Mark Peterson - Host:

I'm Mark Peterson, and this is "Before, During, and After: A Podcast from FEMA." FEMA's Environmental and Historic Preservation Program, EHP, is crucial to ensuring that our recovery and grant efforts respect and also protect environmental and historic sites, even in the wake of disasters. So on this episode, we get down to the basics and explore the responsibilities of the EHP program - how it operates during and after disasters and why preserving our natural and cultural heritage is essential for resilient recovery. Whether you're a history buff or an environmental enthusiast, or simply curious about FEMA's multifaceted role, this episode is for you.

Mark Peterson - Host:

So, to talk about environmental and historic preservation, I'm so thrilled to be joined by the Assistant Administrator for Environmental and Historic Preservation, Donna Defrancesco. Thank you so much for joining me. I know this is a long time coming and also a topic that I have heard from a number of people within the agency and out of the agency that are very interested in hearing more about. So, this is, this is a great conversation. I'm looking forward to it.

Donna Defrancesco:

Thank you. And thank you for having the Office of Environmental Planning and Historic Preservation here to talk and speak with your audience. We look forward to sharing how environmental and historic preservation can be helpful partners to the emergency management community in helping them achieve their disaster recovery and community resilience goals.

Mark Peterson - Host:

I love how you called it a partnership because it's a, it's a responsibility, it's a, a law. There's, there's requirements here, but it, but it really is a partnership. 'cause I think we can get to kind of a more effective and efficient end for the resilient recovery of our community. So, thanks for that. But maybe to, just to start off the conversation, can you just kinda walk me through what is environmental planning and historic preservation from your perspective and the expectations that maybe you have for our customers?

Donna Defrancesco:

Absolutely. So, what you, what you may not know is that there are over 30 environmental planning laws, executive orders and regulations that FEMA as a federal agency must comply with when doing federal work. So, that means when we disperse federal grant funds, when we take actions at our federal facilities, when we take direct federal actions in support of the agency mission, we as an agent, a federal agency, must comply with these 30 environmental laws, executive orders, and regulations. Now, that means that as sort of the end users of these funds, the emergency management community, local governments, state governments, private nonprofit organizations that are the recipients of these funds, must also ensure that the work that is conducted with those grants meets the requirements of those laws and regulations. And now, it is our role to be helpful and to help people use environmental planning and historic preservation to meet their community and disaster recovery resilience goals.

Mark Peterson - Host:

Yeah, I'm looking forward to talking through some of those specific roles in kind of some of the lifecycle of a disaster. But, you know, I, I wonder if you, you know, from your perspective, yes, of course we have these laws. Yes, there is this responsibility, but why, what is the importance of, I mean, what's at stake in EHP that makes it important?

Donna Defrancesco:

That's a great question. You know, the origin of all of these laws, the, a lot of them stem from the late sixties and early seventies. And it's really ultimately, as you look at all of these 30 laws and executive orders, the intent is ultimately to reduce risk. It's to reduce risk to people through whatever federal action is taking place, and to reduce risk to our natural environment and our cultural heritage that makes the places we live so important to all of us. And it helps to define our identities. And so, the laws really are designed to reduce the risk of impact to help us understand where we may be creating impact by the actions that we're taking, and to avoid that impact if possible, or to reduce it, minimize it, mitigate against it if necessary or possible so that we can still take the actions that we wanna take to achieve our disaster recovery and community resilience goals. But we're also doing it in a way that is reducing additional impacts to the people that live in those communities and to the natural and cultural resources that make them so important.

Mark Peterson - Host:

I have a question a question. I'm not an expert in this area by any means, but I do know and have heard NEPA used many times in a lot of different ways. And so, the National Environmental Policy Act, I wonder if you could just talk about what that is and how FEMA carries it out. And it's certainly, I'm guessing one of the big, big ones in the 30 laws but maybe you could talk a little bit about that.

