



RESOLUTION No. 25-510

OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NEVADA

RESOLUTION ACCEPTING THE FEMA HAZARD MITIGATION GRANT PROGRAM FUNDS FOR THE HMGP DR-4353-23-33 NEVADA COUNTY ABATEMENT PROGRAM PHASE 2 IN THE AMOUNT OF \$2,303,812.50 (FEDERAL SHARE), \$119,169.25 (PHASE 2 MANAGEMENT COSTS), WITH A REQUIRED IN-KIND MATCH OF \$767,937.50 FOR USE DURING THE PERIOD OCTOBER 28, 2025 THROUGH MARCH 22, 2026, AUTHORIZING THE DIRECTOR OF EMERGENCY SERVICES TO EXECUTE THE GRANT AGREEMENT AND ALL ADDITIONAL DOCUMENTS REQUIRED TO FULFILL THE REQUIREMENTS OF THE AGREEMENT ON BEHALF OF THE COUNTY OF NEVADA, AND DIRECTING THE AUDITOR CONTROLLER TO AMEND THE OFFICE OF EMERGENCY FISCAL YEAR 2025-26 BUDGET (4/5 AFFIRMATIVE VOTE REQUIRED)

WHEREAS, the County of Nevada has a severe and present danger from wildfire presenting a threat to public health and safety and the Federal Emergency Management Agency ("FEMA") released Hazard Mitigation Grant Program (HMGP) funding to reduce their losses from natural hazards; and

WHEREAS, Emergency Preparedness is an Objective of the Nevada County Board of supervisors and includes a focus on creating more defensible space around private properties and driveways; and

WHEREAS, the County of Nevada Office of Emergency Services previously executed two FEMA HMGP funded Phase 1 projects to improve defensible space for low-income residents who are elderly or have access and functional needs (Res. 21-425 and Res. 21-426); and

WHEREAS, the County of Nevada is now being awarded a Phase 2 project to complete additional work for 169 properties totaling 109.6 acres; and

WHEREAS, these activities shall include trimming and thinning trees and brush, removal of ladder fuels, and performing other fuels reduction activities around the houses and driveways of properties that have been pre-approved by FEMA for this work.

NOW, THEREFORE, BE IT RESOLVED by a four-fifths affirmative vote, the Board of Supervisors of the County of Nevada, State of California, accepts the FEMA Hazard Mitigation Grant Program funds for the HMGP DR-4354-23-33 Nevada County Abatement Program Phase 2 in the amount of \$2,303,812.50 (Federal Share), \$199,169.25 (Phase 2 Management Costs), with a required in-kind match of \$767,937.50 for use during the period October 28, 2025 through March 22, 2026, authorizes the Director of Emergency Services to execute the grant agreement and all additional documents required to fulfill the requirements of the agreement on behalf of the County of Nevada, and directs the Auditor Controller to amend the Office of Emergency Services Fiscal Year 2025-26 budget as follows:

Increase:
0101-20702-414-1000 / 446700 \$2,303,812.50
0101-20702-414-1000 / 521520 \$2,303,812.50

PASSED AND ADOPTED by the Board of Supervisors of the County of Nevada at a regular meeting of said Board, held on the 28th day of October 2025, by the following vote of said Board:

Ayes: Supervisors Robb Tucker, Lisa Swarthout, Susan Hoek, and
Hardy Bullock.

Noes: None.

Absent: Heidi Hall.

Abstain: None.

Recuse: None.

ATTEST:

TINE MATHIASSEN
Chief Deputy Clerk of the Board of Supervisors

By: 


Heidi Hall, Chair



FEMA

June 27, 2025

Robyn Fennig
Assistant Director Hazard Mitigation
Governor's Authorized Representative
California Governor's Office of Emergency Services
3650 Schriever Avenue
Mather, CA 95655

Reference: Application Approval, HMGP DR-4353-23-33
Nevada County
Nevada County Abatement Program, Phase 2
FIPS Code: 057-99057, Supplement 145

Dear Robyn Fennig:

We approve and issue Hazard Mitigation Grant Program (HMGP) funds for the Nevada County, HMGP DR-4353-23-33, Nevada County Abatement Program, Phase 2.

