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## Supplemental Guidance for Submitting Emergency Repairs Notifications to SHPO (August 28, 2023)

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The following supplemental guidance was developed by OEM and SHPO staff and should be utilized for applicable emergency repairs following a qualifying storm/event. For specific questions or situations not covered by this supplemental guide, please coordinate with either your District's SHPO or OEM cultural resource contact, as appropriate.

### Districts should:

- Include "Stipulation IX and Emergency Repairs" is in the Subject Line of the email
- Reference the DHR-assigned project number in the post-emergency paperwork
- Batch minor projects by activity type within a District (i.e., all signal repairs or sign replacements)
- Attach a spreadsheet with the available details for each of the locations of those activities (i.e., intersection or locations for the signal repairs)
- Submit 1 PA Stipulation V/VI Notification Form
- Try to use 1 or limited FPID/FM numbers for the Hurricane Ian Emergency Repairs as much as possible
- Attach a map(s) that show the general location as well as including pin drops/flags/polygons on the map(s) for the specific locations of the activities

### SHPO will:

- Respond to each minor project notification with an email verification of receipt
- Provide a DHR project number, as appropriate

It is understood that as more damage assessment takes place in the coming days and weeks, secondary or subsequent batches of activity types may be identified (i.e., more signs are located that need replacement), but that having the Districts batch them together in groups to the greatest extent possible as the information becomes known will reduce the overall volume of submissions.

For situations involving emergency repairs to potentially eligible but unrecorded linear resources, please batch the repairs by the resource (i.e., if you have 6 washed-out segments of A1A batch them together).

For situations involving emergency repairs adjacent to previously recorded sites that are NRHP-eligible/-potentially eligible/-insufficient information or which have documented human remains present, please be aware that these areas may require archaeological monitoring or additional coordination and won't meet the criteria for submission on a Stipulation V/VI Notification Form.

For situations falling under Stipulation **IX.B** (see page 2 for PA excerpt) when you have a known historic property, SHPO suggests a call or brief Teams meeting to quickly discuss the historic property impacted and proposed measures to take followed by an email documenting the conversation as the initial coordination to meet the time requirements in the PA.

OEM Cultural Resource Emergency Response Contact:

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Submission Inbox:

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Excerpt from the [Section 106 PA](#) (follow link for full PA text)

***Stipulation IX. - Emergency Situations.***

*Pursuant to 36 C.F.R. § 800.12, FDOT, on behalf of FHWA, will implement the following procedures to address historic properties if a disaster or emergency situation arises. This stipulation applies only to undertakings that will be implemented within thirty (30) days after a disaster or emergency is declared by the President of the United States and/or the Governor of Florida, or tribal government. In accordance with 36 C.F.R. § 800.12, immediate rescue and salvage operations conducted to preserve life or property are exempt from the provisions of Section 106, except as otherwise stated in this Agreement.*

- A. In most cases, emergency repairs will not affect historic properties as defined in 36 C.F.R. § 800.16 and can be processed in accordance with Stipulation V or VI of this Agreement. In cases where emergency repairs have the potential to cause effects, FDOT will notify the FHWA Division Office to determine appropriate procedures as required by 36 C.F.R. § 800.12 and 23 C.F.R. § 771.131.*
- B. In those situations where unanticipated and sudden events, including but not limited to, floods, fires, and hurricanes that result in or that cause or effect an immediate health and safety hazard, FDOT will take the necessary steps to make the historic property safe and secure. Within forty-eight (48) hours of the initial declaration or identification of the emergency, or as soon as practicable, FDOT will notify the SHPO of such activities, providing a brief description of the nature of the emergency and proposed corrective work.*
- C. For repairs initiated within the first thirty (30) days of the declaration and which have the potential to affect historic properties, the processing of environmental documentation will happen concurrently or after the emergency work is completed. In all cases, FDOT shall comply to the extent possible with the stipulations of this Agreement.*
- D. Any work beyond the scope of the emergency operation will comply with the standard Section 106 procedures outlined in Stipulation VII of this Agreement. In these situations, FDOT may request an expedited review by SHPO and other consulting parties.*
- E. When the proposed emergency undertaking may affect any historic property that a federally recognized Tribe attaches religious and cultural significance to, FDOT will inform FHWA and FHWA will consult with the appropriate Tribe on a government-to-government basis.*