Donna Defrancesco:

Absolutely. So, the National Environmental Policy Act is really considerate, considered the foundational environmental law that really is an umbrella across all these other 29 environmental and historic preservation laws. It guides FEMA and other federal agencies to evaluate the potential impacts of major federal actions on the environment. So, all federal projects must look to NEPA to integrate it and ensure compliance with it in their federal projects. The main desire or impetus for NEPA was to ensure that communities and individuals had a say in projects that were happening in their communities, and that they had an ability to understand what those projects might be and have a voice in those projects and that they, that it also drove federal agencies to have to look at alternatives to whatever projects they were proposing so that you could look across other options to see where there may be options that could create potentially less impact.

New Speaker:

It was really designed to reduce risk to people as well as the built environment and cultural heritage. But I think the interesting things about NEPA as the bedrock of environmental laws is that there are different levels of review under NEPA. Some that may have the most impact require what is called an environmental impact statement, which can be a multi-year environmental planning and investigation document. Projects with less impact may require an environmental assessment. So, not quite as broad and detailed as an environmental impact statement, but a document that does require us to look at alternatives to the project and consider other alternatives. Below those types of documents, we have some exclusions. So, exclusions are things that allow us to not have to go through the full NEPA process when we are reviewing a project. In other words, not having to go through the full alternatives analysis of projects or the full levels of public engagement and review and comments and those sorts of things.

New Speaker:

Therefore, projects that have been determined through a variety of means to be less of an impact, and they fall into two spaces. There's what we call a statutory exclusion. That statutory exclusion is something unique that FEMA has for projects that return to pre-disaster condition in a disaster. So, for our public assistance projects that are just returning to pre-disaster, they're not doing anything different, that statutory exclusion for NEPA applies. It just means we don't have to do full environmental assessments. We don't have to do alternatives analysis. We don't have to build out an ex, you know, a lengthy document. We don't have to do public engagement. It doesn't, however, exclude the other 29 laws that we do still have to work through on those projects.

New Speaker:

And then we have something that's called a categorical exclusion. So, we have statutory exclusions only apply to public assistance, return to pre-disaster projects. We have categorical exclusions that are broad across federal agencies. Each agency has their own specific ones, which can somewhat make it somewhat challenging when you're doing inter-agency projects. But we do have those categorical exclusions, and those allow us also to not have to do the full NEPA process for those projects that fall under whatever the specific categorical exclusion is. And I will say, I'm excited to say, that we recently just adopted 18 new categorical exclusions for a variety of different projects that fall in the energy space. And we adopted those from the Department of Energy, but it does give us additional streamlining mechanisms for energy projects such as transmission and distribution lines, solar voltaic units, and other sorts of, of energy focused projects. So that is NEPA, and it is, again, our overarching environmental law.

Mark Peterson - Host:

So, Donna, I I work out here in the region, and I'm very familiar with how our environmental and historic preservation teams go out to the disasters and they work alongside our public assistance staff, they work alongside our mitigation staff and, and they are, you know, helping these communities. From your perspective, as you oversee this program, can you just talk to me about like how that works and, and what your expectations are for the staff that go out and, and work the disaster life cycle? So, I'm gonna switch here to the disaster side of, you know, the work that you do and focus in on, you know, maybe some of the communities that have, are first experiencing a disaster or going through this process. What would they expect?

Donna Defrancesco:

You did mention disaster recovery. But I think it is important to frame that the Environmental historic Preservation process does integrate with all 40 FEMA grant programs. So, the disaster side of what we do in our mission, as well as the mitigation resilience and preparedness sides of our mission as well. So, we do integrate across all 40 plus FEMA grant programs. But from disaster side, and I, I can speak as, as well as being the assistant administrator for EHP, I joined FEMA in 2011 in a joint field office as a environmental historic preservation specialist who was, was there to support the delivery of our disaster recovery mission. And, and that is true of all environmental historic preservation specialists and our program, we integrate with the disaster recovery programs in a joint field office. We support directly the public assistance program across 25,000 to 30,000 projects a year across 50, 60, up to a hundred different disaster locations a year, depending what is happening across the nation. And we work with that public assistance staff to ensure that we're integrating with them with every, along every step of the way. So, we join them as they do their exploratory calls with applicants to help understand what the applicant or their survivor's project might be, and how it, there may be associated impacts that need to be considered under environmental and historic preservation. From there, we work with public assistance on the scoping meetings. With that they can conduct with those grant applicants at the state and local government levels to ensure that they understand what work that they might be doing that could potentially have impacts or could be considered in an environmental planning process where they may need to look at alternatives to the type of project that they're doing so that they understand if there are opportunities to do a project in a way that may create less impacts or additional environmental benefits.

New Speaker:

From there, we, we continue to work with the public assistance staff hand in hand through the disaster recovery process. We work in, in concert with them in their grants manager software system program to help ensure that we're connecting those projects all the way through the lifecycle of that project with the program delivery manager. And that that review is happening in concert with their, the environmental review is happening in concert with their reviews for insurance and hazard mitigation proposals, and that then it goes, as the project continues to move through the disaster recovery process, we're coordinating with, with those applicants and survivors so that they understand where there may be, need to be changes to the projects, to to help address potential impacts, or that we may need to do things like consult with the State Historic Preservation Office to understand where there, there may be potential impacts or things that we need to do to help benefit cultural resources, whether that be historic buildings, historic structures, archeological sites, cultural resource areas of significance.

New Speaker:

And in the same vein, on the environmental side, we may be coordinating with other federal agencies like the National Marine Fishery Service or the U.S. Fish and Wildlife Service to look and consult with them on where there may be potential bene, potential benefits or impacts to endangered species or other aquatic, aquatic organisms that, that could potentially be impacted by a project. So, once we've completed all of that, the review by the FEMA specialist and the any necessary interagency consultations, we'll roll back with the public assistance staff and with the the the applicant or survivor of who is requesting funds, and help them to understand what additional compliance requirements there are for the project or things they might need to change, or things they just might need to make sure that they document. So, that is sort of in a nutshell how we work through the process with, with public assistance that is coordinated, generally speaking by our staff at the disaster.

New Speaker:

So, we generally have a EHP advisor and an EHP manager at all joint field offices. They will be supported by environmental floodplain specialists, environmental specialists, historic preservation specialists, and also by a unified federal review advisor. And that unified federal review advisor is responsible for coordinating across multiple federal agencies that might all be putting funds into the same project. So, their job is to try to ensure if we have multiple agencies working and funding one project, that we are trying to make the process as concurrent and not duplicative as possible. Sometimes we run into projects that are funded by multiple federal agencies, and the applicant's experience is that that project is duplicative with multiple federal agencies involved and that those reviews are sequential. So, we try to have a unified federal review advisor there to, to help alleviate some of that burden as well.

Mark Peterson - Host:

You know, thanks for that. I have a number of questions, and thanks for the very thorough, and I think very easy to understand just kind of flow of how it works really, to me, sounds like there's an advisory component to it. There's a maybe a QC component to it and then maybe an approval, you know, piece to the, the ultimate determination. And I think you, you did a very nice job of kind of articulating that in a way that maybe I, I hadn't put the whole picture together before. A couple of questions that come to mind. The interagency, and I think that that coordination is, seems extremely important, but what, what other agencies do we typically work with very closely when, when we're out in the field for disaster work like that?

Donna Defrancesco:

So, there are, there are, I would say a myriad of federal agencies that intersect with these different laws and executive orders. And some of them are, like, are the primary agency in support of these laws and executive orders, and some of them are supporting agencies. We typically work on almost all projects with the State Historic Preservation Office. So, the National Historic Preservation Act is led and supported by at the, at the implementation level, is supported by State Historic Preservation Offices, of which there is one in every state. The Clean Water Act, we work with the Army Corps of Engineers as they are the lead agency for permitting under the Clean Water Act. However, many of our projects intersect when the work may involve work in water. And so, that intersects with the Clean Water Act and permitting required by the Army Corps of Engineers.

