

Hazard Eligibility and Local Projects Act (HELP Act) Policy Aid: Considerations and Recommended Documentation for Successful Environmental Planning and Historic Preservation Review

This policy aid helps applicants and subapplicants understand the unique Hazard Mitigation Assistance (HMA) eligibility requirements for acquisition and demolition projects submitted under the Hazard Eligibility and Local Projects (HELP) Act, implemented in January 2023. It outlines considerations and recommended documentation that may support FEMA's Environmental Planning and Historic Preservation review of projects under FEMA's HELP Act authorities.

About the HELP Act

Signed into law on Jan. 5, 2023, the Hazard Eligibility and Local Projects Act (HELP Act) ([Public Law 117-332](#)) allows applicants and subapplicants to apply for reimbursement under Hazard Mitigation Assistance grant programs for specific acquisition and demolition projects that are in progress or completed between Jan. 5, 2023, and Jan. 5, 2026.¹

FEMA published the [HELP Act Policy](#) on May 19, 2024, with a retroactive applicability date of Jan. 5, 2023. The policy applies to the following Hazard Mitigation Assistance grant programs:

- Building Resilient Infrastructure and Communities (BRIC).
- Flood Mitigation Assistance (FMA), including FMA Swift Current.
- Hazard Mitigation Grant Program (HMGP).
- HMGP Post Fire.
- Congressionally-directed Pre-Disaster Mitigation (PDM) program.

¹ Or as extended by future laws.



The HELP Act modifies requirements for these Hazard Mitigation Assistance grant programs to encourage faster disaster recovery by enabling reimbursement opportunities for acquisition and demolition efforts performed prior to applying for or being awarded a Hazard Mitigation Assistance grant.

When to Use the HELP Act

Applicants and subapplicants should use the HELP Act when demolition (groundbreaking/ground disturbance) has already taken place, but prior to applying for or being awarded a Hazard Mitigation Assistance grant. For acquisition and demolition project types where groundbreaking activities haven't occurred, FEMA recommends that subapplicants submit the proposed acquisition and demolition project through the standard Hazard Mitigation Assistance grant application process.

HELP Act Policy Requirements

An acquisition and demolition project **must** meet the following criteria to be eligible for reimbursement under the HELP Act (as defined in FEMA Policy FP-206-24-004 – [Implementation of the Hazard Eligibility and Local Projects Act for Hazard Mitigation Assistance Programs](#)). The project must:

- Apply under and meet the acquisition and demolition program requirements for Building Resilient Infrastructure and Communities (BRIC), Flood Mitigation Assistance (FMA) (including Swift Current), Hazard Mitigation Grant Program (HMGP), HMGP Post-Fire or Congressionally Directed Pre-Disaster Mitigation^{2,3,4};
- Be an acquisition and demolition project for which an entity has already initiated planning or implementation (demolition or ground disturbance), before or after requesting assistance for the project, but before grant approval, under a Hazard Mitigation Assistance grant program;
- Qualify for a categorical exclusion under the [National Environmental Policy Act \(NEPA\) of 1969](#);
- Not involve any extraordinary circumstance⁵;
- Be compliant with applicable floodplain management and protection of wetland regulations and criteria;
- Have no effect on threatened and endangered species, or critical habitat;
- Have no adverse effect on essential fish habitat;
- Not be located within a [Coastal Barrier Resources Unit or Coastal Barrier Resources Unit](#) buffer zone;
- Meet all requirements in accordance with the terms of an effective [FEMA Section 106 State-specific Programmatic Agreement](#) or the terms of an effective FEMA Section 106 Tribal-specific Programmatic

² The HELP Act does not apply to the Public Assistance Grant Program.

³ [44 CFR Part 80](#)

⁴ [Hazard Mitigation Program and Policy Guide](#)

⁵ [Department of Homeland Security Instruction Manual 023-01-001-01, \(Rev. 01\), Implementation of the National Environmental Policy Act \(NEPA\), Nov. 6, 2014](#)

Agreement (e.g. a programmatic allowance or a stipulation pertaining to a previously concluded Section 106 consultation), where applicable;

- Not require consultation under any other Environmental and Historic Preservation (EHP) law, Executive Order or implementing regulations⁶; and
- Not have a direct, indirect, or cumulative disproportionately high and adverse human health and/or environmental effect on low income and/or minority populations.⁷

In addition to the environmental and historic preservation (EHP) requirements listed above, projects **must** meet program-specific acquisition and demolition criteria. Depending on the date of the disaster declaration or the date of the Notice of Funding Opportunity, subapplicants and applicants should utilize the following materials to determine the applicable criteria:

- [2015 HMA Guidance](#) and [Addendum](#)
- [2023 HMA Program and Policy Guide](#)
- [2024 HMA Program and Policy Guide](#)
- Applicable [funding opportunities](#) published on Grants.gov for Building Resilient Infrastructure and Communities, Flood Mitigation Assistance, Swift Current, and Congressionally directed Pre-Disaster Mitigation.

The HELP Act applies to any open application period where project planning or implementation (demolition or ground disturbance) is initiated between Jan. 5, 2023, and Jan. 5, 2026. For all programs, if that demolition or ground disturbance activity took place between those dates, the subapplicant may apply for reimbursement under the HELP Act during the next open application period for the specified HMA programs.

The HELP Act policy can be found [here](#).

⁶ As defined in Title [7 Code of Federal Regulations 799.33](#).

⁷ As defined in [Executive Order 14096, Revitalizing Our Nation's Commitment to Environmental Justice for All](#), environmental justice means the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment so that people: (i) are fully protected from disproportionate and adverse human health and environmental effects (including risks) and hazards, including those related to climate change, the cumulative impacts of environmental and other burdens, and the legacy of racism or other structural or systemic barriers; and (ii) have equitable access to a healthy, sustainable, and resilient environment in which to live, play, work, learn, grow, worship, and engage in cultural and subsistence practices.

FEMA's Standard Environmental and Historic Preservation Compliance Review

Federally funded projects must comply with environmental and historic preservation laws, regulations and Executive Orders. During the environmental and historic preservation review process, FEMA regional Environmental and Historic Preservation staff evaluate potential impacts of a project on the human and natural environment.

Traditionally, for FEMA-funded hazard mitigation grants, applicants and subapplicants are required to collaborate with FEMA HMA program and regional Environmental and Historic Preservation staff to ensure compliance requirements are met prior to project implementation—including any necessary external coordination and consultation.

