



# RESOLUTION No. 24-155

## OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

**RESOLUTION APPROVING ACCEPTANCE OF THE FEMA HAZARD MITIGATION GRANT PROGRAM FUNDS FOR THE HMGP DR-4482-693-19 PHASE 1 PREPARE CA MATCH – NEVADA COUNTY SOUTH YUBA RIM HAZARDOUS FUELS REDUCTION PROJECT IN THE AMOUNT OF \$772,799.85 (FEDERAL SHARE), \$85,866.65 (NON-FEDERAL SHARE), AND \$42,933.32 (PHASE 1 MANAGEMENT COSTS) DURING THE PERIOD FEBRUARY 7, 2024, THROUGH JULY 19, 2025, AUTHORIZING THE DIRECTOR OF EMERGENCY SERVICES TO EXECUTE THE GRANT AGREEMENT AND ALL ADDITIONAL DOCUMENTS TO FULFILL THE REQUIREMENTS OF THE GRANT ON BEHALF OF THE COUNTY OF NEVADA**

WHEREAS, the County of Nevada has a severe and present danger from wildfire and the Federal Emergency Management Agency (“FEMA”) released Hazard Mitigation Grant Program (HMGP) funding to reduce losses from natural hazards; and

WHEREAS, the South Yuba Rim Hazardous Fuels Reduction Project has been identified as a priority in the CAL FIRE Nevada-Yuba-Placer Unit (NEU) Strategic Plan; and

WHEREAS, the Office of Emergency Services submitted a grant proposal to the FEMA HMGP on April 8, 2022, for the Prepare CA Match – Nevada County South Yuba Rim Hazardous Fuels Reduction Project; and

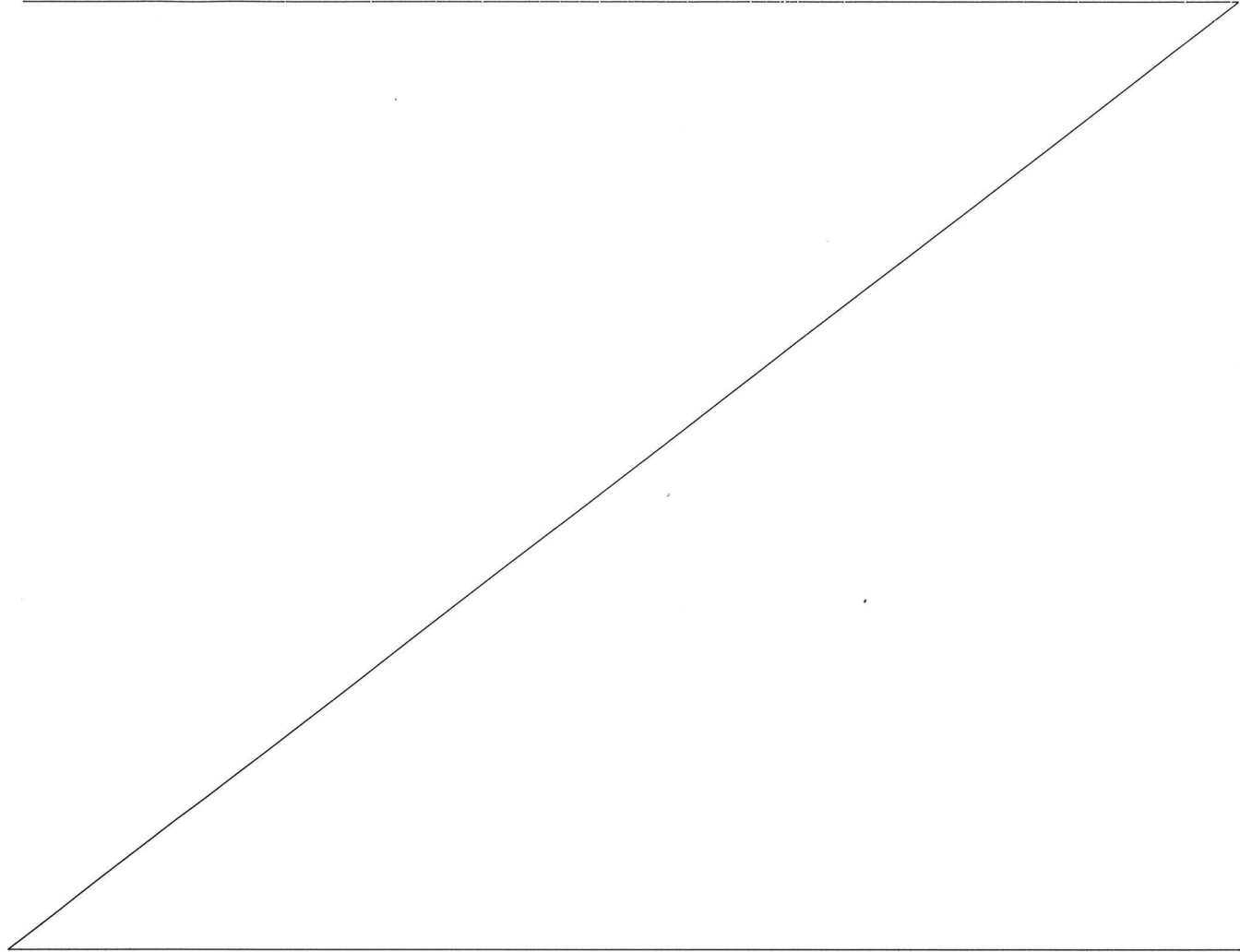
WHEREAS, FEMA awarded funds for this project on February 7, 2024, through the grant HMGP DR-4482-693-19 Phase 1; and

