
ADDENDUM
to
PROGRAMMATIC AGREEMENT AMONG
THE FEDERAL EMERGENCY MANAGEMENT AGENCY,
THE NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER,
THE NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY, AND
TRIBAL NATIONS

WHEREAS, FEMA makes assistance available to States, Territories, Commonwealths, local governments, Federally recognized Tribes (Tribal Nations), nonprofit organizations, institutions of higher education, individuals, and other eligible entities through programs set forth in Appendix A (FEMA Program Summaries), 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, or implementing regulations 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 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/or participating Tribal Nation(s); and

WHEREAS, FEMA consulted with the North Carolina State Historic Preservation Officer (SHPO), the North Carolina Department of Public Safety, the Catawba Indian Nation, Cherokee Nation, Eastern Band of Cherokee Indians, Muscogee Creek Nation, Pamunkey Tribe of Virginia, Seminole Nation of Oklahoma, Seminole Tribe of Florida, Shawnee Tribe, Tuscarora Nation, and the United Keetoowah Band of Cherokee Indians Tribal Nations to adopt and execute the FEMA Prototype Agreement for its Programs in North Carolina, and the North Carolina Statewide Programmatic Agreement (Agreement) was executed by FEMA, SHPO and the North Carolina Department of Public Safety on December 19, 2025; 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); Further Additional

Supplemental Appropriations For Disaster Relief Requirements Act, 2017 (Public Law 115-123, February 9, 2018); Disaster Relief Supplemental Appropriations Act, 2025 (Public Law 118-158, December 21, 2024); 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) funds for disaster recovery activities similar to the activities covered by the Agreement; and

WHEREAS, the North Carolina Department of Commerce (NCDOC) has assumed HUD's environmental review responsibilities as Responsible Entity and is 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 proposes to administer CDBG-DR funds pursuant to the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2016 (Public Law 114-113, December 18, 2015), and other Congressionally authorized programs as are enacted from time to time; and

WHEREAS, Stipulation I.A.6. of the Agreement allows other Federal agencies, including state and local governments acting as Responsible Entities for CDBG-DR funds, 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, NCDOC, and any participating unit of general local government will ensure that staff who meet the Secretary of the Interior's Professional Qualification Standards will review all Second Tier projects in accordance with Appendix B of 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 North Carolina assumes HUD's environmental review responsibilities (for CDBG-DR and CDBG-MIT funds) as a Responsible Entity and is responsible for environmental reviews, decision-making and action within their jurisdiction, pursuant to Section 104(g) of the Housing and Community Development Act of 1974 and 24 CFR Part 58, they may decide to participate and execute 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 review all Second Tier projects; and

WHEREAS, Protocol for Responsible Entities to Adopt the HUD Addendum to the FEMA Prototype Agreement for CDBG-DR and CDBG-MIT funded projects in North Carolina has been established (See Attachment 1 of this Addendum);

NOW, THEREFORE, NCDOC agrees to assume the Federal agency role and accept the terms and conditions of the Agreement and subsequent amendments as appropriate under HUD's authorizing legislation and regulations and thereby takes into account the effect of its undertakings and satisfy its Section 106 responsibilities for the CDBG-DR program for activities in the State of North Carolina.

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 North Carolina; however, the Addendum will not exceed the expiration date of the Agreement. If the Agreement is

extended to cover additional calendar years, this Addendum shall remain in effect to cover additional calendar years.

EXECUTION AND IMPLEMENTATION, of this Addendum to the Agreement evidences that NCDOC 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-MIT program for activities in the State of North Carolina. This Addendum may be executed in counterparts, with separate signature pages.

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SIGNATORY PARTIES:

F

X

AGENCY, REGION 4

Date:

X

NAME

Date:

Angelika H. Phillips, DrPH
Regional Environmental Officer

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SIGNATORY PARTIES:

NORTH CAROLINA STATE HISTORIC PRESERVATION OFFICER

Date:

Darin J. Waters, PhD
Deputy Secretary of the Department of Cultural Resources and
State Historic Preservation Officer

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SIGNATORY PARTIES:

NORTH CAROLINA DEPARTMENT OF PUBLIC SAFETY

Date:

William Ray
Director
North Carolina Emergency Management
North Carolina Department of Public Safety

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SIGNATORY PARTIES:

NORTH CAROLINA DEPARTMENT OF COMMERCE

Date:

Stephanie McGarrah
Deputy Secretary
Division of Community Revitalization
North Carolina Department of Commerce

ATTACHMENT 1

Protocol for Responsible Entities to Adopt the HUD Addendum to the FEMA PA for CDBG-DR/MIT Funded Projects in North Carolina

HUD-DR Programs

- Community Development Block Grant Disaster Recovery (CDBG-DR) grant funds are appropriated by Congress and allocated by HUD to rebuild disaster-impacted areas and provide crucial seed money to start the long-term recovery process. These flexible grants help cities, counties, Indian tribes, and States recover from Presidentially declared disasters, especially in low-income areas, subject to availability of supplemental appropriations. Since CDBG-DR assistance may fund a broad range of recovery activities, HUD can help communities and neighborhoods that otherwise might not recover due to limited resources.
- Community Development Block Grant Mitigation (CDBG-MIT) is a unique and significant opportunity for eligible grantees to use this assistance in areas impacted by recent disasters to carry out strategic and high-impact activities to mitigate disaster risks and reduce future losses.

