




CDA 2023-05
2023 February - April
Storms
Applicants' Briefing



2

Authorities

- California Government Code, Chapter 7.5 Disaster Assistance Act
- California Code of Regulations, Title 19, Division 2, Chapter 6 California Disaster Assistance Act





3

Request for State Assistance



Gubernatorial Authorization

- Issued by the Governor
- Emergency work and permanent work are eligible
- Cost share is 75% state and 25% local





4

2023 February - April Storms
(CDA-2023-05)
Incident Period:
 February 21, 2023, through July 10, 2023
Declared Areas:
 City of Oceanside


5



Governor's Proclamations of a State Of Emergency (SOE)


Date SOE Proclaimed	Counties listed on SOE	Link to SOE on www.Gov.ca.gov
April 20, 2023	Contra Costa, Riverside, San Diego, and Yolo	042024 Storms SOE

Search Proclamations on the Governor's Office website
<https://www.gov.ca.gov/category/proclamations/>




6


State Of Emergency (SOE) Termination



- **Applicants Must:**
 - Review the provisions and orders on the related SOEs
 - Determine **which provisions** are being used by their jurisdiction and **how long** they will need them for
 - Notify Cal OES what they determined
- Termination of SOEs will not jeopardize funding for approved Public Assistance projects



7




CDAА Overview
(Governor's Proclamation)

8

CDAА Application Process

- Applications due by **August 8, 2024**
- Can be turned in today, via e-mail to DisasterRecovery@caloes.ca.gov, or via USPS to:
 Robert Larsen, Public Assistance Officer
 CA Governor's Office of Emergency Services
 3650 Schriever Avenue
 Mather, CA 95655
 ATTN: CDAА-2023-05




9

CDAА Application Process
(continued)

Required Forms:

- Project Application Form (OES-PA-126)
- List of Projects (LOP) Form (OES-PA-95)
- Designation of Authorized Agent Form (OES-FPD-130)

*For questions, contact Financial Processing Division (FPD) at:
RecoveryPayments@caloes.ca.gov



10

Applicant Eligibility



- Cities
- Counties
- County Offices of Education
- Community College Districts
- School Districts
- Special Districts
- Certain private non-profit organizations may be reimbursed for essential community service activities, if requested by a State or local government
- State agencies and Tribal Governments are not eligible




11

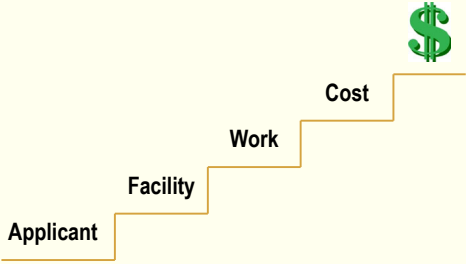

CDAА Funding

The State shall make no allocation for any project application resulting in a State-share of less than two thousand five-hundred dollars (\$2,500), in accordance with Title 19 section 2970(e).

12

Steps to Determining Eligibility

13

Project Formulation

After forms are received by Cal OES:

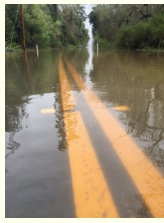
- Kick-off Meeting (provide LOP prior to/during this meeting)
- On-Site Review of Project(s)
- Project Formulation




14

Eligible Facility Criteria

- Buildings, systems, equipment, maintained natural features
- Legal responsibility of an eligible applicant
- Located in a designated disaster area
- In active use at the time of the disaster




15

Categories/Types of Work

- A – Debris Removal
- B – Emergency Work
- C – Roads and Bridges
- D – Water Control Facilities
- E – Buildings and Equipment
- F – Utilities
- G – Parks, Recreational, and Other




16

Category A – Debris Removal

- Must:
 - eliminate threat to public health and safety
 - eliminate threat of significant damage to improved property
- Includes:
 - tree clearance
 - vegetative debris
 - building wreckage
 - mud/silt on public property (roads, natural streams, public rights-of-way)

*Force Account Labor – Overtime Only




17

Category A – Debris Removal
Private Property Debris Removal

Debris Removal from Private Property shall be reimbursed only when an immediate threat to public health and safety exists and when authorized by the Director of Cal OES.

The Property Owner must:

- Remove all disaster-related debris from the property to the curb or public right-of-way
- Certify no insurance to cover debris removal
- Sign a statement giving the local agency the right of entry and absolving the local agency and the state of any liability relative to removal






18

Damage Caused During Performance of Emergency Work

Typical recommendations for documentation of road damage:

- Pre-Disaster
 - Maintenance Records or Plans
 - Photos or other documentation of road condition
- Post-Disaster, but prior to recovery work (like debris removal)
 - Photos or video of proposed haul routes or heavily traversed routes
 - Other documents to establish condition of roads (Remaining useful life of the roadway, or the like)
- Post-Disaster, after recovery work has been completed
 - Photos or video showing specific damage or road degradation sites
 - Other documents to establish the current condition of the road
 - Estimated costs and methods of repair