WHEREAS, FEMA grant HMGP DR-4482-693-19 Phase 1 includes \$772,799.85 Federal Share, \$85,866.65 Non-Federal Share (state funding approved under the Prepare CA Match Program), and Phase 1 Management Costs of \$42,933.32; and

WHEREAS, no match is required for this project as a match is provided by the Prepare CA Match Program.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Nevada, State of California, accepts the FEMA Hazard Mitigation Grant Program funds for the HMGP DR-4482-693-19 Phase 1 Prepare CA Match – Nevada County South Yuba Rim Hazardous Fuels Reduction Project in the amount of \$772,799.85 (Federal Share), \$85,866.65 (Non-Federal Share), and \$42,933.32 (Phase 1 Management Costs) during the period February 7, 2024, through July 19, 2025, authorizing the Director of Emergency Services to execute the Grant Agreement and all additional documents to fulfill the requirements of the grant on behalf of the County of Nevada.

Funding:	
0101-20702-414-1000 / 446700	\$772,799.85
0101-20702-414-1000 / 445200	\$85,866.65
0101-20702-414-1000 / 446700	\$42,933.32



PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 9th day of April 2024, by the following vote of said Board:

Ayes: Supervisors Heidi Hall, Edward C. Scofield, Lisa Swarthout, Susan Hoek and Hardy Bullock.

Noes: None.

Absent: None.

Abstain: None.

Recuse: None.

ATTEST:

TINE MATHIASSEN  
Chief Deputy Clerk of the Board of Supervisors

By: 

  
Hardy Bullock, Chair



February 7, 2024

Paul Cummings  
Program Manager of Emergency Services  
Nevada County  
950 Maidu Avenue  
Nevada City, CA 95959

Subject: **Notification of Subapplication Approval**  
Hazard Mitigation Grant Program – Prepare CA Match  
FEMA-**4482**-DR-CA, Project #**AP00693**, FIPS #**057-00000**  
Supplement #**41**

Dear Mr. Cummings:

The California Governor's Office of Emergency Services (Cal OES) received notification that the Federal Emergency Management Agency (FEMA) has approved your organization's subaward application in the amount of **\$772,799.85**. A copy of the FEMA award package is enclosed for your records. Your organization's subaward application has also been approved for **\$424,083.80** in state funding under the Prepare CA Match program.

In order to receive payment as a grant subrecipient, your organization must have the following on file with the Recovery Financial Processing Unit:

- A valid, current (approved within the last 3 years) Governing Body Resolution
- A Project Assurances for Federal Assistance agreement
- A Grant Subaward Face Sheet (GSAFS). Please ensure that the individual who signs the GSAFS is designated by the Governing Body Resolution as an Authorized Agent for your organization.
- A current Federal Funding Accountability and Transparency Act (FFATA) Financial Disclosure form. This form must be submitted each fiscal year.
- An active registration with the federal System for Award Management (SAM) website. The registration must remain active for the duration of this grant subaward.

