



Date: May 26, 2020

Public Notice

Georgia Department of Community Affairs (DCA) intends to sign Programmatic Agreement Addendum

The use of federal funds under Section 106 of the National Historic Preservation Act, i.e. Community Development Block Grant- Disaster Recovery (CDBG-DR), requires the review of project impacts on historic properties. The Georgia Department of Community Affairs is planning to expedite delivery of disaster recovery funds to CDBG-DR recipients by adopting a streamlined process for Section 106 review of CDBG-DR projects. DCA plans to sign an agreement which will exempt it from reviewing the types of activities that will not cause harm to historic properties. Projects with potential impacts to historic properties will still require full review as well as consultation with interested parties, Indian tribes, and the public.

A qualified historic preservation professional will implement the terms of this agreement. The agreement is an Addendum that allows DCA to use the process already in place for FEMA projects. The Addendum is posted below, and the complete FEMA agreement is available on-line at: <https://www.hudexchange.info/onecpd/assets/File/GA-FEMA-Prototype-2014-PA-Section-106.pdf>

DCA requests your comments on the Section 106 Programmatic Agreement. Please provide comments by June 11, 2020. If commenting via email, please include "Programmatic Agreement Addendum" in the subject heading.

Mailing Address:

Georgia Department of Community Affairs
60 Executive Park South, NE
Atlanta, Georgia 30329

Email Address: CDBG-DR@dca.ga.gov

ADDENDUM

to

THE PROGRAMMATIC AGREEMENT AMONG

THE FEDERAL EMERGENCY MANAGEMENT AGENCY,

THE GEORGIA STATE HISTORIC PRESERVATION OFFICE,

THE GEORGIA EMERGENCY MANAGEMENT AGENCY,

UNITED KEETOOWAH BAND OF CHEROKEE INDIANS IN OKLAHOMA,

OTHER TRIBES PARTICIPATING AS INVITED SIGNATORIES;

and

THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS

and PARTICIPATING UNITS OF GENERAL LOCAL GOVERNMENT

WHEREAS, FEMA makes assistance available to States, Commonwealths, communities, Federally recognized Indian Tribes (Tribes) and other eligible entities through programs set forth in Appendix A (Programs), pursuant to the Homeland Security Act of 2002, Pub. L. No. 107-296 (2002) (codified as amended at 6 U.S.C. § 101 *et seq.*); Robert T. Stafford Disaster Relief and Emergency Assistance Act, Pub. L. No. 93-288 (1974) [codified as amended at 42 U.S.C. § 5121 *et seq.*, (Stafford Act)]; the National Flood Insurance Act of 1968, Pub. L. No. 90-448 (1968) (codified as amended at 42 U.S.C. § 4001 *et seq.*); the Post-Katrina Emergency Management Reform Act of 2006, Pub. L. No. 109-295 (2006) (codified as amended at 6 U.S.C. § 741 *et seq.*); implementing regulations contained in Title 44 of the Code of Federal Regulations (CFR), Executive Order 13407, *Public Alert and Warning System* (2006); and such other acts, executive orders, implementing regulations, or Congressionally authorized programs as are enacted from time to time; and

WHEREAS, FEMA has developed a Prototype Programmatic Agreement (FEMA Prototype Agreement) pursuant to 36 CFR § 800.14(b)(4) in consultation with the Advisory Council on Historic Preservation (ACHP) and National Conference of State Historic Preservation Officers to serve as a basis for negotiation of a State/Tribal specific Programmatic Agreement with the State Historic Preservation Officer, State/Tribal Emergency Management Agency, and participating Tribe(s); and

WHEREAS, FEMA consulted with the Georgia State Historic Preservation Officer (SHPO), the Georgia Emergency Management Agency (GEMA), the Absentee-Shawnee Tribe of Oklahoma, Alabama

Coushatta Tribe of Texas, Alabama-Quassarte Tribal Town of the Creek Nation, Catawba Indian Nation of Oklahoma, Cherokee Nation of Oklahoma, Coushatta Tribe of Louisiana, Eastern Band of Cherokee Indians, Eastern-Shawnee Tribe of Oklahoma, Kialegee Tribal Town, Mississippi Band of Choctaw Indians, Muscogee (Creek) Nation, Poarch Band of Creek Indians, Seminole Nation of Oklahoma, Seminole Tribe of Florida, Shawnee Tribe, and United Keetoowah Band of Cherokee Indians to execute the FEMA Prototype Agreement for its Programs in Georgia, and the Georgia State specific Agreement (Agreement) was executed by FEMA, SHPO, and GEMA on May 22, 2014; and

