March 23, 2020

Ms. Kristin Fontenot  
Director  
Office of Environmental Planning and Historic Preservation  
Federal Emergency Management Agency  
400 C Street SW, Suite 313  
Washington, D.C. 20472-3020

Dear Ms. Fontenot,

Section 7 of the Endangered Species Act (16 U.S.C. 1531 et seq.) provides for expedited or emergency consultation during an emergency situation (50 CFR Part 402.05) that includes response activities by federal agencies to prevent imminent loss of human life or property. The COVID-19 pandemic that was declared an emergency by President Trump on March 13, 2020 is a situation where emergency consultation is appropriate. The U.S. Fish and Wildlife Service (FWS) will not hinder the critical actions the Federal Emergency Management Agency (FEMA) must take to respond to this unprecedented national emergency.

Through phone conversations and email correspondence occurring between March 16 and 20, 2020, FEMA requested emergency consultation with the FWS for certain projects authorized, funded or carried out by FEMA in response to COVID-19 (see attached). These projects may occur in any state, tribe, territory or the District of Columbia.

FEMA provided the FWS a list of the types of projects they anticipate funding or reimbursing during the response phase of the COVID-19 emergency. After review of the list and discussions with FEMA, in order to minimize effects of the small number of projects anticipated to potentially affect ESA-listed species and critical habitat, FWS recommends the following measure to FEMA for their actions that will involve ground disturbance in previously undeveloped natural areas (including wetlands):

- For projects where FEMA is funding work that has not yet been performed, when practicable, minimize ground disturbance in previously undeveloped natural areas (including wetlands).

After 60 days, FEMA will provide the FWS a database or spreadsheet that lists ground disturbing projects in undeveloped natural areas (including wetlands) that they are funding. The spreadsheet or database should include each project location, as well as indicate whether the funding is being provided to reimburse for a previously conducted action or for the implementation of a future
action. FWS and FEMA will review the list of projects and discuss any needed refinements (e.g., frequency of updates, necessary information) that would improve interagency cooperation regarding this process.

The FWS looks forward to continuing coordination with FEMA as the COVID-19 emergency unfolds. Please refer any questions to Kathryn Bissell (kathryn_bissell@fws.gov, 703/358-2409).

Sincerely,

CRAIG AUBREY
Chief, Division of Environmental Review
Ecological Services
Coronavirus (COVID-19) Pandemic: Eligible Emergency Protective Measures

Consistent with the President’s national emergency declaration for the coronavirus (COVID-19) pandemic on March 13, 2020, FEMA urges officials to, without delay, take appropriate actions that are necessary to protect public health and safety pursuant to public health guidance and conditions and capabilities in their jurisdictions. FEMA provides the following guidance on the types of emergency protective measures that may be eligible under FEMA’s Public Assistance Program in accordance with the COVID-19 Emergency Declaration in order to ensure that resource constraints do not inhibit efforts to respond to this unprecedented disaster.

FEMA Public Assistance Program

In accordance with section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121-5207 (the “Stafford Act”), eligible emergency protective measures taken to respond to the COVID-19 emergency at the direction or guidance of public health officials may be reimbursed under Category B of FEMA’s Public Assistance program. FEMA will not duplicate assistance provided by the U.S. Department of Health and Human Services (HHS), to include the Centers for Disease Control and Prevention (CDC), or other federal agencies.

State, territorial, tribal, and local government entities and certain private non-profit organizations are eligible to apply for Public Assistance. FEMA assistance will be provided at a 75 percent federal cost share. This assistance will require execution of a FEMA-State/Tribal/Territory Agreement, as appropriate, and execution of an applicable emergency plan. Local governments and other eligible PA applicants will apply through their respective state, tribal or territorial jurisdictions.

Eligible Assistance

Under the COVID-19 Emergency Declaration described above, FEMA may provide assistance for emergency protective measures including, but not limited to, the following, if not funded by the HHS/CDC or other federal agency. While some activities listed may be eligible for funding through HHS/CDC, final reimbursement determinations will be coordinated by HHS and FEMA. FEMA will not duplicate any assistance provided by HHS/CDC:

- Management, control and reduction of immediate threats to public health and safety:
  - Emergency Operation Center costs
- Training specific to the declared event
- Disinfection of eligible public facilities
- Technical assistance to state, tribal, territorial or local governments on emergency management and control of immediate threats to public health and safety

**Emergency medical care:**

- Non-deferrable medical treatment of infected persons in a shelter or temporary medical facility
- Related medical facility services and supplies
- Temporary medical facilities and/or enhanced medical/hospital capacity (for treatment when existing facilities are reasonably forecasted to become overloaded in the near term and cannot accommodate the patient load or to quarantine potentially infected persons)
- Use of specialized medical equipment
- Medical waste disposal
- Emergency medical transport

**Medical sheltering (e.g., when existing facilities are reasonably forecasted to become overloaded in the near future and cannot accommodate needs):**

- All sheltering must be conducted in accordance with standards and/or guidance approved by HHS/CDC and must be implemented in a manner that incorporates social distancing measures
- Non-congregate medical sheltering is subject to prior approval by FEMA and is limited to that which is reasonable and necessary to address the public health needs of the event, is pursuant to the direction of appropriate public health officials and does not extend beyond the duration of the Public Health Emergency

**Household pet sheltering and containment actions related to household pets in accordance with CDC guidelines**

**Purchase and distribution of food, water, ice, medicine, and other consumable supplies, to include personal protective equipment and hazardous material suits**

**Movement of supplies and persons**

**Security and law enforcement**

**Communications of general health and safety information to the public**

**Search and rescue to locate and recover members of the population requiring assistance**

**Reimbursement for state, tribe, territory and/or local government force account overtime costs**

**More Information**


For more information, visit the following federal government websites:
- Coronavirus (COVID-19) (CDC)
- Centers for Medicare & Medicaid Services