During the environmental and historic preservation review process, FEMA ensures legal compliance with more than 30 federal environmental and historic preservation laws, regulations and Executive Orders, including, but not limited to:

- [National Environmental Policy Act](#) (NEPA)
- [Clean Water Act](#) (CWA)
- [Endangered Species Act](#) (ESA)
- [National Historic Preservation Act](#) (NHPA)
- [Executive Order 11988](#): floodplain management
- [Executive Order 11990](#): wetland protection
- Executive Orders [12898](#) and [14096](#) on environmental justice.

Through the environmental and historic preservation review process, potential impacts of a proposed project on physical, cultural (historic properties), biological, and/or social resources are assessed by FEMA regional Environmental and Historic Preservation staff. NEPA requires FEMA and other federal agencies to assess the impacts of proposed federal actions prior to authorizing federal funds. The applicant and subapplicant are responsible for providing FEMA with a complete subapplication with the necessary supporting documentation so that FEMA can complete the environmental and historic preservation review process.

FEMA's Required Environmental and Historic Preservation Review

The HELP Act differs from FEMA's standard environmental and historic preservation compliance review process for acquisition and demolition projects by providing the applicant and subapplicant an opportunity to apply for reimbursement for an acquisition and demolition project in which implementation of that project has already begun. In a standard environmental and historic preservation review process, FEMA and the subapplicant would work closely to ensure that all environmental and historic preservation requirements are met before work begins or

funds are obligated. Under the HELP Act, subapplicants must still meet all necessary local, state, and federal requirements, as well as all Hazard Mitigation Assistance program and policy requirements.

For acquisition and demolition projects identified as seeking reimbursement under the HELP Act, FEMA regional Environmental and Historic Preservation staff will review the subapplication and all associated program and environmental and historic preservation compliance documentation and confirm the subapplication meets both the requirements outlined in the HELP Act Policy and all statutory and regulatory requirements. FEMA regional HMA staff will also conduct the standard technical review to verify the project's technical feasibility and cost-effectiveness.

For acquisition and demolition projects where implementation has already begun or been completed, this policy aid may help identify which of those projects might be eligible under the HELP Act. Following future disaster events, this policy aid may help applicants and subapplicants develop a pre-screening process that allows them to proceed with recovery and rebuilding by undertaking acquisition and demolition activities in a way that may later be reimbursed by FEMA hazard mitigation programs.

FEMA's Acquisition and Demolition Program Requirements

Applicants and subapplicants submitting projects for reimbursement under the HELP Act must meet both environmental and historic preservation criteria and Hazard Mitigation Assistance grant program requirements. Whether the subapplication is submitted as a standard project or a HELP Act project, the program requirements for acquisition and demolition are the same. Applicants and subapplicants must refer to the [2015 HMA Guidance and Addendum](#), the [2023 HMA Program and Policy Guide](#), the [2024 HMA Program and Policy Guide](#) and the applicable Notice of Funding Opportunity published for each hazard mitigation program. . Additionally, applicants and subapplicants are encouraged to utilize the [Application Support Materials](#) for additional information about the acquisition demolition project type.

Help Act Project Applicant and Subapplicant Roles

To submit a HELP Act subapplication, applicants and subapplicants will need to work together to provide the appropriate documentation. While every applicant/subapplicant relationship is unique, typically, the subapplicant will develop the subapplication and supplementary supporting documents while the applicant will provide support and quality assurance and control.

Considerations for a Potential HELP Act Project

Step 1: Determine if a Project Meets HELP Act Environmental and Historic Preservation Criteria

This section includes a helpful flowchart and a description of HELP Act environmental and historic preservation criteria. The contents of **Step 1** are not intended to provide a certain outcome, but rather intended to help applicants and subapplicants determine if their project meets the minimum requirements to make it worthwhile to spend time and resources to develop and submit a HELP Act subapplication.

Typically, FEMA's hazard mitigation grants require the environmental and historic preservation compliance review to be completed prior to any groundbreaking or demolition activity. This compliance review is a collaboration between regional FEMA HMA program and regional Environmental and Historic Preservation staff to ensure compliance requirements are met prior to project implementation— allowing informed decision making and avoidance or minimization of adverse impacts.

However, under the HELP Act, FEMA's regional HMA program and Environmental and Historic Preservation staff review may take place after the demolition process has already begun or even been completed. This marks a significant shift from the standard HMA program and environmental and historic preservation review process and makes it critical for both the applicant and subapplicant to consider the 10 high-level environmental and historic preservation criteria, outlined below, when determining whether to pursue reimbursement under the HELP Act. These criteria are further detailed in the 2015 HMA Guidance and Addendum, the 2023 HMA Program and Policy Guide and the 2024 HMA Program and Policy Guide and subapplicants are encouraged to use the details below to supplement those documents.

FEMA's regional Environmental and Historic Preservation staff will make the final determination as to whether subapplications are compliant with environmental and historic preservation laws on a property-by-property basis upon submittal. If the proposed acquisition and demolition project appears to meet the environmental and historic preservation requirements of the HELP Act, then subapplicants are encouraged to compile the supporting documentation for reimbursement under the HELP Act as outlined below in **Step 2**.