For your convenience, this subapplication approval package includes the required post-obligation documents as well as guides to completing and renewing a SAM registration. Please complete the documents and mail copies to the address listed at the end of this letter, keeping the originals with your records.



Alternatively, you may scan and email the completed documents to the Recovery Financial Processing Unit at [HMGrantsPayments@CalOES.ca.gov](mailto:HMGrantsPayments@CalOES.ca.gov). Electronic copies of the post-obligation documents can also be requested at the same address.

Payments will be made on a reimbursement basis using the enclosed Hazard Mitigation Reimbursement Request Form. A ten percent (10%) retention will be withheld from all reimbursement payments and will be released as part of the subaward closeout process.

Reimbursements can be made only for items listed on the approved subaward application. Expenditures for any other work should be separately maintained and are the sole responsibility of the subrecipient. Any funds received in excess of current needs or approved amounts, or those found owed as a result of a final inspection or audit, must be refunded to the State within 30 days of receipt of an invoice from Cal OES.

When mailing documents to the Recovery Financial Processing Unit, please use the following address:

California Governor's Office of Emergency Services  
Attention: Recovery Financial Processing Unit  
3650 Schriever Avenue  
Mather, CA 95655

For further assistance regarding post-obligation documents or the reimbursement request process, please contact the Recovery Financial Processing Unit at (916) 845-8110 or at [HMGrantsPayments@caloes.ca.gov](mailto:HMGrantsPayments@caloes.ca.gov). For program-related questions, please contact the Hazard Mitigation Grants Program Unit at (916) 328-7450.

Recovery Financial Processing Unit

Enclosures

c: Subrecipient's Project File

\*The Recovery Financial Processing Unit has universal Resolution No. 21-079, passed on 3/23/21, on file. A copy of the resolution is included in this package for your review. With the written permission of an Authorized Agent, the resolution can be applied to this project.

\*\*The Recovery Financial Processing Unit has a current FFATA Financial Disclosure form on file for your organization. There is no need to resubmit the document to Cal OES for this fiscal year.





February 7, 2024

Paul Cummings  
Program Manager of Emergency Services  
Nevada County  
950 Maidu Avenue  
Nevada City, CA 95959

Subject: **Notification of Approval for Subrecipient Management Cost Funding**  
Hazard Mitigation Grant Program – Prepare CA Match  
FEMA-**4482**-DR-CA, Project #**AP00693**, FIPS #**057-00000**,  
Supplement #**41**

Dear Mr. Cummings:

The California Governor's Office of Emergency Services (Cal OES) received notification that the Federal Emergency Management Agency (FEMA) has approved **\$42,933.32** in funding for subrecipient management costs (SRMC). SRMC are costs incurred while administering a Hazard Mitigation grant subaward. A copy of FEMA's letter is enclosed for your records.

Payments are made on a reimbursement basis using the specialized Subrecipient Management Cost Reimbursement Request Form. Subrecipients are reminded to document their SRMC separately from direct project expenditures. To qualify for SRMC reimbursement, subrecipients must first incur and seek reimbursement for direct project expenditures via the specialized Project Expenditures Reimbursement Request Form. Reimbursement for SRMC is capped at five percent of a project's cumulative direct project expenditures. Please note that your organization must maintain an active registration in the SAM.gov (System for Award Management) database for the duration of this grant subaward.

Please read the enclosed supplement. In accordance with Title 44 Code of Federal Regulations, Part 206.440, if you disagree with FEMA's obligated amount or scope of work listed in the supplement, you can appeal. All appeals must be in writing and received by Cal OES within 60 days from the receipt of this letter. If you have any questions or need assistance, please contact the Recovery Financial Processing Unit at (916) 845-8110 or at HMGrantsPayments@caloes.ca.gov.

Recovery Financial Processing Unit  
Enclosures  
c: Subrecipient's Project File



3650 SCHRIEVER AVENUE • MATHER, CA 95655  
RECOVERY FINANCIAL PROCESSING UNIT  
(916) 845-8110

Received  
January 29, 2024  
Financial Processing Unit



U.S. Department of Homeland Security  
FEMA Region 9  
1111 Broadway, Suite 1200  
Oakland, CA 94607

FEMA

January 26, 2024

Ryan Buras  
Deputy Director  
Alternate Governor's Authorized Representative  
California Governor's Office of Emergency Services  
3650 Schriever Avenue  
Mather, CA 95655

Reference: Application Approval, HMGP DR-4482-693-19, Phase 1  
Nevada County  
Prepare CA Match - Nevada County South Yuba Rim Hazardous Fuels Reduction  
Project, Phase 1  
FIPS Code: 057-99057, Supplement 41  
**057-00000 (MG)**

Dear Ryan Buras:

We approve and issue Hazard Mitigation Grant Program (HMGP) funds for the Nevada County, HMGP DR-4482-693-19, Prepare CA Match - Nevada County South Yuba Rim Hazardous Fuels Reduction Project, Phase 1.