Donna Defrancesco:

The Endangered Species Act is another law that comes into play in, in a lot of these projects that individuals and applicants may be interested in doing disaster recovery on. And that law requires, requires us as a federal agency to consult with the National Marine Fishery Service if it is a marine environment or the U.S. Fish and Wildlife Service, if it is a inland aquatic environment. So, those are some of the major agencies that we work with. If, if projects involve things like the Clean Air Act, we may be working with the Environmental Protection Agency. And there, you know, are a host of other agencies we may work with on some of the, some of the other laws that may not intersect with every project.

Mark Peterson - Host:

You mentioned a couple of times the, the intersection of working with the states. And, and I, I guess one of the things that kind of dawned on me is states have environmental regulations that are specific to their states, and they also have their own historic programs, right? So, how do we get involved with that? How do we de-conflict? How do we respect those laws? And how does that work going forward?

Donna Defrancesco:

So, similar to how disaster management works, we follow locally executed state managed and federally supported environmental historic preservation model. The regional environmental officers and our environmental historic preservation advisors at the disasters are designated to work directly with state and local agencies. So, they will ensure that we, that we are complying with the responsibilities we have as a federal agency and the federal responsibilities to comply with the various laws. They will also be including requirements that may come depending on each individual state and our coordination with those state environmental protection agencies that they may have that are specific to their state. Lastly, we work with the State Historic Preservation offices and as I've mentioned, there's one in every state. We generally have a, what we call a programmatic agreement that we apply with each State Historic Preservation Office. It comes from a national program, programmatic agreement that we have, and then each state is able to adopt that programmatic agreement at their, at their individual state level.

New Speaker:

And it's negotiated in concert with each state Historic Preservation Office. But what it does is it gives us the ability to document and prescribe those types of projects that we can both understand as a state agency and as a federal agency, are not going to have impacts on cultural resources. So, we define those projects ahead of time that we all agree are not going to have impacts, and those are what are included in our programmatic agreements with those state historic preservation offices. From that point, we can then, you know, essentially work on a project and, and using that programmatic agreement, we may not have to consult with that State Historic Preservation Office because we have already predetermined that those projects, those particular projects do not have impacts. It's a great streamlining and facilitation tool.

Mark Peterson - Host:

Yeah, certainly. You know, another very important stakeholder group are our tribal communities across the country, and certainly they would have very important environmental and historic equities in any of these disaster situations. So, how does, how does the program work directly with the, the tribal governments and communities?

Donna Defrancesco:

So, we work with our regional staff to provide consultation and cultivation of strategic partnerships with the tribes that occur in each region. If the tribe is an applicant or a sub applicant, we work with them on projects and plans as we would with any other applicant. We ensure that projects on tribal land are compliant with all applicable laws. Keeping in mind the nuanced differences of federally recognized sovereign nations, I would say also that tribes, much like states, have a Tribal Historic Preservation Office. And in, in those instances where projects are located on tribal lands or have, are in a tribal area of interest that we work with those, those tribal historic preservation offices. In a similar way to that, we work with a state historic preservation office to comply, to comply with the, the cultural resource, potential for cultural resource impacts and to navigate the National Historic Preservation Act. So, we consult with tribes on projects where the tribe is not an applicant and sub applicant, but if they have areas of interest that may affect tribal lands or ancestral lands. And that's all as part of section 106 of the National Historic Preservation Act. We also have a connection with tribes through some other laws that are specific to tribes, which are the Native American Graves Protection and Repatriation Act, and the Archeological Protection Act. So, there are some additional nuances of, of laws that are applicable when tribes are involved.