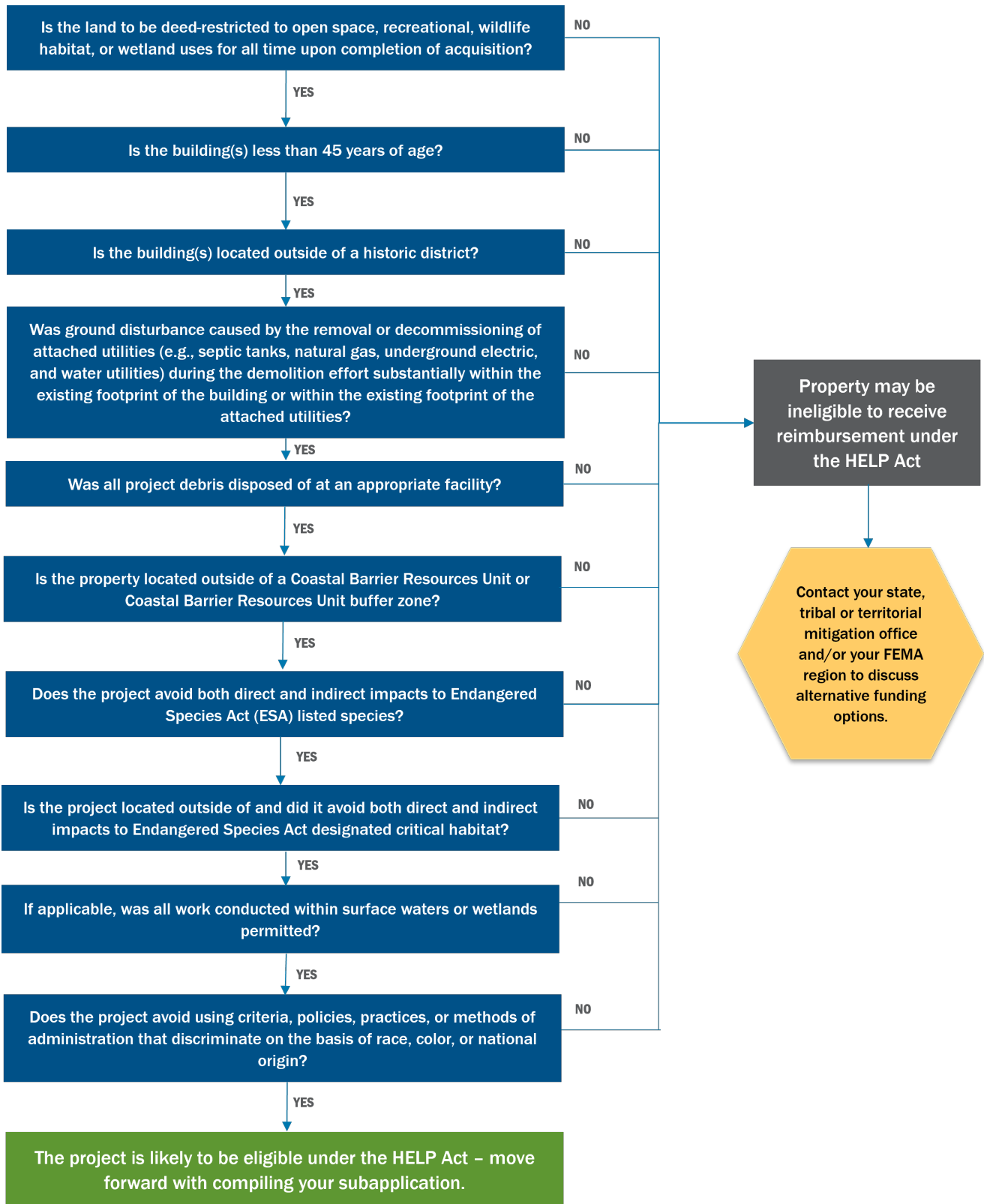


Figure 1. High-Level Environmental and Historic Preservation Criteria to Determine Eligibility under the HELP Act Policy

1. **Is the land to be deed-restricted to open space, recreational, wildlife habitat, or wetland uses for all time upon completion of acquisition?** *This restriction is a requirement of Categorical Exclusion N3, Federal Assistance for Property Acquisition and Demolition and is a Hazard Mitigation Assistance grant program requirement.*

- **YES** – Move forward to question #2.
- **NO** – Project may be ineligible to receive reimbursement under the HELP Act Policy. Please contact your state, tribal or territorial mitigation office and/or your FEMA region to discuss alternative funding options.

2. **Is the building(s) less than 45 years of age?** *The age of the building is the original date of construction and not the date of any renovations or repairs. Use of federal funds requires assessment of properties in a review process known as Section 106 (54 U.S.C. §306108) compliance. Section 106 requires federal agencies to consider the effects on historic properties of projects they carry out, assist, fund, permit, license, or approve throughout the country.*

- **YES** – Move forward to question #3.
- **NO** – Project may be ineligible to receive reimbursement under the HELP Act Policy. Please contact your state, tribal or territorial mitigation office and/or your FEMA region to discuss alternative funding options.

FEMA recommends contacting your respective FEMA regional Environmental and Historic Preservation staff to identify if the project in question meets the terms of an effective programmatic agreement. FEMA also recommends verifying the age criterion established by the state as some states may use a different age threshold for consideration of historic properties. FEMA assistance is available by email: fema-ehphelpline@fema.dhs.gov.

3. **Is the building(s) located outside of a historic district?** *A historic district is a group of resources considered valuable for historic or architectural reasons and is eligible for or already listed in the National Register of Historic Places. Use of federal funds requires assessment of properties located within a historic district under the Section 106 process. Note: some areas of historic significance may not be listed in the National Register of Historic Places but have been evaluated as eligible or potentially eligible for the National Register of Historic Places. If a building is located in one of these areas, the answer will be the same as if the building were within a historic district.*

- **YES** – Move forward to question #4.
- **NO** – Project may be ineligible to receive reimbursement under the HELP Act Policy. Please contact your state, tribal or territorial mitigation office and/or your FEMA region to discuss alternative funding options.

4. **Was ground disturbance caused by the removal or decommissioning of attached utilities (e.g., septic tanks, natural gas, underground electric, and water utilities) during the demolition effort substantially within the existing footprint of the building or within the existing footprint of the attached utilities?**

- **YES** – Move forward to question #5.
- **NO** – Project may be ineligible to receive reimbursement under the HELP Act Policy. Please contact your state, tribal or territorial mitigation office and/or your FEMA region to discuss alternative funding options.

5. **Was all project debris disposed of at an appropriate facility?** *It is required that disposal of all debris [e.g., construction debris] is done at an appropriately approved, authorized, licensed, or permitted facility. Debris must not be temporarily staged or disposed of in a wetland.*
- **YES** – Move forward to question #6.
 - **NO** – Project may be ineligible to receive reimbursement under the HELP Act Policy. Please contact your state, tribal or territorial mitigation office and/or your FEMA region to discuss alternative funding options.
6. **Is the property located outside of a Coastal Barrier Resources Unit or Coastal Barrier Resources Unit buffer zone?** *The Coastal Barrier Resources Act (CBRA) prohibits most new federal expenditures that encourage development or modification of coastal barriers with some exceptions. Consultation with U.S. Fish and Wildlife Service (USFWS) is necessary for projects within a Coastal Barrier Resource Unit.*
- **YES** – Move forward to question #7.
 - **NO** – Project may be ineligible to receive reimbursement under the HELP Act Policy. Please contact your state, tribal or territorial mitigation office and/or your FEMA region to discuss alternative funding options.