The total project cost for phase two is \$3,071,750.00. As shown in the enclosed April 23, 2025, Obligation Report – Supplement 145, we are obligating \$2,303,812.50 for the 75 percent Federal share; the 25 percent non-Federal share is \$767,937.50. We are obligating \$119,169.25 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 65	\$516,273.75	\$172,091.25	\$688,365.00
Phase 2, Supplement 145	\$2,303,812.50	\$767,937.50	\$3,071,750.00
TOTALS	\$2,820,086.25	\$940,028.75	\$3,760,115.00
Phase 1 Management Cost	\$34,418.25	\$0.00	\$34,418.25
Phase 2 Management Cost	\$119,169.25	\$0.00	\$119,169.25
Total Management Cost	\$153,587.50	\$0.00	\$153,587.50

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

- 1. Scope of Work (SOW)** –Nevada County will clear 100 feet of defensible space around 169 properties totaling 109.6 acres in unincorporated Nevada County, California. The activities include trimming and thinning trees and brush, removing ladder fuels, and performing other fuels reduction activities around the subject houses and driveways. All dead and decaying trees would be removed within 100 feet of homes.

2. **Project Completion Date** – The project completion date for Phase 2 is March 22, 2026. 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. **Project Closeout** – Within 90 days of the award period of performance's expiration, all project funds must be liquidated and final closeout documentation for the project must be submitted to FEMA. Please note the project must comply with Code of Federal Regulations Title 2, Part 200 reporting requirements at the time of closeout.
4. **Record of Environmental Consideration (REC)** – The Phase 2 action, is the preferred action under Section 2.5.1: Mechanical or Hand Clearing of Vegetation of the Programmatic Environmental Assessment for Recurring Actions in Arizona, California, and Nevada (PEA). No further National Environmental Policy Act (NEPA) review is required. A list of Typical Best Management Practices (BMP) is attached. Addressing the BMPs appropriate for this scope of work is a condition of funding. Please reference the enclosed REC for further information.
5. **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.
6. **Special Conditions** – In addition to the Standard HMGP Conditions, the following special condition(s) must be met during the implementation of the project. 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. Documentation confirming compliance must be included with the delivery of final closeout request submitted to FEMA.
 - The Subapplicant is responsible for complying with all applicable subparts of the Clean Air Act. Copies of any permits/authorizations, or consultation documentation should be forwarded to FEMA for inclusion in the administrative record.
 - The Subapplicant is responsible for implementing Avoidance and Minimization Measures and Conservation Measures in the attached Informal Consultation Letter per the U.S. Fish and Wildlife Service (USFWS) Consultation reference number 2024-0038912-S7-001. Failure to comply with these conditions may jeopardize FEMA funding; verification of compliance will be required at project closeout. Monitoring required.
 - The Subapplicant must return the completed Post-construction Notification Reporting Form to FEMA-PCNR@fema.dhs.gov and the USFWS within 45 days of project completion. Monitoring required.
 - The Subapplicant is responsible for implementing best management practices (BMPs) appropriate for this scope of work. A list of Typical Best Management Practices is

attached. Any changes to this scope of work must be resubmitted to FEMA for review prior to initiation of any work. Monitoring required.

For financial or programmatic questions please contact Andrea Harvey, Sr. Grants Management Specialist, by email at andrea.harvey@fema.dhs.gov, or by phone at (202) 430-4878.

