



FEMA

DATE: April 06, 2020

MEMORANDUM FOR: FEMA Chief of the National Response Coordination Center

FROM: Kristin Fontenot  
Director,  
Office of Environmental Planning and Historic Preservation

SUBJECT: U.S. Army Corps of Engineers (USACE), FEMA- Office of Environmental Planning and Historic Preservation (OEHP), Compliance Review of Mission Assigned Alternative Care Site Activities

**PURPOSE:** This memorandum establishes a coordination strategy between the U.S. Army Corps of Engineers (USACE) and the FEMA Office of Environmental Planning and Historic Preservation (OEHP) for the express purpose of achieving environmental and historic preservation compliance for Mission Assigned Alternative Care Site activities undertaken by the USACE.

**DISCUSSION:** The Robert T. Stafford Disaster Relief and Emergency Assistance Act (Stafford Act) authorizes the President to “Direct any Federal agency, with or without reimbursement, to utilize its authorities and the resources granted to it under Federal law” in support of State, and local government response efforts for emergencies [42 USC 5192(a)(1)] and major disasters [42 USC 5170a(1)]. This tasking authority, delegated to the Federal Emergency Management Agency (FEMA) Administrator through the Secretary of the Department of Homeland Security (DHS), is carried out through Mission Assignments (MAs).

As stated in 44 CFR 206.208(e), “It is the responsibility of the [Mission Assigned] performing Federal agency to ensure compliance with applicable Federal, State and local legal requirements.” Under this authority, when FEMA mission assigns USACE to perform work that FEMA is authorized to perform under its Stafford Act authorities (e.g., construction of temporary structures or facilities, etc.), the actions must meet FEMA's Environmental and Historic Preservation (EHP) compliance requirements and review processes as stated in FEMA Directive 108-1 and FEMA Instruction 108-1-1.

The USACE Mission Assignments for the construction of critical, temporary structures or facilities (e.g., Alternative Care Sites, etc.) are authorized under Section 502 or 403 of the Stafford Act and therefore it has been determined that FEMA will complete the appropriate environmental compliance documentation. This responsibility is designated to FEMA’s Office of Environmental Planning and Historic Preservation (OEHP).

**MISSION EXECUTION:** In order to accomplish the appropriate level of compliance documentation for these Mission Assigned Alternative Care Sites, it is critical that FEMA's environmental personnel are provided a clearly designated USACE Environmental Point of Contact (POC) by state, territory, or Tribal government.

The strategy for implementing this communication requirement and subsequent environmental and historic preservation documentation is as follows:

- For any State, Territorial, or Tribal government with a USACE Mission Assignment for Alternative Care Sites, the USACE will identify an Environmental POC responsible for serving as a conduit between USACE and FEMA for environmental compliance purposes.
- USACE will share the list of Environmental POCs with FEMA Office of Environmental Planning and Historic Preservation (OEHP). OEHP will then disseminate these POCs to the incident appropriate FEMA Regional Environmental Officer (REO).
- REOs will be responsible for completing the appropriate level of compliance documentation for MA actions. REOs will share that documentation with the USACE Environmental POC, if requested.
- The USACE Environmental POC will serve as the primary contact for FEMA REOs if additional Requests for Information (RFIs) are needed to complete the environmental documentation.

**AUTHORITIES:**

- A. Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended, 42 USC 5121 et seq.
- B. FEMA Regulations for Federal Disaster Assistance, 44 CFR 206
- C. DHS Directive 023-01, Revision 01: *Implementation of the National Environmental Policy Act*
- D. DHS Instruction Manual 023-01-001-01, Revision 01: *Implementation of the National Environmental Policy Act (NEPA)*
- E. FEMA Directive 108-1: *Environmental Planning and Historic Preservation Responsibilities and Program Requirements*
- F. FEMA Instruction 108-1-1: *Instruction on Implementation of the Environmental Planning and Historic Preservation Responsibilities and Program Requirements*