To aid in identifying Coastal Barrier Resources Units or Coastal Barrier Resources Unit buffers, the USFWS provides a Coastal Barrier Resources System Mapper ([CBRS Mapper](#)).

- a. [Accessing Coastal Barrier Resources System Maps and Digital Data](#)
- b. [User Guide for Coastal Barrier Resources System Data](#)

7. **Does the project avoid both direct and indirect impacts to Endangered Species Act (ESA) listed species?** *“Endangered” is a designation under the Endangered Species Act (ESA) for those plant and animal species that are in danger of becoming extinct throughout all or a significant portion of its range. “Threatened” is a designation under the Endangered Species Act (ESA) for those plant and animal species that are likely to become endangered within the foreseeable future throughout all or a significant portion of its range. Coordination or consultation with U.S. Fish and Wildlife Service (USFWS) and/or National Marine Fisheries Service (NMFS) may be necessary when a project has the potential to impact, adversely or beneficially, [Endangered Species Act \(ESA\) listed species](#), as required under the Endangered Species Act (ESA) Section 7.*
- **YES** – Move forward to question #8.
 - **NO** – Project may be ineligible to receive reimbursement under the HELP Act Policy. Please contact your state, tribal or territorial mitigation office and/or your FEMA region to discuss alternative funding options.

To aid in identifying listed species, U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) provide the following publicly available resources:

- a. [U.S. Fish and Wildlife Service Information for Planning and Consultation \(IPaC\)](#)
- b. [NOAA Fisheries Endangered Species Act Threatened & Endangered Species Directory](#)

8. **Is the project located outside of and did it avoid both direct and indirect impacts to Endangered Species Act designated critical habitat?** *“Critical habitat” is a designation under the Endangered Species Act for specific geographic areas that contain the physical or biological features essential to the conservation of endangered and threatened species that may need special management or protection. Coordination or consultation with U.S. Fish and Wildlife Services and/or National Marine Fishery Services may be necessary when a project has potential to impact designated critical habitat, as required under the Endangered Species Act (ESA) Section 7.*

- **YES** – Move forward to question #9.
- **NO** – Project may be ineligible to receive reimbursement under the HELP Act Policy. Please contact your state, tribal or territorial mitigation office and/or your FEMA region to discuss alternative funding options.

To aid in identifying critical habitat, the following federal agencies provide these publicly available resources:

- a. [USFWS Critical Habitat for Threatened and Endangered Species Mapper](#)
 - i. [Critical Habitat Mapper Instructions](#)
- b. [NOAA Fisheries National ESA Critical Habitat Mapper](#)
- c. [USFWS Information for Planning and Consultation \(iPaC\)](#)

9. **If applicable, was all work conducted within surface waters or wetlands permitted?** *Work involving surface waters or wetlands may require a subapplicant to coordinate with multiple agencies, such as the U.S. Army Corps of Engineers (USACE), U.S. Environmental Protection Agency (EPA), and state water quality agencies, as required under the CWA or other state laws. Projects in or near jurisdictional and non-jurisdictional wetlands may require additional consideration by FEMA, related to practicable alternatives and avoidance and minimization measures, under the [Executive Order 11990: Protection of Wetlands, 1977](#).*

- **YES** – Move forward to question #10.
- **NO** – Project may be ineligible to receive reimbursement under the HELP Act Policy. Please contact your state, tribal or territorial mitigation office and/or your FEMA region to discuss alternative funding options.

To aid in identifying surface waters and wetlands, USFWS provides a [National Wetlands Inventory](#).

- a. [Wetlands Mapper Documentation and Instructions Manual](#)
- b. [Video: How to Find and Use the U.S. Fish and Wildlife Service’s Wetlands Mapper](#)

10. **Does the project avoid using criteria, policies, practices, or methods of administration that discriminate on the basis of race, color, or national origin?** *[Executive Order 12898](#) and [Executive Order 14096](#) both address environmental justice in minority and low income populations and directs the Federal Government to build upon and strengthen its commitment to deliver environmental justice to all communities across America.*

- **YES** – Move forward next section to assemble recommended documentation.
- **NO** – Project may be ineligible to receive reimbursement under the HELP Act Policy. Please contact your state, tribal or territorial mitigation office and/or your FEMA region to discuss alternative funding options.

To aid in determining environmental justice affected communities, please see the [Environmental Justice and Screening and Mapping Tool \(EJSCREEN\)](#).

Step 2: Assemble and Collect Supporting Environmental and Historic Preservation (EHP) Documentation

This section outlines recommended supporting documentation to include in the subapplication to help FEMA confirm the proposed project seeking reimbursement under the HELP Act is compliant with program and environmental and historic preservation requirements. FEMA HMA program and regional Environmental and Historic Preservation staff will review the subapplication to ensure HELP Act projects have complied with both program and environmental and historic preservation requirements. This **comprehensive review may include the items summarized below**, but please note that **these considerations are not comprehensive**, and each project is unique.

Each itemized section includes an explanation as to why the information may be needed and provides potential sources where this information may be found. This information and data will aid in the development of a comprehensive project description to be included with subapplications. As a project proceeds with groundbreaking and demolition activities, FEMA encourages applicants and subapplicants to give careful consideration to the project's impacts and how to document the information highlighted below. The information presented in the list below accounts for acquisition and demolition projects where implementation has already begun but may also apply to projects where planning activities have commenced but ground-breaking has not yet occurred. If any questions arise, please contact your respective [FEMA regional hazard mitigation program and environmental offices](#).

1. SCOPE OF WORK

1A. What activities were conducted during the building's demolition?

- Describe the project's scope of work. Demolition activities may include:
 - Debris removal;
 - Removal of underground improvements (e.g., septic tanks, sidewalks, pools);
 - Decommissioning of utilities;
 - Site grading;
 - Permitting;
 - Silt fencing to prevent runoff; or
 - Reseeding

- If multiple properties are included in a subapplication, describe which structures have already been acquired or demolished. **Please note that HELP Act subapplications must only contain HELP Act properties and must be submitted separately from standard acquisition and demolition subapplications.**
- Describe how the land has been or will be rehabilitated to an open and natural state. FEMA grant conditions require acquired land to become open space in perpetuity.
- Provide a sample of the deed restriction that the subapplicant intends to record with each property deed. The sample must be consistent with the FEMA [Model Deed Restriction](#) (as outlined in Section Part 12.B.1.4 of the [2024 HMA Program and Policy Guide](#)).
- If the project scope of work included or caused ground disturbance (e.g., foundation excavation, utility line removal, clearing a staging area), describe the activities (both temporary and permanent) that necessitated the ground disturbance, and show the locations on a map or in plan view; include the length, width and depth of the ground disturbed.
- Describe the condition of the ground surface prior to acquisition and demolition work (e.g., pavement, landscape shrubs and trees, topography of the property).