19

Category B – Emergency Work

- Includes:
 - Emergency protective measures
 - Mutual aid
 - Wide range of extraordinary measures, such as:
 - Evacuations
 - Sheltering
 - Sandbagging
 - Barricading
 - Bracing or shoring structures
 - Traffic control
 - Local Assistance Center
 - Emergency Operations Center

*Force Account Labor – Overtime Only




20

Donated Resources
(Categories A and B Only)

Unpaid services and resources provided to a local agency. The valuation will be calculated as:



- Volunteer labor valued at rates for similar work in applicant's organization or in same labor market
- Donated equipment/space at its fair rental rate
- Materials at fair market value at time of donation



21

Category C – Roads & Bridges

- On-system (FHWA) roads may be ineligible
- Must conform with current codes
- Excludes routine maintenance

22

Category D – Water Control Facilities

- Channels, canals, levees, and basins
- Restrictions on Flood Control Works
- Excludes USACE
- Excludes NRCS




23

Category E – Buildings & Equipment

Includes:




- Structures
- Content and equipment
- Codes and standards




24

Category F – Utilities

- Water treatment
- Power generation
- Communications
- Sewage treatment

25

Category G – Parks, Rec & Other

Must fall within the definition of an “improved and maintained” facility

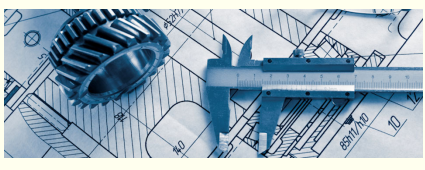
- Docks and Harbors
- Public parks
- Golf courses
- Beaches
- Piers
- Airports
- Landfills



26

Engineering

- Necessary to complete eligible work for construction projects
- Generally permanent work only
- Reimbursement is based on reasonable actual costs



27

Codes and Standards


- Apply to the type of repair work
- Be appropriate to pre-disaster use
- Be formally adopted prior to the disaster



28

Replacement or Relocation




- Subject to Director's approval
- Relocation when restoration at original location not feasible
- Betterments, increased capacity, or acquisition cost of land borne by Applicant
- Pre-disaster design and function
- Codes, standards, and specifications



29

Trees, Shrubs, and/or Vegetation



- Generally, not eligible unless for engineered purpose:
 - Erosion control
 - Slope stabilization
 - Wind barriers
- Eligibility limited to minimum level necessary

30

Hazard Mitigation

- Cost effective
- Substantially reduce risk of repetitive and/or future damage
- Show cause if mitigation measures not considered

31




Title 19 Mitigation

32

CDAА Title 19 Hazard Mitigation


- Title 19 Hazard Mitigation eligibility requirements:
 - Only Category C-G permanent projects are eligible for Title 19 Hazard Mitigation measures
 - Title 19 mitigation measures are restricted to damaged infrastructure impacted by the disaster event and in conjunction with permanent work projects
 - No state hazard mitigation funding shall be applied to any emergency protective measure.



33

CDAА Title 19 Hazard Mitigation


- Title 19: Public Safety
 - Documents the requirements for, and the benefits of, the CDAА program, including the utilization of hazard mitigation funding to harden infrastructure impacted by a natural hazard during the Public Assistance process
 - Hazard mitigation funding is documented in Title 19 Section 2965(c). Other Eligible Work.



34

CDAА Title 19 - Hazard Mitigation


1. Eligible mitigation measures must be cost effective over the projected life of the facility for a specific facility hazard mitigation project, and substantially reduce the risk of repetitive and/or future damage, hardship, loss, or suffering resulting from a disaster or emergency.
2. Applicants with facilities subject to repetitive damage must show cause when hazard mitigation measures are not considered when repairing new disaster damage.
3. Applicants with facilities in high hazard zones... should examine hazard mitigation project possibilities when disaster repairs to these facilities are being considered.



35

CDAА Title 19 - Hazard Mitigation

4. Cost effective measures are those that will not cost more than the anticipated value of the reduction in both direct damages and subsequent indirect negative impacts to the area if future disasters or emergencies occur.
 - i. Mitigation projects costing less than fifteen percent (15%) of the approved project repair, restoration, or replacement costs shall be considered cost effective.
 - ii. Mitigation projects above fifteen percent (15%) of the approved project cost may be considered cost effective if an acceptable benefit-cost analysis (BCA) has been performed.





36

CDAА Title 19 Mitigation Examples

Example 1


- Protect against erosion and scour around the discharge of a culvert. Extend the culvert discharge beyond the toe of embankment to mitigate erosion and scour. Use energy-dissipating riprap to mitigate scour.



37

CDAА Hazard Mitigation Examples

Example 2
- Install a new debris barrier or grate during the repair of a disaster impacted culvert to prevent possible debris flow blockage.





Example 3
-Add culvert head wall and riprap to inflow to protect against erosion and scour


38

CDAА Hazard Mitigation Examples

Example 4
- Use of Gabion baskets for erosion control and stream bank replacement. Flexible, permeable, and durable.