The total project cost for phase one is \$858,666.50. As shown in the enclosed Obligation Report - Supplement 41, we are obligating \$772,799.85 the 90 percent Federal share; the 10 percent non-Federal share is \$85,866.65. We are obligating \$42,933.32 for the 100% Federal share Subrecipient Management Costs. These funds are available in SmartLink for immediate and eligible disbursements. The following is a summary of the approved funding:

Project Phase:	Federal Share:	Non-Federal Share:	Total Project Cost:
Phase 1, Supplement 41	\$772,799.85	\$85,866.65	\$858,666.50
Phase 1, Management Costs	\$42,933.32	\$0.00	\$42,933.32

This HMGP project approval and obligation of funds are subject to the following conditions:

- 1. Scope of Work (SOW)** – Phase 1 activities will include community outreach and engagement, identification of treatment zones within the 6,000+ acre project area, fuels reduction treatment design, and environmental permitting. This project involves no ground disturbing activities or alterations to existing structures; if the project scope of work changes to include these actions, additional environmental review will be required.

The following Phase 1 activities and deliverables are expected:

Phase 1 Activity	Estimated Timeline
Project Management (Progress Reports and Invoices, Procurement Materials, Vendor Contracts)	18 Months
Outreach and Engagement (Contacts, Meetings/Outreach Events Attended, Meeting Notes and Agendas, Etc.)	16 Months
Project Design (Landowner Right of Entry Agreements, Treatment Area Maps, Treatment Prescriptions, Landowner Approval, Parcel List, Photos, Final Design, Updates Cost Estimate, Updated BCA)	15 Months
Environmental Permitting (Reconnaissance-Level Biological Survey, Cultural Resource Records Search, Cultural Resource Site Surveys, Biological Survey, PSA, Addendum, MMRP, Visual Impact Survey, EPA Environmental Justice Analysis)	14 Months
Phase 1 Finalization and Submission (Updated FEMA Environmental Checklist, CEQA Documentation)	1 Month

Please provide the above-referenced deliverables once completed to the assigned FEMA Hazard Mitigation Assistant (HMA) Specialist for review and inclusion within the official grant file.

2. **Phase 1 Completion Date** – The work schedule included with the project application indicates that Phase 1 will take 18 months to complete; therefore, the Phase 1 completion date is July 19, 2025. All Phase 1 project deliverables must be submitted to the assigned FEMA HMA Specialist by the Phase 1 completion date. Please inform the sub-recipient that work completed after this date is not eligible for federal funding, and that federal funds may be de-obligated for work completed outside the completion date when there is no approved time extension.
3. **Phase 2 Approval** – Please inform the sub-recipient that Phase 2 approval is contingent on programmatic review and Environmental and Historical Preservation (EHP) approval. Phase 2 activities may not commence until written approval has been received. Any Phase 2 activities completed prior to approval may be de-obligated. In addition, if Phase 2 is unapproved, federal funds may be de-obligated for previously completed Phase 1 activities.
4. **Record of Environmental Considerations (REC)** – Phase 1 of this project has been determined to be Categorically Excluded from the need to prepare either an Environmental Impact Statement or Environmental Assessment in accordance with FEMA Instruction 108-1-1 and FEMA Directive 108-1-1 as authorized by DHS Instruction Manual 023-01-001- 01,

Revision 1. Categorical Exclusion A4 (information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents) has been applied. Particular attention should be given to the project conditions before and during project implementation. Failure to comply with these conditions may jeopardize federal assistance, including funding.

5. **Extraordinary Circumstances** – This project approval has requested "extraordinary circumstance" provision pursuant to 44 CFR 201.6(a)(3) for Nevada County to complete their local hazard mitigation plan. We approve the request for "extraordinary circumstances" to complete the hazard mitigation plan. The hazard mitigation plan must be completed within 12 months of the award date. If the plan is not approved within this timeframe, the project grant will be terminated, and any costs incurred after notice of the grant's termination will not be reimbursed.
  