Why it is needed: A complete project description is essential for FEMA to understand how the project may have impacted human, environmental and cultural resources in order to confirm environmental and historic preservation compliance. Acquisition and demolition projects are intended to reduce risks to people and structures by acquiring property and demolishing those structures to restore the property to open space.

Potential sources: Public works department/local official overseeing the project, engineers, design plans or drawings, contractors

1B. How was the project area accessed and where were the staging areas located?

- Describe how the project area was accessed. Show the boundaries of the access routes or points on a map or plan view of the project area and describe the surface type (e.g., asphalt, dirt, gravel).
- Describe where materials and equipment were stored and staged during demolition. Show the boundaries of the staging areas on a map or plan view of the project area, and describe the surface type (e.g., asphalt, dirt, gravel).
- Describe the vehicles and equipment that were used to implement the project.
- Describe any local restrictions on equipment use (e.g., seasonal or daily restrictions, work hours, local noise ordinances).

Why it is needed: To ensure compliance with environmental and historic preservation requirements and confirm additional compliance was not necessary, FEMA needs to understand the extent of ground disturbance and/or vegetation removal activities required for the completed project.

Potential sources: Project planners, construction contractors, engineers, property owners

1C. When was the work performed?

- Provide a schedule that includes construction, demolition, operation and maintenance activities, including the dates and times of day when work occurred.

Why it is needed: FEMA needs information about the timing and duration of activities to understand the significance of impacts on people and the environment, such as work exclusion windows during bird nesting season. This information will be used to confirm environmental and historic preservation compliance.

Potential sources: Project engineer, construction contractors, property owners

2. PROJECT AREA AND BUILDING INFORMATION

2A. Where was the building(s) and/or infrastructure located?

- Provide the geospatial coordinates (latitude and longitude in decimal degrees) and the physical site address of the project area(s).
- Provide a geographic information system (GIS), Google Earth files (.kmz), maps or images that clearly show the boundaries of the project area. If your project has a complex boundary, a GIS or .kmz file is preferred. The information provided should show the boundaries of all temporary and permanent project activities, including staging areas, access routes, any vegetation removal and the affected structure(s).
- Provide an estimate of the area of ground disturbed in acres or square feet.
- Provide photos of the surrounding area to the north, south, east, and west of the project area for context.

Why it is needed: FEMA needs to review the project location to understand conditions in the project area at the time of demolition and to determine potential project impacts to confirm environmental and historic preservation compliance.

Potential sources: Photographs at the time of acquisition or just prior to demolition are ideal. Although municipal GIS data may be available, this information can be outdated. Potential sources include Google Earth files developed for the project design, local building inspectors, tax assessor records, property deeds, and engineering plans. The geographic coordinates of your project area can be obtained using software such as GIS or Google Earth, websites such as Google Maps, Bing Maps, or latlong.net, smartphone mapping apps, or with a Global Positioning System (GPS) device.

2B. Describe the buildings within the project area.

- Describe the type (house, garage, shed, barn, etc.), number of building(s), and size and dimensions of building(s) that has been demolished or will be demolished. Provide photographs of each elevation (side) of each structure demolished (including accessory structures such as garages, sheds, or decks). The front of the building is the most important image and should show the entire front of the building, including the roofline and the foundation. Provide the year the building was constructed (not repaired or renovated) and include where that information was found.

- Describe adjacent buildings, including photographs and the year that they were originally constructed.
- Describe the type of foundation for the building(s) (e.g., poured cement, cement block, brick, post and pier, etc.) and how it was removed. Include the depth of excavation, if known.
- Describe any improvements or additions that had been made to the building(s) prior to demolition (e.g., new windows, change in roofing material from original construction), changes to the original location of the building (e.g., relocation), or other changes to the original building design.
- Identify any trees that were removed during the demolition and if the root ball of the tree was removed or left intact, if applicable.

Why it is needed: FEMA will use the date of construction and photos to confirm that the building(s) demolished did not require consultation under Section 106 of National Historic Preservation Act. Generally, buildings that are 45 years or older at the time of subapplication *may* be eligible for listing in the National Register of Historic Places. If the building(s) is designated as historic, has the potential to be historic, or is in a designated historic district, the project is not eligible for reimbursement under the HELP Act. For these property types, FEMA recommends that subapplications be submitted through the standard hazard mitigation grant process.

Potential sources: Tax assessor data (provide the URL for the tax assessor if possible), GIS-based tax assessor database, State Historic Preservation Office (SHPO) for historic designation, and historic district identification

3. POTENTIAL IMPACTS ON PEOPLE, THE ENVIRONMENT, AND CULTURAL RESOURCES

3A. Has the public been notified or provided input?

- Explain any controversy that exists related to the project (e.g., news stories, protests, involvement of community organizations).
- Describe any previous public engagement activities for the project.
- Describe how the project may advance equity (see Executive Order 14091), and benefit disadvantaged communities as referenced in Executive Order 14008, consistent with applicable law.
- Explain why the project is not anticipated to adversely affect any communities with environmental justice concerns as referenced in [Executive Order 12898](#) and [Executive Order 14096](#).

Why it is needed: If the project generates meaningful public concern and/or controversy within the affected community, the project may not qualify for a categorical exclusion under NEPA. As such, the project would not be eligible for reimbursement under the HELP Act. For these property types, FEMA recommends that subapplications for acquisition and demolition be submitted through the traditional grant submittal process.

Potential sources: News stories, public meetings, notices in the local newspapers or government website, website/social media posting, project planners

3B. Did you coordinate with or consult regulatory agencies?

- Describe any agency coordination and/or permits obtained from federal, state, local, or Tribal agencies to implement the project. Provide copies of any coordination materials, permit applications, or approvals.

Why it is needed: Coordination with federal, state, or local agencies who may have issued a permit and/or confirmed none was necessary will allow FEMA to confirm environmental and historic preservation compliance of the completed work.