39




CDAА Eligibility Information

40

Statutory Timeline


TYPES OF WORK	TIME FROM DECLARATION
Emergency Work	6 Months
Permanent Work	18 Months



41

Time Extensions for Extenuating Circumstances

- Time Extension Request Checklist:
 - Damage Survey Report (DSR) Number
 - Category of Work
 - Status or progress on permitting for project
 - Anticipated completion date
 - Percentage of work completed
 - Construction schedule (if a version request or environmental permitting is pending, how long would it take to complete the project assuming the desired scope of work is approved, and the permitting is complete)
 - Reason for the delay
 - Dates of previous time extensions



42

Eligible Costs

- Reasonable and necessary
- Comply with standards of procurement
- Exclude credits
 - Insurance recoveries
 - Litigation recoveries
 - Other funding sources







43

Eligible Costs (continued)

- Donated Resources
(Categories A and B Only)
- Labor (Force Account)
Categories A - B - Overtime only
Categories C - G - Regular and Overtime
- Equipment
- Rental Equipment
- Materials
- Contract
- Engineering and Design Services



44

Ineligible Costs

- Expenditures for:
 - Personal property
 - Normal or deferred maintenance
 - Betterment beyond current codes and standards or approved mitigation projects
 - Damages caused by negligence
 - Loss of revenue or income
 - Losses with legal means of recoupment
 - Legal services, fees, penalties, settlements
 - Rights-of-way, easements, land acquisition
 - Non-compliance with local, state, and federal environmental laws and regulations







45

Force Account Documentation

- Who
- What
- When
- Where
- How long
- At what rate
(including fringe benefits)





46

Questions?

Patricia Nelson,
Environmental Officer,
916-823-1945
patricia.nelson@caloes.ca.gov

Melissa Ronan,
CalOES EHP Liaison
916-531-6554
melissa.ronan@caloes.ca.gov

recoveryehp@caloes.ca.gov

• **Technical Resources: Environmental Directory and Fact Sheets**




→ [Cal OES website - Environmental-Historic Preservation webpage](https://www.caloes.ca.gov/ehp)
<https://www.caloes.ca.gov/ehp>




← [Jurisdictions Map](http://tinyurl.com/ycbxt3w)
<http://tinyurl.com/ycbxt3w>



59



Cal OES
GOVERNOR'S OFFICE
OF EMERGENCY SERVICES





**CDA A Funding and
Other information**

60

Administrative Allowance

- Applicant's cost for administering the grant
- Calculated at 10 percent of net eligible costs (State share 75 percent)
- Automatically added to obligation payment






61

Payment Notification



- All funding disbursements issued on State Warrants
- State Warrants prepared and mailed by State Controller's Office
- Cal OES sends notification letter before State Warrant is issued



62

Final Closeout Process



- Request filed by applicant within 60 days of completion of last project
- Site inspection by Cal OES
- Adjustment made to actual eligible costs
- Retention released
- Applicant invoiced for overpaid funds

63

Project Accounting



- Segregate disaster related work from normal activities
- Actual costs and expenditures should be accumulated AS THEY OCCUR
- Keep all documentation...
DETAILS,
DETAILS,
DETAILS

64

Record Retention Requirement

- Keep records for three years from date of Cal OES Audit Waiver letter
- Beware of routine destruction cycles

65

Fair Hearing Process (Appeal)

Two Levels:

- First Level to Cal OES Assistant Director of Recovery
- Second Level to Cal OES Director







66

Other Federal Programs

Cal OES cost shares with the following:

- Natural Resources Conservation Service (NRCS), Emergency Watershed Protection Program
- Federal Highway Administration (FHWA), Emergency Relief Program

67

NRCS Contact 

Direct NRCS questions to:

Mr. Ernesto De La Riva
State Conservation Engineer
(530) 792-5680
Ernesto.DeLaRiva@usda.gov





68

FHWA Contact

Direct FHWA ER Program questions to:

Mr. Bob Baca, PE
Emergency Relief Program Manager
Office of Federal Programs
Caltrans Division of Local Assistance
(279) 599-3199
Bob.Baca@dot.ca.gov

69

Questions

**CALIFORNIA GOVERNOR'S OFFICE OF
EMERGENCY SERVICES RECOVERY TEAM**
(916) 845-8200
DisasterRecovery@caloes.ca.gov

ROBERT LARSEN, State Public Assistance Officer
(916) 600-3126
Robert.Larsen@caloes.ca.gov

70

CDA A Application Required Forms


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- Project Application Form (OES-PA-126)
- List of Projects (LOP) Form (OES-PA-95)
- Designation of Authorized Agent Form (OES-FPD-130)


Download fillable forms: <https://www.caloes.ca.gov/PADocs>




71




Federal Hazard Mitigation Assistance Overview




72

Contact HMA




General Inquiries

HMA@caloes.ca.gov



Grant Information & Timelines

www.caloes.ca.gov/hmgp



73