Sincerely,

KATHRYN J LIPIECKI

Digitally signed by KATHRYN J

LIPIECKI

Date: 2025.06.28 09:14:53 -0700

Kathryn Lipiecki
Director, Mitigation Division
FEMA Region 9

Enclosures (3):

Obligation Report - Supplement 145
Record of Environmental Considerations (REC)
Standard Mitigation Grant (HMGP) Conditions

Cc: Melissa Boudrye, Resilience Branch Chief, California Governor's Office of Emergency Services
Concepcion Chavez, Technical Assistance Division Chief, California Governor's Office of Emergency Services
Ron Miller, Hazard Mitigation Assistance Branch Chief, California Governor's Office of Emergency Services
Joe Purvis, HM Grants Division Chief, California Governor's Office of Emergency Services
Ryan Massello, HM Quality Assurance Division Chief, California Governor's Office of Emergency Services
Robert McCord, Chief, Hazard Mitigation Assistance Branch, FEMA Region 9

4/23/2025

11:26 AM

FEDERAL EMERGENCY MANAGEMENT AGENCY

HMGP-OB-01

HAZARD MITIGATION GRANT PROGRAM

Obligation

Disaster No	FEMA Project No	Amendment No	State Application ID	Action No	Supplemental No	State	Recipient
4353	33 -R	2	23	3	145	CA	Statewide

Subrecipient: Nevada (County)

Project Title : Nevada County Abatement Program

Subrecipient FIPS Code: 057-99057

Total Amount Previously Allocated	Total Amount Previously Obligated	Total Amount Pending Obligation	Total Amount Available for New Obligation
\$2,820,086.25	\$2,820,086.25	\$0.00	\$0.00

Project Amount	Subrecipient Management Cost Amount	Total Obligation	IFMIS Date	IFMIS Status	FY
\$2,303,812.50	\$119,169.25	\$2,422,981.75	04/23/2025	Accept	2025

Comments

Date: 04/23/2025 User Id: RHIRST

Comment: Obligate \$2,303,812.50 Federal Share and SRMC \$119,169.25, totaling \$2,422,981.75 advice for approved HMGP DR-4353-23-33R-Nevada County Abatement Program

Authorization

Preparer Name: REILLY HIRST

Preparation Date: 04/23/2025

HMO Authorization Name: ANDREA HARVEY

HMO Authorization Date: 04/23/2025

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: HMGP-4353-0033-CA (4353-0023-0033) (2)

Title: County of Nevada Abatement Program (Phase 2)

NEPA DETERMINATION

Non Compliant Flag: No	EA Draft Date: 10/21/2014	EA Final Date: 03/01/2019
EA Public Notice Date: 03/01/2019	EA Fonsi Date: 03/08/2019	Level: EA
EIS Notice of Intent Date:	EIS ROD Date:	

Comments: Nevada County (Subrecipient) proposes to clear 100 feet of defensible space around 169 properties totaling 109.6 acres in unincorporated Nevada County, California. The project area would be accessed via local roadway networks, and regionally via Interstate 80 and State Routes 20, 49, and 174. The Subrecipient would trim and thin trees and brush, remove ladder fuels, and perform other fuels reduction activities around the subject houses and driveways. All dead and decaying trees would be removed within 100 feet of homes, as would fallen trees and debris. Approximate latitude and longitude coordinates: southwestern-most property: 39.044388, -121.253839; centermost property: 39.362183, -120.778977; easternmost property: 39.348275, -120.084671.

Stumps and rootballs would be left in place and there would be no skidding of trees. No trees would be removed greater than 12 inches in diameter at breast height (DBH). All weeds and grasses would be cut down to 4 inches or lower, and ladder fuels up to 10 feet or higher would be pruned and removed. Staging areas would be located in the driveway of each individual property. No central staging area would be needed.

Vehicles, tools, and equipment to be used on this project would include trucks, chainsaws, rubber-tired tow-behind chipper, tow-behind tracked chipper, and hydraulic dump trailer (for hauling biomass). All equipment would be rubber-tired. If feasible, chipped vegetation would be broadcast on-site. Otherwise, chipped vegetation would be hauled using a hydraulic dump trailer to the McCourtney Road Transfer Station (14741 Wolf Mountain Road, Grass Valley), or one of two green waste centers operated by the Fire Safe Council (12625 Brunswick Road, Grass Valley or 10695 Brockway Road, Truckee). No herbicides would be used to remove vegetation.