Background

HUD-assisted projects like CDBG-DR and CDBG-MIT projects require a historic preservation compliance review, otherwise known as Section 106 review. This process requires Federal agencies to consider any impacts their projects may have to historic properties. This review process can be completed as outlined in 36 CFR Part 800 for individual projects or a Programmatic Agreement (PA) may be developed as an alternative to expedite the review process for multiple projects. HUD environmental regulations [24 CFR Part 58] require states and units of general local government to assume responsibility for environmental review of HUD-assisted projects. These Responsible Entities (REs) act as the Federal agency in carrying out environmental reviews, including Section 106 reviews.

The Federal Emergency Management Agency (FEMA) executed a PA on December 19, 2025, for North Carolina to streamline Section 106 reviews of its disaster recovery and non-disaster activities. Some of the efficiencies captured in the PA include shortened review times, an appendix of exempt activities and the expedited resolution of adverse effects. HUD and FEMA fund similar types of disaster recovery/mitigation activities, such as acquisition and demolitions, elevations of single-family homes, large infrastructure projects, and the redevelopment of housing projects. Through an Addendum document, HUD REs can sign on to the FEMA PA and utilize the same review procedures for similar CDBG-DR/MIT projects. This is a much quicker approach than developing a parallel PA for CDBG-DR/MIT projects, which can take many months.

The Unified Federal Review process encourages a more consistent interagency approach in addressing Section 106 reviews for disaster recovery. In efforts to advance a more unified approach, HUD is encouraging REs with CDBG-DR/MIT funded projects to sign on to the Addendum to the FEMA PA in order to utilize the efficiencies in the PA for CDBG-DR/MIT projects that REs administer. Listed below are guidelines on how REs can adopt the Addendum to the FEMA PA process to expedite reviews.

Initiation

- The North Carolina Department of Commerce (NCDOC) is a direct recipient of CDBG-DR/MIT funds from HUD and, as an RE, is eligible to adopt the Addendum to the FEMA PA.
- Participating units of general local government, who assume responsibility for environmental review for CDBG-DR/MIT funds, may sign on as an RE and adopt the Addendum to the FEMA PA.
- HUD is available to support and discuss the Addendum to the FEMA PA process with REs and assist them throughout the Addendum adoption process as necessary. HUD is not a signatory to the Addendum as its legal responsibilities are assumed by an RE pursuant to 24 CFR Part 58.

Public and Tribal Outreach

- Potentially interested parties such as local preservation groups, statewide historic preservation groups and organizations, federally recognized Indian tribes, and the public need to have an opportunity to comment about the proposed HUD Addendum before it is adopted. HUD is available to assist in this effort. The SHPO may recommend groups to be included in the outreach. Outreach may be accomplished through letters, notices, website postings, and/or meetings.

Qualified Staff

- The historic preservation review process in the FEMA PA requires implementation by a qualified historic preservation professional who meets the Secretary of the Interior's (SOI) Professional Qualification Standards. Guidelines on the qualifications may be found by searching the Internet for "SOI Qualification Standards."
- The RE identifies their qualified historic preservation professional who meets the SOI's Professional Qualification Standards; it can be RE staff or a consultant. An RE can choose more than one qualified professional.
- Upon request from an RE, HUD will provide information on the SOI Professional Qualifications Standards and/or preview resumes of potential candidates.

Execution of the Addendum

- After the RE selects the qualified professional who will conduct Section 106 reviews for them, the RE should submit the resume of the SOI qualified individual to HUD for review/confirmation which HUD will provide within fifteen (15) days.
- HUD will prepare an Addendum signature page for each eligible RE.
- The RE submits the original signature page and a cover memorandum to HUD and may begin using the FEMA PA process for CDBG-DR/MIT reviews effective the date of signature of the Addendum.
- The cover memorandum should include any of the following information that is pertinent and available at the time:
 - What types of projects are anticipated?
 - How many projects are anticipated?
 - Where will these projects generally be located?
 - Do these projects have the potential to include demolition, rehabilitation, new construction, and/or ground disturbance?
- On behalf of the REs, HUD will notify SHPO, FEMA, and Tribes of new Signatories to the Addendum and will provide copies of the signature pages, resumes, and RE cover memorandum.
- HUD will post the Addendum and RE signature pages on the Section 106 Agreements section of the HUD Historic Preservation page at <https://www.hudexchange.info/environmental-review/historic-preservation/section-106-agreements/> and the Disaster Programmatic Agreement page at <https://www.hudexchange.info/resource/3675/section-106-agreement-database/>

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Contacts

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NCDOC

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