Potential sources: Project planners

3C: Were environmental or cultural resource studies previously conducted?

- If there are any known environmental or cultural resource studies, either for the project or for other projects in the same area conducted by federal, state, local, or Tribal agencies, please provide copies. Studies could include evaluations of cultural resources (e.g., historic, archaeological) or environmental resources (e.g., threatened and endangered species, wetlands, hydrology).

Why it is needed: FEMA may use the findings to help document or confirm that additional consultation was not necessary.

Potential sources: Project contractor or engineer, environmental and historic preservation studies required by state law or local ordinances, environmental studies completed within or near the project area, local officials

3D. Are surface waters or wetlands present within the project area?

- Describe any surface waters in or near the project area (e.g., ponds, lakes, rivers, streams, wetlands, other waterbodies).
- Describe any measures used to avoid waterbodies or avoid impacting water (e.g., setbacks, silt fence).
- Provide any permits or applications that were developed related to project impacts on surface waters.

Why it is needed: Documented coordination with federal, state, or local agencies, who may have issued a permit and/or confirmed none was necessary, will allow FEMA to confirm environmental and historic preservation compliance of the completed work. Water resources could be regulated under the Clean Water Act (CWA), state water or wetland laws, and/or [Executive Order 11990](#) – Protection of Wetlands. If permits were issued for work, confirmation that all permit conditions were followed may also be required.

Potential sources: Clean Water Act (CWA) permits and approvals, wetland delineations of the site, [National Wetlands Inventory \(NWI\) Mapper](#)

3E. Did your project have an impact on hazardous or contaminated materials?

- Describe any known hazardous or contaminated materials (e.g., oil tanks, contaminated soils, asbestos, lead based paint, refrigerant, etc.) that may be present in the project area.

- Describe the proposed or actual disposal location for all project debris.

Why it is needed: FEMA needs to understand project impacts from (or use of) hazardous and contaminated materials to confirm proper disposal of project debris in compliance with federal, state, and local requirements. Any site that has or has had recorded hazardous waste issues will require a Clean Site Certification prior to grant approval.

Potential sources: Environmental site assessments, site visits, state environmental agency/databases, [Environmental Protection Agency's Envirofacts](#)

3F. Did your project use imported fill?

- If your project involved the use of fill, describe the type and source of the fill material.

Why it is needed: FEMA needs to confirm that the fill came from a permitted source, is free from contaminants, and complies with federal and state hazardous and contaminated materials laws. FEMA also needs to confirm the source of fill for potential effects to historic properties. If a borrow site is being used, it is also important to ensure that the area is not archaeologically sensitive. If fill originates from a location other than a commercial site, this may trigger additional consultation. If Section 106 consultation is required, the project is not eligible for reimbursement under the HELP Act.

Potential sources: Project planner or engineer, and similar completed projects

3G. Was vegetation removal required?

- If the project removed vegetation for any reason, describe the type and amount or area of vegetation (e.g., two oak trees, one-quarter acre of turf grass).
- Describe how vegetation was removed, if applicable (e.g., root ball removal, flush cut, dug up, chemical weed killer).
- If available, provide photographs of the vegetation removed in the project area.
- Was vegetation restored after the project was completed or did the project include planting or seeding of vegetation? If so, describe where and how it was planted (e.g., by hand, with machinery, broadcast seeding) and the types (e.g., grasses, trees, shrubs) and species of vegetation that were planted.
- Were any special techniques used to ensure survival of the plants/seeds (e.g., mulch, irrigation, protective fencing)?
- Were considerations made regarding invasive species management, if applicable.

Why it is needed: FEMA needs to confirm the impact vegetation removal has on environmental and cultural resources. If root ball removal took place, the project may require Section 106 consultation and would not be eligible for reimbursement under the HELP Act. For these property types, FEMA recommends that subapplications for acquisition and demolition projects be submitted through the traditional grant submittal process.

Potential sources: Project planner or engineer, landscape architects

3H. What best management practices did the project use?

- List all best management practices implemented, as part of the project, to reduce potential impacts.
- If your project involved any hazardous materials, describe the best management practices used to minimize exposure of people and the environment to those materials and how the materials were discarded.

Why it is needed: FEMA needs to document best management practices established by federal, state, or local agencies, that were used to ensure the project's environmental impacts were avoided or minimized, where possible, in compliance with federal and state environmental laws such as the Clean Water Act (CWA) or the Endangered Species Act (ESA); or Executive Orders related to Floodplain and Wetland protection. Best management practices are methods that have been determined by each industry that are the most effective and practical means of preventing or reducing negative impacts caused during the implementation of a project. Best management practices examples:

- Best Management Practice Example: Coordinate with the local floodplain administrator to receive a permit to conduct activities that would occur within a floodplain. Applicable to [Executive Order 11988](#), Floodplains
- Best Management Practice Example: Use native plant species when restoring disturbed areas. Applicable to [Executive Order 13112](#), Invasive Species.
- Best Management Practice Example: Conduct all activities in accordance with the standards specified in Occupational Safety and Health Administration (OSHA) regulations. Applicable to [Executive Order 13045](#), Public Health and Safety.
- Best Management Practice Example: Ensure equipment complies with pertinent equipment noise standards of the Environmental Protection Agency. Applicable to [Noise Act of 1972](#).
- Best Management Practice Example: Keep vehicles and equipment running as little as possible. Wet or cover areas of exposed soils to reduce fugitive dust. This is applicable to the [Clean Air Act](#).
- Best Management Practice Example: Implement air quality, noise and transportation examples. This is applicable to [Executive Order 12898](#), Environmental Justice.

Potential sources: Project engineers, best management practices guidance provided by federal, state, or local environmental agencies, best management practices specified in permit approvals issued by federal, state, or local agencies

What Happens Next?

Once the required information from **Step 1** and the applicable documentation recommended in **Step 2** is submitted, FEMA HMA program and Environmental and Historic Preservation staff will review the project to ensure it is compliant with all applicable environmental and historic preservation laws, regulations, and Executive Orders,

as well as the HELP Act eligibility criteria defined in FEMA Policy FP-206-24-004 – *Implementation of the Hazard Eligibility and Local Projects Act for Hazard Mitigation Assistance Programs*. The environmental and historic preservation review necessary for projects eligible under the HELP Act is expected to be relatively short, given projects cannot require consultation under any other environmental and historic preservation law, regulation, or Executive Order and/or require the preparation of an Environmental Assessment or an Environmental Impact Statement.