6. **Standard Conditions** – This project approval is subject to the enclosed *Standard Mitigation Grant Program (HMGP) Conditions*, amended August 2018. Please note that federal funds may be de-obligated for work that does not comply with these conditions.

If you have any questions, please contact Jared Peri, Grants Management Specialist, by email [Jared.Peri@fema.dhs.gov](mailto:Jared.Peri@fema.dhs.gov), or phone (202) 374-4957.

Sincerely,

**KATHRYN J  
LIPIECKI**

Kathryn Lipiecki  
Director, Mitigation Division  
FEMA Region 9

Digitally signed by KATHRYN J  
LIPIECKI  
Date: 2024.01.27 07:56:24 -08'00'

Enclosures (3):

Obligation Report - Supplement 41  
Record of Environmental Considerations (REC)  
Standard Mitigation Grant (HMGP) Conditions

cc: Ron Miller, Acting State Hazard Mitigation Officer, California Governor's Office of  
Emergency Services  
Robyn Fennig, Acting State Hazard Mitigation Officer, California Governor's Office of  
Emergency Services  
Joseph Purvis, Division Chief, California Governor's Office of Emergency Services  
Robert McCord, Chief, Hazard Mitigation Assistance Branch, FEMA Region 9



FEDERAL EMERGENCY MANAGEMENT AGENCY  
HAZARD MITIGATION GRANTS PROGRAM

Obligation Report w/ Signatures

Disaster No	FEMA Project No	Amendment No	State Application ID	Action No	Supplemental No	State	Recipient
4482	19 -R	0	693	1	41	CA	Statewide

Subrecipient: Nevada (County)

Project Title : Prepare CA Match - Nevada County South Yuba Rim Hazardous Fuels Reduction Proj

Subrecipient FIPS Code: ~~057-99057~~

**057-00000 (MG)**

Total Amount Previously Allocated	Total Amount Previously Obligated	Total Amount Pending Obligation	Total Amount Available for New Obligation
\$772,799.85	\$772,799.85	\$0.00	\$0.00

Project Amount	Subrecipient Management Cost Amount	Total Obligation	IFMIS Date	IFMIS Status	FY
\$772,799.85	\$42,933.32	\$815,733.17	01/03/2024	Accept	2024

**Comments**

Date: 01/03/2024 User Id: RHIRST

Comment: Approve funding of \$772,799.85 Federal Share and SRMC \$42,933.32, totaling \$815,733.17 for HMGP 4482-693-19- Nevada (Cour Prepare CA Match - Nevada County South Yuba Rim Hazardous Fuels Reduction Project

**Authorization**

Preparer Name: REILLY HIRST

Preparation Date: 01/03/2024

HMO Authorization Name: JARED PERI

HMO Authorization Date: 01/03/2024

_____ Authorizing Official Signature	_____ Authorizing Official Title	_____ Authorization Date
_____ Authorizing Official Signature	_____ Authorizing Official Title	_____ Authorization Date

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4482-0019-CA (4482-693-019) (1)

Title: Nevada County South Yuba Rim Hazardous Fuels Reduction (Phase 1)

NEPA DETERMINATION

Non Compliant Flag: No	EA Draft Date:	EA Final Date:
EA Public Notice Date:	EA Fonsi	Level: CATEX
EIS Notice of Intent	EIS ROD Date:	

**Comment** Nevada County proposes a Hazardous Fuels Reduction Project located on the San Juan Ridge in Nevada County, CA (39.341874, -121.087737). Upon completion, the project will stretch sixteen miles along the north rim of the South Yuba River canyon from Bridgeport to Malakoff Diggins. This will be a phased project and this review covers Phase 1 activities only.

Phase 1 will consist of community outreach and engagement, identification of treatment zones within the 6,000+ acre project area, fuels reduction treatment design, and environmental permitting. This project involves no ground disturbing activities or alterations to existing structures; if the project scope of work changes to include these actions, additional environmental review will be required.