Mark Peterson - Host:

You know, all of this, and, and you've mentioned it a couple of times - the staff on the ground, the staff that are supporting the process and, and working through this, they have to come with a tremendous amount of expertise. And you, and you were one of 'em, I mean, in your previous positions, you know, even in the JFOs, it almost sounds like you're part lawyer, you're part subject matter expert, right, you're maybe in a variety of different expertises. Tell me about the staff that a a state or a community might expect to, to see out there as they're working through these projects, and, and how do we recruit and find some of these experts?

Donna Defrancesco:

That is very true. Because there are 30 different environmental laws and, and executive orders and regulations, and these cover a myriad of environmental resources and historic preservation and cultural resources. It is absolutely true that our specialties and our specialized experience of our staff are really run across a myriad of disciplines. So, our staff include historians, architects, archeologists, architectural historians, biologists, planners, aquatic specialists, project managers, floodplain specialists, and other advisors that can speak to a broad variety of, of environmental laws and protection and protective orders. So, really it is, it is really a broad gamut of subject matter expertise that we have to bring to play for ensuring that we are helping the, the individuals who are accessing the federal funds ensuring that we are helping them the most. Because as you can imagine, this is difficult stuff. Most individuals and even most communities are not fully prepared to be able to navigate 30 federal environmental and historic preservation laws. And so, our objective is to help them use environmental planning and historic preservation to, to be able to complete and achieve the goals that they are trying to achieve and to be with them along the way in the process to provide the clarity of information and guidance that is tailored to their specific needs.

New Speaker:

'Cause I have said in the past, and I, I continue to feel it is, it is very true that no one else does what we do. And no one else does what FEMA does. We're an agency that is providing funding for applicants and communities and individuals to be able to do just about any type of project that they can imagine, right. And it is grant funded. So, most agencies, federal agencies are not dealing with grants. And most federal agencies, if they are dealing with grants, are not dealing with construction-oriented grants. And if they are dealing with construction-oriented grants, it's primarily in one type of space. So, Federal Highways, they do construction-oriented grants, they work with local communities, but it's all for roads and transportation. It's all linear facilities, bridges, roads, et cetera. Fema, the grants can be for anything. They can be parks, they can be roads, they can be bridges, they can be water facilities, they can be sewers, they can be water treatment facilities, they can be buildings, they can be flood control structures, they can be dams. It can be just about any different type of, of infrastructure is what we support. And so, when you think about those things, no one else is doing that.

New Speaker:

This is a unique mission and it brings with it unique challenges. And that's why our office really tries to support the communities to navigate through all of these federal requirements that come with trying to do these projects and ensuring that we recognize that they may not have the capabilities or capacity to work through 30 environmental laws and executive orders and regulations. And that's why we bring this whole host of staff, these hundreds of staff that we have in environmental and historic preservation to help support these 25,000 plus communities that we work with each year on projects.

Mark Peterson - Host:

I mean, I know firsthand that whenever I am looking for a way to articulate the why FEMA is an interesting and exciting place to work, I go straight to our environmental and historical preservation office because they are loaded with really interesting people with great experience in such interesting fields. It's it's really a great place to work and, and great work that's being done. And speaking of great work that is being done, how is EHP supporting the broader FEMA mission and specifically the FEMA Administrators Year of Resilience framework and the goals that we have?

Donna Defrancesco:

So, in support of FEMA administrator al's, year of Resilience initiative, the Office of Environmentalist and Historic Preservation created three goals to be used this year to promote our mission. The three primary action areas are cultivating partnerships because we understand the need in supporting resilience to have partners that we may never have had in the past, but partners that can really help communities to achieve their community resilience goals. The second goal is about enhancing the customer experience. We want to ensure that there is not unnecessary burden as applicants and individuals and communities try to achieve their community resilience goals as they navigate these federal grant processes and try to comply with the environmental historic preservation laws and executive orders, there's going to be burdens. There's no doubt about that. There's, there are, you know, millions of dollars are, are passing hands, there's going to be burdens, but we wanna ensure that there are no, that there are no unnecessary burdens and that frustrations in using the process, you know, are minimized.

