures Conditions

No significant findings during ARA or Phase I Survey

SHPO/THPO Consultation with "No Historic Properties Affected" finding including standard unanticipated discoveries conditions

SHPO/THPO Concurrence Received on Effect Finding

Significant archaeological findings; will proceed to Phase II investigation to evaluate if archaeological sites are NRHP eligible

Adverse Effect SHPO/THPO Consultation with Treatment Measures

Effect evaluation and consultation with SHPO/THPO regarding consideration of alternatives to avoid, minimize, and mitigate potential adverse effects

SHPO/THPO Concurrence on Finding of Effect and Treatment Measures to Resolve Adverse Effects

SHPO/THPO Concurrence with Finding of Effect and Use of Abbreviated Consultation Process

Appropriate Treatment Measures Proposed and Agreed Upon by All Parties to Resolve Adverse Effects

SHPO/THPO Concurrence on Finding of Effect

SHPO/THPO Concurrence on Finding of Effect and use of Abbreviated Consultation Process

Appropriate Treatment Measures Proposed and Agreed Upon by All Parties to Resolve Adverse Effects

SHPO/THPO Concurrence on Finding of Effect

Completion of Treatment Measures; Address inadvertent Discoveries if Found

Completion of Treatment Measures

Completion of Treatment Measures

***Note:** Archaeology and Standing Structures Reviews are done concurrently, and the finding of effect is determined by both reviews. Each project is different and requires FEMA's application of professional judgement throughout the consultation process to identify exceptional circumstances which may cause some variation from these pathways.

Project is submitted to FEMA Program for consideration

FEMA HP Project Review is completed after the project is moved forward by Program for further review. FEMA EHP then sends the anticipated findings to the State (VEM) so the Sub-applicant can include them in the project planning, timeline, and budgeting. This EHP review process takes approximately 30-45 days.

All RFI information has been received and questions have been sufficiently answered, and the Project has been reviewed by Program and determined technically feasible/cost effective; FEMA HP Review takes approximately 3-6 months for consultation process

FEMA HP Timeline at this Stage is dependent on consultant completion of Archaeological Survey; 6-12 months for development/completion of Treatment Measures with all stakeholders involved in the project. The Abbreviated Consultation Process noted here may not be appropriate for all projects and instead a Memorandum of Agreement (MOA) may need to be developed.

These activities can be completed once the grant is awarded to the sub-applicant; in some cases, the Abbreviated Consultation Process, or development of an MOA, and completion of the Treatment Measures may be done post award.

HMGP Acquisition/Demolition Project Review Flowchart

Pre-Review HP Request Received by FEMA

FEMA HP Project Pre-Review

FEMA HP Section 106 Review Process

Determination/Resolution of Effects

Post Award

Acquisition/Demolition Pre-Review Material Received by FEMA

Archaeology Review- FEMA reviews Predictive Model, Historic Maps, NRCS Soils Survey, etc. to determine archaeological potential

Predictive Model Score 32 or higher (archaeologically sensitive) and no signs of extensive previous disturbance

Predictive Model Score less than 32 (not archaeologically sensitive)

If Predictive Model Score is less than 32 and building is less than 45 years of age (and not of exceptional importance), project can be cleared by Programmatic Allowance under the VT Section 106 Programmatic Agreement.

Standing Structures Review- FEMA reviews the structure to be demolished

Less than 45 years of Age

Over 45 Years of Age

Project with Program/Applicant for RFI and Technical Review Formal EHP Review Initiated Once Formal Sub-application Submitted to FEMA

Favorable Conditions for Avoidance Measures (well drained soils and hardened surfaces to work from)

No Adverse Effect SHPO/THPO Consultation letter with Avoidance Measure Conditions, including standard unanticipated discoveries conditions

Unfavorable Conditions for Avoidance Measures (poorly drained soils, ack of hardened surfaces to work from, or known archaeological sites)

SHPO/THPO Consultation with ARA Survey or Phase I Archaeological Survey Proposal

SHPO/THPO Consultation with "No Historic Properties Affected" Finding and standard unanticipated discoveries conditions included

SHPO/ THPO Concurrence with Finding of Effect

Building of Exceptional Importance (NRHP-eligible under Criteria Consideration G) and Retains Integrity

Adverse Effect SHPO/THPO Consultation letter with Abbreviated Consultation Process

Building not of Exceptional Important or does not retain integrity (Not NRHP-eligible)

SHPO/THPO Consultation with "No Historic Properties Affected" Finding including standard unanticipated discoveries conditions

Meets NRHP Criteria and Retains Integrity (NRHP-eligible)

Effect evaluation and consultation with SHPO/THPO regarding consideration of alternatives to avoid, minimize, and mitigate potential adverse effects

Does not meet NRHP Criteria or does not retain integrity (not NRHP-eligible)

SHPO/THPO Consultation with "No Historic Properties Affected" finding including standard unanticipated discoveries conditions

SHPO/THPO Concurrence Received on Effect Finding and Use of Avoidance Measures Conditions

No significant findings during ARA or Phase I Survey

SHPO/THPO Consultation with "No Historic Properties Affected" finding including standard unanticipated discoveries conditions

SHPO/THPO Concurrence Received on Effect Finding

Significant archaeological findings; will proceed to Phase II investigation to evaluate if archaeological sites are NRHP eligible

Adverse Effect SHPO/THPO Consultation with Treatment Measures

Effect evaluation and consultation with SHPO/THPO regarding consideration of alternatives to avoid, minimize, and mitigate potential adverse effects

SHPO/THPO Concurrence on Finding of Effect and Treatment Measures to Resolve Adverse Effects

SHPO/THPO Concurrence with Finding of Effect and Use of Abbreviated Consultation Process

Appropriate Treatment Measures Proposed and Agreed Upon by All Parties to Resolve Adverse Effects

SHPO/THPO Concurrence on Finding of Effect

SHPO/THPO Concurrence on Finding of Effect and use of Abbreviated Consultation Process

Appropriate Treatment Measures Proposed and Agreed Upon by All Parties to Resolve Adverse Effects

SHPO/THPO Concurrence on Finding of Effect

Completion of Treatment Measures; Address Inadvertent Discovers if Found

Completion of Treatment Measures

Completion of Treatment Measures

***Note:** Archaeology and Standing Structures Reviews are done concurrently, and the finding of effect is determined by both reviews. Each project is different and requires FEMA's application of professional judgement throughout the consultation process to identify exceptional circumstances which may cause some variation from these pathways.

Informal Notification from the State (VEM) is sent to FEMA Program listing Properties Proposed for Acquisition/Demolition

After HP Project Pre-Review is completed, FEMA sends the anticipated findings to the State (VEM) so the Sub-applicant can include them in the project planning, timeline, and budgeting of the official sub-application.

All RFI information has been received and questions have been sufficiently answered, and the project has been reviewed by Program and determined technically feasible/cost effective; FEMA HP Review takes approximately 3-6 months for consultation process

FEMA HP Timeline at this stage is dependent on consultant completion of Archaeological Survey; 6-12 months for development/completion of Treatment Measures with all stakeholders involved in the project. The Abbreviated Consultation Process noted here may not be appropriate for all projects and instead a Memorandum of Agreement (MOA) may need to be developed.

These activities can be completed once the grant is awarded to the sub-applicant; in some cases, the Abbreviated Consultation Process, or development of an MOA, and completion of the Treatment Measures may be done post award.

FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA)
DESIGNATED OFFICIAL
APPENDIX H

Signature/Date

Mary Shanks, Deputy Regional Environmental Officer

Printed Name of Designated Official