Phase 1 of this project has been determined to be Categorically Excluded from the need to prepare either an Environmental Impact Statement or Environmental Assessment in accordance with FEMA Instruction 108-1-1 and FEMA Directive 108-1-1 as authorized by DHS Instruction Manual 023- 01-001-01, Revision 1. Categorical Exclusion A4 (Information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents) and A7 (the commitment of resources, personnel, and funding to conduct audits, surveys, and data collection of a minimally intrusive nature) have been applied. Particular attention should be given to the project conditions before and during project implementation. Failure to comply with these conditions may jeopardize federal assistance including funding.

- rbaile11 - 10/25/2023 17:30:23 GMT

CATEX CATEGORIES

Catex Category Code	Description	Selected
a4	(a4) Information gathering, data analysis and processing, information dissemination, review, interpretation, and development of documents. If any of these activities result in proposals for further action, those proposals must be covered by an appropriate CATEX. Examples include but are not limited to: (a) Document mailings, publication and distribution, training and information programs, historical and cultural demonstrations, and public affairs actions. (b) Studies, reports, proposals, analyses, literature reviews; computer modeling, and non-intrusive intelligence gathering activities.	Yes
a7	(a7) The commitment of resources, personnel, and funding to conduct audits, surveys, and data collection of a minimally intrusive nature. If any of these commitments result in proposals for further action, those proposals must be covered by an appropriate CATEX. Examples include, but are not limited to: (a) Activities designed to support the improvement or upgrade management of natural resources, such as surveys for threatened and endangered species, wildlife and wildlife habitat, historic properties, and archeological sites; wetland delineations; timber stand examination; minimal water, air, waste, material and soil sampling; audits, photography, and interpretation. (b) Minimally-intrusive geological, geophysical, and geo-technical activities, including mapping and engineering surveys. (c) Conducting Facility Audits, Environmental Site Assessments and Environmental Baseline Surveys, and (d) Vulnerability, risk, and structural integrity assessments of infrastructure.	Yes

EXTRAORDINARY

## RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4482-0019-CA (4482-693-019) (1)

Title: Nevada County South Yuba Rim Hazardous Fuels Reduction (Phase 1)

Extraordinary Circumstance Code	Description	Selected ?	
No Extraordinary Circumstances were selected			
<b>ENVIRONMENTAL LAW / EXECUTIVE ORDER</b>			
Environmental Law/ Executive Order	Status	Description	Comment
Clean Air Act (CAA)	Completed	Project is located in a non-attainment area	The project is in Nevada County that is within a nonattainment area for 8-hour Ozone (2008, 2015) according to the U.S. Environmental Protection Agency (USEPA). Based on the scope of work, the potential emissions from project activities are clearly below "de minimis" thresholds for the General Conformity Rule. Thus, the project is exempt from a conformity determination. See Condition. - rbaile11 - 10/25/2023 17:39:55 GMT
	Completed	Coordination required with applicable state administering agency - Review concluded	
Coastal Barrier Resources Act (CBRA)	Completed	Project is not on or connected to CBRA Unit or otherwise protected area - Review concluded	
Clean Water Act (CWA)	Completed	Project would not affect any water of the U.S. - Review concluded	
Coastal Zone Management Act (CZMA)	Completed	Project is not located in a coastal zone area and does not affect a coastal zone area - Review concluded	
Executive Order 11988 - Floodplains	Completed	No effect on floodplain/flood levels and project outside floodplain - Review concluded	Project is Phase 1 for planning and data collection activities which does not involve potential impacts to the floodplain. See Attached Map. - rbaile11 - 10/25/2023 17:42:03 GMT
Executive Order 11990 - Wetlands	Completed	No effects on wetlands and project outside wetlands - Review concluded	Project is Phase 1 for planning and data collection activities which does not involve potential impacts to wetlands. See Attached Map. - rbaile11 - 10/25/2023 17:42:52 GMT
Executive Order 12898 - Environmental Justice for Low Income and Minority Populations	Completed	No Low income or minority population in, near or affected by the project - Review concluded	This project has been determined to have limited or no potential to affect minority or low-income populations according to Exemption VI.h (Planning related activities) in Step 1 of the EO 12898 Interim Guidance, dated September 2023. FEMA has no further EO 12898 responsibilities with regard to these activities. - rbaile11 - 10/25/2023 17:44:01 GMT

## RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4482-0019-CA (4482-693-019) (1)

Title: Nevada County South Yuba Rim Hazardous Fuels Reduction (Phase 1)