If FEMA determines that all programmatic and environmental and historic preservation requirements were met, then reimbursement will move forward, and a Record of Environmental Consideration (REC) will be completed. If requirements were not met for the project, HMA program staff will determine next steps - which may include removal of non-compliant properties within a project subapplication or a denial letter. It is recommended that applicants and subapplicants reach out to regional representatives with questions as early as possible during the application process and reference the appropriate [Hazard Mitigation Assistance Program and Policy Guide](#).

Additional Resources

- The Hazard Eligibility and Local Projects (HELP) Act ([Pub. L. 117-332](#))
- FEMA Policy FP-206-24-004: [Implementation of the Hazard Eligibility and Local Projects Act for Hazard Mitigation Assistance Programs](#)
- Title [44 Code of Federal Regulations Sections 77.6\(c\), 206.434\(d\)](#).
- [FEMA's Office of Environmental Planning and Historic Preservation](#) – Webpage of FEMA's Headquarters Office of Environmental Planning and Historic Preservation office.
- [Environmental and Historic Preservation Grant Preparation Resources](#)
 - [Hazard Mitigation Assistance Environmental and Historic Preservation At-a-Glance Guide](#)
- [DHS Instruction Manual 023-01-001-01, Rev 01](#) – Appendix A lists Categorical Exclusions.
- [Title VI of the Civil Rights Act of 1964](#) (42 U.S.C. § 2000d et seq.)
- Environmental and Historic Preservation Helpline Email: fema-ehphelpline@fema.dhs.gov.

Accessible Links Mentioned in the HELP Act Policy Aid

Link mentioned in the HELP Act Policy Aid (In order of mention)	Accessible Link
Hazard Eligibility and Local Projects Act (HELP Act) (Public Law 117-332)	https://www.congress.gov/bill/117th-congress/house-bill/1917/text
HELP Act Policy	https://www.fema.gov/sites/default/files/documents/fema_mit-help-act-policy.pdf
FEMA Policy FP-206-24-004 – Implementation of the Hazard Eligibility and Local Projects Act for Hazard Mitigation Assistance Programs	https://www.fema.gov/sites/default/files/documents/fema_mit-help-act-policy.pdf
National Environmental Policy Act (NEPA) of 1969	https://www.dhs.gov/sites/default/files/publications/DHS_Instruction_Manual_023-01-001-01_Rev_01_508_Admin_Rev.pdf
Coastal Barrier Resources Unit or Coastal Barrier Resources Unit	https://www.fws.gov/program/coastal-barrier-resources-act/maps-and-data
FEMA Section 106 State-specific Programmatic Agreement	https://www.fema.gov/emergency-managers/practitioners/environmental-historic/laws/nhpa/section-106
44 CFR Part 80	https://www.ecfr.gov/current/title-44/chapter-I/subchapter-B/part-80
Hazard Mitigation Program and Policy Guide	https://www.fema.gov/grants/mitigation/learn/hazard-mitigation-assistance-guidance
Department of Homeland Security Instruction Manual 023-01-001-01, (Rev. 01), Implementation of the National Environmental Policy Act (NEPA), Nov. 6, 2014	https://www.dhs.gov/sites/default/files/publications/DHS_Instruction_Manual_023-01-001-01_Rev_01_508_Admin_Rev.pdf
2015 HMA Guidance	https://www.fema.gov/sites/default/files/documents/fema_hma-guidance-fy15-archived.pdf
2015 HMA Guidance Addendum	https://www.fema.gov/sites/default/files/documents/fema_hma-addendum-fy15-archive.pdf
2023 HMA Program and Policy Guide	https://www.fema.gov/sites/default/files/documents/fema_hma_guide_archived_08232023.pdf

Link mentioned in the HELP Act Policy Aid (In order of mention)	Accessible Link
2024 HMA Program and Policy Guide	https://www.fema.gov/sites/default/files/documents/fema_hma_guide_082024.pdf
Applicable funding opportunities	https://www.fema.gov/grants/mitigation/notice-funding-opportunities
Title 7 Code of Federal Regulations 799.33 .	https://www.ecfr.gov/current/title-7/subtitle-B/chapter-VII/subchapter-G/part-799/subpart-D/section-799.33
Executive Order 14096	https://www.federalregister.gov/documents/2023/04/26/2023-08955/revitalizing-our-nations-commitment-to-environmental-justice-for-all
National Environmental Policy Act (NEPA)	https://www.epa.gov/laws-regulations/summary-national-environmental-policy-act
Clean Water Act (CWA)	https://www.epa.gov/laws-regulations/summary-clean-water-act
Endangered Species Act (ESA)	https://www.fws.gov/law/endangered-species-act
National Historic Preservation Act (NHPA)	https://www.nps.gov/subjects/archeology/national-historic-preservation-act.htm
Executive Order 11988: Floodplain Management	https://www.archives.gov/federal-register/codification/executive-order/11988.html
Executive Order 11990: Wetland protection	https://www.archives.gov/federal-register/codification/executive-order/11990.html
Executive Order 12898 (Environmental Justice)	https://www.govinfo.gov/content/pkg/FR-1994-02-16/html/94-3685.htm
Executive Order 14096 (Environmental Justice)	https://www.federalregister.gov/documents/2023/04/26/2023-08955/revitalizing-our-nations-commitment-to-environmental-justice-for-all
The 2015 HMA Guidance	https://www.fema.gov/sites/default/files/documents/fema_hma-guidance-fy15-archived.pdf
The Addendum	https://www.fema.gov/sites/default/files/documents/fema_hma-addendum-fy15-archive.pdf
The 2023 HMA Program and Policy Guide	https://www.fema.gov/grants/mitigation/hazard-mitigation-assistance-guidance
The 2024 HMA Program and Policy Guide	https://www.fema.gov/sites/default/files/documents/fema_hma_guide_082024.pdf