Vegetation removal would occur following the end of the fire season in the fall (approximately October), and would extend through the start of fire season the following spring (dependent on temperature, wind, and humidity and dictated by the level of fuel moisture precipitating the typical seasonal enactment of fire restrictions). Vegetation removal would be avoided during nesting bird season based on species or habitat known to occur in and around the treatment area. All riparian, riverine, and wetland areas would be avoided to prevent potential impacts on water dependent species, including amphibians during breeding season. Additionally, all sensitive habitats, species, and waterbodies would be flagged and avoided during treatment. The Subapplicant has committed to following the California Forest Practice Rules (CFPR) for riparian buffers, maintaining the minimum buffer for each type of Water Class and accounting for slope. Watercourse and Lake Protection Zones (WLPZ) widths and protective measures are laid out in Table 1 of the CFPR. The CFPR state that where operations occur adjacent to Class III Watercourses, the Registered Professional Forester shall designate in the Timber Harvesting Plan (THP) an equipment limitation zone of at least 25 feet where slope steepness is less than 30 percent and at least 50 feet where slope steepness is 30 percent or greater unless explained and justified otherwise in the THP and approved by the Director. Widths and protection measures are stricter for higher (Class I and Class II) watercourse water classes, with Class I requiring a WLPZ of 75 feet in width and Class II requiring a WLPZ of 50 feet in width, both at slope steepness less than 30 percent (as shown in Table 1 of the CFPR). Treatment best management practices (BMPs) would be implemented to avoid impacts to water or water quality, including but not limited to deployment of straw wattles to prevent runoff from treated areas during major storm events.

Phase 2 of the proposed action, which is covered in this review, is the preferred action under Section 2.5.1: Mechanical or Hand Clearing of Vegetation of the Programmatic Environmental Assessment for Recurring Actions in Arizona, California, and Nevada (PEA). No further National Environmental Policy Act (NEPA) review is required. A list of Typical Best Management Practices (BMP) is attached. Addressing the BMPs appropriate for this scope of work is a condition of funding. See attached and condition. - jgladsto - 02/18/2025 18:21:40 GMT

EXTRAORDINARY CIRCUMSTANCES

Extraordinary Circumstance Code	Description	Selected ?
	No Extraordinary Circumstances were selected	

ENVIRONMENTAL LAW / EXECUTIVE ORDER

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: HMGP-4353-0033-CA (4353-0023-0033) (2)

Title: County of Nevada Abatement Program (Phase 2)

Environmental Law/ Executive Order	Status	Description	Comments
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 the 2008 and 2015 standards for 8-hour ozone according to the U.S. Environmental Protection Agency (USEPA). Based on the scope of work, the potential emissions from the project activities are clearly below de minimis thresholds for the General Conformity Rule. Thus, the project is exempt from a conformity determination. See Condition. - jgladsto - 02/18/2025 18:34:02 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	Per Flood Insurance Rate Map (FIRM) panels 06057C0725E, 06057C0775E, 06057C0650E, 06057C0625E, 06057C0604E, 06057C0608E, 06057C0641E, 06057C0633E, 06057C0369E, 06057C0388E, 06057C0375E, 06057C0400E, and 06057C0675E, all effective February 3, 2010, the project is located outside the Special Flood Hazard Area (100-year floodplain, base floodplain) and the activity does not adversely affect floodplain values. See attached map. - jgladsto - 02/18/2025 19:38:53 GMT
Executive Order 11990 - Wetlands	Completed	No effects on wetlands and project outside wetlands - Review concluded	Per the U.S. Fish and Wildlife Service Wetland Mapper viewed on November 26, 2024, two properties within the project area (13139 Howald Lane and 15329 Little Valley Road) overlap freshwater forested/shrub wetlands. Per the scope of work, waterbodies would be flagged and avoided during treatment and CFPR buffers would be maintained for each type of Water Class accounting for slope. The proposed action is not likely to result in any potential direct impacts that would adversely affect the natural values and function of wetlands. See attached map. - jgladsto - 02/18/2025 19:40:49 GMT
Endangered Species Act (ESA)	Completed	Listed species and/or designated critical habitat present in areas affected directly or indirectly by the federal action	Formal consultation with the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act was concluded on November 18, 2024. Per the Letter of Concurrence, the proposed action May Affect but is Not Likely to Adversely Affect the following Federally Listed Species and/or designated Critical Habitat: California red-legged frog (<i>Rana draytonii</i>), Sierra Nevada yellow-legged frog (<i>Rana sierrae</i>), California spotted owl (<i>Strix occidentalis occidentalis</i>), northwestern pond