Environmental Law/ Executive Order	Status	Description	Comment
Endangered Species Act (ESA)	Completed	Listed species and/or designated critical habitat present in areas affected directly or indirectly by the federal action	A No Effect Memorandum has been prepared as it has been determined that the proposed actions would result in No Effect to federally listed species or designated critical habitat. Consultation with the US Fish and Wildlife Service and/or the National Marine Fisheries Service is not required. See attached No Effect Memorandum. - rbaile11 - 10/25/2023 17:36:44 GMT
	Completed	No effect to species or designated critical habitat (See comments for justification) - Review concluded	
Farmland Protection Policy Act (FPPA)	Completed	Project does not affect designated prime or unique farmland - Review concluded	
Fish and Wildlife Coordination Act (FWCA)	Completed	Project does not affect, control, or modify a waterway/body of water - Review concluded	
Migratory Bird Treaty Act (MBTA)	Completed	Project located within a flyway zone	
	Completed	Project does not have potential to take migratory birds - Review concluded	
Magnuson-Stevens Fishery Conservation and Management Act (MSA)	Completed	Project located in or near Essential Fish Habitat	Determination based on 10/24/2023 review of the NOAA Essential Fish Habitat Mapper site at: <a href="https://www.habitat.noaa.gov/apps/efhmapper/">https://www.habitat.noaa.gov/apps/efhmapper/</a> , the project is located in or near EFH but will not adversely affect EFH because the project is Phase 1 for planning related activities. See attached No Effect Memorandum. - rbaile11 - 10/25/2023 17:41:21 GMT
	Completed	Project does not adversely affect Essential Fish Habitat - Review concluded	
National Historic Preservation Act (NHPA)	Completed	Not type of activity with potential to affect historic properties - Review concluded	Pursuant to Stipulation I.A.7.f (Assistance provided for planning, studies, design and engineering costs that involve no commitment of resources other than staffing and associated funding) of the Programmatic Agreement among the Federal Emergency Management Agency (FEMA), the California State Historic Preservation Officer (SHPO) and the California Governor's Office of Emergency Services (Cal OES), signed October 29, 2019, FEMA has determined that the undertaking as described will have no potential to effect historic properties.

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project HMGP-4482-0019-CA (4482-693-019) (1)

Title: Nevada County South Yuba Rim Hazardous Fuels Reduction (Phase 1)

Environmental Law/ Executive Order	Status	Description	Comment
			Thus, the undertaking does not require SHPO review, and FEMA has no further Section 106 responsibilities in accordance with 36 CFR 800.3(a)(1). - rbaile11 - 10/25/2023 17:34:52 GMT
Wild and Scenic Rivers Act (WSR)	Completed	Project is not along and does not affect Wild and Scenic River - Review concluded	

CONDITIONS

Special Conditions required on implementation of Projects:

The Applicant is responsible for complying with all applicable subparts of the Clean Air Act. Copies of any permits/authorizations, or consultation documentation must be forwarded to FEMA for inclusion in the administrative record. Failure to comply with these conditions may jeopardize the receipt of federal funding.

Source of condition: Clean Air Act (CAA)

Monitoring Required: No

Standard Conditions:

Any change to the approved scope of work will require re-evaluation for compliance with NEPA and other Laws and Executive Orders.

This review does not address all federal, state and local requirements. Acceptance of federal funding requires recipient to comply with all federal, state and local laws. Failure to obtain all appropriate federal, state and local environmental permits and clearances may jeopardize federal funding.

If ground disturbing activities occur during construction, applicant will monitor ground disturbance and if any potential archeological resources are discovered, will immediately cease construction in that area and notify the State and FEMA.

# Standard Mitigation Grant Program (HMGP) Conditions

FEMA Region IX, August, 2018

The following list applies to Recipients and Subrecipients accepting HMGP funds from the Federal Emergency Management Agency (FEMA) of the Department of Homeland Security (DHS):