WHEREAS, under the Disaster Relief Appropriations Act of 2013 (Public Law 113-2, January 29, 2013); Further Continuing and Security Assistance Appropriations Act, 2017 (Public Law 114-254, December 10, 2016); Consolidated Appropriations Act, 2017 (Public Law 115-31, May 5, 2017); Continuing Appropriations Act, 2018 and Supplemental Appropriations for Disaster Relief Requirements Act, 2017 (Public Law 115-56, September 8, 2017); Bipartisan Budget Act of 2018 (Public Law 115-123, February 9, 2018); Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116-136, March 27, 2020) and other Congressionally authorized programs as are enacted from time to time, the U.S. Department of Housing and Urban Development (HUD) allocates Community Development Block Grant - Disaster Recovery (CDBG-DR) and Community Development Block Grant - Coronavirus (CDBG-CV) funds for disaster recovery activities similar to the activities covered by the Agreement; and

WHEREAS, the Georgia Department of Community Affairs (DCA) and signatory units of general local government have assumed HUD's environmental review responsibilities as Responsible Entities and are responsible for environmental review, decision-making and action, pursuant to Section 104(g) of the Housing and Community Development Act of 1974 (42 USC 5304(g)) and 24 CFR Part 58, and propose to administer CDBG-DR and CDBG-CV funds;

WHEREAS, Stipulation I.A.5. of the Agreement allows other Federal agencies, and state and local governments acting as Responsible Entities, to fulfill their Section 106 responsibilities for those types of activities covered under the terms of the Agreement by accepting and complying with the terms of the Agreement and executing this Addendum; and

WHEREAS, DCA and any signatory unit of general local government will ensure that staff who meet the Secretary of the Interior's Professional Qualifications Standards in Architectural History, Archeology, History, Architecture and/or Historic Architecture will conduct all applicable reviews in accordance with the Tier II Programmatic Allowances and Standard Project Review provisions outlined in the Agreement and will provide resumes of such staff to the signatories to this Addendum; and

WHEREAS, if in the future a unit of general local government in Georgia assumes HUD's environmental review responsibilities (for CDBG-DR and CDBG-CV funds) as Responsible Entity and is responsible for environmental review, decision-making and action within their jurisdiction, pursuant to Section 104(g) of the Housing and Community Development Act of 1974 (42 U.S.C. 5304(g)) and 24 CFR Part 58, they may decide to participate and become a signatory to the Addendum at any time during the term of the Addendum, after consultation with local interested parties and SHPO, and provision of resumes of the qualified staff who will conduct all applicable reviews in accordance with the Tier II Programmatic Allowances and Standard Project Review provisions outlined in the Agreement.

NOW, THEREFORE, DCA and any signatory units of general local government agree to assume the federal agency role and accept the terms and conditions of the Agreement (and subsequent amendments adopted per stipulation IV.A.3 of the Agreement) as appropriate under HUD's authorizing legislation and regulations and thereby take into account the effect of their undertakings and satisfy their Section 106 responsibilities for the CDBG-DR and CDBG-CV programs for activities in Georgia.

DURATION AND EXTENSION. This Addendum to the Agreement will remain in effect for currently open disaster declarations and subsequent disaster declarations in the state of Georgia; however, the Addendum will not exceed the expiration date of the Agreement. DCA and any signatory unit of general local government may extend this Addendum to cover additional calendar years provided that the Agreement is also extended per stipulation IV.D.2. of the Agreement. DCA and any signatory units of general local government shall evidence their agreement to extend the Addendum in a written notice to the signatories of the Agreement.

EXECUTION AND IMPLEMENTATION of this Addendum to the Agreement evidences that DCA and any participating unit of general local government have taken into account the effects of their undertakings on historic properties and that through the execution of this Addendum and implementation of the Agreement will satisfy their responsibilities under Section 106 of the National Historic Preservation Act and its implementing regulations for the referenced CDBG-DR and CDBG-CV programs for activities in Georgia. This Addendum may be executed in counterparts, with separate signature pages. Units of general local government may decide to participate and become a signatory to the Addendum at any time during the term of the Addendum.