New Speaker:

So, we're really striving to, to work to enhance that customer experience in integrating environmental historic preservation with, with the process and really try to enhance that customer experience. The third thing is for us, which is really the ultimate goal that we have, but I think it plays in a special place when you talk about resilience in the Year of Resilience, and that's providing sound guidance to reduce risk to people and natural and cultural resources. So, we continue to strive in the resilience space to reduce risk to people and with it their natural environment and their cultural heritage, which is so critical to identifying as the individual that they are. And so, some of those things we are especially happy to announce that just recently, July 11th, we published the final rule for the Federal Flood Risk Management Standard. And that will become effective September ninth of 2024. And that Federal Flood Risk Management Standard will be especially helpful in achieving community resilience goals because it aids in managing current and future flood risks. Now, we're also looking at a few other things in supporting the resilience initiative that's continuing to increase stakeholder engagements, to strengthen partnerships and promote collaboration and transparency, which we find is incredibly important to our applicants and individuals and communities. They really wanna understand where things are in the process. So, it comes into EHP and it goes out of EHP review, but what are the steps along the way when you have to consult with a State Historic Preservation office, when you have to consult with the Fish, U.S. Fish and Wildlife Service? What are the steps that happen for their project? We're trying to promote an enhanced level of transparency.

New Speaker:

We're ensuring that EHP has an effectively trained workforce to provide the best guidance to our partners. So, successful guidance is coming from those boots on the ground, the people that deploy from their homes to a site across the nation, and suddenly have to become familiar with all, not only all the federal laws, but the state laws that may apply in that unique location. We continue to support them to ensure that they're effectively trained and have the guidance and doctrine they need to be able to be those trusted partners. We're also providing tailored solutions and preservation compliance guidance that can be used for practical long-term planning as communities consider, continue to think about their community resilience goals. So, again, we finalize the Federal Flood Risk Management standard rule. We're coordinating effective communication strategies in that plate, in that space. We are also working to advance the Environmental Justice Executive Order and training and advice to applicants in that space. And we will advance the FEMA wide strategy for compliance to ensure that FEMA identifies and addresses disproportionately high and adverse environmental effects of its programs, policies and activities on minority populations and low-income populations as part of that Environmental Justice Executive Order. So, in all, those are all the ways that we are supporting the 2024 Year of Resilience.

Mark Peterson - Host:

I mean, that's a lot. And you know, as we said kind of on the front end you know, it seems clear that the Environmental and Historic Preservation program is doing a lot to make recovery across the country and all the grant programs make for more resilient communities. It's very clear there. You know, Donna, I mentioned emergency managers communities, people who are working through the disaster recovery process. You know, what, what is your one message from the program to them as they listen through this and think, maybe this might be kind of overwhelming?

Donna Defrancesco:

I think the thing I would like for emergency management community to know is that we are driving to be their trusted partner. We understand that this is hard, that these laws and executive orders to navigate are complex, and we understand that when we coordinate with them, it's, it's technical. So, our goal and we, is really to be that trusted partner, to be with them, alongside them through this process, to help them use environmental planning, not just as a check the box or a way to, to cross, cross the line in terms of getting things done. It is truly a transformative tool, and it can make for better decisions and more effective disaster recovery and community resilience activities. So, I would just encourage the emergency management community to work directly with their environmental historic preservation specialists to ask for help when needed. If they have questions or it's not clear to coordinate with their environmental historic preservation specialists and to get that clarity or advice as needed to ensure that they're able to effectively navigate these processes with the least amount of frustration and burden.

Mark Peterson - Host:

Hey, thanks for listening to this episode of "Before, During, and After: A Podcast from FEMA." If you'd like to learn more about this episode or other topics, or have ideas for future episodes, visit us at FEMA.gov/podcast.