1. **Applicable Federal, State, and Local Laws and Regulations.** The Recipient/Subrecipient must comply with all applicable Federal, State, and Local laws and regulations, regardless of whether they are on this list or other project documents. DHS financial assistance Recipients and Subrecipients are required to follow the provisions of the State HMGP Administrative Plan, applicable Hazard Mitigation Assistance Uniform Guidance, and Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards located in Title 2 of the Code of Federal Regulations (CFR) Part 200, adopted by DHS in 2 CFR 3002.
2. **Financial Management Systems.** The Recipient and Subrecipient must maintain financial management systems to account for and track funds, as referenced in 2 CFR 200.302.
3. **Match or Cost Share.** Non-federal match or cost share must comply with 2 CFR 200.306, the scope of work (SOW), and any agreements among the Subrecipient, the Recipient, and FEMA.
4. **Budget Changes.** Unanticipated adjustments are permitted within the approved total cost. However, if costs exceed the federal share, the Subrecipient must notify the Governor's Authorized Representative (GAR) of overruns before implementation. The GAR shall submit a written request for approval to FEMA Region IX. The subaward must continue to meet HMGP requirements, including cost effectiveness and cost share. Refer to 2 CFR 200.308 for additional information.
5. **Real Property and Land.** The acquisition, use, and disposition must comply with 2 CFR 200.311.
6. **Equipment.** The acquisition, use, and disposition must comply with 2 CFR 200.313.
7. **Supplies.** Upon project completion, FEMA must be compensated for unused supplies, exceeding \$5,000 (fair market value), and not needed for other federal programs. Refer to 2 CFR 200.314.
8. **Procurement.** Procurement procedures must be in conformance with 2 CFR 200.318-320.
9. **Monitoring and Reporting Program Performance.** The Recipient and Subrecipient must submit quarterly progress reports, as referenced in the 2 CFR 200.328 and State HMGP Administrative Plan.
10. **Records Retention.** In accordance with 2 CFR 200.333, financial/ programmatic records related to expenditures must be maintained at least 3 years after the date of Recipient's final expenditure report.
11. **Enforcement and Termination.** If the Recipient or Subrecipient fails to comply with the award or subaward terms, whether stated in a Federal statute or regulation, the State HMGP Administrative Plan, subapplication, a notice of award, an assurance, or elsewhere, FEMA may take one or more of the actions outlined in 2 CFR 200.338, including termination or partial termination of the award or subaward outlined in 2 CFR 200.339.
12. **Allowable Costs.** Funds are to be used for allowable costs in compliance with 2 CFR 200.403, the approved SOW, and any agreements among the Subrecipient, Recipient, and FEMA.

13. **Non-Federal Audit.** The Recipient and Subrecipient are responsible for obtaining audits in accordance with the Single Audit Act of 1984, in compliance with 2 CFR 200.501.
14. **Debarred and Suspended Parties.** Recipients and Subrecipients are subject to the non-procurement debarment and suspension regulations implementing Executive Orders 12549 and 12689, and 2 CFR 180. These regulations restrict federal financial assistance awards, subawards, and contracts with parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in the federal assistance programs or activities.
15. **Equipment Rates.** Rates claimed for use of Subrecipient-owned equipment in excess of the FEMA-approved rates must be approved under State guidelines issued by the State Comptroller's Office or must be certified by the Recipient to include only those costs attributable to equipment usage less any fixed overhead and/or profit.
16. **Duplication of Funding between Public Assistance (PA) and HMGP.** Funding for PA Section 406 and HMGP Section 404 are permitted on the same facility/location, but the activities identified under each program must be distinct with separately accounted funds. At closeout, FEMA may adjust the funding to ensure the Subrecipient was reimbursed for eligible work from only one funding source.
17. **Historic Properties and Cultural Resources.** In compliance with 2 CFR 800, if a potential historic property or cultural resource is discovered during construction, the Subrecipient must cease work in the area and take all reasonable measures to avoid or minimize harm to the discovered property/resource. During construction, the Subrecipient will monitor ground disturbance activity, and if any potential archeological resources are discovered, will immediately cease work in that area, and notify the Recipient and FEMA. Construction in the area may resume with FEMA's written approval after FEMA's consultation, if applicable, with the State Historic Preservation Officer (SHPO).
18. **NEPA and Changes to the Scope of Work (SOW).** To comply with the National Environmental Policy Act (NEPA), and other Laws and Executive Orders, any change to the approved SOW shall be re-evaluated before implementation. Construction associated with a SOW change, prior to FEMA approval, may be ineligible for funding. Acceptance of federal funding requires environmental permits and clearances in compliance with all appropriate federal, state and local laws, and failure to comply may jeopardize funding.

Within their authority, the Recipient and Subrecipient must use of all practicable means, consistent with other essential policies, to create and maintain productive harmony for people and nature, and fulfill the social, economic, and other needs of present and future generations of Americans.