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: HMGP-4353-0033-CA (4353-0023-0033) (2)

Title: County of Nevada Abatement Program (Phase 2)

Environmental Law/ Executive Order	Status	Description	Comments
	Completed	May affect, but not likely to adversely affect species or designated critical habitat (FEMA determination/USFWS/NMFS concurrence attached) - Review concluded	turtle (<i>Actinemys marmorata</i>), and the Western spadefoot (<i>Spea hammondi</i>). The USFWS has prepared an Informal Consultation Letter and provided Avoidance and Minimization Measures. See attached. See conditions. - jgladsto - 02/18/2025 18:28:51 GMT
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 a November 2024 review of the NOAA Essential Fish Habitat Mapper site at: https://www.habitat.noaa.gov/apps/efhmapper/ , the project is located in or near EFH but will not adversely affect EFH because the project would only include vegetation removal and all sensitive habitats and waterbodies would be flagged and avoided. - jgladsto - 02/18/2025 18:39:06 GMT
	Completed	Project does not adversely affect Essential Fish Habitat - Review concluded	
National Historic Preservation Act (NHPA)	Completed	Applicable executed Programmatic Agreement. Activity meets Programmatic Allowance (enter date and # in comments) - Review concluded	The Undertaking was reviewed by Nicholas Hanten, MA, who meets the applicable Secretary of the Interior Professional Qualifications in accordance with Stipulation I.B.1.a 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 signed October 31, 2019. The project, as described, complies with (Appendix B) Programmatic Allowance II.F.2.a, the creation of defensible space around private and public structures in the wildland interface through selective vegetation removal and Allowance II.F.2.d, chipping and broadcasting of vegetative debris on site beyond the defensible space zone. Thus, the Undertaking does not require SHPO review or notification per Stipulation II.A.1 of the Agreement, however, if the scope of work changes this project needs to be resubmitted for further EHP review. - jgladsto - 02/18/2025 18:26:16 GMT

RECORD OF ENVIRONMENTAL CONSIDERATION (REC)

Project ID: HMGP-4353-0033-CA (4353-0023-0033) (2)

Title: County of Nevada Abatement Program (Phase 2)

Environmental Law/ Executive Order	Status	Description	Comments
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:

CAA: The Subapplicant is responsible for complying with all applicable subparts of the Clean Air Act. Copies of any permits/authorizations, or consultation documentation should 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

ESA: The Subapplicant is responsible for implementing Avoidance and Minimization Measures and Conservation Measures in the attached Informal Consultation Letter per the U.S. Fish and Wildlife Service (USFWS) Consultation reference number 2024-0038912-S7-001. Failure to comply with these conditions may jeopardize FEMA funding; verification of compliance will be required at project closeout.

Source of condition: Endangered Species Act (ESA)

Monitoring Required: Yes

ESA: The Subapplicant must return the completed Post-construction Notification Reporting Form to FEMA-PCNR@fema.dhs.gov and the USFWS within 45 days of project completion.

Source of condition: Endangered Species Act (ESA)

Monitoring Required: Yes

NEPA: The Subapplicant is responsible for implementing best management practices (BMPs) appropriate for this scope of work. A list of Typical Best Management Practices is attached. Any changes to this scope of work must be resubmitted to FEMA for review prior to initiation of any work. Noncompliance with these requirements may jeopardize federal funding.

Source of condition: NEPA Determination

Monitoring Required: Yes

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.