Link mentioned in the HELP Act Policy Aid (In order of mention)	Accessible Link
<u>Application Support Materials</u>	https://www.fema.gov/grants/mitigation/hazard-mitigation/when-you-apply/program-support-materials
<u>Coastal Barrier Resources System Mapper (CBRS Mapper)</u>	https://fwsprimary.wim.usgs.gov/CBRSMapper-v2/
<u>Accessing Coastal Barrier Resources System Maps and Digital Data</u>	https://www.fws.gov/sites/default/files/documents/accessing-cbrs-maps-and-digital-data-fact-sheet-02232024.pdf#:~:text=Official%20CBRS%20maps%20can%20be%20obtained%20through%20the.the%20pop-up%20window%2C%20click%20on%20the%20map%20link.
<u>User Guide for Coastal Barrier Resources System Data</u>	https://www.fws.gov/sites/default/files/documents/user-guie-for-coastal-barrier-resource-system-data.pdf
<u>Endangered Species Act (ESA)</u>	https://www.fws.gov/law/endangered-species-act
<u>U.S. Fish and Wildlife Service Information for Planning and Consultation (IPaC)</u>	https://ipac.ecosphere.fws.gov/
<u>NOAA Fisheries Endangered Species Act Threatened & Endangered Species Directory</u>	https://www.fisheries.noaa.gov/species-directory/threatened-endangered
<u>USFWS Critical Habitat for Threatened and Endangered Species Mapper</u>	https://fws.maps.arcgis.com/home/webmap/viewer.html?webmap=9d8de5e265ad4fe09893cf75b8dbfb77
<u>Critical Habitat Mapper Instructions</u>	https://www.fws.gov/media/critical-habitat-mapper-instructions
<u>NOAA Fisheries National ESA Critical Habitat Mapper</u>	https://www.fisheries.noaa.gov/resource/map/national-esa-critical-habitat-mapper
<u>USFWS Information for Planning and Consultation (iPaC)</u>	https://ipac.ecosphere.fws.gov/
<u>Executive Order 11990: Protection of Wetlands, 1977</u>	https://www.archives.gov/federal-register/codification/executive-order/11990.html
<u>National Wetlands Inventory</u>	https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/

Link mentioned in the HELP Act Policy Aid (In order of mention)	Accessible Link
Wetlands Mapper Documentation and Instructions Manual	chrome-extension://efaidnbnmnnibpcajpcglclefindmkaj/https://www.fws.gov/sites/default/files/documents/Wetlands-Mapper-Documentation-Manual-May-2019.pdf
Video: How to Find and Use the U.S. Fish and Wildlife Service’s Wetlands Mapper	https://www.youtube.com/watch?v=UElpQelOZ8I
Executive Order 12898	https://www.govinfo.gov/content/pkg/FR-1994-02-16/html/94-3685.htm
Executive Order 14096	https://www.federalregister.gov/documents/2023/04/26/2023-08955/revitalizing-our-nations-commitment-to-environmental-justice-for-all
Environmental Justice and Screening and Mapping Tool (EJSCREEN).	https://www.epa.gov/ejscreen
FEMA regional hazard mitigation program and environmental offices.	https://www.fema.gov/about/organization/regions
FEMA Model Deed Restriction	https://www.fema.gov/sites/default/files/documents/fema_model-deed-form-206-fy22-157.pdf
Section Part 12.B.1.4 of the 2024 HMA Program and Policy Guide	https://www.fema.gov/grants/mitigation/learn/hazard-mitigation-assistance-guidance
Executive Order 12898	https://www.govinfo.gov/content/pkg/FR-1994-02-16/html/94-3685.htm
Executive Order 14096	https://www.federalregister.gov/documents/2023/04/26/2023-08955/revitalizing-our-nations-commitment-to-environmental-justice-for-all
Executive Order 11990	https://www.archives.gov/federal-register/codification/executive-order/11990.html
National Wetlands Inventory (NWI) Mapper	https://www.fws.gov/wetlands/data/Mapper.html
Environmental Protection Agency’s Envirofacts	https://enviro.epa.gov/
Executive Order 11988	https://www.archives.gov/federal-register/codification/executive-order/11988.html
Executive Order 13112	https://www.federalregister.gov/documents/2016/12/08/2016-29519/safeguarding-the-nation-from-the-impacts-of-invasive-species

Link mentioned in the HELP Act Policy Aid (In order of mention)	Accessible Link
<u>Executive Order 13045</u>	https://www.govinfo.gov/content/pkg/FR-1997-04-23/html/97-10695.htm
<u>Noise Act of 1972</u>	https://uscode.house.gov/statutes/pl/92/574.pdf
<u>Clean Air Act</u>	https://www.epa.gov/clean-air-act-overview/clean-air-act-text
<u>Executive Order 12898</u>	https://usfema.sharepoint.com/teams/FIMA/MD/HMAD/GPB/HELP Act/Policy Support Materials/Policy Aid/Triad Concurrence (10.9.24)/Executive Order 12898
<u>Hazard Mitigation Assistance Program and Policy Guide</u>	https://www.fema.gov/grants/mitigation/learn/hazard-mitigation-assistance-guidance
The Hazard Eligibility and Local Projects (HELP) Act (<u>Pub. L. 117-332</u>)	https://www.congress.gov/bill/117th-congress/house-bill/1917/text
FEMA Policy FP-206-24-004: <u>Implementation of the Hazard Eligibility and Local Projects Act for Hazard Mitigation Assistance Programs</u>	https://www.fema.gov/sites/default/files/documents/fema_mit-help-act-policy.pdf
Title <u>44 Code of Federal Regulations Sections 77.6(c), 206.434(d)</u>	https://www.ecfr.gov/current/title-44/chapter-I/subchapter-B/part-77/section-77.6
<u>FEMA's Office of Environmental Planning and Historic Preservation</u> – Webpage of FEMA's Headquarters Office of Environmental Planning and Historic Preservation office	https://www.fema.gov/emergency-managers/practitioners/environmental-historic
<u>Environmental and Historic Preservation Grant Preparation Resources</u>	https://www.fema.gov/grants/tools/environmental-historic/preparation-resources
<u>Hazard Mitigation Assistance Environmental and Historic Preservation At-a-Glance Guide</u>	https://www.fema.gov/sites/default/files/2020-06/uhma_quick_guide_04_17_12.pdf
<u>DHS Instruction Manual 023-01-001-01, Rev 01</u> – Appendix A lists Categorical Exclusions.	https://www.dhs.gov/publication/directive-023-01-rev-01-and-instruction-manual-023-01-001-01-rev-01-and-catex

Link mentioned in the HELP Act Policy Aid (In order of mention)	Accessible Link
Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq.)	https://www.justice.gov/crt/fcs/TitleVI